

C30
COMMUNICATION
COUNCIL – June 22, 2021
CW - Report No. 32, Item 8

From: [Monica Khemraj](#)
To: Clerks@vaughan.ca
Cc: [Andy Margaritis](#); [John Alati](#)
Subject: [External] Committee of the Whole – June 8, 2021 – Item 6.8 - Letter to Mayor and Council re Final Draft ZBL (7725 Jane Street - 702614-2)
Date: June-08-21 9:04:38 AM
Attachments: [image127979.png](#)
[Letter to Mayor and Council re Final Draft ZBL - 8June21 \(01746139xCDE1C\).pdf](#)
Importance: High

ATTENTION: Honorable Mayor Bevilacqua and Members of Council

Good Morning –

Please see attached correspondence on behalf of Mr. John Alati.

We would appreciate if you could confirm receipt of this email.

Kind regards,
Monica

Monica Khemraj

Legal Assistant
416.977.7088



Davies Howe LLP
The Tenth Floor, 425 Adelaide Street West
Toronto, Ontario M5V 3C1
416.977.7088

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June 8, 2021

By E-Mail Only to *clerks@vaughan.ca*

The Clerk
City of Vaughan
2141 Major Mackenzie Dr.
Vaughan, Ontario
L6A 1T1

ATTENTION: Honorable Mayor Bevilacqua and Members of Council

**Re: Committee of the Whole – June 8, 2021 – Item 6.8
Final Draft of the City-Wide Comprehensive Zoning By-law Review
7725 Jane Street, City of Vaughan (the “Subject Lands”)
2431247 Ontario Limited**

As you are aware, we are counsel to 243127 Ontario Limited (the “**Owner**”), the Owner of the Subject Lands located at the southeast corner of Jane Street and Highway 7 in the City of Vaughan (the “**City**”). There is a two-storey commercial office building with below grade parking as well as surface parking to the west, north and south of the building. The Subject Lands are accessed off of Jane Street towards the southern edge of the property.

City-Wide Comprehensive Zoning By-law Review

On February 19 and October 27, 2020 this office wrote to the City identifying our concerns with respect to the second and third drafts of the City’s Comprehensive Zoning By-law (the “**ZBL**”) in respect of the Subject Lands (the “**Letters**”). It was our hope that these concerns would have been resolved and reflected in the final iteration of the draft ZBL.

We are now in receipt of the final draft ZBL and unfortunately the concerns raised in our Letters have not been addressed. For ease of reference the Letters are enclosed with this submission and our client’s concerns remain valid and are clearly set out in the Letters and this letter serves to reiterate those attached comments.

Conclusion

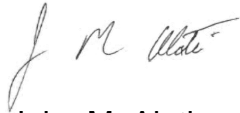
As a result, we request that the this letter and its enclosures (the Letters) be brought to the immediate attention of the Mayor and all members of Council and we respectfully request that Council defer the approval of the final draft ZBL in order to allow staff additional time to consult with the Owner of the Subject Lands with an eye to updating the

final draft ZBL to zone the Subject Lands to either an appropriate form of Commercial Zone or a "V1 (Station Precinct Zone)".

Please ensure that we continue to be notified of any future Open Houses, Public Meetings, City staff and recommendations reports and any decisions respecting this matter.

Should you have any questions or if you require any additional information, please do not hesitate to contact me, or my associate Andy Margaritis, directly.

Sincerely,
DAVIES HOWE LLP



John M. Alati

JMA:am

copy: Client

February 19, 2020

By E-Mail Only to *brandon.correia@vaughan.ca*

Brandon Correia
City of Vaughan
2141 Major Mackenzie Dr.,
Office of the Deputy City Manager, Planning and Growth Management Portfolio
Vaughan, Ontario
L6A 1T1

Dear Mr. Correia:

**Re: City-Wide Comprehensive Zoning By-law Review
7725 Jane Street, City of Vaughan (the "Subject Lands")
2431247 Ontario Limited**

As you may be aware, we are counsel to 243127 Ontario Limited (the "Owner"), the Owner of the Subject Lands located at the southeast corner of Jane Street and Highway 7 which. The Subject Lands are improved with a two-storey commercial facility that contains below grade parking as well as surface parking to the west, north and south of the facility. The Subject Lands are accessed off of Jane Street towards the southern edge of same.

Existing Tribunal Appeal

The predecessor owner of the Subject Lands filed an appeal of the City's Vaughan Metropolitan Centre Secondary Plan (the "VMC Secondary Plan"). The current Owner assumed the appeal of the VMC Secondary Plan upon its acquisition of the Subject Lands.

The Owner's appeal of the VMC Secondary Plan remains ongoing at the Local Planning Appeal Tribunal.

City-Wide Comprehensive Zoning By-law Review

We are now in receipt of the Second Draft of the City's Comprehensive Zoning By-law (the "Draft ZBL") and are writing to share our concerns with same in respect of the Subject Lands.

Currently, City Zoning By-law 1-88 (the "ZBL") zones the Subject Lands as "C8 Commercial". However, Maps 51 and 52 within Schedule A of the Draft ZBL now seek to re-zone the western portion of the Subject Lands "Open Space (OS)" and its eastern portion as "V1 Station Precinct Zone", the former, in our view is inappropriate.

The City's commentary as gleaned from its website dedicated to the Draft ZBL indicates that the City seeks to create a "progressive By-law with updated, contemporary uses and standards". The "Open Space" zoning that is proposed to be applied to the western portion of the Subject lands is not reflective of the current use of the property as a commercial facility and would, if the Draft ZBL was passed as currently drafted, would result in the Subject Lands being in a state of legal non-compliance.

Given that the building on the Subject Lands is already being used as a commercial facility, which is compliant with the ZBL, it would be more appropriate and logical to zone the western portion of the Subject Lands an acceptable form of Commercial Zone, or even more appropriately, it should be zoned "V1 (Station Precinct Zone)" which would then match the proposed zoning proposed in the Draft ZBL for the easterly portion of the Subject Lands - this would be more indicative of an acceptable future use that could be made on the Subject Lands given that it is located at a key intersection within the City.

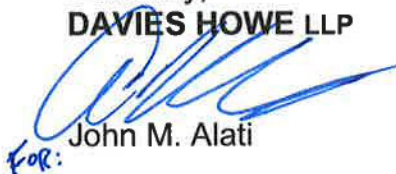
Conclusion

As a result of all of the foregoing, we respectfully request that the City update the proposed zoning of the Subject lands contained in the Draft ZBL to either an appropriate form of Commercial Zone or a "V1 (Station Precinct Zone)".

Please ensure that we are notified of any future Open Houses, Public Meetings, City staff and recommendations reports and any decisions respecting this matter.

Thank you for the opportunity to make submissions on this matter on behalf of the Owner. Should you have any questions or if you require any additional information, please do not hesitate to contact me, or my associate Andy Margaritis, directly.

Sincerely,
DAVIES HOWE LLP


John M. Alati

JMA:am

copy: Mr. Jack Wong, Malone Givens Parsons
Client

October 27, 2020

By E-Mail Only to *brandon.correia@vaughan.ca*

Brandon Correia
City of Vaughan
2141 Major Mackenzie Dr.,
Office of the Deputy City Manager, Planning and Growth Management Portfolio
Vaughan, Ontario
L6A 1T1

Dear Mr. Correia:

**Re: Third Draft of the City-Wide Comprehensive Zoning By-law Review
7725 Jane Street, City of Vaughan (the “Subject Lands”)
2431247 Ontario Limited**

As you aware, we are counsel to 243127 Ontario Limited (the “**Owner**”), the Owner of the Subject Lands located at the southeast corner of Jane Street and Highway 7. There is a two-storey commercial office building with below grade parking as well as surface parking to the west, north and south of the building. The Subject Lands are accessed off of Jane Street towards the southern edge of the Property.

Existing Tribunal Appeal

The predecessor owner of the Subject Lands filed an appeal of the City’s Vaughan Metropolitan Centre Secondary Plan (the “**VMC Secondary Plan**”). The current Owner assumed the appeal of the VMC Secondary Plan upon its acquisition of the Subject Lands.

The Owner’s appeal of the VMC Secondary Plan remains ongoing at the Local Planning Appeal Tribunal.

City-Wide Comprehensive Zoning By-law Review

On February 19, 2020 this office wrote to you identifying our concerns with respect to the Second Draft of the City’s Comprehensive Zoning By-law (the “**Draft ZBL**”) in respect of the Subject Lands. It was our hope that these concerns would have been resolved and reflected in the next iteration of the Draft ZBL.

We are now in receipt of the third draft of the Draft ZBL and unfortunately the concerns first raised in our February 19, 2020 letter have not been addressed. As a result, we are

writing to reiterate our concerns in advance of the Public Hearing scheduled to be held on October 29, 2020.

Currently, City Zoning By-law 1-88 (the “**ZBL**”) zones the Subject Lands as “C8 Commercial”. However, Maps 51 and 52 within Schedule A of the third Draft ZBL still seek to re-zone the western portion of the Subject Lands “Open Space (OS)” and its eastern portion as “V1 Station Precinct Zone”, the former zoning, in our view remains inappropriate.

The “Open Space” zoning that is proposed to be applied to the western portion of the Subject Lands is not reflective of the current use of the property as a commercial office building and would, if the third Draft ZBL was passed as currently drafted, result in the Subject Lands being in a state of legal non-compliance.

Given that the building on the Subject Lands is already being used as a commercial office use, which is compliant with the ZBL, it remains our opinion that it would be more appropriate and logical to zone the western portion of the Subject Lands an acceptable form of Commercial Zone, or more appropriately, it should be zoned “V1 (Station Precinct Zone)”. This would then match the proposed zoning proposed in the third Draft ZBL for the easterly portion of the Subject Lands and would be more indicative the future use for these lands when considering its location at a key intersection within the City.

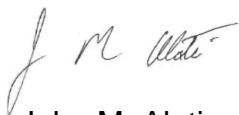
Conclusion

As a result of all of the foregoing, we respectfully request that the City update the proposed zoning of the Subject lands contained in the third Draft ZBL to either an appropriate form of Commercial Zone or a “V1 (Station Precinct Zone)”.

Please ensure that we continue to be notified of any future Open Houses, Public Meetings, City staff and recommendations reports and any decisions respecting this matter.

Should you have any questions or if you require any additional information, please do not hesitate to contact me, or my associate Andy Margaritis, directly.

Sincerely,
DAVIES HOWE LLP



John M. Alati

JMA:am

copy: Client