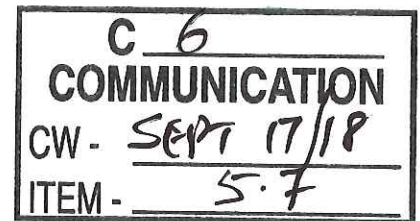


September 17, 2018

Our File No.: 180861

**Via Email**

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



**Attention: Todd Coles, City Clerk**

Dear Sirs/Mesdames:

**Re: City of Vaughan File Nos. Z11-035, DA.17.031 & DA.17.032  
11650 and 11700 Keele Street**

We are solicitors for Joseph Kreiner and Bren-coll Holdings Inc. in respect of the properties known municipally as 11650 and 11700 Keele Street (the "Site"). We are in receipt of the Recommendation Report dated September 17, 2018 (the "Report"), in which Planning Staff recommend approval in principle subject to various conditions being satisfied.

As noted in the Report, our client appealed the rezoning application to the Ontario Municipal Board (as it was then known) out of an abundance of caution. This appeal is scheduled for a three-day hearing before the Local Planning Appeal Tribunal (the "Tribunal") commencing on November 21, 2018.

In preparation for this hearing, and in the interest of achieving a full settlement, we are writing to provide our client's comments regarding the proposed conditions of approval:

1. Our client's applications are intended to permit agricultural related uses and to recognize the existing development on the Site. No new buildings or structures are proposed. Indeed, the submitted site plan materials show the current condition of the Site as built, with minor adjustments to the proposed access and driveways together with some additional landscaping and more defined areas for the gravel parking and storage areas. Given that no 'new development is proposed for the Site, many of the suggested conditions, including the request for studies and the requirement that the Site be serviced with municipal water and sanitary services, are not necessary and should be deleted.
2. The Site is already serviced with private servicing based on plans reviewed and approved by the building department prior to issuance of the plumbing permit for the existing

buildings and field inspected and approved by City staff. As noted above, no new development is proposed and no change to the existing servicing should be required. As such, it is unnecessary and unreasonable to include a condition that the Site be serviced with full municipal water and sanitary services at this time. Indeed, it is premature for such an approach to the Site until such time that the City determines a comprehensive land use plan for Keele Street, north of Kirby Road, at which time future substantial redevelopment would be required to have full municipal servicing subject to appropriate cost-sharing.

3. The existing development of the Site predates our client's applications and occurred pursuant to building permits issued by the City. Our client followed the City process for these applications, including a Pre-Application Consultation (PAC) meeting on March 30, 2011 and a further PAC meeting on August 4, 2016. These meetings identified certain studies are requirements, which did not include a Phase 1 Environmental Site Assessment, a Geotechnical Study, a Transportation Study and/or Traffic Impact Study, a Noise and Vibration Study or a Functional Servicing Report. All of these studies should not be required simply to recognize existing development that occurred pursuant to validly-issued permits. It would be more appropriate to require these studies for any future redevelopment of the Site.
4. Our client has concerns regarding the area to be zoned as OS1 (Open Space Conservation) because it would eliminate a majority of the existing gravel parking and open storage on the Site. The determination of development limits and the accurate delineation of the 30-metre vegetation protection zone (VPZ) are matters more properly addressed through the completion of an environmental impact study (EIS). The EIS is in process of being finalized by Beacon Environmental and should be the subject of further discussion through that process.
5. An archaeological assessment should not be required. We note that our client received clearance from cultural heritage staff, by e-mail dated May 2, 2013, confirming that an archaeological assessment would not be required. A copy of this e-mail is attached.
6. The requirement for architectural building elevations for the building located on the property known municipally as 11700 Keele Street is unnecessary. The existing building is a grey steel frame building, for which a building permit was already issued with architectural drawings already on file with the City as part of the building permit process. No changes are proposed to this building.
7. Cash-in-lieu of parkland should not be required prior to the execution of the site plan agreement. Again, no new development is proposed and no new lots are being created. Building permits were issued for the existing buildings several years ago and it is not appropriate to require cash-in-lieu retroactively for such buildings.



8. The Site is within an agricultural zone and, as a result, it is neither reasonable nor appropriate to apply hot-mix asphalt to such an extensive area. Our client's site plan proposes asphalt chipseal for the driveways and gravel for the parking areas, which we understand was accepted by City staff at a meeting with our client. This is a more appropriate approach for the Site.

We believe that these matters can be resolved through further discussions with City staff. We would welcome a direction from the Committee of the Whole for such further discussions prior to the above-noted LPAT hearing.

Yours truly,

**Goodmans LLP**



David Bronskill

DJB/

cc: Client

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