

June 3, 2025

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

City of Vaughan Committee of the Whole
c/o Todd Coles, City Clerk
Office of the City Clerk
2141 Major Mackenzie Drive
Vaughan, ON L6A 1T1

C135.

Communication

CW(PM) – June 4, 2025

Item No. 10

His Worship Mayor Del Duca and Councillors:

**Re: COW Public Meeting June 4, 2025 Item 4.10
Draft New Vaughan Official Plan 2025
City File PL-9550-16
Comments of Eastwood Holdings Corp.**

We are counsel to Eastwood Holdings Corp. (“**Eastwood**”), the owner of lands located on the east side of Jane Street, north of Rutherford Road, municipally known as 9291 Jane Street (the “**Subject Site**”).

We are writing to provide Eastwood’s comment on the May 2025 draft of the new Vaughan Official Plan 2025 (the “**Draft OP**”). In summary, Eastwood believes that the “Transitional Mid-Rise Mixed-Use” designation proposed for the Subject Site is not appropriate given the permissions contemplated for that designation in the Draft OP and requests that the lands instead be designated “Non-Residential Mixed-Use”.

Background

In 2005, the former Ontario Municipal Board approved Official Plan Amendment No. 626 which redesignated the Subject Site and the lands to the south as “High Density Residential/Commercial”. At the same time, Zoning By-law 277-2005 was approved for the lands which rezoned the Subject Site to C1 Restricted Commercial Zone, permitting a variety of commercial uses including various retail, hotel, office and entertainment uses. The southern portion of the lands have been developed in accordance with those approvals with four high-rise residential buildings known as the Bellaria Residences, and the Subject Site was originally intended as a second phase of development for commercial uses.

On March 15, 2023, following a lengthy and complex hearing, the Ontario Land Tribunal (“**Tribunal**”) issued a decision (the “**Decision**”) respecting Eastwood’s appeals of the Vaughan Official Plan, 2010 (“**VOP 2010**”) and its applications for Official Plan and Zoning

By-law Amendments for the Subject Site. The designation for the Subject Site was one of the key issues in the hearing. The Decision dismissed Eastwood's appeals and ordered the approval of the VOP 2010 as it applied to the Subject Site with a land use designation of "Community Commercial Mixed-Use".

In Intensification Areas, such as the Subject Site, the Community Commercial Mixed-Use designation in the VOP 2010 permits office uses, hotels, retail uses, and cultural and entertainment uses, as well as those uses permitted in all designations, which include schools, parks, small-scale community facilities, day-cares and public safety services.

Draft OP Review

Designation of the Subject Site

In the January 2025 version of the draft Official Plan, the Subject Site was proposed to be designated "Transitional Mid-Rise Mixed-Use"; however, the permitted uses proposed at that time were similar to those in the current Community Commercial Mixed-Use designation with the addition of residential uses. At that time, the draft policies permitted those uses within the Mid-Rise Mixed-Use designation, which included residential units, community facilities, cultural uses, retail uses, office uses and hotels. Eastwood was satisfied with the proposed designation and uses identified in the January 2025 draft and accordingly, did not provide any comments.

In the May 2025 Draft OP, the Transitional Mid-Rise Mixed-Use designation remains on the Subject Site, but the applicable policies have changed significantly, and nearly all permitted uses have been removed from this designation. Pursuant to policy 3.2.2.4 of the Draft OP, the only permitted uses in the Transitional Mid-Rise Mixed-Use designation are lawfully existing uses as of the effective date of the Plan and potentially, industrial, manufacturing and small-scale warehousing uses that could be located adjacent to sensitive land uses without adverse effects in accordance with policy 4.2.2.3.

The Subject Site is currently vacant. Under the proposed Transitional Mid-Rise Mixed-Use designation and policies in the Draft OP, the site would effectively be sterilized as there are no existing uses. Even if the requirements in policy 4.2.2.3 could be met with the close proximity of the Bellaria residential buildings, Eastwood does not believe that the Subject Site is an appropriate location for industrial and manufacturing uses, as it is outside an employment area, adjacent to existing residential development and along an intensification corridor.

The proposed Transitional Mid-Rise Mixed-Use designation appears to be a sort of holding designation meant to apply to lands where future development is anticipated but it is unknown what type of development that should be. These circumstances do not apply to the Subject Site, as it has long been designated for commercial uses, which were recently confirmed to be appropriate through the Eastwood appeals. The sterilization of

the Subject Site proposed in the Draft OP contradicts the Tribunal Decision and is not appropriate. There is no legitimate planning reason why the use permissions approved by the Tribunal should be stripped away and City staff have not provided any rationale or justification for same.

To properly reflect the Tribunal Decision and the long-standing permissions on the Subject Site, Eastwood requests that the Draft OP be modified to instead designate the Subject Site as “Non-Residential Mixed-Use”. The permitted uses in the Non-Residential Mixed-Use designation are consistent with those in the current Community Commercial Mixed-Use designation, including office uses, hotels, cultural and entertainment uses and retail uses.

Retail Use Size Restrictions

If the Non-Residential Mixed-Use designation is applied to the Subject Site as requested, it is Eastwood’s view that the proposed size restriction on retail uses is inappropriate and should be removed. Proposed policy 3.2.2.6(f) provides that retail uses are permitted provided that no retail unit shall exceed a GFA of 3,500 square metres. It is unclear why this size limitation has been proposed. The retail sector is experiencing unprecedented challenges as it continues to recover from the COVID-19 pandemic and respond to the economic uncertainty created by the U.S. trade tariffs. The imposition of size restrictions on retail uses would remove flexibility that is needed to support growth and ensure economic recovery in this sector.

It is worth noting that the Subject Site does not align perfectly with the intention that the Non-Residential Mixed-Use designation is meant to apply to areas adjacent to Employment Areas. Although the Subject Site abuts the terminus of the CN pullback track which is designated as an Employment Area, the surrounding lands to the south, west and north beyond the pullback track are proposed to be designated High-Rise Residential, Mid-Rise Mixed-Use and Low-Rise Mixed-Use, respectively. The surrounding mixed-use designations do not include any size restrictions on retail uses and the current Community Commercial Mixed-Use designation applicable to the Subject Site does not include any restrictions on the size of retail uses, unless the use would constitute Major Retail (i.e. greater than 10,000 square metres). There is no reason why retail uses on the Subject Site should be treated any differently than those on the surrounding lands.

Accordingly, even if the City deems it appropriate to maintain retail size restrictions for the Non-Residential Mixed-Use lands adjacent to the larger, more traditional Employment Areas, the unique circumstances dictate that an exception from the size restrictions should be applied to the Subject Site.

Conclusion

Thank you for your consideration of Eastwood's comments on the Draft OP. Eastwood would be pleased to meet with City staff to further discuss the appropriate designation and use permissions for the Subject Site in the new Official Plan.

Given the long planning history associated with the Subject Site, it is imperative that the City's new Official Plan properly recognize the permissions that have already been established by the Tribunal. Removing these long-standing permissions and sterilizing lands that are within a Strategic Growth Area, Local Corridor and future MTSA and rapid transit corridor does not align with the City's growth objectives and is not good planning.

Please provide us with notice of any future reports, meetings or decisions of Council or its Committees respecting this matter.

Yours truly,
DAVIES HOWE LLP



Meaghan McDermid (she/her)

copy: Client