

COMMITTEE OF THE WHOLE (1) – MARCH 1, 2022**COMMUNICATIONS****Distributed February 25, 2022****Item No.**

- C1. Mr. John M. Alati, Davies Howe LLP, Adelaide Street West, Toronto dated February 22, 2022.

1

Distributed February 28, 2022

- C2. Mr. Joe Hoffman, Goodmans LLP, Bay Street, Toronto dated February 27, 2022.

3

- C3. Memorandum from the Deputy City Manager, Planning and Growth Management dated February 28, 2022.

3

- C4. Mr. Mark R. Flowers, Davies Howe LLP, Adelaide Street West, Toronto dated February 28, 2022.

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- C5. Mr. Christopher J. Tanzola, Partner, Overland LLP, Yonge Street, Toronto dated February 28, 2022.

1

- C6. Mr. Mark R. Flowers, Davies Howe LLP, Adelaide Street West, Toronto dated February 28, 2022.

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Distributed March 1, 2022

- C7. Ms. Mary Flynn-Guglietti, McMillan LLP, Bay Street, Toronto dated March 1, 2022

3

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Please note there may be further Communications.

February 22, 2022

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

His Worship Mayor Maurizio Bevilacqua and Members of Council
The Corporation of the City of Vaughan
2141 Major Mackenzie Drive
Vaughan, Ontario L6A 1T1

Attention: Todd Coles, City Clerk

Your Worship and Members of Council:

**Re: Committee of the Whole (1), March 1, 2022
City-Wide Comprehensive Zoning By-law 001-2021 (the “New ZBL”)
Transition Provision Amendments, File No. Z.21.052
Submission of 2431247 Ontario Ltd. (the “Company”)**

We are counsel to the Company, the owner of the lands located at the southeast corner of Jane Street and Highway 7, and municipally known as 7725 Jane Street (the “**Subject Lands**”).

The Company is an Appellant in the Ontario Land Tribunal proceeding concerning the New ZBL.

On behalf of the Company, we have reviewed the proposed modifications to the New ZBL, as contained in two separate Staff Reports dated January 18, 2022, respectively addressing transition provisions and technical revisions. We have also reviewed the minutes of the Council Meeting held on January 25, 2022.

The purpose of this letter is to express our client’s concern regarding the proposed revisions to the transitional provisions of the New ZBL (the “**Proposed Amendments**”).

Our client’s concerns regarding relate to, among other things, whether the Proposed Amendments account for possible future amendments and the imposition of a 10-year limit on transition rights.

**Communication : C 1
Committee of the Whole (1)
March 1, 2022
Agenda Item # 1**

Related and Future Applications

The transition provisions seem to allow applications (excluding Official Plan Amendments) that implement a zoning approval to be assessed under the Former ZBL under certain conditions as provided for in s. 1.6.2.8.1 of the New ZBL.

However, this provision does not function as intended because building permit applications arising from applications transitioned under s. 1.6.2.8.1 will still be subject to the Former ZBL “as it read on October 20, 2021”. This limiting language is also found in the Preamble to the transition provisions.


Ten Year Time Limit

The proposed revisions in s. 1.6.4.2, which as written repeals the transition provisions of the New ZBL after 10 years, do not address the fundamental problem of indeterminate liability for property owners, and are arbitrary. Our client urges the City to adopt a more measured approach by converting the 10-year sunset date to a *review* of the transition provisions in 10 years.

Conclusion

We thank you for the opportunity to provide comments and kindly request confirmation of receipt of these written submissions, along with, notice of all future steps in this matter.

Yours truly,
DAVIES HOWE LLP



John M. Alati

JMA: go

copy: Ms. Wendy Law, Deputy City Manager, Legal and Administrative Services & City Solicitor
Ms. Caterina Facciolo, Deputy City Solicitor, Planning and Real Estate
Ms. Candace Tashos, Legal Counsel
Mr. Nick Spensieri, City Manager
Mr. Haiqing Xu, Deputy City Manager, Planning and Growth Management
Mr. Brandon Correia, Manager of Special Projects, Planning and Growth Management
Mr. Elvio Valente, Building Standards, Manager, Zoning Services and Zoning Administrator



Communication : C 2
Committee of the Whole (1)
March 1, 2022
Agenda Item # 3

Barristers & Solicitors
 Bay Adelaide Centre
 333 Bay Street, Suite 3400
 Toronto, Ontario M5H 2S7
 Telephone: 416.979.2211
 Facsimile: 416.979.1234
 goodmans.ca

Direct Line: (416) 597-5168
 jhoffman@goodmans.ca

February 27, 2022

Our File No.: 171939

Via Email (clerks@vaughan.ca)

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

Attention: Council Members

Dear Sirs/Mesdames:

Re: Official Plan Amendment Application By 1529749 Ontario Inc. (the Torgan Group), 7700 Bathurst Street; City File Nos. OP.16.006; Comments by Promenade Limited Partnership

We are solicitors for Promenade Limited Partnership (“PLP”), the owner of the Promenade Shopping Centre, municipally known as 1 and 180 Promenade Circle. We are writing in respect of Torgan Group’s official plan amendment application for the lands municipally known as 7700 Bathurst Street, which has been appealed to the Ontario Land Tribunal, and, if approved, would permit Torgan Group’s Phase 1 development consisting of a 30-storey mixed-use building and a 28-storey residential apartment building (the “**Torgan Phase 1 Development**”). Torgan’s lands are immediately adjacent to the Promenade Shopping Centre, within the block bounded by Centre Street to the north, Bathurst street to the east, Clark Avenue West to the south, and New Westminster Drive to the west, which block is subject to the City’s ongoing Promenade Centre Secondary Plan process.

As set forth in more detail, PLP has no general objection to the Torgan Phase 1 Development, but it is anticipating and requesting that any official plan amendment that would permit such development contain cost sharing policies similar to those set forth in Policy 11.7.3 of the draft Promenade Centre Secondary Plan, an excerpt of which is set out below.

PLP has been participating in the public process respecting Torgan Group’s official plan amendment application and on October 2, 2020 wrote to this Committee of the Whole with PLP’s comments for the Torgan Phase 1 Development. A copy of that letter is attached for reference. As noted in the letter, PLP has no immediate concerns with the proposed density, height and uses of the Torgan Phase 1 Development, but at that time raised concerns with the proposed servicing for the Torgan Phase 1 Development that proposed to utilize private services within the Promenade



Shopping Centre lands. Torgan's use of such private services would affect PLP's future development plans for the Promenade Shopping Centre. The Torgan Phase 1 Development proposal continues to rely on private infrastructure within the Promenade Shopping Centre to support the development and, in particular, proposes to connect to the existing private storm sewer within Promenade Circle, despite having no easement right that would permit such connection, and as an interim condition use Promenade Circle for primary vehicular access to its lands.

As part of redeveloping Torgan's lands, City staff note in their report the need for various development agreements relating to infrastructure. City staff acknowledge that Torgan Group will require an easement agreement with PLP to implement the proposed storm connection, and until such time as the pending stormwater management and other servicing concerns are resolved, City staff suggest that a Holding Symbol ('H') for the Torgan Phase 1 Development may be appropriate. PLP supports City staff's recommendation that an 'H' be implemented pending an agreement being reached between PLP and Torgan.

City staff also acknowledge in their report that there may be necessary infrastructure improvements, requiring cost sharing agreements or measures, to accommodate the redevelopment of Torgan's lands, and PLP recognizes that many of these cost sharing requirements for infrastructure improvements may equally apply to its future development plans for the Promenade Shopping Centre. These improvements are being envisioned in conjunction with the City's processing of the Promenade Centre Secondary Plan, and include infrastructure works for the Promenade Secondary Plan service area, and improvements to the transportation network, including the delivery of future roads, shared use paths, and other active transportation facilities. PLP supports City staff's recommendation that development agreements, including cost sharing agreements, be entered into among the landowners within the Promenade Centre Secondary Plan area, and the official plan amendment for the Torgan Phase 1 Development should reflect this understanding.

The City requirement for cost sharing is consistent with the City's processing of the first phase of development of the Promenade Shopping Centre, where PLP was required to provide a letter of credit as security for a financial contribution towards the ultimate servicing strategy for the Promenade Secondary Plan service area, even though it was determined that downstream sanitary sewer improvements were not required for this phase of development. It is also consistent with the draft Promenade Centre Secondary Plan, which anticipates that development agreements, front-ending agreements, cost sharing agreements and/or other measures may be required as a condition of development in the Promenade Centre for future works. In particular, Policy 11.7.3 provides:

As condition of approval of development in the Promenade Centre, the City shall require the implementation of appropriate development agreements and other measures which may include front ending agreements and/or cost sharing agreements, to ensure that the new development in Promenade Centre is coordinated and that the required commitments of funds, lands and services are secured and/or in place. These agreements and other measures shall ensure that the



reasonable costs of the municipal and community infrastructure, land and/or facilities are fairly and equitably shared without adverse impact on the City's financial capability. The agreements and measures permitted by this policy shall be only those permitted by law and otherwise agreed to by the landowner(s) and the City.

It would be appropriate for the official plan amendment permitting the Torgan Phase 1 Development to include the same language to that of Policy 11.7.3 of the draft Promenade Centre Secondary Plan. This would better ensure that while the official plan amendment for the Torgan Phase 1 Development is advancing prior to the approval of the Promenade Centre Secondary Plan, it will do so with an official plan amendment that reflects City staff's recommendations in their report and the anticipated policy framework for the Promenade Centre Secondary Plan.

A draft copy of the proposed official plan amendment for the Torgan Phase 1 Development is not publicly available. If the proposed official plan amendment does not already carry forward the same language of Policy 11.7.3 of the draft Promenade Centre Secondary Plan, we request that the official plan amendment for the Torgan Phase 1 Development include such language as a condition of the Committee's endorsement.

Yours very truly,

Goodmans LLP

A handwritten signature in blue ink, appearing to read "Joe Hoffman", written over a light blue circular stamp.

Joe Hoffman

JBH

7249705



Barristers & Solicitors

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October 2, 2020

Our File No.: 171939

Via Email (clerks@vaughan.ca)

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

**COMMUNICATION – C21
ITEM 4
Committee of the Whole (Public Meeting)
October 6, 2020**

Attention: Council Members

Dear Sirs/Mesdames:

Re: Official Plan Amendment and Rezoning Applications By 1529749 Ontario Inc. (the Torgan Group), 7700 Bathurst Street; City File Nos. OP.16.006 and Z.20.019; Preliminary Comments by Promenade Limited Partnership

We are solicitors for Promenade Limited Partnership (“PLP”), the owner of the Promenade Shopping Centre site, municipally known as 1 and 180 Promenade Circle. PLP is hereby providing comments on the above-noted applications by The Torgan Group (the “Applicant”).

Background re: Promenade Phase 1 Development

On June 12, 2019, City of Vaughan Council adopted Official Plan Amendment No. 46 and enacted By-Law No. 105-2019 to permit the Phase 1 redevelopment of the Promenade Shopping Centre site, with 30 and 35-storey residential apartment buildings connected by a 7-storey podium with at-grade retail and a 26-storey mixed-use building comprised of office, hotel and retail uses (the “Promenade Phase 1 Development”).

On September 29, 2020, Vaughan Council enacted By-Law No. 125-2020, to remove the Holding Symbol (“H”) for the Promenade Phase 1 Development lands. As part of this H removal process, it was determined that downstream sanitary sewer improvements are not required for the Promenade Phase 1 Development. PLP was nonetheless required to provide a letter of credit in the amount of \$455,000 as security for a financial contribution towards the ultimate servicing strategy for the Promenade Secondary Plan service area, which may include the Applicant’s lands.

Comments on The Torgan Applications for 7700 Bathurst Street

Official plan amendment and rezoning applications have been submitted by 1529749 Ontario Inc. (The Torgan Group) for 7700 Bathurst Street, at the southwest corner of Centre Street and Bathurst



Street, and adjacent to and abutting the Promenade Shopping Centre site. The applications seek permission for a Phase 1 development consisting of a 30-storey mixed-use building and a 28-storey residential apartment building connected by a 1-storey lobby and a 2-storey medical office and commercial building (the “Torgan Phase 1 Development”).

At this time, PLP has no immediate concerns with the proposed density, height and uses of the Torgan Phase 1 Development. However, PLP does have concerns with the proposed servicing for the Torgan Phase 1 Development. The Applicant’s lands currently have limited sanitary capacity and the proposal to utilize private services within PLP’s lands would dramatically affect PLP’s future development plans.

The Functional Servicing Report (FSR) for the development indicates that sanitary servicing is proposed to be accommodated by the existing 250mm sanitary pipe on Promenade Circle. The report also notes that there are “known sanitary sewer capacity issues in the downstream sanitary sewer network”.

The existing 250mm sanitary sewer within Promenade Circle is a private sewer owned by PLP. There is no registered easement or cost-sharing arrangement in place that entitles The Torgan Group to utilize this existing sewer for its Phase 1 development, or for its current use for that matter.

Before approving the Torgan Phase 1 applications, the City should ensure that there is a servicing approach for the development that does not rely on private services owned by PLP, or alternatively confirm that The Torgan Group has secured the necessary easements and cost-sharing arrangements from PLP that could potentially enable it to utilize the private services and other infrastructure within Promenade Circle. The City should also secure an appropriate financial contribution from The Torgan Group towards the ultimate servicing strategy for the Promenade Secondary Plan service area.

Please provide us with copies of any future notices or decisions with respect to the Torgan Phase 1 applications.

Yours very truly,

Goodmans LLP

A handwritten signature in blue ink, appearing to read "Mark Noskiewicz".

Mark Noskiewicz
MN/nb
[GOODMANS\7093852](#)



memorandum

Communication : C 3
Committee of the Whole (1)
March 1, 2022
Agenda Item # 3

TO: Honourable Mayor and Members of Council

FROM: Haiqing Xu, Deputy City Manager, Planning And Growth Management

DATE: February 28, 2022

RE: COMMUNICATION – Committee of the Whole (1), March 1, 2022
Item #3, Report #9

OFFICIAL PLAN AMENDMENT FILE OP.16.006
1529749 ONTARIO INC. (TORGAN)
7700 BATHURST STREET – PHASE 1
WARD 5 - VICINITY OF BATHURST STREET AND CENTRE STREET

Recommendation

The Deputy City Manager, Planning and Growth Management recommends:

1. THAT the Recommendation 1. b) of the Committee of the Whole Report dated March 1, 2022, be deleted and replaced in its entirety with the following:

“1. b) permit a maximum of 750 residential units within two buildings;”
2. THAT the following additional recommendation be added as Recommendation 1. e) to the Committee of the Whole Report dated March 1, 2022:

“1. e) approval of an Official Plan Amendment instrument in substantially the same form and content as the draft attached hereto as Attachment 4, subject to minor revisions to the satisfaction of the Deputy City Manager Planning and Growth Management.”

Purpose

The Purpose of this Communication is to amend the Committee of the Whole Recommendation for File OP.16.006 to revise the maximum number of residential units from 680 to 750 and to include an additional recommendation that will allow the Deputy City Manager Planning and Growth Management to prepare to finalize an Official Plan Amendment instrument and make minor revisions if required based on Recommendation 1 and the report.

Background

The Owner is requesting the maximum number of residential units within Phase 1 to be increased from 680 to 750. Although the most recent plans submitted to the City of Vaughan show a unit count of approximately 680 units, the Zoning By-law Amendment File Z.20.019 is still under review and a Site Development Application has not yet been submitted. Therefore, the total unit count may be subject to change as the Zoning By-law Amendment Application and future Site Development Application progress.

Recommendation 1. e) has been added to allow the Deputy City Manager Planning and Growth Management to make modifications to the draft Official Plan Amendment instrument, if required, in a manner that is still consistent with Recommendation 1 and the report dated March 1, 2022. A draft official plan instrument is attached to this communication as Attachment 4.

Financial Impact

There are no financial impacts associated with this amended recommendation.

Conclusion

Amended recommendations have been provided in order to increase the maximum number of residential units on Phase 1 from 680 to 750 and to endorse the draft Official Plan Amendment instrument while still allowing the Deputy City Manager of Growth Management to make modifications thereto in a manner that is consistent with Recommendation 1 and the report dated March 1, 2022.

Prepared By

Daniela DeGasperis, Planner, ext. 8382

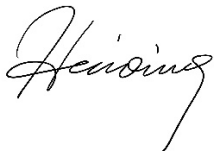
Mary Caputo, Senior Manager of Development Planning, ext. 8635

Nancy Tuckett, Director of Development Planning, ext. 8529

Attachment:

4. Draft Official Plan Amendment Instrument

Respectfully submitted,



Haiqing Xu

Deputy City Manager, Planning and Growth Management

Copy to: Todd Coles, City Clerk

Nick Spensieri, City Manager

**ATTACHMENT 4:
DRAFT OFFICIAL PLAN AMENDMENT INSTRUMENT**

DRAFT

**AMENDMENT NUMBER 75
TO THE OFFICIAL PLAN
OF THE VAUGHAN PLANNING AREA**

The following text and Schedules “1”, “2” and “3” constitute Amendment Number 75 to the Official Plan of the Vaughan Planning Area.

Also attached hereto but not constituting part of the Amendment are Appendices "I" and "II".

DRAFT

PURPOSE

The purpose of this Amendment to the Vaughan Official Plan 2010 (VOP 2010) is to amend the provisions of the Official Plan of the Vaughan Planning Area, specifically, Volume 1 - Schedule 13, and Volume 2, Section 13 - "Site Specific Policies" to permit a 30-storey mixed-use building comprised of retail and residential uses and a 28-storey residential apartment building on the Subject Lands.

This Amendment will facilitate the following with respect to the Subject Lands identified as, "Area Subject to Amendment No.75" on Schedule "1" attached hereto:

1. permit a maximum building height of 28 and 30 storeys;
2. permit a maximum density Floor Space Index of 5.5 FSI;
3. permit a maximum of 750 residential units within the two buildings;
4. permit residential uses at grade along an arterial Street (Centre Street);
5. permit a separation distance of 23 m between Building 1 and 2 above the 12th storey;
6. permit setbacks ranging from 4m to 10 m above the 12th storey;

II LOCATION

The lands subject to this Amendment, hereinafter referred to as the "Subject Lands", are located south of Centre Street, west of Bathurst Street, municipally known as 7700 Bathurst Street, being Part of lot 5, Concession 2, City of Vaughan, as shown on Schedule "1" attached hereto as "Area Subject to Amendment No. 75."

III BASIS

The decision to amend City of Vaughan Official Plan 2010 (VOP 2010) is based on the following considerations:

1. The Provincial Policy Statement 2020 (PPS) provides policy direction on matters of Provincial interest related to land use planning and establishes the framework for regulating the development of land. The PPS is applied province-wide and provides direction to support complete communities, a strong economy and a clean and healthy environment. The policies of the PPS focus growth and development to "Settlement Areas". This Amendment is consistent with the policy objectives of the PPS, as the Subject Lands are located within a settlement area and the Development would add to the range and mix of housing types and retail uses in the community, and efficiently utilize the Subject Lands. The Development is proposed in an area where appropriate levels of infrastructure and public service facilities exist, are under construction, or are planned. The proposed density more efficiently uses the Subject Lands, resources, infrastructure and public service facilities in a compact development form. On this basis, the Development is consistent with the PPS.
2. A Place to Grow: The Growth Plan for the Greater Golden Horseshoe 2019 ("Growth Plan")

builds on the PPS to establish a unique land use planning framework that supports the achievement of complete communities, a thriving economy, a clean and healthy environment, and social equity. The Growth Plan enables the development of regional growth plans that guide government investments and land use planning policies. The Growth Plan promotes the achievement of complete communities that are designed to support healthy and active living, prioritizes intensification and higher densities that make efficient use of land and infrastructure, protects the natural environment, supports transit viability, and encourages a range and mix of housing options. This Amendment is consistent with the objectives of the Growth Plan as it optimizes the use of the existing land supply in incorporating a compact built-form, makes efficient use of existing and planned infrastructure, is located in close proximity to a Regional Transit Priority Network and a Regional Transit Corridor, and provides for a range and mix of housing and retail uses at a density that is transit-supportive and supportive of complete communities.

3. The York Region Official Plan 2010 ("YROP") designates the Subject Lands "Urban Area", which permits a range of residential, commercial, employment and institutional uses. The Subject Lands are accessed by Centre Street a Regional Rapid Transit Corridor and Bathurst Street a Regional Transit Priority Network and Special Study Area and a Regional Rapid Transit Corridor. In support of transit-infrastructure, the YROP establishes a policy framework that encourages a broad range of housing types within efficient and compact communities at an overall transit-supportive density. The range of housing includes different forms and types and tenures to satisfy the needs of the Region's residents. The YROP also encourages pedestrian scale, safety, comfort and mobility, the enrichment of the existing area with attractive buildings, landscaping and public streetscapes. This Amendment is in conformity with the YROP as the proposed development is located within proximity to multiple existing and planned transportation networks, offers a variety of mixed-uses, residential and retail making efficient use of the Subject Lands. A number of pedestrian connections are proposed from the development to the surrounding lands and roads. The proposed development is in an urban form and design that is compact, pedestrian and cyclist-friendly, and transit supportive.
4. VOP 2010 identifies Primary Centres as the location for the accommodation of growth and the greatest mix of uses and densities. The Subject Lands are located within an Intensification Area - "Primary Centre" by Schedule 1 - Urban Structure of VOP 2010, Volume 1, with access to and frontage on a "Regional Rapid Transit Corridor" along Centre Street and onto a "Regional Transit Priority Network Corridor and Special Study Area" along Bathurst Street.

VOP 2010 provides that Primary Centres will be locations for intensification accommodated in the form of predominantly mixed-use, high and mid-rise buildings, developed at an intensity

supportive of transit. These areas are identified in VOP 2010 as Intensification Areas, which are the primary locations for the accommodation of growth and the greatest mix of uses, heights and densities.

The Subject Lands are designated “High-Rise Mixed-Use” with no prescribed maximum building height or density (FSI) by VOP 2010, Volume 1, Schedule 13. This designation is in effect on the Subject Lands and permits a range and mix of residential, retail, office, hotel, community and institutional uses.

The Development meets the use intent (i.e. “High-Rise Mixed-Use” and “High-Rise Buildings”) of the VOP 2010. The Development will support and transform the existing retail uses, ensure a range of housing options, support transit-oriented development and additional retail uses onto the Subject Lands, provide an attractive pedestrian friendly built form by locating active uses at grade and achieve an appropriate transition of intensity to uses in the surrounding community. The Subject Lands are separated from existing low-rise residential uses by public and private roads, and existing high density residential, and by commercial uses, a school and a park. The proposed development conforms with VOP 2010 and is compatible and consistent with the surrounding land uses.

5. The statutory Public Hearing was held on October 6, 2020. The recommendation of the Committee of the Whole was to receive the Public Hearing report and forward a comprehensive report to a future Committee of the Whole meeting was ratified by Council on October 21, 2020.
6. Vaughan Council on March 22, 2022, ratified the March 1, 2022, Committee of the Whole recommendation, to endorse the approval of Official Plan File OP.16.006 (1529749 ONTARIO INC.). An Ontario Land Tribunal Settlement hearing was held on April 19, 2022.

IV DETAILS OF THE AMENDMENT AND POLICIES RELATIVE THERETO

The Vaughan Official Plan 2010 (VOP 2010) is hereby amended by:

1. Amending Volume 1, Schedule 13 - “Land Use” of VOP 2010, attached hereto as Schedule “2”, by identifying a maximum permitted height of 30 stores and Floor Space Index (“FSI”) of 5.5 times the area of the Subject Lands.
2. Amending Volume 1, Schedule 14-C – “Areas Subject to Site Specific Policies” by adding the Subject Lands identified on Schedule “1” to this Amendment attached hereto municipally known as 7700 Bathurst Street, identified on Schedule 14-C as Item 64.
3. Amending Volume 2, Section 13.1 – “Site Specific Policies” by adding the following policy, to be renumbered in sequential order:

“(OPA 75) 13.1.1.64 The lands known as 7700 Bathurst Street are identified on Schedule 14-C as Item 64 are subject to the policies set out in Section 13.65 of this Plan.”

:

4. Adding the following policies to Volume 2, Section 13 “Site-Specific Policies”, and renumbering order in sequential order, including a location map of the Subject Lands shown on Schedule “1”:

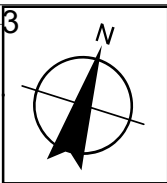
“(OPA 75)	13.65	7700 Bathurst Street
	13.65.1	General
	13.65.1.1	The following policies shall apply to the lands identified on Map 13.65.A
	13.65.1.2	Notwithstanding the High-Rise Mixed-Use Policy 9.2.2.6 b) i. the maximum total number of residential units within Building 1 and 2 and associated podiums is 750 units;
	13.65.1.3	Notwithstanding the High-Rise Mixed-Use Policy 9.2.2.6 c) i. residential uses are permitted on the ground floor of Building 2 (along Centre Street)
	13.65.1.3	The buildings shall be developed according to the maximum heights as outlined below i. Building 1 – 30 storeys ii. Building 2 – 28 storeys
	13.65.1.4	Notwithstanding the High-Rise Building Policy of 9.2.3.6 d) ii. and d) iii i. a separation distance of 23 m shall be required between Buildings 1 and 2 above the 12 th storey; 1. portions of the building above 12 storeys shall be setback between 4m to 10 m from the property line;

V IMPLEMENTATION

It is intended that the policies of the Official Plan of the Vaughan Planning Area pertaining to the Subject Lands will be implemented by way of an amendment to *Vaughan Zoning By-law 1-88, and Site Plan approval*, pursuant to the Planning Act.

VI INTERPRETATION

The provisions of the Official Plan of the Vaughan Planning Area as amended from time to time regarding the interpretation of that Plan shall apply with respect to this Amendment.



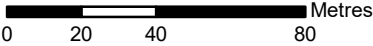
DISERA DRIVE

CENTRE STREET

NORTH PROMENADE

PROMENADE CIRCLE

BATHURST STREET

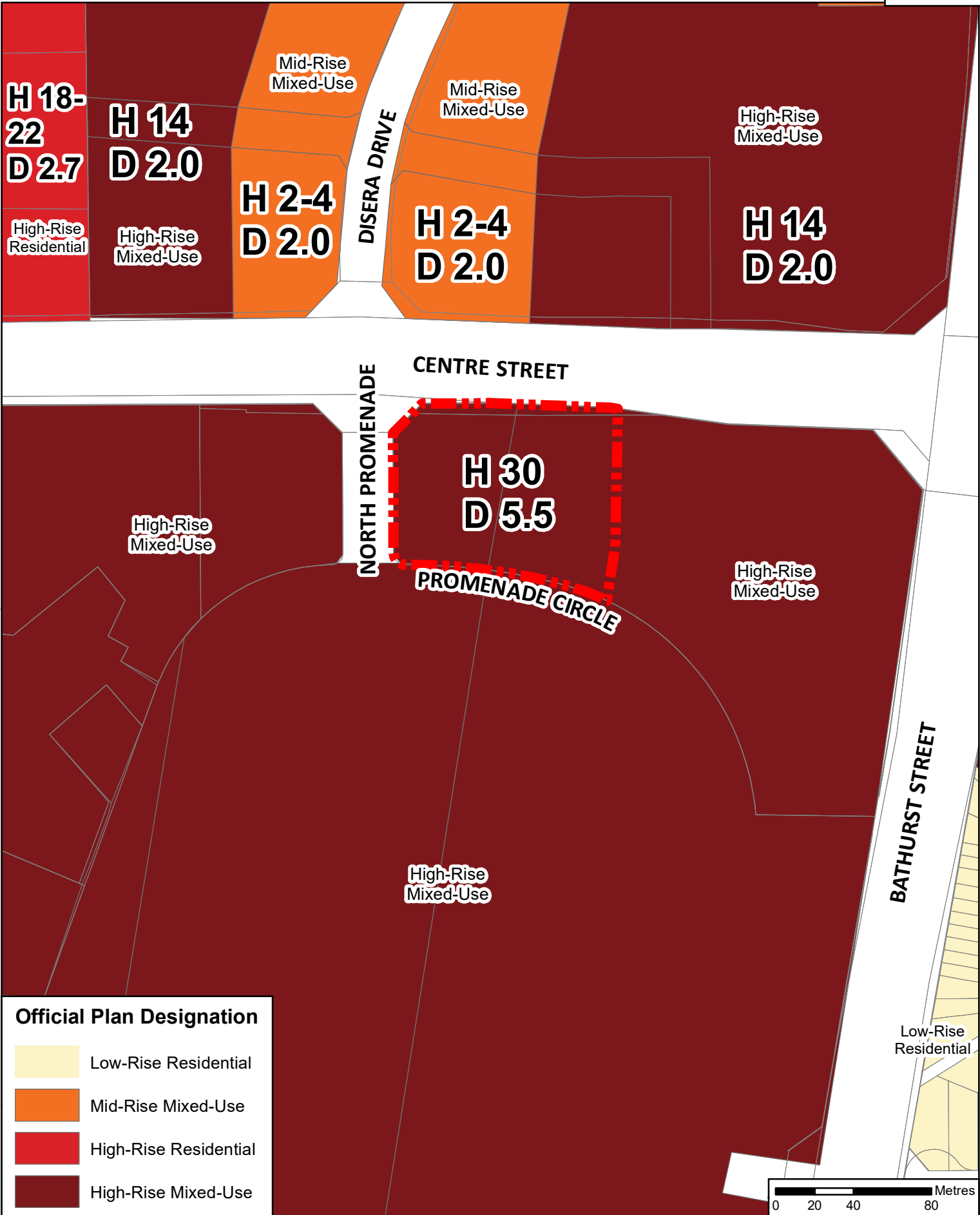


THIS IS SCHEDULE '1'
TO OFFICIAL PLAN AMENDMENT No. 75
ADOPTED THE _____ DAY OF _____, 2022

FILE: OP.16.006
RELATED FILE: Z.20.019
LOCATION: Part of Lot 5, Concession 2;
7700 Bathurst Street - Phase 1
APPLICANT: 1529749 Ontario Inc.
CITY OF VAUGHAN

 LANDS SUBJECT TO
AMENDMENT No. 75

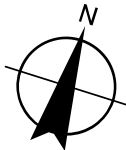
This is Part of Schedule 13 - Land Use
To Vaughan Official Plan 2010, Volume 1



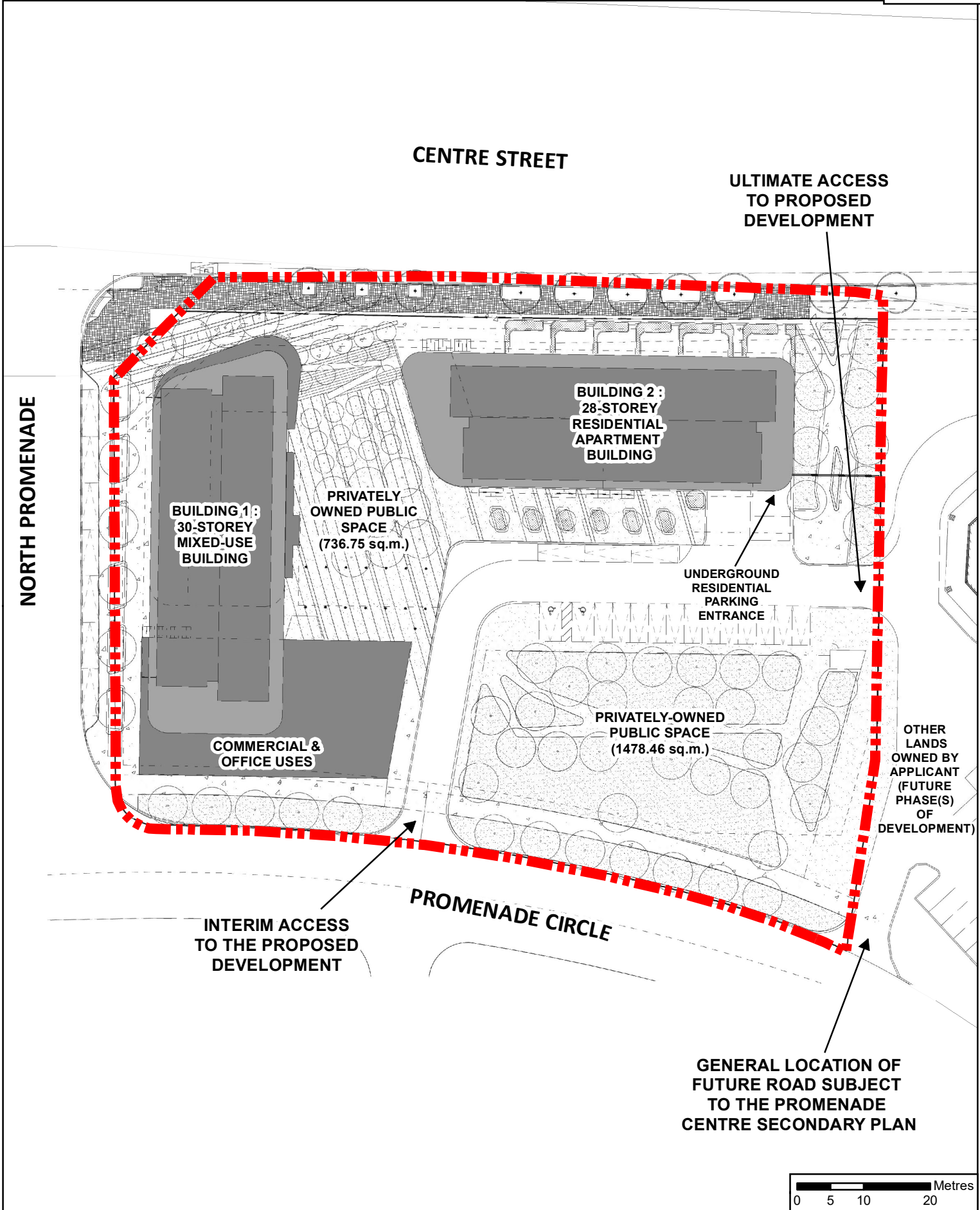
THIS IS SCHEDULE '2'
TO OFFICIAL PLAN AMENDMENT No. 75
ADOPTED THE _____ DAY OF _____, 2022

FILE: OP.16.006
RELATED FILE: Z.20.019
LOCATION: Part of Lot 5, Concession 2;
7700 Bathurst Street - Phase 1
APPLICANT: 1529749 Ontario Inc.
CITY OF VAUGHAN

 LANDS SUBJECT TO
AMENDMENT No. 75



MAP 13.65.A - 7700 Bathurst Street Phase 1



THIS IS SCHEDULE '3'
TO OFFICIAL PLAN AMENDMENT No. 75
ADOPTED THE _____ DAY OF _____, 2022

FILE: OP.16.006
RELATED FILE: Z.20.019
LOCATION: Part of Lot 5, Concession 2;
7700 Bathurst Street - Phase 1
APPLICANT: 1529749 Ontario Inc.
CITY OF VAUGHAN

 LANDS SUBJECT TO
AMENDMENT No. 75

APPENDIX I

The Subject Lands are located south of Centre Street, west of Bathurst Street, municipally known as 7700 Bathurst Street, Part of Lot 5, Concession 2, in the City of Vaughan.

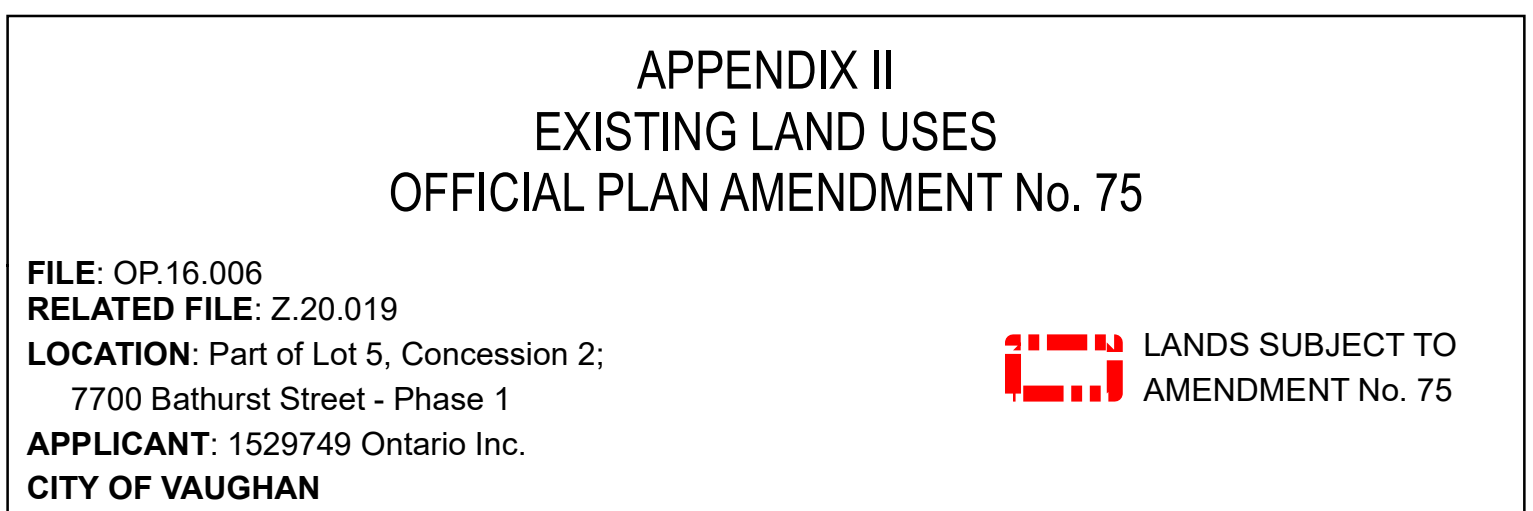
The purpose of this Amendment is to permit a 30-storey mixed use building and a 28-storey residential apartment buildings (maximum of 750 units) on the Subject Lands.

On November 23, 2017, The Owner appealed Official Plan Amendment Application OP.16.006 to the Ontario Municipal Board (now the Ontario Land Tribunal), pursuant to Subsection 22(7), respectively, of the *Planning Act* citing that the City failed to make a decision within the prescribed time.

An Ontario Land Tribunal Settlement Hearing was held on April 19, 2022.

The interim Decision and Order of the Ontario Land Tribunal dated _____ and the final Order of the Ontario Land Tribunal dated _____, 2022 regarding the Subject Lands, are attached.

DRAFT



February 28, 2022

By E-Mail

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

Attention: City Clerk

Dear Council:

**Re: City-Wide Comprehensive Zoning By-law 001-2021 and Proposed Repeal
and Replacement of Transition Provisions
Zoning By-law Amendment File Z.21.052
Committee of the Whole Meeting on March 1, 2022 - Agenda Item 6.1**

We are counsel to Clubhouse Developments Inc. ("Clubhouse"), the owner of the lands currently occupied by the Country Club (formerly the Board of Trade Golf Course) and municipally known as 20 Lloyd Street, 241 Wycliffe Avenue and 737 and 757 Clarence Street (the "Lands")

As the City is aware, the Lands were subject to Official Plan Amendment (File No. OP.19.014), Zoning By-law Amendment (File No. Z.19.038) and Draft Plan of Subdivision (File No. 19T-19V007) applications (collectively, the "Applications") submitted by Clubhouse on December 23, 2019, to permit the redevelopment of a portion of the Lands for residential development.

On December 23, 2021, the City issued a Notice of Decision, approving a Draft Plan of Subdivision for the Lands, subject to a series of conditions. Further, on February 15, 2022, City Council adopted Official Plan Amendment No. 74 and enacted Zoning By-law No. 035-2022 in relation to the Lands. Zoning By-law No. 035-2022 amends the current City-wide Zoning By-law No. 1-88 to permit the redevelopment of the Lands.

Meanwhile, on November 15, 2021, Clubhouse appealed the new City-wide Zoning By-law No. 001-2021 and, more specifically, appealed the proposed transition provisions in Section 1.6 on a city-wide basis and appealed the entirety of the zoning by-law as it would apply to the Lands.

We have reviewed the City staff report to be considered by the City's Committee of the Whole at its meeting on March 1, 2022, which recommends the repeal and replacement of the current transition provisions in Section 1.6 of Zoning By-law No. 001-2021, and have reviewed the proposed new transition provisions. However, Clubhouse continues to have concerns that the newly proposed transition provisions will not properly implement the rezoning approval recently granted by City Council and will not ultimately result in the appropriate zoning for the Lands on a long-term basis.

Kindly ensure that we receive notice of any decision made by the Committee and/or City Council regarding this matter.

Yours truly,
DAVIES HOWE LLP



Mark R. Flowers
Professional Corporation

copy: Clients
Mark Yarranton and Billy Tung, KLM Planning Partners Inc.

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overland

Communication : C 5
Committee of the Whole (1)
March 1, 2022
Agenda Item # 1

February 28, 2022

VIA EMAIL

Mayor Maurizio Bevilacqua and Members of City Council
Vaughan City Hall, Level 100
2141 Major Mackenzie Dr.
Vaughan, ON L6A 1T1

Attention: Todd Coles, City Clerk

Your Worship and Members of Council:

RE: City-Wide Comprehensive Zoning By-law 001-2021
Z.21.052 - Repeal and Replace Transition Provisions
Committee of the Whole Meeting – March 1, 2022
OLT File No. 01-26-22-1019

We are the lawyers for the parties set out in Schedule “A” attached to this letter, who have filed appeals of the City of Vaughan (the “**City**”) City-Wide Comprehensive Zoning By-law 001-2021 (the “**Comprehensive ZBL**”) (the “**Appellants**”).

We have had a chance to review the report dated March 1, 2022 that seeks Council approval to repeal and replace the transition provisions (Section 1.6) (the “**Transition Provisions**”) in the Comprehensive ZBL (the “**Staff Report**”). We understand this item will be considered by the Committee of the Whole at its March 1, 2022 meeting.

We are writing to provide the Appellants’ concerns with the proposed approach of repealing and replacing the Transition Provisions of the Comprehensive ZBL while there are numerous active appeals filed that have yet to be dealt with at the Ontario Land Tribunal (the “**OLT**”).

The appeals filed on behalf of our clients set out in Schedule “A” specifically identify issues with the transition provisions of the Comprehensive ZBL. Having reviewed the replacement “Transition Provisions Proposed for Adoption” in Attachment 1 to the Staff Report, we observe that the amendments do not address the concerns raised in our clients’ appeals before the OLT, in particular as they continue to provide for a 10-year time limit on the applicability of the Transition Provisions without any companion requirement to ensure that the Comprehensive ZBL is updated to reflect appropriate zoning for a property prior to the expiry of the transition period. This leaves the very likely possibility that existing zoning permissions under By-law 1-88 or zoning amendments or variances obtained during the transition period, will disappear or be

overridden by inappropriate or incomplete zoning under the Comprehensive ZBL, or potentially relegated to legal-nonconforming status.

In addition to the ongoing concern identified above, we also have significant concerns with the proposed repeal and replacement from a procedural perspective. The process for making modifications to the Comprehensive ZBL should be done through the OLT appeals process, rather than through the proposed repeal and replacement of the Transition Provisions in a new By-law. Repealing and replacing the Transition Provisions of the Comprehensive ZBL will very likely lead to the need for the Appellants to file separate appeals on the newly-enacted By-law containing the revised Transition Provisions. We submit that this will lead to a multiplicity of proceedings. Further, it will delay the current appeals before the OLT, as potential appeals of a Transition Provisions By-law will need to be consolidated into one hearing dealing with the Comprehensive ZBL appeals. In our view, this represents a drain on the City's, our clients' and the OLT's resources, and is not the most expeditious means of resolving this matter.

The Committee of the Whole and City Council should ask legal counsel for the City to provide an alternative to the repeal and replacement of the Transition Provisions in order to avoid a new round of numerous, costly appeals by existing appellants. This alternative ought to take into account the existing appeals that are already in front of the OLT.

We continue to rely on the reasons set out in the appeals filed for the Appellants listed in Schedule "A" with respect to our concerns with the Transition Provisions proposed in Attachment 1 to the Staff Report.

We ask that you please receive this correspondence as part of the communications for the March 1, 2022 Committee of the Whole Meeting. We request notice of any decision or passing of any by-law in respect of this matter. Our contact information is contained herein.

Yours truly,

Overland LLP



Per: Christopher J. Tanzola
Partner

Encl.

c. P. Patterson
C. Tashos

Schedule "A"

	Appellant	Municipal Address
1	1150 Centre Street GP Inc.	1150 Centre Street
2	2735447 Ontario Inc	177, 185 and 197 Woodbridge Avenue
3	8940 Bathurst Street Limited	8940 Bathurst Street and 0 Knightshade Drive
4	9773 Keele Development Inc	9773 Keele Street
5	Blue Water Ranch Developments Inc.	784 Centre Street
6	Centra (BT1) Inc.	17 Millwood Parkway
7	D'Aversani Holdings Inc.	7960 Kipling Avenue
8	Di Poce Real Estate Holdings Limited	245 Nashville Road
9	D'Or Developments Inc.	10-20 Gatineau Drive
10	Doughton Residences Corp	216 and 220 Doughton Road
11	Highview Building Corp. Inc.	89 & 99 Nashville Road
12	Liberata D'Aversa	5317 Highway 7
13	Lionston Developments Inc.	Block 59, Registered Plan 65M3885
14	Lorwood Holdings Inc. , Fleur de Cap Development Inc., Cuenca Development Inc.	3180 Teston Road, 10980 and 10804 Jane Street
15	Marina Shcolyar	8 Campbell Avenue
16	VMC Condos Limited Partnership and Graywood Acquisitions Limited	3201 Highway 7
17	Wedgewood Columbus Limited	7887 Weston Road
18	Yonge and Steeles Developments Inc.	7028 Yonge Street and 2 Steeles Avenue West

February 28, 2022

By E-Mail Only to clerks@vaughan.ca

Mayor Maurizio Bevilacqua and Members of Council
The Corporation of the City of Vaughan
2141 Major Mackenzie Drive
Vaughan, Ontario L6A 1T1

Attention: Todd Coles, City Clerk

Mayor Bevilacqua and Members of Council:

**Re: Committee of the Whole, March 1, 2022
City-Wide Comprehensive Zoning By-law 001-2021 (the “New ZBL”)
Transition Provision Amendments, File No. Z.21.052
Submission of Islamic Shia Ithna-Asheri Jamaat of Toronto (“ISIJ”)**

We are counsel to ISIJ, the owner of the lands municipally known as 9000 Bathurst Street, Vaughan (the “Lands”). ISIJ is an Appellant in the Ontario Land Tribunal proceeding concerning the New ZBL.

On behalf of ISIJ, we have reviewed the Staff Report dated March 1, 2022 which recommends that Council repeal and replace the transition provisions of the New ZBL.

Notwithstanding our client’s concerns outlined in the enclosed submission to Committee of the Whole dated January 17, 2022, Staff is recommending that no changes be made to section 1.6.4 relating to the 10-year sunset date for the transition provisions.

As previously noted, by a decision and Order dated October 17, 2019, the then-Local Planning Appeal Tribunal (now continued as the Ontario Land Tribunal or the “OLT”) approved, in principle, applications for Official Plan Amendment and Zoning By-law Amendment to permit, amongst other things, residential and seniors’ housing uses and a private secondary school on the Lands (the “Approvals”). The final Order was withheld pending finalization of the planning instruments, which are currently being refined for final approval by the OLT.

Given this context, our client is also concerned by the apparent effect of sections 1.6.3.3 and 1.6.4 taken together. Even if the proposed development is completed in 10-years, under the proposed ZBL, once the OLT issues final approval of ISIJ’s site-specific redevelopment application, former Zoning By-law No. 1-88 (the “Former ZBL”) would

cease to apply to the Lands, and the Lands would be subject to the New ZBL. The New ZBL does not propose to include reference to the final Approvals resulting in the approved development becoming legal non-conforming.

Thus, for the City to avoid situations of approved developments becoming legal non-conforming, our client respectfully urges the City to rezone the lands in the New ZBL consistent with the Approvals, or in the alternative, provide for a clear mechanism in which the New ZBL incorporates approvals under the Former ZBL.

Accordingly, for the reasons above and as set out in the January 17, 2022 submission, we wish to express our client's continued concern regarding the proposed revisions to the transitional provisions of the New ZBL, specifically with regard to sections 1.6.3 and 1.6.4.

We thank you for the opportunity to provide comments and kindly request confirmation of receipt of these written submissions, along with notice of all future steps in this matter.

Yours truly,
DAVIES HOWE LLP



Mark R. Flowers
Professional Corporation

MRF:SL

copy: Client
Martin Quarcoopome, Weston Consulting

Reply to the Attention of: Mary Flynn-Guglietti
Direct Line: 416.865.7256
Email Address: Mary.flynn@mcmillan.ca
Our File No.: 210424
Date: March 1, 2021

BY EMAIL (Clerks@vaughan.CA)

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

Attention: Chair & Members of the Committee of the Whole

Dear Sirs/Mesdames:

**Re: Official Plan Amendment Application by 1529749 Ontario Inc. (the "Torgan Group")
– PHASE 1
7700 Bathurst Street: Official Plan Amendment File No. OP.16.006
Committee of the Whole March 1st, 2022 Agenda Item #3 for 1:00 pm**

We are the solicitors representing 1529749 Ontario Inc. ("**Torgan**"), the owners of the lands municipally known as 7700 Bathurst Street in connection with the above noted matter. We have had an opportunity to review the letter filed with the Committee of the Whole by Goodmans dated February 27, 2022 on behalf of its client Promenade Limited Partnership ("**PLP**"), owners of the Promenade Shopping Centre and wish to provide a response. The Goodman's letter was not provided to us until late in the afternoon of February 28, 2022.

By way of background, on February 25, 2020 the City of Vaughan and Torgan entered into Minutes of Settlement regarding their site-specific Official Plan Amendment application for its lands and in order to resolve Torgan's appeal of the City of Vaughan's Official Plan 2010. The agreement reached was to allow Torgan to submit a rezoning application for its Phase 1 lands only, that would be reviewed and considered under the existing policies. Torgan agreed that its Phase 2 lands would not be the subject of a rezoning application until completion of the Promenade Centre Secondary Plan ("**PCSPlan**"). This direction was clearly articulated in the Minutes of Settlement that the Phase I lands could proceed in advance of the PCSPlan and not be subject to the policies of the PCSPlan.

In the letter to the Committee of the Whole on behalf of PLP it, states that it has “no general objection to the Torgan Phase 1 Development, but it is anticipating and requesting that any Official Plan Amendment that would permit such development contain cost sharing policies similar to those set forth in Policy 11.7.3 of the draft PCSPlan”. We respectfully submit that to insert the policy requested by PLP would be contrary to the Minutes of Settlement as the Torgan Phase I Official Plan Amendment is not to be subject to the PCSPlan. Torgan fully appreciates that the Torgan Phase 2 lands will not be processed until the PCSPlan has been completed and would be subject to the final policies of the PCSPlan once adopted by Council. Additionally the PCSPlan has not been approved by Council and is only in draft form, accordingly, it would be premature to subject the Torgan Phase I lands to a “draft” policy of a “draft” Secondary Plan.

We, therefore, respectfully request that to impose a “draft” policy from the PCSPlan is legally contrary to the binding February 25th, 2020 Minutes of Settlement and premature as the PCSPlan is a draft only and has not been adopted by Council.

Kindly ensure that this correspondence is provided to the Chair & Members of the Committee of the Whole prior to their meeting of March 1, 2022.

Yours truly,



Mary Flynn-Guglietti

Encl.

cc: John Macintyre, Torgan
Effie Lidakis, City of Vaughan Legal