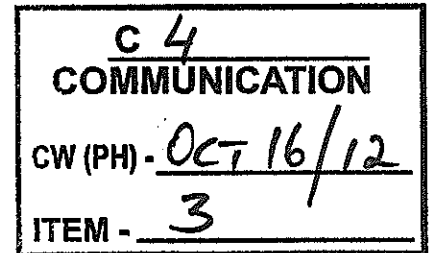


October 10, 2012

Mr. John MacKenzie, MCIP, RPP,
Commissioner of Planning
City of Vaughan
2141 Major Mackenzie Dr.
Vaughan, Ontario
L6A 1T1

Without Prejudice

Dear Sir:



-RE: Vaughan Metropolitan Centre Secondary Plan – proposed revisions and modifications

This is to follow up our recent discussions and your request that Liberty Developments (1834371 Ontario Inc.) provide proposed modifications to the secondary plan that would resolve Liberty's issues. We have the following comments and suggested changes based on the secondary plan as adopted in 2010 combined with the modifications shown in your September 13th report to the VMC sub-committee.

The significant issues are:

1. Height and Density
2. Roads (public vs private)
3. Requirement for plans of subdivision
4. Stormwater management (contributions to the Black Creek revitalization) and
5. Requirement for a landowner group agreement.

We have other comments on the secondary plan which we can review with you when we next meet.

The proposed modifications in the September 13th report provide clarity and in our opinion improve the secondary plan overall. We support the changes and welcome the opportunity to continue participating in the plan process. Our detailed comments on the above noted significant issues are as follows:

1. Height and Density

The 2010 secondary plan designates the Liberty Maplecrete site *Neighbourhood Precinct* (Schedule G). The prescribed maximum height is 25 storeys and maximum density is 4.5 FSI.

The September 13th report recommends extending the *Station Precinct* designation out along Hwy 7, which would include the Maplecrete site (except the southerly part (180 Maplecrete)).

The implication is to also include the increased height and density afforded the Station Precinct designation (35 storeys and 6.0 FSI); we support this.

We also propose the designation be applied to 180 Maplecrete, the justification being that it would both recognize a city initiative to promote assembly of land and promote a common density and height regime for both sides of a future (east/west) road identified in the secondary plan.

Considering the applications on file and the approved projects in the VMC, combined with the conclusions presented in the city's Office Market Study, we agree the higher height and density provisions of the Station Precinct should be extended and the limits increased. This will increase potential office commercial critical mass, this being a significant comment in the study conclusion, and will support projects such as Liberty Maplecrete.

Our proposal: modify the schedules to designate the entire Liberty Maplecrete site Station Precinct and apply the Height and Density provisions (maximum 35 storeys and 6.0 FSI).

We note that the Urban Growth Centre designation boundary is proposed in the September 13th report to be expanded at the southeast Jane and Hwy 7; we suggest it similarly could be expanded to include the area south of the planned east/west road through Liberty Maplecrete.

2. Roads (public vs private)

The 2010 plan refers to all streets shown in the Schedules as "public" roads. Liberty proposes to provide the roads as shown – there are two that are to traverse the property, in a form and appearances of a public road built to municipal standards, but retain them in private ownership. Public access would be maintained via easements in favour of the municipality.

There are no underground services such as sewers and water lines, so there is no need from that perspective for public ownership. And Liberty wants to construct parking under the road.

This approach is similar to that approved for the Royal 7 Developments Ltd project on the north side of Hwy 7 at Maplecrete where the internal road will be a private street with public access easement.

The effect of retaining the roads in private ownership is to retain more land for development, reduce building setbacks and incur less future operating costs (road maintenance) for the municipality.

Our proposal: remove the word "public" from Sections 4.1, 4.3.1 and 4.3.15 so as to permit private roads.

Notwithstanding the above proposal: The road allowances in Section 4.3 Street Network and on Schedule C are identified with specific widths that we believe are greater than necessary. Objectives by many municipalities are to narrow road allowances and reduce both pavement and landscape boulevards.

Our proposal: modify section 4.3.3 to indicate:

Highway 7 at 45 – 68 metres,

Local street at less than 22 metres

Mews street at less than 17.5 metres

And modify Schedule C Street Network and the sections in Appendix B accordingly.

3. Requirement for plans of subdivision

Section 10.3.1 requires plans of subdivision for all development that requires conveyance of land. Liberty believes alternative development control methods could be used which are less time-consuming and onerous on the landowner and the municipality. For example, direct dedication/conveyance to the municipality at the development control stage could be employed. This avoids the cumbersome subdivision agreement process. Financial guarantees can be imposed without the subdivision agreement.

***Our proposal: Add flexibility to Policy 10.3.1, such as
“... shall proceed by development control agreement.”***

4. Stormwater management (contributions to the Black Creek revitalization)

Section 5.4.6 Stormwater Management requires agreements among landowners in the VMC to equitably distribute the cost of stormwater management. This potentially could include the cost of the Black Creek Remediation Strategy. Liberty opposes this; remediation is a cost that should be attributed to those who have caused the need and to those projects which depend on remediation. The Liberty project is designed to avoid that and should not be required to participate in the remediation cost. Further, the City is requiring advanced stormwater controls on each site; Liberty is proposing to do this on the Maplecrete project.

Our proposal: Amend Section 5.4.6 last sentence to state “An agreement among landowners in the VMC contributing stormwater flows to the system will be required to equitably ...”

5. Requirement for a landowner group agreement.

Section 7.1.2 Community Services requires an agreement among landowners, the City and public agencies regarding community services... to ensure land costs for facilities are equitably distributed.

Section 10.7.1 Landowners' and Development Agreements has some flexibility: The City *may* require landowner agreements to distribute costs of infrastructure and alternatively *may* implement other arrangements to address cost sharing.

Liberty supports the 'alternatives' aspect but is concerned that 'shared infrastructure' is too encompassing. The policy states "...including but not limited to roads and road improvements, waste and wastewater services, parkland, stormwater management facilities, and land for schools and other community services."

Experience shows that this process of landowner agreements will work only in areas where land values are fixed and at the same level for all lands in the area e.g. in greenfields, low density plans. Where lands have differing values, such as higher density areas like the VMC, the task of equitable distribution becomes difficult if not impossible to negotiate.

Our proposal: remove this requirement for landowner group agreements or limit the affected area of the agreement e.g. "... the City may require that landowners in prescribed precincts or sub areas of approximate equal land value enter into an agreement..."

Thank you for inviting our comments on the secondary plan. We welcome an opportunity to discuss this further with you and your staff.

Yours truly,

Malone Given Parsons Ltd.



Jim Kirk, MCIP, RPP,
Partner

Cc: Diana Birchall; Anna Sicilia
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