

**Communication: C9
Committee of the Whole (2)
December 12, 2022
Item #2**

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Our File No.: 191127

Via Email

City of Vaughan
City Hall, Level 100
2141 Major Mackenzie Drive
Vaughan, ON L6AS 1T1

Attention: Fausto Filipetto, Senior Manager, Policy Planning

Dear Sirs/Mesdames:

**Re: Proposed Amendment to Vaughan Official Plan 2010 – Volume 1
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

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)

We are writing on behalf of our client with significant concerns regarding the proposed new Pre-Application Consultation Process Update as proposed in the draft official plan amendment (the “**Draft OPA**”). As proposed, the Draft OPA will significantly and unreasonably delay the development process in the City, while offering no improvements from the perspective of the City’s review process. SmartCentres is not opposed to the concept of the City attempting to formalize and better define the pre-application consultation process, but the approach in the Draft OPA should be reconsidered by the City.

Our client has reviewed the presentation made at the Committee of the Whole on September 13, 2022, and offers the following preliminary comments. Please note that these comments are not exhaustive and SmartCentres would appreciate the opportunity to meet with City staff to discuss all aspects of the PAC Process Update.

- **10.1.3.3** – The PAC Process could be expedited by requiring the City planner to be the project manager for the PAC Meeting process. This would enable the City to pre-determine the appropriateness and requirements of government agencies (Regional, etc.) prior to the PAC Meeting to expedite the process and ensure no surprises during the meeting.
- **10.1.3.4** – SmartCentres strongly encourages the City to have discretion during the PAC Meeting process, in accordance with the details of the proposed application. For example, there is no purpose to require identical engineering / transportation details and studies (e.g. flow monitoring, parking proxy studies) for every planning application in a specific area (e.g. VMC, Thornhill Centre, etc.). The City can and should organize, recognize, and categorize all available information at the time of the application, thus avoiding costly and timely (and redundant) information gathering. The negotiation between applicants and City Staff regarding these matters often takes longer than preparation of the reports.
- **10.1.3.8** – 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.). The approval process essentially doubles under this proposed policy.
- **10.1.3.9** – All municipal departments should initiate review of an application upon initial receipt to determine completeness. This would enable the more timely provision of

comments regarding the application, especially when staff are already reviewing the materials provided.

- **10.1.3.10** – 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.

In general, we are also concerned that the Draft OPA 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 Draft OPA 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.

Please note that our client has worked closely with City staff for many of years on the advancement of various planning policies, review frameworks, significant development proposals, transit infrastructure, and park and open spaces within the VMC. SmartCentres has always strived to work collaboratively with the City as it has advanced significant development within the City and, in particular, within the VMC. Our client would be pleased to meet with City staff to discuss the above-noted concerns in more detail to ensure that an appropriate pre-application process is prepared and brought forward for consideration by City Council.

We would also appreciate being included on any notice list at the City regarding this matter.

Yours truly,

Goodmans LLP



David Bronskill

DJB/

cc. Client

David McKay, MHBC