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Communication
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Our File No. 11/1121

**VIA EMAIL**

City of Vaughan  
2141 Major Mackenzie Drive  
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Attention: Clerk, Committee of the Whole

Dear Mayor Bevilacqua and Members of Council:

**Re: New City of Vaughan Official Plan –Thornhill Centre Street Land Use Plan  
Committee of the Whole Meeting April 9, 2013 File 26.10**

We are the solicitors for RioCan Holdings Inc., owner of the shopping centre at 1054 Centre Street known as the “RioCentre Thornhill” on the north side of Centre Street, west of New Westminster Drive. Our client's lands are presently developed with a commercial centre of approximately 140,000 sq.ft. (exclusive of the separately owned gas station property) including a No Frills supermarket and a Winners store.

We have been engaged in the ongoing land use planning study for Centre Street, as well as in the City's new Official Plan exercise in respect of the subject lands. However, and notwithstanding the importance of client's site in the Centre Street land use plan, the City's consultation process thus far has not included any focused discussion with RioCan as to the opportunities and constraints on the future redevelopment of its site.

First and foremost, RioCan generally supports land use planning policies to implement smart growth along the corridor including the opportunities for intensification and the introduction of higher density residential uses. RioCan also recognizes that the corridor represents a unique opportunity to create an appealing urban environment to attract new residents, new jobs and to enhance the existing built form. We also wish to note that RioCan owns a number of properties in Vaughan, including a number of potential redevelopment opportunities in the local area. RioCan's substantial investment in the community shows its commitment to the City and the potential future opportunities presented in Vaughan.

With the proposed revisions to the Area Specific Policies for Volume 2 of the 2010 VOP as set out in Staff Report COW0409 13-14, there remains a number of key concerns from RioCan's perspective including but not necessarily limited to the following matters:

1. The proposed land use plan eliminates all of the currently existing retail permissions for a substantial area of RioCan's property by way of the introduction of Low Rise Residential and Mid Rise Residential land use designations. The existing retail land use permissions are long standing and predate development of the surrounding residential community to the north, so there should be no concern with land use compatibility [Land Use and Density Plan Map 12.10.A];
2. The proposed Mid Rise Mixed Use Area A policies contain caps on the size of the permitted grocery store as well as other retail uses. There is no planning basis for the implementation of any cap on retail floor space. In our view, opportunities for additional non-residential intensification and employment opportunities should be promoted – not limited [12.10.5.2];
3. It is inappropriate to require that all buildings in the Mid Rise Mixed Use Area A be mixed use, or to require a minimum amount of non-residential gross floor area. This restriction could result in the delayed redevelopment of the site by precluding the possibility of, for example, a new residential building – a mix of uses can still be planned and achieved for the site whether or not the buildings are all mixed use [12.10.5.3];
4. It is inappropriate to prohibit stand alone retail uses within the area proposed to be designated Mid Rise Mixed Use Area A. This prohibition is not required, restricts potential redevelopment opportunities, and could also result in delayed redevelopment of the site [12.10.5.5];
5. It is inappropriate to require that the permitted grocery store be located on the second storey, or otherwise at grade but "sleeved" with small shops at grade. The permitted grocery store can be established at grade without the imposition of a requirement for small shops in a manner that furthers the redevelopment of the corridor and presents an animated and active streetscape [12.10.5.6.b];
6. The proposed transportation plan is obviously significantly burdensome to our client. The RioCan site can be fully serviced by a system of private roads and laneways. Our client is therefore not in a position to agree to any policy establishing a new public road through its lands. This future opportunity is something that can only be agreed to in the context of the processing of future development applications for our client's lands. We suggest that the policy indicate that the road is conceptual only, and will not be implemented as a requirement of any future land use approval. In addition, the City must confirm that it will be financial responsible for the road, if

created, as it would not appear to be of any particular benefit to our clients lands, which already have access from New Westminster and Centre Street [Map 12.10.a and Policy12.10.12.8];

7. The proposed land use policies regulating performance standards and urban design are highly prescriptive. Detailed regulations concerning set backs, building heights, step back and angular plane requirements, podium requirements, parking area landscaping and regulation should be dealt with in the zoning by-law, and not in Official Plan policy [12.10.2.1.c and 12.10.2.1.u and others];
8. Policies related to architectural elements are not appropriate in an Official Plan – Such policies should be contained within urban design guidelines that can more appropriately guide architectural treatment in the corridor. There is a concern with the subjectivity and lack of direction that is provided in the proposed Official Plan policies [12.10.2.1];
9. We do not understand the basis for, or the requirements of, the proposed Design Review Panel including its jurisdiction [12.10.2.4];
10. We do not understand the basis for the substantial 7 m setback required for the Centre Street lot frontage [12.10.2.1.u.ii];
11. It is not appropriate or fair to require an enhanced landscaped buffer of 4 m in addition to any required rear yard setback from the existing low rise residential property to the north as this unfairly burdens our client's site to the benefit of the neighbouring properties to the north [12.10.2.1.c.ii];
12. We do not understand the basis for the substantial rear yard setback requirements for detached rear yard garage situations [12.10.4.6];
13. The Urban Square policies are not appropriate and essentially amount to expropriation of land without compensation. If land for an urban square is required by the City, then such land must either be expropriated or obtained via parkland requirements – a landowner or condominium corporation should not be forced to maintain public (or publicly accessible) lands [12.10.13.5 and 12.10.13.6];

We regret not being able to attend today's meeting of the COW, although we will have a representative in the audience to monitor the discussion and to consider any other input from Council, staff or members of the public.

We would ask the Committee to direct staff and the City's consultant to pursue direct and focussed discussions with our client as well as other owners of land within the study area to

determine what changes to the proposed land use policies are possible to achieve consensus on the Volume 2 policies for the Centre Street corridor.

We look forward to continuing to work with the City in achieving mutually agreeable long term land use policies for our client's site and the Centre Street corridor which appropriately recognize the constraints and opportunities for the RioCan site.

Yours truly,

**FOGLER, RUBINOFF LLP**

*"Joel D. Farber"*

Joel D. Farber

cc. RioCan (Jordan Robins and Stefan Wisniowski)