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VIA EMAIL

June 16, 2023

Office of the City Clerk
City of Vaughan
2141 Major Mackenzie Drive
Vaughan, ON L6A 1T1

Attention: Todd Coles, City Clerk

Dear Mr. Mayor and Members of Council;

RE: June 20, 2023 Meeting of Council

PROPOSED AMENDMENT TO VAUGHAN OFFICIAL PLAN 2010, VOLUME 1, POLICY 10.1.3 AND BY-LAW 278-2009 AS AMENDED IN RESPONSE TO BILL 109 (MORE HOMES FOR EVERYONE, 2022) FILE 25.7

Committee of the Whole (2) Report – June 6, 2023; Agenda Item #6.6

I am the solicitor for Lormel Developments Ltd. (“Lormel Developments”) and Kirbywest Ltd. (“Kirbywest”) (collectively, “Lormel”) the owners either directly or through related corporations of numerous properties throughout the City of Vaughan.

This includes lands municipally described as 11273 Jane Street, Vaughan owned by Lormel Developments (“Lormel Development Lands”) and lands at the southwest corner of Kirby Road and Weston Road in Block 41 (“Kirbywest Lands”), owned by Kirbywest, which is a related company to Lormel.

The Lormel Developments Lands are located in Block 27 and currently being developed for residential purposes. Lormel Developments is a member in good standing of the Block 27 Landowners Group.

As indicated, the Kirbywest Lands are located in Block 41 and are also currently being developed for residential purposes. Kirbywest is a member in good standing of the Block 41 Landowners Group.



Through related companies, Lormel also owns numerous other parcels of land in the City that it intends on developing in the future for residential and other purposes.

Overview

Lormel has reviewed the official plan amendments that have been prepared by City staff to Policy 10.1.3 in response to Bill 109. As a key stakeholder in the development industry with over 25 years of experience building homes in the City and GTA as a whole, Lormel has a number of concerns with the proposed amendments.

Lormel therefore requests that City Council defer consideration of this matter to allow for further discussions to take place and for its concerns, as well as the concerns raised by other key industry stakeholders, to be fully addressed.

Lormel has reviewed the written submissions made by Malone Given Parsons dated June 5, 2023 on behalf of the Block 41 Landowners Group, along with the written submissions made by Bousfields Inc. dated June 5, 2023 on behalf of the Block 27 Landowners Group. These letters are enclosed along with this correspondence for reference.

Lormel agrees with the concerns raised in those letters and hereby adopts and supports those submissions. In the interests of avoiding duplication, I will not repeat those comments and will instead provide further comments in addition to those already submitted.

As a general principle, Lormel agrees that a robust but efficient Pre-Application Consultation and Meeting process is potentially a useful tool to ensure that applicants understand the requirements that will need to be satisfied through the application submission and review process. This can avoid misunderstandings between municipal staff and applicants, reduce delays, and prevent wasted effort and resources in undertaking studies that either aren't necessary or do not meet municipal requirements and standards. It also ensures that municipalities and the public have the materials required to assess the merits of an application before a decision is made.

Lormel is concerned, however, that the proposed changes to Policy 10.1.3 will work to undermine the intent of the fee refund provisions introduced through Bill 109 by front-loading review work that ought to be completed during the periods that have been prescribed by statute. Instead of speeding up the application review process, the effect of Bill 109 appears to be that the goal posts will simply be moved to front load review work so that it occurs prior to the City issuing a notice of complete application.



Policy Conformity Should Not be a Prerequisite to a Complete Application

The suggestion in policy 10.1.3.2 that perceived policy conformity issues must be addressed to the satisfaction of the City as part of the pre-application consultation process in order to ensure a complete application is inappropriate. Fundamentally, the purpose of the pre-application review process is to ensure that the City has the materials and information that it requires to assess the merits of an application before it is deemed complete. The pre-application review process is not an opportunity to assess the merits of an application, policy or otherwise. This proposed amendment is contrary to the scheme of the *Planning Act* and would effectively turn the application review process on its head if approved.

Timelines for Review of Materials Should be Specified

The lack of any kind of mandated time limits in policies 10.1.3.5, 10.3.7, and 10.3.8 on the initial screening by staff of the information, reports, studies and materials that are identified through the PAC process as being required to be included as part of a complete application is extremely problematic. This high-level review should be subject to strict deadlines to ensure that the intent of Bill 109, which is to incentivize the expeditious approval of applications, is not undermined.

Similarly, where the City determines that materials submitted do not meet the standards prescribed in Terms of Reference or other guidelines per policy 10.1.3.6(e) strict time limits should be imposed with respect to any subsequent review of resubmitted or revised materials.

The Prohibition on Concurrent Applications is Inappropriate

The proposed restriction on pursuing concurrent Zoning By-law or Minor Variance and Site Plan Applications, has the potential to delay processing time even beyond what applicants currently experience today. The change proposed through 10.3.6(i) and 10.1.3.9(a) requiring that an applicant demonstrate zoning compliance as part of the submission of a Site Plan application is also contrary to the scheme of the *Planning Act*. Zoning is not a criteria for the approval of site plan applications and these tools are intended to address completely distinct matters under the *Planning Act*.

There is no basis whatsoever to suggest that zoning compliance is a prerequisite under the *Planning Act* to the submission of a site plan application. The scope of site plan approval under section 41 of the *Planning Act* is very limited and it is intended to regulate a very narrow set of matters including access, accessibility, site circulation, lighting, landscaping, and grading. There is no reason why these matters cannot be addressed independent from or concurrently with zoning.



If the legislature had intended on drawing a connection between zoning and site plan approval it could have done so, as is the case with Official Plan Amendments and Zoning By-law Amendments. For example, zoning by-laws are explicitly required to conform to the Official Plan of a municipality and where an applicant has filed concurrent OPA and ZBA applications the statutory review periods for the ZBA application are automatically extended to be consistent with the longer periods applicable to OPAs. There is no similar connection made between zoning by-laws and site plans in the *Planning Act*. It is clear that the legislature did not intend to link these two processes in the manner that the proposed amendments seek to do. The proposed amendments in 10.3.6(i) and 10.1.3.9(a) should be deleted in their entirety.

Substantive Peer Review Should Occur Only After Application is Deemed Complete

With respect to policy 10.1.3.13, although Lormel does not oppose the use of peer review consultants or the requirement that these be retained at the applicant's expense, it seeks to clarify the intent of the statement at the end of the policy that "[t]his would be required as a component of a complete application." If the intent with this policy is that an applicant agree to pay for a peer review consultant as a component of the complete application this is not a concern. If, however, the intent of this policy is that a peer review be undertaken before an application is deemed complete, this would be extremely problematic and undermine the scheme of the *Planning Act* generally and the intent of the Bill 109 amendments in particular. Any substantive review of application materials ought to take place during the statutory time periods only and not before a notice of complete application is issued.

Requests

I again request that this matter be deferred in order to appropriately address the concerns that have been raised by Lormel and other industry stakeholders. I also hereby request notice of any further public meeting or other meetings of Committee of the Whole or Council that are held in respect of this matter and/or any decisions of Council in respect of same.

I trust this is satisfactory, however if you have any questions or require additional information, please contact the undersigned.

Yours truly,

LOOPSTRA NIXON LLP

Per: Quinto M. Annibale

QMA/br

June 5, 2023

MGP File: 11-2003

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

via email: clerks@vaughan.ca

Dear Mayor Del Duca and Members of Council:

**RE: Proposed Amendment #93 to the City of Vaughan Official Plan, 2010
June 6, 2023, Committee of the Whole Item 6**

Malone Given Parsons Ltd. (“MGP”) is the Planning Consultant for the Block 41 Landowners Group, who own approximately 297 gross hectares of land within the City of Vaughan. Block 41 is one of two New Community Areas intended to accommodate growth up to the 2031 planning horizon in the City of Vaughan.

On behalf of the Block 41 Landowners Group (“LOG”), we have reviewed the Proposed Amendment (being Policy 10.1.3 and By-law 278-2009 as amended) in response to Bill 109 (More Homes for Everyone, 2022), City File 25.7, Committee of the Whole Report No. 6, dated June 6, 2023.

We previously made a written submission to the City dated December 9, 2022 and many of those comments continue to be applicable. Overall, we continue to be concerned that the proposed OPA to the Vaughan Official Plan 2010 (“VOP 2010”) has an unintended consequence of lengthening the Pre-application Consultation (“PAC”) process prior to the commencement of complete application timelines and increases the timeline for development application approvals overall within the City of Vaughan. In our opinion, the OPA is contrary to the intent of Bill 109, the More Homes for Everyone Act, 2022, which supported expedited approvals to build homes faster.

We appreciate that the City has made some revisions to the draft Official Plan since the public meeting held in December 2022 however we continue to have concerns some of which are outlined below. We reserve the right to identify additional issues as we continue our review of the modified OPA.

1. Length of the Pre-Consultation Validity (Proposed Policy 10.1.3.5 & 10.1.3.6)

Given the extensive list of plans and reports that are required to support a complete application, we request that the term of the Pre-consultation **be increased from 180 days to 365 days** to allow for sufficient time to complete the various studies and materials to support the development applications. We note that the environmental and technical reports typically require a year or more of data collection and can be

seasonally dependant. As such, a 180-day window is not sufficient to allow for the completion of these studies within that timeline.

2. Minimum Pre-Application Requirements (Proposed Policy 10.1.3.3(b))

The draft Amendment proposes to require owners' authorization for the submission of a Pre-Application meeting. This should be limited to the applicant who is proposing the pre-application meeting. We note that larger scale site applications such as Block Plan or an Official Plan Amendment often cover larger areas where all parties within the area are not required to sign applications.

3. Preliminary Elevations for Pre-Consultation (Proposed Policy 10.1.3.3(f))

Policy 10.1.3.3. prescribes the minimum requirements for the submission of a Pre-Application Meeting application. The minimum list includes the submission of "Preliminary Elevations". We note that in many cases, such as subdivision plans, Block Plans, some official plan or zoning amendments (such as an addition to or change in use), elevations are not relevant and should not be required.

4. Standard Terms of Reference Guidelines (Proposed Policy 10.1.3.4)

It is unclear who prepares and who approves the standard terms of reference referred to. We believe that if standard City-wide Terms of References are to be prepared, these should be reviewed and approved by Council.

5. The City refusal of information and materials (Proposed Policy 10.1.3.6(e))

It is unacceptable to give staff the unilateral ability to indicate that a study that has been submitted is inappropriate/incomplete, which will hold up the entire application. We do not think that this is the intent of the Policy, and this wording should be clarified.

6. Draft Plan of Condominium (Common Element)

Throughout the Draft Official Plan reference is made to Draft Plan of Condominium (Common Element). We question why specific reference is made to only one type of condominium plan.

7. GIS conformity Letter 10.1.3.11 (b)xxvii)

The requirement for a GIS conformity letter prior to submission of an application is an onerous requirement at first submission, particularly for engineering plans which are extremely detailed and subject to change after comments are received. GIS Conformity letters should be a requirement later in the approval process. With the volume of applications received by the City, the GIS section is often short of time and there is no specified minimum timeline to obtain a GIS Conformity Letter. We note that this item is included in the list that may be required by the City in 10.1.3.7.

8. Block Plan Approval 10.1.3.14

The requirement for an approved Block Plan as a component of a complete application for a subdivision application is a change from the City's approval process to date. Block Plans typically take several years to approve, have multiple rounds of

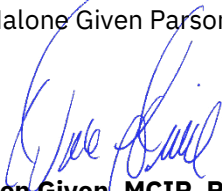
comments and submissions, involve multiple owners and have substantially completed most studies required for a subdivision application after the second submission. Often there can be one or two items that delay approval of a Block plan in an area that does not affect an application for approval in another part of the plan. We request that the last sentence of policy 10.1.3.14 be amended to allow for some discretion on the part of the City.

Conclusion

We thank you for the opportunity to provide input on the proposed Pre-Consultation and Complete Application Submission Requirements and look forward to continuing to engage with Staff through further discussions. Should you have any questions or wish to discuss our comments, please do not hesitate to contact me at 905.513.0170

Yours very truly,

Malone Given Parsons Ltd.



Don Given, MCIP, RPP
Founder

cc *Block 41 Landowners Group*
Haiqing Xu, City of Vaughan
Fausto Filipetto, City of Vaughan



BOUSFIELDS INC.

Project No. 18189

June 5, 2023

Sent via e-mail to: clerks@vaughan.ca

Committee of the Whole
City of Vaughan
Civic Centre
2141 Major Mackenzie Drive
Vaughan, ON L6A 1T1

Dear Chair and Members of the Committee of the Whole,

**Re: Committee of the Whole Meeting on June 6, 2023
Item 6.6 – Proposed Amendment to Vaughan Official Plan 2010,
Volume 1, Policy 10.1.3 and By-law 278-2009, as Amended, in Response
to Bill 109 (More Homes for Everyone, 2022) File 25.7**

As you are aware, we are the planning consultants to the Block 27 Landowners' Group (the "**LOG**") with respect to the 400-hectare tract of land bounded by Keele Street, Teston Road, Jane Street and Kirby Road. We are writing you on behalf of a number of owners that are members of the LOG.

On November 17, 2022 and December 9, 2022, Bousfields Inc. submitted letters, attached hereto as **Attachment A**, to the City of Vaughan's Planning Department and the Committee of the Whole (the "**Letters**"). The Letters provided our opinion with respect to the City's proposed changes to its Complete application submission requirements, as outlined in the statutory public meeting held on September 13, 2022.

We are concerned that our comments have again not been captured in the Staff Report or addressed in the recommended Official Plan Amendment (the "**Draft OPA**"), attached to the Staff Report.

Though many of the concerns in the Letters remain unaddressed, we continue to see a significant concern with Draft Policy 10.1.3.14 (Draft Policy 10.1.3.13 in previous drafts of the Draft OPA), which requires that any development application that is subject to development application(s) shall require an approved Block Plan as part of a complete application.

We continue to be of the opinion that this requirement should be deleted from the Draft Official Plan Amendment, since:

- Historically, the Block Plan process was a guiding process that would coordinate Draft Plans amongst varying landowners in order to allocate and distribute community uses without considering property boundaries, which would result in the immediate delivery of parks and schools to the municipality.
- The Block Plan process is not a statutory process, and therefore has no associated approval timelines or right of appeal. Accordingly, there would be no mechanism to ensure that a Block Plan is processed in a timely fashion. That outcome directly conflicts with the intent of Bill 109, which seeks to accelerate approval timelines, allowing more homes to be built, faster.
- Potential delays to application filing timelines run contrary to the intention of the recently passed legislation in Bills 108 and 23, which “freeze” development charges and parkland dedication rates as on the date certain applications are made. The intent of those “freezes” is to make development costs more predictable and homes more affordable. The Draft OPA could delay rezoning and site plan application filings, leading to the risks of: land valuation increases (increasing parkland fees), and, increased development charges due to indexing adjustments and new by-law enactment.
- Historically, it has been common for the Block Plan to be revised while subdivision (and other) applications are being processed concurrently. Block Plans therefore evolve over time as their implementation progresses. This is reflected in the City of Vaughan’s Official Plan Policy 10.1.1.25, which states:

Where Council has not approved a Block Plan, a proposed plan of subdivision may be draft approved or other development approval granted once the proponent has completed all work required to formulate a Block Plan in accordance with and in conformity to the provisions of this Plan. The proposed plan of subdivision or other development approval application may be evaluated in the context of the proposed Block Plan.

- Policy 10.1.1.25 provides flexibility by allowing the processing and approval of Block Plans and other development applications to happen concurrently. In our opinion, Draft Policy 10.1.3.14 directly conflicts with Policy 10.1.1.25.

Block 27

In addition to the foregoing, Block 27 has already made a Block Plan application submission, and entered into a servicing agreement to bring services to Block 27 by 2025. More specifically:

- The Block Plan application for Block 27 was filed by the LOG on August 24, 2022, prior to the changes proposed in the Draft OPA. It is our opinion that our Block Plan process should not get caught up in a new process that results in unpredictable approval timelines.
- As Council and Planning Staff are aware, the LOG has entered into a Servicing Agreement with the Region whereby the LOG front-funded approximately \$156 million to advance servicing in order to support housing construction in early 2025. If the filing of development applications is stalled until the Block Plan is approved, it will be impossible for the Block 27 lands to utilize the services that will be available in 2025.

Request:

For the reasons outlined herein, we respectfully make the following requests:

1. That Policy 10.1.3.14 in Draft OPA in Item 6.6 be revised as follows:

10.1.3.14 The City, at its discretion, may require a pre-application consultation process for Block Plan approvals or other non-statutory comprehensive planning measures (e.g., precinct plans, development concept plans, telecommunication towers), based on the policies of this section, scoped to the needs of Block Plan or other comprehensive planning measure process. ~~If the development application(s) are subject to a Block Plan, an approved Block Plan shall also be a component of complete application.~~

2. As per our original letter dated November 17, 2022, we suggest that timelines should be associated with the PAC process.

Thank you for the opportunity to provide input into this important policy change. Should you require additional information or clarification, please contact the undersigned at 416-418-5422 or via e-mail at dfalletta@bousfields.ca.

Respectfully Submitted,

Bousfields Inc.

A handwritten signature in black ink, appearing to be 'DF', with a large, stylized flourish at the end.

David Falletta, MCIP, RPP

AW/df:jobs

c.c. M. Ghassan, Delta Urban Inc., via e-mail

Attachment A - the Letters



Project No. 18189

November 17, 2022

SENT VIA E-MAIL

Christina Bruce, Director of Policy Planning & Special Programs

-and-

Nancy Tuckett, Director of Development Planning
City of Vaughan - City Hall
Level 200
2141 Major Mackenzie Drive
Vaughan, ON L6A 1T1

Dear Christina and Nancy,

Re: *VOP – Pre-consultation and Complete Application Submission Requirements, Chapter 10.1.3, City File No. 25.7*

We are the planning consultants to the Block 27 Landowners' Group with respect to the 400 hectare tract of land bounded by Keele Street, Teston Road, Jane Street and Kirby Road. We have reviewed the City's proposed changes to its Complete application submission requirements, as outlined in the Staff Report for File No. 25.7 and detailed in the Draft Official Plan Amendment (the "**Draft OPA**"), and we are providing the following comments:

1. Front-ending the process

The Draft OPA seeks to push most of the application processing prior to the submission of a formal application. It appears, this will allow the City to process development applications in the legislated timelines.

In our opinion, this could be beneficial as it would mean quicker development application processing times. However, the Draft OPA does not set any pre-application processing times. For example, the Draft OPA requires pre-application community meetings, DRP meetings, delineation of environmental features, etc., but does not apply timelines for these elements.

Recommendation:

We recommend that the Draft OPA be revised to include timelines related to the pre-application submission process, which will ensure the pre-application phase does not drag on and frustrate development. In this regard, we recommend the following revisions:

- **New Policy be added to require the City to host a pre-consultation within 14 days of the submission of a pre-application consultation meeting request and the City will issue a Pre-Application Consultation Understanding form within 21 days of a pre-application consultation meeting.**
- **That Draft Policy 10.1.3.4 be revised as follows:** The City and/or external review agencies may issue terms of reference or other guidance documents to establish the technical standards and format for any required information, reports, studies, and materials through the pre-application consultation process. In the absence of written terms of reference and guidance documents, applicants will rely on the instructions provided by the City and review agencies at the pre-application consultation meeting in the preparation of their development application(s). Applicants may be required to prepare a terms of reference for any information, reports, studies, and materials that are identified as being required through the pre-application consultation process to the satisfaction of the City and/or review agencies prior to the submission of a development application(s). **The City and/or review agencies shall be required to confirm the terms of reference for all the information, reports, studies, and materials identified as being required to accompany an application within the Pre-Application Consultation Understanding Form.**
- **New Policy 10.1.3.10 I. – The City and/or review agencies shall provide any required background information required to complete the required information, materials and studies identified in the Pre-Application Consultation Understanding Form and Policy 10.1.3.10, including the delineation of environmental development limits and preliminary zoning review. This information is to be provided within within the Pre-Application Consultation Understanding Form.**
- **That Draft Policy 10.1.3.1 be revised as followings:** A pre-application consultation meeting with the City will be held prior to the submission of development applications for Official Plan Amendments, Zoning By-law Amendments, ~~Consents~~, Draft Plans of Subdivision, Draft Plans of Condominium and Site Plan Approval.

2. Pre-Application Public Consultation

Draft Policy 10.1.3.10 a. requires that pre-application public consultation occur for certain applications, however, it does not outline the timelines associated with the consultation meeting. In our opinion, draft policy 10.1.3.10 a. should be revised to clearly state that any pre-application public consultation should be driven by the applicant.

Recommendation: We recommend that Draft Policy 10.1.3.10 a. be revised as follows:

a. Demonstration of Pre-Application Public Consultation:

*There will be cases where an application(s) will benefit from **an applicant led** pre-application public consultation, which can inform the preparation of the submission material, resolve contentious issues and minimize the need for further consultation within the time-sensitive processing period for development applications. When the City determines pre-application public consultation is required, the development application will include a Public Consultation Summary Report, which will include:*

- i. the date, time and location of the meeting;*
- ii. the public notification protocol;*
- iii. the representatives of the applicant in attendance;*
- iv. the number of people in attendance, including the sign-in sheet;*
- v. a copy of the applicant's presentation material(s);*
- vi. meeting notes identifying the issues that were raised and discussed, and the responses from the applicant's representatives; and,*
- vii. any commitments to undertake further work to address the issues. The City may provide further articulation on the pre-application public consultation process in the form of a guideline and/or standard reporting format.*

The City will provide the required circulation notice list as part of the Pre-Application Consultation Understanding Form.

The applicant shall notify the neighbourhood residents of the meeting at least 2 weeks prior to the meeting and be required to invite City Planning Staff and the Ward Councillor.

Draft Policies 10.1.3.10.h.xvii and xxi authorizes the City to require a Record of Site Condition and Water and Wastewater Servicing Plans to deem an application complete. A Record of Site Condition, if required, is considered applicable law and required to be filed prior to the issuance of any building permit. A Water and Wastewater Servicing Plan is typically completed at the detailed design phase of development and is not required at the application submission stage for staff to assess the appropriateness of a development.

Recommendation: Remove Draft Policies 10.1.3.10.h.xvii and xxi.

Recommendation: Revise Draft Policy 10.1.3.10.j xv. to: “any other plans, information, reports, studies and/or materials the City and/or external review agency deems necessary to properly review and evaluate the development proposal, **as identified in the signed Pre-Application Consultation Understanding Form.**”

3. Non-Statutory Approvals

Draft Policy 10.1.3.13 states that the City may require a pre-application consultation process for Block Plan approvals or other non-statutory comprehensive planning measures.

Recommendation: In our opinion, Draft Policy 10.1.3.13 should be deleted, since non-statutory approvals, such as Block Plans, do not have legislated timelines or requirements. The City’s current protocols for Block Plans should continue to apply and not be subject to the proposed updated pre-consultation process.

4. Restriction to filing a ZBA and Site Plan

Draft Policy 10.1.3.8 states that where an OPA and ZBA applications are submitted, an application for a ZBA shall not be deemed complete until the OPA is approved and in full force and effect. Similarly, where a Site Plan application is submitted, it shall not be deemed complete until a ZBA or minor variance application is approved and in full force and effect.

Recommendation: In our opinion Draft Policy 10.1.3.8 should be deleted, since it removes legislative permissions enabled by the Planning Act. In our opinion, the Planning Act does not restrict ZBA applications to only applications that conform to the Official Plan and, as such, the City of Vaughan’s Official Plan should not remove this legislative permission. Furthermore, in our experience an OPA may be required to modify one policy or technical element of the Official Plan, such as height or density, which is an item and/or performance standard

that is carried forward and reviewed as part of a rezoning application. In our opinion, the proposed policy conflicts with the intent of Bill 109, which is to make the development application process more efficient.

Thank you for the opportunity to provide input into this important policy change. Should you require additional information or wish to meet to discuss this further, please contact the undersigned at 416-418-5422 or via e-mail at dfalletta@bousfields.ca.

Respectfully Submitted,

Bousfields Inc.



David Falletta, MCIP, RPP

/DF:jobs

c.c. M. Ghassan, Delta Urban Inc., via e-mail



BOUSFIELDS INC.

Project No. 18189

December 9, 2022

Sent via e-mail to: clerks@vaughan.ca

Committee of the Whole
City of Vaughan
Civic Centre
2141 Major Mackenzie Drive
Vaughan, ON L6A 1T1

Dear Chair and Members of the Committee of the Whole,

**Re: *Committee of the Whole Meeting on December 12, 2022
Item 6.2 – Proposed Amendment to Vaughan Official Plan 2010,
Volume 1, Policy 10.1.3 and By-law 278-2009, as Amended, in Response
to Bill 109 (More Homes for Everyone, 2022) File 25.7***

We are the planning consultants to the Block 27 Landowners' Group (the "**LOG**") with respect to the 400-hectare tract of land bounded by Keele Street, Teston Road, Jane Street and Kirby Road.

On November 17, 2022, Bousfields Inc. submitted a letter, attached hereto as **Attachment A**, to the City of Vaughan's Planning Department (the "**Letter**"). The Letter provided our opinion with respect to the City's proposed changes to its Complete application submission requirements, as outlined in the statutory public meeting held on September 13, 2022. We are concerned that our comments have not been captured in the Staff Report or addressed in the recommended Official Plan Amendment (the "**Draft OPA**"), attached to the Staff Report.

Though many of the concerns in the Letter remain unaddressed, we wish to highlight that the proposed policies regarding Block Plans are particularly challenging and of paramount concern. The remainder of this letter provides further detail on the Block Plan issue.

1. Requirement for an approved Block Plan to form part of a complete application

Policy 10.1.3.14 in the Draft OPA states that if development applications are subject to a Block Plan, an approved Block Plan shall also be a component of a complete application. A Council-approved Block Plan would need to be in place prior to the submission of a draft plan of subdivision, rezoning, or other development applications.

In our opinion, this policy should be deleted. The reasons for deletion include:

The Block Plan process is not a statutory process, and therefore has no associated approval timelines or right of appeal. Accordingly, there would be no mechanism to ensure that a Block Plan is processed in a timely fashion. That outcome directly conflicts with the intent of Bill 109, which seeks to accelerate approval timelines, allowing more homes to be built, faster.

Potential delays to application filing timelines run contrary to the intention of the recently passed legislation in Bills 108 and 23, which “freeze” development charges and parkland dedication rates as on the date certain applications are made. The intent of those “freezes” is to make development costs more predictable and homes more affordable. The Draft OPA could delay rezoning and site plan application filings, leading to the risks of: land valuation increases (increasing parkland fees), and, increased development charges due to indexing adjustments and new by-law enactment.

Historically, it has been common for the Block Plan to be revised while subdivision (and other) applications are being processed concurrently. Block Plans therefore evolve over time as their implementation progresses. This is reflected in the City of Vaughan’s Official Plan Policy 10.1.1.25, which states:

Where Council has not approved a Block Plan, a proposed plan of subdivision may be draft approved or other development approval granted once the proponent has completed all work required to formulate a Block Plan in accordance with and in conformity to the provisions of this Plan. The proposed plan of subdivision or other development approval application may be evaluated in the context of the proposed Block Plan.

Policy 10.1.1.25 provides flexibility by allowing the processing and approval of Block Plans and other development applications to happen concurrently. In our opinion, Draft Policy 10.1.3.14 directly conflicts with Policy 10.1.1.25.

We also note that the Block Plan application for Block 27 was filed by the LOG on August 24, 2022, prior to the changes proposed in the Draft OPA. It is our opinion that

our Block Plan process should not get caught up in a new process that results in unpredictable approval timelines. As Council and Planning Staff are aware, the LOG has entered into a Servicing Agreement with the Region whereby the LOG front-funded approximately \$156 million to advance servicing in order to support housing construction in early 2025. If the filing of development applications is stalled until the Block Plan is approved, it will be impossible for the Block 27 lands to utilize the services that will be available in 2025.

Lastly, it is our understanding that the Province is proposing to introduce legislation to delay the effective date of the application fee refund provisions of Bill 109 from January 1, 2023 to July 1, 2023. Accordingly, we request that Agenda Item 6.2 of the Committee of the Whole Meeting of **Monday December 12, 2022** be deferred in its entirety to allow all stakeholders the opportunity to better understand the implications of Bill 109 and any forthcoming legislation.

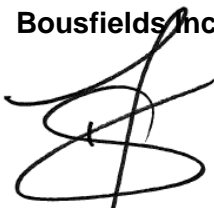
Recommendation:

In addition to our comments made in the Letter we respectfully request that Policy 10.1.3.14 of the Draft OPA be **deleted** in its entirety and that Agenda Item 6.2, of the December 12, 2022 Committee of the Whole, be **deferred** in its entirety.

Thank you for the opportunity to provide input into this important policy change. Should you require additional information or clarification, please contact the undersigned at 416-418-5422 or via e-mail at dfalletta@bousfields.ca.

Respectfully Submitted,

Bousfields Inc.



David Falletta, MCIP, RPP

AW/df:jobs

c.c. M. Ghassan, Delta Urban Inc., via e-mail

Attachment A - the Letter



BOUSFIELDS INC.

Project No. 18189

November 17, 2022

SENT VIA E-MAIL

Christina Bruce, Director of Policy Planning & Special Programs

-and-

Nancy Tuckett, Director of Development Planning
City of Vaughan - City Hall
Level 200
2141 Major Mackenzie Drive
Vaughan, ON L6A 1T1

Dear Christina and Nancy,

Re: *VOP – Pre-consultation and Complete Application Submission Requirements, Chapter 10.1.3, City File No. 25.7*

We are the planning consultants to the Block 27 Landowners' Group with respect to the 400 hectare tract of land bounded by Keele Street, Teston Road, Jane Street and Kirby Road. We have reviewed the City's proposed changes to its Complete application submission requirements, as outlined in the Staff Report for File No. 25.7 and detailed in the Draft Official Plan Amendment (the "**Draft OPA**"), and we are providing the following comments:

1. Front-ending the process

The Draft OPA seeks to push most of the application processing prior to the submission of a formal application. It appears, this will allow the City to process development applications in the legislated timelines.

In our opinion, this could be beneficial as it would mean quicker development application processing times. However, the Draft OPA does not set any pre-application processing times. For example, the Draft OPA requires pre-application community meetings, DRP meetings, delineation of environmental features, etc., but does not apply timelines for these elements.

Recommendation:

We recommend that the Draft OPA be revised to include timelines related to the pre-application submission process, which will ensure the pre-application phase does not drag on and frustrate development. In this regard, we recommend the following revisions:

- **New Policy be added to require the City to host a pre-consultation within 14 days of the submission of a pre-application consultation meeting request and the City will issue a Pre-Application Consultation Understanding form within 21 days of a pre-application consultation meeting.**
- **That Draft Policy 10.1.3.4 be revised as follows:** The City and/or external review agencies may issue terms of reference or other guidance documents to establish the technical standards and format for any required information, reports, studies, and materials through the pre-application consultation process. In the absence of written terms of reference and guidance documents, applicants will rely on the instructions provided by the City and review agencies at the pre-application consultation meeting in the preparation of their development application(s). Applicants may be required to prepare a terms of reference for any information, reports, studies, and materials that are identified as being required through the pre-application consultation process to the satisfaction of the City and/or review agencies prior to the submission of a development application(s). **The City and/or review agencies shall be required to confirm the terms of reference for all the information, reports, studies, and materials identified as being required to accompany an application within the Pre-Application Consultation Understanding Form.**
- **New Policy 10.1.3.10 I. – The City and/or review agencies shall provide any required background information required to complete the required information, materials and studies identified in the Pre-Application Consultation Understanding Form and Policy 10.1.3.10, including the delineation of environmental development limits and preliminary zoning review. This information is to be provided within within the Pre-Application Consultation Understanding Form.**
- **That Draft Policy 10.1.3.1 be revised as followings:** A pre-application consultation meeting with the City will be held prior to the submission of development applications for Official Plan Amendments, Zoning By-law Amendments, ~~Consents~~, Draft Plans of Subdivision, Draft Plans of Condominium and Site Plan Approval.

2. Pre-Application Public Consultation

Draft Policy 10.1.3.10 a. requires that pre-application public consultation occur for certain applications, however, it does not outline the timelines associated with the consultation meeting. In our opinion, draft policy 10.1.3.10 a. should be revised to clearly state that any pre-application public consultation should be driven by the applicant.

Recommendation: We recommend that Draft Policy 10.1.3.10 a. be revised as follows:

a. Demonstration of Pre-Application Public Consultation:

*There will be cases where an application(s) will benefit from **an applicant led** pre-application public consultation, which can inform the preparation of the submission material, resolve contentious issues and minimize the need for further consultation within the time-sensitive processing period for development applications. When the City determines pre-application public consultation is required, the development application will include a Public Consultation Summary Report, which will include:*

- i. the date, time and location of the meeting;*
- ii. the public notification protocol;*
- iii. the representatives of the applicant in attendance;*
- iv. the number of people in attendance, including the sign-in sheet;*
- v. a copy of the applicant's presentation material(s);*
- vi. meeting notes identifying the issues that were raised and discussed, and the responses from the applicant's representatives; and,*
- vii. any commitments to undertake further work to address the issues. The City may provide further articulation on the pre-application public consultation process in the form of a guideline and/or standard reporting format.*

The City will provide the required circulation notice list as part of the Pre-Application Consultation Understanding Form.

The applicant shall notify the neighbourhood residents of the meeting at least 2 weeks prior to the meeting and be required to invite City Planning Staff and the Ward Councillor.

Draft Policies 10.1.3.10.h.xvii and xxi authorizes the City to require a Record of Site Condition and Water and Wastewater Servicing Plans to deem an application complete. A Record of Site Condition, if required, is considered applicable law and required to be filed prior to the issuance of any building permit. A Water and Wastewater Servicing Plan is typically completed at the detailed design phase of development and is not required at the application submission stage for staff to assess the appropriateness of a development.

Recommendation: Remove Draft Policies 10.1.3.10.h.xvii and xxi.

Recommendation: Revise Draft Policy 10.1.3.10.j xv. to: “any other plans, information, reports, studies and/or materials the City and/or external review agency deems necessary to properly review and evaluate the development proposal, **as identified in the signed Pre-Application Consultation Understanding Form.**”

3. Non-Statutory Approvals

Draft Policy 10.1.3.13 states that the City may require a pre-application consultation process for Block Plan approvals or other non-statutory comprehensive planning measures.

Recommendation: In our opinion, Draft Policy 10.1.3.13 should be deleted, since non-statutory approvals, such as Block Plans, do not have legislated timelines or requirements. The City’s current protocols for Block Plans should continue to apply and not be subject to the proposed updated pre-consultation process.

4. Restriction to filing a ZBA and Site Plan

Draft Policy 10.1.3.8 states that where an OPA and ZBA applications are submitted, an application for a ZBA shall not be deemed complete until the OPA is approved and in full force and effect. Similarly, where a Site Plan application is submitted, it shall not be deemed complete until a ZBA or minor variance application is approved and in full force and effect.

Recommendation: In our opinion Draft Policy 10.1.3.8 should be deleted, since it removes legislative permissions enabled by the Planning Act. In our opinion, the Planning Act does not restrict ZBA applications to only applications that conform to the Official Plan and, as such, the City of Vaughan’s Official Plan should not remove this legislative permission. Furthermore, in our experience an OPA may be required to modify one policy or technical element of the Official Plan, such as height or density, which is an item and/or performance standard

that is carried forward and reviewed as part of a rezoning application. In our opinion, the proposed policy conflicts with the intent of Bill 109, which is to make the development application process more efficient.

Thank you for the opportunity to provide input into this important policy change. Should you require additional information or wish to meet to discuss this further, please contact the undersigned at 416-418-5422 or via e-mail at dfalletta@bousfields.ca.

Respectfully Submitted,

Bousfields Inc.



David Falletta, MCIP, RPP

/DF:jobs

c.c. M. Ghassan, Delta Urban Inc., via e-mail