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KLM File: P-3365

March 1, 2024

Todd Coles, City Clerk
Office of the City Clerk
Vaughan City Hall
2141 Major Mackenzie Drive
Vaughan, Ontario, L6A 1T1

C1.
Communication
CW(PM) – March 5, 2024
Item No. 1

Attention: Todd Coles, City Clerk and Mayor and Members of Vaughan Council

Re: Committee of the Whole (Public Meeting) – Written Submission
Public Meeting Date: March 5, 2024 at 7:00 PM
Agenda Item #3.1 and Name: 171 Maplecrete LP and 1930328 Ontario Inc.
City File #: CIHA.23.003

General Location: Northeast Corner of Maplecrete Road and Doughton Road, VMC
Property Description: 171 Maplecrete Road, 140 and 160 Doughton Road, and
Block 2 on Registered Plan 65M-4793

Dear City Clerk, and Mayor and Members of Council:

KLM Planning Partners Inc. (“**KLM**”) is the land use planning firm representing our client, GB (Maplecrete) Limited Partnership (“**GB**” or “**client**”), who is the owner of the lands located directly to the east of the subject lands of this Public Meeting Item.

Background – 130 Doughton Road (GB (Maplecrete) Limited Partnership)

On June 2, 2023, our client submitted Official Plan and Zoning By-law Amendment applications to the City of Vaughan to amend the current in-effect Vaughan Metropolitan Centre (VMC) Secondary Plan and Comprehensive Zoning By-law (CZBL) 001-2021 on their lands municipally known as 130 Doughton Road, to propose high density residential development. City Planning staff deemed the OPA and ZBA applications (Files OP.23.007 and Z.23.012) to be “complete” by way of a notice issued under the Planning Act on September 7, 2023.

In light of the policy changes envisioned under the forthcoming VMC Secondary Plan, our client has had several meetings with the Deputy City Manager of Planning, Director of Policy Planning and Special Projects, and the Senior Manager of VMC Program regarding accommodating possible changes to the site and building design. Without prejudice discussions have revolved around height, density, number of towers, and other matters, including the location and alignment of a potential north-south road that is envisioned in the new Secondary Plan but is not a requirement under the current in-effect Plan (discussions included consideration of a 50-50 road split with the westerly neighbour).

There have also been discussions with VMC Program staff regarding the means of obtaining development approvals in advance of the Secondary Plan Review outcome. That is, through the normal planning process through Vaughan Council with the client having rights of appeal under the Planning

Act, or alternatively, through the Community Infrastructure and Housing Accelerator (CIHA) process with the Minister of Municipal Affairs and Housing being the approval authority with no right of appeal for the client as identified in the Planning Act. All of the discussion matters held to date are under consideration by our client and nothing has been settled or confirmed with VMC Program staff; there is no revised development concept agreed to or formally submitted other than the original June 2, 2023 formal submission plan.

Our client's OPA and ZBA applications have yet to have a statutory Public Meeting to amend the in-effect VMC Secondary Plan and CZBL 001-2021. Also, more than 120 days have elapsed since the City issued its Notice of Complete Application's letter on September 7, 2023. Our client has the right to appeal their OPA and ZBA applications to the Ontario Land Tribunal (OLT) for Council's failure to render a decision on their applications within the timeframes stipulated under the Planning Act. However, our client has been working co-operatively and in good faith with VMC Program staff since last September with the intention of achieving a positive and mutual development outcome. This should include the City also working with our client's westerly neighbour in good faith to ensure fair development treatment amongst landowners, the resolution of planning issues, and a mutually beneficial planning outcome in the public interest.

Comments on Westerly Neighbour's CIHA Application (171 Maplecrete LP and 1930328 Ontario Inc.) ("the Liberty CIHA Application")

Although our client does not generally have any objections to the land use, heights and density being proposed, they do object to the following issues that impact the viability to develop and maximize the amount of development on their own site given the westerly neighbours site and building design, as follows:

1. The current in-effect VMC Secondary Plan does not contemplate a north-south road. VMC staff are seeking a north-south road through the VMC Secondary Plan Review and have made their intentions known to have a road sited somewhere between our client's lands and the westerly neighbour. The westerly neighbour's development, as proposed (see attached Composite Plan showing both the Liberty and client's proposals), would require the entire 20 metre road allowance to be placed on our client's lands, given the placement of their buildings extremely close to their easterly lot line and the possible easterly extension of an internal driveway that could intersect, whereas it is Vaughan policy that the provision of a new road where it is possible to do so be split 50/50 amongst adjacent landowners. The westerly neighbour (Liberty) and the City through the review process should be taking into consideration sharing the responsibility of providing the land and costs to construct this potential north-south road.
2. **Without any agreement with the City, the road should be split 50/50 with the westerly neighbour or determined by the City to be not required at all. These matters need to be addressed before the City advances Liberty's CIHA application.**
3. The westerly neighbour's building placements along their east property line proposes a 3-metre podium setback and a 5-metre tower setback, which is insufficient when there are three towers with heights of 24, 29 and 29-storeys and a 6-storey podium straddling the entire mutual property line. We are concerned their proposed development does not currently take into consideration our client's filed applications nor does it provide for the possibility to accommodate 50% of the potential north-south road being sought by Staff through the VMC Secondary Plan review.
4. In consideration of our client's applications, we question the likelihood that the westerly neighbour can meet the required 25-metre tower separation distance from our client's future towers given the closeness of their buildings along the mutual property line. Each developer must place their towers a minimum of 12.5 metres from their respective property lines to ensure

that there will be a minimum 25 metres total distance separation of towers between adjacent properties (as provided for by our client's applications). Liberty's proposed towers are setback 5 metres from their east property line which should be setback an additional 7.5 metres to achieve a setback of 12.5 metres. This minimum setback would also provide for the opportunity to accommodate the potential north-south road between the two proposed developments.

5. Our client's site plan shows a 2.94-metre road widening on the south side of their property to facilitate half (13 metres to centreline) of the total 26 metre Doughton Road right-of-way. It appears that the Liberty proposed development is only providing a 2.44 metre road widening, which is insufficient to create the full Doughton Road right-of-way. The VMC transportation staff will need to review this matter further to resolve the discrepancy.
6. Our client is extremely concerned that should the City disregard the comments contained in this letter and endorse the westerly neighbour's development proposal without any changes that our client will not have any right to appeal their neighbour's development under the Planning Act once the Minister of Municipal Affairs and Housing approves the CIHA, which will have extreme and unfair consequences on the development opportunities and viability for developing our client's lands as discussed in this letter as it relates to the location and provision of the north-south road, and the provision of appropriate setbacks and tower separation distances.

In light of the above concerns by our client, we ask that Vaughan Council direct VMC staff to take our client's comments into consideration and have Liberty re-work their development proposal in concert with our client. The current proposal by Liberty should not proceed as-is without revisions being made that will require them to dialogue and co-operate with our client in the interest of fair and quality development in the VMC. **The City has the obligation to consider the location and provision of the north-south road, and the provision of appropriate setbacks and tower separation distances prior to any further advancement and Council endorsement of this CIHA application so as to avoid prejudicial impacts on our client's active development applications and development opportunities.**

We ask that the City Clerk and VMC Program staff forward notices of all future statutory and non-statutory meetings related to file CIHA.23.003 to both KLM Planning Partners Inc. and GB (Maplecrete) Limited Partnership, c/o Melrose Investments Inc, in order that we can monitor and respond, accordingly.

If anyone has any questions, please feel free to reach out to me or my client, and we would be pleased to have a discussion to address the issues raised above.

Yours truly,

KLM PLANNING PARTNERS INC.



Billy Tung BES, MCIP, RPP
Partner

GU/

Attached: Composite Plan Showing Client and Liberty Proposals

Copy: Alireza Khosrowshahi, Melrose Investments Inc.
Kirill Blotskii, Melrose Investments Inc.
Olenka Karetnik, Melrose Investments Inc.
Grant Uyeyama, KLM Planning Partners Inc.

