

C119
COMMUNICATION
COUNCIL – October 20, 2021
CW (2)- Report No. 46, Item 9

From: Clerks@vaughan.ca
To: [Adelina Bellisario](mailto:Adelina.Bellisario)
Subject: FW: Oct. 13 2021 COW Meeting - Item 6.9 City Wide Comprehensive Zoning By-law Submission Letter Eastwood Holdings
Date: October-14-21 9:40:14 AM
Attachments: [image001.png](#)
[Eastwood Letter to COW - Comprehensive ZBL - October 12, 2021 \(01815080-2xCDE1C\).pdf](#)

From: Meaghan McDermid <meaghanm@davieshowe.com>
Sent: Thursday, October 14, 2021 9:37 AM
To: Clerks@vaughan.ca
Subject: [External] RE: Oct. 13 2021 COW Meeting - Item 6.9 City Wide Comprehensive Zoning By-law Submission Letter Eastwood Holdings

Good morning,

In reviewing the Communications package from yesterday's COW meeting, it appears that this letter was not included in the Communications. I note that my other two letters for different owners also filed on Tuesday were included.

Could you please ensure that this letter is provided to COW Members and is added to the Communications for receipt at the next meeting of Committee or Council in which this matter is considered?

Kindly acknowledge receipt and confirm.

Thanks,

Meaghan McDermid

Direct Line: 416.263.4514 | [Bio](#)



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

*Novae Res Urbis (NRU) #1 Development Law Firm in the GTHA for 2020, 2017, 2014, 2013 and 2010
Consistently ranked in the Top 3 by NRU for both Toronto and the GTHA since 2008*

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From: Meaghan McDermid <meaghanm@davieshowe.com>
Sent: October 12, 2021 12:11 PM

To: clerks@vaughan.ca

Cc: brandon.correia@vaughan.ca; Haiqing Xu <Haiqing.Xu@vaughan.ca>; Facciolo, Caterina <Caterina.Facciolo@vaughan.ca>; Fadia Aspinall <fadiaa@davieshowe.com>; Gurnick Perhar <Gurnick.Perhar@vaughan.ca>

Subject: Oct. 13 2021 COW Meeting - Item 6.9 City Wide Comprehensive Zoning By-law Submission Letter Eastwood Holdings

Good afternoon,

Please find attached the written submission of our client Eastwood Holdings Corp. regarding Item 6.9 on tomorrow's Committee of the Whole agenda. We request that this letter please be added to the correspondence for tomorrow's meeting.

Regards,

Meaghan McDermid

Direct Line: 416.263.4514 | [Bio](#)



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October 12, 2021

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

Committee of the Whole
Vaughan City Hall
2141 Major Mackenzie Drive
Vaughan, ON L6A 1T1

Attention: Mr. Todd Coles, City Clerk

Members of the Committee of the Whole:

**Re: Committee of the Whole Meeting – October 13, 2021 – Item 6.9
City-Wide Comprehensive Zoning By-law Review
Eastwood Holdings Corp.
9291 Jane Street, City of Vaughan**

We are counsel to Eastwood Holdings Corp. (“**Eastwood**”), the owner of the lands municipally known as 9291 Jane Street (the “**Subject Lands**”).

Our client and its land use planning consultants have reviewed the Planning Staff Report prepared in respect of the above-noted item and the Final Draft of the proposed Comprehensive Zoning By-law (the “**Proposed By-law**”). Our client has concerns with the Proposed By-law as it applies to the Subject Lands.

Background

Eastwood is proposing to develop the Subject Lands with two residential towers each with a maximum height of 36 storeys and a combined total of 760 residential units (the “**Proposed Development**”). The Proposed Development is the final phase of development of the block located along Jane Street between Rutherford Road and the CN pullback track to the north.

In support of the Proposed Development, the Applicant submitted applications for an Official Plan Amendment and Zoning By-law Amendment (collectively, the “**Applications**”) to the City. The Applications were appealed to the Ontario Land Tribunal (the “**Tribunal**”) on April 26, 2021 due to lack of decision by the City and will be heard together with the associated site-specific appeal of the Vaughan Official Plan, 2010.

The Subject Lands are currently zoned “Restricted Commercial” subject to a Holding provision and Exception 1246 (C1(H)-1246) in the City’s Zoning By-law 1-88 (“**By-law 1-88**”). The Applications propose to re-zone the Subject Lands to “Residential Apartment Zone 3” (RA3) with site specific regulations in respect of height and other matters required to permit the Proposed Development.

Concerns with the Proposed By-law

The Proposed By-law proposes to rezone the Subject Lands “Community Commercial Mixed Use Zone” subject to a Holding provision and Exception 888 (CUM(H)-888). This zoning would not permit the Proposed Development. We also note that while the CUM Zone adds a number of uses not currently permitted in the C1 zone, it removes certain uses which would currently be permitted on the Subject Lands (upon the removal of the Hold). Our client believes that these uses are appropriate and should remain.

We understand from the Planning Staff Report that their intent was to include transition provisions in the Proposed By-law to provide transition for in-progress development applications. While our client agrees with this intention, in our view, the proposed transition provisions in section 1.6.3 of the Proposed By-law do not achieve the intended objective and do not provide adequate assurance that the Applications could be implemented, if approved by the Tribunal.

In particular, section 1.6.3.3 provides that the Proposed By-law would not apply to prevent the approval of applications filed on or before its effective date, provided the application has been deemed complete and it “was in compliance with Zoning By-law 1-88, as amended, and any finally approved minor variances including minor variances qualified by Section 1.6.3.1”. As drafted, this section would automatically exclude any zoning by-law amendment applications, including the one filed for the Subject Lands, because such applications, by their very nature, do not comply with By-law 1-88.

The practical result of the current wording of section 1.6.3.3 would mean that there is no transition for zoning by-law amendment applications and the Applications could not be approved and implemented as proposed. If approved as currently proposed, the transition provisions would have what we believe is an unintended outcome requiring Eastwood, and many other landowners in the same situation, to either appeal the passing of the Proposed By-law to the Tribunal to protect their applications, or apply for a subsequent, new zoning by-law amendment, which would be inefficient, impractical and prejudicial.

Given the inadequacy of the proposed transition provisions and the outstanding Applications, Eastwood requests that:

- a) The proposed transition provisions be modified to ensure that the Applications may be approved despite the passing of the Proposed By-law and any

- subsequent development applications and/or permits required to implement them will be determined in accordance with such approval; or
- b) The Subject Lands be excluded from the Proposed By-law until such time as the Applications are determined by the Tribunal; or
 - c) The Proposed By-law be modified to rezone the Subject Lands “Residential Apartment 3 (RA3)” in accordance with the Applications.

Our client would be pleased to meet with City Staff to further discuss its concerns or the request above.

Please ensure that we are notified of any future meetings of Council or its Committees and any decisions made by this Committee of the Whole or Council respecting this matter.

Yours truly,
DAVIES HOWE LLP



Meaghan McDermid

MM:JC

copy: Client
Mr. Paul Lowes and Mr. David Riley, SGL Planning & Design Inc.
Brandon Correia, Manager, Special Projects, City of Vaughan
Haiqing Xu, Deputy City Manager, City of Vaughan
Caterina Facciolo, Deputy City Solicitor, City of Vaughan
Gurnick Perhar, Legal Counsel, City of Vaughan