

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF FEBRUARY 13, 2006

Item 1, Report No. 4, of the Committee of the Whole (Working Session), which was adopted without amendment by the Council of the City of Vaughan on February 13, 2006.

**1 OFFICIAL PLAN AMENDMENT FILE 15.80.4
CARRVILLE DISTRICT CENTRE
(OFFICIAL PLAN AMENDMENT #651)**

The Committee of the Whole (Working Session) recommends:

- 1) That the recommendation contained in the following report of the Commissioner of Planning, dated January 24, 2006, be approved; and
- 2) That the presentation of Mr. Rick Merrill, Partner, The Planning Partnership, 1255 Bay Street, Suite 201, Toronto, M5R 2A9, be received.

Recommendation

The Commissioner of Planning recommends:

1. THAT this report on the status of and revisions to Official Plan Amendment #651 (Carrville District Centre) dated January 24, 2006, resulting from the Carrville District Centre Study, be received by Council.
2. THAT revised draft OPA #651 be scheduled for a public hearing on March 6, 2006.

Economic Impact

There is no additional economic impact to the City of Vaughan as the necessary resources have been allocated and approved. The proposed policy changes will enable new development, generating additional assessment to the City's tax base.

Purpose

To submit a status report and revised plan for the Carrville District Centre (OPA #651), for the consideration of Committee of the Whole.

Background - Analysis and Options

Location

The Carrville District Centre is generally located at the four corners of Rutherford Road and Dufferin Street, including lands in Blocks 10, 11, 17, and 18, in Carrville-Urban Village 2 (Attachment 1). Attachment #2 shows Schedule 'C' of OPA #600, which conceptually identifies Carrville District Centre at the intersection of Rutherford Road and Dufferin Street. Attachment #3 shows the actual boundaries of the Carrville District Centre Plan.

Land Use Status

Existing Uses

The Carrville District Centre site is currently largely agricultural land, with the exception of a treed valleyland, some small wooded tableland areas, and a watercourse east of Dufferin Street, both north and south of Rutherford Road. The balance of the District Centre site is currently vacant or

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used for agricultural purposes, with the exception of a few scattered houses and a temporary sales pavilion on the northwest corner of the Dufferin/Rutherford Rd. intersection.

Official Plan/Zoning

OPA # 600 provides a policy framework for designated District Centres in the new communities of Vellore and Carrville (see Attachment # 2). The District Centres are envisioned as the focus of each community, with a concentration of commercial uses, medium and high density residential development, preferably in the form of mixed use development, and supporting community facilities. They are expected to be pedestrian-friendly and transit-supportive. OPA #600 requires that development within each District Centre proceed based upon a tertiary plan which refines the District Centre vision at a high level of detail in terms of land uses, development densities and urban design. The District Centre is expected to become the major focus of human activity/social interaction and community identity for more than 60,000 residents to live in Carrville.

The lands are zoned A Agriculture by By-law 1-88.

Background

1. Terms of Reference

Council approved the Terms of Reference for the Carrville District Centre Study on August 26, 2002. The consulting team, lead by the firm, The Planning Partnership, was retained to complete a study, which addressed key planning considerations, including land use, urban design, environmental and transportation, and to produce a tertiary plan in keeping with the provisions of OPA #600. The Terms of Reference required a public consultation process in the form of a series of meetings/workshops with a Stakeholder Consultation Group (SCG), to provide a forum for communication and to build consensus among stakeholders.

2. Public Consultation Process

The SCG was formed following an Open House in December 2002, and consisted of approximately 39 people; including landowners and their representatives, residents, York Region Staff, Toronto Region Conservation Authority Staff, and City Staff. Four workshops were scheduled with the SCG to develop the tertiary plan, between January and March 2003:

- The first workshop session established a common understanding of the issues, generated the fundamental design principles, and assisted in preparing the land use programs.
- The second workshop generated four draft land use options and descriptive axonometric drawings incorporating land use, transportation, and urban design objectives.
- The third workshop established the evaluation criteria to be used to define the preferred concept plan. The stakeholders group undertook a comparative evaluation of the four concepts and identified certain components of each of the four options as being preferred.
- The fourth workshop further refined the conceptual land use plan, incorporating the comments from the previous workshop and a demonstration plan was presented to the SCG for comment.

At the conclusion of the fourth workshop, the SCG members indicated that they were generally pleased with the process and the preferred plan resulting from their joint efforts.

In May 2003, an open house was held at the request of the local councilor, to provide further opportunity to review and comment on the preferred plan developed in consultation with the SCG.

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On January 13, 2004, the Draft Carrville District Centre Report and Official Plan Amendment for the tertiary plan were presented to a Committee of the Whole Working Session for information and comment. The Plan was generally well received, with one issue raised respecting the potential for the infiltration of traffic into the Block 18 residential lands, west of the District Centre. It was suggested that, to minimize traffic infiltration into the residential area, two east/west local roads north of Rutherford Road should be terminated west of the north/south primary road which now forms the westerly boundary of the plan. This suggestion has been incorporated into the draft plan of subdivision for the lands to the west, which are now outside the District Centre plan.

On February 12, 2004, a final meeting of the Stakeholder Consultation Group took place to present the draft Official Plan and Planning Report for the District Centre. The SCG expressed their strong support for the Plan.

On February 5, 2004 a notice of public hearing was placed in the Vaughan Citizen, and a separate notice of public hearing was mailed to the Stakeholder Consultation Group members. The public hearing was held on March 1, 2004, and no letters of objection were received respecting the proposed Official Plan amendment (OPA #651). Council received the public hearing for File: 15.80.4 and adopted the recommendation that any issues identified by the public and Council be addressed in a comprehensive report to Committee of the Whole.

On June 7, 2004, the Staff Report on the Official Plan for the Carrville District Centre (OPA # 651) was considered for adoption at a Committee of the Whole meeting. At this meeting a few of the participating landowners expressed concerns respecting aspects of the plan, including the permitted development densities, land use designations and road network. Subsequently, at the following Council Meeting of June 14, 2004, it was resolved that the matter should be referred to a future Committee of the Whole (Working Session) meeting to permit staff to meet with the appropriate stakeholders for a review of their issues. The discussions with the landowners took place throughout the following year, and the resolutions to the issues are discussed in the "Revisions to the Carrville District Centre Plan" section of this report. The modifications necessitate the scheduling of a second public hearing for draft OPA #651.

On November 24, 2005, a meeting of the Stakeholder Consultation Group was held to provide members with an update on the status of the Carrville District Centre Plan, and the revisions made since the Committee of the Whole meeting of June 14, 2004. The meeting provided an opportunity for the SCG to discuss proposed modifications and to address any questions pertaining to the finalization of the plan. At this meeting the revisions were generally well received, with the exception of two stakeholders raising concerns respecting proposed increased heights and densities.

Revisions to the Carrville District Centre Plan

The initial draft of OPA #651 has been subject to a number of modifications:

General Revisions to OPA #651

1. Definitions of Development Density

"Units per hectare" has been deleted as an expression of permitted density within each of the designations. The range of densities permitted in each of the designations is now expressed only in terms of "Floor Space Index (FSI)" which is the permitted gross floor area divided by site area. FSI provides a uniform approach and greater control respecting the built form of development on individual sites.

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2. Potential Population and Housing

The initial plan for the District Centre estimated that approximately 2,700 housing units could be accommodated, whereas the revised plan potentially includes up to 5,400 units at maturity. The increased number of units is a result of two factors: 1) the use of FSI as a measure of density providing greater flexibility in the size and number of units; and 2) changes to some land use designations resulting in an increase in density on some parcels. The District Centre's estimated potential population is approximately 11,000. This will bring the total population of the entire Carrville Community to about 66,000. This is consistent with OPA #600, as the approved development in surrounding block plans achieves a lower population than originally estimated in OPA #600. The concentration of population within the centre will be beneficial, strongly supporting its role as a focus of retail development and public transit services, and contribute to the success of the District centre.

3. Increase to Parkland within the District Centre

The revised plan has increased the potential number of housing units by approximately 2,700 more than in the initial plan. The resulting higher population will generate greater demand for parks and recreation facilities. Therefore, the amount of parkland has been increased from 2.0 ha to 5.02 ha. The total parkland dedication to which the City is entitled is 18 ha, based on a 1 ha per 300 units calculation. However, given the urban nature of the District Centre, and the accessibility of the District Centre to additional parkland located within 400 metres (5 minute walk) of the Centre (See Attachment 7) the amount of proposed parkland dedication requirement is considered sufficient. The remainder of the parkland dedication will be taken in cash in lieu.

4. Permitted Uses In Mixed Use 1 Designation

The definition of the "Mixed-Use 1" designation has been modified to permit office commercial uses as well as residential uses, above the retail uses required at grade. Eating establishments have also been added to the list of permitted commercial uses within this designation.

Specific Locational Revisions to Initial Draft of OPA # 651

1. Northwest Quadrant-Block 18 (Nine-Ten West Limited Lands)

Staff met with the Proponent's Consultant to discuss concerns respecting the Community Amenity designation, the proposed transit facility on the same site, and the size and location of a large food store proposed by the property owner.

a. Community Amenity/Transit Facility

The landowner asked that Staff provide more detail regarding the need for a proposed Community Amenity and Transit Facility designation on the Plan. Since that time, the Community Amenity Designation has been changed to "Mixed Use 1/Public Library", to include retail at grade, and office/residential uses above, subject to the City being provided an option to establish a public library in a multi-storey building on the site. Respecting inclusion of a transit facility on the Community Amenity site, a meeting was held with the Landowner's Consultant and York Region Transit (YRT). As a result of this meeting, Staff have agreed to amend the policy wording respecting the transit facility. A note has been placed on the land use schedule providing that a transit facility will be located in the northwest quadrant of the District Centre at some future date, rather than requiring it on a specific site. Consequently, the designation of the parcel has been changed, as noted above.

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b. Major Food Store Site

Respecting the accommodation of the food store in the northwest quadrant of the District Centre, Staff offered the solution of creating a single large internal block, previously proposed as “Mixed Use 1 (MU1)” and “Mixed Use 2 (MU2),” and designating it as MU1 in its entirety to provide a site large enough to accommodate a major food store. Also, the size restriction for the food store has been removed provided that it is located west of Main Street, including all of its required parking, landscaping and buffering from neighbouring residential on the site, and that the store is sited close to and fronts onto the Main Street right-of-way. A “Mixed Use 2” designation has been placed at the westerly edge of the of the food store block, to provide an appropriate interface (or buffer) in the form of residential townhouses, with the residential neighbourhood to the west. The “Special Character Street” formerly located in the central portion of Block 18 has been eliminated resulting in a larger block size for the food store. It was not considered appropriate to locate a character street in this area, given that the food store’s loading area would now face this street which would be used by trucks to access the food store.

2. Northwest Quadrant-Block 18 (Muzich Lands)

The Muzich Lands are located in the north portion of the Block 18 quadrant of the Carrville District Centre. There have been changes to the local road pattern and the location of the park and stormwater management pond within the parcel, and a “High Density Residential” designation has been added. More specifically the following changes have been made:

a. High Density Residential

A “High Density Residential” designation has been added at the northwest corner of the northerly east/west primary road and Dufferin Street. The stormwater management pond has been reduced in size and re-located to the northern edge of the parcel, abutting the west side of Dufferin Street. The site’s storm pond requires less land than originally anticipated. High density development will be readily accessible from Dufferin Street, and will support the major retail commercial development in this quadrant of the District Centre. To the north, it is separated from the lower density residential area by natural features providing a green buffer.

b. Park Relocation

The proposed park has been relocated to the central area of the parcel. It has been sized to help address the recreational needs of the increased population resulting from the introduction of adjacent high density development.

3. Northeast Quadrant-Block 11 (Nine-Ten West Limited Lands)

a. High Density Residential

The landowner requested that the parcel of land located at the northeast corner of Dufferin Street and the most northerly east/west primary road, be designated “High Density Residential” rather than “Mixed Use 2”. In view of the location of this parcel, and the recent directive of Provincial, and Regional policies to increase densities in centres and along arterial corridors to promote long term sustainability, the change to “High Density Residential” is considered appropriate. Also, this site is located at the northern edge of the District Centre, and its development will be screened from view from the south, by the woodlot in the same block. To the north, it is bounded by a very large expanse of natural area separating and buffering it from other development in the block.

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b. Introduction of Additional Parkland and Pedestrian Greenway

To address the recreational needs of the increased population resulting from additional high density development anticipated in the northeast quadrant the size of two parks has been increased and a parkette/greenway connection to the natural area to the north has been introduced.

4. Northeast Quadrant-Block 11 (Norstar Developments Inc.)

a. Mixed Use 1 Designation

This 1.38 ha parcel of land is located at the northeast corner of Dufferin St. and Rutherford Road. The designation at this prominent location of the District Centre Plan has been changed from “Mixed Use 2” to “Mixed Use 1” to permit additional density to be achieved over time. The increase in density is in keeping with Provincial and Regional policies, and will enable the site’s development to eventually intensity. Buildings at the corner and along the Rutherford frontage will be a minimum of two storeys to establish an identifiable physical presence at the Dufferin/Rutherford intersection.

b. Introduction of Exceptions

The small size of the site and its closeness to the Dufferin/Rutherford intersection limit the development options available to this site. Underground parking would be uneconomical given the scale of anticipated development. Therefore, exceptions are proposed to permit one single use, one-storey commercial building, and one bank with a drive-through facility on the site. The exception of a drive-through facility is proposed only in this location due to the site’s isolation from a larger community and must be located behind the building where it is not visible from the arterial roads. Other buildings on-site are required to be a minimum of two-storeys, include mix-use, and be located close to and oriented to the street.

5. Southeast quadrant-Block 10 (Rutherford Contwo Investments Ltd.)

The Rutherford Contwo Investments Ltd. lands are located at the southeast corner of Rutherford Road and Dufferin Street. The lands have changed ownership since the study for the Carrville District Centre was undertaken. The previous owner had not participated in the study process. Several discussions have been held with the new owners which have resulted in the following changes to this quadrant of the Plan.

a. Mixed Use 1 Designation

The portion of the lands closest to the Dufferin/Rutherford intersection has been designated “Mixed Use 1” to permit an increase in residential density. The southerly portion of the lands has remained “Mixed Use 2”. Higher density development will contribute to the character and identity of the Centre and make it more recognizable as an “urban place”. Higher residential densities will also support retail uses and transit ridership.

b. Introduction of Additional Parkland

A 0.5 ha park has been introduced in the central portion of the parcel to serve the increased residential population resulting from the more intense development expected on the Dufferin/Rutherford corner. The park will also provide a green buffer separating the high density development from the medium density area to the south.

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Overview of the Carrville District Centre Plan (OPA #651)

OPA #651 provides for a mix of residential, commercial, mixed use and community facilities within the Carrville District Centre (See Attachment #3). At build-out the District Centre will house approximately 11,000 residents, with employment of 3,000-4,000. The most intense development is proposed for the northwest quadrant, which is least constrained by neighbouring land uses and topography. The major focus of commercial development is located in the northwest quadrant. OPA #600 permits the District Centre up to 40,000 sq.m of retail gross leasable area (GLA). This has been allocated to the north-west quadrant (27,000 sq.m), the south-west quadrant (7,000 sq.m) and the north-east quadrant (6,000 sq.m). In addition, as an incentive, retail space provided as part of a mixed use building will not be counted against the permitted maximum retail allocation in each block. Commercial development will be concentrated in a "Main Street" form along the first north/south local road west of Dufferin Street and north of Rutherford Road.

A major food store and community library are expected to be the anchors for Main Street, which will be the focus of commercial activity, and be built in a human-scale, pedestrian-friendly form. The public library is proposed to be included in a multi-storey building located north of the urban square fronting onto Rutherford Road. Two parks are also located in this quadrant to encourage pedestrian activity in the core. Mixed-use development is expected on Main Street, and encouraged elsewhere throughout much of the District Centre. The concentration of residential and commercial uses in close proximity affords the opportunity for residents to work close to home. This compact form of development will also help to make the District Centre an urban place with many services and activities within convenient walking distance of home.

The road network defines the pattern of development blocks, and thereby establishes the physical framework for future development. Particularly in the northwest quadrant where development will be most concentrated, the blocks have been deliberately sized to accommodate the desired range of uses, achieve land use efficiencies, and minimize walking distances. Except for a single, larger site for a major food store, the blocks are sized to discourage the 'big box' retail uses which are more appropriately located in a 'power centre', rather than in the heart of a community where creating a comfortable pedestrian environment is key.

Land Use/Commercial Designations

Land Use Designations

The Plan provides seven land use designations, including:

- Mixed Use 1
- Mixed Use 2
- High Density Residential
- Medium Density Residential
- Park
- Valleylands/Woodlots
- Stormwater Management Area

The key policies applicable to each designation are outlined as follows:

Mixed Use 1 – MU1

Development will proceed in a mixed use format, with retail uses at grade, and offices and/or residential uses (stacked townhouses and apartments) above grade in the same building. Also permitted are public and institutional uses, special needs housing, places of worship, community, cultural, entertainment and social facilities, and public utilities. The maximum building height is 6 storeys, with a maximum FSI of 2.5. One gas bar is also permitted on one MU1 block adjacent to

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Dufferin Street in the northwest quadrant. The proposed heights and densities of buildings within this designation are consistent with OPA #600 policies.

A broad variety of retail and service commercial activities are encouraged in this designation, but the following are specifically excluded:

- (i) individual retail uses in buildings with ground floor area in excess of 5,750 sq.m;
- (ii) drive-through retail facilities; and
- (iii) retail uses that require outdoor storage.

Stand-alone, single use buildings are generally not permitted, with the exception of:

- One stand-alone, single use building in Block 18 with no maximum floor plate.
- One stand-alone, single use building in Block 11 with a maximum floor plate of 5,750 sq.m.
- Two stand-alone, single use buildings in Block 11 on the parcel northeast of the Rutherford Road and Dufferin Street intersection.
- One stand-alone, single use building in Block 17 with a maximum floor plate of 5,750 sq.m.

To create the desired character and pedestrian environment on lots abutting Main Street, buildings and their main public pedestrian entrances will face Main Street. Individual retail uses on lots abutting Main Street will be limited to a maximum of 2,500 sq. m. GFA.

The Major Food Store

The majority landowner (Nine-Ten West) of lands within the Carrville District Centre has proposed that a large food store use be permitted within the Carrville District Centre. A food store provides an important anchor, helping to attract other retailers who benefit from their proximity to the business generated by the food store, and thereby maximize the synergies with other retail uses. The specific location of the food store is a block on the west side of "Main Street", which has been sized to accommodate it and its total parking requirement.

This food store will be permitted as an exception within the MU1 designation because of its size and single use built form. The layout of the food store is important given its proximity to Main Street. To create the appropriate shopping and pedestrian environment on Main Street, the food store will be required to locate its ancillary retail uses along the Main Street frontage, with store entrances oriented to the street, to complement other retail uses on Main Street.

Mixed Use 2 – MU2

Within the 'Mixed Use 2' designation, mixed use development is preferred, but stand-alone, single use, street, block and stacked townhouses, low rise residential apartments and live-work units are also permitted. The height limit is four storeys and the maximum FSI permitted within this designation is 2.0.

Small scale service commercial uses (less than 2,500 sq.m of Gross Leasable Area) and small scale office uses are also permitted, provided that they are components of a mixed use development. This designation also permits public and institutional uses, places of worship, community, cultural and social facilities, and public utilities.

This designation provides a lower scale, mixed use area in the District Centre where live/work units and medium density housing forms can be provided.

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High Density Residential

Permitted uses include street, block and stacked townhouses and apartment buildings. The maximum height is 8 to 12 storeys. The maximum FSI within this designation is 3.0 to 3.5. Built form policies will provide more specific direction respecting the distribution of height and mass on-site, and ensure sensitivity to adjacent development.

The suggested heights are considered appropriate as the designation is confined to two areas of the Plan where they are appropriately buffered:

- 1) In the northeast quadrant, north of Rutherford Rd., steep grades, a valley and a designated woodlot to the west and south of two sites, provide a visual buffer from the arterial road and residential development south of Rutherford.
- 2) At the north end of the District Centre, two sites flank Dufferin Street to the east and west. Both sites are bordered on their northern limits by large natural features buffering them from lower density residential development.

These four high density residential sites will help to achieve the concentration of development needed to support the District Centre's transit services, amenities, and retail activity objectives.

Medium Density Residential – Permitted uses include street, block and stacked townhouses. The height limit is 4 storeys. The maximum FSI within this designation is 2.0.

The medium density designations primarily occur on the perimeter of the District Centre where they will provide an appropriate transition in scale and form between the Centre and the predominantly low density neighbourhoods surrounding the District Centre.

Mixed Use 1/Public Library

The MU1/Public Library site, is located on the north side of an urban square immediately adjacent to Rutherford Road, and will be readily visible from Rutherford. The one hectare site is proposed to accommodate one or two prominent "landmark, quality buildings" up to six storeys in height, providing a presence and physical identity for the District Centre. An additional two storeys would be permitted as a bonus in exchange for provision of space for a public library.

The site would accommodate a Community Library on one floor of a building which might also include space for meeting rooms, and other public uses such as daycare, social, cultural, and seniors' facilities. The MU1/Public Library designation also permits retail commercial, office and residential uses to be located on the site. The site's location on the west side of Main Street will create a focal point there and help to establish the desired retailing environment, through the inclusion of at-grade retail uses (cafes, restaurants, specialty boutiques).

Public Transit Facility

The Carrville District Centre shall also include a public transit facility which is to be located in the northwest quadrant (Block 18), of the District Centre to coincide with the expected highest local concentration of potential ridership. The transit facility should be designed and located to provide optimal access for pedestrians. The City will work with York Region Transit and the affected landowner to identify and implement the transit facility once demand for transit service warrants its development.

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Parkland

Parkland in the District Centre is composed of five parks of varying sizes. The northwest quadrant has the greatest concentration of commercial space. It includes one large square, fronting on the north side of Rutherford Road, directly in front of the MU1/Public Library site. This urban square will be designed for passive recreation to serve both residents and employees located in the District Centre. A second park is located to the north, adjacent to the high density block at Dufferin.

In the northeast quadrant close to two concentrations of high density residential development, are two parks and a parkette/greenway.

Southeast of Dufferin Street and Rutherford Road, a small park separates the Mixed Use 1 site at the corner from the Medium Density site to the south, providing an open space connection from Dufferin to the valleyland to the east.

The planned densities will yield sufficient parkland dedication to provide for the identified parks, as well as cash-in-lieu of parkland to enable the City to acquire additional parkland in the future. Parkland dedication will be calculated based on the City's current policies pursuant to the provisions of the Planning Act.

Woodlots and valleylands designated by OPA 600 in both the northeast and northwest quadrants of the District Centre will also play an important role in its success, as part of the pedestrian and bicycle system extending throughout the surrounding community. These natural areas will be linked with the parks via a continuous pedestrian trail system, so that all are readily accessible to the residents of the District Centre and Carrville community. The pedestrian network will be designed with special attention to streetscaping to achieve the desired pedestrian environment and the connectivity to the surrounding community served by the District Centre.

Valleylands/Woodlots

Natural features are present in three of the four quadrants of the District Centre, with the exception of the south-west quadrant. This designation protects and enhances the natural ecosystem, and applies to watercourses, valleylands, floodplains, and woodlots, consistent with OPA #600. Permitted uses within these designations are conservation areas, essential public works, passive recreation features, and buildings which are accessory to the permitted uses.

This section of the Plan also addresses the Oak Ridges Moraine Plan conformity requirements defined by OPA #604, and is consistent with OPA #600's environmental policy framework.

Stormwater Management Area

The "Stormwater Management Area" designation reflects the preferred sites for the stormwater management facilities within the Carrville District Centre. The policies for this designation provide that the stormwater management facilities should be integrated with the open space and trail system. The ponds will be subject to design requirements which will ensure that they become attractive features of the District Centre.

The Plan now provides two storm ponds in the northwest and northeast quadrant of the Plan. A third pond formerly in the northwest part of the District Centre has been relocated to the west, outside the limits of the Centre, providing additional developable land within the District Centre.

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Transportation Plan and Analysis

An integral component of the District Centre plan is the transportation network. Implementation of the grid network of interconnected arterial, primary, and local streets, and defined development blocks, is critical to the success of the District Centre. The Centre is accessible from all parts of the Carrville Community via the major arterials, and the primary roads connecting directly to the District Centre. The grid road network establishes the physical framework for future development and provides a high level of porosity and connectivity between the blocks, which will facilitate all modes of travel and encourage public transit ridership.

In accordance with the general road policies of OPA #600, the Carrville District Centre road network consists of the following road classifications:

- Primary Roads - right-of-way width of 23 m to accommodate two through lanes (one lane in each direction), transit service and on-street parking.
- Main Street - right-of-way width of 23 m recognizing the need to accommodate parking on both sides, provide access for transit buses, and enhanced sidewalks and streetscaping.
- Local Roads - right-of-way width is generally 17.5 to 20.0 m. Local roads are planned to minimize substantial through traffic and accommodate community-oriented transit service where required. Two local roads, Main Street and the east-west road providing access to the central focus of the commercial area on Main Street, are both planned at 23.0 m to permit bus access and on-street parking.

To enhance the pedestrian environment, landscaping and streetscaping will be provided on all roads. The Main Street and the two arterial roads will have the highest level of treatment within the Centre. Landscaped medians, and planting within the boulevards, is recommended wherever possible on the arterial roads.

The Plan provides Main Street with a road allowance of 23 m, with an 11.5 m pavement width comprising one travelled lane in each direction, and on-street parking. As the main focus of retailing in the District Centre, the Main Street streetscape will be designed to provide a comfortable, attractive shopping environment to encourage pedestrian use. A 5.75 m boulevard along both sides will accommodate tree planting, street furniture and sidewalks. The Plan provides that development will proceed via draft plans of subdivision, to ensure that the road network will be dedicated and developed as planned.

The Plan strongly encourages pedestrian and transit modes of travel. The "main street" concept, smaller block sizes, pedestrian walkways/connections, streetscaping and transit services, all support pedestrian activity throughout the District Centre. The "5 minute walk" principle (approximately 400 metres) has been employed as the basis of design, where the distances between residential areas, convenience commercial services and recreational facilities are all within a 5 minute walk.

The convergence of local transit routes at a transit facility in the northwest quadrant will be key in encouraging public transit usage. The precise location of the transit facility will be determined at a future date, in consultation with YRT, once development becomes sufficiently concentrated to warrant the facility's creation. The site will become the focus for local transit services within the Carrville community, and should also be integrated with City-wide and inter-regional express transit services. The transit facility could accommodate up to five off-street bus bays, as well as ancillary services such as heated passenger waiting areas, ticketing, washrooms, and retail amenities.

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The proposed Carrville District Centre transportation network has been tested based on the assumed scale of development recommended for the District Centre (assuming full build-out by 2021 as a worst case traffic scenario). Consistent with the recommended transportation policies, a transit modal share of 25% has been assumed for the 2021 horizon year, which is considered realistic provided the York Region (YRTP) transit initiatives are implemented. This modal split assumption recognizes that the City and Region have higher transit modal share targets for the longer term. The weekday peak hour transportation analysis also assumed modest growth in background travel for Rutherford Road and Dufferin Street. The road network testing has confirmed that the revised plan can be accommodated by the roads plan for the District Centre.

Parking

Parking is a significant challenge when attempting to achieve land use efficiency and create a walkable urban environment. Commercial development, in particular, requires significant parking preferably as close as possible to store entrances. In the suburban context, typical commercial sites provide parking in front of strip retail shops, creating an environment which adequately provides for auto access but which discourages pedestrians and detracts from the attractiveness of the streetscape.

OPA #651 addresses the need for parking in several ways. When the District Centre achieves a mature state of development in the long term, the objective is to see most parking provided either underground or in structures, in order to maximize development opportunity and create a truly urban, pedestrian environment.

On-street parking shall be provided on all local and primary roads within the main commercial area in the northwest quadrant, and in other quadrants of the District Centre where appropriate. By doing so, on-street parking provides merchants with a reason to locate their stores and entrances directly to the public sidewalk. On-street parking also reduces the need to establish large surface parking lots.

OPA #651 establishes a maximum parking standard of 4.25 spaces per 100 sq.m GFA for commercial development. This is less than the current City standard which requires 6 spaces per 100 sq.m GFA. This reduction is warranted given the need to reduce the amount of land devoted to parking, and lower levels of parking utilization associated with major commercial development elsewhere. In fact, comparisons with shopping malls and major food stores in other parts of the GTA show that the actual observed parking demand at peak periods is typically in the order of 4.0 parking spaces per 100 sq.m GFA, or less. The minimum parking standard will be established in the zoning by-law for the District Centre.

Staff also are exploring the opportunity to establish lay-by parking, together with center medians, high quality streetscaping and sidewalks, on Rutherford Road and Dufferin Street, in consultation with York Region.

Vaughan's OPA # 604 (Oak Ridges Moraine Conformity Plan – ORMCP)

All the uses proposed by the Tertiary Plan are permitted in the "Settlement Areas", subject to the provisions of the ORMCP.

Most of the District Centre (with the exception of portions of the Centre within Block 10 and 17) falls within the "Settlement Area" designation of OPA # 604 - the City's Official Plan establishing conformity with Provincial legislation. The purpose of the "Settlement Area" designation is to focus and contain urban growth on the less sensitive areas of the moraine, and to promote efficient use of land with transit-supportive densities through intensification and redevelopment within existing urban areas.

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Provincial legislation provides that where Planning Act applications were not filed prior to November 16, 2001, properties are subject to the Oak Ridges Moraine Conservation Plan. Within the District Centre, the southwest quadrant (Morelli), southeast quadrant (M. Baker), and a small portion of the northeast quadrant (Estate of Raffaella Disera), are subject to the ORMCP.

Region of York Official Plan

The Official Plan Amendment for the District Centre must conform to the goals, objectives, and policies of the Region of York Official Plan. The Regional OP promotes an urban structure based on a hierarchy of urban centres and corridors that are pedestrian-friendly and transit-supportive. The Regional Official Plan identifies regional centres, and provides for a hierarchy of urban and local centres that can act as a focus for public and private sector investment. Centres should include a broad mix of uses, be compact, pedestrian-oriented, safe, and accessible. Further, urban centres should comprise the highest density and mix of uses within urban areas (with the exception of Regional Centres). OPA #651 conforms with the provisions of the Regional Official Plan.

Ontario Municipal Board Appeal – G. Morelli Appeal

As a result of applications to rezone and develop the 8.5 acre property in the southwest quadrant of Dufferin and Rutherford Road, and a subsequent OMB referral, draft OPA #652 was prepared. OPA # 652 is consistent with the land use designations and policy framework in the Carrville District Centre Plan (OPA #651). The northerly portion of the site is designated by draft OPA #652 as "Mixed Use 1" and the southern edge of the site is designated "Medium Density Residential". The landowner proposed a supermarket and a mixed use, retail/office building in the northern portion and a townhouse development in the southerly part of the property, along Benjamin Hood Crescent.

On April 6, 2004, Council approved the Planning Staff's recommendation to endorse the draft Official Plan and draft Zoning By-laws for filing with the Ontario Municipal Board, subject to Council's approval of site plan and draft plan of subdivision applications and any required modifications to the Zoning By-laws as a result of such approvals.

At the Ontario Municipal Board Hearing of April 13, 2004, both the City's and proponent's solicitors requested that the OMB withhold the order with respect to the draft zoning by-law amendments until such time as the City has advised the OMB that a site plan application has been approved by Council, and any necessary revision to the draft by-laws have been made to reflect the approved site plan. To date, the landowner has not submitted a site development application.

Achieving The District Centre Vision

The Carrville District Centre is expected to evolve over a number of years before reaching maturity based on the Plan described by OPA #651. To achieve the City's planning objectives, however, implementation of a number of key elements of the Plan from the earliest stages of planning approvals is key to ensuring that it will have the opportunity to ultimately achieve Council's vision. These key elements include:

- the grid network of public roads and development blocks which establish the physical structure for development;
- a network of high quality open space, parks and streetscapes;
- medium and high density residential development to support the retail commercial uses and public transit services;
- mixed use development in the northwest quadrant, and on Main Street in particular, to foster the desired pedestrian shopping environment;

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- a major food store serving the Carrville community, and helping to attract other community-based retailers;
- a community library, together with private uses (retail, office, residential) in a prominent building which will help to make the District Centre a recognizable place with its own identity;
- provision for a public transit terminal and focus for local transit routes serving the Carrville community and connecting to other parts of Vaughan and the Rutherford Road GO Transit station.

Each of these key components is part of a comprehensive 'package' which together will enable the Carrville District Centre to become a successful urban environment where people will be eager to live and work, and in which Carrville residents can take pride as the heart of their community.

Relationship to Vaughan Vision 2007

This report is consistent with the priorities set by Council to encourage land use designations and urban form to support transit usage, and to strengthen the City's diversified economic base by promoting and attracting new retail, residential, and commercial development.

Conclusion

The revised Official Plan Amendment #651 (The Carrville District Centre Plan) has been developed through extensive consultation with the residents, landowners, City and Regional departments and agencies. OPA #651 includes modifications to address concerns expressed through the public consultation process, and in discussions with affected landowners.

This report describes the key components of the revised OPA #651, the tertiary plan for the Carrville District Centre, including the modifications introduced since the initial draft of the document. In Staff's view, the new plan now fully addresses the requirements of OPA #600 and conforms to the Regional Official Plan. Should Committee of the Whole concur, OPA #651 should be scheduled for a Public Hearing on March 6, 2006.

Attachments

1. Location Map
2. OPA #600, Schedule C - Carrville Urban Village 2
3. OPA #651, Schedule A - Carrville District Centre Plan
4. OPA #651, Schedule B - Carrville District Centre Plan-Permitted Heights
5. OPA #651, Schedule C - Carrville District Centre Plan-Roads Classifications
6. OPA #651, Schedule D - Carrville District Centre Plan-Block Sizes and FSI's
7. Carrville District Centre-Surrounding Neighbourhood Parks

Report prepared by:

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Paul Robinson, Senior Planner, Policy Planning/Urban Design, ext. 8410
Wayne McEachern, Manager of Policy Planning/Urban Design, ext. 8026

(A copy of the attachments referred to in the foregoing have been forwarded to each Member of Council and a copy thereof is also on file in the office of the City Clerk.)

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Item 2, Report No. 4, of the Committee of the Whole (Working Session), which was adopted without amendment by the Council of the City of Vaughan on February 13, 2006.

**2 REPORT OF THE ACTING FIRE CHIEF WITH RESPECT TO LEVEL OF EMS SERVICE
“10-IN-10” RESPONSE, STAFFING AND OTHER COMMENTS FROM MEMBERS OF COUNCIL
 REGARDING THE IER OPERATIONAL PROCESS ANALYSIS REPORT**

The Committee of the Whole (Working Session) recommends:

- 1) That the recommendation contained in the confidential report of the Acting Fire Chief, dated January 24, 2006, be approved; and**
- 2) That the Fire and Rescue Service Department consider a quarterly leaflet for the public, with respect to promoting, happenings and events.**

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Item 3, Report No. 4, of the Committee of the Whole (Working Session), which was adopted without amendment by the Council of the City of Vaughan on February 13, 2006.

3 INFRAGUIDE – THE NATIONAL GUIDE TO SUSTAINABLE MUNICIPAL INFRASTRUCTURE

The Committee of the Whole (Working Session) recommends:

- 1) That the recommendation contained in the following report of the Commissioner of Engineering and Public Works, dated January 24, 2006, be approved; and
- 2) That this resolution be forwarded to the TRCA.

Recommendation

The Commissioner of Engineering and Public Works recommends:

1. That the InfraGuide presentation by Staff be received; and
2. That the following resolution to endorse and adopt InfraGuide and the appropriate Best Practices developed under this protocol be adopted and forwarded to the Regional Municipality of York and The Federation of Canadian Municipalities;

WHEREAS the Corporation of the City of Vaughan spends \$60 million annually on the maintenance, rehabilitation and reconstruction of its water, storm, wastewater and road system infrastructure and;

WHEREAS the National Guide to Sustainable Municipal Infrastructure (InfraGuide) gathers and documents best practices that reflect proven approaches to build sustainable infrastructure for Canadians in those asset classes and;

WHEREAS the Federation of Canadian Municipalities has partnered with the National Research Council of Canada to develop InfraGuide with support from Government of Canada and;

WHEREAS application of such best practices will assist communities across Canada to realize the maximum return on every dollar invested in infrastructure while being mindful of the social and environmental implications of their decisions;

WHEREAS the Corporation of the City of Vaughan strives to be a leader in ensuring the quality of life of its citizens through appropriate short and long-term sustainable infrastructure investment decisions;

THEREFORE BE IT RESOLVED THAT the Corporation of the City of Vaughan is committed to the adoption and use of the appropriate best practices developed by InfraGuide and;

BE IT FURTHER RESOLVED THAT the Corporation of the City of Vaughan requests that the Regional Municipality of York and the Federation of Canadian Municipalities share this motion with their member Municipalities and the Federal and Provincial Governments to encourage ongoing commitment and support for InfraGuide.

Economic Impact

There is no marginal economic impact to the City of Vaughan as the necessary resources are allocated and approved annually as part of the Capital and Operating Budgets.

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Purpose

To seek Council's endorsement of the national InfraGuide program.

Background - Analysis and Options

The 'National Guide to Sustainable Municipal Infrastructure' (InfraGuide) was created in 2001 when Infrastructure Canada, the Federation of Canadian Municipalities and the National Research Council came together with the Canadian Public Works Association to help solve the growing infrastructure deficit in Canada. Since then other organizations and municipal governments have endorsed InfraGuide.

As Council is aware Engineering has been working with Finance in the development of a long range financial plan. Understanding the value and status of the municipal infrastructure that the City has is critical input into this long range financial plan. The national InfraGuide program and the best practices which have been developed will be very useful in supporting our work in this area.

InfraGuide gathers, documents and creates Best Practices (BPs) that support and encourage Canadian municipalities to use proven approaches to deliver sustainable civil infrastructure to their communities.

InfraGuide covers both the decision-making and investment planning areas as well as technical solutions to infrastructure construction, operation and maintenance. The scope of the documents set includes the areas of environmental protocols, potable water, storm and wastewater and municipal roads.

Leadership and direction is provided by a Governing Council composed of 22 members representing a broad regional mix and a combination of affiliation and expertise across the country. Council members include academics, consulting engineers, members of industry associations, local politicians, contractors, municipal staff, industry research staff and the general public. National working groups with expertise in the subject areas develop each specific best practice document under the technical committees' direction. Currently, over 300 volunteers are actively involved in the development of best practices through the working groups and technical committees. These volunteers include an impressive collection of technical expertise representing all regions and a range of community sizes across Canada.

Five technical committees have been established to develop best practices in the areas of:

- Decision Making and Investment Planning with 9 best practice publications
- Potable Water with 10 best practice publications
- Storm and Wastewater with 13 best practice publications
- Roads and Sidewalks with 11 best practice publications
- Environmental Protocols with 4 best practice publications
- Multi-Discipline with 2 best practice publications
- Transit with 2 best practice publications

The subject listing is illustrated under Attachment No. 1.

Best practice topics and priorities have been identified through extensive stakeholder discussions followed by national scans to identify current practices. A national peer/stakeholder review period is included in the development of each best practice prior to final publication.

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In addition, InfraGuide has developed networks at local levels across the country by the establishment of service contracts with reputable organizations and individuals from each region to provide liaison in disseminating information and obtaining feedback from the local level on the InfraGuide products and activities as well as local infrastructure priorities.

The Federation of Canadian Municipalities (FCM) is leading this unique project in partnership with the National Research Council (NRC). By March 2005, at the completion of Phase I and II of this project, total expenditures will exceed 20 million dollars with 12.5 million provided through Infrastructure Canada program funding and the remainder through NRC and other in-kind contributions.

There are a number of best practices published and available for free distribution to Canadian municipalities. They are available through the InfraGuide website found at the following internet address: www.infraguide.gc.ca. Other topics are currently at various stages of development.

The City of Vaughan currently owns and operates extensive civil infrastructure covered in the scope of InfraGuide. InfraGuide is a unique opportunity for all infrastructure providers to share information on a national basis that enables infrastructure to be delivered more cost effectively while respecting the social and environmental needs of the community.

Broad support for this initiative has been demonstrated across Canada through the extensive volunteer involvement of national associations, academics, contractors, consultants and practitioners and endorsement to date by 85 municipalities and 34 organizations (Attachment No.2).

The InfraGuide's process provides a unique opportunity for the City of Vaughan to continue to, learn, from and share with other Canadian communities. Formal recognition of (national) best practices by the City of Vaughan will provide a nationally endorsed framework within which local infrastructure decisions can be made that will support long-term sustainable civil infrastructure for the City.

The video presentation is meant to be an introduction to InfraGuide and primer for Council and Senior Management in understanding the methodology and approach used in various Engineering and Public Works undertakings.

The Engineering and Public Works Department uses the Best Practices as a framework for our departmental and section business plans. This will become more evident within the Infrastructure Management Services Section through current and future projects directly aligned with Vaughan Vision 2007's Corporate Objectives such as:

- Historical Infrastructure Records Management System (HIRMS)
- Pavement Management System
- Municipal Structures Inventory and Assessment
- Piped Infrastructure Dataset Digitizing/Mapping and Data Capture

The adoption of nationally recognized best practices supports cost effective decision making that respect the social, economic and environmental constraints and needs of the City of Vaughan. Through endorsement by resolution of InfraGuide's Best Practices, Council and Staff are demonstrating leadership in service delivery excellence.

Relationship to Vaughan Vision 2007

This report is consistent with the priorities previously set by Council and the necessary resources have been allocated and approved.

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Service Delivery Excellence

We are able to develop and establish service level standards that are sustainable and provide effective and efficient delivery of service.

Manage our Resources

The City has a significant investment in infrastructure that requires a process and a plan to ensure that its repair and eventual replacement is properly managed.

Corporate Leadership

We are able to strengthen relationships with other government authorities and agencies.

Communications and Public Relations

Through endorsement of the InfraGuide Best Practices, we strengthen Corporate Image and identity.

Conclusion

There is no cost to the City of Vaughan in the adoption of the National Guide to Sustainable Municipal Infrastructure (InfraGuide). Through endorsement of InfraGuide's Best Practices, the City of Vaughan is demonstrating leadership in service delivery excellence. This guide and the associated practices supports and is consistent with the work that is involved in developing the City's long range financial plan and other corporate policies and initiatives.

Attachments

1. List of InfraGuide Best Practices Published Documents.
2. List of Municipalities and Organizations that have officially endorsed InfraGuide at their Council or Board Meeting.

Report prepared by:

Denny S. Boskovski C.E.T., Infrastructure Management Systems Supervisor, ext. 3105

DSB/mc

(A copy of the attachments referred to in the foregoing have been forwarded to each Member of Council and a copy thereof is also on file in the office of the City Clerk.)

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4

**OFFICIAL PLAN AMENDMENT 610
ZONING BY-LAW AMENDMENT FILE Z.03.005
REGIONAL ROAD 27 VALLEY CORRIDOR STUDY
GENERAL PLANNING FILE 6.14
REPORT #P.2003.18**

The Committee of the Whole (Working Session) recommends:

- 1) That the recommendation contained in the following report of the Commissioner of Planning, dated January 24, 2006, be approved; and
- 2) That staff consider the buffer zones at the time of the OPA 600 update.

Recommendation

The Commissioner of Planning recommends:

THAT all future official plan amendments, require that a minimum 10m ecological buffer, outside of the development lot or block, adjoining a valley and stream corridor, be provided as a part of the public open space system.

Economic Impact

There is no economic impact associated with this report.

Purpose

On February 23, 2004, Council passed the following resolution:

“That staff be directed to provide a report to a future Committee of the Whole (Working Session) meeting, addressing increased set-backs beyond Toronto and Region Conservation Authority top-of-bank requirements to better protect natural areas.”

In order to address the direction provided by Council, the following report is provided which details the Toronto and Region Conservation Authority’s (TRCAs) setback requirements and the corresponding City Official Plan policies with regard to valley and stream corridor protection.

Background

Buffers and Setbacks

Buffers, in this case, meaning ecological buffers, refers to the area of land occurring on the tableland in between a natural feature and development, where development does not occur. They are areas which are permanently vegetated, or re-vegetated post development, that protect natural features from impacts of adjacent development or site alteration. The goal of a buffer is to maximize the long term health of the adjacent natural areas.

The buffer area is typically used during development, if necessary, for meeting the grade requirements of the development block, and after development, is maintained in a natural state, consistent with the adjacent natural area, in order to mitigate the impacts associated with the ongoing use of a developed site.

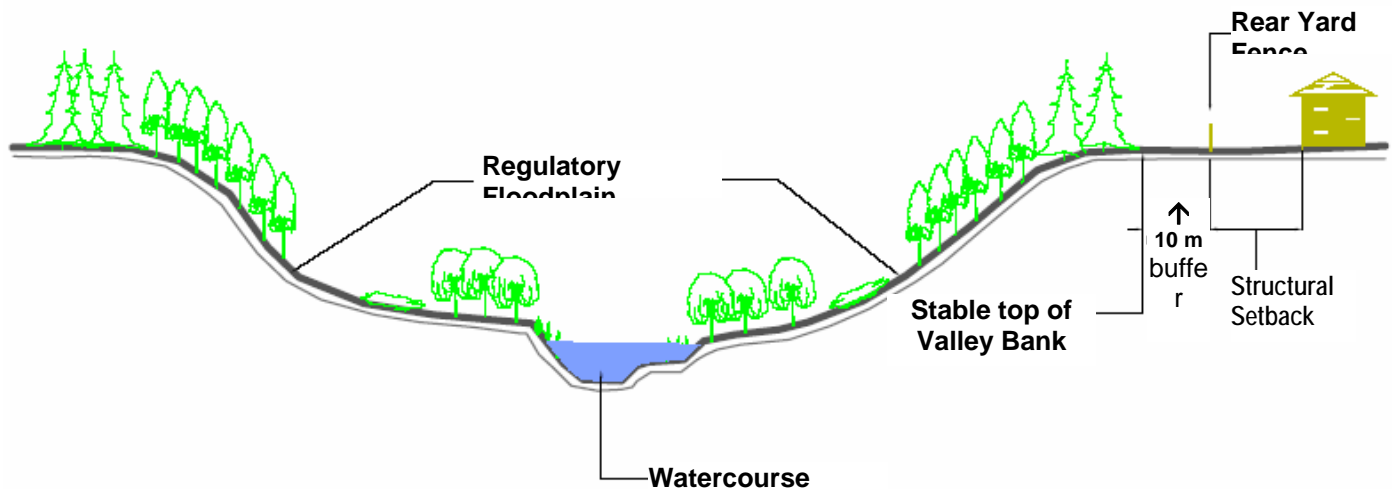
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Buffers also assist in the long-term protection and management of natural areas by providing a variety of ecological functions. By separating ecologically sensitive natural areas and development, they lessen the impact of human activities on wildlife and ecological systems. In urban settings, buffers reduce the impact of human encroachment and the resulting impacts of garbage dumping, vegetation trampling, noise, and the visual impact of development. Buffers along valley and stream corridors slow surface water runoff, reduce erosion, stabilize valley slopes, and protect water quality by filtering nutrients and pollutants and trapping sediment.

A buffer differs from a building setback, as defined in the zoning by-law. The terms setbacks and buffers, in the context of natural heritage protection, are often confused as the terms have been mistakenly used interchangeably. Setbacks refers specifically to a term used in zoning which refers to the distance between a structure and another regulated point such as a lot line or a zone boundary. Setbacks are within a development lot or block, whereas typically, to be a true ecological buffer, buffers usually remain within the open space block containing a natural feature.

Both buffers and setbacks are utilized in the development process, and are illustrated below:



Provincial Policy Statement

The Provincial Policy Statement (PPS) provides natural heritage protection to features which meet the Provincial definition of significance. The PPS provides that development and site alteration shall not be permitted in “significant valleylands” south and east of the Canadian Shield unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions. Significant valleylands are defined as ecologically important in terms of functions, representation or amount, and contributing to the general quality and diversity of an identifiable geographic area or natural heritage system.

Although the PPS doesn’t exclusively dictate buffers and setbacks from significant valleylands, it does not preclude the local municipalities from adopting approaches which meet natural heritage protection objectives.

As the TRCAs mandate, through the *Conservation Authorities Act*, includes natural heritage protection and the TRCA specifically regulates development and construction within valleylands, their policy requirements and technical expertise on valleyland protection is utilized through the planning process.

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TRCAs Valley and Stream Corridor Management Program

In 1994, the TRCA adopted their “Valley and Stream Corridor Management Program” (VSCMP) which summarizes their policies on the protection and rehabilitation of valley and stream corridors within their jurisdiction.

VSCMP defines the boundaries of a valley and/or stream corridor as follows:

- If the valley slope is stable, a minimum of 10m inland from the physical top of the valley bank; or
- If the valley slope is not stable, a minimum of 10m inland from the predicted long term stable slope line, based on an approved geotechnical report; or
- Where applicable, a minimum of 10m inland from the regulatory floodplain or the predicted meander belt of the watercourse, where there is no floodplain; and
- Where significant vegetation is within or immediately adjacent to a valley or stream corridor, the corridor boundary is extended to include the vegetation, and a minimum of 10m inland.

The above requires a 10m buffer to be provided from the greater extent of the stable top of bank; regulatory floodplain; or vegetation contiguous to a valley. These define the limits of a valley or stream corridor and include the ecological buffer as a part of the valleylands.

City Official Plan Policies

In the various Official Plans throughout the communities of Vaughan, the limits of Valley and Stream Corridors are treated differently, based on the policy context in place at the time of Official Plan approval.

OPAs 210 (Thornhill Community Plan), 240 (Woodbridge Community Plan), 332 (Maple North), and 350 (Maple Community Plan) all contain general policies with regard to valleyland protection, with no mention of development buffers. The following policy is included in these Official Plans:

The valley lands shall include the slopes, valley and floodplain lands of the East Don River and its tributaries as determined by the Toronto and Region Conservation Authority and the Ministry of Natural Resources. The precise limits of these lands will be determined in conjunction with the Authority in considering development proposals. Where detailed engineering has not been prepared, the proponent may be required to carry out studies to determine the extent and severity of the hazard. The dedication of valleylands to the Toronto and Region Conservation Authority shall be encouraged as a condition of subdivision approval.*

(*or other relevant watershed as indicated in the various Official Plans.)

OPAs 400 (since superseded by OPA 600), 450 (Employment Area Plan), 500 (Corporate Centre Plan), and 600 were written with more specific policies with regard to delineation of valley and stream corridors. OPAs 400, 450, 500, and 600 were written and approved post-1994, and therefore reflect the policies and intent of the TRCAs Valley and Stream Corridor Management Program.

OPA 600, Section 5.9 provides an example of the policy wording relating to valley and stream corridors. Section 5.9 requires that valley and stream corridors be established to the satisfaction of the City and the TRCA through the application of the policies contained in the Official Plan which are reflective of the TRCAs Valley and Stream Corridor Management Program, effectively providing for a 10m buffer from the top of bank to be included within the valley limits as follows:

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“If a valley slope is stable, generally 10 metres inland from the top of the valley bank. If the valley slope is not stable, generally 10 metres inland from the predicted long term stable slope projected from the existing stable/stabilized base of slope, or from the predicted location of the base of the slope shifted as a result of stream erosion over a 100 year period. The extent and treatment of the land beyond the stable slope shall be determined, based on technical studies, to ensure the long term maintenance of the valley functions.”

When OPA 600 was approved with the above noted policy, the landowners in Blocks 11, 12, 18 and 33W appealed this policy. The appeals were settled through a tiered approach to buffers which requires an assessment of the adjacent feature to determine ecological sensitivity of the feature. Buffers ranging from 2.5m, 5m, and 10m, have been assigned to low, moderate, and high ecologically sensitive features respectively.

Further, OPA 600 states that:

“To ensure the long term protection of the valley and stream functions, any buffer requirements inland from the stable top of bank or the regulatory floodplain are encouraged to be included within the open space blocks set aside for protection. However where feasible on the basis of technical studies, a buffer may be accommodated through an increased setback requirement. At a minimum, building and structures, including underground structures and paved surfaces shall be 10 metres from the stable top of bank or the regulatory floodplain. The lands increased setback shall be zoned to prohibit principal buildings and structures.”

This policy allows for the flexibility of the application of a 10 metre buffer to be included within the building lot as an increased setback, rather than a true ecological buffer within the valley corridor limits. It is this policy which permits the variability for the application of a range of buffers within the valley as a buffer, or within the private lot, as a structural setback. As a structural setback, the ecological benefits of a buffer are not realized, and the negative impacts associated with development directly abutting a valley corridor, which have been described above, are exacerbated.

OPA 601 (Kleinburg-Nashville Community Plan) contains stronger policies with regard to valley and stream corridors as follows:

“If the valley slope is stable, a minimum buffer of 10 metres shall be established from the top of the valley bank where development is not permitted. If the valley slope is not stable, a minimum buffer shall be established at a point 10 metres inland from the predicted long term stable slope projected from the existing stable/stabilized base of the slope, or from the predicted location of the base of the slope shifted as a result of stream erosion over a 100 year period. Detailed technical studies (i.e. geotechnical) shall be prepared by the proponent to the satisfaction of the City and TRCA.”

OPA 601 also permits that the 10m buffer may be included within the development area, however, as the densities are lower in Kleinburg/Nashville, and the lots are much larger, the Official Plan requires that if the buffer is to be included within the development area, it must be zoned as private open space, or that other appropriate control mechanisms are implemented prohibiting principal buildings or structures.

Oak Ridges Moraine Conservation Plan

OPA 604, the City's Oak Ridges Moraine Conformity Official Plan Amendment established a more stringent requirement for valleyland protection and buffers, which are called "Minimum Vegetative Protection Zones". Within the Natural Core Area and the Natural Linkage Area of the

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Oak Ridges Moraine, the minimum vegetative protection zones are 30m from significant valleylands.

Greenbelt Plan

Similar to the Oak Ridges Moraine Conservation Plan, the Greenbelt Plan requires, within the Natural Heritage System of the Protected Countryside, that a 30m buffer (referred to as Minimum Vegetative Protection Zones) apply to all wetlands, seepage areas and springs, fish habitat, permanent and intermittent streams, lakes and significant woodlands. The Greenbelt Plan policies apply to the designated Protected Countryside which predominantly occurs within the City's rural/agricultural areas.

Analysis and Options

Ecological buffers are important components of watershed management and natural feature protection. They allow for the negative impacts associated with development directly abutting a natural feature to be mitigated by focusing negative impacts within the buffer area, rather than within the natural feature.

As detailed above, the various Official Plans within the City contain a variety of policies which provide for the protection of valley and stream corridor. In practice, the official plan policies protecting valley and stream corridor, although are similar, are not being implemented consistently across the City, or even throughout approved official plans. In implementation, achieving a standard of a 10m ecological buffer in all developments is difficult. As indicated above, the Official Plan policies are flexible to allow for the 10m buffer to be included as a structural setback within a development block rather than as an ecological buffer within the valley limits. Ecological goals are often at odds with development pressures, where achieving maximum densities and net developable areas is a key priority in the development industry. This creates a situation where pressure for more developable area is pitted against the long term ecological goal of natural heritage protection. Confining valley and stream corridors to tighter corridors is less than ideal and ultimately confines the land within which natural systems exists, exacerbating negative impacts of development in close proximity to natural areas.

The flexibility within the Official Plan policies means that the policy requirements within the TRCAs Valley and Stream Corridor are not being implemented consistently. These policies exist currently within approved official plans, and the lands designated by the official plans will be subject to these policies until the next official plan updates. The Vaughan Development Planning Department and the TRCA work to maintain a consistent and fair application of the Official Plan policies, while attempting to achieve maximum ecological protection. Often, the buffers applied to a particular development are a result of a combination of technical studies (geotechnical reports, flood studies and Environmental Impact Studies), and a negotiated agreement. Stronger Official Plan policies would result in a more consistent level of protection.

Policy trends in natural heritage protection are evolving, as indicated within the *Greenbelt Plan*, and the *Oak Ridges Moraine Conservation Plan*, and ecological buffers are widening to greater than 10 metres. Should Council wish to adopt a more prescriptive and consistent position on valleyland protection, than is currently within the City's approved Official Plans, it is recommended that the resolution contained in this report be adopted to ensure that all future Official Plans are approved with a minimum 10m ecological buffer outside of the development area.

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Woodbridge Expansion Area

Within the Woodbridge Expansion Area, the lands backing onto the Humber River valley were approved with a 10m structural setback, established from the top of bank, and not an ecological buffer, with the exception of one site, where geotechnical concerns resulted in additional lands being provided as a buffer outside of the residential lots (see Attachment #1).

With the application of the policy suggested in this report, a 10m ecological buffer would have been provided in addition to the structural setback required in the zoning by-law (typically 7.5m). This would have resulted in a total distance of 17.5m from the top-of-bank to the residential structure, which would have assisted in both mitigating the visual impact of the structures along the top of the valley, and in the long term ecological management of the valley corridor.

There is currently a planning process being undertaken by the Parks Development Department to address the landscape treatment and long term plans for the adjacent City-owned lands. These plans will include additional plantings which would assist in mitigating the visual impacts of the residences along the top of the valley.

Relationship to Vaughan Vision 2007

This report is consistent with Vaughan Vision 2007 'A3' with respect to safeguarding our environment by preserving, protecting and enhancing environmental stewardship through responsible leadership and innovative policies, and practices.

Conclusion

Further to the Council resolution requesting a report addressing increased setbacks beyond Toronto and Region Conservation Authority top of bank requirements to better protect natural areas, this report is provided which details the TRCAs requirements, and the corresponding City Official Plan policies regarding delineating and protecting valley and stream corridors. Although reflective of the TRCAs Valley and Stream Corridor Management Program, the City's various Official Plan policies have flexibility in implementation, and in practice are being implemented through a combination of ecological buffers and structural setbacks, which does not provide maximum long term ecological protection to valley and stream corridors. In effect, the official plan policies, do not strictly implement the TRCAs Valley and Stream Corridor Management Program's requirement for a 10m ecological buffer.

Should Council wish to adopt a more aggressive and consistent position on valleyland protection, than is currently within the City's approved Official Plans, the recommendation contained in this report shall be adopted to ensure that all future Official Plans are approved with a minimum 10m ecological buffer outside of the development area.

Attachments

1. Woodbridge Expansion Area Valley Edge

Report prepared by:

Karen Antonio-Hadcock, Senior Planner, Environmental, ext. 8630
Grant Uyeyama, Manager of Development Planning, ext. 8635

/CM

(A copy of the attachments referred to in the foregoing have been forwarded to each Member of Council and a copy thereof is also on file in the office of the City Clerk.)

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Item 5, Report No. 4, of the Committee of the Whole (Working Session), which was adopted without amendment by the Council of the City of Vaughan on February 13, 2006.

5 BROWNFIELD INCENTIVE PROGRAM FEASIBILITY STUDY GENERAL FILE 22.21

The Committee of the Whole (Working Session) recommends that this matter be referred to the Committee of the Whole (Working Session) meeting of February 14, 2006.

Recommendation

The Commissioner of Planning recommends:

1. THAT the following report and presentation by staff BE RECEIVED for information;
2. THAT while there are industrial areas throughout the City which may be in need of improvement, it is not necessary at this time to proceed with the preparation of Brownfield Community Improvement Plans throughout the City, as the industrial areas in Vaughan have active industrial uses, which do not qualify as "brownfields";
3. THAT in recognition that there are potential redevelopment areas within the City, that include older industrial areas such as the Kipling Avenue Corridor in Woodbridge; the Nashville Core Area; and the Keele Street Corridor between McNaughton Road and Teston Road in Maple, their redevelopment potential should be examined in conjunction with the comprehensive review of the Official Plan, or through an individual planning study as may be directed by Council;
4. THAT the Keele Street Corridor in Maple be examined for its potential inclusion within the Maple Streetscape implementation area in order to achieve a higher level of streetscape and landscape treatment to mitigate the interface of the residential and institutional uses on the east side of Keele Street, with the industrial uses on the west side.

Economic Impact

Should Council opt to proceed with the preparation of a Brownfield Community Improvement Project Area and Community Improvement Plan with Financial Incentives for redevelopment, there will be an economic impact.

Proceeding with a full Community Improvement Planning Process will require consultants be retained to undertake the study, as this could not be undertaken within the existing staff complement. A terms of reference will have to be drafted, and a budget prepared for Council approval. As this study has not been included in the 2006 budget request, should Council wish to proceed, direction on budget considerations will be required.

Purpose

On April 11, 2005 Council passed the following resolution:

"That the Planning Department, in conjunction with other appropriate departments, provide a feasibility report to a Committee of the Whole (Working Session) meeting by November 2005:

- identifying possible Brownfields Improvement/Rehabilitation areas within the City of Vaughan including, but not restricted to, Woodbridge Core, Keele Street between Major Mackenzie Drive and Teston Road, Nashville Road, and the Jane Street/Highway 7 area, .../2

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- identifying which of these areas could be designated as Community Improvement Plan (CIP),
- identifying any available programs that would provide funding for rehabilitation, such as tax incentives under section 365.1 of the Municipal Act, 2001, and any other program of financial assistance,
- outlining the obligations of the landowner in the Brownfield Financial Tax Incentive Program,
- outlining the financial and environmental benefits/disadvantages of the program, and
- outlining the benefits/disadvantages of participation in the program by the Regional Municipality of York.”

The following report is submitted in response to the above noted resolution. A feasibility study was conducted by Development Planning Department staff in consultation with Finance, Economic Development, and Tax departments. The feasibility study examines the legislative process in designating a Community Improvement Project Area and implementing a Community Improvement Plan; details and provides comments on the feasibility of implementing the variety of financial tools available through the *Municipal Act*, *Planning Act* and through the Ministry of Finance; and finally examines the industrial uses in Vaughan and the appropriateness of designating areas within the City as Community Improvement Project Areas.

Background - Analysis and Options

1.0 Brownfields

Brownfields are the legacy of a century of industrialization in Canada. They are abandoned, idle, or underutilized commercial or industrial properties where past actions have caused known or suspected environmental contamination, but where there is an active potential for redevelopment. Brownfields include decommissioned refineries, former railway yards, old waterfronts and riverbanks, crumbling warehouses, abandoned gas stations, former drycleaners and other commercial properties where toxic substances may have been stored.

Brownfields are lands on which industrial or commercial activity took place in the past but are no longer in use and may include buildings which are vacant; they may be underutilized or abandoned; they may or may not be contaminated as a result of past activities; and are often located in prime locations where infrastructure, services, and facilities already exist. These properties are often situated in desirable locations in the heart of downtowns, adjacent to harbourfronts, downtowns, along railway lines, etc.

Toronto and Hamilton, which have the largest number of vacant industrial sites in Ontario, estimate that 10 to 15 per cent of these sites are brownfields. Whether brownfield properties once supported warehouses, steel foundries, textile mills, commercial buildings, automotive or rail repair shops, they represent lost property tax revenue and employment opportunities if left alone. In Ontario, vacant properties are assessed at significantly lower rates than occupied ones. Left alone, brownfield properties reduce the local assessment base.

Bringing brownfield sites back into productive use because of the high costs of remediation, uncertainty about the level of contamination at many sites and environmental liability issues becomes quite difficult. Left as they are, brownfields can harm the local economy and pose threats to human health and environmental quality. Redeveloped and returned to productive use, they can generate significant economic, environmental and social benefits. Policy and legislative trends both federally and provincially, demonstrate a commitment to encourage the clean up and

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reuse of brownfield sites. This comes from a growing understanding of the importance of brownfields to the future of growth and economic viability of communities and the public benefits that can be realized through brownfield redevelopment.

A number of tools can be provided within a Community Improvement Plan in order to encourage and provide the necessary incentives for the redevelopment of Brownfield sites. The rationale for providing incentives for brownfield redevelopment is to “level the playing field” between greenfield and brownfield development.

2.0 Policy Context for Brownfield Incentive Programs/Community Improvement

Brownfield redevelopment has garnered significant attention on the Federal and Provincial policy agendas. In the past 4 years significant progress has been made in the area of brownfield policy which has provided some key guidance and subsequent legislation in the area of brownfield redevelopment.

2.1 National Roundtable on the Environment and Economy

In 2001, the Government of Canada mandated the National Round Table on the Environment and the Economy (NRTEE) to prepare a National Brownfield Redevelopment Strategy. The Strategy, entitled: Cleaning up the Past, Building the Future, was completed in 2003. At the heart of the NRTEE's strategy is a commitment to improve the quality of economic and environmental policy development by providing decision makers with the foundation of a Brownfield Strategy for Canada. With the publication of this document, brownfield redevelopment issues were given national attention.

The national brownfield redevelopment strategy seeks to put in place the essential building blocks of a coordinated, comprehensive national approach to cleaning up and redeveloping brownfields in Canada; build on recent initiatives in several Provinces and municipalities to promote brownfield redevelopment across the country as a practical tool for sustainable development; engage the full spectrum of public, private and community interest involved in community development; address the priority challenges to brownfield redevelopment through a mix of policy instruments targeted at specific market failures; and focus efforts on the “middle tier” of brownfields, where strategic public sector initiatives are needed to achieve redevelopment.

2.2 Brownfield Statute Law Amendment Act, 2001

Developed by the ministries of Municipal Affairs and Housing, Environment and Energy and Finance, the *Brownfield Statute Law Amendment Act, 2001* (Bill 56), which came into effect, in part, in 2003, is intended to encourage the remediation and redevelopment of brownfield properties. It does so by clarifying environmental liability and providing municipalities with more flexibility in planning and financing. This Act provides the legislative basis for dealing with brownfield sites in Ontario.

The legislation includes provisions related for:

- i. Contaminated site assessments, clean-up standards and site certification;
- ii. Limited protection from MOE Director's Orders; for owners, secured creditors, municipalities and their representatives including some consultants;
- iii. Limited relief where properties are acquired due to tax arrears; and
- iv. The making of loans or grants, or the granting of planning and building fee exemptions and tax assistance, for the purpose of carrying out Community Improvement Plans. The total of the grants, fee exemptions and loans made in respect of property and the tax assistance provided to the property cannot exceed the cost of rehabilitating the property.

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The *Brownfield Statute Law Amendment Act* amended the *Education Act*, *Environmental Protection Act*, *Municipal Act*, *Municipal Tax Sales Act*, *Ontario Water Resources Act*, *Pesticides Act*, *Planning Act* in order to implement these changes.

The new legislation clarifies and limits environmental liability, providing certainty to stakeholders involved in brownfields redevelopment. It puts checks and balances in place to ensure that brownfields are properly assessed for contamination and cleaned up prior to redevelopment. These checks and balances are there to protect human health and the environment. Legislation provides for the following:

- a) Site assessment and clean-up standards;
- b) Limited liability protection from environmental orders for municipalities, secured creditors, receivers, trustees in bankruptcy, fiduciaries and property investigators;
- c) Limited protection from environmental orders for owners who follow the prescribed site assessment procedures and file a record-of-site condition stating that a site meets the appropriate standards; and
- d) Quality assurance through mandatory use of certified site-cleanup professionals, mandatory filing of a record-of-site condition to a publicly accessible environmental site registry, acceptance of risk assessments by the Ministry of Environment and Energy and an enhanced auditing process.

The legislation changes the community improvement provisions aimed at maintaining, remediating, rehabilitating and developing the existing physical environment to accommodate social, economic and environmental activities. Key changes were made to facilitate and speed up redevelopment projects, including brownfields. The legislation allows municipalities greater flexibility in designating community improvement project areas and in preparing community-improvement plans to facilitate the cleanup and redevelopment of individual and scattered brownfield properties. It speeds up planning processes by eliminating the need for Minister's approval of community-improvement plans that do not involve financing incentive programs; allows municipalities to provide grants and loans to owners and tenants of brownfield properties to assist with the cost of cleanup; and expands the definition of community-improvement project area to include not just physical reasons for improvement but also environmental, social and economic development reasons.

2.3 Provincial Policy Statement:

The Provincial Policy Statement, 2005 contains numerous policies which support and encourage the redevelopment of brownfield areas. The PPS defines a brownfield site as "undeveloped or previously developed properties that may be contaminated. They are usually, but not exclusively, former industrial or commercial properties that may be underutilized, derelict, or vacant."

The 2005 Provincial Policy Statement (1.1.3.3) also states that "Planning authorities shall identify and promote opportunities for *intensification* and *redevelopment* where this can be accommodated taking into account existing building stock or areas, including ***brownfield sites***, and the availability of suitable existing or planned *infrastructure* and *public service facilities* required to accommodate projected needs." Brownfield redevelopment can provide the City with opportunities to achieve the intensification requirements of the PPS. Intensification and redevelopment policies within the PPS are intimately tied to the redevelopment and reuse of brownfield sites.

In addition to achieving intensification objectives, the PPS (1.7.1) recognizes that long term economic prosperity is also tied to promoting the redevelopment of ***brownfield sites***.

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2.4 Places to Grow

Places to Grow (draft, February 2005), the Greater Golden Horseshoe Growth Plan contains draft policies which are designed to ensure that growth occurs within existing urban areas in a coordinated way, and encourages achieving this growth away from Greenfield areas, and into existing urban areas including brownfield sites, where growth can take advantage of existing, and potentially underutilized infrastructure.

3.0 Community Improvement Plans

Community Improvement Plans (CIPs) are municipal strategic plans, which complement Official Plans, to target areas in transition or in need of further strategic planning involving partnerships with the private sector and community groups and that stimulate community improvement activities including making assistance programs available to achieve strategic goals.

Community Improvement Project Areas are defined in Community Improvement Plans as an area within the municipality where, in the opinion of Council, it is desirable because of age, dilapidation, overcrowding, faulty arrangement, unsuitability of buildings for any other environmental, social, or community economic development reasons to provide financial or other incentives to encourage redevelopment within a Community Improvement Project Area.

Community Improvement Plans for the purpose of brownfield redevelopment are the policy expression of a community's plans to facilitate brownfield redevelopment, and they are the mechanism by which a municipality can provide brownfield financial incentive programs.

Community Improvement Planning and brownfield redevelopment can allow the municipality to achieve strategic objectives and assist in transforming an area which needs the financial incentives to level the playing field between brownfield and greenfield development. Coupled with other policy objectives such as meeting intensification targets, and encouraging Green Buildings, the City can achieve official plan redevelopment objectives which may not otherwise be realized without the public-private partnerships within a Community Improvement Plan.

There are several municipalities across the Province who have developed Community Improvement Plans to deal specifically with the redevelopment of brownfield sites. Hamilton's ERASE program is among the most notable in the Province, with over 3400 acres within the Community Improvement Project area. The areas subject to this program are centred around Hamilton Harbour and inland along CN rail line. The program contains grants for redevelopment which cover the costs of environmental remediation and environmental studies, demolition and site preparation; environmental study grants for Phase II and/or Phase III Environmental Site Assessments to a maximum of \$10, 000; and a Planning and Development Fees program which is a grant-in-lieu of all planning and some building fees.

Kingston has a CIP which was approved in February 2005 which defines two Community Improvement Project Areas which are focused around the lands along the Great Cataraqui River, in the downtown core where the majority of the historic industrial activity in Kingston occurred. This area was the hub of industrial activity where heavy industry located as a result of the historic shipment of goods by rail and water up to the 1960s. Since that time, many properties in the area have been redeveloped and the rail lines have been removed. Kingston's CIP contains similar financial incentives to Hamilton, however, provides an interesting example of promoting LEEDs (Leadership in Energy and Environmental Design) standards in their redevelopment projects.

There are several other communities across the Province with similar programs including Sarnia, Cambridge, Kitchener, Brantford, Guelph, Niagara Falls, Windsor, and Oshawa. The core similarity between all of these plans is the revitalization of areas within each municipalities where their industrial heritage has left key areas abandoned and derelict. The economic viability of these

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communities in generally dependent on brownfield redevelopment occurring.

4.0 Community Improvement Planning Process

Community Improvement Plans are governed by Section 28 of the *Planning Act*, which establishes the process for designating Community Improvement Project Areas. The summary of Section 28 of the *Planning Act* is as follows:

- i. There must be an Official Plan in place which has general policies permitting the establishment of Community Improvement Project Areas and Community Improvement Plan. The official plan amendment is subject to the same statutory requirements of the *Planning Act* as all OPAs, including public notice, public meetings and appeal mechanisms.
- ii. Where there is such an official plan in place, Council may designate by by-law the whole or any part of the area covered by the Official Plan as a “Community Improvement Project Area.”
- iii. For the lands designated within the above by-law, Council may pass a Community Improvement Plan which utilizes the authority to exercise financial incentives provided by subsection 28(6) and (7) of the *Planning Act* or 365.1 of the *Municipal Act*.
- iv. The Minister of Municipal Affairs and Housing is the approval authority for all Community Improvement Plans offering financial incentives.

The City’s official plans have been reviewed, and there is no provision currently for Community Improvement Plans in any of the Official Plans. However, the draft Official Plan Amendment associated with the Highway 7 and Jane 7 Employment Area studies contain policies to that effect. An amendment will be required to proceed to the Community Improvement Phase. Statutory Public Hearings, and all other legislative requirements would also be required.

The Region of York’s Official Plan currently does not have provisions for Community Improvement, and an amendment to the Region’s Official Plan may also be required to provide a general statement permitting CIPs. This has been discussed with Planning staff at the Region, and preliminarily, they are recommending that should Vaughan wish to proceed, that a request be made to amend the Region’s Official Plan. Guidance from the Ministry of Municipal Affairs and Housing is being sought with regards to the requirement of a Regional Amendment.

The City has the option of adopting a City-wide Official Plan Amendment which could be worded generally to permit the designation of Community Improvement Project Areas and Community Improvement Plans across the City. The City’s Official Plan Amendment process would be subject to appeals and Regional approval.

Similar to the Official Plan Amendment process, the CIP process requirements of Section 28 of the *Planning Act* requires Council authorization, holding statutory public meetings, and appeals to the OMB.

Once a Community Improvement Plan (CIP) has been passed by Council, the CIP is subject to approval by the Ministry of Municipal Affairs and Housing.

5.0 Financial Incentives

Financial incentives for brownfield redevelopment projects are intended to level the playing field between brownfield and greenfield development. Therefore, only the costs associated with remediating a property are eligible for financial incentives. This requirement is legislated by the *Planning Act*, and the *Municipal Act* and the City can ensure this by establishing criteria for

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qualifying for financial incentives within the Community Improvement Project Area. Bill 51, the *Planning and Conservation Land Statute Amendment Act, 2005* is proposing changes to the Community Improvement provisions of the *Planning Act* which would provide greater flexibility in the application of financial incentives within Community Improvement Plans. Financial incentives are only available to properties within an approved Community Improvement Plan.

The City has the option of tailoring the financial incentives to the unique conditions within Vaughan and developing it's own combination of incentives. Additionally, each project would be reviewing individually to determine, within the package of incentives offered by the City, which specific programs it would qualify for. In all cases, the landowner or proponent must meet all the applicable requirements of the *Environmental Protection Act* regarding assessment, remediation, and process.

It is crucial to provide supporting information to any potential brownfield redevelopment Community Improvement Plan demonstrating that without financial incentives for redevelopment, rehabilitation and redevelopment of these sites would not occur. One of the rationales for a CIP with financial incentive programs is the opportunity to address apparent market failure, and to act where the private market has not. A CIP also allows for actions where desired redevelopment is not occurring.

Generally, the incentives listed below are permitted as a result of the *Brownfield Statute Law Amendment Act* which made amendments made to a number of other Acts to facilitate Brownfield redevelopment.

5.1 Municipal Act

The *Municipal Act* subsection 106 (1) prohibits municipalities from directly or indirectly assisting any manufacturing business or other industrial or commercial enterprise through the granting of bonuses (sometimes referred to as the "bonusing rule"). Prohibited actions include:

- i. giving or lending money or municipal property;
- ii. leasing or selling any municipal property at below fair market value;
- iii. guaranteeing borrowing; and
- iv. giving a total or partial exemption from any levy, charge or fee.

Notwithstanding the bonusing rule, subsection 106(3) of the *Municipal Act* permits, with the Municipal Affairs and Housing minister's approval, certain financial assistance for the purpose of implementing a Community Improvement Plan that has been adopted under the provisions of Section 28 of the *Planning Act*.

Section 365.1 (2) of the *Municipal Act* allows a local municipality to pass a by-law providing for the cancellation of all or a percentage of the taxes levied on an "eligible property" (as defined in the *Act*) for municipal purposes during the rehabilitation period of the property, or providing that the taxes on the property shall not be increased during the rehabilitation or development period of the property, or such conditions as the municipality may determine.

5.2 Planning Act

Under Section 28 of the *Planning Act* as amended by the *Brownfields Statute Law Amendment Act* a municipality can:

- i. Acquire, hold, clear or grade land for community improvement purposes;
- ii. Construct, repair, rehabilitate or improve buildings on land acquired or held by the municipality;

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- iii. Sell, lease or dispose of lands and buildings acquired or held by the municipality;
- iv. Give loans and grants to registered owners, assessed owners and tenants of lands and buildings within the community improvement project area, and to any persons to whom such an owner or tenant has assigned the right to receive a grant or loan, to pay for the whole or any part of the costs of rehabilitating such lands and buildings in conformity with the community improvement plan;
- v. Provide tax assistance by freezing or canceling the municipal portion of the property tax on eligible properties for remediation purposes; and
- vi. Issue debentures with the approval of the Ontario Municipal Board.

Within the framework of a local official plan, once a municipality has approved community improvement policies and a designated community improvement project area, it may use the powers afforded through subsection 28 (7) to issue grants or loans to registered or assessed owners of lands and buildings within the designated area.

Subsection 28 (7.1) of the *Planning Act* limits the amount of grants or loans that can be provided by a municipality in a CIP. This subsection limits the amount of grants / loans to “the cost of rehabilitating the lands and buildings”.

5.3 Examples of Financial Incentives

Within the context of an approved Community Improvement Plan, the following financial tools are available to Ontario municipalities:

- I. Grants or loans;
- II. Tax increment equivalent grants or loans;
- III. Fee exemptions, refunds, waivers and reductions; and
- IV. Other tools.

I. Grants or Loans

Most municipalities that are providing financial assistance through the provisions of Section 28 of the *Planning Act* do so through outright grants or loans. This approach, which is generally subject to the bonusing rule unless a minister's approval is obtained, requires that Council set aside a sufficient amount either at the onset of the program or on an annual basis to fund the grants or loans. From a municipal perspective, the advantage to providing a loan, rather than a grant, is that the repayments can help establish a revolving fund for future loans. Generally the loans are interest-free or below market rates.

Grants and loans offered through a Community Improvement Plan can be tailored to the specific needs of the project area, and the City's approach to the CIP.

II. Tax Increment Equivalent Grants or Loans

Tax increment equivalent financing refers to a grant or loan tool which leverages the difference between the current and potential tax yields on redeveloped properties.

A number of municipalities have developed innovative approaches to providing financial incentives for redevelopment led by the private sector and community improvement initiatives that minimize financial pressures on the municipality. London and Thunder Bay have set up programs that provide property owners with grants equivalent to a deemed tax increment through the community improvement provisions of Section 28 of the *Planning Act*. A number of other municipalities are in the process of adopting similar plans.

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III. Exemption/Refund/Reduction of Planning Application Fees and Exemption From Development Charges

Many municipalities that provide grants or loans under Section 28 of the *Planning Act* also provide other incentives, which collectively can have a substantial impact on the financial viability of a redevelopment project. Some of these incentives include the waiving or refund of fees for official plan and zoning by-law amendments, consents to sever, plans of subdivision, development agreements, site plan applications and agreements, minor variance applications, demolition permits, building permits, parkland dedication and exemption from development charges.

IV. Other Tools

Other financial incentive tools that can result in the defraying of development costs include flexible, reduced, or no parking requirements for specific types of development, less restrictive zoning requirements for commercial and residential development and funding for feasibility studies relating to adaptive reuse projects.

5.4 Ontario Heritage Act

Although not exclusively related to Brownfield Redevelopment, the *Ontario Heritage Act*, section 39 allows municipalities to make loans or grants to owners of heritage designated properties. These grants or loans are to pay for all or part of the cost of alteration (i.e., restoration, renovation and repair) of the designated property, on terms and conditions established by a municipal council. This may become relevant to the Brownfield redevelopment context should a former industrial use be on a designated heritage property.

5.5 Development Charges Act

Section 4 of the *Development Charges Act, 1997* exempts the first 50 per cent of existing industrial building expansions from municipal development charges. Paragraph 10 of subsection 5(1) of the *Development Charges Act, 1997* permits municipalities to give full or partial exemption for some types of development.

In the interests of economic competitiveness and job creation or preservation, many Ontario municipalities have chosen to use this section to wholly or partially exempt new industrial development and larger expansions of existing industrial buildings from the imposition of local development charges and impact fees. In many cases, these exemptions are extended to other forms of non-residential development. Cambridge, Hamilton/Regional Municipality of Hamilton-Wentworth, Kitchener and London are examples of municipalities using this financial tool.

Under subsection 2(7) of the *Development Charges Act, 1997*, municipalities may exempt areas of the municipality from the application of a development charges by-law. Such areas could include a downtown or development area, including community improvement project areas under the *Planning Act*. Municipalities may also adopt area by-laws not including a specific area.

Waiving or reducing development charges as a financial incentive for brownfield redevelopment is a viable option as typically infrastructure is already in place to service redevelopment projects, and the general public good that arises from the redevelopment of brownfield sites. The implementation of such an incentive is implemented through the City's Development Charges By-law, and detailed within the Community Improvement Plan.

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5.6 Ministry of Finance Brownfield Financial Tax Incentive Program (BFTIP)

The Brownfield Financial Tax Incentive Program allows municipalities to give tax assistance for the purposes of environmental rehabilitation of brownfield properties within an approved Community Improvement Plan. This program was announced in the 2004 Ontario Budget, and allocates up to \$5 million annually in matching education property tax assistance for the rehabilitation of brownfield properties.

This program complements the program under the *Municipal Act* which allows local municipalities to cancel all or a percentage of the taxes levied on an “eligible property” (as defined in the *Act*) for municipal and purposes during the rehabilitation period of the property, or providing that the taxes on the property shall not be increase during the rehabilitation or development period of the property. The Minister of Finance may match the municipal tax assistance contribution with education property tax assistance to parties that want to rehabilitate brownfield properties and meet the eligibility criteria of the BFTIP program.

Tax assistance under the BFTIP program is applied to the costs of site remediation and is available during the rehabilitation and development periods of eligible properties. The maximum of tax assistance available is the cost of rehabilitating a property. Under this program, the City would be responsible for the establishment and administration of the program and the establishment of eligibility criteria for tax assistance for the municipal portion of the property tax. Applications by municipalities to the Minister of Finance for matching the education property tax assistance for specific properties that satisfy eligibility requirements will be considered by the Ministry of Finance on a case-by-case basis.

Qualifications for this program include designation within an approved Community Improvement Plan which contains provisions for tax assistance under section 365.1 of the *Municipal Act*, a Phase II Environmental Site Assessment has been completed which confirms the need for rehabilitation. The program also contains provisions for timing of assistance relative to rehabilitation; the assessment of the landowner’s capability and willingness to undertake the required remediation; specific requirements for processing applications to the program; land ownership requirements; and program length requirements.

As with the other financial incentive programs, and the implementation of any programs within a CIP, the landowner is required to comply with all of the applicable provision of the *Environmental Protection Act* regarding assessment, remediation, and process, and any other requirements as of the Municipality as may be placed within the CIP.

5.7 Region of York Participation

Section 365.1 (4) of the *Municipal Act* also allows the upper-tier municipality to participate in the cancellation of all or a percentage of the Regional taxes or that the taxes levied at the Regional level shall not be increased during the rehabilitation and development periods for an eligible property.

Direct request for participation at the Regional level to the BFTIF program would be made directly to the region at the time of application at the local level. This would stimulate a response for regional participation in tax relief for a particular site. Participation at the Regional level would be beneficial, as their portion of the tax rate is significant.

6.0 Vaughan Context

Vaughan has a number of industrial areas or employment areas located throughout the southern and western portions of the City, and smaller pockets scattered through the communities of Maple, Concord, and Woodbridge.

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There are several areas throughout the City of Vaughan where the various official plans permit a range of commercial, and industrial activities to occur. These lands, which are designated as “Employment” by the various official plans, are shown on Attachment #1 to this report. The employment area designations permit a full range of industrial uses such as manufacturing, warehousing and processing, transportation, construction, and distribution facilities. Within the wide range of uses within these designations, there may be uses in existence which may generate some level of environmental contamination.

More defined uses within these employment areas are defined within the City’s Zoning By-law 1-88. A variety of zone categories exist within the City which permit a range of commercial and industrial uses which may generate some level of environmental contamination including C6 Highway Commercial Zone; C7 Service Commercial Zone; EM2 General Employment Area Zone; EM2-A Restricted General Employment Area Zone; EM4 Employment Area Transportation Zone; M1 Restricted Industrial Zone; M2 General Industrial Zone; M3 Transportation Industrial Zone; M4 Pits and Quarried Industrial Zone; M5 Disposal Industrial Zone; PBM1 Parkway Belt Industrial Zone; and PBM7 Parkway Belt Industrial Zone. The distribution of these sites throughout the City are shown on Attachment #2 to this report.

Vaughan’s industrial history is quite recent, and agriculture dominated the Vaughan landscape until the mid 1960s. The CN Freight Classification Yard opened in 1964, with limited industrial uses emerging around the yard in the late 1960s and throughout the 1970s, further development throughout the 1980s and significant development throughout the 1990s. Approximately one-half of all companies located within the City of Vaughan began operations after 1990 (Source: Employment and Business Profile, ETDD).

Vaughan’s proximity to the 400 series highways, airport, CN classification yard, and CP Intermodal terminal make Vaughan a desirable location for industrial and commercial uses, and continues to be economically viable. Vaughan has a thriving industrial market as indicated by the significant activity in the past few years in the industrial and commercial real estate markets in Vaughan. In 2003, Vaughan dominated industrial sale activity within the GTA, accounting for 22% of total land sales volume across the GTA, and has become a significant centre for industrial development. The industrial overall vacancy rate for 2003 was 4.4%, with 4.1% being vacant for lease, and 0.6% vacant for sale (Source, Annual Report, 2003, ETDD).

Brownfields are defined as lands on which industrial or commercial activity took place in the past but are no longer in use and may include buildings which are vacant; they may be underutilized or abandoned; they may or may not be contaminated as a result of past activities; and are often located in prime locations where infrastructure, services, and facilities already exist. The Provincial Policy Statement defines a brownfield site as “undeveloped or previously developed properties that may be contaminated. They are usually, but not exclusively, former industrial or commercial properties that may be underutilized, derelict, or vacant.”

Unlike a lot of other municipalities Ontario with an industrial history, Vaughan’s industrial sector is relatively new, fully operational, and economically viable. Industrial uses in Vaughan are active and existing. There are no known abandoned industrial operations nor any industrial sites in the City’s ownership as a result of a failed tax sale as is the case with a number of other Ontario Municipalities. Vaughan may have industrial uses which are potentially generating some contamination, or there is a perception of contamination as a result of the use, however, these industrial uses are active and viable, and are subject to the requirements of the *Environmental Protection Act* for any potential contamination which may be generated. Financial incentives for redeveloping brownfields are not provided for active industrial uses.

Windshield surveys throughout the City’s industrial areas have been conducted by staff. There may be isolated sites within the City which appear to be underutilized or vacant, however, the vast majority of the lands within the industrial areas are active and economically viable

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operations. Specific areas of interest are identified and discussed below.

6.1 Jane/7 Employment Area Redevelopment Study

The Jane Street and Highway 7 Employment Area (also referred to as Jane South) is bound by Jane Street to the west, Highway 7 to the north, the CN Rail line to the east, and Highway 407 to the south, as shown on Attachment #3. The area contains a broad mixture of heavy and light industrial uses, many with open storage, mixed with commercial warehouses, and strip plazas. Although the area may have a poor visible quality, the uses are existing and sites continue to be operational.

The Jane/7 Employment Area Redevelopment Study is currently being undertaken through the Policy Planning/Urban Design group by the Planning Partnership. This study specifically examines the lands within the south east corner of Jane Street and Highway 7, within the Vaughan Corporate Centre. The draft report, released in September 23, 2002 describes the study area as being a site which required a comprehensive redevelopment strategy to transform the area into the diverse, attractive, and successful district envisioned in the Vaughan Corporate Centre Plan.

The draft document recommends establishing an incentive based implementation strategy, influenced by the City of Hamilton's ERASE program, and adopting a Jane/7 Community Improvement Plan to provide for the framework for the delivery of the programs and incentives to stimulate environmental clean-up and redevelopment of this area.

On October 6th, 2005, a Public Open House was held in Woodbridge on the study, and the statutory Public Hearing was held on December 5, 2005. The finalization of the study anticipated to proceed in early 2006.

6.2 Woodbridge Core (Kipling Ave.)

The industrial uses within the Woodbridge Core Area are generally located in the area adjacent to the abandoned CPR spur line on the west side of Kipling Avenue, north of Woodbridge Avenue, as shown on Attachment #4. Among the industrial uses in this area are larger industries including Woodbridge Foam producing polyurethane foam products for automotive, industrial, and commercial uses, and Woodbridge Lumber, both of which are active industries.

Along the west side of Kipling Avenue are a number of properties which are zoned R3 (Single Family Detached Dwelling) however contain a variety of businesses including landscaping, equipment rental, along with residential, and institutional (Montessori School). At 350 Woodbridge Avenue there are 2 multi-unit industrial buildings (Zoned M2 General Industrial) containing a variety of uses including some automotive and construction related businesses. As there is a significant amount of outside storage, the area is visually unappealing. The buildings within this reach are older and deteriorating. Given its location adjacent to residential areas, and the closure of the CPR spur line, the lands are in a good position for redevelopment.

In order to promote redevelopment in the area, OPA 356 ("Kipling Avenue Corridor Study" approved by Council in March 1991) designated land along the west side of Kipling Avenue including the Woodbridge Foam property, as "Medium Density Residential (with the exception of the multi-unit building at 350 Woodbridge Ave).

Currently there is an application to redevelop 4 existing parcels into one four storey condominium building, and 17 townhomes. The application for redevelopment suggests that some movement towards redevelopment in the area is occurring.

Notwithstanding this, the active industrial users in the area; Woodbridge Foam, and Woodbridge Lumber are viable industries.

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Given the length of time that has transpired since the Kipling Avenue Corridor Study in 1991, Council may wish to revisit and proceed with a study to examine opportunities for redevelopment within the area, however, given the nature of the active industrial users, would not be considered appropriate for a brownfield community improvement plan.

6.3 Keele Street, north Maple

There is a concentration of industrial uses along the east side of Keele Street in Maple, between McNaughton Road and Teston Road, including the streets Rodina Drive and Malmo Court, immediately east of the Keele Valley Landfill Site, and bisected by the CN Rail line, as shown on Attachment #5. The lands are designated "Prestige Industrial" and "Industrial" by OPA 332, and are zoned M1 Restricted Industrial, and M2 General Industrial. There are a range of existing uses including self storage, building supplies, and aggregate recycling.

The area is visually unappealing, as there is outside storage, particularly in the Rodina Drive/Malmo Court area. The industrial buildings are occupied, the uses are active. Although some existing uses may, by their nature, be potentially generating some form of environmental contamination, they are not bona fide brownfield sites eligible for financial incentives for redevelopment.

The area is undergoing current development for industrial uses including 2 new multi-unit industrial buildings on Keele Street, and an additional self storage building at the existing facility on Keele Street.

There has been no additional planning permissions other than the existing industrial designations which have been granted for this area, which would encourage its redevelopment. The uses in this area are at odds with the institutional and residential uses on the west side of Keele Street. This area is the entry into the Maple Village Core, and the industrial uses on the east side, although associated with the closed landfill site, warrant re-evaluation in the context of the closure of the landfill, and the associated Maple Valley Plan. Should Council wish to pursue redevelopment of this area, it is recommended that this begin with an examination of planning incentives which may encourage redevelopment. However, as it is an active industrial area, it is not recommended that financial incentives for brownfield redevelopment be pursued for this area.

Additionally, it is recommended, that in the interim, this area be examined for its potential inclusion within the Maple Streetscape implementation area in order to achieve a higher level of streetscape and landscape treatment to mitigate the interface of the residential and institutional uses on the east side of Keele Street, with the industrial uses on the west side.

6.4 Nashville Road

On the north and south sides of Nashville Road, west of the CP Rail Line, east of Huntington Road (Attachment #6), there are several rural industrial uses including a lumber yard, contractors yard, and landscaping company, and a fuel company, some with visually unappealing outside storage.

The uses along this corridor are light industrial uses typical in rural areas.

The area is designated as "Core Area" in OPA 601 (Kleinburg-Nashville Community Plan) and zoned a combination of A Agricultural, M2 General Industrial, C2 and C3. The Core Area policies provide for the development of this area to include local convenience commercial uses, personal service shops, professional and business offices, single detached residential, bed and breakfasts and parks and open spaces. The rural industrial uses in this corridor continue to operate, and there are no current applications for redevelopment of lands within this corridor.

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Although pockets of the Nashville area have industrial uses which appear to be in a state of some deterioration, there doesn't appear to be a need for Brownfield Incentive programs for redevelopment of this area. The redevelopment potential of this corridor should be examined in the context of the next Official Plan review for the Kleinburg/Nashville Communities.

Relationship to Vaughan Vision 2007

This report is consistent with the priorities set forth in Vaughan Vision 2007, particularly 'A-5', "Plan and Manage Growth", and 'A-7' "Safeguard our Environment."

Conclusion

The redevelopment of brownfield sites is an important issue for many municipalities in Ontario with an industrial history where core areas are left abandoned, idle, and derelict as a result of past industrial uses. There are many financial tools which are available for implementation at a municipal level through Community Improvement Planning.

The industrial uses within Vaughan are relatively new, and are generally not in the same physical and economic condition as other municipalities such as Hamilton, Cambridge, or Sarnia. The industrial uses throughout the City of Vaughan are thriving. Financial incentives for brownfield redevelopment are necessary where planning incentives are insufficient, and it becomes necessary to address apparent market failure, to act where the private market has not, and to allow for actions where desired redevelopment is not occurring. High land values, and proximity to major highways and the airport make Vaughan a desirable location for medium and small scale industrial uses. There are a few areas throughout the City with visually unappealing industrial areas, however, these are generally active and would not be considered "brownfields".

The south east section of Jane and Highway 7 is currently under examination in the Jane-7 Employment Area Redevelopment Study, which is progressing through the final stages of the study. Recommendations may be made through this process to provide for planning and/or financial incentives to encourage the redevelopment of this area.

The industrial uses along Kipling Avenue in Woodbridge were subject to a study which was approved as OPA 356 in 1991. The outcome of this study provided for a medium density residential designation for all of the industrial lands within the corridor. In the 11 years since the OPA was passed, only recently has there been activity within the area, with a current application for residential at higher densities than permitted in OPA 356. Given the length of time that has transpired since the Kipling Avenue Corridor Study, Council may wish to revisit this area and proceed with a study to examine opportunities for redevelopment.

Should Council wish to see redevelopment occurring within specific areas throughout the City, then it is recommended that planning incentives for redevelopment be explored as an initial step. Where planning incentives have failed, then financial incentives to encourage redevelopment may be warranted with sufficient justification.

Attachments

1. Industrial/Employment Official Plan Designations within the City.
2. Industrial/Commercial Zoning of Interest within the City.
3. Jane Street & Highway 7 Employment Area
4. Kipling Avenue (Woodbridge)
5. Keele Street (North Maple)
6. Nashville Road

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Report prepared by:

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/LG

(A copy of the attachments referred to in the foregoing have been forwarded to each Member of Council and a copy thereof is also on file in the office of the City Clerk.)

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Item 6, Report No. 4, of the Committee of the Whole (Working Session), which was adopted without amendment by the Council of the City of Vaughan on February 13, 2006.

6 NEW BUSINESS – COMMITTEE OF THE WHOLE (WORKING SESSION) TIME SET

The Committee of the Whole (Working Session) recommends that future Committee of the Whole (Working Session) meetings have a set time of 9:30 a.m. up to 2:00 p.m., and lunch provided, if the meeting extends beyond the lunch hour.

The foregoing matter was brought to the attention of the Committee by Councillor Shefman.