



Overland LLP
Christopher J. Tanzola
Tel: (416) 730-0337 x. 112
Direct: (416) 730-0645
Email: ctanzola@overlandllp.ca

COMMUNICATION – C18
ITEM 1
Committee of the Whole (Public Meeting)
October 29, 2020

October 26, 2020

VIA EMAIL

Mayor Maurizio Bevilacqua and Members of City Council
City of Vaughan
2141 Major Mackenzie Drive
Vaughan, ON L6A 1T1

Attention: Brandon Correia
Manager, Special Projects

Your Worship and Members of Council:

RE: City of Vaughan New Comprehensive Zoning By-law
South Side of Gatineau Drive (Blue Water Ranch, Parcel “B”)
City of Vaughan File Nos. Z.08.032

We are the lawyers for Blue Water Ranch Developments Inc. (the “**Owner**”), the owner of the lands located on the south side of Gatineau Drive, east of New Westminster Drive, and north of 784 Centre Street (the “**Site**”).

Although the Site has site-specific zoning approved, as discussed below, further development applications are anticipated imminently for the Site. It is in this context that we are providing our comments on the draft City of Vaughan New Comprehensive Zoning By-law (the “**New Vaughan ZBL**”).

Background

The Site is the remaining development parcel (identified as Parcel “B”) of the original landholding with the municipal address 784 Centre Street.

A six-storey retirement residence, with the current municipal address of 784 Centre Street, was developed in the early-2000s, and is identified as Parcel “C” in various planning documents.

Parcel “A” is located on the north side of Gatineau Drive, with the municipal address of 10-20 Gatineau Drive, and is currently under construction by D’Or Developments Inc. for residential towers of 20 and 17 storeys.

Together with Parcel “A”, the Site (i.e., Parcel “B”) was the subject of an application for a Zoning By-law Amendment (City of Vaughan File No. Z.08.032) that was approved by the OMB/LPAT in Case No. PL131327.

The rezoning of the Site was approved by the LPAT in its order issued January 17, 2017, and subsequently amended by its orders of September 26, 2017 and February 12, 2019 correcting minor errors in the text of the by-law.

A Site Plan Application for Parcel “A” was approved subject to conditions in the Tribunal’s order dated June 2, 2020, and, as noted, the development on Parcel “A” is currently under construction.

Unlike Parcel “A”, however, the Parcel “B” Site has not proceeded with a Site Plan Approval application and is currently vacant.

Approved Zoning on the Site

The OMB/LPAT approved zoning for the Site applies an RA5 zone with a holding symbol and allows additional uses such as an independent living facility, a long term care facility, and a supportive living facility. The approved zoning permits a maximum gross floor area of 11,890 square meters, with site-specific standards including setbacks, lot area, and unit sizes. The holding symbol relates to the provision of access along the east property line, infrastructure capacity, and the approval of a future Site Plan application. A temporary sales office, among other uses, is permitted during the period that the holding symbol remains on the Site.

The New Vaughan ZBL (3rd Draft)

We have reviewed the third draft of the New Vaughan ZBL released in October 2020, which now includes site specific exceptions to the performance standards of the New Vaughan ZBL. As currently drafted, the New Vaughan ZBL now proposes to zone the Site as *RM2 (H)– 1068 (Multiple Residential Zone 2 (H), exception number 1068)*.

We note that the permissions and performance standards found in exception 1068 generally reflect those which have been approved by the OMB/LPAT, and are transposed into the template of the New Vaughan ZBL. However, we note the following:

- The exception incorrectly refers to “10-30 Disera Drive, 784 Centre Street”. The reference should be to “**10-20 Gatineau Drive, and lands north of 784 Centre Street**”.
- The permitted uses section of exception 1068 includes a reference to “Section 1443.1.1”. It is not clear how this reference to the legacy exception Vaughan Zoning By-law 1-88 will carry forward into the New Vaughan ZBL.

More generally, we note that the performance standards applicable to the Site and surrounding area carry forward zoning permissions, in particular maximum densities, which, although recently approved for the Site by the OMB/LPAT in connection with the development of the Parcel “A” lands on the north side of Gatineau Drive, are largely based on a dated policy framework. These zoning standards are not, in our submission, reflective of more contemporary planning goals and objectives for this area of the City of Vaughan.

For example, the maximum permitted gross floor area on the Site is 11,890 square metres. This is the “leftover” density after the development of Parcels “A” and “C” based on the maximum

permitted density for this block in Official Plan Amendment 671. Official Plan Amendment 671 emerged in the context of the Provincial Policy Statement 1996, and the 1994 York Region Official Plan, and was carried forward with virtually no changes into the Vaughan Official Plan 2010. In other words, the density permission being proposed in the New Vaughan ZBL is from some 20-25 years ago, and ignores changes to the Provincial, Regional, and local planning framework since that time as well as surrounding developments that have occurred since then.

We note that the City of Vaughan has recently launched a study for the Promenade Centre Secondary Plan in anticipation of the redevelopment of the shopping mall lands. Extensive investments in rapid transit have been made along Centre Street in recent years. Meanwhile, York Region continues to plan for Major Transit Station Areas along this corridor, as required by the Growth Plan for the Greater Golden Horseshoe,

Carrying outdated performance standards into the New Vaughan ZBL represents a lost opportunity to provide the Site and the surrounding lands with zoning standards that are reflective of current reality and would permit development in a coherent, comprehensive manner.

The Owner intends to file site-specific applications in the near-term for these lands, and accordingly is not supportive of the outdated zoning for the Site as proposed in the New Vaughan ZBL.

We have also reviewed the transition provisions of the New Vaughan ZBL. Our client supports an approach to transition that allows sites that are in the development approval process and/or that are contemplated for further development beyond existing permissions to be able to proceed to be considered on their planning merits notwithstanding the timing of adoption of the New Vaughan ZBL by City Council.

Thank you for providing the opportunity to comment on the draft New Vaughan ZBL. Would you kindly ensure that we receive a copy of any notices for public meetings, revised draft of the by-law, and any consideration or decisions made by City Council and committees of Council with respect to the New Vaughan ZBL.

Please provide notice to each of the following. Our mailing address is shown above. Our email addresses are as follows:

- Christopher Tanzola (ctanzola@overlandllp.ca)
- Greg Smith (gsmith@overlandllp.ca)

Yours truly,
Overland LLP



Per: Christopher J. Tanzola
Partner