

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF MAY 12, 2008

Item 1, Report No. 26, of the Committee of the Whole (Public Hearing), which was adopted without amendment by the Council of the City of Vaughan on May 12, 2008.

**1 OFFICIAL PLAN AMENDMENT FILE OP.08.004
1556615 ONTARIO LTD.**

The Committee of the Whole (Public Hearing) 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. Alan Tregobov, AJ Tregobov Architects, 16 Birch Avenue, Toronto, M4V 1C8, on behalf of the applicant, be received.**

Recommendation

The Commissioner of Planning recommends:

THAT the Public Hearing report for Official Plan Amendment File OP.08.004 (1556615 Ontario Ltd.) BE RECEIVED; and, that any issues identified be addressed by the Development Planning Department in a comprehensive report to the Committee of the Whole.

Economic Impact

This will be addressed when the technical report is completed.

Communications Plan

On April 11, 2008, a Notice of Public Hearing was circulated to all property owners within of 120m of the subject lands, and to the Maple Village Ratepayers Association. As of April 24, 2008, no comments have been received by the Development Planning Department. Any responses received will be addressed in the technical review and included in a comprehensive report to a future Committee of the Whole meeting.

Purpose

The Owner has submitted an application to amend the Official Plan (File OP.08.004) on the subject lands shown on Attachment #1, specifically, the "Neighbourhood Commercial" policies in OPA #350 (Maple Community Plan) as amended by OPA #629, to increase the maximum number of residential condominium apartment units permitted on the subject lands from 35 to 95; and, to decrease the maximum permitted ground floor area dedicated to commercial/retail uses from 1,375 m² to 1,073 m², to facilitate a proposed 3-storey mixed use building, as shown on Attachment #2.

Background - Analysis and Options

The subject lands shown on Attachment #1 are vacant, and located on the southeast corner of Keele Street and McNaughton Road, in Part of Lot 22, Concession 3, City of Vaughan.

The subject lands are designated "Neighbourhood Commercial" by OPA #350 (Maple Community Plan) as amended by OPA #629, and zoned C4 Neighbourhood Commercial Zone by By-law 1-88, subject to Exception 9(1171). The surrounding land uses are shown on Attachment #1.

A Public Hearing was held on September 4, 2007, to consider Zoning By-law Amendment File Z.07.011, to amend the site-specific C4 Neighbourhood Commercial Zone provisions of Exception

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9(1171) to By-law 1-88, to permit a 3-storey, 10,892 m² mixed-use commercial and residential building comprised of 95 residential condominium apartment units, 1,073 m² of ground floor area for commercial uses (office and retail), and 174 parking spaces consisting of 37 surface and 137 underground spaces.

Since the last Public Hearing of September 4, 2007, it has been identified that an amendment to the Official Plan is also required to facilitate the proposed mixed-use residential/commercial development on the subject lands, thus requiring another public hearing meeting to deal with the Official Plan Amendment. The proposal is the same as that which was considered at the September 4, 2007 Public Hearing for the related Zoning By-law Amendment File Z.07.011.

The Owner has also submitted a Site Development Application (File DA.07.046) to facilitate the proposed development. On March 6, 2008, the Owner referred their Zoning By-law Amendment and Site Development Applications to the Ontario Municipal Board, citing the City's failure to deal with the applications in the timeframe prescribed by the Planning Act, as the basis for the appeal.

Preliminary Review

Following a preliminary review of the proposed application, the Development Planning Department has identified the following matters to be reviewed in greater detail:

- i) the compatibility and appropriateness of the proposed development in the context of the related Zoning By-law Amendment (File Z.07.011) and Site Development (File DA.07.046) applications, will be assessed; and
- ii) confirmation by the City's Engineering Department of the availability of water and sanitary servicing capacity for the proposal, must be identified and allocated by Council, if approved.

Relationship to Vaughan Vision 2020

The applicability of this application to the Vaughan Vision will be determined when the technical report is considered.

Regional Implications

The application has been circulated to the Region of York for review and comment. Any issues will be addressed when the technical report is considered.

Conclusion

The above issues, but not limited to, will be considered in the technical review of the application, together with comments from the public and Council expressed at the Public Hearing or in writing, and be addressed in a comprehensive report to a future Committee of the Whole meeting. In particular, the appropriateness of the proposed mixed-use residential and commercial development will be reviewed in light of the existing policy context, compatibility with the existing and future surrounding land uses, and the related zoning by-law amendment and site development applications.

Attachments

1. Location Map
2. Site Plan
3. Artist's Rendering

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Report prepared by:

Stephen Lue, Planner, ext. 8210
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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Item 2, Report No. 26, of the Committee of the Whole (Public Hearing), which was adopted without amendment by the Council of the City of Vaughan on May 12, 2008.

2 **ZONING BY-LAW AMENDMENT FILE Z.08.019**
KRCMAR PROPERTIES INC.

The Committee of the Whole (Public Hearing) recommends:

- 1) That the recommendation contained in the following report of the Commissioner of Planning, dated May 5, 2008, be approved;
- 2) That the following deputations be received:
 - a) Mr. Alan Young, Weston Consulting, 201 Millway Avenue, Unit 19, Vaughan, L4K 5K8 on behalf of the applicant;
 - b) Mr. Eric Birnberg, 15 Parsons Place, Thornhill, L4J 7B2;
 - c) Mr. Adrian Schiller, 19 Parsons Place, Vaughan, L4J 7B3;
 - d) Mr. Alan Morris, 44 Thornway Avenue, Thornhill, L4J 7R8;
 - e) Mr. Alex Argyrides, 24 Parsons Place, Thornhill, L4J 7B2; and
 - f) Mr. Alexander Pomeransky, 37 Parsons Place, Thornhill, L4J 7Y4; and
- 3) That the written submission of Mr. Saša Krcmar, dated April 30, 2008, be received.

Recommendation

The Commissioner of Planning recommends:

THAT the Public Hearing report for File Z.08.019 (Krcmar Properties Inc.) BE RECEIVED; and, that any issues identified be addressed by the Development Planning Department in a comprehensive report to the Committee of the Whole.

Economic Impact

This will be addressed when the technical report is completed.

Communications Plan

On April 11, 2008, a Notice of Public Hearing was circulated to all property owners within 120m of the subject lands, and to the Brownridge Ratepayers Association. As of April 24, 2008, no comments have been received by the Development Planning Department. Any responses received will be addressed in the technical review and included in a comprehensive report to a future Committee of the Whole meeting.

Purpose

The Owner has submitted an application to amend the Zoning By-law, on the subject lands shown on Attachment #1, specifically By-law 1-88, to permit a Regulated Health Professional use within a 3-storey business or professional office building shown on Attachment #2, on the subject lands zoned C1 Restricted Commercial Zone.

Background - Analysis and Options

The subject lands shown on Attachment #1 are located east of Dufferin Street, on the south side of Centre Street and north side of Parsons Place, municipally known as 1137 Centre Street, in Part of Lot 5, Concession 2, City of Vaughan.

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The subject lands are designated "General Commercial" by OPA #210 (Thornhill – Vaughan Community Plan), as amended by OPA #256, and are zoned C1 Restricted Commercial Zone by By-law 1-88, subject to site-specific Exception 9(1292). The surrounding land uses are shown on Attachment #1.

The office building is currently under construction and was reviewed through previous applications (Files Z.03.0104 and DA.03.080) to rezone the subject lands from A Agricultural Zone to C1 Restricted Commercial Zone and for site development. Both the rezoning and site development files were subject to an Ontario Municipal Board Hearing, which resulted in the approval of the rezoning to permit a business or professional office for a land surveyor within a 3-storey building shown on Attachment #2.

A Minor Variance Application (File A058/08) was recently submitted to the Committee of Adjustment to permit a Regulated Health Professional use on the subject lands. On March 13, 2008, the Committee of Adjustment refused the application based on the addition of this use not being considered minor in nature, and rather that this matter proceed by way of a Zoning By-law Amendment application. The applicant has appealed the Committee of Adjustment's refusal of File A058/08 to the Ontario Municipal Board for which a Hearing date is still pending.

Preliminary Review

Following a preliminary review of the proposed application, the Development Planning Department has identified the following matters to be reviewed in greater detail:

- iii) the appropriateness, compatibility and impacts, if any, on the existing residential area with respect to adding a Regulated Health Professional use to the subject lands, which is currently restricted to only a Business or Professional Office use (not including a Regulated Health Professional) within the 3-storey building; and,
- iv) the traffic or parking impacts, if any, which a Regulated Health Professional use may generate on the subject lands.

Relationship to Vaughan Vision 2020

The applicability of this application to the Vaughan Vision will be determined when the technical report is considered.

Regional Implications

The application has been circulated to the Region of York for review and comment. Any issues will be addressed when the technical report is considered.

Conclusion

The above issues, but not limited to, will be considered in the technical review of the application, together with comments from the public and Council expressed at the Public Hearing or in writing, and be addressed in a comprehensive report to a future Committee of the Whole meeting. In particular, the appropriateness, compatibility, and impact of the proposed Regulated Health Professional use on the subject lands and existing residential area, will be reviewed.

Attachments

1. Location Map
2. OMB Approved Site Plan (Under Construction)

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Report prepared by:

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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 3, Report No. 26, of the Committee of the Whole (Public Hearing), which was adopted without amendment by the Council of the City of Vaughan on May 12, 2008.

**3 OFFICIAL PLAN AMENDMENT FILE OP.08.002
ZONING BY-LAW AMENDMENT FILE Z.08.013
FCFT HOLDINGS (ONTARIO) CORPORATION**

The Committee of the Whole (Public Hearing) recommends:

- 1) That the recommendation contained in the following report of the Commissioner of Planning, dated May 5, 2008, be approved;
- 2) That the deputation of Mr. Ron Richards, President, R.G. Richards & Associates, 1750 Lakeshore Road West, Suite 200, Mississauga, L5J 1J4 and Information Booklet entitled, "Rutherford Market Place", on behalf of the applicant, be received; and
- 3) That the written submission of H. Petrou, 14 Okanagan Drive, Richmond Hill, L4C 9R8, dated May 3, 2008, be received.

Recommendation

The Commissioner of Planning recommends:

THAT the Public Hearing report for Files OP.08.002 and Z.08.013 (FCFT Holdings (Ontario) Corporation) BE RECEIVED; and, that any issues identified be addressed by the Development Planning Department in a comprehensive report to the Committee of the Whole.

Economic Impact

This will be addressed when the technical report is completed.

Communications Plan

On April 11, 2008, a Notice of Public Hearing was circulated to all property owners within 120m of the subject lands. As of April 24, 2008, no comments have been received by the Development Planning Department. Any responses received will be addressed in the technical review and included in a comprehensive report to a future Committee of the Whole meeting.

Purpose

The Owner has submitted the following applications on the subject lands shown on Attachment #1, to facilitate the development of 10 commercial buildings, ranging in size and height, and served by both surface and underground parking, as shown on Attachments #2 to #8 inclusive:

1. An application to amend the Official Plan (File OP.08.002), specifically OPA #600, to permit an increase in the maximum Gross Leasable Area (GLA) from 20,000m² to 26,000m², comprising a total increase of 6,000 m², on the subject lands shown on Attachment #1.
2. An application to amend the Zoning By-law (File Z.08.013), specifically By-law 1-88, to permit the following exceptions to the C4 Neighbourhood Commercial Zone, to implement the site plan shown on Attachment #2:

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- i) a minimum 2 m front yard setback (east), whereas the By-law requires 11 m (Bathurst Street is deemed the front lot line; 2 m is measured from the east side of Building #4, with the setbacks for the other buildings ranging from 4.6 m to 6.7m);
- ii) a minimum 8.9 m rear yard setback (west), whereas the By-law requires 15 m (Ilan Ramon Boulevard is deemed the rear lot line; 8.9 m is measured from the west side of Building #1, with the setbacks for the other buildings ranging from 9.2m to 17.5m);
- iii) a minimum 6.6m exterior side yard setback (north), whereas the By-law requires 11 m (George Kirby Street is deemed the north exterior side lot line; 6.6 m is measured from the north side of Building #3, with the setbacks for the other buildings ranging from 9 m to 13.8 m);
- iv) a 0 m exterior side yard setback (south), whereas the By-law requires a minimum of 11 m (Rutherford Road is deemed the south exterior side lot line; the 0 m setback is measured from the proposed seasonal outdoor garden centre, with the setbacks for the other buildings ranging from 3.3 m to 5.5 m);
- v) a 0m wide landscape strip along Rutherford Road, whereas the By-law requires a minimum of 6 m abutting all street lines (0m is measured from the proposed seasonal outdoor garden centre, with the balance of the landscape strip ranging from 3.3 m to 9 m in width);
- vi) a minimum 2 m wide landscape strip along Bathurst Street, whereas the By-law requires 6 m abutting all street lines (2m is measured from the east side of Building #4, with the balance of the landscape strip ranging from 4.6 m to 6.9 m in width);
- vii) a 7.6 m and a 9 m wide (north) driveway access along George Kirby Street and Ilan Ramon Boulevard, respectively, whereas the By-law permits a maximum driveway width of 7.5 m;
- viii) a 14m wide driveway access for the most southern access along Ilan Ramon Boulevard, whereas the By-law permits a maximum driveway width of 13.5m which serves the movement of trucks to a loading space or loading area;
- ix) no loading spaces for Buildings 6, 8, 9 and 10, whereas the By-law requires one loading space each for all single tenant commercial buildings that exceed 500m²;
- x) outside storage in the form of a seasonal outdoor garden centre, whereas the By-law prohibits outside storage of goods, materials or equipment (the seasonal garden centre is accessory to the proposed food store in Building #1);
- xi) a minimum of 1281 parking spaces (707 surface and 574 underground spaces), whereas the By-law requires 1681 parking spaces;
- xii) 13 m and 15.2 m building heights for Buildings #1 and #2, respectively, whereas the By-law permits a maximum building height of 11m;
- xiii) 28,016.52 m² total site GFA (Gross Floor Area), whereas the By-law permits a maximum of 7000 m²; and,
- xiv) any other zoning exceptions that may be required to facilitate the proposed development.

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Background - Analysis and Options

The subject lands shown on Attachment #1 are located on the northwest corner of Rutherford Road and Bathurst Street, in Part of Lot 16, Concession 2, City of Vaughan.

The subject lands are designated “Neighbourhood Commercial Centre” by OPA #600, and zoned “C4 Neighbourhood Commercial Zone by By-law 1-88, subject to Exception 9(1217). The surrounding land uses are shown on Attachment #1.

Preliminary Review

Following a preliminary review of the proposed applications, the Development Planning Department has identified the following matters to be reviewed in greater detail:

- i) the applications will be reviewed in the context of the applicable City and Regional Official Plan policies, Provincial policies, and By-law 1-88, including the appropriateness of permitting an increase in GLA (gross leasable area), and the zoning exceptions required to implement the site plan;
- ii) comments will be required from York Region with respect to the existing and proposed accesses, transit stops/facilities, servicing and any planned road widenings, which may affect the ability to develop the site;
- iii) review will be given to storm water management, sanitary/water servicing, and lot grading, through the related site plan approval process, to the satisfaction of the Vaughan Engineering Department;
- iv) review will be given to the Phase 1 ESA (Environmental Site Assessment) for the subject property, which must be approved to the satisfaction of the Vaughan Engineering Department;
- v) review will be given to the Transportation and Traffic Study for the subject property, which must be approved to the satisfaction of the Vaughan Engineering Department and York Region Transportation Services Department;
- vi) review will be given to the Planning Justification Report for the subject lands, which must be approved to the satisfaction of the Development Planning Department;
- vii) review will be given to identifying any additional zoning exceptions to the C4 Neighbourhood Commercial Zone to facilitate the development of the proposed site plan;
- viii) review will be given to the related site plan application, to facilitate a comprehensive review of the proposal to ensure the provision of proper access, internal traffic circulation and parking, appropriate urban design characteristics, and building massing that is complimentary to the surrounding area;
- ix) opportunities for sustainable design, including CEPTD (Crime Prevention Through Environmental Design), LEEDS (Leadership in Energy and Environmental Design), green roofs, etc, will be reviewed and implemented through the site plan approval process, if approved;
- x) review will be given to the provision of parkland dedication and/or cash-in-lieu of parkland in accordance with the Planning Act for this development; and,

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- x) review will be given to the building elevation and landscape plans in the context of the approved urban design guidelines for Block 11, through the related site plan approval process, to the satisfaction of the Development Planning Department.

Relationship to Vaughan Vision 2020

The applicability of these applications to the Vaughan Vision will be determined when the technical report is considered.

Regional Implications

The applications have been circulated to the Region of York and the Town of Richmond Hill for review and comment. Any issues will be addressed when the technical report is considered.

Conclusion

The above issues, but not limited to, will be considered in the technical review of the applications, together with comments from the public and Council expressed at the Public Hearing or in writing, and be addressed in a comprehensive report to a future Committee of the Whole meeting. In particular the proposed increase in gross leasable area and the zoning exceptions required to implement the site development, will be reviewed in consideration of the policies in the Official Plan, the requirements of By-law 1-88, existing and planned uses in the surrounding area, and the related Site Development Application (File DA.08.013).

Attachments

1. Location Map
2. Site Plan
3. Underground Parking and Second Storey Plan
4. Elevation Plan-Building 1
5. Elevation Plan-Building 2
6. Elevation Plan-Buildings 3 and 4
7. Elevation Plan-Buildings 5, 6, and 7
8. Elevation Plan-Buildings 8, 9, and 10

Report prepared by:

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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 4, Report No. 26, of the Committee of the Whole (Public Hearing), which was adopted without amendment by the Council of the City of Vaughan on May 12, 2008.

4

**OFFICIAL PLAN AMENDMENT FILE OP.08.006
SITE PLAN CONTROL BY-LAW AMENDMENT FILE 12.28
CITY OF VAUGHAN**

The Committee of the Whole (Public Hearing) 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 Public Hearing report for Files OP.08.006 and 12.28 (City of Vaughan) to consider amendments to the Site Plan Control policies contained within the City's Official Plan Amendment #200 and Site Plan Control By-laws 228-2005 and 237-2007, BE RECEIVED; and, that any issues identified be addressed by the Development Planning Department in a comprehensive report to the Committee of the Whole.

Economic Impact

This will be addressed when the technical report is completed.

Communications Plan

On April 4, 2008, a Notice of Public Hearing was advertised in the Vaughan Today, which satisfies the public notification requirements of the *Planning Act*. As of April 24, 2008, no comments have been received by the Development Planning Department. Any responses received will be addressed in the technical review and included in a comprehensive report to a future Committee of the Whole meeting.

Purpose

On January 28, 2008, Vaughan Council adopted a new Site Plan Control process, which requires amendments to the Site Plan Control policies contained within the City's Official Plan Amendment #200 and Site Plan Control By-laws 228-2005 and 237-2007, to implement the following changes to the Site Plan Control Process:

- a) apply Site Plan Control to freehold townhouse developments on public streets; and,
- b) include reference in the Site Plan Control By-law to require a "Site Plan Letter of Undertaking" (not registered on title), and wording authorizing the Mayor and City Clerk to sign Site Plan Letters of Undertaking, and deleting reference to "Site Plan Agreement" (and registration on title).

Background - Analysis and Options

On January 21, 2008, the Committee of the Whole considered a comprehensive staff report from the City Manager and the Commissioner of Planning on the Site Plan Control Process Review, which evaluated various options for creating a more streamlined and modernized Site Plan Control Process. On January 28, 2008, Council approved a Site Plan Control Process Model (Option 2 modified), as shown on Attachment #1. It is estimated that this model will take approximately 31.5 – 32.5 weeks, and can save up to 15 – 16 weeks from the existing site plan process.

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The following Council approved recommendations are required to implement the new Site Plan Control Process Model (Option 2 modified), which requires amendments to the existing policies within OPA #200, as amended, and to Site Plan Control By-laws 228-2005 and 237-2007, as follows:

- a) apply Site Plan Control to freehold townhouse developments on public streets; and,
- b) include reference in the Site Plan Control By-law to require a "Site Plan Letter of Undertaking" (not registered on title), and wording authorizing the Mayor and City Clerk to sign "Site Plan Letters of Undertaking", and deleting reference to "Site Plan Agreement" (and registration on title).

The proposed amendments to OPA #200 and Site Plan Control By-laws 228-2005 and 237-2007, are applicable on a City-wide basis.

Preliminary Review

Through the City's comprehensive review of its' Site Plan Control Process between June 2007 to January 28, 2008, the Development Planning Department has identified the above-noted matters that require an amendment to the Official Plan and Site Plan Control By-law, to implement the new Site Plan Control Process approved by Council on January 28, 2008. Accordingly, it will be necessary to undertake the following actions for implementation:

- i) unless there are matters identified at this Public Hearing, which require further consideration, the Development Planning Department will proceed with a technical report to the Committee of the Whole meeting on May 20, 2008; and,
- ii) proceed with facilitating Council's adoption and enactment of the implementing Official Plan Amendment and Site Plan Control By-law, respectively, at the Council Meeting of May 26, 2008, thereby allowing for implementation in June 2008, if there are no appeals to the Official Plan Amendment only.

Relationship to Vaughan Vision 2020

The applicability of these applications to the Vaughan Vision will be determined when the technical report is considered.

Regional Implications

The application has been circulated to the Region of York for review and comment. Any issues will be addressed when the technical report is considered.

Conclusion

The above-noted changes to OPA #200 and Site Plan Control By-laws 228-2005 and 237-2007 will be considered in the technical review of the applications, together with comments from the public and Council expressed at the Public Hearing or in writing, and be addressed in a comprehensive report to the next Committee of the Whole meeting on May 20, 2008. This will be followed up immediately with the adoption and enactment of the implementing Official Plan Amendment and Site Plan Control By-law at the Council meeting on May 26, 2008, thereby facilitating implementation in June 2008, if there are no appeals to the Official Plan Amendment only.

Attachments

1. Flow Chart: Approved Site Plan Control Process Model

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Report prepared by:

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/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.)