

**COMMUNICATION – C7**  
**ITEM 6**  
**Committee of the Whole (Public Meeting)**  
**April 7, 2021**

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**From:** Alan Heisey <heisey@phmlaw.com>  
**Sent:** Wednesday, March 31, 2021 2:42 PM  
**To:** Clerks@vaughan.ca  
**Cc:** Monika Pezdek (monika.pezdek@cn.ca) <monika.pezdek@cn.ca>; Sean Madigan - CN Rail (sean.madigan@cn.ca) <sean.madigan@cn.ca>; Daniel Salvatore <Daniel.Salvatore@cn.ca>  
**Subject:** [External] Vaughan Committee of the Whole April 7, 2021 Public Meeting - OP.20.017 and Z.20.044 - Deputation Request

Please be advised I am the solicitor for Canadian National Railway the owner of the MacMillan Rail Yard.

Attached hereto a letter and attachments concerning these matters.

Please provide these materials and add them to the agenda item for the above referenced matter listing the undersigned as a speaker on behalf of CNR.

Please confirm receipt of these materials in writing.

A.Milliken Heisey Q.C.

**Papazian | Heisey | Myers,**

Barristers & Solicitors/Avocats

Standard Life Centre,

Suite 510, 121 King St. W.,

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IMPORTANT NOTICE - AVIS IMPORTANT

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March 31, 2021

VIA EMAIL: [clerks@vaughan.ca](mailto:clerks@vaughan.ca)

**Chair of the Committee of the Whole  
Vaughan City Hall  
2141 Major Mackenzie Drive  
Vaughan, ON L6A 1P7**

Chair and Members of the Committee:

**Re: EASTWOOD HOLDINGS CORP- Bellaria 2  
Re: City of Vaughan Applications OP.20.017 and Z.20.044  
Re: Appeal No. 3 Solmar Inc. VOP2010 - LPAT PL111184  
Re: Public Meeting Committee of the Whole April 7, 2021**

I act for Canadian National Railway the owner of the MacMillan Rail Yard one of the most important transportation terminals in North America.

The MacMillan Rail Yard is located to the north of Highway 7, north and south of Rutherford Road, east of Jane Street and west of Keele Street in the City of Vaughan. The Yard is located immediately to the north of and abutting the property that is the subject matter of these applications and the above referenced VOP2010 appeal.

The Yard is 1,000 acres in size and employs over 1,000 employees. It is one of the largest employers in the City of Vaughan and York Region.

CN is requesting that the City refuse these applications and oppose Appeal Number 3 by Solmar Inc. of the VOP 2010 for the following reasons:

1. There is a long standing history of the City and the OMB maintaining a 150 metre setback for residential uses from this portion of the Yard north of Rutherford Road.
2. The lands proposed for residential were previously found to be inappropriate for residential use in 2004 by the OMB.
3. The existing condo towers to the south of the proposed residential development were planned to be buffered from the Yard by an intervening commercial use on the lands proposed for residential development.

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F: 416 601 1818

4. The MacMillan Yard is designated as a Provincially Significant Employment Zone in the Growth Plan having the highest level of protection as employment lands in the Province.
5. In the 17 years since the OMB approved the Jane Rutherford residential development at the northeast corner of Jane and Rutherford CN has developed plans for a 4 track profile in the pullback track, rather than the existing 2 tracks, with a significant increase in rail activity planned in this area of the Yard.
6. The Applicant is intending to appeal these development applications to the Local Planning Appeal Tribunal and join it to the currently scheduled October 18, 2021 hearing of Appeal No. 3 from the VOP 2010 which also seeks High Rise Residential approvals for this site.

I am attaching to this correspondence the following documents for your information:

- (a) September 1985 Noise Impact Study John Coulter;
- (b) Jane Rutherford OMB decision dated November 23, 2004;
- (c) Jane Rutherford OMB decision dated September 23, 2005;
- (d) 4 Track Profile design MacMillan Yard pull back track; and
- (e) March 10, 2011 Letter from Solmar Inc. to the Regional Municipality of York Planning and Development Services

### **History of 150 Metre Residential Setback from MacMillan Yard's Pullback Track**

The 150 metre setback from the MacMillan Yard's pull back track was originally established by a recommendation from a CN Noise Consultant his 1985 noise report. The 150 metre setback for residential development from the MacMillan Yard north of Rutherford Road has been respected every new residential development in this location for over 35 years starting with OPA 190 and 350 , the Villa Giardino development at 2500 Rutherford Rd. and the Jane-Ruth condo development at the northeast corner of Jane and Rutherford Rd.

Notwithstanding this significant setback there is a history of complaints concerning noise from the MacMillan Yard from residential development in Maple to the north of the Yard beyond the 150 metre setback.

### **2003 Jane-Ruth Development Application**

In the original 2003 application for development of the northeast corner of Jane Rutherford, which included the subject property, the developer proposed low rise residential townhouses within 150 metres of the most southerly track of the MacMillan Yard's pullback track and not the Yard property boundary in the vicinity of the pull back track

The developer Jane-Ruth amended their development application to remove the residential townhouse development (see page 3 of 2004 OMB decision) and proposed a commercial use in the 150 metres between the residential towers and the pullback track.

At page 6 of the 2004 decision the Board stated "there was general agreement" that there should be commercial uses between 150 metres from the southerly track of the pullback track and the residential uses to the south.

### **2004 OMB Decision**

The Board in the 2004 Jane Rutherford decision ruled inter alia:

1. A banquet hall will not be a permitted commercial use on the site on the lands within 150 metres of the Yard track.
2. The property will be zoned so as to permit only commercial uses on the lands closest to the pull-back track and high density residential/commercial uses permitted only beyond a certain distance from the CN property line.
3. Residential uses shall not be permitted within 150 metres from the south track of the pull-back track.
4. The Zoning By-law and/or Site Plan Agreement will provide for a berm and/or fencing along the northerly property line adjacent to the pull-back track, to reach a height of no less than 6 metres.

5. The Zoning By-law and Official Plan will require a minimum height of any commercial building adjacent to the pull-back track of no less than three storeys.
6. The Zoning By-law and Official Plan will provide for a total residential density of no more than 200 units per hectare, a total building floor area of 2.7 f.s.i, and a maximum building height of 16 storeys. The density and f.s.i. will be calculated over the lands used for the residential portion of the site only. Any one of these standards may operate to limit the amount of floor space, height of the buildings, and number of buildings.
7. The Zoning By-law and the Official Plan will be amended to accord with this Decision and as directed by the Board at the conclusion of this decision.

The preconditions of the Board's 2004 decision permitting residential on the lands south of the subject site included the following:

- (i) a minimum distance separation for the now existing residential towers of 150 metres from the south track of the pull back track of the MacMillan Yard.
- (ii) an intervening commercial use within the lands located within the 150 metres of the pull back track.
- (iii) a berm and/or fencing along the northerly property line adjacent to the pull-back track, to reach a height of no less than 6 metres.

### **2005 OMB Decision**

In the Ontario Municipal Board decision of September 23, 2005 concerning the outstanding zoning and site plan for the first two residential tower buildings being proposed and other questions regarding the sound level criteria for an outdoor point of reception can be met on all areas of the residential development.

The OMB granted Jane-Ruth further relief and decided that a 3 metre berm, rather than the original 6 meter berm, be constructed along the north property line of the Subject Site adjacent to the pullback track. The zoning by-law was also amended to permit an "intervening" commercial use on the Subject Site.

Proposed expanded commercial uses sought by Jane-Ruth beyond those permitted by the C1 zoning were rejected by the OMB for the Subject Site. The Board found that a convention centre, a motel, and previously proposed banquet hall were not appropriate land uses within the 150 metre distance separation established.

Bellaria is proposing residential buildings where the OMB found in 2005 that a convention centre, banquet hall and hotel were inappropriate uses.

### **VOP 2010 - Solmar Appeal No. 3**

In the Vaughan 2010 Official Plan the City of Vaughan initially designated the lands within 150 metres of the pullback track High Rise Residential.

To the best of CN's knowledge in 2010 Vaughan the City had no planning rationale why the Subject Site should in 2010 be considered for only residential contrary to the 2004 and 2005 OMB decisions. The effect of allowing the new residential designation on the Subject Site would have removed the setback provisions for residential development from the CNR pullback track as determined by the OMB in its 2004 decision and as set out in OPA 626. None of the policies pertaining to the residential setback from the pullback track were brought forward by VOP2010.

In a letter dated March 10, 2011 attached from Solmar Inc. to the Regional Municipality of York Planning and Development Services, Solmar requested that VOP2010 as adopted by the City of Vaughan be modified to recognize the existing permission for commercial uses on the Subject Site (as established by OPAs 600, 626, and 688), as well as minor variances that were sought and approved by Jane-Ruth Solmar in 2007, 2008, and 2009.

In consideration of Solmar's request of March 10, 2011, Vaughan Council endorsed the proposed modification to re-designate the Subject Site to "Commercial Mixed Use" as noted in the subsequent Council decision "That schedule 13-N be revised to designate lands from "High Density Residential" to "Commercial Mixed-Use" as per approved OPA 688. That Schedule 13-N heights and densities be revised to show site specific approvals for towers 3 and 4 as per approved Minor Variance A045/09." This modification, in my opinion, had the effect of bringing back the OPA 688, as it amended OPA 626, as it would restrict any residential development from occurring on the Subject Site and maintain the policy of the MacMillan Yard 150 metre setback as set out in OPA 626.

As of April, 2018 Schedule 13 of the VOP2010 designated the Subject Site "Community Commercial Mixed-Use" with an H 16 and D 4. This designation is consistent with policies established by OPA 626 for the Subject Site in that "they shall

be predominantly commercial areas appropriate for non-residential intensification and making efficient use of existing or planned rapid transit and transit investments.” The Community Commercial Mixed-Use designation does not allow any residential uses, as set out in section 9.2.2.8 of the VOP2010.

The “Community Commercial Mixed-Use” designation contrary to the 2004 and 2005 OMB decisions permits hotels and entertainment uses. CN is of the view that the City should take steps to remove these permitted uses from the designation of the subject property in addition to convention centres and banquet halls.

### **Change In Circumstances In MacMillan Yard**

When CN presented its case before the OMB in 2004 and 2005 it wanted to protect for the possibility of additional trackage within the MacMillan Yard pullback track. There was however at that time no specific proposal or design for additional tracks within the pullback track area.

CN has now developed a design for additional tracks in the Yard’s pullback track from the existing two to four. A design for this 4 track scenario is attached.

CN is now protecting for up to 3 additional tracks within the MacMillan Yard’s pull back track property meaning there will be ultimately 5 tracks located within the MacMillan Yard in the area of the pull back track. The 5<sup>th</sup> track would be closer to the proposed development than the existing southerly track and could involve locomotives idling for hours at a time.

This additional trackage together with changes in technology and configuration could lead to an ultimate increase in rail cars processed in the pull back track from 1 million rail cars a year currently to 2 million rail cars a year with a significant increase in the number of locomotives operating in the pullback track.

### **Change in Provincial Policy**

Under the Growth Plan 2019 the MacMillan Yard is designated as a Provincially Significant Employment Zone. The MacMillan Yard has now been granted the highest level of protection under the Growth Plan. The Growth Plan and this designation did not exist in 2004 or 2005 at the time of the original OMB decisions approving residential on the balance of the site.

### **Residential Use of Site Not Acoustically Feasible**

Noise from Rail Yards such as the MacMillan Rail Yard is very different that noise from a rail line corridor involving very different operations and noises 24 hours a day



365 days a year. Noise from a rail yard such as the MacMillan Yard can be audible at significant distances from the Yard in excess of 1 kilometre from certain Yard operations.

The report of RWDI dated February 5, 2021 attached concludes that even as Class 4 area under NPC 300 of the Ministry of the Environment the proposed site is not feasible for residential uses. CN questions the appropriateness of the use of the Class 4 area designation under NPC 300 for stationary noise sources that are federally regulated and do not require an Environment Compliance Approval issued by the MECP.

**Conclusion - City Refuse Applications & Oppose Solmar Appeal No. 3 VOP2010**

CN believes the proposed development applications are bad planning that threaten the MacMillan Yard operation. It is CN's position that a residential use of the proposed lands cannot be implemented on the subject site. The proposed development is not consistent with current local and regional policies that address the protection employment areas and the separation of sensitive land uses from facilities like Mac Yard

We would request Council reject these applications and instruct staff to oppose Appeal No. 3 of Solmar Inc. at the October, 2021 LPAT hearing currently scheduled seeking an amendment to the Community Commercial Mixed-Use designation of the subject property to delete sensitive uses including hotels, convention centres and banquet halls.

Kindly acknowledge receipt of this letter in writing.

Please provide the author with notice of adoption of any Official Plan Amendment and notice of passing of any zoning bylaw amendment pursuant to these applications.

Yours very truly,



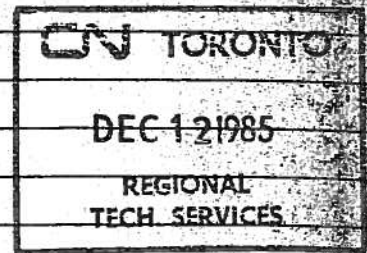
A. Milliken Heisey, Q.C.

AMH/lg

Encl.

cc: Canadian National Railway

ACOUSTIC  
AND  
VIBRATION  
ENGINEERING



CN MACMILLAN YARD  
NOISE IMPACT STUDY

BARMAN  
COULTER  
SWALLOW  
ASSOCIATES

Suite 401, 1 Greensboro Drive, Rexdale, Ontario M9W 1C8 Telephone: (416) 245-7501

CN MACMILLAN YARD  
NOISE IMPACT STUDY

Sept.10, 1985  
FOR WEIR AND FOULDS

prepared by



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John E. Coulter, B.A.Sc., P.Eng.

Barman Coulter Swallow Associates  
#1 Greensboro Dr.,  
Suite 401,  
REXDALE, Ontario  
M9W 1C8

(416) 245-7501

## 8.2 SQUEAL SOUNDS

The squealing will, on bad nights, be quite annoying even 600m north of the Rutherford Road. Sound levels will be 10 dB above the NPC 105. criterion several times a month. There will be community complaint should the housing be installed in this strip.

## 9. FINDINGS RE HOUSING TO THE NORTH OF THE YARD

There is an excess of about 5 dB in the proposed area to the north in impulse and passby sound. On bad nights there will be an excess of at least 10 dB in the squeal sounds. Considering this we would suggest that:

1. No housing be built within 150m of the pullback track
2. Housing between 150 and 250m of the pullback track be air conditioned
3. Housing within 600m of Rutherford Rd. should contain air conditioning and a strong warning on title indicating a likely disturbance of outdoor activities. The proof of the purchaser's acceptance of the condition would be enforced with a waiver to be signed by the purchaser that he/she is

aware of the clause. The wording would be such that the purchaser would be advised that noise reduction could not be expected. It is noted that the area within 600m of Rutherford road includes the area within 250m of the pullback track mentioned in #2 above.

In spite of the mitigation measures, the area within 600m of Rutherford Rd. will have an outdoor excess because of the Yard's noise.

#### 10. SOUND AT THE SOUTHWEST CORNER OF KEELE AND RUTHERFORD

The small parcel of land between the creek and the two roadways is shown in both Figures 4 and 6. Attendance at the site during measurements at point "D", confirmed that this area will have a noise environment similar to that described in section 3 with the comments of section 4 applying. The recommendations of section 6 would also apply to this area.

ISSUE DATE:

**September 23,  
2005**

DECISION/ORDER NO:

**2494**



Ontario

Ontario Municipal Board

Commission des affaires municipales de l'Ontario

PL030635

Jane-Ruth Development Inc. has appealed to the Ontario Municipal Board under subsection 34(11) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, from Council's refusal or neglect to enact a proposed amendment to Zoning By-law 1-88 of the City of Vaughan to rezone lands respecting 2920 Rutherford Road and 9291 Jane Street from Open Space 1 and Agriculture to "AR3" and "Open Space 1" to permit the development of five apartment buildings  
O.M.B. File No. Z030092

Jane-Ruth Development Inc. has appealed to the Ontario Municipal Board under subsection 22(7) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, from Council's refusal or neglect to enact a proposed amendment to the Official Plan for the City of Vaughan to redesignate land at the northeast corner of Jane Street and Rutherford Road from Rural to High Density Residential/Commercial, Valleylands and Stormwater Management to permit residential uses  
O.M.B. File No. O030114

Jane-Ruth Development Inc. has referred to the Ontario Municipal Board under subsection 41(12) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, determination and settlement of details of a site plan for lands comprised of Part Lot 16, Concession 4, E.J.S., and Parts 1, 2 & 3 of Reference Plan 65R-12865, in the City of Vaughan  
O.M.B. File No. M040071

#### **APPEARANCES:**

##### **Parties**

Jane-Ruth Developments Inc.

CN Rail Properties

City of Vaughan

##### **Counsel**

T. Lederer  
K. O'Neill

A. Heisey

A. Paton

#### **MEMORANDUM OF ORAL DECISION DELIVERED BY S. D. ROGERS ON AUGUST 18, 2005 AND ORDER OF THE BOARD**

This is the continuation of a hearing, for which the Board issued a decision on November 23, 2004 (Decision No. 1815) after a seven-week hearing. On April 19, 2005, the Board issued a further decision (Decision 0982), which provided clarification on the directions contained in Decision No. 1815, and which approved the Official Plan for the lands in question.

It remains therefore to finalise the zoning by-law and the site plan for the property. The hearing was reconvened, in order for the Board to approve the zoning by-law and site plan for the first two buildings proposed to be constructed, Buildings A and B. As well, there were certain issues which required resolution by the Board, including a debate between the parties with respect to the appropriate resolution of certain questions which were left open by the Board in its prior decisions.

Specifically, in Decision No. 1815, the Board stated:

*The Board is however concerned about the outdoor noise level for the ground related outdoor amenity space. The Board is not satisfied that the Sound Level Criteria for an Outdoor Point of Reception can be met on all areas of the residential development.*

*The Board will therefore require additional ground-related mitigation measures, unless the proponent can demonstrate to the Board that in the absence of such mitigation measures the sound level criteria can be met, or that the mitigation measures will clearly not operate to reduce noise levels on the grounds of the residential lands. To that end, the Board will require the following:*

*....A berm or combination berm/fence to a height of 6 metres shall be constructed along the common property line between the CN pull-back track and the Jane-Ruth property.*

*....The zoning by-law and Official Plan will provide that any commercial building constructed on the lands between the pull-back track and the residential lands shall be a minimum of three storeys high, in order to ensure a substantial intervening use in that space, and in order to shield the residential grounds from noise.*

Jane-Ruth called evidence which was contained in a report dated June 2, 2005, prepared by their acoustical consultant, Dr. Lightstone. The evidence of Dr. Lightstone demonstrated that a 6 metre berm located along the north property line adjacent to the pull back track, resulted in a very minimum of improvement in sound levels for the grounds of the residential development, over a 3 metre berm. Dr. Lightstone viewed any improvement of a 3 metre berm over

a 6 metre berm as insignificant, given the small area of the property which would experience any sort of improvement.

Dr. Lightstone also noted that the locations of the buildings had been somewhat revised, and that the revised lay out would substantially shield the formal amenity areas for the buildings from unacceptable noise from the pull back track.

The City called an acoustical expert who attempted to dispute Dr. Lightstone's recommendations, but not the results of his report. Specifically, this expert disputed Dr. Lightstone's conclusion that a 6 metre berm was not required, and maintained that a substantial intervening building should be constructed prior to the construction of the residential development.

This expert was not present at the original hearing of the matter. The expert had been retained to complete a peer review of Dr. Lightstones' June 2005 work. It appears that the expert may not have been properly instructed as to the parameters of such a peer review, given that the work was done in the context of certain findings of the Board and was not an opportunity to re-open the substantial number of issues canvassed by the Board at the original hearing, nor to introduce new issues. For example, it was never the intent of the Board decision to require a commercial use to be constructed on the property before the residential development was constructed. Furthermore, this expert claimed that a 6 metre berm was preferable to a 3 metre berm, but had done no independent work that contradicted Dr. Lightstones' study.

The City's witness did confirm however, that the height of the building to be constructed to the north of the residential building was immaterial in shielding the northerly grounds of the residential development from the noise from the pull back track. He confirmed that any building on this site would operate to mitigate the noise.

Furthermore, a review of the zoning by-law demonstrated that a substantial building envelope is provided for the commercial lands to the north of the residential development.



The Board is therefore persuaded from the evidence of Dr. Lightstone, that a 3 metre berm on the north portion of the property, adjacent to the pull back track, is sufficient to provide substantial mitigation of the noise from the pull-back track on the northerly grounds of the residential development. The Board is also satisfied that the zoning by-law has provided for a substantial intervening commercial use, and that the requirement for a three storey height for the intervening commercial building, as suggested by the Board in its decision No. 1815, is not necessary or useful.

On a review of the zoning by-law with the planning witness for Jane-Ruth, the Board noted that the by-law included two additional uses for the commercial lands, over the uses normally permitted in a C1 residential zone. These uses were a convention centre and a motel. None of these additional uses were supported by evidence at the hearing. Just as with the banquet hall use, which the Board declined to permit on the commercial lands, the Board refuses to include these uses, at this time, as adjuncts to the C1 uses permitted on the property. The Board refuses to do so, because the Board was not presented with evidence which would justify the inclusion of such uses adjacent to a high density residential use, as part of the C1 zone. In particular, the Board is concerned that there may not be appropriate zoning standards in place in the C1 zone for these particular uses, which would sufficiently address the impacts of such uses on a high density residential development.

However, this refusal is without prejudice to any future development proposal which may include a banquet hall, convention centre or motel, which properly and fully justifies the uses in terms of compatibility with the residential development.

Therefore, in reliance on the noise studies contained in the reports presented to this Board as Exhibit 3 ("Updated Environmental Noise Analysis for Residential Grounds At-Grade, June 2, 2005") and Exhibit 4 ("Rooftop Terrace Sound Exposures, August 10, 2005), and the evidence of Dr. Lightstone, Mr. Gidamy and Mr. Yaranton, the Board will approve the zoning by-law, and site plans for Buildings A and B. The Board remains seized with respect to the

remainder of the site plan appeal, and with respect to any issues which may arise from the conditions of site plan approval of Buildings A and B.

The Board therefore:

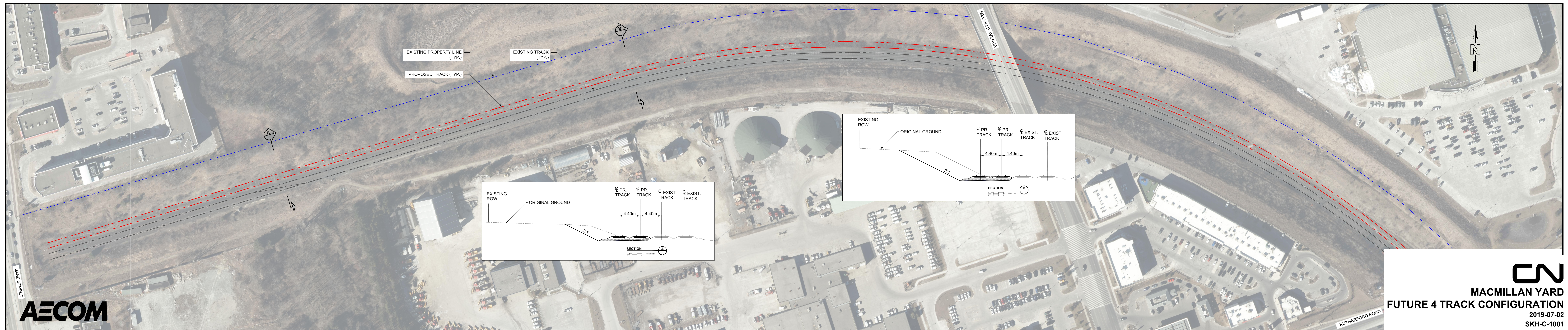
1. Amends the zoning by-law for the City of Vaughan in accordance with the by-law appended as Attachment "1" to this decision. The City may assign a by-law number to this by-law, in accordance with its normal procedures.
2. Approves the site plans for Buildings A and B as appended as Attachment "2" to this decision, subject to the conditions contained in Attachment "3" to this decision.

This is the order of the Board.

"Susan D. Rogers"

SUSAN D. ROGERS  
MEMBER

**<<To view the Mentioned Attachments please refer to the original file>>**



**AECOM**

**MACMILLAN YARD**  
**FUTURE 4 TRACK CONFIGURATION**  
 2019-07-02  
 SKH-C-1001



March 10, 2011

DELIVERED VIA EMAIL

**Regional Municipality of York**  
Planning and Development Services  
17250 Yonge Street, 4th Floor  
Newmarket, Ontario  
L3Y 6Z1

**Attention: Mr. Augustine Ko, Senior Planner**

Dear Sir,

**RE: Request for Modifications  
Adopted City of Vaughan Official Plan**

Please be advised, this letter shall serve as a formal request to modify the adopted *City of Vaughan Official Plan* with regards to the northeast quadrant of Jane Street and Rutherford Road ("subject lands").

#### **Background**

Through Ontario Municipal Board Order 0982, the subject lands were designated as "High Density Residential/Commercial" as currently shown within the existing *City of Vaughan Official Plan*.

The subject lands are zoned 'Apartment Residential Zone' (RA3) and 'Restricted Commercial Zone' (C1), as per comprehensive *Zoning By-law 1-88* and subject to Exception 9 (1246).

Further, the subject lands are subject to approved *Official Plan Amendment No. 688* ("OPA 626") and *Zoning By-law 159-2008* both of which increased the permissible residential density from 200 to 250 units per hectare; together with various other site specific adjustments.

Lastly, the subject lands have been subject to various approved and in effect Minor Variances including A109/07 (Parking Adjustment Tower 3) A248/08 (Parking Adjustment Tower 2) and A045/09 (Height Adjustment Towers 3 & 4).

A copy of *OPA 688*, *Zoning By-law 159-2008* and the aforementioned Minor Variances are included for your ease of reference.

Currently, the subject lands are under construction with two of four permitted residential towers already registered and fully occupied. Registration of the third tower (under construction) is pending with site plan approval of the fourth tower and commercial component to be initiated by the Owner in the near future.

**S O L M A R I N C .**

**Adopted City of Vaughan Official Plan**

In reviewing the adopted *City of Vaughan Official Plan* it appears the subject land's legally permitted land uses have not been accurately recognized. In particular, Schedule 13-N (Land Use) identifies the subject lands as 'High-Rise Residential' with a maximum height of 16 Storeys and Density of 4.

The said schedule does not recognize the permitted commercial land use located at the northern portion of subject lands nor does the said schedule recognize the increased height and other site specific adjustments.

**Request for Modifications**

Based on the aforementioned and enclosed documentation, prior to final approval our office respectfully requests modifications be undertaken to the Council adopted, *City of Vaughan Official Plan* in order to accurately reflect the permissible land uses and site specific criteria associated with the subject lands.

In this regard, our office wishes to be kept apprised of our request for modification and wishes to receive a Notice of Decision related to the adopted *City of Vaughan Official Plan*.

It is our expressed position that the timely and orderly administrative processing associated with the permitted development rights of the subject lands not be compromised or delayed, as a result of the Official Plan Review process.

Your attention regarding this matter is greatly appreciated.

Should you have any questions or require further information, please do not hesitate to contact the undersigned.

~~Yours truly,  
SOLMAR INC.  
—~~

Maunzio Rogato, B.U.R.Pl., M.C.I.P., R.P.P.  
Land Development

- Copy: Mr. Roy McQuillin, Manager Policy Planning, City of Vaughan (Encl.)
- Mr. Clement Chong, Planner, City of Vaughan (Encl.)
- Mr. James M. Kennedy, KLM Planning Partners Inc (Encl.)