

Committee of the Whole (Public Meeting) Report

DATE: Tuesday, December 6, 2022 **WARD(S):** 3

TITLE: RIOCAN REAL ESTATE INV TRUST
OFFICIAL PLAN AMENDMENT FILES OP.22.002 & OP.22.005
3555 HIGHWAY 7, 7501, 7575, 7601 & 7621 WESTON ROAD, 10,
11, 20, 21, 30, 31, 40, 41, 55 & 67 COLOSSUS DRIVE AND 16,
21, 30 & 31 FAMOUS ROAD
VICINITY OF HIGHWAY 7 AND WESTON R

FROM:

Haiqing Xu, Deputy City Manager, Planning and Growth Management

ACTION: FOR INFORMATION

Purpose

To receive comments from the public and the Committee of the Whole on applications to redesignate the subject lands (Attachment 1) from “High-Rise Mixed-Use”, “Mid-Rise Mixed-Use” and “Community Commercial Mixed-Use” with no identified heights or density to “High-Rise Mixed-Use” with an overall maximum density of 4.0 times the area of the lot across the entirety of the subject lands with building heights ranging from 22 to 55-storeys and one, 68-storey (Attachment 3) building with site-specific policies identified on Attachment 7. The Owner seeks approval of their master plan to permit the Official Plan Amendment Applications in advance of the completion of the Weston Road and Highway 7 Secondary Plan Study, as shown on Attachments 3 to 6.

Report Highlights

- To receive comments from the public and the Committee of the Whole on the proposed amendments to facilitate an overall master plan (Northern and Southwestern Precinct, as shown on Attachment 1) by redesignating the subject lands to “High-Rise Mixed-Use” with an overall maximum density of 4.0 times the area of the lot with building heights ranging from 22 to 55-storeys and one, 68-storey building with site-specific policies identified on Attachment 7.
- Official Plan Amendment Applications have been submitted to facilitate the proposed master plan.
- The development is located within the Weston Road and Highway 7 Secondary Plan Area. The Applications shall not be brought forward for Council consideration prior to the adoption of the Weston Road and Highway 7 Secondary Plan.
- This report identifies preliminary issues to be considered in a technical report to be prepared by the Development Planning Department at a future Committee of the Whole meeting.

Recommendations

1. THAT to be consistent with a previous Council resolution for planning applications within the Weston Road and Highway 7 Secondary Plan area, dated September 29, 2020, June 22, 2021 and May 17, 2022, the Applications do not proceed in advance of the Weston Road and Highway 7 Secondary Plan being considered by Council;
2. THAT Staff be directed to continue to process Official Plan Amendment Files OP.22.002 and OP.22.005 (RioCan Real Estate INV Trust) and receive technical comments; and
3. THAT the Public Meeting report for Official Plan Amendment Files OP.22.002 and OP.22.005 (RioCan Real Estate INV Trust) BE RECEIVED, and that any issues identified be addressed by the Development Planning Department in a technical report to the Committee of the Whole.

Background

Location: 3555 Highway 7; 7501, 7575, 7601 and 7621 Weston Road; 10, 11, 20, 21, 30, 31, 40, 41, 55 and 67 Colossus Drive; 16, 21, 30 and 31 Famous Road (the ‘Subject Lands’). The Subject Lands and the surrounding land uses are shown on Attachment 1.

Both Official Plan Amendment Files are under the same ownership however, the Subject Lands are divided by a public street, Colossus Drive and require separate file numbers.

File OP.22.002: The lands north of Colossus Drive being 3555 Highway 7; 7601 and 7621 Weston Road; 16, 21, 30 and 31 Famous Road; 10, 20, 30 and 40 Colossus Drive are identified as the Northern Precinct (Attachment 1).

File OP.22.005: The lands south of Colossus Drive being 7501 and 7575 Weston Road; 11, 21, 31, 41, 55 and 67 Colossus Drive are identified as the Southwestern Precinct (Attachment 1).

The lands subject to Official Plan Amendment Files OP.22.022 and OP.22.005 (the 'Applications') are entirely within the Weston and 7 Secondary Plan Area. The process to develop the Secondary Plan is currently underway.

Date of Pre-Application Consultation Meeting: March 23, 2021

The Subject Lands are located entirely within the Weston Road and Highway 7 Secondary Plan Area. The Owner is seeking a site-specific approval to proceed in advance of Council approval of the Secondary Plan

Vaughan Official Plan 2010 ('VOP 2010'), Schedule 14A - Areas Subject to Secondary Plans, identifies the Subject Lands as being located within the Weston Road and Highway 7 Secondary Plan Area ('Weston 7 Secondary Plan'). The Weston 7 Secondary Plan is comprised of a 129 ha area surrounding the Weston Road and Highway 7 intersection, bounded by Fieldstone Drive and Chrislea Road/Portage Parkway to the north, the Highway 400 corridor to the east, the Highway 407 corridor to the south, and Ansley Grove Road/Whitmore Road to the west, as shown on Attachment 2. The study area is located west of the Vaughan Metropolitan Centre ('VMC'), the City's planned downtown, primary growth node and Urban Growth Centre as identified in A Place to Grow - Growth Plan for the Greater Golden Horseshoe 2019 ('Growth Plan').

Vaughan Council on June 12, 2019, received the Weston 7 Secondary Plan Phase 1 final report and directed Staff to proceed with the request for proposal for Phases 2 and 3 based on the findings of the Phase 1 Report. The objective of Phase 1 of the Weston 7 Secondary Plan Study included the development of a long-term vision, a draft of three conceptual emerging land use scenarios showing how the character and function of the area can develop in the future and a set of guiding principles including the following:

- policies in the Weston 7 Secondary Plan will consider the plan area's relationship with the VMC, and with other Primary Centres within the City to ensure the City's urban hierarchy, as shown on Schedule 1 - Urban Structure of VOP 2010, is maintained
- a clearly defined role for the Weston 7 Secondary Plan within the City of Vaughan in order to ensure it complements other Primary Centres and the VMC, rather than competing with them
- while most of the Weston 7 Secondary Plan area will be planned as a mixed-use community, policies should build on the current strengths of the area, as a commercial, cultural and entertainment destination

The City in May 2020, initiated Phases 2 and 3 of the Weston 7 Secondary Plan

Through Phase 2, the preferred land use plan, including heights and densities, and the supporting multi-modal transportation network, parks and open spaces, and servicing will be established to support the anticipated growth and create a complete community. Concurrent with the Secondary Plan, the City is undertaking a supporting Transportation Master Plan ('TMP') study that will identify a recommended multi-modal transportation network. Projects and improvements for all forms of transportation in support of the future growth and transformation envisioned by the Secondary Plan.

Through Phase 3, a draft of the Weston 7 Secondary Plan will proceed to Council for adoption. The Policy Planning and Special Programs Department ('PPSP') has retained a consultant team led by The Planning Partnership for the Weston 7 Secondary Plan Study. The Infrastructure Planning and Corporate Asset Management ('IPCAM') has retained WSP to lead the TMP. The timing of the Weston 7 Secondary Plan is currently being revised.

Council has directed that no development applications proceed in advance of the completion of the Weston 7 Secondary Plan

Council previously considered Public Meeting reports for the following applications within the Weston 7 Secondary Plan:

- Wedgewood Columbus Limited Files OP.19.015 and Z.19.039 located at 7887 Weston Road – September 29, 2020. On August 4, 2022, these files were appealed to the Ontario Land Tribunal for Council's refusal or neglect to make a decision within 120 days
- Calloway REIT (400 and 7) Inc. Files OP.19.012 and Z.19.036 located at 137 Chrislea Road, 57 and 101 Northview Boulevard – September 29, 2020
- 2371933 Ontario Inc. Files OP.21.006 and Z.21.009 located at 7520, 7540 and 7560 Weston Road – June 22, 2021
- Kingsmoor Developments Inc. Files OP.21.026 and Z.21.055 located at 177 Whitmore Road – May 17, 2022

Council adopted the following resolution regarding these applications:

"That Council does not approve the applications proceeding in advance of the Weston 7 Secondary Plan being considered by Council."

RioCan Real Estate INV Trust (the 'Owner') was made aware of the above previous Council recommendation prior to the submission of the Applications.

The Owner is requesting that the Applications proceed in advance of the Weston 7 Secondary Plan

The Owner previously filed an appeal for York Region's failure to approve the VOP 2010 within the statutory timeline. In September 2016, the City of Vaughan and the Owner resolved the Owner's outstanding VOP 2010 appeal and entered into Minutes of Settlement ('MOS').

Policy 10.1.1.6 of VOP 2010 states “That where it has been determined that a Secondary Plan is required but not yet completed, no amendments to this Plan or the zoning by-law will be permitted without prior or concurrent adoption of the Secondary Plan for that area.”

The Owner is of the opinion that “given the comprehensive and quadrant-wide analysis of the study that informed the proposed Official Plan Amendments, the ability of this portion of the Weston 7 Primary Centre to develop independently of other areas within the Weston 7 Primary Centre, and the MOS agreed upon by RioCan and the City of Vaughan, the enactment of the proposed Amendment in advance of the Weston 7 Secondary Plan is appropriate.”

The Development Planning (‘DP’) Department did not prohibit the Applications from being submitted and processed them in the usual course. The Development Planning Department has held meetings with the Owner prior to their pre-application consultation (‘PAC’) meeting, held a PAC meeting where submission materials were identified, accepted the Applications, circulated the Applications and has provided comments to the Owner. In addition, DP held two Design Review Panel (‘DRP’) meetings (May 27, 2021 and on March 31, 2022) and have had continuous dialogue with the Owners. Furthermore, the landowner has been participating in the Secondary Plan and TMP process through the public engagement cycles.

DP staff are of the opinion that the process for Official Plan Amendment Files OP.22.002 and OP.22.005 be consistent with a previous Council resolution for planning applications within the Weston Road and Highway 7 Secondary Plan area. It is staff’s opinion that OP.22.002 and OP.22.005 not proceed in advance of the Weston Road and Highway 7 Secondary Plan being considered by Council, as identified in the Recommendation.

Official Plan Amendment Applications have been submitted to facilitate the proposed master plan

The Owner has submitted the following applications (the ‘Applications’) for the Subject Lands to permit an overall master plan (Northern and Southwestern Precinct, as shown on Attachment 1) by redesignating the subject lands to “High-Rise Mixed-Use” with an overall maximum density of 4.0 times the area of the lot with building heights ranging from 22 to 55-storeys and one, 68-storey building with site-specific policies as shown on Attachments 3 to 6:

1. Official Plan Amendment File OP.22.002 to amend the policies of Vaughan Official Plan 2010, to redesignate the Northern Precinct from “High-Rise Mixed-Use”, “Mid-Rise Mixed-Use” and “Community Commercial Mixed-Use” with no identified heights or density to “High-Rise Mixed-Use”. The proposed Official Plan Amendment containing the policies and schedules submitted by the Owner is shown on Attachment 7.
2. Official Plan Amendment File OP.22.005 to amend the policies of Vaughan Official Plan 2010, to redesignate the Southwestern Precinct from “Mid-Rise

Mixed-Use” and “Community Commercial Mixed-Use” with no identified heights or density to “High-Rise Mixed-Use”. The proposed Official Plan Amendment containing the policies and schedules submitted by the Owner is shown on Attachment 7.

Public Notice was provided in accordance with the Planning Act and Council’s Notification Protocol

- a) Date the Notice of Public Meeting was circulated: November 11, 2022.

The Notice of Public Meeting was also posted on the City’s website at www.vaughan.ca and Notice Signs were installed along each street frontage being Highway 7, Weston Road, Colossus Drive and Famous Avenue (5 signs in total) in accordance with the City’s Notice Signs Procedures and Protocols.

- b) Circulation Area: An expanded notification areas within 2000 m of the Subject Lands, as shown on Attachment 2, to the Weston Downs Ratepayers Association and to anyone on file with the Office of the City Clerk having requested notice.
- c) No comments have been received as of November 22, 2022 by the Development Planning Department.

Any written comments received will be forwarded to the Office of the City Clerk to be distributed to the Committee of the Whole as a Communication and be reviewed and addressed by the Development Planning Department in a future technical report to the Committee of the Whole.

Previous Reports/Authority

The following is the link to the Weston 7 Secondary Plan Study (Phase 1) report: [June 19, 2019, Council - Weston 7 Secondary Plan Study - Phase 1 Status Update \(Item 1, Report No. 23\)](#)

Analysis and Options

Amendments to VOP 2010 are required to permit the Master Plan

Official Plan Designation:

- “Primary Centres” by Schedule 1 – Urban Structure in VOP 2010
- “High-Rise Mixed-Use”, “Mid-Rise Mixed-Use” and “Community Commercial Mixed-Use” with no prescribed maximum building height or density (which are to be established through the Weston 7 Secondary Plan Study) by Schedule 13 – Land Use in VOP 2010, also subject to Volume 2, Site-Specific Policy 13.36 Colossus Centre, as approved by the Ontario Municipal Board (now known as the Ontario Land Tribunal) on March 20, 2018
- These designations permit a range of uses including residential units, high-rise, mid-rise, community facilities, cultural and entertainment uses, public and private institutional, retail uses, office uses, parking garage, hotel, gas station, townhouses, stacked townhouses, low-rise buildings

- VOP 2010 includes the following policies regarding the consideration of a development application where a Secondary Plan has not been completed or commenced by the City:

Policy 10.1.1.6 states: “That where it has been determined that a Secondary Plan is required but not yet completed, no amendments to this Plan or the zoning by-law will be permitted without prior or concurrent adoption of the Secondary Plan for that area.”;

Policy 10.1.1.13 states: “That upon direction by Council to staff to proceed with the processing of a development application in advance of the Secondary Plan, it will be required that the Owner attend a pre-application consultation meeting with appropriate staff at which meeting the requirements for various studies will be established, to the satisfaction of the City, to be undertaken as part of a complete application.”; and

Policy 10.1.1.9 of VOP 2010 also enables the City to request additional studies in support of a development application by stating (in part) “That in addition to the studies listed in Policy 10.1.3.3, the City may require the preparation of additional studies...as determined through the Pre-Consultation Meeting.”

- Volume 2, Site-Specific Policy 13.36 Colossus Centre, Policy 13.36.1.3 states that “notwithstanding Policy 10.1.1.6 (above), prior to the final approval of the Weston 7 Secondary Plan, the following may be permitted on the lands identified on Map 13.36.A:
 - a. expansions or extensions of existing uses; and
 - b. the development of additional commercial buildings with a maximum height of two storeys only on the lands not occupied by a building as of the time of adoption of this Plan.”

Policy 13.36.1.4 states that “development permitted by 13.36.1.3 shall be in accordance with the following:

- a. Notwithstanding Policies 9.2.2.4.d and 9.2.2.6.d, retail uses may exceed 50% of the total gross floor area of all uses on the lot.
- b. Notwithstanding Policies 9.2.2.4.e and 9.2.2.6.f, low-rise buildings are permitted on the lands identified on Map 13.36.A.”

Following a preliminary review of the applications, the Development Planning Department has identified the following matters to be reviewed in greater detail

	MATTERS TO BE REVIEWED	COMMENT(S)
a.	Conformity and Consistency with Provincial Policies, York Region and City	<ul style="list-style-type: none"> ▪ The Applications will be reviewed for consistency and conformity with the Provincial Policy Statement, 2020 (the ‘PPS’), A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019, as amended (the ‘Growth Plan’) and the policies of the York Region

	MATTERS TO BE REVIEWED	COMMENT(S)
	Official Plan Policies	Official Plan, 2010 ('YROP'), and if required, the new Regional Official adopted by Regional Council on June 30, 2022 ('ROP-2022') and approved with modifications by Municipal Affairs and Housing on November 4, 2022
b.	Appropriateness of Amendments to VOP 2010	<ul style="list-style-type: none"> ▪ The Subject Lands are located within the Weston 7 Secondary Plan Area, which is not approved at this time ▪ Should Council approve the Recommendations in this report, staff will continue to process the Applications and receive comments ▪ The Applications will be reviewed in consideration of the required deliverables of the Weston 7 Secondary Plan, including, but not limited to, the draft Land Use Plan in relation to the Vaughan's City-Wide Urban Design Guidelines, analysis of parkland and affordable housing requirements in intensification areas, and the TMP ▪ The Applications will be reviewed in consideration of any emerging policies from the Secondary Plan Study and the VOP 2010 policies, including but not limited to the following: <ul style="list-style-type: none"> - High-Rise Mixed-Use designation policies - High-Rise Buildings - Intensification Areas - Primary Centres - Regional Intensification Corridors - Major Retail Uses - Entertainments Uses - Secondary Plan Policies - Appropriateness of the proposed building heights and density, road and pedestrian network, and land use - Calculation of an overall floor space index for the entire master plan - Transportation network assessment - Affordable Housing Policies - Park and Open Space Policies - Recreation and Community Services Policies ▪ The appropriateness of the proposed Official Plan Amendment of the Subject Lands and the site-specific policies identified on Attachment 7 required to implement the Master Plan will be reviewed in consideration of the existing and planned surrounding land uses

	MATTERS TO BE REVIEWED	COMMENT(S)
c.	The proposed Master Plan Demonstrates Competing Building Heights and Densities with the VMC	<ul style="list-style-type: none"> ▪ The VMC is intended to contain the tallest buildings and greatest densities as planned through VOP 2010 (Section 2.2.5 Intensification Areas) and is the only Regional Centre in the City of Vaughan. The VMC is also designated in the Growth Plan as an Urban Growth Centre ('UGC'). The UGCs are intended to become: focal areas for commercial, recreational, cultural and entertainment uses; accommodate and support the transit network at the regional scale; and accommodate significant population and employment growth ▪ When the VMC Secondary Plan was approved, the lands west of Highway 400, within the former Vaughan Corporate Centre, identified the Weston 7 Secondary Plan as separate and distinct from the VMC ▪ The proposed building heights and density of the Development exceeds some of the approved and in-progress applications in the VMC, the City's downtown. The Subject Lands are separated from the VMC by Highway 400 and are within a Primary Centre as identified in Schedule 1 - Urban Structure of VOP 2010. In consideration of the fundamental principle outlined in Phase 1 of the Weston 7 Secondary Plan vision statement and the Urban Structure established in VOP 2010, the Weston 7 Secondary Plan Area should not compete with the planned function of the VMC, but should become a complete community supportive of transit and mixed-use development appropriate for a Primary Centre ▪ The urban structure of the VMC Secondary Plan includes an intentional transition in heights, densities and land uses towards the boundaries of the downtown, including the frontage along Highway 400 which is designated with an east-west employment precinct and neighbourhood precinct permitting a maximum range of building heights from 10 to 25-storeys, and a maximum FSI range from 3.5 to 4 north of Highway 7. Analysis of the contextual relationship, transition and scale should be considered carefully through the review of the Applications

	MATTERS TO BE REVIEWED	COMMENT(S)
		<ul style="list-style-type: none"> ▪ The VMC Secondary Plan Update has been initiated and will include collaboration between the VMC and Weston 7 Secondary Plan consultant teams
d.	Studies and Reports	<ul style="list-style-type: none"> ▪ The Owner submitted studies and reports in support of the Applications available on the city's website at https://maps.v Vaughan.ca/planit/ (PLANit Viewer) and must be approved to the satisfaction of the City or respective approval authority. Additional studies and/or reports may be required as part of the application review process
e.	Comprehensive Review	<ul style="list-style-type: none"> ▪ The Applications will be considered comprehensively with the existing and proposed development in the south-east quadrant and within the entirety of the Weston 7 Secondary Plan ▪ Transportation studies must investigate both site-specific and wider area transportation impacts while ensuring that potential improvements satisfy any future concerns and/or upgrades needed to the Weston 7 Secondary Plan area. The Development may need to be modified to protect for and not preclude the transportation network(s) including protection for the Colossus Drive Extension across Highway 400 and infrastructure improvements implemented through the completed Weston 7 Secondary Plan and TMP ▪ The studies submitted in support of the Applications will be reviewed to ensure they comprehensively address matters related to land use, protection of sensitive land uses by incorporating adequate separation distances, built form, transportation, phasing, servicing, open space, and community uses ▪ The studies must satisfy all requirements of the Ministry of Transportation Ontario, York Region, and the City
f.	Road Widening and Access	<ul style="list-style-type: none"> ▪ York Region must confirm the final planned road right-of-way width for Weston Road. In addition, driveway access locations, design, and road improvements, if required
g.	Urban Design Guidelines and Public Art	<ul style="list-style-type: none"> ▪ The Development will be reviewed in consideration of the City of Vaughan City-Wide Public Art Program, the City-Wide Streetscape Implement Manual and City-Wide Urban Design Guidelines

	MATTERS TO BE REVIEWED	COMMENT(S)
h.	Design Review Panel ('DRP')	<ul style="list-style-type: none"> The Development will be reviewed in consideration of the comments provided by the DRP on March 31, 2022, and previously on May 27, 2021
i.	Public Agency/Municipal Review	<ul style="list-style-type: none"> The Applications must be reviewed by York Region, the Toronto and Region Conservation Authority, MTO and external public agencies and utilities, municipalities and the Public, Separate, and French School Boards
j.	Sustainable Development	<ul style="list-style-type: none"> Opportunities for sustainable design, including Crime Prevention Through Environmental Design ('CPTED'), Leadership in Energy and Environmental Design ('LEED'), permeable pavers, bio swales, drought tolerant landscaping, energy efficient lighting, reduction in pavement etc., will be reviewed and implemented through the Site Plan review process, if the Applications are approved In accordance with the City of Vaughan Sustainability Metrics Program, the Development must achieve a minimum Bronze Threshold Application Score
k.	Parkland Dedication	<ul style="list-style-type: none"> The Applications will be reviewed in consideration of the requirements of the <i>Planning Act</i> and the City of Vaughan's Parkland Dedication Policy
l.	The CBC By-law will be applicable	<ul style="list-style-type: none"> The Master Plan meets the criteria for Community Benefits Charges ('CBC') being 5 or more storeys and 10 or more units. The City passed a CBC By-law and therefore the applicable mechanism used to collect community benefits (and not the City's previous Section 37 policies and guidelines)
m.	Affordable Housing	<ul style="list-style-type: none"> The Applications will be reviewed in consideration of Provincial, Regional and City policies to ensure that the development provides an appropriate level, range and mix of unit sizes and types to meet the City's affordable housing goals
n.	Required Applications	<ul style="list-style-type: none"> Should the Applications be approved, the Owner will be required to submit future related Zoning By-law Amendment, Draft Plan of Subdivision and Site Development as per City of Vaughan policies
o.	NavCanada and Bombardier Review	<ul style="list-style-type: none"> The Subject Lands are located within regulatory flight paths under the jurisdiction of NavCanada and Bombardier Aerospace. The Owner will be required to satisfy all conditions of NavCanada and Bombardier

Financial Impact

There are no financial requirements for new funding associated with this report.

Broader Regional Impacts/Considerations

The Applications have been circulated to the York Region Community Planning and Development Services Department for review and have advised that a decision on these Applications should await further direction from the Secondary Plan, as it will provide guidance on the appropriate height, density, urban design, transportation and water and wastewater requirements in a comprehensive and coordinately manner. Any issues will be addressed when the technical report is considered.

Conclusion

The preliminary issues identified in this report and any other issues identified through the processing of the Applications will be considered in the technical review of the Applications and shall not proceed until such time as the Weston 7 Secondary Plan is complete. Comments from the public and Vaughan Council expressed at the Public Meeting or in writing will be addressed in a comprehensive report to a future Committee of the Whole meeting.

For more information, please contact Margaret Holyday, Senior Planner, Development Planning Department, ext. 8216.

Attachments

1. Context and Location Map
2. Polling Location Map
3. Proposed Master Plan
4. Conceptual Height Map
5. Landscape Master Plan
6. Aerial Rendering View
7. Draft Official Plan Amendment

Prepared by

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