

Attachment 13



H O R O S K O
P L A N N I N G L A W

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July 13, 2023.

By Email:

Attn: Ms. Wendy Law, Deputy City Manager, City Solicitor/Chief Legal Officer
City of Vaughan Legal Department
City of Vaughan
Vaughan, Ontario

Dear Ms. W. Law:

**RE: Battcorp Holdings (Vaughan) Ltd. – 661 and 681 Chrislea Road
Commitment of Studies Required at Site Plan**

We act as legal counsel to Battcorp Holdings (Vaughan) Ltd. And Battcorp II Holdings (Vaughan) Ltd., hereinafter collectively “Battcorp”. Battcorp is the owner of properties located at 661 and 681 Chrislea Road (the “Battcorp. lands”). Our client has submitted, through their planning consultants MGP (“MGP”) Planning Consultants, a Pre-Application Consultation (“PAC”) Request to the City of Vaughan and in order to proceed for a Community Infrastructure and Housing Accelerator (“CIHA”) Tool process.

The CIHA process is intended to respond to the need for a greater supply of housing in the province and to expedite the approvals process therein. As part of this current approval process it has been contemplated that certain studies would be deferred to a later stage of approval, but before any site preparation or construction begins. The City of Vaughan has requested a clear commitment by Battcorp as to the further studies which are required to be completed to the satisfaction of the City of Vaughan.

Our client's planning consultants have on May 4, 2023 submitted in writing (see attached) to the City details of studies to be carried out and confirmation on behalf of Battcorp as to commitments related to this application.

The purpose of this letter prepared by Horosko Planning Law today (the "HPL letter") is to :

1. Reinforce and confirm the commitments made in the July 4, 2023 MGP letter,
2. Provide a further commitment/confirmation from legal counsel on behalf of Battcorp, and,
3. To Provide an additional written commitment from Battcorp as to the contents, understanding and commitments being made as part of the current process.

The July 4, 2023 MGP letter forms the basis of the Battcorp commitment as further reiterated herein. In response to this submission, we understand that an additional request was made that Battcorp further confirm their commitment to carry out further studies to be provided at the time of Site Plan Approval before securing final municipal approvals for redevelopment of the Battcorp lands. We have reviewed the commitments made in that letter with the development team and Battcorp and can confirm that they are understood and that Battcorp is herein committing to carrying out their satisfactory completion.

We are also incorporating into this HPL letter a further written commitment below from each of the two Battcorp companies that they acknowledge, understand and agree with the contents of both the MGP July 4, 2023 letter and the HPL July 12, 2023 letter.

In particular, it is understand that any Zoning for the Battcorp lands arising from the current CIHA application will include a Holding Provision requiring that all identified studies are completed to the satisfaction of the City of Vaughan before the Hold is removed. Furthermore, should any of the future studies/assessments/consultations reveal that the Battcorp lands are not suited for the proposed development, neither the City of Vaughan nor its staff will be held responsible for the losses/costs as a result.

We trust that this is now satisfactory to move the CIHA application forward.

Yours truly,

HOROSKO PLANNING LAW

A handwritten signature in blue ink, appearing to read "T. J. Horosko", is written over the printed name of the law firm.

Barry A. Horosko, BES, JD.

- cc. Battcorp Holdings (Vaughan) Ltd.
Battcorp II Holding (Vaughan) Ltd.
D. Given, MGP Planning Consultants
Vince Musacchio, City of Vaughan
Haiqing Xu, City of Vaughan
- Encl. copy of MGP July 4, 2023 letter and list of studies

To the City of Vaughan:

We acknowledge and agree with the contents and commitments made on behalf of Battcorp in the July 4, 2023 MGP letter and the HPL letter above:



A.S.O., Battcorp Holdings (Vaughan) Ltd.



A.S.O., Battcorp II Holdings (Vaughan) Ltd.

July 4, 2023

MGP File: 23-3254

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

via email: haiqing.xu@vaughan.ca

Attention: Mr. Haiqing Xu
Deputy City Manager, Planning & Growth Management

Dear Mr. Xu:

RE: Battcorp Holdings (Vaughan) Ltd. – 661 & 681 Chrislea Road
Commitment of Studies Required at Site Plan

Malone Given Parsons Ltd. are the Planners representing Battcorp Holdings (Vaughan) Ltd. and Battcorp II Holdings (Vaughan) Ltd. (Battcorp) for their two properties located at 661 & 681 Chrislea Road (Subject Lands). Malone Given Parsons Ltd. submitted a Pre-Application Consultation (PAC) Request to the City in the beginning of May 2023, applying for the Community Infrastructure and Housing Accelerator (CIHA) Tool process.

The intent of the CIHA process is to accelerate the approval process for certain development proposals that would otherwise require a comprehensive review. These developments can include market-based housing.

After submitting the PAC request, we worked with you to prepare a CIHA Process checklist identifying at what stage application requirements would be submitted. The CIHA Process checklist was split into two phases; 1) items required as part of the CIHA process, and 2) items that can be deferred to the Site Plan process.

We received the Pre-Application Consultation Checklist on June 28, 2023. In the Checklist, there were items identified as required as part of the CIHA process that were not identified as such in CIHA Process checklist.

Based on this discrepancy, and our conversation earlier today, I understand that there are concerns from some internal departments regarding materials that should be required as part of the CIHA process. Please take this letter as a commitment from the property owner that in addition to the previously agreed upon items within the CIHA Process checklist, the following items will be completed as part of the subsequent Site Plan process:

- Land Use Compatibility Study
- Downstream Analysis

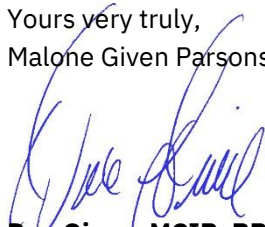
- Arborist Report with Tree Inventory
- Pedestrian Level Wind Study
- Design Review Panel Meeting
- Geotechnical/Soil Report
- Hydrogeological Report

As well, it was not clear within the PAC Checklist if City staff were requiring the following items as part of the CIHA process. We would like to confirm that the following items will also be completed as part of the subsequent Site Plan process:

- Community Services and Facilities Study
- Park and Open Space Master Plan and Detail Facility Fit Study

As has already been mentioned, the intent of the CIHA process is to accelerate the approval process for certain development proposals, including market-based housing. Through the CIHA Checklist that we prepared in coordination with yourself, our intent was to expedite the approval process by eliminating the requirement for Official Plan Amendment and proceeding with an accelerated Zoning By-law Amendment process, in order to deliver housing faster. As part of a CIHA Order, there are provisions which allow for conditions to be placed on an approval. These conditions can be imposed to ensure that certain studies, assessments, consultations and other necessary due diligence associated with a proposed development subject to a CIHA order would be adequately addressed before construction or site alteration can begin. We will be proposing within the CIHA order for the Subject Lands, that the items identified within the CIHA Process checklist shall be included as studies required to be provided/adequately addressed prior to construction or site alteration beginning. This would be included as a Condition.

Yours very truly,
Malone Given Parsons Ltd.



Don Given, MCIP, RPP