

Communication : C 3
Committee of the Whole (1)
June 7, 2022
Agenda Item # 4

From: Nikolas Koschany <nikolask@davieshowe.com>
Sent: Wednesday, June 01, 2022 1:36 PM
To: Clerks@vaughan.ca
Cc: E.W.B. Enterprise Inc. <living@ecowerks.ca>; Luigi Iacobelli <l.iacobelli@ikore.ca>; 'Rob Vilone' <rob@ikore.ca>; Rosemarie L. Humphries - Humphries Planning Group Inc. (rhumphries@humphriesplanning.com) <rhumphries@humphriesplanning.com>; John Alati <johna@davieshowe.com>; Alex Lusty <alexl@davieshowe.com>
Subject: [External] To the Committee of the Whole - Supplementary Comments by iKore Developments Ltd. re: OP.20.008 and Z.20.016

To the Committee of the Whole:

Good afternoon.

We are counsel to iKore Developments Ltd., who have an interest in the lands municipally known as 10069 Weston Road.

Please find attached a letter regarding our supplementary comments on the Official Plan and Zoning By-law amendment applications by Major Weston Centres Limited, for 10039 Weston Road (city file numbers OP.20.008 and Z.20.016), as well as applications for other properties in the surrounding area.

This letter follows one that we submitted to this Committee on May 19, 2022.

Please confirm receipt and provide notice of next steps in this matter.

Kindness,

Nikolas Koschany (they/them)

Summer Law Student

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Davies Howe 
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June 1, 2022

By E-Mail Only to clerks@vaughan.ca

His Worship Mayor Maurizio Bevilacqua and Members of Committee
City of Vaughan
Vaughan City Hall
2141 Major Mackenzie Drive
Vaughan, Ontario
L6A 1T1

Attention: Mr. Todd Coles, City Clerk

Your Worship and Members of Council:

Re: Supplementary Comments of iKore Developments Ltd.
("iKore" or "iKore Developments")
Official Plan and Zoning By-law Amendment Applications
Major Weston Centres Limited (the "Applicant")
10039 Weston Road (the "Subject Property")
City File Nos. OP.20.008 and Z.20.016 (the "Applications")

We are counsel to iKore Developments, who have an interest in the lands municipally known as 10069 Weston Road (the **"iKore Property"**). The iKore Property is located on the east side of Weston Road, north of Major MacKenzie Drive West, and directly north of 10039 Weston Road (the **"Subject Property"**). A map showing the iKore Property location is found in **Attachment A**.

The purpose of this letter is to advise that our client withdraws its objections to the Applications as set out in our May 19, 2022 letter to the Committee of the Whole which forms **Attachment B**. The assurances our client has received, leading to this withdrawal, are explained below.

Our client recently met with representatives of the Applicant and arrived at an agreement in principle which it believes will facilitate the development of both the iKore Property and the Subject Property in a mutually satisfactory way.

The key terms of the agreement in principle are:

- a) iKore will be offered and permitted to purchase Part 15 of Plan 65R-37024 from the Applicant and its representatives, such lands being remnant lands abutting the future Farooq Boulevard (the “**Purchase**”);
- b) The Applicant, its representatives and iKore agree that the intent of the Purchase is to allow future access from the iKore Property to Farooq Boulevard;
- c) The Applicant, its representatives and iKore agree in principle that any access to Farooq Boulevard from the iKore Property will be coordinated with other access points to Farooq Boulevard according to generally accepted transportation design principles;
- d) The Applicant, its representatives and iKore agree in principle to share costs associated with ensuring that the iKore Property has adequate municipal servicing, including stormwater, water and sewage services;
- e) The Applicant and its representatives agree to offer iKore access to municipal services, as needed.

It is solely because of these assurances that our client is prepared to withdraw its earlier concerns.

Conclusion and Request for Notice

We wish to thank Council for taking these comments into consideration. We maintain our request that we be added to the circulation list and provided with notice of future Council meetings on the Applications. We also maintain our request for notice of any decision or passage of any by-law by Council regarding this matter, or any future planning applications on the Subject Property.

Should you require further information, please do not hesitate to contact our associate Alex Lusty at alexl@davieshowe.com.

Yours sincerely,
DAVIES HOWE LLP



John M. Alati

JMA:NK

Attachment A – iKore Property Location



ATTACHMENT B

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May 19, 2022

By E-Mail Only to clerks@vaughan.ca

His Worship Mayor Maurizio Bevilacqua and Members of Committee
 City of Vaughan
 Vaughan City Hall
 2141 Major Mackenzie Drive
 Vaughan, Ontario
 L6A 1T1

Attention: Mr. Todd Coles, City Clerk

Your Worship and Members of Council:

**Re: Comments by iKore Developments Ltd. ("iKore" or "iKore Developments")
 Official Plan and Zoning By-law Amendment Applications
 Major Weston Centres Limited (the "Applicant")
 10039 Weston Road (the "Subject Property")
 City File Nos. OP.20.008 and Z.20.016 (the "Applications")**

We are counsel to iKore Developments, who have an interest in the lands municipally known as 10069 Weston Road (the "**iKore Property**").

The iKore Property is located on the east side of Weston Road, north of Major MacKenzie Drive West, and directly north of 10039 Weston Road (the "**Subject Property**"). A map showing the iKore Property location is found in **Attachment A**.

On May 6, 2020, the owner of the Subject Property (the "**Applicant**") submitted site-specific Official Plan and Zoning By-law Amendment applications (the "**Applications**"). As noted under a below subheading, due to discrepancies between the Applicant's planning justification report, their recent revised draft Official Plan amendment, and the City of Vaughan's planning portal, it is unclear whether the Applicant is seeking five or six buildings on site, or the precise number of units proposed. Regardless of the number of buildings proposed, the Applications appear to be for approximately 1,000 units or more.

The purpose of this letter is to provide iKore Developments' comments on the Applications, which will be heard by the City of Vaughan (the "**City**") Committee of the Whole on June 7th, 2022.

iKore Developments does not support the Applications given serious concerns about the provision of infrastructure, including sanitary service and public roads, in the general area. While iKore does not, in principle, object to the height and density sought by the Applicants, it would like to ensure that development on the Subject Lands, and in the surrounding area, proceeds in a comprehensive fashion with community services and infrastructure all considered, distributed, and shared equitably among landowners.

Background on the Area

The northeast quadrant of Major Mackenzie and Weston Road is set to intensify in the years ahead. Growth is not only limited to the Subject Property. For example, iKore will be bringing forward its own development application for a residential midrise proposal. Furthermore, to the north of the iKore property, development permissions have recently been given for the development of 130 street and 44 back-to-back townhomes at 10083 and 10101 Weston Road (the “**NW Development**”).

Nature of the Development Contemplated in the Applications

iKore would like to better understand the nature of the development contemplated in the Applications. The Planning Justification report, dated April 2020, contemplates a total of six (6) buildings, including two (2) supportive living residence buildings and four (4) residential buildings for a total of 1,268 proposed units; this description is replicated on the City’s online development portal for the Official Plan Amendment application. The February 25, 2022, revised draft Official Plan Amendment, in contrast, mentions a total of five (5) buildings ranging in height from 10-storeys to 12-storeys with a total of 988 proposed residential units. Lastly, the City’s online development portal for the Zoning By-Law amendment contemplates five (5) buildings with a total of only 940 units.

The discrepancies noted above signal the inconsistency of the planning applications, and lack of clarity and transparency regarding the permissions sought by the Applicant.

Phasing

iKore would like to better understand the phasing proposed by the Applicant. Based on the Applicant’s April 2020 planning justification report, it appears that the intent is to only approve the first phase of the development proposed by the Applications, consisting of 2 supportive living residence buildings which will be operated by Revera Inc. However, aside from a vague assurance within the draft Official Plan Amendment that “[t]he proposed development will be phased”, we could find no phasing language in the draft

Official Plan or Zoning By-law Amendment. We note, however, that the Zoning By-law Amendment applies across the entirety of Subject Property. It therefore appears that approval is being sought for the entire development, without regard for phasing.

Sanitary Network

The City's sewage network is not fit for what is proposed when considering the infrastructure needs of the Applicants, the NW Development and iKore's forthcoming proposal, not to mention other possible developments in the area.

The Applications at present only propose to increase the sewage capacity enough to accommodate the Subject Property alone. This would hinder future development in the area, and in turn lead to long and unnecessary periods of construction as sewage infrastructure is continually upgraded. That approach to infrastructure is in contrast to policy 8.2.1 of the Vaughan Official Plan (the "**VOP**") which prescribes the City to implement efficient and long-term cost-effective means of servicing development and maintain reliable and efficient services in relation to water, wastewater, and stormwater services.

To avoid inefficiency, sanitary service in the area should be sufficiently oversized to accommodate all future development in the area. To do this, oversizing conditions could be imposed on the Subject Property and on the NW development. Oversizing costs would then be recovered through the imposition of conditions to approval when other landowners in the area come forward to develop. These conditions could be imposed on the NW Development and the development proposed by the Applicant as a condition of site plan control, for example.

Road Network

Development of the area would be improved by the completion of a public road network. As it stands, the Applications propose significant intensification without contributing to the public road network.

Without a public road network, access to sites in the area, which for one reason or another cannot secure access over a privately owned and controlled roads would be forced to gain access directly to major arterial roadways in the vicinity. We do not believe the City and Region prefer directing access directly onto major arterial roads.

To help resolve the issue, iKore is considering and prepared to submit, as part of its own applications, an Official Plan Amendment seeking the designation of a local road network if the City does not bring a municipally initiated Official Plan Amendment forward.

Conclusion and Request for Notice

We wish to thank Council for taking these comments into consideration, and request that we be added to the circulation list and provided with notice of future Council meetings on the Applications. We also request notice of any decision or passage of any by-law by Council regarding this matter, or any future planning applications on the Subject Property.

Should you require further information, please do not hesitate to contact our associate Alex Lusty at alexl@davieshowe.com.

Yours sincerely,
DAVIES HOWE LLP



John M. Alati

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Attachment A – iKore Property Location

