

C24
COMMUNICATION
COUNCIL – June 22, 2021
CW - Report No. 32, Item 8

From: [Jack Wong](#)
To: Clerks@vaughan.ca
Cc: [Joseph Sgro](#); [Sam Speranza](#); gstefani@goldparkgroup.com; [John Alati \(johna@davieshowe.com\)](mailto:John Alati (johna@davieshowe.com)); [Andy Margaritis](#)
Subject: [External] 2732129 Ontario Inc. re: 2938, 2966 and 2986 Highway 7 West
Date: June-07-21 6:52:57 PM
Attachments: [image001.png](#)
[2021_06_07_2732129 Ontario Inc. re City Wide Comprehensive Zoning Bylaw.pdf](#)

Hello,

Please find attached our submission letter regarding Item 6.8 which scheduled to go to Committee of the Whole on June 8th, 2021.

Thank you,

Jack Wong, MCIP, RPP
Associate



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June 7, 2021

*MGP File: 15-2362 &
15-2365*

The Clerk
City of Vaughan
2141 Major Mackenzie Drive
Vaughan, ON
L6A 1T1

via email: clerks@vaughan.ca

Attention: Mayor Bevilacqua and Members of Council

**RE: Committee of the Whole (2) – June 8th, 2021
City-Wide Comprehensive Zoning Bylaw (Item 6.8)
2938, 2966 and 2986 Highway 7 West
2732129 Ontario Inc.**

Malone Given Parsons is retained by 2732129 Ontario Inc. ("Client"), a joint venture between Midvale Estates Limited and Roybridge Holdings Limited, the owner of 2938, 2966 and 2986 Highway 7 West ("Subject Site") located at the northeast corner of Jane Street and Highway 7 West in the City of Vaughan.

We would like to thank City staff and the consulting team in preparing the City-Wide Comprehensive Zoning Bylaw. Upon review of the final draft dated June 2021, our client is concerned that our previous submission as it relates to the subject site has not been addressed (a copy of the submission letters are attached hereto in Appendix A).

We would ask that this letter be brought to the immediate attention of the Mayor and all members of Council and we respectfully request Council to defer the approval of the City-Wide Comprehensive Zoning Bylaw and allow additional time for staff to consult with our client. In addition, we request notice of any future correspondence pertaining to this matter. Thank you for your time and consideration.

Yours truly,

MALONE GIVEN PARSONS LTD.



Jack Wong, MCIP, RPP
Associate

Copy: Clients
Mr. John Alati, Davies Howe
Mr. Andy Margaritis, Davies Howe

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
2938 Highway 7, City of Vaughan (the "Subject Lands")
Midvale Estates Limited**

We are counsel to Midvale Estates Limited (the "Owner"), the Owner of the Subject Lands located near the northeast corner of Jane Street and Highway 7.

Background

On December 23, 2010 the Owner submitted applications to amend the City of Vaughan (the "City") Official Plan and Zoning By-law 1-88 (the "ZBL") to permit the development of a residential tower with a podium oriented towards Highway 7 and which podium is proposed to contain commercial/retail uses at grade (the "Applications"). The City deeming the Applications complete pursuant to the *Planning Act*.

Over the course of the review of the Applications, the Applications were amended to reflect a mixed-use building which included both underground, above grade and podium parking, which podium and below grade components would connect to the proposed 2117969 Ontario Inc. ("Zzen") residential tower development site next door (the "Proposal").

Following the submission of the Applications, the Owner appealed the proposed City Official Plan, 2010 (the "VOP") in its entirety including the Vaughan Metropolitan Centre Secondary Plan (the "VMCSP"), due to concerns the VOP and VMCSP would negatively impact the Proposal, and specifically due to the Region of York's failure to make a decision on the VOP within the prescribed time set out in the *Planning Act*. As a result, the City's review of the Proposal was held in abeyance until such time as our client's

appeal of the VOP was addressed. We are pleased to advise that our client's appeal of the VOP has since been resolved.

Existing Tribunal Appeals

However, following the resolution of the VOP appeal the City did not make a decision in respect of the Applications. As a result, the Owner appealed the Applications (the "Appeals") to the Ontario Municipal Board, now continued as the Local Planning Appeal Tribunal (the "Tribunal").

The Tribunal has assigned the following Case/File No. to the Appeals PL180341 and PL180342, which have been administratively consolidated. The associated Zzen applications were likewise appealed to the Tribunal.

It remains the Owner and Zzen's shared intention to continue to work with the City on narrowing any issues and potentially resolving the outstanding private development applications.

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.

Currently, the ZBL zones the Subject Lands as "Agricultural". While it is difficult to decipher, Map 52 within Schedule A of the Draft ZBL appears to now seek to re-zone the Subject Lands or portions of the Subject Lands as "Open Space (OS)" – in our view, this 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 Subject Lands, or portions of it, is not indicative of the updated use proposed to be made on the Subject Lands, which the City has been aware since at least 2010.

Given that the Subject Lands are proposed to be used for a residential tower site, has had Applications filed for nearly a decade and is the subject of ongoing Appeals at the Tribunal, it would be more appropriate and logical to zone the Subject Lands as a "Future Development Zone" or a "V1 (Station Precinct Zone)" – which would in fact be representative of the updated use to be made of it.

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 be either a "Future Development Zone" or a "V1 (Station Precinct Zone)" in its entirety.

Please ensure that we are notified of any future Open Houses, Public Meetings, City staff and recommendation 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



for: John M. Alati

JMA:am

copy: Mr. Jack Wong, Malone Givens Parsons
Mr. Sam Speranze, Zzen
Mr. Joseph Sgro, Zzen
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
2986 & 2966 Highway 7, City of Vaughan (the "Subject Lands")
2117969 Ontario Inc.**

We are counsel to 2117969 Ontario Inc. (the "Owner"), the Owner of the Subject Lands located at the northeast corner of Jane Street and Highway 7.

Background

On December 23, 2010 the Owner submitted applications to amend the City of Vaughan (the "City") Official Plan and Zoning By-law 1-88 (the "ZBL") to permit the development of a residential tower with a podium oriented towards Highway 7 and which podium is proposed to contain commercial/retail uses at grade (the "Applications"). The City deemed the Applications complete pursuant to the *Planning Act*.

Over the course of the review of the Applications, the Applications were amended to reflect a mixed-use building which included both underground, above grade and podium parking, which podium and below grade components would connect to the proposed Midvale Estates Limited ("Midvale") residential tower development site next door (the "Proposal").

Following the submission of the Applications, the Owner appealed the proposed City Official Plan, 2010 (the "VOP") in its entirety including the Vaughan Metropolitan Centre Secondary Plan (the "VMCSP"), due to concerns the VOP and VMCSP would negatively impact the Proposal, and specifically due to the Region of York's failure to make a decision within the prescribed time set out in the *Planning Act*. As a result, the City's review of the Proposal was held in abeyance until such time as our client's appeal of the

VOP was addressed. We are pleased to advise that our client's appeal of the VOP has since been resolved.

Existing Tribunal Appeals

However, following the resolution of the VOP appeal the City did not make a decision in respect of the Applications. As a result, the Owner appealed the Applications (the "Appeals") to the Ontario Municipal Board, now continued as the Local Planning Appeal Tribunal (the "Tribunal").

The Tribunal has assigned the following Case/File No. to the Appeals PL180343 and PL180344, which have been administratively consolidated. The associated Midvale applications were likewise appealed to the Tribunal.

It remains the Owner and Midvale's shared intention to continue to work with the City on narrowing any issues and potentially resolving the outstanding private development applications.

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.

Currently, the ZBL zones the Subject Lands as "Agricultural". However, Maps 51 and 52 within Schedule A of the Draft ZBL now seek to re-zone the Subject Lands as "Open Space (OS)" – in our view, this 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 Subject lands is not indicative of the updated use proposed to be made on the Subject Lands, which the City has been aware of since at least 2010.

Given that the Subject Lands are proposed to be used for a residential tower site, has had Applications filed for nearly a decade and is the subject of ongoing Appeals at the Tribunal, it would be more appropriate and logical to zone the Subject Lands as a "Future Development Zone" or a "V1 (Station Precinct Zone)" – which would in fact be representative of the updated use to be made of it.

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 a "Future Development Zone" or a "V1 (Station Precinct Zone)".

Please ensure that we are notified of any future Open Houses, Public Meetings, City staff and recommendation 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


for John M. Alati

JMA:am

copy: Mr. Jack Wong, Malone Givens Parsons
Mr. Graziano Stefani, Goldpark Group
Client