

Committee of the Whole (1) Report

DATE: Tuesday, October 08, 2024

WARD: 3

**TITLE: WEDGEWOOD COLUMBUS LIMITED – OFFICIAL PLAN
AMENDMENT FILE OP.19.015, ZONING BY-LAW AMENDMENT
FILE Z.19.039: 7887 WESTON ROAD, VICINITY OF WESTON
ROAD AND HIGHWAY 7**

FROM:

Haiqing Xu, Deputy City Manager, Planning and Growth Management

ACTION: DECISION

Purpose

To seek endorsement from the Committee of the Whole of the Recommendations contained in this Report to REFUSE Official Plan and Zoning By-law Amendment Files OP.19.015 and Z.19.039 respecting the subject lands as shown on Attachment 1.

Report Highlights

- Wedgewood Columbus Limited (the 'Owner') submitted Official Plan and Zoning By-law Amendment Files OP.19.015 and Z.19.039 (the 'Applications') to permit 2,290 apartment units within 4 mixed-use buildings ranging in height from 41 to 51-storeys and 2,735 m² of non-residential gross floor area on the ground floor area and a Floor Space Index ('FSI') of 11.09 times the area of the lot (the 'Development').
- The Applications are located within the Weston and 7 Secondary Plan Area.
- The statutory Public Meeting for the Applications was held on September 15, 2020.

Report Highlights continued

- On August 4, 2022, the Owner appealed the Applications to the Ontario Land Tribunal ('OLT') citing Council's failure to make a decision on the Applications within the timeframe prescribed by the *Planning Act*.
- OLT Case Management Conference ('CMC') was held on February 28, 2023.
- Five days of mediation were held on April 11, May 6, May 27, July 19 and August 15, 2024.
- The OLT scheduled a four-week hearing beginning on January 13, 2025.
- Staff seek endorsement from the Committee of the Whole to refuse the Applications.

Recommendations

That the OLT be advised that Vaughan Council ENDORSES the following recommendations:

1. THAT Official Plan Amendment File OP.19.015 (Wedgewood Columbus Limited) BE REFUSED, to amend Vaughan Official Plan 2010, Volume 1 and Volume 2, as identified in Table 1 of this report for the subject lands, as shown on Attachment 1;
2. THAT Zoning By-law Amendment File Z.19.039 (Wedgewood Columbus Limited) BE REFUSED, to amend Zoning By-law 1-88 to rezone the subject lands from "C7 Service Commercial Zone", subject to site-specific Exception 9(754B) to "RA3 Apartment Residential Zone" in the manner shown on Attachments 2 to 6, together with site-specific zoning exceptions identified in Table 2 of this report;
3. THAT should the OLT approve the Applications, the proposed Privately-Owned and Publicly Accessible Spaces ('POPS') not be credited towards satisfying the parkland dedication requirements for the Development;
4. THAT if the OLT approves the Applications, Legal Services shall request the OLT to withhold its final Order until the final form of the Official Plan Amendment ("OPA") and Zoning By-law Amendment ("ZBA") are prepared and submitted to the OLT on the consent of all parties;
5. THAT should the OLT approve the Applications, in whole or in part, a Holding Symbol "(H)" be applied to the implementing zoning by-law(s) and shall not be removed from the Subject Lands or any portion thereof until such time that the (H) conditions listed in Attachment 9 to this report are addressed, to the satisfaction of the City;
6. THAT Legal Services attend the OLT hearing to oppose the Applications based on the recommendations contained in this report with regard to Official Plan and Zoning By-law Amendment Files OP.19.015 and Z.19.039; and

7. THAT if the OLT approves the Applications in whole or in part, Council authorize the Deputy City Manager, Planning and Growth Management to finalize the draft OPA and ZBA instruments for approval by the OLT.

Background

Location: 7887 Weston Road (the 'Subject Lands'). The Subject Lands are located on the southeast corner of Weston Road and Chrislea Road and are currently developed with a multi-unit commercial building. The Subject Lands and the surrounding land uses are shown on Attachment 1.

Official Plan and Zoning By-law Amendment Applications have been submitted to permit the proposed development

The Owner submitted the Applications for the Subject Lands to permit 2,290 apartment units within 4 mixed-use buildings ranging in height from 41 to 51-storeys and 2,735 m² of non-residential gross floor area on the ground floor area and a Floor Space Index ('FSI') of 11.09 times the area of the lot (the 'Development'), as shown on Attachments 2 to 6.

The Owner is seeking approval of the Development in advance of Council approval of the Weston 7 Secondary Plan

Schedule 14A - Areas Subject to Secondary Plans in Vaughan Official Plan 2010 ('VOP 2010'), identifies the Subject Lands as being located within the Weston Road and Highway 7 Secondary Plan Area ('W7SP'), as shown on Attachment 1. The W7SP is comprised of a 123 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. The Secondary Plan area is located west of the Vaughan Metropolitan Centre ('VMC').

The Weston 7 Secondary Plan study is ongoing and is currently progressing towards Phase 3 of the project

Phase 1 of the project commenced in 2018. It included a comprehensive background review and resulted in the development of an enhanced draft vision, guiding principles and three conceptual land use scenarios to guide the development of the Secondary Plan. On June 12, 2019, Vaughan Council received the W7SP Phase 1 final report and directed Staff to proceed with Phases 2 and 3 based on the findings of the Phase 1 Report.

In May 2020, the City initiated Phases 2 and 3 of the W7SP. Through Phase 2, three drafts of the Secondary Plan have been prepared, including the preferred land use plan, heights and densities, supporting transportation network, parks and open spaces, and servicing to support the anticipated growth and the creation of a complete community in the Weston 7 area. Staff continue to seek feedback from the community, landowner groups and other interested stakeholders, as part of finalizing the W7SP. Currently, four in-person community meetings are scheduled on October 16 and October 23, 2024.

In Phase 3, a final secondary plan will be presented to Council for a decision, providing a recommendation to guide future growth and development of the W7SP study area into a complete, vibrant and active community.

A Transportation Master Plan ('TMP') for the W7SP area is being undertaken concurrently with the W7SP to develop the transportation infrastructure that supports the forecasted growth.

It is noted that seven (7) development applications within the W7SP have been received by the City, approximately covering 47% of the Secondary Plan Area. Staff have not proceeded to a technical report and Council has not yet taken a position on the development applications. At the public meeting, Council's direction was not to approve the applications proceeding in advance of the W7SP being considered by Council. It is also noted that Centro Square (located at the northeast corner of Weston Road and Highway 7) was previously approved by Vaughan Council in 2012 and then appealed to the Ontario Municipal Board ('OMB') (now referred to as the OLT) and subsequently approved by the OMB in 2013, as shown in Attachment 1.

The Owner appealed the Applications to the OLT for non-decision on August 4, 2022

On August 4, 2022, the Owner appealed the Applications to the OLT pursuant to subsections 22(7) and 34(11) of the *Planning Act*, citing Council's failure to make a decision on the Applications within the prescribed timelines of the *Planning Act* (OLT Case Nos. OLT-22-004652 and OLT-22-004653) (the 'Appeals').

A first OLT CMC regarding the Appeals was held on February 28, 2023. The parties to this matter are the Owner, the City, the Region, Home Depot and Potentia Renewables Inc. (the latter being neighbouring property owners) (the 'Parties'). The parties advised the OLT that they agreed to adjourn the hearing dates set for Mid-May/June 2024 to January 2025 to allow for mediation of the matter.

The Parties agreed to confidential & without prejudice mediation

Five days of mediation were held on April 11, May 6, May 27, July 19 and August 15, 2024.

Although the Parties are continuing their discussions, given the upcoming 4-week hearing beginning January 13, 2025, a decision on the Applications is required.

Related Site Development Application DA.24.017 ('DA.24.017') has been submitted by the Owner

In accordance with Bill 109, if the Applications are approved by the OLT, the related DA.24.017 approval has been delegated to the Deputy City Manager, Planning and Growth Management.

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

- Date of Notice (Circulated 750 m of the W7SP and to the Weston Downs Ratepayers Association, as shown on Attachment 1): August 21, 2020
- Location of Notice Signs: Weston Road, Chrislea Road and Northview Boulevard
- Date of Public Meeting: September 15, 2020, date ratified by Council September 29, 2020

- Date of Committee of the Whole Courtesy Notice sent to those requested to be notified: September 30, 2024

Public Comments were received

The following is a summary of the comments provided and received to date. The comments are organized by theme as follows:

Poor Infrastructure, Traffic and Population Increase

- the Applications and the neighbouring Calloway REIT (400 and 7) Inc. (Attachment 1) applications contain a total of 5,965 residential apartment units and will add to an already congested area and to the traffic gridlock
- existing infrastructure is not equipped to handle this much increase in population and congestion
- negative impact on surrounding businesses
- lack of green spaces with increased population proposed
- need for more retail stores, police, fire, schools, day cares and social services

Shadow Effects

- the operators of the Solar Energy System located on the roof of the Home Depot, located east of the Subject Lands, provided comments regarding the negative impacts of the Development, including shadows
- the Province, Region of York and City of Vaughan have policies to encourage the use and support of renewable energy systems such as the existing Solar Energy System. The Development is not consistent with and does not conform to policies as it will reduce solar gains and prevent the generation of renewable electricity by the Solar Energy System
- shadow effect on the neighbouring residential properties

Completion of the Weston 7 Secondary Plan is Required

- the processing of the Applications is premature until a secondary plan has been approved for the area
- the Development in its current form is not consistent with and does not conform to existing policies

Previous Reports/Authority

Previous reports related to the Subject Lands can be found at the following links:

Wedgewood Columbus Limited Public Meeting Report

[September 15, 2020, Committee of the Whole \(Public Meeting\) \(Item 2, Report No. 39\)](#)

W7SP Draft #3

[June 5, 2024, Committee of the Whole \(Working Session\) \(Item 2, Report No. 24\)](#)

Analysis and Options

The Development is not consistent with the Provincial Policy Statement and does not conform to the Growth Plan, York Region Official Plan, VOP 2010 and the W7SP Draft 3

Provincial Policy Statement, 2020 ('PPS')

The PPS provides direction on matters of Provincial interest related to land use planning and development and includes policies related to building strong, healthy communities with an emphasis on efficient development and land use patterns, wise use and management of resources, and protecting public health and safety.

The Subject Lands are located within a Settlement Area, have access to regional transit services and municipal services and infrastructure. However, Policy 1.1.1 speaks to ensuring a balance of land uses and infrastructure for the current and future needs. The Applications cannot be looked at in isolation, the Development along with the development potential within the W7SP need to be reviewed comprehensively (Policy 1.1.3.2, 1.1.3.3 and 1.2.1). Currently, the Development far exceeds the planned growth and in combination with the other developments, will exceed the infrastructure capacity within the W7SP area, even with projected improvements to servicing and transportation infrastructure.

This coordinated, integrated and comprehensive approach to managing and promoting intensification and infrastructure capabilities in line with the PPS Policy 1.2.1 can be seen through the processing of the W7SP (Policy 1.1.3.3 and 1.2.1). The Development proceeding in advance of the completion of the W7SP with various infrastructure limitations and height and density exceedances is not consistent with the PPS since it does not represent an integrated or comprehensive approach to managing growth. While the W7SP is not yet complete, the underlying land use planning analysis done to date is still applicable to the good planning of a site-specific development and should inform the policy underlying this application.

On this basis, the Development is not consistent with the PPS.

A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019, as amended (the 'Growth Plan')

The Growth Plan provides a framework for implementing the Province's vision for building strong, prosperous communities within the Greater Golden Horseshoe to 2051. The premise of the Growth Plan is building compact, vibrant and complete communities, developing a strong competitive economy, protecting and wisely using natural resources, and optimizing the use of existing and new infrastructure to support growth in a compact and efficient form.

Despite the Subject Lands being within an Intensification area, in proximity to higher order transit facilities and within a Protected Major Transit Station Area ('PMTSA'), the level of intensification proposed is far larger than what the W7SP Draft 3 and TMP envisioned for the area. This Development does not represent integrated planning where infrastructure and land use planning needs to be coordinated (Policy 3.2.1 and 3.2.2).

The Subject Lands and the W7SP area currently exist as a commercial and entertainment destination. The Development proposes less than 2% of the proposed GFA devoted to non-residential uses. Policy 2.2.1.4 and 2.2.4.8 of the Growth Plan supports Development by planning for a diverse mix of uses within an PMTSA and complete communities. VOP

2010 does not have a minimum non-residential GFA component requirement however, Policy 5.1.1.3 and 5.2.3 speak to retail development promoting employment opportunities, which is needed for complete communities and supported within Intensification Areas. Draft 3 of the W7SP requires a minimum non-residential GFA component of 15% and 20% for the Subject Lands.

Based on the above, the Development does not conform to the Growth Plan.

The Provincial Planning Statement 2024 (“PPS 2024”)

The Provincial Planning Statement 2024 (‘PPS 2024’) is a policy statement issued pursuant to section 3 of the *Planning Act* and comes into effect on October 20, 2024. All decisions made on or after October 20, 2024, in respect of the exercise of any authority that affects a planning matter shall be consistent with this policy statement.

At the time of drafting this report, transition provisions to facilitate the introduction of the new PPS 2024 were being considered by the Ministry of Municipal Affairs and Housing, and not yet available. This report therefore includes discussion of, *inter alia*, the Provincial Policy Statement 2020, the Growth Plan for the Greater Golden Horseshoe, 2019, as amended, and the new PPS 2024.

PPS 2024 contains similar policies to PPS 2020 and the Growth Plan as discussed above in terms of requiring a coordinated, integrated and comprehensive approach to planning to ensure that there is sufficient infrastructure, multimodal transportation systems, public service facilities and waste management systems (Policy 6.2.1). The Development proceeding in advance of the W7SP does not provide for a planned and coordinated approach.

In accordance with Policy 2.4.1 b), Strategic Growth Areas Planning authorities should identify the appropriate type and scale of development in strategic growth areas and the transition of built form to adjacent areas. This is carried through from the Growth Plan (2.2.2.3 b) and speaks to the importance of having an appropriate scale and transition to adjacent areas. The Development does not provide for an appropriate transition to the established and stable low-rise area in the northwest. W7SP Draft 3 also contemplates this by providing a transition to the established neighbourhood through the reduction of heights and densities on the northern half of the Subject Lands. W7SP Draft 3 focuses heights and density closer to the intersection of Weston Road and Highway 7 where higher order transit exists.

Based on the above, the Development does not conform to the PPS 2024.

York Region Official Plan 2022 (‘YROP 2022’)

York Region Council adopted the YROP 2022 in June 2022. YROP 2022 was approved, as modified, by the Minister of Municipal Affairs and Housing in November 2022, bringing it into full force and effect. Bill 150 (*Planning Statute Law Amendment Act, 2023*) and Bill 162 (*Get It Done Act, 2024*) later rescinded some of those modifications.

On June 6, 2024, Bill 185 (*Cutting Red Tape to Build More Homes Act, 2024*) ('Bill 185') received Royal Assent which includes amendments to the *Planning Act*. In accordance with the amendments to the *Planning Act* implemented through Bill 185, York Region became a Region without planning responsibilities effective July 1, 2024.

Pursuant to subsection 70.13(2) of the *Planning Act*, YROP 2022 is deemed to constitute an official plan of the City in respect of any area in the City to which it applies and will remain in effect until the City revokes or amends it.

The proposed 11.09 FSI and 2,759 persons and jobs per hectare density are more reflective of densities planned for Regional Centres, including the Vaughan Metropolitan Centre (Policy 4.4.1). Another important planning policy direction for intensification areas is the creation of pedestrian oriented, complete communities. The provision of retail and personal service establishments within close walkable proximity to the development is needed to help reduce the dependence of automobile trips (Policy 4.4.9). The Development is planned to be a mixed-use development however, the non-residential component only represents 2% of the total GFA of the development where the residential GFA is at 98%.

The Development Planning Department is not satisfied that the Development provides for an appropriate density, height and mix of uses as directed by the YROP 2022 to these areas (Policies 2.3 and 4.2.1) and does not provide for an appropriate transition of built form to adjacent areas (Policy 2.3.11) in a manner that complements the existing community, as envisioned by VOP 2010.

The Development proposes a significant increase to the maximum permitted density and does not constitute comprehensive planning as envisioned through the W7SP study process. According to Policy 2.3.2, communities shall be planned in a comprehensive and coordinated manner optimizing infrastructure with a mixed-use pedestrian friendly and transit supportive built form. At the proposed density of 11.09 FSI, the Development exceeds planned growth, which has an impact on infrastructure.

The Subject Lands are suitable for redevelopment and intensification given their location within a Strategic Growth Area and PMTSA however, the scale of the anticipated Development and development opportunity within the W7SP area creates constraints on the required municipal service infrastructure and transportation system (Policies 4.4.10 and 4.4.25). It is important that individual development proposals do not over burden the area through over-development on any one site. Development should be guided by the planning work done in respect of the W7SP to ensure comprehensive planning (Policy 4.4.11).

On this basis, the Development does not conform to the YROP 2022.

York Region Official Plan 2010 ('YROP 2010')

The YROP 2022 replaces the YROP 2010 with respect to applications not deemed to be complete as of the YROP 2022 date of approval (Transition Policy 7.4.13). As the Applications were deemed complete prior to the approval of YROP 2022, the YROP 2010

remains as the in-force Regional Official Plan against which conformity of the Applications is measured.

The YROP 2010 designates the Subject Lands 'Urban Area', located adjacent to the Highway 7 Regional Corridor. The Development does not satisfy Policy 8.3.8 and has the potential to adversely affect Regional planning policies and interests including:

- directly and substantially affect Regional servicing infrastructure, i.e., roads, water and sewer
- substantial changes to Regional capital forecasts
- major application adversely affecting Regional traffic flows

On this basis, the Development does conform to the YROP 2010.

The Development does not conform to the VOP 2010

VOP 2010 sets out the municipality's general planning goals and policies that guide future land use. The Subject Lands are identified in VOP 2010 as follows:

- "Intensification Area - Primary Centre" on Schedule 1 – "Urban Structure" of VOP 2010 with frontage onto a "Regional Transit Priority Network" (Weston Road)
- PMTSA 68 – Weston BRT Station on Schedule 1C – "Protected Major Transit Station Areas" with a minimum density of 250 persons and jobs per ha
- "Mid-Rise Mixed-Use" with no prescribed maximum building height or Floor Space Index ('FSI') by Volume 1
- This designation permits a mid-rise building type identified in VOP 2010 as generally buildings over five storeys in height and up to a maximum of twelve-storeys
- Volume 2, Schedule 14A – "Areas Subject to Secondary Plans" identifies the Subject Lands as being located within the W7SP

Policy 2.2.1.1 of VOP 2010 establishes a hierarchy of Intensification Areas ranging in height and intensity of use with the VMC being the major focus for intensification for a wide range of residential, office, retail, cultural and civic uses. The VMC is planned to be the location of the tallest buildings and most intense concentration of development within the City of Vaughan. 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.

The existing multi-unit commercial plaza abuts the Home Depot loading area to the east. The Development's land use is changing to a more sensitive land use being residential adjacent to the existing commercial use (Home Depot). The driveway and building access would abut the Home Depot's loading area. Policy 9.2.1.12 requires that the existing use will be protected by landscaping, buffering or screening devices and measures to reduce nuisances. A Land Use Compatibility (Air Quality) has not been submitted and it is required to determine if any existing operations in the area would cause an adverse effect on the Development and future residents. Furthermore, a noise report has been submitted by the Owner which has recommended the use of a Class 4 Area Designation; a peer review of this report by an acoustical consultant retained by the City is required before the City can support the recommendation for this designation.

The Development with heights of 41 to 51 storeys and a density of a 11.09 FSI, impacts sun exposure onto the established neighbouring community of low-rise residential dwellings to the northwest of the Subject Lands (Attachment 1). In addition, this is not in keeping with Policy 9.1.2.1 which states that the Development should respect and reinforce the existing and planned context. The existing low-rise residential is outside of the W7SP and will not be redeveloping, therefore appropriate transition is needed. The Development does not conform to the emerging W7SP Draft 3 and is much higher, denser, providing shadow impacts, does not create appropriate transitions, and does not respect or reinforce the planned context (Policy 9.1.2.7).

In addition, the Urban Design Section have identified concerns in accordance with Policy 9.2.3 that have not been successfully addressed and relate to separation distances, setbacks, shadowing, privacy issues, floorplate size, overall coordination with neighbouring properties, management of uses in relation to their impact on the public realm, microclimate, wind, height transition, massing in relation to their impact on the public realm and more.

Development especially in areas where a secondary plan has been identified needs to be coordinated in accordance with Policies 8.1.1 and 10 to ensure that development is coordinated with policies that sequence development in an orderly way, coordinated with the provision of human services, transit and other infrastructure. This Development and the other proposed applications in the W7SP (Attachment 1) cannot achieve this in advance of the completion of the W7SP.

On this basis, the Development does not conform to VOP 2010.

VOP 2010 includes policies regarding the processing of a development application in required Secondary Plan Areas

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 applicant 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."

Policy 10.1.1.9 of VOP 2010 also enables the City to request additional studies in support of a development application it states (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."

A Pre-Consultation Meeting was held on July 11, 2019, whereby City and external review public agency staff identified the submission requirements for the Applications.

The intensity of development proposed by the subject Applications far exceeds the envisioned growth for the Subject Lands in the emerging W7SP. Additionally, when considered with the applications submitted by the other landowners and the existing Centro Square Development as shown on Attachment 1, the proposed combined growth represents 50,850 people for 8 sites whereas, the W7SP Draft 3 estimate 40,750 people for the entirety of the secondary plan area. The proposed population exceeds the planned population by 10,000 people with only approximately 50% of the land area subject to submitted development applications. In addition, the proposed employment (jobs) within the submitted Applications combined including the existing Centro Square represents only 6% of the new population having employment opportunities within the proposed non-residential portions of the buildings (an activity rate of 17 residents: job) whereas, W7SP Draft 3 envisions approximately 34% (an activity rate of 3 residents: job).

The W7SP Draft 3 was presented to Working Session on June 5, 2024

When approved, the W7SP will establish the framework to guide land use, building heights, densities, transportation, urban design and parks and open space, as well as the phasing and the implementation of the Secondary Plan.

Currently the W7SP Draft 3 identifies the Subject Lands as follows:

- Schedule 1 Land Use Designations - “Mixed-Use I” and “Mixed-Use II”, “Mixed-Use I” at the northern end of the Subject Lands abutting Chrislea Road, where a minimum of 15% of the GFA is required to include non-residential uses, and “Mixed-Use II” at the southern end of the Subject Lands abutting Northview Boulevard where 20% of the GFA is required to include non-residential uses
- Schedule 2 Building Height – “High-Rise I” at the northern end and “High-Rise II” at the southern end
 - High-Rise I – The maximum height for High-Rise Building shall be 18-storeys with a maximum FSI of 6 (northern end)
 - High-Rise II – The maximum building height for High-Rise Buildings shall be 32-storeys and a maximum FSI of 7.5 (southern end)
- The City may consider taller buildings within the High-Rise 1 designation up to a maximum of 25-storeys, and within the High-Rise II designation up to a maximum of 45-storeys, subject to the confirmation that there are no undue, adverse impacts on any adjacent properties. No permitted increase in maximum permitted density.
- Schedule 4 Transportation System – identifies an Active Transportation (AT) Link

On June 25, 2024, Council approved the June 5, 2024, Working Session’s recommendation to receive the item and endorse the expansion of the W7SP boundary.

The Development does not conform to the intent of the emerging W7SP Draft 3.

The Development Planning Department does not support the Development as it does not conform to the intent of the emerging W7SP

In consideration of the above, the Development Planning Department recommends refusal of the Development for the reasons outlined above.

Council enacted Zoning By-law 001-2021 on October 20, 2021 as the new Vaughan Comprehensive Zoning By-law ('CZBL')

The Applications were submitted December 23, 2019, and deemed to be complete on July 27, 2020. The Applications have been determined to be transitioned in accordance with Subsection 1.6.3.3.1 and therefore are subject Zoning By-law 1-88 as amended only.

The Owner has appealed the CZBL for the Subject Lands.

The Development Planning Department recommends refusal of Zoning By-law Application File Z.19.039 that is required to permit the Development Zoning (By-law 1-88):

- The Subject Lands are currently zoned “C7 Service Commercial Zone” by Zoning By-law 1-88, subject to site-specific Exception 9(754B).
- This Zone does not permit the Development.
- The Owner proposes to rezone the Subject Lands to RA3 Apartment Residential Zone together with the site-specific zoning exceptions identified in Table 2 on Attachment 8 to permit the Development, as shown in Attachments 2 to 6.

The Development Planning Department does not support the site-specific standards proposed in Table 2 for the Development, as it does not facilitate a development that conforms or meets the intent of the above noted policies.

On this basis, the Development Planning Department recommends refusal of Zoning By-law Amendment File Z.19.039.

Should the OLT approve the Applications, either in whole or in part, a Holding Symbol “(H)” is recommended for the Subject Lands to satisfy the conditions of the City and York Region

Should the OLT approve the Applications, a Holding Symbol “(H)” is recommended to be placed on the proposed zoning for the Subject Lands to address the outstanding issues discussed throughout this report. The Holding Symbol “(H)” shall not be removed from the Subject Lands, or any portion thereof, until the conditions included in the Recommendation section of this report and identified on Attachment 9 are addressed to the satisfaction of the City. A condition to this effect is included in the Recommendations of this report.

Financial Impact

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

Operational Impact

The Environmental Planning Section of the PPS Department has no objections to the Development

PPSP, Environmental Planning staff have reviewed the Applications, and do not have an interest in this application as there are no natural heritage features on the Subject Lands.

The Development Engineering ('DE') Department does not support the Development however, provided conditions of approval should the OLT approve the Applications

The DE Department has provided the following comments, should the OLT approve the Applications, in whole or in part, a number of holding conditions related to the approval have been included below and consolidated in Attachment 9:

Water Servicing

The Subject Lands are situated within Pressure Districts 6 ('PD 6') of the York Water Supply System. The Subject Lands are proposed to be serviced through connections to the city watermains on Chrislea Road, Northview Boulevard and Weston Road.

The City had initiated a city-wide municipal servicing master plan update entitled Integrated Urban Water Master Plan ('IUW-MP'). The Study had assessed the existing and planned municipal servicing systems (water, wastewater, stormwater) to support the City's Official Plan review ('OPR'). A Functional Servicing Strategy Report ('FSSR') for the W7SP Area was done through the master plan update. Water servicing shall conform to the conclusions and recommendations of the IUW-MP and FSSR.

Sanitary Servicing

The IUW-MP had assessed the existing and planned municipal servicing systems (water, wastewater, stormwater) to support the City's OPR. The FSSR for the W7SP Area was done through the master plan update.

The Subject Lands are proposed to be serviced through connections to the municipal sanitary sewers on Chrislea Road and Weston Road. The existing peak sanitary flow of the existing 1-storey commercial building is estimated to be 3.16 L/s. The proposed development will result in an increase in sanitary flow of 75.75 L/s to the 525 mm diameter sanitary sewer on Weston Road. The FSSR for the W7SP area shows that the downstream sewers require upgrades under ultimate built-out conditions.

The Scoped MESP & Functional Servicing and Storm Water Management Report submitted as part of the Applications states that the Subject Lands and the future W7SP intensification can be accommodated by the existing municipal sanitary sewer infrastructure, without the need for external upgrades or retrofits to the sanitary sewer system. This report contradicts the findings of the IUW-MP and FSSR. Sanitary servicing shall conform to the conclusions and recommendations of the IUW-MP and FSSR.

Storm Servicing

The Subject Lands are proposed to be serviced by storm service connection to the municipal storm sewer on Northview Boulevard. Quality and quantity controls are proposed to be provided on-site. The submitted Scoped MESP & Functional Servicing and Storm Water Management Report describes that due to the urban infill nature of the Development water balance is not possible, and the first 5 mm of rainfall events will be captured and retained on site for reuse.

Storm servicing shall conform to the conclusions and recommendations of the IUW-MP and FSSR.

Lot Grading

The grading, erosion and sediment control design drawings were submitted in support of the Subject Lands. The drawings should reflect upon all the special structures and property required necessary to service the Subject Lands. The Owner shall inform the City of any operation and maintenance obligations for future municipal or private infrastructure including retaining walls, soil stability requirements or other proposed structures necessary to facilitate the development of the Subject Lands. A detailed evaluation of the grading design and erosion and sediment control measures will be conducted when the detailed drawings are submitted for the City's review.

Servicing Allocation

Should the OLT approve the Applications in whole or in part, the City requires a Holding Symbol ("H") on the Zoning for the Development.

THAT the Holding Symbol ("H") shall not be removed from the Subject Lands, or any portion (phase) thereof, until the following condition(s) are satisfied:

- 1) Vaughan Council adopts a resolution allocating sewage and water supply capacity in accordance with the City's approved Servicing Capacity Distribution Policy assigning capacity to the subject lands.

Noise Analysis

A preliminary Noise Feasibility Assessment was provided for the Development. This report addressed transportation noise only, stationary noise sources were not included.

A Noise and Vibration Impact Study ('NVIS'), prepared by RWDI, dated August 28, 2023, was provided with File DA.24.017. DE noted that this NVIS recommended that a Class 4 Area designation be obtained for this Development. To support a Class 4 Area Designation, a Peer Review of this report will be required. The Owner has been requested to submit an \$8,000 deposit for professional fees and City of Vaughan administration to complete a third-party peer review of the study to support the recommendation for the classification of the site as a Class 4 Area. This payment has yet to be received. To this effect, a Holding Symbol '(H)' condition related to the completion of a Peer Review to support the proposed Class 4 Area designation, shall apply to the captioned amending Zoning By-Law.

Environmental Site Assessment ('ESA')

Phase One and Phase Two ESA studies were submitted in the first circulation in support of the Applications. DE did not have any further comment on the submitted studies at that time.

DE noted that a Letter of Reliance for the Phase One and Two ESA reports, to be provided by Toronto Inspection Ltd. ('TIL'), the environmental consultant, is required. To this effect, a Holding Symbol '(H)' related to the provision of the requested Letter of Reliance.

It should be noted that the original Phase One and Phase Two ESA reports are now approximately five years old. To complete the aforementioned RSC filing, updated ESA reports will be required by the MECP. Upon completion, copies of these updated reports are requested by DE for review, and a Letter of Reliance for these additional reports will also be required at that time.

Air Quality Assessment

Air Quality Assessment has not been submitted. An Air Quality Land Use Compatibility Study is required to determine if any existing industrial/commercial operations in the vicinity would pose an adverse effect on the proposed residential development.

Subject to the findings of the Air Quality Land Use Compatibility Study, a Detailed Air Quality Impact Assessment may be required at site development application stage. At the site development application stage, applicable recommendations on air quality mitigation measures shall be incorporated into the final site plan and architectural plans; implementation of the mitigation measures as per approved final Air Quality Assessment and Mitigation Study shall be specified in site plan agreement conditions.

In the absence of an Air Quality Assessment, it is undetermined whether the Development is compatible with its surrounding environment. Should the OLT approve the Applications, a Holding Symbol '(H)' related to the provision of a Land Use Compatibility (Air Quality) Report be included in the zoning by-law to the satisfaction of the City. Subject to the findings of this report, a Detailed Air Quality Impact Assessment may be required.

Transportation Engineering ('TE')

TE has reviewed the Transportation Study Impact Study (TIS) and Addendum, as well as the submitted architectural drawings, in support of the Applications. TE is awaiting the completion of the W7SP which is expected to have implications to the Development involving transportation network improvements, active transportation facilities, parking, and TDM. At this time, staff understand from the results of the Weston 7 Transportation Master Plan (TMP) and the TIS and Addendum provided by the Owner that there will be notable transportation constraints throughout the W7SP area under the study's horizon. It is further understood that the Development density is significantly higher than that assumed as part of the TMP, with noteworthy constraints observed based on the TMP density as well.

Overall, it is the expectation of TE that the Application proposes a density which is not aligned with the W7SP and will lead to significant constraint through the network which may not be sufficiently mitigated by transportation improvements. Staff anticipate that to ensure the emerging transportation recommendations of the Secondary Plan can accommodate the proposal and other developments in the W7SP area, that either the density of the proposal will need to be reduced, or more aggressive traffic management

measure will need to be explored, including more aggressive parking maximums and TDM measures.

While the W7SP is currently in draft form, ultimately the Development as proposed is not aligned with the emerging policies of the W7SP and the TMP. The Development should be revised to ensure compliance with the draft W7SP and TMP. Given the draft state of the Secondary Plan, detailed and technical advisory comments were provided to the Owner to assist with revising the proposal to more closely align with the emerging policies of the W7SP.

Other concerns by TE related to the proposal involve the relationship of the Subject Lands to the neighboring existing Home Depot site and compatibility with the policies and planned transportation network within the W7SP. The Development has not demonstrated how the existing Home Depot operations can be satisfactorily maintained, while ensuring operations of the Development and its future residents can access the site reliably and safely.

The Parks Infrastructure Planning and Development ('PIPD') Department does not support the Development

The W7SP has not been finalized nor approved. As an approved final W7SP is not in place, the provision, size and location of parkland along with distribution of outdoor recreational facilities has not been determined and remains outstanding.

The W7SP area has a limited amount of parkland dedication, and larger park parcels within the area should be prioritized for parkland dedication and credit. The POPS is not intended to function as a public park block, and the design does not comply with Policies 7.3.2.4, 7.3.2.5, 7.3.2.6, and 7.3.2.8 of VOP 2010. PIPD do not recommend the POPS be considered as primary priority to receive parkland credit. PIPD staff recommend seeking payment-in-lieu of parkland for the Development, which will support public parkland acquisitions that will contribute to park programming needs for this community. PIPD defers to urban design staff for the design of the currently proposed space.

PIPD recommend to Council that parkland credit not be used for the proposed POPS, since it currently does not meet the design criteria for parks outlined in VOP 2010. A condition to this effect is included the recommendation section of this report.

Cash-in-Lieu of the dedication of parkland is required

For high-density residential development, the Owner shall, prior to the issuance of a Building Permit, convey land at the rate of 1 ha per 600 net residential units and/or pay to Vaughan by way of certified cheque, cash-in-lieu of the dedication of parkland at the rate of 1 ha per 1000 net residential units, or at a fixed unit rate, at Vaughan's discretion, in accordance with the *Planning Act* and the City of Vaughan Parkland Dedication By-law. Notwithstanding the above, such parkland contribution—whether in the form of parkland conveyance or cash-in-lieu as determined by the City—shall be subject to a cap of (i) 10% of the Lands or value of the Lands if the Lands are 5 ha or less; or (ii) 15% of the Lands or value of the Lands if the Lands are greater than 5 ha.”

Community Benefits Charge ('CBC') is applicable and will be collected at Building Permit Stage

The Development meets the criteria for CBC being 5 or more storeys and 10 or more units. The City passed the CBC By-law on September 14, 2022, which is therefore the applicable mechanism used to collect community benefits

City Departments, external agencies and various utilities provided comments or have no objections to the Development

The Development Finance Department, Forestry division, Alectra, Rogers, Bombardier, Nav Canada, Enbridge and Canada Post have no objections to the Development, subject to comments being addressed through the related Site Development Application File DA.24.017.

The By-law & Compliance, Licensing & Permit Services Department, Financial Services, Cultural Heritage, Rogers and Emergency Planning, have no objections.

Broader Regional Impacts/Considerations

Regional Municipality of York's ('York Region') interest and comments

As discussed above, York Region became an upper-tier municipality without planning responsibilities on July 1, 2024. York Region's official plan in effect on that date is deemed to constitute an official plan of the City of Vaughan, in respect of the portions that apply to Vaughan. Analysis and discussion of the York Region official plan policies as they apply to the Development, are above.

York Region indicated that they do not have any comments on the Zoning By-law Amendment Application.

York Region is a party to the OLT hearing.

Should the Applications be approved by the OLT, York Region will review the related Site Development Application DA.24.017 with respect to matters of regional interest. A condition to this effect has been included in Attachment 9.

Toronto and Region Conservation Authority ('TRCA') has no concerns

The Subject Lands are not located within TRCA's Regulated Area. As such, any site alternation or development on the Subject Lands would not require a permit. TRCA's Planning and Regulatory policy interests are not impacted. TRCA has no comments or requirements.

York Catholic District School Board ('YCDSB') considers the Development premature

Until such time that the W7SP has been completed, and a preferred land use plan, including population projections, is available, the Development is premature for YCDSB to provide comments on site specific development proposals within the W7SP.

York Region District School Board ('YRDSB') also considers the Development premature

YRDSB has identified the need for a minimum of two elementary school sites and potentially three within W7SP, and has identified a conceptual school site location northeast of the intersection of Weston Road and Highway 7 within W7SP. The precise location of the school site is to be determined through W7SP and the following planning process.

Without completion of the W7SP to understand the proposed density/unit mix associated in the W7SP area, it is premature to provide formal comments or conditions of approval as review of student accommodation requirements cannot be undertaken.

Processing of the Applications should not proceed prior to the completion of the W7SP to determine land use within the entirety of the W7SP including the designation of a school site to the satisfaction of YRDSB to ensure the provision of adequate pupil accommodation.

The Ministry of Transportation ('MTO') has concerns

The Highway 400 and Highway 7 ramp is quite congested, MTO have serious concerns with the future ramp operation and traffic queuing back to the highway with all the upcoming new development proposed.

Conclusion

The Development Planning Department is not satisfied that the Applications are consistent with the PPS 2020, PPS 2024, conforms to the Growth Plan, YROP 2022, YROP 2010, VOP 2010 and the intent of the W7SP Draft 3, and is not appropriate for the development of the Subject Lands. The Development Planning Department does not consider the Development to be appropriate in advance of the W7SP as comprehensive planning is needed to deliver the required municipal service infrastructure and transportation system capacity. The proposed density, height and non-residential GFA does not conform to the intent of the emerging W7SP. Accordingly, the Development Planning Department recommends refusal of the Applications.

Should the OLT approve the Applications, either in whole or in part, it is recommended that the OLT withhold its final Decision and Order until the conditions shown on Attachment 9 have been fulfilled to the satisfaction of the City.

For more information, please contact Margaret Holyday, Senior Planner, at extension 8216.

Attachments

1. Location Map and Weston 7 Secondary Plan.
2. Site Plan and Proposed Zoning.
3. Landscape Plan.
4. Building Elevations – South and West.
5. Building Elevations – North and East.
6. Rendering.

7. Official Plan Amendment Table 1.
8. Zoning By-law 1-88 Table 2.
9. Conditions of Approval.

Prepared by

Margaret Holyday, Senior Planner, ext. 8216.

Carmela Marrelli, Senior Manager of Development Planning, ext. 8791.

Nancy Tuckett, Director of Development Planning, ext. 8529.