

COMMUNICATIONS

Distributed September 23, 2011

	Report No.	Item No.	Committee
C1. Memorandum from the Commissioner of Engineering and Public Works, dated September 19, 2011.	40	42	Committee of the Whole
C2. Memorandum from the Commissioner of Engineering and Public Works, dated September 19, 2011.	40	43	Committee of the Whole
C3. Confidential Memorandum from the City Clerk, dated September 23, 2011. <i>Members of Council ONLY</i>	41	1	Committee of the Whole (Closed Session)
C4. Memorandum from the Commissioner of Engineering and Public Works, dated September 21, 2011.	40	22	Committee of the Whole
C5. Memorandum from the City Manager, dated September 22, 2011.	40	44	Committee of the Whole
C6. Memorandum from the Commissioner of Planning, dated September 22, 2011.	By-law 176-2011		
C7. Ms. Jessica Bell-Taliana, The Laser Clinic, dated September 23, 2011.	40	46	Committee of the Whole
C8. Confidential Memorandum from the City Clerk, dated September 23, 2011. <i>Members of Council ONLY</i>	41	1	Committee of the Whole (Closed Session)

Distributed September 26, 2011

C9. Report of the Commissioner of Planning, dated September 27, 2011.	39	1	Special Committee of the Whole
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Distributed September 27, 2011

C10. Mr. Attilio Lio, Zodiac Developments Inc., dated September 24, 2011.	39	1	Special Committee of the Whole
C11. Confidential Memorandum from the City Clerk, dated September 26, 2011. <i>Members of Council ONLY</i>	41	1	Committee of the Whole (Closed Session)
C12. Mr. Michael Melling, Davies Howe Partners LLP, dated September 26, 2011	39	1	Special Committee of the Whole
C13. Ms. Carolyn Woodland, TRCA, dated September 27, 2011.	39	1	Special Committee of the Whole
C14. Mr. Joel D. Farber, Fogler, Rubinoff LLP., dated September 27, 2011.	39	1	Special Committee of the Whole
C15. Memorandum from the Commissioner of Planning, dated September 27, 2011.	40	33	Committee of the Whole
C16. Mr. Mark Yarranton, KLM Planning Partners Inc., dated September 27, 2011.	39	1	Special Committee of the Whole
C17. Memorandum from the Commissioner of Finance and City Treasurer, dated September 27, 2011.	16	2	Finance & Administration
	+ By-law 159-2011		
C18. Memorandum from the Commissioner of Planning, dated September 27, 2011.	39	1	Special Committee of the Whole
C19. Memorandum from the Commissioner of Finance & City Treasurer, dated September 26, 2011.	16	2	Finance & Administration
C20. Mr. Nathan Asare, dated September 13, 2011. <i>(Submitted by Councillor Carella)</i>	40	1	Committee of the Whole

Please note there may be further Communications.

September 19, 2011

TO: Mayor and Members of Council

RE: **COUNCIL MEETING – SEPTEMBER 27, 2011**
AWARD OF TENDER T11-029
MAJOR MACKENZIE DRIVE WATERMAIN REPLACEMENT
KEELE STREET TO CNR UNDERPASS
WARDS 1 AND 4

C	<u>1</u>
Item #	<u>42</u>
Report No.	<u>40 CW</u>
<u>Council - Sept. 27/11</u>	

Recommendation

Further to Item 42 of the September 13, 2011 Committee of the Whole meeting, the Commissioner of Engineering and Public Works in consultation with the Director of Purchasing Services and the Director of Budgeting and Financial Planning recommends:

1. That Tender T11-029, Major Mackenzie Drive Watermain Replacement, Keele Street to CNR Underpass be awarded to STG Construction Ltd. in the amount of \$861,380.00, plus applicable taxes;
2. That a contingency allowance in the amount of \$90,000.00, plus applicable taxes be approved within which the Commissioner of Engineering and Public Works or his designate is authorized to approve amendments to the Contract;
3. That a Geotechnical and Material Testing amount of \$15,000.00, plus applicable taxes be approved to ensure compliance with all applicable standards; and
4. That the Mayor and City Clerk be authorized to sign the appropriate documents.

Contribution to Sustainability

The watermain replacement on Major Mackenzie Drive from Keele Street to the CNR Underpass will ensure that an acceptable level of service by the City's infrastructure is maintained for the health and well being of its citizens.

Economic Impact

The total project cost of \$1,055,000.00, which includes a contingency allowance, geotechnical inspection, material testing, utility relocation and treasury administration, falls within the approved 2009 Capital Budget amount for project EN-1733-09. Therefore, there is no additional economic impact to the 2009 Capital Budget, or to subsequent budgets.

The engineering estimate for the Major Mackenzie Drive watermain replacement project is \$1,200,000.00, excluding H.S.T.

Long range financial implications will include operating and maintenance costs associated with this type of infrastructure and costs for eventual replacement at the end of its service life. These costs have not been quantified at this time.

Communications Plan

Once the project is awarded, Engineering Services staff will advise the Mayor and Members of Council and will distribute a notice of construction to the affected residents. In addition, a notice will be advertised in the local paper and changeable message signs will be installed at the project limits.

Purpose

Council approval to award Tender T11-029, Major Mackenzie Drive Watermain Replacement from Keele Street to the CNR Underpass.

Background - Analysis and Options

The work covered by this tender includes the replacement of an existing 300mm cast iron watermain on Major Mackenzie Drive from Keele Street to the CNR Underpass. (See Attachment No. 1 for project location). The Regional Municipality of York approval has been received and has included an extension of working hours from 9:30 am to 7:00 pm for the duration of the contract.

This tender was advertised in the Daily Commercial News, on the Ontario Public Buyers Association (OPBA), on Bidding and on the City Webpage and closed on August 23, 2011. A total of 21 sets of bid documents were picked up from the Purchasing Services Department and the following 9 bids were received:

<u>Contractor</u>	<u>Total Bid Amount (excl. H.S.T.)</u>
STG Construction Ltd.	* \$ 861,380.00
Direct Underground Inc.	\$1,080,450.00
Lancorp Construction Co. Ltd.	* \$1,145,326.00
CO-X-CO Construction Limited	\$1,183,833.00
DIG-CON International Ltd.	* \$1,253,432.77
Tectonic Infrastructure Inc.	* \$1,256,053.37
King Cross Contracting Limited	\$1,325,000.00
E.R.P. Savini Construction Co. Ltd.	\$1,349,590.00
Sierra Excavating Enterprises Inc.	* \$1,854,454.00

* Corrected for arithmetic error.

The estimated cost for this project, including contract administration and inspection, geotechnical inspection and material testing, utility relocation, a contingency allowance, treasury administration and all applicable taxes is \$1,055,000.00 and is calculated as follows:

STG Construction Ltd. Bid Price (excluding H.S.T.)	\$ 861,380.00
Contingency Amount (approx. 10%)	\$ 90,000.00
Geotechnical Inspections and Material Testing (estimated)	\$ 15,000.00
Utility Relocation	<u>\$ 40,000.00</u>
Sub-Total	\$1,006,380.00
H.S.T. (1.76%)	<u>\$ 17,712.29</u>
Total	\$1,024,092.29
Treasury Administration (3%)	<u>\$ 30,722.77</u>
Net Total Cost	\$1,054,815.06
	ROUNDED \$1,055,000.00

Engineering Services staff and the City's design consultant, Wardrop Engineering Inc., have reviewed the submitted bids and checked the project references provided by STG Construction Ltd. Although it has been noted that this contractor has not worked on projects of similar scope and size in the City of Vaughan, the references checked were positive.

As with all City projects, this project will be monitored closely in an attempt to ensure that its construction within the Village of Maple progresses as smoothly as possible, and that the contractor meets his contractual obligations. It is appropriate to award this contract to the low bidder, STG Construction Ltd. now, in order to allow for fall construction and final paving in spring 2012.

Relationship to Vaughan Vision 2020/Strategic Plan

In consideration of the strategic priorities related to Vaughan Vision 2020, the recommendations of this report will assist in enhancing and ensuring community safety, health and wellness; priorities previously set by Council. The replacement of the existing watermain on Major Mackenzie will ensure that drinking water quality standards are maintained for the residents of Vaughan.

Regional Implications

The Region of York will be notified of this project.

Conclusion

Staff recommends that this contract be awarded to STG Construction Ltd. in the amount of \$861,380.00, plus applicable taxes.

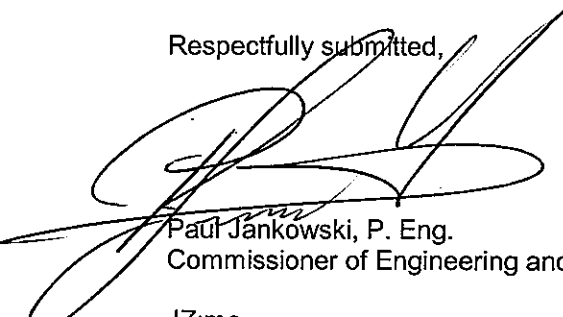
Attachments

1. Location Map

Report prepared by:


John Zanchettin, C.E.T., Senior Engineering Assistant, ext. 8470
Vince Musacchio, P. Eng., PMP, Manager of Capital Planning and Infrastructure, ext. 8311 *vi*

Respectfully submitted,



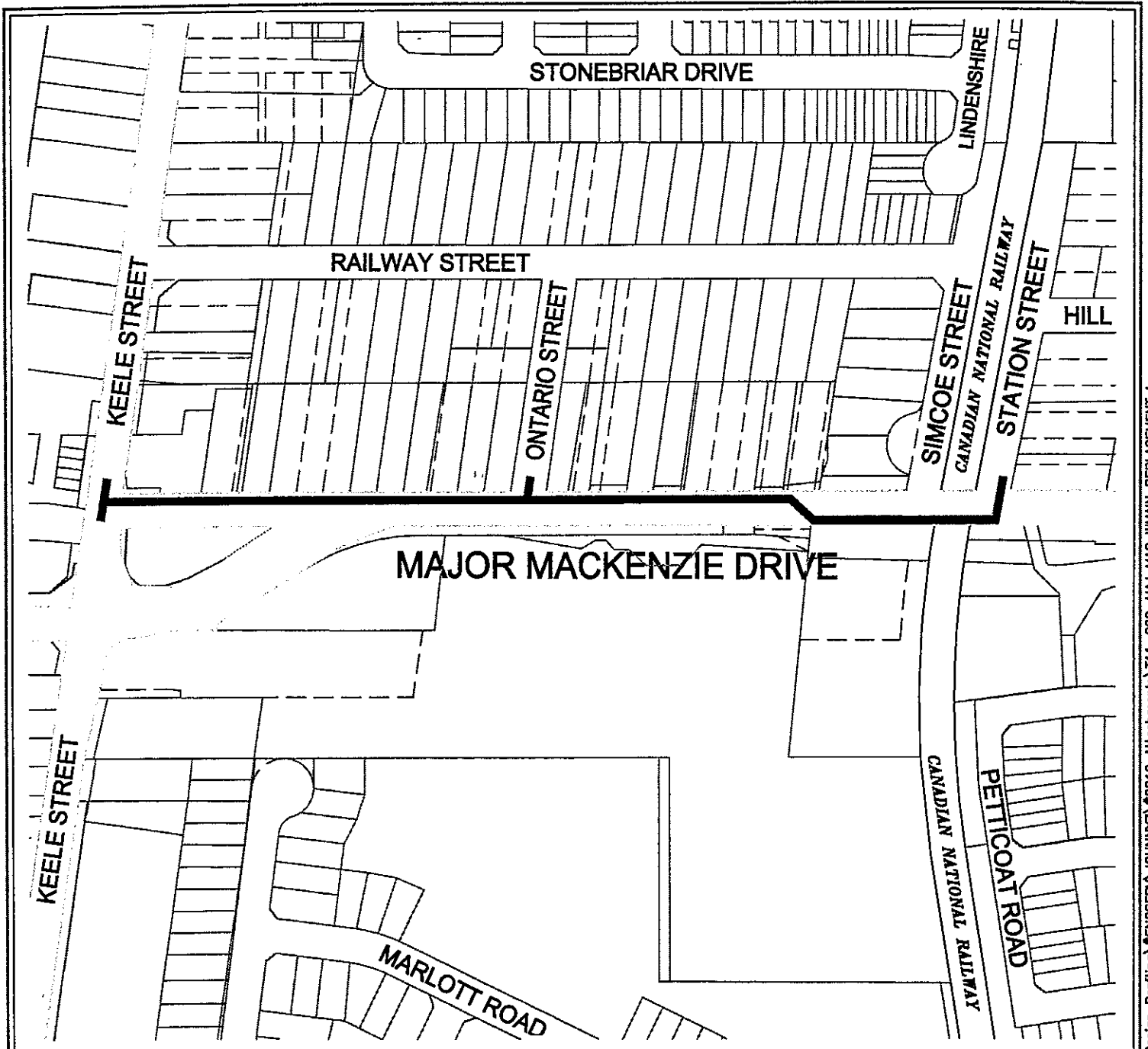
Paul Jankowski, P. Eng.
Commissioner of Engineering and Public Works

JZ:mc



Jack Graziosi, P. Eng., M. Eng.
Director of Engineering Services

ATTACHMENT No. 1



MAJOR MACKENZIE DRIVE WATERMAIN REPLACEMENT T11-029

LOCATION : Part of Lots 20 & 21, Concession 3

LEGEND

 WATERMAIN REPLACEMENT LOCATION



NOT TO SCALE

C	<u>2</u>
Item #	<u>43</u>
Report No.	<u>40 CW</u>
<u>Council - Sept. 27/11</u>	

DATE: September 19, 2011

TO: Mayor and Members of Council

RE: **COUNCIL MEETING – SEPTEMBER 27, 2011**
AWARD OF TENDER T11-290
INTERSECTION IMPROVEMENTS AT BATHURST STREET AND ATKINSON AVENUE
WARD 5

Recommendation

Further to Item 43 of the September 13, 2011 Committee of the Whole meeting, the Commissioner of Engineering and Public Works in consultation with the Director of Purchasing Services and the Director of Budgeting and Financial Planning recommends:

1. That Tender T11-290 for the Intersection Improvements at Bathurst Street and Atkinson Avenue be awarded to Vaughan Paving Ltd. in the amount of \$156,430.98, plus applicable taxes;
2. That a contingency allowance in the amount of \$16,000.00, plus applicable taxes be approved within which the Commissioner of Engineering and Public Works or his designate is authorized to approve amendments to the Contract;
3. That a Geotechnical and Material Testing amount of \$3,000.00, plus applicable taxes be approved to ensure compliance with all applicable standards; and
4. That the Mayor and City Clerk be authorized to sign the appropriate documents.

Contribution to Sustainability

The intersection improvements at Bathurst Street and Atkinson Avenue will promote and improve traffic flow and operating level of service for transit within the intersection. As such, the installation of this right turn is consistent with Green Directions Vaughan Goal #3: To ensure that Vaughan is a City that is easy to get around with a low environmental impacts, in particular Objectives 3.1 and 3.2.

Objective 3.1 To develop and sustain a network of sidewalks, paths and trails that supports all modes of non-vehicular transportation.

Objective 3.2 To develop and sustain a network of roads that supports efficient and accessible public and private transit.

Economic Impact

The total project cost of \$189,000.98, which includes a contingency allowance, geotechnical inspection, material testing, and treasury administration falls within the approved budget amount and as such, there is no additional economic impact to the 2008 and 2011 Capital Budgets (Capital Project Nos. EN-1711-08 and EN-1711-11).

Long range financial implications will include operating and maintenance costs associated with this type of infrastructure, and eventual replacement of certain components at the end of their service lives. These costs have not been quantified at this time.

Communications Plan

Once the project is awarded, Engineering Services staff will advise the Mayor and Members of Council and will distribute a notice of construction to the affected residents and businesses.

Purpose

Council approval to award Tender T11-290, Intersection Improvements at Bathurst Street and Atkinson Avenue.

Background - Analysis and Options

The work covered by this tender includes the improvement of the Bathurst Street and Atkinson Avenue intersection. The proposed widening of approximately 110 metres on Atkinson Avenue will accommodate an exclusive westbound right turn lane on Atkinson Avenue onto northbound Bathurst Street. (Capital Project Nos. EN-1711-08 and EN-1711-11). See Attachment 1 for project location. York Region approval has been granted in principal and is expected shortly, all other necessary permits and approvals have been obtained.

This tender was advertised in the Daily Commercial News, on the Ontario Public Buyers Association (OPBA), on Biddingo and on the City webpage and closed on September 6, 2011. The following 3 bids were received:

<u>Contractor</u>	<u>Total Bid Amount (excl. H.S.T.)</u>
Vaughan Paving Ltd.	\$156,430.98
Blackstone Paving and Construction Ltd.	\$269,344.35
Il Duca Inc.	\$350,666.58

The estimated cost for this project, including geotechnical inspection and material testing, a contingency allowance, utility relocation, treasury administration and all applicable taxes is \$183,874.12 and is calculated as follows:

Vaughan Paving Ltd. Bid Price (excluding H.S.T.)	\$156,430.98
Contingency Amount (approx. 10%)	\$ 16,000.00
Geotechnical Inspections and Material Testing (estimated)	<u>\$ 3,000.00</u>
Sub-Total	\$175,430.98
H.S.T. (1.76%)	<u>\$ 3,087.59</u>
Total	\$178,518.57
Treasury Administration (3%)	<u>\$ 5,355.56</u>
Net Total Cost	\$183,874.13

ROUNDED \$ 184,000.00

Engineering Services staff have reviewed the submitted bids and are satisfied that Vaughan Paving Ltd., which has successfully completed similar work for the City in the past, is deemed qualified to undertake this project. Therefore, it is appropriate to award this contract to the low bidder, Vaughan Paving Ltd.

The engineering estimate for the construction of this project was \$200,000.00, excluding H.S.T.

Relationship to Vaughan Vision 2020/Strategic Plan

In consideration of the strategic priorities related to Vaughan Vision 2020, the recommendations of this report related to the proposed widening and associated intersection improvements will contribute to the enhancement of community safety, health and wellness by ensuring that an appropriate level of service is maintained for pedestrian and vehicular traffic.

Regional Implications

The Regional Municipality of York will be notified of this project.

Conclusion

Staff recommends that this contract be awarded to Vaughan Paving Ltd. in the amount of \$156,430.98 plus applicable taxes.

Attachments

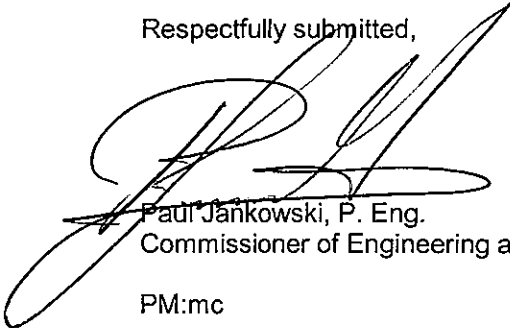
1. Location Map

Report prepared by:

Paolo Masaro, P. Eng., Design Engineer, ext. 8446


Vince Musacchio, P. Eng., PMP, Manager of Capital Planning and Infrastructure, ext. 8311 27

Respectfully submitted,



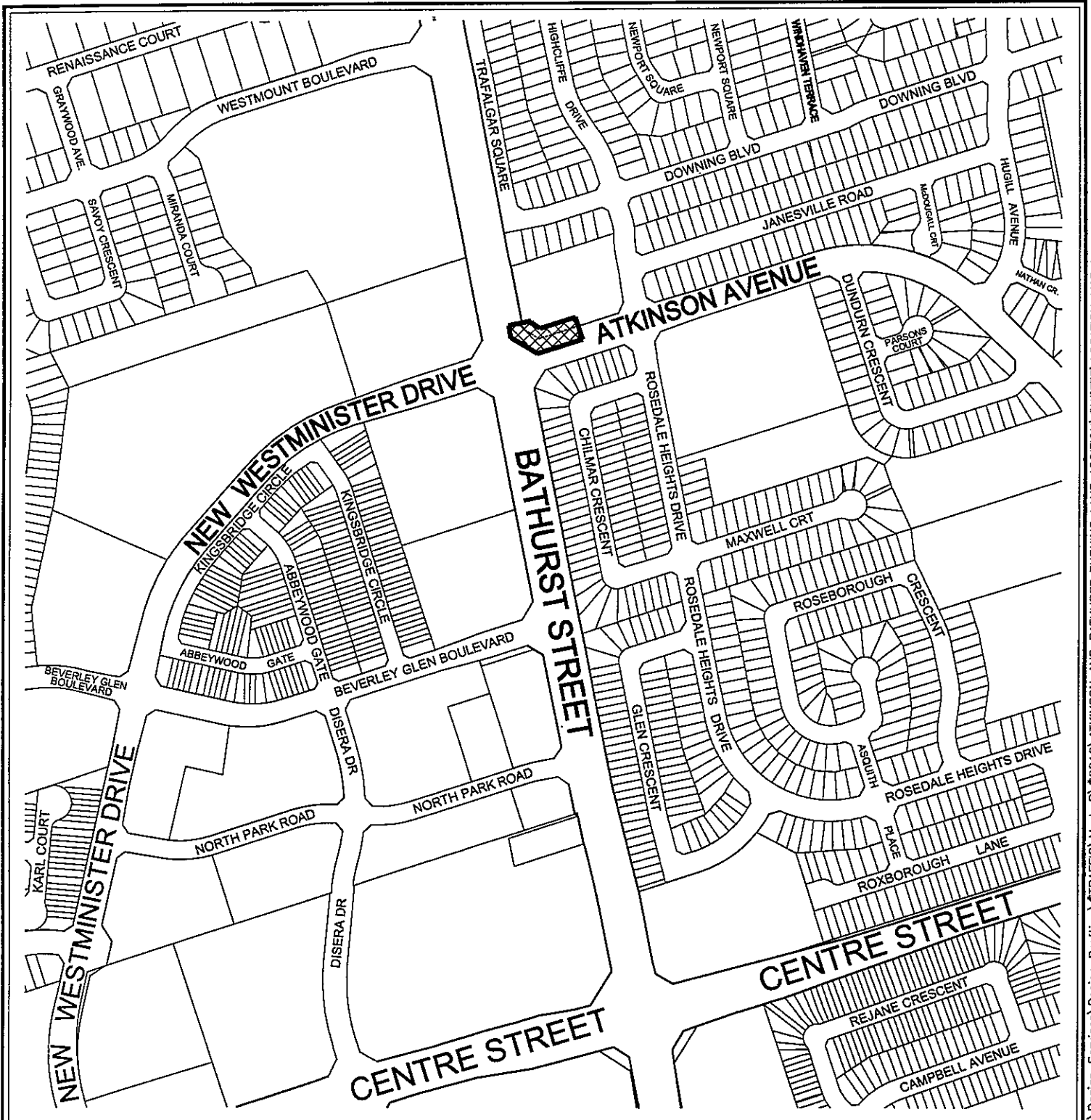
Paul Jankowski, P. Eng.
Commissioner of Engineering and Public Works

PM:mc



Jack Graziosi, P. Eng., M. Eng.
Director of Engineering Services

ATTACHMENT NO. 1



INTERSECTION IMPROVEMENTS BATHURST STREET AND ATKINSON AVENUE

T11-290

LEGEND



SUBJECT LANDS



NOT TO SCALE

DATE: September 21, 2011
TO: Mayor and Members of Council
RE: **COUNCIL MEETING – September 27, 2011**
STOPPING PROHIBITION REVIEW
EAGLE ROCK WAY
WARD 4

C	<u>4</u>
Item #	<u>22</u>
Report No.	<u>40 CW</u>
<u>Council - Sept. 27/11</u>	

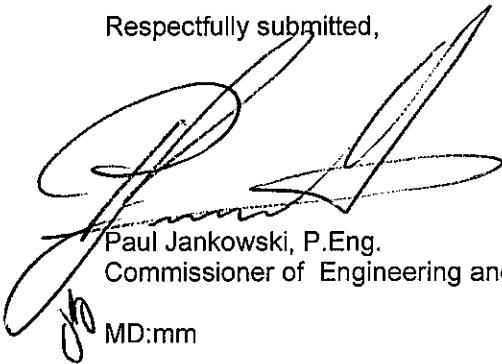
At its meeting of September 13, 2011, Committee of the Whole recommended:

"That consideration of this matter be deferred to allow staff to review the matter with GO Transit."

City staff are coordinating a meeting with GO Operations staff to discuss options for passenger drop off and pick up at/or adjacent to the Maple GO Station.

It is requested that this matter be deferred to the October 4, 2011 Committee of the Whole meeting.

Respectfully submitted,



Paul Jankowski, P.Eng.
Commissioner of Engineering and Public Works

MD:mm



memorandum

DATE: September 22, 2011
TO: Mayor & Members of Council
FROM: Clayton D. Harris, City Manager
CC: Jeffrey A. Abrams, City Clerk
RE: District Energy – Shareholder Resolution
Council Meeting – September 27, 2011, Item 44

C	5
Item #	44
Report No.	40 CW
Council - Sept. 27/11	

On September 13, 2011, Committee of the Whole adopted the recommendation in the District Energy report that the City of Vaughan approve Vaughan Holdings Inc. creating a district energy business. Attached is a Shareholder Resolution in the appropriate format.

It is recommended that the attached resolution be adopted.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'Clayton Harris', written over a large, stylized loop.

Clayton D. Harris, CA
City Manager

RESOLUTION OF COUNCIL OF THE MUNICIPALITY OF THE CITY OF VAUGHAN

Dated as of the 27th day of September, 2011.

WHEREAS the Municipality of the City of Vaughan ("Vaughan") is the sole shareholder of Vaughan Holdings Inc. ("VHI");

AND WHEREAS VHI has undertaken a feasibility study with respect to opportunities for the development of planned energy systems for distribution of thermal energy, and efficient and environmentally superior methods of producing electricity and heating and cooling energy, and the distribution thereof (collectively, "District Energy");

AND WHEREAS Vaughan therefore desires to proceed with the District Energy business, either through its subsidiary VHI, or, as determined in the discretion of VHI, through a separate wholly-owned subsidiary of VHI;

AND WHEREAS VHI is subject to a Unanimous Shareholder Declaration in favour of Vaughan dated June 11, 2004, which limits the business which may be conducted by VHI, and also precludes the establishment of any subsidiary of VHI, without the approval of Vaughan;

AND WHEREAS Vaughan has today received a recommendation with respect to District Energy from the City Manager, the Commissioner of Finance and the City Solicitor (the "District Energy Report");

NOW THEREFORE BE IT RESOLVED that:

1. The District Energy Report is hereby approved;
2. The business of VHI be expanded to permit the carrying on of District Energy;
3. Such District Energy may be carried on by VHI, either directly or through a wholly-owned subsidiary of VHI, as determined in the discretion of the Board of Directors of VHI;
4. The Mayor, together with the City Clerk, are hereby authorized and directed for and on behalf of Vaughan to execute and deliver all documents in form and content satisfactory to such signing officers, as may be required to more effectively give effect to these resolutions.



memorandum

DEVELOPMENT PLANNING DEPARTMENT
Telephone: (905) 832-8585
Fax: (905) 832-6080

TO: MAYOR & MEMBERS OF COUNCIL
FROM: JOHN MACKENZIE, COMMISSIONER OF PLANNING
DATE: SEPTEMBER 22, 2011
SUBJECT: COUNCIL MEETING – SEPTEMBER 27, 2011
BY-LAW TO REMOVE THE HOLDING SYMBOL “(H)”
2088756 ONTARIO LIMITED – FILE No’s Z.10.016 and Z.06.049

C <u>6</u>
Item # <u>By-law 176-2011</u>
Report No. _____
<u>Council - Sept. 27/11</u>

Background

On June 23, 2008, Vaughan Council enacted By-law 185-2008 to rezone the subject lands (Attachments #1 and #2) from R2 Residential Zone to RM2(H) Multiple Residential Zone with the Holding Symbol “(H)”, to facilitate the development of the site for 10 freehold townhouse units. The removal of the Holding Symbol “(H)” was contingent upon the allocation of servicing to the subject lands by Council, which occurred on June 29, 2010, and the condition for removing the Holding Symbol “(H)” has been satisfied.

Two minor matters with respect to By-law 185-2008 also need to be clarified, including: (i) the By-law permitted a minimum lot area of 200 m² per townhouse lot, but omitted the words “per lot” in the text, which must be added; and, (ii) the By-law permits a maximum building height of 12.65 m, but the By-law text incorrectly referenced the heading “Minimum Interior Side Yard” instead of “Building Height”.

The implementing Zoning By-law is included on the September 27, 2011 Council meeting agenda for enactment, to address the above.

Respectfully submitted,

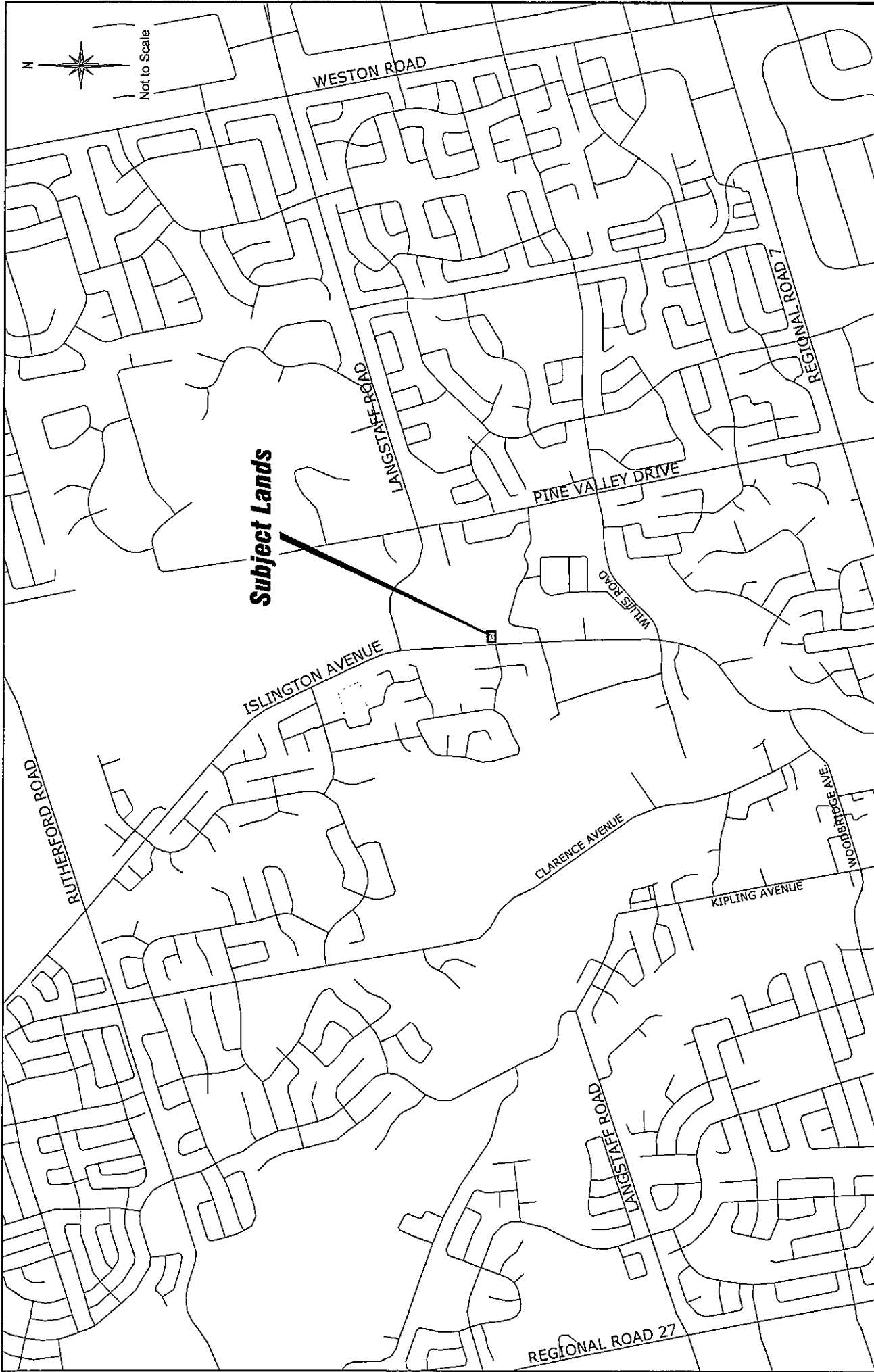
JOHN MACKENZIE
Commissioner of Planning

CM/cm

Attachments

1. Context Map
2. Location Map
3. Approved Site Plan

Copy to: Clayton Harris, City Manager
Jeffrey A. Abrams, City Clerk
Grant Uyeyama, Director of Development Planning



Context Location Map

LOCATION:
Part of Lot 10, Concession 7

APPLICANT:
2088756 Ontario Limited
N:\DFA1 ATTACHMENTS\Z\10.016.dwg

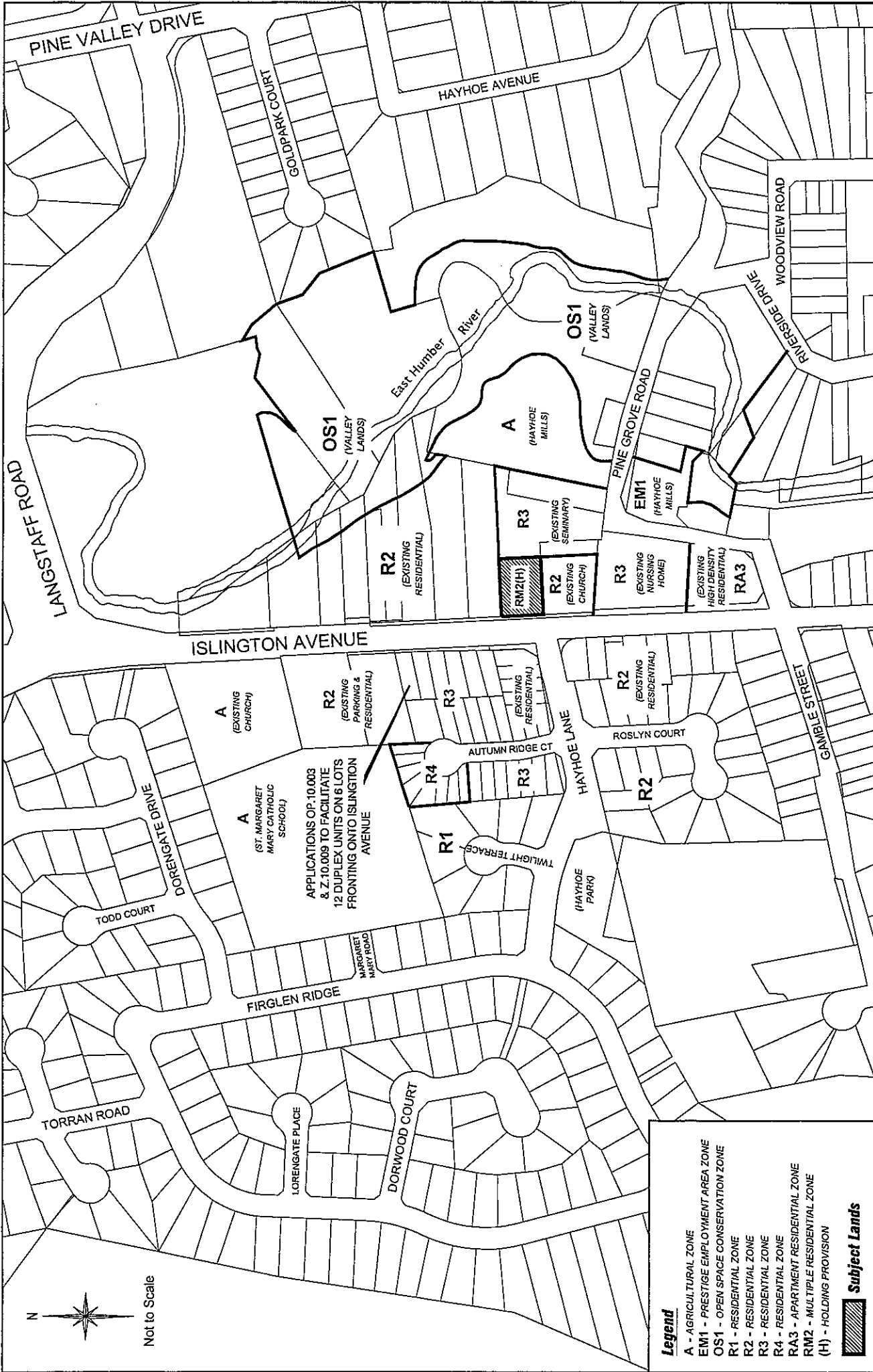


Development Planning Department

Attachment 1

FILE: Z.10.016
RELATED FILES: OP.06.022, Z.06.049, DA.08.078

DATE:
September 13, 2011



N
Not to Scale

- Legend**
- A - AGRICULTURAL ZONE
 - EM1 - PRESTIGE EMPLOYMENT AREA ZONE
 - OS1 - OPEN SPACE CONSERVATION ZONE
 - R1 - RESIDENTIAL ZONE
 - R2 - RESIDENTIAL ZONE
 - R3 - RESIDENTIAL ZONE
 - R4 - RESIDENTIAL ZONE
 - RM2 - APARTMENT RESIDENTIAL ZONE
 - RA3 - MULTIPLE RESIDENTIAL ZONE
 - (H) - HOLDING PROVISION
- Subject Lands**

APPLICATIONS OP-10.003
& Z-10.009 TO FACILITATE
12 DUPLEX UNITS ON 6 LOTS
FRONTING ONTO ISLINGTON
AVENUE

A
(ST. MARGARET
MARY CATHOLIC
SCHOOL)

A
(EXISTING
CHURCH)

Location Map

LOCATION:
Part of Lot 10, Concession 7

APPLICANT:
2088756 Ontario Limited
N:\OPT\1 ATTACHMENTS\Z\10.016.dwg



Development Planning Department

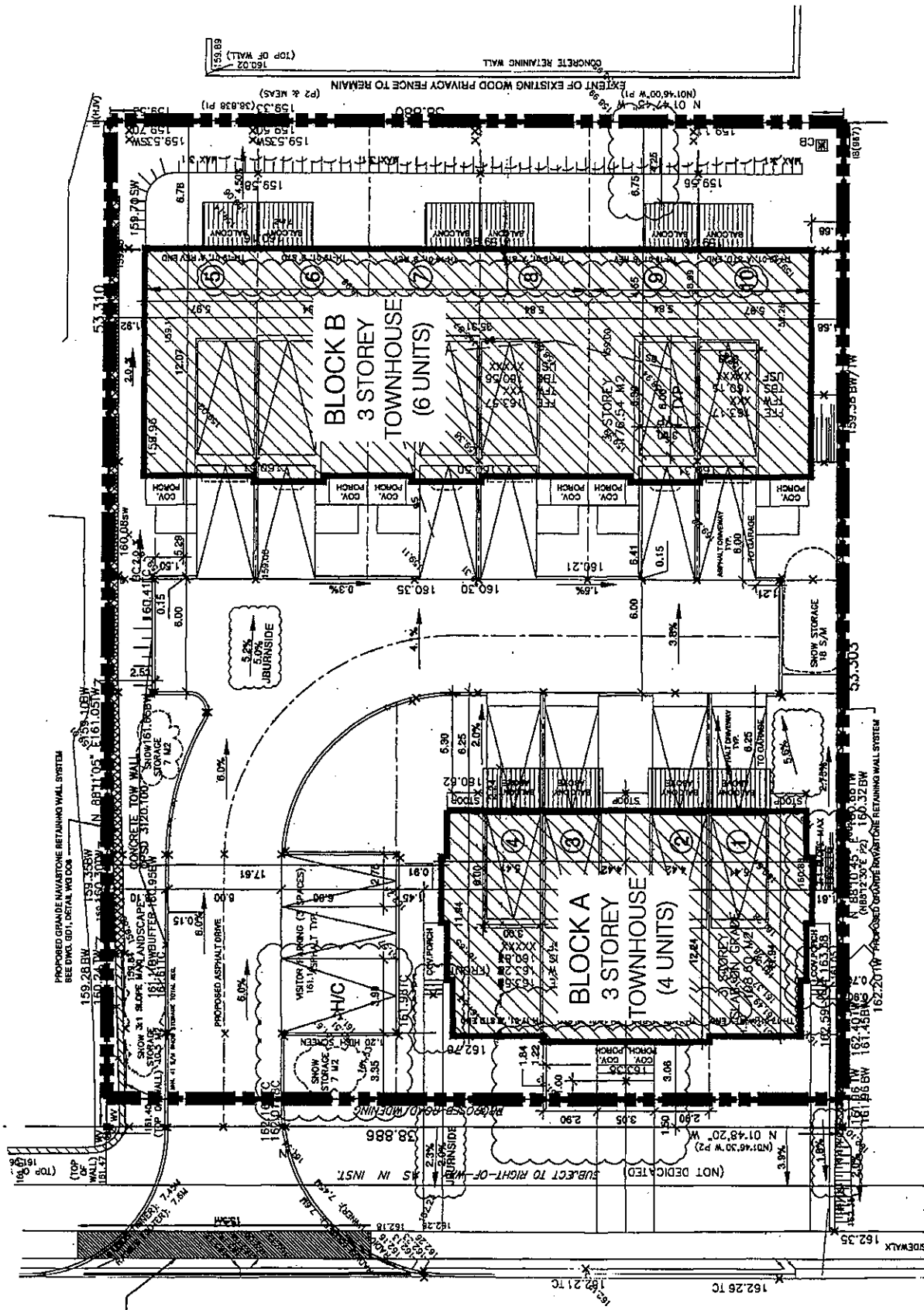
Attachment

FILE: Z-10.016
RELATED FILES: OP.06.022, Z.06.049, DA.08.078

DATE:
September 13, 2011

2

ISLINGTON AVENUE



Not to Scale

Subject Lands

Site Plan

LOCATION:
Part of Lot 10, Concession 7

APPLICANT:
2088756 Ontario Limited
H:\UPTV1 ATTACHMENTS\X\10.016.dwg



Development Planning Department

Attachment

FILE: Z.10.016
RELATED FILES: OP.06.022, Z.06.049, DA.08.078

DATE:
September 13, 2011

3

Subject: COMMUNICATION - COUNCIL SEPTEMBER 27, 2011

C	7
Item #	46
Report No.	40 cw
Council - Sept. 27/11	

From: taliana@sympatico.ca [mailto:taliana@sympatico.ca]
Sent: Friday, September 23, 2011 10:58 AM
To: Hardyчук, Gloria
Cc: Carella, Tony; Schulte, Deb
Subject: additional information to LYME Petition

Dear Gloria Hardyчук,

Adelina suggested the best way to convey the additional information offering is to add it to the existing Lyme Disease Deputation that was made before Council on Sept 13th 2011. I understand that the deputation will be discussed by Council on the Sept 27th 2011.

Could you kindly add the additional information to the deputation for Lyme disease? There is a LYME and ASSOCIATED DISEASE SOCIETY called ILADS that will be hosting its next conference in Toronto the last weekend of October 2011. www.ILADS.com This is the first time ILADS has ever come to Toronto. This conference / workshop is a gathering of the top researchers and specialists across the world who specialize in Lyme disease. They get together to share their knowledge with each other and the doctors who wish to broaden their knowledge and expertise in this field. **The Canadian Lyme Disease Foundation** www.canlyme.com has graciously offered to sponsor up to 10 doctors to attend. This is a savings of \$500 each. Lyme is endemic in Southern Ontario and we need local doctors to learn about this disease so that it can be diagnosed and treated in a timely manner. Lyme disease when caught early is curable when it is missed it can be not only debilitating but it can be fatal. This is a fabulous opportunity and we would like to ask Council if they could share in the media coverage of the offering of the 10 sponsored doctors to attend the ILADS conference. Interested doctors are to contact Jim Wilson the founder of CanLyme. The passes will be offered on a first come first serve bases.

Thank you from the bottom of my heart for the councils consideration in endorsing the LYME Disease petition and any media attention that can be given to let local doctors know about this opportunity to attend the ILADS conference.

Jessica Bell-Taliana

THE LASER CLINIC
 5451 Highway 7 Suite #108
 Woodbridge, ON L4L 0B2
 905 850-7546 (SKIN)
www.THELASERCLINIC.ca

THE LASER CLINIC.ca
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9/23/2011

COUNCIL MEETING – SEPTEMBER 27, 2011

C	9
Item #	1
Report No.	39 Sp. CW
Council - Sept. 27/11	

**FOLLOW-UP REPORT
MODIFICATIONS TO THE VAUGHAN OFFICIAL PLAN – 2010 (VOLUME 1)
RESPONSE TO PUBLIC, GOVERNMENT AND AGENCY SUBMISSIONS
FILE 25.1**

Recommendation

The Commissioner of Planning recommends that:

1. The recommendations contained in the following sections of this report be approved:

PART 1:

Responses to Special Committee of the Whole Motions (September 12, 2011)

- 1.1. Paragraph a) in respect of the lands located northwest of Martin Grove Road and Highway 7;
- 1.2. Paragraph e) in respect of the lands forming part of draft plan of subdivision 19T-90018;
- 1.3. Paragraph f) in respect of the lands located at 8151 Highway 50;
- 1.4. Paragraph g) in respect of Section 3 "Environment" of VOP 2010;
- 1.5. Paragraph h) in respect of the Ahmadiyya Community – Jane Street Lands;
- 1.6. Paragraph i) in respect of the Spadina Subway;
- 1.7. Paragraph l) in respect of lands located near the Steeles Avenue and Islington Avenue intersection; and
- 1.8. Paragraph m) in respect of the treatment of existing commercial uses.

PART 2:

Supplementary Report to Commissioner of Planning, (September 12, 2011)

- 2.1 The recommendations contained in the paragraph entitled "Summary of Recommendations Pertaining to the Conversion Study".

PART 3:

Other, Issues Modifications and Clarifications

- 3.1 Paragraph a) in respect of a reference correction; and
- 3.2 Paragraph b) in respect of Gas Stations and Drive-Through facilities.

Contribution to Sustainability

Goal 2 of *Green Directions Vaughan*, the City's Community Sustainability and Environmental Master Plan, focuses on the new Official Plan to "ensure sustainable development and redevelopment". The description of Goal 2 explains the transformative vision for the new Official Plan.

Vaughan is committed to sustainable land use. Vaughan Tomorrow, our consolidated Growth Management Strategy – 2031, has a central focus on creating a cutting-edge Official Plan that will provide for increased land use densities, efficient public transit, considerations for employment lands and open space systems, as well as walkable, human scale neighbourhoods that include services, retail, and an attractive public realm. The plan will guide the creation of the physical form that will reflect a "complete" community.

Economic Impact

There is no additional economic impact resulting from the consideration of this report.

Communications Plan

Direction to prepare this report for Council was included in the Committee of the Whole recommendation on September 12, 2011. This report was posted on the City of Vaughan website on September 23, 2011.

Purpose

The purpose of this report is to respond to Committee of the Whole direction to provide a follow-up report on Committee motions approved at its September 12, 2011 meeting

Background – Analysis and Options

Action of Committee of the Whole Meeting – September 12, 2011

On September 12, 2011 Committee of the Whole considered a staff report on Modifications to the Vaughan Official Plan – 2010 (Volume 1) in response to Public, Government and Agency Submissions. Committee of the Whole identified a number of issues that warranted further reporting and approved motions directing that staff prepare responses for consideration at the September 27, 2011 Council meeting or as otherwise directed. The staff responses to the motions are provided below.

This report is presented in three parts. Part 1 addresses the motions made by Committee at the September 12 meeting. Part 2 addresses the "Supplementary Report of the Commissioner Planning – Modifications to the Vaughan Official Plan - Volume 1" (Communication C4) focusing on the remaining Employment Land Conversion Issues that were not addressed through the Committee's motions; and Part 3 deals other issues, modifications and clarifications.

PART 1

Responses to the Committee of the Whole Motions

The Committee of the Whole recommended that the recommendations contained in the report of the Commissioner of Planning, dated September 12, 2011 be approved subject to the following:

- a) **That the proposed conversion of the northern portion of the lands northwest of Martin Grove Road and Highway 7 in Ward 2, within the Hemson Report, not be approved;**

Staff Comment

The subject land are composed of two parcels fronting onto the north side of Highway 7 west of Martin Grove Road. On the easterly site the southern portion is occupied by a banquet hall, with a major industrial/business mall to the north. The westerly parcel contains two large single storey employment style buildings. There is a low-rise residential area to the north and east. Highway 7 is a Regional Corridor and is an intensification corridor in both the Region's and City's new Official Plans.

The combined parcels were designated "Highway 7 Commercial Corridor" under OPA 345, which permitted a range of industrial, personal service, retail and office uses, office buildings and restaurants (not including supermarkets, major warehouse, drug stores and department stores).

OPA 661 (Avenue & Land Use Study) amended OPA 345, resulting in the subject lands having a dual designation, with "Prestige Areas – Centres + Avenue Seven Corridor" on the southern portion of the lands. This designation permits a range of office, business, retail, residential, institutional and civic uses.

As such, prior to the adoption of VOP 2010 a "residential" land use designation was already approved and in-force for the southern half of the lands (OPA 661), while the northern portion of the site was designated "Highway 7 Commercial Corridor" (OPA 345).

On September 7, 2010 Council adopted VOP 2010. Schedule 13-Q "Land Use" in the Council adopted VOP 2010 fully designates both parcels as "Mid-Rise Mixed-Use" with a Maximum Height of 8 storeys and a density of 2.5 FSI. Permitted uses under the "Mid-Rise Mixed-Use" designation include: *residential units, home occupations, community facilities, cultural uses including commercial galleries and theatres, limited retail uses, limited office uses, parking garage, hotel, and gas stations subject to further criteria.*

VOP 2010 extended the residential permissions to the northerly portion. The Hemson report sought to provide an analysis and justification for converting the northern (rear) portion of the site as required by the Provincial Policy Statement and the Growth Plan. It is important to note that notwithstanding the recommendations in the Hemson (2011) report, the southern half of the subject site permits residential development as-of-right through the approved OPA 661.

In consideration of the above, it is recommended that the designation of "Mid-Rise Mixed-Use" be maintained on the southerly portion and the northerly portion be redesignated "Commercial Mixed-Use". Given the current mix of uses, the introduction of further residential uses to the north would be challenging. Without a complete change in land use there would be problems integrating with the existing uses if development proceeded on a piecemeal basis; and it may be difficult to separate employment/commercial traffic from residential traffic.

In addition, the timing of redevelopment could be influenced by the presence of the large industrial condominium building at the northeast corner of the lands. Gaining concurrence amongst the owners to dissolve the condominium corporation to provide for development in accordance with the Official Plan would be time-consuming.

However, the combined sites are large and could in the long-term form an attractive development site along an important intensification corridor. It is further recommended that a site specific policy be included in Volume 2 of VOP 2010 that requires, prior to rezoning to permit development in accordance with the new Official Plan, approval of a comprehensive development plan for the entirety of the combined sites to ensure that the quality of development is commensurate with its location and is sensitive to the adjacent residential areas. The details of such policy will be established in the Volume 2 report.

- b) That the present Mid-Rise Mixed-Use land use designation as adopted by the City of Vaughan on September 7, 2010, be maintained for 77-87 Woodstream Boulevard with the understanding that the equivalent ground floor area of the existing banquet hall will be maintained and/or increased in the proposed development for the subject site, and that construction of a pedestrian crossover bridge which provides direct access to the school**

and soccer centre facility on Martin Grove Road for the community east of Rainbow Creek will also be undertaken by the developer;

Staff Comment

The subject lands are located within an existing employment area and are adjacent to office, manufacturing and industrial type uses. Although the lands fronting Highway 7 to the north are proposed for "Mid-Rise Mixed-Use", they are situated on a Regional Corridor and are currently subject to the OPA 661 "Prestige Area" designation, which permits a range of office, business, retail, residential, institutional and civic uses. The subject parcel is adjacent to general industrial type uses, which do not provide the community amenities and access as set out in Section 2 of the VOP 2010. Both parcels are beyond the 200 metre distance envisioned for immediate proximity to transit upgrades on Highway 7.

It is required by Provincial policy (*Provincial Policy Statement* and *Places to Grow*) that the integrity of employment areas be protected. Section 2.2.6.5. of the *Growth Plan for the Greater Golden Horseshoe* (2006), requires the following criteria be applied to changes in land use from Employment to Non-Employment. The conversion must:

- (i) Provide for an appropriate mix of employment uses including industrial, commercial and institutional uses to meet long-term needs.
- (ii) Municipalities may permit conversion of lands within employment areas, to non-employment uses, only through a municipal comprehensive review where it has been demonstrated that a list of conditions has been met, including, but not limited to the following:
 - a) there is a need for the conversion;
 - b) the municipality will meet the employment forecasts allocated to the municipality pursuant to this Plan;
 - c) the conversion will not adversely affect the overall viability of the employment area, and achievement of the intensification target, density targets, and other policies of this Plan;
 - d) the lands are not required over the long term for the employment purposes for which they are designated.

The Hemson report (2011), provides an analysis based on the criteria set out in Section 2.2.6. of the *Growth Plan* and states that a "conversion of this area to a non-employment use is not considered to be 'good planning', does not meet the tests set out in Section 2.2.6.5. and is contrary to the *Growth Plan*".

The Region of York ensures that that the local official plans are in "compliance" with Provincial policies, and has required that the re-designation (from "Employment Area General", under OPA 450 to "Mid-Rise Mixed-Use") comply with the criteria set out in Section 2.2.6.5. of the *Growth Plan*. The Region requested that a comprehensive employment land use conversion review be conducted for *any* sites proposed to be re-designated from an employment designation that were not justified in the April 2010 Hemson report.

Staff have reviewed the Region of York's requested modification and the response by the proponent and are of the opinion that approval by the Region of the change to "Mid-Rise Mixed-Use" may result in a contravention of the policies in the *Growth Plan* and the

Provincial Policy Statement respecting the conversion of employment lands. However, Staff understand that there will be additional discussions with the Region on this matter.

In consideration of the foregoing analysis and subject to further discussions with the Region of York, the staff recommendation respecting 77– 87 Woodstream Boulevard supporting the requested modification by the Region of York remains as per the Special Committee of the Whole Supplementary Report of September 12, 2011: “that these lands are not appropriate for “Mid-Rise Mixed-Use”, and, that the lands retain the current designation of “Employment Area General”, as per OPA 450.

- c) **That Item 522YR (west side of Islington Avenue north of Hwy. 407, Ward 2) be deferred to a future Committee of the Whole meeting, but no later than October 31, 2011, to permit further consultation by staff, the applicant, and any required consultants of the most appropriate land use designation whether low, medium or high rise residential, particularly in light of the proposed Hwy. 407 GO Station immediately to the south;**

Staff Comment

Staff will report to the Committee of the Whole meeting on October 25, 2011 on this matter.

- d) **That staff be directed to draft appropriate modifications to 2010 Vaughan O.P., to allow existing and proposed retail commercial uses to be recognized and permitted on the lands in Ward 2 owned by 2107683 Ontario Ltd., RioCan P.S. Inc. and SRF Vaughan property Inc. for consideration in Volume 2 and without the requirement for a Comprehensive Employment Conversion Review;**

Staff Comment

The Hemson (2011) report recognizes that there are existing commercial / retail uses in the southwest quadrant of the Highway 27 and Langstaff Road intersection, north of Milani Boulevard and supports their redesignation from employment to “Commercial Mixed-Use”. More particularly these are the lands fronting on to Highway 27 and on Langstaff Road to the east of the Hydro Corridor.

The lands that are not recommended for the “Commercial Mixed-Use” designation are located on the east side of Milani Boulevard west of the Hydro Corridor, the interior subdivision lots on Innovation Drive and then extending north from the current end of Innovation Drive to Langstaff Road, abutting the Hydro Corridor.

In essence, the Hemson (2011) report and Section B) 6 of the September 12, 2011 Supplementary Committee of the Whole Staff report, make the recommendation to recognize the existing commercial uses in the area as “Commercial Mixed-Use”, with the residual lands retained as “Prestige Employment” (fronting Langstaff Road), and “General Employment” (interior lots north and south of Innovation Drive).

The Hemson report fulfills the requirement of the Provincial growth plan. It supports the redesignation of a substantial portion of this quadrant by recommending a “Commercial Mixed-Use” designation on the sites with existing commercial uses.

Staff are of the view that the Region requested modification is appropriate for this area.

- e) **That with respect to Item 154C, all necessary modifications be made to the City of Vaughan’s Official Plan, Volume 1, such that all lands on Draft Plan**

of Subdivision 19T-90018 (Part of Lot 9, Concession 9 in Ward 2) be designated as “general employment”, as outlined in the general submission by Goodman’s LLP.

Staff Comment

Staff remain of the opinion that it is premature to redesignate the lands in question from “Natural Areas” to an Employment designation. It is acknowledged that the Highway 427 Environmental Assessment process may result in a change in the TRCA Fill Regulation Line that would form the basis for the requested redesignation of the “Natural Areas”. The TRCA will adjust the regulated area for the Rainbow Creek tributaries when the approved EA design is implemented through the next phase of the study. At that time, more details of remediation works, grading and fill placement and protection of valleyland features will be available. The land use designation should be consistent with the Fill Regulated area to ensure an awareness of a potentially underlying condition or regulation that may affect development.

In the motion it identifies the redesignation as being to “general employment”. The request in correspondence from the respondent’s solicitor dated August 3, 2011, references a request to redesignate to “Prestigious Employment”. Should the subject lands develop they will be adjacent to the Highway 427 extension. Typically such highway locations warrant a “Prestige Employment” designation. Should Council ratify the motion, it is recommended that “Prestige Employment” be substituted for “General Employment.”

- f) **That the site specific policy in relation to the property located at 8151 Highway 50, in Ward 2, be referred to Council for a staff report.**

Staff Comment

At the Committee of the Whole meeting of September 12, 2011, the consultant for the landowner of 8151 Highway 50 (Item 124 YR), proposed that a site specific policy be included in the VOP 2010, to recognize the commercial, retail warehouse and other uses permitted by By-law 171-2010 on the subject lands. The lands have an area of approximately 4.0 ha. and are located on the east side of Hwy. 50, several lots north of Fogal Road. The westerly portion of the lands fronting onto Highway 50, are designated “Prestige Employment”, and the easterly half fronting onto Huntington Road, is designated “General Employment” in the VOP 2010. The lands are surrounded by “Prestige Employment” and “General Employment” lands, and form part of the large employment area at the westerly boundary of the City, extending from Hwy. 407 to Nashville Road.

Section 10.2.1.3 of VOP 2010, Volume 1 already accommodates situations like this. It permits the continuation of existing commercial uses within employment areas by recognizing legally existing but non-compliant uses, as of the date of approval of the plan. It allows limited expansion of these uses subject to a series of specific tests set out in Section 10.2.1.3.

In cases where non-compliant zoning permissions exist, but the lands have yet to undergo development; a grace period of approximately 4-6 years is anticipated between the time the VOP 2010 is finally approved, and the enactment of a new City Comprehensive Zoning By-law. Within this time period a landowner can exercise its current zoning rights and secure a building permit for an approved development before the new by-law, enacted in conformity with the new Official Plan, removes the previous permissions.

Therefore, staff maintain the position expressed at the Special Committee of the Whole meeting on September 12, 2011 that a site specific policy not be granted.

- g) That staff review Section 3.2.3.7 on Modifications to Vaughan Official Plan “Planning-Environmental” as requested by Maurice Stevens, Castlepoint Developments Inc., and report back on this matter.**

Staff Comment

By letter dated September 8, 2011, the respondent expressed concerns in regard to the clarification of permitted uses in Core Features as expressed in Policy 3.2.3.7, which allows for limited uses in Core Features under certain circumstances. The concern from the deputant is that policies elsewhere in s. 3.3 regarding specific natural features (i.e. wetlands, woodlands, etc.) may be interpreted to counter the provisions of Policy 3.2.3.7. For example, it may prohibit low intensity uses like municipal trail systems in valley and stream corridors.

The proposed clarifications have merit and the following is recommended:

1. Respondent’s Suggestion:

Define the term, significant, in relation to natural features noted in s. 2.1 of the Provincial Policy Statement (PPS).

Staff Recommendation

It is recommended to add a definition for the term, significant, in s. 10.2.2 of the VOP. The following definition is modified from the PPS definition:

Significant means:

- a) in regard to *wetlands* and areas of natural and scientific interest, an area identified as provincially significant by the Ontario Ministry of Natural Resources using evaluation procedures established by the Province, as amended from time to time;
- b) in regard to the *habitat of endangered and threatened species*, means the habitat, as approved by the Ontario Ministry of Natural Resources, that is necessary for the maintenance, survival, and/or the recovery of naturally occurring or reintroduced populations of endangered species or threatened species, and where those areas of occurrence are occupied or habitually occupied by the species during all or any part(s) of its life cycle;
- c) in regard to *woodlands*, an area which is ecologically important in terms of features such as species composition, age of trees and stand history; functionally important due to its contribution to the broader landscape because of its location, size or due to the amount of forest cover in the planning area; economically important due to site quality, species composition, or past management history; or an area that meets any one of the criteria in policy 2.2.40 of the York Region Official Plan; and
- d) in regard to other features and areas in policy 2.1 of the Provincial Policy Statement, ecologically important in terms of features, functions, representation or amount, and contributing to the quality and diversity of an identifiable geographic area or natural heritage system.

It is recommended that all appropriate instances of the term, significant, be italicized.

Rationale

The recommended definition of the term, significant, is based on the definition in the PPS. Adding the definition to s. 10.2.2 of the VOP does not limit the ability of the City to identify specific criteria that meet the intent of the term, significant, as used in the PPS. Wetlands, habitat of endangered and threatened species, and areas of natural and scientific interest are identified according to criteria and/or procedures provided by the Province. The province provides general criteria for determining significant woodlands, which has been further interpreted by York Region. Significant valleylands are consistent with the definition of valley and stream corridors in the Valley and Stream Corridor Management Program (TRCA 1994).

The York Region Official Plan (ROP) defines the following terms:

- Habitat of endangered species, threatened species and special concern species;
- Significant valleylands;
- Significant wildlife habitat;
- Significant woodlands;
- Wetland; and
- Woodland.

2. Respondent's Suggestion:

Modify policy 3.3.1.1.a to refer to policy 3.2.3.7, not only to policy 3.2.3.7.c.

Staff Recommendation

It is recommended to modify policy 3.3.1.1.a to:

- replace the reference to policy "3.2.3.7.c" with "3.2.3.7"; and
- add "and policy 3.3.1.4, and to the satisfaction of the Toronto and Region Conservation Authority".

Rationale

It is appropriate to refer more generally to the provisions of policy 3.2.3.7, which include natural area management, flood and erosion control projects, and low-intensity and passive recreational activities in addition to subparagraph (c) which refers to infrastructure deemed necessary and where no alternatives apply.

A further clarification that the provisions of policy 3.2.3.7 and 3.3.1.4 should be to the satisfaction of TRCA recognizes the regulatory authority of the TRCA regarding valley and stream corridors under the Conservation Authorities Act.

3. Respondent's Suggestion:

Modify policy 3.3.2.1 regarding wetlands to refer to policy 3.2.3.7 and Provincial requirements.

Staff Recommendation

It is recommended to modify policy 3.3.2.1 to add the following at the end of subparagraph (a):

- except as permitted per the provisions of policy 3.2.3.7 and in accordance with Provincial requirements;

Rationale

The reference to "Provincial requirements" is critical to the proposed policy modification as wetlands evaluated as provincially significant have the highest level of protection in section 2.1.3 of the PPS. Furthermore, a policy was added (now policy 3.3.2.2), as part of the proposed modifications in the September 12th, 2011 Report to Council, to ensure that wetlands evaluated as provincially significant are protected as Core Features. Policy 3.3.2.2 distinguishes where other identified wetlands are to be evaluated for significance, in accordance with criteria provided by the Province, and to determine their importance, functions and means of protection to the satisfaction of the City.

4. Respondent's Suggestion:

Modify policy 3.3.3.1 by adding a reference to policy 3.2.3.7 and a reference to appropriate Regional or Provincial policies that apply to significant woodlands.

Staff Recommendation

It is recommended to modify policy 3.3.3.1 by adding the following text at the end of subparagraph (a):

- except as permitted per the provisions of policy 3.2.3.7 and, in the case of *significant woodlands* and their vegetation protection zones, the appropriate Regional or Provincial policies shall apply.

Rationale

The recommendation is consistent with existing policies and recognizes that the York Region Official Plan includes specific criteria for identifying significant woodlands. Furthermore, Policy 3.3.3.4, which is proposed to be modified in the recommendations brought forward in the September 12th, 2011 Report to Council, makes reference to conditions where development or site alteration may be permitted in woodlands.

5. Respondent's Suggestion:

Modify policy 3.3.4.1 regarding protection of significant habitat of endangered and threatened species to refer to Provincial regulations in instances of permitted development or site alteration.

Staff Recommendation

It is recommended to modify policy 3.3.4.1 to italicize the term "significant", but otherwise maintain the text as provided in the September 12th, 2011 Report to Council.

Rationale

The policy is consistent with the terminology in the PPS in that, development or site alteration is not permitted in significant habitat of endangered and threatened species. Policy 3.3.4.1(a) is proposed to be modified in recommendations brought forward in the September 12th, 2011 Report to Council, to add the term "significant"

rather than only referencing "habitat of endangered and threatened species". Hence, no further change is justified.

6. Respondent's Suggestion:

Modify the last sentence in the first paragraph of the second text box in s. 3.2.3 to refer to specific exceptions to protection of Core Features as set out in the VOP 2010.

Staff Recommendation

It is recommended to modify the last sentence in the first paragraph of the second text box in s. 3.2.3 as follows:

Except as specifically set out in this Plan, development or site alteration will not be permitted in such areas. Significant alteration or expansion of any existing development in such areas will not be permitted except as specifically set out in this Plan.

Rationale

The recommendation recognizes that there are specific limited instances where development or site alteration is permitted in Core Features. Note also that it is stated in 5.1.7 that the Plan should be read in its entirety.

- h) That with respect to Item 21YR, staff report back to Council on the feasibility of the request for additional uses and their impact on the current site specific plan for the Ahmadiyya Community;**

Staff Comment

In correspondence dated September 12, 2011 a request was received from the owner's consultant for changes to the site specific official plan policies recommended by staff in the September 12, 2011 report (Item 21YR). Satisfaction was indicated with the recommended redesignation to "Major Institutional". However, the concern was expressed that the permissions that would be applied mirror the current zoning by-law and provide detailed development standards (e.g. maximum floor space) thereby reducing flexibility at the official plan level. In addition, it was requested that several additional uses be permitted, being "Residential units or other Residential Accommodation for Students, Staff, Volunteers and Visitors" (a dormitory) and "a Nursing Home and a Retirement Home" to allow members of the community to age in place.

The uses currently permitted in the by-law are shown on a site plan, which forms a schedule to the by-law. The objective is to allow for the long-term evolution of the site as a major institutional use, while maintaining compatibility with the adjacent Low Density Residential community. Some of the new uses are not accounted for in the existing plan. This may result in more intensive development at some time in the future, if all of the uses that would ultimately be permitted under the request are developed. Currently, the maximum building height for the site is 11 m, which is appropriate due to the campus location in the midst of a low-rise residential neighbourhood. The majority of the lands remain subject to a Holding Zone that would be removed by the approval of a site development application and confirmation of the availability of services and Council's allocation of capacity.

The recommended policy provides additional flexibility by allowing for a greater range of uses, while reinforcing the fact that the uses will support the primary place of worship

use. It also recognizes the need for the growing institutional use to maintain its compatibility with the surrounding residential community.

In consideration of the request, Staff can recommend the following policy, by way of an addition to Section 13.1.1 of Volume 2.

The following policies shall apply to the lands shown as "Ahmadiyya Campus" on Schedule 14C:

1. Notwithstanding Policy 9.2.2.11 "Major Institutional" the following uses shall be permitted and such uses shall be associated with and be in support of the primary Place of Worship use, its activities and its community:
 - a) Schools and other Educational Facilities including lecture halls and meeting rooms;
 - b) Libraries;
 - c) Cultural facilities including a community hall;
 - d) Community Centres;
 - e) Recreation Facilities;
 - f) Day Care;
 - g) Media, Broadcasting and Communications Facilities;
 - h) Non-Commercial Hospitality Facilities;
 - i) Residential Units or other Residential Accommodation for Students, Staff, Volunteers and Visitors;
 - j) Offices;
 - k) An Apartment Building;
 - l) A Nursing Home and a Retirement Home;
 - m) Portable buildings for temporary use as offices and classrooms.
2. In consideration of all implementing development approvals it is the objective of the City to provide for the long-term evolution of the subject lands as a major institutional use, while ensuring compatibility with the adjacent low-rise, low density residential community, including but not limited to the consideration of building heights and massing, setbacks, landscaping and screening and building placement.
 - i) **That staff report to Council on the feasibility of having the red dash line in Schedule 10 denoting an extension of the Subway beyond the tail track, be modified to end at Jane Street and Pennsylvania Avenue rather than Major Mackenzie Drive;**

In the September 12, 2011 report it was recommended that Schedule 10 "Transit Network" be modified to show a conceptual extension of the Spadina Subway from the end of the currently planned tail track, to the west to Jane Street and then heading north on Jane to Major Mackenzie Drive.

One of the primary purposes of showing the subway extension north of the currently planned terminus is to help preserve opportunities to protect for the alignment of a future subway route if the lands to the north redevelop. The distance between Portage Parkway and Pennsylvania Avenue is sufficient to accommodate the required turn to the east. Therefore, there is no objection in terminating the alignment at Pennsylvania Avenue. However, the conceptual alignment should terminate with an arrow pointing north indicating the possibility of a further extension.

Therefore, it is recommended that Schedule 10 "Transit Network" be modified by:

- Showing the "Subway Extension" as extending north of Highway 7 to correspond with the end of track as defined by the tail track;
 - Adding a dashed red-line, representing the "Conceptual Subway Extension" extending northeast from the end of track to Jane Street and then heading north parallel to Jane Street;
 - Terminating the dashed red-line at Pennsylvania Avenue with an arrow pointing to the north; and
 - That Policy 4.2.2.7 be modified to read: "To support **the possible** further extension of the Toronto-York Spadina Subway in the Jane Street right-of-way and adjacent properties."
- j. **That staff report to Council on an implementation plan for the timely preparation of secondary plans as a pre-requisite to initiating a Secondary Plan for the New Community Areas;**

Staff Comment

As reported on September 12, there have been requests to change the policy direction established by Council on January 25, 2011 in respect of the number of Secondary Plan studies that must be completed prior to the initiation of the secondary plan for the new Community Areas. Representatives of Blocks 27 and Block 41 (the New Community Areas) have been working to demonstrate that the housing uptake over the next five to ten years will require more supply of certain types of housing in the short-term. Staff are examining the information in recent reports presented by owners with the Region of York. A concern raised by owners' consultants is that the requirements of the January 25, 2011 Council direction will delay the preparation of the Secondary Plan to the extent that it could result in a shortage of supply in certain market segments, particularly low density ground-related units.

To implement the January 25, 2011 Council direction, it was recommended that the following policy be added to Section 10.1.1. of VOP 2010:

In order to achieve orderly, managed growth and development, it is the policy of Council that the preparation of the New Community Areas Secondary Plan will only proceed: After five of the required secondary plans identified under the heading "Required Secondary Plan Areas", as shown on Schedule 14-A, "Areas Subject to Secondary Plans" have been substantially advanced; and the Natural Heritage Network Study has been completed. For the purposes of this policy, "substantially advanced" means that the secondary plans have proceeded to a statutory public hearing under the *Planning Act*.

It is expected that all of the plans will either be completed or substantially advanced by the fourth quarter of 2013. Staff has assessed resource needs to ensure the timely completion of these studies, these include Additional Resource Requests for staff assistance and the timely approval of study budgets.

Jane Street and Major Mackenzie Drive Secondary Plan (Vaughan Health Care Campus Centre Plan): OPA 715 has been approved; a City-initiated amendment to OPA No. 715 is proceeding to a Statutory Public Hearing on October 4, 2011;

Vaughan Mills Secondary Plan Study: Provided for in the 2011 Capital Budget; terms of reference proceeded to the Committee of the Whole meeting on September 14, 2011 for approval; planned for completion in the fourth quarter of 2012;

Concord Centre Secondary Plan: Provided for in the 2011 Capital Budget; terms of reference proceeded to the Committee of the Whole meeting on September 14, 2011 for approval; planned for completion in the fourth quarter of 2012;

Weston Road and Highway 7 Secondary Plan Study: Provided for in 2011 Capital Budget; terms of reference planned to proceed to Committee of the Whole in November 2011 for approval; planned for completion in the first quarter of 2013;

Dufferin Street and Centre Street Secondary Plan Study (Final Phase): The majority of Centre Street between Dufferin and Bathurst Streets has been the subject of a land use and urban design study and is nearing completion. The Thornhill Promenade site will be studied later when there is redevelopment interest. Therefore the final phase to be looked at for the time being are the sites at the intersection of Dufferin and Centre Streets. Budget approval is required and will be considered as a 2012 Capital Budget request. The study process will commence subsequent to budget approval and is expected to take approximately nine months; completion projected for second quarter of 2013;

There are also two other required secondary plans, one is for the Promenade Mall in Thornhill and a new secondary plan will also be necessary for the York Major Holdings Inc. lands in Maple to the east of the Go Rail line north of Major Mackenzie Drive. This is discussed elsewhere in Part 2 of this report.

Natural Heritage Network Study: First Phase provided for in 2011 budget; terms of reference going to Committee of the Whole November 2011 for approval; Phase 2 budget will be considered as a 2012 Capital Budget request; study will require a full year (four seasons) field evaluation period; completion projected for the second quarter of 2013.

Prior to proceeding with the New Community Areas Secondary Plan it will also be necessary to have all of the required Official Plan approvals in place. This would include the Regional Official Plan, Regional Official Plan Amendment No. 2 (Vaughan Urban Expansion Area) and VOP 2010 approved. The timing for resolving the OMB appeals is uncertain and is expected to be sometime in 2013. The timing of OMB resolution will be a primary determinant on when the New Community Areas Secondary Plan study can commence.

In the interim staff will work closely with representatives of Blocks 27 and 41 to analyze their projections for housing uptake and supply and to understand the findings of their natural heritage work which will inform the City of Vaughan's Natural Heritage Network Study. In addition, staff will consult with the Region, landowners, agencies on the planned timing for new infrastructure necessary to services in these areas.

k) That Schedule 9 be delayed until the Transportation Master Plan report is reviewed at Committee in October, and any changes to the Official Plan to follow;

Staff Comment

Staff supports this measure. The report on the Transportation Master Plan at present scheduled for a Committee of the Whole (Working Session) meeting on October 11, 2011. Subject to ratification by Council, any changes to VOP 2010 recommended by Committee of the Whole will be forwarded to the Region.

- l) **That staff report to the next Council meeting justifying the conversion of land to Mid-Rise Mixed-Use at Steeles Avenue and Islington Avenue, to ensure it addresses the complete communities vision for new development areas;**

Staff Comment

The subject lands consist of three parcels, two of which have former single detached houses converted into a restaurant and the other a used furniture outlet, and the third parcel is currently vacant. The parcels abut a larger area to the north already approved for High Density Residential / Commercial under OPA 650.

The subject lands were removed from the Parkway Belt West Plan through OPA 480 and incorporated into OPA 450 with the employment designation of "Prestige Area". The "Prestige Area" designation permits "a wide range of industrial, office, business and civic uses". Over time, the existing and planned land uses surrounding the subject parcel evolved from a predominately "employment" area to a mixed use area, which includes commercial and residential uses.

The lands immediately to the north of the subject property were re-designated from "Prestige Area" to "Mixed High Density Residential / Commercial" by OPA 605, generally permitting a range of retail, office and residential uses in mixed use form. The lands are currently vacant. In VOP 2010 this parcel is designated Mid-Rise Mixed-Use with a maximum height of 9 stories and density of 2.75 FSI. To the south of the subject lands there are mainly commercial uses along Steeles Avenue. The parcel at the northwest corner of the Steeles Avenue and Islington Avenue intersection is also designated Mid-Rise Mixed-Use with a maximum height of 8 stories and density of 2.5 FSI.

The subject lands are surrounded by residential, commercial and institutional uses. The change in land use designation from "Employment" to "Mid-Rise Mixed-Use" with a maximum height of 8 stories and a density of 2.5 FSI would be compatible with the existing built form to the immediate east, which includes a seniors' apartment building and a long-term care facility and the VOP 2010 land use designations to the north and south

The *Provincial Policy Statement, Growth Plan* and York Region Official Plan encourage intensification along arterial corridors and in areas that have sufficient or planned infrastructure. The conversion from an "Employment" designation to "Mid-Rise Mixed-Use" will benefit from the existing urban and transit infrastructure. However, these lands form a pocket and are cut off from the larger community of Vaughan by Rail and Highway 407 Corridors and Parkway Belt Lands. This therefore raises concerns regarding appropriate community support for these properties.

The VOP 2010 defines "complete communities" as:

Communities that meet the people's needs for daily living throughout an entire lifetime but providing convenient access an to appropriate mix of jobs, local services, a full range of housing, and community infrastructure including affordable housing, schools, recreation and open space for their residents. Convenient access to public transportation and options for safe, non-motorized travel is also provided.

The subject lands are located in an area of transition, including a mix of existing and planned retail, commercial and residential uses. Introducing a mixed commercial / residential component into this area would complement the existing seniors' home and long-term care facility across the street to the east. Transit is accessible on Steeles Avenue and there is a Conservation Area to the west.

Staff can support the redesignation of the subject lands to "Mid-Rise Mixed-Use" However, to fulfill the objectives of developing a complete community it would be worthwhile to do a review of other services such as the availability of schools, parks and recreational facilities prior to development taking place on the west side of the Steeles – Islington intersection. Therefore, it is recommended that:

- The subject lands be redesignated from "Prestige Employment" to "Mid-Rise Mixed-Use" with a maximum height of 8 stories and a maximum density of 2.5 FSI.
- A policy be added to Volume 2 of VOP 2010 that require a services review of the northwest quadrant of the intersection of Steeles Avenue and Islington Avenue, to address such matters as the availability of parkland and other services as may be determined, prior to the development of the first site for residential purposes in this quadrant, and to be considered in the review of all development applications in this area and that this area be identified on Schedule 14-C of VOP 2010.

m) **Whereas, Policy 10.2.1.3 of the New Official Plan, Volume 2, states that it is Council's intention "...To recognize legally existing land uses as they exist at the time this Plan is adopted.";**

That staff be directed to report back on issues raised regarding whether a consistent approach to the treatment of existing commercial uses on arterial roads can be applied or whether an appropriate site specific policy, secondary plan study or changes to Schedule 13R in the new official plan is required;

Staff Comment

For clarification, staff understand that this motion refers to situations where the range of existing commercial uses within the "Prestige Employment" designation under OPA 450, has been limited by the new Official Plan as a result of the more restrictive land use permissions prescribed for this designation.

It may be helpful to provide some background with respect to why the permissions in the "Prestige Employment" and "General Employment" designations have been modified. The changes to these designations have been incorporated to be consistent with the hierarchy of intensification areas and the uses prescribed for intensification areas, as a result of more recent Provincial and Regional policy. Over time, the intended outcome is to focus new retail and other more intensive office commercial development at strategic nodes and along arterial corridors where public transit either exists, or is being planned. This has been a guiding principle of VOP 2010.

Another important Provincial policy factor has been that of protecting the stability of employment areas. This policy is highlighted in Section 2.2.6. of the Growth Plan for the Greater Golden Horseshoe (2006), where specific reference is made to:

- (i) providing for an appropriate mix of employment uses including industrial, commercial and institutional uses to meet long-term needs.
- (ii) Municipalities may permit conversion of lands within employment areas, to non-employment uses, only through a municipal comprehensive review where it has been demonstrated that a list of conditions has been met, including, but not limited to the following:
 - a. there is a need for the conversion;

- b. the municipality will meet the employment forecasts allocated to the municipality pursuant to this Plan;
- c. the conversion will not adversely affect the overall viability of the employment area, and achievement of the intensification target, density targets, and other policies of this Plan;
- d. the lands are not required over the long term for the employment purposes for which they are designated.

In consideration of the Provincial and Regional policy framework, and the "vision" for the new City Official Plan, the approach provided for under Section 10.2.1.3 of VOP 2010, Volume 1 permits the continuation of existing commercial uses within employment areas by recognizing legally existing but non-compliant uses, as of the date of approval of the plan. It allows limited expansion of these uses subject to a series of specific tests set out in Section 10.2.1.3.

In cases where non-compliant zoning permissions exist, but the lands have yet to undergo development; a grace period of approximately 4-6 years is anticipated between the time the VOP 2010 is finally approved, and the enactment of a new City Comprehensive Zoning By-law. Within this time period a landowner can exercise its current zoning rights and secure a building permit for an approved development before the new by-law, enacted in conformity with the new Official Plan, removes the previous permissions.

To attempt to make any changes to the plan at this time on a site by site basis, without the benefit of a more comprehensive study, would be contrary to the long term vision for VOP 2010. In addition, it could result in a contravention of the policies of the Growth Plan Policies respecting conversions to employment lands.

With specific reference to Item 338 YR respecting the lands known as 7979 Weston Road, this is an example of a lot which is located on a corridor designated as "Prestige Employment" that is seeking site specific recognition in the new Official Plan of its previous approvals allowing retail warehousing, which are no longer permitted by VOP 2010. There are a number of additional lots fronting on this same stretch of the Weston Road corridor, between Fieldstone Drive and Langstaff Road, which have been operating at least in some capacity as retail stores.

If any changes were to be made to the land use designations in this portion of the Weston Road corridor, they should be made after careful study with appropriate public consultation, and in consideration of the effects on the broader corridor.

Staff recommends that this portion of the Weston Road corridor be examined as part of the Secondary Plan study for the Weston Road and Highway 7 area. A Terms of Reference for the study will be brought forward to Council before the end of 2011. Funding for this study was approved in the 2011 Capital Budget. In respect of the foregoing analysis it is recommended that the Recommendation pertaining to Item 338YR be amended to read: "No change is recommended at this time. The Weston Road Corridor should be studied as part of the Secondary Plan Study for the Weston Road and Highway 7 area, with the study limits to be determined in the Terms of Reference."

PART 2

Supplementary Report of the Commissioner Planning – Modifications to the Vaughan Official Plan (Volume 1): Communication C4 - Special Committee of the Whole Meeting, September 12, 2011

At the Special Committee of the Whole meeting on September 12, 2011, Committee of the Whole approved the following motion:

- 3) That Communication C4, the Supplementary Report from the Commissioner of Planning, dated September 12, 2011, be received;

The report dealt with the following matters:

Evaluation of Additional Correspondence Requesting Modifications to VOP 2010:

This matrix, forming Attachment No. 3 to the supplementary report, set out the Respondents Requests/Staff Comments and Recommendations that were received too late to make the September 12, 2011 Special Committee of the Whole Agenda as part of the main report.

Follow-up Evaluation of Additional Employment Land Conversions to Alternative Uses (Addendum to the April 2010 Housing Analysis and Employment Land Needs Report):

The Region of York had noted that a number of site and area specific re-designations from "Employment" to other land use designations had not been justified by Hemson Consulting in their original employment land use conversion review entitled "Housing Analysis and Employment Land Needs (April 2010)". These areas are identified in Attachment No. 1 to this report.

The Region requested that justification for the conversion of these lands to non-Employment Uses be provided, consistent with the requirements of the Growth Plan. This involved specific sites and corridors. A follow-up report was prepared by Hemson Consulting, entitled "Housing Analysis and Employment Land Needs - Addendum to the April 2010 Report" (September 2011), It examined the subject sites and corridors and provided analyses and recommendations. This report formed Attachment 1 to the Supplementary Report.

As per Recommendation 3 quoted above, Council received the Supplementary Report and took no action on the recommendations.

One of the purposes of the Supplementary Report was to provide Council with an opportunity to advise the Region of York on the City's position on these matters. Since the correspondence and request for justification for the employment land conversions originated with the Region of York, in absence of specific direction, the Region of York would have to make decisions without guidance from Council.

It is noted that Committee of the Whole did address a number of site specific employment land conversions by way of the motions adopted on September 12. These include:

- **Recommendation 1)a):** Northern portion of the land northwest of Martin Grove Road and Highway 7;
- **Recommendation 1)b):** 77-87 Woodstream Boulevard;
- **Recommendation 1)d):** Lands between Milani Boulevard, Highway 27 and Langstaff Road (2107683 Ontario Ltd., RioCan and SRF Vaughan);

- **Recommendation 1))):** Conversion of land at the northwest corner of the intersection Steeles Avenue and Islington Avenue.

In accordance with Committee directions, these sites were discussed earlier in this report. The position Council takes on these matters will be forwarded to the Region of York.

This left a number of conversions undealt with. Some are minor in nature, while others are of significance to the plan, particularly the corridor related issues on Jane Street and Steeles Avenue. Therefore, it is recommended that Council evaluate the remaining conversions on their individual merits and that the Region of York be advised of Council's position where appropriate.

Background on the Evaluation of the Proposed Employment Land Conversions

The conversion from employment use to a non-employment use requires compliance with Section 2.2.6.5. (Employment Lands) of the Growth Plan for Greater Golden Horseshoe. In order to comply with the Provincial requirements an analysis must demonstrate:

- There is a need for the conversion;
- The municipality will meet the employment forecasts allocated to the municipality pursuant to this Plan (Growth Plan);
- the conversion will not adversely affect the overall viability of the employment area, and achievement of the intensification target, density targets, and other policies of this Plan;
- there is existing or planned infrastructure to accommodate the proposed conversion;
- the lands are not required over the long term for the employment purposes for which they are designated; and
- cross-jurisdictional issues have been considered.

The Hemson addendum report (2011) reinforces an objective of the VOP 2010 which is confirm that an "Employment Area" (as defined by the *Growth Plan* and PPS) includes the "*Commercial Mixed-use*" designation. Even though the VOP 2010 has shifted some permissions on lands within employment areas to a primarily retail form, it is Hemson's and staff's view that this does not constitute a conversion within the meaning of the Growth Plan. Therefore to clarify the approach taken in the VOP 2010, it is recommended that "employment areas" comprise: 1) *General and Prestige Employment* designations, and; 2) *Commercial Mixed-Use* Designations (not including retail warehouses permitting large-format retail).

The "Commercial Mixed-use" designation in the Plan applies to lands which have *existing* or are *planned* to have retail concentrations. It does not apply to lands where additional retail permissions could have a destabilizing effect on the more industrial types of employment lands. Residential uses are not permitted in the "*Commercial Mixed-use*" designation. This designation typically forms an "edge" to and a transition from the more industrial type of employment to more sensitive land uses such as residential.

Both the *Growth Plan* and PPS maintain a broad definition of employment areas in order to allow municipalities the discretion and flexibility to establish land use designations that

best meet the needs of the community. An "employment area" is defined in both the *Growth Plan* and the PPS as:

Areas designated in an official plan for clusters of business and economic activities including, but not limited to, manufacturing, warehousing, offices, and associated retail and ancillary facilities.

In Hemson's view, neither the *Growth Plan* nor the PPS requires that *all* employment areas be designated to include *all* of the listed uses, only that those uses are provided for in some location within the community. The matter of which uses should be permitted in which locations is a local and regional land use planning matter. Under the *Growth Plan* definition, a use within an employment area that is already permitted or has been established under the local and regional official plan, requires no conversion. If a new or proposed use is not permitted or established under the current plans, then a municipal comprehensive employment land conversion review is required.

The policy provisions in VOP 2010 for "Commercial Mixed-Use" areas require a minimum of 30% gross floor area of all new uses on the lot to consist of uses other than retail, including offices, hotels and gas stations.

The Hemson report recommends new policies that clarify the intent of the VOP 2010 as follows:

- The lands designated "General Employment", "Prestige Employment" and "Commercial Mixed-use" constitute the City's employment area land supply as defined in the *Growth Plan* and Provincial Policy Statement;
- The City's employment area land supply is subject to the conversion policies in the *Growth Plan* and PPS;
- Any proposal for additional retail permissions that would exceed the 70/30 percent mix or addition of residential use would be considered a conversion and require a municipal comprehensive conversion review.

In the case of the City's proposed "Commercial Mixed-use" areas, the pre-existing official plan designations for these areas allowed for both employment and retail/service commercial uses, as the case may be. The change, therefore, is not generally to add retail permissions but rather to recognize existing or planned retail concentrations.

However, for the purposes of analysis, the tests set out in Section 2.2.6.5 of the *Growth Plan* are used to discuss the appropriateness of the change from General and Prestige Employment to Commercial Mixed-Use (which in our view does not represent a conversion) and to a mixed-use residential designation (which does represent a conversion). The conclusion of the full discussion and analyses as set out in the Hemson Report which formed Attachment 1 to the Supplementary Report of September 12, 2011. The remaining conversion issues are set out below for Council's consideration, together with a staff recommendation on further action.

Addressing Site Specific Conversions

Southeast Corner of the Langstaff Road and Weston Road Intersection

VOP 2010 (Schedule "13R") shows this site designated "General Employment". This designation permits outside storage and is inappropriate to this location, given its high-profile location. It was originally designated "Neighbourhood Commercial Centre" by OPA No. 379, which permits retail uses. Designed as shopping centre, it is appropriate

to redesignate these lands to a commercial designation that permits retail uses. Being predominantly retail in nature and having retail approvals under the former plan, it is recommended at these lands be redesignated from "General Employment" to "Commercial Mixed-Use".

North Side of Rutherford Road, South of the CN Rail Pull-Back Line, West of Melville Road – The Vaughan Joint Operations Centre

Schedule "13N" of VOP 2010 designates this area "Commercial Mixed-Use". It is currently occupied by the Vaughan Joint Operations Centre, the York Regional Police District 4 Headquarters and the Household Hazardous Waste Depot.

In the April 2010 Hemson Consulting analysis, this area was not included in the City's base employment land supply. The lands are however designated "Prestige Area" by OPA 450 and should have been included in the employment land inventory. This is reinforced by the fact that the area is adjacent to the Jane North Employment Area and the majority of the site is occupied by a municipal works yard and other public uses like the police station and hazardous waste depot..

The employment area to the south is considered to be competitive and the new retail permissions are not necessary and could have a destabilizing effect on the surrounding area. It is recommended that the lands be redesignated from "Commercial Mixed-Use" to "Prestige Employment".

The West Side of the Highway 7 and Highway 27 Intersection

Schedule "13P" of VOP 2010 currently designates the two parcels on the north and south sides of Highway 7, abutting the west side of Highway 27, "Prestige Employment". The site is currently designated for mixed-use commercial development by OPA 661. It is the intent to transform Highway 7 into a more mixed-use, transit and pedestrian supportive corridor. The mixed-use commercial designation from OPA 661 was recognized elsewhere on Highway 7 west of Highway 27 in VOP 2010 by a "Commercial Mixed-Use" designation. The "Prestige Employment" area designation is a mapping error and it is recommended that these lands be designated "Commercial Mixed-Use" in VOP 2010.

The Area South of Highway 407, East Side of Dufferin Street along Caraway Drive and Racco Parkway

Schedule "13T" of VOP 2010 designates the subject lands as "Commercial Mixed-Use". Its conversion to a Commercial designation is justified by the current uses. The north parcel fronting onto Dufferin Street is presently occupied by a major health club/recreational facility. The southerly parcel fronting on Dufferin is developed with a Canadian Tire store. The third parcel is located to the east, across Racco Parkway, and is occupied by a Fire/EMS Station. The VOP 2010 designation of "Commercial Mixed-Use" is appropriate as it recognizes the existing uses. No change is recommended.

The Lands North of Major Mackenzie Drive, South and West of McNaughton Road, east of the Maple GO Station (York Major Holdings)

A request was received to reconsider the land use on the parcel of land bordered by the GO Rail Line and the GO Station on the west, Maple Cemetery and Major Mackenzie Drive on the south and McNaughton Road on the east and north. This proposal would potentially facilitate the development of a mixed commercial-residential community on the lands between the GO Station and Rail Line and the existing commercial development to the east.

The subject lands are designated "Commercial Mixed-Use" by VOP 2010 (Schedule "13J"). Although, it has retail commercial permissions, it has an underlying Employment

designation. These lands were not considered in the April 2010 Hemson report. Therefore, a justification to redesignate the subject lands to a mixed-use residential designation would be required to convert the lands from Employment.

The lands are considered appropriate for a wider range of uses for a number of reasons, including:

- The lands are well-defined and removed from the City's other major employment concentrations and are adjacent to mostly residential and community uses;
- The permission for a wide range of large format retail is already in place and a Lowes and Walmart have already been constructed, substantially reducing the potential for industrial development on the remaining vacant parcels;
- The lands are in close proximity to the Maple GO Station, providing additional opportunity for the more efficient use of the land and support for the transit.

While the site has the potential to accommodate a wider variety of uses, further study will be necessary to refine the development details with the benefit of a public consultation process. Therefore, a City-initiated secondary plan study is required to establish, among other things, the appropriate mix of land uses, densities, recreation needs, traffic impacts and the urban design framework for the area.

The following is recommended:

- That the westerly portion of the site between the existing retail uses and the GO Rail Station be redesignated "Mid-Rise Mixed-Use";
- That the easterly portion of the site containing the retail uses, maintain the Commercial Mixed-Use" designation.
- That Schedule 14-A be amended to show the lands designated Mid-Rise Mixed-Use as a "Required Secondary Plan Area";

The timing of the initiation of the secondary plan study will be discussed with the landowner. Staff will report to Council with further details on the process and the terms of reference taking into consideration staff resources and available funding.

Conversion of Commercial Mixed-Use Corridors

There are two corridors designated "Commercial Mixed-Use" by VOP 2010 that have been identified for review. They are:

- The Jane Street Corridor between Portage Parkway and Rutherford Road;
- Two Sections of the north side of Steeles Avenue: From Islington Avenue to Jane Street; and from Keele Street to Dufferin Street.

a) The Jane Street Corridor: From Portage Parkway to Rutherford Road on the east side; and from Portage Parkway to Bass Pro Mills Drive on the west side

The review concluded that the Commercial Mixed-Use designation for this section of Jane Street was inappropriate for a number of reasons. These include:

- The lands are located in an almost fully developed employment area around the CN Yard. It constitutes a major concentration of economic activity that is healthy and competitive;
- The lands occupy a central position in the Vaughan 400 and Vaughan 400 North Employment Areas. No change is recommended due to the risk of area destabilization;
- The predominant pattern of development along the Jane Street Corridor lands is new large scale facilities, which are not developed with significant retail uses, notwithstanding the southwest corner of Rutherford Road and Jane Street (Vaughan Mills);
- There is the possibility that this corridor will function as a long-term structural element linking the retail and residential areas to the north with the VMC;
- This is considered to be a long-term proposition and would not be advanced by the "Commercial Mixed-Used" designation for the current planning period. This would be better reviewed at the time of the next 5-year review of the Official Plan in the context of the performance of the VMC relative to the City's objectives;

Within the context of the City's overall employment lands requirements there is no need to designate this corridor for commercial uses and it should remain as "Prestige Employment".

b) Steeles Avenue

i) Islington Avenue to Jane Street

The Hemson review concluded that this area is appropriate for designation as a "Commercial Mix-Use" area mainly due to the existing pattern of development. The lands are fully developed with mainly retail and related service commercial uses, including activities related to the wedding industry including banquet halls, caterers etc.;

- Two exceptions are the Ganz Toys facility at Pearce Road and a small pocket of industrial uses west of Pine Valley Drive, south of the Railway Tracks along Vinyl Court;
- Otherwise the pattern of development mirrors the type of development on the south side of Steeles Avenue in the City of Toronto;
- The "Commercial Mixed-Use" designation is a recognition of the existing uses, which is predominantly retail and service commercial. Neither the "General" or "Prestige Employment" designation would be appropriate because, among other matters, they seek to be more restrictive of retail uses than the current official plan designations;
- While there is a change in use permissions associated with the new designation, mainly the removal of industrial permissions, this is not considered to be a conversion because the lands are already almost entirely in retail and service commercial use. Such uses tend to be of higher value,

making the redevelopment of frontage lands for industrial uses unlikely from a market perspective.

This section of the Steeles Avenue Corridor is considered appropriate for the "Commercial Mixed-Use" designation not only because of the existing pattern of uses. Steeles Avenue is part of an important urban structural element in the community as a major arterial corridor at the edge of an established employment area where more intensive non-residential development is being encouraged to, among other goals, support transit. As a result of this context the "Commercial Mixed-Use" designation is recommended for the north side of Steeles Avenue between Islington Avenue and Jane Street.

ii. Steeles Avenue from Keele Street to Dufferin Street

The second section of Steeles Avenue between Keele Street and Dufferin Street is also considered appropriate for the "Commercial Mixed-Use" designation for the following reasons:

- The lands are developed mainly with commercial uses, including gas stations, restaurants, banks and other population serving activities;
- The "Commercial Mixed-Use" designation reflects the primarily commercial characteristics of the frontage lands;
- The land use mirrors the pattern of development on Steeles Avenue in the City of Toronto, which is characterized by newer large scale retail development. Relatively higher land values also limit the likelihood of redevelopment with industrial-style development.

The "Commercial Mixed-Use" designation recognizes the existing pattern of development and is therefore considered to be appropriate in the context of existing land uses within both the City of Vaughan and City of Toronto.

Summary of Recommendations Pertaining to the Conversion Study

The following summarizes the staff recommendations pertaining to the conversion issues identified above:

1. The Vaughan Official Plan 2010, (Volume 1) be modified by adding the following policies to Section 2.2.4 "Employment Areas" by inserting the following after policy 2.2.4.1 and renumbering the remaining Section 2.2.4 accordingly:
 - 2.2.4.2 The lands designated "General Employment", "Prestige Employment" and "Commercial Mixed-Use" together constitute the City's "employment area" land supply as defined in the *Growth Plan* and the PPS.
 - 2.2.4.3 The City's employment area land supply is subject to the conversion policies of the *Growth Plan* and PPS.
 - 2.2.4.4 Any proposal for additional retail permissions that would exceed the 70/30 percent mix of 'retail' to 'non-retail commercial' or the addition of residential uses - would be considered a conversion under the *Growth Plan* and could only be permitted through a municipal comprehensive review conducted by the City in coordination with the Region of York;

2. The following actions be taken with respect to the sites and corridors discussed above:
 - a) The lands at the southeast Corner of the Langstaff Road and Weston Road Intersection be redesignated in VOP 2010 from "General Industrial" to "Commercial Mixed-Use";
 - b) The lands on the north Side of Rutherford Road south of the CN Rail Pull-Back Track, flanking west of Melville Road be redesignated in VOP 2010 from "Commercial Mixed-Use" to "Prestige Employment";
 - c) The lands on the west side of the Highway 7 and Highway 27 Intersection be redesignated in VOP 2010 from "Prestige Employment" to "Commercial Mixed-Use" as per paragraph I of Part 1.;
 - d) The lands south of Highway 407, East Side of Dufferin Street along Caraway Drive and Racco Parkway retain the VOP 2010 designation of "Commercial Mixed-Use";
 - e) The Jane Street Corridor: From Portage Parkway to Rutherford Road on the east side; and from Portage Parkway to Bass Pro Mills Drive on the west side be redesignated in VOP 2010 from "Commercial Mixed-Use" to "Prestige Employment";
 - f) The Steeles Avenue Corridor from Islington Avenue to Jane Street maintain the VOP 2010 designation of "Commercial Mixed-Use";
 - g) The Steeles Avenue Corridor from Keele Street to Dufferin Street maintain the VOP 2010 designation of "Commercial Mixed-Use".
3. The lands located north of Major Mackenzie Drive, South and West of McNaughton Road, east of the Maple GO Station be subject to the following land use designations and secondary plan requirements:
 - The westerly portion of the site between the existing retail uses and the GO Rail Station be redesignated to "Mid-Rise Mixed-Use";
 - That the easterly portion of the site containing the retail uses, maintain the "Commercial Mixed-Use" designation as shown in the adopted VOP 2010;
 - That Schedule 14-A be amended to show the lands designated Mid-Rise Mixed-Use as a "Required Secondary Plan Area";
4. That the east side of Weston Road between Fieldstone Drive and the south boundary of the Vaughan Mills Secondary Plan area be studied as part of the Weston and Highway 7 Secondary Plan to review the appropriateness of its current designation of Prestige Employment.

PART 3

Other Issues, Modifications and Clarifications

a) Reference Correction

Special Committee of the Whole Report, September 12, 2011
 Modifications to the Vaughan Official Plan – 2010 (Volume 1)
 Attachment 1, Part B, Summary of Respondents Requests/Staff Comments and Recommendations, Item 159 (Solmar), pp 58-59

It is recommended that the term "Schedule 13-J" in the last paragraph of the Comments column be replaced by "Schedule 13-Q" to properly reflect the location of the subject property.

b) Further Discussions in Respect of Industry Concerns: Gas Stations and Drive-Through Facilities

Following the September 12, 2011 Special Committee of the Whole Meeting, Policy Planning staff met with representatives from the restaurant industry, interested landowners, and the Region of York in regard to the VOP 2010 policies respecting car oriented uses including drive-through facilities. The concerns of the restaurant industry were discussed, focusing on the regulations, guidelines and prohibitions placed on drive-through facilities. Staff are of the opinion that progress was made towards reaching a resolution on this matter and will continue to work with industry representatives. In addition, staff will also engage the gas station interests in the process.

Both the current policies in VOP 2010 and those recommended in paragraph p) of the September 12, 2011 report on the proposed modifications may play a role in developing the new policy regime. However, at this point introducing the new policies recommended in paragraph p) of the September 12 report would not advance discussions.

Therefore, it is recommended that Recommendation No. 2 of the Commissioner of Planning be amended by adding the following after "Recommended Modifications":

"; save and except for the policies recommended in paragraph p) "Regulation of Automobile Oriented Uses: Gas Stations and Drive-Through Facilities".

It is Staff's objective to pursue a resolution and report back to Council prior to the Region of York's approval of the modified VOP 2010.

c) Potential Changes to Section 3 "Environment" Resulting from Changes to the Regional Official Plan – Chapter 2 "Environment"

The Region of York's new Official Plan was approved by the Ministry of Municipal Affairs and Housing in September 2010. It is subject to a number of appeals to the Ontario Municipal Board, some of which involve Chapter 2, which contains its environmental policies. Any future modifications to the Regional Plan may have implications for the policies of VOP 2010. Staff will be monitoring the OMB process. Changes to the Regional Plan could have an impact on the City's plan, which may cause further modifications. If so, staff will report to Council on any required changes. In addition, there are ongoing discussions with the Region with respect to additional minor modifications related to woodlands and natural heritage systems policies.

Relationship to Vaughan Vision 2020

The new Official Plan is addressed under the objective "Plan and Manage Growth & Economic Vitality", including the following specific initiatives:

- Complete and implement the Growth Management Strategy (Vaughan Tomorrow);
- Conduct the 5-year comprehensive review of the Official Plan as part of the Growth Management Strategy 2031;
- Support and coordinate land use planning for high capacity transit at strategic locations in the City;

- Review the Vaughan Corporate Centre Vision; and
- Prepare an employment area plan for the Vaughan Enterprise Zone and employment lands.

Regional Implications

This report and the accompanying Council minute will be forwarded to the Region of York for its consideration in the approval process for VOP 2010.

Conclusion

This report was prepared in response to direction that originated with the Modification Report on VOP 2010 at the Special Committee of the Whole meeting on September 12, 2011. In response to Committee's Recommendation 2, the report focuses on assessing the planning merits of the motions made by Committee. This discussion is set out in Part 1 of the report.

Part 2 of the report provides an opportunity to further address the "Supplementary Report of the Commissioner Planning – Modifications to the Vaughan Official Plan - Volume 1" (Communication C4), which was considered along with the main report on September 12. A major element of the supplementary report dealt with the justification of employment land conversions. This was discussed in a report by Hemson Consulting entitled "Housing Analysis and Employment Land Needs - Addendum to the April 2010 Report" (September 2011). The justification was required by the Region of York to ensure conformity with the Provincial Growth Plan requirements on employment land conversions to alternative uses. Committee of the Whole received this report and dealt with four of the sites by way of the motions. This left a number of conversions and related policy initiatives unaddressed.

One of the purposes of the Supplementary Report was to provide Council with an opportunity to advise the Region of York on the City's position on these matters. In absence of direction, the Region of York would have to make decisions without guidance from Council. Some are minor in nature, while others are of significance to the plan. Therefore, it is recommended that Council confirm its position on these matters and that Council's position be forwarded to the Region of York for consideration in the VOP 2010 approval process.

Part 3 of the report addresses other issues, modification and clarifications.

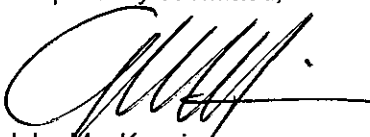
Attachments

1. Proposed Employment Land Conversion Map

Report prepared by:

Roy McQuillin, Manager of Policy Planning x. 8211

Respectfully submitted,


John MacKenzie
Commissioner of Planning


Diana Birchall
Director of Policy Planning



Not to Scale

LEGEND

PROPERTIES EXAMINED THROUGH
APRIL 2010 "HOUSING ANALYSIS
& EMPLOYMENT NEEDS STUDY"



ADDITIONAL LANDS REQUIRING
EVALUATION PER POLICY
2.2.6.5 OF THE GROWTH PLAN



Proposed Employment Land Conversion Map



Policy Planning Department

Applicant: City of Vaughan
Location: City Wide

N:\DRAFT\ ATTACHMENTS\05\25.5.3-rev.dwg

Attachment

File: 25.5.3

1

Date: September 23, 2011

Subject: SE Corner of Pine Valley/Major Mack.-4477 & 4455 Major Mackenzie

C	10
Item #	1
Report No.	39 SP.cw
Council - Sept. 27/11	

From: Attilio Lio [mailto:attilio@z12.ca]
Sent: Saturday, September 24, 2011 3:24 PM
To: Harris, Clayton
Subject: SE Corner of Pine Valley/Major Mack.-4477 & 4455 Major Mackenzie

Sir,
 Hope all is well

Further to our discussion on Thurs, Sept 22/11 regarding the above referenced Corner property, Please be advised that my Planner is on Holidays and will not be back for the upcoming Vaughan Council Meeting on Tues Sept 27/11.

As such, hopefully this email will serve as my formal response as the Landowner of the above 2 properties at the above corner, **to the Sept 12th Special Committee of the Whole Meeting**, where the City's Planning Dept produced an Attachment 1, Part B: Vaughan Official Plan 2010 (Volume 1)- Summary of Respondents Requests/staff Comments *& Recommendations Report.

The Items that pertain to the above referenced Lands are- 99YR & 99YR2

With respect to Items 99YR & 99YR- Staff under their Comments Section- did not indicate that we and two other Property Owners in the Estate Area have in writing, indicated (especially us for the past 2 years...) that this area is in "Transition" and the that both areas need to be dealt with collectively & comprehensively. The South Application that has been "on-going" for the past 4 years sets planning precedence for Higher Density and Intensification for this "Strategic Block".

Both the Vaughan OP Review & Staff back then, and for some reason today, neglected to identify this very important point!!!

You have a Medium Density application sitting there for the past 4 years, Major Mackenzie Rd. is being widened to 6 lanes, The Property Owners at the Corner prefer intensification, to Medium Density, 2 of 3 Property Owners, abutting the Existing Low Density Residential Subdivision in the Estate Area ("Transition Area"), have in writing indicated they want to be in the Low Density Use!!!

AND NO ONE LISTENS???

Staff Recommends- No change, given the Location & outcome of the application to the south???

We plus the 2 property Landowners in the Estate Area, have in writing gone on the public record, stating that we all support the application to the south!!!

So why were our sound planning arguments, justifying Medium Density, not given serious consideration, during the OP Review process???

9/26/2011

Everything dealing with our items, were rushed & neglected...

And furthermore,

Why are we not being listened to now, by Staff??

We have a lot at stake, we have hired professional planners, we did everything we were asked to do, we participated in the process, we were led to believe that our input was consented to, unfortunately, we were told one thing in meetings, then when the Comments & Recommendations came out from the City, our above points were never included and/or considered???

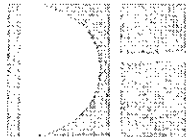
We have a voice too, and our request, is not unreasonable, in "planning terms"!!!

In conclusion, we would like the City to re-designate our lands to medium density, and we will work together to bring the lands to their highest and best use...

Please advise,
Attilio Lio



7501 Keele Street, Suite 401, Vaughan, Ontario, L4K 1Y2
B. 905-761-6003 F. 905-761-0884 Email: attilio@z12.ca



Please refer to: **Michael Melling**
e-mail: michaelm@davieshowe.com

Davies
Howe
Partners
LLP

September 26, 2011

By E-Mail Only to jeffrey.abrams@vaughan.ca

C	<u>12</u>
Item #	<u>1</u>
Report No.	<u>39 sp. cw</u>
<u>Council - Sept. 27/11</u>	

Lawyers

The Fifth Floor
99 Spadina Ave
Toronto, Ontario
M5V 3P8

Mr. Jeffrey Abrams
City Clerk
City of Vaughan
2141 Major Mackenzie Drive
Vaughan, Ontario
L6A 1T1

T 416.977.7888
F 416.977.8931
davieshowe.com

Dear Mr. Abrams:

**Re: Growth Plan Conformity and Official Plan Amendment 600
Hemson Addendum Report (Council Item number 42)**

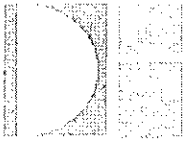
We are counsel to Tesmar Holdings Inc. ("Tesmar"). Tesmar owns approximately 4.1 acres of land on the northeast corner of Jane Street and Riverrock Road in the City of Vaughan ("Subject Lands").

We understand that Council of the City of Vaughan will be considering the Housing Analysis and Employment Land Needs Addendum to the April 2010 Report prepared by Hemson Consulting Ltd. ("Hemson Addendum") and dated September 2011 at its September 27, 2011 meeting. Kindly ensure that a copy of this submission is made available to Council members for that meeting.

Tesmar does not agree with the findings detailed in the Hemson Addendum pertaining to the Jane Street Corridor and we strongly urge Council not to adopt it. The Hemson Addendum does not represent a comprehensive assessment of the Jane Street Corridor and the Subject Lands.

The Hemson Addendum identifies the Subject Lands along with the lands located along Jane Street, north from Portage Parkway to Rutherford Road, as "Area not recommended for Commercial Mixed Use". We disagree with this finding and the reasons set out in the Hemson Addendum.

The Subject Lands are located within a vibrant and economically active area of the City. A major retail use, Vaughan Mills Centre, is located on the southwest corner of Jane Street and Rutherford Road. The employment designation on the east side of Jane, specifically from Rutherford Road to Riverrock Road, represents an under utilization of vacant lands which are available for development today. The



Davies
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designation of the Jane Street Corridor as *Commercial Mixed Use* is practical and compatible with the land uses of the surrounding area.

The Subject Lands are proposed to be developed as a mixed use development including a residential component. On September 26, 2006, Council approved a site specific Official Plan Amendment ("OPA 653") which permits two high rise condominiums and a 5,000 metre² professional centre. Furthermore, the City is undertaking a Secondary Plan process with respect to the Casertano and Mammone applications, for the lands located south of the Subject Lands on the west side of Jane Street at Bass Pro Mills Road. The proposed use for these lands would be *Commercial Mixed Use* with a high rise residential component. These lands abut a major employment area on the south side. Notwithstanding, its proximity to the employment lands, the City and the Region appear to accept the notion of introducing residential uses here. A similar use is proposed and is appropriate for the Subject Lands as permitted by OPA 653.

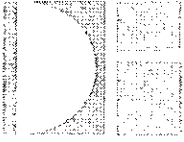
In addition, the Hemson Addendum does not analyse the importance of the Jane Street Corridor in meeting intensification targets for the City. Development on the Subject Lands can assist in achieving the intensification targets set by the Growth Plan for the City and Region. The proposed professional centre would contribute to the employment land budget. The use of the Subject Lands can be maximized through the proposed mixed use development and the proposal is an opportunity for the City to realize a diverse form and function within the Jane Street and Rutherford Road quadrant.

The proposed mixed use development on the Subject Lands would compliment the area by enriching the use of the neighbouring lands across Jane Street, it would link two important nodes in the City; Vaughan Metropolitan Centre and Vaughan Mills, and provide a buffering to any employment uses.

The conversion of the Jane Street Corridor to *Commercial Mixed-Use*, as proposed in the approved Official Plan, would allow these lands to provide a greater mix of uses and built form.

Furthermore, the *Commercial Mixed-Use* designation would not impede other areas in the vicinity from continuing employment land uses. In fact, the Hemson Addendum identifies that:

It is possible that the Jane Street corridor lands could function as a long-term structural element of the City, evolving to link the retail and residential areas to



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the north with future high density residential and office development in the Vaughan Metropolitan Centre (VMC) to the south.

However, the Hemson Addendum recommends that we wait until the next 5-year official plan review to address the land use designations in the Jane Street Corridor. We disagree with this conclusion. We have an opportunity to address this issue now in a comprehensive manner. At this critical point, in the long term planning vision for the City, Council should be comprehensively considering the development of these lands and re-designating the Jane Street Corridor to Mixed Use Commercial. OPA 653, as adopted by Council, permits the appropriate development of the Subject Lands.

Please do not hesitate to contact me or Katarzyna Sliwa should you have any questions or require further information.

Yours truly,
DAVIES HOWE PARTNERS LLP

A handwritten signature in black ink, appearing to read 'Michael Melling', with a large, sweeping flourish extending to the left.

Michael Melling
MM:KS

Copy: Client
Mr. James Kennedy, M.C.I.P.

Subject: Hemson Addendum Report - Tesmar Holdings Inc. (702358)

Attachments: Letter to J Abrams Sept 26 11.pdf

From: Jules Calzavara [mailto:JulesC@davieshowe.com]
Sent: September-26-11 4:44 PM
To: Abrams, Jeffrey
Cc: Jim Kennedy; Katarzyna Sliwa
Subject: Hemson Addendum Report - Tesmar Holdings Inc. (702358)

Mr. Abrams,

Please see correspondence from Michael Melling attached. Regards, Jules

Jules Calzavara
Legal Assistant to Michael Melling and
Isaiah Banach
Davies Howe Partners LLP
Lawyers
5th Floor, 99 Spadina Avenue
Toronto, ON M5V 3P8
Tel: (416) 977-7088 ext. 276
Fax: (416) 977-8931

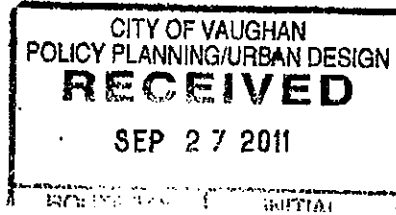
julesc@davieshowe.com
www.davieshowe.com

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September 27, 2011



CFN 45842

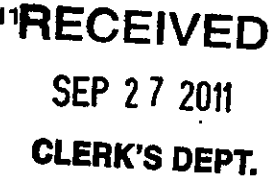
BY FAX (905-832-8535) AND MAIL

Mayor and Members of Council
 C/O Mr. Jeffrey A. Abrams
 City Clerk
 City of Vaughan
 2141 Major Mackenzie Drive
 Vaughan, ON L6A 1T1

C <u>13</u>
Item # <u>1</u>
Report No. <u>39 Sp. CW</u>
Council - <u>Sept. 27/11</u>

Your Worship and Honourable Members:

Re: Report No. 39 of the Special Committee of the Whole (September 12, 2011)
Item No. 1 e)
Draft Plan of Subdivision 19T-90018
Part of Lot 9, Concession 9
West Side of Highway 27, North of Rainbow Creek Drive
City of Vaughan, York Region
(611428 Ontario Limited)



The purpose of this letter is to comment on the proposed re-designation of the subject lands in the Vaughan Official Plan, Volume 1 (2010). It is our understanding that on September 12, 2011, the Special Committee of the Whole of the City of Vaughan approved a request to re-designate a portion of the lands shown on Draft Plan of Subdivision 19T-90018 from 'Natural Area' to 'General Employment.'

TRCA encourages the maintenance of the "Natural Areas" designation for the following reasons:

- The subject portion of the lands meet the criteria for designation as a Natural Area within the City's Official Plan and the background report "City of Vaughan Natural Heritage in the City" dated April 2010 by AECOM information supporting the Official Plan.
- The designation recognizes the significant valley located on the property which contains a tributary to the West Rainbow Creek within the Humber River system.
- This valley is further recognized through inclusion within the TRCA's Regulated Limits of the Humber River.
- Previous applications to eliminate the features were refused and/or dismissed at the TRCA's Executive Committee, Mining and Lands Commission and the Divisional Court of Appeals. This was a lengthy, costly process where all decision making bodies upheld the view that the lands should not be developed.
- The proposed filling in of these features would cause significant impacts to the site, and to the Rainbow Creek/Humber River valley drainage system;
- The proposed Highway 427 Extension is not moving forward. Detailed design is not anticipated and the project is not funded within the Ministry's 5 year work program; and
- Providing a designation in the Official Plan that permits development does not preclude the Conservation Authority's mandate and the need for a permit for development. It would be misleading to designate such lands, when such permissions are impacted by other applicable legislation.

TRCA is **not supportive** of a proposed re-designation of the subject lands from 'Natural Areas' to 'General Employment,' as despite the future construction of the highway corridor, the remaining base of the tributary or "draw" will contribute to the function fo the main Rainbow Creek system as a valley land form and key

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Member of Conservation Ontario



Mayor and Members of Council

- 2 -

September 27, 2011

block of terrestrial natural coverage connecting to the primary Rainbow Creek corridor. These lands will buffer the main natural heritage system adjacent to any future highway construction. We strongly encourage Council to maintain the Natural Areas designation. Attached as Appendix A is a detailed outline of the above concerns.

We trust these comments are of assistance. Should you have any questions, please contact either June Little, Manager, Development, Planning and Regulation at extension 5756 or Kevin Huang, Senior Planner at extension 5307.

Yours truly,



Carolyn Woodland, OALA, FCSLA, MCIP, RPP
Director, Planning and Development
Extension 5214

/KH/JL

c.c.: John MacKenzie, Commissioner of Planning, City of Vaughan
Grant Uyeyama, City of Vaughan (E-mail: grant.uyeyama@vaughan.ca)
Tony Iacobelli, City of Vaughan (E-mail: tony.iacobelli@vaughan.ca)
Brian Denney, Deb Martin-Downs, Dena Lewis, Maria Parish, Michael Heralall, June Little, Kevin Huang, TRCA

Mayor and Members of Council

- 3 -

September 27, 2011

Appendix A

Detailed Concerns

Section 1.0 - Proposed Designation of Subject Lands**1.1 - Issue:**

It is our understanding that the applicant, 611428 Ontario Limited, has indicated that the subject lands are improperly designated in the new Vaughan Official Plan as 'Natural Area' and should be re-designated as 'General Employment.' This request is based on the premise that the subject lands are not designated as Regionally Significant Woodlands in the Region of York's Official Plan and that the watercourse within the valley corridor is not significant. The applicant cites an environmental assessment (EA) conducted for the proposed extension of Highway 427 (Goodmans LLP letter submitted on behalf of applicant, addressed to Mr. John MacKenzie, dated August 3, 2011).

1.2 - Site Location:

The subject property is located on the west side of Highway 27, south of Langstaff Road and north of Zenway Boulevard. The property is located north of the terminus of Rainbow Creek Drive.

1.3 - Site Context:

An existing industrial subdivision is located to the south (19T-89058) and to the west (19T-04V09). It is noted that the subject site is traversed by a valley corridor associated with the Humber River system. This corridor connects to the Rainbow Creek valley system to the east. A watercourse, tributary to the West Rainbow Creek - Humber River is also located within the valley corridor.

Section 2.0 - Applicable TRCA Regulations:

The subject property is located within a Regulated Area of the Humber River watershed. In addition, a portion of the subject lands (southeast area) is located within the Regional Storm Flood Plain associated with the Humber River. In accordance with Ontario Regulation 166/06 (Development, Interference with Wetlands and Alteration to Shorelines and Watercourses), a permit is required from the TRCA prior to any of the following works taking place:

- a) straightening, changing, diverting or interfering in any way with the existing channel of a river, creek, stream or watercourse, or for changing or interfering in any way with a wetland;
- b) development, if in the opinion of the Authority, the control of flooding, erosion, dynamic beaches or pollution or the conservation of land may be affected by the development.

Development is defined as:

- i) the construction, reconstruction, erection or placing of a building or structure of any kind,
- ii) any change to a building or structure that would have the effect of altering the use or potential use of the building or structure, increasing the size of the building or structure or increasing the number of dwelling units in the building or structure,
- iii) site grading,
- iv) the temporary or permanent placing, dumping or removal of any material originating on the site or elsewhere.

This noted, an O.Reg. 166/06 permit from the TRCA will be required prior to any development of the site and more importantly, prior to the issuance of any municipal building permits.

Mayor and Members of Council

- 4 -

September 27, 2011

Section 3.0 - Background History:

3.1 - Application History:

It is noted that the applicant, previously sought permission from the TRCA in 1990 to place fill on the subject lands in order to create developable area for industrial purposes. This proposal involved the placement of 670,000 m³ of fill within the valleylands and Regional Storm Flood Plain, in an area of 3.5 ha. The TRCA's Executive Committee refused this application at a hearing in 1992. This decision was appealed by the applicant to the Mining and Lands Commissioner (MLC) and a hearing was convened in 1994.

Having heard evidence from both the appellant and the TRCA, the MLC appeal was dismissed due to the impact that the proposed site grading and placement of fill would have on the conservation of land. Following the MLC decision of February 11, 1994, the applicant made an appeal to the Ontario Court of Justice - Divisional Court. A hearing was convened on March 6 & 7, 1996. This appeal, too was dismissed after it was found that the MLC did not err in her decision to refuse the proposed fill permit. As such, the decision to uphold the decision to refuse a permit to site grade in order to create lands for private development purposes was maintained with the Divisional Court decision of 1996.

3.2 - Significance:

The MLC decision and the subsequent decision to dismiss the appeal before the Divisional Court holds several points of significance as it relates to the subject lands and its designation within the Vaughan Official Plan (2010). Firstly, it was recognized that there was/is a watercourse on the property and within the valley feature. This watercourse plays an integral role in the health of the downstream system and its treatment has a direct effect on downstream characteristics such as water temperature, the removal of sediments and nutrient impacts for aquatic habitat. Secondly, the decisions also firmly established the principle of conservation of land and recognized that the landform feature on the lands was indeed a significant valley corridor. It was recognized as being part of the West Rainbow Creek system and ultimately, of the Humber River drainage system. Lastly, it was found that the natural heritage features on the property served a significant ecological and environmental function. This in mind, it was found that there was sufficient evidence to refuse the permit given the impacts to these natural features.

As such, the applicant's submission that the watercourse on the property is insignificant is not valid as it has been recognized in the past through previous decisions as a significant natural feature. This continues to remain true to this day.

4.0 - Highway 427 Extension:

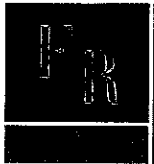
In their letter of August 3, 2011, Goodmans LLP, acting on behalf of 611428 Ontario Limited, indicates that the 'swale' or more properly termed 'watercourse' will not be preserved as the proposed Highway 427 extension will fill in this feature.

At this time, we note that a full Detailed Design study report has not been completed to address the original EA process recommendation for the Highway 427 extension corridor. It is our understanding that the Ministry of Transportation (MTO) is not proceeding with Detailed Design studies of the corridor at this time, as it has not been funded within their five year work program.

5.0 Official Plan Designation:

Lastly, we note that the MLC has found that:

The use of Official Plans, Official Plan Amendments and by-laws is of no assistance in determining the jurisdiction of a conservation authority or, under appeal, the tribunal. In fact, it must be recognized that, notwithstanding a designation of a Official Plan which would be favourable to development, a proposal still must obtain the permission of the conservation authority for lands within its jurisdiction. The objectives of the Conservation Authorities Act are quite distinct in relation to Subsection 28(1) applications....



Fogler,
Rubinoff
LLP

Fogler, Rubinoff LLP Barristers & Solicitors
95 Wellington Street West
Suite 1200, Toronto-Dominion Centre
Toronto, ON M5J 2Z9
Tel: 416.864.9700 Fax: 416.941.8852
www.foglers.com

September 27, 2011

Reply To: Joel D. Farber
Direct Dial: 416.365.3707
E-mail: jfarber@foglers.com
Our File No. 08/2531

VIA EMAIL

Jeffrey A. Abrams, City Clerk
Office of the City Clerk
2141 Major Mackenzie Drive
Vaughan, Ontario
L6A 1T1

C	<u>14</u>
Item #	<u>1</u>
Report No.	<u>39 Sp CW</u>
<u>Council - Sept. 27/11</u>	

Dear Mr. Abrams:

Re: Modifications to the Vaughan Official Plan - 2010 (Volume 1) File 25.1 - Council Meeting September 27, 2011

We are the solicitors for 2107683 Ontario Ltd., RioCan PS Inc. and SRF Vaughan Property Inc., owner and developer of commercial lands at the northwest corner of Milani Boulevard and Hwy 27.

Our clients have a zoned shopping centre in the southwest quadrant of Hwy 27 and Langstaff Road, north of Milani Boulevard. The as-adopted plan was the product of a lengthy planning process. Through that process, our client's existing permissions were recognized and its lands designated for commercial uses.

Literally the morning of the Committee of the Whole meeting on September 12, we learned of staff's recommendation to eliminate our clients' commercial designation for the undeveloped portion of its site.

Quite properly, the Committee of the Whole rejected the staff recommendation to eliminate our clients' commercial designation in the as-adopted Official Plan, including permissions for major retail, recognizing that our clients shopping centre just underwent a planning process which resulted in retail and major retail designation and zoning for the entire site.

We ask that Council adopt the COW recommendation and reject the staff recommendation to modify the as adopted plan as set out Follow Up Report C9 concerning our clients lands (Part 1 d).



We look forward to continue working with the City through the Volume 2 process so as to implement a full and complete set of appropriate land use planning policies for the site.

Yours truly,

FOGLER, RUBINOFF LLP

“Joel D. Farber”

Joel D. Farber
JDF/ay

cc. clients

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C15
Item # 33
Report No. 40 CW
Council - Sept 27/11

TO: MAYOR & MEMBERS OF COUNCIL

FROM: JOHN MACKENZIE, COMMISSIONER OF PLANNING

DATE: SEPTEMBER 27, 2011

**RE: CONCORD GO CENTRE SECONDARY PLAN STUDY
APPROVAL OF TERMS OF REFERENCE
DIRECTION TO ISSUE A REQUEST FOR PROPOSAL FOR CONSULTING SERVICES
FILE: 26.3
WARDS 4 & 5**

Recommendation

The Commissioner of Planning recommends:

1. THAT staff be directed to revise the draft Terms of Reference to reflect the input arising from the discussions with the Concord West Ratepayers Association noted below.

Background

On September 13, 2011, the Committee of the Whole recommended:

"That consideration of this matter be deferred to the Council meeting of September 27, 2011" and that staff agree to meet with the Concord West Ratepayers Association to discuss residents concerns on this matter.

Since the September Committee of the Whole meeting, discussions were held between John Mackenzie and Dr. Paulo Correa regarding areas of study in the terms of reference. A meeting was also held on September 26, 2011 with representatives from the Concord West Ratepayers Association and staff. Dr. Paulo N. Correa and Ms. Josephine Mastrodicasa attended.

The following are the issues discussed at the September 26, 2011 meeting with the Concord West Ratepayers Association. The points below will be carried forward as additional points of study as part of the Terms of Reference:

- Alternatives to the location of the future transit station adjacent to Highway 407 identified in the approved Environmental Assessment by the Ministry of Transportation should be considered in the Study.
- The sensitive and ecologically significant areas in and surrounding the Bartley Smith Greenway need to be studied in more detail to determine any opportunities for enhancing and protecting these features. In particular, the southeast parcel needs to be studied in relationship to the Bartley Smith Greenway. The Study needs to examine the ecology of protected species in this area such as the Blanding turtle. The Study should examine the extent of the proposed MTO Transitway links and station and determine how this infrastructure may impact upon natural heritage features and functions.
- The need for and timing of the transit infrastructure should be considered including the more immediate infrastructure related to York Region's proposals for rapid transit along Highway 7 (e.g. the location of an interim transit hub may need to be studied closer to Highway 7).

- The Study should involve Viva, GO/Metrolinx and the Ministry of Transportation to ensure appropriate phasing of development is coordinated with any future transit improvements and funding. The Study should examine how all future transit plans could be coordinated and properly integrated with existing communities and the ecologically sensitive components of the area.
- There is a need to include study of the issue of flooding and hydrologic capacity in the neighbourhood.
- There is a need to study whether traffic along Highway 7 is constrained by the existing GO/Metrolinx heritage bridge. There is a need to examine whether any proposed Transitway station or YRT transit stations along Highway 7 can be examined to better integrate with existing traffic conditions and constraints in this area.
- The overall street and path network should be examined for opportunities for greater connectivity.
- There is a need for the Study to explore opportunities with existing landowners and stakeholders to create a comprehensive plan that will utilize the land efficiently, responsibly and sustainably.
- There is a need for the Study to determine opportunities to leverage land ownerships (i.e. City owned land) to the overall benefit of the plan.

During the discussions it was noted that the land use policies resulting from the Secondary Plan study will not include lands within the Parkway Belt West Plan as they are governed by Provincial legislation and regulated by the Province.

Respectfully Submitted,



John Mackenzie
Commissioner of Planning

/lm

Copy To: Clayton Harris, City Manager
Jeffrey A. Abrams, City Clerk
Diana Birchall, Director of Policy Planning
Roy McQuillin, Manager of Policy Planning
Clement Chong, Planner



64 Jardin Drive, Unit 1B
Concord, Ontario
L4K 3P3
T. 905.669.4055
F. 905.669.0097
klmplanning.com

P-180

September 27, 2011

City of Vaughan
c/o Jeffrey A. Abrams, City Clerk
2141 Major Mackenzie Drive
Maple, Ontario
L6A 1T1

C	/	6
Item #	/	
Report No.	39 Sp. CW	
Council - Sept. 27/11		

Attention: Mayor and Members of Council

**RE: Special Committee of the Whole – September 12, 2011
Modifications to the City of Vaughan Official Plan – 2010 (Volume 1)
Response to Public, Government and Agency Submissions
Your file:25.1
Helmhorst Investments Ltd.**

Dear Mayor and Members of Council:

We act on behalf of Helmhorst Investments Ltd., the owners of approximately 76.8 hectares at the northwest corner of Major Mackenzie Drive and Bathurst Street which is subject to existing draft approved plan of subdivision 19T-03V13 and an approved application for an amendment to the zoning by-law to implement the subdivision that we anticipate will be developed subject to servicing allocation.

We provided letters on June 7, 2010, July 28, 2010, and August 30, 2010 that identified our concerns and documented the results of our meeting with staff on July 27, 2010 on the matters affecting our client's lands.

Some of our concerns were technical and minor concerns and were adequately addressed in the adoption of the Vaughan Official Plan 2010 (VOP 2010). However, there remains outstanding concerns with the adopted document in addition to some of the modifications proposed in the Special Committee of the Whole Report, dated September 12, 2011 as outlined below:

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Policy 3.3.7.5 (3.4.1.16) - Grandfathering Minimum Vegetation Protection Zones

We had previously requested that a policy be added after this section for lands within a Block Plan where minimum vegetation protection zones less than those specified in Section 3.2.3.4 may be permitted where it is approved on the basis of a Master Environmental Servicing Plan or Environmental Impact Report.

Our concern lies with the policies in Sections 3.2 to 3.4 of the proposed Official Plan that contain policies which require greater buffers on natural heritage features than are required our clients draft approved Plan of Subdivision, which has been approved by Council. The buffers on the draft approved plan were established through the MESP and EIS based on science that was accepted by the City and TRCA. Accordingly, these buffers still conform to all applicable policy today in terms of protecting the environmental features and functions and will ensure no negative impacts. If greater buffers are ever imposed on the draft plan, we believe that it would have a significant impact on the location of the intersection with Bathurst street north of the plantation/woodlot and the internal street pattern established through the Block Plan.

In the City's response dated August 31, 2010 (Item 111E), you noted that Policy 3.3.7.5 (3.4.1.16) reflects previous Ministry-approved policies in OPA 604 and should not be amended. We are not asking that this policy be amended, but be extended to include Core Features on lands outside of the Oak Ridges Moraine Conservation Plan Area so that the same flexibility can be applied under similar circumstances.

We would respectfully, request that you reconsider the adoption of the following policy after 3.2.3.4 or a site specific policy applicable to our clients lands to allow the buffers under the approved draft plan of subdivision.

That notwithstanding policy 3.2.3.4, on lands within an approved Block Plans at the time of adoption of this Official Plan, a minimum vegetation protection zone of less than that that specified in 3.2.3.4 may be permitted where it is approved on the basis of an Master Environmental Servicing Plan or Environmental Impact Study.

This policy also refers to Section 3.4.1.15, which does not exist anymore due to the renumbering of the modified document. We believe that this is a mistake and should reference Policy 3.3.7.4.

Policy 3.3.7.14 - Technical Papers Must be Consulted

The modification report proposes the addition of Policy 3.3.7.14 which states the following:

That the technical papers associated with the Oak Ridges Moraine Conservation Plan must be consulted to provide clarification in implementing the policies related to key natural heritage features and hydrologically sensitive features. In

the event of a conflict in the interpretation of the provincial technical papers and the policies of this Plan, the policy which is more protective of the feature will apply.

This policy is not very clear and we are concerned that this general policy could have the intent of superseding other policies in the Plan, including Policy 3.3.7.5 as described above, which permits reductions to the required minimum vegetation protection zones, when supported by an MESP or EIS. It would be inappropriate to allow an interpretation of a technical paper which is more protective to supersede Provincial and Local Planning documents. This policy needs to be revised.

Our main concern with the new VOP 2010 is with regard to the limits of development for approved development, which have not yet commenced construction. Our client has been Draft Approved for some time, but can't proceed to development because of servicing constraints that exist in the Region. We want to ensure that the development limits and buffers that were established and approved through the draft plan through applicable science will continue to apply, notwithstanding the policies in VOP 2010.

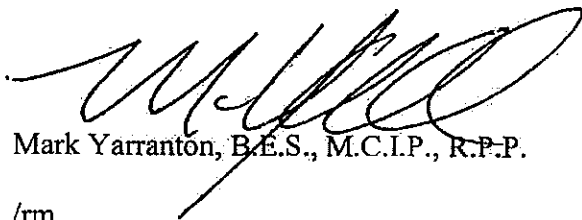
Additional issues as outlined in past correspondence, continue to be of concern.

We reserve the right to file such other comments as we see necessary arising from the Council Meeting on September 27, 2011. We would request that we be notified of all future dealings involving this matter.

Should you require anything further, please do not hesitate to contact me.

Yours truly,

KLM PLANNING PARTNERS INC.



Mark Yarranton, B.E.S., M.C.I.P., R.P.P.

/rm

Cc: Mayor and Members of Council – City of Vaughan
Mr. John Mackenzie, Commissioner of Planning - City of Vaughan
Ms. Diana Birchall, Director of Policy Planning – City of Vaughan
Planning and Development Services Commissioner – Region of York
Ms. Heather Konefat, Director Community Planning Branch – Region of York
Ms. Virginia McLaughlin - Helmhorst Investments Limited



memorandum

C <u>17</u>
ITEM <u>2</u>
REPORT No. <u>16 F+A</u>
& <u>BY-LAW 159-2011</u>
Council - <u>Sept. 27/11</u>

September 27, 2011

To: Mayor and Members of Council

From: Barb Cribbett, Commissioner of Finance and City Treasurer

Subject: Council Meeting of September 27, 2011 - Revised By-law 159-2011

Recommendation:

- 1) That Council authorize the Regional Municipality of York to issue debt through Infrastructure Ontario in the amount of \$14,017,000 on behalf of the City of Vaughan repayable over a term not exceeding ten (10) years to fund capital work completed and previously authorized by Council to be financed from long term debt and listed on Attachment 1; and
- 2) That the attached revised By-law 159-2011 be adopted.

Background - Analysis and Options

Two projects included in the LTD Request List for York Region Council Approval were analyzed in preparation for filing the formal application with Infrastructure Ontario, and staff recommend amending the recommendation included in the September 19, 2011 report to the Finance and Administration Committee to delete the request for debenture funding for the following two projects:

Project 3155-0-02	Fire Station 7-8	\$539,900
Project 3136-0-03	Fire Station 7-9	\$615,200

These two projects are unique in that the debenture debt is going to be paid by the Region of York, through land lease payments to the City of Vaughan and payments have been made over the past few years.

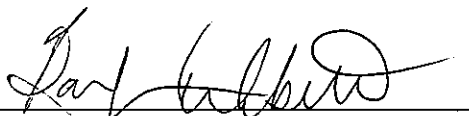
The above costs represent the additional land costs incurred by the City of Vaughan to allow York Region EMS to build two EMS Paramedic Response Stations on the same sites as the new fire stations. The Region of York paid for their share of the construction of the new facilities, and entered into a land lease with the City of Vaughan. The original intent was to debenture finance the cost of the additional land purchased to accommodate the EMS stations, and recover the cost of the debenture funding from the Region of York through the annual land lease payments. Both land lease agreements are for a 10 year period and a 10 year renewal.

The lease agreement for Fire Station 7-8 was executed September 1, 2005 with an annual lease payment of \$37,268.04 and the total amount collected to date from the Region of York is \$226,713.91. The lease agreement for Fire Station 7-9 was executed January 1, 2007 with an annual lease payment of \$37,247.04 and the total amount collected to date is \$176,923.44. The amount collected will have increased further by the time the debt issue is finalized with Infrastructure Ontario.

As amounts have already been collected, the timing and amount outstanding would not align with the payment schedule for formal debt financing. The debt issue being requested is over 10 years. Since payments have already been received for some years, financing over 10 years is not necessary.

By-law 159-2011 that is listed on today's Council agenda has been revised to reflect the deletion for debenture funding for the two projects listed above.

Respectfully submitted

A handwritten signature in black ink, appearing to read 'Barb Cribbett', written over a horizontal line.

Barb Cribbett, CMA
Commissioner of Finance & City Treasurer

City of Vaughan
LTD Request List for York Council Approval

<u>Project #</u>	<u>Description</u>	<u>Estimated Requirement</u>
1445-0-03	Rural Road Upgrading Pre/Eng	10,300
1269-4-04	Uplands Storm Sewer	7,100
1451-0-04	Road Resurfacing 2005 Pre/Eng	12,700
1483-2-04	Road Reconstruction	19,200
1484-0-04	Road Reconstruction 2005 Pre/Eng	19,800
1498-0-03	Old Yonge/Mill Street	95,000
8020-0-04	North Thornhill CC - Land	8,100
1554-0-05	Asphalt Overlay 2005 - Various Roads	13,400
1578-0-05	Rural Road Upgrading	30,500
1626-0-06	Road Reconstruction 2007 Pre Eng	220,300
1577-2-06	Road Resurfacing 2006	15,100
1607-0-06	Simmons Street	26,200
EN-1643-07	Hawman Avenue Rd Reconst/Watermain	10,700
EN-1655-07	Pre-Eng Pavement Mgm Program	380,600
EN-1698-07	Kirby Road Slope Stablization	338,500
EN-1653-07	Geotechnical Testing	51,100
EN-1705-08	Top Lift Asphalt 2008 Various	124,000
RE-9510-10	Block 11 Community Centre Land	1,211,000
EN-1702-08	Road Rehabilitation Fran Dri	1,110,500
EN-1704-08	2008 Pavement Management Program	6,283,100
EN-1712-08	2008 Pavement Management Program	344,900
EN-1713-08	Clarence S Park Dr. Road Rehabilitation	982,000
EN-1775-09	Pavement Management Program -	2,702,900
		14,017,000

THE CITY OF VAUGHAN

BY-LAW

BY-LAW NUMBER 159-2011

A by-law to authorize certain capital works of the Corporation of the City of Vaughan (the “Lower-tier Municipality”); to authorize the submission of an application to the Ontario Infrastructure and Lands Corporation (“OILC”) for financing such works and certain other ongoing works; to authorize temporary borrowing from OILC to meet expenditures made in connection with such works; and to authorize long term borrowing for such works through the issue of debentures by the Regional Municipality of York (the “Upper-tier Municipality”) to OILC.

WHEREAS the *Municipal Act, 2001* (Ontario), as amended, (the “Act”) provides that a municipal power shall be exercised by by-law unless the municipality is specifically authorized to do otherwise;

AND WHEREAS it is now deemed to be expedient to authorize for the municipal purposes of the Lower-tier Municipality the new capital works described in column (2) of Schedule “A” (individually a “Project”, collectively the “Projects”) attached hereto and forming part of this By-law (“Schedule “A”) in the amount of the respective estimated expenditure set out in column (3) of Schedule “A”, subject in each case to approval by OILC of the financing for such Projects that will be requested by the Lower-tier Municipality in the Application as hereinafter described;

AND WHEREAS before the Council of the Lower-tier Municipality approved each Project, in accordance with section 4 of Ontario Regulation 403/02, the Council of the Lower-tier Municipality had its Treasurer update its most recent annual debt and financial obligation limit received from the Ministry of Municipal Affairs and Housing (as so updated, the “Prior Updated Limit”), and, on the basis of the authorized expenditure for each Project as set out in column (3) of Schedule “A” (referred to hereinafter as the “Authorized Expenditure” for each such Project) the Treasurer calculated the estimated annual amount payable in respect of each Project and determined that the estimated annual amount payable in respect of each Project does not exceed the Prior Updated Limit, and accordingly the approval of the Ontario Municipal Board under the *Ontario Municipal Board Act* (Ontario), as amended, was not required before any such Project was authorized by Council;

AND WHEREAS subsection 405(1) of the Act provides that a municipality may authorize temporary borrowing to meet expenditures made in connection with a work to be financed in whole or in part by the issue of debentures if,

- (a) the municipality is an upper-tier municipality, a lower-tier municipality in a county or a single-tier municipality and it has approved the issue of debentures for the work;
- (b) the municipality is a lower-tier municipality in a regional municipality and it has approved the work and the upper-tier municipality has approved the issue of debentures for the work; or
- (c) the municipality has approved the issue of debentures for another municipality or a school board under section 404;

AND WHEREAS subsection 403(1) of the Act provides that a by-law of an upper-tier municipality authorizing the issuing of debentures for the purposes or joint purposes of one or more of its lower-tier municipalities may require those lower-tier municipalities to make payments in each year to the upper-tier municipality in the amounts and on the dates specified in the by-law;

AND WHEREAS subsection 401(1) of the Act provides that a municipality may incur a debt for municipal purposes, whether by borrowing money or in any other way, and may issue debentures and prescribed financial instruments and enter prescribed financial agreements for or in relation to the debt;

AND WHEREAS subsection 401(3) of the Act provides that a lower-tier municipality in a regional municipality does not have the power to issue debentures and accordingly the Lower-tier Municipality intends that the Upper-tier Municipality will issue debentures in respect of the Projects and will request that the Upper-tier Municipality do so;

AND WHEREAS the Act also provides that a municipality shall authorize long term borrowing by the issue of debentures or through another municipality under section 403 or 404 of the Act and subsection 403(7) of the Act provides that all debentures issued under a by-law passed by an upper-tier municipality under section 403 are direct, joint and several obligations of the upper-tier municipality and its lower-tier municipalities;

AND WHEREAS OILC has invited Ontario municipalities desirous of obtaining temporary and long term debt financing in order to meet capital expenditures incurred in connection with eligible capital projects to

make application to OILC for such financing by completing and submitting an application in the form provided by OILC (the "**Application**");

AND WHEREAS the Lower-tier Municipality requested the Upper-tier Municipality to issue debentures for the Projects and in this connection the Upper-tier Municipality and the Lower-tier Municipality submitted an application (hereinafter the "**Application**") to OILC to request financing in order to meet capital expenditures incurred in connection with the Projects (the "**Project Expenditures**") by way of long term borrowing pursuant to section 403 of the Act through the issue of debentures to OILC and by way of temporary borrowing pursuant to section 405 of the Act;

AND WHEREAS OILC has accepted and has approved such Application;

AND WHEREAS the Upper-tier Municipality has agreed to issue debentures for the Projects to OILC in the maximum aggregate principal amount of \$14,017,000 (the "**Debentures**"); and OILC has indicated that pending the issue of the Debentures it will provide financing by way of temporary advances to the Lower-tier Municipality in respect of the Projects;

AND WHEREAS the Lower-tier Municipality will enter into a financing agreement with OILC pursuant to the terms of which OILC will provide temporary advances to the Lower-tier Municipality in respect of the Projects;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF VAUGHAN ENACTS AS FOLLOWS:

1. The Council of the Lower-tier Municipality hereby confirms, ratifies and approves the completion by the Treasurer of the Application and the submission by such authorized official of the Application, to OILC, in cooperation with the Upper-tier Municipality, for the financing of the Projects by way of temporary borrowing from OILC, pending the issue of Debentures, in the maximum aggregate principal amount of \$14,017,000 substantially in the form of Schedule "B" attached hereto and forming part of this By-law, with such changes thereon as such authorized official approved.
2. The Clerk and/or the Treasurer are hereby authorized to negotiate and enter into, execute and deliver for and on behalf of the Lower-tier Municipality a financing agreement (a "**Financing Agreement**") with OILC that provides for temporary borrowing from OILC in respect of the Projects on such terms

and conditions as such authorized officials may approve, such execution and delivery to be conclusive evidence of such approval.

3. The Clerk and/or the Treasurer are hereby authorized, pending the substantial completion of a Project or as otherwise agreed with OILC, to make temporary borrowings pursuant to section 405 of the Act in respect of such Project, on the terms and conditions provided in the Financing Agreement and on such other terms and conditions as such authorized officials may agree, and to sign such evidence of indebtedness as OILC may require (a "Note"); and the Clerk and/or Treasurer is authorized to sign such certifications as OILC may require in connection with such borrowings in respect of the Projects; provided that the amount of borrowings allocated to any Project does not exceed the Authorized Expenditure for such Project and does not exceed the loan amount set out in column (4) of Schedule "A" in respect of such Project and does not exceed the loan amount set out in column (4) of Schedule "A" in respect of such Project as appropriate.
4. In accordance with the provisions of section 25 of the *Ontario Infrastructure and Lands Corporation Act, 2011* (Ontario), as security for the payment by the Lower-tier Municipality of any indebtedness of the Lower-tier Municipality to OILC incurred under the Note, and as security for the payment by the Lower-tier Municipality of any indebtedness of the Lower-tier Municipality to the Upper-tier Municipality in respect of Debentures issued for any Projects, the Lower-tier Municipality is hereby authorized to agree in writing with OILC that the Minister of Finance is entitled to deduct from money appropriated by the Legislative Assembly of Ontario for payment to the Lower-tier Municipality, or from money appropriated by the Assembly for payment to the Lower-tier Municipality in respect of specified matters, amounts not exceeding the amounts that the Lower-tier Municipality fails to pay to OILC on account of the outstanding indebtedness evidenced by the Note issued by the Lower-tier Municipality to OILC and on account of the outstanding indebtedness evidenced by Debentures issued by the Upper-tier Municipality to OILC for any Projects, and to pay such amounts to OILC from the consolidated revenue fund.
5. For the purposes of meeting the obligations of the Lower-tier Municipality in respect of the Note and any Debentures issued by the Upper-tier Municipality to OILC for any Projects, the Lower-tier Municipality shall provide for raising in each year as part of the general lower-tier levy the amounts of

principal and interest payable in each year under the Note or any such Debentures, to the extent that the amounts have not been provided for by any other available source including other taxes or fees or charges imposed on persons or property by a by-law of any municipality.

6. (a) The Clerk and/or the Treasurer are hereby authorized to execute and deliver the Note, the Clerk and/or the Treasurer are hereby authorized to enter into, execute and deliver the Financing Agreement, the Clerk and/or the Treasurer are hereby severally authorized to generally do all things and to execute all other documents and papers in the name of the Lower-tier Municipality in order to perform the obligations of the Lower-tier Municipality under the Financing Agreement and the Note, and the Clerk is authorized to affix the Lower-tier Municipality's municipal seal to any such documents and papers.
 - (b) The proceeds realized in respect of the Note after providing for the expenses related to its execution and delivery, if any, shall be apportioned and applied to the respective Projects and to no other purpose except as permitted by the Act.
7. This By-law takes effect on the day of passing.

Enacted by City of Vaughan Council this 27th day of September, 2011.

Hon. Maurizio Bevilacqua, Mayor

Jeffrey A. Abrams, City Clerk

Schedule "A"
to By-Law Number

(1)	(2)	(3)	(4)
<u>Project Number</u>	<u>Description of Capital Work</u>	<u>Estimated Expenditure</u>	<u>Estimated Requirements</u>
1445-0-03	Rural Road Upgrading Pre/Eng	100,000.00	10,300
1269-4-04	Uplands Storm Sewer	2,142,585.00	7,100
1451-0-04	Road Resurfacing 2005 Pre/Eng	97,000.00	12,700
1483-2-04	Road Reconstruction	1,313,000.00	19,200
1484-0-04	Road Reconstruction 2005 Pre/Eng	200,000.00	19,800
1498-0-03	Old Yonge/Mill Street	335,000.00	95,000
8020-0-04	North Thornhill CC - Land	900,000.00	8,100
1554-0-05	Asphalt Overlay 2005 - Various Roads	800,000.00	13,400
1578-0-05	Rural Road Upgrading	4,044,000.00	30,500
1626-0-06	Road Reconstruction 2007 Pre Eng	250,000.00	220,300
1577-2-06	Road Resurfacing 2006	2,320,000.00	15,100
1607-0-06	Simmons Street	530,000.00	26,200
EN-1643-07	Hawman Avenue Rd Reconst/Watermain	340,666.00	10,700
EN-1655-07	Pre-Eng Pavement Mgm Program	380,528.00	380,600
EN-1698-07	Kirby Road Slope Stablization	609,000.00	338,500
EN-1653-07	Geotechnical Testing	100,000.00	51,100
EN-1705-08	Top Lift Asphalt 2008 Various	124,000.00	124,000
RE-9510-10	Block 11 Community Centre Land	1,210,973.00	1,211,000
EN-1702-08	Road Rehabilitation Fran Dri	1,110,500.00	1,110,500
EN-1704-08	2008 Pavement Management Program	6,592,000.00	6,283,100
EN-1712-08	2008 Pavement Management Program	360,500.00	344,900
EN-1713-08	Clarence S Park Dr. Road Rehabilitation	1,180,000.00	982,000
EN-1775-09	Pavement Management Program -	3,193,000.00	2,702,900
		28,232,752	14,017,000

**Schedule "B"
to By-Law Number**

OILC Application

**ONTARIO INFRASTRUCTURE AND LANDS CORPORATION (OILC)
LOAN APPLICATION**

Application ID: R9506 Program Year:
Application Submit Date:

A. GENERAL INFORMATION - Borrowing Municipality

Name: The Regional Municipality of York ID: 19000
Address: 17250 Yonge Street City: Newmarket
Postal Code: L3Y 6Z1
Name of Treasurer(or equivalent): Bill Hughes Title: Commissioner of Finance and Regional Treasurer
Telephone Number: 905-895-1231 x 1600 Fax No.: 905-836-0299
Email: bill.hughes@york.ca

GENERAL INFORMATION - Lower Tier Municipality

Name: Vaughan C ID: 19028
Address: 2141 Major Mackenzie Drive City: Vaughan
Postal Code L6A 1T1
Name of Treasurer(or equivalent): Barbara Cribbett Title: Commissioner of Finance and City Treasurer
Telephone Number: 905-832-8585 x 8475 Fax No.: 905-303-2057
Email: barbara.cribbett@vaughan.ca

B. CONTACT INFORMATION

Questions regarding the information contained in the application form should be addressed to:

Name: Nancy Yates Title: Manager of Capital and Asset Management
Telephone: 905-832-8585 x 8984 Fax No.: 905-303-2057
Email: nancy.yates@vaughan.ca

C. PROJECT SUMMARY INFORMATION

<u>No.</u>	<u>Project Name</u>	<u>Category</u>	<u>Type</u>	<u>Loan Amount</u>
1	Various Projects Roads Construction	Municipal Roads Infrastructure		\$14,017,000.00
Total Loan Amount				\$14,017,000.00

**ONTARIO INFRASTRUCTURE AND LANDS CORPORATION (OILC)
LOAN APPLICATION**

Project Details - Municipal Roads Infrastructure

Project Name Various Projects Roads Construction
Category Municipal Roads Infrastructure
Construction Start Date Jan-04-2010
Construction End Date Sep-01-2011

Please indicate below if any aspect of the project pertains to:

Energy Conservation: Yes No

The Municipal Eco Challenge Fund (MECF) is a three year, \$20 million grant and \$200 million loan initiative to help municipalities reduce Green House Gas (GHG) emissions from their infrastructure.

Please indicate whether the loan is for a project that will reduce energy consumption or GHG emissions from a municipally-owned facility (building, arena, etc.).

Yes No

Is this project also being considered for an MECF grant?

Yes No

Please provide :

An estimate of the reduction in energy consumption or GHG emissions as a result of the project.

or

A short description of the energy conservation benefits.

Address of the project:

Various projects throughout the municipality (see list below)

Type of work (e.g. new construction, renovation of existing facilities, redevelopment, deferred maintenance, etc.):

new construction

Description of the project:

Project #	Description	Requirement
1445-0-03	Rural Rd Upgrading	
	Pre-Eng	\$10,300
1269-4-04	Uplands Storm	

**ONTARIO INFRASTRUCTURE AND LANDS CORPORATION (OILC)
LOAN APPLICATION**

	Sewer	\$7,100
1451-0-04	Road Resurfacing	
	2005 Pre/Eng	\$12,700
1483-2-04	Road Reconstruction	\$19,200
1484-0-04	Road Reconstruction	
	2005 Pre/Eng	\$19,800
1498-0-03	Old Yonge/Mill St	\$95,000
8020-0-04	North Thornhill CC	
	Land	\$8,100
1554-0-05	Asphalt Overlay	
	2005 Various Roads	\$13,400
1578-0-05	Rural Road Upgrading	\$30,500
1626-0-06	Road Reconstruction	
	2007 Pre Eng	\$220,300
1577-2-06	Road Resurfacing	
	2006	\$15,100
1607-0-06	Simmons Street	\$26,200
EN-1643-07	Hawman Avenue Road	
	Reconst/Watermain	\$10,700
EN-1655-07	Pre-Eng Pavement	
	Mgm Program	\$380,600
EN-1698-07	Kirby Road Slope	
	Stabilization	\$338,500
EN-1653-07	Geotechnical	
	Testing	\$51,100
EN-1705-08	Top Lift Asphalt	
	2008 Various	\$124,000
RE-9510-10	Block 11 Community	
	Centre Land	\$1,211,000
EN-1702-08	Road Rehabilitation	
	Fran Dri	\$1,110,500
EN-1704-08	2008 Pavement Management	
	Program	\$6,283,100
EN-1712-08	2008 Pavement Management	
	Program	\$344,900
EN-1713-08	Clarence S. Park Dr	
	Road Rehabilitation	\$982,000
EN-1775-09	Pavement Management	
	Program	\$2,702,900
TOTAL		\$14,017,000

Additional comments:

What is the life span of the project in years? (i.e. the physical asset)

20

Please identify your Ministry contact (If applicable)

Ministry:

**ONTARIO INFRASTRUCTURE AND LANDS CORPORATION (OILC)
LOAN APPLICATION**

Contact Name:

Contact Phone:

**ONTARIO INFRASTRUCTURE AND LANDS CORPORATION (OILC)
LOAN APPLICATION**

Project Information

Project Name Various Projects Roads Construction
Category Municipal Roads Infrastructure

Project Cost (A) \$14,017,000.00

Project Funding/Financing

List existing and expected Funding/Financing sources for the project (eg. Reserves, other cash on hand, approved grants, etc.).

<u>Source/Description</u>	<u>Timing</u>	<u>Amount</u>
	Total Amount (B)	\$0.00
	OILC Loan Amount (A-B)	\$14,017,000.00

Please enter your long-term borrowing requirements including the estimated date the funds are required. Only include long-term borrowing in this section. If you anticipate that you will require short-term financing during the construction phase of the project, the information will be gathered as part of the Financing Agreement.

<u>Estimated Date Required</u>	<u>Amount</u>	<u>Term (in years)</u>	<u>Type</u>
Nov-01-2011	\$14,017,000.00	10	Amortizing
Total Long-Term Financing	\$14,017,000.00		

**ONTARIO INFRASTRUCTURE AND LANDS CORPORATION (OILC)
LOAN APPLICATION**

D. DEBT AND REPAYMENT SUMMARY

Financial Information Returns (FIR)

Please be aware that OILC will be unable to complete the processing of your application until you have filed your most current FIR with the Ministry of Municipal Affairs and Housing. If you have not filed your FIR, you should submit your application to OILC and send your FIR to MMAH as soon as possible.

ARL

Please provide a copy of the Borrower's most recent ARL issued by MMAH.

Existing Borrowing:

Please provide the following details on the existing debt, including capital leases and unsecured debt.

Loan #	Loan Purpose	Initial Amount Borrowed	Amount Outstanding as per Most Recent Audited Financials	Annual Interest Rate (%)	Date Borrowed (mm/dd/yy)	Maturity Year	Summary of Existing Pledges, Conditions, Covenants	Payment Type	Periodic Amount Payable	Payment Frequency
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Please elaborate on re-financing plans and options for any existing "interest only" debt, if applicable

Please refer to FIR - see attached

Existing Encumbrances:

Does the Borrower have any existing liens, pledges and any other encumbrances on existing assets?

Yes No

If yes, please provide details:

**ONTARIO INFRASTRUCTURE AND LANDS CORPORATION (OILC)
LOAN APPLICATION**

- I acknowledge and agree that all of the above referenced documents must be submitted in the form required by OILC and understand that the application will not be processed until such documents have been fully completed and received by Infrastructure Ontario.

Please note: OILC retains the right to request and review any additional information or documents at its discretion.

- I acknowledge that I have read and understood the Project Management and Best Practices Reporting Requirements

Confidential Information

OILC is an institution to which the *Freedom of Information and Protection of Privacy Act* (Ontario) applies. Information and supporting documents submitted by the Borrower to process the loan application will be kept secure and confidential, subject to any applicable laws or rules of a court or tribunal having jurisdiction.



C	<u>18</u>
Item #	<u>1</u>
Report No.	<u>39Sp.CW</u>
<u>Council - Sept. 27/11</u>	

TO: MAYOR AND MEMBERS OF COUNCIL
FROM: JOHN MACKENZIE, COMMISSIONER OF PLANNING
DATE: SEPTEMBER 27, 2011
RE: COUNCIL MEETING – SEPTEMBER 27, 2011
FOLLOW-UP REPORT
MODIFICATIONS TO THE VAUGHAN OFFICIAL PLAN – 2010 (VOLUME 1)
RESPONSE TO PUBLIC, GOVERNMENT AND AGENCY SUBMISSIONS
FILE 25.1

FURTHER MODIFICATIONS TO CHAPTER 3 OF VAUGHAN OFFICIAL PLAN - 2010

Recommendation

That the following recommendation be added to the Recommendation section of the September 27, 2011 "Follow-Up Report" to Council under Part 3: Other Issues, Modifications and Clarifications:

"3.3 Paragraph c) in respect of potential changes to Section 3 "Environment"

That the implementing policies and schedules changes be prepared to reflect the modifications to VOP 2010 Volume 1 identified in the Commissioner of Planning's memorandum dated September 27, 2011 (Further Modifications to Chapter 3 of the Vaughan Official Plan -2010) and that such policies be forwarded to the Region of York for approval as part of the VOP 2010 Volume 1 approval process."

Background

Further discussions with Regional staff have taken place regarding minor modifications related to natural heritage system policies as referenced in Part 3, paragraph c) of the September 27th, 2011 Council Report. The following general areas of change have been identified and revised policies will be incorporated into the version of Chapter 3 that will be forwarded to the Region for approval.

1. Policy 3.2.3.1, the first policy in s. 3.2.3 regarding components of the Natural Heritage Network (NHN), will include specific references to the 4 main components of the NHN, being (a) Core Features, (b) Enhancement Areas, (c) Built-up Valley Lands, and (d) Oak Ridges Moraine and Greenbelt Plan lands. While there are 10 policies guiding the protection as well as limited allowable uses in Core Features, three policies regarding Enhancement Areas, two policies regarding Built-up Valley Lands, and two policies regarding Oak Ridges Moraine and Greenbelt Plan lands in s. 3.2.3, the intent of noting these components in Policy 3.2.3.1 is to emphasize that the NHN is a connected system of natural heritage features and areas, which includes lands that have been restored or have the potential to be restored, to maintain biological and geological diversity, natural functions, viable populations of indigenous species and ecosystems.
2. Minor changes to either the wetlands policies of s. 3.3.2 or Policy 3.2.3.4(b) will ensure consistency of the intent of wetland protection policies in recognizing wetlands evaluated as provincially significant as well as other identified wetlands.



3. Woodlands policies addressing conditions where development or site alteration may be permitted in woodlands will focus on ensuring the conditions conform to those in the York Region Official Plan and emphasize this flexibility for woodland protection in the Community Areas.
4. Minor changes to two woodland policies are noted below:
 - (a) Policy 3.3.3.4 will be amended to require, rather than consider, the preparation of an urban forest inventory. The inventory is underway as a collaboration with the City, Region and TRCA; and
 - (b) The text "and protected" is to be inserted after the word "significance" in Policy 3.3.3.5 regarding requirements in the Oak Ridges Moraine Conservation Plan and Greenbelt Plan and associated technical papers.
5. Consolidated revisions regarding the policies of the Greenbelt Plan and the Oak Ridges Moraine Conservation Plan as to appear in Chapter 3 and Chapter 9 may require minor changes to ensure conformity to these Plans and the York Region Official Plan.
6. Ensuring conformity to the Oak Ridges Moraine Conservation Plan and the Greenbelt Plan may result in potential changes to schedules.

Respectfully submitted,

JOHN MACKENZIE
Commissioner of Planning

/lm

Copy To: Clayton Harris, City Manager
Jeffrey A. Abrams, City Clerk
Diana Birchall, Director of Policy Planning
Roy McQuillin, Manager of Policy Planning
Tony Iacobelli, Senior Environmental Planner



F + A Rpt 16
Item 2
E19
memorandum

September 26, 2011

To: Honourable Maurizio Bevilacqua, Mayor and Members of Council
From: Barb Cribbett, Commissioner of Finance & City Treasurer
RE: E-mail Inquiry - \$15.172 M Infrastructure Ontario Debt

A handwritten signature in black ink, appearing to be 'Barb Cribbett', written over the 'From:' line of the memorandum.

The purpose of this memo is to provide Members of Council with responses to questions from a member of the public regarding the item "Region of York – Authorization to issue Long Term Debt Through Infrastructure Ontario" which is included on the September 27, 2011 Council Agenda.

1. Is this is new debt?

This is previously approved debt that has not been issued. The \$15M is debt for projects that were approved in capital budgets between 2002 and 2009, and for which debt financing was approved by Council.

2. Why was the debt not incurred at the time of budget approval?

The debt is not incurred at the time of budget approval as the funds are not required at that time. The cash flow requirements for capital projects can span several years. The City's practice is to incur the debt funding when the project is substantially complete and final costs are known.

3. How do we justify borrowing \$15 million when we have a surplus of \$54.235 million as noted in the audited 2010 Financial Statements?

The \$54M surplus reported on the City of Vaughan's 2010 Financial Statements reflects the reconciliation between the City's approved balanced budget and the revised accounting treatment mandated by the Province of Ontario through the Public Sector Accounting Board. The surplus results from expenses which the City's budget contains as the expenses require annual funding, however the expenses are not recognized as an expense under the mandated Provincial format. In short, the surplus is an accounting surplus, not a cash surplus.

4. Is the \$15 million linked to the new city hall cost over runs?

No. There is no relationship between the two amounts.

5. Is \$15M an indication that the City is operating in a deficit?

No. There are a number of capital projects that have funding approved and costs incurred, but the funding is not always received at the commencement of a project. For example, funding for projects funded by Provincial and Federal grants is often received well after a project is complete. The \$15M in debt financing is simply permanent funding that the City has not received yet.

6. Has there been a change in use of the budgeted money?

No. The debt financing will only be used for projects with debt funding approved by Council.

7. Are the City's budgets balanced?

Yes.

8. What was the purpose of the Long Term Debt report on the September 19, 2011 Finance and Administration Committee Agenda?

The reason that this item came before Finance and Administration Committee was to recommend that the Region of York issue the debt through Infrastructure Ontario rather than through their traditional debenture market.

c: Clayton Harris, City Manager

C20
Item 1, Report No. 40 CW
Council - Sept. 27/11

September 13, 2011

**Mayor and Members of Council
c/o The Clerk, City of Vaughan**

Re: by-Law #158-2009 regarding Fines for licensing violations, specifically as they apply to taxi cabs.

My name is Nathan Asare and I am licensed by the City of Vaughan as a Taxi-cab Owner and Broker of Minute Taxi LTD.

This letter is being written on behalf of all Brokers and taxi drivers in the City of Vaughan and is regards to all violations of licensing by-laws as it applies to taxi cabs being properly processed through an appropriately constituted Court of Ontario presided over by a sitting judge of the Court of Ontario. Justice must be seen to be done and at present there is no way that the system of levying fines can be seen to be just.

Mr Thompson, at an earlier meeting stated the present regime was set up that way to achieve consistency. Operating this way and applying it to the Criminal Code of Canada would in theory give the same penalty for common assault as to a first degree homicide. What a charming thought!

Please accede to our request to have alleged violations of licensing by-laws by taxi drivers heard in a court of proper jurisdiction with a properly appointed judge and not in a court setting where the judge is not free and independent, but paid by those laying the charges and therefore an employee albeit only part-time, of the City of Vaughan. How can this be construed as a FAIR TRIAL?

To facilitate this request, we ask that this specific issue be referred to a future working session of the Committee of the Whole, at which meeting our legal counsel will advance detailed arguments in support of our request.

Yours truly,

Nathan Asare