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June 3, 2025

City of Vaughan
Vaughan City Hall, Level 200
2141 Major Mackenzie Dr.
Vaughan, ON L6A 1T1

Attn: Mr. Fausto Filippetto

Dear Mr. Filippetto:

**Re: Comments on the Draft Vaughan Official Plan (January 2025)
8158, 8196, and 8204 Kipling Avenue
LCT Investment Group Ltd.**

Goldberg Group acts on behalf of LCT Investment Group Ltd., the “**Owner**” of the properties legally described as ‘Part of Lots 8 and 9, Concession 8’, and municipally known in 2025 as 8158, 8196, and 8204 Kipling Avenue (the “**subject property**”). The subject property encompasses a total area of approximately 1.46 hectares (+/-3.6 acres), with a frontage of approximately 231 metres along Kipling Avenue.

As noted in our prior letter dated February 11, 2025, the Owner intends to redevelop the lands with a more intensive residential built form, and has previously submitted applications to amend the City Official Plan and Zoning By-law, and for Site Plan Control approval (the “**Applications**”). The Applications were deemed complete as of October 31, 2014 as **City Files: OP.14.010, Z.14.042, and DA.14.072**, respectively.

Additionally, the Applications are subject to an ongoing OLT proceeding following an appeal due to the lack of decision by City Council in 2017.

We have reviewed the updated May 2025 Draft Vaughan Official Plan (the “**VOP**”), and provide the following additional comments on behalf of our Client:

VOP Schedules

Schedule 1B: Strategic Growth Areas

We note that none of the proposed GO Stations identified on Schedule 10 are identified as *Future Major Transit Station Areas (MTSAs)* on this Schedule, while the potential stations associated with future extension of the TTC Subway line north from Highway 7 to Major Mackenzie Drive are identified. Given that the potential impacts of said stations on the consideration of growth and development are contemplated within the *Future MTSAs* section

contained in **Policies 2.4.6.14** through **2.4.6.17**, we request that the figure be updated to reflect these potential stations to ensure a consistent approach across the City.

In this regard, we believe that revisions are required to these policies as will be outlined in our comments throughout this Response Letter.

Schedules 9A and 9B: Street Classification and Street Types (respectively)

A *proposed* street continues to be shown in proximity to the subject property, which appears to extend from Meeting House Road and cross the Rail Corridor. We appreciate the efforts to clarify the classification of the street, which appears to be a *minor collector* with a width of 24 metres. While we note that the proposed street is slightly offset from Meeting House Road which addresses our prior concern, we question the rationale for the increased width of the street which was previously contemplated with a 20-metre width.

The proposed street is contemplated to extend west from Kipling Avenue across the rail corridor to the Woodbridge Foam facility. Beyond this facility is an open space corridor which limits the ability for the street to extend further. On this basis, we suggest there is no need for this road to be classified as a 'Collector' as it would function as a 'Local' road. We further question if sufficient analysis has been undertaken to demonstrate that there is sufficient traffic generated by the potential future GO Station on a daily basis to warrant the additional width as contemplated.

The proposed width of 24 metres would require conveyance of lands from the subject site. This matter has been previously discussed with City Staff and the adjacent lands on the west side of the Rail Corridor. Given the impacts of this potential street on the pending OLT proceeding, we suggest that the present classification of this proposed road on these schedules is premature, and potentially prejudicial to our Client's appeal.

Considering the history of this matter in combination with the advanced development status the Applications, and the apparent lack of a 'user' for this road in the foreseeable future, we request that any mapping, including the determination of a specific width, identify the road as 'potential'.

This concern applies also to the provisions of **Section 2.14** (Street Classification and Street Types (Schedules 9A and 9B)), and more specifically **Policy 2.14.1.5**, and **2.14.1.7**.

Section 1.4.2: Transition

As noted previously, the Applications were deemed complete after September 7, 2010, and thus would be subject to the Transition provisions of **Policy 1.4.2.4**. Notwithstanding this, we note that **Policy 1.4.2.7** outlines that this transition policy is intended to be repealed at the earlier of the time of the next Official Plan review, or 5 years. We do not understand the rationale for the elimination of this transition protocol.

Section 2.1.2: Vaughan's Evolution: Key Planning Objectives

We generally support the planning objectives outlined in this Section, however suggest that **Policy 2.1.2.1** should include stronger reference to proactive measures to be undertaken to advance the potential business cases required to justify proposed rapid transit stations, such as the proposed Woodbridge GO Station identified on Schedule 10. More specifically, we feel that the intrinsic link between population/job density and the ability to justify rapid transit stations should be recognized. In the case of the Woodbridge GO Station, we respectfully suggest that this may warrant a review of the Kipling Avenue Corridor Secondary Plan in order to maximize the potential density proximate to the proposed Station.

Section 2.2.1: Urban Structure Components

The subject site is identified within a *Strategic Growth Area (SGA)*, being the *Local Centre* associated with the Historic Village of Woodbridge. As noted above, the potential for a Woodbridge GO Station abutting the subject site is also contemplated in the VOP based on recent study and approval by City Council. Should the GO Station proceed, it is reasonable to conclude that the surrounding area would be delineated as a *Major Transit Station Area (MTSA)*.

Considering this context, as well as our prior comments related to the intrinsic link between density and the ability to support a business case for a rapid transit station, we suggest that additional policies are required to supplement **Policy 2.2.1.3** to address situations where there may be a future overlap of SGAs. We suggest that it is inherent to the art of 'Planning' to protect for the optimal future condition and thus would not be of benefit to the City to prejudice the ability to justify a future rapid transit station by limiting the potential growth of an area due to the existing context within the VOP SGA hierarchy.

This concern would apply also to **Section 2.2.2** (Phasing Growth), which makes no reference to encouraging or maximizing growth to achieve the potential for new rapid transit stations.

Section 2.2.3: Community Areas

While the subject site is not within the *Community Area* of the City as identified on Schedule 1, we note that **Policy 2.2.3.9** provides that

- a. "...all new dwellings shall front and address a public street, with the exception of *Additional Residential Units in Accessory buildings, which may front onto laneways*;...
- c. *private laneways or driveways shall not be used to provide frontage for residential dwellings with the exception of Additional Residential Units in Accessory buildings which may front onto laneways*;..."

We suggest that these requirements effectively eliminate the potential for condominium developments accessed by a common laneway, such as those extant to on the lands surrounding the subject site. Further, the restrictions outlined above would seem to conflict

with the intent to consolidate and/or minimize the number of curb cuts along *arterial* or *collector streets*, and across public sidewalks to enhance public safety. This restriction also seemingly conflicts with the provisions of **Section 4.1.2** (Housing Type and Tenure) which seek to promote a mix of housing options across the City, including in *Community Areas*.

We feel these restrictions would significantly impact the ability to maximize the efficiency of urban lands through infill and intensification. This would potentially jeopardize the intent of this Policy to promote the provision of *Missing Middle* dwelling types, and the promotion of general affordability and attainability of housing across the City.

Section 2.2.6: Rail and Goods Movement

We note the requirements of **Policy 2.2.6.4**, and question the difference between the Land Use Compatibility studies within subsections **(a)** and **(b)**. Additionally, we question how **Policy 2.2.6.5** requiring the grade separation of rail corridors at *arterial* and *collector road* junctions may impact the proposed *minor collector* street referenced earlier in this letter.

Section 2.4.1: Planning Strategic Growth Areas

We question the notion of *Balanced Density* as defined in the VOP and referenced in **Policy 2.4.1.1(b)**, specifically the notion that people, jobs, amenities, and services are located throughout the City in “balanced proportions”. It would seem to be inherent to the structure of the City that SGAs would be comprised of significantly higher intensity of such aspects than *Community Areas*.

Section 2.4.4: Local Centres

Our prior comments related to the planning of *Local Centres* remain relevant to **Policy 2.4.4.1**, and specifically subsections **(e)** and **(i)**. For convenience, we reiterate them below.

Subsection (e): *That Local Centres shall be planned to:... consist of predominantly Low-Rise Buildings and Mid-Rise Buildings and develop at densities supportive of planned or potential public transit, taking into account the local urban fabric of each Local Centre;*

While we support the intent of providing transit supportive densities, we suggest that the future planned context may differ greatly from the existing urban fabric. In this regard, we suggest that it be explicitly noted that the built form, density, and intensity of proposed uses necessary to support transit may naturally result in a change and evolution of the existing context.

Subsection (i): *That Local Centres shall be planned to:... be designed and developed to implement appropriate transition of intensity and use to surrounding neighbourhoods, and/or separation from adjacent Employment Areas.*

The subject site is adjacent to Kipling Avenue, a *Minor Collector* road based on Schedule 9A, with *Community Areas* located to the north and east, and a Rail Corridor to the west. While we acknowledge that a form of transition is required to ensure a harmonious relationship between lower density residential areas and the more intensive development which continues to occur along the corridor, we suggest that it must be recognized that a 'transition' can take many forms, and does not necessarily mean a reduction in height or density.

Chapter 3: Land Use

We suggest that there is a general need to review all Secondary Plans to ensure consistency with the VOP with respect to permitted building types in order to both ensure that new and evolving built form and housing types are permitted, and to recognize the evolution of building practices. This would be consistent with the stated intent of the VOP to add a greater range of housing types and sizes to the City, while also avoiding the potential need for costly and time-consuming site-specific development applications.

This comment would similarly apply with respect to consistency with **Section 4.3.3** (Site Design and Building Types).

Section 4.1.1: Housing Affordability

We reiterate our prior comments related to affordable housing outlined in **Policy 4.1.1.1**.

We suggest that requiring a minimum of 25% of all new units be affordable outside of a Protected Major Transit Station Area (PMTSA), while laudable, is inconsistent with the recent amendment to Ontario Regulation 232/18 which stipulates that the maximum number of units that can be required to be set aside as affordable within a PMTSA is 5% of the total number of units, or gross floor area (not including common areas).

Given that the Planning Act does not permit a Municipality to require the provision of affordable units outside of a PMTSA, we question how the City will implement an Inclusionary Zoning (IZ) framework for the balance of the City.

Given the uncertainty inherent in the development process, the time it takes to bring a project to conclusion, and the general market conditions presently facing the Province, requiring such an onerous target may lead to the cancellation of existing or planned projects, or developers seeking other opportunities for development outside of the City.

While attempting to increase the rate at which affordable housing is created, the realities of construction must be considered – specifically that the cost to build an affordable unit is no different than the cost to build a market unit, however these units may need to be sold at a loss to meet the definition of 'affordable' for a specific area. Consideration should be given on providing incentives to offset the costs of these units, such as the reduction/elimination of planning and permit application fees, development charges, parkland contributions, or community benefits, as well as the elimination of the need to provide parking for said units.

We are also concerned that there is a lack of recognition for ‘intrinsically affordable’ or ‘attainable’ units. It is the Owner’s position that increasing the diversity and supply of a variety of housing options through the provision of apartment, townhouse, stacked townhouse, and other innovative design options are crucial in creating not only a complete and diverse community, but would also contribute to the inherent affordability across the City by providing options for all income levels. Alternative forms of housing can be considered affordable when compared to the relatively limited supply of traditional forms of ground-related housing, although may not meet the strict definition of ‘affordable’.

We continue to suggest that the VOP must include a wide variety of options for meeting the stated affordable unit targets, including through ‘intrinsically affordable’ and attainable units, and through an increased supply. Further, incentives should be provided beyond the potential for reduced parking requirement (**Policy 4.1.1.2(d)**) to offset the costs of building ‘affordable’ or ‘intrinsically affordable’ units to ensure that projects remain viable.

Lastly, transition protocols should be well defined for any active development proposals which are currently under review.

These comments apply also to the Inclusionary Zoning policies contained in **Policies 5.1.3.4** and **5.1.3.5**.

Section 4.3.1: The Public Realm

We would like to comment on the following policy with respect to the public realm:

Policy 4.3.1.2(n): *That the Public Realm contributes to a distinct sense of place and the health and wellbeing of residents by being physically and visually accessible, inclusive, diverse and environmentally sustainable. The investment and design of the Public Realm, includes but not limited to, the following:... incorporate, where possible, Green Infrastructure, including Low Impact Development;...*

In our opinion, this Policy, as well as those within **Policy 4.3.1.3**, fails to fully consider the opportunities inherent in the design of the Public Realm to incorporate stormwater management facilities, particularly infiltration facilities, within public boulevards. We suggest these areas present an opportunity to aid in mitigation stormwater flows from streets and private lands into municipal infrastructure through innovative design, and request that greater emphasis on such design interventions be included in the VOP. Such treatment could also serve to address issues related to climate change and biodiversity.

This comment applies also to the provisions of **Section 4.6.1** (Sustainable Growth) and **4.7.3** (Stormwater Management).

While we support the general intent of **Policy 4.3.1.6**, we suggest that **subsection (a)** requires greater specificity as to how the ‘connective value’ of a private road is to be determined. We suggest that even if an opportunity exists to provide a connection to adjacent

redevelopment sites, this can still be facilitated through a private road subject to an access easement and cost sharing agreement. Alternatively, the City should consider the creation of alternative road standards which would be publicly owned, but reflect reduced width similar to that of a condominium laneway.

Section 4.3.2: Built Form and Development Policies

We would like to comment on the following built form policies:

Policy 4.3.2.1: *That all new or redeveloped buildings in the City shall support the following design principles:*

- a. heights, massing, scale, setbacks, building articulation and separation distances shall ensure privacy, sunlight, and sky views and limit shadow and/or wind impacts for nearby buildings, parks, open spaces and private amenity spaces;...*
- d. effective Built Form Transitions will be applied within single buildings, between buildings on a site and between sites, and will reflect site-specific conditions and adjacent context;...*

As previously noted in our comments related to *Local Centres*, it must be recognized that the future planned context may differ greatly from the existing urban fabric. In this regard, we suggest that it be explicitly noted that the built form aspects of a proposal necessary to support transit may naturally result in a change and evolution of the existing context. Additionally, it should be recognized that ‘transition’ does not inherently mean a reduction in height or density.

Further, we suggest that this Policy must be reviewed for consistency with the recently released Bill 17: the *Protect Ontario by Building Faster and Smarter Act, 2025*, which would potentially restrict the studies and considerations of development which may be required or assessed by the City.

Section 4.3.3: Site Design and Building Types

We suggest that **Policy 4.3.3.1(a)(ii)** should include reference to back-to-back stacked townhouses, or simply reference ‘all forms’ of stacked townhouses.

Our prior comments responded to Policy **4.3.3.7**, and this remains a concern. We suggest that the inclusion of a specific separation distance is overly prescriptive for the VOP, and is best left to the implementing Zoning By-law. Further, we suggest that attempting to control separation with a blanket policy removes any ability to adjust to site specific conditions or context.

Lastly, we question the justification of the proposed 15-metre distance. It has been our experience that an appropriate separation distance is typically determined based on the resulting height of a building and the ability to maintain daylight on the front door of a unit for

several hours during the day. We request that the specific distance (15-metres) be removed, and the overall language within this policy revised to reflect that building separation should 'generally' achieve desired outcomes rather than a specific distance.

Similarly, our prior comments with respect to Policy 4.3.3.8 have not been considered. We continue to suggest that the inclusion of a specific minimum linear length is overly prescriptive for the VOP, and is best left to the implementing Zoning By-law. Further, we suggest that attempting to control this aspect of built form with a blanket policy removes any ability to adjust to site specific conditions or context.

Section 4.4.1: Parks and Open Space Network

In light of **Policy 4.4.1.1**, which states *"That where there is a conflict between the policies in section 4.4.1, the policies pertaining to the underlying land use designation in this Plan, or the relevant Secondary Plan, the more restrictive policies shall apply."* we continue to suggest that there is a need for a comprehensive review of all Secondary Plans to ensure consistency with the VOP and PPS (2024).

Section 4.4.2: Parkland System

We support the provision of Strata Parks within the overall City Parks hierarchy as outlined in **Policy 4.4.2.2**, however continue to be concerned with the criteria of **Policy 4.4.2.4** which restricts the ability to encumber parkland with private infrastructure. As previously provided in our February letter, this Policy is overly prescriptive, and does not appear to recognize the realities of how and where Strata Parks would reasonably be provided.

As a result, we feel the ability of the City to achieve the intended delivery of innovative park or open spaces within SGAs may be limited. Given the restrictions of Policy 4.4.2.4 we feel there is no practical situation wherein a Strata Park could feasibly be provided.

Section 4.4.3: Open Space Typologies

We continue to request clarification as to what responsibilities, if any, the City would bear within the referenced Agreement in **Policy 4.4.3.2**. There are legal and operational concerns with respect to the provision of publicly accessible, but privately owned spaces (such as liability) which should be clearly stated to ensure full transparency between the City and a proponent.

Section 4.4.4: Open Space Design

While we support increasing the variety of park and open space designs across the City, we feel that the locational and size criteria outlined in **Policies 4.4.4.3** and **4.4.4.5** may limit the ability to realize innovative and unique open spaces in the context of an increasingly urbanized and dense City Structure. We suggest that greater flexibility be included in the

VOP to allow departures from the general standards to recognize unique opportunities as they arise.

Further, we suggest that consideration should be included to address the notion that where a park is co-located with a School, there are inherent efficiencies that can be gained with respect to programming that could enable a park area to be reduced.

Section 4.4.5: Parkland Dedication

Policy 4.5.5.8 continues to provide: *That Privately Owned Public Spaces may be eligible for parkland dedication credit toward satisfying the parkland dedication requirements for a Development or Redevelopment, subject to meeting all requirements established in Sections 4.4.3.2 and 4.4.4.8 of this Plan.*

We support the potential to provide Parkland Dedication credit for the provision of POPS, but request confirmation of the following matters:

- We request clarity as to whether this policy applies to *Strata Parks* given this form is distinct from POPS based on the definitions of the VOP.
- We note that both Section 51.1 and 42 of the *Planning Act* do not solely refer to 'Parks', but to "...*park or other public recreational purposes...*". On this basis, we feel that the VOP should ensure greater flexibility in terms of what is considered for Parkland Dedication credit, and suggest that the policy be revised to state that POPS and Strata Parks '**shall**' be eligible for Parkland Dedication credit.
- We request clarity as to how credit applied under this Policy will be determined.

Section 5.1.1: Secondary Plans

As previously noted in this Letter, we suggest there is a need to review all existing Secondary Plans for consistency with the VOP and PPS (2024) to ensure that the vision of the City can be realized, and to avoid the potential need for unnecessary Planning Act applications.

Section 5.1.3: Site and Area Specific Policies

We support the provisions of **Policy 5.1.3.2**, but suggest additional clarify would be beneficial to clarify that a site and area specific policy supersedes any conflicting policies of the VOP.

Section 5.2: Engagement and Consultation

We question the need for **Policy 5.2.1.7(a)**: *"A new public meeting for a planning application(s) shall automatically be required when any of the following circumstances occur: any application(s) that has not been considered by Council within two years after the date it was considered at a previous statutory public meeting;..."*

We suggest that absent a significant change in City or Provincial Policy, this would simply further prolong a development process.

Additionally **subsection (b)** states that: *an application(s) has been deemed by the City to be significantly amended, such as an increase to the proposed density and/or building height beyond what was proposed and considered by Council at a previous public meeting.*

We believe this is overly broad, and ignores the realities of a development process which can often naturally result in changes to built form through the course of addressing technical comments.

Section 5.3: Implementation Tools

We would like to comment on the following policy with respect to the use of Holding symbols:

Policy 5.3.1.14: *That the Holding Symbol (H) may be applied where Council has determined the specific land use for an area or a parcel of land is premature until one or more of the following have been addressed:...*

We continue to suggest that many of the matters identified in the subsections for this Policy are redundant given the requirements of the *Planning Act* and *Building Code Act*. On this basis, the use of Hold provisions should be reviewed to ensure that they are only enacted as needed and do not require an Owner or Proponent to potentially delay approval/construction to remove a Hold symbol.

In particular, **subsection (o)** outlines that a Hold provision may be enacted with respect to *“any required conveyance of parkland, finalization of park spaces and/or Privately Owned Public Spaces, and entering into the necessary agreements with respect to these park facilities and/or payment of cash-in-lieu.”*

This requirement is particularly redundant given that the Financial and Land Dedication Tools of the VOP are outlined in **Policies 5.3.1.16** through **5.3.1.21**, with **5.3.1.18(a)** specifically stating *“That Development approvals **shall implement** the required equitable contributions of funds, **land dedications** and commitments for services that will be in place and operative prior to, or coincident with occupancy and use of the land. Items which may be addressed in Development agreements or other forms of agreements include but are not limited to: **parks, park facilities**, recreational trails, open space and Natural Heritage Network features, including the protection, ownership and management of Table Land Woodlands;...” [emphasis added].*

Additionally, where Hold provisions are enacted, we suggest that ability to remove the symbol be delegated to Staff to avoid potential delays due to Council schedules/recesses. We note that this has been undertaken in several other municipalities across the Greater Toronto Area.

Section 5.4.2: Complete Application Submission Requirements

We suggest that **Policy 5.4.2.5** should clarify that the date of deeming an application is complete is retroactive to the date of submission, in accordance with established case law.

Conclusion

We welcome the opportunity to meet with City Staff to discuss the above comments and concerns, and request to be notified of any further activity or reporting on this matter.

If you have any questions or require additional information, please do not hesitate to contact Michelle Tiger at (416) 322-6364 ext. 2102 or the undersigned at ext. 2101.

Yours truly,

GOLDBERG GROUP



Adam Layton, MCIP, RPP

cc. LCT Investment Group Ltd.
Andrew Jeanrie, Bennet Jones LLP