



**Communication : C 38**  
**Committee of the Whole (2)**  
**June 8, 2021**  
**Item # 1**

**Quinto M. Annibale\***

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**By E-Mail**

**June 7, 2021**

Mayor and Members of Council  
City of Vaughan  
2141 Major Mackenzie Drive  
Vaughan, Ontario  
L6A 1T1

**Attention: Mr. Todd Coles, City Clerk**

**RE: Proposed Area Specific Development Charge By-law (ASDC)  
And Black Creek Financial Strategy Comments  
City of Vaughan, Region of York**

Dear Mayor and Members of Council,

The following submission and comments are provided on behalf of 785343 Ontario Ltd. and I & M Pandolfo Holdings Inc., being the registered Owner of lands municipally known as 7551 and 7601 Jane Street and located on the east side of Jane Street, south of Highway 7, on the south side of Doughton Road, west of Maplecrete Road and north of the future Interchange Way extension.

The above noted lands are all located within the VMC Secondary Plan area and will all be similarly affected by the proposed revisions to the Black Creek ASDC and related Background Study. When coupled with increased construction costs associated with development, the added financial burden of the proposed ASDC will create significant barriers for continued investment in the VMC.

City Council and Municipal Staff have worked to ensure the VMC flourishes as Vaughan's new downtown and thus far, the VMC is a model for successful City Building. The proposed ASDC By-law seeks to attribute a significant financial burden to the above noted landowners in the immediate vicinity of Black Creek. This is primarily due to the enormous cost escalations associated with the proposed Black Creek Re-alignment and the continued failure to recognize the overall City-Wide community benefits and applicability of the Black Creek Re-Alignment project.

The Black Creek Re-Alignment project will create and contribute significant open space amenities for the City as a whole, which residents and visitors to the City will enjoy, for generations to come. The Black Creek improvement project represents a City-wide benefit and



effort to continue to grow the City's downtown and provide for meaningful open space, enjoyed by the City, as a whole.

The VMC is the City's Urban Growth Centre and focus for intensification growth.

Proceeding to significantly increase area specific Development Charges within the VMC will also result in increased pressures for intensification in other areas of the City, which would not be subject to the area specific charge.

Instead, shifting the Black Creek costs to the City-wide Development Charges By-law would represent a marginal increase to the City-wide rate, while ensuring the VMC remains sustainable with continued investment in our City's emerging downtown.

In addition, the re-alignment and overall revitalization of the creek will essentially eliminate the existing flooding risks to the Jane Street and Highway 7 roadways, active transportation network and bus-rapid transit corridors throughout the Vaughan Metropolitan Centre Secondary Plan area and beyond.

The City's current (2018) City-Wide Development Charge By-law (and associated Background Study as prepared by Hemson Consulting) includes similar multi-modal/transportation and urban design/open space related projects **with full funding** from City-Wide Development Charges rather than trying to fund them with area specific development charge bylaws in the vicinity of their location. Some notable examples of these projects are listed below:

- a. **\$25M** for enhanced streetscaping works along Highway 7 throughout the VMC – City Wide DC.
- b. **\$10M** for enhanced streetscaping works along Jane Street and the Edgeley Pond interface within the VMC – City Wide DC.
- c. **\$16M** for the SWM Pond/Tank within the southeast quadrant of the VMC – City Wide DC.
- d. Approximately **\$12M** for streetscaping and greenway related works along the Keele Street, Jane Street and Steeles Avenue corridors within the Steeles West Secondary Plan Area (Black Creek Pioneer Village Subway Station) – City Wide DC.
- e. Approximately **\$54M** for Robinson Creek Valley Crossings (including John Lawrie and others in Blocks 59 and 66) within the West Vaughan Employment Area – City Wide DC.
- f. **\$6M** for streetscaping enhancements along Islington Avenue throughout Kleinburg – City Wide DC.
- g. **\$22M** for streetscaping enhancements along Yonge Street throughout the Yonge-Steeles Secondary Plan Area – City Wide DC.



- h. **\$4M** for streetscaping enhancements throughout the Vaughan Mills Secondary Plan Area – City Wide DC.
- i. Approximately **\$12M** for Valley Crossings in Blocks 35 and 61 – City Wide DC.
- j. Approximately **\$46M** for Valley Crossings in Blocks 27 and 41 – City Wide DC.
- k. Approximately **\$12M** for Pedestrian Valley Crossings in Blocks 40/47 – City Wide DC
- l. Approximately **\$25M** for Valley Crossings in Block 11 – City Wide DC.
- l. Approximately **\$25M** for enhanced and premium levels of streetscaping throughout the Carville District Centre – City Wide DC.
- m. Approximately **\$122M** for Active Transportation/Infrastructure related projects – City Wide DC.
- n. **\$45M** for sidewalks and streetlighting along Regional Roads – City Wide DC.
- o. **\$74M** for various growth related watermain projects throughout the City of Vaughan – City Wide DC.

The cumulative sum of the above noted City-Wide DC funded projects is **\$510 Million**. Each of these projects have direct benefits to the local areas within which they are located, however it was recognized that they all have city wide benefits and therefore they are **fully funded by City-Wide Development Charges**.

The \$38.9M (currently attributed to immediately affected Landowners) represents approximately 8% of the \$510 Million in current City-Wide projects noted above. A minor deferral (to post-period 2031 benefits) of any of these City-Wide project components could easily compensate/offset for the additional \$38.9M to be moved to the City-Wide DC charge. This approach/principle is consistent with the historical precedent set over multiple DC background studies and associated by-laws in Vaughan. There has been a fundamental shift in logic, that is not consistent with the many historical precedents and most importantly, not consistent with the overall City-Wide benefits related to the continued and successful City Building initiatives associated with the VMC, namely:

- Providing a catalyst for continued development throughout the VMC.
- Producing an innovative ecologically sensitive stormwater management opportunity while creating enhanced natural habitat spaces used to educate and inform the greater good.
- Creating unique public realm space with seamless integration of parkland and amenities where people from all parts of the City and visitors alike can interact, learn, play, and grow.



Further, the above noted projects provide overall City-Wide community benefits and are no different than the benefits which the Black Creek Re-Alignment Project will provide, for the entire City, namely:

- Protection from flooding to adjacent roadways and development lands
- Facilitate and expand the City's active transportation network and bus rapid-transit corridors/systems
- Expand the City-wide open space amenity areas and overall community connectivity
- Increase the overall aesthetics/quality of the urban design/realm throughout the City; and
- Allow adjacent landowners the opportunity to maximize development potential while equitably distributing the financial burden of capital costs associated with this growth-related infrastructure

Accordingly, for all of the above noted reasons, we respectfully request that Council instruct municipal staff to revise the proposed ASDC By-law to move the total costs associated with the Black Creek Re-Alignment project to the ongoing interim City-Wide Development Charges By-law update.

The following alternate City-Wide funding categories are available to offset the current draft ASDC By-law impacts to the immediately affected landowners. It would be greatly appreciated if City Council and staff would further investigate shifting additional funds specifically to:

- City-Wide Development Charges for "Parks and Open Space" which is only 6%
- City-Wide Development Charges for "Engineering" currently at 34%
- "Local Services" which is only 4%
- "Undeveloped Lands" which is only 4%
- "Other Government" which is only 2%

Further, we request the City consider revising the ASDC By-law to defer inclusion of the historical costs of the Black Creek Re-Alignment until such time as detailed design has concluded, at which point a further updated By-law can be brought forward, reflecting accurate costs. These costs should be deferred to the next review of this By-law. There is nothing preventing a second ASDC By-law update prior to the next statutory timeframe.

The Subject Lands are unique, in that, my Client has a valid permit from TRCA to remove an existing culvert in front of the Subject Lands. Removal of this culvert would take almost all my Client's lands out of the floodplain, thereby substantially lowering the proportionate share of the ASDC costs attributable to the Subject Lands. The proposed ASDC does not account for these reduced costs and instead proposes costs not accurate nor reflective of value-added engineering analysis and options.

We urge Council to investigate programs for infrastructure funding recently announced by the Federal Government to help alleviate the enormous burden this project will impose on the VMC (the Disaster Mitigation and Adaptation Fund and the Canada Community Building Fund). Cost sharing with senior levels of government will reduce the onerous burden on the very few developments which are to be subject to this By-law.



We respectfully request City Council not act in haste and ensure the ASDC By-law's costs are accurate while also shifting the costs of the Black Creek Re-Alignment to the on-going interim City-Wide By-law update.

**In conclusion, we request that a motion be brought forward for Council approval to ensure:**

- 1. That staff revise the proposed ASDC By-law by moving the total costs associated with the Black Creek Re-Alignment project (being the \$38.9M attributed to the immediately affected Landowners) to the ongoing interim City-Wide Development Charges By-law update; and**
- 2. That staff redistribute the \$38.9M from the immediately affected Landowners to the following available City-Wide categories:**
  - a. “City-Wide Development Charges for “Parks and Open Space” which is only 6%**
  - b. “City-Wide Development Charges for “Engineering” currently at 34%**
  - c. “Local Services” which is only 4%**
  - d. “Undeveloped Lands” which is only 4%**
  - e. “Other government which is only 2%**

The Black Creek Optimization study final report concluded with the availability of interim and ultimate options. The interim options were not considered in this by-law. My clients feel there should be consideration for the interim solution that exists for all adjacent properties, especially the property to the south and north along Jane Street thereby avoiding unnecessary and enormous cost associated with expropriating all condominium properties and acquiring the adjacent lands when they develop, rather than requiring the benefitting Owners pay the exorbitant cost of acquiring them now.

My client has for many years proposed an interim solution which would not require the ASDC to be so onerous at this time; that being the construction of a gabion wall and maintenance of the existing entrance to the banquet hall located and currently operating on the Subject Lands. My client asks that this be accommodated in the detailed design of the Black Creek Channel. A similar interim solution exists for all adjacent properties, especially the properties to the south and north of my Client's lands.

Programs for infrastructure funding recently announced by the Federal Government should also be pursued, to help alleviate the enormous burden this project will impose on the VMC (the Disaster Mitigation and Adaptation Fund and the Canada Community Building Fund). Senior levels of government will reduce the onerous burden on the very few developments which are to be subject to this By-law.

We suggest the detailed design work for the Black Creek Revitalization Project by placed on hold until interim alternative/less expensive solutions are pursued thereby significantly reducing costs



(and minimizing the need to expropriate land). This could be achieved by undertaking a value-added engineering analysis exercise with key stakeholders.

Please provide a Notice of Decision as it relates to the proposed ASDC By-law as we would like to continue to work cooperatively with Council and City staff.

Yours very truly,

**LOOPSTRA NIXON LLP**

A handwritten signature in black ink, appearing to read 'Q. Annibale'.

Per: Quinto M. Annibale