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PUBLIC HEARING  
COMMUNICATION

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February 5<sup>th</sup>, 2019

Mr. Jason Schmidt-Shoukri  
Deputy City Manager, Planning and Growth Management  
City of Vaughan  
2141 Major Mackenzie Drive  
Vaughan, ON L6A 1T1

Re: 11363 & 11063/11191 Highway 27, City of Vaughan  
File No. OP.17.007 and OP.17.008

Dear Mr. Schmidt-Shoukri:

We are the Planning Consultants for Humberplex Developments Inc. who are owners of property to the immediate south of the subject applications.

We have had an opportunity to review the materials that were available via the City's website. This letter outlines our questions and concerns arising from our review to date of the applications that are before the Committee of the Whole Public Hearing of February 5<sup>th</sup> 2019. We will be providing further input as the approval process continues. Our comments are noted below and do not appear in any particular order but we have outlined our concern with the Transitional Policies of the Greenbelt Plan first in this submission.

1. The applicant has gone to great lengths to justify why the lands which are partially within the Greenbelt Plan enjoy transitional status under the Plan. The proponent indicates that OPA 601 was in place prior to the approval of the Greenbelt Plan (December 16, 2014).

In such cases the proponent advises that the lands are not required to conform to the Greenbelt Plan. The key reference in the Greenbelt plan is Section 5.2.1. Careful consideration needs to be applied to the interpretation of Section 5.2.1. The heading of this section reads "Decisions on Applications Related to Previous Site-Specific Approvals".

It is important to note that OPA 601 was not a site-specific approval. OPA 601 is a comprehensive Community Plan in which the subject lands are located. OPA 601 designates the Golf Course lands as Special Use-Golf. Within that designation there is a provision that limited residential development may occur provided the development does not detract from the major use of the lands as a golf course.

There has been a liberal use of the transitional provisions in the Greenbelt Plan which requires a more rigorous review by staff.

2. Comment Number 1 leads to some misgivings about the future status of environmental features on the properties. The proposal stretches the interpretation of the need to conform to the Greenbelt Plan to the benefit of the applicant for development purposes rather than embracing an environment first approach to development.

This misgiving is heightened by the proponent's request to maintain the valley lands associated with the Humber River Valley with OP.17.007 in private ownership. It begs the question; what entity is best suited to be the stewards of environmental protection on these two sites? It is noteworthy to observe that there are already a significant number of golf holes within the Humber River Valley associated with the Golf Course.

Is the retention of the easterly lands within the OP.17.007 intended to keep open the possibility that additional golf associated uses are intended for that land? We ask Council and the TRCA to subject this request to a further and fulsome review. Is it not the policy of the City and the TRCA to maintain environmental lands in the public trust?

3. We note that a considerable amount of technical work has been undertaken on the subject applications. There appears to be a distinct lack of communication about the whole process. There has been no formal outreach to our Client and others in the neighbourhood that are most affected by this proposal; that is, the Boulevard neighbourhood to the immediate south of the subject applications.

This development is a major departure from the existing development on site. Particularly in respect of the golf course lands. There was no indication in OPA 601 or VOP 2010 that the tableland portions of the golf course would be considered for such dense residential development. Section 9.2.2.17 clearly provides; inter alia, that:

*"a. Private open Spaces shall consist of cemeteries and golf courses, which shall contribute to the overall open space network, and the former Keele Valley Landfill and form Township of Vaughan Landfill Sites."*

Property owners along the southerly boundary of the proposal have very serious concerns in respect of the subject development proposal, having relied on VOP 2010 and OPA 601 as important and valid planning documents directing land use in Kleinburg-Nashville as part of their due diligence undertakings. There is a need for clarity and certainty in respect of the interpretation of the Greenbelt Plan transitional policies.

4. While the applicant relies considerably on OPA 601 in their interpretation of Greenbelt Plan transitional status, the applicant fails to adhere to the basic land use tenants of OPA 601. OPA 601 envisaged future residential development of the lands associated with OP.17.008. It is clear from OPA 601 that there would be modest residential growth on those lands.

The application that is before Committee cannot be described as modest. In fact, quite the opposite when a request is being made for a midrise building on the golf course lands. It is apparent that the

applicant is cherry picking policies in OPA 601 to its apparent advantage in recusing these lands from the Greenbelt Plan while proposing significant residential development which OPA 601 advised would be modest - thereby ignoring this policy direction.

5. It is noteworthy to point out that OPA 601 envisaged limited residential development within the area of the current golf course and that this type of development should not detract from the major use of the site as a golf course. OPA 601 is clear. Residential uses should be ancillary to the golf course.

The proponent's Planning Justification Report for OP.17.008 omits critical language from OPA 601. The consultants planning report states at page 49 that the subject site was identified for Special Use-Golf with permissions for residential uses (the word *limited* not included in planners' statement). As noted above, the policy speaks to "limited" residential development. This begs the question of the validity of the Planning Justification Reports as it pertains to this item and the use of OPA 601 to justify the transitional status relative to the Greenbelt Plan. We ask staff to carefully consider all matters pertaining the transitional status and the use of OPA 601 for the sole purpose of justifying significant residential density on site.

6. It is highly noteworthy to advise that OPA 601 makes its way into the very Official Plan Amendments that the proponent seeks to have approved. References to OPA 601 within the proposed amendment speak to not only Greenbelt transitional status but also indicates as follows "The development proposal meets the general intent of the Special Use-Golf and Valley Area land use provisions of OPA 601". This statement requires rigorous scrutiny. A major residential development was not envisaged on the subject lands in OPA 601 or VOP 2010. We do not agree that the proposal meets the general intent of OPA 601 as it relates to the subject applications.
7. This leads us to the adoption of VOP 2010. The City Official Plan 2010 is consistent with OPA 601. It designates the property, Schedule 13, as Private Open Space in respect of its development as a golf course. If there was an intent to redevelop the golf course for the type of intensive residential uses currently proposed, it ought to have been reviewed as such during the processing of the VOP 2010. This was not the case. That would have been the ideal time as the VOP 2010 underwent a City-wide comprehensive review.

The proposal that is before the Committee should be subject to a municipal wide review given the scale of the proposed development and the major departures from the current designation. The City is being asked, without a comprehensive city-wide review, to approve two Official Plan Amendments that would result in revisions to:

Schedule 1 Urban Structure,  
Schedule 2 Natural Heritage Network,  
Schedule 3 ESAs and ANSIs,  
Schedule 13 Land Use,  
Schedule 14 c Areas Subject to Site Specific Plans (Volume 2 of VOP 2010).

8. VOP 2010 underwent a vigorous municipal wide review and was subject of many public consultations and reports that came before Council. As part of the VOP 2010 planning exercise the City was required to identify areas of Intensification to satisfy Provincial intensification targets. *The area of Kleinberg-Nashville is not identified as an area of intensification.*

Intensification areas are noted as:

**Vaughan Metropolitan Area,  
Regional Intensification Corridors like Highway 7 and Yonge Street,  
Primary Centers,  
Primary Intensification Corridors such as Jane Street and Major Mackenzie Drive,  
Key Development Areas which are Intensification Corridors that link and complement planning  
for Primary and Local Centers and Local Centers.**

We ask that careful consideration be undertaken in respect of the City intensification policies as it relates to the subject sites. The land use designation contained in VOP 2010 for the golf course was considered to be appropriate for the use existing on site.

9. The amendments that are being sought would permit golf course uses into the Natural Area according to the planning reports prepared by the applicant. Golf course uses could include clubhouse facilities, maintenance buildings and driving ranges. The applicant advises simply that the expansion or relocation of the clubhouse further into the "Natural Areas" *is not contemplated*. This is no guarantee that it would not happen as the applicant will continue to rely on the Greenbelt transition policies if its transition policy interpretation were to prevail.
10. VOP 2010 provides that should a Private Open Space (golf course included) cease to exist, appropriate alternate land use shall be determined through an Official Plan Amendment process and be subject to an area specific study.

In reviewing the documents that have been posted on the website, we see no evidence of an area specific study being undertaken. The City is being asked to process two proposed Official Plan amendments without the benefit of an area specific study. That study should involve the entire community of Kleinburg-Nashville.

Also, the proponent is seeking to undertake a Scoped Block Plan subsequent to the approval of the proposed Official Plan Amendment. We believe that this planning process is flawed. Approving the proposed Official Plan Amendment(s) first invalidates the Scoped Block Plan process which would follow. A scoped Block Plan is contemplated and there is no valid reason for scoping the process.

It is noteworthy to advise that these applications can be deemed to be Major Development in light of the area in which the development is contemplated. The development of these lands will have far reaching implications on the community as a whole. It is far too simplistic to scope the Block Plan without proper regard for implications on the wider community. The scoped Block Plan process is fundamentally flawed from the perspective of proper community planning.

11. In reviewing the proposed Official Plan Amendments, we note that they will not be finally determinative of the ultimate density or built form on the subject properties. If the proposed Official Plan Amendments are approved as currently constituted, there is no clear mechanism for controlling the number, type and location of units that could be built on this site.

The Concept Plans that are included in the Planning Justification Reports do not and will not form part of the Official Plan Amendments. The Scoped Block Plan is not a *Planning Act* mandated process. The next *Planning Act* mandated process will be the Plans of Subdivision and Rezoning's. There is no control on the number of units if the plans of subdivision are consistent with the Land Use Schedules that form part of the Official Plan Amendment.

The majority of the subject properties are proposed to be designated as Low-Rise Residential. This designation permits Detached Houses, Semi-Detached Houses, Townhouses and Public and Private Institutional Buildings. In the event that these Official Plan Amendments are approved as they are currently constituted each of these built forms will be permitted anywhere on the respective sites. As indicated, the Concept Plan does not form part of the Official Plan Amendment.

There is a great deal of uncertainty as to the type of units, number of units or the location of where each of the built forms will be situated. This is being deferred to the Plan of Subdivision and Zoning stages. Regarding the Mid-Rise Mixed Use proposed designation. There is a great deal of uncertainty as to what could be built in that location and what impacts it may have on the community and whether this is the appropriate location for this type of intensification.

The Planning Consultant indicates in letters to the City dated December 5<sup>th</sup> 2018, as it relates to Population and Density the following:

*The development, including the golf course, will have an estimated population of 1,500 people, 360 jobs and will achieve a density of approximately 10 units per hectare and approximately 41 residents and jobs per hectare. The population and density for the proposed development may change through the planning process as layout, unit type and yield are determined in conformity with the VOP 2010 and this Official Plan Amendment (OPA)*

In our opinion, the applications as currently constituted are premature. The process has been non-inclusive as it pertains to the most affected residents to the south of the golf course. There are significant implications to the environment resulting from inconsistent applications of the Greenbelt Plan.

There is a request to maintain in private ownership the lands associated with the Humber River Valley which is not consistent with the typical process whereby these lands are deeded to a public entity. Stewardship of natural environmental lands should rest with a public authority. There is a clear direction in the proposal that any golf course related uses could be located within the natural environmental area. There exists only a notation in the proponents Planning Justification Report that advises that at this time no further golf course related development is contemplated in the natural environmental area. This provides no assurance that golf course related uses will not be placed in the natural environmental area. Full protection of the natural environmental area is a mainstay of VOP 2010.

There is a lack of clarity in the density and location of unit types built into the proposed Official Plan Amendments. The impacts of approving the Official Plan Amendments as currently constituted will only be determined at the stage of the Plans of Subdivision and Rezoning. It is conceivable that the ultimate plans of subdivision could propose many more residential units than are currently illustrated as the plans are conceptual in nature.

In closing, there are many concerns that arise from the two Official Plan Amendment applications that are before this Committee. First and foremost is the proper interpretation of the Greenbelt Plan transitional policies. Vaughan is understood to be a City where plans are well vetted and expressed to the Public in a comprehensive fashion. These applications raise many questions and concerns that should be addressed by City Planners and other experts that are reviewing the reports and plans. There is a common theme in the reports that is disturbing as it relates to certainty in protecting the natural environment area which is a vested right for all of the residents of Vaughan.

On behalf of our Client we would like to ensure that this communication forms part of the record for this Public Meeting. We respectfully ask to receive directly any correspondence of decisions of Council arising from these two applications. We would invite and appreciate an opportunity to meet with City staff, the TRCA and the Province as well as the Proponent at any mutually convenient time.

Yours truly,



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*President*  
Brutto Consulting

cc. Mark Antoine ([Mark.Antoine@vaughan.ca](mailto:Mark.Antoine@vaughan.ca)), Senior Project Planner, City of Vaughan

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cc. Gerard C. Borean, J.D. ([gborean@parenteborean.com](mailto:gborean@parenteborean.com)), Client Solicitor