

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF MAY 12, 2008

Item 1, Report No. 24, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on May 12, 2008.

1

**ARTS ADVISORY COMMITTEE
REQUEST TO REDUCE QUORUM**

The Committee of the Whole recommends approval of the recommendation contained in the following report of the Arts Advisory Committee, dated May 5, 2008:

Recommendation

The Arts Advisory Committee recommends that quorum be reduced from eight (8) to five (5) members for the 2006-2010 term.

Economic Impact

There is no economic impact.

Communications Plan

The approval of the recommendation contained in this report will be communicated to the Arts Advisory Committee.

Purpose

The purpose of this report is to seek Council approval to reduce the quorum for the Arts Advisory Committee from eight (8) to five (5) members for the 2006-2010 term.

Background - Analysis and Options

At the Arts Advisory Committee meeting of April 10, 2008, the Committee passed a motion that requested Council to consider an reduce the quorum, as per the General Rules, Roles, And Procedures Governing Advisory Committees, from eight (8) to five (5) members for the 2006-2010 term.

The Arts Advisory Committee is currently working on many initiatives and is finding it difficult to complete these initiatives when meetings are being cancelled due to lack of quorum

Relationship to Vaughan Vision 2020

Vaughan Vision 2020 identifies as a strategic priority, the objective of providing service excellence to Vaughan citizens by supporting Vaughan's arts and culture.

This report is consistent with the priorities previously set by Council.

Regional Implications

No regional implications are associated with this initiative.

Conclusion

The approval of the recommendation to reduce quorum from eight (8) to five (5) members for the 2006-2010 term will assist the Arts Advisory Committee to meeting their objectives and complete their initiatives.

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Attachments

None

Report prepared by:

Adelina Bellisario, Assistant City Clerk

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Item 2, Report No. 24, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on May 12, 2008.

**2 TASK FORCE ON DEMOCRATIC PARTICIPATION & RENEWAL
INTERIM REPORT OF PANEL 1**

The Committee of the Whole recommends approval of the recommendation contained in the following report of Councillor Carella and Mr. Steven Del Duca, Co-Chairs, Panel 1, Task Force on Democratic Participation and Renewal, dated May 5, 2008:

Recommendation

Ward 2 Councillor Tony Carella and Mr. Steven Del Duca, Co-Chairs, Panel 1, Task Force on Democratic Participation and Renewal, recommend the attached report be received for information.

Economic Impact

Nil

Communication Plan

In consultation with the co-chairs, the Corporate Communications Department will issue a media release upon the adoption of this recommendation.

Purpose

To inform Council of the work of Panel 1 to date.

Background – Analysis and Options

The *Task Force on Democratic Participation and Renewal* was appointed in the spring of 2007 to make recommendations for increasing voter turnout in the 2010 municipal election. While Panel 2 will be making recommendations for increasing first-time voter turnout to 60%, Panel 1 is charged with increasing the participation rate of currently qualified voters to 50%, from 38% in the 2006 municipal election. To that end, Panel 1 met for the first time in September of last year, and six times subsequently, to address the issue from a variety of perspectives: comparing participation rates in democracies around the world, examining factors which reduce the likelihood of voter turnout in Canada, Ontario and the City of Vaughan, and discussing strategies for mitigating those factors---all of which work is described in the attached report.

Regional Implications

Nil

Relationship to Vaughan Vision 20/20

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

Conclusion

The attached report outlines the work done by Panel 1 to date

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Attachments

Interim Report of Panel 1, March 31, 2008

Report prepared by:

Councillor Tony Carella

(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 3, Report No. 24, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on May 12, 2008.

3 **PROCLAMATION REQUEST –
FIBROMYALGIA AND CHRONIC FATIGUE SYNDROME AWARENESS DAY MAY 12, 2008**

The Committee of the Whole recommends approval of the recommendation contained in the following report of the Deputy City Clerk, dated May 5, 2008:

Recommendation

The Deputy City Clerk in consultation with the Commissioner of Legal and Administrative Services/City Solicitor recommends:

- 1) That May 12, 2008 be proclaimed as “**Fibromyalgia and Chronic Fatigue Syndrome Awareness Day**”; and
- 2) That the proclamation be posted on the City’s website and published on the City Page, space permitting.

Economic Impact

N/A

Communications Plan

The Corporate Communications Department posts proclamations issued by the City on the City’s website under “Events – Proclamations”. Publishing proclamations on the City Page depends on space availability.

Purpose

To respond to the request received from York Region Fibromyalgia and Chronic Fatigue Wellness Support Group, in association with FM-CFS Association of Canada and Compassion in Action.

Background - Analysis and Options

The correspondence received from York Region Fibromyalgia and Chronic Fatigue Wellness Support Group, in association with FM-CFS Association of Canada and Compassion in Action, dated April 18, 2008, is attached (Attachment #1).

The proclamation request meets the City’s Proclamation Policy, as follows:

“That upon request, the City of Vaughan issue Proclamations for events, campaigns or other similar matters:

- (i) which are promoted by any organization that is a registered charity pursuant to Section 248 of the Income Tax Act”

The York Region Fibromyalgia and Chronic Fatigue Wellness Support Group, in association with FM-CFS Association of Canada have requested the City publicize this proclamation in an effort to promote awareness of this debilitating disease. Council has approved this proclamation in previous years.

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Relationship to Vaughan Vision 2020

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

Regional Implications

N/A

Conclusion

Staff is recommending that May 12, 2008 be proclaimed as “**Fibromyalgia and Chronic Fatigue Syndrome Awareness Day**” and that the proclamation be posted on the City’s website and published on the City Page, space permitting.

Attachments

Attachment #1 - Correspondence received from York Region Fibromyalgia and Chronic Fatigue Wellness Support Group, in association with FM-CFS Association of Canada and Compassion in Action, dated April 18, 2008

Report prepared by:

Connie Bonsignore, Admin Assistant to City Clerk

(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 4, Report No. 24, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on May 12, 2008.

4

**PROCLAMATION REQUEST
AHMADIYYA DAY MAY 27, 2008**

The Committee of the Whole recommends approval of the recommendation contained in the following report of the Deputy City Clerk, dated May 5, 2008:

Recommendation

The Deputy City Clerk in consultation with the Commissioner of Legal and Administrative Services/City Solicitor recommends:

- 1) That May 27, 2008 be proclaimed as "Ahmadiyya Day"; and
- 2) That the proclamation be posted on the City's website and published on the City Page, space permitting.

Economic Impact

N/A

Communications Plan

The Corporate Communications Department posts proclamations issued by the City on the City's website under "Events – Proclamations". Publishing proclamations on the City Page depends on the space availability.

Purpose

To respond to the request from the Ahmadiyya Muslim Community, Canada. (Attachment #1)

Background - Analysis and Options

The correspondence received from the President, Ahmadiyya Muslim Community, Canada, dated April 7, 2008, is attached (Attachment #1).

The proclamation request meets the City's Proclamation Policy, as follows:

"That upon request, the City of Vaughan issue Proclamations for events, campaigns or other similar matters:

- (i) which are promoted by any organization that is a registered charity pursuant to Section 248 of the Income Tax Act"

The Ahmadiyya Muslim Community is commemorating 2008 as the centenary year of the establishment of the successorship (Khilafat) to the Promised Messiah and Imam Mahdi, Hadrat Mirza Ghulam Ahmad of Qadian (peace be upon him) (1835 – 1908). Numerous events throughout the world including Canada will be hosted by the Ahmadiyya Muslim Community to commemorate this momentous anniversary.

Relationship to Vaughan Vision 2020

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

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Regional Implications

N/A

Conclusion

Staff is recommending that Tuesday, May 27, 2008 be proclaimed as “Ahmadiyya Day” and that the proclamation be posted on the City’s website and published on the City Page, space permitting.

Attachments

Attachment #1 - Correspondence received from the President, Ahmadiyya Muslim Community, Canada, dated April 7, 2008

Report prepared by:

Connie Bonsignore, Admin Assistant to City Clerk

(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. 24, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on May 12, 2008.

5

**PROCLAMATION REQUEST –
PRIDE WEEK JUNE 16- 22, 2008**

The Committee of the Whole recommends approval of the recommendation contained in the following report of the Deputy City Clerk, dated May 5, 2008:

Recommendation

The Deputy City Clerk in consultation with the Commissioner of Legal and Administrative Services/City Solicitor recommends:

- 1) That the week of June 16 – 22nd, 2008 be proclaimed PRIDE WEEK; and
- 2) That the proclamation be posted on the City's website and published on the City Page space permitting.

Economic Impact

N/A

Communications Plan

The Corporate Communications Department posts proclamations issued by the City on the City's website under "Events – Proclamations". Publishing proclamations on the City Page depends on space availability.

Purpose

To respond to the request received from the Executive Director, Addiction Services for York Region and the Coordinator, York Region LGBT Community Outreach Project on behalf of the York Pride Fest Committee, dated March 19, 2008.

Background - Analysis and Options

A request has been received from the Executive Director, Addiction Services for York Region, and the Coordinator, York Region LGBT Community Outreach Project on behalf of the York Pride Fest Committee, to proclaim June 16 - June 22nd, 2008, as PRIDE WEEK (Attachment #1).

The proclamation request meets the City's Proclamation Policy, as follows:

"That upon request, the City of Vaughan issue Proclamations for events, campaigns or other similar matters:

- (i) which are promoted by any organization that is a registered charity pursuant to Section 248 of the Income Tax Act"

Addiction Services for York Region is a Registered Charity. The City of Vaughan has issued this proclamation in the past.

Relationship to Vaughan Vision 2020

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

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Regional Implications

This proclamation will bring awareness of differences and protection of equality within the Region.

Conclusion

Staff is recommending that June 16 – 22nd, 2008 be proclaimed as “PRIDE WEEK”, that the proclamation be posted on the City’s website and published on the City Page, space permitting.

Attachments

Attachment #1 – Correspondence from the Executive Director, Addiction Services for York Region and the Coordinator, York Region LGBT Community Outreach Project on behalf of the York Pride Fest Committee, dated March 19, 2008

Report prepared by:

Sybil Fernandes, Deputy City Clerk

(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. 24, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on May 12, 2008.

6

**PROCLAMATION REQUEST –
ONTARIO FAMILY FISHING WEEKEND JULY 4 – 6, 2008**

The Committee of the Whole recommends approval of the recommendation contained in the following report of the Deputy City Clerk, dated May 5, 2008:

Recommendation

The Deputy City Clerk in consultation with the Commissioner of Legal and Administrative Services/City Solicitor recommends:

- 1) That July 4 through July 6, 2008 be proclaimed as “Ontario Family Fishing Weekend”; and
- 2) That the proclamation be posted on the City’s website and published on the City Page, space permitting.

Economic Impact

N/A

Communications Plan

The Corporate Communications Department posts proclamations issued by the City on the City’s website under “Events – Proclamations”. Publishing proclamations on the City Page depends on space availability.

Purpose

To respond to the request received from the Ontario Family Fishing Weekend Steering Committee.

Background - Analysis and Options

The correspondence received from the Ontario Family Fishing Week Steering Committee, dated April 7, 2008, is attached (Attachment #1).

The proclamation request meets the City’s Proclamation Policy, as follows:

“That upon request, the City of Vaughan issue Proclamations for events, campaigns or other similar matters:

- (i) which are promoted by any organization that is a registered charity pursuant to Section 248 of the Income Tax Act”

The Ontario Family Fishing Weekend Steering Committee has requested the City publicize this proclamation to declare one summer weekend a licence-free-fishing weekend. The City has granted this request in previous years.

Relationship to Vaughan Vision 2020

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

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Regional Implications

N/A

Conclusion

Staff is recommending that July 4 through July 6, 2008 be proclaimed as “Ontario Family Fishing Weekend” and that the proclamation be posted on the City’s website and published on the City Page, space permitting.

Attachments

Attachment #1 - Correspondence from the Ontario Family Fishing Weekend Steering Committee,
dated April 7, 2008

Report prepared by:

Sybil Fernandes, Deputy City Clerk

(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 7, Report No. 24, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on May 12, 2008.

**7 PROCLAMATION AND FLAG RAISING REQUEST –
FILIPINO DAY JUNE 8, 2008**

The Committee of the Whole recommends approval of the recommendation contained in the following report of the Deputy City Clerk, dated May 5, 2008:

Recommendation

The Deputy City Clerk in consultation with the Commissioner of Legal and Administrative Services/City Solicitor recommends:

- 1) That Sunday, June 8, 2008 be proclaimed "Filipino Day" to commemorate the 110th anniversary of Philippine Independence;
- 2) That the Philippine Flag be raised on Sunday, June 8, 2008 at 11 a.m. for the balance of that day at the Civic Centre;
- 3) That the proclamation be posted on the City's website and published on the City Page space permitting; and
- 4) That a permit be issued on Sunday June 8, 2008 to the Filipino Canadian Charitable Association of Vaughan at "no cost" to use Council Chambers and the Civic Centre Foyer for a reception and luncheon

Economic Impact

Approval to grant a permit at "no cost" will impact permitting revenues generated.

Communications Plan

The Corporate Communications Department posts proclamations issued by the City on the City's website under "Events – Proclamations". Publishing proclamations on the City Page depends on space availability.

Purpose

To respond to the request received from the Filipino Canadian Charitable Association of Vaughan, dated March 31, 2008.

Background - Analysis and Options

A request has been received from the Filipino Canadian Charitable Association of Vaughan, dated March 31, 2008 to proclaim Sunday June 8, 2008 as "Filipino Day", to raise the Philippine Flag at 11 a.m. on that day, to commemorate the 110th anniversary of Philippine Independence. (Attachment #1) The Association is planning a reception and luncheon, including entertainment, following the flag raising ceremony, and have requested permission to use Council Chambers and the Civic Centre Foyer. Council has granted this request in the past.

The proclamation request meets the City's Proclamation Policy as the matter relates to municipal business.

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Relationship to Vaughan Vision 2020

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

Regional Implications

N/A

Conclusion

Staff is recommending that June 8, 2008 be proclaimed "Filipino Day", that the Philippine Flag be raised at 11 a.m. at the Civic Centre for the remainder of that day, that a permit be issued at no charge for the Council Chamber and Civic Centre foyer for a reception and luncheon, and that the proclamation be posted on the City's website and published on the City Page, space permitting.

Attachments

Attachment #1 – Correspondence from the Filipino Canadian Charitable Association of Vaughan, dated March 31, 2008

Report prepared by:

Sybil Fernandes, Deputy City Clerk

(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 8, Report No. 24, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on May 12, 2008.

8

**FLAG RAISING REQUEST
NATIONAL DAY OF THE RUSSIAN FEDERATION**

The Committee of the Whole recommends approval of the recommendation contained in the following report of the Deputy City Clerk, dated May 5, 2008:

Recommendation

The Deputy City Clerk in consultation with the Commissioner of Legal and Administrative Services/City Solicitor recommends:

That the Russian flag be raised on Wednesday, June 11, 2008 at 12:00 noon. for the balance of that day at the Civic Centre to commemorate the National Day of the Russian Federation.

Economic Impact

N/A

Communications Plan

In accordance with the Flag Raising/Half-Masting Policy No. 03.25, Corporate Communications will be responsible for related media releases.

Purpose

To respond to the request from Mr. Roman Ostrovsky, on behalf of the Honourable Andrei Veklenko, Consul General of the Russian Federation in Toronto.

Background - Analysis and Options

A request has been received on behalf of the Honourable Andrei Veklenko, Consul General of the Russian Federation in Toronto (refer to Attachment 1), to have a flag raising ceremony at the City of Vaughan on June 11, 2008 at 12:00 noon, to celebrate the National Day of the Russian Federation.

The flag raising request meets the City's Flag Raising/Half-Masting Policy, as follows:

"In recognition of the ethnic diversity of the residents of the municipality the City of Vaughan will fly at the Civic Centre the flag of any nation, country or ethnic group on the national day or on the anniversary of a special occasion, upon a written request to the City Clerk submitted one month in advance by that nation, or ethnic group or its representatives."

The Mayor's Office has been advised of the request to participate in the flag raising ceremony.

Relationship to Vaughan Vision 2020

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

Regional Implications

N/A

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Conclusion

Staff is recommending that the Russian flag be raised at 12:00 noon on Wednesday, June 11, 2008 at the Civic Centre for the balance of that day.

Attachments

Attachment 1 - Correspondence received from Mr. Roman Ostrovsky, dated April 17, 2008

Report prepared by:

Connie Bonsignore, Admin Assistant to City Clerk

(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 9, Report No. 24, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on May 12, 2008.

9 PROCLAMATION - 2008 NATIONAL PUBLIC WORKS WEEK

The Committee of the Whole recommends approval of the recommendation contained in the following report of the Commissioner of Engineering and Public Works, dated May 5, 2008:

Recommendation

The Commissioner of Engineering and Public Works, recommends that:

1. Council proclaim the week of May 18-24, 2008, as "Public Works Week" in the City of Vaughan; and
2. Council adopt the following resolution:

WHEREAS Public Works services provided in our community are an integral part of our citizen's everyday lives; and

WHEREAS the support of an understanding and informed citizenry is vital to the efficient operation of public works systems and programs such as water distribution, wastewater collection, street maintenance, and solid waste collection; and,

WHEREAS the health, safety and comfort of this community greatly depends on these facilities and services; and

WHEREAS the quality and effectiveness of these facilities, as well as their planning, design, construction, and maintenance is vitally dependant upon the efforts and skill of Public Works officials and staff; and

WHEREAS the efficiency of qualified and dedicated personnel who staff the Public Works Department is influenced by people's attitude and understanding of the importance of the work they perform,

NOW THEREFORE BE IT RESOLVED THAT Council proclaim the week of May 18-24, 2008 as "Public Works Week" in the City of Vaughan, and request that all citizens and elected officials recognize the contributions which Public Works make every day to their health, safety, comfort, and quality of life in the community.

Economic Impact

N/A

Communications Plan

The Public Works Event being held on May 24, 2008 will be advertised in the local papers, the City web site, and on mobile signs throughout the City. In addition, a media release will be issued.

Purpose

To request that Council proclaim May 14-24, 2008 as "National Public Works Week" in the City of Vaughan, and to present an overview of the City's Public Works Week event to be held at the Joint Operations Centre on Saturday, May 24, 2008.

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Background - Analysis and Options

Since 1960, the American Public Works Association has sponsored National Public Works Week. The purpose of National Public Works Week is to celebrate the hard work and dedication of the many thousands of men and women in North America who provide and maintain the infrastructure and services collectively known as public works. For 2008, Public Works Week is the week of May 18-24.

The theme for this year is “The Future Is Now”. The theme’s dual purpose is both a celebration and a caution, as it reminds us of how far public works has progressed, and yet, how far it has to go in assuring the highest quality infrastructure possible.

The American Public Works Association has stated that, “The future is now, and public works professionals must lead the way in addressing the issues that have been out-of-sight/out-of-mind for too long.” Public Works Week is but one means of calling attention to the importance of Public Works in the community, and its role in ensuring these essential services are available for future generations.

Once again, the City’s Public Works Department will be participating in the ‘York Region Area Municipalities Challenge’, where area municipalities challenge each other in Municipal Works equipment operating contests. As part of the event, the Mayors of the area municipalities also compete against each other, driving trucks and/or other equipment through an obstacle course. This event takes place on May 21 at the Town of Richmond Hill’s facility on Elgin Mills Road. The City will also hold its annual Public Works barbeque at the JOC for all Public Works, Engineering and Parks and Forestry employees.

On Saturday May 24, 2008, the Public Works Department will host its Public Works Week event at the Joint Operations Centre located at 2800 Rutherford Rd. This event will provide a public forum to educate, and get feedback from, residents about various road maintenance, water distribution, wastewater collection, and “Greening Vaughan” waste management initiatives. It will be held at the north-east employee parking lot (rain or shine) from 10:00 a.m. to 3:00 p.m. and it is intended to enhance the public’s understanding of various practices and initiatives undertaken by the Public Works Department.

The event itself will be multi-faceted, and as a result, has the potential to draw a number of people. The event includes:

- A reuse event, whereby residents will be encouraged to donate their gently used items to a charitable organization (Goodwill)
- The Region’s Household Hazardous Waste facility will be open to accept materials
- The promotion of Kraft Paper Bags (City of Vaughan Public Works and Region of York)
- The sale of Blue Boxes (City of Vaughan – Public Works)
- The sale of Backyard Composters (City of Vaughan – Public Works)
- The sale of Green Bins and Kitchen Containers (City of Vaughan – Public Works)
- The promotion of “Greening Vaughan”, as well as other waste management initiatives (City of Vaughan – Public Works)
- Displays about Water Quality & Roads Maintenance (City of Vaughan – Public Works)
- The Mulch Give-Away (City of Vaughan – Parks & Forestry Department)
- York Region displays pertaining to Waste Management and ‘Water for Tomorrow’
- The use of free on-site document shredding services
- Displays and give-aways promoting energy efficiency hosted by PowerStream
- Emergency Preparedness information (City of Vaughan - Vaughan Fire and Rescue)
- Promotion of city wide environmental programs (City of Vaughan - Economic Development)
- Free mulch give-away (City of Vaughan - Parks & Forestry Department)

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Each year, the Ontario Public Works Association presents the “Bruce Brunton Award” to recognize municipalities who actively participate in, and engage the public in, Public Works Week and its events. Earlier this year, the City of Vaughan received an Honourable Mention award in the category of municipalities with 150,000+ population for its 2007 Public Works Week programs.

Relationship to Vaughan Vision 2020

This report is consistent with the priorities previously set by Council, and complies with Vaughan Vision 2020’s Objectives, specifically “Lead and Promote Environmental Sustainability”, and, “Value and Encourage a Highly Motivated Workforce”.

Conclusion

National Public Works Week provides a venue by which municipalities across North America can inform, educate, and in some cases, give back to the public, initiatives borne by Public Works departments.

To date, the Public Works Events have been well attended. As such, it is important to build on previous year’s successes, and use this as another opportunity to promote not only the Public Works Week theme, but also promote the City’s Greening Vaughan program as well.

Attachments

N/A

Report prepared by:

Caroline Kirkpatrick, C.E.T., M.C.I.P.
Manager of Solid Waste Management

Brian T. Anthony, CRS-S, C. Tech
Director of Public Works

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Item 10, Report No. 24, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on May 12, 2008.

10 MOTION IN SUPPORT BILL 56 – UNLAWFUL FIREARMS IN VEHICLES

The Committee of the Whole recommends approval of the recommendation contained in the following report of Councillor Yeung Racco, dated May 5, 2008:

Recommendation

Councillor Sandra Yeung Racco recommends:

1. That Council supports the Private Members Bill (Bill 56) presented by M.P.P. Mike Colle which amends the Highway Traffic Act and the Civil Remedies Act 2001. This Act is to promote public safety and to suppress conditions leading to crime by prohibiting driving on the highway in a motor vehicle in which there is an unlawfully possessed firearm,
2. That this motion be forwarded to the Safe City Committee seeking their support,
3. That this motion be forwarded to York Region Council for their support,
4. That this motion be forwarded to York Region Police Services Board for their support,
5. That a copy of this resolution be forwarded to the Prime Minister of Canada, the Premier of Ontario, M.P.P. Mike Colle, all Members of Federal and Provincial Parliaments, the Association of Municipalities of Ontario (AMO), the Federation of Canadian Municipalities (FCM) and to the Big Cities Mayors' Caucus of FCM, and
6. That all municipalities across Canada be encouraged to pass motion supporting this resolution.

Economic Impact

N/A

Communications Plan

N/A

Purpose

To promote public safety and suppress conditions that lead to criminal activities.

Background - Analysis and Options

On April 9, 2008, MPP Mike Colle introduced a Private Member's Bill (Bill 56) entitled, "Unlawful Firearms in Vehicles Act 2008.

In the past year, there have been an increased ongoing number of tragic gun-related crimes in our communities, and a growing pattern of unlawful firearms found within vehicles, causing a danger not only to the police but also to the public at large.

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The Federal Government currently has jurisdiction over ownership of firearms, but the Provincial Government have jurisdiction over transportation and motor vehicle licensing and as such, by supporting this Act, it will send a strong message to the public that we are serious about public safety and about eliminating these unlawful firearms in our community.

With the passing of this Bill, it will become the first of its kind in Canada. This Bill would allow a police officer who, on reasonable and probable grounds, believes that a person has committed an offence, the officer will (a) request that the driver surrender his/her driver's license; and (b) detain the motor vehicle until it is impounded. The driver's license will automatically be suspended for a period of seven days from the time the request is made and the vehicle will be detained and impounded for seven days from the time it was detained (under clause (4) (b) of the Bill.) However a police officer may release the motor vehicle to its owner before its impoundment or be released BEFORE the expiry of the seven day period, IF the officer is satisfied that the vehicle was stolen when the prohibited act of driving took place.

Relationship to Vaughan Vision 2020

Enhance and Ensure Community Safety, Health and Wellness.

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

Regional Implications

That the Region of York Council and the York Region Police Board support this recommendation.

Conclusion

By supporting this motion, we are not only promoting public safety but we are suppressing conditions leading to crime by prohibiting driving on the highway in a motor vehicle in which there is an unlawfully possessed firearm.

Attachments

1. Bill 56
2. Bill 56 – Backgrounder
3. Bill 56 – Petition Form

(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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EXTRACT FROM COUNCIL MEETING MINUTES OF MAY 12, 2008

Item 11, Report No. 24, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on May 12, 2008.

**11 ADDITION TO THE FORMAT OF RECOMMENDATIONS MADE TO COUNCIL OR
 COMMITTEE OF THE WHOLE**

The Committee of the Whole recommends:

1) That the following be approved:

Councillor Tony Carella recommends that Council approve the addition of a new section to the format of all recommendations made to Council and/or Committee of the Whole, such addition to be a section entitled "Contribution to Sustainability"; that the new section appear immediately after the section entitled "Recommendation"; and that this recommendation take effect upon the adoption of the City's environmental master plan; and

2) That the following report of Councillor Carella dated May 5, 2008, be received.

Recommendation

Councillor Tony Carella recommends that Council approve the addition of a new section to the format of all recommendations made to Council and/or Committee of the Whole, such addition to be a section entitled "Contribution to Sustainability"; that the new section appear immediately after the section entitled "Recommendation"; and that this recommendation take upon the adoption of the City's environmental sustainability plan.

Economic Impact

Nil

Purpose

To ensure that those making recommendations to Council or Committee of the Whole consider the impact, if any, of their recommendation on the City of Vaughan's commitment to environmental sustainability, as specified in the City's environmental sustainability plan.

Communication Plan

As the recommendation is for the approval of what is essentially a housekeeping matter, a communication plan is not necessary.

Background – Analysis and Options

The City of Vaughan's new strategic plan---*Vaughan Vision 20/20*---includes a vision statement that describes Vaughan as

*A city of choice that promotes diversity, innovation and opportunity
for all citizens, fostering a vibrant community life that is inclusive,
progressive, environmentally responsible and sustainable.*

The statement constitutes a commitment on the part of both the Council and Corporation of the City of Vaughan not only to support environmental sustainability, but to champion it. If the statement is to be taken at face value, it is appropriate that in all actions taken by the City---- actions which are prompted in the form of recommendations from members of Council or the

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Senior Management Team---consideration should, and indeed must be given by Council to the impact that recommended actions will have on sustainability. Hence, this recommendation, which is designed to ensure that although not every recommended action will necessarily impact sustainability, consideration will be given to the question “How does this action impact sustainability?”

Regional Implications

Nil

Relationship to Vaughan Vision 20/20

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

Conclusion

Councillor Carella requests that Council affirm its commitment to sustainability---as expressed in the vision statement which is the principal component of the City of Vaughan’s new strategic plan, *Vaughan Vision 20/20*--by ensuring that consideration be given formally to the impact on sustainability of any recommendations to Council or Committee of the Whole by those making such recommendations.

Attachments

None

Report prepared by:

Councillor Tony Carella

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Item 12, Report No. 24, of the Committee of the Whole, which was adopted, as amended, by the Council of the City of Vaughan on May 12, 2008, as follows:

By approving the following:

- 1) ***That a By-law be enacted to implement a 'No Stopping' prohibition on Dianawood Ridge from Wilshire Boulevard to and including the cul-de-sac, both sides, between the hours of 5:00 pm to 2:00 am.; and***
- 2) ***That the City of Vaughan Enforcement Department and York Regional Police be requested to provide enforcement of the existing and proposed prohibitions on Dianawood Ridge; and***

By receiving the report of Councillor Di Vona, dated May 5, 2008.

12 DIANAWOOD RIDGE – PROPOSED STOPPING PROHIBITION

The Committee of the Whole recommends that this matter be referred to the Council meeting of May 12, 2008.

Recommendation

Councillor Bernie DiVona recommends:

1. That staff provide a report regarding the implementation of a 'No Stopping' prohibition on Dianawood Ridge from Wilshire Boulevard to and including the cul-de-sac, both sides, between the hours of 5:00p.m. to 2:00 a.m.

Economic Impact

The cost to install the stopping prohibition signs would have an initial impact on the 2008 Operating Budget, and the costs to maintain the signs would have an impact to future Operating Budgets.

Communications Plan

The Local Councillor will contact the residents within the area of the stopping prohibition to advise them the direction from City Council.

Purpose

Residents are requesting that either no parking/ stopping signs be implemented on Dianawood Ridge.

Background - Analysis and Options

Councillor Bernie DiVona has received the above referenced request by the residents of Dianawood Ridge. They have expressed the dire need for the signs to address safety issues and illegal activities.

The residents are concerned since the court has become a meeting area and/or gathering spot for young adults and their vehicles. Starting last summer, small group of teens/young adults congregate out of their vehicles on the street and just hang out there. The residents are left with picking up their discarded waste that includes empty liquor bottles, cigarette packs, pop and beer.

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Many residents that use to walk through the street and then cross the walkway to Langstaff Road no longer do so because they are intimidated and fearful of the groups of teens/young adults hanging-out. The activity usually occurs between the hours of 5:00pm and 2:00am and on different days of the week.

Relationship to Vaughan Vision 2007

This report is consistent with the priorities previously set by Council and the necessary resources have not been allocated.

Regional Implications

N/A

Conclusion

Residents are requesting that either no parking/ stopping signs be implemented on Dianawood Ridge for safety reasons and to stop the illegal activities.

Attachments

Map

Report prepared by:

Councillor DiVona, Ext. 8339

(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 13, Report No. 24, of the Committee of the Whole, which was adopted, as amended, by the Council of the City of Vaughan on May 12, 2008, as follows:

By replacing Clause 2 of the recommendation of Councillor Carella with the following:

- “2. That staff be directed to report to the Committee of the Whole meeting of June 3, 2008, on the request by the residents of Chalone Crescent to the subtitling of Chalone Crescent as “Marco’s Way”.**

13

SUBTITLING CHALONE CRESCENT “MARCO’S WAY”

The Committee of the Whole recommends approval of the recommendation contained in the following report of Councillor Carella, dated May 5, 2008:

Recommendation

Councillor Tony Carella recommends that the Committee of the Whole :

1. Receive the attached letter and accompanying petition signed by one hundred and fifty seven (157) residents of Chalone Crescent and other streets; and
2. That staff be directed to report back to the Committee of the Whole as soon as possible on the request by the residents of Chalone Crescent to the subtitling of Chalone Crescent as “Marco’s Way” (that such subtitling take the form of signs of standard size placed immediately below existing signs indicating Chalone Crescent).

Economic Impact

Nominal: the cost of one sign at either end of Chalone Crescent, plus installation.

Communication Plan

The Ward Councillor will inform the petitioners of the outcome of their efforts, and coordinate a brief ceremony commensurate with the wishes of the family of Marco Leggieri.

Purpose

To commemorate Marco Leggieri, who succumbed to cancer on his fifth birthday.

Background - Analysis and Options

The petitioners have specifically indicated that they do not wish to change the name of the street, only honour the memory of a child who lived on the street by means of a small example of public recognition. The request be reviewed by staff in context of any existing policies and furthermore that staff review other options available for a commemoration in memory of Marco Leggieri.

Relationship to Vaughan Vision 2020

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

Conclusion

It is appropriate that Council request staff to review this small gesture in honour of the memory of Marco Leggieri as requested by the residents.

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Attachments

1. Letter and petition of one hundred and fifty seven signatories

Report prepared by:

Councillor Tony Carella, FRSA

(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 14, Report No. 24, of the Committee of the Whole, which was adopted, as amended, by the Council of the City of Vaughan on May 12, 2008, as follows:

By approving that staff provide the legal interpretation of the tri-party agreement for William T. Foster Woods;

By receiving the memorandum from the Commissioner of Community Services, dated May 8, 2008; and

By receiving the following written submissions and petition:

- a) ***Mr. Timothy J. Arnott, Kleinburg and Area Binder Twine Festival, Box No. 6, Kleinburg, L0J 1C0, dated May 6, 2008;***
- b) ***Mr. Ken Schwenger, Kleinburg and Area Ratepayers' Association, P.O. Box 202, Kleinburg, L0J 1C0, dated May 8, 2008;***
- c) ***Ms. Norma Curtis, dated May 10, 2008;***
- d) ***Citizen Members, Off-Leash Working Committee, dated May 12, 2008;***
- e) ***Ms. Dawna Guglielmi, The Village of Kleinburg, Business Improvement Association, Box 152, Village of Kleinburg, L0J 1C0, dated May 12, 2008;***
- f) ***Ms. Claire Franceschetti, 15 Sevilla Blvd., Box 167, Kleinburg, L0J 1C0, and petition, dated May 12, 2008; and***
- g) ***Mr. Shayne Mintz, 39 Sevilla Blvd., Kleinburg, L0J 1C0, dated April 16, 2008.***

14

OFF LEASH DOG PARK

The Committee of the Whole recommends:

- 1) That the Off Leash Working Committee be allowed to continue its work and review all of the sites identified and report back no later than September 2008;
- 2) That Councillor Meffe be appointed as a member of the Off Leash Working Committee;
- 3) That staff report to the Council meeting of May 12, 2008 the results of the straw votes coming out of the Kleinburg meeting;
- 4) That the following report of Councillor Meffe, dated May 5, 2008, be received;
- 5) That the following deputations and coloured photographs, be received:
 - a) Ms. Cathy Longley, 84 Bindertwine Boulevard, Kleinburg, K0J 1C0;
 - b) Ms. Nancy Van Kessel, 18 Ferdinand Avenue, Maple, L6A 2Z3;
 - c) Mr. John McCormack, 58 Sterling Crescent, Maple, L6A 1A2;
 - d) Mr. David Brand, 232 Camlaren Crescent, Kleinburg, L0J 1C0;
 - e) Ms. Sylvie Morin, 69 Saint Damian Avenue, Woodbridge, L4H 2L5;
 - f) Mr. Savino Quatela, 134 Grand Valley Boulevard, Maple, L6A 3K6;
 - g) Ms. Susan Tam, 1 Lucerne Drive, Woodbridge, L4H 2Y4;
 - h) Mr. Frank Greco, 10504 Islington Avenue, P.O. Box 772, Kleinburg, L0J 1C0;
 - i) Mr. Bob Klein, KARA, 8 Daleview Court, Kleinburg, L0J 1C0;
 - j) Ms. Deborah Schulte, 76 Mira Vista Place, Woodbridge, L4H 1K8, and coloured photographs; and
 - k) Ms. Alexandra Hatfield, 232 Camlaren Crescent, P.O. Box 190, Kleinburg, L0J 1C0; and
- 6) That the following written submissions be received:
 - a) Ms. Christine Sorochinsky, dated May 5, 2008; and

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b) Mr. Greg Preston, dated May 5, 2008.

Recommendation

Councillor Peter Meffe recommends that:

1. Council directs the Director of Parks Development to move ahead with an Off Leash Dog Park by searching and recommending to Council sites within Vaughan for this initiative. This would include but not limited to options for purchase, lease or rental of space of privately owned as well as City, TRCA or Public Agency Lands. That this options be presented to Council within 60 days for evaluation and approval in order to commence thereafter immediate construction of an Off Leash Dog Park for the City of Vaughan, and
2. That a communication strategy be developed by staff of said initiative. That staff review and recommend guidelines and regulations of this facility for dog owners and their dogs. Incorporating and setting out requirements including that all dogs using the facility MUST be licensed by the City of Vaughan and have up-to-date vaccinations.

Economic Impact

Allocated in the 2008 Budget

Communications Plan

To be determined.

Purpose

In order to serve the needs of residents (dog owners) with the opportunity to better the health and wellness of themselves and their dogs by providing an area in Vaughan where dogs can run freely.

Background - Analysis and Options

The request for an Off Leash Dog Park has been ongoing for well over 2 years, and the two sites that have been previously reviewed have been opposed by local residents of both Woodbridge and Kleinburg. The funds for construction of an Off Leash Dog Park has been allocated in the budget of 2007 and been reconfirmed in the 2008 budget by this Council. Once this matter was commenced, it was clear that the Council of the City of Vaughan unanimously supported this worthy initiative.

Relationship to Vaughan Vision 2020

This report is consistent with the Vaughan Vision 2020 strategic initiatives to enhance and ensure community safety, health and wellness.

Regional Implications

None.

Conclusion

The City of Vaughan has allocated the appropriate funds in the budget to ensure that the City has an Off Leash Dog Park for the residents that are dog owners which will provide them with the opportunity to allow their dogs to run freely.

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Attachments

None.

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Item 15, Report No. 24, of the Committee of the Whole, which was adopted, as amended, by the Council of the City of Vaughan on May 12, 2008, as follows:

By approving Clauses 1 and 3 of the recommendation contained in the report of the City Manager, dated May 5, 2008; and

By approving that Mr. H. Tom Wilson be appointed to the Yonge Subway Advisory Task Force.

**15 YONGE SUBWAY ADVISORY TASK FORCE - DRAFT TERMS OF REFERENCE
RESPONSE TO REQUEST FOR COMMENTS FROM THE REGION OF YORK**

The Committee of the Whole recommends that this matter be referred to the Council meeting of May 12, 2008.

Recommendation

The City Manager, in consultation with the Commissioner of Planning and the Commissioner of Engineering and Public Works, recommends that:

1. That the draft Terms of Reference for the Yonge Subway Advisory Task Force, forming Attachment No. 1 to this report, be endorsed;
2. Council provide direction in the matter of the appointment of a third Vaughan representative to the Yonge Subway Advisory Task Force, consistent with the Terms of Reference, being a non-elected member, who represents local stakeholder interests;
3. This report be forwarded to the Region of York, the Town of Markham and the Town of Richmond Hill.

Economic Impact

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

Communications Plan

A communications plan is not required at this time. Any necessary communication measures will need to be discussed by the Advisory Task Force when it begins operations.

Purpose

The purpose of this report is to provide comments to the Region of York on the draft Terms of Reference for the Yonge Subway Advisory Task Force; and to obtain direction on the appointment of a third non-elected representative to the Task Force, to represent local stakeholder interests. The elected representatives of Vaughan Council were appointed on March 31, 2008.

Background – Analysis and Options

a) **Background**

On January 24, 2008 Regional Council, on recommendation from the Rapid Transit Public/Private Partnership Steering Committee, adopted the following motion:

1. Endorse the Terms of Reference for the Yonge Subway Advisory Task Force as outlined in this report.

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2. Endorse the Yonge Subway Advisory Task Force membership to be comprised of the appointees of York Region and the City of Vaughan, the Town of Richmond Hill, and the Town of Markham as outlined in this report.
3. Authorize the Regional Clerk to circulate the draft Terms of Reference for the Yonge Subway Advisory Task Force to the City of Vaughan, the Town of Richmond Hill and the Town of Markham for comment and request their endorsement of the draft Terms of Reference and their Task Force appointments.
4. Authorize staff to bring back the Terms of Reference for the Yonge Subway Advisory Task Force for finalization following the City of Vaughan, Town of Richmond Hill and Town of Markham responses.

On March 31, 2008 Council confirmed Regional Councillor Joyce Frustaglio and Ward 5 Councillor Alan Shefman as its representatives on the Yonge Subway Advisory Task Force and the Region of York has been advised accordingly.

This report is in response to the Region's request of January 24, 2008.

b) The Yonge Subway Advisory Task Force

On June 15, 2007 the Province announced the *MoveOntario 2020* program. It committed \$17.5 billion in funding to 52 transit projects in the GTA, including the extension of the Yonge Street Subway from Finch Station to Richmond Hill Centre at Highway 7. On June 21, 2007 Regional Council directed staff to initiate an EA for the subway extension, including functional design work.

The purpose of the Advisory Task Force, as described in the Region's report, is to "provide guidance, advice and a forum for the coordination of the many issues that will shape the evolution of the Yonge Street subway".

The Task Force will facilitate stakeholder consultation to support the goals of the Region and the local municipalities in the delivery of a comprehensive higher order transit network, intermodal connectivity and transit supportive development. It will also foster discussions with the City of Toronto on the integration of surface transit facilities with the Steeles Subway Station and consideration of the need for a station at Cummer Avenue.

The January 24, 2008 report to Regional Council entitled "Yonge Subway Advisory Task Force Draft Terms of Reference", forms Attachment No. 1 to this report.

c) The Yonge Subway Advisory Task Force Draft Terms of Reference

The draft Terms of Reference for this project are similar to those adopted for the Spadina Subway TOD (Transit Oriented Development) Advisory Task Force. The Yonge Subway Advisory Task Force differs in that its membership recognizes the multiple jurisdictions that will be affected by the subway extension. As such it will include representatives from York Region, the City of Vaughan and the Towns of Markham and Richmond Hill. The Terms of Reference are set out below.

The Goal of the Advisory Task Force:

To support and promote Transit-Oriented Development in the areas adjacent to the Yonge Subway Extension, from Steeles Avenue to the Richmond Hill Centre, in accordance with the policies, plans and guidelines of the Region of York, the City of Vaughan and the Towns of Markham and Richmond Hill and to liaise with the City of Toronto on matters of mutual interest.

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The Objective of the Advisory Task Force:

To support the Yonge Subway Extension and the integration of the subway with the Rapid Transit Network, YRT, GO Rail and the GO 407 transit initiatives, consistent with the objectives of the Region of York and local Official Plans, through the application of the principles of Transit-Oriented Development, in order to:

- a) Achieve development densities adjacent to station sites that support a sustainable higher order rapid transit system, based on heavy rail (subway) and VIVA rapid transit technologies;
- b) Benefit from the creation of attractive, well-designed, compact and pedestrian friendly communities;
- c) Achieve a diverse mix of land uses that contribute to the creation of vibrant communities;
- d) Realize the environmental and social benefits of developing communities consistent with the principles Transit-Oriented Development;
- e) Fulfill the potential of the Richmond Hill Centre as an “Urban Growth Centre” (*Places to Grow Plan* – June 2006) and a “Regional Centre” under the Region of York Official Plan;
- f) Take advantage of the opportunities emerging in the Greater Richmond Hill Centre and Langstaff areas on the north and south side of the 407/Highway 7 Corridor to become the premier intermodal hub and transit oriented gateway in York Region;
- g) Integrate surface transit and subway support facilities into the Steeles Avenue station district;
- h) Consider the location, function and character of potential intermediate stations along the Yonge Corridor between the Finch Avenue Station and Richmond Hill Centre.

The Mandate of the Advisory Task Force:

It is the mandate of the Advisory Task Force to:

- a) Provide strategic support and assistance to the Region of York and the local municipalities in facilitating and implementing Transit Oriented Development, in accordance with the respective municipal policies, plans and guidelines;
- b) Promote and support the efficient integration of Transit Oriented Development and subway station sites with surface transit, commuter parking, passenger pick-up and drop-offs and pedestrian routes;
- c) Act as a forum for discussion for the purposes of issue identification and problem solving and to partner with the Region of York and the local municipalities in the planning and implementation of required responses;
- d) Communicate the economic, financial, social, environmental and aesthetic benefits of Transit Oriented Development to all sectors of society;

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- e) Undertake specific tasks, in partnership with the municipalities, to support or advocate Transit Oriented Development, including working with external agencies, landowners and senior levels of government to address such matters as funding or planning/development issues affecting the implementation of Transit Oriented Development;
- f) Liaise and consult with the City of Toronto stakeholders and support the free-flow of information between municipalities.

Location:

The Yonge Subway Advisory Task Force's will primarily focus on three areas of interest along the Yonge subway alignment:

- The Intermodal Gateway at Richmond Hill Centre and the adjoining Langstaff areas;
- Transit facilities and transit-oriented development integration within the Steeles Station district;
- The consideration of intermediate stations along the subway corridor in addition to Steeles and Richmond Hill Centre.

Areas of interest may also include properties within a convenient (5 to 10 minute) walking distance (400 – 500 metres) of the station sites.

Relationship to the Municipal Planning (*Planning Act*) Processes:

The Advisory Task Force will operate independently from the on-going municipal planning processes and will not affect the planning processes carried out by the Region of York and local municipalities. The Advisory Task Force will not be a commenting body to either the Region or the local municipalities in matters relating to development applications or initiatives pursued under the *Planning Act*. Technical comments relating to station integration with surface transit facilities and Transit Oriented Development will be provided by the staff of the York Region Rapid Transit Corporation.

Advisory Task Force Membership:

The Advisory Task Force will be composed of:

- The Regional Chair who will be ex officio;
- Two (2) appointees from York Region, who shall be members of Regional Council;
- Two appointees from each of the City of Vaughan, Town of Richmond Hill and Town of Markham who shall be members of Municipal Council;
- One non-elected member, who represents local stakeholder interests, may be appointed by the Region and each Municipal Council.

The appointments shall be at the sole discretion of the respective Councils.

Chair:

The Chair and Vice-Chair shall be elected by the Committee members at the inaugural meeting for a term of two years.

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Term:

Members of the Advisory Task Force will serve concurrently with the terms of Regional/Municipal Council. Such appointments shall expire at the end of term for both Councils.

Remuneration:

Not Applicable.

Meetings:

The Advisory Task Force will meet not less than quarterly throughout the calendar year. The quarterly meetings will be established annually at the first meeting of each calendar year. More frequent meetings may be required from time to time. Such meeting dates will be set by the Chair in consultation with the Task Force members.

Reporting:

Minutes of the Advisory Task Force meetings will be recorded and forwarded to the appropriate Committees/Councils of York Region and the City of Vaughan for their consideration and action as necessary.

Administration and Technical Services:

Administrative (Secretariat) Services will be provided by the Region of York. Technical support will be drawn from the staff of the York Region Rapid Transit Corporation, the Region of York and the local municipalities, as required.

d) Appointment of a Non-Elected Member to the Advisory Task Force

The Terms of Reference provide that each Council may appoint, "one (1) non-elected member, who represents local stakeholder interests". Should Council wish to make an appointment there are a number of options: Make the appointment now or at the next Council meeting; defer the appointment for further consideration; or decline to make an appointment at this time. It is noted that the Markham and Richmond Hill have both appointed their non-elected member to the Task Force. Should the Terms of Reference be satisfactory, Recommendation 1 may still be adopted and conveyed to the Region. This would allow for the work of the Task Force to start, if further consideration of the appointment is warranted.

Relationship to Vaughan Vision 2020

Participation in the Yonge Subway Advisory Task Force fulfills a number of objectives under Vaughan Vision 2020. These include, under "Plan and Manage Growth & Economic Vitality":

- Work with other levels of government to continue to support the expansion of the GO system and public/rapid transit;
- Support and coordinate land use planning for high capacity transit at strategic locations in the City.

Regional Implications

This is an initiative of the Council of the Region of York. It will be administered by Regional Staff. Technical support will be provided jointly by the Region and the local municipalities, as required.

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Conclusion

The proposed Yonge Subway Advisory Task Force presents an opportunity for the Region of York, the City of Vaughan and the Towns of Richmond Hill and Markham to work together to support the Yonge Subway Extension and to realize their respective planning objectives for the subway corridor.

The Task Force, as an advisory body, will focus on providing strategic level assistance to the Region and the local municipalities and it will work with other governments and agencies involved in the planning of the subway project. The Task Force will not be involved in the *Planning Act* approvals processes for development around the station sites. It will support the implementation of Transit Oriented Development based on the local and regional official plans, policies and guidelines.

This project is still in its early stages. Subject to final approval of a new regulation, entitled "Transit Projects and Greater Toronto Transportation Authority Undertakings", it is expected that the Environmental Assessment will be able to proceed under an accelerated six month process. Cabinet approval for the new regulation is expected in June of 2008.

The first four months of the new process are devoted to the finalization and submission of the EA, including public consultation (three public consultation centres), with the remaining two months accommodating the approval processes. This will allow the Region to start the formal EA process in the fall of 2008 with the objective of obtaining approval by April 2009. Preliminary engineering is being carried out by the Region, with the concurrence of the City of Toronto, as a precursor to the Environmental Assessment.

The Committee is being formed at an opportune time in the life of the project. It will allow for its involvement at the initial planning stage of the project. Attachment No. 2 shows the preliminary timetable for the process leading to the approval of the Yonge Street Subway Environmental Assessment, including the participation of the Advisory Task Force.

It is recommended that Council endorse the draft Terms of Reference, forming Attachment No. 1 to this report; and that direction be given to the appointment of a third Vaughan representative to the Yonge Subway Advisory Task Force, consistent with the Terms of Reference, being a non-elected member, who represents local stakeholder interests.

Attachments

1. Report to Regional Council: "Yonge Subway Advisory Task Force Draft Terms of Reference", January 24, 2008
2. Yonge Subway Extension Study Timelines – 2008/09

Report Prepared by:

Roy McQuillin, Manager of Corporate Policy, ext. 8211

(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 16, Report No. 24, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on May 12, 2008.

16

VAUGHAN HEALTH CARE FOUNDATION

The Committee of the Whole recommends approval of the recommendation contained in the following report of the City Manager and Deputy City Manager/Commissioner of Finance and Corporate Services, dated May 5, 2008:

Recommendation

The City Manager and Deputy City Manager/Commissioner of Finance and Corporate Services in consultation with the Commissioner of Planning and Director of Legal Services requests:

1. That the resolution, provided as Attachment 1, in response to the Vaughan Health Care Foundation's request for assistance in the collection of voluntary contributions be approved.
2. THAT Council direct staff to take the necessary steps to implement a system for the collection of Voluntary Contributions in support of the Vaughan Health Care Foundation's fundraising efforts towards the future Hospital to be located in the City of Vaughan.

Economic Impact

The economic impact is unknown at this time but will consist mainly of staff time for receiving and forwarding of contributions and appropriate information to the Vaughan Health Care Foundation.

Communications Plan

Corporate Communications and the Foundation will issue a joint news release on Council's support for the Foundation's initiative. The news release, as well as a "backgrounder" and a project overview promoting the activities of The Vaughan Health Care Foundation and a link between the two websites will be created. Corporate Communications will monitor the progress of the program and identify opportunities for further publicity.

Potential contributors will be informed of this initiative when applying for a building permit.

Purpose

To support the Vaughan Health Care Foundation in its fundraising efforts for the construction of a Hospital in the City of Vaughan.

Background - Analysis and Options

The City Manager together with the Deputy City Manager and the Commissioner of Planning have met with representatives of the Vaughan Health Care Foundation to determine how the City might best assist the Foundation in their fundraising efforts for the City of Vaughan's future Hospital.

Attached to this report as Attachment 2, is a copy of a letter from the Chair of the Vaughan Health Care Foundation outlining background information, respecting a voluntary contribution program and a request for the City's assistance in the collection of the voluntary contributions.

It is intended that all contributions would be collected at the permit issuance stage for residential, commercial and industrial development. Staff have created an additional form attached to this

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report as Attachment 3, that will be handed out at the time of the permit application. This new form will reflect the applicant's opportunity to provide a contribution to the Vaughan Health Care Foundation. The contributions will be received by the Building Standards Department at permit issuance and forwarded to the Finance Department who will in turn consolidate the contributions and forward them to the Vaughan Health Care Foundation. A Monthly Building Permit Issuance Report will be produced by the Building Standards Department and forwarded together with the cheques to Reserves and Investments. Finance staff will work with Building Standards staff to reconcile payments against permits issued. Once reconciled, it will be forwarded to the Vaughan Health Care Foundation on a monthly basis enabling them to follow-up directly with permit holders as appropriate.

Notwithstanding the above where a new "Block" is being processed for development, it will be the responsibility of the block captain to facilitate the collection of contributions and forwarding of same directly to the Vaughan Health Care Foundation. In addition the block captain shall be required to provide a list of contributors to the Planning Department which will then coordinate with the Building Standards Department to ensure identification of properties for which contributions have been received through the block process.

Relationship to Vaughan Vision 2020

To enhance and ensure community safety, health and wellness. Specifically "provide continued support for the development of a future hospital for Vaughan and continue to work with other levels of government and the Vaughan Health Campus of Care to provide comprehensive and integrated health care to residents".

Regional Implications

Not applicable.

Conclusion

Upon the adoption of the resolution and Council direction, staff will initiate the process to assist in the fundraising efforts of the Vaughan Health Care Foundation.

Attachments

1. Attachment #1 – Resolution.
2. Attachment #2 – A copy of a Letter dated January 23, 2008, from the Chair, Vaughan Health Care Foundation.
3. Attachment #3 – Vaughan Health Care Foundation Form.

Report prepared by:

Clayton Harris, Deputy City Manager/Commissioner of Finance and Corporate Services
John Zipay, Commissioner of Planning, ext. 8445
Leo Grellette, Director of Building Standards, ext. 8218

(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.)

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF MAY 12, 2008

Item 17, Report No. 24, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on May 12, 2008.

17 UJA FEDERATION OF GREATER TORONTO PRIVATE LEGISLATION FOR EXEMPTION FROM PROPERTY TAXATION - REQUEST FOR COUNCIL RESOLUTION

The Committee of the Whole recommends:

- 1) That Clause 1 of the recommendation contained in the following report of the Deputy City Manager/Commissioner of Finance & Corporate Services and the Director of Financial Services, dated May 5, 2008, be approved;
- 2) That the following resolution be adopted:

“Whereas the Joseph & Wolf Lebovic Jewish Community Campus, a subsidiary of the United Jewish Appeal Federation of Greater Toronto, (hereinafter referred to as the UJA) is the owner of certain real property in the City of Vaughan known as the Joseph & Wolf Lebovic Jewish Community Campus located on the west side of Bathurst, north of Rutherford; and

Whereas the UJA is a registered charity within the meaning of the Income Tax Act; and

Whereas the UJA wishes to build and operate the non-profit Joseph and Wolf Lebovic Jewish Community Campus at the subject property, which will include, schools, medical services, synagogue, immigrant aid services, supportive housing for physically and developmentally challenged, family and child services, pools, gymnasias; and

Whereas the UJA has received site plan approval for Phase I and II but not Phase III of the project; and

Whereas the UJA intends to lease the subject property to various occupants, who will provide charitable and non-profit services; and

Whereas section 3 of the *Assessment Act*, R.S.O 1990, c. 31, as amended, requires that a charitable organization needs to own and occupy a property in order to qualify for a property tax exemption; and

Whereas the UJA would qualify for property tax exemption under section 3 of the *Assessment Act* but for the fact that they will not be occupying the subject property; and

Whereas the UJA is applying for a Private Bill to have the subject property exempted from municipal property tax; and

Whereas the UJA is requesting that the City of Vaughan consents to such a private Bill; and

Now Therefore be it Resolved that Council of the City of Vaughan support the efforts of the UJA in its application for a Private Bill giving authority to the City of Vaughan to enact a by-law that would exempt the subject property from municipal property taxes, provided that the uses on the subject property would be exempt under the *Assessment Act* but for the fact that the subject property is not being occupied by the UJA;”

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- 3) That the supporting documents requiring the signature of the Mayor be provided to the Council meeting of May 12, 2008;
- 4) That the memorandum of the Director of Finance, dated May 5, 2008, be received; and
- 5) That the deputation of Mr. Louis Greenbaum, 1118 Centre Street, Suite 208, Thornhill, L4J 7R9, on behalf of UJA Federation of Greater Toronto, be received.

Recommendation

The Deputy City Manager/Commissioner of Finance & Corporate Services and the Director of Financial Services, in consultation with the Director of Legal Services and the Manager of Property Tax & Assessment recommends:

- 1) That this report be received for information; and
- 2) That should Council wish to support the request, staff recommend approving the attached Resolution in support of the United Jewish Appeal Federation of Greater Toronto (the UJA) for a Private Bill.

Economic Impact

If the UJA were to receive exemption from property taxes on the subject lands referred to below, the annual estimated property taxes for the City portion only on Phase I is \$179,000, Phase II is \$37,000. Phase III cannot be determined at this point. The above amounts are only estimates based on information provided by the UJA Federation. The Regional impact is indicated below and Provincial Education Taxes would also be exempted.

Communications Plan

A Communications Plan is not applicable to this report.

Purpose

To provide Council with the background and estimated economic impact regarding the UJA's request for City support via resolution through passage of a Private Bill in the Provincial Legislature, that would provide the City with the authority to enact a By-law to exempt the subject property from property taxes.

Background - Analysis and Options

The UJA is a charitable, not-for-profit corporation. It is supported by a combination of donations and public funds. The UJA Federation supports community service-type organizations as well as education, health and social services.

The City has received a request (see attached request) from the UJA asking that the City of Vaughan Council pass a resolution in support of a Private Bill to the Provincial Legislature that would enable the UJA to become exempt from paying municipal property taxes for all or a portion thereof for the Joseph and Wolf Lebovic Jewish Community Campus, which is approximately 50 acres in size and is situated on the west side of Bathurst Street north of Rutherford Road (the subject property).

The Assessment Act, administered by MPAC, exempts philanthropic organizations, charities or non-profit organizations from paying municipal property taxes, provided they satisfy certain criteria. MPAC has established an exemption review process for all municipal property tax

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exemption requests in order to ensure that the provisions under the Assessment Act are consistently adhered to throughout the Province. MPAC was approached by the UJA in order to avail itself of this exemption review process. The Assessment Act states that a charitable organization needs to **own and occupy** a property under certain conditions in order to qualify for municipal property tax exemption. With respect to the subject lands, UJA will maintain ownership however, it will provide land leases to various occupants who, in turn will build and occupy their own buildings, and provide charitable, non-profit services. Therefore, MPAC confirmed that under the described proposed arrangements for the subject property, the municipal property tax exemption requirements under the Assessment Act will not be technically met. The issue being that a non-profit organization would not own and occupy the property, but rather would own the property but lease to another non-profit organization that would provide charitable services. The position that the UJA has taken is that it is unfair to deny the UJA property tax exemption when the only reason for the denial is that they are leasing the subject property to another non-profit charitable organization to provide charitable services on its behalf, rather than occupying the subject property themselves to perform the charitable service.

Current Property Tax Status

The Municipal Property Assessment Development Corporation (MPAC) currently has the property assessed as “Residential Vacant Development land” and as such is subject to Municipal Property taxes. Once these lands are fully developed, based on the current information it appears that without a private bill all the buildings including the synagogues would be liable for property taxation since the buildings will not be occupied by the UJA as land owner.

Development Plans

The intent of the Campus development is to provide a range of significant community facilities and services to the general public (see attached UJA master plan). Currently, the majority of the property is still under construction, but the intention is to complete the property as follows:

Phase I, Quadrant ‘A’ - Site Plan Approved

This phase of the development has already been initiated with the completion and occupation of the Kimmel Education Centre, a 2-story Private Secondary school. The current approved Site plan also includes a Community Services Complex and REENA / Special Needs facilities. South of these facilities are City owned lands which will be developed into a soccer field, baseball diamond and parking.

Phase II, Quadrant ‘B’ – Site Plan Submitted

The proposed phase II of the development includes 2 Private Elementary Schools, including a Synagogue. The school area will include playground, soccer field, outdoor amphitheatre, plus parking. The Site plan has been submitted and is currently awaiting final approval.

Phase III, Quadrant ‘C’ & ‘D’ – Official Plan & Zoning Amendment - Application

This phase is currently under Official Plan Amendment File OP.07.003. and zoning By-law amendment 2.07.032. At this point only conceptual site plans have been submitted to the City. This phase is in it’s early stages of planning and is intended at this point to be used as high rise residential.

Private Bill

Current legislation does not permit the City to grant a site-specific tax exemption. Therefore it is necessary for a Private Bill to be enacted that would give the City authority to enact a By-law that

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would exempt the UJA from municipal property taxes. The properties would still be assessed by MPAC but would be put into an exempt property class. Given the initial conclusion of MPAC the UJA would like to approach the Provincial Legislature in order to enact such a Private Bill. This Private Bill would give the City authority to enact a by-law that would exempt the subject property from all municipal property tax subject to the conditions that the City may deem appropriate. One of the requirements for obtaining a Private Bill is an indication of support via resolution (see attached) from the impacted municipality.

Possible Conditions to the Enactment of the By-law

Once the Private Bill is enacted, the City will have authority to enact a by-law that would exempt the UJA Federation from paying property taxes, subject to conditions that the City deems appropriate. One precondition for the enactment of the By-law would be that the UJA continues to be in a situation whereby it would receive tax exemption under the Assessment Act but for the fact that they are not occupying the subject property. Another possible condition is that the UJA enter into an agreement with the City. Possible provisions for this agreement could be a stipulation that if the lands in question are sold, leased or otherwise disposed of, or if there are changes in use, that property taxes may become applicable. The provisions will also require the registration of the agreements against the title to the property. This approach will provide the City with ability to monitor the property in terms of property taxes, thereby providing fairness in the process.

Relationship to Vaughan Vision 2020

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

Regional Implications

If the UJA were to receive exemption from property taxes on the subject lands, the annual estimated property taxes, for the Regional portion only, on Phase I is \$347,000, Phase II is \$72,000. Phase III cannot be determined at this point.

Conclusion

The UJA Federation, a charitable/non-profit corporation, has requested support from the City via resolution for exemption of property taxes through a Private Bill. Support from an impacted municipality is required for the enactment of a Private Bill. A Private Bill is necessary because the UJA Federation does not technically satisfy the Assessment Act requirements of ownership and occupation. However, the UJA will be satisfying the spirit of the Assessment Act, as they will be leasing the subject property to other charitable/non-profit organizations. With support from the City, the Province can enact a Private Bill that would provide the legislated authority for the City to exempt the UJA from property taxes. Other Municipalities have also provided this type of support under similar circumstances to various charitable organizations and the City has also granted a similar request in the past, and will continue to consider similar requests in the future.

If the City wishes to assist the UJA in their efforts, then a resolution supporting the request will be required. The City, once the Private Bill is passed by the legislature, will enact a By-law and may enter into an agreement with the UJA that will provide for certain conditions that are deemed appropriate.

Attachments

Attachment 1 – Resolution
Attachment 2—UJA request
Attachment 3 - UJA Master Plan

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Report prepared by:

Barry E. Jackson, CGA
Director of Financial Services
Ext 8272

Maureen E. Zabiuk, A.I.M.A., AMTC
Manager, Property Tax & Assessment
Ext. 8268

Chris Bendick
Solicitor
Ext. 8298

(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.)

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF MAY 12, 2008

Item 18, Report No. 24, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on May 12, 2008.

18

AWARD OF TENDER T08-028
PEAK POINT PARK (MN-22)

The Committee of the Whole recommends approval of the recommendation contained in the following report of the Commissioner of Community Services, dated May 5, 2008:

Recommendation

The Commissioner of Community Services, in consultation with the Directors of Purchasing Services Department, Reserves and Investments and Parks Development recommends:

- 1) That T08-028, Peak Point Park (MN-22) be awarded to Forest Contractors Ltd. for the amount of \$330,014.00 (excluding G.S.T.); and,
- 2) That a contingency allowance of 10% be approved, within which the Director of Parks Development is authorized to approve amendments to the contract; and,
- 3) That funding in capital project PK 6083-07 be increased by \$23,000.00; and,
- 4) That the inclusion of the matter on a public Committee or Council agenda for the additional funding request for Peak Point Park MN22 is deemed sufficient notice pursuant to Section 2(1)(c) of Bylaw 394-2002; and,
- 5) That a bylaw be enacted authorizing the Mayor and the City Clerk to sign the necessary documents.

Economic Impact

Capital project PK 6083-07 – Peak Point Park (MN-22) funding was approved in the 2007 Capital Budget. The annual operating cost of \$20,440.00 is required to maintain this park once completed.

Communications Plan

Not applicable.

Purpose

The purpose of this report is to seek approval to award tender T08-028 for the development of Peak Point Park (MN-22).

Background - Analysis and Options

The project is for the construction of the Peak Point Park (MN-22) located east of Keele Street and South of Kirby Road in Maple. Capital project PK 6083-07 - Peak Point Park (MN-22) funding was approved in the 2007 Capital Budget.

Construction funding was approved and includes the following in accordance with the master landscape plan: single hoop basketball court; bocce court; main gathering space with seating; playground area with senior and junior play precinct; asphalt concrete pathway with lighting; site furnishings; plantings and sodding.

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The proposed park components were developed by the Parks Development Department. The park is designed respecting the principles of CPTED – Crime Prevention Through Environmental Design.

The Bidders have been pre-qualified by the City of Vaughan as eligible Bidders to submit bids for this Project. Tenders were closed and publicly opened on Tuesday, April 01, 2008. Five (5) bid documents were received. The bid results of the five (5) bids are as follows:

<u>Contractor</u>	<u>Base Tendered Price</u> <u>(excluding GST)</u>
Forest Contractors Ltd.	\$330,014.00
Gateman Milloy Inc.	\$352,801.53
Melfer Construction	\$364,952.00
Northgate Farms Ltd.	\$370,670.00
Pine Valley Enterprises Inc.	\$393,974.00

Relationship to Vaughan Vision 2007

In consideration of the strategic priorities related to Vaughan Vision 2020, the project will provide:

- **STRATEGIC GOAL:**
Service Excellence - Providing service excellence to citizens.
- **STRATEGIC OBJECTIVES:**
Pursue Excellence in Service Delivery; and Enhance and Ensure Community Safety, Health and Wellness - To deliver high quality services and to promote health and wellness through design and program.

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

Regional Implications

Not applicable.

Conclusion

Parks Development and Purchasing Services Department staff members have reviewed the bid submissions and have determined that the low bid contractor, Forest Contractors Ltd., is deemed to meet the requirements of the contract.

Upon award of Tender, this project will commence within ten (10) working days from the Date of Notification of Award, weather permitting and should be completed on September 30, 2008.

Should Council concur with this proposed additional funding request, this action would be considered as an amendment to the Capital Budget. Pursuant to the Municipal Act 2001, before amending a budget, a municipality shall give notice of its intention to amend the budget at a

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Council meeting. Where a capital project has been subject to a public meeting during the adoption of the approved capital budget and where additional funding is required to complete the approved works, inclusion of the matter in a staff report requesting additional funding on a public Committee or Council agenda is deemed to be sufficient notice pursuant to Section 2(1)(c) of Bylaw 394-2002.

Attachments

None

Report prepared by:

Martin Tavares, Landscape Architect, Ext. 3205
Paul Gardner; Director of Parks Development, Ext. 3209

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EXTRACT FROM COUNCIL MEETING MINUTES OF MAY 12, 2008

Item 19, Report No. 24, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on May 12, 2008.

19

**AWARD OF TENDER T08-036
BOULEVARD AND TURF MAINTENANCE**

The Committee of the Whole recommends approval of the recommendation contained in the following report of the Commissioner of Community Services, dated May 5, 2008:

Recommendation

The Commissioner of Community Services, in consultation with the Directors of Purchasing Services Department, and the Parks & Forestry Operations Department recommends:

- 1) That Award of Tender T08-036 for boulevard and turf maintenance within the City of Vaughan, Areas 1, 2, 3, 4 and 5 be awarded to Sunshine Grounds Care based on an estimated area of 204.3 hectares, for a total annual cost of \$922,946 (including G.S.T. and P.S.T.) and,
- 2) That a bylaw be enacted authorizing the Mayor and the City Clerk to sign the necessary documents.

Economic Impact

Funds for T08-36 Boulevard and Turf Maintenance were approved in the 2008 Operating Budget in the amount of \$675,895. The York Region's contribution for their portion of the contract is \$300,000 for a total of \$975,895.

Communications Plan

Not applicable.

Purpose

The purpose of this report is to award Tender No. T08-036 for Boulevard and Turf Maintenance within the City of Vaughan.

Background - Analysis and Options

The Parks Division has tendered the annual turf and shrub maintenance and debris clean up of both City owned and Region of York owned boulevards within the City of Vaughan for the past five years.

Of the 204.30 hectares of boulevard that are maintained approximately 45% is Region of York boulevard and the cost is recoverable annually from the Region. It is expected that the annual cost of this tender may increase proportionally (on a per hectare basis) as new areas are developed and assumed over the term of the contract. The final yearly costs will reflect any increases in work as areas are developed. As part of the 2008 Operating Budget, funding was included for boulevard and turf maintenance for this contract

This tender was advised in the Vaughan Citizen (Classified Section), Ontario Public Buyers Association and the Bidingo (formerly called Electronic Tender Network - ETN). Tenders closed and were publicly opened on Tuesday April 10, 2008 at 3:30 p.m. Eighteen (18) bid documents were issued and six (6) bids were received, of which two (2) were not compliant by the Purchasing Services Department.

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The bid results are as follows:

VENDOR	AREA 1	AREA 2	AREA 3	AREA 4	AREA 5
Sunshine Grounds Care Caledon, Ontario	1 \$224,745.75	1 \$200,895.00	1 \$179,860.00	1 \$155,296.00	1 \$162,150.00
Springview Landscaping & Snowplowing Ltd. Woodbridge, Ontario	2 \$241,354.08	4 \$264,772.80	3 \$228,031.20	4 \$196,888.32	2 \$167,508.00
Pine Valley Enterprise Inc. Concord, Ontario	3 \$294,582.00	3 \$263,320.00	2 \$226,780.00	3 \$195,808.00	4 \$204,450.00
Lima's Gardens & Construction Inc. North York, Ontario	4 \$420,541.20	5 \$375,912.00	4 \$269,790.00	2 \$181,696.32	3 \$189,715.50
891511 Ontario Limited o/a Erin Mills Gardening & Landscaping Mississauga, Ontario		2 \$245,160.00			
GTA Grounds Care Ltd. Toronto, Ontario				5 \$401,744.00	

Relationship to Vaughan Vision 2020

In consideration of the strategic priorities related to Vaughan Vision 2020, the project will provide:

- **STRATEGIC GOAL:**
Service Excellence - Providing service excellence to citizens.
- **STRATEGIC OBJECTIVES:**
Pursue Excellence in Service Delivery; and Enhance and Ensure Community Safety, Health and Wellness - To deliver high quality services and to promote health and wellness through design and program.

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

Regional Implications

The City of Vaughan maintains debris, turf and shrubbery on Regional boulevards and pays for this service. Not providing this service would be a negative impact on the Region and the City of Vaughan.

Conclusion

Parks Operations staff has reviewed the bid submissions and have determined that the bid supplier Sunshine Grounds Care is deemed to meet the requirements of the contract. Funding for this activity has been approved as part of the 2008 Budget process and is shown in the 2008 Parks Department Operating Budget

Attachments

None

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Report prepared by:

Marjie Fraser,
Director of Parks and Forestry Operations, Ext. 6137

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Item 20, Report No. 24, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on May 12, 2008.

20

**AWARD OF TENDER T08-037
DAVOS ROAD PARK (UV1-N12)**

The Committee of the Whole recommends approval of the recommendation contained in the following report of the Commissioner of Community Services, dated May 5, 2008:

Recommendation

The Commissioner of Community Services, in consultation with the Directors of Purchasing Services Department, Reserves and Investments, and Parks Development recommends:

- 1) That T08-037, Davos Road Park (UV1-N12) be awarded to Gateman-Milloy Inc. for the amount of \$290,691.01 (excluding G.S.T.);
- 2) That a contingency allowance of 10% be approved, within which the Director of Parks Development is authorized to approve amendments to the contract; and
- 3) That a bylaw be enacted authorizing the Mayor and the City Clerk to sign the necessary documents.

Economic Impact

Capital project PK-6118-07, Davos Road Park (UV1-N12) funding was approved in the 2007 Capital Budget. The annual operating cost of \$10,200.00 is required to maintain this park once completed.

Communications Plan

Not applicable

Purpose

The purpose of this report is to seek approval to award tender T08-037 for the development of Davos Road Park (UV1-N12).

Background - Analysis and Options

The project is for the construction of Davos Road Park (UV1-N12) located at the north west corner of Davos Road and Vellore Avenue in Ward 3.

The project includes the construction of the following: garden areas with seating; a combined senior and a junior play area; a shade structure featuring a public art component; concrete pathways with lighting; site furnishings; plantings and sodding. The park is designed respecting the principles of CPTED – Crime Prevention Through Environmental Design.

The Bidders have been pre-qualified by the City of Vaughan as eligible Bidders to submit bids for this Project. Tenders were closed and publicly opened on Friday, April 4th, 2008. Six (6) bid documents were received and the results are as follows:

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<u>Contractor</u>	<u>Base Tended Price (excl. GST)</u>	<u>Provisional Item (excl. GST)</u>	<u>Total Tended Price (excl. GST)</u>
Gateman Milloy Inc.	\$290,691.01	nil	\$290,691.01
Mopal Construction Ltd.	\$303,200.00	nil	\$303,200.00
Pine Valley Enterprises Inc	\$321,561.53	nil	\$321,561.53
Forest Contractors Ltd.	\$340,709.60	nil	\$340,709.60
North Gate Farms Ltd.	\$370,436.90	nil	\$370,436.90
Dol Turf Restoration Ltd.	\$379,427.60	nil	\$379,427.60

Relationship to Vaughan Vision 2020

In consideration of the strategic priorities related to Vaughan Vision 2020, the project will provide:

- STRATEGIC GOAL:
Service Excellence - Providing service excellence to citizens.
- STRATEGIC OBJECTIVES:
Pursue Excellence in Service Delivery; and Enhance and Ensure Community Safety, Health and Wellness - To deliver high quality services and to promote health and wellness through design and program.

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

Regional Implications

Not applicable.

Conclusion

Parks Development and Purchasing Services Department staff members have reviewed the bid submissions and have determined that the low bid contractor, Gateman-Milloy Inc. is deemed to meet the requirements of the contract.

Upon award of Tender, this project will commence within ten (10) working days from the Date of Notification of Award, weather permitting and should be completed on or about August 22, 2008.

Attachments

None

Report prepared by:

Stephanie Snow, Landscape Architect, Ext. 3210
Paul Gardner, Director of Parks Development, Ext. 3209

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EXTRACT FROM COUNCIL MEETING MINUTES OF MAY 12, 2008

Item 21, Report No. 24, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on May 12, 2008.

**21 MUNICIPAL REPRESENTATIVES FOR THE SOURCE PROTECTION COMMITTEE AS
REQUIRED UNDER THE "CLEAN WATER ACT"**

The Committee of the Whole recommends approval of the recommendation contained in the following report of the Commissioner of Engineering and Public Works, dated May 5, 2008:

Recommendation

The Commissioner of Engineering and Public Works recommends that:

1. The City endorse the Regional Municipality of York's choice of Neil Garbe as the Municipal representative for York Region and the constituent municipalities, on the Credit Valley, Toronto and Region and Central Lake Ontario Region Source Protection Committee, and a copy of the Council extract be sent to Mr. Brian Denney, Chief Administrative Officer, Toronto and Region Source Protection Authority, 5 Shoreham Drive, Downsview, Ontario, M3N 1S4;
2. The City endorse the Regional Municipality of York's choice of Erin Mahoney as the Municipal representative for York Region and the constituent municipalities, on the South Georgian Bay – Lake Simcoe Source Protection Committee, and a copy of the Council extract be sent to Mr. Don Goodyear, Manager of Source Water Protection, South Georgian bay Lake Simcoe Source Protection Region, 120 Bayview Parkway, Newmarket, Ontario, L3Y 4X1; and,
3. A copy of the Council extract endorsing both members be sent to Ms Barbara Bridle, Committee Co-ordinator, Regional Clerk's Office, The Regional Municipality of York, 17250 Yonge Street, Newmarket, Ontario, L3Y 6Z1

Economic Impact

There is no economic impact as a result of this report.

Communications Plan

Not Applicable

Purpose

To provide local Council endorsement of the representatives selected by York Region to represent the area municipalities on the various Source Protection Committees (SPC's) that impact the Region and its area municipalities.

Background - Analysis and Options

In September of 2007, the "Clean Water Act" came into effect. The Act is designed to provide a basis for protecting water at its source to ensure safe drinking water for all Ontarians. Under the Act, source protection plans must be created for each watershed. There are two SPC's in York Region. There is the Credit Valley, Toronto and Region, and Central Lake Ontario Source Protection Committee, as well as the South Georgian Bay – Lake Simcoe Source Protection Committee.

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As membership in the committees is limited to one third municipal members, and there are numerous municipalities covered by the various watershed areas, York Region staff were selected to represent the Region and its area municipalities on the two SPC's. However, the staff initially selected and endorsed to sit on these two committees are no longer working for York Region. As such, two new appointees had to be selected and appointed by Regional Council. At its meeting of March 27, 2008, Regional Council appointed Neil Garbe as the Municipal representative for York Region and the constituent municipalities on the Credit Valley, Toronto and Region and Central Lake Ontario Region Source Protection Committee, and, they also appointed Erin Mahoney as the Municipal representative for York Region and the constituent municipalities, on the South Georgian Bay – Lake Simcoe Source Protection Committee. They also requested the area municipalities to formally endorse these selections through Council.

Neil Garbe is the Executive Director of Strategic Initiatives and Administration of the Chief Administrator Office for York Region. Erin Mahoney is the Commissioner of Environmental Services for York Region. The Region has indicated that both the appointees meet the qualifications prescribed by the Regulations and recommendations by the Ministry of the Environment, and are both well positioned to keep all of the local municipalities informed as to the activities of the various committees. As such, it is recommended that Vaughan Council approve the recommendations contained in this report and endorse York Region's appointment of these two persons to sit on the SPC's that impact York Region and the area municipalities.

Relationship to Vaughan Vision 2020

This ties into Vaughan Vision's objective to Enhance and Ensure Community Safety, Health & Wellness.

Regional Implications

As was noted earlier, the Region has appointed Neil Garbe and Erin Mahoney to the two SPC's that affect York Region and the area municipalities. Local Councils were requested to endorse these appointments.

Conclusion

As a result of staff changes at the Regional Municipality of York, new appointees had to be made to the two Source Protection Committee's that affect York Region and its area municipalities. As such, it is recommended that Council approve the recommendations contained in this report.

Attachments

N/A

Report prepared by:

Brian T. Anthony, CRS-S, C. Tech.

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF MAY 12, 2008

Item 22, Report No. 24, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on May 12, 2008.

22

**MELVILLE AVENUE
PROPOSED PEDESTRIAN SIGNAL**

The Committee of the Whole recommends approval of the recommendation contained in the following report of the Commissioner of Engineering and Public Works, dated May 5, 2008:

Recommendation

The Commissioner of Engineering and Public Works in consultation with the Director of Reserves and Investments recommends:

1. That staff proceed to obtain input from area residents and schools, proceed with detailed design and to obtain quotes for the installation of a pedestrian signal at the existing crosswalk on Melville Avenue at the access to the West Maple Creek Park; and
2. That funding for this project in the amount of \$52,000 be drawn from the approved 2008 Capital Budget and funded from the City Wide Development Charge Reserves.

Economic Impact

The cost to install the Pedestrian Signal and pavement markings was included in the approved 2008 Capital Budget as Project No. EN-1727-08. The cost to maintain the signal and pavement markings would be included in future Operating Budgets.

Communications Plan

Staff received a request from the Human Resources Department, who received concerns that the existing crossing guard is having difficulty safely crossing the children in this location.

If approved by Council, a letter describing the proposed pedestrian signal installation will be circulated to the residents within 100m of the subject crossing, to the two schools in the area (Maple Creek Public School and Blessed Trinity Separate School) and posted on the City Web page. The design would be completed taking comments from the public into consideration and a further notice would be issued prior to construction.

Purpose

Engineering Services staff were requested to review the feasibility of installing a pedestrian signal on Melville Avenue near West Maple Creek Park from the Human Resources Department, due to various issues at this existing school crossing guard location. The project was approved in the 2008 Capital Budget and staff are now planning to proceed with the design of the pedestrian signal.

Background - Analysis and Options

Melville Avenue is a four lane collector road with an 26.0 metre Right-of-Way and 14.0 metres of travelled pavement width. The speed limit is a statutory 50 km/h.

Staff conducted a pedestrian count during the evening peak period from 3:00 pm – 6:00 pm on Tuesday, April 24, 2007, and in the AM peak period of 7:00 am – 9:00 am on Friday, May 11, 2007. The count was completed on Melville Avenue at the walkway to the West Maple Creek Park, where the existing School Crossing Guard is located. The results of the study are summarized below:

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Time Period	Pedestrians Crossing Melville Avenue south of Crosswalk	Pedestrians Crossing Melville Avenue at Crosswalk	Pedestrians Crossing Melville Avenue north of Crosswalk
7:00 am 9:00 am	0 Elementary Students 0 High School Students 0 Adults	84 Elementary Students 17 High School Students 27 Adults	0 Elementary Students 0 High School Students 0 Adults
3:00 pm 6:00 pm	0 Elementary Students 0 High School Students 0 Adults	105 Elementary Students 28 High School Students 31 Adults	3 Elementary Students 0 High School Students 0 Adults

A pedestrian signal will provide drivers with greater identification and warning of pedestrians crossing Melville Avenue. This traffic control device would also be beneficial outside school hours for those who wish to access to the park. Staff note that this type of traffic control device is only activated when accessed by a pedestrian wanting to cross the travelled roadway.

Relationship to Vaughan Vision 2020

This report is consistent with the priorities previously set by Council and complete with Vaughan Vision 2020's objectives, specifically Enhance and Ensure Community Safety, Health & Wellness.

Regional Implications

Not Applicable.

Conclusion

Based on the traffic study, it would be beneficial to install a pedestrian signal at the access to the West Maple Creek Park on Melville Avenue to assist students and other pedestrians crossing the roadway. Funds are available in the approved 2008 Capital Budget.

Attachments

1. Location Map

Report prepared by:

Leslie Winfrow, Senior Traffic Technologist, ext. 3131
Mike Dokman, Supervisor, Traffic Engineering, ext. 3118

LW: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.)

CITY OF VAUGHAN

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Item 23, Report No. 24, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on May 12, 2008.

**23 EXTENSION OF SCOPE OF DESIGN ASSIGNMENT - RFP07-289
 FRAN DRIVE AND HURRICANE AVENUE**

The Committee of the Whole recommends approval of the recommendation contained in the following report of the Commissioner of Engineering and Public Works, dated May 5, 2008:

Recommendation

The Commissioner of Engineering and Public Works in consultation with the Director of Reserves and Investments recommends:

1. That the existing agreement between the City and R.V. Anderson Associates Limited (RFP07-289) for engineering services provided in connection with the reconstruction of Fran Drive and Hurricane Avenue be extended in scope to include engineering services for the reconstruction of Gordon Drive in the upset limit amount of \$38,675.00, plus G.S.T.;
2. That the additional funds in the amount of \$38,675.00, plus G.S.T. required for engineering services for the Gordon Drive reconstruction be approved and to be funded from Long Term Debt; and
3. That the additional funds in the estimated amount of \$200,000 for construction be approved and be funded from Long Term Debt.

Economic Impact

The additional cost for the design of the Gordon Drive reconstruction in the amount of \$38,675.00 is to be funded from Debenture Financing.

The 2008 Capital Budget Project No. EN-1702-08 for the reconstruction of Fran Drive and Hurricane Avenue includes \$300,000 funded from Long Term Debt. The Engineer's construction estimate for Gordon Drive is in the order of \$200,000.

Communications Plan

Once this consultant assignment is awarded, staff will advise the Ward Sub-Committee and will send out the Engineering Services standard 'A' letter to the affected residents notifying them of this project.

Purpose

The purpose of this report is to seek Council approval to extend the services provided by R.V. Anderson Associates Limited to include engineering services for the preliminary design, detail design and construction administration for the Gordon Drive road reconstruction.

Background - Analysis and Options

As part of the 2008 Capital Budget deliberations, City of Vaughan Council approved the reconstruction of Fran Drive and Hurricane Avenue. These streets were constructed approximately fifty years ago, and with the exception of minor spot repairs, have not been resurfaced. Rehabilitation of these roads was originally scheduled for 2010. However, due to their deteriorated condition and resident's request, Council directed staff to bring this project forward for construction in 2008, (Capital Project EN-1702-08).

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On January 9, 2008, staff retained the engineering firm of R.V. Anderson Associates Limited to provide engineering services for the design of the Hurricane Avenue and Fran Drive reconstruction. The consultant is presently working on the project and was expecting to have a Tender package available for early June 2008, however by extending the scope of work to include engineering services for the reconstruction of Gordon Drive, this date will be revised to mid-July, 2008.

Because Gordon Drive is located adjacent to Hurricane Avenue and Fran Drive, the history and condition of these roads are similar. (See Attachment No. 1). Based on the proximity of these roads and their general pavement condition, it is recommended that the design assignment to R.V. Anderson Associates Limited for Hurricane Avenue and Fran Drive be supplemented to include the design of Gordon Drive in the additional upset limit amount of \$38,675.00, plus G.S.T.

Relationship to Vaughan Vision 2020

In consideration of the strategic priorities related to Vaughan Vision 2020, the recommendations of this report will assist in:

- Pursue Excellence in Service Delivery;
- Enhance and Ensure Community Safety, Health & Wellness;
- Lead and Promote Environmental Sustainability; and
- Preserve our Heritage and Support Diversity, Arts & Culture

This report is consistent with the priorities previously set by Council.

Regional Implications

Not Applicable.

Conclusion

Staff recommend that this design assignment be added to R.V. Anderson Associates Limited's current design assignment for Hurricane Avenue and Fran Drive in the additional upset limit amount of \$38,675.00 over and above the original Capital Budget amount for the design of Fran Drive and Hurricane Avenue. plus G.S.T.

Attachments

1. Location Map

Report prepared by:

John Zanchettin, C.E.T., Senior Engineering Assistant, ext. 3113
Tom Ungar, P. Eng., Manager, Design Services, ext. 3140

JZ: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.)

CITY OF VAUGHAN

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Item 24, Report No. 24, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on May 12, 2008.

24

**AWARD OF TENDER – T08-003
HIGHWAY 7, PINE VALLEY DRIVE TO WESTON ROAD
SIDEWALK CONSTRUCTION**

The Committee of the Whole recommends approval of the recommendation contained in the following report of the Commissioner of Engineering and Public Works, dated May 5, 2008:

Recommendation

The Commissioner of Engineering and Public Works in consultation with the Director of Reserves and Investments and the Director of Purchasing Services recommends:

1. That Tender T08-003, Highway 7 Sidewalk, from Pine Valley Drive to Weston Road, be awarded to Il Duca Contracting Inc. in the amount of \$134,698.20, plus G.S.T.;
2. That a contingency allowance in the amount of \$14,000.00, plus G.S.T. be approved within which the Commissioner of Engineering and Public Works or his designate is authorized to approve amendments to the contract;
3. That a Geotechnical and Material Testing amount of \$3,000.00, plus G.S.T. be approved to ensure compliance with all applicable standards; and
4. That the Mayor and Clerk be authorized to sign the appropriate documents.

Economic Impact

The total cost of \$186,000.00 for the project falls within the approved 2005 budget amount and as such there is no additional economic impact to the 2005 Capital Budget.

Long range financial implications will include operating and maintenance costs associated with this type of infrastructure, including long term replacement, which are not quantified at this time.

Communications Plan

Once this project is awarded, staff will advise the Ward Sub-Committee and will send out a letter to the affected property owners advising them of the project details, start and duration of construction and contact information for contractor and city staff.

Purpose

Approval to award Tender No. T08-003, Highway 7 Sidewalk, from Pine Valley Drive to Weston Road.

Background - Analysis and Options

This tender (2005 Capital Budget Project No. 1558-0-05) includes the construction of a concrete sidewalk on the south side of Highway 7, a Regional Road, from Pine Valley Drive to Weston Road. (See Attachment No. 1 for project location). The project originated from a request by York Region Transit Corporation to provide a key link in the pedestrian network along Highway 7 in support of the York Region Transit Plan initiative.

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There will be a 650m gap in the sidewalk between Marycroft Avenue and Whitmore Road, which is unavoidable, since property constraints at a Shell gas station prevented a continuous link. There are no YRT stops within this gap. The sidewalk sections planned to be constructed will allow pedestrians to access the businesses and existing bus stops on the south side of Highway No. 7 and will end at access points to these developments.

This tender was advertised in the Daily Commercial News, on the Ontario Public Buyers Association (OPBA) and on the Electronic Tendering Network (ETN), and closed on April 8, 2008. A total of 29 sets of bid documents were picked up from Purchasing Services Department and the following 21 bids were received:

<u>CONTRACTOR</u>	<u>TOTAL BID (EXCL. G.S.T.)</u>
Il Duca Contracting Inc.	\$ 134,698.20
Maple-Crete Inc.	\$ 145,368.30
614128 Ont Ltd. o/a Trisan Construction	\$ 159,634.90
Aloia Bros. Concrete Contractors Ltd.	\$ 166,666.66
Royal Ready Construction Limited	\$ 167,056.05
Serve Construction Ltd.	\$ 170,857.05
Associated Paving Company Ltd.	\$ 176,033.55
A-1 Ashphalt Maintenance Ltd.	\$ 182,601.82
Concord Paving Inc.	\$ 188,056.05
NuRoad Construction Limited	\$ 193,747.05
Ashland Paving Ltd.	\$ 195,480.00
D. Martino Construction Limited	\$ 198,448.95
Bennington Construction Ltd.	\$ 198,503.55
Crownwood Construction Ltd.	\$ 204,233.40
Clearway Construction Inc.	\$ 207,257.96
Lima's Gardens & Construction Inc.	\$ 221,397.75
Gazzola Paving Limited	\$ 221,431.14
Pencon Construction of Canada Corp.	\$ 241,901.10
Dufferin Construction Company	\$ 247,684.40
Bevcon Construction and Paving Ltd.	\$ 253,399.65
Sanscon Construction Ltd.	\$ 294,026.25

The estimated cost for this project including provisional items, a contingency allowance and all applicable taxes is \$171,000.00 and is calculated as follows:

Il Duca Contracting Inc. (excluding G.S.T.)	\$134,698.20
Contingency Allowance (±10%)	\$ 14,000.00
Geotechnical Inspection & Material Testing (estimated)	\$ 3,000.00
Laboratory Testing for Contaminated Soil (completed and paid for)	\$ 2,600.00
Adjustment of Region-owned Streetlighting Facilities (estimated)	\$ 16,000.00
Adjustment of Bell manhole (\$5221.44 split 50% with Bell, completed and paid)	\$ 2,610.72
Alteration of PowerStream hydro pole guy wires (completed, not yet paid)	\$ 6,611.00
Relocation of Region-owned Trees (\$1,600 split 50% with York Region)	<u>\$ 800.00</u>
 Sub-Total	 \$180,319.92
G.S.T. (5% amount is 100% recoverable)	\$ 9,016.00
Treasury Administration (3%)	<u>\$ 5,409.60</u>
Total	\$194,745.52
Less G.S.T. Recoverable	<u>\$(9,016.00)</u>
Total Cost	<u>\$185,729.52</u>

ROUNDED \$186,000.00

.../3

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Il Duca Contracting Inc. has performed similar works in the past for the City of Toronto. Reference checks were conducted by staff, and the company is deemed capable of successfully completing this project.

Sufficient funding is available in the 2005 Capital Budget Project No. 1558-0-05 to complete the project. Staff recommend that this contract be awarded to Il Duca Contracting Inc. in the amount of \$134,698.20, plus G.S.T.

Relationship to Vaughan Vision 2020

In consideration of the strategic priorities related to Vaughan Vision 2020, the recommendations of this report will assist in:

- Pursue Excellence in Service Delivery;
- Enhance and Ensure Community Safety, Health & Wellness; and
- Lead and Promote Environmental Sustainability

This report is consistent with the priorities previously set by Council.

Regional Implications

Region of York Transportation and Works Department have approved the design of the project, and will be advised of its progress.

Conclusion

Staff recommend that this contract be awarded to Il Duca Contracting Inc. in the amount of \$134,698.20, plus G.S.T.

Attachments

1. Location Map

Report prepared by:

Colin Cassar, C.E.T., Senior Engineering Assistant, ext. 3112
Tom Ungar, P. Eng., Manager, Design Services, ext. 3110

cc

(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 25, Report No. 24, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on May 12, 2008.

25

**CITY WORKS IN REGION OF YORK CONTRACT
DUFFERIN STREET RECONSTRUCTION - SIDEWALK AND STREETLIGHTING
STEELES AVENUE TO GLEN SHIELDS AVENUE (NORTH LEG)**

The Committee of the Whole recommends approval of the recommendation contained in the following report of the Commissioner of Engineering and Public Works, dated May 5, 2008:

Recommendation

The Commissioner of Engineering and Public Works in consultation with the Director of Reserves and Investments recommends:

1. That the Regional Municipality of York be requested to include the following works to be funded by the City of Vaughan, as separate parts on the Regional Municipality of York contract for the reconstruction of Dufferin Street;
 - a) Sidewalk (design, construction, site supervision and administration, contingency and taxes)
 - on the east side of Dufferin Street from Steeles Avenue north to the C.P. Railway crossing at an estimated cost of \$45,000;
 - b) Illumination (design, construction, site supervision and administration, contingency and taxes)
 - upgrading of the existing illumination on Dufferin Street (full illumination) from Steeles Avenue to Glen Shields Avenue (north leg) at an estimated cost of \$230,000;
2. That provision for this funding be included in the DRAFT 2009 Capital Budget deliberations; and
3. That a copy of this report be forwarded to the Regional Municipality of York.

Economic Impact

Long range financial implications will include operating and maintenance costs including long term replacement associated with this type of infrastructure which are not quantified at this time. The cost of this work was included in the City of Vaughan Development Charge By-law and budget funding would be drawn from the City Wide Development Charge Reserves.

Communications Plan

Not Applicable.

Purpose

To include the construction of sidewalk, and street lighting in the Region of York contract for the reconstruction of Dufferin Street from Steeles Avenue to Glen Shields Avenue (north leg).

Background - Analysis and Options

The Regional Municipality of York is presently finalizing the design for the reconstruction and widening of Dufferin Street from Steeles Avenue to Glen Shields Avenue (north leg). The Region is planning to tender and start construction of the project in 2008 with completion scheduled in 2009.

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It is both advantageous and cost effective for the City to have the Region of York include in their contract the construction of a sidewalk and upgrading of the existing illumination.

Sidewalk – on the east side of Dufferin Street from Steeles Avenue northerly to the C.P. Railway crossing. This sidewalk would complete the missing link of sidewalk for both sides of Dufferin Street within the project area.

Illumination – currently, there is illumination on Dufferin Street from Steeles Avenue to Glen Shields Avenue (north leg). With the Region of York's proposal to reconstruct and widen Dufferin Street, the existing illumination needs to be upgraded to meet the City's current standards for this type of road. The Region of York will be responsible for the relocation of the existing street lights on the east of Dufferin Street and the City of Vaughan is responsible for the upgrading of the existing illumination to current standards on the west side of Dufferin Street from Steeles Avenue to Glen Shields Avenue (North Leg).

Funding for the costs associated with the design, construction, site supervision and contract administration, contingency and taxes in the estimated amount of \$275,000 will be requested in the Draft 2009 Capital Budget.

Relationship to Vaughan Vision 2020

This report is consistent with the priorities previously set by Council.

Regional Implications

Not Applicable.

Conclusion

Funding for the design construction, site supervision and administration, contingency and taxes of the sidewalk and upgrading of the existing illumination on Dufferin Street from Steeles Avenue to Glen Shields Avenue (north leg) will be required in 2009 Capital Budget in the estimated amount of \$ 275,000.

Attachments

1. Location Map

Report prepared by:

Pat Marcantonio, C.E.T., Senior Engineering Assistant, ext. 3111
Tom Ungar, P. Eng., Manager, Design Services, ext. 3110

PM: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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EXTRACT FROM COUNCIL MEETING MINUTES OF MAY 12, 2008

Item 26, Report No. 24, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on May 12, 2008.

**26 ASSUMPTION – ROYAL PRINCETON ESTATES RESIDENTIAL SUBDIVISION, PHASE 2
19T-02V04 / 65M-3828**

The Committee of the Whole recommends approval of the recommendation contained in the following report of the Commissioner of Engineering and Public Works, dated May 5, 2008:

Recommendation

The Commissioner of Engineering and Public Works recommends:

That Council enact the necessary by-law assuming the municipal services that are set out in the Subdivision Agreement for Plan 65M-3828, and that the municipal services letter of credit be released.

Economic Impact

Upon assumption of this development, approximately 0.05 lane kilometers of roadway and associated municipal services including storm and sanitary sewers, watermain, street lighting and streetscaping will be added to the City's network of infrastructure. This additional infrastructure will incur the normal expense associated with annual operation and maintenance activities plus eventual life cycle renewal.

Communications Plan

Not applicable.

Purpose

This report pertains to the assumption of the municipal services in plan of subdivision 65M-3828 by the City.

Background - Analysis and Options

The Royal Princeton Estates Residential Plan of Subdivision 65M-3828 is a 9 lot residential development located on the south side of Teston Road and east of Cranston Park Avenue as shown on Attachment No.1.

The subdivision agreement with FSRC Investments Inc. was executed on April 20, 2005, and the Plan of Subdivision was subsequently registered on June 15, 2005. The construction of municipal services and the roads including toplift asphalt were completed in September 2006.

The municipal services in the subdivision have now completed the required minimum thirteen month maintenance period and the developer has rectified all deficiencies. In addition, the grading of all lots in the subdivision has been certified by the Developer's engineering consultant. Accordingly, the Developer has requested that the roads and municipal services in the subdivision be assumed by the City, and that the development securities held by the City be released.

All documentation required by the subdivision agreement for assumption has been submitted. Engineering staff, in conjunction with the Developer's Consulting Engineer, have conducted all the necessary inspections of the municipal services in the subdivision and are now satisfied with the extent of the works.

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The Commissioner of Engineering and Public Works has received clearance from all pertinent City Departments including Development/Transportation Engineering, Public Works, Building Standards, Parks Development, Parks Operations and Forestry, Development Planning and Clerks. In addition, the Reserves and Investments Department has confirmed that all of the City's financial requirements associated with this subdivision have been satisfied.

Relationship to Vaughan Vision 2020

The development of this subdivision and the assumption of the municipal services are consistent with Vaughan Vision 2020, which encourages management excellence through planned and managed growth and the maintenance of City assets and infrastructure. Accordingly, this report is consistent with the priorities established by Council in the Vaughan Vision Strategic Plan 2020.

Regional Implications

There are no Regional implications with respect to the assumption of the municipal works within this subdivision development.

Conclusion

The construction of the roads and municipal services associated with the Royal Princeton Estates Residential development has been completed in accordance with the Subdivision Agreement between the City and FSRC Investments Inc., dated April 20, 2005. Accordingly, it is appropriate that the roads and municipal services in this development be assumed by the City, and the municipal services letter of credit be released.

Attachments

1. Location Map

Report prepared by:

Vick Renold, C.E.T. – Senior Engineering Assistant, ext. 8461
Engineering

VR/fc

(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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EXTRACT FROM COUNCIL MEETING MINUTES OF MAY 12, 2008

Item 27, Report No. 24, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on May 12, 2008.

27

**TERMS OF REFERENCE
CITY-WIDE TRANSPORTATION MASTER PLAN**

The Committee of the Whole recommends approval of the recommendation contained in the following report of the Commissioner of Engineering and Public Works, dated May 5, 2008:

Recommendation

The Commissioner of Engineering and Public Works in consultation with the Commissioner of Planning recommends:

1. That the Terms of Reference for the preparation of the City-wide Transportation Master Plan included as Attachment No. 1 to this report be approved by Council; and
2. That the Development / Transportation Engineering Department initiate the process of retaining a qualified transportation engineering consulting firm to complete the City-wide Transportation Master Plan.

Economic Impact

The completion of a City-wide Transportation Master Plan Study (TMP) will be a multi-year assignment which is estimated to cost in the order of about \$500,000. The approved 2007 Capital Project No. PL-9003-07 for the New Vaughan Official Plan study allocates \$130,000 towards the completion of a TMP. In addition, the approved 2008 Capital Project No. DT-7016-08 provides additional funding in the amount of \$361,000 for the completion of master plan work including the TMP and a Water and Wastewater Master Plan – the latter study will be initiated later in 2008 or early 2009. The balance of the necessary funding for all master plan work will be budgeted in 2009 and 2010, if required. The funding for the TMP Study will come from Development Charges.

Communications Plan

The Terms of Reference for the TMP envisions a comprehensive consultation program that includes community information and workshop meetings at key stages throughout the Study. In addition, stakeholder consultation group(s) and a technical advisory committee will be established to receive input from the various stakeholders during the Study. The Terms of Reference requires the consultant to detail the specifics of the communications and stakeholder consultation process in their proposed work plan. Development/Transportation Engineering staff will ensure that all public communication and consultation is closely coordinated with the overall Consolidated Growth Management Strategy - 2031 and Official Plan Review Process.

Purpose

The purpose of this report is to seek Council's approval of the Terms of Reference for the TMP Study and the authority to initiate the process of retaining a qualified transportation engineering consulting firm to complete the TMP assignment.

Background - Analysis and Options

Purpose of the Study

On May 7, 2007, Vaughan Council approved the Terms of Reference for the New Vaughan (city-wide) Official Plan, which is a component of the Vaughan Consolidated Growth Management

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Strategy – 2031. When finalized, the New Official Plan will be a contemporary, state-of-the art Official Plan that will represent an update to the City's community planning policies in a manner consistent with the principles of sustainability. Work on the New Official Plan began in October 2007. Accordingly, the City is now required to solicit proposals from qualified engineering firms to undertake the preparation of the City's TMP Study in support of the City's overall New Official Plan preparation exercise. The selected transportation consultant will work as part of the core multi-discipline consulting team currently retained by the City to undertake the preparation of the New Official Plan.

Study Area and Timing

The New Vaughan Official Plan process is currently scheduled for completion by the fall of 2010. The TMP study area will encompass the entire City of Vaughan and will be premised upon a time horizon of 2031. The duration of the TMP Study will coincide with the New Vaughan Official Plan process.

Components of the Study

The City's TMP Study will evaluate in detail the local road network and identify the infrastructure needed to efficiently accommodate the population and employment growth that will result from the implementation of the Growth Management Strategy. The TMP Study will be undertaken as a component of the New Vaughan Official Plan review and the related Focused Areas Studies.

Four Focused Area Studies will be undertaken as part of the New Official Plan process. The approved Terms of Reference for the New Vaughan Official Plan identifies the need for detailed review of certain areas. The development pressure in these four areas of Vaughan make it necessary for the City to proceed with land use studies in advance of the completion of the New Vaughan Official Plan process. The Four Focused Area Studies include the following:

1. Kleinburg-Nashville Community Plan Review.
2. Woodbridge Core Area Update.
3. Vaughan Corporate Centre Update; and
4. Jane/Rutherford Area Study (Including Vaughan Centre)

The consultant for the City's TMP will work with each of the consulting teams for the Focused Area Review Studies on transportation-related matters both within and surrounding the study areas.

The draft Terms of Reference for the TMP Study are outlined on Attachment No. 1 to this report and generally summarized below.

The TMP Study will:

1. Develop a long-term transportation vision and overall road network philosophy to support the City's future allocation of population and employment growth to the year 2031 and provide a framework by which decisions regarding the City's transportation system can be intelligently made.
2. Provide an overall direction for the City to expand the transportation network in an efficient and effective manner. The transportation policy framework shall take into consideration as a minimum the following:
 - o Improving transit coverage, accessibility, and interface with other transportation modes and selected land uses;
 - o Creating safer, quieter, more people friendly streets in new residential neighbourhoods;

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- Improving road safety through design and layout;
 - Promoting a sustainable transportation network that encourages walking, cycling and transit supportive communities;
 - Promoting a road network that improves air quality and reduces Green House Gas emissions;
3. Developing a transportation policy framework for the new Official Plan. The policy framework for the transportation network shall be developed in consultation with all interested parties;
 4. Reviewing and making recommendations regarding the City's current road standards, design criteria and policies to ensure they meet the needs of all modes of transportation while promoting the development of safe, efficient, livable and traffic calmed street networks;
 5. Investigating the need and justification for additional Highway 400 series overpasses, rail overpasses and mid-block collectors;
 6. Investigating current and future deficiencies in roadway connectivity and establishing a strategy for the potential completion of the Langstaff, Teston and Kirby Road links; and
 7. Providing input to the preparation of all Secondary Plans for the greenfield areas, and providing all required transportation engineering input to the Focused Area Studies, in consultation with other members of the New Official Plan Core Team.

Public Consultation Requirements

The public consultation process will involve all of those individuals and interest groups having a stake in the City's TMP including, local residents, ratepayer groups, the business community, the development community, public agencies and other special interest groups. The process will include meetings, open houses, workshops and presentations, all of which will require participation from the individual communities to succeed.

It is anticipated that a Technical Advisory Committee will be established as well as one or more Stakeholder Consultation Groups (SCG's) to represent interests in the area and provide ongoing input throughout the process. Details of the proposed consultation process will be provided in the submissions of candidate consulting engineering firms.

Transportation Consulting Engineering Requirements

The Study requires the services of a multi-disciplinary team with expertise in transportation planning / engineering, the environment, sustainable development and public consultation. The consulting team will be required to collaborate with, and be informed by, the consultants working on the Environmental Master Plan, the New Vaughan Official Plan and each of the four focused area studies. The successful TMP Study consultant team will form an integral part of the core consulting team for the New Vaughan Official Plan.

Products of the Study

The study process, conclusions and recommendations will ultimately be documented in various reports which will be available for reference by staff, agencies, stakeholders and the public. The recommendations of the TMP will be integrated into the policies, goals and objectives of the New Official Plan and the City's development standards and design criteria.

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Project Administration

The project will be managed by the Development/Transportation Engineering Department in close cooperation with the Policy Planning Department. Input, participation and coordination will also be required from the core consulting team for the New Vaughan Official Plan, the Environmental Master Plan, Development Planning, and other City departments and external agencies as required.

Procurement Process

In accordance with the City's procurement policy, study proposals will be publically solicited and accepted from qualified transportation engineering firms for the completion of the TMP study. Staff will report to Council on the results of the proposal call together with a recommendation to retain the successful engineering firm for the TMP assignment.

Relationship to Vaughan Vision 2020

In consideration of the strategic priorities related to Vaughan Visions 2020, the recommendations of this report will assist in:

- The pursuit of excellence in service delivery;
- Ensuring and enhancing community safety, health and wellness;
- Leading and promoting environmental sustainability;
- Planning and managing growth and economic vitality;
- Ensuring financial stability; and
- The demonstration of leadership and promotion of effective governance.

This report is therefore consistent with the priorities previously set by Council.

Regional Implications

The TMP will have regard for the existing and planned Regional and Provincial transportation networks in the City. The TMP will establish the City's transportation related infrastructure needs and guidelines in support of future development. The Plan will also accommodate the Region's forecast growth estimates for Vaughan and will be closely coordinated with other on-going Regional transportation studies and initiatives including their Transportation Master Plan update and the Western Vaughan Transportation Individual Environmental Assessment.

In addition, it is expected that Regional Staff will be involved throughout the duration of the City's TMP Study by participating in all established Stakeholder Consultation Groups and on the Technical Advisory Committee.

Conclusion

The proposed Terms of Reference provide the basis for carrying out the City's Transportation Master Plan Study. The Terms of Reference have been prepared in consultation with other key City departments, in particular the Policy Planning Department. Similar to the approach taken for the New Official Plan, this work will be forward-looking, state-of-the-art and reflective of the principles of sustainability.

Should Council concur with the Terms of Reference for the proposed City-wide Transportation Master Plan, the recommendations associated with this report should be approved to enable Staff to proceed with the consultant selection process.

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Attachments

1. Transportation Master Plan - Terms of Reference

Report prepared by:

Michael Frieri, Development Supervisor, Engineering Planning & Studies, Ext. 8729
Selma Hubjer, Transportation Engineer, Ext. 8674

(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 28, Report No. 24, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on May 12, 2008.

**28 PUBLIC HIGHWAY STOP-UP AND CLOSE
HUNTINGTON ROAD TEMPORARY CLOSURE AND ALTERNATIVE ROAD LINK
BETWEEN MCGILLIVRAY ROAD AND MAJOR MACKENZIE DRIVE**

The Committee of the Whole recommends approval of the recommendation contained in the following report of the Commissioner of Engineering and Public Works, dated May 5, 2008:

Recommendation

The Commissioner of Engineering and Public Works, in consultation with the Director of Legal Services, recommends:

1. That Council direct the City Clerk to continue with the temporary stop-up and closure of Huntington Road between McGillivray and Major Mackenzie Drive, in accordance with the requirements of the Municipal Act; and
2. That the stop-up and closure be re-advertised in accordance with current City advertising policies applicable to this undertaking.

Economic Impact

There are no immediate budgetary impacts resulting from the adoption of this report. All costs associated with the temporary road closure and the construction of an alternate link will be funded by Canadian Pacific Railway (CPR). The proposed length of roadway required to create the alternate link will be temporarily assumed by the City. The length of this roadway will be equivalent to the portion of roadway to be closed.

Communications Plan

The temporary stop-up and closure of Huntington Road between McGillivray and Major Mackenzie Drive will be re-advertised in accordance with current City advertising policies applicable to this undertaking.

Purpose

Based on recommendations contained in Item 8, Report No. 46 of the Committee of the Whole, on September 12, 2005 Council directed the City Clerk to commence Municipal Act procedures to stop-up and close Huntington Road between McGillivray and Major Mackenzie Drive.

A public notice in accordance with the requirements of the Municipal Act was advertised for two consecutive weeks in the City Page of the Vaughan Citizen and the Liberal in late 2005. As a result, all requirements related to public notice pursuant to the Municipal Act have been fulfilled.

On October 31, 2005 Council deferred the enactment of the required By-law to temporarily stop-up and close Huntington Road for further consultation with Canadian Pacific Railway. Staff have been recently advised by CPR representatives that consultation with Council has now been completed.

Accordingly, the purpose of this report is to seek Council approval to now continue with the temporary stop-up and closure in accordance with the requirements of the Municipal Act and to re-advertise the proposed undertaking.

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Background - Analysis and Options

The Canadian Pacific Railway operates the existing Vaughan Intermodal Terminal that is bounded by Highway 50, Huntington Road, Rutherford Road and Major Mackenzie Drive as identified on Attachment No. 1. The terminal currently has only a single spur line that connects it to the main railway line. This spur line is located at the north end of the site and crosses Huntington Road at-grade just south of Major Mackenzie Drive. To meet the growing demand for intermodal transportation, CPR has developed plans to expand its operations at the Vaughan Terminal including increasing the number and length of trains operating within the terminal. To accommodate these operational changes, it is anticipated that shunting activities at the existing Huntington Road crossing will increase resulting in longer and more frequent periods of time when Huntington Road is blocked to motorists and emergency vehicles responding to incidents in the area.

As a result, a Class Municipal Environmental Assessment (Class EA) Study was undertaken by the City in conjunction with CPR to examine and evaluate alternative solutions, including the “Do Nothing” and grade separation options. The Class EA was commenced in October 2003 and completed in May 2004.

The recommended alternative resulting from the Class EA Study was to temporarily close a portion of Huntington Road and to construct an alternate north-south link approximately 660 metres east of Huntington Road, between McGillivray Road and Major Mackenzie Drive, as identified on Attachment No. 1.

As part of the Class EA Study, a Public Information Centre was held in February of 2004. Those in attendance acknowledged the periodic delays for vehicles traveling on Huntington Road caused by trains temporarily blocking the existing at-grade railway crossing. Most of the local residents spoke of the frequency and duration of delays, and the lack of a reasonable alternate route. There was overall acceptance of the need for a solution which would improve traffic operations while maintaining efficiency in train movement at the CPR Intermodal Terminal.

The alternative link connecting McGillivray Road and Major Mackenzie Drive will temporarily address the operational requirements of the Vaughan Intermodal Terminal and minimize the potential delays to motorists. It is anticipated that the new link will be a temporary arrangement for approximately 5 to 8 years. The ultimate solution will be established through the planning of the road network within the adjacent employment lands as designated by Regional Official Plan Amendment No. 19, together with the completion of MTO's Highway 427 EA and York Region's Western Vaughan Transportation Improvements EA. These studies will identify the required re-alignment of the local and arterial road system in the area including Major Mackenzie Drive.

The recommended alternative was reviewed and accepted by Vaughan Fire & Rescue Services, York Regional Police and EMS services during the EA process. Canadian Pacific Railway has committed to pay all costs relating to the construction of the new road link, and its subsequent transfer of ownership to the City. The approximate detour time is 5 to 6 minutes longer than the current straight through route. The new road will be built to City standards on CPR lands. Once the construction is completed, the ownership of the road will be transferred to the City during the temporary arrangement of 5 to 8 years, and when it is no longer required, the lands will be re-conveyed back to CPR. Canadian Pacific Railway will enter into a development agreement with the City with respect to the construction of the road, the conveyance of lands to the City and re-conveyance of the lands back to CPR, preparation of plans, and the responsibilities and limitations to the City. Once the new road is constructed, Huntington Road will then be closed between McGillivray Road and Major Mackenzie Drive.

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Relationship to Vaughan Vision 2020

In consideration of the strategic priorities related to Vaughan Vision 2020, the recommendations of this report will assist in:

- The pursuit of excellence in service delivery;
- Ensuring and enhancing community safety;
- Planning and managing growth and economic vitality; and
- The demonstration of leadership and promotion of effective governance.

This report is therefore consistent with the priorities previously set by Council.

Regional Implications

The detailed design and construction of the temporary alternative road link will require Regional input and approval due to its proposed intersection with Major Mackenzie Drive. The Region of York was informed and involved as a key stakeholder in determining the preferred alternative throughout the Class EA Study process.

Conclusion

Representatives from CPR have recently met with City Staff to express their interest in proceeding with detailed design and construction of the temporary road link immediately. Accordingly, should Council concur, and in order to facilitate this initiative, it is recommended that the above noted resolutions be adopted.

Attachments

1. Location Plan

Report prepared by:

Michael Frieri, Development Supervisor, Engineering Planning & Studies, Ext. 8729

(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 29, Report No. 24, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on May 12, 2008.

29 OVERVIEW OF TRAFFIC MANAGEMENT PLAN AT NEW SCHOOL SITES

The Committee of the Whole recommends that this matter be referred to the Council/School Board Liaison Committee.

Recommendation

The Commissioner of Engineering and Public Works recommends that this report BE RECEIVED for information purposes.

Economic Impact

There are no economic impacts associated with this report.

Communications Plan

That a copy of this report be forwarded to the Council/School Board Liaison Committee.

Purpose

This report has been prepared in response to Council's request for a report regarding traffic calming measures, particularly as they relate to new schools in subdivisions.

Background - Analysis and Options

At its meeting of November 26, 2007, Council directed:

“that staff provide a report on traffic calming measures, particularly as they relate to new schools in subdivisions.”

In the past, traffic management at schools, particularly during the pick-up and drop-off times have created a significant problem for municipalities and the school boards, and ultimately prompted the Region of York with the nine local municipalities and two school boards to jointly commission *Region of York Safety and Traffic Circulation at School Sites Guidelines Study 1999*.

The findings of this study provided direction for revised school site layout and design, adequate size of the site, location within community and design of streets adjacent to the school. These guidelines are being utilized by the school boards in their design of school sites and by local municipalities in the approval process of site plan.

Currently, the number and location of school site are identified as part of the Block Plan approval process in consultation with the School Boards, City of Vaughan Planning, Parks and Engineering Departments, Region of York (if school is on a Regional road) and the developer. The Location, catchment area, enrolment and physical characteristics of the site influence how the site can be designed and managed. It is important to recognized that no two schools are the same and traffic solutions that are appropriate for one school site, may not be suitable for another site.

Criteria for New School Site Location

Of primary importance in selecting a school site is its anticipated catchment area. Public elementary schools typically serve a neighbourhood and Separate elementary schools may have a broader catchment area. According to the York Region District and York Catholic School

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Boards, schools should be located centrally to the ultimate catchment area. A proposed attendance area should enable most students to walk to school (1.6 km maximum walking distance for primary aged school children).

In addition, the school site should be abutting a minor collector and having access to the collector road while minimizing impacts on local streets. The location of site is also considered within the context of the proposed adjacent street network and pedestrian facilities including sidewalks which should be provided on both sides of the street.

Site Plan Design Elements

The safe and effective movement of vehicular and pedestrian traffic on school property and the control of traffic around school areas should be a key consideration when selecting and designing a school site plan.

Concerns about children's safety with regards to speeding, congestion and general neighbourhood impacts have influenced an increased number of parents to drive their children to school which in turn intensified congestion in the vicinity of schools. This has made the management of traffic in and around schools all that more important.

The majority of older schools were built on smaller properties and the site circulation designs were limited to shared bus drop-off and parent drop-off zones. Due to a need to accommodate adequate on-site traffic circulation, new schools are now being built on larger 2.43 ha (6 acres) sites. Larger school sites also provide more flexibility when dealing with irregular shaped sites and lining up driveways with opposite streets.

The typical traffic management measures that are incorporated into the development of a typical school site are illustrated on Attachment No. 1 to this report and described below:

- The site is located on a minor collector road with one frontage and provides separate bus loading and unloading driveway from all other transportation activities and is designed as a one-way loop with the passenger door on the building side (counterclockwise direction). The location of bus driveways are lined-up with the location of streets opposite the school frontage.
- Residential units opposite the school frontage are designed as flankage lots.
- The parent pick-up/drop-off zone operates in a one-way direction (counterclockwise) with two lanes, one for travel and other for stopping and is incorporated with the school parking lot. In the provided example available school frontage and site area do not allow for separate loop. By providing adequate parent pick-up/drop-off zones illegal standing or parking near school are minimized as well as blocking of school buses and driveways.
- The subject school will be developed as part of a larger campus which will include another school and a park (school/park/school cluster application) to better utilize community resources such as playing fields and parking.
- Locating neighbourhood uses such as woodlots, storm water management ponds and commercial uses are to be avoided next to elementary schools.

Traffic Calming Measures As They Related To New Schools

A Transportation Management Plan (TMP) outlining traffic calming measures, proposed transit routes and traffic control measures is prepared as part of the development review at the Block/Draft Plan stage. At this stage, locations of school sites are also identified and approved.

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All measures identified on the TMP are proposed as a way of enhancing the street environment. As most school sites are located on collector roads as described above, a number of traffic calming measures cannot be implemented on such roads due to the negative impacts on emergency and transit vehicles. However, measures such as curb extensions and road narrowings, traffic circles, raised medians, and textured crosswalks are still being implemented on collector roads.

In addition to the traffic calming measures identified, other measures such as school and park zone treatments that include lay-by lanes and increased landscape treatments are also proposed as part of the TMP.

Development/Transportation Engineering Department with support of Parks and Urban Design Departments has been requesting on-street lay-by lanes to be implemented near schools and parks at the Block Plan/Draft Plan stage. These lanes reduce the roadway width available for vehicle movement and are effective in slowing down traffic. The provision of lay-by lanes also minimizes illegal standing or parking near schools. Refer to Attachment No. 1 for typical location of lay-by lanes.

In addition to measures being implemented during the Block Plan stage, once schools are constructed and opening date is known, signage and other traffic control devices will be implemented. The location of school zone maximum signs (40 km/h) and school crossing guards in the vicinity of a school will be identified and implemented before school is opened. These and other non-physical measures/treatments, even though not traffic calming measures improve conditions for non-motorized street users and may be effective measures in reducing speeding and congestion in vicinity of schools.

Relationship to Vaughan Vision 2020

This report is consistent with the Vaughan Vision 2020 strategic initiatives to enhance and ensure community safety, health and wellness. Accordingly, this report is consistent with the priorities previously set by Council.

Regional Implications

York Region approval of Site Plans is required for sites next to regional roads. York Region Transit approval is required for the proposed Transportation Management Plans for new development blocks if transit routes are proposed and where proposed measures impact regional roads.

Conclusion

Development/Transportation Engineering staff will continue to implement the *Safety and Traffic Circulation Guidelines* in their review of new school sites together with requiring separate on-site bus loops, parent drop-off/pick-up zones, on-street lay-by lanes and other non-physical measures/treatments as a means of managing traffic at and in the vicinity of new school sites.

Attachment

1. A Typical Elementary School Site Plan in New Development Areas

Report prepared by:

Selma Hubjer, Transportation Engineer, Ext. 8674

(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 30, Report No. 24, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on May 12, 2008.

30

**PORTION OF JULES AVENUE RUNNING NORTH
FROM RIVERVIEW AVENUE TO JEANNE DRIVE
TRAFFIC REVIEW**

The Committee of the Whole recommends approval of the recommendation contained in the following report of the Commissioner of Engineering and Public Works, dated May 5, 2008, subject to replacing Clause 3 of the recommendation with the following:

3. That a community meeting coordinated by the Local Ward Councillor and the Ratepayers' Association, be held with area residents to present the findings of the traffic study and to obtain input on the possible installation of horizontal traffic calming measures on Jules Avenue in the area of the bend.

Recommendation

The Commissioner of Engineering and Public Works recommends:

1. That this report be reviewed for information purposes;
2. That York Regional Police be requested to enforce the existing posted 40 km/h speed limit on Jules Avenue; and
3. That a community meeting be held with area residents to present the findings of the traffic study and to obtain input on the possible installation of horizontal traffic calming measures on Jules Avenue in the area of the bend.

Economic Impact

None.

Communications Plan

Engineering Services staff will contact the residents with the information in the report on the options presented.

Purpose

To present information to the Committee of the Whole, as directed by Council to review the traffic speeds and volumes on Jules Avenue.

Background - Analysis and Options

At it's meeting on October 22, 2007, Council approved:

“That appropriate staff conduct a traffic study along that portion of Jules Avenue which runs north of the intersection with Riverview Avenue to Jeanne Drive, to identify measures that may be taken to mitigate speed, especially in the vicinity of the right angle turn in the direction of the roadway.”

Jules Avenue is a local roadway with a 20.0 metre right-of-way and 8.5 metre pavement width. The posted speed limit is 40 km/h on the portion of Jules Avenue running north from Riverview Avenue to Jeanne Drive. There is an existing all-way stop control at the intersection of Jules Avenue and Riverview Avenue. The area is shown in Attachment No.1.

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Staff conducted radar speed studies on Wednesday, March 19, 2008 from 8:00am to 9:00am, and from 4:00pm to 5:00pm at #145 Jules Avenue, west of Jeanne Drive. The weather on the day of the studies was clear and then partly cloudy. The results of these studies have been summarized in the following table:

AM Period			
Direction	Average Speed	85 th Percentile Speed	Highest Speed
Eastbound	43 km/h	49 km/h	55 km/h
Westbound	43 km/h	49 km/h	52 km/h
PM Period			
Direction	Average Speed	85 th Percentile Speed	Highest Speed
Eastbound	41 km/h	48 km/h	55 km/h
Westbound	43 km/h	49 km/h	58 km/h

The average speeds range from 41 km/h to 43 km/h on Jules Avenue. The highest recorded speed was 58 km/h during the afternoon period.

Utilizing Automatic Traffic Recorders (ATR's), staff collected speed and volume data from March 17, 2008 to March 20, 2008. The unit was installed at #148 Jules Avenue – 75 metres west of Jeanne Drive. The results have been summarized below:

Direction	Average Speed	85 th Percentile Speed	Highest Speed
Eastbound	39 km/h	48 km/h	64 km/h
Westbound	40 km/h	48 km/h	64 km/h

The recorded average speed on Jules Avenue range between 39 km/h and 40 km/h using the Automatic Traffic Recorders. The highest recorded speed was 64 km/h.

The overall average recorded 85th percentile speed on Jules Avenue is 48 km/h. The recorded 85th percentile speed is the speed at which or below 85th of the motorists are travelling

In accordance with the Council approved Neighbourhood Traffic Committee Policy and Procedure, speed humps are considered only when the following three warrants are met:

- The street is not a primary emergency response route.
- The speed limit is 50 km/h or less.
- The average speed is 10 km/h greater than the speed limit.

The posted speed limit is 40 km/h on the portion of Jules Avenue running north from Riverview Avenue to Jeanne Drive. However, this portion of Jules Avenue is identified as an emergency response route, and although close, the average speeds do not exceed the speed limit by 10 km/h. Installation of a speed hump on this portion of Jules Avenue does not meet the City criteria. Possible alternative traffic calming measures for this roadway would be a centre line marking for the portion of road and curb bump-outs prior to the curve in both directions. There is sufficient space to install two curb bump-outs in both directions. Also, centre road medians can be accommodated on this section of Jules Avenue. Curve warning signs can be installed in advance of curve.

There have been no reported vehicle collisions on Jules Avenue from Jeanne Drive to Riverview Avenue from January 2005 to December 2006, the last year for which collision data is available.

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It was noted that several speeds were in excess of the posted 40 km/h speed limit. Staff will notify York Regional Police for their action.

Should Council consider alternative options such as bump-outs or centre medians, that the Neighbourhood Traffic Calming Policy and Procedure be followed. The cost to implement would be determined at a later date depending on the type and number of possible measures proposed. The installation of the centreline could be incorporated in the 2008 Pavement Marking contract should this measure be deemed desirable.

In order to gauge the desire of the area residents to have horizontal traffic calming measures installed in the vicinity of the curve, a community meeting could be held. Staff could present options and obtain input following which a further report would be prepared for Committee's consideration.

Relationship to Vaughan Vision 2020

Enhance and Ensure Community Safety, Health and Wellness – To advocate for, protect and enhance community safety, health and wellness through education, design and enforcement.

This report is consistent with the priorities previously set by Council.

Regional Implications

Not Applicable.

Conclusion

Based on staff's review, it is recommended that York Region Police be requested to strictly and frequently enforce the speed limit on Jules Avenue and that a community meeting be held to obtain input from area residents on horizontal traffic calming measures in the area of the bend. Staff will proceed with the installation of curve warning signs.

Attachments

1. Location Map

Report prepared by:

David Fan, Traffic Analyst, Ext. 3109
Mike Dokman, Supervisor Traffic Engineering, Ext. 3118

DF: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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Item 31, Report No. 24, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on May 12, 2008.

**31 TRAFFIC STUDY REVIEW OF CLARENCE STREET BETWEEN MEETING HOUSE ROAD
AND RUTHERFORD ROAD**

The Committee of the Whole recommends:

- 1) That the recommendation contained in the following report of the Commissioner of Engineering and Public Works, dated May 5, 2008, be approved; and
- 2) That the future referenced report include consideration of changed circumstances resulting from the opening of the new fire hall on Islington Avenue.

Recommendation

The Commissioner of Engineering and Public Works recommends:

1. That this report on staff's findings regarding the traffic study review on Clarence Street be received.
2. That York Regional Police be requested to enforce the existing speed limits on Clarence Street.

Economic Impact

None.

Communications Plan

The local Councillor will inform residents of the decision of Council based on the findings of the traffic studies.

Purpose

To report on the results of traffic study review for Clarence Street between Meeting House Road and Rutherford Road.

Background - Analysis and Options

At it's meeting on October 22, 2007, Council directed:

- “1. That appropriate staff be directed to update the traffic study review of Clarence Street between Meeting House Road and Rutherford Road in light of any relevant changes in circumstances since the spring of 2004, when data which formed the basis of the report was first collected; and
2. Update traffic study review be brought forward for consideration by the Committee of the Whole on May 5, 2008.”

Clarence Street is classified in OPA 600 as a minor arterial road. The existing speed limit on Clarence Street is 40 km/h from Woodbridge Avenue to approximately 540 metres north of Mounsey Street and the speed limit is 50 km/h from that point to Rutherford Road. Existing all-way stop controls are on Clarence Street at the intersections of Meeting House Road, Modesto Gardens, Wycliffe Avenue, Thomson Creek Boulevard/Woburn Drive, and Avdell Avenue/Crofters Road.

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Clarence Street operates as a two-lane roadway with a paved driving surface of 7.0 metres and a 27.0 metre right-of-way. There is an existing speed hump on Clarence Street located approximately 100 metres south of Mounsey Street. The speed hump was installed as part of the Woodbridge Core Traffic Committee.

There are two pedestrian crossing areas on Clarence Street north of Mounsey Street to accommodate golfers and facility workers. The two existing pedestrian crossing areas in the vicinity of the golf course are located as follows: (Refer to Attachment No. 1).

- Approximately 110 metres north of Mounsey Street.
- Approximately 200 metres north of Mounsey Street.

Speed and Volume Data

Utilizing the use of Automated Traffic Recorders (ATR's), staff collected speed and volume data from March 15, 2008 to March 20, 2008. The data covered a 24-hour time period and it is compared to data from Spring 2004 which is summarized below.

LOCATION	DIRECTION	SPEED LIMIT	AVERAGE SPEED	HIGHEST 24 HOUR VOLUME
Between Thomson Creek Blvd/Woburn Dr and Avdell Ave/Crofters Rd	Southbound	50 km/h	59 km/h (60 km/h)	2,965 (2,547)
Between Thomson Creek Blvd/Woburn Dr and Avdell Ave/Crofters Rd	Northbound	50 km/h	56 km/h (56 km/h)	2,704 (2,498)
Between Wycliffe Ave and Thomson Creek Blvd/Woburn Dr	Southbound	50 km/h	61 km/h (61 km/h)	2,930 (2,337)
Between Wycliffe Ave and Thomson Creek Blvd/Woburn Dr	Northbound	50 km/h	55 km/h (56 km/h)	2,795 (2,449)
Between Modesto Gdns and Wycliffe Ave	Southbound	50 km/h	53 km/h (56 km/h)	2,777 (2,070)
Between Modesto Gdns and Wycliffe Ave	Northbound	50 km/h	53 km/h (54 km/h)	2,552 (2,204)
North of Mounsey St	Southbound	40 Km/h	60 km/h (50 km/h)	2,778 (2,009)
North of Mounsey St	Northbound	40 Km/h	59 km/h (54 km/h)	2,563 (2,174)

Note: the first number indicates previous study results from March 29, 2004 to April 2, 2004 and the bold number in brackets represents study results from March 15, 2008 to March 20, 2008.

Clarence Street functions as a minor arterial roadway with a limited number of residential frontages and they are located north of Modesto Gardens, and represents the main north-south link for the residential developments between Woodbridge Avenue and Rutherford Road. The Board of Trade Golf Course is located on the east side of the roadway, north of Mounsey Street.

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The average speeds collected on Clarence Street from March 17, 2008 to March 20, 2008, between Rutherford Road to Modesto Gardens were similar as the data from year 2004. However, the collected speeds north of Mounsey Street indicates that the average speed still exceeds the speed limit by approximately 10-14 km/h. Based on the above information, one of the warrants for the installation of speed humps (i.e. average speed exceeds the posted speed by 10 km/h or more) on this section of Clarence Street is met.

However, as Clarence Street is both an arterial roadway and an emergency vehicle response route, the City’s criteria for speed humps would preclude their installation on this section of roadway.

The volumes collected on Clarence Street over a 24-hour period from March 17, 2008 to March 20, 2008 range from 5,300 to 5,700 vehicles for both the northbound and southbound directions. The volumes have decreased by 800 to 1,000 vehicles for both the northbound and southbound directions compared with the highest volumes in March, 2004. The traffic volumes collected over a 24-hour period are well within a minor arterial road capacity. According to the Geometric Design Guide for Canadian Roads, Arterial Roads can accommodate 8,000 vehicles per day.

Fire & Rescue Services

As noted previously, Clarence Street has been identified as a primary response route by Fire & Rescue Services for their vehicles traveling through Woodbridge. Accordingly, they do not support the installation of additional speed humps on Clarence Street.

Traffic Counts Data

Staff conducted turning movement counts at Clarence Street and Wycliffe Avenue on March 19, 2008, at Clarence Street and Thomson Creek Boulevard/Woburn Drive on March 20, 2008, and at Clarence Street and Avdell Avenue/Crofters Road on March 26, 2008 during the highest eight-hour peak travel periods. The times the counts were conducted were from 7:00 am to 9:00 am, from 11:00 am to 2:00 pm and from 3:00 pm to 6:00 pm. The days of the traffic study the weather were cloudy and overcast. The results of the study are outlined below.

Clarence Street and Wycliffe Avenue

Warrant 1 Minimum Vehicular Volumes	Part A – All Approaches – 69% (50%) Part B – Minor Street Approaches – 62% (43%) Overall Percent Met – 62% (43%)
Warrant 2 Delay to Cross Traffic	Part A – Major Street Both Approaches – 55% (39%) Part B – Traffic Crossing Major Street – 63% (38%) Overall Percent Met – 55% (38%)
Warrant 3 Accident Experience	There were 0 vehicle collisions over a 3-year time period that would be susceptible to correction by the installation of a traffic signal. The fulfilled warrant percent is 0%

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Clarence Street and Thomson Creek Boulevard/Woburn Drive

Warrant 1 Minimum Vehicular Volumes	Part A – All Approaches – 71% (61%) Part B – Minor Street Approaches – 77% (66%) Overall Percent Met – 71% (66%)
Warrant 2 Delay to Cross Traffic	Part A – Major Street Both Approaches – 54% (45%) Part B – Traffic Crossing Major Street – 80% (75%) Overall Percent Met – 54% (45%)
Warrant 3 Accident Experience	There were 0 vehicle collisions over a 3-year time period that would be susceptible to correction by the installation of a traffic signal. The fulfilled warrant percent is 0%

Clarence Street and Avdell Avenue/Crofters Road

Warrant 1 Minimum Vehicular Volumes	Part A – All Approaches – 84% (81%) Part B – Minor Street Approaches – 82% (85%) Overall Percent Met – 71% (81%)
Warrant 2 Delay to Cross Traffic	Part A – Major Street Both Approaches – 67% (64%) Part B – Traffic Crossing Major Street – 90% (90%) Overall Percent Met – 67% (64%)
Warrant 3 Accident Experience	There were 0 vehicle collisions over a 3-year time period that would be susceptible to correction by the installation of a traffic signal. The fulfilled warrant percent is 0%

Note: the first number indicates previous study results from year 2004 and the bold number in brackets represents study results from March, 2008.

Based on the technical requirements of the Provincial Traffic Signal Warrant, the warrants for the installation of a traffic signal at the above noted intersections are not met. Two or more of the above Warrants 1, 2, and 3 are not satisfied at 80% or more and none of the individual warrants are satisfied at 100%. In most section of the warrant the percentages have decreased.

There are no sight distance restrictions noted at the above intersections.

Accident History

Staff reviewed the collision history on Clarence Street from Meeting House Road to Rutherford Road. There have been six reportable accidents from 2003 to 2006 (eighteen reportable accidents from 1999 to 2003 as mentioned in the 2004 report). There was one accident at the intersection of Clarence Street and Avdell Avenue (total of five intersection accident reports from 1999 – 2003 as mentioned in the 2004 report). The remaining five accidents were not intersection related. A total of four reported accidents were a result of poor weather conditions, and one accident involved single vehicle collisions. There as no reported accidents near the Board of Trade Golf Course.

Sign Investigation

Staff conducted a sign inventory on Clarence Street between Meeting House Road and Rutherford Road and found that the proper signage has been installed on the roadway.

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The existing speed limit on Clarence Street is 40 km/h from Woodbridge Avenue to approximately 540 metres north of Mounsey Street, and the speed limit is 50 km/h from that point to Rutherford Road. The required signage for 40 km/h speed limit has been installed as well as 50 km/h speed limit signs.

Existing all-way stop controls on Clarence Street at the intersections of Meeting House Road, Modesto Gardens, Wycliffe Avenue, Thomson Creek Boulevard/Woburn Drive, and Avdell Avenue/Crofters Road have been properly signed and marked.

There is an existing supervised school crossing guard located at the Clarence Street and Thomson Creek Boulevard/Woburn Drive intersection and the location has been properly identified.

There is a reverse curve located through the middle section of Clarence Street that has been properly identified. A “Reverse Curve” sign for the northbound direction is located well in advance of the curve and there is a “Checkerboard” (One Direction) sign for the southbound direction with a flashing beacon.

There are eight warning signs on Clarence Street informing traffic to the potential crossing of golfers near the Board of Trade Golf Course; seven “Watch for Golfers” warning signs and one “Pedestrians Ahead” warning sign.

Relationship to Vaughan Vision 2020

Enhance and Ensure Community Safety, Health & Wellness – To advocate for, protect and enhance community safety, health and wellness through education, design and enforcement.

This report is consistent with the priorities previously set by Council.

Regional Implications

Not Applicable.

Conclusion

This report details staff’s finding of a traffic safety review for Clarence Street between Meeting House Road and Rutherford Road. Clarence Street accommodates a large volume of traffic and the operating speeds on the roadway are in excess of the posted speed. Specifically, there is a low level of compliance with the posted speed limit north of Mounsey Street, where the Board of Trade Golf Course is located.

Based on the high number (approximately 300 to 400 per day per Board of Trade records) of golfers and golf course maintenance staff crossing Clarence Street in the vicinity of Board of Trade Golf Course, the recorded vehicle speeds on Clarence Street and the average daily traffic volumes on Clarence Street, some form of traffic control or traffic calming measures in the area of the two golfer crossing areas for the Board of Trade Golf Course would be beneficial. Staff will identify possible measures and discuss the matter further with the Board of Trade. A future report on the results of the further review and discussions will be brought to a future Committee of the Whole meeting.

It is recommended that York Regional Police be requested to enforce the speed limits on Clarence Street through the study area.

Attachments

1. Location Map

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Report prepared by:

Peter Trinh, Traffic Analyst, Ext. 3120

Mike Dokman, Supervisor Traffic Engineering, Ext. 3118

PT: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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Item 32, Report No. 24, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on May 12, 2008.

**32 REQUEST FOR ADDITIONAL FUNDING FOR THE CONTRACTOR AND CONSULTANT
KIRBY ROAD SLOPE STABILIZATION – CONTRACT T07-088**

The Committee of the Whole recommends approval of the recommendation contained in the following report of the Commissioner of Engineering and Public Works, dated May 5, 2008:

Recommendation

The Commissioner of Engineering and Public Works in consultation with the Director of Reserves and Investments recommends:

1. That additional funds for the Contractor in the amount of \$115,000.00 for Contract T07-088 be approved;
2. That additional funds for the Consultant for Contract Administration & Design in the amount of \$55,617.00 for Contract T07-088 be approved;
3. That the Budget for Capital Project EN-1698-07 be increased by \$120,000.00 and funded from Long Term Debt; and
4. That the inclusion of the matter on a Public Committee or Council Agenda for additional funding request for Kirby Road Slope Stabilization is deemed sufficient notice pursuant to Section 2(1)(c) of By-law 394-2002.

Economic Impact

Additional funding is being allocated to this specific project from the total budget approved in the 2007 Capital Budget. There are sufficient funds in the approved budget to pay the final project costs.

Communications Plan

Not Applicable.

Purpose

To obtain Council approval for additional funding required to complete final payment to the Contractor and Consultant for previously approved Capital Contract T07-088.

Background - Analysis and Options

Contract T07-088 - NEI Construction Corp.

Contract T07-088 - Kirby Road Slope Stabilization EN-1698-07 was awarded under the City's Summer Hiatus By-Law 332-98 on August 20, 2007, in the amount of \$346,582.50 (plus G.S.T.), plus a contingency allowance of \$35,000.00. This contract involved the reconstruction of Kirby Road just west of Huntington Road as a result of a localized slope failure due to saturated ground conditions exacerbated by heavy rainfalls which closed the road to traffic in 2006.

The reason for the additional cost is due to an increase in quantities of work from the original contract area as a result of finding additional poor soil conditions not known at the time of tendering. Under the direct supervision of the URS Canada Inc and the Geotechnical Engineer this additional area was reconstructed to ensure no further slope failure.

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The additional costs required to complete the works in the amount of \$118,450.00 (\$115,000.00 plus 3% administration of \$3,450.00) can be funded from Capital Project EN-1698-07 (Kirby Road Slope Stabilization).

Quantities for this project and the additional costs have been certified by the City's Consultant, URS Canada Inc. Engineering Services staff have reviewed the amounts and are satisfied that they are appropriate and outside the scope of the original tender.

Contract T07-088 - URS Canada Inc.

Contract T07-088 - Kirby Road Slope Stabilization EN-1698-07 was awarded under the City's Summer Hiatus By-Law 332-98 on August 20, 2007, for Contract Administration, Inspection Geotechnical Services in the amount of \$18,000.00 (plus G.S.T.) without any contingency allowance.

The reason for the additional cost are due to the provision of full time URS field representative and geotechnical engineering inspection/direction services to ensure on time guidelines and inspection as requested by the City. URS original budget was based on a combined allocation sharing of field representatives with the Pine Valley Drive and Kipling Avenue Rural Road Upgrades Pt. 1 – T07-034, 1628-0-06 project. In addition, the extent and various major quantities of works increased substantially from the original contract area as a result of finding additional poor soil conditions not known at the time of tendering. These additional works combined with the onset of poor weather conditions in November slowed down the project which also contributed to an increase in services from an anticipated 20 working days in the tender estimate to over two months.

The additional costs required to complete the works in the amount of \$57,287.00 (\$55,617.00 plus 3% administration of \$1,670.00) can be funded from Capital Project EN-1698-07 (Kirby Road Slope Stabilization).

Engineering Services staff have reviewed the amounts and are satisfied that they are appropriate and outside the scope of the original tender.

Relationship to Vaughan Vision 2020

Maintain Assets and Infrastructure – To optimize existing infrastructure through sound asset management.

This report is consistent with the priorities previously set by Council.

Regional Implications

Not Applicable.

Conclusion

The funds requested are required to pay the Contractor and the Consultant the cost of unexpected additional works required in the completion of this project. The costs and quantities involved have been verified by the City's Consultant and Engineering Services staff. It is therefore appropriate to approve the payment of the funds as requested.

Should Council concur with the additional funding request, this action would be considered as an amendment to the Capital Budget. Pursuant to the Municipal Act, before amending a budget, a municipality shall give notice of its intention to amend the budget at a Council meeting. Where a capital project has been subject to a public meeting during the adoption of the approved capital

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budget and where additional funding is required to complete the approved works, inclusion of the matter in a staff report requesting additional funding on a Public Committee or Council Agenda is deemed sufficient notice pursuant to Section 2(1)(c) of Bylaw 394-2002.

Attachments

None.

Report prepared by:

Gino Martino, B.A., C.Tech., Engineering Technologist – Capital
Tom Ungar, P. Eng., Manager, Design Services
Justin Metras, C.Tech., Manager of Construction Services

GM: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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Item 33, Report No. 24, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on May 12, 2008.

**33 REQUEST FOR ADDITIONAL FUNDING FOR CONSULTANT
CLARENCE STREET AND PARK DRIVE WATERMAIN REPLACEMENT-CONTRACT T07-003**

The Committee of the Whole recommends approval of the recommendation contained in the following report of the Commissioner of Engineering and Public Works, dated May 5, 2008:

Recommendation

The Commissioner of Engineering and Public Works in consultation with the Director of Reserves and Investments recommends:

That additional funds for the Consultant in the amount of \$17,260.00 for Contract Administration for Contract T07-003 be approved and funded from Capital Project 1601-0-06 (Clarence Street and Park Drive Watermain Replacement).

Economic Impact

Additional funding is being allocated to this specific project from the total budget approved in the 2006 Capital Budget. There are sufficient funds in the approved budget to pay the final project costs.

Communications Plan

Not Applicable.

Purpose

To obtain Council approval for additional funding required to complete final payment to the Consultant for previously approved Capital Contract T07-003.

Background - Analysis and Options

Contract T07-003 - Earth Tech Canada Inc.

Contract T07-003 - Clarence Street & Park Drive Watermain Replacement 1601-0-06 was awarded by City Council on May 22, 2007, for Contract Administration, Inspection & Geotechnical Testing Services in the amount of \$36,940.00 (plus G.S.T.) without a contingency allowance. This contract involved the replacement of the watermain on Clarence Street from Meeting House Road to Mounsey Street and on Park Drive from Clarence Street to the cul-de-sacs.

The reasons for the additional costs are a result of an increase in the construction schedule from 6 weeks to over 14 weeks which required additional consulting services. In addition, the contractor worked several weekends and incurred additional work/delays due to new Provincial watermain installation requirements related to the provision of temporary water not known at the time of tendering all of which required additional labour on the part of the Consultant.

The additional costs required to complete the works in the amount of \$17,778.00 (\$17,260.00 plus 3% administration of \$517.80) can be funded from Capital Project 1601-0-06.

Engineering Services staff have reviewed the amounts and are satisfied that they are appropriate and outside the scope of the original tender.

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Relationship to Vaughan Vision 2020

Maintain Assets and Infrastructure – To optimize existing infrastructure through sound asset management.

This report is consistent with the priorities previously set by Council.

Regional Implications

Not Applicable.

Conclusion

The funds requested are required to pay the consultant for the unexpected additional costs required in the completion of this project. The costs and quantities involved have been verified by the Engineering Services staff. It is therefore appropriate to approve the payment of the funds as requested.

Attachments

None.

Report prepared by:

Gino Martino, B.A., C.Tech., Engineering Technologist – Capital
Justin Metras, C.Tech., Manager of Construction Services

GM:mc

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Item 34, Report No. 24, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on May 12, 2008.

**34 REQUEST FOR ADDITIONAL FUNDING FOR CONTRACTOR – ROAD RESURFACING 2006
VARIOUS LOCATIONS - CONTRACT T06-107**

The Committee of the Whole recommends approval of the recommendation contained in the following report of the Commissioner of Engineering and Public Works, dated May 5, 2008:

Recommendation

The Commissioner of Engineering and Public Works in consultation with the Director of Reserves and Investments recommends:

That additional funds for the contractor in the amount of \$461,440.00 (includes 3% Administration) for Contract T06-107 be approved and funded from Capital Project 1574-0-05 (Road Reconstruction – 2005 Various Locations).

Economic Impact

Additional funding is being allocated to this specific project from the total budget approved in the 2005 Capital Budget. There are sufficient funds in the approved budget to pay the final project costs.

Communications Plan

Not Applicable.

Purpose

To obtain Council approval for additional funding required to complete final payment for previously approved Capital Contract T06-107.

Background - Analysis and Options

Contract T06-107 Furfari Paving Co. Ltd.

Contract T06-107 Road Resurfacing 2006 – Various Locations 1577-2-06 was awarded by Council on June 26, 2006 in the amount of \$1,796,392.00 (plus G.S.T.) plus a contingency allowance of \$180,000.00. This contract involved the resurfacing and/ or rehabilitation of various roads in the Thornhill which included the installation of subdrains, replacement of curb and gutter, repair and/or adjustment of catch basins & manholes, restoration and other miscellaneous repairs. The 2006 & 2007 works occurred on the following streets: Tinti Place, Rejane Crescent, Patrice Crescent, Rodeo Drive, Campbell Avenue, Spring Gate Boulevard, Thornbury Drive, Faye Court, Bevshire Circle, Tangreen Circle, Lonny Court, York Hill Boulevard, Esther Crescent, North Meadow Crescent, North Meadow Gate, Christine Court, Green Bush Crescent, Joanna Crescent and Colleen Street.

The reason for the additional cost is due to an increase in quantities of work from the original contract as a result of removing and replacing more curb and gutter, removing and replacing more damaged sidewalk, restoring more driveway aprons and restoring more sodding not anticipated at the time of tendering. Measures have been put into place to ensure that estimated quantities of items in future tenders reflect more accurately to the anticipated removal amounts in the field.

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The additional costs required to complete the works in the amount of \$461,440.00 (\$448,000.00 plus 3% administration - \$13,440.00) is related to roadworks. The additional costs can be funded from Capital Project 1574-0-05 Road Reconstruction 2005 with the funding source being Long Term Debt.

Engineering Services Staff have reviewed the amounts and are satisfied that they are appropriate and outside the scope of the original tender.

Relationship to Vaughan Vision 2020

Maintain Assets and Infrastructure – To optimize existing infrastructure through sound asset management.

This report is consistent with the priorities previously set by Council.

Regional Implications

Not Applicable.

Conclusion

The funds requested are required to pay the contractor the cost of unexpected additional work required in the completion of this project. The cost and quantities involved have been verified by Engineering Services Staff. It is therefore appropriate to approve the payment of the funds as requested.

Attachments

None.

Report prepared by:

Gino Martino, B.A., C.Tech., Engineering Technologist – Capital
Justin Metras, C.Tech., Manager of Construction Services

GM:mc

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Item 35, Report No. 24, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on May 12, 2008.

35 JANE STREET AND REGIONAL ROAD 7 INFRASTRUCTURE REPAIRS

The Committee of the Whole recommends approval of the recommendation contained in the following report of the Commissioner of Engineering and Public Works, dated May 5, 2008:

Recommendation

The Commissioner of Engineering and Public Works recommends:

1. That this report on the cost of the major repairs to the underground infrastructure of Jane Street and Regional Road 7 (formerly provincial Highway 7), be received;
2. That the Regional Municipality of York be requested to share the costs incurred to repair the road and underground infrastructure at the intersection of Jane Street and Regional Road 7, based on the Region's share being \$3,289,135.00, and the City's portion being \$7,184,250.00.
3. That this request for payment be forwarded to the Regional Municipality of York for consideration.

Economic Impact

The costs to repair the infrastructure have been paid by the City in full, with the funds coming from the Water and Wastewater Reserve accounts. If the proposed cost sharing split is agreed to by both Regional Council and Vaughan City Council, the City would recover \$3,289,135.00 of the total costs.

Communications Plan

During the intersection failure, a detailed communications plan was developed by Public Works, Economic Development and Corporate Communications to update both City officials and the public.

Purpose

To seek approval of the cost sharing methodology between the City of Vaughan and the Regional Municipality of York for the costs to repair and restore the intersection and underground utilities.

Background - Analysis and Options

On the morning of February 7, 2006, a water main break and major ground subsidence was first noted in the northwest corner of the intersection of Regional Road 7 (formerly provincial Highway 7) and Jane Street. Subsequent inspection and survey of the subsidence confirmed that an existing sanitary sewer manhole located in this corner of the intersection (MH1A), had settled approximately 1.2 m, with evidence of ground movements in terms of surface cracks, vertical settlement and lateral soil movement being noted within an approximate 15 m radius of the manhole. Some evidence of ground movements at greater distances than this were evident, especially within the limits of the existing Shell service station, located within the northwest corner of the intersection. Importantly, this zone of subsidence encompassed the entire northwest quadrant of the intersection and the southbound lanes of Jane Street, effectively rendering the entire intersection impassable to traffic.

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The key features of the intersection were as follows:

- Six lane Region Road 7, with additional east and westbound left turn lanes
- Four lane Jane Street, with additional north and southbound central left turn lanes and outside right hand turn lanes
- A series of three existing sewers entering and leaving settled manhole MH1A, i.e., a South flowing 900 mm diameter sewer exiting the manhole with an originally proposed design invert elevation of 190.8 m; an East flowing incoming 750 mm diameter sewer entering the manhole with an originally proposed design invert elevation of elevation 191.0 m; and, a South flowing incoming 600 mm diameter sewer on Jane Street, with a proposed design invert elevation of approximately 192.5 m, connected to MH1A via an external drop structure
- Existing 750 mm diameter water main along the north side of Highway 7 and related valve chamber just west and north of settled MH1A
- Existing Bell Canada duct just west of the alignment of the south flowing 900 mm diameter sewer below Highway 7 and the south flowing 600 mm diameter sewer along the west side of Jane Street.
- Existing gas main along the north side of Highway 7, west of Jane Street, turning north along the west side of Jane Street north of Highway 7

By way of reference, the top elevation of the Region Road 7\Jane Street intersection is approximately 200 m, indicating the existing sewers below the west side of the intersection, and along the north side of Region Road 7, were approximately 9 m deep.

In terms of construction, the main trunk sewer below Region Road 7 and related sewer to the west were installed in the mid 1980's with the trunk sewer extension north along Jane Street being completed sometime later. The water main east of Jane Street was also apparently installed in the mid 1980's, and extended from the west limit of the original two lane Jane Street in the mid 1990's. The trunk sewer below region Road 7 was installed within a hand mined tunnel supported using an approximately 1.5 m diameter bolted steel segmental liner.

After the subsidence of MH1A, all three connecting sewers were out of service, as was the case for the 750 mm water main. In addition to the immediate surface interruption to traffic, reinstatement of the sewers and water main was also required. The ultimately selected approach to the reinstatement of these key features was to essentially by-pass the settled manhole MH1A area to avoid possible long term settlement problems in the immediate area of the manhole, recognizing that the existing sewer below Region Road 7 was unsalvageable. In addition, this by-pass approach allowed the MH1A remedial works and the sewer and water main reinstatement works to be completed in tandem.

As per the emergency provisions of the City's Purchasing Policy, a contractor (Clearway Group) was retained to perform the required repair and restorative works. A total time period of approximately 15 weeks (February 7 to May 19, 2006) was required to complete the foregoing intersection repair / replacement / restoration works, which were roughly broken down as follows:

- 1 week (February 7 to February 13) – problem definition and outline of required major repair works.
- 7 weeks (February 13 to March 30) – dewatering related works, including preparation of Permit To Take Water application and dewatering installation and operation to lower water levels such that sewer replacement works could be initiated.
- 4 weeks (March 30 to April 28) – sewer and water main replacement works

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- 3 weeks (April 28 to May 19) – intersection restoration.

The works involved the combined efforts of Vaughan Engineering Services and Public Works staff, York Region Transportation and Works staff, the prime contractor (Clearway), numerous sub-contractors, and three consulting engineering firms.

It is important to note, that the intersection collapse was one of the largest of its kind, and the overall impact on the City, the Region, local businesses, and the travelling public, was immense. Notwithstanding that this was one of the largest failures recorded recently, and the amount of damaged infrastructure to be restored was considerable, the restoration was completed within a relatively quick time period.

In total, the cost to repair the underground infrastructure, and restore the intersection itself, was \$10,473,385.00. Staff from York Region, City of Vaughan, and MacViro (one of the City’s consulting engineering firms used on this project), met and reviewed the detailed cost breakdowns provided by the contractor for these repairs. After reviewing the costs, and the associated benefactor(s) of the works, the following is how the costs are recommended to be divided up between the City and the Region:

Total Cost of Repairs	City's Share (69%)	Region's Share (31%)
\$10,473,385	\$7,184,250.00	\$3,289,135.00

The rationale for the cost sharing is based on infrastructure ownership, as well as the resulting benefactor(s) of the works. As an example, due to the high ground water table and extensive damage to the infrastructure, special measures were taken to ensure soil conditions were stabilized and the new infrastructure was properly supported. Compaction grouting was done to stabilize the area around the collapse, and provide a firm base on which to rebuild the some of the infrastructure as well as support the new road base. However, to ensure the stability of the entire area, additional grouting took place outside the disturbed area. As re-opening the intersection as quickly as possible was a prime consideration, and there were concerns regarding the naturally high water table under the intersection, the use of un-shrinkable fill was chosen over native backfill. This not only expedited the intersection opening, but provided for a more stable base and support for both the underground infrastructure and the road platform itself. Both of these operations were determined to have joint benefits to the City and the Region, and the costs are shared accordingly. Other costs, such as replacement of the water main and sewer pipes, were deemed to benefit the City exclusively, and as such, the City assumed 100% of these costs. Similarly, the cost for new road base and top asphalt, along with traffic signal infrastructure, is a direct benefit to the Region, and they are assuming 100% of those costs.

The details of the repair costs incurred in the project have been reviewed extensively with York Region staff. The costs have been apportioned on the rationale described above, and staff have agreed to a potential cost sharing which they could justify advancing to their respective Councils for consideration.

Relationship to Vaughan Vision 2020

This report is consistent with the priorities previously set by Council and the necessary resources have been allocated and approved. This report ties into the following Vaughan Vision objectives:

- Value and Encourage a Highly Motivated Workforce
- Maintain Assets & Infrastructure Integrity

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Regional Implications

As noted in the recommendations, the proposed cost sharing for the repairs and reconstruction of the intersection and underground infrastructure have a direct financial impact on the Region.

Conclusion

The proposed cost sharing noted in this report is based on the premise of infrastructure ownership and overall relationship to the benefactor(s), as a result of the services and repairs completed. On a percent basis, it is approximately 69% for the City, and 31% for the Region.

The collapse of this intersection and the overall impact on the City, the Region, local businesses, and the travelling public, was immense. This collapse was one of the largest of its kind recorded to date, and received unprecedented media coverage during and after the event. Given the magnitude of its size, the complexity of the repairs, and the quick time frame in which the repairs were completed, the staff that were involved from Public Works, and Engineering Services, are to be commended for their outstanding efforts.

Sincere appreciation is also expressed to staff of the Economic Development and Corporate Communications Departments, and the Regional Municipality of York, for their assistance in this project. In addition, the efforts of Clearway Construction, and their respective sub-contractors, along with the co-operation and understanding of the local business community, were duly noted and appreciated.

Attachments

N/A

Report prepared by:

Brian T. Anthony
Director of Public Works

Rob Meek
Manager of Environmental & Technical Services

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Item 36, Report No. 24, of the Committee of the Whole, which was adopted, as amended, by the Council of the City of Vaughan on May 12, 2008, as follows:

By inserting the word “existing” following “equipping” in Clause 2 of the recommendation of the Commissioner of Engineering and Public Works; and

By ending the sentence following the word “facilities” in Clause 3 of the recommendation of the Commissioner of Engineering and Public Works.

36

**IMPLEMENTATION OF LIFE SAVING STATIONS
IN CITY STORM WATER MANAGEMENT FACILITIES**

The Committee of the Whole recommends approval of the recommendation contained in the following report of the Commissioner of Engineering and Public Works and the Commissioner of Community Services, dated May 5, 2008:

Recommendation

The Commissioner of Engineering and Public Works and the Commissioner of Community Services, in consultation with the City Fire Chief and the Director of Legal Services recommend:

1. That the cost associated with the supply, placement and regular maintenance of Life Saving Stations in existing assumed storm water management facilities in the City be referred to the 2009 budget deliberations;
2. That staff be directed to undertake the necessary preliminary preparatory work associated with equipping storm water management facilities with Life Saving Stations in 2008; and
3. That the City's design and development standards be amended to include the requirement for the installation of Life Saving Stations in all new storm water management facilities, following budget approval of the program.

Economic Impact

The supply and installation of each Life Saving Station (LSS) is estimated to cost about \$400. The City currently owns and operates a total of 102 storm water management facilities with permanent pools of water. Ultimately with further urban expansion, it is expected that the City will own and operate over 200 facilities. If each existing storm water management facility in the City was equipped with LSS, it would cost about \$100,000 assuming at least two stations per facility. Accordingly, given the cost associated with this initiative, the installation of the LSS should be phased in over a period of five years.

The ring buoy and connecting rope will no doubt be the target of theft and vandalism. Accordingly, additional annual operating funds in the amount of \$15,000 will be necessary to provide for the replacement of life saving stations and related components. In addition, based on advise from the City's insurance provider, it is recommended that each LSS be inspected once every 2 or 3 days and that detailed inspection records be kept to protect the City from any liability in the event an incident occurs and the LSS is missing or damaged. With over 100 existing storm water management facilities in the City's inventory, additional staff resources and equipment (estimated at \$80,000 per year) will be required to carry out the necessary regular inspections of the LSS.

Given the fiscal impacts associated with the supply, placement and regular maintenance of LSS in existing assumed storm water management facilities, it is recommended that the full implementation of this initiative be referred to the 2009 budget deliberations.

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The installation of LSS in new storm water management facilities could be made the responsibility of the developer through amendments to the City's development standards and the addition of specific provisions in the subdivision agreement.

Communications Plan

There will be an appropriate public communications plan developed to support both the installation of the LSS and the "adopt a pond" program, if pursued.

Purpose

Council, at its meeting on March 31, 2008 directed:

1. *"That the City of Vaughan approve of the recommendations contained herein as to the introduction of "life saving stations" in storm water management facilities throughout the City of Vaughan;*
2. *Staff be directed to finalize an implementation, operational, and financial plan to equip each storm water management facility in the City with life saving stations, and report back to a future Committee of the Whole meeting in the next 30 days; and*
3. *That the City of Vaughan Council approve of the proposal to amend the "adopt a park" program to provide for "adopt a pond" for all existing ponds."*

This report has been prepared in response to this direction.

Background – Analysis and Options

On March 31, 2008, Council approved the introduction of Life Saving Stations (LSS) in storm water management facilities throughout the City. According to one standard, a basic LSS includes the following components:

A 3.0 metre (10 foot) high galvanized steel or 4" x 4" wood stand imbedded in a concrete foundation;

A 20" diameter ring bouy with 15 metres (50 feet) of 12mm (½ inch) nylon rope; and

Appropriate warning signs with international symbols.

To ensure quick access in the case of an emergency, the LSS should be placed about 200 metres apart around the wetted perimeter of a storm water management facility and above the high water level.

Staff estimate that the cost to supply and place each LSS will be about \$400. The City currently owns a total of 102 storm water management facilities with permanent pools of water. Of this total, 52 are assumed, while 50 are either existing and un-assumed or under construction. Ultimately with further urban expansion, it is expected that the City will own and operate over 200 facilities.

Based on the City's storm water management facility inventory, it is estimated that the average size of the existing facilities is about 2.40 hectares with a wetted perimeter of about 350 metres. Accordingly, an average storm water management facility would require at least two LSS based on a 200 metre spacing. At a cost of \$400 per station, it would cost about \$800 to equip an average size storm water management facility with LSS. In smaller storm water management facilities, a minimum of two LSS should be provided.

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City Liability

Staff contacted the City's insurer to ascertain whether there would be added liability associated with the installation of LSS in all City storm water management facilities. The City's insurer recommended that the LSS be inspected at least once every 2 to 3 days and that detailed inspection records are kept by the City. In the event there are damaged or missing components of the LSS, they should be repaired or replaced within 24 hours. To undertake this level of regular inspection, additional staff resources and equipment will be required.

In addition, the insurer had no concerns with staging the installation of the LSS over a period of time so long as a formal phasing plan was in place.

Regular Maintenance, Inspection and Replacement

The ring buoys, rope and signage will need regular maintenance and life-cycle replacement, which is estimated will cost about \$15,000 annually.

Life Saving Station Inspection Database

A comprehensive inventory and inspection database will need to be developed to support the LSS program. This database will be developed and maintained by staff.

By-law Requirements

By-law 195-2000 is currently in effect thereby enabling the City with the ability to impose fines for misuse or vandalism of the LSS located in City storm water management facilities.

Implementation Strategy

Equipping each of the existing 102 storm water management facilities in the City with LSS is expected to cost about \$100,000. Given the fiscal impacts associated with implementing the full program in 2008, it is recommended that this initiative together with a five year implementation plan be referred to the 2009 budget deliberations.

To advance the LSS program in 2008, staff will carry out the necessary on-site investigations and GPS assessment (including standardized identification protocol for each station) to establish the number and location of the LSS in each storm water management facility. In addition, an inventory and identification system would be developed for all the stations to facilitate the regular inspection and maintenance activities.

Subject to budget approval, a contractor could be retained in the spring of 2009 to supply and install the LSS in each storm water management facility based on an approved phased implementation plan.

Future Storm Water Management Ponds

The requirement to supply and install LSS in new storm water management facilities will be incorporated into the City engineering design standards and criteria. In addition, a specific provision will be added to the subdivision agreement requiring the developer to supply and install the LSS prior to the issuance of the completion approval for the subdivision.

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Adopt-A-Pond Program

The Safe City Committee recommended that staff consider implementing an Adopt-a-Pond program in the City and requested staff to contact other neighbouring municipalities with similar programs in place to gather relevant details.

The City of Brampton is in the process of developing a program for Adopt-a-Park; however their program will not include an Adopt-a-Pond option. In discussions with the Director of Parks for the City of Brampton, staff has been informed that they have developed safety stations for emergencies and installed signage to deter the public from getting too close to the ponds. Upon further research we concluded that there are no other Adopt-a-Pond programs in effect.

The City's current Adopt-a-Park program encourages the community to participate in litter clean-up, tree planting and flower planting. There is a possibility of including a storm water management facility as a component of the Adopt-a-Park program where the facility abuts a park. It should be noted that the landscaping around a storm water management facility encourages a natural environment of plantings and wildlife. Accordingly, a monetary contribution rather than hands on participation may be a better option.

Relationship to Vaughan Vision 2020

In consideration of the strategic priorities related to Vaughan Vision 2020, the recommendations of this report will assist in:

- The pursuit of excellence in service delivery;
- Ensuring and enhancing community safety, health and wellness; and
- The demonstration of leadership and promotion of effective governance.

This report is therefore consistent with the priorities previously set by Council.

Regional Implications

There will be no Regional implications resulting from the adoption of this report.

Conclusion

Equipping each of the existing 102 storm water management facilities in the City with Life Saving Stations is expected to cost approximately \$100,000. In addition, extra staff resources and equipment will be required to maintain and inspect the stations on a regular basis, at least once every 2 to 3 days. Given the significant long term fiscal impact of this initiative, it is recommended that funding for the Life Saving Stations be referred to the 2009 Budget deliberations. To advance this new initiative in 2008, staff will undertake the necessary preparatory work including site location, data base development and tender preparation.

It may be appropriate to include storm water management facilities as a component of the Adopt-a-Park program where a facility abuts a park. However, a monetary contribution rather than hands on participation may be a better option.

Attachments

There are no attachments to this report.

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Report prepared by:

Michael Frieri, Development Supervisor, Engineering Planning & Studies, Ext. 8729

Andrew Pearce, Director of Development/Transportation Engineering, Ext. 8255

Greg Senay, Fire Chief, Ext. 8413

John Caruso, Chief Fire Prevention Officer, Ext. 8425

Joseph Chiarelli, Manager of Licensing / Risk Management, Ext. 8737

Marjie Fraser, Director of Parks and Forestry Operations, Ext.6137

(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 37, Report No. 24, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on May 12, 2008.

37

LICENSING REVIEW

(Referred from Council Meeting of April 14, 2008, Item 5, Report No. 19)

The Committee of the Whole recommends:

- 1) That the recommendation contained in the following report of the Commissioner of Legal and Administrative Services and City Solicitor, dated April 1, 2008, be approved, subject to the deletion of bullet 2, contained in Clause 3 of the recommendation in accordance with the memorandum from the Solicitor, dated May 2, 2008; and
- 2) That the following resolution contained in the additional report of Councillor Carella, dated May 5, 2008, be adopted:

“WHEREAS the City of Vaughan, by means of its Licensing By-law, regulates those persons (hereinafter ‘second-hand dealers’) who are in the business of purchasing used goods for subsequent re-sale; and

WHEREAS the Licensing By-law (like those of most other municipalities) requires second-hand dealers to record personal information of individuals who sell them used goods, including the full name, sex, date of birth, address, height and weight of the individual; and

WHEREAS to obtain this information the second-hand dealer is required to view pieces of identification such as a driver’s license or passport; and

WHEREAS the Ontario Court of Appeals has recently ruled that the collection of personal information in relation to second-hand goods businesses conflicts with section 28 (2) of the Municipal Freedom of Information and Protection of Privacy Act; and

WHEREAS the collection and availability of such information to the policy is critical to the identification of those who acquire such goods by means of theft, robbery, or other criminal activity and who then dispose of them by sale to second-hand dealers.

NOW THEREFORE, the Council of the City of Vaughan requests:

That the Attorney General of Ontario take appropriate steps to amend the Municipal Freedom of Information and Protection of Privacy Act, to ensure that what is essentially a “crime control” measure that is both reasonable and justified in a free and democratic society is not lost; and

That a copy of this resolution be sent to the Attorney General of Ontario, the Premier of Ontario, the Members of the Provincial Parliament from the Greater Toronto Area, and the Clerks of all municipalities within the Greater Toronto Area.”

Council, at its meeting of April 14, 2008, adopted the following:

Recommendation of the Committee of the Whole (Working Session), April 1, 2008:

"The Committee of the Whole (Working Session) recommends that this matter be referred to the Committee of the Whole meeting of May 5, 2008".

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Report of the Commissioner of Legal and Administrative Services and City Solicitor, dated April 1, 2008.

Recommendation

The Commissioner of Legal and Administrative Services and City Solicitor, in consultation with the Manager of Special Projects, Licensing & Permits recommends:

1. That this report be received;
2. That the Licensing By-law be amended to allow for the delegation of administrative authority to the Manager of Licensing to revoke, refuse and suspend a business license, subject to an appeal to the License Committee, as well as an amendment to the Licensing By-law for the delegation of Council's final decision-making to the License Committee, and that the criteria in the Delegation of Powers & Duties Policy be followed;
3. That amendments be made to the Licensing By-law for an inclusion in the Penalty section to:
 - reflect the new maximum fines;
 - reflect the ability to seek a maximum one year term of imprisonment for a person convicted of an offence related Adult Entertainment establishments;
 - reflect the ability to seek that Directors and Officers of corporations who knowingly permit by-law contraventions be found guilty personally;
4. That proposed amendments to the Licensing By-law to include the new licensing category of Clothing Drop Boxes;
5. That amendments be made to the Second Hand Goods section of the Licensing By-law to remove identification and transaction requirements to reflect recent caselaw;
6. That public notice is given with respect to Council's consideration of such amendments to the Licensing By-law.

Economic Impact

Licensing fees are determined based on the costs, both indirect and direct, of administering and enforcing the Licensing By-law, and are revenue neutral.

Communications Plan

Public notice summarizing the proposed amendments will be provided prior to Council's consideration of the matter, pursuant to the Notice By-law 394-2002.

Purpose

This report provides an overview of the *Municipal Act, 2001* amendments, as they relate to the Licensing By-Law. Licensing staff have undertaken an extensive review of the current Licensing By-law, policies and practices. This report outlines specific issues and provide recommendations.

Background - Analysis and Options

The background section of this report will be set out in Four Parts. Part 1 deals with the *Municipal Act, 2001* amendments. Part II deals with staff recommendations for additional areas

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of licensing. Part III includes a brief overview of recommended amendments to the Licensing By-Law and Part IV provides a brief overview of changes that have been made to streamline the licensing process.

PART 1 – Municipal Act 2001 Amendments

a) Expansion of Licensing Powers

The *Municipal Act, 2001* amendments relating to Licensing came into force on January 1, 2007. These amendments provide broader powers to municipalities and brought about a shift in philosophy, as licensing by-laws no longer have to be justified under one of three purposes (health and safety, nuisance control or consumer protection), nor do they require an explanation as to their rationale. Generally, a municipality may provide for a system of licensing with respect to businesses, including, among other powers, the following authority:

- To prohibit the carrying on or engaging in the business without a license;
- To refuse to grant a license or to revoke or suspend a license;
- To impose conditions as a requirement of obtaining, continuing to hold or renewing a license;
- To license, regulate or govern real and personal property used for the business and the persons carrying it on or engaged in it;
- To impose conditions in order to obtain, continue to hold or renew a license.

b) Public Notice

Section 153 of the previous *Municipal Act, 2001* required municipalities to hold public meetings prior to enacting a licensing by-law. This requirement was removed through the re-enactment of Part IV of the *Municipal Act, 2001*. Several specific 'notice' provisions have been deleted in the latest round of amendments. This is indicative of the shift away from the Province prescribing such administrative aspects of municipal government. Instead, s.270(1)(4) of the *Municipal Act, 2001* compels municipalities to "adopt and maintain policies with respect to the circumstances in which the municipality shall provide notice to the public and if notice is to be provided, the form, manner and times notice shall be given".

The City's Notice By-law 394-2002 provides for 10-day notice of the public meeting at which the Licensing By-law (amendments) are to be considered. Accordingly, such public notice shall be given.

c) Five Year Term

Historically, municipal licensing by-laws sometimes languished for years between reviews, becoming outdated, antiquated and irrelevant. In 1996, the *Municipal Act* was amended imposing a mandatory '5-year review'. Failure to review and re-enact meant that the licensing by-law would expire. This provision has now been deleted and there is no longer any mandatory review period on municipal licensing by-laws.

d) Delegation of Powers, Duties, and Decision-Making

The amendments to the *Municipal Act, 2001* expand the previous authority to delegate administrative functions and now permit Council to delegate matters of a "minor nature" to an officer, employee or agent of the municipality. Section 23.2(5) (2) cites "the power to issue and impose conditions on a license" as an example of a matter that is considered of a "minor nature". Another example of a matter that would be considered of a "minor nature" is found at section 151(2), which allows for a municipality to summarily suspend a license for 14 days without a hearing, where the municipality believes that the continuance of the license "poses an immediate danger to the health or safety of any person or to any property"

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In order to improve efficiencies, staff recommends that Council delegate to the Manager of Licensing the administrative authority to not only deal with summary suspensions but also the authority to issue licenses subject to conditions as appropriate. Applicants would have the right to appeal the Manager of Licensing's decision to refuse a license, or the imposition of conditions, to the License Committee. Failure to appeal the decision to the License Committee would result in the Manager of Licensing's decision to become final and binding. The revocation of licenses would continue to be dealt with by the License Committee.

Pursuant to section 23.5(3) of the *Municipal Act, 2001*, Council now has authority to delegate final decision-making authority to License Committee. Prior to the *Municipal Act, 2001* amendments, License Committee could only make recommendations after a hearing, and these recommendations would be forwarded to Council for a final decision. Staff recommends that the final decision-making authority be delegated to License Committee, so as to make the licensing process more efficient.

Staff recommends following the criteria in the Delegation of Powers and Duties Policy to effectuate these delegations.

e) Penalties for Contravention of the Licensing By-law

Fines for contraventions of the Licensing By-law are imposed upon conviction in Provincial Offences Court. According to Section 429 of the *Municipal Act, 2001*, municipalities may now "establish a system of fines for offences under a by-law". In effect, this enables municipalities to set their own fines. Under such a system of fines, a minimum fine may be prescribed (not exceeding \$500) and maximum fines may not exceed \$100,000. As well, specific fines may be provided for continuing offences, multiple offences, escalating fines for second and subsequent convictions of the same offence, and special fines (in addition to regular fines) designed to eliminate or reduce any economic advantage or gain from contravention of the by-law. Section 425(3) of the *Municipal Act, 2001*, also allows a municipality to charge Officers and/or Directors of a corporation who knowingly contravene a licensing by-law. Staff is proposing to include such a system of fines.

f) Additional Penalties for Adult Entertainment Parlours

Section 430 of the *Municipal Act, 2001* is an entirely new section dealing with additional penalties for an adult entertainment parlour. It provides that, "A municipality may provide that a person who is convicted of an offence for a contravention of a business licensing by-law dealing with an adult entertainment establishment may be liable to a term of imprisonment not exceeding one year in addition to any applicable penalties." Staff recommends that these amendments be made to the Licensing By-law to include this provision.

g) Administrative Monetary Penalty System

Pursuant to section 150(1)(g) of the *Municipal Act, 2001*, municipalities now have the authority to provide by by-law that a licensee pay an "administrative monetary penalty" if the licensee has failed to comply with a requirement of a municipally issued license. An administrative monetary penalty is an alternative to the traditional enforcement of by-laws by way of charges laid under the *Provincial Offences Act*. Generally speaking, under such a system, a By-law Enforcement Officer would issue a penalty notice if he/she believed that the licensee was in contravention of the Licensing By-law. If the Licensee disagreed with the penalty notice, he/she would have a right to appeal to a Hearings Officer, who would have authority to affirm, vary, or rescind the penalty notice. This Hearings Officer would be an individual appointed by Council. Subject to the case law and the Regulations passed under the *Municipal Act, 2001*, the City has discretion to determine the amount of the administrative monetary penalty, who can be appointed as Hearings Officer, to develop its own procedures for the imposition and collection of the administrative

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penalty, as well as procedures to be followed during the appeal process. The administrative monetary penalty process is beneficial, as it provides an alternative to proceeding by way of charges in the backlogged Provincial Offences Court, thereby allowing the City to more efficiently enforce the Licensing By-law.

Staff are reviewing whether municipalities which choose to proceed by way of administrative penalty are subsequently unable to proceed with Charges under the *Provincial Offences Act*.

Administrative penalties may also apply to matters other than Licensing, such as parking fines. Staff will be reviewing options available to the City for the implementation of these administrative penalties and will report to Council in 2008.

h) Fees and Charges

Licensing fees are no longer limited in that there is also the ability for the City to recover costs related to capital assets (overhead) as well as costs related to administration and enforcement. This is a change from the previous provisions in the *Municipal Act, 2001*, which specifically restricted licensing fees to costs directly related to the administration and enforcement of the by-law. However, the caselaw establishes the requirement of a 'nexus' between the cost of regulating the activity and the fee charged. Staff have undertaken a review of all costs, direct and indirect, to take into account full cost recovery and will report to Council in 2008.

PART II- New Licensing Initiative

Clothing Drop Boxes

At the Council meeting of June 26, 2006 Staff were directed to review the provision of clothing drop boxes throughout the City, including investigating the possibility of introducing licensing provisions. The review was to include a differentiation between clothing drop boxes located on City owned and commercial properties and also that a differentiation be made for those that are charitable organization and for-profit organizations.

In 2006 Enforcement Services received a number of complaints associated with clothing drop boxes throughout the municipality. The complaints related to public nuisance, misleading use of clothing boxes by for-profit organizations, and the failure to keep the area immediately around such boxes clear of discarded items and other potential hazards or obstructions.

The proliferation of clothing drop boxes has been a growing concern in numerous jurisdictions. Although the public's perception is that clothing drop boxes are for charitable or non-profit purposes, this is not always the case. As well, the area around clothing drop boxes is sometimes left unkept by people leaving garbage at the boxes, including unwanted furniture and household items, debris from work sites and at times, household garbage.

Benchmarking indicates that Brampton and Toronto are the only municipalities that license clothing drop boxes. Staff at both these cities indicate they use both licensing and property standard by-laws to ensure that the organizations operating clothing drop boxes are in compliance.

Staff recommends that the Licensing By-law be amended to license the owners and lessees of clothing drop boxes subject to the following:

1. Restrict the licensing of boxes to charitable organizations.
2. Restrict the number of boxes at any particular location to two;

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3. Restrict the location of the boxes to areas that will not impede pedestrian movement, traffic sightlines and not directly in the view of residential homes or prominent areas along a major road or gateway intersection;
4. Restrict such boxes to commercially zoned land, on the written consent of the landowner;
5. Operators will be required to:
 - a) display the name of the charity in a conspicuous place on the drop box in lettering no smaller than 100 mm x 75 mm and of a contrasting color;
 - b) display a notice on the drop box to indicate that all donated articles fit into the box with a prohibition on items such as paint, garbage, soiled rags, propane tanks or any like items that may create a safety hazard;
 - c) display a **pick-up** schedule of donations so as to ensure there is not an overflow or accumulation of goods left outside the drop boxes which is unsightly, and minimize pilferage of goods by passerby which affects the charity and that pick-up occurs during normal business hours so as not to disturb nearby residents.
6. Licensees would be required to maintain appropriate liability insurance coverage in the amount of no less than two million dollars naming the City of Vaughan as an additional insured.

PART III – Consequential By-law Amendments

A number of amendments to the Licensing By-law are recommended as a result of the foregoing, including amendments to the sections dealing with Administration, Applications, License Committee, License Committee Powers, License Committee Hearings, and Grounds for License Refusal, Non-Renewal, Revocation or Suspension. In addition it is recommended that the Licensing By-law be amended to reflect the new licensing area identified in Part II of this Report, as well the new penalty regime identified in Part I of this Report.

In undertaking this Licensing review, Staff have also identified other areas which would require amendments

a) Second Hand Goods – Identification Requirements

The Licensing By-law requires Second Hand Dealers to record personal information of individuals who sell them second hand goods, including the full name, sex, date of birth, address, height, and weight of the individual. To obtain this information, the Second Hand Dealer is required to view pieces of identification such as a driver's license or a passport. The Ontario Court of Appeal has recently ruled that the collection of personal information in relation to second hand goods businesses (currently required by most municipalities) conflicts with section 28 (2) of the *Municipal Freedom of Information and Protection of Privacy Act*.

Accordingly, Staff recommends that the requirements for Second Hand Goods dealers to collect and maintain personal information identifying seller and customers be deleted.

b) Limousines

At the Committee of the Whole meeting of September 4th 2007, Mr. Pawel Grezelak appeared before Committee requesting that the City's definition of limousine be amended to include sedans style vehicles as Limousines. Mr Grezelak indicated in his presentation that he had contracted with a local hotel in Vaughan to transport its clients to Pearson International Airport. He stated his fleet consisted of a sedan which did not meet the definition of a limousine and that his clients preferred to use sedans as opposed to stretch limousines.

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Historically there has been conflict between the limousine industry and the taxi industry for certain types of fares, and a general impression in the taxi industry is that the limousine industry includes some “bandit” taxicabs. Most of the taxi industry would prefer that limousines be restricted to stretch vehicles as a tighter control to reduce the competition with the cab industry, but some groups of consumers find the limousine industry more responsive to their needs.

The Licensing By-law distinguishes between the cab industry and the limousine industry by limiting limousines to:

- Provide limousine service on a pre-arranged basis;
- Rates provide for a minimum one (1) hour duration at a rate not less than fifty (50.00) dollars for the first hour;
- Definition of a “Limousine” which includes a motor vehicle altered, refurbished or modified to accommodate no less than nine (9) passengers (including drivers seat) and includes a vintage or historic vehicle.

These conditions do set clear limitations on the limousine industry. The clear distinction between the cab industry and the limousine industry should be on the basis of the service provided. A cab provides on demand service for a specific trip. A limousine provides a chauffeured vehicle for an extended engagement or special purpose. A client willing to book an hour in advance and pay a minimum of \$50 for their service should be able to order any type of vehicle they want and clearly isn't ordering cab service. On the other hand, any vehicle providing service for a particular trip on demand should be a licensed Taxi, and Luxury Taxi sedans are currently available for hire by taxi brokers within the City of Vaughan.

These distinctions must be clearly enforced, and the difficulty enforcing them creates some conflict between the taxi industry and the limousine industry, particularly those advertising as limousines, but in fact providing taxi type services. These provisions are difficult to enforce, and the cost of enforcement exceeds the \$230 per year fee currently charged for limousine license renewal.

Based on the foregoing, Staff cannot support the request that sedans be licensed as limousines, however Staff does recommend that the definition of a “Limousine” be redefined to **‘means a motor vehicle that has had a frame length modification of 72 inches or more to accommodate seating capacity for not less than eight (8) passengers. It also includes a vintage or historic vehicle that is licensed as such by the Ontario Ministry of Transportation and to which vintage plates have been issued’**. This would allow Limousine owners to accommodate the needs of particular customers without having to bear the higher expenses associated with the use of a larger limousine, and prevents an imposition on the taxi industry who are in good supply of luxury sedans for public use.

c) Other amendments

A number of administrative amendments of a minor nature are recommended as a result of Staff's review of current practices and procedures. Included will be amendments to the definition section of the Licensing By-law, minor amendments to sections dealing with inspections, general application requirements, application requirements for body rub applicants to obtain police clearance letters, refreshment vehicles – temporary licenses, tow trucks and tobacco shops.

PART IV – Streamlining of Licensing Procedures

In the past six months Staff have undertaken a comprehensive review of policies and procedures currently followed by the licensing section in an effort to improve the service level being provided

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to Vaughan residents and business owners. During this period staff have consulted with various municipalities both locally and outside the province to establish best practices. As a result staff have formalized a number of protocols and benchmarked a series of standard operating procedures in various areas of licensing. Some of these procedures include the following:

1. Inactive File Management;
2. Stationary License initial issuance and renewal;
3. Mobile License initial issuance and renewal;
4. Newspaper Box Permits;
5. By-law Enforcement complaints;
6. License Issuance - Computer Programs;
7. Staff and Customer Service Standards; and
8. Building / Fire Dept. processing.

In addition, staff have worked closely with other internal departments and the public to develop standardized forms and mail out / mail in procedures for license renewals. For example, the most recent renewal for taxi drivers and refreshment vehicle drivers were received through a mail in / mail out procedure. Licensees were pleased with this procedure as it was not only efficient and cost effective but it did not unduly inconvenience applicants. Staff will be implementing similar procedures for other licensing categories, where appropriate.

Supplemented upgrades have been provided for software packages used in licensing processes to complement the mail in/ mail out renewal process as well as providing for reports required by management to properly report and prioritize work conducted in the Department. Form letters for license refusals, outstanding issues, renewal letters and final billing letters have all been standardized to allow for consistency of application. Staff are also partnering with Information and Technology Department to update the City's licensing software to provide streamlined reports and standardize data input. This will provide licensing and enforcement field staff with up to date information to enable effective enforcement.

One of the most important aspects of streamlining processes is the development of a consistent approach to license issuance where the Criminal Record search and Drivers Abstract reveal areas of concern. A guideline is being developed by staff to determine when an applicant fails to qualify for a license or renewal, and should be recommended for refusal.

Relationship to Vaughan Vision 2020

The recommendations in this report are consistent with the priorities previously set by Council, in that they promote the Pursuit of Excellence in Service Delivery, they Enhance and Ensure Community Safety, Health & Wellness, and they Enhance Productivity, Cost Effectiveness and Innovation. The necessary resources have been allocated and approved.

Regional Implications

None

Conclusion

The streamlining of processes within the Licensing section has been undertaken, in part, in response to the Internal Auditor's report. The revision and development of departmental procedures, forms and the collection of reference authorities will help support a cost effective use of staff and other resources to meet public needs and foster a professional and knowledgeable image.

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In accordance with the foregoing, some amendments have been identified as appropriate. Public notice is required prior to enacting such amendments.

Attachments

N/A

Report prepared by:

Joseph Chiarelli
Manager of Special Projects, Licensing & Permits

Chris Bendick
Solicitor

Dave Madore
Supervisor of Parking & Sign Control

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Item 38, Report No. 24, of the Committee of the Whole, which was adopted, as amended, by the Council of the City of Vaughan on May 12, 2008, as follows:

By approving that staff provide a legal opinion to the Committee of the Whole meeting of May 20, 2008; and

By approving that a Special Council meeting be held on May 20, 2008, at +/- 4:00 p.m. to render a decision to the request for a compliance audit on Joyce Frustaglio's 2006 Municipal Election Campaign Finances.

38

**APPLICATION FOR A COMPLIANCE AUDIT
2006 MUNICIPAL ELECTION CAMPAIGN FINANCES
JOYCE FRUSTAGLIO**

The Committee of the Whole recommends:

- 1) That any additional material be provided by May 15, 2008;
- 2) That this matter be referred to the Committee of the Whole meeting of May 20, 2008;
- 3) That the deputation of Mr. Tony Miele, Tony Miele Consulting, 5343 Roanoke Court, Mississauga, L5M 5H9, be received; and
- 4) That the written submission of Mr. Robert J. Howe, Davies Howe Partners, 99 Spadina Avenue, 5th Floor, Toronto, M5V 3P8, dated May 2, 2008, be received.

Recommendation

The Commissioner of Legal and Administrative Services and City Solicitor recommends:

That Council consider the Application and make a decision to grant or reject the request for a Compliance Audit of the 2006 Municipal Election Campaign Finances of Joyce Frustaglio.

Economic Impact

If the Application is granted and a compliance audit ordered, the costs of the audit will be paid by the City.

If the Application is rejected, and the decision is appealed, there will be legal costs related to the appeal to Court.

Communications Plan

The Applicant will be advised of Council's decision.

Purpose

To advise Council of the Application for a Compliance Audit of the 2006 Municipal Election Campaign Finances of Joyce Frustaglio and seek Council's decision.

Background - Analysis and Options

On April 23, 2008, an Application was filed with the Deputy City Clerk for a Compliance Audit of Joyce Frustaglio's 2006 election campaign finances (Attachment 1). Pursuant to the *Municipal Elections Act, 1996* (the "Act"), subsection 81(3), Council has 30 days within which to consider the application and decide whether it should be granted or rejected.

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THE JURISDICTION OF THE COUNCIL

The proceedings in question are governed by the provisions of s.81 of the Act.

Under section 81(1), an elector who is entitled to vote in an election and believes on reasonable grounds that a candidate has contravened a provision of the Act relating to election campaign finances, may apply for a compliance audit of the candidate's election campaign finances.

Under section 81(2), the application must be made within 90 days after the candidate's last supplementary filing date, in this case February 29, 2008.

Under section 81(3), the Council is required, within 30 days after receiving an application properly made, to consider the application and decide whether it should be granted or rejected.

If the Council decides to grant the application, the Council is required, by resolution, to appoint an auditor licensed under the *Public Accounting Act, 2004* to conduct a compliance audit of the candidate's election campaign finances pursuant to section 81(4) of the Act.

In such circumstances, the auditor is required by section 81(6) to conduct promptly an audit of the candidate's election campaign finances to determine whether he/she has complied with the provisions of the Act relating to election campaign finances, and prepare a report outlining any apparent contravention by the candidate.

Under section 81(8), for the purposes of the audit, the auditor is entitled to have access to all relevant books, papers, documents or things in the possession of the candidate and the City, and has the powers of a commission under Part II of the *Public Inquiries Act*.

The City is required to pay the auditor's costs of performing the audit. If the auditor's report indicates no apparent contravention of the Act, and the Council finds that there were no reasonable grounds for the application, the Council is entitled to recover the auditor's costs from the applicant, pursuant to section 81(11).

Pursuant to section 81(7), the auditor must submit the report to the candidate, the Council, the clerk and the applicant(s).

Under section 81(10), the Council is required to consider the report within 30 days after receiving it. The Council may then commence a legal proceeding against the candidate for any apparent contravention of any provision of the Act relating to election campaign finances.

SUMMARY OF SPECIFIC ALLEGATIONS OF BREACH OF THE *MUNICIPAL ELECTIONS ACT, 1996*

In general terms, the applicant alleges that candidate Joyce Frustaglio contravened various requirements of the *Municipal Elections Act, 1996*, grouped under a number of "issues" contained in the Affidavit of Raymond Plouffe and Carlo DeFrancesca (Attachment 1).

A summary of the allegations specific to this Application (refer to Attachment 1) are as follows:

Issues 1-4

The applicant alleges that candidate appears to have contravened section 69(1)(m) of the Act in accepting contributions from the same contributor, constituting an over-contribution which at the time of filing the Financial Statement, had not been returned.

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Issue 5

The applicant alleges that the candidate appears to have contravened section 69(1)(m) of the Act in accepting contributions from what appears to be the same individual, constituting an over-contribution which at the time of filing the Financial Statement, had not been returned.

Issue 6

The applicant alleges that the candidate appears to have contravened sections 69(1) (m) of the Act in accepting contributions from corporations that may be associated, constituting over-contributions which at the time of filing the Financial Statement, had not been returned.

Issue 7

The applicant alleges that the candidate appears to have contravened the Act by not completing the Financial Statements and Auditors Report form properly as the addresses of each and every contributor has not been included.

Issue 8

The applicant alleges that the candidate appears to have contravened section (70)3 of the Act by accepting contributions from entities that are not legal contributors pursuant to the Act. Additionally, the applicant alleges the candidate accepted a contribution from a contributor with no last name or address provided.

Issue 9

The applicant alleges that the candidate appears to have contravened sections 66(1), 66(3), 67(1), 67(2), 69(1)(e),(f),(k), (m), (n), 70(3) and 71(m) of the Act as the candidate has not provided sufficient details to explain why the "In Kind Services" in the amount of \$9,780.00 are declared as income but not as an expense.

LEGAL AND PRACTICAL CONSIDERATIONS RELEVANT TO DECISION-MAKING BY THE COUNCIL

The provisions of section 81 of the Act impose a specific responsibility upon the City Council, as a form of tribunal functioning as a judge or arbiter over allegations against a candidate for municipal office, potentially leading to City expenditure for the retaining of an auditor, and a further possible duty to decide in such circumstances, based on the auditor's report, whether or not to initiate prosecutorial proceedings against such candidate for alleged breach of the Act.

In this role, the Council functions as a form of decision-making tribunal analogous to quasi-judicial tribunals established by or under various Provincial statutes.

In these circumstances, the Council is exercising a discretionary decision-making role, imposing requirements of fairness, impartiality and objective decision-making discretion, in the exercise of its specific duty under section 81(3) of the Act to decide, after reviewing the application for the compliance audit of a candidate's election campaign finances and supporting material, whether or not it should be granted or rejected.

If the Council decides to grant the application, this will lead to the appointment of the auditor, who will conduct the audit of the candidate's election campaign finances to determine whether he/she has complied with the provisions of the Act, and prepare a report outlining any apparent contravention, following which the Council will then be required to consider the report and decide

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whether or not to commence a legal proceeding against the candidate for any apparent contravention of one or more provisions of the Act relating to election campaign finances.

In exercising its discretion as to whether or not to grant the Application for a Compliance Audit of candidate Joyce Frustaglio's election campaign finances. Council should consider the following:

- Council must make its decision within 30 days after receiving an application;
- Council has no discretion to decline or defer dealing with an application, only to decide whether to grant or reject it;
- Council must base its decision upon grounds relevant to the intention of the Act;
- the intent of the Act is that the election finances of candidates for municipal office be open and documented, that candidates ensure that all possible steps be taken to ensure compliance with the Act relating to contributions and expenses, and that limitations on maximum contributions be strictly enforced;
- the purpose of s.81 is to screen out allegations of election campaign finance wrongdoing which are "frivolous, vexatious, or otherwise devoid of merit", and to ensure that applications are dealt with "expeditiously and without undue delay";
- s.81 of the Act is a "complete code" of procedure for any elector who alleges campaign finance wrongdoing by candidates;
- the principal question before Council involves consideration of whether the applicant has established reasonable grounds to believe that the candidate has contravened the Act;
- if the application reveals that the applicant has reasonable grounds to believe that the candidate has committed a contravention of the Act, an audit is the only remedy;
- reasonable grounds is not to be equated with proof beyond a reasonable doubt or a prima facie case. The appropriate standard of reasonable or credibly-based probability envisions a practical, non-technical and common sense probability as to the existence of the facts and inferences asserted.

Relationship to Vaughan Vision 2020

This report is consistent with the priorities previously set by Council.

Regional Implications

Not applicable.

Conclusion

Council is required to make a decision within 30 days of receipt with respect to the Application for a Compliance Audit on candidate Joyce Frustaglio's 2006 election campaign finances. Ms Frustaglio was advised that this report would be brought forward to the Committee of the Whole meeting of May 5th and that she may submit any additional information for consideration prior to Council making a decision on this matter. It should be noted that Council should make a decision before May 23rd.

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Attachments

- Attachment 1 Affidavit (Application) of Raymond Plouffe and Carlo DeFrancesca. Note: The full document, with attachments, is available in the Clerk's Department for public view.
- Attachment 2: Financial Statement and Auditor's Report of candidate Joyce Frustaglio, filed April 2, 2007.
- Attachment 3: Financial Statement and Auditor's Report of candidate Joyce Frustaglio, filed September 4, 2007.
- Attachment 4: Financial Statement and Auditor's Report of candidate Joyce Frustaglio filed February 26, 2008.

Report prepared by:

Sybil Fernandes, Deputy City Clerk

Councillor Di Vona declared an interest with respect to the foregoing matter as he has been the subject of an audit which has similar implications, and did not take part in the discussion or vote on the matter.

Mayor Jackson declared an interest with respect to the foregoing matter as she has been the subject of an audit which has similar implications, and did not take part in the discussion or vote on the matter.

(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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EXTRACT FROM COUNCIL MEETING MINUTES OF MAY 12, 2008

Item 39, Report No. 24, of the Committee of the Whole, which was considered by the Council of the City of Vaughan on May 12, 2008, was dealt with by approving:

That this matter be referred to a future Committee of the Whole meeting.

39 FENCE HEIGHT EXEMPTION – 45 FOXTRAIL CRESCENT – WARD 2

The Committee of the Whole recommends:

- 1) That this matter be referred to the Council meeting of May 12, 2008, to allow the Local Ward Councillor the opportunity to meet with the affected residents; and
- 2) That the following depositions, written submission, and coloured photographs, be received:
 - a) Ms. Cristina Aiello, 45 Foxtrail Crescent, Woodbridge, L4L 9H8; and
 - b) Mr. Alfonso Criminisi, 71 Arista Gate, Woodbridge L4L 9H7, written submission dated April 18, 2008, and coloured photographs.

Recommendation

The Commissioner of Legal and Administrative Services and City Solicitor and the Director of Enforcement Services recommends:

That the fence height exemption application for 45 Foxtrail Crescent be denied.

Economic Impact

N/A

Communications Plan

Notification/Request for Comment letters were sent to surrounding neighbours within a 60 metre radius, no appeals have been received.

Purpose

This report is to provide information for the consideration of a fence height exemption application.

Background - Analysis and Options

The property owner of 45 Foxtrail Crescent has applied for a fence height exemption as provided for in the City of Vaughan Fence By-law 80-90, for the property located at 45 Foxtrail Crescent.

The Applicant is making application to permit an existing rear yard fence/structure.

The By-law permits a fence height of six feet in rear yards. The Applicant has installed a wooden fence/structure along the rear yard, abutting the existing division fence in order to provide a feeling of privacy along the rear of the residence. The fence/structure measures 13 feet 2 inches wide and 8 feet high, with a decorative arch in the middle bringing the total height to 10 feet 2 inches.

The Applicant has requested to keep the existing fence/structure with a minimized height of 7 feet for the sides and 9 feet 2 inches for the decorative panel in the middle.

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The area was inspected by Enforcement staff and there is an existing wooden fence along the rear of the property which measures 6 feet 4 inches, with one small iron panel measuring approximately 6 feet. There are no fence/structures similar in nature to that which the Applicant seeks exemption in the immediate area that are similar in height and design to the Applicant's.

There are no site plans registered for this property.

The fence height does not pose a potential sight line issue as it is in the rear yard.

In this general area there have been no similar fence height exemptions approved or denied in recent years.

The details outlined above do not support the approval of a fence height exemption for this location and there is no precedent for approving a fence of this height in this area.

This application is outside of the parameters of the delegated authority recently passed by Council.

Relationship to Vaughan Vision 2007

This report is in keeping with the Vaughan Vision as it speaks to Service Delivery and Community Safety.

Regional Implications

N/A

Conclusion

Fence Height Exemption requests brought before Council should be granted or denied based on the potential impact to neighbour relations, comparables in the specific area, site plan requirements, history, and safety impacts. This case does not support the approval of a fence height exemption for this location.

Attachments

1. Map of area
2. Site Plan
3. Photos of existing fence/structure
4. Letter of Objection

Report prepared by:

Janice Heron
Administrative Coordinator, Enforcement Services

(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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EXTRACT FROM COUNCIL MEETING MINUTES OF MAY 12, 2008

Item 40, Report No. 24, of the Committee of the Whole, which was considered by the Council of the City of Vaughan on May 12, 2008, was dealt with by approving:

That this matter be referred to a future Committee of the Whole meeting.

40 FENCE HEIGHT EXEMPTION – 99 DAVIDSON DRIVE – WARD 2

The Committee of the Whole recommends:

- 1) **That this matter be referred to the Council meeting of May 12, 2008, to allow the Local Ward Councillor the opportunity to meet with the affected residents; and**
- 2) **That the deputation of Mr. Mike De Bartolo, 91 Davidson Drive, Woodbridge, L4L 1M2, and coloured photographs, be received.**

Recommendation

The Commissioner of Legal & Administrative Services and City Solicitor and the Director of Enforcement Services recommends:

1. That a fence height exemption for the rear yard wrought iron fence and gate for 99 Davidson Drive be approved; and
2. That the fence height exemption for the interior side yards and the front yard be denied.

Economic Impact

N/A

Communications Plan

Notification/Request for Comment letters were sent to surrounding neighbours within a 60 metre radius, 1 objection letter and 1 conditional objection letter have been received.

Purpose

This report is to provide information for the consideration of a fence height exemption application.

Background - Analysis and Options

The property owner of 99 Davidson Drive has applied for a fence height exemption as provided for in the City of Vaughan Fence By-law 80-90, for the property located at 99 Davidson Drive.

The Applicant is making application to permit an existing rear yard fence.

The By-law permits a fence height of six (6) feet in rear yards and four (4) feet in front yards. The Applicant has installed a fence along the rear and interior side yards in order to provide a feeling of privacy.

The Applicant has constructed and installed a combination wooden and iron fence in the interior side and front yards and a wrought iron fence along the rear property line with heights ranging from 5' 9" to 14' 6". The east side of the property has a fence consisting of a gate and 3 panels which are attached to an existing raised deck. The deck was constructed without a permit and does not comply to the Zoning By-law 1-88 with respect to setbacks. The Applicant made

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application for a minor variance (File # A048-08), which was heard on February 28, 2008 and subsequently adjourned pending the outcome of a fence height exemption. The grade of the property has been raised at least 4 feet.

Interior Side Yard – East Side

Measurements from the east side of the property between 99 Davidson Drive and 91 Davidson Drive are as follows:

- decorative piece above gate: 8' 8" measured from finished grade;
- fence panels vary between 10' 6" to 13' 8 ½" in height;
- there are 4 free standing metal posts with no panels attached along the interior side yard.

The By-law permits a maximum height of six (6) feet.

Interior Side Yard – West Side

The fence extends to the interior front yard on the west side of 99 Davidson Drive and measures 7' 8". The By-law permits a maximum height of four (4) feet in front yards.

Measurements of the gate and fence in the interior side yard on the west side between 99 Davidson Drive and 107 Davidson Drive are as follows:

- fence panels vary between 6' 9" to 14' 6" in height;
- the gate measures 7' 10" from grade to the top of the gate.

Exterior Rear Yard

The south side rear yard fence which backs onto Wakelin Court is constructed of wrought iron and one gate. Height measurements range from 6' 7" to 7' 10".

The area was inspected by Enforcement staff and there are no fences in the area similar in height and design as the applicant's.

There are no site plans registered for this property.

The fence height does not pose a potential sight line issue as it is located in the rear yard.

The details outlined above supports the approval of a fence height exemption for this location with respect to the rear yard wrought iron fence only. It does not support the approval of an interior side or front yard fence for this location and there is no precedent for approving a fence of this height in this area.

This application is outside of the parameters of the delegated authority recently passed by Council.

Relationship to Vaughan Vision 2007

This report is in keeping with the Vaughan Vision as it speaks to Service Delivery and Community Safety.

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Regional Implications

N/A

Conclusion

Fence Height Exemption requests brought before Council should be granted or denied based on the potential impact to neighbour relations, comparables in the specific area, site plan requirements, history, and safety impacts. This supports the approval of a fence height exemption for this location with respect to the rear yard wrought iron fence and gate only. It does not support the approval for a fence height exemption with respect to the interior side or front yard fence.

Attachments

1. Area Map of Surrounding Streets
2. Site Plan
3. Committee of Adjustment Minutes
4. Photographs
5. Letter of Objection
6. Conditional Letter of Objection

Report prepared by:

Janice Heron
Administrative Coordinator, Enforcement Services

(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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EXTRACT FROM COUNCIL MEETING MINUTES OF MAY 12, 2008

Item 41, Report No. 24, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on May 12, 2008.

41 FENCE HEIGHT EXEMPTION – 143 RUSSET WAY – WARD 3

The Committee of the Whole recommends:

- 1) That this matter be deferred to an appropriate date to allow the applicant to attend;**
- 2) That the written submission of Mr. Patrick Di Monte, B.A., LL.B., Barrister, Solicitor, Notary, Suite 211, 3100 Steeles Avenue West, Concord, L4K 3R1, dated May 2, 2008, be received; and**
- 3) That the deputation of Mr. Vito Palmisano, 139 Russet Way, Woodbridge, L4L 6V2, be received.**

Recommendation

The Commissioner of Legal and Administrative Services and City Solicitor and the Director of Enforcement Services recommends:

That the fence height exemption application for 143 Russet Way be denied.

Economic Impact

N/A

Communications Plan

Notification/Request for Comment letters were sent to surrounding neighbours within a 60 metre radius, one (1) objection has been received.

Purpose

This report is to provide information for the consideration of a fence height exemption application.

Background - Analysis and Options

The property owner of 143 Russet Way has applied for a fence height exemption as provided for in the City of Vaughan Fence By-law 80-90, for the property located at 143 Russet Way.

The Applicant is making application to permit an front yard fence.

The By-law permits a fence height of 4 feet in front yards measured from the front entrance of the property set back the furthest. The Applicant has installed a wooden fence panel and a decorative iron fence imbedded in concrete in the front yard between the property of 143 Russet Way and the neighbouring property of 139 Russet Way in order to provide a feeling of privacy. The fence measures approximately 14.4 feet in length from the front entrance of 143 Russet way and 6.1 feet in height.

The area was inspected by Enforcement staff and there are no fences similar in nature to that which the Applicant seeks exemption in the immediate area that are similar in height and design to the Applicant's.

There are no site plans registered for this property.

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The fence height does not pose a potential sight line issue.

In this general area there have been no similar fence height exemptions approved or denied in recent years.

The details outlined above do not support the approval of a fence height exemption for this location.

This application is outside of the parameters of the delegated authority recently passed by Council.

There is no past precedence approved by Council for a fence of this height with this type of material/design in the immediate area.

Relationship to Vaughan Vision 2007

This report is in keeping with the Vaughan Vision as it speaks to Service Delivery and Community Safety.

Regional Implications

N/A

Conclusion

Fence Height Exemption requests brought before Council should be granted or denied based on the potential impact to neighbour relations, comparables in the specific area, site plan requirements, history, and safety impacts. This case does not support the approval of a fence height exemption for this location.

Attachments

1. Map of area
2. Site Plan
3. Photos of existing fence/structure
4. Letter of Objection

Report prepared by:

Janice Heron
Office Coordinator, Enforcement Services

(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 42, Report No. 24, of the Committee of the Whole, which was adopted, as amended, by the Council of the City of Vaughan on May 12, 2008, as follows:

By approving the recommendation contained in the report of the Commissioner of Legal and Administrative Services and City Solicitor, and the Director of Enforcement Services, dated May 5, 2008; and

By receiving the memorandum from the Director of Enforcement Services, dated May 8, 2008.

42 FENCE HEIGHT EXEMPTION – 2 CLOVIS STREET – WARD 4

The Committee of the Whole recommends:

- 1) That this matter be referred to the Council meeting of May 12, 2008, to allow the Local Ward Councillor to consult with staff; and
- 2) That the deputation of Mr. Stan Bliakhman, 2 Clovis Street, Thornhill, L4J 8W6, be received.

Recommendation

The Commissioner of Legal and Administrative Services and City Solicitor and the Director of Enforcement Services recommends:

That the fence height exemption application for 2 Clovis Street be approved with the following condition:

1. That the total rear yard fence height on the south and west sides only, be approved to a maximum of 7 feet, including posts and caps.

Economic Impact

N/A

Communications Plan

Notification/Request for Comment letters were sent to surrounding neighbours within a 60 metre radius, no objections have been received.

Purpose

This report is to provide information for the consideration of a fence height exemption application.

Background - Analysis and Options

The property owner of 2 Clovis Street has applied for a fence height exemption as provided for in the City of Vaughan Fence By-law 80-90, for the property located at 2 Clovis Street.

The Applicant is making application to permit increasing the height of the rear yard fence.

The By-law permits a fence height of 6 feet in rear yards. The Site Plan for this property stipulates an acoustic fence 1.8 metres (or 6 feet) in height for the exterior rear and the exterior side yard facing Apple Blossom Drive. The property is located on a corner lot, backs onto a school and sides onto Apple Blossom Drive. The Applicant is proposing to increase the height of

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the existing 6 foot fence on the south and west sides of the rear yard fence by adding privacy screen 2 feet to 2.5 feet in height bringing the total height of the fence to 8 or 8.5 feet to provide a sense of privacy and security.

The existing fence measures approximately 6 feet in height.

The area was inspected by Enforcement staff and found another property in the same area on Clovis Street has an existing fence in the rear yard with a height of 6 foot 10 inches, with posts ranging in height from 7feet 5 ½ inches to 8 feet 1 inch.

There are is a site plans registered for this property and there is an approved Revised Landscape Plan for the property to the rear of 2 Clovis Street which stipulates additional trees be planted directly behind 2 Clovis Street.

The fence height does not pose a potential sight line issue.

The details outlined above do not support the approval of a fence height exemption for this location and there is no precedent for approving a fence of this height in this area.

The details outlined above support the approval of a fence height exemption for this location with the above noted conditions.

This application is outside of the parameters of the delegated authority recently passed by Council.

Relationship to Vaughan Vision 2007

This report is in keeping with the Vaughan Vision as it speaks to Service Delivery and Community Safety.

Regional Implications

N/A

Conclusion

Fence Height Exemption requests brought before Council should be granted or denied based on the potential impact to neighbour relations, comparables in the specific area, site plan requirements, history, and safety impacts. This case supports the approval of a fence height exemption for this location to a maximum height of 7 feet, including posts and caps.

Attachments

1. Map of area
2. Site Plan
3. Revised Landscape Plan
4. Grading Plan
5. Photos of existing fence/structure
6. Letter from Applicant

Report prepared by:

Janice Heron
Office Coordinator, Enforcement Services

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(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 43, Report No. 24, of the Committee of the Whole, which was adopted, as amended, by the Council of the City of Vaughan on May 12, 2008, as follows:

By approving a height exemption to 1.5 feet above the current height for a maximum of 6 feet 6 inches along the southern property line; and

By receiving the report of the Commissioner of Legal and Administrative Services and City Solicitor, and the Director of Enforcement Services, dated May 5, 2008.

43 FENCE HEIGHT EXEMPTION – 25 KINGSBRIDGE CIRCLE – WARD 5

The Committee of the Whole recommends:

- 1) That this matter be referred to the Council meeting of May 12, 2008, to allow the Local Ward Councillor the opportunity to meet with the affected residents and staff; and
- 2) That the deputation of Ms. Rochelle Thalman, 25 Kingsbridge Circle, Thornhill, L4J 8N8, be received.

Recommendation

The Commissioner of Legal & Administrative Services and City Solicitor and the Director of Enforcement Services recommend:

That the fence height exemption application for 25 Kingsbridge Circle be denied.

Economic Impact

N/A

Communications Plan

Notification/Request for Comment letters were sent to surrounding neighbours within a 60 metre radius, one (1) objection letter has been received.

Purpose

This report is to provide information for the consideration of a fence height exemption application.

Background - Analysis and Options

The property owner of 25 Kingsbridge Circle has applied for a fence height exemption as provided for in the City of Vaughan Fence By-law 80-90, for the property located at 25 Kingsbridge Circle.

The Applicant is making application to permit the installation of two privacy panels to the existing rear yard fence on the south side only, against the brick wall of the residence.

The By-law permits a fence height of six ((6) feet in rear yards. The Site Plan for this property stipulates a fence of 1.8 metres (6 feet) along the rear property line. The existing fence panels measure 7feet, 2 inches from finished grade (as do all the fences along the row of townhomes).

The Applicant has proposed to install two solid panels against and above the existing 7foot 2 inch fence panels in the rear yard closest to the home on the south side, (see attachment 3) between the property of 25 Kingsbridge and the neighbouring property of 23 Kingsbridge Circle in order to provide a feeling of privacy while using the deck. The installation of these two panels would bring the total fence height of the two panels to 9 ½ feet.

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The area was inspected by Enforcement staff and there are 2 residences in the row of townhomes with lattice panels similar in nature to that which the Applicant seeks exemption.

There is a Site Plans registered for this property .

The fence height does not pose a potential sight line issue as it will be located in the rear yard.

The details outlined above do not support the approval of a fence height exemption for this location and there is no precedent for approving a fence of this height in this area.

The details outlined above do not support the approval of a fence height exemption for this location.

This application is outside of the parameters of the delegated authority recently passed by Council.

Relationship to Vaughan Vision 2007

This report is in keeping with the Vaughan Vision as it speaks to Service Delivery and Community Safety.

Regional Implications

N/A

Conclusion

Fence Height Exemption requests brought before Council should be granted or denied based on the potential impact to neighbour relations, comparables in the specific area, site plan requirements, history, and safety impacts. This case does not support the approval of a fence height exemption for this location.

Attachments

1. Map of area
2. Site Plan
3. Plan Design
4. Photos of existing fence & similar fence in area
5. Letter of Objection

Report prepared by:

Janice Heron
Office Coordinator, Enforcement Services

(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.)

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF MAY 12, 2008

Item 44, Report No. 24, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on May 12, 2008.

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**SIGN VARIANCE APPLICATION
FILE NO: SV.08-04
OWNER: MAXXMAR WINDOWS
LOCATION: 3175 RUTHERFORD ROAD, UNITS 75, 76, 77, BUILDING 'A'
BLOCK 1, REGISTERED PLAN 65M-3696**

The Committee of the Whole recommends approval of the recommendation contained in the following report of the Sign Variance Committee, dated May 5, 2008:

Recommendation

The Sign Variance Committee recommends:

That Sign Variance Application SV.08-04, Maxxmar Windows, be APPROVED subject to the conditions below:

- 1) That the proposed signs located at the corners of the building be reduced by 33% and;
- 2) That the variance is conditional upon the building being used as a single tenant building and lapses in the event the building is subdivided into more than one unit.

Economic Impact

None.

Communications Plan

The results of this application will be communicated to the applicant through the Secretary to the Sign Variance Committee.

Purpose

Request to install two wall signs on each building face of the subject property as shown on the attached drawings.

Background - Analysis and Options

6.2 (a) Where a site plan approved by the City provides standards for signage and the signs for the development comply therewith, such signs shall be deemed to comply with this By-Law.

The Sign By-law permits only those wall signs shown on the approved site plan agreement schedules.

Relationship to Vaughan Vision 2020

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

Regional Implications

Region of York Engineering approval is not required for the proposed signs.

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Conclusion

The applicant is proposing to install additional wall signs as shown on the attached drawings. Members of the Sign Variance Committee have reviewed the application and have no objections to the proposed signage provided that the building is used by a single tenant building and the sign proposed signs located at the corners of the building is reduced by 33%. The proposed reduction in sign area is to expose the existing contrasting architectural banding located on the building's elevation.

Members of the Sign Variance Committee are recommending the following conditions of approval:

- 1) That the proposed signs located at the corners of the building be reduced by 33% and;
- 2) That the variance is conditional upon the building being used as a single tenant building and lapses in the event the building is subdivided into more than one unit.

If Council finds merit in the application, a Sign Permit issued by the Building Standards Department is required.

Attachments

1. Site Plan of the property.
2. Sketch showing the proposed signs.

Report prepared by:

John Studdy, Manager of Customer & Administrative Services Ext 8232

/pa

(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 45, Report No. 24, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on May 12, 2008.

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**SIGN VARIANCE APPLICATION
FILE NO: SV.08-06
OWNER: GABRIELLE MAIL – METRUS PROPERTIES
LOCATION: 8201 KEELE STREET, UNIT 16**

The Committee of the Whole recommends approval of the recommendation contained in the following report of the Sign Variance Committee, dated May 5, 2008:

Recommendation

The Sign Variance Committee recommends:

That Sign Variance Application SV.08-06, Gabrielle Mail – Metrus Properties, be APPROVED.

Economic Impact

None.

Communications Plan

The results of this application will be communicated to the applicant through the Secretary to the Sign Variance Committee.

Purpose

Request to install two additional wall signs on the building face of the subject property as shown on the attached drawings.

Background - Analysis and Options

6.1 (i) Except as may otherwise be permitted in this by-law, the maximum number of signs that may be erected shall be:

One (1) only of the following sign types per exterior wall per business premises:

a) wall sign

Relationship to Vaughan Vision 2020

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

Regional Implications

Region of York Engineering approval is not required for the proposed signs.

Conclusion

The Sign By-law permits only one wall sign per business premise. The applicant is proposing to install two additional wall signs on the building face as shown on the attached drawings.

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Members of the Sign Variance Committee have no objections to the application as submitted, and are of the opinion that the intent and purpose of the Sign By-law is being maintained.

If Council finds merit in the application, a Sign Permit issued by the Building Standards Department is required.

Attachments

1. Site Plan
2. Sketch of Sign

Report prepared by:

John Studdy, Manager of Customer & Administrative Services Ext 8232

/pa

(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 46, Report No. 24, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on May 12, 2008.

46

APPOINTMENT OF BUILDING OFFICIALS

The Committee of the Whole recommends approval of the recommendation contained in the following report of the Commissioner of Planning and the Director of Building Standards, dated May 5, 2008:

Recommendation

The Commissioner of Planning, and the Director of Building Standards recommend:

That the attached Draft Appointment By-law be approved and forwarded to the next Council meeting for enactment.

Economic Impact

None

Communication Plan

None.

Purpose

The purpose of amending the By-law is to recognize recent employee changes.

Background - Analysis and Options

By-law 295-2005 is a By-law, which provides for the appointment of building officials for enforcing the Ontario Building Code Act. Schedules "A" and "B" to the By-law, contains the names of the employees authorized to enforce the Ontario Building Code Act, and needs to be revised periodically to recognize operational and employee changes within both the Building Standards Department and Vaughan Fire and Rescue Services.

Under the City's Building By-Law, Vaughan Fire and Rescue Services are responsible for the review and inspection of fire related matters. These matters include sprinkler systems, fire alarm systems, and commercial kitchen exhaust systems within new buildings. Accordingly, the fire prevention officers must be appointed as building officials in accordance with the Ontario Building Code Act.

Relationship to Vaughan Vision 2020

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

Regional Implications

None.

Conclusion

The current appointment by-law must be revised periodically to recognize operational and employee changes.

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Attachments

Attachment 1 –Draft By-law

Report prepared by:

John Studdy, Manager of Customer and Administrative Services Ext. 8232

Leo Grellette, Director of Building Standards Ext. 8218

(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 47, Report No. 24, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on May 12, 2008.

47

**STREET NAME APPROVAL
DRAFT PLAN OF SUBDIVISION FILE 19T-03V24
EURO ESTATES INC.**

The Committee of the Whole recommends approval of the recommendation contained in the following report of the Commissioner of Planning, dated May 5, 2008:

Recommendation

The Commissioner of Planning recommends:

THAT the following street names for approved Draft Plan of Subdivision File 19T-03V24 (Euro Estates Inc.) as shown on Attachment #2, BE APPROVED:

<u>STREET</u>	<u>PROPOSED NAME</u>
Street 'A'	Via Toscana (previously approved)
Street 'B'	Via Sant' Agostina (previously approved)
Street 'C'	Euro Place
Street 'D'	Vellore Avenue (previously approved)

Economic Impact

There are no requirements for new funding associated with this report.

Communications Plan

N/A

Background – Analysis and Options

The subject lands shown on Attachment #1 are located on the south side of Major Mackenzie Drive, east of Pine Valley Drive, in Lot 20, Concession 6, City of Vaughan.

The applicant has submitted street names for approval. The Planning Department for the Region of York does not have any objections to the proposed names.

The Vaughan Fire Department and Development Planning Department have also reviewed the proposed street names, which are considered to be satisfactory.

Relationship to Vaughan Vision 2020

This staff report is consistent with the priorities set forth in Vaughan Vision 2020, particularly "Plan & Manage Growth & Economic Vitality".

Regional Implications

The proposed street names are acceptable to the Region of York.

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Conclusion

The Development Planning Department has no objection with the proposed street names for approved draft plan of subdivision 19T-03V24.

Attachments

1. Location Map
2. Draft Plan of Subdivision 19T-03V24

Report prepared by:

Jack McAllister, Senior GIS Technician, ext. 8209

/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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48

SITE DEVELOPMENT FILE DA.07.074
YORK REGION DISTRICT SCHOOL BOARD

The Committee of the Whole recommends:

- 1) That the recommendation contained in the following report of the Commissioner of Planning, dated May 5, 2008, be approved; and
- 2) That the coloured elevation drawings submitted by the applicant, be received.

Recommendation

The Commissioner of Planning recommends:

1. THAT Site Development File DA.07.074 (York Region District School Board) BE APPROVED, subject to the following conditions:
 - a) that prior to final approval, the Owner shall satisfy all requirements of the Development Planning Department, and the Toronto and Region Conservation Authority.

Economic Impact

There are no requirements for new funding associated with this report.

Communications Plan

N/A

Purpose

The Owner has submitted a Site Development Application (File DA.07.074) to permit the development of a new 4,861.77 m², 2-storey elementary school, as shown on Attachment #3, to replace the existing Kleinburg Public School, as shown on Attachment #2.

Background - Analysis and Options

Location

The 2.99 ha subject lands are located on the east side of Islington Avenue, south of Nashville Road, as shown on Attachment #1.

Official Plan and Zoning

The subject lands are designated "Kleinburg Core Area" by OPA #601 (Kleinburg-Nashville Community Plan), as amended by OPA #633. The proposed site development conforms to the Official Plan.

The subject lands are zoned R1 Residential Zone by By-law 1-88. The proposed site development complies with By-law 1-88.

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Site Plan Review

The Development Planning Department is satisfied with the proposed site plan, building elevations and landscaping plan, as shown on Attachments #3 to #6.

The Vaughan Engineering Department is satisfied with the servicing, grading and stormwater management plans.

The Toronto and Region Conservation Authority (TRCA) is generally satisfied with the proposed development, subject to the applicant providing additional plans and information in accordance with their February 15, 2008 letter, to the satisfaction of the TRCA.

The proposed development requires 35 parking spaces, whereas the site plan shows 45 parking spaces.

Relationship to Vaughan Vision 2020

This report is consistent with the priorities set forth in Vaughan Vision 2020, particularly “Plan & Manage Growth & Economic Vitality”.

Regional Implications

The Region of York Transportation Services Department has no objections to the proposed site development.

Conclusion

The Site Development Application has been reviewed in accordance with OPA #601, as amended, By-law 1-88, the comments from City Departments and external public agencies, and the area context. The Development Planning Department is satisfied that the proposed development for an elementary school is appropriate and compatible with the existing and permitted uses in the surrounding area. Accordingly, the Development Planning Department can support the approval of the Site Development Application. The applicant will be required to satisfy all requirements of the TRCA.

Attachments

1. Location Map
2. Existing Site Plan
3. Proposed Site Plan
4. Elevations
5. Exterior Rendering - West Elevation
6. Landscape Plan

Report prepared by:

Judy Jeffers, Planner, ext. 8645
Mauro Peverini, Senior Planner, ext.8407

/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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49

**ZONING BY-LAW AMENDMENT FILE Z.08.009
SITE DEVELOPMENT FILE DA.07.066
DUNPAR DEVELOPMENTS INC.**

The Committee of the Whole recommends:

- 1) That the recommendation contained in the following report of the Commissioner of Planning, dated May 5, 2008, be approved; and
- 2) That the coloured elevation drawings submitted by the applicant, be received.

Recommendation

The Commissioner of Planning recommends:

1. THAT Zoning By-law Amendment File Z.08.009 (Dunpar Developments Inc.) BE APPROVED, to remove the Holding Symbol "(H)" from the subject lands zoned RM2(H) Multiple Residential Zone, thereby effectively zoning the subject lands RM2 Multiple Residential Zone to facilitate the proposed residential townhouse development shown on Attachment #2.
2. THAT Site Development File DA.07.066 (Dunpar Developments Inc.) BE APPROVED, to permit the development of the subject lands shown on Attachment #1 with 16 residential townhouse blocks comprised of 116 townhouse units, 1 amenity block, and 1 buffer block, as shown on Attachment #2, subject to the following conditions:
 - a) that prior to the execution of the Site Plan Agreement or Letter of Undertaking, whichever is in effect:
 - i) the final site plan, building elevations, and landscape plan shall be approved by the Development Planning Department;
 - ii) the final site servicing and grading plans, stormwater management report, noise report and lighting plan, and required road widenings and access driveways shall be approved by the City Engineering Department;
 - iii) all hydro requirements of PowerStream Inc. shall be satisfied;
 - iv) the Owner shall satisfy all requirements of the Toronto and Region Conservation Authority;
 - v) the approved Plan of Subdivision (File 19T-06V03) shall be registered; and
 - vi) prior to the execution of the Site Plan Agreement or Letter of Undertaking, whichever is in effect, or prior to the issuance of a building permit, WESA or a qualified environmental consultant must certify that the septic systems within the existing dwellings are properly decommissioned, all above ground storage tanks and underground storage tanks are properly removed, and any additional matters outlined in the WESA report are satisfied;
 - b) that the Site Plan Agreement or Letter of Undertaking, whichever is in effect, contain the following provisions:

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- i) snow removal, and garbage and recycling pick-up shall be privately administered and shall be the responsibility of the Condominium Corporation; and,
- ii) the Owner shall provide the necessary easements for servicing and pedestrian access to the open space lands, to the satisfaction of the City and the Toronto and Region Conservation Authority.

Economic Impact

There are no requirements for new funding associated with this report.

Communication Plan

N/A

Purpose

The Owner has submitted the following applications:

1. A Zoning By-law Amendment Application (File Z.08.009) to remove the Holding Symbol “(H)” from the subject lands zoned RM2(H) Multiple Residential Zone as shown on Attachment #1, thereby effectively zoning the subject lands RM2 Multiple Residential Zone to facilitate the proposed residential townhouse development shown on Attachment #2.
2. A Site Development Application (File DA.07.066) to develop the subject lands shown on Attachment #2 with 16 residential blocks comprised of 116 townhouse units, a landscaped amenity block, and a private internal driveway system, to be served by 255 parking spaces, of which 23 spaces are for visitor parking.

Background - Analysis and Options

The subject lands shown on Attachment #1 are currently comprised of an assembly of 2 separate properties (8299 and 8355 Kipling Avenue) into one 2.2 ha parcel. The subject lands are located on the east side of Kipling Avenue, south of Langstaff Road, in Lots 9 and 10, Concession 7, City of Vaughan. The subject lands are irregular in shape and relatively flat with vegetated croppings comprised of trees and shrubbery scattered throughout the property. Mature trees and a significant tree stand are located along the north and east property lines abutting the Board of Trade Golf Course and along the south lot line. There are two structures and a tennis court located on the parcel, which are to be demolished to facilitate the proposed development.

The related Plan of Subdivision (File 19T-06V03) shown on Attachment #4, was approved by Council on March 31, 2008, and facilitates the Site Development Application by assembling the two lots into one parcel under one registered 65M-Plan, thereby allowing the creation of individual freehold units or potals by way of a Part Lot Control application. The common element areas, including the private landscaped amenity areas, visitor parking areas, and internal driveway system will be created through a subsequent Draft Plan of Condominium Application.

The surrounding land uses are shown on Attachment #1.

Official Plan

The subject lands are designated "Medium Density Residential" by OPA #240 (Woodbridge Community Plan), as amended by OPA #676, which permits a maximum of 116 residential

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freehold townhouse units to be served by a common element private driveway system, visitor parking, and landscaped areas. The 18 m wide open space buffer, which includes a 10 m ecological buffer, will be dedicated to the TRCA through the subdivision approvals process. The Site Development Application facilitates the intended residential townhouse development contemplated by site-specific OPA #676, and conforms to the Official Plan.

Zoning

The subject lands are zoned RM2(H) Multiple Residential Zone with the Holding Symbol "(H)" (tableland) and OS1 Open Space Conservation Zone (open space buffer to be dedicated to the TRCA) by By-law 1-88, subject to Exception 9(1289), which includes specific development standards to implement the proposed townhouse development. The Holding Symbol "(H)" was placed on the subject lands until such time as water and sanitary sewer servicing capacity are allocated to the subject lands and a Site Development Application is approved by Council. On March 31, 2008, Council allocated water and sanitary sewer servicing capacity to the subject lands, thereby satisfying one condition for the removal of the Holding Symbol "(H)". Should Council approve the Site Development Application, the second condition for the removal of the Holding Symbol "(H)" would be satisfied.

The proposed townhouse development complies with all requirements of the RM2 Zone.

Site Design

The site plan proposes a total of 116 residential townhouse units and 1 landscaped amenity block, serviced by a common element condominium internal driveway system, as shown on Attachment #2. The site plan includes units fronting onto Kipling Avenue, backing onto the open space conservation buffer block, along the balance of the periphery of the site, and within the interior of the site and around the main open space amenity area. Two access points on Kipling Avenue provides the main ingress and egress for this site. A 1.5 m wide sidewalk provides a pedestrian connection to the common areas and the public realm. The necessary pedestrian access easements are required to ensure the appropriate connectivity to the open space lands to the satisfaction of the Toronto and Region Conservation Authority (TRCA). A condition to secure this easement will be included in the Site Development Agreement/Letter of Undertaking.

The Development Planning Department is generally satisfied with the proposed site plan, with the exception of some minor design issues that deal with the location of the visitor parking spaces and the internal pedestrian walkway that will be addressed through the finalization of the site plan.

Parking and Access

The site plan shown on Attachment #2 includes 255 parking spaces, comprising 2 parking spaces for each of the 116 residential units and 23 visitor parking spaces.

Block Elevations

The proposed development is comprised of two townhouse building types including an urban oriented 4.26 m (14') wide building form with rear yard parking garages accessed from a laneway, as shown on Attachments #5 and #6, and a larger 4.87 m (16') wide traditional unit with a front yard garage and driveway as shown on Attachment #7.

The 4.26 m (14') wide units shown on Attachments #5 and #6 utilize consistent architecture and are comprised of brick veneer and a natural stone finish as the main building materials. The rear of these units are treated in a similar manner with brick veneer as the main finishing material and

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highlighted with a decorative iron fence, which defines the private amenity area (deck) over the rear lane garage. The townhouse blocks are accented with architectural finishes comprised of brick soldier coursing and decorative moulding and matching asphalt shingles.

The 4.87 m (16') wide units shown on Attachment #7 are traditional in appearance with the main entrance and garage door located side by side on the main front elevation. These units utilize brick veneer as the main building material accented with brick banding and decorative moulding. The brick veneer is repeated on the rear elevations accented by a natural stone base, which functions as both an architectural feature and a planter box.

The corner units and units fronting onto Kipling Avenue (Attachments #8 and #9) introduce a variety of different elevations for each model type, with detailing around the windows and doors and by pairing the garage doors when possible. Minor architectural details may still need to be implemented through the final site plan process such as providing more distinguishable features for each block and adding minor treatments to the flankage lots along Kipling Avenue, to the satisfaction of the Development Planning Department.

The Development Planning Department requested, as a condition of the Draft Plan of Subdivision, that the Owner prepare an Urban Design Brief for the proposal. An Urban Design Brief was prepared by Bousfields Inc., and has been reviewed and found to be acceptable by the Development Planning Department, and will ensure that a high quality product is provided to compliment the existing community.

The Development Planning Department is generally satisfied with the proposed building elevations, however, requires that all drawings be dimensioned and scaled in metric, and that a photometric lighting plan and lighting samples be submitted for review and approval. The final building elevations must be approved to the satisfaction of the Development Planning Department.

Landscaping

The landscape plan is shown on Attachment #3 and proposes a mixture of deciduous, coniferous and ornamental trees, and shrubbery. The periphery of the site along Kipling Avenue and the main internal crescent driveway have been landscaped using the typical street tree planting plan including deciduous trees, shrubbery, and embellished with planters containing an array of annual and perennial flowering plantings.

The highest concentration and level of planting is located at the southwest corner of the site and in the centrally located amenity area where extensive landscaping, both soft and hard are proposed to create both passive and active recreation areas. A planter box is proposed in front of each unit where the garage is accessed from a rear laneway, whereas the traditional townhouse unit with a front garage has a planter box located in the rear yard.

A chain link fence is proposed abutting the Buffer Block, which will be replanted and left in a natural state. The Buffer Block will be dedicated to the Toronto and Region Conservation Authority.

The landscaping for the site is generally acceptable. The final landscape plan and cost estimate must be approved to the satisfaction of the Development Planning Department.

Servicing Allocation and Engineering

On March 31, 2008, Vaughan Council allocated water and sanitary sewer servicing capacity for 114 residential units plus recognizing 2 units for the existing service connections at 8299 and 8355 Kipling Avenue for a total allocation of 116 residential units, through the approval of the related Subdivision Application 19T-06V03.

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The subject tablelands are zoned RM2(H) Zone. Accordingly, one of the conditions for removing the Holding Symbol “(H)” from the subject lands is satisfied, that being the granting of allocation to the development. Should Council approve this Site Development Application, the second condition for removing the Holding Symbol “(H)” from the subject land will be satisfied.

The City’s Engineering Department is satisfied with the proposed development. The final servicing and grading plans, noise report, and lighting plan must be approved to the satisfaction of the City Engineering Department.

Environmental

The City Engineering Department has reviewed and approved the Phase 1 Environmental Site Assessment for the subject lands prepared by Water and Earth Science Associates Ltd. (WESA). However, prior to the execution of the Site Plan Agreement or Letter of Undertaking, whichever is in effect, or prior to the issuance of a building permit, WESA or a qualified environmental consultant must certify that the septic systems within the existing dwellings are properly decommissioned, all above ground storage tanks and underground storage tanks are properly removed, and any additional matters outlined in the WESA report are satisfied.

Utilities, Maintenance, Public Agencies

All hydro requirements must be reviewed and approved to the satisfaction of PowerStream Inc.

All garbage and recycling pick-up and the removal of snow will be privately administered by the Condominium Corporation.

Canada Post has confirmed that door-to-door delivery of mail will be provided to this development. This service will replace the community mail boxes that were to be provided and recently identified in the conditions of subdivision approval for File 19T-06V03 on March 31, 2008.

Toronto and Region Conservation Authority (TRCA)

The TRCA has no objection to the proposed development and have included many of their conditions of approval as part of the Draft Plan of Subdivision (File 19T-06V03) approval (Attachment #4). However, the following condition shall be registered on title as part of site plan approval:

“Prior to the issuance of a building permit, the proponent shall provide to the TRCA a letter of undertaking stating that the easement required for maintenance purposes and access to Block 2 will be provided as part of the approval of the future Draft Plan of Condominium or Common Element Condominium application. Said easement shall be a minimum width of 6 m along the entire length of the easement.”

Parkland Dedication

The Parkland Dedication requirement under the Planning Act will be satisfied through the registration of the subdivision, and no further cash-in lieu payment is required.

Sustainability

The Owner has advised that the following sustainable design features will be incorporated into the proposed development:

- i) the site is an infill property served by public transit and infrastructure;

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- ii) the site is conducive to alternative transportation such as bicycle use due to its central location within Woodbridge, and all units will have bicycle storage;
- iii) the site provides a maximum of 2 parking spaces per unit, which is less than that typically provided in Vaughan;
- iv) the development has been designed to protect and preserve a large portion of the surrounding top-of-bank lands, thereby retaining the existing urban forest on site;
- v) the site contains a large open space amenity area;
- vi) the site's sewer system will be designed to retain and also control the quality of storm water with oversized piped storage swales and stormceptors;
- vii) there will be no irrigation of the public open spaces;
- viii) the units will have high efficiency appliances, fixtures and windows and all toilets will be water efficient; and,
- ix) all building materials will be locally sourced, and natural stone planters will be used.

Relationship to Vaughan Vision 2020

This staff report is consistent with the priorities set forth in Vaughan Vision 2020, particularly "Plan and Manage Growth and Economic Vitality".

Regional Implications

The Region of York has no objection to the approval of the Site Development Application as all Regional conditions have been included through the approval of the draft plan of subdivision for the subject lands.

Conclusion

The Development Planning Department has reviewed Site Development File DA.07.066 in accordance with site-specific Official Plan Amendment #676, the requirements of the Zoning By-law, and the comments from City Departments and external public agencies. The proposed infill development is consistent with the site-specific policies of the Official Plan and the development standards in the Zoning By-law. The development of the site for townhouse units is considered to be an appropriate development form, and the proposed building elevations and site plan layout are satisfactory, subject to the comments in this report.

Additionally, the Development Planning Department can support the removal of the Holding Symbol "H" on the subject lands zoned RM2(H) Zone, as water and sanitary sewer servicing capacity has been allocated by Council, and the site plan is satisfactory to the Development Planning Department and site plan approval from Council is to be obtained through consideration of this report.

For these reasons, the Development Planning Department can support the approval of the Site Development and Zoning By-law Amendment Applications, subject to the conditions contained in this report.

Attachments

1. Location Map
2. Site Plan
3. Landscape Plan
4. Approved Draft Plan of Subdivision 19T-06V03
5. Typical Elevations - 4.26 m (14') Wide Units
6. Typical Elevations - 4.26 m (14') Wide Units
7. Typical Elevations - 4.87 m (16') Wide Units
8. Typical Side Elevation - 4.26 m & 4.87 m (14' & 16') Wide Units with Corner Bay End Units
9. Kipling Avenue Elevations

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Report prepared by:

Eugene Fera, Planner, ext. 8064
Mauro Peverini, Senior Planner, ext. 8407

/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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- i) a reduced a minimum lot frontage of 7.0 m, whereas 7.5 m is required;
 - ii) a reduced minimum interior side yard setback of 1.2 m, whereas 1.5 m is required;
 - iii) a reduced minimum rear yard setback of 6.01 m (for Lots 3 to 6 inclusive), whereas 7.5 m is required;
 - iv) a reduced minimum setback of 6.0 m to the garage, whereas 6.4 m is required;
 - v) a reduced minimum lot area of 165 m² and 200 m² for Lots 4 and 5 respectively, whereas 225 m² is required;
 - vi) require that Islington Avenue be deemed as the frontage for Lot 6, whereas By-law 1-88 deems the shorter of 2 streets to be the front lot line for a corner lot; and
 - vii) any other zoning exceptions required to implement the final site plan, if approved.
3. THAT prior to the adoption of the implementing Official Plan Amendment and enactment of the implementing Zoning By-law Amendment, the Owner shall submit a Phase 1 Environmental Site Assessment for review and approval by the City of Vaughan and a Record of Site Condition acknowledged by an Officer of the Ministry of the Environment.

Economic Impact

There are no requirements for new funding associated with this report.

Communications Plan

On December 15, 2006, a Notice of Public Hearing was circulated to all property owners within 120 m of the subject lands, and to the Islington Woods Community Association. A Public Hearing was held on January 22, 2007 to consider the original proposal which contemplated 11 townhouse units as shown on Attachments #4 and #5.

The issues raised at the Public Hearing and in written correspondence objecting to the proposed 11 townhouse units include: compatibility with existing development; excessive density; design; massing; noise; garbage collection and snow removal; loss of privacy; lack of amenity and landscape space; lack of visitor parking spaces; the inadequacy of the proposed Gamble Street access; light pollution; the loss of the traditional characteristics of the Pine Grove Hamlet; traffic concerns; the impact on Pine Grove Elementary School; and, the need to preserve the Michael O'Rourke house located on 8372 Islington Avenue.

The recommendation of the Committee of the Whole to receive the Public Hearing report on January 22, 2007, was ratified by Council on January 29, 2007.

On June 18, 2007, the Committee of the Whole considered the Official Plan and Zoning Amendment Applications and deferred a recommendation from the Development Planning Department to refuse the Applications that would facilitate the proposed 11 unit townhouse development, in order to provide an opportunity for the applicant to address the concerns expressed and resolve any outstanding issues. On June 25, 2007, Council adopted the Committee's recommendation.

On February 5, 2008, the Owner submitted a revised development concept for 6 semi-detached units, each with frontage and access/egress on Islington Avenue as shown on Attachments #2 and #3. This Staff report provides consideration of this revised proposal.

On April 25, 2008, a notice was sent from the Development Planning Department to each individual requesting to be notified of this Committee of the Whole meeting.

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Purpose

The Owner has submitted the following applications to facilitate the development of the subject lands shown on Attachment #1:

1. An Official Plan Amendment Application (File OP.06.026) to amend OPA #240 (Woodbridge Community Plan) as amended by OPA #597 (Islington Avenue Corridor Secondary Plan), specifically to increase the maximum permitted density in the “Low Density Residential” designation from 8.6 units/ha (i.e. 2 units) to 22 units/ha, to facilitate the development of six semi-detached dwellings, as shown on Attachments #2 and #3.
2. A Zoning By-law Amendment Application (File Z.06.065) to amend By-law 1-88, specifically to rezone the subject lands from R2 Residential Zone to R5 Residential Zone with the necessary zoning exceptions to implement the proposed semi-detached development, as shown on Attachment #2.

Background - Analysis and Options

The subject lands shown on Attachment #1 are located at the northwest corner of Islington Avenue and Gamble Street, and are comprised of 2 lots being Lots 7 and 8 on Registered Plan M-1106 (8372 and 8382 Islington Avenue, respectively), in Lot 10, Concession 7, City of Vaughan. The subject lands are approximately 0.18 ha in size and each lot is currently developed with a detached residential dwelling, which are proposed to be demolished, if the proposal is approved.

The subject lands are designated “Low Density Residential” by OPA #240 (Woodbridge Community Plan), as amended by OPA #597 (Islington Avenue Corridor Secondary Plan), the latter which was approved by the Region of York (in part) on May 31, 2006. The subject lands are zoned R2 Residential Zone by By-law 1-88. The surrounding land uses are shown on Attachment #1.

Land Use Status/Planning Considerations

i) Provincial Policy Statement

The subject applications were initiated after March 1, 2005, and are therefore, subject to the 2005 Provincial Policy Statement (PPS). The PPS sets out the overall direction on matters of provincial interest related to land use planning and development, and includes policies that encourage the focus of new growth to urban areas. The PPS promotes efficient, cost effective development, and land use patterns that are based on densities which:

- i) efficiently use land, resources, infrastructure, and public service facilities; and,
- ii) avoid the need for unnecessary and/or uneconomical expansion of infrastructure.

The PPS promotes a full range of housing types and densities to meet projected demographic and market requirements of current and future residents by ensuring all forms of residential intensification in parts of built-up areas that have sufficient infrastructure to create a potential supply of new housing units. Development and land use patterns which may cause environmental or public health and safety concerns shall be avoided. The proposal meets the intent of the PPS with respect to the efficient use of land and infrastructure and providing a range of housing types.

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ii) Region of York Official Plan

The subject lands are identified as being within the “Urban Area” of the Region of York Official Plan, and Islington Avenue is identified as a “Local Corridor”. The Region of York has advised that the proposed amendment to the Official Plan is of local significance, and has exempted it from Regional Approval.

iii) City of Vaughan Official Plan

The subject lands are designated “Low Density Residential” by OPA #240 (Woodbridge Community Plan), as amended by OPA #597 (Islington Avenue Corridor Secondary Plan).

a) OPA #240 (Woodbridge Community Plan)

The “Low Density Residential” designation of OPA #240 permits single-detached and semi-detached dwelling units at a maximum permitted density of 8.6 units/ha, which would permit a maximum of two dwelling units on the 0.18 ha property. The Owner’s proposal for a total of 6 semi-detached dwelling units as shown on Attachment #2, yields a density of 22 units/ha, and therefore, an amendment to the Official Plan is required.

The proposed built form (i.e. semi-detached dwellings) is permitted by the “Low Density residential” policies of OPA #240; however, a site-specific policy is required to accommodate the proposed increase in density. It is noted that the “Medium Density” designation permits townhouse units at a maximum density of 35 units/ha, and that the proposed 22 units/ha would be in between the maximum permitted densities for the “Low Density” (ie. 8.6 units/ha) and “Medium Density” residential designations.

b) OPA #597 (Islington Avenue Corridor Secondary Plan)

On October 15, 2001, a Special Committee of the Whole was held to deal with three development applications that sought to re-designate three different sites along the Islington Avenue corridor from “Low Density Residential” to “High Density Residential”. On October 29, 2001, Council adopted a recommendation to direct the Planning Department to conduct a comprehensive land use study for the Islington Avenue Corridor between Langstaff Road and Woodbridge Avenue, and also passed an Interim Control By-law that placed a hold on lands within the study area until the study was completed.

The purpose of the Islington Avenue Corridor Secondary Plan was to provide an overall framework for the future orderly growth of the Islington Avenue corridor in accordance with sound and reasonable land use planning policies and urban design principles. The policies were to be responsive to the needs of the area residents while having regard for Provincial and Regional policy objectives. The intent of the Secondary Plan was to maintain and strengthen the existing community structure through appropriate and contemporary planning policy and design guidelines. The land use planning principles and policies that were to be included in OPA #597 were designed to achieve compatibility between land uses and their associated activities, minimize potential land use conflicts, and reinforce and enhance the existing community structure.

On June 23, 2003, Council adopted OPA #597 to implement the recommendations of the Study and guide development within the Islington Avenue Corridor. OPA #597 contemplated higher densities within the study area by introducing “High Density Residential” and “Medium Density Residential” designations into the area. The subject lands remained designated “Low Density Residential”, which would permit single and semi-detached dwelling units at a maximum permitted density of 8.6 units/ha.

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The Owner had originally applied to redesignate the entire subject lands from “Low Density Residential” to “Medium Density Residential”, to facilitate the proposed 11 townhouse units shown on Attachments #4 and #5. The current proposal involves six semi-detached dwelling units, which is a built form that is permitted under the “Low Density Residential” policies of OPA #240, as amended by OPA #597, and the proposed redesignation is no longer required, notwithstanding the proposal yields a density of 22 units/ha, thereby exceeding the maximum permitted density of 8.6 units/ha for the “Low Density Residential” designation.

Land Use Context

The subject lands are comprised of two existing residential lots with frontage onto Islington Avenue, and are situated at the northwest corner of Islington Avenue and Gamble Street. The built form in the area north of Gamble Street and west of Islington Avenue in the vicinity of the subject lands is comprised almost exclusively of established single detached residential units. The subject lands back onto residential lots with frontage onto Roslyn Court and Gamble Street. Approximately 200 metres to the west of the subject lands on Gamble Street exists Pine Grove Public School. On the east side of Islington Avenue, north of Pine Grove Road, there exists 2 three-storey apartment type buildings indicative of a higher density residential built form. The southwest corner of Islington Avenue and Gamble Street is developed with a gas bar, service station and commercial uses. The southeast corner of Islington Avenue and Pine Grove Road is developed with existing detached residential dwellings oriented towards Islington Avenue, with a three-storey apartment building to the immediate east.

The previous proposed development would have introduced a medium density built form immediately abutting an established low density residential area. Attachment #4 illustrates that the subject lands are insufficient in size and of an irregular configuration to successfully integrate the development as proposed (11 townhouse accessed by a driveway fronting onto Gamble Street) into the surrounding low density residential context. The previous proposal utilized the entire site without the opportunity for appropriate buffer areas and screening opportunities that are typically incorporated when different land uses and built form abut each other. A driveway and parking area was proposed immediately abutting the entire length of the westerly property with no separation distance or buffering opportunities. The Region of York has advised that a road widening along Islington Avenue and a daylight triangle at the corner of Islington Avenue and Gamble Street are required, which would have further reduced the developable portion of the subject lands and the opportunities to integrate appropriate buffering and screening within the concept for the townhouse development.

The revised applications, although proposing intensification of the subject lands, will not adversely impact on the surrounding area. Access to each property is proposed from Islington Avenue and each property will have a minimum rear yard of 6.0 m, which will provide an adequate buffer between the proposed and existing dwelling units and provide amenity area for the future occupants of the dwellings. The proposed semi-detached building form is permitted by the Official Plan, although at a lower density. There are many examples in the City where semi-detached units are developed adjacent to detached residential dwellings. The proposed semi-detached dwellings would also be compatible with the surrounding land use context, including commercial uses and 3-storey apartment buildings along Islington Avenue. As noted earlier, Provincial and Regional policies encourage intensification in existing urban areas and promote a full range of housing types. The proposed intensification of the subject lands is considered consistent with Provincial and Regional Policy.

OPA #597 requires that the development of the lands be subject to Site Plan Control. Matters such as architectural design, building placement, landscaping, etc., will be reviewed in detail to ensure that the proposed development can be successfully integrated into the existing community in a manner that is compatible with the surrounding adjacent land uses.

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On this basis, the Development Planning Department can support the approval of the Official Plan and Zoning By-law Amendment Applications, subject to the comments in this report.

Zoning

The subject lands are zoned R2 Residential Zone by By-law 1-88 and are proposed to be rezoned to R5 Residential Zone. The table below compares the R5 Residential Zone development standards in By-law 1-88, with the zoning exceptions that are required to implement the proposed semi-detached dwellings based on the concept plan shown on Attachment #2.

By-law 1-88 Requirement	Exception Required
Minimum Lot Frontage - 7.5 m	7.0 m
Minimum Lot Area – 225 m ²	165 m ² for Lot 4 and 200 m ² for Lot 5
Minimum Interior Side Yard Setback - 1.5 m	1.2 m
Minimum Rear Yard Setback - 7.5 m	6.01 m
Minimum Setback to the Garage – 6.4 m	6.0 m
The shorter street line is deemed to be front lot line for corner lots.	Islington Avenue will be deemed to be the front lot line for Lot 6.

The R5 Residential Zone permits semi-detached dwellings, and together with the noted zoning exceptions can accommodate the proposed development concept. The zoning exceptions requested are considered to be appropriate for the development of the subject lands and will result in semi-detached dwellings that are compatible with the surrounding land use context.

Vaughan Engineering

The Engineering Department has reviewed the proposal and has provided the following comments:

a) Servicing Capacity

The proposal will require four (4) additional units of servicing allocation capacity, which may only be granted when the consent application process has been initiated. The City of Vaughan's current protocol allows servicing allocation capacity to be granted to a consent application to a maximum of four (4) units.

b) Environmental Site Assessment (ESA)

Prior to approval of the Official Plan or Zoning By-law Amendment, a Phase 1 Environmental (ESA) is required to be submitted for approval by the City. The City will require documented proof of the registration of the Record of Site Condition (RSC) with the Environmental Site Registry of the Ministry of the Environment (MOE), which includes the acknowledgement from the MOE and a signed RSC by a qualified person, which shall be submitted for approval to the City. A condition of approval is included in this report.

c) Other

The Engineering Department did not support the original proposal for 11 townhouses as there was insufficient spacing between Islington Avenue and the proposed driveway on Gamble Street. The current proposal for the six semi-detached units involves access/egress from Islington Avenue, which is under the jurisdiction of the Region of York. The Engineering Department does note that the final site plan will need to ensure that the day-light triangle and associated 0.3 m reserves at Gamble Street and Islington Avenue conform to Vaughan standards. Additionally, supporting material that may be required at either the Site Plan or consent stages may include the submission of: stormwater and servicing reports; noise reports; sanitary servicing; functional servicing; and, lot grading information.

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Cultural Services

The subject lands include 8372 Islington Avenue (southerly lot), which includes the building known historically as the O'Rourke House. The O'Rourke House is not designated under the Ontario Heritage Act and was not included in the Listing of Significant Heritage Structures approved by Vaughan Council in 2005. The building was, however, included in the City of Vaughan's Inventory of Buildings of Architectural Interest.

The Vaughan Cultural Services Division has commented on the recent development concept and has advised that it has no further concern for heritage resources at the subject property, and has no objection to the proposed demolition of the existing house at 8372 Islington Avenue. The Owner is required to make an application to the Cultural Services Division for a Heritage Clearance Approval before making an application to the Building Standards Department for a Demolition Permit.

Parks Development

The Vaughan Parks Development Department has no objection to the approval of the subject applications. They also advise that the City of Vaughan's Pedestrian and Bicycle Master Plan has identified a need for a Community Bike Lane along Islington Avenue running north-south on the east side of the subject lands. The Community Bike Lanes are designated on-road bike lanes that comprise part of the Community System and would typically be constructed along major arterial roads with bike lane pavement markings and bicycle route signing applied along the route. This integration of the bike lane on Islington Avenue and development of the site for semi-detached dwellings will be considered at the site plan stage to ensure there are no conflicts.

Relationship to Vaughan Vision 2020

This report is consistent with the priorities set forth in Vaughan Vision 2020, particularly "Plan & Manage Growth & Economic Vitality".

Regional Implications

The Region of York Transportation Services Department has reviewed the conceptual plan shown on Attachment #2, and has indicated that the Region is protecting for a 30 m right-of-way in this section of Islington Avenue. As the subject lands are a corner lot, the Region is also protecting for a 7.5 m by 7.5 m daylight triangle. The required 30 m right-of-way will result in a strip of land, 5.0 m in width, for the full length of the Islington Avenue frontage of the subject lands being dedicated to the Region of York, as shown on Attachment #2. The Region of York does not have any objection to the approval of the subject applications.

Conclusion

The Development Planning Department has reviewed the applications to amend the Official Plan in order to increase the maximum permitted density within the "Low Density Residential" designation of OPA #240 (Woodbridge Community Plan), and to amend By-law 1-88 to rezone the subject lands from R2 Residential Zone to R5 Residential Zone together with the zoning exceptions required to implement the proposed development comprised of 6 semi-detached units, on the subject lands shown on Attachment #2. The applications have been reviewed in the context of the Provincial, Regional and City policies and the surrounding area context. This proposal involves the intensification and development of two existing single lots located at the northwest corner of the intersection of Islington Avenue and Gamble Street with 6 semi-detached units, which is a built form that is permitted by the Official Plan.

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The Development Planning Department has reviewed the applications and issues respecting the redevelopment of the subject lands and are satisfied that the built form is permitted by the Official Plan, that the development is consistent with Provincial and Regional policies, and that the proposed semi-detached units can be appropriately integrated on the subject lands in a manner that is compatible with the surrounding land use context.

Accordingly, the Development Planning Department can support the approval of the Official Plan and the Zoning By-law Amendment applications, subject to the recommendations in this report.

Attachments

1. Location Map
2. Current Proposed Development Concept (6 Semi-Detached Units)
3. Current Proposed Elevations (Semi-Detached)
4. Previous Development Concept Considered at Public Hearing (11 Townhouse Units)
5. Previous Elevations Considered at Public Hearing (Townhouse)

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 51, Report No. 24, of the Committee of the Whole, which was adopted, as amended, by the Council of the City of Vaughan on May 12, 2008, as follows:

By approving the recommendation contained in the report of the Commissioner of Planning, dated May 5, 2008.

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**OFFICIAL PLAN AMENDMENT FILE OP.06.013
ZONING BY-LAW AMENDMENT FILE Z.06.035
1643750 ONTARIO LIMITED, C/O RICE DEVELOPMENTS
REPORT #P.2006.50**

The Committee of the Whole recommends that this matter be referred to the Council meeting of May 12, 2008.

Recommendation

The Commissioner of Planning recommends:

1. THAT Official Plan Amendment File OP.06.013 (1643750 Ontario Limited, c/o Rice Developments) BE APPROVED, to amend OPA #240 (Woodbridge Community Plan) as amended by site-specific OPA #542, specifically the "High Density Residential" policies (Phases 1 and 2), to:
 - i) permit an increase in the maximum density from 85 units/ha to 150 units/ha, thereby increasing the number of units from 115 to 203 (increase of 88 units) within the "High Density Residential" designation (Phases 1 and 2) of OPA #542, or specifically, an 88 unit increase on the subject lands (Phase 2), as shown on Attachment #1, from 34 to 122 units;
 - ii) permit an increase in the maximum permitted building height from 4 storeys to 6 storeys for Phase 2 of the development only, being the subject lands shown on Attachment #2; however, a maximum 4 storey building height shall be required within 30m of an R2 Residential Zone; and
 - iii) permit a minimum 1 m wide ecological vegetated buffer along a portion of the east property line as shown on Attachment #2, in addition to maintaining the minimum 3 m wide buffer requirement adjacent to the balance of the easterly valleylands.
2. THAT the implementing Official Plan Amendment include the following development policies:
 - i) permit a maximum density of 150 units/ha in the "High Density Residential" designation;
 - ii) permit a maximum of 122 units for Phase 2 of the development only, being the subject lands shown on Attachment #2;
 - iii) permit a maximum building height of 6 storeys for Phase 2 of the development only, being the subject lands shown on Attachment #2; however, a maximum 4 storey building height shall be required within 30 m of an R2 Residential Zone;
 - iv) require ecological buffers as shown on Attachment #2, to the satisfaction of the Toronto and Region Conservation Authority, and that the said ecological buffers may be included in the calculation of the permitted residential development density; and,

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- v) include a clause requiring that sustainable building and site design features be reviewed through the Site Development Application process.
3. THAT Zoning By-law Amendment File Z.06.035 (1643750 Ontario Limited, c/o Rice Developments) BE APPROVED, to amend the RA2 Apartment Residential Zone standards within Exception 9(1131) of By-law 1-88, as follows:
- i) permit a minimum lot area of 7134 m², whereas 9760 m² is required;
 - ii) permit a maximum of 203 units in the RA2 Apartment Residential Zone (Phases 1 and 2), and specifically a maximum of 122 units in Phase 2, being the subject lands shown on Attachment #2, whereas a maximum of 115 units is permitted in Phases 1 and 2 of the RA2 Apartment Residential Zone;
 - iii) permit a minimum front yard setback of 5.0 m for the proposed building, and 0 m for the stairs (abutting Regional Road #7) and portion of the underground garage, whereas 7.5 m, and 5.7 m and 0.8 m are required, respectively;
 - iv) permit a maximum building height of 6 storeys and 24 m (for the 6 storey portion of the building), whereas a maximum of 4 storeys is permitted;
 - v) permit a minimum amenity area of 4200 m², whereas 6150 m² is required;
 - vi) permit a minimum 1.5 m wide strip of land around the periphery of the outdoor parking area, whereas 3.0 m is required;
 - vii) that minimum 1 m, 3 m, 5 m, and 6 m ecological buffer lands, to be used solely for landscaping, be provided along the east and north property lines in the manner shown on Attachment #2;
 - viii) permit a minimum of 183 parking spaces (including visitors), whereas 214 spaces (including visitors) is required;
 - ix) amend Building Envelope "A" as shown on Schedule "E-1249" of By-law 1-88, to facilitate the proposed development as shown on Attachment #2; and,
 - x) include any other zoning exceptions that are required to implement the final site plan, as may be approved by Council.
4. That the implementing Zoning By-law shall:
- i) zone the subject lands (Phase 2) with the addition of the Holding Symbol "(H)", and that the Holding Symbol "(H)" shall not be removed until Council:
 - a) approves a Site Development Application for the subject lands; and,
 - b) allocates water and sewage capacity for the proposed development;
 - ii) include any required exceptions for the northerly Cosmetic Surgery Hospital to facilitate vehicular access through the subject lands to Regional Road 7.

Economic Impact

There are no requirements for new funding associated with this report.

Communications Plan

Public Hearing

On May 26, 2006, a Notice of Public Hearing for an 8 storey building was mailed to all property owners within 120 m of the subject lands, and to the Vaughanwood Ratepayers Association. At the Public Hearing on June 19, 2006, Council considered the applications to amend the Official Plan and Zoning By-law. At the meeting several residents spoke in opposition to the proposed development and expressed concerns with the proposed intensification, particularly the proposed

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8-storey building height and that the applications were being considered prior to the completion of the Avenue #7 Futures Land Use Study (OPA #661). The recommendation of the Committee of the Whole, to receive the Public Hearing report and to forward a technical report to a future Committee of the Whole meeting, was ratified by Council on June 26, 2006. Since that time, the proposed building height has been reduced from 8 storeys to 6 storeys, as shown on Attachment #2, which is the subject of this staff report.

Purpose

The Owner has submitted the following applications:

1. An Official Plan Amendment Application (File OP.06.013) to amend OPA #240 (Woodbridge Community Plan) as amended by site-specific OPA #542, specifically to amend the “High Density Residential” policies (Phases 1 and 2), to:
 - i) permit an increase in the maximum density from 85 units/ha to 150 units/ha, thereby increasing the number of units from 115 to 203 (increase of 88 units) within the “High Density Residential” designation (Phases 1 and 2) of OPA #542, or specifically, an 88 unit increase on the subject lands (Phase 2), as shown on Attachment #1, from 34 to 122 units; and,
 - ii) permit an increase in the maximum permitted building height from 4 storeys to 6 storeys (24 m) for Phase 2 of the development only, being the subject lands shown on Attachment #2; however, a maximum 4 storey building height shall be required within 30 m of an R2 Residential Zone.
2. A Zoning By-law Amendment Application, specifically to amend the RA2 Apartment Residential Zone standards within Exception 9(1131) of By-law 1-88, to facilitate the development of Phase 2 of the subject lands with a 6 storey residential condominium building with 122 units and served by 217 parking spaces, as shown on Attachment #2.

Background - Analysis and Options

The subject lands shown on Attachment #1, represent the second phase of a two phased development. Phase 1 was approved for a 4 storey, 81 unit residential building, which is constructed and occupied. The Phase 2 proposal originally consisted of a 4-storey, 34 unit residential building, and has been replaced with the 6-storey, 122 unit proposal shown on Attachment #2. Phases 1 and 2 were originally approved as one development parcel and the site-specific development policies of the Official Plan (OPA #542) and Zoning By-law (Exception 9(1131)) implemented the overall density and development standards for both phases.

The subject lands are located on the north side of Regional Road #7 between Wigwoss Drive and Pine Valley Drive, in Lot 6, Concession 7, City of Vaughan, as shown on Attachment #1. The subject lands comprise two irregular-shaped blocks being the front portion of the Cosmetic Surgery Hospital (4650 Regional Road #7). Phases 1 and 2 are physically separated by Jersey Creek, and have a combined land area of 1.35 ha. Phases 1 and 2 were severed from the Cosmetic Surgery Hospital property site by Consent (Files B1/01 and B2/02) and Minor Variance applications (Files A23/01 and A24/01), which were approved by the Committee of Adjustment. The subject applications to amend the Official Plan and Zoning By-law for Phase 2, would result in an increase in density and building height.

The subject lands are designated “High Density Residential” by OPA #240 (Woodbridge Community Plan), as amended by site-specific OPA #542, and are also subject to OPA #661 (The Avenue Seven Land Use Futures Plan), which redesignates the lands subject to OPA #542 to “Prestige Areas - Centres Avenue Seven Corridor. OPA #661 has been adopted by Council,

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and is awaiting approval by the Region of York. The subject lands are zoned RA2 Apartment Residential Zone by By-law 1-88, subject to Exception 9(1131). The surrounding land uses are shown on Attachment #1.

Land Use Status

Provincial Policy Statement (PPS 2005)

The Provincial Policy Statement (PPS) sets out overall direction on matters of provincial interest related to land use planning and development, and includes policies that encourage new growth to urban areas. The PPS promotes efficient, cost effective development and land use patterns that are based on densities which:

- i) efficiently use land, resources, infrastructure and public service facilities;
- ii) avoid the need for unnecessary and/or uneconomical expansion of infrastructure; and,
- iii) support the use of public transit in areas where it exists or is to be developed.

The PPS promotes a full range of housing types and densities to meet projected demographic and market requirements of current and future residents, by ensuring all forms of residential intensification in parts of built-up areas have sufficient infrastructure to create a potential supply of new housing units. The proposed development meets the intent of the Provincial Policy Statement.

Provincial Growth Plan - Places to Grow

The Province approved the Places to Grow Plan in 2006, which is intended to guide decisions on a wide range of issues, including economic development, land-use planning, urban form and housing. "Places to Grow" promotes increased intensification of the existing built-up areas, with a focus on urban growth centres, intensification corridors, and major transit stations. Concentrating intensification in these areas provides for a focus for transit and infrastructure investment to support growth and for building compact, transit-supportive communities. "Places to Grow" requires that by 2015, a minimum of 40% of all residential development is to occur within the defined built-up area.

The subject lands are located within the Woodbridge Community Plan (OPA #240) and are affected by The Avenue Seven Land Use Futures Plan (OPA #661). OPA #661 redesignates the subject lands as "Prestige Area-Centres Avenue Seven Corridor", which would permit intensification on the subject lands to a maximum building height of 6-storeys. The proposed development is consistent with the policy permissions granted by OPA #661. As noted above, OPA #661 has been adopted by Council, and is awaiting final approval from the Region of York, and accordingly, this private amendment to the Official Plan is proceeding in advance of OPA #661.

In view of the above, the applications to amend the Official Plan and Zoning By-law to permit a higher density on the subject lands is consistent with the Provincial Places to Grow document by directing growth to built-up areas where the capacity exists to best accommodate the expected population, household and employment growth, and by promoting transit-supportive densities. The applications are also consistent with OPA #661./
Regional Official Plan.

The Region of York Official Plan (YROP) identifies Vaughan and specifically the subject lands, as an "Urban Area". The objectives of the Regional Plan include targeting growth to existing built-up portions of urban areas, encouraging carefully planned intensification, and providing for a broad range of housing types. The proposed development is consistent with these Regional Official Plan policies.

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The Region of York has reviewed the Official Plan Amendment application to permit the proposed development and considers it to be consistent with and supportive of the Regional Official Plan policies that promote a wider range of housing choices for residential intensification and compact urban forms, and therefore, has exempted the Official Plan Amendment application from Regional approval.

Vaughan Official Plan

OPA #240 (Woodbridge Community Plan), as amended by OPA #542, designates the subject lands "High Density Residential", which permits an adult lifestyle complex over two blocks (Phases 1 and 2 on Attachment #1) comprised of a total of two condominium buildings with a total maximum density of 85 units/ha. The Owner has applied to amend the Official Plan to increase the maximum permitted height of the building proposed for Phase 2 (the west block) from 4 storeys to 6 storeys, and to permit and increase in the maximum permitted density (Phases 1 and 2 combined) from 85 units/ha to 150 units/ha, thereby increasing the maximum number of units in the "High Density Residential" designation from 115 to 203 units, or more specifically, from 34 units to 122 units (an increase of 88 units) for Phase 2, being the subject lands shown on Attachment #2.

A general goal of OPA #240 is to create a distinct residential community of scale and character that relates well to the existing village quality of Woodbridge, and possess a strong sense of community identity. With respect to housing, OPA #240 provides for a predominantly low density community with some higher densities to accommodate senior citizens and other family housing needs. The Official Plan also states the following, with respect to densities:

"All medium and high density residential development shall be subject to site plan control which will ensure, among other things that adequate on-site parking, amenity area, setback, landscaping, parking and internal road widths are provided."

If approved, the proposed residential development will be subject to site plan approval.

The Avenue Seven Land Use Futures Study (OPA #661)

On June 25, 2007, Council adopted OPA #661, which implements The Avenue Seven Land Use Futures Study, and redesignates lands north and south of Regional Road 7 to "Prestige Areas-Centres and Avenue Seven Corridor", including the subject lands. The Official Plan Amendment is awaiting final approval from the Region of York. Although the "Prestige Areas-Centres and Avenue Seven Corridor" designation allows for increased intensification and heights of up to 10 storeys and 32 m, whichever is less, on the subject lands, the proposed development is comprised of a primarily 6 storey building, which is consistent with the intent of the Official Plan to intensify land use on this corridor.

At the Council Meeting of May 7, 2007, written submissions were received from the Vaughanwood Ratepayers Association and Rice Developments. The Vaughanwood Ratepayers Association requested that additional time be provided to address issues respecting building height and density before Council approved OPA #661. A letter from Rice Developments attempted to address the Ratepayer's concern respecting building height by reducing the height of the original proposal consisting of a 4 to 8 storey building to the current proposal consisting of a 4 to 6 storey building with a minimum 3 m wide vegetated buffer. A more detailed discussion of the buffer will be provided later in this report.

Zoning

The subject lands are zoned RA2 Apartment Residential Zone by By-law 1-88, subject to Exception 9(1131), which permits a maximum 4 storey condominium building within a specified

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building envelope on the subject lands. An amendment to the Zoning By-law is required to facilitate the proposed development consisting of a maximum 6 storey building (tiered to a maximum of 4 storeys within 30m of an R2 Residential Zone along the west property line) and 122 residential units as shown on Attachment #2. Based on the site plan submitted in support of the applications, the following exceptions to the RM2 Multiple Residential Zone standards are required:

- i) permit a minimum lot area of 7134 m² whereas 9760 m² is required;
- ii) permit a maximum of 203 units in the RA2 Apartment Residential Zone (Phases 1 and 2), and specifically a maximum of 122 units in Phase 2, being the subject lands, whereas a maximum of 115 units is permitted in Phases 1 and 2 of the RA2 Apartment Residential Zone;
- iii) permit a minimum front yard setback of 5.0 m for the proposed building, and 0 m for the stairs (abutting Regional Road #7) and portion of the underground garage, whereas 7.5m, and 5.7 m and 0.8 m are required, respectively;
- iv) permit a maximum building height of 6 storeys and 24 m (for the 6 storey portion of the building), whereas a maximum of 4 storeys is permitted;
- v) permit a minimum amenity area of 4200 m², whereas 6150 m² is required;
- vi) permit a minimum 1.5 m wide strip of land around the periphery of the outdoor parking area, whereas 3.0 m is required;
- vii) that minimum 1 m, 3 m, 5 m, and 6 m ecological buffer lands, to be used solely for landscaping, be provided along the east and north property lines in the manner shown on Attachment #2;
- viii) permit a minimum of 183 parking spaces (including visitors), whereas 214 spaces (including visitors) is required;
- ix) amend Building Envelope "A" as shown on Schedule "E-1249" of By-law 1-88, to facilitate the proposed development as shown on Attachment #2; and,
- x) include any other zoning exceptions that are required to implement the final site plan, as may be approved by Council.

The Development Planning Department is satisfied that the above-noted exceptions are appropriate to facilitate the proposed condominium development. Although the amenity area requirements of By-law 1-88 are not met, the common areas and landscaped areas (located over the parking garage) provide passive amenity area for the residents of the development.

Servicing capacity is currently available for only 34 units respecting the proposed development. On March 31, 2008, Council adopted the Servicing Capacity Allocation Strategy Report which reserved (Priority 2) servicing capacity for 88 additional units for the Phase 2 development. Accordingly, it is recommended that the lands be zoned with the Holding Symbol "(H)", which will be removed when water and sanitary servicing capacity is formally allocated to the subject lands by Council upon approval of a Site Development Application.

An exception will also be required for the northerly Cosmetic Surgery Hospital to facilitate vehicular access through the subject Phase 2 lands to Regional Road 7.

Planning Considerations

Land Use Compatibility

The subject lands are located within the Regional Road #7 Corridor that is identified for increased intensification through the approval of OPA #661, the Avenue Seven Futures Land Use Plan. The built form as proposed with a maximum height of 4 to 6-storeys is compatible with the surrounding low density residential and institutional development. There are many examples of development throughout the City and GTA demonstrating that higher density development can

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successfully be integrated into existing and new communities adjacent to low density residential neighbourhoods. The subject lands can accommodate higher density development with minimal impact to the character and stability of the adjacent low density residential neighbourhood. Provisions to limit the building height to 4 storeys within 30 m of the adjacent low density residential designation to the west and a maximum height of 6 storeys for the balance of the building provides the appropriate transition of built form between the subject lands and the surrounding land uses, and conforms to the anticipated intensification plan for Regional Road #7.

As noted above, Provincial and Regional policies encourage intensification within existing built-up areas. The proposed development is consistent with these policies. The Development Planning Department is satisfied that the proposed uses can be developed in a manner that is compatible with the surrounding land uses, provided the appropriate development standards are implemented through the zoning by-law, and appropriate screening and buffering is provided, through the site plan approval stage.

Preliminary Site Plan

The Owner has submitted a preliminary site plan as shown on Attachment #2. The plan proposes one 4 and 6 storey tiered building situated along the Regional Road #7 frontage. The site is relatively flat for the most part, but slopes gradually downward to the east. As a result of the natural eastward slope, the east and northeast portions of the building would have some of the basement exposed giving the appearance of 7 residential storeys at the easterly portion of the development, furthest away from the existing residential neighbourhood.

A driveway access from Regional Road #7 is located along the east lot line and provides the main access to the subject lands and to the Cosmetic Surgery property located to the immediate north. The driveway leads to a circular drop-off area, which is centrally located to the site, and to parking and service areas, which are located on the north side of the main building, away from the Regional Road #7 exposure.

The main passive landscaped amenity area for the site is provided along the western portion of the property. The applicant must submit a landscape plan and details in support of a future Site Development Application. The Development Planning Department is generally satisfied with the preliminary site plan. However, additional design issues are required to perfect the final plan and will be addressed in more detail at the site plan stage. The City is encouraging that all new development incorporate sustainable building and site design features, which will be considered as part of the site development approval process. A policy will be included in the implementing Official Plan Amendment to require sustainable development features, as provided in the recommendation of this report.

Buffer Block

OPA #661 requires that a minimum 3 m wide ecological vegetated buffer area be provided along the Jersey Creek Valleylands. The Owner has consulted with the Toronto and Region Conservation Authority, which have reviewed the subject development and are satisfied with a reduced vegetated buffer along the valleylands. The proposed buffer area varies in width from 1 m to 6 m, as shown on Attachment #2. The implementing Official Plan Amendment will recognize the 1 m buffer width along a portion of the east property line as shown on Attachment #2.

Parkland Dedication

Cash-in-lieu of parkland dedication in accordance with the Planning Act and City Policy will be required through the site development process.

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Parking

The preliminary site plan shown on Attachment #2 proposes 183 parking spaces, of which 154 spaces are located underground. By-law 1-88 requires that the minimum parking requirement for the site be calculated as follows:

Condominium:	122 units x 1.5 spaces/unit	= 183 spaces
Visitors:	<u>122 units x 0.25 spaces/unit</u>	= <u>31 spaces</u>
	Total Parking Required	= 214 spaces
	Total Parking Provided	= 183 spaces

The proposed development is deficient by 31 parking spaces. The Owner has submitted a Parking and Traffic Impact Study prepared by Cansult dated July 2006, in support of the proposed parking supply for the development. The Study utilizes a parking ratio of 1.5 spaces for each residential unit, which includes visitor parking, in support of the proposed development. The Cansult Study concludes that the proposed 183 parking spaces is sufficient for this development. The Vaughan Engineering Department has reviewed the Parking and Traffic Impact Study, and concurs with the conclusions. On this basis, the Development Planning Department can support the proposed reduction in parking.

Engineering

The Vaughan Engineering Department provides the following comments:

i) Servicing

Servicing capacity for the subject lands is currently available for 34 units. On March 31, 2008, Council adopted the Servicing Capacity Allocation Strategy Report, that identifies the subject lands as Priority 2 with respect to sewer and water reservation for 88 additional units, which is to be allocated at the site development stage. Accordingly, it is recommended that the subject lands be zoned with the Holding Symbol "(H)" until such time as water and sanitary servicing capacity has been allocated by Council.

A Functional Servicing Report has been submitted to the Engineering Department for review and approval in support of the proposed Official Plan and Zoning By-law Amendment Applications. The report must address and ensure that the proposed development may be serviced in accordance with all City of Vaughan Engineering Design Standards and Criteria to the satisfaction of the Engineering Department.

ii) Traffic/Noise

The Traffic/Parking Impact Assessment prepared by Cansult dated July 2006, has been approved by both the City of Vaughan and the Regional Municipality of York. The Noise Report prepared by SS Wilson Associates dated September 18, 2006 has been revised and submitted to the Vaughan Engineering Department and Region of York for approval. Final approval of the noise report will be a condition of site plan approval.

Toronto and Region Conservation Authority (TRCA)

The TRCA has reviewed the applications and have indicated that the subject lands were created by Consent Application No. B1/01, which was previously reviewed and approved by the TRCA. During the review of the Consent application, the TRCA assisted in the establishment of the lot lines vis-à-vis the adjacent Jersey Creek valleylands and requested that a Hydraulic Cut and Fill Analysis be undertaken in order to remove the lands from the Regional Flood Plain, via placement of fill material to satisfy the Consent and a previous Site Plan application. In

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considering the current applications, the TRCA is satisfied that it is feasible to develop the subject lands to the provisions of the revised Hydraulic Cut and Fill Analysis submitted by the applicant based upon the latest floodplain information.

Given the closeness of the subject lands to the Jersey Creek valleylands it is important to ensure that a subsequent site plan application provides adequate environmental buffering through the provision of a naturalized, vegetated buffer as part of the site plan. Based on discussions between the TRCA and the Owner, a minimum reduced vegetated buffer along the Jersey Creek valleylands can be provided within the existing lot configuration, and therefore, the TRCA has no objection to the approval of the Official Plan and Zoning By-law Amendment applications as submitted.

A TRCA Permit will required before any development, including grading or site alteration can take place on the subject lands pursuant to Ontario Regulation 166/06. In support of the Site Development application and TRCA Permit application, the following is required to be submitted to the satisfaction of the TRCA:

- i) a revised Hydraulic Cut and Fill Analysis Report;
- ii) a site plan and landscape plan, which provide for a vegetated buffer;
- iii) a stormwater management design report;
- iv) a sediment and erosion control plan; and,
- v) a TRCA Permit application.

Relationship to Vaughan Vision 2020

This report is consistent with the priorities set forth in Vaughan Vision 2020, particularly “Plan and Manage Growth and Economic Vitality”.

Regional Implications

The Region of York has reviewed the proposed Official Plan and Zoning By-law Amendment Applications and considers the proposed development to be consistent with and supportive of the Regional Official Plan policies. However, the Region of York advises that it reserves the right to provide further comments should revisions to the Official Plan Amendment be made, and also at the site plan stage on matters including, but not limited to, vehicular and pedestrian access.

The Region of York Transportation Services Department has reviewed the Traffic Impact Assessment prepared by Cansult Limited (July 2006) and has no comments or concerns with the content of the report. This Department also reviewed the Noise Control Study prepared by SS Wilson Associates dated September 18, 2006, and have indicated that the noise study be revised to reflect the future widening of Regional Road #7 to accommodate the Regional Road #7 Transitway.

Conclusion

The Development Planning Department has reviewed Official Plan and Zoning By-law Amendment Files OP.06.013 and Z.06.035 (1643750 Ontario Limited, c/o Rice Developments) in the context of the applicable Provincial, Regional and City policies, the requirements of By-law 1-88, and the surrounding land uses.

Official Plan Amendment #240 (Woodbridge Community Plan), while providing for a predominantly low density residential community, also encourages some higher densities to accommodate senior citizens and other family needs. OPA #661 has been adopted by City Council and would permit higher densities along Regional Road #7, consistent with the proposed development. The Regional Official Plan encourages a broader range of housing forms for the

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Woodbridge Community. The applications are also consistent with the Provincial Policy Statement and Growth Plan, which promote a full range of housing types and densities within existing built-up areas. The Development Planning Department is satisfied that the proposed development would be compatible with the surrounding lands from both a land use and built form perspective, subject to the comments and recommendations in this report.

In light of the above, the Development Planning Department can support the application to amend the Official Plan to permit a maximum 6 storey condominium building comprised of 122 residential units. The implementing Official Plan Amendment would include policies to maintain appropriate buffering, and that the necessary studies (ie. noise, traffic, environmental, etc.) be submitted for review and approval through the Site Plan process.

On this basis, the Development Planning Department can also support the approval of the Zoning By-law Amendment application to amend the site-specific exceptions to implement the proposed residential condominium building as discussed in this report.

Attachments

1. Location Map
2. Phase Two Site Plan
3. Phase Two Elevations

Report prepared by:

Eugene Fera, Planner, ext. 8064
Mauro Peverini, Senior Planner, ext. 8407

/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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52

**VAUGHAN CORPORATE CENTRE PLAN REVIEW
FILE #25.5**

The Committee of the Whole recommends approval of the recommendation contained in the following report of the Commissioner of Planning, dated May 5, 2008:

Recommendation

The Commissioner of Planning recommends:

1. That the attached Terms of Reference for a Focused Area Review of lands located within the Vaughan Corporate Centre Secondary Plan Area (OPA 500) BE APPROVED.
2. That the Policy Planning Department initiate the process to retain the consulting services to undertake the required work.

Economic Impact

The budget for this study (upset limit of \$300,000) has been included and approved in the Capital Budget for the New Vaughan Official Plan project (#PL-2003-07) for 2008.

Communications Plan

Upon approval of the Study Terms of Reference and consultant selection, the Study's consultation program includes information and workshop meetings with landowners, ratepayer groups, the business and the development community, public agencies, the Vaughan Corporate Centre Advisory Committee and other special interest groups. A Stakeholder Consultation Group and a Technical Advisory Committee will be established to provide input throughout the Study process. A Public Hearing will be required to consider amendments to the Official Plan and Zoning By-law. Communications and consultation for the Vaughan Corporate Centre Review will be done in coordination with the new Official Plan process. Further details of the communications and consultation approach will be identified in the consultants' work plan.

Purpose

The purpose of this report is to provide an overview of the Study requirements which are outlined in greater detail in the attached Terms of Reference.

Background - Analysis and Options

Location and Description of the Study Area

The area of focus for the Review are the lands designated "Corporate Centre Node" (the future "downtown") and the adjacent lands within the Vaughan Corporate Centre Secondary Plan Area (OPA 500, as amended). The scope of the study entails examining the entire Secondary Plan Area within the broader context of the surrounding area and in recognition of its Regional and Provincial significance. The Vaughan Corporate Centre (VCC) Secondary Plan Area (Study Area) is shown on Attachment 1.

The western portion of the VCC Secondary Plan Area (west of Highway 400) is significantly built-up with commercial development; areas referred to as namely the Colossus Centre, Seven & 400 Power Centre, Woodbridge Square and the Westridge Shopping Centre, all of which are centered around the intersection of Highway 7 and Weston Road.

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East of Highway 400 consists of an older industrial/employment area located southeast of Jane & Highway 7 and recently built commercial development that includes offices, retail and eating establishments, entertainment uses and hotels. Most of this development is outside of the “Node” - the planned “downtown”. As a result, much of the planned road network is not yet built. There is also a naturalized storm water management pond located northeast of Highway 7 and Jane Street. This is a significant natural feature created by Black Creek, a tributary of the Humber River Watershed, which channels further south along the east side of Jane Street.

Purpose of the Study

The purpose of the Review is to establish an updated Official Plan for the Vaughan Corporate Centre.

Need and Justification for the Study

On May 7, 2007, Vaughan Council approved Terms of Reference for the New Vaughan (city-wide) Official Plan, which is a component of the Vaughan Consolidated Growth Management Strategy – 2031. When finalized, the New Official Plan will be a contemporary, state-of-the art Official Plan that will represent an update to the City’s community planning policies in a manner consistent with the principles of sustainability. Work on the New Official Plan began in October 2007.

The Vaughan Corporate Centre Plan Update is one of four Focused Area Studies to be undertaken as part of the New Official Plan process. The approved Terms of Reference for the New Vaughan Official Plan identifies the need for an update of the Vaughan Corporate Centre Secondary Plan in that the existing Plan “requires a thorough review of its policy framework to take into consideration the changing development context engendered by the Provincial, Regional and City commitment to the Spadina subway extension”.

The Planning Act requires Official Plans be updated every five years. The VCC Secondary Plan has not undergone a comprehensive update since it was initially approved in 1998. The context of the area has changed, particularly in light of the March 2006 provincial funding announcement of the Spadina subway extension. Update targets for employment and housing are required. Various aspects of the Plan require re-examination or enhancement, such as policies on height, densities, built form, urban design, sustainability and implementation.

There have been a number of Amendments and initiatives made to the VCC Plan, including OPA 528 (Transportation Improvements), OPA 529 (Higher Order Transit & Corporate Centre Redevelopment), OPA 663 (Highway 7 Land Use Futures Study), and the VCC Streetscape & Open Space Master Plan. Having one consolidated and contemporary document in a concise and illustrative package would be beneficial in promoting the Corporate Centre to other authorities, the public and potential development interests.

The New Vaughan Official Plan process is scheduled for completion by the fall 2010. The VCC Plan Review is expected to begin in the Summer of 2008 and should be completed within 16 months. The Study will result in a comprehensive Amendment to the Corporate Centre Secondary Plan and will be incorporated into the City-wide Official Plan.

Provincial Policy Context and Initiatives

Recent Provincial policy initiatives and legislation (*The Greenbelt Act*, *The Oak Ridges Moraine Conservation Act* and *The Places to Grow Act*) have established a number of new policy imperatives. The recently enacted Bill 51 (*an Act to amend the Planning Act and the Conservation Land Act*) requires that a municipal council’s decisions on planning matters be in conformity with the provincial plans enabled by the above noted legislation. Therefore, these

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policies will be part of the new policy framework which will regulate how the City of Vaughan grows and evolves for the foreseeable future, including the expansion of the City's "Urban Area" boundary.

The Focused Area Review will be required to address a number of Provincial policies and initiatives. This includes the policy framework provided by the Growth Plan for the Greater Golden Horseshoe, in terms of meeting intensification targets and achieving compact, transit-supportive development. The VCC is identified in the Growth Plan as an "Urban Growth Centre" and the Review will be required to address its policies, such as delineating the growth centre boundary in the Official Plan and achieving a minimum density target of 200 residents and jobs combined per hectare. The Review should take into consideration the Growth Plan's policies for Major Transit Stations and Intensification Corridors.

The Growth Plan also identifies a GTA West (Transportation) Corridor as part of the policies for infrastructure to support growth. The Provincial Policy Statement (2005) contains policies which are relevant to the planning of the Vaughan Corporate Centre, such as those which support efficient land use, making provision for medium and high densities as part of a range and mix of housing densities and intensification and public transit.

Regional Policy Context and Initiatives

The Region of York has a number of initiatives to promote intensification and development in Regional Centres. The VCC Review will require consideration of these initiatives in developing an updated Secondary Plan for the Corporate Centre.

- The Region of York's Official Plan (2004) identifies the Corporate Centre as one of four "Regional Centres" in the Region and the only Regional Centre in the City of Vaughan. Regional Centres are intended to have the highest concentration of uses in the Region and will be the focus of business, government, entertainment and culture within the Region with complementary medium and high density residential development.

Highway 7 is also identified as a "Regional Corridor" which is expected to develop with higher density land uses that will support planned transit. Highway 7 is viewed with great potential for intensive mixed-use development supported by frequent and efficient rapid transit service. In the long-term, Highway 7 is envisioned to transition from a "highway" to a multi-purpose transit supportive urban street that is both a corridor and an urban place.

- Regional Official Plan Amendment 43 (ROPA 43) was approved in 2005 to implement the findings of the Region's Centres and Corridors Study. The strategy includes financial policies and tools, infrastructure investment programs, and other programs to promote the intended visions. ROPA 43 provides a policy framework and support for higher-order transit and land use in Regional Centre's such as the VCC and will help guide the Focused Area Review.
- Transit Oriented Design Guidelines were adopted by the Region in September 2006. The Guidelines are a tool to help implement transit-supportive development across the Region.
- Regional Official Plan Amendment 60 (ROPA 60) was approved in February 2008 and enables the Region to adopt Regional Community Improvement Plans and to participate in local Community Improvement Plans.
- In March 2008, Regional Council adopted a plan to implement a policy to provide a 20-35% increase in servicing allocation for development proposals that meet LEED criteria in the Regional Centres and Corridors and Local Centres.

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- In April 2008, Regional Council endorsed the preliminary draft, “Enhancing York Region’s Urban Structure: A Guide to Developing Area Municipal Intensification Strategies” for review and comment by the local municipalities.
- The Region of York is now engaged in a review of its Growth Management Plan, followed by the updating of its Official Plan based on the principles of sustainable development.

In preparing the New Vaughan Official Plan and the Official Plans implementing the Focused Study Areas, it will be necessary to take into account the Region’s growth management initiatives and its approach to sustainability. This will help to ensure that the Region’s and City’s environmental/sustainability programs are complimentary and supportive. For example, York Region’s *New Communities Strategy* will result in the establishment of criteria for sustainable new community development. It is anticipated that once this initiative has been completed, together with a series of other initiatives that the Region is undertaking related to its Growth Management Plan, an Amendment to the Region’s Official Plan will be introduced in the fall of 2008. The City is obliged to amend its Official Plan in conformity with Provincial Policy and the Region of York Official Plan.

- The Region of York completed a Transportation Master Plan in 2002 that recommended rapid transit improvements in four corridor locations through the Region, including Highway 7 and a "north-south link".

York Region and its York Consortium partner are in the midst of implementing this plan. The Environmental Assessment for the “Highway 7 Corridor & Vaughan North-South Links Public Transit Improvements” was recently approved by the Ministry of Environment. The Toronto Transit Commission (TTC) is now engaged in the initial process/stages of implementing the Spadina Subway extension to the VCC. TTC has prepared a draft protocol for conducting development review for applications in proximity to the subway alignment and station sites, which will have to be adhered to.

- The Region is conducting an Environmental Assessment (E.A.) for the Highway 400 and Highway 7 Interchange Improvements. The E.A study is looking at a number of options for improvements to the road network in support of the Corporate Centre.

The consultants that will be working on the City’s Transportation Master Plan and the VCC Review will need to be informed by the findings and outcome of E.A. process, which is scheduled for completion and submission to the Ministry of Environment by the fall of this year.

Relevant City of Vaughan Official Plans and Initiatives

The City’s policy framework was established in 1998 by OPA 500. The Plan defines the limits of the Secondary Plan area and contains policies to guide the City in its consideration of implementing development applications. The Plan established two main designations for development, including the “Corporate Centre Node” (the future downtown core) and the “Corporate Centre District” which surrounds the Node.

The City of Vaughan has undertaken a number of Amendments and initiatives in the Corporate Centre, including:

- adoption of Urban Design Guidelines in 1998, which provides the framework for preparing implementing zoning by-laws and the review of site development applications;
- amending the City’s Comprehensive Zoning By-law 1-88 in 1998 by incorporating Corporate Centre Zones and site specific standards and provisions that implemented the intent of the Official Plan;

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- approval in 2001 of OPA 528, the Corporate Centre Transportation update, which incorporated road network improvements and supporting policies;
- approval in 2001 of OPA 529, Higher Order Transit and Corporate Centre Redevelopment Plan, which defined a right-of-way connecting the VCC to the planned Yonge-Spadina Subway Station near York University and provide land use policies supporting the future service;
- Council approval of OPA 663 in June 2007 (approval from York Region pending), implementing the recommendations from the Highway 7 Land Use Futures Study, which introduced a new “Corporate Centre Corridor” designation, community improvement policies and additional urban design policies;
- the draft VCC Streetscape and Open Space Master Plan prescribes a layout and design of open spaces in the Node (including streets, parks, public squares, bicycle and pedestrian connections, etc.) together with an implementation strategy;
- the undertaking of the Corporate Centre Servicing Strategy Master Plan to identify the water and waste water servicing needs for the Secondary Plan Area, scheduled for completion in the Spring 2008. Servicing will not be a component of this study. However, the Servicing Strategy will serve to inform the VCC Review.

City-wide initiatives that will need to be taken into consideration by the consultants working on the VCC Review include:

- the City’s Transportation Master Plan study will evaluate in detail the local road network and identify the infrastructure that will be needed to efficiently accommodate the population and employment growth that will result from the implementation of the Growth Management Strategy. The study will be undertaken as a component of the New Vaughan Official Plan Review and the related Focused Areas Studies. The consultant for the City’s Transportation Master Plan will provide the analysis and be working with the consulting team for the Focused Area Review on transportation-related matters both within and surrounding the study area.
- the Vaughan Parking Standards Review has commenced with the purpose of determining City-wide parking needs and will be recommending appropriate standards to be included in the City’s Comprehensive Zoning By-law 1-88. The study is expected to be completed this Spring.
- the Vaughan Pedestrian and Bicycle Master Plan Study, which was approved by Vaughan Council in April 2007, identifies a wide range of on and off-road facilities. The Region of York is undertaking its own Pedestrian and Cycle Master Plan Study. The VCC Review will need to recognize and reflect the work done in this regard by both Vaughan and York Region.
- Vaughan’s “Active Together” Master Plan consists of two separate but related plans, being: the Parks, Recreation, Culture and Libraries Master Plan; and, a Sports and Physical Activity Strategy. The purpose of the former plan is to develop a strategy for meeting the current and future parks, recreation, culture and library facility and service needs of Vaughan to enhance the overall quality of life of its residents. The Sports and Physical Activity Strategy is intended to establish various strategies encouraging people to increase their level of fitness. The Master Plan is expected to be finalized in June 2008. The VCC Plan Review will be responsive to and incorporate the recommendations made in the Active Together Master Plan.

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Components of the Study

The draft Terms of Reference for the Focused Area Review requires the consulting team to conduct the following work, including:

1. Background review and analysis of existing Provincial, Regional and local policies, regulations and initiatives, as described above, that are applicable within and surrounding the Study Area. This will provide the regulatory basis for the Review.
2. Review and analysis of existing conditions and planned facilities and initiatives within and surrounding the Study Area will be required, such as land use, natural resources, infrastructure, recent developments, etc. Special consideration will be given to including/determining:
 - a) the work completed on parks, streetscaping, urban design, servicing, the Pedestrian and Bicycle Master Plan and the “Active Together” Master Plan;
 - b) recommendations for stormwater management from the Black Creek Drainage Study
 - c) a re-examination of the role and boundaries of the “District” and the “Node” relative to each other
 - d) revised targets for population and employment
 - e) a review of the Plan’s permitted uses and determination of other community service use requirements
 - f) a development framework based on a built form and block analysis which sets out a range of development densities and heights, estimated residential and commercial development capacity, built form guidelines, tall building guidelines and urban design guidelines update;
 - g) consideration of the planned servicing and transportation network conditions/improvements and identifying opportunities for improvement
 - h) appropriate mechanisms to ensure transit-related facilities are provided in a timely and efficient manner and incorporating transit and subway related facility requirements, such as station entrances, at-grade and below-grade pedestrian walkway connections and parking facilities, passenger pick-up and drop-off facilities, etc.
 - i) alternative development tools and strategies including implementing initiatives enabled by Community Improvement legislation
 - j) any necessary revisions to the Plan’s implementation strategy, zoning provisions and parking standards
 - k) sustainability policies with emphasis on the triple bottom line concept and special consideration to natural systems and green space, energy conservation and climate protection, water conservation and water quality, pedestrian and cycling opportunities, transit-friendly design and waste reduction improvements
 - l) establishing (a range of) sustainable development considerations and criteria, such as LEED-NC program, project specific checklist and performance measures and a sustainability framework to achieve an integrated sustainable community
 - m) impact on, integration of and connectivity with existing and planned uses within the surrounding area.
3. Development of planning principles, goals and objectives (to be consistent with the New Vaughan Official Plan).
4. Preparation of land use/development alternatives.

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5. Transportation and servicing analysis and alternatives (input provided by the City's Transportation Master Plan and the VCC Master Servicing Strategy)
6. Evaluate alternatives based on defined evaluation criteria.
7. Recommendation of preferred land use/development alternatives and supporting policy framework.
8. Develop a comprehensive implementation strategy and policy framework.
9. Develop a policy framework/strategy for the provision of transit and subway-related facilities.
10. Preparation of a comprehensive and consolidated Official Plan, incorporating previous Amendments/initiatives and new policies.
11. Preparation of urban design framework and built form guidelines, urban design guidelines update document, and tall building guidelines (e.g. such as Toronto's Guidelines for Tall Buildings), possibly as a stand-alone document, which may be used as a model elsewhere in the City.
12. Preparation of a Community Improvement Plan/Strategy.
13. Preparation of an amendment to Zoning By-law 1-88 that reflect any recommended implementation measures from the Review.
14. Presentation to one or more Committee of the Whole meetings/public hearing and attendance at a Council meeting(s).

As indicated in Item 5 above, the analysis and recommendations respecting the provision of suitable transportation will be addressed by the consultants preparing the City's Transportation Master Plan, in coordination with the consultants conducting the Focused Area Review. Analysis for servicing will be provided by the consultants working on the VCC Servicing Strategy Master Plan Study, which is scheduled for completion by the end of 2008.

Public Consultation Requirements

The consultation process will involve all of those individuals and interests having a stake in the future of the Corporate Centre – landowners, the business community, the development community, public agencies, the Vaughan Corporate Centre Advisory Committee and other special interest groups. The process will include meetings, open houses, workshops and presentations and requires participation from the community to succeed. A Technical Advisory Committee will be established as well as a Stakeholder Consultation Group (SCG) to represent interests in the area and provide ongoing input throughout the process. A statutory public meeting(s) will be held for an Official Plan Amendment and a Zoning Amendment. Details of the proposed consultation process will be provided in the submissions of candidate consulting teams.

Consulting Requirements

The Study requires the services of a multi-disciplinary team with knowledge and expertise in land use planning and implementation, urban design, environmental planning, sustainable development, implementation of community improvement legislation and public consultation. The consulting team will be required to be informed by and collaborate with the consultants working on the City's Transportation Master Plan, the Environmental Master Plan, the VCC Servicing Master Strategy and the new Vaughan Official Plan.

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Products of the Study

The following deliverables will be provided by the consulting team:

1. Reports on each of the following components:
 - a) Background on existing conditions and context
 - b) Land use and development options and evaluation
 - c) Urban design framework, urban design guidelines and tall building guidelines
 - d) Implementation - Options and Strategy
 - e) Transit Facility requirements
2. Final report with recommendations
3. Draft Official Plan Amendment, Zoning Amendment and Urban Design Guidelines.
4. Final Official Plan Amendment, Zoning Amendment and Urban Design Guidelines.

Project Administration

The project will be managed by the Policy Planning Department with the input and participation from the core consulting team for the New Vaughan Official Plan, the consultants for the City's Transportation Master Plan and the Environmental Master Plan, Development Planning, Parks, and Engineering Departments, other City departments and external agencies as required.

Timing

The Study is expected to begin in the Summer 2008 and completed in approximately 16 months.

Budget

An upset limit of \$300,000 has been included in the Capital Budget for the New Vaughan Official Plan project approved by Council in 2008.

Relationship to Vaughan Vision 2020

This Study is consistent with the Vaughan Vision Strategic Plan 2020 in terms of implementing a component of the Growth Management Strategy. This report is consistent with the priorities previously set by Council and the necessary resources have been allocated and approved.

Regional Implications

The Official Plan Amendment resulting from the Study will conform with Regional and Provincial Policy requirements and establish the ground rules for future development. The Plan will accommodate the Region's forecast growth estimates for Vaughan and will have implications for Regional servicing, transportation and community infrastructure.

Conclusion

The Terms of Reference provide the basis for carrying out a detailed land use analysis that will result in updated land use, urban design and development policies for the Vaughan Corporate Centre Secondary Plan. Similar to the approach taken for the New Official Plan, this work will be forward-looking, state-of-the-art and reflective of the principles of sustainability.

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The Terms of Reference have been prepared in consultation with other key City departments.

Should Council concur with the Terms of Reference, the recommendation should be approved to enable staff to proceed with the consultant assignment.

Attachments

1. Study Area
2. The Draft Terms of Reference for the Vaughan Corporate Centre Plan Review

Report prepared by:

Duncan MacAskill, Senior Policy Planner, ext. 8017

Wayne McEachern, Manager of Policy Planning, 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 53, Report No. 24, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on May 12, 2008.

53 **MINISTRY OF TRANSPORTATION, HIGHWAY 427 EXTENSION
ENVIRONMENTAL ASSESSMENT – CONSIDERATION OF ALTERNATIVE
CORRIDOR ALIGNMENTS**

The Committee of the Whole recommends:

- 1) That City of Vaughan Council endorse the technically preferred route for the Highway 427 Extension (from Highway 7 to Rutherford Road);**
- 2) That City of Vaughan Council support the westerly alignment for the route north of Rutherford Road (to Major Mackenzie Drive);**
- 3) That, in the event that the westerly route cannot be approved, that an alignment as far west of the central route be recommended;**
- 4) That the Ministry of Transportation (MTO) work closely with the City of Vaughan, the City of Brampton, the Town of Caledon and the Region of York and the Region of Peel as well as all other stakeholders, throughout the remainder of the Environmental Assessment process so as to ensure that the matters identified in the report, adopted by Council on May 22, 2007, are addressed;**
- 5) That staff be directed to consult with MTO staff and report back to the Committee of the Whole on the final recommended route; and**
- 6) That the following report of the Commissioner of Planning and the Commissioner Engineering and Public Works, dated May 5, 2008, be received.**

Recommendation

The Commissioner of Planning and the Commissioner Engineering and Public Works recommend:

1. THAT Council requests the Ministry of Transportation (MTO) to clearly indicate, in its presentation of a preferred Highway 427 corridor alternative at the upcoming May 13 and 15, 2008 Public Information Centres, that the specific alignment of the future Highway 427 corridor, north of Rutherford Road, will be determined through further detailed design work and in consultation with all stakeholders;
2. THAT, in consideration of Vaughan Council and stakeholders' preference for the westerly corridor alignment, north of Rutherford Road, that MTO establish the most westerly corridor alignment possible through this detailed design process; and,
3. THAT MTO work closely with the City of Vaughan, the City of Brampton, the Town of Caledon and the Region of York and the Region of Peel as well as all other stakeholders, throughout the remainder of the Environmental Assessment process so as to ensure that the matters identified in the report adopted by Council on May 22, 2007 are addressed.

Economic Impact

N/A

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Communications Plan

The Provincial Environmental Assessment process is public and provides for wide notification and consultation opportunities for public input.

Purpose

The Ministry of Transportation is in the process of completing an Environmental Assessment for the extension of Highway 427. In undertaking this Environmental Assessment a series of alternatives have been assessed and are intended to be presented on May 13 and 15, 2008 at a Public Information Centre (PIC) (in both Vaughan and Caledon respectively), including a preferred corridor alignment alternative. MTO has selected a preliminary Preferred Option that does not agree with the position put forward by the City that a preferred alignment of Highway 427 be consistent with the Western Alternative.

Background - Analysis and Options

As part of the ongoing 427 Transportation Corridor Environmental Assessment a Terminus and Route Alternatives Preliminary Report has been prepared. This report contains recommendations with respect to a long term terminus and the alignment of the Highway 427 Corridor.

On May 22, 2007, Council passed a resolution (Attachment 1) indicating to the Ministry of Transportation that it prefers a westerly alignment for the extension of Highway 427 that follows the north-south Hydro One Corridor. The City's prefers this option for the following reasons:

1. Reduced impact on proposed residential development;
2. Reduced impact on a heritage settlement area including the Nashville Cemetery;
3. Provides a better alignment and design of the realignments of Major Mackenzie Drive and Huntington Road.

Analysis and Options

The purpose of the Environmental Assessment process is to review various alternatives and compare them against each other so that a satisfactory solution can be determined. In undertaking the development and review of alternatives, many factors are considered. These factors include: Socio-Economic, Cultural and Natural Environments, and Technical considerations.

It appears that MTO intends to proceed with a presentation of a preferred 427 corridor alignment alternative (the "Central" alternative) at a Public Information Centre (PIC) scheduled for May 13 and 15, 2008 (in both Vaughan and Caledon respectively). This rejects the Western Alternative without having consulted the public and other stakeholders. It is noted that the first PIC was held in April, 2007 which preceded the Council request in May 2007 for the addition of the westerly alignment.

Terminus Location

One aspect of the Environmental Assessment is the selection of a terminus location for Highway 427. The location and design of the proposed terminus at Major Mackenzie Drive consumes a significant amount of land and implies that, for the long term, Highway 427 will end at Major Mackenzie Drive.

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By selecting the Central Alternative as the preferred alternative, the City's ability to plan for future land uses in the area will be compromised and may have an impact on development north of Major Mackenzie Drive. The Central Alternative is based on the use of criteria that assumes lands within the OPA 601, the "Kleinburg-Nashville Community Plan", will continue to be designated Rural for the long term. This assumption is incorrect because: it is not consistent with the Region of York's designation of the lands as "Towns and Villages"; it ignores Council's Resolution of May 22, 2007; and, it fails to take into account that there are outstanding applications for Official Plan amendments to create a residential community.

The Ministry's current preferred option, Alternative 2 (Central), will create an interchange that is closer than the other alternatives to a settlement area that contains the Nashville Cemetery and other important heritage features. This may potentially result in a future Highway alignment that is adjacent to or through this area. Neither of these conditions is considered desirable by the City. Any preferred alignment and potential future extension of Highway 427 needs to leave these heritage elements intact and buffered from the future highway.

It is imperative that the Province define the corridor requirements north of Major Mackenzie Drive, or expend further effort to justify a "terminus" design which will not have long term adverse implications for Vaughan, York and Peel Regions. The possible future extension of Highway 427 north of Major Mackenzie Drive should be further examined in a subsequent study.

Corridor Alignment

Similar to the criteria and processes used to determine the terminus, there are also issues respecting the selection and analysis of criteria used to identify the Central Corridor as the preferred alternative corridor alignment.

For example, it is CP's preference that Major Mackenzie Drive not cross the Canadian Pacific (CP) rail main line at grade.

It is understood that the Region is planning for this crossing to be grade-separated. CP supports this since both parties expect that the levels of vehicular and rail traffic will justify the required flyover. The height of this flyover (a minimum of 6.7m / 22ft) above the tracks, results in a vertical alignment of Major Mackenzie Drive that cannot match the vertical alignment of the Central Alternative for Highway 427 extension. Furthermore, access to Huntington Road from Major Mackenzie Drive, west of the rail line, will not be possible with grade elevations associated with the required flyover. In order to properly assess the suitability of the Central Corridor Alternative, profiles and elevations must be provided to harmonize the Region's initiatives with respect to Major Mackenzie Drive, the City's responsibilities for Huntington Road and the extension of Highway 427.

MTO's evaluation of the various alternatives place a significant weight on a criterion related to access to the CP Intermodal lands by westbound traffic from Major Mackenzie Drive. MTO's concern over left turn access to the CP Intermodal lands represents a small, but necessary component of the expected vehicle traffic at the terminal. The CP Corporate Business Development Department notes that, once Highway 427 is built, the majority of truck traffic egressing from the Intermodal Yard will want to take Highway 427 south-bound. Therefore most of the operations associated with their lands would not be dependent on access via left turns from Major Mackenzie Drive. However, there will be a need for service vehicles and some trucks to turn both left out of the yard and left into the yard at Major Mackenzie Drive. While the necessary analysis has not yet been done, it appears that such an access to Major Mackenzie Drive will need to be signalized.

CP will be fully evaluating the materials to be presented at MTO's Public Information Centres on May 13 and 15, 2008.

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The MTO's assessment of "Property and Access" recognizes that a westerly alignment is preferable to the central option since it is "more compatible with future land uses". The Westerly Alignment Alternative would be more compatible with future land uses by being located on lands that are expected to be developed for commercial and employment uses which will provide a buffer to proposed residential development. The Westerly Alignment Alternative will also minimize the creation of parcels that will be difficult to access and service by following the Hydro Corridor and minimizing the need for local roads to cross the Hydro Corridor.

Similarly, the assessment of "Government Land Use Strategies" provides an assessment that all three alternatives "result in similar impacts to land use strategies". This conclusion can be questioned since it appears not to have adequately considered Point 7 of Council's May 22, 2007 resolution,

"7. Add to the criteria being used to evaluate the route options, consideration of the impact on the proposed residential use of lands east of Huntington for which there are Official Plan Amendment applications."

Vaughan Council and area stakeholders feel that MTO's identification of the Central Corridor Alternative as being equally positive to the Westerly Corridor Alternative does not adequately consider the impact it will have on previously filed applications. A number of landowners have expressed concern regarding the Central alignment. As such, the criteria used to assess Government Land Use Strategies that concludes that all three alternatives "result in similar impacts to land use strategies" is, at the least, misleading. MTO acknowledges that virtually all Vaughan stakeholders, including City Council, and affected landowners and members of the Highway 427 Extension Committee, prefer the westerly alternative corridor alignment, north of Rutherford Road, as presented in the alternatives contained within MTO's March 2008 427 Transportation Corridor Environmental Assessment Terminus and Route Alternatives Preliminary Report.

Furthermore, three other Environmental Assessments are being conducted on higher order municipal, regional, and provincial roads in the area: the Peel/Brampton/Caledon EA; the West Vaughan IEA; and the GTA West Corridor EA. Consideration should be given to these facilities and the connectivity between them.

Relationship to Vaughan Vision 2020

This report is consistent with the priorities previously set by Council.

Regional Implications

The selection of a corridor and terminus will have an undetermined impact on the Region's planning and provision of transportation and other services. This may include the operation of the Region's transportation network north of the Major Mackenzie Drive/Highway 427 terminus.

Conclusion

The City of Vaughan, York Region, the Town of Caledon and Peel Region have expressed their opinion that the evaluation of a preferred Highway 427 corridor alignment alternative, north of Rutherford Road, does not adequately address stakeholder concerns. As such the City of Vaughan feels that a presentation of a Preferred Alternative should clearly indicate that the specific alignment of the future Highway 427 corridor, north of Rutherford Road, will be determined through further detailed design work. MTO should ensure that the most westerly possible alternative corridor alignment and Major Mackenzie terminus interchange be determined through the detailed design process.

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Attachments

1. Extract from Council Meeting of May 22, 2007, Item 21, Report No. 26. Resolution Respecting the Route for the Extension of Highway 427.

Report prepared by:

John Zipay (8445)
Bill Robinson (8247)

(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 54, Report No. 24, of the Committee of the Whole, which was considered by the Council of the City of Vaughan on May 12, 2008, was dealt with by approving:

That this matter be referred to the Committee of the Whole meeting of June 3, 2008, to provide the opportunity for the Ward 2 Sub-Committee to meet with the community and the landowners of the Kipling and Hwy 7 quadrant to review opportunities for development. This provides an opportunity for Vaughan Council to receive more input for comments to York Region on OPA 661.

That the additional report of the Commissioner of Planning, dated May 12, 2008, be received;

That the following written submissions, be received:

- a) ***Ms. Rosemarie L. Humphries, Humphries Planning Group Inc., 216 Chrislea Road, Suite 103, Vaughan, L4L 8S5, dated May 7, 2008;***
- b) ***Ms. Mary Attisano, 216 Veneto Drive, Woodbridge, L4L 8X6, dated May 5, 2008; and***
- c) ***Mr. James M. Kennedy, KLM Planning Partners Inc., 64 Jardin Drive, Unit 1B, Concord, L4K 3P3, dated May 6, 2008; and***

That the coloured rendering of the development at Hwy 7 and Woodstream, submitted by KLM Planning Partners Inc., be received.

54 ADDITIONAL REVIEW OF OFFICIAL PLAN AMENDMENT 661

The Committee of the Whole recommends:

- 1) **That the recommendation contained in the following report of Councillor Carella, dated May 5, 2008, be approved;**
- 2) **That staff provide a report to the Council meeting of May 12, 2008, with their opinion on expanding the review of OPA 661 and to identify which areas should be possibly reconsidered; and**
- 3) **That the following deputations and coloured photographs, be received:**
 - a) **Mr. Nick Manno, 41 Coles Avenue, Woodbridge, L4L 1L8, and coloured photographs;**
 - b) **Ms. Norma Basciano, 63 Coles Avenue, Woodbridge, L4L 1L8;**
 - c) **Mr. Anthony Barone, 101 Zinnia Place, Woodbridge, L4L 6O8;**
 - d) **Mr. John Packer, 87 Angelina Avenue, Woodbridge, L4L 8N9;**
 - e) **Mr. Anthony Sinisi, 60 Veneto Drive, Woodbridge, L4L 8X5;**
 - f) **Ms. Janet Peloso, 7694 Kipling Avenue, Woodbridge, L4L 1Y6;**
 - g) **Ms. Ann Grech, 14 Tasha Court, Woodbridge, L4L 8P2;**
 - h) **Mr. Ronald Moro, 61 Tasha Court, Woodbridge, L4L 8P1; and**
 - i) **Mr. Nick Pinto, President, West Woodbridge Homeowners Association, 57 Mapes Avenue, Woodbridge, L4L 8R4.**

Recommendation

Councillor Tony Carella recommends that Council request that York Regional Council defer temporarily consideration of the City of Vaughan's Official Plan Amendment 661, pending review of the terms of the amendment as it applies to the residential areas in the vicinity of the intersection of Regional Road 7 and Kipling Avenue.

Economic Impact

Nil

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Communication Plan

The ward councillor will inform residents of the area that the OPA is under further review.

Purpose

To respond to the request of area residents that the boundaries of the amendment area be reviewed, to protect further the residential character of the neighbourhoods immediately to the north and south of the intersection of Regional Road 7 and Kipling Avenue.

Background - Analysis and Options

In contacting various members of Council, the residents of the area have indicated their support in general for the principal of intensification along Regional Road 7, but they have concerns that the boundaries of the OPA as currently configured intrude into the settled residential communities to both the north and south of Regional Road 7, at Kipling Avenue. While there is a likelihood that the eventual development of a GO station along Kipling, north of Woodbridge Avenue, will result in some measure of intensification along that portion of the street, there are no plans to extend Kipling Avenue to Steeles Avenue from its present terminus some 1000 m south of Regional Road 7. Effectively then, the area frequently referred to as “Kipling South” is a closed community, composed entirely of newer single family dwellings, some older homes dating from the 1950s-1970s, and recreational/cultural sites such as the Ciociaro Club, the Veneto Centre, and the lands co-tenanted by the Minime Sisters of the Passion and the Calabro-Canadian group.

The neighbourhood is comparatively small (approximately 450 households) and tightly-knit, with most residences within 500 m of Regional Road 7---a fact reflected in the absence of any York Region Transit service within the Kipling South area. The absence of any such service in the Kipling North area as well lends credence to the view of area residents that the intersection of Regional Road 7 and Kipling Avenue can not be considered a true “public transit node” as a second (i.e., north-south) service does not intersect the YRT and VIVA services along Regional Road 7. Effectively then, the Kipling/Regional Road 7 intersection is, at this time, no more a public transit node than Lansdowne Avenue, Bruce Street, or Helen Street, as they intersect Regional Road 7 to the east of Kipling.

This in turn leads to another area of concern. All traffic into and out of Kipling South is by way of Kipling Avenue off of Regional Road 7---effectively a ‘bottleneck’ in case of any emergency, and one which can only be aggravated by intensification at the very point of entry into and exit from the community, further complicated by the fact that Regional Road 7 at this point is reduced to four lanes from the six found to the east of Kipling and west of Islington Avenue.

Kipling South residents note that it is the intention of the OPA that older residential areas be protected. However, the boundaries of the OPA as they apply to Kipling South include existing low density, residential units, some just ten years old, and other estimated to date from the 1950s or 60s. Local residents would prefer seeing the southern boundary of the OPA in this area withdrawn to the north side of Coles Avenue, to better protect the low-density residential character of the community south of Coles Avenue.

Relationship to Vaughan Vision 20/20

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

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Conclusion

The temporary deferral of consideration of OPA 661 by the Region of York will permit further discussion of its impact on the residential areas in the vicinity of Regional Road 7 and Kipling Avenue.

Attachments

Nil

Report prepared by

Councillor Tony Carella, FRSA

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Item 55, Report No. 24, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on May 12, 2008.

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**OFFICIAL PLAN AMENDMENT FILE OP.06.019
ZONING BY-LAW AMENDMENT FILE Z.06.051
DRAFT PLAN OF SUBDIVISION FILE 19T-00V21 (REVISED)
ROYAL EMPRESS GARDENS LTD.**

The Committee of the Whole recommends approval of the recommendation contained in the following report of the Solicitor/Litigation, dated May 5, 2008:

Recommendation

The Solicitor/Litigation, in consultation with the Commissioner of Planning, recommends that this report be received.

Economic Impact

There is no economic impact as a result of this report.

Communications Plan

N/A

Purpose

To advise Council of the upcoming Ontario Municipal Board Hearing scheduled to commence on May 26, 2008 and that a further report will be provided to Council on May 12, 2008.

Background - Analysis and Options

The subject lands are located on the north side of Regional Road 7, east of Jane Street, in Part of Lot 6, Concession 4 as shown on Attachment 1. The property consists of 3.47 hectares (8.6 acres) of vacant land and has a frontage of approximately 201 metres on Regional Road 7. An Official Plan Amendment application has been submitted which is applicable to both 2900 Regional Road 7 and 2938 Regional Road 7. The Zoning By-law Amendment and revised Draft Plan of Subdivision applications are applicable to the former property only.

The surrounding land uses are:

- North - Storm pond (A Agricultural Zone), employment uses (EM1 Prestige Employment Area Zone)
- South - Regional Road 7, commercial (C8 Office Commercial Zone), employment uses (EM1 Prestige Employment Area Zone)
- East - Banquet hall (C7 Service Commercial Zone)
- West - Vacant (A Agricultural Zone)

The subject lands are designated "Corporate Centre Node" within the Vaughan Corporate Centre Secondary Plan (OPA 500), as amended by OPA 662 (recently approved by City of Vaughan Council and awaiting Regional approval) and zoned C9 (H) Corporate Centre Zone with the Holding Symbol (H), subject to Exception 9(1248) and A Agricultural Zone pursuant to By-law 1-88.

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APPLICATIONS

The Draft Plan of Subdivision, as revised, is for five high-rise residential buildings (four with ground floor commercial) in addition to park, buffer and road blocks. Pursuant to an OMB approval in 2001, the applicant already has approval for 1071 residential units. The current application seeks an increase of 864 units for a total of 1935 units.

To facilitate this development, a Zoning By-law Amendment application has been submitted to remove the (H) Holding Symbol, to rezone a portion of the Barnes Court extension that is to be eliminated to OS2 Open Space Park Zone to allow additional park land and to provide the following zoning exceptions to facilitate the conceptual site plan shown on Attachment 2:

- An increase of 864 residential units in the maximum permitted count from 1071 to 1935 units (4.98 FSI);
- An increase in the maximum permitted building height for non-landmark locations (i.e. Buildings “3” and “4” on Attachment 2) from 25 metres to unlimited height, to be consistent with the height permission for landmark locations (i.e. Buildings “1”, “2” and “5” on Attachment 2); and
- A decrease of 1209 parking spaces (33.31% deficiency) in the minimum required parking on the site from 3629 to 2420 spaces.

In addition, the Owner submitted an application to amend Schedule B – Transportation Plan to OPA 500 (Corporate Centre Secondary Plan), as amended by OPA 528 and OPA 529, in order to delete the westerly extension of Barnes Court from the end of the existing turning circle to the ring road, southwest to Regional Road 7.

ONTARIO MUNICIPAL BOARD HEARING

These applications were received in June and July, 2006. A Public Hearing was held on September 5, 2006. The applicant filed an appeal with the Ontario Municipal Board on July 25, 2007, citing Council’s failure to make a decision on the applications in accordance with the requirements of the *Planning Act*.

A pre-hearing was held on October 29, 2007 at which time the parties to the Hearing were identified to include the City, Royal Empress Gardens Ltd., the Region of York, C.N. Rail and Midvale Estates Ltd. (the landowner to the west of the subject site). Midvale Estates has since become a participant. At that time, the Board was advised that the parties were working towards narrowing and possibly resolving some or all of the issues. A further pre-hearing was set for March 28, 2008 and the Hearing was scheduled to commence on May 26, 2008.

The parties have met on numerous occasions to discuss the issues and the applicant has submitted further material to the City for review and comment. The most recent submission, which included a further revised Draft Plan of Subdivision, was received by the City on April 14, 2008. This submission was circulated for comments and a staff report is expected to be completed for the Council meeting of May 12, 2008.

In preparation for the OMB Hearing, witness statements are to be exchanged on May 14, 2008. A Council position for the Hearing will be required.

Relationship to Vaughan Vision 2007

This report is consistent with the priorities previously set by Council.

Regional Implications

The Region is a party to the OMB hearing.

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Conclusion

Staff are finalizing the technical report for the OMB Hearing which is set to commence on May 26, 2008. A Planning report on the applications will be coming forward to Council at its meeting on May 12, 2008 at which time Council's direction for the OMB Hearing will be sought.

Attachments

Attachment No. 1 – Location Map
Attachment No. 2 – Conceptual Site Plan

Report prepared by:

Claudia A. Storto
Heather Wilson

(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 57, Report No. 24, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on May 12, 2008.

57

**ZONING BY-LAW AMENDMENT FILE Z.06.074
DRAFT PLAN OF SUBDIVISION FILE 19T-06V15
1668135 ONTARIO INC.
REPORT #P. 2007.8**

The Committee of the Whole recommends:

- 1) That the recommendation contained in the following report of the Commissioner of Planning, dated May 5, 2008, be approved; and
- 2) That the deputation of Mr. Tony Gentile, Gentile Brothers Construction Ltd., 180 Wigwoss Drive, Woodbridge, L4L 4H2, on behalf of the applicant, be received.

Recommendation

The Commissioner of Planning recommends:

1. THAT Zoning By-law Amendment File Z.06.074 (1668135 Ontario Inc.) BE APPROVED, to amend Zoning By-law 1-88, specifically to rezone the subject lands shown on Attachment #2 from A Agricultural Zone and OS1 Open Space Conservation Zone to R5 Residential Zone and OS1 Open Space Conservation Zone (valley lands, buffer, and stormwater block), together with the following zoning exceptions to implement the proposed plan of subdivision consisting of 43 lots to facilitate 86 semi-detached units as shown on Attachment #3:
 - a) permit a rear yard setback of 4.0 m for Lots 6 and 7, whereas 7.5 m is required;
 - b) permit a rear yard setback of 5.0 m for Lots 8, 33, 34 and 35, whereas 7.5 m is required;
 - c) permit a rear yard setback of 6.0 m for Lots 9 and 32, whereas 7.5 m is required;
 - d) permit a rear yard setback of 6.5 m for Lot 10, whereas 7.5 m is required;
 - e) permit a minimum lot area of 212 m² (per unit) for Lot 8, whereas 225 m² is required;
 - f) permit a minimum lot area of 215 m² (per unit) for Lot 9, whereas 225 m² is required;
 - g) permit a minimum interior side yard setback of 1.2 m, whereas 1.5 m is required; and,
 - h) require dwellings to be setback a minimum distance of 30 m from the railway right-of-way.
2. THAT Draft Plan of Subdivision File 19T-06V15 (1668135 Ontario Inc.) as shown on Attachment #3, BE APPROVED, as red-lined revised, subject to the conditions set out in Attachment #1.
3. THAT Council pass the following resolution with respect to the allocation of sewage and water servicing capacity:

"IT IS HEREBY RESOLVED THAT Draft Plan of Subdivision Application 19T-06V15 is allocated sewage capacity from the York-Durham Servicing Scheme and water supply capacity from the York Water Supply System for a total of 86 residential units, following the execution of a subdivision agreement to the satisfaction of the City."

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4. THAT the subdivision agreement shall contain a provision requiring the Owner to pay Vaughan by way of certified cheque, cash-in-lieu of the dedication of parkland equivalent to 5% of the value of the subject lands, prior to the issuance of a Building Permit, in accordance with the Planning Act and the City's Cash-in-lieu Policy. The Owner shall submit an appraisal of the subject lands, in accordance with Section 42 of the Planning Act, prepared by an accredited appraiser for approval by the Vaughan Legal Department, Real Estate Division, and the approved appraisal shall form the basis of the cash-in-lieu payment.

Economic Impact

There are no requirements for new funding associated with this report.

Communications Plan

On February 9, 2007, a Notice of Public Hearing was circulated to all property owners within 120m of the subject lands and to the West Woodbridge Homeowners' Association. No comments were received by the Development Planning Department from the public with respect to this application. At the March 5, 2007 Public Hearing, a resident addressed Council with respect to the future extension of Campania Court, which currently runs north-south and terminates at the lands located to the northwest, which are also owned by the applicant, but are not subject to these applications. The future extension of Campania Court and development of these lands will be determined at such time that development applications are filed for those lands identified as "Other Lands Owned by Applicant" on Attachment #3.

The draft plan of subdivision considered at the March 5, 2007 Public Hearing included 42 lots for 84 semi-detached units. However, through the application review process an additional one lot (2 units) is included, thereby increasing the proposed number of lots on the draft plan to 43 lots for 86 units.

Purpose

The Owner has submitted the following applications:

1. An application to amend the Zoning By-law (File Z.06.074) to rezone the subject lands shown on Attachment #2 from A Agricultural Zone and OS1 Open Space Conservation Zone to R5 Residential Zone and OS1 Open Space Conservation Zone to implement the proposed residential draft plan of subdivision, as shown on Attachment #3.
2. An application for Draft Plan of Subdivision approval (File 19T-06V15) for the subject lands shown on Attachment #2, to facilitate a residential plan of subdivision, as shown on Attachment #3, consisting of the following:

• 43 lots with minimum 15.0 frontages (86 semi-detached units)	2.40 ha
• stormwater management block	1.03 ha
• noise berm block	0.74 ha
• valleyland block	0.47 ha
• buffer block	0.12 ha
• 9.0 m wide emergency access block	0.04 ha
• road widening	0.03 ha
• 0.3 m reserves	0.01 ha
• 6.0 m landscape buffers	0.06 ha
• roads	<u>0.91 ha</u>
Total Site Area	5.81 ha

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Background - Analysis and Options

The subject lands shown on Attachment #2 are located on the north side of Langstaff Road, west of the Canadian Pacific Rail line, in Part of Lot 11, Concession 8, City of Vaughan. The lands are currently vacant. The surrounding land uses are shown on Attachment #2.

Official Plan

The subject lands are designated “Low Density Residential” (tableland) and “Drainage Tributary” (valleyland) by OPA #240 (Woodbridge Community Plan). The “Low Density Residential” designation permits detached and semi-detached dwelling units at a maximum gross density of 7.4 units/ha, which is calculated on a neighbourhood plan basis. The proposed draft plan of subdivision conforms to the Official Plan, as discussed in this report.

Neighbourhood Plan

The subject lands are located within the Neighbourhood 4A Development Plan as shown on Attachment #4, which was approved by Council in October 1988 and last revised in 2006. This plan deals with land use, transportation and roads, traffic impact and density. The Neighbourhood Plan is implemented through the approval of individual plans of subdivision.

To ensure the orderly development of the Woodbridge Community, Section 12(h) in OPA #240, as amended, provides the following:

“To enable the City and the Region to co-ordinate the development of individual plans of subdivision and to establish priorities for the provision of municipal and regional services and facilities, the City shall require the preparation and adoption of detailed neighbourhood development plans prior to permitting major development to proceed in certain areas. Such neighbourhood development plans need not form an amendment to this Plan.”

The proposed land use and subdivision design is generally consistent with the Council approved Neighbourhood 4A Development Plan with the exception of the road design. The Neighbourhood Plan shows a single road from Langstaff Road terminating in a cul-de-sac. The subject draft plan features a "P"-loop road with access/egress from Langstaff Road. The Neighbourhood 4A Plan will be updated with the proposed road pattern, should Council approve the subject subdivision application.

Density

OPA #240 sets out four residential Neighbourhoods for the Woodbridge Community and provides density requirements for each. The subject lands are situated within the Neighbourhood 4A Development Plan, which permits a maximum gross density of 7.4 units/ha calculated on a neighbourhood plan basis.

The Neighbourhood 4A Development Plan permitted a maximum of 1145 units within its boundaries (Attachment #4). Based on the number of units built and approved in Neighbourhood 4A, 274 units remain for development, which will accommodate the 86 units proposed for this development.

Zoning

The subject lands are zoned A Agricultural Zone (tableland) and OS1 Open Space Conservation Zone (valleyland) by By-law 1-88, subject to Exception 9(40) as shown on Attachment #2. To facilitate the proposed draft plan of subdivision as shown on Attachment #3, a zoning by-law

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amendment is required to rezone the residential tableland to R5 Residential Zone, and the valleylands, buffer block, stormwater pond, access block to the storm pond, and the noise berm to OS1 Open Space Conservation Zone as shown on Attachment #3.

The following site-specific zoning exceptions are required to facilitate the proposed draft plan of subdivision:

- a) permit a rear yard setback of 4.0 m for Lots 6 and 7, whereas 7.5 m is required;
- b) permit a rear yard setback of 5.0 m for Lots 8, 33, 34 and 35, whereas 7.5 m is required;
- c) permit a rear yard setback of 6.0 m for Lots 9 and 32, whereas 7.5 m is required;
- d) permit a rear yard setback of 6.5 m for Lot 10, whereas 7.5m is required;
- e) permit a minimum lot area of 212 m² (per unit) for Lot 8, whereas 225 m² is required;
- f) permit a minimum lot area of 215 m² (per unit) for Lot 9, whereas 225 m² is required; and,
- g) permit a minimum interior side yard setback of 1.2 m, whereas 1.5 m is required.

The implementing zoning by-law should also include CP's requirement that any dwelling be setback a minimum distance of 30 m from the railway right-of-way.

The Development Planning Department has no objections to the above-noted exceptions to By-law 1-88, which will facilitate an appropriate subdivision design.

Subdivision Design

The proposed draft plan of subdivision shown on Attachment #3 has been prepared in accordance with the approved Neighbourhood 4A Plan with the exception of the road design as previously discussed. The proposed lotting pattern is consistent with the plan of subdivision on the west side of the Open Space system. The proposed road allowance incorporates widths of 15.0 m and 17.5 m, with a 25.5 m wide access/egress to Langstaff Road. A total of 43 lots for 86 semi-detached units are proposed, each with a 7.5 m frontage. The appropriate open space, buffer, and stormwater management blocks are proposed, which must be dedicated to the City and/or Toronto and Region Conservation Authority.

Energy Star

On November 12, 2007, Vaughan Council adopted Energy Star Conditions to be included in all Draft Plan of Subdivision approvals. The subdivision plan will be subject to the Energy Star requirements, and the conditions of approval are included on Attachment #1.

Vaughan Engineering Department

The Vaughan Engineering Department provides the following comments:

a) Environmental Site Assessment

The subject site has been used for the placement of contaminated fill in the past. The Owner has submitted the requisite reports to address the proper clean-up of the lands. The City of Vaughan, with the assistance of Terrapex Environmental Ltd. as a peer reviewer, has approved a Remedial Action Plan that was submitted by the applicant. Prior to the final registration of the plan of subdivision, the Owner must demonstrate that the clean-up of the subject lands has been undertaken in conformance with the approvals.

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b) Sewage and Water Allocation

In accordance with the City's Servicing Capacity Distribution Protocol as adopted by Council on March 31, 2008, formal allocation of Servicing Capacity is required for this development. The subdivision application is listed on the Priority 2 Schedule of the Protocol, and provides a reservation of servicing capacity for a total of 86 units. A formal allocation resolution is included in the recommendation of this report, in this respect.

c) Water Supply

The draft plan is located within the service area of Pressure District 5 of the York Region Water Supply System. The applicant is proposing two watermains on Street "A" with two connections to the existing 300 mm diameter watermain on Langstaff Road in order to temporarily provide a looped water supply system to the draft plan. As part of the next phase of development of the abutting lands to the north of the draft plan, the Owner is proposing to extend the proposed watermain within the stormwater management block to provide a water supply and a permanent looped system by connecting to the existing watermain on Campania Court. The Owner is proposing that once the connection to Campania Court is constructed, the double watermains on Street "A" will become redundant and the applicant will decommission one watermain at no cost to the City and to the satisfaction of the City.

d) Storm Drainage

The storm water drainage from the subject lands are tributary to the Robinson Creek Valley. The Functional Servicing Report (FSR) proposes to construct a storm water detention pond within the north area of the draft plan to accommodate the drainage from the subject draft plan, including the external tributary lands north of the draft plan.

Prior to final approval of the plan, the Owner shall provide a storm water management report for the review and approval of the City.

e) Sanitary Servicing

The draft plan can be serviced by connecting to the existing 200 mm diameter sanitary sewer on Woodcroft Lane, located south of the draft plan, on the south side of Langstaff Road.

f) Road Network

The local roads are proposed as 15 m and 17.5 m wide right-of-ways within the draft plan. The current City of Vaughan Engineering Standards recommend a 20 m cross-section on most local residential roads and 18.5 m cross-section on a cul-de-sac with less than 40 residential units. The City has supported reduced road allowances known as Alternative Design Standards (ADS) in other instances. The Engineering Department has no objection to establishing 15 m and 17.5m road allowances within this draft plan.

The subdivision also incorporates unique daylighting triangles measuring 20.0 m x 10.0 m located at the intersection of Street "A" and Langstaff Road, in order to afford additional sight lines along Langstaff Road. The deviation from the standard 15.0 m x 15.0 m daylighting triangles to the enhanced 20.0 m x 10.0 m day-lighting triangles is an exception that is supported by the Engineering Department, however is limited to the specific sight line requirements of this draft plan. In addition, the design of Street "A" as a feeder road cross-section will include two 6 m wide minimum pavement sections separated by a centre median and line painting to facilitate fire route requirements at the intersection with Langstaff Road.

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Originally, this centre median restricted vehicular traffic to right-in/right-out movements only for Lot 19. However, through recent discussions between the Development Planning Department and the Engineering Department, the northerly extension of the centre median, which was to have terminated at the first east/west road, will now terminate below the southerly driveway of Lot 19, thereby allowing full unrestricted access to the two driveways on Lot 19. Appropriate line painting will replace the section of the centre median that would have extended to the first east/west road. The draft plan of subdivision shown on Attachment #3, has been red-lined to address the revisions to the centre median.

g) Noise Attenuation

Due to the proximity of the proposed draft plan of subdivision to Langstaff Road and the abutting railway, the Owner is required to submit a noise report for review and approval by the City as part of the detailed engineering submission. Despite the preliminary recommendations in the noise report, the City requires all dwelling units that abut or face an arterial road such as Langstaff Road and/or a railway be constructed with mandatory central air-conditioning. All required acoustic barriers abutting public lands shall be constructed with the required berming and/or fencing material, including foundations, completely on private lands and totally clear of any 0.3 m road reserve.

h) Streetlighting

The streetlighting design shall meet the City criteria within the proposed draft plan of subdivision and at the Langstaff Road intersection.

Toronto and Region Conservation Authority (TRCA)

The TRCA has reviewed the proposed draft plan of subdivision and related zoning application together with a Remedial Action Plan (RAP), prepared by Terra Firma Plus Inc., that addressed the proposed clean-up of the contaminated lands. The TRCA supports the approval of the draft plan of subdivision and related zoning application subject to the conditions of approval provided on Attachment #1.

The TRCA has noted that the Owner is required to retain a qualified environmental inspector/engineer to be on-site to ensure that the erosion and sediment control measures to be applied are maintained at all times during the construction of the remediation works on the site. As part of the Remedial Action Plan, the proponent will also use a layered approach to the removal of the site material/contaminants. The purpose of this approach is to dig up the site layer by layer in order to ensure the stability of the site and to provide the continued upkeep of the erosion and sediment control measures necessary to prevent the migration of materials or other matters during the course of construction.

The TRCA requires that the lands forming part of the valleylands and the requisite 5 m buffer be zoned into an open space zoning category that would prohibit any redevelopment of the said lands. Additionally, these lands are to be dedicated into public ownership, either to the TRCA or the City of Vaughan, in order to ensure the long term protection of these lands.

The TRCA also notes that as part of the on-going development process, the Owner has submitted a Permit Application pursuant to Ontario Regulation 166/06, in order to proceed with the remedial works.

Cultural Services Department

The Vaughan Cultural Services Department has no objection to the approval of this draft plan of subdivision, subject to the conditions of approval on Attachment #1.

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Parks Development

The Vaughan Parks Development Department has no objections to the approval of the subject applications. The applicant is to provide cash-in-lieu of parkland dedication in accordance with the requirements of the Planning Act. Open Space and stormwater pond areas shall not form part of the cash-in-lieu of parkland dedication calculation.

School Boards

The York Region District and York Region Catholic District School Boards have no objection to the approval of the draft plan of subdivision and zoning application, subject to the condition provided on Attachment #1.

Canada Post

Canada Post has no objection to the approval of the draft plan of subdivision and zoning application, subject to the conditions provided on Attachment #1.

Canadian Pacific Railway

Canadian Pacific Railway has no objection to the approval of the draft plan of subdivision and zoning amendment application, subject to the conditions provided on Attachment #1.

Relationship to Vaughan Vision 2020

This report is consistent with the priorities set forth in Vaughan Vision 2020, particularly “Plan & Manage Growth & Economic Vitality”.

Regional Implications

The Region of York has no objection to the approval of the draft plan, provided water and sewer servicing capacity has been allocated, and subject to the conditions outlined on Attachment #1.

Conclusion

The Development Planning Department has reviewed the Draft Plan of Subdivision and Zoning By-law Amendment Applications to permit a 43 lot subdivision to facilitate 86 semi-detached units, together with open space, and stormwater management and access blocks. The proposal conforms with the policies of the Official Plan, and is generally consistent with the approved Neighbourhood 4A Development Plan, and with development in the surrounding area. The proposed zoning categories and exceptions to By-law 1-88 are considered to be appropriate. Accordingly, the Development Planning Department recommends that the applications be approved, subject to the conditions provided in Attachment #1.

Attachments

1. Conditions of Draft Plan Approval
2. Location Map
3. Draft Plan of Subdivision 19T-06V15, As Red-Lined
4. Neighbourhood 4A Plan

Report prepared by:

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Mauro Peverini, Senior Planner, ext. 8407

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(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 58, Report No. 24, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on May 12, 2008.

58

**ZONING BY-LAW AMENDMENT FILE Z.00.081
GIUSEPPE MORELLI
SITE DEVELOPMENT FILE DA.07.049
RITAJO DEVELOPMENTS LIMITED**

The Committee of the Whole recommends:

- 1) That the recommendation contained in the following report of the Commissioner of Planning, dated May 5, 2008, be approved; and**
- 2) That the deputation of Mr. David McKay, MHBC Planning, 7050 Weston Road, Suite 230, Vaughan, L4L 8G7, on behalf of the applicant, be received.**

Recommendation

The Commissioner of Planning recommends:

1. THAT the Ontario Municipal Board be advised that Council endorses the approval of Zoning By-law Amendment File Z.00.081 (Giuseppe Morelli), subject to the following:
 - a) that By-law 1-88 be amended to rezone the subject lands shown on Attachment #1 from A Agricultural Zone to C4 Neighbourhood Commercial Zone with the following exceptions to implement the proposed site development shown on Attachment #2:
 - i) permit snow storage on 20 parking spaces and associated parking aisles between December 1st and April 1st of any year, whereas By-law 1-88 requires exclusive use of parking spaces and aisles for the parking of motor vehicles;
 - ii) establish the parking ratio for business and professional offices as 3.0 spaces/100m² GFA, to implement the standard required in OPA #651, whereas By-law 1-88 requires 3.5 spaces/100 m² GFA;
 - iii) establish the parking ratio for all retail/commercial uses as 4.25 spaces/100m² GFA, to implement the standard required in OPA #651, whereas By-law 1-88 requires specific parking ratios for various retail and commercial uses;
 - iv) establish the total minimum number of required parking spaces on the site as 319 spaces;
 - v) permit the loading area for the Food Store to be located between the building and Forest Run Boulevard, whereas By-law 1-88 does not permit loading between a building and a street;
 - vi) permit a minimum landscape strip width of 1.0m along the lot lines abutting Rutherford Road and Dufferin Street and permit the provision of access driveways, retaining walls, stairways, and walkways to be located within the landscape strip, whereas Bylaw 1-88 requires a landscape strip width of 6.0m in these locations for landscape purposes only;

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- vii) permit a minimum landscape strip width of 1.4m along the southerly boundary of the subject lands which may contain retaining walls and acoustical and guard rail fencing within the landscape strip, whereas By-law 1-88 requires a minimum 2.4m wide landscape strip in this location for landscape purposes only;
- viii) establish building envelopes for the site which reflect the locations of the four buildings on the site plan as shown on Attachment '2';
- ix) permit canopies to be located outside of the established building envelopes for all four buildings;
- x) permit the minimum building height to be two-storeys (6m) for Buildings CRU 1A and 1B as shown on Attachment #2;
- xi) permit a maximum lot area of 26,700m², whereas By-law 1-88 limits the maximum lot area in a C4 Neighbourhood Commercial Zone to 25,000m²;
- xii) permit a total gross floor area of all buildings on the subject lands to be 7,700m², whereas By-law 1-88 restricts the maximum gross floor area of buildings to 7,000m²;
- xiii) restrict the maximum gross floor area of the Food Store shown on Attachment #2 to 4,000m², to implement the requirement of OPA #651, whereas By-law 1-88 does not contain a maximum provision regarding floor areas for free standing buildings;
- xiv) permit the following site-specific C4 Neighbourhood Commercial Zone uses on the subject lands to implement the broader commercial uses permitted by the "Mixed Use - 1" policies of OPA #651:
 - Bank or Financial Institution;
 - Brewers Retail Outlet;
 - Business or Professional Office;
 - Club or Health Centre;
 - Eating Establishment;
 - Eating Establishment, Convenience;
 - Eating Establishment, Take-Out;
 - L.C.B.O. Outlet;
 - Outdoor Patio associated with an Eating Establishment, Eating Establishment, Convenience, and an Eating Establishment, Take-Out, in accordance with Section 5.1.6;
 - Personal Service Shop;
 - Pet Grooming Establishment, to be contained within a wholly enclosed building;
 - Photography Studio;
 - Retail Store;
 - Service or Repair Shop;
 - Supermarket;
 - a Seasonal Outdoor Garden Centre as an accessory use to a supermarket shall also be permitted subject to the following:
 - i) the maximum area devoted to a seasonal garden centre shall not exceed 585m²;

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- ii) a seasonal garden centre shall be defined as land or structure used for the sale of plants, shrubs, or trees and other associated products for household gardening needs and shall operate from and including April 15th to and including August 31st of any year; and,
 - iii) a seasonal garden centre may occupy a maximum of 20 parking spaces and the associated parking aisles for the shopping centre, and shall not require additional parking spaces;
 - Veterinary Clinic; and,
 - Video Store.
2. THAT the Ontario Municipal Board be advised that Council endorses the approval of Site Development File DA.07.049 (Ritajo Developments Limited), to permit the development of a commercial plaza as shown on Attachment #2, subject to the following conditions:
- a) that prior to the execution of the site plan agreement or letter of undertaking, whichever is in effect:
 - i) the final site plan, elevation drawings and landscape plan shall be to the satisfaction of the Vaughan Development Planning Department;
 - ii) the final site servicing and grading plans and stormwater management report, access, and on-site circulation shall be to the satisfaction of the Vaughan Engineering Department;
 - iii) the Owner shall enter into a servicing agreement to the satisfaction of the Vaughan Engineering Department for the external storm sewer;
 - iv) the Owner shall register a maintenance easement over the future southerly residential portion of the property, to be implemented at severance prior to any subdivision and/or transfer of the lands into a different ownership other than the current landowner;
 - v) the Owner shall fulfill all hydro requirements to the satisfaction of PowerStream Inc;
 - vi) the Owner shall satisfy the requirements of the Region of York Transportation Services Department;
 - vii) the Owner shall provide the Vaughan Engineering Department with confirmation of the Ministry of Environment's Registration of the Record of Site Condition;
 - viii) an application to sever the southerly portion of the Owner's overall site for residential purposes shall be filed with the Committee of Adjustment; and,
 - b) that the implementing site plan agreement or letter of undertaking, whichever is in effect, shall include the following conditions:

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- i) the Owner shall pay by way of a certified cheque, cash-in-lieu of the dedication of parkland equivalent to 2% of the value of the commercial component, prior to the issuance of a Building Permit, in accordance with the Planning Act and the City's Cash-in-lieu Policy. The Owner shall submit an appraisal of the subject lands, in accordance with Section 42 of the Planning Act, prepared by an accredited appraiser for approval by the Vaughan Legal Department, Real Estate Division, and the approved appraisal shall form the basis of the cash-in-lieu payment;
 - ii) garbage collection and snow removal for the commercial plaza shall be the responsibility of the Owner;
 - iii) Development Charges are to be paid in accordance with the Development Charges By-law applicable at the time of Building Permit issuance;
 - iv) the Owner shall implement the recommendations of the Environmental Noise Impact Assessment for the subject lands, prepared by Valcoustics Canada Ltd., dated February 15, 2008;
 - v) the Owner shall be notified by the City of any changes regarding streetscape furnishing as the City's Carrville District Centre Master Plan Study progresses, and that the landscape plans will be amended, accordingly; funding for the enhanced streetscape elements within the rights-of-way delineated by the future streetscape materplan will be secured through the Letter of Credit for this site plan; and,
 - vi) prior to any grading, stripping of topsoil and initiation of construction on the site, all Environmental Site Assessment (ESA) reports must be reviewed and approved by the City, which means an updated Phase I ESA, and possibly Phase II and Phase III ESA's, if deemed necessary, by the City.
3. THAT Staff be directed to attend the Ontario Municipal Board Hearing in support of the applications.
 4. THAT the Ontario Municipal Board withhold the issuance of the final Order approving the site plan and the draft implementing Zoning By-law until such time as the Vaughan Engineering Department has confirmed the registration of the Record of Site Condition by the Ministry of Environment.

Economic Impact

There are no requirements for new funding associated with this report.

Communications Plan

N/A

Purpose

The Owner has submitted a Site Development Application (File DA.07.049, Ritajo Developments Limited) on the subject lands shown on Attachment #1, to permit the development of a commercial plaza on a 1.6 ha site as shown on Attachment #2.

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It will also be necessary to amend the draft zoning by-law currently before the Ontario Municipal Board, with the necessary zoning exceptions to facilitate the site development shown on Attachment #2. Accordingly, revisions to the Zoning By-law Amendment Application (File Z.00.081, Guiseppa Morelli), will also be considered.

The Owner has referred both the Zoning By-law Amendment and Site Development Applications to the Ontario Municipal Board (OMB). An OMB Telephone Conference Hearing is scheduled for May 14, 2008, to advise the Board of the status of the applications and resolution of previously identified outstanding issues.

Background - Analysis and Options

The subject lands shown on Attachment #1 are located at the southwest corner of Dufferin Street and Rutherford Road, in Part of Lot 15, Concession 3, Planning Block 17, City of Vaughan. The rectangular commercial site has frontage of approximately 209m on Rutherford Road, and approximately 78m along both Dufferin Street and Forest Run Boulevard (130m if residential included). Attachment #1 shows the entire Ritajo Developments Limited landholding, including land along the southern property boundary which is not part of this site plan application and is not intended for development at this time. The applicant intends to file a severance application with the Committee of Adjustment to sever the commercial portion of the property from the future southerly residential portion (for townhouses). The surrounding land uses are shown on Attachment #1.

Previous Ontario Municipal Board Decision

The applicant originally filed Official Plan and Zoning By-law Amendment Applications for the subject lands to permit the development of a 10,000m² GFA commercial plaza, with a 0.75ha townhouse development along the southerly portion of the property. These applications were referred to the Ontario Municipal Board (OMB) by the applicant and were considered at an OMB Hearing on April 13, 2004. As part of the OMB Hearing, conformity with the Oak Ridges Moraine Conservation Plan was reviewed. The Oak Ridges Moraine Conformity Report by Valdor Engineering was approved earlier by the City of Vaughan on February 25, 2004. The OMB released its Order for these applications on June 23, 2004. In the decision, the OMB approved a modified site-specific Official Plan Amendment (OPA #655) and draft Zoning By-laws for both the commercial and residential portions of the subject lands, but withheld the issuance of the final Order with respect to these applications pending receipt of a letter from the City of Vaughan indicating that site plan approval had been granted for the proposed development of these lands and pending receipt of a letter from the Trustee for the Block 17 Landowners Group confirming full payment of cost sharing in accordance with the provisions of an Agreement, dated June 16, 2004, between Ritajo Developments and the Block 17 Landowners Group.

Following the issuance of the OMB's June 23, 2004 Order concerning the subject lands, the City adopted OPA 651, the Carrville District Centre Plan on May 23, 2006. OPA 651 provides the policy framework for the overall Carrville District Centre (ie. 4 quadrants at the intersection of Dufferin Street and Rutherford Road), which includes the subject property within its boundaries. Given that the conditions of the June 23, 2004 OMB decision concerning the subject lands were not met at that time, and the Board had not released its final Order concerning the Official Plan and Zoning By-law Amendments for the subject lands, prior to the adoption of and final approval of OPA 651, the City has determined that OPA 651 is the applicable policy framework within which any applications in the Carrville District Centre are to be processed.

Current Ontario Municipal Board Proceedings

The OMB's June 23, 2004 Order provided the opportunity for the Board to settle the site plan matters and reconvene the Hearing and settle the site plan and any consequential changes to the

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proposed zoning for the site. On May 2, 2007, Ritajo Developments Limited filed a site plan application for a commercial plaza on the northerly portion of the subject lands. On June 21, 2007, the applicant appealed the site plan application to the OMB. A pre-hearing was held on December 4, 2007, and a telephone conference hearing date was set for April 16, 2008. At that hearing, all parties agreed that additional time was required to resolve outstanding issues and a second telephone conference hearing was set for May 14, 2008, to deal with the site plan and zoning amendment applications before the Board.

Current Site Plan Application

The commercial site plan (Attachment #2) has been reviewed in the context of the policies contained in OPA 651 (Carrville District Centre Plan). Schedule "A" of OPA 651 designates the landholding as "Mixed Use 1 Designation - Exception 5" and "Medium Density Residential". The "Medium Density Residential" designation applies to the southerly portion of the applicant's lands which is not part of this site plan application. Any future residential development application for this portion of the landholding will be subject to the "Medium Density Residential" policies of Section 3.5 of OPA 651, and other development processes under the Planning Act. It is anticipated that this portion of the site will be developed as a common elements condominium townhouse development.

Official Plan - OPA 651 Policies

Section 3.2 of OPA 651 contains the "Mixed Use 1" policies applicable to the proposed commercial portion of the subject lands. This designation represents the primary retail development area within the Carrville District Centre. It is Council's intent that such development be characterized by high quality design standards and visual attractiveness, providing a consistent image of the prime importance of the district centre. The permitted uses are mixed uses, with commercial and residential/office uses in the same building with the primary retail uses at grade. Other uses are permitted as part of mixed use buildings.

The "Mixed Use 1" policies in Section 3.2 c):

- limit the Floor Space Index of the mixed use buildings to 2.5 FSI;
- restrict the minimum and maximum height of the buildings to 2 and 6 storeys, respectively;
- does not permit stand alone single use buildings other than the exception provided in Policy 3.2 d) (Exception 5), which permits one stand alone food store, as discussed later in this report; and
- require buildings to be sited close to the street right-of-way to create a suitable public realm.

The proposed site plan shown on Attachment #2, contemplates three mixed use commercial retail/office buildings and a 3,964.29m² stand alone food store. The buildings and site landscaping have been designed to create an attractive streetscape and desirable mixed use development at this primary corner within the Carrville District Centre.

a) FSI and Building Height

The Development Planning Department is satisfied that the proposed FSI of 0.46 for this site plan complies with the maximum 2.5 FSI permitted on this site by OPA 651. OPA 651 restricts the building height on the subject lands to between 2 and 6 storeys. The proposed retail commercial/office buildings at the corner of Dufferin Street and Rutherford Road are two-storeys

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or equivalent in height. A variation in building heights has been used given the grading of the property to create an attractive streetscape. The height of the mixed-use buildings increases towards the Dufferin Street and Rutherford Road intersection to emphasize the core of the future Carrville District Centre. The building height steps down slightly from the intersection to provide a transition to the existing residential uses abutting the site. Parapet treatment has been used on the street side of the building elevations to create an attractive street frontage and transition between building heights. The Development Planning Department is satisfied that the building heights meet the intent of the minimum height policies for the subject lands.

b) Mixed Use and Stand Alone Buildings

Although the “Mixed Use – 1” policies of OPA 651 do not permit single use stand alone buildings within the designation, OPA 651 provides an exception allowing one stand alone single use retail building with a maximum ground floor plate of 5,750m² on the subject lands. The building identified on the proposed site plan as “Food Store” with a floor plate labeled as 3,756.88m² complies with this exception.

The CRU 2 commercial retail building along the Rutherford Road frontage has an area of 417.63m² and can be used for multiple retail commercial units, however, will be used as a bank (BMO). The CRU 2 building was separated from the CRU 1 building to break up the building massing along the streetscape and to provide visual permeability into the site. The CRU 1A building located along Rutherford Road contains multiple units and has a two storey component located closer to Dufferin Street. The CRU 1C building which fronts along Dufferin Street contains a 1577.47m² unit, intended for a Shoppers Drug Mart, together with CRU 1B building that contains mixed-commercial retail units with a second floor.

The proposed buildings are located close to the Dufferin and Rutherford Road rights-of-way to create an interesting public realm and an attractive streetscape as shown on the landscape plan (Attachment #3), and highlighted by engaging building elevations as shown on Attachments #4, #5, #6, #7 and #8. The commercial retail units have entrances to both the street and the parking area to enhance the pedestrian realm. The corner buildings define a public plaza at the intersection of Dufferin Street and Rutherford Road and have entrances on the street-side elevations and onto the proposed public plaza.

c) Urban Design

The Urban Design Policies of OPA 651 provide for Council to adopt Urban Design Guidelines for the overall Carrville District Centre. Although the City has recently commenced the *Carrville District Centre Urban Streetscape Master Plan Study in early 2008*, the study is not complete and guidelines have not been adopted by Council, which is expected by the end of 2008. The subject lands are located at a prominent corner within the District Centre, and the Development Planning Department had wanted the design to be reviewed within the context of a future Master Plan. However, due to the timing of the OMB Hearing for the subject lands, the site plan application has been processed ahead of the future urban design guidelines and streetscape master plan. The applicant, the Development Planning Department and the Region of York will work together to ensure that the development proposed on this site will have an integrated and prominent built form and a consistent streetscape character that will be maintained throughout the Carrville District Centre.

The proposed site plan, landscape plan and elevation drawings were reviewed in the context of the OPA 651 Urban Design policies for the overall district.

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d) Built Form

The Built Form Policies of OPA 651 require the buildings to be sited in a manner that will create a clearly defined pedestrian scaled streetscape with positive elevations to all adjacent streets. To address this policy, many of the commercial entrances have been oriented towards Rutherford Road and Dufferin Street and a significant amount of vision glazing will be provided where possible. In addition, to address the OPA 651 built form and streetscape requirements, the buildings have been located as close to the lot lines and sight triangle as possible, to provide convenient access for pedestrians and to public transit while addressing the Regional requirements for setbacks and landscaping.

The Built Form policies of OPA 651 also require a minimum built frontage on those portions of the site fronting onto Rutherford Road and Dufferin Street. The Built Form policy recognizes the significance of corner buildings within the District Centre and requires consistent treatment of corner sites throughout the Carrville District Centre area. The policies require that the corner building designs express prominence and distinctiveness to reinforce their landmark status in the streetscape for the intersection and are therefore required to be a minimum of 2-storeys in height.

The site plan and elevations meet the required built frontage policies of OPA 651. The policies regarding Built Form and Significant Corner Buildings have also been addressed through the design of two storey corner buildings which are articulated to define and enhance the intersection by providing a presence at the southwest corner of the Dufferin and Rutherford Road intersection.

In addition, the Built Form policy envisions buildings which turn the corner with façades articulated toward both streets. Although the proposed corner buildings are physically separate, their distinctive architectural design and use of high quality building materials provides the sense that the building turns the corner. The buildings are sited to provide an attractive public realm from the intersection and into the plaza that satisfactorily addresses the Built Form policies of OPA 651 and the Region's setback requirements. The landscape and building elevations have been designed to reflect the importance of the corner properties, provide pedestrian permeability, and reduce the distance between buildings for pedestrians along Dufferin Street and Rutherford Road. The policies of OPA 651 require a build within zone of between 0.6 and 2.0 metres abutting the Regional sight triangle. The site plan meets both the City's policy requirements and the Regional standards for setbacks and landscaping adjacent to and within setbacks and rights-of-ways.

OPA 651 requires that the zoning by-law establish the build within zones. The proposed draft by-law (Attachment #9 – Mayor and Councillors Only) reflects the building envelopes shown on the site plan (Attachment #2). Should Council concur with the recommendation to approve the subject site plan, the draft by-law will be forwarded to the OMB for approval.

e) Pedestrian Realm

The Pedestrian Realm policies of OPA 651 provide policies regarding the location of loading areas relative to a street. Given the design of the site, the loading area for the food store building is located at the rear of the building, facing Forest Run Boulevard. The Development Planning Department has worked with the applicant to ensure the proposed site plan is consistent with the policies of OPA 651. The applicant has designed a screen wall to adequately screen the proposed loading area from view of the residents along Forest Run Boulevard. In addition, the applicant has obtained additional lands from the Block 17 Landowners Group behind the rear of the proposed food store and has used this in creating a wider landscaped area to help screen the loading area from view. The loading area for the Shopper's Drug Mart building has also been screened from view along Dufferin Street using a screen wall.

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The pedestrian realm and streetscape for the site have been enhanced by providing street-side pedestrian entrances to the buildings where possible, to conveniently access transit and taking pedestrian comfort into consideration. A sidewalk close to the building frontages and awnings/canopies are used to provide protection over the building entrances and enhance the appearance of the streetscape. A variety of building materials enhance the appearance of the buildings and provide a more pedestrian oriented streetscape realm.

f) Official Plan Summary

The Development Planning Department is satisfied that the proposed site plan meets the intent of the policies of the “Mixed Use – 1” designation in OPA 651, which apply to the subject lands.

Zoning

The subject lands are currently zoned A Agricultural Zone by By-law 1-88. As indicated above, the earlier OMB decision approved a zoning by-law amendment application to apply a site-specific C4 Neighbourhood Commercial Zone for the subject lands, but withheld the issuance of the final Order, until a satisfactory site plan was approved by the City.

During the processing of the subject site plan it became evident that the draft commercial zoning by-law before the OMB in the June 23, 2004 decision would require revisions to reflect the final site plan for the current proposal. The amended zoning by-law would implement the C4 Neighbourhood Commercial Zone standards with site-specific exceptions to implement the final approved site plan, as follows:

- i) permit snow storage on 20 parking spaces and associated parking aisles between December 1st and April 1st of any year, whereas By-law 1-88 requires exclusive use of parking spaces and aisles for the parking of motor vehicles;
- ii) establish the parking ratio for business and professional offices as 3.0 spaces/100m² GFA, to implement the standard required in OPA #651, whereas By-law 1-88 requires 3.5 spaces/100 m² GFA;
- iii) establish the parking ratio for all retail/commercial uses as 4.25 spaces/100m² GFA, to implement the standard required in OPA #651, whereas By-law 1-88 requires specific parking ratios for various retail and commercial uses;
- iv) establish the total minimum number of required parking spaces on the site as 319 spaces;
- v) permit the loading area for the Food Store to be located between the building and Forest Run Boulevard, whereas By-law 1-88 does not permit loading between a building and a street;
- vi) permit a minimum landscape strip width of 1.0m along the lot lines abutting Rutherford Road and Dufferin Street and permit the provision of access driveways, retaining walls, stairways, and walkways to be located within the landscape strip, whereas Bylaw 1-88 requires a landscape strip width of 6.0m in these locations for landscape purposes only;
- vii) permit a minimum landscape strip width of 1.4m along the southerly boundary of the subject lands which may contain retaining walls and acoustical and guard rail fencing within the landscape strip, whereas By-law 1-88 requires a minimum 2.4m wide landscape strip in this location for landscape purposes only;

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- viii) establish building envelopes for the site which reflect the locations of the four buildings on the site plan as shown on Attachment '2';
- ix) permit canopies to be located outside of the established building envelopes for all four buildings;
- x) permit the minimum building height to be two-storeys (6m) for Buildings CRU 1A and 1B as shown on Attachment #2;
- xi) permit a maximum lot area of 26,700m², whereas By-law 1-88 limits the maximum lot area in a C4 Neighbourhood Commercial Zone to 25,000m²;
- xii) permit a total gross floor area of all buildings on the subject lands to be 7,700m², whereas By-law 1-88 restricts the maximum gross floor area of buildings to 7,000m²;
- xiv) restrict the maximum gross floor area of the Food Store shown on Attachment #2 to 4,000m², to implement the requirement of OPA #651, whereas By-law 1-88 does not contain a provision regarding floor areas for free standing buildings;
- xiv) permit the following site-specific C4 Neighbourhood Commercial Zone uses on the subject lands to implement the broader commercial uses permitted by the "Mixed Use - 1" policies of OPA #651:
 - Bank or Financial Institution;
 - Brewers Retail Outlet;
 - Business or Professional Office;
 - Club or Health Centre;
 - Eating Establishment;
 - Eating Establishment, Convenience;
 - Eating Establishment, Take-Out;
 - L.C.B.O. Outlet;
 - Outdoor Patio associated with an Eating Establishment, Eating Establishment, Convenience, and an Eating Establishment, Take-Out, in accordance with Section 5.1.6;
 - Personal Service Shop;
 - Pet Grooming Establishment, to be contained within a wholly enclosed building;
 - Photography Studio;
 - Retail Store;
 - Service or Repair Shop;
 - Supermarket;
 - a Seasonal Outdoor Garden Centre as an accessory use to a supermarket shall also be permitted subject to the following:
 - i) the maximum area devoted to a seasonal garden centre shall not exceed 585m²;
 - ii) a seasonal garden centre shall be defined as land or structure used for the sale of plants, shrubs, or trees and other associated products for household gardening needs and shall operate from and including April 15th to and including August 31st of any year; and,

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- iii) a seasonal garden centre may occupy a maximum of 20 parking spaces and the associated parking aisles for the shopping centre, and shall not require additional parking spaces;
- Veterinary Clinic; and
- Video Store.

The above noted site-specific zoning by-law exceptions are considered appropriate, and the Development Planning Department supports these exceptions which are consistent with OPA 651 and with the proposed site plan amendment to facilitate the development of the proposed commercial plaza. Should Council approve the site plan application, the OMB will be requested to approve the draft zoning by-law shown on Attachment #9 (Mayor and Councillors Only). The remaining southerly lands, not subject of this application, will continue to be zoned A Agricultural Zone, until a site plan is submitted and approved for these lands, at which time the OMB will be requested to approve the other draft by-law currently before them, which would rezone the southerly parcel to an appropriate residential category.

Site Design

The proposed site plan is shown on Attachment #2. The primary vehicular entrance to the site is a limited movement entrance off Rutherford Road, east of Forest Run Boulevard, with secondary accesses provided on Forest Run Boulevard and Dufferin Street. Truck access is designed to be from these secondary accesses to the Shoppers Drug Mart building and to the food store building. Trucks will also exit the site via Forest Run Boulevard and Dufferin Street. As discussed earlier, the loading areas will be screened from street view by screen walls and the use of landscaping.

The buildings are located close to the street frontages, with the parking area in the centre of the site. The buildings have been placed close to the Regional rights-of-way, while continuing to ensure adequate street landscaping to create an attractive streetscape within the District Centre Core.

The applicant has contemplated a seasonal outdoor garden centre accessory to the food store (supermarket) to be located somewhere in the parking area adjacent to the food store. An exception has been included in the draft zoning by-law to limit the size, location, and the period of operation of the garden centre. However, no garden centre has been shown on this site plan and the future location of the garden centre will require a future amendment to the site plan.

Two patio areas have been provided on the east (adjacent to the 2-storey tower) and west sides of the mixed use retail building (ie. CRU 1A) on Rutherford Road. The patio's are to be accessory to a restaurant use in the adjacent unit.

Parking

The central parking area minimizes the impact on the streetscape. The parking area contains some landscaped islands, and where possible, mulch bedding and permeable pavers will be used in the parking islands to provide for on-site infiltration as an environmentally sustainable feature.

The parking standards established by OPA 651 for uses in the District Centre are 4.25 spaces per 100m² for retail commercial uses, and 3.0 spaces per 100m² for office uses. A site-specific zoning exception is required to the parking provisions of By-law 1-88 to implement these parking standards that were established in OPA 651. Based on the above parking standards, the required parking for the proposed development is 319 spaces as outlined below, however, 346 spaces are provided. The proposed zoning makes provision for a possible future outdoor garden centre associated with the food store use. Although the garden centre does not require additional

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parking, it would be located within the parking lot, and would remove no more than 20 parking spaces from the parking total for the site during the summer months, and as snow storage during the winter.

Total Parking Required

Retail	6,894.28m ²	@ 4.25/100m ²	= 293 spaces
Office	758.93m ²	@ 3.0/100m ²	= 23 spaces
Patio	54m ²	@ 4.25m ²	= 3 spaces
Total			= 319 spaces

Total Parking Provided

Total Parking without Seasonal Garden Centre/snow storage = 346 spaces
Total Parking with Seasonal Garden Centre/snow storage = 326 spaces

Building Elevations

a) Shopper's Drug Mart Building

The main entrance to the Shopper's Drug Mart building (CRU 1C on Attachment #2) faces the parking area. The rear of the building is the easterly elevation, fronting onto Dufferin Street. This rear elevation has been enhanced with vision glazing on the rear doors, vision glazed windows, awnings, and a rhythm of alternating spandrel lifestyle panel windows, brick and a stone base. A significant grade difference on site has resulted in the need for a retaining wall along Dufferin Street as shown on Attachment #5. The retaining wall has been terraced and finished in stone to match the base of the Shopper's building. Terracing and enhanced landscaping minimize the impact of the retaining wall height, to create an attractive streetscape that complements the building elevation as shown on Attachment #4.

b) Multi-unit Retail Commercial Buildings

Attached on the north side of the Shopper's building is a multi-unit commercial building (CRU 1B on Attachment #2), which includes entrances on the north and west sides of the building. The facades include vision glazing, awnings, brick and stone accents, as shown on Attachment #5.

The CRU 1A (on Attachment #2) mixed-use commercial building elevation along Rutherford Road utilizes considerable vision glazing, street doors, awnings, brick and stone accents to create a rhythm and a pedestrian scale streetscape, as shown on Attachment #6.

The smaller commercial retail building (CRU 2) located to the west, which will be occupied by the BMO bank as shown on Attachment #7, is finished in similar materials. Stone, brick and awnings are unifying elements tying the plaza buildings together.

As discussed earlier, the two corner building's tower features have a rounded contemporary appearance and are finished in vision glazing to articulate the southwest corner of the Rutherford Road and Dufferin Street intersection.

c) Food Store Building (No Frills)

The main entrance to the food store (Attachment #8) is oriented towards the parking area. The entrance façade and building materials have been enhanced to include awnings, window treatments, stone base and brick accent wall treatments. To enhance the Rutherford Road elevation, which is the north side of the building, awnings and lifestyle panel windows will be used together with brick accents to articulate the façade.

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The rear of the building faces Forest Run Boulevard and additional landscaping has been placed in the landscape strip to help screen this elevation.

d) Other

All roof-top mechanical equipment for each building is screened from Rutherford Road, Forest Run Boulevard and Dufferin Street. All service doors and garbage enclosure doors, including the door-frames will be painted to match the facades. The Development Planning Department has worked with the applicant to ensure that the elevations for all the buildings are consistent with the objectives of the Carrville District Centre, and the final elevations shall be to the satisfaction of the Development Planning Department.

Landscape Plan

The landscape plan (Attachment #3) incorporates landscaping along the perimeter of the site and within the parking areas, and site furnishings such as lamp standards, bike rings, trash receptacles, etc. The Development Planning Department notes that the subject site is within the Carrville District Centre and that the policies of OPA 651 require the development of a Streetscape Master Plan. As noted earlier, this plan is underway, and the processing of this site plan has preceded the approval of the streetscape masterplan. The owner agrees that streetscape furnishings may change as the development of the streetscape master plan progresses, and that the landscape plans will be amended, accordingly. Funding for the enhanced streetscape elements within the rights-of-way delineated by the future streetscape masterplan will be secured through the letter of credit for this site plan.

a) Streetscape

A pedestrian streetscape has been created along Rutherford Road to facilitate continuous, uninterrupted movement through the District Centre with links to a public landscaped area between the two storey buildings, which extends into the sight triangle. The courtyard treatment between the buildings provides views into the site and safe pedestrian permeability into the plaza. Pedestrian scale lighting promotes pedestrian comfort and safety and adds a high quality ambiance within the District Centre. Pedestrian-scale lighting in the courtyard area emphasizes the built form of the corner space and emphasizes landscape elements within this corner space. A variety of landscape elements will be used, including pavers and permeable pavers, bench seating, pedestrian-scale lighting, and a variety of trees, shrubs, sod and other plantings. These landscape elements are intended to draw pedestrians from the street into the plaza.

b) Dufferin Street Retaining Wall

The retaining wall adjacent to the Shopper's building is terraced to reduce the impact of its height and is finished in stone to tie into the base material used on the building. It is landscaped with vines and shrubs to break up the massing and create a more aesthetically pleasing streetscape along Dufferin Street.

c) Entrance Feature

An entrance feature into the subdivision is provided at the southeast corner of Rutherford Road and Forest Run Boulevard to compliment the landscape feature on the opposite corner of Forest Run Boulevard adjacent to the residential subdivision, and to help screen the rear elevation of the food store building.

The final landscape plan and landscape cost estimate must be to the satisfaction of the Development Planning Department.

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Cash-in-Lieu of Parkland Dedication

The Owner will be required to pay to the City of Vaughan by way of certified cheque, cash-in-lieu of the dedication of parkland equivalent to 2% of the value of the subject lands for the commercial component, prior to the issuance of a Building Permit in accordance with the Planning Act and the City's Cash-in-Lieu Policy. The Owner shall submit an appraisal of the subject lands, in accordance with Section 42 of the Planning Act, prepared by an accredited appraiser for approval by the Vaughan Legal Department, Real Estate Division, and the approved appraisal shall form the basis of the cash-in lieu payment.

Engineering

The Vaughan Engineering Department provides the following comments:

a) Record of Site Condition

Given the grade of the property, fill material was placed on the site to create a flat finished grade for the plaza development.

An Environmental Assessment Report was submitted to the City for review. The City recommends that the Ontario Municipal Board withhold its Order after the Hearing, until all Environmental Site Assessment (ESA) reports, which means an updated Phase I ESA, and possibly Phase II and Phase III ESA's, if deemed necessary, have been reviewed and approved by the City; and documented proof of the satisfactory registration of the Record of Site Condition (RSC) with the Environmental Site Registry (ESR) of the Ministry of Environment (MOE), which includes a copy of the RSC signed by a Qualified Person and the Acknowledgement from the MOE, have been submitted to the City Engineering Department.

The Owner shall be advised that prior to any grading, stripping of topsoil and initiation of construction on the site, all Environmental Site Assessment (ESA) reports, which means an updated Phase I ESA, and possibly Phase II and Phase III ESA's, if deemed necessary, have been reviewed and approved by the City.

b) Retaining Wall

The proposed plaza will occupy the northerly portion of the site and the future southerly residential portion will be at a grade approximately 2.7m lower than the plaza site. The grade difference requires a retaining wall along the entire southerly boundary of the commercial site. To reduce the impact of the retaining wall on the future residential development, a living wall treatment is to be placed on the south side of the retaining wall. The retaining wall and acoustic fence must be designed to the satisfaction of the Vaughan Engineering Department. The site plan agreement will require a maintenance easement over the future residential property to the south. This maintenance easement must be implemented at severance, prior to any subdivision and/or transfer of the lands into a different ownership other than the current landowner. The Owner may also be required to provide for the regular maintenance of the retaining wall/ planter wall along the Dufferin Street frontage.

c) Noise Report

The Vaughan Engineering Department approved the February 15, 2008 "Environmental Noise Impact Assessment" by Valcoustics Canada Ltd. That report acknowledges the loading areas as noise sources during daytime and peak morning hour loading activities. The report indicates an acoustic sound barrier is needed along the south boundary of the commercial site to mitigate the noise impacts to meet the MOE noise guidelines. A noise fence is provided on the site plan along the southerly commercial property boundary, consistent with the recommendations of the noise

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report, and a clause will be added to the site plan agreement or letter of undertaking, whichever is in effect, regarding the implementation of the report recommendations. The noise fence will be located on top of the retaining wall.

d) Site Servicing, Grading and Stormwater Management

The final site servicing and grading plans and stormwater management report must be approved to the satisfaction of the Vaughan Engineering Department. The applicant shall enter into a servicing agreement to the satisfaction of the Engineering Department for the external storm sewer, and easements for this sewer may be required.

All hydro requirements must be addressed to the satisfaction of PowerStream Inc.

Snow removal and garbage pick-up for the commercial plaza will be the responsibility of the Owner.

Relationship to Vaughan Vision 2020

This report is consistent with the priorities set forth in Vaughan Vision 2020, particularly “Plan & Manage Growth & Economic Vitality”.

Regional Implications

The Region of York requirements for the Rutherford Road and Dufferin Street rights-of-way and the sight triangle will be addressed through the Region’s final approval of the site plan, landscape plan and site servicing drawings, and the Region’s conditions of site plan approval will be included in an implementing site plan agreement (either the City’s or Region’s, depending on when the City’s Letter of Undertaking is in effect).

Conclusion

The Development Planning Department has reviewed the proposed Site Development Application (File DA.07.049) in accordance with OPA 651 and is satisfied that the proposed development implements the policies of the Official Plan. The applicant has obtained a letter from the Block 17 Landowner’s group confirming full payment of cost sharing thereby satisfying the conditions of the June 16, 2004 agreement. The Development Planning Department can support the Ontario Municipal Board’s (OMB) approval of the proposed site plan to facilitate the development of the proposed commercial plaza shown on Attachment #2, and therefore recommends that Council endorse the site plan application subject to the conditions provided in the recommendation of this report. The required exceptions to the Zoning By-law are also considered to be appropriate to facilitate the commercial development, and are recommended to be endorsed by Council, for approval by the Ontario Municipal Board.

It is recommended that the OMB withhold the issuance of the final Order approving the site plan and the draft implementing Zoning By-law attached as Attachment #9 to this report, until such time as the Vaughan Engineering Department has confirmed the registration of the Record of Site Condition by the Ministry of Environment.

Attachments

1. Location Map
2. Site Plan
3. Landscape Plan
4. CRU 1 Landscape Elevations
5. CRU 1C (Shopper’s) and CRU 1B (Dufferin Street) Elevations

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6. CRU 1A (Rutherford Road) Elevations
7. CR U 2 (BMO) Elevations
8. Food Store Elevations
9. Draft Zoning By-law (MAYOR & COUNCILLORS ONLY)

Report prepared by:

Laura Janotta, Planner, ext. 8634
Arto Tikiryan, Senior Planner, ext. 8212

/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 59, Report No. 24, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on May 12, 2008.

59

OPA 601 RESOLUTION

The Committee of the Whole recommends that the following resolution, submitted by Mayor Jackson, be adopted:

Recommendation

Mayor Linda D. Jackson recommends:

That Council adopt the following resolution.

WHEREAS applications were received in 2006 to amend OPA 601 for the lands within Block 61 West – The Kleinburg-Nashville Community Plan; and

WHEREAS the lands within Block 61 West are currently subject to a Focused Area Study as part of the City's New Official Plan review; and

WHEREAS the City is concerned that the Province's identified preferred Alternative for the Alignment of the Highway 427 Corridor and Terminus is not consistent with the May 22, 2007 resolution of Council with respect to the location of said corridor; and

WHEREAS the preferred alternative for the Alignment of the Highway 427 Corridor and Terminus will not foster the most efficient land use plan for Block 61 West;

THEREFORE, be it resolved that the Council of the City of Vaughan directs:

That the Commissioner of Planning commence final processing of the application to amend OPA 601 – The Kleinburg Nashville Community Plan. The lands within Block 61 West having regard for the components, policies and issues identified in the Kleinburg Focused Area Study report and Terms of Reference approved by Council on March 31, 2008.

Economic Impact

Not applicable.

Communications Plan

The processing of the application will be done in accordance with the applicable notice and other requirements.

Purpose

To plan for the community in Block 61 having regard for the Kleinburg Focused Area Study report and recognizing the need for communities to be sustainable.

Background - Analysis and Options

Refer to the resolution contained in the recommendation above.

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Relationship to Vaughan Vision 2020

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

Regional Implications

May assist in defining high^{*} er order transportation networks.

Conclusion

It is recommended that the resolution be approved.

Attachments

None

The foregoing matter was brought to the attention of the Committee by Mayor Jackson.

* This item was amended at the Council meeting of May 26, 2008, under Minute No. 120, by replacing the document in its entirety.

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Item 60, Report No. 24, of the Committee of the Whole, which was adopted, as amended, by the Council of the City of Vaughan on May 12, 2008, as follows:

By receiving the confidential memorandum from the Director of Legal Services, dated May 9, 2008.

60

DONGARA PELLETT PLANT – OUTSTANDING ISSUES

The Committee of the Whole recommends:

- 1) That the City Manager call a meeting with Ontario Realty Corporation (ORC) to resolve the issue of contamination on the Dongara Pellet Plant site;**
- 2) That interested Members of Council be notified of the meeting date;**
- 3) That the City of Vaughan's Legal Department provide a report to the Council meeting of May 12, 2008, with respect to the completion of the frontend agreement; and**
- 4) That the written submission of Mr. Jim V. DeGasperis, President, Dongara Pellet Plant, 7251 Highway 27, Vaughan, L4L 0C2, dated May 5, 2008, be received.**

The foregoing matter was brought to the attention of the Committee by Mayor Jackson.

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Item 61 Report No. 24, of the Committee of the Whole, which was adopted, as amended, by the Council of the City of Vaughan on May 12, 2008, as follows:

By receiving the confidential memorandum from the Director of Human Resources, dated May 6, 2008.

61 **DEPUTATION – MR. KEN NOLAN WITH RESPECT TO
FITNESS MEMBERSHIP DISCOUNTS FOR RETIRED CITY OF VAUGHAN EMPLOYEES**

The Committee of the Whole recommends that the deputation of Mr. Ken Nolan, be received and referred to staff to provide a response to the Council meeting of May 12, 2008, addressing the Members of Council's comments.

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Item 62, Report No. 24, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on May 12, 2008.

62

**CEREMONIAL PRESENTATION – MR. JOE TOMEI
WITH RESPECT TO WARD 3 CIVIC HERO AWARD**

The Mayor and Members of Council, presented Mr. Joe Tomei with the Ward 3 Civic Hero Award for his exemplary actions in the community.

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Item 63, Report No. 24, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on May 12, 2008.

63

CEREMONIAL PRESENTATION – ACKNOWLEDGEMENT OF PARTICIPATION IN YOUTH PHILANTHROPY INITIATIVE

The Mayor and Members of Council acknowledged Annelise Callisto, Crystal Cino, Carmen Kallideen and Elizabeth Martin, students of Emily Carr Secondary School, for their participation in the Youth Philanthropy Initiative and success in winning \$5,000, to be donated to a charity in Vaughan.

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Item 64, Report No. 24, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on May 12, 2008.

64 POINT OF PERSONAL PRIVILEGE –COUNCILLOR ALAN SHEFMAN

The Committee of the Whole recommends that Councillor Shefman's written point of personal privilege, be received.

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

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Item 65, Report No. 24, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on May 12, 2008.

65

**PRESENTATION – 10 YEAR ANNIVERSARY OF
THE FRIENDSHIP AGREEMENT WITH DELIA, ITALY**

Regional Councillor Rosati and Councillor Di Vona reported on their trip to the City of Delia, Italy, in recognition of the 10th Anniversary of the signing of the Friendship Agreement between the City of Delia and the City of Vaughan, and presented the Mayor with tokens of appreciation on behalf of the City of Delia, Italy.