

COMMITTEE OF THE WHOLE (PUBLIC MEETING) – MARCH 5, 2024**COMMUNICATIONS****Distributed March 1, 2024****Item No.**

- | | | |
|-----|---|---|
| C1. | Billy Tung, KLM Planning Partners Inc., Jardin Drive, Concord, dated March 1, 2024. | 1 |
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Distributed March 4, 2024

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| C2. | Presentation material | 1 |
| C3. | Bill Kiru, Liberty Development, Highway 7 East, Markham, dated March 1, 2024. | 3 |

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64 JARDIN DRIVE, UNIT 1B
CONCORD, ONTARIO L4K 3P3

T 905.669.4055

KLMPLANNING.COM

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.

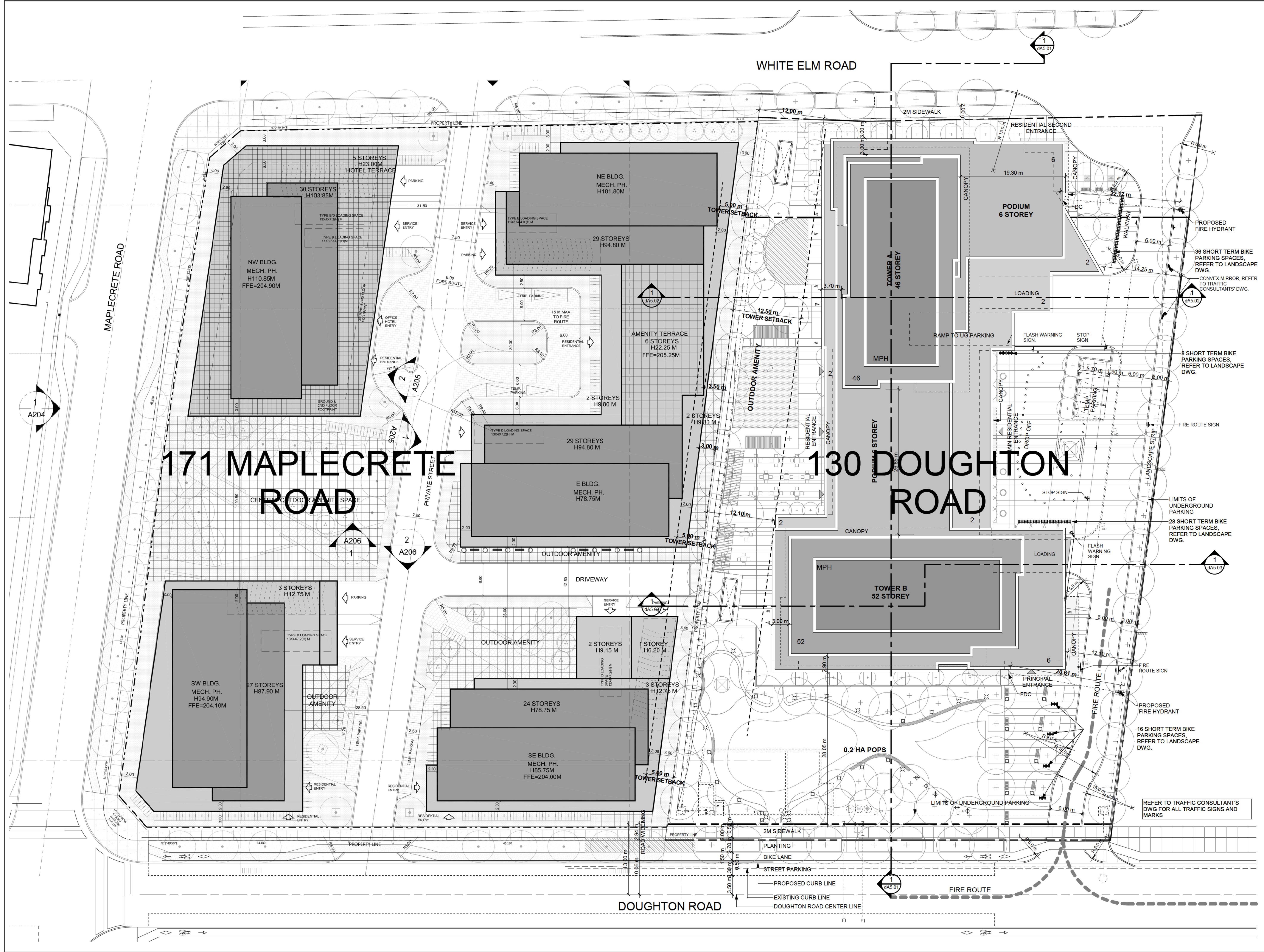


Billy Tung BES, MCIP, RPP
Partner

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.



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Date:

KIRKOR
ARCHITECTS AND PLANNERS

20 De Boers Drive Suite 400
Toronto, ON M3J 0H1

Revisions:		Date:
No.	Revision:	Date:

1	OPA, ZBA and Subdivision	May 19, 2023
No.	Issued For:	Date:

Client:
GB (Doughton) Limited Partnership

130 Doughton Road
Proposed Residential Development

Drawing Title:
Composite Site Plan

Scale:
1 : 300
Drawn by:
MZ, TT
Checked by:
DS.
Project No.:
22-107
Date:
Feb. 26, 2024
Drawing No.:

dA 0



March 5, 2024

COMMITTEE OF THE WHOLE

Public Meeting

**171 Maplecrete Rd &
160/140 Doughton Road**
City of Vaughan

C2.

Communication

CW(PM) – March 5, 2024

Item No. 1



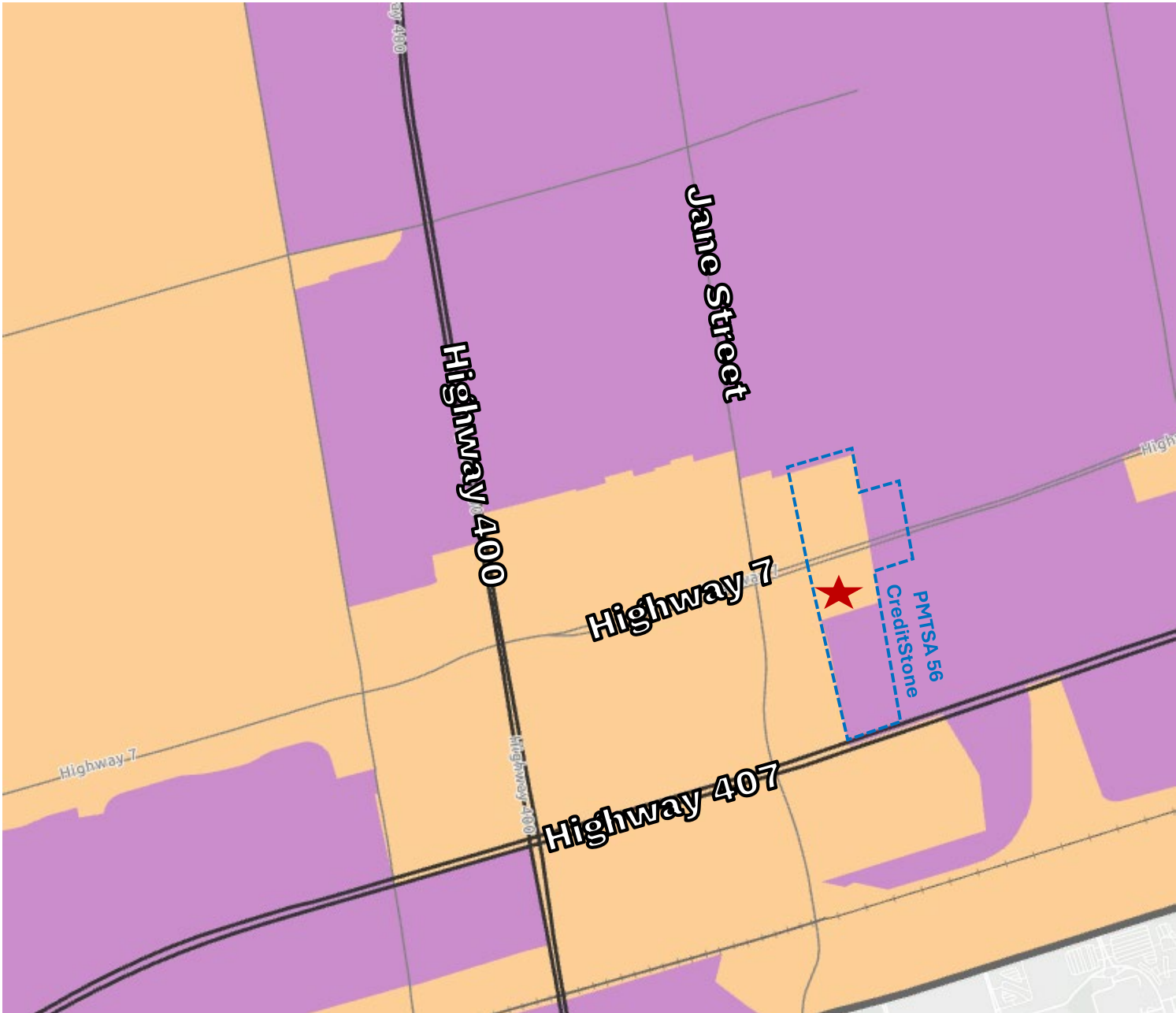
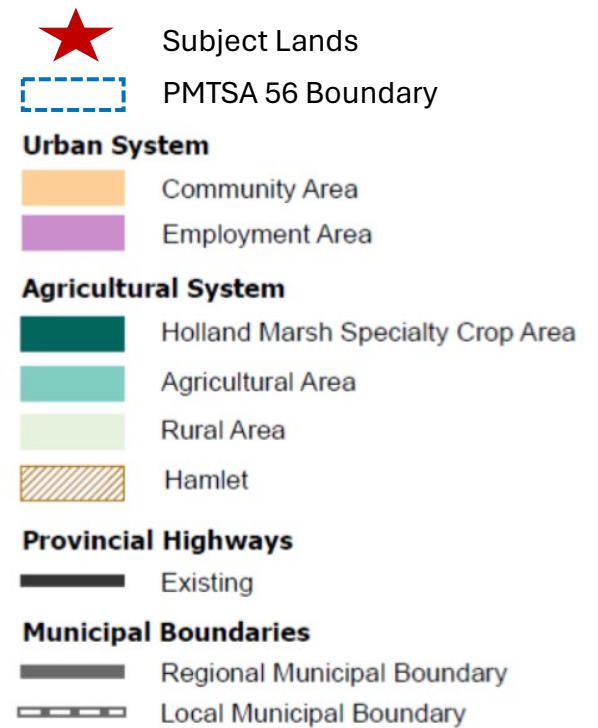
LIBERTY
development

Surrounding Context Aerial



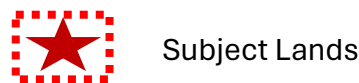
York Region Official Plan (2022)

Map 1A Land Use Designations



VMC Secondary Plan Update (DRAFT)

Land Use Designations

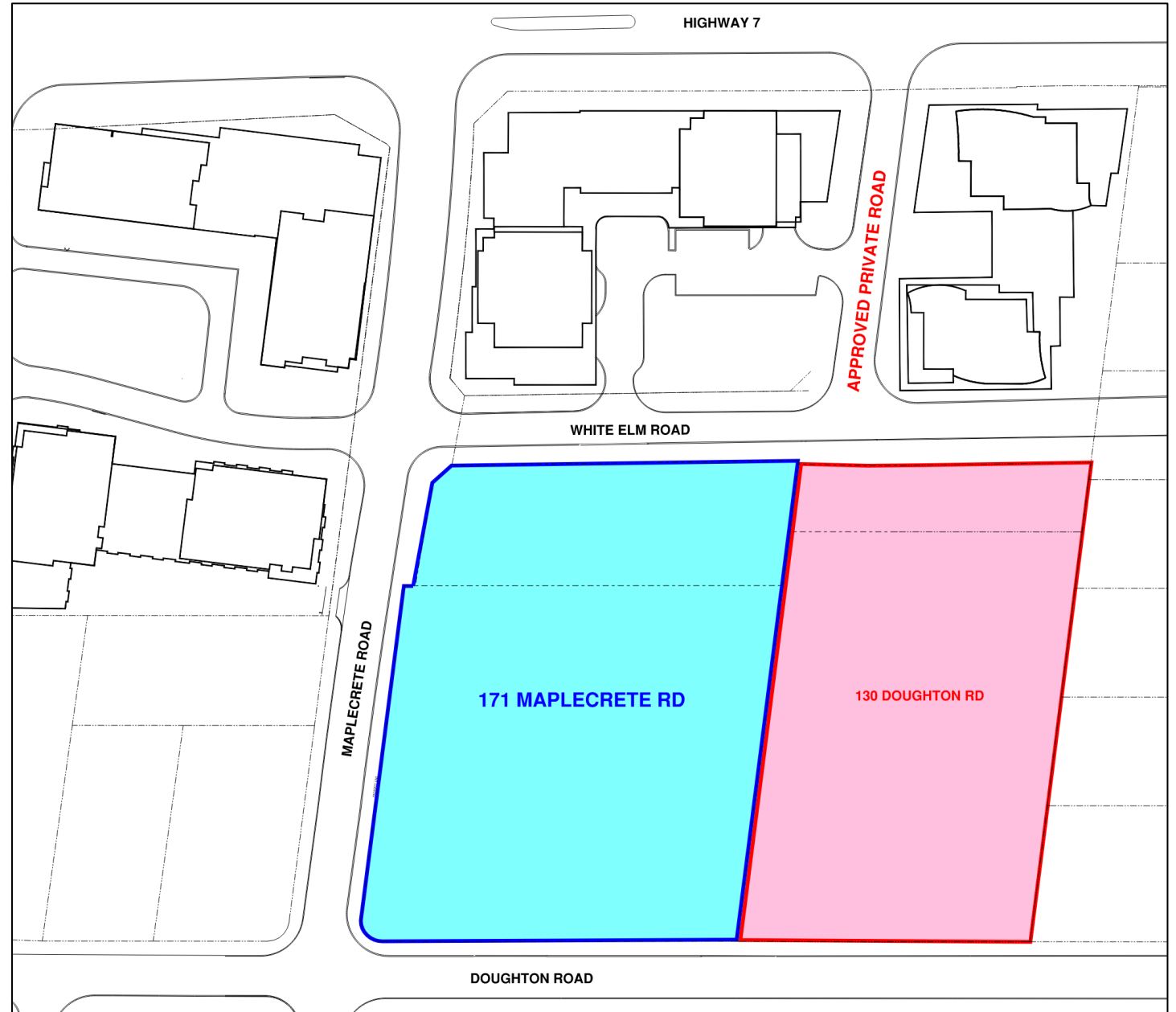


Land Uses	
	Mixed Use
	Mixed Use (Non-residential Uses Required)
	Non-residential Mixed Use
	Neighbourhood
Parks and Open Spaces	
	Public Park
	Environmental Open Space
	Mews
	School



Development Context Plan

Aligns with latest draft version
of the VMCSP update.



Proposed Development

SITE AREA:	3.48 acres
HEIGHTS:	24, 27, 29, 29, & 30-storeys
GROSS FLOOR AREA:	1,210,420 ft²
<i>Residential:</i>	943,389 ft ² (1,383 units)
<i>Res Rental Units:</i>	114,087 ft ² (182 units)
<i>Hotel:</i>	88,727 ft ² (120 suites)
<i>Office:</i>	62,861 ft ²
<i>Commercial:</i>	1,356 ft ²
FSI:	8.0
AMENITIES:	67,480 ft ² (<i>Indoor/Outdoor</i>)



LANDSCAPE MASTERPLAN



PERSPECTIVE



LOOKING SOUTHEAST FROM WHITE ELM RD. AND MAPLECRETE RD.

Community Infrastructure & Housing Accelerator

The CIHA application meets the requirements of the Guiding Principles adopted by Council:

- ✓ Geographic Location
(within the existing and planned VMC Boundary)
- ✓ Proposes a Priority Housing Type
(Purpose-built Rental)
- ✓ Proposes Office Development
- ✓ Alignment with the City of Vaughan Priorities and Policies



Indigenous Consultations

- Contacted 7 Indigenous Groups regarding the proposed development
- Consultations with the Mississaugas of the Credit First Nation and the Huron Wendat Nation have confirmed that they have no concerns with the proposal.





Thank You



LiBERTY
development

March 1, 2024

Mr. Todd Coles
City Clerk
City of Vaughan
2141 Major Mackenzie Drive
Vaughan, ON L6A 1T1

VIA E-MAIL

Dear Mr. Coles:

**RE: Municipal Servicing By-Law
(Notice of Public Meeting, Committee of the Whole- March 5, 2024)**

Liberty Development Corp. ("Liberty") acts as a development manager for certain landholders in the City of Vaughan. Liberty continues to be involved with many of the City's processes when it comes to facilitating continuous improvements within the municipality.

This letter is being submitted in reference to the Public Meeting that will be held by the Committee of the Whole on March 5, 2024, with respect to a report dealing with the "Municipal Servicing By-law" ("MSB") update. Please accept this submission as a preliminary set of hi-level comments in respect of this matter.

Background:

The purpose of the MSB, as identified on the Notice of Public Meeting is:

"The City of Vaughan is proposing a City-wide Municipal Servicing By-law pursuant to Section 34(5) of the *Planning Act* to ensure that municipal servicing is in place prior to building permits being issued."

As noted in the staff report, the City's previous subdivision and development agreement templates contained conditions prohibiting an owner / developer from applying for building permits, and the City would not issue building permits until such time as the City was satisfied adequate road access, potable municipal water supply, sanitary sewers and storm drainage facilities were available to service the lands. City staff recently completed a modernization project of Development Agreement Templates (within the purview of the Development Engineering Department), and as a result, the City's Building Division identified the need for a municipal servicing by-law pursuant to section 34(5) of the *Planning Act* to ensure building permits may be granted only when municipal services are in place to serve the proposed construction. More specifically, the proposed by-law would ensure municipal servicing is in place before building permits are issued with the intent being to protect the public by guaranteeing essential municipal services are provided prior to building permit issuance.

Comments:

The current practice, as noted in the Background of this letter, for issuing building permits does not require servicing to be in place prior to the issuance of a building permit by the Chief Building Official ("CBO"), which we think is a good practice. From our perspective this provides for a more flexible

approach in moving development along towards construction to maintain affordability for future tax payers of Vaughan.

The proposal by staff seeks to introduce, via an amendment under the *Planning Act*, a requirement to include the need for servicing to be in place before the CBO can issue a building permit. Staff cite the intent is “to protect the public by guaranteeing essential municipal services can be provided before the building permit issuance”. We as a high-rise development manager cannot deliver dwelling units to purchasers without having servicing in place. The typical process from the beginning of a project to occupancy can take between 7 to 10 years, which also includes various approvals required from the City. This timeline includes 4 years between permit and occupancy, which is a lot of time for the City to sort out servicing. As such, we are not clear on why this is being suggested as a rationale for the MSB.

Our concern is the new process being proposed appears to backend permit approvals, which would prevent an earlier start for construction projects, thus delaying our ability to bring dwelling units into the marketplace without additional cost risks on consumers. Given the timelines noted above, we require certainty that building permits will be issued in a timely manner and that they will not be delayed due to additional processes.

Overall, we believe the introduction of a MSB has the potential to add administrative and financial barriers towards moving building permit approvals forward, contrary to recent provincial initiatives directing municipalities to expedite the construction of housing for Ontarians.

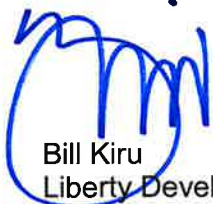
It is our understanding that under the Ontario Building Code (“OBC”) there are a number of requirements that need to be satisfied prior to the issuance of a building permit by the CBO. More specifically under applicable law, the CBO requires Zoning and Site Plan approval to be in place. We are not sure how this requirement for servicing, if approved and adopted, would fit within the OBC given the servicing requirement is being introduced under the *Planning Act*. This leads to the question of- are there other potential barriers to permit issuance that may result from this exercise?

Our Request:

In light of the Province’s various initiatives to build more housing, we would like to meet with staff to discuss other potential options towards building permit issuance in the absence of servicing being provided, before any final report proposing material policy changes is presented to Council for approval. We reserve the right to provide further comments as the Municipal Servicing By-law update progresses.

Should you have any questions related to this letter, please feel free to contact me directly at (905) 910-1578 or bkiru@libertydevelopment.ca.

Yours truly,



Bill Kiru
Liberty Development

cc. Marco Filice, SVP, Liberty Development
Frank Suppa, City of Vaughan