

# AIRD & BERLIS LLP

Barristers and Solicitors

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Communication
CW: Nov 27/12
Item: 29

November 23, 2012

Our File No. 114729

BY EMAIL

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

Dear Sirs and Mesdames:

**Re: Committee of the Whole Meeting – November 27, 2012**

**Item #29 – Vaughan Metropolitan Centre (VMC) Secondary Plan Proposed  
Modifications to Adopted Secondary Plan  
File No. 25.5.12.1**

We are the solicitors for 1042710 Ontario Limited (also known as Royal Centre). Our client owns the Royal Centre lands, located on the north side of Highway 7, west of Edgeley Boulevard, located on both sides of proposed Vaughan Street. Our client's lands currently house a 9 storey office building<sup>1</sup> (known as the Royal Centre) and associated parking required to support the office building.

We write respecting the proposed revised Vaughan Metropolitan Centre (VMC) Secondary Plan (the "Secondary Plan") scheduled to be considered by Committee of the Whole on Tuesday, November 27, 2012. The following represent our client's initial comments on the proposed revisions to the Secondary Plan. As we are continuing to review the revised policies with our client's consulting team and representatives, we reserve the right to augment the comments contained herein.

## **Proposed Designation of Royal Centre Lands**

Our client supports the proposal to designate its lands on Highway 7 as Station Precinct and requests that Committee and Council modify the Secondary Plan to extend this designation to the entirety of their office site. In our submission, this designation more accurately reflects the existing development, its potential for continuation within the lifetime of the Secondary Plan, as well as the potential intensification of this use under the existing in-force Official Plan policies and zoning applicable to the lands. Our client is very concerned that the Secondary Plan as presented to you continues to propose a split

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<sup>1</sup> The Secondary Plan incorrectly references this as an 8 storey office building.

designation across our client's lands. In particular, the revised Secondary Plan continues to propose a Major Park and Open Space designation on the northerly portion of our client's lands despite its current use as the Royal Centre office development. Given that all of our client's lands are utilized and form a functional and required component of our client's current development, a consistent Station Precinct designation should be applied to the whole of the lands.

We note that under the existing Official Plan, our client's lands are designated Corporate Centre Node. This consistent designation recognizes the integration of all of our client's lands into the office development that exists today. Any future redevelopment or intensification of this office use (which is supported by the Station Precinct designation) will necessarily involve the complete landholding in a comprehensive plan. In order to adequately recognize and support the continuation of this office development under the proposed Secondary Plan, we request that Council modify the proposed Major Park and Open Space designation applicable to the northerly portion of our client's landholdings and approve a Station Precinct designation instead across all of the lands.

#### **Designating All of the Royal Centre Lands as Station Precinct Furthers the Same Secondary Plan Goals**

As part of the current Corporate Centre node, our client's lands are currently designated to permit further office development. Our client continues to be interested in utilizing all of its lands in any future development scenario for the uses currently contemplated under the in-force official plan. This clearly contributes to the Secondary Plan goal of the creation of a minimum of 5,000 new office jobs by 2031 in policy 8.1.3 (as proposed to be renumbered).

#### **Restrictions on Utilizing Existing Permissions**

The implementation policies of the Secondary Plan (in particular, 8.1.7 and 9.2.2) propose to recognize existing approved and permitted land uses, but only in a limited fashion. In the instance of the Royal Centre, all of its lands are currently utilized and are also contemplated to be intensified and used in future for office purposes or other appropriate uses.

The effect of the proposed Secondary Plan policies is to limit the utilization of existing land use permissions which our client does not support. This is of particular concern where the existing use permissions do contribute to the overall goals of the new secondary plan and, in particular, the creation of additional office jobs. We would request, therefore, that the policies be amended to permit existing designated uses to be utilized under the Secondary Plan where those uses are for office or other uses contemplated within the VMC Secondary Plan.

#### **Policies Respecting Future Parking**

Policies such as sections 6.2.4, 6.2.5 and 8.7.1 do not recognize our client's permissions for land uses that exist on its lands today. In the event that a northern portion of our client's property is ultimately designated Major Park and Open Space (which our client specifically does not support), they are concerned with the lack of assurances within the

policies that the required parking for their building will be provided for in any future development or redevelopment scenario. Given the necessity of utilizing surface parking on the property (a use which is explicitly recognized and provided for in the zoning applicable to our client's lands), we would request that Council amend the Secondary Plan policies to ensure that any use of a portion of the Royal Centre lands for park (municipal or private) purposes must first address and ensure that required parking for buildings on the balance of its lands is provided for on neighbouring lands.

#### **Alignment of Local Streets**

The schedules of the proposed Secondary Plan propose an east-west municipal road (Vaughan Street) that bisects our client's landholding. Our client wishes to ensure that the alignment of that road permits intensification or the development existing on its property today. We would request that staff be directed to meet with our client to confirm the appropriate alignment recognizing the existing circumstances. Additionally, our client retains permissions for access, use and subsurface parking under lands identified by the City for roads. These permissions are not recognized through the Secondary Plan policies and we would request that the Secondary Plan policy 4.3.5 be amended to read "the City shall permit parking, including access to parking, under or along a Local Street or Mews".

#### **Cost-sharing**

Our client supports the changes proposed to policy 10.7.1 which shall require a cost-sharing agreement prior to development applications being approved. Our client requests that the same language and timing be inserted into proposed policy 6.1.5 (as proposed to be renumbered) regarding costs associated with parkland, including private open space. We note, however, that the policies remain unclear as to whether such agreements are required on a development block basis or across the entire VMC prior to any development under the Secondary Plan policies being approved, we would request that the policies be amended to make this clear.

We would respectfully request that notice of your decision respecting the revised VMC Secondary Plan be provided to the undersigned at the address and email listed below.

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Yours truly,

AIRD & BERLIS LLP



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