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October 17, 2025

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

Attention: Mayor Del Duca and Members of City of Vaughan Council

Re: Draft Vaughan Official Plan, Sept. 2025 Draft
Draft Vaughan Metropolitan Centre Secondary Plan Sept. 2025 Draft
7551 and 7601 Jane Street

Loopstra Nixon are the solicitors for 785343 Ontario Ltd. and I & M Pandolfo Holdings ("**Pandolfo**" or "**Client**"), owners of 4.717 hectares of land known municipally as 7551 and 7601 Jane Street (the "**Subject Lands**") located in the City of Vaughan (the "**City**"). Our client has provided comments on previous drafts of the Draft Vaughan Metropolitan Centre Secondary Plan (the "**VMCSP**") through Blackthorn Development Corp., including deputing before the Committee of the Whole (1) at its meeting on September 30, 2025, raising policy concerns pertaining to Transition, Street Network, Black Creek and Built Form.

The purpose of this letter is to expand on these previously expressed comments on the September 2025 Draft VMCSP as it relates to the Subject Lands. Notwithstanding the Subject Lands are subject to existing applications for Official Plan Amendment (**OPA**) and Zoning By-law Amendment (**ZBA**) under City files OP.21.009 and Z.21.012 which are being reviewed under the in-force policies and provisions of the Vaughan Official Plan 2010 (the "**VOP 2010**") and Vaughan Metropolitan Centre Secondary Plan, (partially approved by the OMB between 2015 and 2021) (the "**VMC 2021**"), it is with an abundance of caution that we submit these comments on the updated policies to protect the long-term interests of our client should the current proposal be abandoned.

1.3.2 Transition Policy

The policy language remains unclear and open to misinterpretation in the future, further conflated by the City Staff Report dated September 30, 2025. In its summary

of the transition policies the report clarifies that “Applications received before the adoption of the proposed VOP 2025 by Council will be subject to VOP 2010”, which wording is supported by our client. However, the report fails to highlight that such applications will be subject to the parkland dedication policies of the 2025 VOP. Tribunal decisions have recognized that retroactively applying new policies can result in procedural unfairness, especially if the new policies impose stricter requirements or change the criteria for approval. Applicants have a right to understand what are commonly referred to as the “rules of the game” from the beginning. This principle is commonly referred to as the “Clergy Principle”. Since the current development applications are subject to the parkland dedication requirements under the Planning Act regardless of when they were deemed complete, they should not also be subject to any new parkland dedication provisions introduced in the 2025 VOP.

Policy 1.3.2.4 a. should be modified to;

1.3.2.4 That development applications:

> a. submitted prior to the date this Plan is adopted (including any appeals of such development applications) shall not be subject to this Plan unless they have been deemed incomplete and shall be reviewed and assessed under the appropriate Official Plan policies and schedules prior to this Plan. ~~save and except in respect of parkland dedication in which case this Plan shall apply;~~

The September 30, 2025 Staff report also sets out that, “After Council adopts the proposed VOP 2025 and before Ministerial approval, Staff intend to send Official Plan amendment applications approved, either by Council or the Ontario Land Tribunal, to the Ministry with a request that they be added to the proposed VOP 2025 as a Ministerial modification.” Our client has concerns that this approach may significantly delay approval of an adopted OPA and needs clarification. A more effective process is to forward adopted OPAs to the ministry of Municipal Affairs and Housing (MMAH) on a case-by-case basis and once approved the OPAs be consolidated into a site-specific policies section of the 2025 VOP (once approved) without amendment to the Plan.

5.3 Street Network

Policy 5.3.2 provides “Generally, local streets shall straddle property lines where they appear on Schedule C to be located between two properties, to the satisfaction of the City.” It is submitted that this provision shall apply to Collector roads as well as Local roads.

This policy further acknowledges that the precise location, alignment and design of streets and mews shall be determined through the development application process and that minor modifications to their location and alignment are permitted without amendment to the Plan. The policy recognizes that development phasing, traffic management and access requirements are a reality and the policy should therefore provide for Interim roads in situations where the full right-of-way cannot be achieved due to development constraints and construction phasing.

6.7 Black Creek Flood Mitigation Area

This policy addresses the City-led flood mitigation measures along Black Creek within the VMC, which works shall mitigate existing flooding along Jane Street and Highway 7 and remove certain properties from the floodplain. The policy also acknowledges that phased development and site alterations may be permitted under certain conditions. Our client submits that policy 6.7.3 should include proponent-led flood mitigation measures to support floodplain remediation. In this regard, our client has conducted extensive engineering analysis that clearly demonstrates that by piping sections of the culvert along the Jane Street frontage, the Subject Lands can be removed from the floodplain thereby allowing redevelopment to proceed in the interim prior to the completion of the Black Creek Renewal Project.

Policy 6.7 should be revised by adding a new policy 6.7.6 as follows:

Notwithstanding Policy 6.7.5 development applications within the Black Creek Flood Mitigation Area shown on Schedule I submitted prior to the date this Plan is adopted (including any appeals of such development applications) shall be reviewed and assessed under the appropriate in-force Official Plan policies and schedules and once approved, phased development or site alteration shall be permitted to proceed.

9.9 Built Form

While certain refinements have been made to this section, including requirements for setbacks, floor heights above-grade, stepbacks, podium heights, long buildings, and podiums. Our client maintains their objection to policies relating to floorplate size and tower separation.

Policy 9.9.24 addresses floorplates as follows (emphasis added);

> "Tower elements of high-rise residential buildings shall be slender and spaced apart from one another to adequately limit the shadow impacts on the public realm and neighbouring properties, provide adequate sky view from the public realm, maintain privacy and contribute to an interesting skyline. Residential towers shall have *average floorplates no greater than 800 square metres*.

> Variations in tower floorplates may be considered to reflect specific building design and building use. The floor plate layout and size in each level will be determined by building articulations that are designed to enhance micro-climate conditions and pedestrian comfort levels. *Floor plates should become smaller as building height increases to allow for increased separation distance*, access to sky view and openness between towers. There are no restrictions on the size office tower floorplates."

This policy should be revised to require residential towers to have "~~average~~ floorplates generally no greater than 800 square metres." And remove the requirement for floorplates to become smaller as building height increases, which results in costly structural changes to the building and the elevator core and results in a less efficient floorplate.

Policy 9.9.26, regarding tower separation, now requires separation of 30 metres between high-rise towers within the Neighbourhood designation whereas the in-force VMC 2010 requires a minimum distance of 25 metres. There is no justification for requiring a greater separation and it is proposed that a 25-metre separation distance between high-rise towers be maintained within all designations where high-rise buildings are allowed.

Summary

Transition Policy:
The policy remains ambiguous and may lead to future misinterpretation. While the Staff Report confirms that pre-adoption applications are subject to VOP 2010, it fails to clarify that parkland dedication policies from VOP 2025 would still apply. This retroactive application is procedurally unfair and contrary to the Planning Act. A revision to Policy 1.3.2.4(a) is recommended to exempt such applications from the VOP 2025 parkland provisions.

Street Network:
The policy should extend to collector roads and allow interim road alignments to accommodate development phasing and constraints.

Black Creek Flood Mitigation:
The policy should reflect development applications that are proceeding under the in-force Official Plan policies prior to the approval of the VMCSP and be expanded to permit proponent-led flood mitigation efforts in support of floodplain remediation thereby allowing approved development to proceed prior to completion of the Black Creek Renewal Project.

Built Form
Greater flexibility is needed in floorplate requirements. Policy 9.9.24 should allow residential towers with average floorplates "generally no greater than 800 square metres"

and remove the requirement for reduced floorplate size with increased height. Policy 9.9.26 should maintain a 25-metre tower separation standard, consistent with VMC 2010.

We respectfully request that the foregoing comments be given due consideration. The proposed modifications will support the implementation of our clients' applications and contribute meaningfully to the delivery of much-needed housing within the VMC. We thank Council for its attention to these matters and would welcome the opportunity to discuss them further.

Please accept this letter as our formal request to receive notice of any future events, Public Meetings, Council Meetings and Staff Reports respect of the VOP 2025 and the VMC SP, including Council's decision and the subsequent decision of the Minister of Municipal Affairs and Housing.

Yours truly,

LOOPSTRA NIXON LLP

Per: Quinto M. Annibale

CC: Client
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