

**Communication: C8
Committee of the Whole (2)
December 12, 2022
Item #2**



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Our File No.: 123453

Via Email

City of Vaughan – City Council
City Hall, Level 100
2141 Major Mackenzie Drive
Vaughan, ON L6A 1T1

Attention: City Clerk

Dear Sirs/Mesdames:

**Re: Draft Official Plan Amendment No. 93
Pre-Consultation and Complete Application Submission Requirements**

We are solicitors for SmartCentres. As you know, SmartCentres (through various ownership corporations) is one of the largest landowners in the City of Vaughan (the “City”) and has undertaken a significant amount of land development in the City in partnership with the City. In particular, and with the assistance of the City, SmartCentres has been an active and positive contributor to the transportation of the VMC into a livable Downtown for the City.

Without limiting the foregoing, recent completed, under construction and approved projects by SmartCentres include:

| | Project | Status |
|---|---|--|
| 1 | Transit City 1 (898 Portage Parkway) & Transit City 2 (2 Buttermill Avenue) | Approved in 2017 and constructed. |
| 2 | Transit City Tower 3 (950 Portage Parkway) | Approved in 2018 and constructed. |
| 3 | East Block Phase 1 (175 Millway Avenue) | Approved in 2019 and currently under construction. |
| 4 | KPMG Building (100 New Park Place) | Approved in 2013 and constructed |
| 5 | PWC/YMCA Building | Approved in 2016 and constructed |
| 6 | Block A5 (SE Corner – 101 Edgeley Boulevard) | Approved in September 2021. |
| 7 | East Block Phase 2 (175 Millway Avenue) | Under Review (September 2020) |
| 8 | Block E2 | Approved in September 2022 |

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|----|-----------------------------------|------------------------------|
| 9 | Block A6 (101 Edgeley Boulevard) | Under Review (October 2021) |
| 10 | Block A7 (101 Edgeley Boulevard) | Under Review (December 2021) |
| 11 | Thornhill (700 Centre Street) | Under Review (April 2020) |
| 12 | 400 & 7 (101 Northview Boulevard) | Under Review (December 2019) |

On November 3, 2022, on behalf of our client, we wrote to the City to indicate significant concerns regarding the proposed official plan amendment regarding “Pre-Application and Complete Application Submission Requirements”. A copy of that letter is attached for your convenience.

To be clear, SmartCentres is not opposed to the concept of the City attempting to formalize and better define the pre-application consultation process, but the approach identified in the proposed Official Plan Amendment No. 93 (“**OPA 93**”) is flawed and should be reconsidered. Unfortunately, our client’s previously identified concerns remain unaddressed. Further, additional revisions proposed in OPA 93 raise additional concerns.

As proposed, the OPA 93 will significantly and unreasonably delay the development process in the City, while offering no improvements from the perspective of the City’s review process. There are also aspects of the Draft OPA that are likely ultra vires the *Planning Act*.

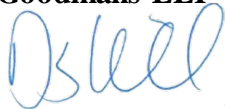
- **10.1.3.3** – OPA 93 was not revised to enable the City planner to be the project manager for the PAC Meeting process.
- **10.1.3.4** – OPA 93 was not revised to enable discretion during the PAC Meeting process to reflect the details of the proposed application. The example previously provided indicated that there is no purpose for requiring identifying details and/or studies for every planning application in a specific area. Further, this policy enables terms of reference, standards and guidelines to be issued by City staff that would not be found in policy or, even worse, for City staff to have discretion simply to provide “instructions” to applicants regarding preparation of studies and reports.
- **10.1.3.5** – This policy insertion would create a two-step process for pre-application that is not authorized by the *Planning Act* and will lead to considerable delay. (Our client is also concerned with the discretion, and resulting delay, in requiring review of pre-application materials by a Design Review Panel.)
- **10.1.3.9** – Concurrent planning applications should be reviewed together. Any suggestion that concurrent planning applications may not be deemed complete is a significant issue and potential cause for delay in the planning process. If applications are not reviewed concurrently, it will result in significant delays for approvals, as many details are inter-related (i.e. tower separation distances in an OPA would impact parking layouts, which would impact unit design, etc.). In addition, such an approach is inconsistent with statutory rights in the *Planning Act*.

- **10.1.3.11**– SmartCentres welcomes public participation in the planning process. However, there should not be a requirement for public consultation as part of the pre-consultation process. This will lead to significant delay.

As noted above, we are also concerned that OPA 93 proposes policies that exceed what is permitted by the applicable statutory provisions, including but not limited to subsections 22(3.1), 34(10.0.1), 41(3.1) and 51(16.1) of the *Planning Act*. In particular, the OPA 93 will slow the issuance of development approvals, including within the VMC, by inappropriately front-ending too much of the application review process before an application is even finalized for submission.

Yours truly,

Goodmans LLP



David Bronskill
DJB/
cc. Client