

**COMMITTEE OF THE WHOLE (2) – NOVEMBER 9, 2021****COMMUNICATIONS**

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<b><u>Distributed November 8, 2021</u></b>		
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**Please note there may be further Communications.**

**COMMUNICATION C1**  
**ITEM NO. 3**  
**COMMITTEE OF THE WHOLE (2)**  
**November 9, 2021**

**From:** Meaghan McDermid <[meaghanm@davieshowe.com](mailto:meaghanm@davieshowe.com)>  
**Sent:** Friday, November 05, 2021 2:28 PM  
**To:** [Clerks@vaughan.ca](mailto:Clerks@vaughan.ca)  
**Cc:** Bruce Engell - WeirFoulds LLP ([bengell@weirfoulds.com](mailto:bengell@weirfoulds.com)) <[bengell@weirfoulds.com](mailto:bengell@weirfoulds.com)>; Gurnick Perhar <[Gurnick.Perhar@vaughan.ca](mailto:Gurnick.Perhar@vaughan.ca)>; Fadia Aspinall <[fadiaa@davieshowe.com](mailto:fadiaa@davieshowe.com)>  
**Subject:** [External] COW Meeting Nov. 9, 2021 - Correspondence Re Item 6.3 Eastwood Holdings Corp Applications (702431)

Good afternoon,

Please find attached correspondence on behalf of our client Eastwood Holdings Corp. in respect of the above-referenced item.

Would you please ensure that our letter is provided to the Committee and added to the correspondence to be received at the Nov. 9<sup>th</sup> COW meeting in respect of this item.

Kindly confirm receipt.

Regards,

**Meaghan McDermid**

Direct Line: 416.263.4514 | [Bio](#)



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November 5, 2021

**By E-Mail Only to *clerks@vaughan.ca***

Committee of the Whole  
Vaughan City Hall  
2141 Major Mackenzie Drive  
Vaughan, ON L6A 1T1

*Attention: Mr. Todd Coles, City Clerk*

Members of the Committee of the Whole:

**Re: Committee of the Whole Meeting – November 9, 2021 – Item 3  
Official Plan Amendment and Zoning By-law Amendment Applications  
Municipal File Nos. OP.20.017 and Z.20.044  
Eastwood Holdings Corp.  
9291 Jane Street, City of Vaughan**

We are counsel to Eastwood Holdings Corp. (“**Eastwood**”), the owner of the lands municipally known as 9291 Jane Street (the “**Subject Lands**”) and the applicant in respect of the above-referenced Official Plan Amendment and Zoning By-law Amendment Applications (the “**Applications**”).

We are writing to provide our client’s comments on the Planning Staff Report and its recommendations regarding the Applications.

Eastwood disagrees with the conclusions and recommendations set out in the Planning Staff Report. The Applications were supported by numerous reports and studies, including a Planning Justification Report and Noise and Vibration Assessments, among others, which address the issues raised in the Staff Report and demonstrate that the Applications meet all applicable Provincial, Regional and City policies and Guidelines and represent good planning.

In particular, we wish to address Planning Staff’s comments respecting the settlement of Solmar’s (a related corporate entity to Eastwood) Appeal #3 to the Vaughan Official Plan, 2010 (“**VOP 2010**”) in respect of the Subject Lands, as these comments misrepresent the nature of the settlement between the City and Solmar.

In September 2018, Solmar and the City reached a settlement of Solmar’s VOP 2010 Appeal in respect of the Subject Lands. The settlement included proposed modifications

to the VOP 2010 (the “**Modifications**”) in respect of the Subject Lands, for which Solmar sought approval through a Motion to the Local Planning Appeal Tribunal (now the Ontario Land Tribunal “**Tribunal**”) in November, 2018.

In accordance with the settlement between Solmar and the City, the City consented to the Motion and its request to approve the Modifications and advised the Tribunal of such in its Notice of Response to Motion dated November 23, 2018.

A copy of the Modifications which were the subject of the Motion, and to which the City previously agreed, are attached. The Modifications provide for the following:

1. Designation of the Subject Lands as “High Rise Residential” with a maximum height of 16 storeys and maximum FSI of 4;
2. The “High Rise Residential” designation would be implemented through a future Zoning By-law Amendment Application which would address or include:
  - a. The City’s Urban Design Guidelines;
  - b. Identification of the Subject Lands as a Class 4 Area to be considered by Council and implemented in the Zoning By-law Amendment if approved;
  - c. A Comprehensive Transportation Study addressing traffic capacity in the surrounding road network and phasing of development;
  - d. Consideration of the use of a Holding provision to ensure mitigation of noise and vibration impacts from the CN Pull-back Track and traffic capacity, among other things;
3. Potential for increases in height up to 35 storeys and density up to 5.7 FSI subject to the provision of a s.37 contribution;
4. Permissions for Hotel, Office and Long-Term Care Facility uses; and
5. Site specific policies applying to future Site Plan and Zoning By-law Amendment Applications requiring assessment and mitigation of potential impacts from noise, vibration and other emissions from the CN Pull-back Track.

The Planning Staff Report states that the “*City’s consent to the designation was premised on the requirement for additional supporting materials, filed through site specific development applications demonstrating the appropriateness, compatibility and feasibility of a development proposal on the Subject Lands.*” While it is true that the Modifications contemplated and required that matters such as the ultimate heights and densities and mitigation of impacts from CN would be determined and addressed through a future re-zoning application, the Modifications agreed to by the City clearly establish the principle

of residential development on the Subject Lands through the designation of High Rise Residential.

The conclusions and recommendations in the Planning Staff Report go well beyond concerns or issues with the particular development proposal set out in the Applications and instead focus primarily on concerns with the proposed High Rise Residential use on the Subject Lands. The position which Planning Staff are now recommending to the Committee is therefore contrary to the City's settlement with Solmar and its stated position on the Motion and the Modifications.

Eastwood is continuing to review City staff and agency comments on the Applications and remains open to working with the City and public authorities to revise the development proposal in order to address certain comments and the items identified in the Modifications.

However, the fundamental issue of the designation of the Subject Lands for High Rise Residential uses is something which was already agreed to by the City through the settlement with Solmar in 2018 and the agreed upon Modifications and should not be re-opened through the review of the Applications.

Accordingly, Eastwood requests that the Committee of the Whole reject the recommendations in the Planning Staff Report and instead uphold the City's previous settlement with Solmar, confirm its consent to the Modifications and direct City staff to work with Eastwood to address any outstanding comments relating to the form of the proposed development.

Yours truly,  
**DAVIES HOWE LLP**



Meaghan McDermid

copy: Client  
Bruce Engell, WeirFoulds LLP  
Gurnick Perhar, Legal Counsel, City of Vaughan

#### IV DETAILS OF THE MODIFICATIONS AND POLICIES RELATIVE THERETO

The Vaughan Official Plan 2010 (VOP 2010) is hereby modified by:

1. Modifying Volume 1, Schedule 13-Land Use as shown on the map attached hereto as Schedule “1” thereby designating the Subject Lands “High-Rise Residential” with a maximum building height of 16-storeys and maximum FSI of 4 times the lot area.
2. Modifying Volume 1, Schedule 14-C-Areas Subject to Site Specific Plans, by adding the Subject Lands as shown on Schedule “2” attached hereto as “#X-9291 Jane Street”.
3. Modifying Volume 2, Section 13.2-Areas Subject to Site Specific Policies, by adding the following policy to be renumbered in sequential order:

“(OPA #XX) 13.1.1.XX      The lands municipality know as 9291 Jane Street are identified on Schedule 14-C-Areas Subject to Site Specific Plans as Item #XX, and are subject to the policies set out in Section 13.XX of this Plan”.

4. Modifying Volume 2, Section 13-Site Specific Policies, by adding the location map attached on Schedule “X” and adding the following policies in sequential order:

“(OPA #XX)      13.XX      9291 Jane Street
13.XX.1      General
13.XX.1.1      The following policies shall apply to the lands identified on Map 13.XX.A.
13.XX.1.2      The High-Rise Residential designation shall be implemented by the submission and approval of a Zoning By-law Amendment (Rezoning) application to rezone the Subject Lands for residential uses, which shall include the following:
13.XX.1.2.3      The proposed development shall be reviewed in the context of the City-Wide Urban Design Guidelines.
13.XX.1.2.4      Identification of the Subject Lands as a Class 4 Area pursuant to the Ontario Ministry of the Environment, Conservation and Parks (“MOECP”) <i>Environmental Noise Guideline, Stationary and Transportation Sources – Approval and Planning, Publication NPC-300</i> (“NPC-300”) shall be considered by City Council through the rezoning application process, and if approved, shall

be implemented through the zoning by-law amendment for the Subject Lands.

13.XX.1.2.5

A comprehensive Transportation Study shall be prepared to the satisfaction of the City and York Region demonstrating that adequate capacity is available in the surrounding road network to establish and accommodate development phasing of the proposed development of the Subject Lands. This Transportation Study shall include, but not be limited to, the following assessment and requirements:

(a) the Transportation Study shall account for future traffic generated by proposed or approved developments in the surrounding area, including the Vaughan Mills Centre Secondary Plan;

(b) the Transportation Study shall assess the impact of the proposed development on area intersections. The Transportation Study area will be determined by the City and York Region at the time of study preparation;

(c) the Transportation Study shall assess the potential for the future extension of the planned Caldari Road Extension north from Rutherford Road to provide access to the Subject Lands through the existing development to the south;

(d) the Transportation Study shall confirm which of the following potential improvements in the area are required to accommodate each phase of the proposed development:

- Completion of Bass Pro Mills Drive extension to Jane Street
- Completion of Caldari Road extension to Rutherford Road
- Completion of Romina Drive extension to Vaughan Mills Ring Road
- Viva Quick Start rapid bus service on Jane Street, from Rutherford Road to the planned Spadina Subway extension station at Highway 7
- Transit signal priority and queue jump lanes on Jane Street, Weston Road and Rutherford Road Enhancement
- Completion of Bass Pro Mills Drive extension to Weston Road
- Higher-order transit service on Jane Street, in the form of BRT or LRT, with its dedicated right-of-way connecting the Spadina Subway extension to Vaughan

Mills Centre and up to Canada's Wonderland and the future Mackenzie Vaughan Hospital on Major Mackenzie Drive

- Enhancing priority transit service on Rutherford Road and introduce Viva service
- Pedestrian and cyclist bridge crossing over Highway 400 midblock between Bass Pro Mills Drive and Rutherford Road to provide additional non-auto connection within the Secondary Plan.

(e) the Transportation Study shall assess the following transportation demand management measures and incentives:

- measures to achieve a desired 20% non-auto modal split in each phase.
- opportunities to introduce car-sharing
- parking standards to discourage single-occupancy vehicle use
- use of shared parking, and preferred parking for hybrid and electric vehicles
- programs and initiatives to reinforce the need to create change in modal split behavior, to promote greater use of transit, to attract more riders and to achieve the assumed modal split
- transportation demand management strategies to discourage heavy car uses and encourage less auto-dependent travel behaviours
- pedestrian and cycling route facilities and networks to promote active transportation
- opportunities to create a self-contained neighbourhood living/working and recreation within the area to help reduce traffic demands on the area's road network
- opportunities to promote sustainable transportation (transit, walking, cycling) and other transportation demand management programs and measures to encourage a greater shift in travel mode patterns to achieve the assumed modal split

(f) a separate Transportation Study shall be prepared for each phase of the proposed development with similar requirements noted above;

13.XX.1.2.6

Consideration for the use of a Holding provision, agreements or other conditions prior to implementation of the by-law, as may be necessary, to ensure that:



(a) any noise and vibration impacts from the CN Pull-back Track are satisfactorily mitigated;

(b) confirmation of adequate transportation capacity available in the surrounding road and transit network to accommodate the proposed development, which may include phasing of development and measures to achieve a desired 20% non-auto modal split in each phase;

(c) satisfactory arrangements are in place for the completion of any required road and transit network improvements; and

(d) any other issues or concerns raised through the rezoning application process are addressed.

13.XX.1.3 Subject to the requirements set out in section 13.xx.1.2 of this Plan, a zoning by-law amendment passed under Section 34 of the *Planning Act* may authorize increases in heights and densities above those permitted on Schedule 13 of this Plan, in accordance with subsections (a) and (b) below, subject to the policies of Section 10.1.2.9 (Bonusing for increases in Height and Density) as per Volume 1 of this Plan.

(a) Notwithstanding the heights permitted by Schedule 13 of this Plan, the maximum height can be increased to 35 storeys.

(b) Notwithstanding the maximum densities permitted by Schedule 13 of this Plan, the maximum density can be increased to 5.7 FSI.

13.XX.1.4 The following uses shall also be permitted on the Subject Lands:

- Hotel
- Office
- Long Term Care Facility

13.XX.1.5 Site Plan Control and Land Use Compatibility

The following policies shall be applicable to any application for Zoning By-law Amendment and/or Site Plan Approval:

- a) In this section, the CN Pullback Track associated with the McMillan Rail Yard is referred to as the “CN Pullback Track”.
- b) Residential development on the subject lands shall be designed to minimize adverse impacts from the adjacent “CN Pullback Track” and any required mitigation measures shall be addressed in the studies required in this section.

- c) When considering development approval applications on the subject lands, regard shall be had to all applicable Federal, Provincial and municipal policies, regulations and guidelines to ensure that compatibility will be achieved and maintained with regard to noise, vibration, dust, odour and air quality, so as to achieve the goals of:
  - i. Preventing undue adverse impacts from the existing and future operations of the “CN Pullback Track” onto the proposed residential uses to be located on the subject lands;
  - ii. Minimizing and, where possible, preventing complaints from residents of the residential development on the subject lands;
  - iii. Ensuring the continued operation of the “CN Pullback Track” on a 24 hour, 365 day/year basis; and
  - iv. Sensitive land uses may be limited in the implementing zoning (through massing, siting, buffering, and design mitigation measures) in proximity to the “CN Pullback Track” to ensure compatibility.
- d) The subject lands may be identified as a “Class 4 Area” pursuant to NPC-300, as amended from time to time, subject to compliance with the City’s requirements. If so, identified, the classification will be implemented through the Zoning By-law Amendment. The implementing Zoning By-law may include the following conditions for the removal of the holding symbol “H”:
  - i. Site plan approval;
  - ii. The submission of a Noise Impact Study satisfactory to the City which addresses any noise mitigation and control measures required in conjunction with the detailed building design;
  - iii. The provision and/or securing of any required noise mitigation and control measures at the Owner’s expense, as the City may require;
  - iv. The execution of a site plan agreement, or other such agreement, satisfactory to the City which obligates the Owner to register noise warning clauses on title to the subject lands and provide notice of the Class 4 Area

classification to prospective purchasers of residential units on the subject lands; and

- v. A resolution is passed by Vaughan Council classifying the site as a Class 4 Area.

13.XX.1.6 Environmental Noise Impact Study

- a) A detailed environmental noise impact study and detailed design plans shall be required in support of a development application for sensitive land uses on the subject lands. Such report is to specify how compatibility will be achieved and maintained between the “CN Pullback Track” and any other relevant noise sources in the surrounding area and the proposed development and shall include measures aimed at eliminating or minimizing impacts.
- b) The environmental noise impact study and design of noise attenuation measures shall be based on the relevant noise criteria of the City of Vaughan, the Region of York and the MOECP and approved by the City in consultation with other public agencies, and the operator of the “CN Pullback Track”.
- c) The environmental noise impact study shall include:
  - i. The assessment of the subject lands in accordance with the applicable MOECP Guidelines;
  - ii. A determination of the planned and predictable worst case noise impact from all relevant noise sources, taking into account expansion or alteration plans identified by the stationary source(s) that can reasonably be expected to be implemented in the future;
  - iii. A determination of the impact from all noise sources at the “CN Pullback Track”;
  - iv. The identification of all receptor locations in the proposed development with the potential to experience adverse noise impacts;
  - v. A determination of the numerical noise excess at such receptors, if any;
  - vi. The preparation of specific recommendations for mitigation at receptor and/or at source to create an

appropriate sound environment for future occupants/users of the proposed development;

- vii. An assessment of applicable MOECP regulations and guidelines, and existing Certificates of Approval, or Environmental Compliance Approval, if publicly available, for those industries that are the source of the relevant noise emissions; and
  - viii. The environmental noise impact study shall be prepared by a qualified acoustical engineer and shall be consistent with professional standards and good practice for such studies.
- d) Where an environmental noise impact study completed to the satisfaction of the City identifies and recommends appropriate mitigation measures, the recommendations shall be implemented in the Zoning By-law or as conditions of Site Plan and/or Condominium Approval, where appropriate. Mitigation Measures may include:
- (i) Sound isolation or sound reduction measures, construction techniques, and materials including the acoustical performance of exterior walls, windows and doors;
  - (ii) Layout and design of the structure including the size and location of windows and doors, or outdoor living areas, and the location of non-noise sensitive space within the structure to further mitigate impacts;
  - (iii) Spatial separation from the noise source, including the insertion of permitted non-sensitive land uses between the source and the receptors; and/or
  - (iv) Where needed, the construction of the residential buildings may incorporate balconies that are enclosed to act as a barrier to the noise experienced at the interior living room and/or bedroom windows.
- e) The analysis and design of any mitigation measures and their architectural details shall take into account the full frequency spectrum characteristics of sound sources, in accordance with good engineering practice and the noise guidelines.

- f) Mitigation to be installed at the source will be at the cost of the proponent of the sensitive land use, subject to acceptance and agreement of the user.
- g) New technologies may offer opportunities for innovative noise and vibration abatement techniques not yet contemplated. The development and use of such techniques shall be considered and encouraged, where appropriate.

13.XX.1.7 Environmental Vibration Report

- a) A detailed environmental vibration report and detailed design plans may be required in support of a development application for sensitive land uses on the subject lands. Such report is to specify how compatibility will be achieved and maintained between the "CN Pullback Track" and the proposed development on the subject lands and shall include measures aimed at eliminating or minimizing impacts.
- b) The environmental vibration report, if required, and design of any necessary vibration attenuation measures shall be based on the relevant criteria of the MOECP and approved by the City in consultation with other public agencies and the operators of the "CN Pullback Track".
- c) The environmental vibration report, if required, shall include a study of vibration from transportation sources, and stationary source(s) and include specific recommendations for mitigation features to be incorporated into the design of the development taking into account commonly used criteria in Ontario for assessing vibration in building(s).
- d) The environmental vibration report, if required, shall be prepared by a qualified engineer and shall be consistent with professional standards and good practice for such studies.

13.XX.1.8 Environmental Emissions Report

- a) A detailed environmental emissions report and detailed design plans may be required in support of a development application for sensitive land uses on the subject lands. Such report is to specify how compatibility will be achieved and maintained between

the “CN Pullback Track” and the proposed development on the subject lands and shall include measures aimed at minimizing adverse impacts.

- b) The environmental emissions report and design of emissions attenuation measures, if required, shall be based on the relevant emissions criteria of the MOECP and approved by the City in consultation with other public agencies and the operators of the “CN Pullback Track”.
- c) The environmental emissions report, if required, shall include a study of emissions from transportation sources, and stationary source(s) and include specific recommendations for mitigation features to be incorporated into the design of the development taking into account commonly used criteria in Ontario for assessing emissions abatement.
- d) The environmental emissions report, if required, shall be prepared by a qualified engineer and shall be consistent with professional standards and good practice for such studies.

13.XX.1.9 Despite policies 13.XX.1.5 through 13.XX.1.8 above, the applications will be subject to any additional conditions required to address other issues and concerns identified through the approval process.

November 4, 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

**COMMUNICATION C2**

**ITEM NO. 3**

**COMMITTEE OF THE WHOLE (2)**

**November 9, 2021**

Chair and Members of the Committee:

**Re: City of Vaughan Applications OP.20.017 and Z.20.044**

**Re: Appeal No. 3 Solmar Inc. VOP2010 - LPAT PL111184**

**Re: Meeting of November 9, 2021 Agenda Item 3 - page 25**

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 and south of Highway 7, north and south of Rutherford Road, east of Jane Street and west of Keele Street in the City of Vaughan. a portion of 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 supports the recommendation in the Staff Report to refuse these development applications and request the Committee adopt this recommendation in the Report.

CN would request that the Committee not adopt Recommendation 3 (b) recommending that in the event the Ontario Land Tribunal approves the applications that the implementing bylaw contain a Holding Symbol (H) on the terms set out in the Report.

CN is concerned with the H provisions proposed as a city position for the following reasons:

- a. No involvement in the lifting of the H by CN despite CN being the experts in rail operations through the holding provisions with the City having no internal expertise
- b. No requirement for a crash wall
- c. No requirement that the conditions concerning noise, vibration and air quality be addressed to the satisfaction of CN prior to the lifting of the H.

- d. No direction is provided as to the lifting of the H related to the conditions concerning CN impacts. The assessment of these conditions is left to the City and/or a peer reviewer with no formal direction provided to them as to any objective standards by which to measure whether the air quality , odour , noise and vibration impacts are acceptable

It's CN's opinion, based on the expert reports and material CN has already submitted to the City, that the applicant could not clear the holding provisions proposed related to CN.

Why would the City set up a framework for approval under an H Holding symbol when the evidence it has received is clear that residential development on the property is not feasible or desirable and constitutes bad planning.

### **History of Unsuccessful Residential Development Proposals for the Property**

CN has actively opposed various proposals for residential development for this property for over 20 years.

In a 2003 application for development of the lands at northeast corner of Jane Rutherford, which included 9291 Jane Street, the developer proposed low rise residential townhouses within 112 metres of the most southerly track of the MacMillan Yard's pullback track. The developer Jane-Ruth amended their development application to remove the residential townhouse development and proposed a commercial use in the 112 metres between the residential towers and the most southerly track in the pullback track.

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

There is a long-standing land use planning standard in Ontario of a minimum distance separation of 300 metres of sensitive uses from a railway yard under the D6 Guideline of the Ministry of the Environment as also outlined in the FCM RAC Proximity Guidelines. That being said, CN has previously agreed in rare exceptional circumstances to accommodate such uses at reduced setbacks.

A minimum 150-metre setback for residential uses from the MacMillan Yard's pull back track property boundary was originally established by a recommendation from a CN Noise Consultant in his 1985 noise report before the adoption of the 300-metre standard in the D6 Guideline.

The 150-metre setback for residential development was respected by every new residential development in this location for over 35 years starting with OPA 190 and 350 and the Villa Giardino development at 2500 Rutherford Rd with the notable exception of the Jane Ruth condominium development to the south of this property.



Notwithstanding this 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.

It is submitted that the 150-metre setback would be equally applicable to sensitive commercial/non-residential uses.

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

At page 6 of the Jane Ruth 2004 OMB 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.

The OMB after an extensive 6-week hearing in 2004 determined there should be no residential uses within 112 metres of the MacMillan Yard.

### **VOP 2010 – Designation**

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.

### **Current Operations in MacMillan Yard**

When CN presented its case before the OMB in 2004 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.

As a result of increasing demands from its customers, 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 may be ultimately up to 5 tracks located within the MacMillan Yard in the area of the pullback 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 pullback track from 1 million rail cars a year currently to 2 million rail cars a year with a significant increase in the number and size of locomotives operating in the pullback track.

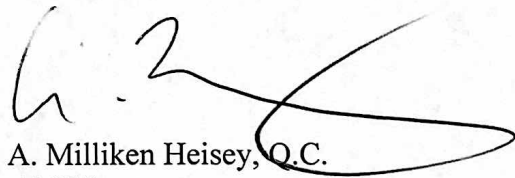
**Conclusion**

Council should support the recommendation for an outright refusal of the development applications and should not endorse a Holding Zone approach for a future implementing bylaw as the proponent cannot meet the standards for lifting the Holding symbol proposed by staff.

Kindly acknowledge receipt of this letter in writing.

Please provide the author with notice of any future Council or Council Committee meetings where these matters will be considered.

Yours very truly,

A handwritten signature in black ink, appearing to be 'A. Milliken Heisey, Q.C.', with a large, sweeping flourish at the end.

A. Milliken Heisey, Q.C.

AMH/lg

Encl.

cc: Canadian National Railway

**COMMUNICATION C3**  
**ITEM NO. 14**  
**COMMITTEE OF THE WHOLE (2)**  
**November 9, 2021**

---

**From:** Elvira Caria [REDACTED]  
**Sent:** Monday, November 08, 2021 11:09 AM  
**To:** Clerks@vaughan.ca  
**Subject:** [External] OZNER CORPORATION (SOUTH) OFFICIAL PLAN AMENDMENT FILE COW  
ADDENDUM ITEM --CLARIFICATION

**OZNER CORPORATION (SOUTH) OFFICIAL PLAN AMENDMENT FILE  
OP.11.011 ZONING BY-LAW AMENDMENT FILE Z.11.042 SITE  
DEVELOPMENT FILE DA.11.113 - 10131 WESTON ROAD VICINITY  
OF WESTON ROAD AND RETREAT BOULEVARD**

-----  
**Good Morning,**

**I would like to know WHY my "communication" was NOT included in the staff report ?  
( page 31-32) when not only did I speak on deputation at the Public Hearing of May 4th  
2021 but I also submitted my deputation same time Tim Sorochinsky did on May 4th  
2021, yet Tim's is acknowledged as received and mine is not.**

**Is there a reason why the CHAIR of the Vellore Woods Ratepayers Association  
correspondence would be left out?**

**I'd like an answer to that? IF the answer is an "oversight" then it leaves me to wonder "  
how many other oversights have there been?"**

**I would like to RESUBMIT my correspondence --attached -- once again- and made clear  
that today is not submission date, but rather back on May 4th 2021.**

**It matters to US that this is corrected asap and on record tomorrow at COW.**

Thank You

Elvira

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**Official Plan Amendment File OP.11.011  
Zoning By-law Amendment File Z.11.042**

**May 4<sup>th</sup> 2021**

**Ozner Corporation (South)  
10131 Weston Road Weston Road and Retreat Boulevard)**  
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**Good Evening Mayor Bevilacqua, Members of Council, Chair  
\_\_\_\_\_, City Staff and Ladies & Gentlemen..**

**My name is Elvira Caria and I am the Chair of the Vellore  
Woods Ratepayers Association, representing Block 32 &  
Block 33 West –Residents immediately affected by this  
Proposal**

**I want to begin quoting Mayor Bevilacqua on February 28<sup>th</sup>  
2012 during a public hearing regarding this same  
application...**

**He said**

**“ I’m really not impressed... you need to go back to the  
drawing board, resolve the community issues, because at the  
end of the day the City belongs to the people..and you need  
to do that in a caring way..a compassionate way....**

**“Tonight I’m not at all happy ...and I would tell my colleagues  
this, and I would tell my commissioner of planning this , that  
this application as it stands –FOR ME --is a NO”.. Go back  
..meet with the residents..find a made in Vaughan solution”...**  
  
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**Well Mayor, I am sorry to tell you, that your request fell on deaf ears..in fact.. we have NEVER heard back from this applicant until we were notified of an OMB hearing years later ...**

**We attended that OMB hearing in January 2014 –as participants and at that hearing we told the OMB and I quote from our deputation**

**A public hearing was held on February 28<sup>th</sup> 2012 where over 600+ residents of our community were present to voice our disapproval and non support of this application. There was a clear message that night –and it was at that time that Council suggested to the applicant that he meet with us ( The Vellore Woods Ratepayers Association) to work together on what could be a mutually agreeable development. We have never heard back from this applicant, until WE initiated a meeting on April 3<sup>rd</sup> 2013 at which time, members of our Ratepayers executive along with City Staff and local Councillor rep met to discuss the status of this application.**

**Once again, we firmly voiced our concerns, and left that meeting with the understanding and direction that the “architect and planner” of this application would come back to us with some other options that were discussed, and that were in keeping with the Official Plan.**

**This was the last we heard of them. And today we find ourselves here. Still uncertain how or WHY.**

**So this was January 2014**

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**Today is May 4<sup>th</sup> 2021... and ONCE AGAIN here we are. This time. It is critical we make ourselves very clear –that this applicant has toyed with us... toyed with you..and playing games with the OMB –NOW THE LPAT**

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**After strong insistence from our Councillor Rosanna Defrancesca we met virtually last week to discuss this application and once again voice our strong opposition to the application as it stands today ...**

**To go from 2 x 12 storey buildings to one 9 storey and townhomes and suggest they should be applauded –is absolutely ridiculous – disingenuous and just plain disrespectful...**

**This is not a made in Vaughan solution –this isn't a solution at all. This is yet another example of blatant disregard for the community, the city and the OFFICIAL PLAN which clearly lays out what can and can't be built here.**

**WE WILL NEVER SUPPORT THIS APPLICATION AS IT STANDS NOW.**

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**And if I dare say it – I don't think there was any sincere intent to really come to a resolution last week... and if the applicant thinks they are going to go back to the LPAT round table on June 1<sup>st</sup> and say “ look at us -- –we tried –but the community wasn't reasonable” ..is bull.....because our councillor will ensure that the TRUTH is communicated –that this applicant NEVER had any intention of working with us in 2012... 2013...2014..and now in 2021....**

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**He SOLD buyers a bag of goods when he marketed this was going to be a quaint commercial neighbourhood plaza....**

**I get it – the OFFICIAL PLAN now allows up to 6 stories....**

**So then follow the official plan...**

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**Right now this applicant isn't following anything and has NO regard for any policies and plans in place ...**

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**AND has NO IDEA of the recent VELLORE VILLAGE LAND USE STUDY in this area that was ratified on April 21<sup>st</sup> 2021 where anyone wanting to build in VELLORE DISTRICT must Maintain Existing Policies.**

**So let's go back to the drawing board AGAIN and this time show up around the table with genuine intent to work with the community because to quote Mayor Bevilacqua... you need to go back to the drawing board, resolve the community issues, because at the end of the day the City belongs to the people..and you need to do that in a caring way..a compassionate way....**

**Mayor BEVIALCQUA ---we hope that you will reiterate your message to this applicant strongly and clearly ....**

**Thank You**

<b>COMMUNICATION C4</b> <b>ITEM NO. 14</b> <b>COMMITTEE OF THE WHOLE (2)</b> <b>November 9, 2021</b>
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**From:** Vlad V [REDACTED]  
**Sent:** 08 November 2021 6:53 PM  
**To:** Todd Coles <[Todd.Coles@vaughan.ca](mailto:Todd.Coles@vaughan.ca)>; Mayor and Members of Council  
<[MayorandMembersofCouncil@vaughan.ca](mailto:MayorandMembersofCouncil@vaughan.ca)>  
**Subject:** [External] Ozner development at Weston & Retreat

Hello Sir/Madam

How come Vaughan council disregarded meeting outcome on Ozner development plans?

Residents of adjacent neighborhood voted against high rise development which will aggravate neighborhood spirit and slow pace of sleeping subdivision, bringing craziness of big city. You are public servants, not an Ozner employees, you supposed to protect citizens rights and way of living. You are get paid by our taxes and completely disregard those who pay your salaries and bonuses.

If you don't live in neighborhood and are members of a Council - you should seek replacement by people who cares about neighborhood, not businesses bribing officials.

Not truly yours at the moment  
Vlad V



**COMMUNICATION C5**  
**ITEM NO. 14**  
**COMMITTEE OF THE WHOLE (2)**  
**November 9, 2021**

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**From:** Rishi Bhadrish [REDACTED]  
**Sent:** 08 November 2021 6:45 PM  
**To:** Mayor and Members of Council <[MayorandMembersofCouncil@vaughan.ca](mailto:MayorandMembersofCouncil@vaughan.ca)>; Todd Coles  
<[Todd.Coles@vaughan.ca](mailto:Todd.Coles@vaughan.ca)>  
**Cc:** Rishi B [REDACTED]  
**Subject:** [External] Letter to Oppose Development Plan

Hello,

This is quite the disappointment.

We just went through a meeting not long ago where the city and the citizens rejected this proposal and now the city wants to push it through quietly with a tiny email that everyone assumed had to do with the meeting on NOV 8???

Were you aware that Ozner is still proceeding with the appeal to the Ontario Land Tribunal for 2 -12 story buildings? Give them an inch and no doubt they will take 2 12 story buildings.

This further erodes all faith left in the city of Vaughan taking care of their citizens. Apparently Corporations are what matter. Duly noted!

I would like to vocally note my rejection of the city's plan to pass this behind our backs. You are totally ignoring a petition with 1700 signatures of people that live and vote in your city. We banded together as a community to fight this greedy developer that promised us low rise commercial and then wants to take away our privacy and sunlight with a highrise? Now you want to let them have what they want at the expense of your citizens?

People purchased houses from this same Ozner corp with the knowledge that the land in question was to be a low rise commercial. These proposed buildings will dramatically affect both the afternoon sun and seriously invade the privacy of any outdoor space. Has any thought gone into accounting for increased school demand ( already strained) or any other effects that increased density brings with it. Every other developer in the immediate vicinity has built 3 story townhomes or low rise commercial as was originally planned. Why are you catering to Ozner corp?

This property is far too small for the proposed density and it doesn't fit with the rest of the community. The land is zoned for commercial space, not a high-density residential apartment. A reasonable development would be a plaza with some businesses to serve the needs of the community.

We would not have purchased our home this close to vacant land zoned for high-density apartments. Residents in the neighborhood have an expectation that surrounding developments will conform to the original permitted uses of land.

I really hope that the Mayor and Councillors consider their citizens when they vote on this matter.

Thank you for your time,

**From:** Martin Milne [REDACTED]  
**Sent:** Monday, November 8, 2021 6:06 PM  
**To:** Clerks@vaughan.ca; Todd Coles; Mayor and Members of Council; [REDACTED]  
**Subject:** [External] Ozner Corporation (South) - Files: OP.11.011, Z.11.113 and DA.11.113 - 10131 Weston Road

WOW is all I can say!

We just went through a meeting not long ago where the city and the citizens rejected this proposal and now the city wants to push it through quietly with a tiny email that everyone assumed had to do with the meeting on NOV 8???

Were you aware that Ozner is still proceeding with the appeal to the Ontario Land Tribunal for 2 -12 story buildings? Give them an inch and no doubt they will take 2 12 story buildings.

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I really hope that the Mayor and Councillors consider their citizens when they vote on this matter.

Thank you for your time,

Martin Milne



**From:** Patricia Pantoja [REDACTED]  
**Sent:** Monday, November 8, 2021 10:13 PM  
**To:** Clerks@vaughan.ca  
**Cc:** Todd Coles; Mayor and Members of Council  
**Subject:** [External] Ozner Cooperation Council meeting tomorrow

I was in the meeting this morning and I wasn't aware of another meeting tomorrow.

I strongly reject the greedy plans of Ozner Corporation in building a 2-12 story building on such small land that was intended to be a low rise commercial.

Every other builder in the area has built townhomes while Ozner wants to put an 2-12 story building which will create high density residential apartments putting our schools in more demand than what already is without putting into consideration the traffic that this will create.

This will take the peace of our neighbourhood putting our afternoon walk with our kids in more danger with such a traffic flow that will create.

I really hope that our members of the City of Vaughan take into consideration their citizens safety and peace.

Patricia Pantoja

**From:** Mauricio Acuña [REDACTED]  
**Sent:** Monday, November 8, 2021 10:22 PM  
**To:** Clerks@vaughan.ca  
**Cc:** Todd Coles; Mayor and Members of Council  
**Subject:** [External] Ozner Cooperation Nov 09 City Council meeting

I would like to vocally note my rejection of the Ozner Corporation 2-12 story building.

It is completely ridiculous and nonsense whatsoever to try to accommodate such an ambitious plan in that small parcel of land which was supposed to be a low commercial to serve the needs of the community.

We as a community believe that the City of Vaughan will care for their citizens and not allow this to happen.

Please take in consideration your citizens and do your part.

Thank you  
Mauricio Acuna Mena

**From:** Joana Johnson [REDACTED]  
**Sent:** Monday, November 8, 2021 10:35 PM  
**To:** Clerks@vaughan.ca  
**Subject:** [External] Rejecting Ozner project.

Hello everyone.

My family lives here for more than 15 years, this is a beautiful community where all the neighbors we know each other. for this reason I just find out about the meeting for tomorrow about Ozner proposal, unfortunately any of my neighbors was notified about this meeting, which we deserve that pertinent communication notice in the mail as this is an issue that affects our families and our community, because this project isn't realistic with what our community needs.

Is more than 10 years trying to reject this project and is turning to be very tired.

Please helping us by rejecting this bad idea. We have around 1,800 houses and 179 under construction beside Ozner land for only 2 schools. No make sense this project at least not in this area. let them go to hwy7.

Is ridiculous how is more important the money than the citizens.

Thanks.

Have a wonderful day ❤️❤️❤️❤️❤️

**From:** Paula Simoes [REDACTED]  
**Sent:** Tuesday, November 9, 2021 2:11 AM  
**To:** Todd Coles; Mayor and Members of Council; Council@vaughan.ca; Clerks@vaughan.ca  
**Cc:** Martin Milne [REDACTED]  
**Subject:** [External] Community Not Aware of Nov 09 City Meeting RE: Ozner's Corp Land @ Lormel and Weston Rd

Good evening,

WOW is all we can say!

Once again, to everyone's surprise another meeting is taking place today, Nov 09th between the developer Ozner and the City of Vaughan without the community being notified in writing by mail.

Why only a few residents were notified but through email, to discover it was received as spam...

Why were we not notified of this in writing as agreed prior by City Council to inform all parties?

Esteemed Mayor and City Council, you are all very aware that this community vehemently reject and oppose to any highrise on this small lot of land.

This corner must remain as original zoning, low rise residential as it will fit with existing single 2 storey detached homes in the vicinity, or a commercial plaza to attend the needs of the community.

We loudly request our City Council and Mayor that you listen to your constituents, we voted for you to represent and be our voice in the City of Vaughan.

Please listen to the citizens of this community, over 1,700 signatures collected objecting to this greedy plan; every Lormel homeowner on this area feels very deceived by this developer; we were told this vacant land was zoned for low rise residential or Commercial plaza period!

We are sickened that behind our backs Ozner is pushing this again for approval to the City of Vaughan and both appealing to the Ontario Land Tribunal.

With all respect, please Mayor and City Council we have faith in you.

Your citizens of the City of Vaughan do not approve any high density here, this is a 2 storey neighborhood area!

Here is our requests:

Again, we request that you object to this non sense development

Again, we request that all residents be notified in writing

Again, please listen to your constituents,  
don't ignore the plea from our Petitioners

( <https://www.change.org/RejectHighrise> )

You are the voice for our community who voted for you. Our family, our children and seniors well being, is on your hands- our needs here are not highrise what we need is to keep the suburban feel, more open spaces so everyone can stay active, healthy and well!

Thank you for listening to your constituents.

Paula Simoes on behalf of the neighborhood community

[REDACTED]



**COMMUNICATION C11**  
**ITEM NO. 14**  
**COMMITTEE OF THE WHOLE (2)**  
**November 9, 2021**

**From:** Joe Vescio [REDACTED]  
**Sent:** 09 November 2021 1:21 AM  
**To:** Todd Coles <Todd.Coles@vaughan.ca>  
**Subject:** [External]

Hello Todd my name is joe and I live in vellore and across Weston close to retreat and I'm very upset on what I heard regarding building condo at the corner of Weston and retreat I appose these and I will fight to keep this from Happening with all the other people and neighbors living in this area . Nothing good comes from condos and we all want to live in a safe place we will stand tall and stop the developers from distributing our life of living  
The mayor and others that voted for these will be hearing from all of us  
Yours truly  
Joe vescio  
Wardlaw place

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**From:** Gloria Zitoli [REDACTED]  
**Sent:** 08 November 2021 10:17 PM  
**To:** Todd Coles <Todd.Coles@vaughan.ca>; Mayor and Members of Council  
<MayorandMembersofCouncil@vaughan.ca>  
**Subject:** [External] Ozner appeal

I am writing this email to express my dissatisfaction with the city trying to push through the Ozner proposal, ignoring the petition signed by the community members. A high rise building in this area would completely change the look and feel of our community. Afternoon sunlight, privacy, school density and traffic are just a few of the concerns Please consider your community members when this comes to vote. We do not want this.

Sent from my iPhone

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**From:** Jamie Doolittle [REDACTED]  
**Sent:** 08 November 2021 10:04 PM  
**To:** Mayor and Members of Council <MayorandMembersofCouncil@vaughan.ca>; Todd Coles <Todd.Coles@vaughan.ca>  
**Cc:** Peter Amaral <peter.amaral@rogers.com>  
**Subject:** [External] Reject Ozner Highrise

We live at [REDACTED] Zachary place and vehemently reject the notion of building anything more than 3 storeys beside our property. Our whole street would lose privacy, sunlight and safety if city moves forward with this notion. We will remember and loudly share the decisions council makes when it comes time to vote- no one wants 6+ storey buildings on Major Mac in residential areas!! Please do not support !!

Jamie Doolittle and Peter Amaral

Sent from my iPhone

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**From:** Mark H [REDACTED]

**Sent:** 08 November 2021 9:38 PM

**To:** Todd Coles <Todd.Coles@vaughan.ca>; Mayor and Members of Council  
<MayorandMembersofCouncil@vaughan.ca>

**Subject:** [External] Rejection of Weston/Retreat Ozner high rise

Hello,

I am a concerned resident who lives in close proximity to the proposed high-rise development at Weston Road and Retreat Boulevard. I have lived in this area for 11 years and I was very disappointed to learn of this proposal to re-zone from low-rise to high-rise. The quality of life concerning the existing residents should take precedence over maximizing the profits of any land developer.

A high-rise development in this area would not only be an unwelcome eye sore, it would also contribute to hazards in and around this small plot of land, such as greatly increased vehicular and pedestrian traffic congestion. The immediate area, not to mention the width of the side streets surrounding it, are inadequate for what is proposed. Weston Road is already busy enough and will become even busier with more air pollution and encroachment on local wildlife once the Canada Drive/America Avenue bridge is completed. A high-rise building at Weston and Retreat would look very much out of place and would diminish the enjoyment of property for existing low-rise homeowners. Views from their properties and the amount of sunlight would be adversely affected because this building would be far too close to surrounding homes. This plot of land was zoned as low-rise for good reason. It was never designed to accommodate such a large building. Please do not let the land developer fool you into believing otherwise by how rosy they make things appear on paper.

Vaughan City Council must recognize that it is their primary responsibility to safeguard, respect and put the interests of its citizens before any land developer, especially when so many have already voiced their concerns against this development and have come together to sign petitions. Ontario is a very large province. There are countless other places to build high-rise buildings with much larger lots which would not encroach on surrounding communities as much as this development will. Vaughan doesn't have much land left to develop, hence City Council must approach all proposed land developments with much deliberation and caution. In this case, it is crystal clear. The people have spoken. They do not want this development to move forward. Please do the right thing and put a stop to this proposal once and for all.

Feel free to contact me if you wish. I will come speak in person if necessary to voice my opposition to this plan.

Thank you,

Mark Haljaste



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**From:** Peter Amaral [REDACTED]  
**Sent:** 09 November 2021 9:23 AM  
**To:** Jamie Doolittle [REDACTED]  
**Cc:** Mayor and Members of Council <MayorandMembersofCouncil@vaughan.ca>; Todd Coles <Todd.Coles@vaughan.ca>  
**Subject:** [External] Re: Reject Ozner Highrise

Good morning,

I can tell you that in having a conversation with my Neighbour's... all of Zachary Place's residents are opposed to this. In addition it would weaken the value of our homes, the beauty of our community, and just an overall decrease in happiness amongst the residents. We have been loyal taxpayers and community supporters since moving into our home in 2013 (when they were built) and have installed and invested significant upgrades to our home and to our backyard specifically which would all be ruined by a large obtrusive building which would also block all of our natural light and sunlight.

It would be an absolute disgrace if this is allowed to move forward and gets approved.

I trust that better judgement will overcome greed and this project will once again be shutdown.

Thank you,  
Peter Amaral & Jamie Doolittle

Sent from Peter's iPhone

> On Nov 8, 2021, at 10:04 PM, Jamie Doolittle [REDACTED] wrote:  
>  
> We live at [REDACTED] Zachary place and vehemently reject the notion of building anything more than 3 storeys beside our property. Our whole street would lose privacy, sunlight and safety if city moves forward with this notion. We will remember and loudly share the decisions council makes when it comes time to vote- no one wants 6+ storey buildings on Major Mac in residential areas!! Please do not support !!  
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> Jamie Doolittle and Peter Amaral  
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