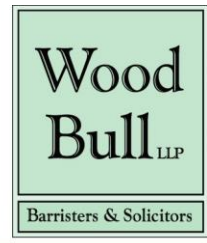


**COMMUNICATION – C4
ITEM 1
Committee of the Whole (Public Meeting)
October 29, 2020**



MUNICIPAL, PLANNING & DEVELOPMENT LAW

13 October 2020

Sent via E-mail (Brandon.Correia@vaughan.ca / clerks@vaughan.ca)

Brandon Correia
Manager of Special Projects, Planning and
Growth Management Portfolio
City of Vaughan
2141 Major Mackenzie Drive
Vaughan, ON L6A 1T1

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

Dear Mr. Correia:

**Re: City of Vaughan Comprehensive Zoning By-law Review
Comments on Behalf of Morguard Investments Limited
Woodbridge Square, 7600 Weston Road**

We represent Morguard Investments Limited, the operator and co-owner of the lands municipally known as 7600 Weston Road in the City of Vaughan (“**Woodbridge Square**”). The subject site is owned by Dev-West Properties Inc..

Woodbridge Square is located on the southwest corner of Weston Road and Highway 7. Presently, the site is occupied by a low-rise retail plaza and associated surface parking. The site is designated *High-Rise Mixed-Use* in the 2010 City of Vaughan Official Plan (the “**VOP 2010**”), which permits a mix of residential, commercial and office uses in mid- and high-rise built forms.

Currently, Woodbridge Square is zoned *C5 Community Commercial Zone* and subject to exception 9(720) in Zoning By-law 1-88 (the “**current ZBL**”). The C5 Zone permits a range of commercial uses as well as office buildings. Exception 9(720) permits a retail warehouse and hotel as additional permitted uses, and modifies some of the applicable zoning standards for the site including exterior side yard, landscape strip and parking requirements.

We understand that the City is undertaking a city-wide comprehensive review of the current ZBL in order to implement, reflect, and conform with the VOP 2010. On behalf of our client, we have reviewed the draft of the city-wide comprehensive zoning by-law released September 2020 (the “**proposed ZBL**”) and write to identify concerns with the draft in advance of the public open house taking place on 14 October 2020.

Johanna R. Shapira Direct: (416) 203-5631 jshapira@woodbull.ca

65 Queen Street West Suite 1400 Toronto Ontario M5H 2M5 T (416) 203-7160 F (416) 203-8324 www.woodbull.ca

Submissions

The proposed ZBL rezones Woodbridge Square from *Community Commercial* to *General Mixed Use (GMU)*, *Exception 443*.

Proposed Zone Category

1. Upon review of the proposed list of Mixed-Use Zones under the proposed ZBL, and given the approved land use designation *High-Rise Mixed-Use* under VOP 2010, Morguard believes a site-specific *High-Rise Mixed-Use Zone (HMU)* would be more appropriate for Woodbridge Square than the proposed GMU zone. In particular, the HMU zone would align with the intent of the *High-Rise Mixed-Use* VOP 2010 designation and grant residential use permissions in an area identified for intensification of a mix of commercial, office, and residential uses.

Morguard seeks modifications to the proposed ZBL to amend the proposed zone from a site-specific GMU zone to a site-specific HMU zone.

In addition, Morguard has some site-specific concerns, as follows.

Permitted Uses

2. Woodbridge Square currently enjoys permissions for a retail warehouse pursuant to exception 9(720). The term “retail warehouse” is not included in the proposed ZBL and is therefore not listed as a permitted use in either the GMU zone or the proposed site specific exception.

While “retail” is a permitted use in the proposed GMU zone, its definition being “*premises where goods, wares, merchandise, substances, articles, or things are offered and kept for sale direction to the public*”, does not capture all of the conditions captured by “retail warehouse,” which is defined in the current ZBL as follows:

Means a building or part of a building in which goods and merchandise are displayed, stored and sold in a warehouse format. A warehouse format means a configuration where there is the integrated display, storage and sale of goods and merchandise, or a showroom with an associated warehouse component. A retail warehouse shall have a minimum gross floor area of 300 sq.m., except for a retail warehouse devoted primarily to the sale of prescription drugs, pharmaceuticals and health and beauty aids which shall have a minimum gross floor area of 1,500 sq.m.. A retail warehouse shall not include a gross floor area greater than 1,000 sq.m devoted, in the aggregate, to the storage, display and sale of food products. For greater clarity, a retail warehouse is not a supermarket or flea market.’

Morguard seeks modifications to the proposed ZBL to confirm that retail warehouses will continue to be permitted on the Woodbridge Square site, as such permissions safeguard the unique and extensively utilized services that make up this established retail node for the greater community, patrons and longstanding tenants.

3. The proposed ZBL employs more ambiguous language than the current ZBL in its description of certain uses that are critical to the operations and services at Woodbridge Square. In particular, where the current ZBL lists specific uses and terms such as “pharmacies,” “LCBO Outlet” and “Brewers Retail Outlet,” the proposed ZBL lists only “clinic,” “retail,” and “supermarket.”

Morguard seeks modifications to the proposed ZBL to ensure that the specific uses identified in the current ZBL are preserved and included within the ambit of their respective definitions.

4. The proposed ZBL does not include a “shopping centre” as a permitted use in the GMU zone and is not permitted on the Woodbridge Square site, whereas the current ZBL permits individual commercial uses only if “*they are carried on entirely within a shopping centre*”. This language is omitted in the proposed ZBL.

The proposed ZBL defines the term “shopping centre” as “*premises consisting of a building or group of buildings that are managed as a unit by a single owner or tenant, or by a group of owners or tenants, and contain at least three commercial units*”. In the current ZBL, the term “*means a building or a unified group of buildings on a lot designed, developed and managed as a single operating unit for which parking is provided in common off-street areas, as opposed to a business area comprising unrelated individual commercial establishments*”. The existing buildings at Woodbridge Square would fall into these definitions.

Morguard seeks modifications to the proposed ZBL to clarify that a shopping centre is a permitted use on the Woodbridge Square site.

In this regard, we note that shopping centres are proposed to be permitted in four of six other Mixed Use Zones (LMU, MMU, HMU, CMU). If the zone for Woodbridge Square is amended from GMU to HMU as described in the first comment of this submission, that would also satisfy this concern respecting a shopping centre use, subject to the removal of size limits as requested in comment #5 below. If Woodbridge Square continues to be zoned GMU and shopping centres continue to not be permitted in the GMU zone, Morguard seeks to confirm that Woodbridge Square retains shopping centres on a site-specific basis.

Maximum Size Limits on Retail Uses

5. The proposed ZBL imposes a maximum gross floor area (GFA) of 10,000 m² for a number of permitted uses in the GMU zone, whereas the current ZBL does not prescribe a limit on GFA for any of the permitted uses in the C5 zone for the Woodbridge Square site.

Operations on the existing site may already exceed the proposed 10,000 m² GFA allowance, and Morguard believes that adding restrictive limits is unmerited on this site, given its size, prominence as a community shopping centre and local shopping destination, and hub for a host existing tenants and uses. It is imperative to Morguard's current operations as well as its future contemplated tenants and uses that such limits be removed for the Woodbridge Square site as they pertain to "retail" and "supermarket" uses, as well as "retail warehouse" and "shopping centre" uses.

Morguard seeks modifications to the proposed ZBL to clarify that the 10,000 m² GFA restriction does not apply to the Woodbridge Square site.

Landscaping Requirements

6. The proposed ZBL adds a new requirement for 10% minimum landscaped open space, in addition to a 3.5m strip along lot lines abutting a street.

The requirement for 10% minimum landscaped open space was not previously required in the current ZBL. Morguard is not in favour of the additional 10% landscaping requirement as this additional regulation would apply to any alteration or future development of Woodbridge Square, and unduly restricts Morguard's ability to develop and enhance the existing buildings and site for its tenants. The landscaping strip requirements allow for sufficient buffering between the street and existing parking and buildings, providing adequate landscaping for the site.

Morguard seeks modifications to the proposed ZBL to clarify that the new landscaped open space provisions do not apply to the Woodbridge Square site.

We kindly request that the current permissions present on the Woodbridge Square site are taken into account and maintained, either by modification to the proposed zone category or by way of incorporation on a site-specific basis. We would be happy to discuss these concerns further with staff prior to any decisions on the enactment of the ZBL.

We also request notice of any future public consultation of the proposed ZBL, including any Committee or Council meetings and decisions.

13 October 2020

Thank you for your consideration.

Yours very truly,

Wood Bull LLP



Johanna R. Shapira

JRS/asr

c. Client
K. Franklin