

**C19**  
**COMMUNICATION**  
**COUNCIL – September 26, 2023**  
**CW (1) - Report No. 31, Item 2**



**David R. Donnelly, MES LLB**  
**david@donnellylaw.ca**

January 25, 2023

*Via email to: [wendy.law@vaughan.ca](mailto:wendy.law@vaughan.ca)*

Ms. Wendy Law

Deputy City Manager and Solicitor/Chief Legal Officer  
Vaughan City Hall, Level 400  
2141 Major Mackenzie Dr.  
Vaughan, ON L6A 1T1

Dear Ms. Law,

**Re: *Zoning By-law Amendments Z.22.029; Z.22.030; Z.22.031; Z.22.032***  
***Draft Plan of Subdivision File Nos.: 19T-22V006 – 11363 and 11191***  
**Vaughan City Council Meeting, January 17, 2023**

Donnelly Law represents the Friends to Conserve Kleinburg Inc. (the “Friends”) and Humberplex Developments Inc. regarding the proposed Block 55 West Block Plan and development at Kirby Road and Regional Road 27.

On January 17, 2023, I appeared before the Vaughan City Council (“Council”) regarding the proposed Zoning By-law Amendments Z.22.029, Z.22.030, Z.22.031, and Z.22.032 to the City of Vaughan’s (the “City”) Comprehensive Zoning By-laws 1-88 and 001-2021.

During my presentation, I made the submission that an investigation is required into the conduct of Mr. Tim Simmonds, who sent City correspondence without authorization to the Attorney General of Ontario regarding O. Reg. 303/19.

Immediately after my presentation, Local and Regional Councillor Mario G. Racco requested you reply to my submission:

I am curious of the last statement [David Donnelly] made that the people’s trust was not respected. I want to know what he means. Deputy City Manager of Legal can give me a call. I just want to know, Ms. Law can you answer?

In response, you stated:

I would dispute that statement. I will not speak about that at the moment as there is pending judicial review. The [Ontario Land Tribunal] decision is being appealed, and I will leave it at that. [**Emphasis added**]

I wish to state for the record that what you said is false. I am enclosing the letter from Mr. Simmonds to the Attorney General of Ontario, sent September 27, 2019 (**Attachment 1**). Also enclosed is the subsequent Resolution from Council passed at the October 7, 2019 Special Council Meeting, authorizing Mr. Simmonds to send that letter (**Attachment 2**).

It is clear from this chronology that Mr. Simmonds sent this letter without Council approval. I respectfully request from your office either a clear explanation as to why you dispute the Friends' chronology of events, or an apology at your earliest convenience.

Please do not hesitate to contact me at 416-572-0464, or by email to [david@donnellylaw.ca](mailto:david@donnellylaw.ca), cc'ing [monique@donnellylaw.ca](mailto:monique@donnellylaw.ca) and [melanie@donnellylaw.ca](mailto:melanie@donnellylaw.ca) should you have any questions or concerns.

Yours truly,



David R. Donnelly

Attachments (2)

cc. Client

The Honourable Doug Downey, Attorney General of Ontario  
[attorneygeneral@ontario.ca](mailto:attorneygeneral@ontario.ca)  
Ministry of the Attorney General  
McMurty-Scott Building  
720 Bay Street, 11<sup>th</sup> Floor  
Toronto, ON, M7A 2S9

September 27, 2019

Dear Honourable Minister Downey,

**RE: Recommendation for Amendments to LPAT Transition Regulation 0. Reg.. 303/19**

In furtherance of the Province's objective of *More Homes: Better Choices*, the Province is requested to amend the LPAT Transition Regulation 0. Reg. 303/19 to provide for a fairer and more efficient LPAT hearing process of certain appeals which were in process at the time of the above-noted regulation was enacted. These are changes that the Deputy City Manager of Planning and Growth will bring to our council in an upcoming committee/council meeting. However, given that the LPAT may start setting hearings in the near future under the new transitional provisions, I thought it prudent to put our recommendations before you as soon as possible and at this time for your consideration.

Specifically, we believe that an amendment to section 1(5) of the above-noted regulation is important, so that ***municipal approvals*** of planning applications made under the Bill 139 regime, and ***which were appealed by third parties*** under the Bill 139 regime, are continued and disposed of under the Bill 139 regime under certain circumstances as noted below.

0. Reg. 303/19 as currently enacted has the unintended and undesired effect of substantially delaying the final approval of development applications by allowing third parties (not the applicant) who appealed the Council approval, to restart the appeal process and not be bound by the Bill 139 regime. Not only does this "restart" substantially lengthen the final approval of development, but it also substantially increases the cost (in both dollars and staff time) to the municipal taxpayers in defending their Council's decision to approve the development. Further, there is a lack of fairness and deference to local decision making inherent in those circumstances where a decision made by Council in the context of one planning regime, Bill 139, is then reviewed on appeal in the context of a new and different planning regime, Bill 108. None of this is in the greater public interest.

Section 1(5) of 0. Reg. 303/19 currently provides that:

"If the appeal was commenced on or after April 3, 2018 but before the effective date, and a hearing on the merits of the appeal was not scheduled before the effective date, the appeal shall be continued and disposed of under the Local Planning Appeal Tribunal Act, 2017 as it reads on and after the effective date."

Unfortunately, there are developments which our Council approved (under the Bill 139 regime) and which were appealed to the LPAT (also under the Bill 139 regime) but which *never* had a hearing scheduled on the merits prior to September 3, 2019 (the effective date). Under O. Reg. 303/19, those appeals are no longer governed under the Bill 139 regime, but instead, follow a longer and more costly appeal process conducted in accordance with a different statutory regime implemented through Bill 108.

Accordingly, we believe that section 1(5) of O. Reg. 303/19 should be revised to provide that these appeals continue to be processed and disposed of in accordance with Bill 139 if the following criteria are met:

1. The municipality approved the applicant's development through enactment of the appealed planning instrument(s) prior to the *effective* date (i.e. prior to September 3, 2019);
2. The appellant is not a public body or the applicant, and appealed before the effective date; and
3. The municipal council passes a resolution, no later than December 31, 2019, electing that the appeals be disposed of under the Bill 139 regime.

Thank you for your consideration.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Tim Simmonds', is written over a horizontal line. The signature is stylized and cursive.

Tim Simmonds  
Interim City Manager

cc. Mr. Michael Wilson, Chief of Staff for MAG, [michael.wilson5@ontario.ca](mailto:michael.wilson5@ontario.ca)  
Jason Schmidt-Shoukri, Deputy City Manager, [Jason.Schmidt-Shoukri@vaughan.ca](mailto:Jason.Schmidt-Shoukri@vaughan.ca)



**CITY OF VAUGHAN  
SPECIAL COUNCIL MINUTES  
OCTOBER 7, 2019**

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**CITY OF VAUGHAN**  
**SPECIAL COUNCIL MEETING**  
**MONDAY, OCTOBER 7, 2019**

**MINUTES**

Council convened in the Municipal Council Chamber in Vaughan, Ontario, at 4:00 p.m.

The following members were present:

Hon. Maurizio Bevilacqua, Mayor  
Regional Councillor Mario Ferri  
Regional Councillor Gino Rosati  
Regional Councillor Linda Jackson  
Councillor Tony Carella  
Councillor Rosanna DeFrancesca  
Councillor Marilyn Iafrate  
Councillor Alan Shefman  
Councillor Sandra Yeung Racco

**139. CONFIRMATION OF AGENDA**

MOVED by Councillor Carella  
seconded by Councillor Yeung Racco

THAT the agenda be confirmed.

CARRIED

**140. DISCLOSURE OF INTEREST**

There was no disclosure of interest by any member.

**141. DETERMINATION OF ITEMS REQUIRING SEPARATE DISCUSSION**

The following item was identified for separate discussion:

Special Committee of the Whole (Closed Session) Report No. 30

Item 1

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### **142. CONSIDERATION OF ITEM REQUIRING SEPARATE DISCUSSION**

#### **SPECIAL COMMITTEE OF THE WHOLE (CLOSED SESSION) REPORT NO. 30**

(Refer to Committee Report for complete recommendations and documentation on all Committee items.)

ITEM - 1      APPLICATION TO ONTARIO SUPERIOR COURT OF JUSTICE CITY OF VAUGHAN ET AL. ATS. FRANK MIELE

MOVED by Councillor Yeung Racco  
seconded by Councillor DeFrancesca

THAT Item 1, Special Committee of the Whole (Closed Session) Report No. 30 be adopted without amendment.

CARRIED

### **143. NEW COMMUNITY AREA – BLOCK 41 SECONDARY PLAN STUDY FILE 26.4.2** (Item 1, Committee of the Whole, October 7, 2019, Report No. 29)

MOVED by Councillor Shefman  
seconded by Regional Councillor Jackson

That the following recommendation from the Committee of the Whole meeting of October 7, 2019, Item 1, Report No. 29, be approved:

CARRIED

Report of the Deputy City Manager, Planning and Growth Management, dated October 7, 2019

**The Committee of the Whole recommends:**

- 1) That recommendation 2) contained in the report of the Deputy City Manager, Planning and Growth Management dated September 24, 2019, be approved;**
- 2) That the following be approved in accordance with Communication C6, memorandum from the Deputy City Manager, Planning and Growth Management dated September 27, 2019:**
  - 1. That recommendation 1) of the Committee of the Whole report dated September 24, 2019, regarding New Community Area – Block 41 Secondary Plan be deleted and replaced with the following:**

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**That the revised Block 41 Secondary Plan to Vaughan Official Plan 2010 (Volume 1 and 2), forming Attachment #1 to this Communication BE ADOPTED by Council;**

- 3) That the minimum density of residents and jobs per hectare for the Block 41 Secondary Plan be consistent with the York Region density targets recently passed by York Region Council for new community areas and that this take effect concurrently with the Region of York's policy;**
- 4) That the following deputations and Communications be received:**
  - 1. Mr. Don Given, Malone Given Parsons Ltd., Renfrew Drive, Markham;**
  - 2. Mr. Chris Barnett, Partner, Municipal, Land Use Planning & Development, Osler Hoskin & Harcourt LLP, Toronto, C1 dated September 26, 2019, and C5 dated October 1, 2019; and**
  - 3. Ms. Elvira Caria, Chair, Vellore Woods Ratepayers' Association, Bunting Drive, Woodbridge, and C11 dated October 7, 2019; and**
- 5) That Communication C9 from Ms. Kathryn Angus, President, Kleinburg & Area Ratepayers' Association be received.**

### **Purpose**

To present the final amendments to Vaughan Official Plan 2010, as proposed through the Block 41 Secondary Plan. The Block 41 Secondary Plan provides policies to manage land use, building heights, densities, urban design, transportation, cultural heritage, parks and open space, environmental sustainability as well as policies related to the implementation of the Secondary Plan, as shown in Attachment #5. In addition, this report provides a summary of the key policy components of the Block 41 Secondary Plan, as well as staff's response to comments received through the statutory Public Hearing process.

### **Report Highlights**

- To provide an overview of the Provincial, Regional, and Municipal planning context under which the Block 41 Secondary Plan was prepared
- To identify the key revisions made to the policies of the Draft Secondary Plan presented at the April 2, 2019 Committee of the Whole Statutory Public Hearing
- To provide a high-level staff response to the comments received on the draft Block 41 Secondary Plan through the statutory Public Hearing process



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### **Recommendations**

Committee of the Whole (2), at its meeting of September 24, 2019 (Report No. 27, Item 16) approved the following:

- 1) That consideration of this matter be deferred to the Committee of the Whole (1) meeting of October 7, 2019.
- 2) That the following deputations and Communication be received:
  1. Mr. Don Givens, Malone Given Parsons Ltd., Renfrew Drive, Markham, and Communication C2, dated September 24, 2019, received at the meeting; and
  2. Mr. Chris Barnett, Osler Hoskin Harcourt LLP, First Canadian Place, Toronto, on behalf of TransCanada Pipelines; and
- 3) That staff be directed to reach out to Landowners Group to participate in meeting(s) and report back to the Committee of the Whole (1) meeting of October 7, 2019.

### **Recommendation and Report of the Deputy City Manager, Planning and Growth Management, dated September 24, 2019:**

1. THAT the draft Official Plan Amendment to Vaughan Official Plan 2010 (Volume 1 and Volume 2), forming Attachment #4 to this report, BE APPROVED; and that it be submitted to Council for adoption, subject to any further direction resulting from the Committee of the Whole meeting; and
2. THAT the Official Plan Amendment, as adopted by Council, be forwarded to York Region for Approval as an insertion into Volume 2 of Vaughan Official Plan 2010, being the incorporation of a new Section “11.14 New Community Area- Block 41 Secondary Plan” as one of the “Secondary Plans” identified on Schedule 14-A of Volume 1 of Vaughan Official Plan 2010.

### **Background**

#### ***Block 41 is centrally located within the northern part of the City of Vaughan***

The Block 41 Secondary Plan Study (File 26.4.2) is a city-initiated study process undertaken to establish appropriate land use designations and a policy framework for the lands currently designated “New Community Area” within Block 41, in the City of Vaughan. The conclusion of the study process will result in a Secondary Plan to guide the future development of the New Community Area located within Block 41.

Block 41 is approximately 435 hectares in size and is bounded by Teston Road to the south, Kirby Road to the north, Pine Valley Drive to the west, and Weston Road to the east, as shown on Attachment #1. Approximately 330 hectares are

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subject to the policies of the proposed Secondary Plan, of which an approximate 178 hectares are considered as gross developable area.

Lands within Block 41, which do not form part of the Secondary Plan area, include an existing residential neighbourhood located in the northwest quadrant of the Block designated as “Low-Rise Residential”, as well as an existing “Rural” designation located in the northwest quadrant of the Block along Pine Valley Drive. In addition, there is a portion of land designated “Natural Areas” located within the Greenbelt Plan area adjacent to the existing residential neighbourhood. There are also lands designated “Infrastructure and Utilities” representing TransCanada Pipeline Limited’s (TCPL) Compressor Station 130 (see Attachment #1). Only the lands currently contained within the “New Community Area” designation are subject to the policies of the proposed Secondary Plan, and a portion of the lands designated “Natural Areas” and “Agricultural”.

Other defining elements of the Block 41 Secondary Plan study area include the TCPL pipeline which runs east-west through the Block and a second pipeline which runs northward from Station 130 towards Kirby Road and beyond. The Natural Heritage Network and part of the Greenbelt Plan area comprise a significant portion of Block 41, as shown on Attachment #2. All of the existing land uses within Block 41 not designated “New Community Area” by Vaughan Official Plan 2010 (VOP 2010) will maintain their current land use designations.

It should be noted that, through the Block 41 Block Plan process, there may be potential modifications to the current land use boundaries of the Natural Heritage Network that are contained within the Secondary Plan area resulting from the technical review based on the findings of the East Purpleville Creek Subwatershed Study and the Master Environment and Servicing Plan prepared as part of the Block Plan process.

The Teston Road Municipal Class Environmental Assessment (MCEA) between Pine Valley Drive and Weston Road was initiated in 2015 to review current and future transportation needs for Teston Road. The MCEA recommended the widening of Teston Road from two to four lanes and the elimination of a jog at the intersection of Pine Valley Drive and Teston Road. The elimination of the current jog, at the intersection will result in a remnant parcel of land which was originally part of Block 40 and located south of Teston Road. The City has consulted with the Region of York, and no further consideration of this matter is required through the Block 41 Secondary Plan process. As such, the area has been highlighted on Schedules B, C and E of the Secondary Plan and recognized as a “Route Alignment Subject to Intersection Improvements”. Following the completion of the alignment, lands north of the realigned Teston Road and east of Pine Valley Drive which are currently not part of Block 41 Secondary Plan area can be incorporated into the Block 41 Secondary Plan by extending the land use designation south to incorporate the additional lands, without further amendment to the plan (text or schedules). A policy to this effect has been included in the Block 41 Secondary Plan.

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For further detail of the Pine Valley Drive and Teston Road intersection the Teston Road MCEA shall be referenced.

Land uses surrounding the New Community Area are shown on Attachment #1 (the Context Map)

### ***A Secondary Plan Study for New Community Areas is required by Vaughan Official Plan 2010***

The Block 41 Secondary Plan Study commenced in 2015. Schedule 14-A of VOP 2010 identified lands within Block 41 as “New Community Areas” requiring a Secondary Plan. Policy 9.2.2.14 of VOP 2010 provides further guidance on the development of New Community Areas, noting that “**New Community Areas** are subject to one comprehensive and coordinated City-initiated Secondary Plan process unless extenuating circumstances (e.g. **GTA West Corridor**) would dictate otherwise...”.

In response to the VOP 2010 requirement for a Secondary Plan process, the Policy Planning and Environmental Sustainability department prepared a staff report to initiate the procurement process and issue the Request for Proposals (RFP) to retain a consultant to undertake the required work with staff. The staff report dated November 26, 2013, was adopted by Committee of the Whole and ratified by Council on December 10, 2013. The staff report provided a description of the Secondary Plan process and identified the two (2) individual draft Terms of Reference reports required for undertaking the Secondary Plan studies. The report also included the requirement for specific coordinated studies.

### ***The Block 41 Secondary Plan review has been completed and is consistent with Provincial Legislation, as well as the Regional and Municipal policy framework***

#### The Provincial Policy Statement 2014 (“PPS 2014”)

In accordance with Section 3 of the Planning Act, all land use decisions in Ontario “... shall be consistent with policy statements issued under the Act.” (Part II: PPS 2014) This includes the PPS 2014 which “... provides direction on matters of provincial interest related to land use planning and development” (Part I: PPS).

The PPS 2014 recognizes that local context is important, noting that “Policies are outcome-oriented, and some policies provide flexibility in their implementation provided that provincial interests are upheld” (Part III: PPS 2014). “Land use must be carefully managed to accommodate appropriate development to meet a full range of current and future needs, while achieving efficient development patterns and avoiding significant or sensitive resources and areas which may pose risk to public health and safety” (Part IV: PPS 2014). The Planning Act requires that Vaughan Council’s planning decisions be consistent with the PPS 2014. Together with the policies contained in Volume 1 of VOP 2010, the Block

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41 Secondary Plan provides policies consistent with relevant policies contained in the PPS 2014, specifically:

- Policies 1.1.1 a), b), c), f) and h) - By accommodating an appropriate range and mix of residential development through policies for a mix of housing types and built form including detached and semi-detached houses, a variety of townhouse types, and both low and mid-rise residential or mixed-use buildings within the Block 41 Secondary Plan. This supports a compact form of development that is consistent with the policies of the PPS 2014. Section 3.4 of the Block 41 Secondary Plan address matters related to affordable housing and policy 3.4.2 specifically encourages and supports the development of age friendly communities.

The Secondary Plan includes policies related specifically to the provision of appropriate amounts of commercial and retail within the residential and mixed-use designations, including provision for small-scale retail within the Community Core, to not only meet the day-to-day needs of the future residents but also create employment opportunities within the community. The Secondary Plan also includes policies for the provision of public and private institutional buildings in all residential and mixed-use designations. Recreational uses including parks and open spaces and a Co-Location Facility within the Community Core are also provided for in the Secondary Plan. Furthermore, Section 3.12 of the Block 41 Secondary Plan provides policies for uses permitted in all designations which includes the provision for community centres and public safety services.

- Policy 1.1.3.4 - Generally development standards entail a level of detail which is considered through the subsequent Block Plan and development approval application processes. The Block 41 Secondary Plan includes a policy framework to guide the future development approvals process.
- Policy 1.1.3.5 - Section 3.2 of the Block 41 Secondary Plan establishes the minimum density of 70 people and jobs per hectare required for the Block 41 New Community Area.
- Policy 1.1.3.6 - The location of the New Community Area within Block 41 in general is adjacent to the existing built-up areas. The Plan promotes compact built form, a mix of uses and densities allowing for an efficient use of land, infrastructure and public service facilities.
- Policy 1.1.3.7 - Section 9.4 of the Block 41 Secondary Plan includes phasing policies which speak to the orderly and timely development and provision of infrastructure including municipal services and a transportation network, as well as the construction of a Multi-Use Recreational Trail.
- Policy 1.2.6.1 - Although not located within the Block 41 Secondary Plan, the plan recognizes the role of TransCanada Pipeline Limited's natural gas pipeline and compressor station. Policies have been included in the

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Block 41 Secondary Plan, requiring studies be undertaken to identify appropriate mitigation measures. Specific policies in Section 3.10 related to the compressor station operations and sensitive land uses have also been included in the Block 41 Secondary Plan. Such studies shall be completed for residential development and sensitive land uses to the satisfaction of the City and in consultation with other agencies, as required.

- Policy 1.5.1a) b) and 1.6.7.1 5 - The Block 41 Secondary Plan has incorporated a multi-modal transportation network which is safe and meets the needs of all modes of active transportation and community connectivity to the greatest extent possible.
- Policy 1.6.5 – Section 4.7 of the Block 41 Secondary Plan introduces the concept of a Community Core. Situated within the Community Core, the Co-Location Facility includes a major community centre, library and associated active play areas. The Community Core supports the development of a range of community services and facilities. Additional community facilities, as well as schools, daycares and places of worship maybe located within the Community Core and as part of the Co-location Facility if determined appropriate and compatible through further study undertaken through the Block Plan approval process.
- Policy 1.8.1 a) and b) – The Block 41 Secondary Plan policies encourages a more compact form of development, promotes the use of active transportation and transit.

### A Place to Grow, the Growth Plan for the Greater Golden Horseshoe, 2019 (“A Place to Grow (2019)”)

On May 16, 2019 A Place to Grow, the Growth Plan for the Greater Golden Horseshoe, 2019 was prepared and approved under the Places to Grow Act, 2015 and replaced The Growth Plan for the Greater Golden Horseshoe (2017). The Growth Plan for the Greater Golden Horseshoe has been updated twice since the initiation of the Block 41 Secondary Plan study.

A Place to Grow (2019), is to be read in conjunction with the PPS 2014, and “...builds upon the policy foundation provided by the PPS and provides additional and more specific land use planning policies to address issues facing specific geographic areas in Ontario” (A Place to Grow, page 7). The policies of A Place to Grow (2019) takes precedence over the policies of the PPS 2014 where there is a conflict between the two, and no relevant legislation provides otherwise. The only exception is, “where the conflict is between policies relating to the natural environment or human health. In that case, the direction that provides more protection to the natural environment or human health prevails” (A Place to Grow, page 7).

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A Place to Grow (2019), must also be read in conjunction with other provincial plans as defined in the Planning Act which may apply within the same geography.

Section 1.2.1 of A Place to Grow (2019) outlines 10 Guiding Principles for the successful realization of its vision statement. The 10 Guiding Principles include the following:

- Support the achievement of complete communities that are designed to support healthy and active living and meet people’s needs for daily living throughout an entire lifetime.
- Support a range and mix of housing options, including second units and affordable housing, to serve all sizes, incomes, and ages of households.
- Protect and enhance natural heritage, hydrologic, and landform systems, features, and functions . . .” (A Place to Grow, pages 5-6)

The Vision Statement and Guiding Principles developed for the New Community Area within Block 41 speak directly to the creation of complete communities, ensure a range of residential dwelling types, support active transportation, and conserve and protect natural heritage.

Policy 2.2.6.1.a) i. of A Place to Grow (2019) states, that municipalities are required to “support housing choice through the achievement of the minimum intensification and density targets in this Plan, as well as the other policies of this Plan by:

- i. Identifying a diverse range and mix of housing options and densities, including second units and affordable housing to meet projected needs of current and future residents; . . .” (A Place to Grow, page 22)

As referenced in the PPS 2014 Section of this report, Section 3.4 of the Block 41 Secondary Plan addresses matters related to affordable housing.

Policy 2.2.7.2.a) states “The minimum density target applicable to the designated greenfield area of each upper- and single-tier municipality is as follows a) . . .the Regions of . . . York will plan to achieve within the horizon of this Plan a minimum density target that is not less than 50 residents and jobs combined per hectare; . . .” (A Place to Grow, page 23)

The target established by A Place to Grow (2019) is achieved through the Block 41 Secondary Plan policy 3.2.1 which states “Through the policies of this Secondary Plan, the City shall seek to meet an overall minimum density of 70 residents and jobs per hectare in the developable area by 2031 for the lands subject to this Secondary Plan.

Policy 3.2.2.2.d) and 3.2.2.4.d) of A Place to Grow (2019) are both related to the provision for a multi-modal system and active transportation. The Block 41 Secondary Plan provides for a multi-modal transportation network. Policy 3.5.2 of the Secondary Plan states, “The Multi-Modal Transportation Network establishes

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a framework to guide the development of streets and blocks, and the design of complete streets for all ages, abilities, and modes of transportation...”

Policy 3.2.8.2 of A Place to Grow (2019) states, “Public service facilities and public services should be co-located in community hubs and integrated to promote cost effectiveness” (A Place to Grow, page 37). The Block 41 Secondary Plan encourages the co-location of community facilities and proposes a Co-Location Facility within the Community Core area. The Co-Location Facility will include a major community centre and library as well as active play areas. It also, permits other community services and facilities provided the uses are determined compatible through further study.

### The Greenbelt Plan (2017) (“Greenbelt Plan”)

The Greenbelt Plan (2005) was updated in July of 2017 through the Provincial Coordinated Review during the New Community Area- Block 41 Secondary Plan Study process. The updated Greenbelt Plan (2017) maintains the same designations for all lands within Block 41.

To protect agricultural land uses and ecological functions, the Greenbelt Plan establishes where growth should and should not occur in the Greater Golden Horseshoe, more specifically the Greenbelt Plan “... identifies where urbanization should not occur in order to provide permanent protection to the agricultural land base and ecological and hydrological features, areas and functions...” (Greenbelt Plan 2017, page1).

Approximately 40% of the Block 41 Secondary Plan area falls within the Greenbelt Plan area which restricts new development. A significant portion of Block 41 is designated Protected Countryside thereby invoking the following policy, “There are three types of geographic-specific policies that apply to specific lands within the Protected Countryside: Agriculture System, Natural System, and settlement areas” (Greenbelt Plan, pg.15).

Within Block 41, the Agricultural System policies of the Greenbelt Plan predominately fall under the Prime Agricultural areas classification, also limiting the use of these lands. Prime Agricultural Area policies in Section 3.1.3 of the Greenbelt Plan include;

- “1. All types, sizes and intensities of agricultural uses and normal farm practices shall be promoted and protected ...
2. Lands shall not be redesignated in official plans for non-agricultural uses except for;
  - a) Refinements to the prime agricultural area and rural lands designations, subject to the policies of section 5.3; or
  - b) Settlement area boundary expansions, subject to the policies of section 3.4.

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3. Non-agricultural uses may be permitted subject to the policies of sections 4.2 to 4.6. These uses are generally discouraged in prime agricultural areas and may only be permitted after the completion of an agricultural impact assessment ...” (Greenbelt Plan, page 17)

The Block 41 Secondary Plan implementation policies, specifically policy 9.1.2.1, requires the submission of an Agricultural Impact Assessment which will address the interface between development and agricultural buffers, conversion of agricultural uses to non-agricultural uses (in keeping with the Greenbelt Plan 2017 policies).

The Natural System of the Protected Countryside provides a “...continuous and permanent land base necessary to support human and ecological health in the Greenbelt Plan and beyond” (Greenbelt Plan, page 20). It includes policies that support and protect areas of natural heritage and hydrologic and/or landform features and functions. The Natural System functions at 3 different scales and includes the Natural Heritage System and the Water Resource System.

“The Natural Heritage System includes core areas and linkage areas of the Protected Countryside with the highest concentration of the most sensitive and/or significant natural features and functions” (Greenbelt Plan, page 21)

“The Water Resource System is made up of both ground and surface water features and areas and their associated functions, which provide the water resources necessary to sustain healthy aquatic and terrestrial ecosystems and human water consumption” (Greenbelt Plan, page 21).

In recognition of these elements of the Greenbelt Plan, the Block 41 Secondary Plan Study has been informed by the related East Purpleville Creek Subwatershed Study through which a preliminary Natural Heritage System and Water Resource System have been established. This will be refined and finalized through the subsequent Block Plan process including the review and approval of an associated Master Environment and Servicing Plan (MESP).

Section 4 of the Greenbelt Plan speaks to general policies for the Protected Countryside. Policy 4.1.1.1 states “Non-agricultural uses are not permitted in the specialty crop areas ... or within prime agricultural areas in the Protected Countryside, with the exception of those uses permitted under sections 4.2 to 4.6 of this Plan” (Greenbelt Plan, page 37) which include infrastructure, specifically stormwater management facilities. Subsection 4.2.3 provides policy direction related to the provision of stormwater management infrastructure in the Protected Countryside. This section is applicable to the Block 41 Secondary Plan given the proposed locations for two of the five potential stormwater management facilities are situated in the Agricultural designation of the City’s Natural Heritage Network, which is also part of the Greenbelt Plan area.

Consistent with policy 4.2.3.3 (Greenbelt Plan), the Block 41 Secondary Plan policy 8.2.3 states, “Subject to the policies of Section 4.2 of the Greenbelt Plan,



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naturalized stormwater management facilities are permitted outside of natural hazard lands, key natural heritage features, key hydrologic features, and their associated VPZs, subject to the provisions of policy 5.6.4 of this Secondary Plan.”

The location of stormwater management facilities will be finalized through the subsequent Block Plan approval process in accordance with Section 10.1 of VOP 2010.

### York Region Official Plan 2010 (“YROP”)

The YROP is rooted in the concept of sustainability, and includes policies to protect important natural features, with emphasis on enhancing natural systems that shape and support the Region. This theme is reflected in the policies for the New Community Areas which focus on creating sustainable communities. Section 1.2 of the YROP, and the Plan as a whole, establish a framework for achieving sustainability and rethinking the way communities are designed, serviced and supported.

Section 5.6 of the YROP references New Community Areas as “...places where people interact, learn, work, play and reside. Excellence in community design is essential to creating a physical place where people have the opportunities and choices required to lead rewarding lives”. Policies in consideration of the New Community Areas are listed in the YROP from numbers 5.6.1 to 5.6.18.

The Region of York is the approval authority for the Block 41 Secondary Plan and through its approval process it will ensure that the Block 41 Secondary Plan conforms to policies 5.6.1 to 5.6.18. specifically,

- Policy 5.6.3 of the YROP- “That new community areas shall be designed to meet or exceed a minimum density of 20 residential units per hectare and a minimum density of 70 residents and jobs per hectare in the developable area” (YROP, page 98). The Block 41 Secondary Plan reflects this same language in Section 3.2 requiring these minimums be met.
- Policy 5.6.4 of the YROP - The Secondary Plan proposes a mix of housing types including detached and semi-detached houses, townhouses including stacked townhouses and back-to-back townhouses and both low-rise and mid-rise buildings. Section 3.4 of the Secondary Plan includes policies related to affordability.
- Policy 5.6.5 of the YROP – The Block 41 Secondary Plan includes provision for a Community Core, located centrally along a collector street. Section 4.7 of the Secondary Plan require that the Community Core be designed as a focal point and meeting place for the community, having a range of community services and facilities including a Co-location Facility and small-scale convenience retail.

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- Policy 5.6.15 of the YROP – Section 3.6 and 6.6 of the Secondary Plan promote and provide policies related to the development of a parks and open space system, noting “It is a goal of this Plan to create a desirable, high quality, and unique parks and open space system through a mix of passive and active spaces that supports the strategic objectives of the City of Vaughan ATMP” (Block 41 Secondary Plan, policy 6.6.1.1)

### The York Region New Community Guidelines (“YRNCG”)

The YRNCG were created to assist local municipalities and the development industry in successfully implementing the YROP New Community Areas (Section 5.6) and Sustainable Buildings (section 5.2) policies. As such, the YRNCG address YROP policy directives by providing checklists and more specific requirements in order to meet the required policy objectives.

### Vaughan Official Plan 2010 (“VOP 2010”)

Schedule 13 Land Use of VOP 2010 designates the lands within Block 41 as “New Community Areas”, “Infrastructure and Utilities” (TransCanada Maple Compressor Station, Station 130), “Low-Rise Residential”, and “Rural” as it relates to the existing residential community in the northwest quadrant of the Block. In addition, lands within this Block are designated “Natural Areas” and “Agricultural” which are predominately located within the Greenbelt Plan Area. However, not all the lands within Block 41 are subject to the policies of the New Community Areas, as previously noted under the Background Section of this report.

Schedule 14-A of VOP 2010 identified lands within Block 41 as “New Community Areas” requiring a Secondary Plan. Policies related to this designation can be found under policy 9.2.2.14.a. to 9.2.2.14.d. New Community Areas. These policies recognize that the “New Community Areas are part of Vaughan’s Urban Area and are intended to develop as complete communities with residential and local population-serving retail and commercial uses” (VOP 2010, page 254).

The policies related to New Community Areas in VOP 2010 closely relate to those in the YROP, recognizing the same minimum density requirements, and need for “a wide range and mix of housing types, sizes and affordability” for new development.

VOP 2010 policies also speak to the elements of a community core, the provision of live-work opportunities and the implementation of the Active Together Master Plan.

The Block 41 Secondary Plan study process has considered policies 9.2.2.14.a. through to 9.2.2.14.d. in the preparation of the Block 41 Secondary Plan.

The Block 41 Secondary Plan Study has been informed by other studies thereby providing an integrated approach

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Several supporting studies were undertaken concurrently with the review of both the secondary plan process for the New Community Areas of Block 27 and Block 41. The supporting studies informed different aspects of the Secondary Plan and will also inform the subsequent Block Plan application processes for Block 41.

### The North Vaughan and New Communities Transportation Master Plan (“NVNCTMP”)

A supporting Transportation Study, the NVNCTMP, was led by the City’s Instructure Planning and Corporate Asset Management department (“IPCAM”) in consultation with various stakeholders including the Region of York. The NVNCTMP was initiated in April 2015 and was considered by Committee of the Whole on June 5, 2018 and ratified by Council on June 19, 2018. A notice of Completion was issued on February 28, 2019.

The main objectives of the NVNCTMP were to establish the internal transportation network needed to support the new community areas within the Blocks, as well as to establish connectivity between the Blocks and the remainder of the Regional transportation network. The NVNCTMP also considered the required road and transit network improvements necessary to accompany the planned growth in the North Vaughan area.

Major changes to the proposed street network for Block 41 are not anticipated through the completion of the Block 41 Secondary Plan study process.

More information respecting the NVNCTMP can be accessed through the following link: [www.nvnctmp.ca](http://www.nvnctmp.ca)

York Region Water and Wastewater Environmental Assessment Process Full build-out of the New Community Areas will be dependent upon the construction of York Region’s Northeast Vaughan Water and Wastewater Servicing Solution. York Region has completed a Schedule B, Class Municipal Environmental Assessment (“Class EA”) Study to establish the preferred solution to provide new water and wastewater infrastructure needed to service the anticipated growth in northeast Vaughan to the year 2051. The Notice of Study Completion was issued on April 11, 2019.

The City has worked closely with York Region to ensure that the City’s Water and Wastewater Master Plan requirements are fulfilled through the completion of the Regional Class EA Study. It is anticipated that the conclusion of the Class EA will require the construction of a Regional Sanitary Truck Sewer along Jane Street and various water supply system improvements to service the full build-out of the New Community Areas in Blocks 27 and 41, and Block 34 (East/West) and Block 35. York Region’s current Capital Construction Program identifies the construction of the required infrastructure improvements by 2028.

In advance of the anticipated Regional infrastructure delivery date of 2028, York Region has advised that interim servicing capacity is available within the existing

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Regional network for approximately 10,000 people (3,000 residential units). Although this Regional system capacity will not fulfill the ultimate water and wastewater servicing needs for Blocks 27, 34 (East and West), 35 and 41, initial phases of development within these areas may proceed based on available residual capacity within the City's network. Interim and ultimate servicing requirements for these areas must conform to the conclusions and recommendations of the City's on-going Interim Servicing Strategy Study.

### East Purpleville Creek Subwatershed Study

Work on the East Purpleville Creek Subwatershed Study ("SWS") was initiated in the fall of 2014 and submitted to the City in April 2018 and circulated for review.

The intent of the SWS is to provide input to the Block 41 Secondary Plan respecting the Natural Heritage Network, preliminary stormwater management concept and restoration plans for the New Community Area within Block 41. The SWS also includes hydrology and erosion assessments for the larger East Purpleville Subwatershed.

A significant amount of work has been completed through the SWS to evaluate and delineate the natural heritage and hydrologic features within the New Community Area of Block 41. The natural heritage system for the New Community Area within Block 41 will be precisely delineated through the Block Plan application process and detailed Master Environment and Servicing Plan ("MESP").

The finalization of the East Purpleville Creek Subwatershed Study will inform the preparation of a Terms of Reference for the future Block Plan and MESP.

### ***The Block 41 New Community Area Secondary Plan Study also took into consideration the impact of works undertaken by TCPL, an infrastructure and utility operator located within Block 41 but outside of the Secondary Plan area***

Since the initiation of the Block 41 Secondary Plan Study process in 2015, TransCanada Pipeline Limited (TCPL) has participated as a subject matter expert respecting the compressor station and pipeline on the Block 41 Secondary Plan Technical Advisory Committee ("TAC").

In 2019, TCPL was rebranded as TC Energy. As it relates to matters in Block 41, they will continue to be referred to as TCPL. TCPL is a privately owned, publicly traded corporation regulated by the National Energy Board.

TCPL has held a dual role in matters related to the Block 41 New Community Area. First as subject matter experts participating in the Secondary Plan study by providing comments. Secondly, they are also a landowner having an interest as they own property adjacent to the Secondary Plan Area that is designated "Infrastructure and Utilities" by VOP 2010.

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Through the course of the Block 41 Secondary Plan Study TCPL has proposed 3 facility upgrades to the Maple Compressor Station (Station 130), which is within Planning Block 41. The regulatory process for all three projects requires TCPL to file an application with its regulator, the National Energy Board (NEB) or its successor, Canada Energy Regulator. The following is a brief description of each project:

1. Maple Compressor Station 130, B3 Unit Addition (2015) – The proposal included the addition of an 11- megawatt compressor unit, aerial gas coolers and ancillary support system. TCPL filed application for this project with the NEB on August 28, 2015. The application was approved by the NEB on December 3, 2015, with conditions, (NEB approval order XG-T211-043-2015).
2. Maple Compressor Station 130, C-Plant Project (2017) - The proposal included the addition of one 22-megawatt compressor unit within a new acoustically treated building, and several small support buildings. TCPL filed application for this project with the NEB on November 2, 2017. The application was approved by the NEB on April 27, 2018. Construction of this project is currently underway. (NEB approval order XG-T211-013-208)
3. Maple Compressor Station 130, C5 Unit Addition (2019) – The current proposal is to add additional compression capacity at Station 130 to meet anticipated increased natural gas demand towards the end of 2021. The modifications proposed as part of the Project include the addition of a second 22-megawatt compressor unit (C5-unit) within the compressor building (C-Plant) which is currently under construction. TCPL anticipates filing the current proposal in September of 2019 and subject to the Canada Energy Regulator (formerly known as the National Energy Board) approval it is expected that the facility will be in-service by November of 2021.

City staff have provided comment to the NEB respecting each project.

TCPL, through their planning representative MHBC, has provided written communications and deputed at the April 2, 2019 statutory Public Hearing for the Block 41 New Community Area Secondary Plan. The response to these comments and other comments provided at the statutory Public Hearing, are appended as Attachment #4.

### ***Public Notice was provided in accordance with the Planning Act, and Council's Notification Protocol***

Public Consultation has played a significant role throughout the Block 41 Secondary Plan study process. Notification was provided for all public open house meetings, the Committee of the Whole (Working Session), the statutory Public Hearing, and this Committee of the Whole meeting.

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### Notification for this Committee of the Whole Meeting

Although not required by the *Planning Act*, a Courtesy Notice was sent through an e-mail blast to those requesting additional information related to the Block 41 Secondary Plan Study process. Where an e-mail was not available, the Courtesy Notice was mailed.

### Comments and Response Table

Comments received at the statutory Public Hearing on the Block 41 Secondary Plan have been categorized based on themes and reviewed accordingly. Staff's response regarding the comments/information provided are appended to this report as Attachment #3.

The Block 41 Landowners Group and TCPL provided comments through the Block 41 statutory Public Hearing and provided detailed comments on the Secondary Plan, which were received and reviewed along with comments from the Block 41 TAC members. Staff's response and proposed revisions to the draft Secondary Plan based on the comments received are discussed thematically in the Analysis section of this report.

### ***A broad and varied consultation process has been undertaken to inform the Block 41 Secondary Plan review***

#### Consultation Strategy

The Block 41 Secondary Plan Study has been informed by an extensive public and stakeholder consultation process. The consultation strategy included two main platforms of advertising events/milestones related to the Block 41 Secondary Plan Study process. First, a social media campaign that included the placement of meeting notices on Vaughan Online, Twitter and Facebook (for one-way communication); the creation of a webpage devoted to the New Community Areas, and a friendly Uniform Resource Locator (URL) [www.vaughan.ca/newcommunityareas](http://www.vaughan.ca/newcommunityareas) .

The second platform included a print campaign which involved the mailing of meeting notices to stakeholders and the surrounding community. Notice of study commencement, as well as the Notice for the statutory Public Hearing were both published in the Vaughan Citizen and The Liberal newspapers on March 12, 2015 and March 7, 2019 respectively. In addition, an e-mail blast was sent to all individuals/groups requesting information through the study process.

Digital signs located at the public facilities where meetings were held were also used to advertise the date of the respective meetings.

### ***Public and stakeholder consultation and engagement played a significant role in the Block 41 Secondary Plan Study Process***

Key participants in the consultation process were engaged throughout the study process. Participants included City Council, the Block 41 Secondary Plan TAC, the Block 41 Secondary Plan Landowners Group ("LOG"), who participated in

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the preparation of the East Purpleville Creek Sub-watershed Study, the Indigenous Communities, and residents/landowners within the Block and the surrounding areas.

### Block 41 TAC and LOG

City staff met with the Block 41 TAC during the initial phases of the study process. Recently the Block 41 TAC met on March 4, 2019. Staff also continued to have focused meetings with TAC members who are subject matter experts related to parks and open space, community facilities and schools, density and land use, and transportation and servicing.

City staff has also met with the Block 41 LOG on an ongoing basis throughout the Block 41 Secondary Plan Study process. These meetings have included members of the TAC when discussions required the participation of subject matter experts.

In response to work produced through the Block 41 Secondary Plan Study process, the LOG has submitted studies to the City, which have been considered as their comments on the City's ongoing work. These reports include:

- Commercial Needs Assessment
- Noise Report
- Community Hubs Review

### Indigenous Communities

Initial correspondence was sent to the 13 identified Indigenous Communities. Of the 13 Indigenous Communities notified, five (5) responded that they prefer to receive information on the progress of the study as it become available.

The 5 Indigenous Communities were notified of the April 5, 2019 Public Hearing and provided a draft of the proposed Block 41 Secondary Plan. Correspondence was also sent to the 5 Indigenous Communities notifying them of the Committee of the Whole Meeting scheduled for September 24, 2019.

### Bus Tour

In September 2015, the Policy Planning and Environmental Sustainability department led a bus tour of two communities in the GTA; the Mount Pleasant Village and Mobility Hub in Brampton, and the Bayview Wellington Centre in Aurora. The tour was organized to present landowners, the City's New Communities project team, and Council members with 'on ground' examples of communities that have been developed in accordance with the objectives and principles of new community areas.

### Reports to Council

Four reports related to the Secondary Plan for the New Community Area of Block 41 have been prepared and considered by Committee of the Whole and Council, including the April 2, 2019 statutory Public Hearing report. These reports are referenced in the Previous Reports/Authority section of this report.

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Two memoranda were also provided to the Mayor and Members of Council. The first, dated February 12, 2015 was to inform of the initiation of the Secondary Plan studies for both the New Community Areas. The second, dated July 20, 2015, provided an update on the progress of the studies. The memoranda also provided updates on the status of related studies, including the Subwatershed Studies and the NVNCTMP.

### Public Forums

Since the 2015 initiation of the Block 41 Secondary Plan process, a number of public open houses were held to inform interested parties of the New Community Area- Block 41 Secondary Plan.

### Previous Reports/Authority

The following reports have been prepared in reference to the New Community Area for the Block 41 Secondary Plan.

Draft terms of Reference for the New Community Areas Secondary Plan Process, which can be found at the following link:

[https://www.vaughan.ca/council/minutes\\_agendas/Agendaltms/CW1126\\_13\\_43.pdf](https://www.vaughan.ca/council/minutes_agendas/Agendaltms/CW1126_13_43.pdf)

Draft Terms of Reference for the New Community Areas Secondary Plan Studies – Sub-Watershed Component, which can be found at the following link:

[https://www.vaughan.ca/council/minutes\\_agendas/Agendaltms/CW0603\\_14\\_1.pdf](https://www.vaughan.ca/council/minutes_agendas/Agendaltms/CW0603_14_1.pdf)

New Community Area Block 41 Secondary Plan Study – File: 26.4.2 Status Update Report, can be found at the following link:

[https://www.vaughan.ca/council/minutes\\_agendas/Agendaltms/CW\(WS\)0118\\_16\\_3.pdf](https://www.vaughan.ca/council/minutes_agendas/Agendaltms/CW(WS)0118_16_3.pdf)

New Community Area – Block 41 Secondary Plan Study (File #26.4.2), can be found at the following link:

<https://pub-vaughan.escribemeetings.com/FileStream.ashx?DocumentId=12981>

### Analysis and Options

***Part B of the Block 41 Secondary Plan contains a number of policy initiatives divided into 9 sections which when applied would allow the creation of a complete community***

Since the draft Block 41 Secondary Plan was released in March of 2019, it has been reviewed, edited and restructured based on comments received through the public process.

### Section 1.0 Introduction

Includes an introduction and recognizes the text and schedules constitute the Block 41 Secondary Plan, which forms part of VOP 2010, building on the policies in Volume 1 of VOP 2010.



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## **Section 2.0 Vision and Guiding Principles**

The following Vision Statement and Guiding Principles were developed based on the information gathered at the first Public Open House (Visioning Summit) and refined through the Block 41 Secondary Plan study process, including input from all stakeholders and members of the TAC.

### **Vision Statement**

The New Community Area of Block 41 is a sustainable new community, where residents enjoy the conveniences of urban living near the countryside. Distinct neighbourhoods are connected to each other and adjacent communities by a permeable multi-modal street network and an integrated trail system that generally follows the Purpleville Creek system. The area's rich natural and cultural heritage is celebrated, protected, and leveraged to create a unique sense of place. Harmonious transitions and compatible, high quality design ensure newer homes and businesses complement those existing in the Block 41 area. The community welcomes all people and provides vibrant gathering places for neighbours to come together and thrive.

### **Guiding Principles:**

- Create a complete, compact and vibrant community;
- Promote efficient development patterns and standards;
- Conserve and protect natural heritage;
- Set high standard of sustainability, waste reduction, and energy and water efficiency;
- Provide a linked greenspace system that includes parks, open spaces, trails and natural areas;
- Provide a range of housing types, such as detached, semi-detached, townhouses, multi-unit dwellings and opportunities for affordable housing;
- Include accessible human services and community facilities;
- Provide a Community Core that serves the community;
- Ensure mobility choices through the provision of complete streets for all ages and abilities design principles that support a variety of users including pedestrians, cyclists, transit riders and motorists; and
- Strive for design excellences, in building, streets, and open spaces.

A more detailed description of the Guiding Principles can be found in 2.1.2 of Attachment #4.

## **Section 3 Community Structure Policies**

The community structure established for the New Community Area within Block 41 includes 5 key elements, density policies and a description of 5 residential neighbourhoods. It also includes other land use elements within and/or influencing the Secondary Plan Area.

### **5 Key Elements**

1. Five distinct neighbourhoods, served by strategically located community facilities, parks and schools and commercial/mixed use nodes, including a Community Core.

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2. An integrated multi-modal street network to connect homes, schools, shops, and adjacent communities with an emphasis on providing safe and direct pedestrian and cycling facilities. This street network also provides the framework for transit routing and the associated distribution of transit supportive land uses and densities.
3. A connected parks and trails network that complements the street-based circulation network, including pedestrian and cycling, providing both utilitarian and recreational amenities that support active and healthy living.
4. An extensive system of natural areas that define neighbourhood boundaries while providing opportunities for placemaking, conservation, and nature appreciation.
5. Existing infrastructure and utilities including an adjacent natural gas compressor station and pipelines; a telecommunications tower; and proposed stormwater management ponds.

### Residential Neighbourhoods

Schedule C of the Block 41 Secondary Plan depicts 5 distinct neighbourhoods. Each neighbourhood includes a central public feature being either a school, park and open space or other community facility that is within reasonable walking distance for residents.

The designations proposed for each neighbourhood are consistent with those described in Part B of the Block 41 Secondary Plan. In order to demonstrate how the minimum density of 70 people and jobs per hectare for the New Community Area can be achieved, assumptions respecting the building type for each neighbourhood were made which resulted in a unit type, population and employment count for the New Community Area. These numbers are not included in Part B of the Block 41 Secondary Plan but can be found in Appendix II titled Population and Jobs.

Neighbourhood 1 (N1): located in the north-east quadrant of Block 41, Neighbourhood One is comprised primarily of Low-Rise Residential uses with Mid-Rise Residential areas, an elementary school, two neighbourhood parks, and a public square. This neighbourhood also includes mid-rise mixed uses located at the intersection of the major arterial streets of Kirby Road and Weston Road. Dwelling units including a mixture of Detached, Semi-Detached, Townhouses, Stacked Townhouses, Back-to-Back Townhouses, Multi-unit Buildings, as well as retail are anticipated.

Neighbourhood 2 (N2): located in the central portion of Block 41, Neighbourhood Two is focused on the primary east-west and north-south Minor Collector streets intersection servicing the community's Community Core. As such, this neighbourhood includes a mix of low- and mid-rise residential and mixed-uses, an elementary school, a neighbourhood park, and a number of community facilities such as a community centre and library, as well as associated active play areas which provide for a District Park level of service. In this location, the community centre is planned to be served by transit service along both Weston Road and the proposed internal north-south Minor Collector street. Dwelling

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units including a mixture of Detached, Semi-Detached, Townhouses, Stacked Townhouses, Multi-unit buildings, as well as retail are anticipated.

Neighbourhood 3 (N3): located in the central-west portion of Block 41, Neighbourhood Three is west of the Community Core. This neighbourhood is bounded by natural features and is comprised of Low-Rise Residential uses, an elementary *school*, and two neighbourhood parks. The City will determine the appropriateness of locating a second neighbourhood park in the northwest part of N3 through the Block Plan application process. Should a neighbourhood park not be deemed appropriate at this location, the City will consider these lands for use as a potential vista block or trail head location. Dwelling units including a mixture of Detached, Semi-Detached, and Townhouses are anticipated.

Neighbourhood 4 (N4): located along the southern boundary, Neighbourhood Four is north of Teston Road. This neighbourhood is comprised of low-rise and Mid-Rise Residential uses, a neighbourhood park, a secondary school, and a small mixed-use node. Dwelling units including a mixture of Detached, Semi-Detached, Townhouses, Stacked Townhouses, Multi-unit Buildings, and retail are anticipated.

Neighbourhood 5 (N5): located in the south-west corner of the Block, Neighbourhood Five is centred on the intersection of Teston Road and Pine Valley Drive. It is comprised of a mix of mid- and low-rise residential uses and a neighbourhood park. Dwelling units including a mixture of Detached, Semi-Detached, Townhouses, Stacked Townhouses, and Multi-unit Buildings are anticipated.

Land Use Budget (details shown in Appendix II to the Block 41 Secondary Plan) The estimated population and jobs within the Block 41 Secondary Plan area are based on a specific set of assumptions developed through the Block 41 New Community Area Secondary Plan Study process. The estimated population and jobs, results in a minimum density of 77 residents and jobs per hectare. These assumptions include a housing mix of approximately;

- 24% single detached units,
- 5% semi-detached units,
- 19% townhouse units,
- 8% stacked townhouse units,
- 2% back-to-back units, and
- 42% multi-unit dwellings.

For a detailed breakdown by dwelling type in each of the 5 neighbourhoods refer to Appendix II of the Secondary Plan (Attachment #5 of this report).

### Population, Employment and Density Targets

Consistent with policy 5.6.3 of the York Region Official Plan (2010) and VOP 2010, the policies of the Block 41 Secondary Plan require an overall minimum

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density of 70 residents and jobs per hectare in the developable area by 2031 and a minimum 20 units per hectare.

### Affordable Housing

In accordance with Section 7.5 of VOP 2010, 25% of all new housing units must be affordable and a portion of these units should be accessible for people with disabilities. The Block 41 Secondary Plan also includes the provision for secondary suites.

### Multi-Modal Street Network

Depicted on Schedule E of the Block 41 Secondary, the multi-modal street network consists of Minor Collector streets essential to providing connectivity internally for the Block and the external arterial grid for all modes of transportation.

### Parks and Trails Network

The Block 41 Secondary Plan also provides for a network of highly accessible and visible parks, identified on Schedules B, C and F. Parks play a significant role in the community structure creating central features and focal points within each neighbourhood and throughout the new community area overall. Together pathways within the parks and the Natural Heritage Network (NHN) provide for the creation of a linked open space system and Multi-Use Recreational Trail. The final Multi-Use Recreational Trail system will be based on the feasibility of potential trail route alignments.

### Natural Heritage Network

The NHN identified on Schedule F of the Block 41 Secondary Plan comprises approximately 40% of the Secondary Plan area and is primarily captured within the Greenbelt Plan Area. Natural features within the NHN are to be protected, conserved, restored, and where possible enhanced.

### Infrastructure and Utilities

A variety of different forms of infrastructure and utilities impact the Block 41 Secondary Plan area. The TCPL pipeline and compressor station are located within the Block 41 Secondary Plan study area, but are not part of the New Community Area, except for a portion of the lands containing a pipeline, which extends north from the compressor station to Kirby Road. The compressor station and pipeline do however define the boundaries between neighbourhoods within the Secondary Plan area.

Stormwater management sites should operate on a multifunctional basis, providing not only the primary function of water catchment but also function as part of the open space system. Innovative stormwater management techniques maybe implemented in conjunction with parks, provided programming opportunities and operation of parks are not negatively impacted.

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### Sensitive Land Uses

Applications for residential development and other sensitive land uses shall have regard for potential impacts such as noise, vibration, odour and air pollution impacts from existing uses, major streets, and transportation infrastructure, and facilities. When determined appropriate, applications for residential and other sensitive land uses shall include but are not limited to a noise and vibration study, and an air pollution study to identify appropriate measures for mitigation.

### Policies related to TransCanada Pipeline and Compressor Station

In response to comments received from TCPL at the statutory Public Hearing and through the technical review undertaken as part of the draft Secondary Plan study process, policies related to TransCanada Pipeline Limited have been expanded upon. Although not part of the Secondary Plan area, the City recognizes that Compressor Station 130 is required for the transmission of natural gas throughout Ontario and Eastern Canada.

The compressor station is designated “Infrastructure and Utilities” by VOP 2010 but is not located within the Secondary Plan area. The policies contained in Section 3.10 of the Secondary Plan provide guidance to development adjacent to the compressor station and located within the Block 41 Secondary area.

Section 3.10 of the Block 41 Secondary Plan also provides policy direction on matters related to mitigation, including the requirement for acoustical noise mitigation to be provided adjacent to the compressor station, policies related to noise impacts, specifically noise impacts due to low frequency sound. The section also includes sound level thresholds and implementation policies specifically the requirement for Noise Feasibility Study to specify how,

“...compatibility will be achieved and maintained between TransCanada’s compressor station (existing and approved) and the proposed *development* and may include measures aimed at minimizing impacts or prohibiting certain types of *development* in proximity to TransCanada’s compressor station (existing and approved) to ensure compatibility.” (Block 41 Secondary Plan policy 3.10.16)

### Transit Supportive Development

Development shall have regard for regional and provincial transit guidelines.

### Permitted Uses in all Designations

The Block 41 Secondary Plan also includes policies related to uses permitted in all designations except for “Natural Areas”, “Parks”, and “Agriculture”.

### **Section 4 Land Use Designations and Symbols**

Land Use designations and symbols representing specific land uses are shown on Schedules B and C and described in the text of the Secondary Plan. Differentiating symbols from designations is a revision to the structure of the draft Secondary Plan intended to provide clarity between specific land uses and how they function.

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### Land Use Designations

The following land uses designations from VOP 2010 have been incorporated in the Block 41 Secondary Plan;

**Low-Rise Residential:** the “Low-Rise Residential” designation is found in all the Block 41 new community area neighbourhoods. The Block 41 Secondary Plan is consistent with the policies of VOP 2010 respecting the “Low-Rise Residential” designation permitted uses.

The building types permitted in this designation include detached and semi-detached houses, and townhouses and public and private institutional buildings. In addition to the building types permitted through VOP 2010, the Block 41 Secondary Plan also permits Stacked Townhouses, and Back-to-Back Townhouses. The maximum building height for all uses within the “Low-Rise Residential” designation is 3 storeys.

**Low-Rise Mixed-Use:** The “Low-Rise Mixed-Use” designation is applicable to the lands located in N2, specifically within the Community Core. It permits residential units, home occupations, retail and office use limited to a maximum 500 m<sup>2</sup> of GFA and located along a collector street.

In addition to the building types permitted in VOP 2010 for the “Low-Rise Mixed-Use” designation, Back-to-Back Townhouses and Live-work units shall also be permitted. The maximum density permitted in this designation shall be a Floor Space Index (FSI) of 1.5 times the area of the lot. The minimum building height shall be 2 storeys and the maximum building height shall be 5 storeys. Where the maximum height for a permitted building type is provided in VOP 2010, it shall apply to this Plan. Back-to-Back Townhouses shall have a maximum building height of 3 storeys.

**Mid-Rise Residential:** This designation is represented in all the neighbourhoods located along the arterial road network except for N3 which does not abut an arterial road. Permitted uses within the “Mid-Rise Residential” designation of this Secondary Plan are consistent with policy 9.2.2.3.b. of VOP 2010. Consistent with Section 9.2 of VOP 2010 for the “Mid-Rise Residential” designation, the Block 41 Secondary Plan permits Mid-Rise Buildings and Public and Private Institutional Buildings.

However, policy 9.2.2.3.d of the VOP 2010 related to the permission for Townhouses, Stacked Townhouses and Low-Rise Buildings in the “Mid-Rise Residential” designation in order to provide an appropriate transition will be deleted and in its place, the Block 41 Secondary Plan permits Townhouses, Stacked Townhouses, Back-to-Back Townhouses, Live-work units, and Low-Rise Buildings provided the minimum density of 70 residents and jobs per hectare can be achieved and demonstrated through the Block Plan approval process.

The maximum FSI shall be 2.5 times the area of the lot.

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Generally, the minimum building height shall be two storeys, and the maximum building height shall be eight storeys for this designation. The maximum building height for Townhouses, Back-to-Back Townhouses and Live-work units shall be three storeys and the maximum building height for Stacked Townhouses shall be four storeys.

**Mid-Rise Mixed-Use:** The “Mid-Rise Mixed-Use” designation is applicable to the lands in N1, N2 as part of the Community Core, and N4. Permitted uses in this designation include; residential units, home occupations, cultural uses (including galleries and theatres; retail uses, office uses (maximum 7,500 m<sup>2</sup>), parking garage, hotel, and gas stations. Consistent with Section 9.2 of VOP 2010 for the “Mid-Rise Mixed-Use” designation, the Block 41 Secondary Plan permits Mid-Rise Buildings, Public and Private Institutional Buildings, and Gas Stations.

Similar to the Block 41 Secondary Plan policies for the “Mid-Rise Residential” designation, policy 9.2.2.3.d of VOP 2010 related to the permissions for Townhouses, Stacked Townhouses and Low-Rise Buildings only being permitted in the “Mid-Rise Mixed-Use” in order to provide an appropriate transition, will be deleted and replaced with the Block 41 Secondary Plan policy which permits Townhouses, Stacked Townhouses, Back-to-Back Townhouses, Live-work units, and Low-Rise Buildings provided the minimum density of 70 residents and jobs per hectare can be achieved and demonstrated through the Block Plan approval process.

The minimum building height shall be two storeys, and the maximum building height shall be eight storeys for this designation, except at the southwest corner of Kirby Road and Weston Road shall be 10 storeys with an FSI of 3. The maximum building height for Townhouses, Back-to-Back Townhouses and Live-work units shall be three storeys and the maximum building height for Stacked Townhouses shall be four storeys.

**Natural Areas:** The “Natural Areas” designation is applicable to Core Features within the NHN, but not always within the Greenbelt Plan Area boundaries.

**Agricultural:** Lands designated “Agricultural” are located within the NHN and will be protected in accordance with 9.2.2 of VOP 2010.

### Symbols

Uses including the Community Core, parks, stormwater management facilities and schools are represented by symbols on Schedule B and C of the Secondary Plan. These uses can be relocated without amendment to the Secondary Plan to the satisfaction of the appropriate approval authority and City as required. Should any of these uses be eliminated or relocated the underlying land use designation shall prevail.

**Community Core:** Located in N2 and adjacent to Weston Road, mid-way through Block 41, along the north and south sides of the proposed collector road which extends from Weston Road to Teston Road. The Community Core will be

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designed as a focal point and meeting place for the community. The permitted uses may serve a community function, as well as a city-wide function. A range of community facilities and public uses are permitted within the Community Core, including the Co-Location Facility which is identified symbolically at the southwest corner of Weston Road and the proposed collector street, as shown on Attachment #2. The Co-Location Facility includes a major community centre, library and associated active play area(s), which provide for a District Park level of service.

A minimum area of 5.5 hectares within the Community Core will be required to accommodate the Co-Location Facility. If through a Facility Feasibility and Design Study recommendations to accommodate efficiencies in the building and/or facility design result in the adjustment of land requirements, such land adjustments may be permitted to the satisfaction of the City.

**Parks:** Of the various park typologies, Block 41 includes Neighbourhood Parks and Public Squares. The Block 41 Secondary Plan has been revised as it relates to the District Park typology, which would have been provided in conjunction with the major community centre and library as part of the Co-Location Facility. The District Park typology has been replaced with the concept of an active play area(s).

Neighbourhood Parks range in size from 0.75 hectares to 2.5 hectares and have been located conceptually throughout the Block 41 New Community Area to service future residents within a 5 to 10-minute walking distance. It should be noted that the Neighbourhood Park symbol in N4 was shifted to the west to ensure it remained adjacent to the secondary school proposed for N4.

Public Squares provide an alternative type of gathering place which is more appropriately suited to intensive social, cultural, and market-based events. Public Squares shall generally be a minimum of 0.2 to 1.0 hectares in size.

An Active Play Area which functions at a District Park level of service is described as an outdoor recreation facility including but not limited to playground facilities, outdoor waterplay, and court-type facilities. The character and function of the active play area shall be coordinated and integrated with the proposed uses within the Co-Location Facility and greater Community Core area.

**Stormwater Management:** The Block 41 Secondary Plan conceptually shows the potential locations for five stormwater management facilities. Of the 5 stormwater management facilities, 2 are located within the Greenbelt Plan area outside of the Core Features and “Natural Areas” designation. The final number, configuration and location of stormwater management facilities shall be determined through the Block Plan process and related MESP.

**Schools:** The general location for schools are identified and sited conceptually in the Block 41 Secondary Plan. The Secondary Plan proposes a total of 4 school sites, three elementary schools and one secondary school. Minor modifications



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have taken place to the location of the schools as a result of comments received through the study process.

The elementary school site in N1 has been relocated south of the neighbourhood park and is no longer separated by the proposed active transportation connection, which is subject to further study. The secondary school in N4 was moved westward adjacent to the collector street to address access requirements. The precise location, size, phasing, and number of future schools shall be determined with the school boards as part of the Block Plan and development application approval process.

### **Section 5 Natural Heritage Network**

The Natural Heritage Network (NHN) is a system of protected greenland/open space areas which includes lands identified as core features, lands in the Greenbelt Plan Area, woodlands, wetlands, significant valleylands, significant wildlife habitat, permanent and intermittent streams, fish habitat, groundwater seeps and springs and Vegetation Protection Zones (VPZs). The proposed NHN for the Block 41 New Community Area will reflect the work being undertaken through the East Purpleville Creek Subwatershed Study.

This section of the Secondary Plan also provides policies related to Floodplain, Valley and Stream Corridors, Interface with the Natural Heritage Network, and Net Positive Environmental Outcome.

### **Section 6 Community Development Policies**

The Community Development Policies include policies intended to guide development which are related to; Urban Design, Sustainable Development, Energy Efficiency, Cultural Heritage and Archaeology, Community Facilities and Parks and Open Space.

#### **Urban Design**

The Block 41 Secondary Plan will be developed in a manner which promotes the creation of an attractive and sustainable public realm and built form which supports active transportation. The urban design guidelines for the Block 41 Secondary Plan area will build upon the City-wide Urban Design Guidelines in order to provide more detailed direction with respect to the character of development.

The Urban Design Section of the Secondary Plan considers and includes policies related to: Community Structure; Built Form; Open Space, Landscaping, and Private Amenity; Parking and Service Facilities; Public and Private Institutional Buildings; Street and Block Patterns; and Gateway Features.

#### **Sustainable Development**

The Block 41 Secondary Plan is based on a conceptual design which maximizes the potential for the creation of a complete community, sustainable development and healthy environments through the efficient use of land and infrastructure. Through the on-going development of Block 41, City staff will evaluate the contribution to sustainable development pursuant to the policies of Section 9.1 of

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VOP 2010, and the Council approved Sustainability Performance Metrics which will be used to inform the development of the future Block Plan.

### Energy Efficiency

The City shall support and encourage strategies to reduce energy use through the implementation of the Block 41 Community Energy Plan and furthermore, promote development which attempts to achieve carbon neutrality for buildings and infrastructure to reduce greenhouse gas emissions and increase climate resiliency. Policy 6.3.2 of the Block 41 Secondary Plan provides a list of strategies which may be employed, these include:

- New buildings demonstrating the potential for improved energy efficiency;
- Waste heat recovery;
- Maximize renewable energy generation; and
- Creating a resiliency strategy for public buildings.

### Cultural Heritage and Archaeology

Schedule D of the Block 41 Secondary Plan identifies cultural heritage resources and cultural heritage landscapes. Section 6.4 of the Block 41 Secondary Plan describes and provides policies related to individual properties considered as candidates for conservation and integration into future land use developments. Also included as policy are recommendations to document roads and waterscapes prior to road improvements and development as part of the Cultural Heritage Landscape. Revisions to this section and Schedule D include removal of any reference to built heritage resources, as the only built heritage resource existing within the Block 41 Secondary Plan Study area is not part of the actual Secondary Plan Area and therefore not subject to the policies of this Plan.

There is the potential for significant pre-contact or Euro-Canadian archaeological resources within Block 41. Policy 6.4.5 of the Block 41 Secondary Plan identifies any future development, beyond those areas that have already been assessed and cleared of any archaeological concern, must be preceded by a Stage 2 archaeological assessment.

### Community Services and Facilities

The policies contained in the Community Services and Facilities section of the Block 41 Secondary Plan guide the provision of public uses including community centres, schools, libraries and safety services. This section builds upon the policies contained in Section 7.2 of VOP 2010 and the in-effect Active Together Master Plan, wherein both encourage the development of multi-functional and shared-use facilities, as well as locating facilities with both public and private development when appropriate. Furthermore, where it has been determined appropriate to incorporate facilities into a private development, there may be an opportunity for these to be considered as Community Benefits.

### Parks and Open Space

This section addresses Parks and Open Space design, parkland dedication and Privately Owned Public Spaces (“POPS”). It is the goal of this Plan to develop the minimum parkland required through the *Planning Act*, R.S.O. 1990, c.P.13.

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The Plan proposes a minimum of 7 (one of which is subject to further study) Neighbourhood Parks and 1 Public Square, as well as Active Play Areas associated with the Co-Location Facility. The final number, size and location of parks will be determined through the Block Plan to the satisfaction of the City. Open Spaces, other than parks, form part of the open space system. These include stormwater management facilities and Natural Areas. The policies of this Secondary Plan support using natural areas and other open spaces as part of the Multi-Use Recreational Trail.

### **Section 7 Transportation and Mobility**

Describes the role of the street network as the framework on which to build and enhance other movement networks including walking, cycling, and transit. The street network will be designed in accordance with the principles of complete streets accommodating all modes of travel. The street network will support the strategic objectives of the Transportation and Pedestrian and Bicycle Master Plan.

Section 7 also contains a description of the street hierarchy proposed for the New Community Area of Block 41, as well as policies related a future transit network, active transportation, traffic calming measures, parking and travel demand management.

A detailed description of the street network is provided later in this report.

### **Section 8 Services and Sustainable Development**

Servicing infrastructure shall be planned in an integrated and financially sustainable manner having regard for the long-term development potential of the New Community Area within Block 41. This section of the Block 41 Secondary Plan provides policies related to stormwater management, and water and wastewater. It also addresses the phasing of services and the requirement for a Block Master Environment and Servicing Plan.

Stormwater management shall be considered in accordance with Section 3.6 of VOP 2010, the final East Purpleville Creek Subwatershed Study, and the Master Environment and Servicing Plan that is to be developed as part of the Block Plan approval process and shall also meet the criteria of all approval agencies. Measures such as Low Impact Development (LIDs), and best practices and green infrastructure, shall be incorporated wherever feasible and practical to minimize runoff, reduce water pollution, and protect groundwater quality and maintain pre-development groundwater levels, in addition to more traditional stormwater management systems and facilities.

Infrastructure for water and wastewater shall be comprehensively planned based on a spine servicing approach where feasible and shall be guided by the recommendations in the latest Servicing Master Plan Class Environmental Assessment. Where appropriate, development shall also consider non-potable water sources, including retained stormwater.

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### **Section 9 Implementation and Interpretation**

The implementation of the Block 41 Secondary Plan shall be in accordance with Section 10 of the Vaughan Official Plan 2010 and the policies of this Secondary Plan. The policies contained in this Secondary Plan shall apply to the New Community Area within Block 41. Except as otherwise provided, where there is a conflict between the policies of this Secondary Plan and Volume 1 of VOP 2010, or any other specific Official Plan Amendment that is in force on the date of the approval of this Secondary Plan, the policies of this Secondary Plan shall prevail.

Section 9 of the Block 41 Secondary Plan identifies implementation tools such as the Block Plan, Zoning By-laws, Bonus provisions, Community Improvement Plans, Legal Non-Conforming Uses, Site Plan Control, Plans of Subdivision/Condominium, and Consent to Sever. This Section also provides a policy framework related to agreements required to secure infrastructure, the requirement for pre-consultation, phasing of development, the use of zoning by-laws to apply holding provisions, the conveyance of lands and monitoring pursuant to Section 26 of the *Planning Act*, R.S.O. 1990, c.P.13, as amended.

***The proposed draft Block 41 Secondary Plan encourages the creation of complete streets, a transportation network focused on connectivity and the promotion of active transportation through the provision of a conceptual multi-use trail system***

The street network for the New Community Area of Block 41 will serve as the framework on which to build other modes of transportation including pedestrian, cycling and public transit. The Secondary Plan, along with the NVNCTMP, establishes the collector street network for the Block to make connections to the greater network outside of the Block wherever feasible given the extensive natural heritage features within the area. The final location, configuration, width and alignment of all public streets, including the local street network, shall be determined through the detailed planning and community design of the Block Plan approval process, any required Environmental Assessments, and through subsequent development approval applications. The current multi-modal transportation network shown on Schedule E of the Block 41 Secondary Plan has been established based on the results of the NVNCTMP. Any further refinements to the multi-modal transportation network will be based on updates to the NVNCTMP, future EA's required as a result of environmental crossings, as well as individual traffic impact studies submitted through the Block Plan or individual development application approval processes. In keeping with the Provincial Growth Plan policies, the Secondary Plan recognizes the need for a multi-modal transportation network. The concept of complete streets is defined in the Growth Plan as "Streets planned to balance the needs of all road users, including pedestrians, cyclists, transit users and motorists."

The provision of separated cycling facilities has been included for the collector streets which span through neighbourhoods N1 and N2 in a north-south direction and along the collector street which extends in an east-west direction through neighbourhoods N2 and N3 and travels north-south through neighbourhoods N3

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and N4, as shown on Attachment #2. The City will continue to work with York Region to address the provision of cycling facilities on arterial roads.

In addition to the street network, a Multi-Use Recreational Trail system is proposed to be developed through the Natural Areas, and along the TransCanada Pipeline corridor where feasible.

### **Financial Impact**

Funding for the Block 41 Secondary Plan study was approved through the 2013 Capital Budget as project PL-9533-13 with a total budget of \$515,000.00. In May of 2019, the budget and scope of work for the Block 41 Secondary Plan study was expanded by \$21,500, to allow for an additional acoustical review related to comments made by TransCanada at the statutory Public Hearing. There is no financial impact to the City arising from the adoption of the proposed Block 27 Secondary Plan.

### **Broader Regional Impacts/Considerations**

York Region is the approval authority for all lower-tier municipal Secondary Plans and requires an Official Plan Amendment to be adopted by the City as a result of this process. York Region staff have been actively involved and engaged in the Block 41 Secondary Plan study process, by participating as a member of the Block 41 Secondary Plan TAC and providing comments on the Draft Secondary Plan.

### **Conclusion**

The goal of the New Community Areas - Block 41 Secondary Plan is to ensure future development in the Block 41 New Community Area will be developed into a complete community. The New Community Area within Block 41 will be compact, vibrant, inclusive, healthy, sustainable and diverse. It will include a mix of uses such as low-rise and mid-rise residential housing, mixed-use and retail development, as well as a community core. The community core is intended to consist of a variety of community services and facilities including a Co-location Facility containing a major community centre and library and associated active play areas. The Block 41 New Community Area will be linked by a connected multi-modal transportation network, as well as a Multi-Use Recreational Trail. The Secondary Plan also establishes a Vision and set of Guiding Principles. Based on work conducted through the Block 41 Secondary Plan Study process, the land use designations proposed through this Secondary Plan can achieve the required minimum 20 units per hectare for the New Community Area and 70 people and jobs per hectare. Furthermore, this Secondary Plan is consistent with the policies of the PPS (2014) and meets the intent of A Place to Grow (2019), the York Region Official and the New Community Area policies of the Vaughan Official Plan 2010 as described in this report.

**For more information**, please contact:

Arminé Hassakourians, Senior Planner, Policy Planning and Environmental Sustainability

Bill Kiru, Director, Policy Planning and Environmental Sustainability

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### **Attachments**

1. Location Map
2. Block 41 New Community Areas - Neighbourhood Plan
3. Comment and Response Table
4. Draft of Final Block 41 Secondary Plan
5. Communication C2 from the Committee of the Whole meeting of September 24, 2019.

### **Prepared by**

Arminé Hassakourians, Senior Planner, Ext. 8368

Melissa Rossi, Manager, Policy Planning, Ext. 8320

Bill Kiru, Director, Policy Planning and Environmental Sustainability, Ext. 8633

(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.)

### **144. BILL 108 TRANSITIONAL REGULATION AMENDMENTS**

(Item 12, Committee of the Whole, October 7, 2019, Report No. 29)

MOVED by Regional Councillor Ferri  
seconded by Councillor Yeung Racco

That the following recommendation from the Committee of the Whole meeting of October 7, 2019, Item 12, Report No. 29, be approved:

CARRIED

Report of the Deputy City Manager, Administrative Services and City Solicitor and the Deputy City Manager, Planning and Growth Management, dated October 7, 2019

### **The Committee of the Whole recommends:**

- 1) **That the recommendation contained in the following report of the Deputy City Manager, Administrative Services and City Solicitor and the Deputy City Manager, Planning and Growth Management dated October 7, 2019 be approved; and**
- 2) **That the following Communications be received:**
  - C7. Memorandum from the Deputy City Manager, Administrative Services & City Solicitor, dated October 3, 2019; and**
  - C10. Ms. Kathryn Angus, President, Kleinburg & Area Ratepayers' Association.**

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### **Purpose**

To seek approval from Council to request amendments to LPAT transition regulation O. Reg. 303/19 by making submissions to the Attorney General of Ontario.

### **Report Highlights**

- O. Reg. 303/19-Transition for Planning Act Appeals is now in force in Ontario as part of Bill 108: *More Homes: More Choices Act, 2019*
- Section 1(5) of O. Reg. 303/19 provides that “major planning appeals” commenced under the Planning Act to the Local Planning Appeal Tribunal (LPAT) appeals that are commenced on or after April 3, 2018 but had no hearing scheduled prior to Sep 3, 2019 (effective date) are no longer subject to the Bill 139 regime
- O. Reg. 303/19 as currently enacted has the potential to substantially delay and increase costs with the final approval of development applications by allowing third parties who appealed a Council approval in the Bill 139 regime, to restart the appeal process under the Bill 108 regime
- Bill 108 is inherently unfair to the municipal authority involved and undermines Council authority with respect to its decisions regarding local planning.

### **Recommendations**

1. That staff be directed and authorized to make submissions to Ontario’s Attorney General requesting that changes be made to O. Reg 303/19, - *Transition for Planning Act Appeals*, being the Transitional Rules in accordance with the contents of this Report from the Deputy City Manager, Planning and Growth Management, and the Deputy City Manager, Administrative Services and City Solicitor; and
2. That this Report from the Deputy City Manager, Planning and Growth Management, and the Deputy City Manager, Administrative Services and City Solicitor be forwarded to the Ministry of Attorney General.

### **Background**

On May 2, 2019 the Province released Bill 108: *More Homes, More Choices Act, 2019* as a way to address the shortage of affordable housing across the Province by finding faster ways of attaining a greater mix of housing supply “on the ground”. Bill 108 proposed amendments to thirteen different statutes, including the Planning Act and the Local Planning Appeal Act, 2017. Certain amendments to the Planning Act and the Local Planning Tribunal Act, 2017 came into effect on September 3, 2019.

Changes to the *Local Planning Appeal Tribunal Act, 2017* from Bill 108 largely bring back the procedures that were in place under the previous Ontario Municipal Board. The *Local Planning Appeal Tribunal Act, 2017* maintains the

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Local Planning Appeal Tribunal (the “LPAT and/or “Tribunal”) as the appeal body for Council’s decisions regarding planning applications.

Changes to the *Planning Act* as a result of Bill 108 have re-introduced the “*de novo*” hearing where the Tribunal can consider a development proposal as if no decision were made by a council.

In addition, the Province has revoked Ontario Regulation 102/18 “Planning Act Appeals” related to the procedures of the Tribunal under the Local Planning Appeal Tribunal Act, 2017. Specifically, the Province has revoked the timelines, time limits, practices and procedures related to appeals under the *Planning Act* brought into force under the previous Bill 139, Building Better Communities and Conserving Watersheds Act, 2017 (Bill 139). Previously, the Regulations directed certain actions to be taken by the parties in an appeal, and for an appeal to be disposed of within a certain timeframe. Practically, it has been difficult for municipalities, private parties and the Tribunal to meet those timeframes.

LPAT has an ongoing caseload of appeals, many of which were commenced under the Bill 139 regime. The Bill 139 regime came into force on April 3, 2018.

Ontario Regulation 303/19, which is the recently adopted transitional regulation under Bill 108, as currently enacted, has the effect of resetting the appeal process for appeals that were commenced on or after April 3, 2018 in which no hearing date had been set prior to September 3, 2019. Those appeals are to be transitioned over and decided under the new Bill 108 regime, even though the original application was considered under the Bill 139 regime.

### **Previous Reports/Authority**

None

### **Analysis and Options**

It is staff’s view that to protect Council’s planning decisions, appeals commenced under one set of Rules should be completed under the same set of Rules. An amendment to section 1(5) of the above noted regulation is key, as it will allow municipal approvals of planning applications made under the Bill 139 regime which were appealed by third parties to be disposed of under the Bill 108 framework.

Councils make their decisions based on the planning framework in place at the time they are considering the applications before them. The current transitional regulation will result in decisions which were made by Council under the auspices of ‘compliance and conformity’ with provincial policy (Bill 139), which are then appealed and heard at a ‘*de novo hearing*’ (Bill 108) revolving around more general principles of ‘good planning’. This creates a substantive disconnect in terms of the different planning regimes applicable to the two decisions (Council, then LPAT) made on the same matter. This in turn instills a



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lack of procedural fairness in the sequence of decision making, and thereby undermines public confidence in local decision making and authority.

The current system will undoubtedly yield a disorderly and unpredictable resolution of said appeals. Appeals ought to be decided applying the same legal standards to which Council was subjected when it made its' decisions. To proceed otherwise has the undesired effect of usurping the 1<sup>st</sup> instance decision-making function of Municipal council. O. Reg. 303/19 as currently enacted has the unintended consequence of delaying the disposition of Bill 139 cases.

On. Reg 303/19 ought to be amended to allow the completion of Bill 139 appeals under the Bill 139 regime when the following criteria are met:

- a) Where Council approved an applicant's development through enactment of the appealed planning instrument prior to September 3<sup>rd</sup>, 2019.
- b) The appellant is not a public body or the applicant; and the appeal was launched before September 3, 2019.
- c) Council passes a resolution prior to December 31, 2019 electing that such appeals be disposed of under the Bill 139 regime.

### **Financial Impact**

The Bill 108 standard will result in increased internal and external legal costs to the taxpayers defending Council's decision due to a reversion to the '*de novo standard*' and the uncertainty/inconsistency surrounding the appeals being litigated under the lens of a different/broader legal standard than what was envisioned by Council.

### **Broader Regional Impacts/Considerations**

The Association of Municipalities of Ontario (AMO) has taken the position that where an appeal starts under one set of rules, it should continue through the appeal with that same set of rules. They feel that Councils make decisions based on the planning framework of the day. They are of the view that having a decision made on the basis of compliance and conformity but appealed on the basis of a *de novo* hearing is not reasonable. AMO feels that a change in the framework and rules mid-process will not lead to an orderly transition.

### **Conclusion**

Planning and Legal Staff recommend that the City of Vaughan write to the acting Attorney General of Ontario seeking an amendment to Ontario Regulation 303/19 which will allow for determination of appeals started after April 3, 2018 which had no scheduled LPAT hearing date prior to September 3, 2019, under the Bill 139 regime.

**For more information**, please contact:

Chris Guerette, Legal Counsel, Legal Services Department x8086

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### **Attachments**

None

### **Prepared by**

Chris Guerette, Legal Counsel, x8086

### **145. BY-LAWS**

MOVED by Councillor Shefman  
seconded by Regional Councillor Jackson

THAT the following by-law be enacted:

BY-LAW NUMBER 133-2019      A By law to adopt Amendment Number 50 to the Vaughan Official Plan 2010 for the Vaughan Planning Area. (Item 1, Committee of the Whole, Report No. 29) (Special Council, October 7, 2019, Minute No. 143)

CARRIED

### **146. CONFIRMING BY-LAW**

MOVED by Councillor Iafrate  
seconded by Councillor DeFrancesca

THAT By-law Number 134-2019, being a by-law to confirm the proceedings of Council at its meeting on October 7, 2019, be enacted.

CARRIED

### **147. ADJOURNMENT**

MOVED by Councillor Carella  
seconded by Regional Councillor Rosati

THAT the meeting adjourn at 4:14 p.m.

CARRIED

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Hon. Maurizio Bevilacqua, Mayor

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Todd Coles, City Clerk