

June 3, 2025

By E-Mail Only to clerks@vaughan.ca and oprmanager@vaughan.ca

City of Vaughan Committee of the Whole
Vaughan City Hall, Level 200
2141 Major Mackenzie Drive Vaughan
Ontario L6A 1T1

Fausto Filipetto, Project Manager
Vaughan City Hall, Level 200
2141 Major Mackenzie Drive, Vaughan
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Dear Chair and Members of the Committee of the Whole:

**Re: Committee of the Whole (Public Meeting) June 4, 2025 – Item 4.10
Draft New Vaughan Official Plan 2025 (May 2025 Draft)
Written Submissions of 2431247 Ontario Limited (“ZZEN”)**

We are counsel to ZZEN, the registered owner of 7725 Jane Street in the City of Vaughan (the “**Southeast Site**”). The Southeast Site is at south corner of Jane Street and Highway 7 West, within the Vaughan Metropolitan Centre (“**VMC**”). A map outlining the Southeast Site is found at **Appendix “A”**.

The purpose of this letter is to provide comments on behalf of ZZEN on both Volume 1 of the Draft Vaughan Official Plan (the “**Draft VOP 2025**”) and Volume 2, which includes a draft new VMC Secondary Plan (the “**Draft VMC SP**”).

In summary, our client has serious concerns that the policies and schedules are not reflective of the City’s intention through discussions with ZZEN, its approved Black Creek Renewal Class Environmental Assessment dated August 2018 (the “**Black Creek EA**”) and its Black Creek Renewal Design Initiative presented at a Public Information Session on May 2, 2024 (the “**Renewal Design**”) to enclose Black Creek on the Jane Street frontage abutting the Southeast Site. This concern is compounded with the placement of mews on the Southeast Site, which were not present in the existing VMC Secondary Plan, and reduce ZZEN’s developable area significantly. The Southeast Site is within draft Protected Major Transit Station Area (“**PMTSA**”) 67, where the gross minimum floor space index for the PMTSA is 2.2. Reducing the development potential of the Southeast Site through these inappropriate and inflexible designations does not represent good planning nor is it in the public interest.

As such, we request that the City of Vaughan (the “City”):

1. Amend Schedule 2 of the Draft VOP 2025 to change the “Core Features” designation on the Southeast Site, to the “To be Determined Through Future Studies” designation. This ensures that a natural heritage evaluation will be conducted through the development process to determine the location of any important components of the Southeast Site to the Natural Heritage Network, without unduly restricting the use of the lands.
2. Amend Schedule G of the Draft VMC SP to replace the “Environmental Open Space” designation on the Southeast Site with “Mixed Use”, consistent with the more easterly portion of the lands. In the alternative, indicate that the extent of the “Environmental Open Space” designation is “To be Determined Through Future Studies” and that the underlying designation is “Mixed Use”. This alternative designation is more aligned with sections 6.7 and 9.1.8 of the Draft VMC SP, rather than prematurely designating the Southeast Site as Environmental Open Space before the boundaries of said designation are finalized.
3. Amend Schedules B to J of the Draft VMC SP to remove the “Environmental Open Space” designation on the Southeast Site. In the alternative, indicate that the extent of the “Environmental Open Space” designation is “To be Determined Through Future Studies”.
4. Amend Schedules B to J of the Draft VMC to remove the “existing watercourse” on the Southeast Site or alternatively, to identify that it is currently and will be “enclosed”.
5. Add a provision to Section 6.7 of the Draft VMC SP which indicates that:

Notwithstanding policies 6.7.1 to 6.7.4, phased development and site alterations may be permitted on the Southeast Site provided that it is demonstrated through development applications to the satisfaction of the City, the TRCA and the Province that the proposed development appropriately manages the flood plain with respect to ecological management, naturalization and flood remediation where feasible.

6. Remove the Asterix at the southern border of the Southeast Site on Schedules C and D of the Draft VMC SP which note says: “see policy 5.3.24”. This policy relates to the extension of Edgeley Boulevard and is not applicable to the Southeast Site. The Asterix should likely refer to policy 5.3.25, which indicates that the width of the mews on the Southeast Site will be 10 metres to act as a buffer to Black Creek. Given that Black Creek will be enclosed on the Southeast Site Jane Street frontage, this policy is inappropriate and should exclude the Southeast Site or indicate that it only applies to areas where the Black Creek has an open channel.

7. Amend Schedules B to J of the Draft VMC SP to remove the “mews” from the Southeast Site. The required roads and pedestrian paths will be determined through the preparation and review of development applications on a site-specific basis as contemplated by proposed policy 5.3.20. Arbitrarily placing mews on the Southeast Site is premature and unduly restricts what qualified professionals may propose for the sites.
8. Amend policy 7.1.8 of the Draft VMC SP to permit Environmental Open Space and non-vehicular mews to count towards parkland dedication requirements where appropriate.
9. Amend policy 9.9.26 of the Draft VMC SP to replace the “shall” with “may” or “where appropriate,” to provide more flexibility.

We also request a meeting with City staff to discuss these concerns further.

Background

The Southeast Site is currently occupied by a two-storey commercial facility that contains below grade parking and surface parking. Given the location of the site as a prominent intersection within the VMC, it has always been ZZEN's intention to submit development applications that more appropriately represent the City's vision for the VMC of high-density built form within walking distance of transit.

As the current VMC Secondary Plan did not reflect this vision for the Southeast Site, upon purchase, ZZEN assumed a prior owner's appeal of the existing VMC Secondary Plan which is ongoing as a legacy appeal at the Ontario Land Tribunal (the “**Tribunal**”) as File Number OLT-21-001787 (the “**Existing Appeal**”).

In the Existing Appeal, ZZEN identified various policies which it has concerns with; however, its primary concerns are the policies in relation to the Black Creek Remediation Strategy and the designations on the Southeast Site as “black creek greenway” and “subject to the results of the VMC Black Creek Renewal EA (Stages 3 & 4) and the detailed design of the Black Creek Corridor” as these policies and designations lacked any certainty and impacted the developability of the Southeast Site substantially.

As part of the Black Creek EA, ZZEN's concerns were acknowledged, and it was agreed with the City that the channel design of the creek on the Southeast Site would be deferred for further review as part of the Renewal Design process. ZZEN then provided the City with various design concepts, and we have been advised by ZZEN that the City agreed that Black Creek would be enclosed along the Jane Street frontage of the Southeast Site, thereby facilitating a future development that is consistent with the intention of the VMC.

This understanding is reflected on pages 11 and 12 of the Renewal Design document enclosed as **Appendix “B”**.

Concerns

Black Creek Renewal Area

Notwithstanding ZZEN's concerns with these designations and policies in its Existing Appeal, the completion of the Black Creek EA, the Renewal Design and subsequent discussions with the City, the Draft VMC SP demarks the creek on the Southeast Site as an “existing watercourse” and Schedule I indicates that the Southeast Site is within the “Black Creek Renewal Area” and therefore subject to section 6.7 of the Draft VMC SP.

Section 6.7 is extremely restrictive and essentially prohibits development of the Southeast Site until certain criteria, which are entirely out of the control of ZZEN, are met.

The Black Creek EA has been completed and identifies the Southeast Site as “to be determined by future study” in the Preferred Alternative Figure ES-4. Further, under “Recommendations for Future Study”, it is recommended that the Southeast Site have future studies conducted in consultation with the stakeholders during detailed design.

As such, designating the Southeast Site entirely as Black Creek Renewal Area with an “existing watercourse” running entirely through the site, without any acknowledgement that the creek is to be enclosed on the Southeast Site subject to future study, is not consistent with the Black Creek EA, the Renewal Design or ZZEN's discussions with the City. This designation will inappropriately and unfairly subject ZZEN to the policies in section 6.7, among others, which are not within its control to fulfill. This could have the result of delaying ZZEN from doing anything with the Southeast Site for an indefinite period of time, when it was always the intention that these studies could be conducted as part of the development review process.

To resolve this concern, it would be more appropriate to introduce a site-specific exception for the Southeast Site, like what is set out above under Request Number 5.

Environmental Open Space Designation and Policy 7.1.8

Schedule G of the Draft VMC SP designates the eastern half of the Southeast Site as Environmental Open Space. This designation is extremely limiting and will reduce the development potential of the Southeast Site by nearly 50%. This is particularly concerning given ZZEN's agreement with the City to enclose Black Creek on the Southeast Site. While it may be appropriate for ZZEN to provide some public amenity space fronting Jane Street, this should be determined through the application process.

In addition, policy 6.7.4 of the Draft VMC SP provides that if the criteria in policy 6.7.1 is satisfied (*i.e.* the development is consistent with the Black Creek Renewal Design), the

underlying designation comes into force on the applicable lands without the need for an amendment to this plan. This means that, even if it is determined through the final Renewal Design that the creek should be enclosed on the Southeast Site, half of the site will still be designated Environmental Open Space which does not permit Mixed Use development. Further, policy 7.1.8 does not permit areas designated as Environmental Open Space or mews to count as parkland dedication.

By designating 50% of the Southeast Site as Environmental Open Space, with a 10 metre mews, the City is essentially expropriating 50% of ZZEN's property without providing any compensation. It is not appropriate to require one landowner to provide that amount of public and park space for an entire community without compensation.

As such, we request that Schedule 2 of the Draft VOP 2025 and Schedules B to J of the Draft VMC SP be amended to reflect that the lands designated as environmental are subject to future study. This is consistent with the framework of the Natural Heritage Network in the Draft VOP 2025 where it identifies lands within the Natural Heritage Network as either "Core Features" or areas "To be determined through future studies". According to draft policy 2.7.3.1, Core Features are the core elements of the Natural Heritage Network to be protected and enhanced, and "To be determined through future studies" areas fall under the "Enhancement Area" policies and include underdeveloped areas that offer potential to protect, support, and expand the Natural Heritage Network as determined through appropriate City studies or as part of the development approvals process. This designation is more reflective of the intention of both the City and ZZEN for the Southeast Site where the extent of the Environmental Open Space provided is to be determined through the development approval process.

Mews

Schedules B to J of the Draft VMC SP place a north-south mews bisecting the Southeast Site. This mews is in addition to the proposed local road separating the Southeast Site with the easterly adjacent development.

According to policy 5.3.25, the width of the mews on the Southeast Site will be 10 metres to act as a buffer to Black Creek. Given that Black Creek will be enclosed on the Southeast Site, this policy is inappropriate and should exclude the Southeast Site. Further, the Asterisk on Schedules C and D on the Southeast Site which states "see policy 5.3.24", refers to a policy that does not apply to the Southeast Site.

If it is determined that a pedestrian path is appropriate on the Southeast Site, this should be determined through the preparation and review of development applications on a site-specific basis as contemplated by proposed policy 5.3.20. It is inappropriate to place a "mews" on the Southeast Site when it will substantially limit its developability which is not consistent with the intent of the VMC.

Policy 9.9.26 of the Draft VMC SP

Policy 9.9.26 requires that the distance between the facing walls of two high rise towers within the Mixed Use designation be 25 metres, and where non-residential towers abut residential towers, 35 metres. This policy unduly restricts the location of the building footprint and does not take into consideration the site-specific circumstances of each development and site. The inflexibility of this policy is inappropriate for an official plan and should be amended to permit exceptions where appropriate without amendments to the official plan.

Conclusion

ZZEN is supportive of providing some amenity space and pedestrian connectivity within its proposed development, consistent with several of the City's objectives for the VMC as a sustainable and vibrant area; however, it is important that these objectives do not compromise the City's accompanying objectives to provide for high density development in transit-supportive areas and a variety of housing forms to support a diverse population. For landowners to assist in creating the balanced VMC which the City is seeking, it's important that the Draft VMC SP policies are not overly restrictive and permit the Environmental Open Space areas, particularly the Black Creek areas, to be determined as part of the development review process and not inflexibly set out in policy.

We thank you for the opportunity to provide comments and reiterate our requests outlined above, including our request to set up a meeting with the City to come to a mutually agreeable solution.

Please ensure that we are notified of any future Open Houses, Public Meetings, City staff and recommendation reports and any decisions respecting this matter.

Should you have any questions or if you require any additional information, please do not hesitate to contact me, or my associate, Grace O'Brien.

Yours truly,

DAVIES HOWE LLP

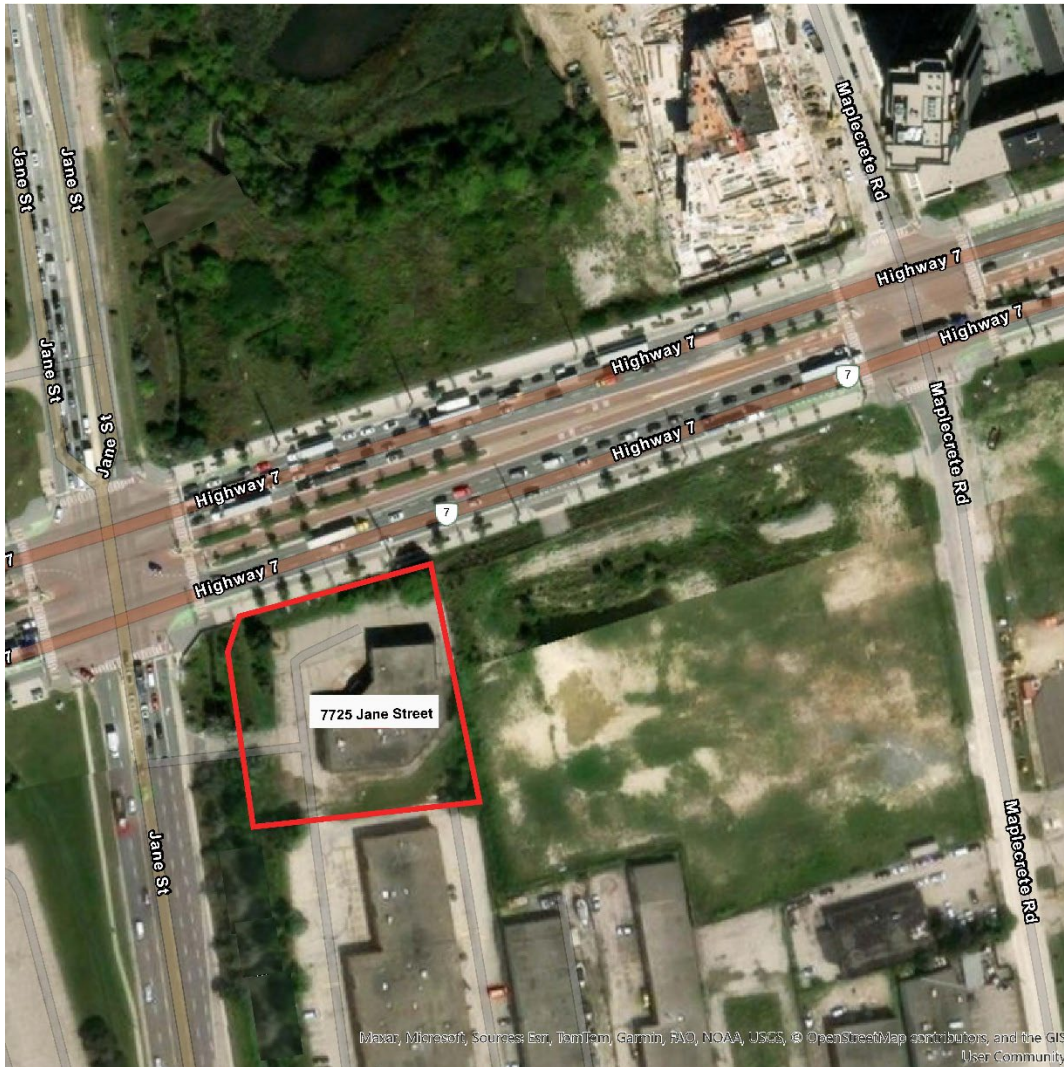


John M. Alati

JMA:GO

copy: Sam Speranza and Joseph Sgro, ZZEN

Appendix “A”



 Southeast Site

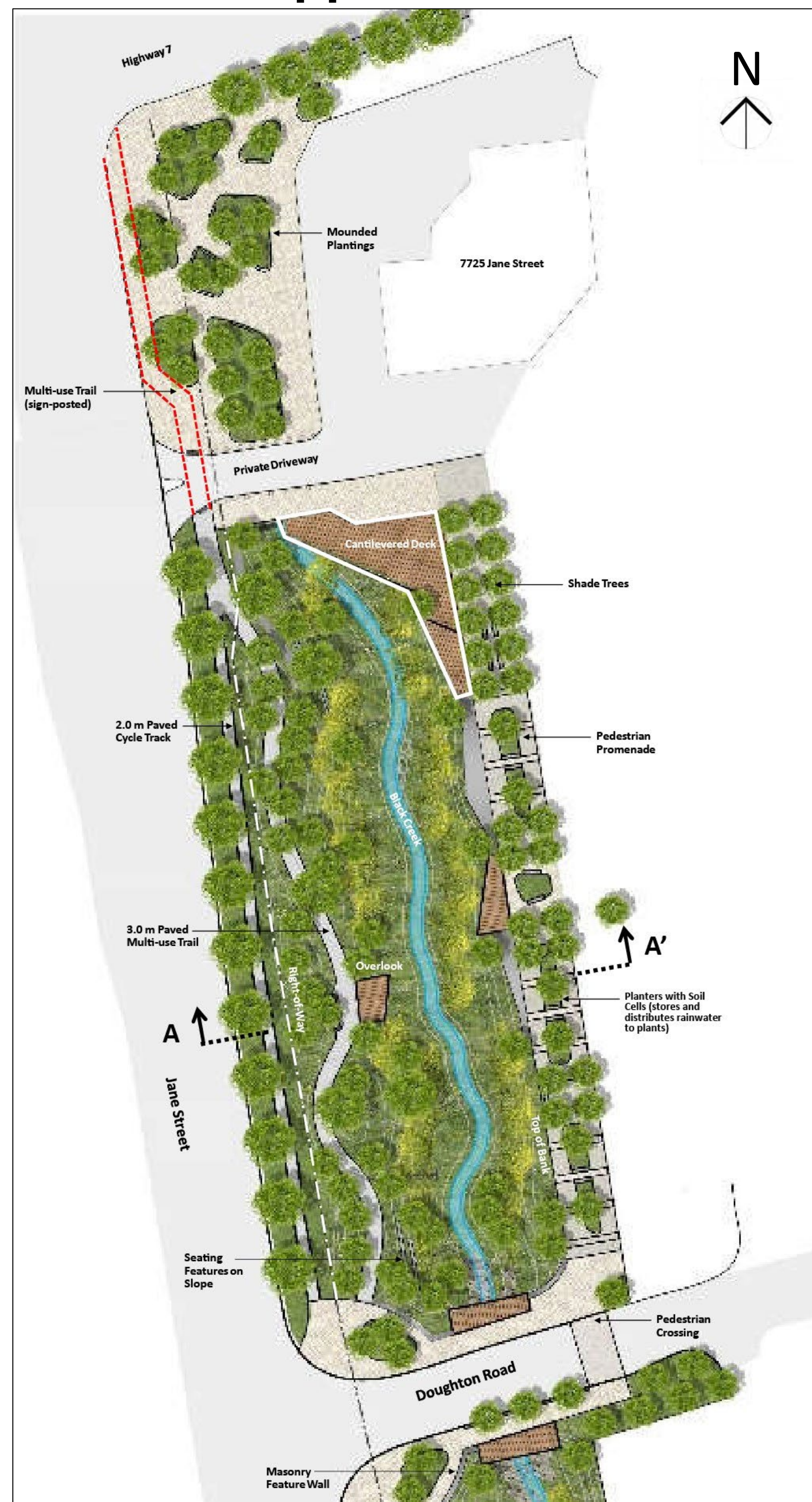


Appendix “B”

Excerpts of the Black Creek Renewal Initiative Public Information Presentation (May 2024)

Black Creek Renewal – Project Reach

Upper Reach



Middle Reach

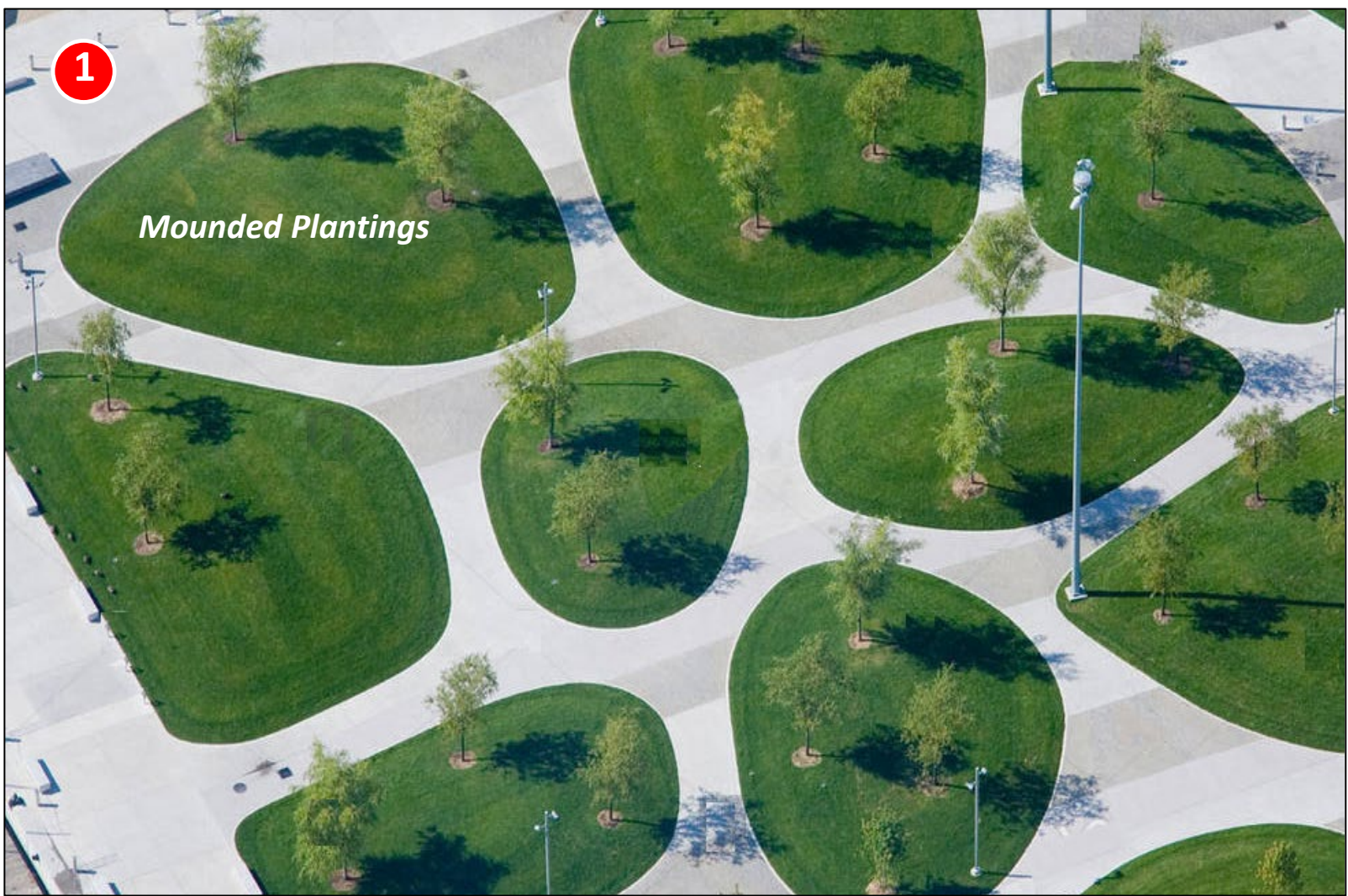
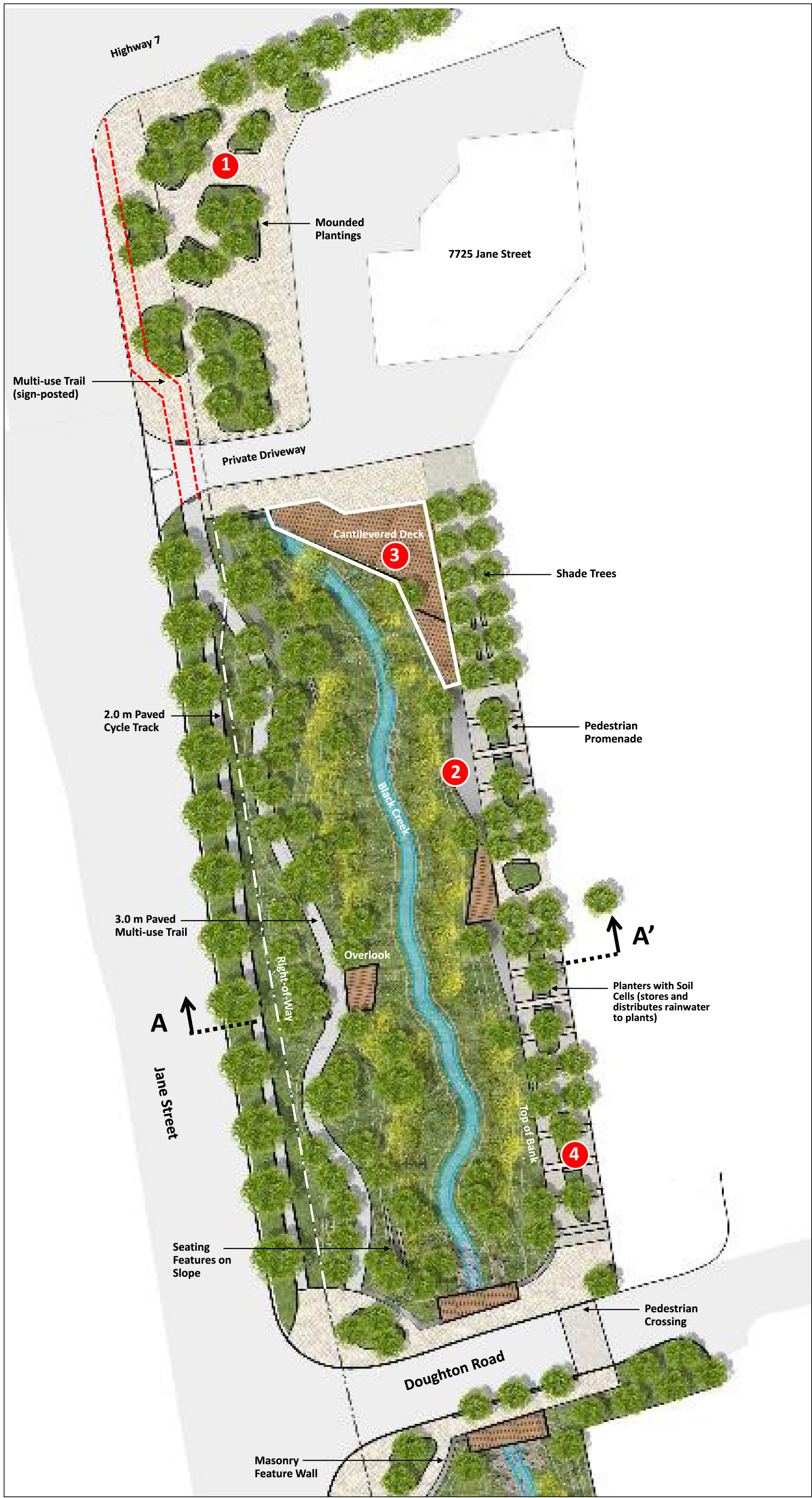


Lower Reach



- The Black Creek Renewal project is comprised of three reaches as upper reach, middle reach and lower reach
- The upper and lower reaches will be built to ultimate EA recommendation
- The middle reach will be constructed to accommodate existing constraints

Black Creek Renewal Doughton to Highway 7 Plan and Cross Section (Upper Reach)



Section A-A'

