

COMMITTEE OF THE WHOLE APRIL 12, 2011

**CITY OF VAUGHAN OFFICIAL PLAN 2010
REQUEST TO PROCESS DEVELOPMENT APPLICATIONS
IN ADVANCE OF THE SECONDARY PLAN
NORTHEAST CORNER OF WESTON ROAD AND HIGHWAY 7
OFFICIAL PLAN AMENDMENT FILE OP.08.005
ZONING BY-LAW AMENDMENT FILE Z.08.022
2159645 ONTARIO INC. C/O LIBERTY DEVELOPMENT CORPORATION
WARD 3**

Recommendation

The Commissioner of Planning, the Director of Development Planning, and the Director of Policy Planning, in consultation with the Director of Development/Transportation Engineering recommend:

1. THAT Official Plan Amendment File OP.08.005 and Zoning By-law Amendment File Z.08.022 (2159645 Ontario Inc. C/O Liberty Development Corporation) continue to be processed by City Staff in advance of the required Secondary Plan for the Weston Road and Highway 7 area pursuant to Section 10.1.1.10 of the City of Vaughan Official Plan 2010.

Contribution to Sustainability

N/A

Economic Impact

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

Communications Plan

On February 22, 2011, the Committee of the Whole considered a Deputation (Attachment #9) on behalf of 2159645 Ontario Inc. C/O Liberty Development Corporation requesting that Vaughan Council permit the processing of Official Plan Amendment File OP.08.005 and Zoning By-law Amendment File Z.08.022 (2159645 Ontario Inc. C/O Liberty Development Corporation) in advance of the required Secondary Plan for the Weston Road and Highway 7 area. The Committee of the Whole recommended the following, which was adopted by Vaughan Council on March 8, 2011:

"That the deputation of Mr. Barry Horosko and Communications C5, dated February 7, 2011, be received and referred to staff for a further report on the request."

The Vaughan Development Planning Department in consultation with the Vaughan Policy Planning Department has prepared this report in response to Vaughan Council's resolution.

Purpose

To receive Council direction respecting the request made by 2159645 Ontario Inc. C/O Liberty Development Corporation for City Staff to continue processing Official Plan Amendment File OP.08.005 and Zoning By-law Amendment File Z.08.022 (2159645 Ontario Inc. C/O Liberty Development Corporation) in advance of the required Secondary Plan for the Weston Road and Highway 7 area pursuant to Section 10.1.1.10 of the City of Vaughan Official Plan 2010.

Background - Analysis and Options

Location

The 1.94 ha site shown on Attachments #1 and #2 is located at the northeast corner of Regional Road 7 and Weston Road (7777 Weston Road), City of Vaughan, Ward 3.

Site History: Development Applications (Files - OP.08.005 and Z.08.022)

On April 23, 2008, the former Owner (1483969 Ontario Limited) submitted Official Plan and Zoning By-law Amendment applications (Files OP.08.005 and Z.08.022) to facilitate the development of three high density residential condominium buildings ranging from 24 to 32 storeys with a total of 1050 residential units, ground and second floor commercial and office uses, surface and underground parking, and a landscaped podium with an outdoor garden and water features. The applications were considered by Vaughan Council at a Public Hearing on June 3, 2008. The recommendation to receive the Public Hearing report of June 3, 2008, was ratified by Council on June 11, 2008.

The Development Planning Department prepared a technical report for consideration by the Committee of the Whole on June 23, 2009. On this date, the former Owner submitted a written request to Vaughan Council to adjourn the applications "sine die", which the Committee adopted and Council ratified on June 30, 2009.

On November 27, 2009, the Development Planning Department received a revised proposal for the property from the current Owner (2159645 Ontario Inc. C/O Liberty Development Corporation) to facilitate the development of the site for two (2) high density residential condominium buildings comprised of 728 units, 30 and 33 storeys respectively, one 10 storey office building, and second floor commercial and office uses, underground parking, and a landscaped podium with amenity areas as shown on Attachments #3 to #8, inclusive, and is the subject of this report.

On January 8, 2010, a Notice of Public Hearing for the revised proposal was circulated to all property owners within 150m of the subject lands and an extended notification area of 600m from the property. Several members of the public made deputation at the February 2, 2010 Public Hearing and the Development Planning Department also received several letters expressing concerns respecting the applications. The Committee of the Whole recommended the following, which was adopted by Vaughan Council on February 16, 2010:

"That the applicant meet with staff, the Ratepayers' Association and the Ward 3 Sub-Committee to discuss the concerns raised by the deputants."

Should Council concur with the recommendation contained in this report, the applicant must coordinate the above-noted meeting with all parties to discuss all concerns, prior to the Development Planning Department preparing a technical report on the applications (Files - OP.08.005 and Z.08.022) for Council's consideration at a future Committee of the Whole Meeting.

Official Plan

The subject lands are designated "Corporate Centre Corridor" and "Transit Stop Centre" by OPA #500 (Corporate Centre Plan) as amended by OPA #663 (The Avenue 7 Land Use Future Study Plan). OPA #500, as amended, permits a maximum density of 2.5 floor space index (FSI) and establishes a maximum building height of 26m on the subject lands, whereas the applicant is proposing a maximum density of 4.48 FSI and a maximum building height of 33 storeys (approximately 117m). The proposal does not conform to the density and height policies of the Official Plan, therefore, an Official Plan Amendment Application (File OP.08.005) is required.

City of Vaughan Official Plan 2010

The City of Vaughan Official Plan 2010 (VOP 2010) was adopted by Vaughan Council on September 7, 2010 and is pending approval from the Region of York. The subject lands are designated "High-Rise Mixed Use", which permits a mix of residential, retail, and office uses (VOP 2010, Section 9.2.2.6 in part). In areas designated "High-Rise Mixed-Use", various building types are permitted, including High-Rise Buildings, which are generally over twelve (12) storeys in height up to a maximum height as permitted by VOP 2010. High-Rise Buildings shall be designed with a pedestrian scale podium between three to six storeys, with slender towers that are appropriately spaced and with limited surface parking that is setback a minimum of 3 m from the property line and appropriately screened (VOP 2010, Section 9.2.3.6, in part). The ground floor frontage of buildings facing arterial streets shall predominantly consist of retail uses or other uses that animate the street and the retail uses shall not exceed 50% of the total gross floor area of all uses on a lot located in an Intensification Area. In addition, office uses are permitted to a maximum gross floor area of 12,500 m² and may be exceeded if the lot is located within 500 m of an existing or planned subway station or if permitted by a Secondary Plan (VOP 2010, Section 9.2.2.6, c, d, and e).

The subject lands are located in an Intensification Area and have been identified as a "Primary Centre" by VOP 2010. The proposal for two (2) residential condominium buildings comprising of 728 units, 30 and 33 storeys, respectively, and one 10 storey office building are permitted uses by VOP 2010. The residential towers and office building are spaced and connected by a 2 storey podium that includes an amenity area and surface parking that is setback from the property line and screened by retail uses on the ground and second floors to animate both Weston Road and Highway 7 (Attachments #6 and #7). The proposed retail uses comprise a total gross floor area of 11,977.31 m², which constitutes 13.7% of the total gross floor area of all the proposed uses on the lot. The proposed office building is approximately 1,600 m away from the planned VMC Subway Station at Millway Avenue and Highway 7 and relationship to BRT. The proposed 13,196.28 m², slightly exceeds the maximum permitted gross floor area for office uses by only 696.28 m². The proposal is generally consistent with the intent of VOP 2010.

The site details including but not limited to, building spacing, parking areas, podium and tower design, servicing and site access, amount of office gross floor area, and building heights and density which have not been assigned to the property by VOP 2010, can be addressed and implemented through the site-specific Official Plan and Zoning By-law Amendment applications (Files OP.08.005 and Z.08.022).

The subject lands are also located within a designated Required Secondary Plan Area, more specifically, Weston Road and Highway 7 (VOP 2010, Schedule 14-A). The VOP 2010 establishes criteria for processing development applications in Required Secondary Plan Areas as follows:

"Council may permit the continuance of processing an existing development application submitted prior to May 17, 2010 when it is demonstrated to Council's satisfaction that the proposed development is generally compatible with the vision contemplated in the Official Plan; is significant in terms of its contribution to city-building; and that the proposal could be adversely affected because of any delay caused by having to adhere to the timing of a secondary plan process (VOP 2010, Section 10.1.1.10)."

Addressing the Criteria of Section 10.1.1.10:

- "Council may permit the continuance of processing an existing development application submitted prior May 17, 2010."

The applications (Files OP.08.005 and Z.08.022) were submitted on November 27, 2009, thereby addressing this criterion;

- "Council may permit the continuance of processing an existing development application submitted prior to May 17, 2010 when it is demonstrated to Council's satisfaction that":

- "the proposed development is generally compatible with the vision contemplated in the Official Plan" :

As noted above, these applications are generally consistent with the vision contemplated in the new Official Plan with respect to the "High Rise Mixed-Use designation. It is also noted that this site will function as a transitional area acting as an eastbound Highway 7 gateway leading into the Vaughan Metropolitan Centre (VMC).

This is generally consistent with the current official plan as embodied in OPA #663. OPA #663 amended OPA #500 (Corporate Centre Secondary Plan) by redesignating the subject lands from "Corporate Centre District" to "Corporate Centre Corridor". The purpose of the "Corporate Centre Corridor" designation is to encourage more intensive, transit supportive, pedestrian friendly form on Highway 7; and to permit a wide range of commercial, institutional, medium and high density residential and community uses. Under this designation, a maximum density of 2.5 FSI is permitted, with a maximum building height of 26 m. OPA #663 also provides that development of the lands in the "Corporate Centre Corridor" must be compatible with the developments in the adjacent areas designated "Corporate Centre Node" and "Corporate Centre District" (now part of the VMC plan).

Therefore, the development form provided on the site should address this role and be consistent with the urban design expectations for the VMC. The VMC Secondary Plan (adopted September 7, 2010) contains built form guidelines to be applied to various precincts. The development form proposed for this site is generally consistent with the guidelines for high rise buildings for the density proposed. In this regard, it is appropriate to continue the processing of the official plan and zoning amendment applications.

- the "development is significant in terms of city-building":

The subject lands are located in an Intensification Area and have been identified as a "Primary Centre" by VOP 2010. The vision for Primary Centres is that they will become the main places in Vaughan where transformation will occur and they are intended to evolve into distinct places. Generally, Primary Centres will become mixed-use areas accommodating residential uses and uses that serve both residents, the surrounding community and the city as a whole. They will be designed to be transit-oriented and pedestrian-friendly places.

The subject proposal potentially incorporates all of the elements that characterize a Primary Centre. These include:

- A mix of uses including high density housing, with tenure to be determined, office and retail uses;
- Transit supportive densities that will take advantage of and support the Spadina Subway Extension and the Viva Bus Rapid Transit system;
- Built form that reflects a pedestrian friendly urban setting with ground floor retail and office uses and opportunities for a substantial boulevard treatment; and
- A mixing of uses that provides the transition between proposed residential uses along Highway 7 to the retail commercial areas to the north.

In addition, the site functions as an independent parcel, being bounded on the north, south and west by public roads and on the east by a private driveway. This makes it a logical planning unit that is amenable to evaluation on a site specific basis. As a result it does not preclude the City's ability to develop a secondary plan for the primary centre that addresses the following VOP 2010 criteria:

- A mix of housing types and tenures;
- Non-residential uses including office, institutional, community facilities and human services;
- Densities supportive of public transit;
- Have a fine grain of streets suitable to pedestrians and cyclists, with appropriate internal links and links to surrounding Community Areas;
- Include well designed public open spaces and green spaces;
- Encourage pedestrian friendly built-form by locating active uses at grade; and be designed to implement appropriate transition of intensity and uses to surrounding Community Areas and/or separation from adjacent Employment Areas.

The mixed-use prototype that is being proposed has been used successfully by the applicant elsewhere in York Region. Achieving a high quality mixed-use development in this location would provide pioneering investment that has the potential to accelerate the transition of this Primary Centre and the VMC.

- “the proposal could be adversely affected because of any delay caused by having to adhere to the timing of a secondary plan process”:

The applicant is of the opinion that delays in the approval of the subject applications will affect the ability to pre-sell units under current market conditions. Notwithstanding the private interests, from a public policy perspective, there is also a benefit to a having mixed-use building constructed close to the 2015 opening of the Subway and the Viva BRT service. If there was a delay in the project resulting from the secondary plan process, it could result in the project not being in place by 2015 thereby delaying critical support for the transit initiatives. In this instance there is a public policy interest in moving ahead with the approval.

Therefore, the Vaughan Development Planning and the Policy Planning Departments are satisfied that the criteria of Section 10.1.1.10 have been satisfactorily addressed and the processing of the development applications can proceed in advance of the secondary plan.

Zoning

The subject lands are zoned C2 General Commercial Zone by By-law 1-88 and subject to Exception 9(246), which only permits the former automotive sales establishment (Al Paladini’s Pine Tree Ford/Lincoln Dealership). The proposed mixed residential, office and retail uses are not permitted, and therefore, the Zoning By-law Amendment Application (File Z.08.022) is required to implement the policies of the Official Plan.

Transportation

As a result of the impact that the development is likely to have on the transportation network in the area, the applicant has hired a consultant to undertake a transportation study that will analyze the surrounding transportation network and make recommendations with respect to access, traffic management, active transportation, TDM programs and network improvements. City and Regional Staff have provided input to the Terms of Reference and the study is underway. This work will overlap with and inform the “Vaughan Metropolitan Centre and Surrounding Area Transportation Study” that the City and the Region are jointly undertaking to address the broader area transportation issues.

Relationship to Vaughan Vision 2020/Strategic Plan

This report is consistent with the priorities set forth in Vaughan Vision 2020, particularly “Plan & Manage Growth & Economic Vitality”.

Regional Implications

The subject lands are located at the intersection of two regional roads, Weston Road and Highway 7. Should Council concur with the recommendation contained in this report, any issues raised by the Region of York will be addressed when the technical report is considered. The applicant will be required to satisfy all requirements of the Region of York.

Conclusion

The Vaughan Development Planning Department and the Vaughan Policy Planning Department have reviewed the applicant's proposal to process Official Plan Amendment File OP.08.005 and Zoning By-law Amendment File Z.08.022 (2159645 Ontario Inc. C/O Liberty Development Corporation) in advance of the required Secondary Plan for Weston Road and Highway 7. The proposed development is generally consistent with the policies of VOP 2010. The applications meet the criteria established by Vaughan Council regarding the continuance of processing existing applications in required secondary plan areas. Accordingly, the Development Planning and Policy Planning Departments can support the approval of the Owner's request, in accordance with the recommendation contained in this report.

Attachments

1. Context Location Map
2. Location Map
3. Conceptual Site Plan
4. Conceptual Elevations
5. Conceptual Ground and Podium Level Landscape Plan
6. Conceptual Ground Floor Plan
7. Conceptual Second Floor Plan
8. Conceptual (Typical) Underground Parking Plan
9. Deputation: Committee of the Whole February 22, 2011

Report prepared by:

Christina Napoli, Senior Planner, ext. 8483
Mauro Peverini, Manager of Development Planning, ext. 8407
Roy McQuillin, Manager of Policy Planning, ext. 8211

Respectfully submitted,

JOHN ZIPAY
Commissioner of Planning

GRANT UYEVAMA
Director of Development Planning

DIANA BIRCHALL
Director of Policy Planning

/LG



Attachment 1

Files: Z.08.022 &
OP-08.005

Date:
March 03, 2011



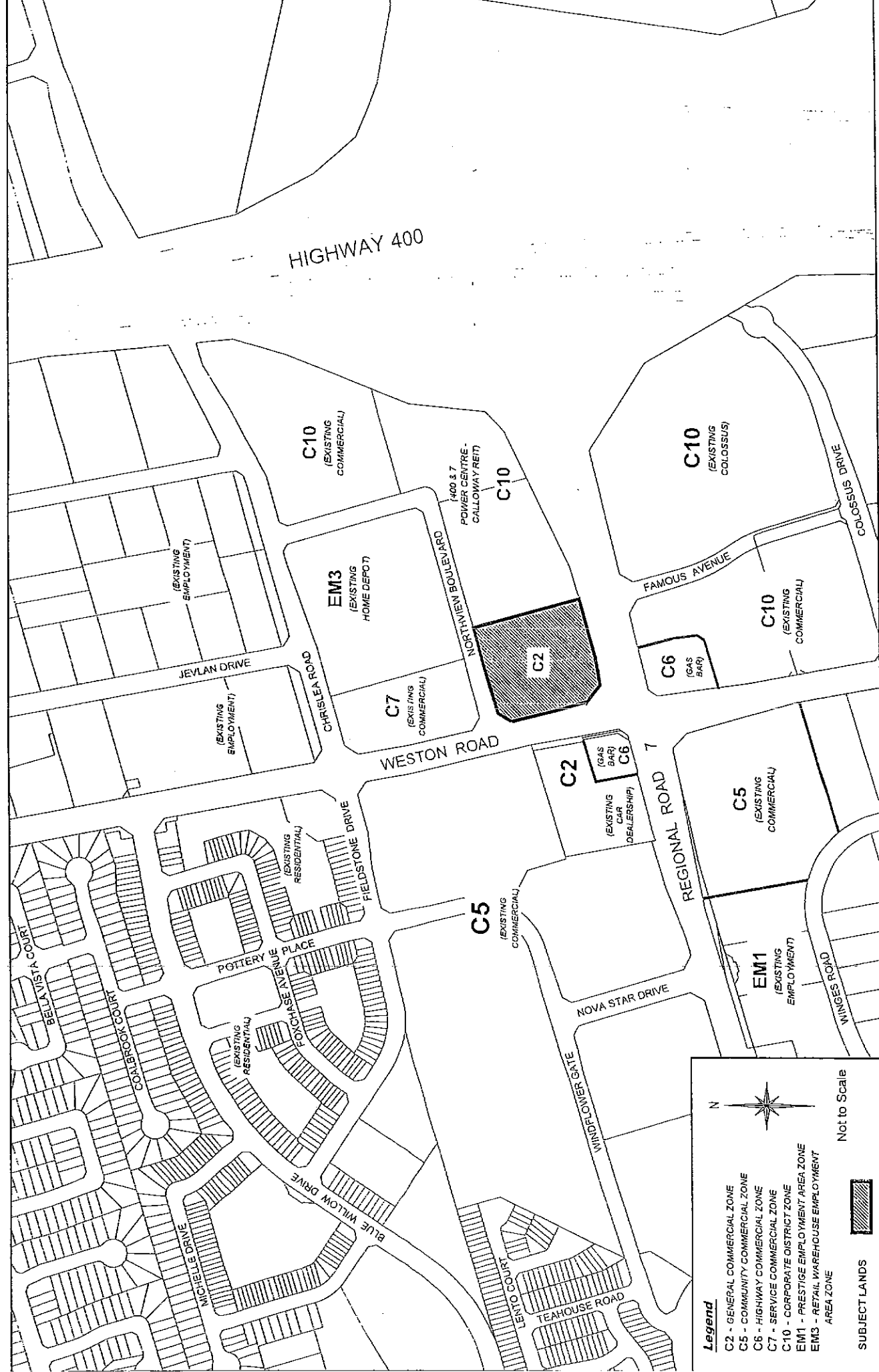
Development Planning Department

Context Location Map

Location: Part of Lot 6,
Concession 5

Applicant: 2159645 Ontario Inc.
C/O Liberty Development Corporation

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Development Planning Department

Location Map

Location: Part of Lot 6,
 Concession 5

Applicant: 2159645 Ontario Inc.
 C/O Liberty Development Corporation

Legend

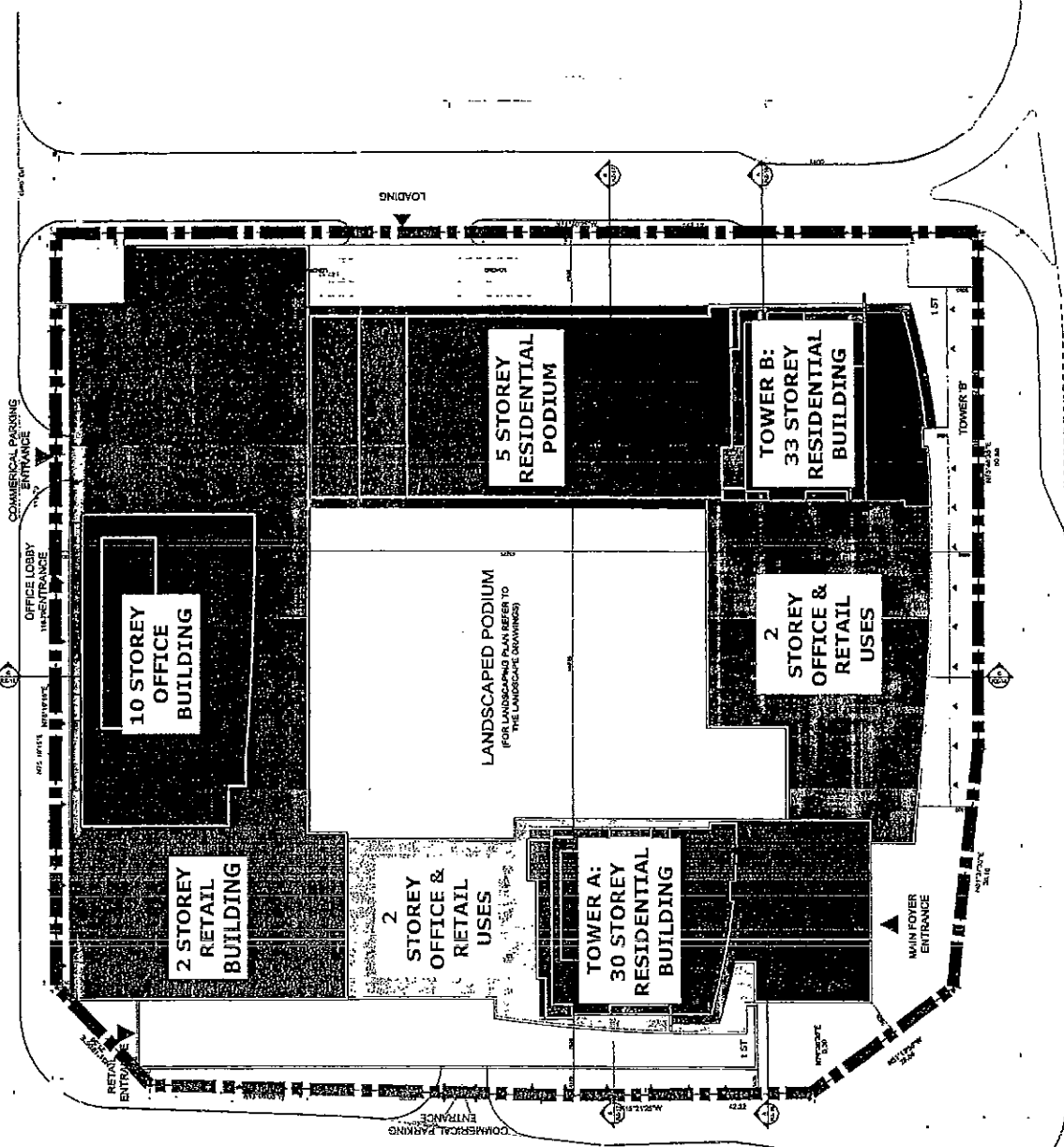
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- C5 - COMMUNITY COMMERCIAL ZONE
- C6 - HIGHWAY COMMERCIAL ZONE
- C7 - SERVICE COMMERCIAL ZONE
- C10 - CORPORATE DISTRICT ZONE
- EM1 - PRESTIGE EMPLOYMENT AREA ZONE
- EM3 - RETAIL WAREHOUSE EMPLOYMENT AREA ZONE

SUBJECT LANDS Not to Scale



Not to Scale

NORTHVIEW BOULEVARD



■ ■ ■ ■ ■ SUBJECT LANDS

Conceptual Site Plan

Location: Part of Lot 6, Concession 5

Applicant: 2159645 Ontario Inc.
C/O Liberty Development Corporation



Development Planning Department

REGIONAL ROAD 7

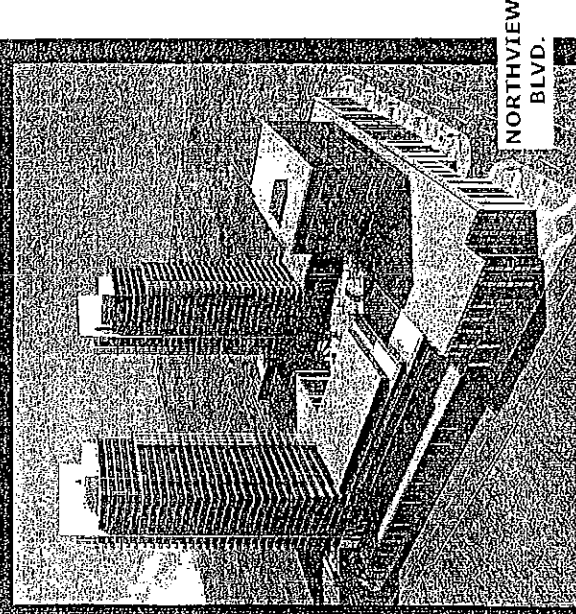
Attachment 3

Files: Z.08.022 & OP.08.005

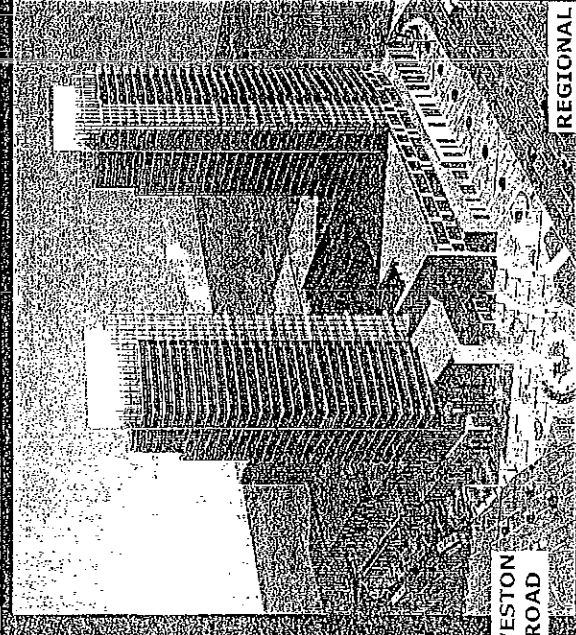
Date: March 03, 2011



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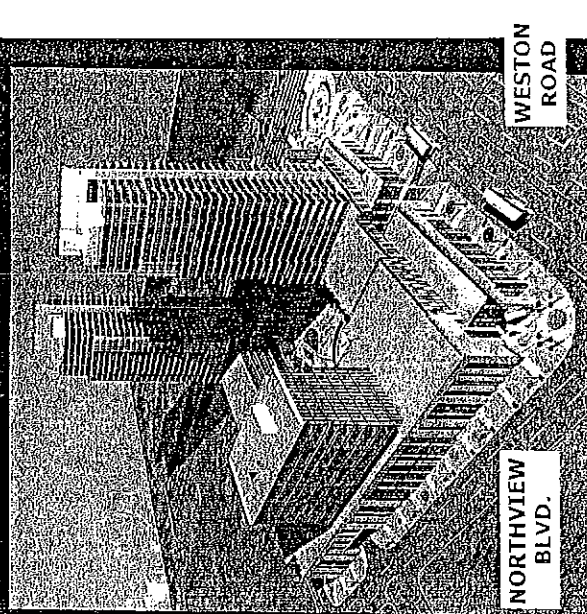


NORTHVIEW
BLVD.



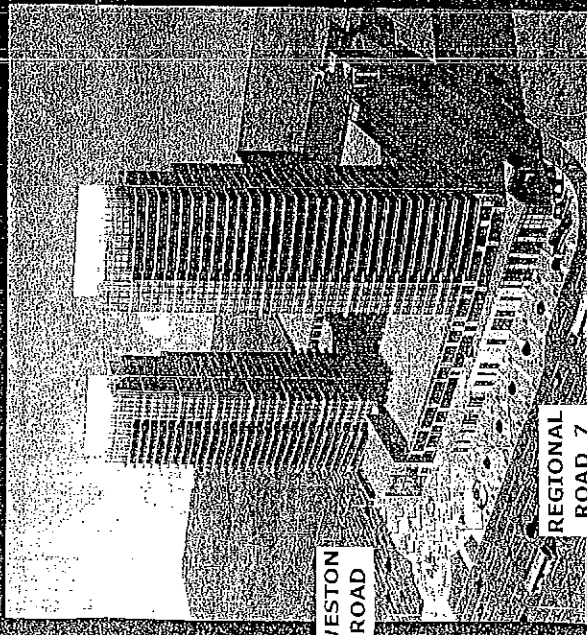
REGIONAL
ROAD 7

WESTON
ROAD



WESTON
ROAD

NORTHVIEW
BLVD.



REGIONAL
ROAD 7

WESTON
ROAD

Conceptual Elevations

Location: Part of Lot 6,
Concession 5

Applicant: 2159645 Ontario Inc.
C/O Liberty Development Corporation



Development Planning Department

Attachment

Files: Z-08.022 &
OP-08.005

Date:
March 03, 2011

4



Not to Scale

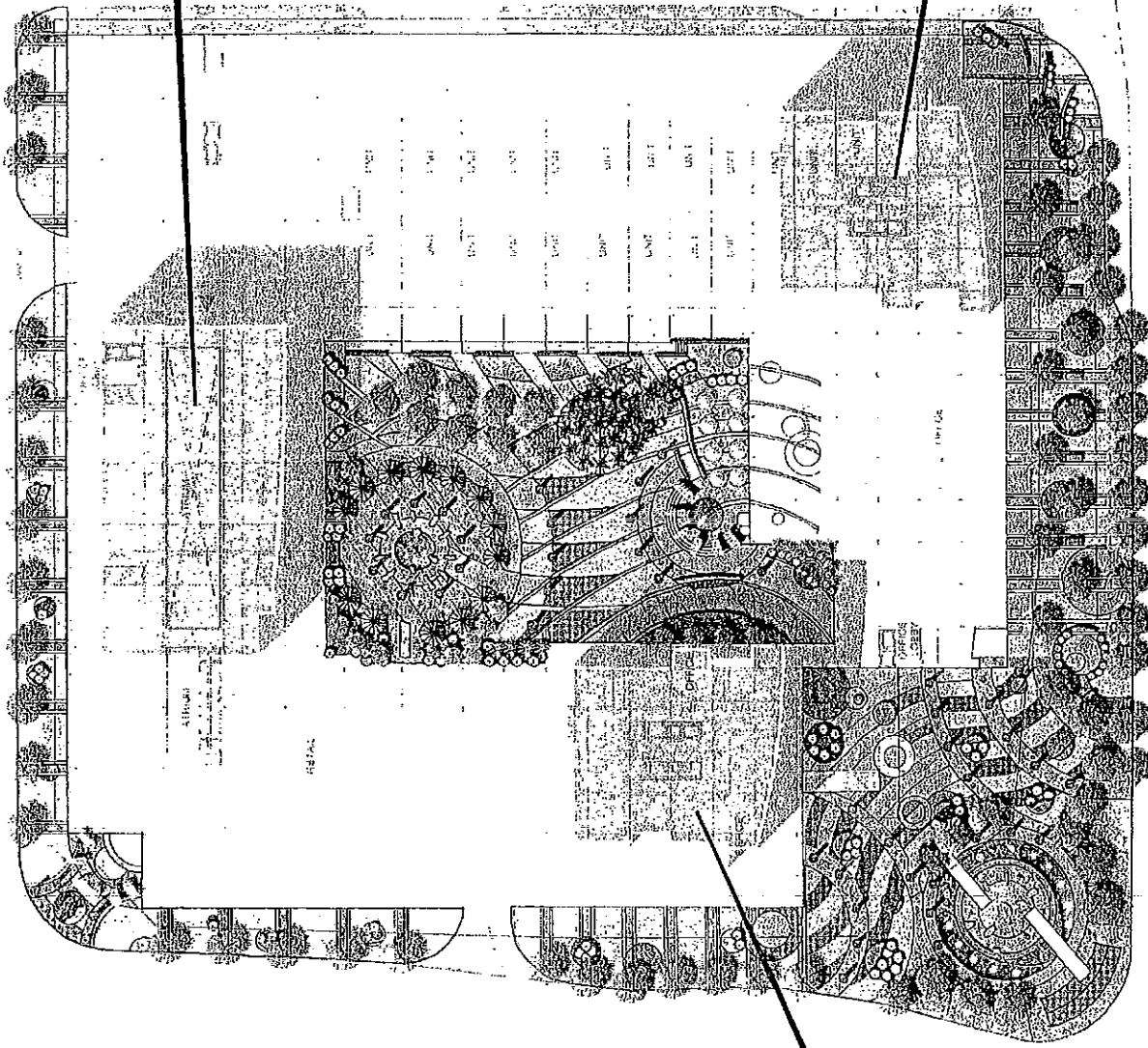
NORTHVIEW BOULEVARD

WESTON ROAD

10 STOREY
OFFICE
BUILDING

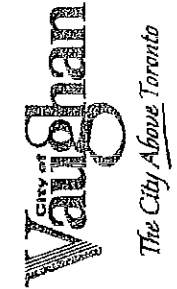
TOWER A:
30 STOREY
RESIDENTIAL
BUILDING

TOWER B:
33 STOREY
RESIDENTIAL
BUILDING



REGIONAL ROAD 7

Conceptual Ground & Podium Level Landscape Plan



Applicant: 2159645 Ontario Inc.
C/O Liberty Development Corporation

Location: Part of Lot 6
Concession 5

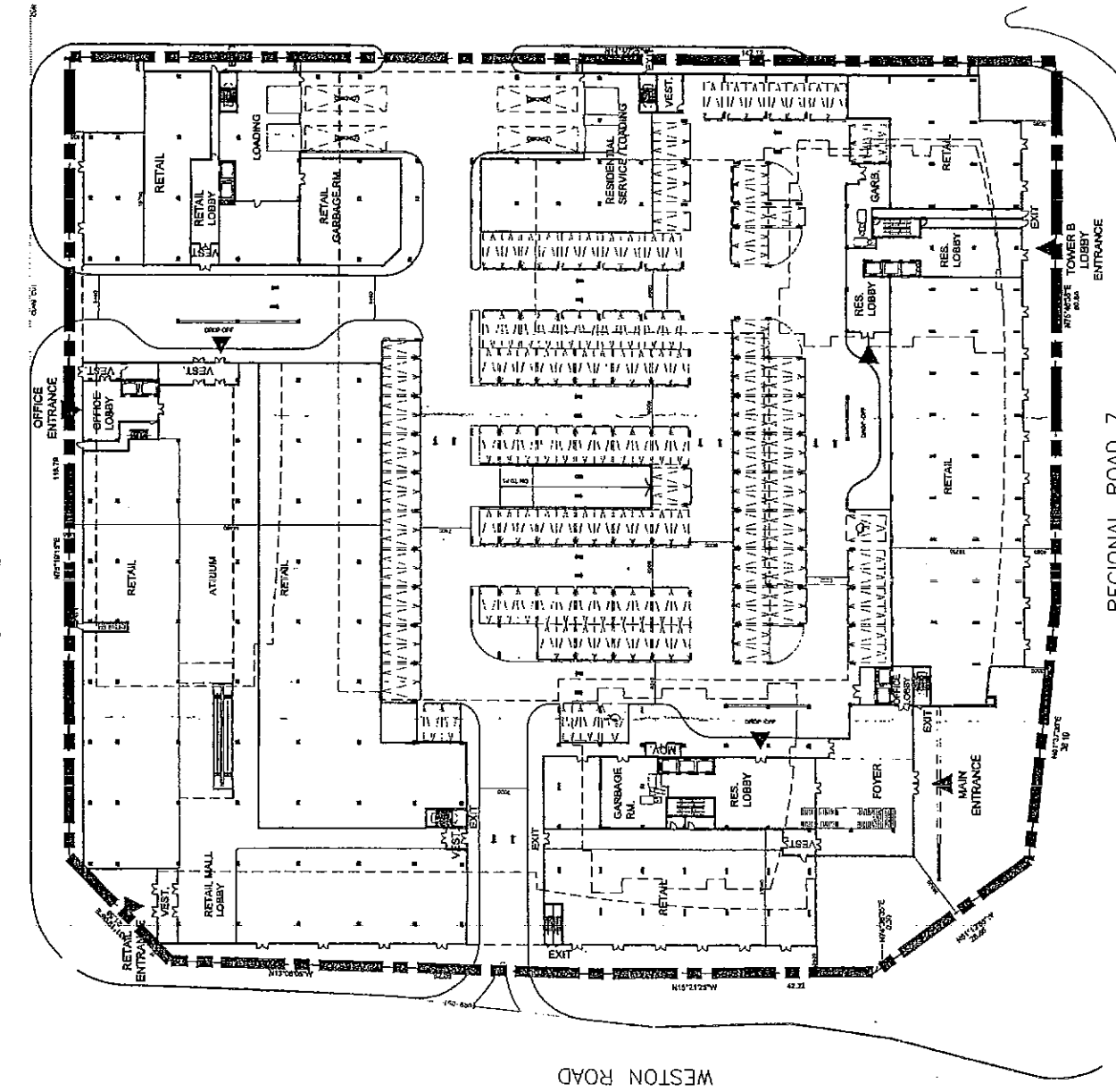
Development Planning Department

NORTHVIEW BOULEVARD

WESTON ROAD

REGIONAL ROAD 7

SUBJECT LANDS



Not to Scale

Attachment
 Files: Z.08.022 &
 OP.08.005
 Date:
 March 03, 2011

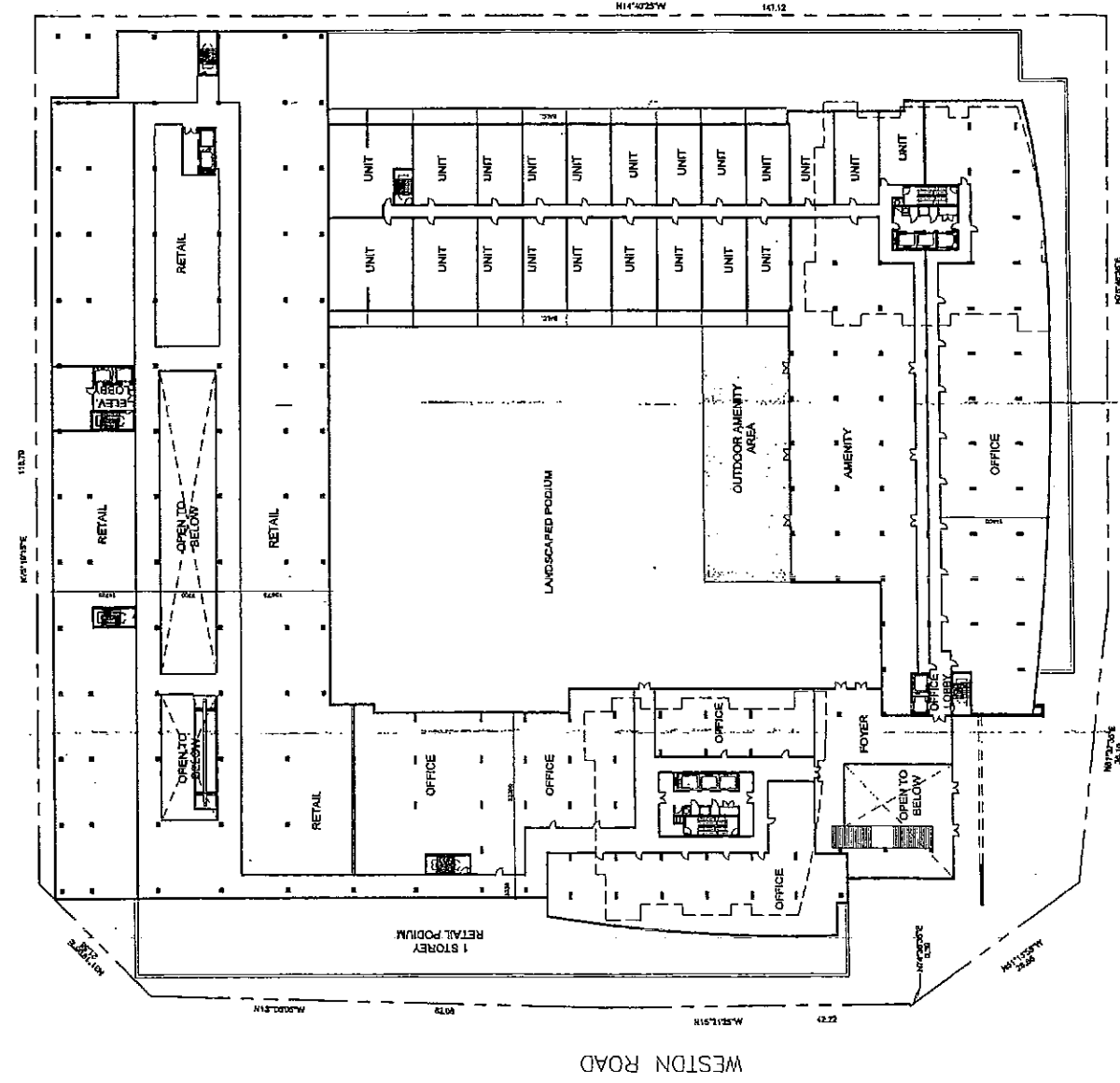
City of Vaughan
The City Above Toronto
 Development Planning Department

**Conceptual Ground
 Floor Plan**

Location: Part of Lot 6
 Concession 5

Applicant: 2159645 Ontario Inc.
 C/O Liberty Development Corporation

NORTHVIEW BOULEVARD



Not to Scale

Attachment

Files: Z-08.022 &
OP-08.005

Date:
March 03, 2011



The City Above Toronto

Development Planning Department

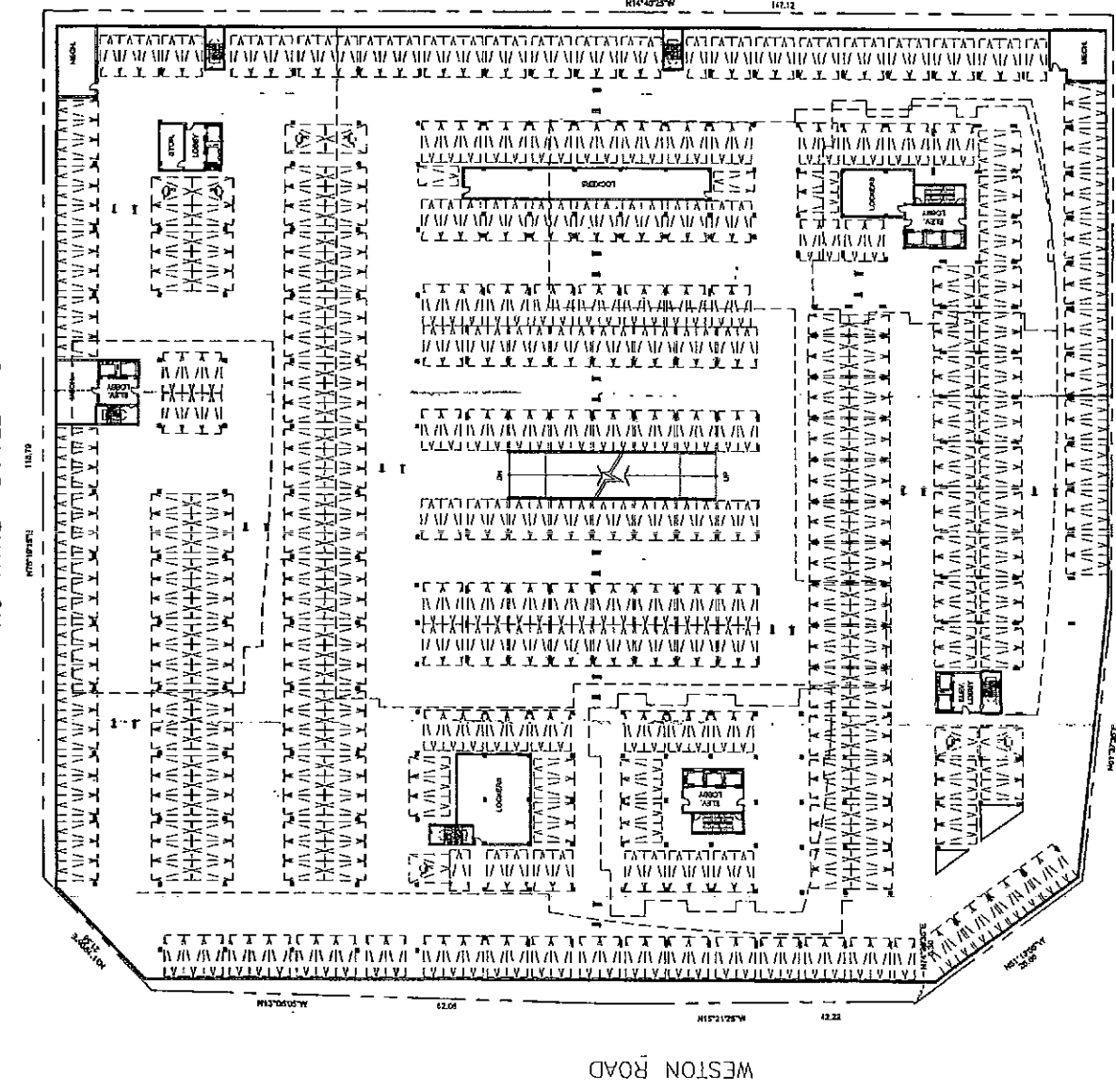
Conceptual Second Floor Plan

Location: Part of Lot 6
Concession 5

Applicant: 2159645 Ontario Inc.
C/O Liberty Development Corporation

11-11-11 11:11 AM

NORTHVIEW BOULEVARD

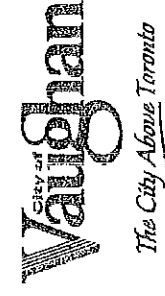


538 PARKING SPACES

**Conceptual (Typical)
Underground Parking Plan**

Applicant: 2159645 Ontario Inc.
C/O Liberty Development Corporation

Location: Part of Lot 6
Concession 5



Development Planning Department

REGIONAL ROAD 7

Attachment

Files: Z.08.022 &
OP.08.005

Date:
March 03, 2011

8



BRATTY AND PARTNERS, LLP
BARRISTERS AND SOLICITORS

PLEASE REFER TO:
Barry Horosko (Ext: 338)
Email: bhorosko@bratty.com
Calenna Faccipolo (Ext: 293)
Email: cfaccipolo@bratty.com
Telephone: (905) 760-2700

February 7, 2011

Delivered via E-mail

Committee of the Whole
2141 Major Mackenzie Drive
Vaughan, Ontario L6A 1T1

C.S.
COMMUNICATION
CW - February 22/11

ITEM # - Presentations & Deputations *e)*

Attention: Chair and Members of the Committee of the Whole

Dear Chair and Members of the Committee of Whole:

Re: Official Plan and Zoning Amendment Applications OP.08.005 and Z.08.022
7777 Weston Road, City of Vaughan
2159645 Ontario Inc. c/o Liberty Development Corporation

We are the solicitors acting on behalf of 2159645 Ontario Inc. (Liberty Development Corporation), with respect to the above referenced property.

We are writing to request that we be placed as a deputation on the agenda of the Committee of the Whole meeting scheduled for February 22nd at 1:00pm. The nature of the deputation is to request that the subject applications be processed for consideration by Council in advance of the preparation of the Highway 7 and Weston Road Secondary Plan.

Please find enclosed our letter addressed to the Mayor and Members of Council dated February 4, 2011 outlining the nature of the applications and our justification in proceeding ahead of the preparation of the Secondary Plan.

Yours truly,
BRATTY AND PARTNERS, LLP

[Signature]
Barry A. Horosko

encl:

encl: *See list attached*

7501 Keele Street, Suite 200 Vaughan, Ontario L4K 1Y2 T 905-760-2600 F 905-760-2900 www.bratty.com

Attachment
9a

Files: Z.08.022 &
OP.08.005

Date:
March 03, 2011



The City Above Toronto
Development Planning Department

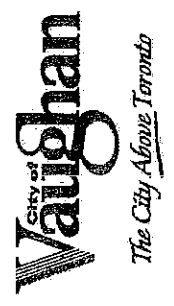
Deputation: Committee of the
Whole February 22, 2011

Location:
Part of Lot 6, Concession 5

Applicant: 2159645 Ontario Inc.
C/O Liberty Development Corporation
NA\DPT\ATTACHMENTS\Z.08.022op.08.005a.png

Liberty Development Corporation
Peter Weston, Weston Consulting Group Inc.
Councillor DeFrancesca, City of Vaughan
Heather Wilson, City of Vaughan
John Zipsy, City of Vaughan
Grant Uyeyama, City of Vaughan
Christina Napoli, City of Vaughan
Augustine Ko, Region of York

Attachment
Files: Z.08.022 &
OP.08.005
Date:
March 03, 2011
9b



Development Planning Department

Deputation: Committee of the
Whole February 22, 2011

Applicant: 2159645 Ontario Inc.
C/O Liberty Development Corporation
Location:
Part of Lot 6, Concession 5



WESTON CONSULTING GROUP INC.
 'Land Use Planning Through Experience and Innovation'

February 4, 2011
 File No. 4854-1

Mayor and Members of Council
 City of Vaughan
 2141 Major Mackenzie Drive
 Vaughan, Ontario
 L6A 1T1

Dear Mayor and Members of Council:

**Re: Official Plan and Zoning Amendment Applications OP.08.022 & Z.08.022
 7777 Weston Road, City of Vaughan
 2159645 Ontario Inc. c/o Liberty Development Corporation**

Executive Summary

Liberty Development's applications are representative of the kind of development that the City envisions for this major intersection in the vicinity of the Vaughan Metropolitan Centre. The proposal has considerable merit by virtue of the site's location at a prominent corner at a Regional Corridor. Redevelopment of an obsolete use on the subject site for a "true" high density mixed-use development will support the planned transit initiatives and contribute to transforming Vaughan into an attractive, vibrant and sustainable city.

Liberty Development are herein requesting that Council resolve that the development applications at 7777 Weston Road can proceed for a Final Report notwithstanding Policy 10.1.1.4 of the newly adopted Official Plan for the following reasons:

1. The original applications were filed with the City in April 2008, which is outside the May 17, 2010 cut-off date to be eligible for consideration, as identified in Policy 10.1.1.10; and
2. The applications respond to the criteria and objectives identified in Policy 10.1.1.10 and Policy 2.1.3.2 of the new Official Plan, providing sufficient justification for processing the applications in advance of the secondary plan.

Introduction

We are the Planning Consultants acting for Liberty Development Corporation ("Liberty"), the owner of the above referenced site. We are writing to request that the above noted Official Plan and Zoning Amendment applications be processed for consideration by Council in advance of the Weston Road and Highway 7 Secondary Plan.

Since
 1981

Vaughan Office: 201 Millway Avenue, Unit 18,
 Vaughan, Ontario, L4K 5K8
 Tel: 905-738-8080

Oakville Office: 1680 North Service Road East, Suite 114,
 Oakville, Ontario, L6H 7G8
 Tel: 905-844-6749

T: 800-363-3558 Fax: 905-738-8087 www.westonconsulting.com

Attachment
 9C

Files: Z.08.022 &
 OP.08.005

Date:
 March 03, 2011



Development Planning Department

Deputation: Committee of the
 Whole February 22, 2011

Location:
 Part of Lot 6, Concession 5

Applicant: 2159645 Ontario Inc.
 C/O Liberty Development Corporation
 N:\DFT\1 ATTACHMENTS\Z.08.022op.08.005b.dwg

This letter provides the justification for this request which demonstrates that the proposed development applications are generally compatible with the vision contemplated in the Official Plan; are significant in terms of its contribution to city-building; and that the proposal could be adversely affected because of any delay caused by having to adhere to the timing of a secondary plan process.

1.0 The Original Applications

On April 23rd 2008 applications were submitted to the City of Vaughan to amend the provisions of the City of Vaughan Official Plan (OPA No. 500) and to amend the City of Vaughan Zoning By-Law 1-88, to permit a mixed-use development.

As originally filed, the Official Plan Amendment (OP.08.005) proposed to amend the "Corporate Centre District" policies of OPA No. 500 (Corporate Centre Plan), as amended by OPA No. 663 to increase the maximum permitted Floor Space Index (FSI) from 2.5 to 5.0; and increase the maximum building height from 25 m to 114 m.

The accompanying Zoning By-law Amendment Application (Z.08.022) sought to rezone the subject lands from C2 General Zone to C9 Corporate Centre Zone and to permit the zoning exceptions required to implement the concept plan.

The Applications were required to facilitate the development of three high-density residential condominium buildings, consisting of 24, 28, and 32 storey towers on the property. The three buildings would provide a total of 1050 units. This development also proposed a one to three storey landscaped podium which included street related retail and office uses, and surface and underground parking.

The Applications were considered complete in May 2008 and a Public Meeting was held on June 3, 2008. A revision addressing the comments received was subsequently submitted on December 16, 2008, which included a revised development concept and various studies, including an Urban Design Brief and Master Landscape Plan, Wind Study, Functional Servicing Report, and an updated Phase 1 Environmental Site Assessment. An updated Traffic Impact Study, Noise Study and Shadow Impact Study were submitted to the City on March 10, 2009.

On June 23, 2009, the applications proceeded to the City of Vaughan Committee of the Whole. In the Staff Report of June 23, 2009, the City of Vaughan Development Planning Staff ("Staff") recommended that the OPA and ZBL Amendment for the property be approved. Specifically, it was indicated in the staff report that the Development Planning Department can support a maximum FSI of 2.5 and a maximum building height of 25 m, which are as-of-right permissions granted by the governing official plan (OPA #663) and the implementing C9 (H) Zone, respectively. However, the Development Planning Department proposed a framework within their recommendation for the consideration of additional density and building height to be included in the Official Plan without further amendment to the plan, based on a number of criteria including but not limited to, the submission of a complete Site

Development Application, a Planning Justification Report, Traffic Study and bonusing in exchange for community benefit, which would be reviewed to the satisfaction of the City and/or appropriate external agencies. There is a clear recognition by Planning Staff in 2009 that the applications could proceed under specific circumstances, in advance of a Secondary Plan.

No action was taken by Council as the Planning Report was adjourned sine die at the request of the current owner.

In August 2009, the subject lands were transferred from 1483969 Ontario Limited c/o Franco Palladini to 2159645 Ontario Inc. c/o Liberty Development Corporation. The new owner hired a new architect, the Kirkor Architects & Planners, to prepare a revised development scheme.

2.0 Revised Proposal

In November/December 2009, based on feedback received from the City, Region and other agencies, Liberty submitted a revised proposal which was supported by the following reports: (1) Planning Justification Report prepared by Weston Consulting Group, (2) an Urban Design Brief prepared by Kirkor Architects, (3) a Traffic Impact and Parking Study prepared by Cole Engineering, (4) a Noise Study prepared by Valcoustics, (5) a Wind Study prepared by Theeksten Environmental Consulting Engineers, (6) a Functional Servicing Report prepared by Valdor Engineering.

The revised proposal is for a true mixed-use development consisting of two residential towers of 30 and 33 storeys, and one office tower of 10 storeys, all sharing a landscaped podium containing apartments and commercial and office uses. In particular, there is 2 storey retail building fronting Northview Boulevard, as well as a one storey office building above the two storey retail along Weston Road and a 2 storey office building above the one storey retail along Highway 7.

The proposed development has a ratio of 2:1 residential to non-residential, an optimal blend of uses for a successful mixed use development. The residential towers and podium would contain a total of 728 units. The podium would contain 11,977.31m² of commercial gross floor area, and 13,196.28m² of office gross floor area. The total gross floor area of the proposed development is 86,346.97m². The density of the proposed development was reduced to 4.48 FSI.

A total of 1530 parking spaces would be provided. Underground parking is proposed to be shared between all uses included in the development and is proposed to be located on up to three (3) levels below grade and one level at grade. All parking and loading areas are either below grade or at grade within the podium. Vehicular access to the site would be provided from Weston Road, Northview Boulevard, and Highway 7 (via the driveway on the adjoining lands).



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The primary access points for the redevelopment of the site will include: a new full-movement access driveway to Northview Boulevard located immediately east of the existing site driveway, which will be closed; and a right-in/right-out access from/to Weston Road, which is currently operating as a full-movement access driveway. A secondary driveway connection is proposed to the existing private roadway along the site's east property line. This secondary access will also serve as the service/delivery driveway. An additional entrance is proposed for the east side of the property, by way of an existing private driveway that connects Highway 7 and Northview Boulevard. The existing right-in access driveway from Highway 7 to the private driveway is proposed to be expanded to a right-in/right-out access.

The proposed development is in close vicinity to the newly constructed and operating Highway 400 Overpass at Portage Parkway/Chrislea Road. The Highway 400 Overpass connects Weston Road to Jane Street and provides a key link in the road network for the area and proposed development.

The entrances to the underground parking garage are located within the podium at the centre of the site. This location achieves efficiencies in the layout of the underground parking garage. In addition to the proposed underground parking, at-grade enclosed parking is proposed within the podium. Loading spaces are provided within the podium at the east side of the site. The loading spaces will be accessed via the driveway on the adjoining lands.

The organizational structure of the proposed development has strategically placed each of the proposed buildings to achieve pedestrian scaled built form and address height, noise and amenity issues. The proposed development complies with the airport zoning regulation.

The pedestrian scaled built form is achieved at street level by providing for street-side retail uses adjoining Highway 7, Weston Road, and Northview Boulevard. By placing retail uses alongside these roads, the design will create a vibrant streetscape that promotes pedestrian movement.

The bulk of the proposed development in terms of height is attributed to the proposed residential towers. However, the two towers have slender floor plates with typical floor area not exceeding 880 m² and a penthouse floor area not exceeding 750 m². With the elimination of one of the towers and the relocation of the two residential towers to the Highway 7 side of the site, the proposed residential towers will be located even further from the closest low density residential area. The closest tower will be approximately 470 metres compared with 409 metres previously. This significant separation distance confirms that there will be no overview or shadow impacts.

The revised applications were considered at a Public Meeting by the Committee of the Whole on February 2, 2010, at which time the Committee of the Whole directed that the applicant meet with staff, the Ratepayers Association and the Ward 3 Sub-Committee to discuss the concerns expressed by the deputants.

3.0 New City of Vaughan Official Plan

The new City of Vaughan Official Plan, adopted on September 7, 2010, identifies the Weston Road and Highway 7 intersection, including the Liberty lands, as a Primary Centre where intensification accommodated in the form of predominantly mixed-use high- and mid-rise buildings, developed at an intensity supportive of transit are encouraged.

It is our view that sufficient analysis was carried out during the Official Plan Review process to approximate the heights and densities. In fact, upon initial release of the Official Plan, a schedule was included (see attached) indicating a Floor Space Index of 5.0 and a height of 24 storeys for the subject property. While this schedule was later retracted and replaced with the need for a Secondary Plan, sufficient consideration had been carried out for the subject property to proceed on a site specific basis.

The subject lands are designated "High Rise Mixed Use" (Schedule 13-R). The maximum density and height have not yet been determined and is pending the completion of the Highway 7 and Weston Road Secondary Plan (Schedule 14-A). The proposed development however, is in keeping with the land use vision and objectives of the new Official Plan.

The new Official Plan contains a policy that does not permit amendments to the Plan or the zoning by-law where it has been determined that a Secondary Plan is required but not yet completed (10.1.1.4). *It is not clear as to whether this policy is applicable to the subject applications.* However, the new Official Plan provides some flexibility where it is appropriate for an individual application to proceed before the preparation of the secondary plan. Policy 10.1.1.10 indicates:

"Notwithstanding the policies concerning the Required Secondary Plan Areas identified in Schedule 14, Council may permit the continuance of processing of an existing development application submitted prior to May 17, 2010, when it is demonstrated to Council's satisfaction that the proposed development is generally compatible with the vision contemplated in the Official Plan; is significant in terms of its contribution to city-building; and that the proposal could be adversely affected because of any delay caused by having to adhere to the timing of a secondary plan process".

4.0 Request for Processing of Applications in Advance of Secondary Plan

At this time, we are requesting on behalf of Liberty Development Corporation, that a recommendation report be brought forward to Council authorizing staff to continue processing the official plan and zoning applications per the new Official Plan Policy 10.1.1.10. The justification for processing the applications is outlined below and responds to the criteria identified in the new Official Plan, Policy 10.1.1.10.

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5.0 Justification for Request

Submission of Applications

The original applications were submitted in April 2008 with a revision in November/December 2009. This is prior to the May 17, 2010 cut off date to be eligible for consideration. The applications have been subject to two Public Meetings, one on June 3, 2008 and the other on February 2, 2010. It has been approximately 2 ½ years since the applications were filed and significant work and study has been undertaken in support of the development proposal.

Compatibility with the Vision of the New Official Plan

The City of Vaughan's new Official Plan contains goals and strategic directions that will aid City Council to shape the future of the City and guide its continued transformation into a vibrant, beautiful and sustainable City. Policy 2.1.2.1 states that it is the policy of Council:

"To establish a land-use planning framework and make decisions that will foster the continued transformation of Vaughan into a vibrant and sustainable city as articulated in Section 2.1.3 of this Official Plan and as specifically outlined in the main objectives of the Official Plan contained in Policy 2.1.3.2"

Policy 2.1.3.2 contains 12 objectives to address the City's main land-use planning challenges and to manage future growth. The approval of the Liberty applications would essentially advance nine of these objectives. The relevant objectives that would be advanced by the approval of the Liberty proposal are as follows:

- (a) *"Identifying natural features, agricultural and rural areas where urban growth is not to be directed."*

The subject properties are located within the existing built-up area along a Regional Corridor and Key Development Area, where urban growth is directed by both the Region and City.

- (b) *"Directing a minimum of 45% of residential growth through intensification and identifying Intensification Areas as the primary locations for accommodating intensification within Vaughan's built-up areas"*.

The subject lands are located in a designated Primary Centre which is one of the significant intensification areas to which growth is directed and development at an intensity that is supportive of transit will be located. The approval of the Liberty proposal will help the City to achieve the total demand for residential units within the built boundary to the year 2031.

- (c) *"ensuring that the character of established communities is maintained"*.

The proposed residential towers will be located a significant distance from the existing residential area to the north-west, with the closest tower being approximately 470 meters away. This significant separation distance confirms that there will be no overview or shadow impacts, and the character of the existing residential community will be maintained.

- (e) "ensuring a sufficient supply of employment lands are maintained to support economic growth;"

The Liberty lands are not located within an employment area. However, the development proposal will contain retail/commercial uses, as well as a significant office component that will supply jobs and contribute to Vaughan's economic growth. The proposed development has a ratio of 2:1 residential to non-residential, an optimal blend of uses for a successful mixed use development that will create on-site employment.

- (f) "Identifying a hierarchy of mixed-use centres to be developed in a compact form and at appropriate densities to support transit service and promote walking and cycling."

The proposed development is located at the north-east corner of Highway 7 and Weston Road, within the Highway 7 and Weston Road Primary Centre. A Primary Centre is at second rank within the hierarchy of Centres, with the Vaughan Metropolitan Centre (VMC) being at the top. Primary Centres are considered to be a significant location for accommodating predominately mixed-use high and mid-rise buildings, developed at intensity supportive of transit.

The Highway 7 and Weston Road intersection is a transportation focal point which currently accommodates routes for north/south and east/west bus services and has been identified by provincial and regional documents for major infrastructure investments. The location of the subject site as a Regional Corridor, within a Key Development Area and at a new transit stop makes this site appropriate to accommodate heights (i.e. 30 and 33 storeys) and densities (i.e. 4.48 FSI) that will help achieve compact urban form and transit supportive development, which are important objectives of Provincial, Regional and Municipal Policy.

- (g) promoting public transit use by encouraging transit-supportive densities and an appropriate mix of uses along transit routes, and particularly at VIVA stations, GO stations and future rapid transit stations."

The subject lands are located within a Regional Rapid Transit Corridor and Regional Transit Priority Network (City of Vaughan Official Plan, Schedule 10). While the site is currently serviced by York Region Transit, VIVA and Toronto Commission bus routes, there are a number of transportation initiatives being undertaken by the Province, Region and City, which include the Highway 7 Rapid Transit and the University-



Spadina Subway Extension in the Vaughan Metropolitan Centre. Accordingly, Liberty's proposed high density mixed use development is at a significant location for promoting public transit which would be conveniently accessible to the residents who would live there. The proposed density and mix of uses will support the existing and planned transportation initiatives for the Highway 7 Corridor, and will also contribute to the long term vision of the Vaughan Metropolitan Centre.

- (h) "providing for a diversity of housing opportunities in terms of tenure, affordability, size and form."

The housing stock in Vaughan's community areas is primarily low-rise residential dwellings. However, the proposed development will supply high-rise condominium units in an area that offers opportunities for a more intense urban form development, helping to diversify the housing stock in Vaughan and to transform the City into a vibrant and sustainable city as articulated in the Official Plan.

- (i) "establishing a culture of design excellence with emphasis on providing for a high quality public realm, appropriate built form and beautiful architecture through all new development."

Liberty has prepared an Urban Design Brief in support of the development applications. This brief illustrates various elements of the development with emphasis on a high quality public realm and appropriate built form and architecture.

The development proposal enhances the public realm by integrating a public monumental featured piazza at grade and a landscaped courtyard on the 2nd floor podium with the overall architectural theme and built form. These elements join the greater city to the activities at the site, and bring residents and visitors together in the out-of-doors and create community.

The proposed monumental large open space featured piazza, at the intersection of Highway 7 and Weston Road could take the form of a fountain, sculpture, and/or a public art installation, and will guide pedestrians into the indoor glass atrium with the unity in paving pattern. The featured glass foyer serves as a link between the street activities at Weston Road and Highway 7 to the diverse garden community on the second floor. These features will be focal points providing for pedestrian activities at grade and circulation between the exterior and the internal space. By integrating streetscapes, landscaped elements and architectural treatments, the site has the potential to become a visual and cultural node. Streetscapes and sidewalks along Highway 7, Weston Road and Northview Boulevard will help define the edges of the site and create a friendly pedestrian atmosphere along the main streets.

The new Vaughan Official Plan designates the subject land as "High-Rise Mixed Use". The Official Plan defines high-rise building as a building that exceeds 12 storeys in height. The proposed development achieves the land uses and building

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height envisaged in the "High-Rise Mixed Use" designation. By incorporating a mixture of land uses, high quality architecture and urban design principles, and an appropriately massed built form, the proposed development will achieve a high standard of community based design. The proposed height and small floor plate of the residential towers is desirable in terms of design and sustainability. The small floor plate essentially facilitates higher buildings but allows less consumption of land and more green space on the building lot; achieves a good relationship between the two buildings; and has less impact on the existing residential neighbourhood concerning overviews and shadows.

- (i) *"ensuring environmental sustainability through the protection of natural features and ecological functions and through the establishment of green development standards to be achieved by all new development."*

The Liberty development proposal will contain elements of sustainability and green development standards where appropriate. These include a green roof and large landscaped courtyard on the second floor podium, and a reduction in traffic as a result of creating a ratio of 2:1 residential to non-residential; an optimal blend of uses for a successful mixed use development. The proposal will also include components of a Leadership in Energy and Environmental Design (LEED) Building.

Significant Contribution to City Building

The approval of Liberty's proposal for high-density mixed use development will have a significant contribution to Vaughan's initiatives for city building by:

- Directing intensification (i.e. 728 units) in an area that is well served by existing bus routes; and where significant infrastructure in the form of public transit (i.e. VIVA Highway 7 rapid transit and the extension of the Spadina subway line) and road improvements are planned;
- Facilitating the transformation of Highway 7 from an arterial road to a multi-purpose transit supportive urban corridor that will not only serve this major intersection and the Vaughan Metropolitan Centre, but will link it together with various centres in other municipalities;
- Providing additional variety in the type of housing choices and residential units available within the City of Vaughan. The Liberty proposal will help to diversify the type of housing available in Vaughan, which at the current time is primarily singles, semis and townhouses; and
- Providing a mix of uses that will provide housing, employment opportunities and commercial facilities so that the need to travel by automobile is reduced. The Liberty proposal provides a mix of uses for the site and close proximity of the site to existing employment uses will allow residents to live close to their place of work. This will contribute towards creating healthy, balanced and complete communities.

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Approving the Liberty applications in advance of the secondary plan will have a significant contribution to city building. The Liberty Development proposal, will not only act as a catalyst for other mixed use projects to develop in this important corridor, but it will also support future investment in rapid transit.

Adverse Effects of Delay

It is our opinion that placing these applications in any further abeyance pending the completion of a secondary plan will only delay the need to achieve desired intensification objectives as identified in the new Official Plan. The owner is of the view that marketing conditions are receptive for a true mixed use proposal and they are anxious to proceed. Delays will jeopardize the owner's ability to pre-sell units while there are optimal market conditions to ensure a successful project.

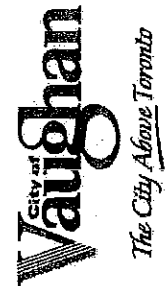
A secondary plan exercise can take several years to complete, and there is no need to delay approval of applications that are compatible with the vision of the new Official Plan and more specifically, the Highway 7 and Weston Road Primary Centre. The new Vaughan Official Plan already assigns a High Rise Mixed Use designation on these lands and the proposed high-rise residential condominium, mixed-use development is in conformity with the City's vision for this area.

The owner is ready to proceed and has direct experience in mixed use developments in York Region. This project has the opportunity to be used as a model for other developments in the City and will also act as a catalyst for mixed use projects to be developed to help the City achieve its goals for intensification. It is also important to recognize the need to develop on this corridor in order to support the subway in the Vaughan Metropolitan Centre and the future VIVA rapid transit system.

The owner has undertaken extensive study of this area, and is currently in the process of updating their traffic study to include a comprehensive study that will address development on all four quadrants of the Highway 7 and Weston Road intersection, as well as looking at pedestrian movements and various traffic improvements. The information and knowledge that is gained through Liberty's site specific applications will lay the ground work for the secondary plan exercise for this area.

Other Considerations

These applications arise from submissions made in April 2008, long before the new Official Plan. Policy 10.1.1.5 purports to freeze applications already underway, which is contrary to the establish case law at the Ontario Municipal Board (i.e., clergy line of cases). While we believe that it is relevant to establish the Official Plan in the review of the applications filed, it is irregular to suggest that a new Official Plan would result in a single freezing of a 2 1/2 year application. It is important that reasonable steps are taken to facilitate the timely processing of development applications.



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We emphasize that the application was made approximately 2 1/2 years ago and that the applicant, the municipality and the public have invested a considerable amount of time in proceeding to the point at which we have now arrived. We point out that as a response to this process, and other considerations, the applicant has made and submitted complete revisions to the concept and to the type of development being proposed. The applicant is also currently undertaking an area wide transportation study. The revisions and the work completed to date have been made at considerable cost and in good faith.

We find it unreasonable that the investment in the property, the application, and the process should be placed on hold for an extensive period of time, possibly over a 2 year time frame, to integrate this development into plans for other land holdings, for which no applications have been made. We anticipate negligible interest by some parties in a costly secondary plan process since many landowners are sitting on relatively new income generating properties.

In light of the above, we feel that we have earned the right to an expeditious process. An expeditious process and the redevelopment of an obsolete use on the subject property would be of significant value to the municipality.

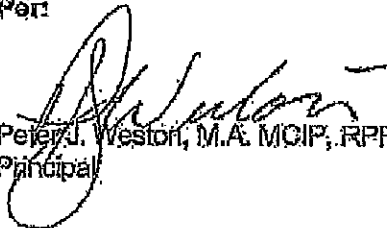
Conclusion

Liberty has been patient in the processing of their own site specific application and with the City's Official Plan review. Tremendous work and effort has been undertaken to date and Liberty is anxious to continue working with all levels of staff and members of the public in order that the processing of their applications continues.

As indicated above, the work completed to date illustrates that the Liberty applications qualifies with the criteria set out in the new Official Plan, and is therefore appropriate to proceed before the preparation of a secondary plan. The Liberty proposal has considerable merit and is the type of development that is appropriate for this major intersection and that the City envisions in this Primary Centre.

Accordingly, we request that Council provide the required direction to staff and that a recommendation report be brought to Council requesting that the Liberty applications continue to be processed in advance of the secondary plan.

Yours truly,
Weston Consulting Group Inc.
Per:


Peter J. Weston, M.A. MCIP, RPP
Principal

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Cc: Fred Darvish and Lezlie Phillips, Liberty Development Corporation
 Cliff Komah, Kirkor Architects
 Barty A. Horosko, Bratty and Partners, LLP
 Heather Wilson, City of Vaughan
 John Zipay, City of Vaughan
 Grant Ueyama, City of Vaughan
 Christina Napoli, City of Vaughan
 Augustine Ko, Region of York

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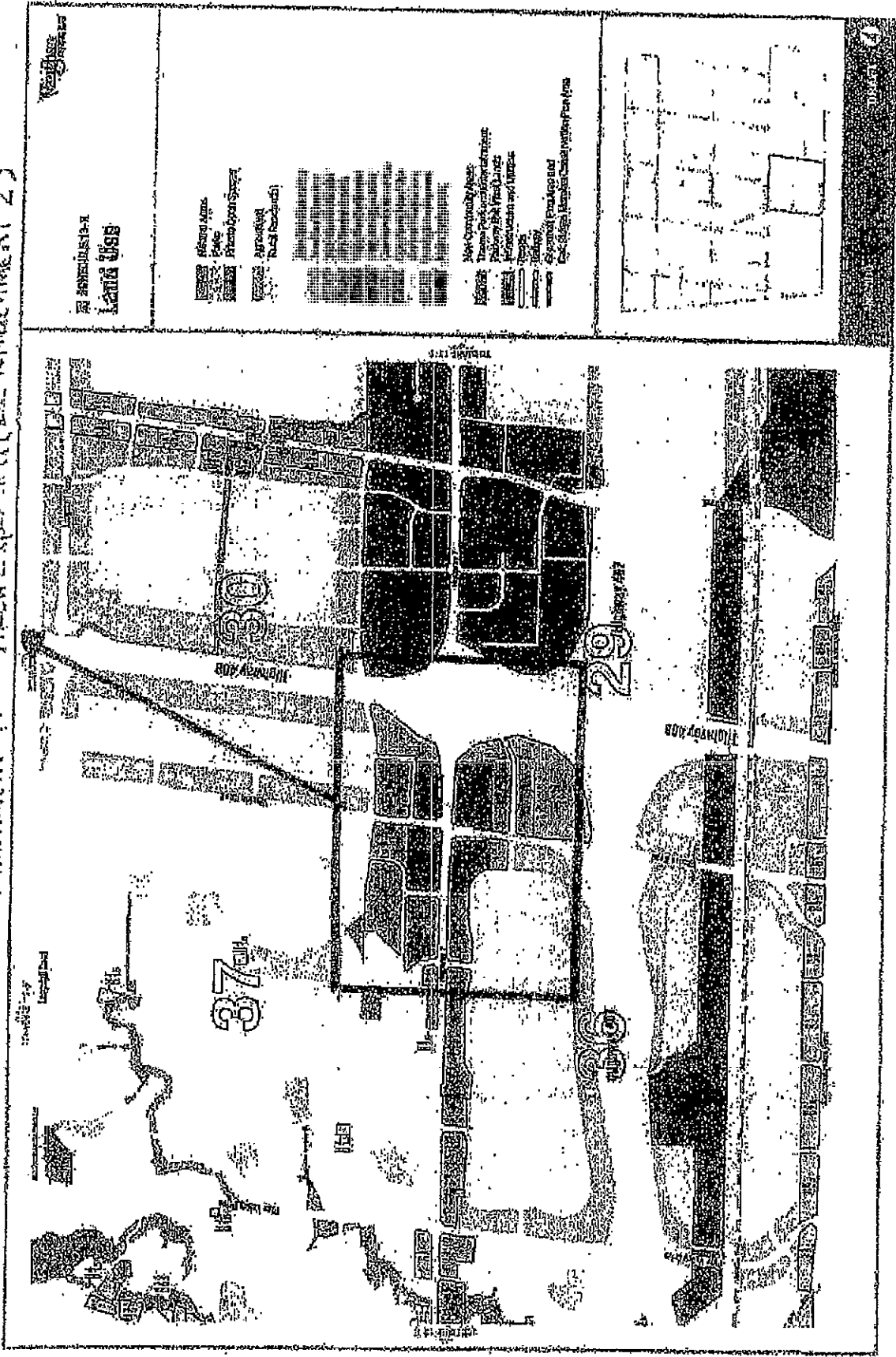
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Attachment 1: AREA EXPLODED (see Attachment 2)



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