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Communication

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Item No. 4

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Dear Lina Alhabash and Alannah Slattery:

**RE: Submission Letter: Draft #2 Weston 7 Secondary Plan
Subject Lands: 3940 Highway 7
OUR FILE Y329T**

On behalf of CP REIT Ontario Properties Limited (Choice), owners of land at 3940 Highway 7 (the "Subject Lands"), MacNaughton Hermsen Britton Clarkson (MHBC) is submitting this letter in response to the release of Draft #2 Weston 7 Secondary Plan ("W7SP").

The Subject Lands are approximately 3.62 ha in area, contain a grocery store, and are generally located at the northeast corner of Highway 7 and Ansley Grove Road. Within the Draft #2 W7SP, the Subject Lands are designated as Mixed Use II, have mid- and high-rise 1 building heights between 3 and 18 storeys, and conceptually/symbolically show that an Urban Square, a Promenade and a new local road.

On September 12, 2023, we provided our comments and policy recommendations to the City of Vaughan regarding Draft #1 W7SP. We appreciate that several of our comments/recommendations were addressed through the Draft #2 W7SP policies and include the following:

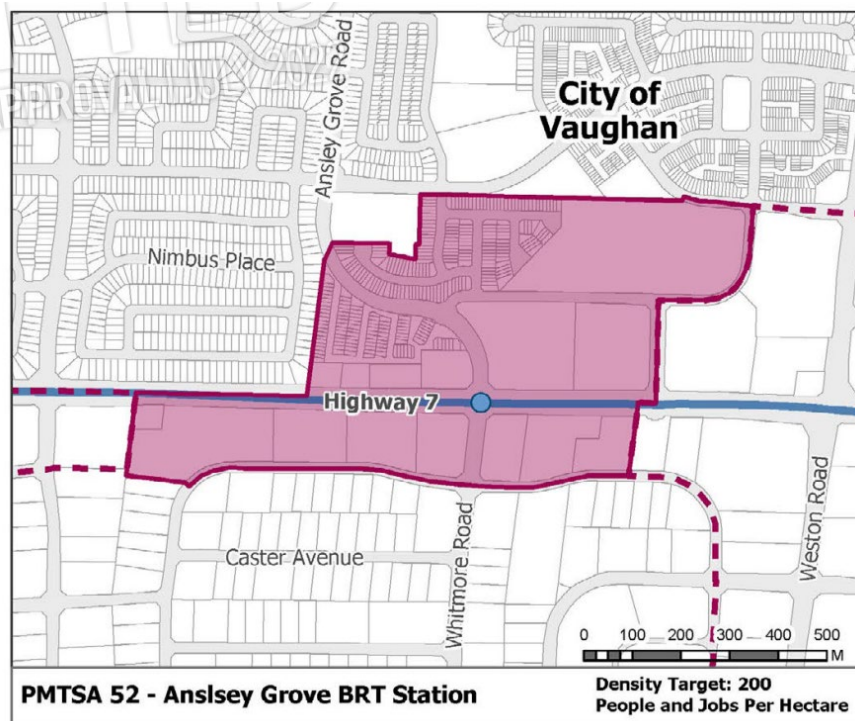
- Permission to add extensions to existing buildings in section 8.1.5.a, that have expanded this permission from accessory building alone;
- Deletion of the qualitative performance criteria of Draft #1 W7SP, s.5.3.3.f;
- Deletion of 40% tree canopy requirement (Draft #1 W7SP, s.6.2.2.c.iii) and replaced with requirement for, trees, shrubs and groundcover;
- Deletion of Connecting Link/Courtyard, and 6 m wide links (s.6.3.2.b.iii);
- Deletion of policies regarding the Committee of Adjustment, Community Benefits Charges By-law and Community Improvement under section 8.1.7 Other Planning Tools, now section 8.1.7 (previously section 8.1.10); and,
- Deletion of a north-south new local road on the Subject Lands.

Draft #2 W7SP: Policy Comments & Recommendations

Based on our comments submitted on September 12, 2023, we provide the following comments and policy recommendations based on matters that remain of concern.

1. Major Transit Station Areas (MTSA) Delineated Boundaries

While Draft #2 now acknowledges that portions of the W7SP area are within York Region's Official Plan's ("YROP") delineated MTSA boundaries, such as the Subject Lands being within PMTSA 52 – Ansley Grove BRT Station Area (YROP, Appendix 2) as shown below, the Planning Act, s.16(16) provides direction for upper-tiers to delineate these areas, while the Planning Act, s.27(1) requires that lower-tier official plans conform to upper-tier official plans.



Section 4.4 Intensification of the YROP indicates that these boundaries are to be identified and designated within Secondary Plans. The Region includes the low-density residential housing located to the northwest of the Subject Lands within this PMTSA. This low-density residential area fronts onto Pinedale Gate to the west, Tumbleweed Court and Lento Court to the north, Opera Place to the east and Windflower Gate and represents approximately 10 ha (25 ac) in area. The exclusion of this area affects built form and the requirement of transitioning building heights to pre-existing low-density forms in context of a requirement for intensification of lands within PMTSAs.

Recommend:

That the Draft #2 W7SP include all the YROP's delineated MTSA lands within the Weston 7 Secondary Plan to bring it into conformity with the upper-tier official plan. In context of the recent decision by the Province to reconsider its approval of upper-tier official plans in the past year, then the City of Vaughan should delay approval of the Draft #2 W7SP until such time as the YROP PMTSA delineated boundaries are confirmed and approved by the Province.

That if the YROP's PMTSA delineated boundaries are not adhered to through Draft #2 W7SP, then at minimum, the complete area of the Subject Lands should be included in the Schedules of the W7SP as previously included in the Draft #1 mapping.

2. Existing Uses / Land Uses Prohibited in All Land Use Designations

While it is appreciated that policy 8.1.5.a was amended to include the permission to extend an existing building, the concern remains two-fold. One, that existing 'may be' recognized through a zoning category within a Zoning By-law, rather than 'shall be'. And second, that policy 4.1.2 'Land Uses Prohibited in All Land Use Designations' would signify that such a zone category would not be in conformity with the Official Plan/Secondary Plan policy.

Recommend:

Adding a new policy as follows:

4.1.2.c *Notwithstanding policies 4.1.2.a and 4.1.2.b, the uses described in policy 4.1.2.a shall be permitted in legally existing buildings and uses as of the date of adoption of this Plan in the Mixed Use I and Mixed Use II designations and shall be recognized in the appropriate zoning category in the Zoning By-law. (Refer to s.8.1.9.a of this Plan).*

3. Public Realm Network

Draft #2, W7SP, s.6.2.2.a.i Urban Park Spaces, maintains that all parks are to be accessible to the public for a minimum of 14 hours per day, unless otherwise established through required legal agreements. Urban Park Spaces will include adequate signage that indicates when they are open and accessible to the public. It is noted that Draft #2 W7SP, s.8.1.7.g states that 'private' parks may be seen as contributions to parkland dedication on a site by site basis:

8.1.7.g *The City shall accept Strata Parks as contributions to the required parkland dedication on a site by site basis, subject to appropriate legal agreements, to the satisfaction of the City. The City shall also accept Privately Owned Public Spaces (POPS) as contributions to the required parkland dedication on a site by site basis*

Urban Park Spaces should then be considered as parkland dedication on a site-by-site basis, or they remain as private lands without public access. The legislation and liability of landowners to have publicly-accessible lands should be a consideration prior to such broad and vague policies being incorporated.

Recommend:

Delete policy 6.2.2.a.i as parkland is dedicated to the City of Vaughan and is not held as private land to be maintained by private landowners, nor are public washrooms. If the intent is for landowners to maintain ownership of lands, then the City should accept cash-in-lieu of parks if the City has no intent to own and maintain public park space.

As the Planning Act regulates parkland dedication and specifically utilizes the phrase 'not exceeding' certain percentage requirements of land conveyances, Schedule 3 Public Realm Network, should be removed given that these are considered symbolic and conceptual. In particular for the Subject Lands, the current Schedule 3 indicates that 25% of the Subject Lands are to be an Urban Park Space with additional lands for a Promenade. This is conceptually an excessive depiction.

4. Parking Requirements

As the current existing use and building of the Subject Lands will continue, the requirement for structured parking for low- to high-rise buildings in the short-term is not achievable where development transitions from lower to higher densities.

Recommend:

Addition of a policy to s.7.1.5 that permits reduction in surface parking requirements for new developments on existing commercial use sites that will incrementally develop over time.

5. Municipal Infrastructure / Flood Plain Spill Area

As noted in the previous submission, s.7.2.2.a indicates that phasing of development will be coordinated with the phasing of municipal water/sanitary services. The Draft #2 W7SP, similar to Draft #1, has not undertaken the coordination of the City's ten-year capital planning for infrastructure with the phasing of development of the lands within the secondary plan.

As noted by WSP, Watson & Associates and SHS Consulting, in the report titled, "City of Vaughan Official Plan Review: Residential Needs, Intensification, and Housing Needs Strategy: Background Paper" (April 2023):

As identified in the YROP, the City should consider developing phasing policies and/or plans that sequence development in these nodes in an orderly way, coordinated with water, wastewater, and transportation capacity, residential/non-residential development thresholds, the provision of human services, community facilities, and other infrastructure. Furthermore, the Region and the City should identify infrastructure projects and investments that can unlock or remove barriers to achieve forecast growth potential in SGAs and other priority growth areas.

The Draft #2 W7SP has added a new section 5.4 Flood Plain Spill Area Overlay but no mapping to indicate this overlay area. The City of Vaughan should clarify the roles and responsibilities regarding Stormwater Management. It appears that the Conservation Authority is now responsible for stormwater management within the urban area, and that individual landowners will be responsible for assessing flood waters on a site-specific basis rather than the City of Vaughan. It is unclear why such an Overlay policy section is included, given that the Black Creek tributary is located on the east side of Provincial Highway 400.

6. Inclusionary Zoning

As noted in point #1 above regarding Major Transit Station Areas, it is unclear as to whether or not an Inclusionary Zoning By-law may be applicable to only a 'portion' of a delineated MTSA area as the Draft #2 W7SP area is not inclusive of York Region's delineated boundary for the Ansley Grove PMTSA.

As noted in our September, 2023 submission, the following summarizes our recommendations to amend the Draft #1 W7SP:

- Provide minimum density growth targets rather than maximums in the PMTSA;
- Bring the Weston 7 Secondary Plan area boundary into conformity with the delineated York Region PMTSA 52 boundary;

- As a permitted, and existing, stand-alone non-residential building, add 'notwithstanding' policy to the Prohibited uses section to permit the continued use as a low-rise building with permissions for additions and expansions;
- The park space policies should align with the requirements of the Planning Act and the City's Parks Master Plan.
- Delete Schedule 3 Pedestrian Realm Network as the policy indicates that the large-scale Urban Squares and Promenades are symbolic and conceptual and allow development applicants the ability to interpret and apply public realm policies on a site- or block-specific basis
- Introduce policies that permit reduced parking standards for all uses;
- Add policies that provide for incremental redevelopment of existing, built lots (e.g. Phasing of development);
- Ascertain the five or ten year capital planning forecast of the City's Public Works Department to further determine phasing of development.

CONCLUSION

We appreciate the opportunity to provide our comments and recommendations. While Choice REIT agrees with the vision for a mixed-use community concept, we maintain that the Draft W7SP should provide greater emphasis to transition and incremental change, rather than a concept best suited to greenlands.

We look forward to working with the City of Vaughan, to address our concerns as noted above, and would be happy to have a meeting to discuss our concerns.

Yours truly,

MHBC



Oz Kemal, BES, MCIP, RPP
Partner

cc. L. Nikolovski