

February 28, 2019

Mr. Charles O'Hara  
Ontario Growth Secretariat  
Ministry of Municipal Affairs and Housing  
17th floor 777 Bay Street  
Toronto, ON M5G 2E5

Dear Mr. O'Hara:

RE: Proposed Amendment 1 to the Growth Plan  
Comment Submission on behalf of 1834375 Ontario Inc.  
1890 Highway 7, Vaughan  
ERO No. 013-4504

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We are the planning consultants for 1834375 Ontario Inc. (hereinafter the `Client`) to review the proposed Amendment 1 to the Growth Plan for the property municipally addressed as 1890 Highway 7, Vaughan legally described as Part of Lots 6 and 7, Concession 3 (**Figure 1**).

To become better informed and exchange comments on the Proposed Amendment 1 (hereinafter "Amendment") to the Growth Plan, MHBC has attended a number of Regional Workshops hosted by the Province.

Based on our review of the amendment, it is understood that conversion of employment lands will continue to require a comprehensive assessment and implications for economic development by the Ministry of Municipal Affairs and Housing (MMAH). The most significant proposed change is the introduction of Provincially Significant Employment Zones ("PSEZ") mapping across the GTA. We are concerned with the extent of this mapping and its accuracy vis-à-vis existing land uses and municipal Official Plan mapping.

Our clients lands have been included in proposed Provincially Significant Employment Zone 10 (400/407 Vaughan North). The subject lands are predominately designated as "High-Rise Mixed Use" with the balance of the lands for parks and open space in the Region Approved City of Vaughan - Concord GO Centre Secondary Plan (**see attached land use map**).

Our clients developable lands have been designated as of the 2015, Region Approved City of Vaughan Concord GO Centre Secondary Plan. The subject lands are currently vacant but applications have been submitted to provide a mixed use comprehensive development that includes residential uses. In addition, on January 19, 2019 the Local Planning Appeal Tribunal ("LPAT") approved the following rezoning for our clients lands:

"The Local Planning Appeal Tribunal orders:

1. That the City of Vaughan By-law Number 1-88 as amended, be and is hereby further amended by:

- a. Rezoning the lands shown as "Subject Lands" on Schedule "1" (excluding Block 1) attached hereto from "A Agricultural Zone", subject to site-specific Exception 9(976), "A Agricultural Zone", "EM2 General Employment Area Zone", and "OS1 Open Space Conservation Zone" to "RA3(H1) Apartment Residential Zone" with a Holding Symbol ("H1") and "RA3 ("H2") Apartment Residential Zone" with a Holding Symbol ("H2"), "OS1 Open Space Conservation Zone", "OS2 Open Space Park Zone", and "OS5 Open Space Environmental Protection Zone", in the manner shown on the said Schedule 1".
- b. Rezoning Block 1 on the Subject Lands on Schedule 1, attached hereto from "A Agricultural Zone" and "EM2 Employment Zone" to "A " (H1a) " Agricultural Zone" and "EM2 "(H1a)" General Employment Zone" each with the Holding Symbol "(H1a)" and "OS5 Open Space Environmental Protection Zone".

See attached LPAT Decision.

The designation of a PSEZ which is intended to protect major or heavy industry which does not match the mixed use land use character along Highway 7. Additionally the subject lands are located within an 800 m radius of the proposed Concord GO Station, which meets the definition of a MTSA. Given this, the proposed PSEZ on the subject lands would limit the potential for development on with site within an MTSA and will not accurately articulate the planned context of these lands. Our Client supports the intensification envisioned by the Province around MTSA's.

We recognize the intent of the Amendment is to reflect existing designations and not to make any land use changes. However, the Province's mapping erroneously includes the subject lands within PSEZ 10 (400/407 Vaughan North). This is in direct conflict with the Secondary Plan designation and zoning for the lands, which consist of future mixed-use developments.

The Province's proposed Section 2.2.5.12 of the Growth Plan requires that lands within a PSEZ be protected for employment uses through Official Plan policies and related land use designations. If implemented, this provision appears to require that the City re-designate the subject lands for employment purposes as part of its Official Plan review, which would ultimately be carried through to the zoning. This is in contrast to the current mixed use permissions for the subject lands.

We request the subject lands be removed from the PSEZ to implement increased density and investment with a mixture of uses as intended by the Secondary Plan. In addition, we request that should the mapping be modified that additional consultation is undertaken to ensure the mapping is accurate and request the Province undertake further consultation with affected landowners on PSEZ mapping where municipalities have requested increased PSEZ limits which was not subject this consultation.

We appreciate your attention to this matter and hope that our request to correct this mapping is undertaken.

Thank you.

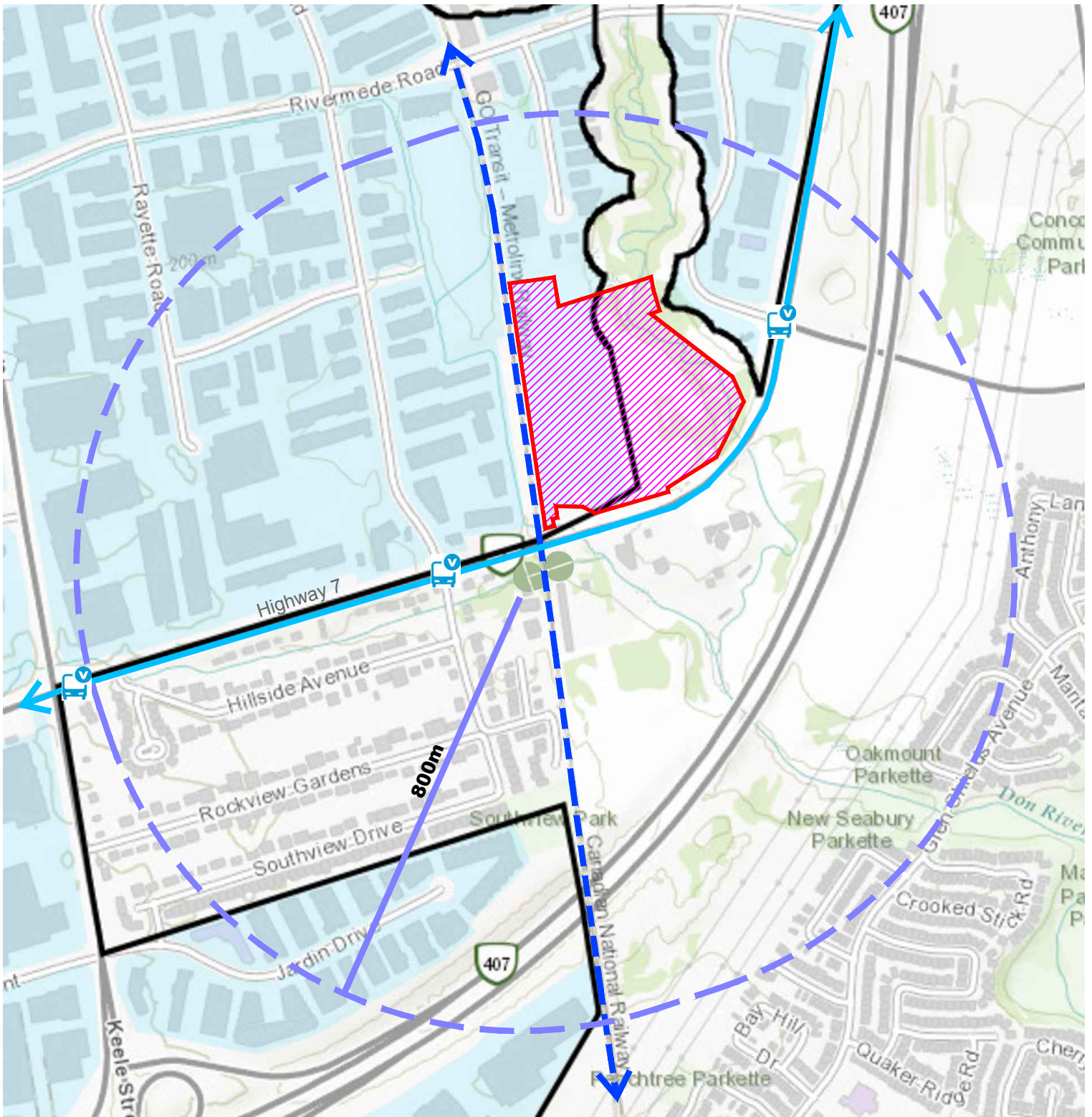
Yours very truly,

**MHBC**

A handwritten signature in black ink, appearing to read 'David McKay', written over a circular stamp or seal.

David McKay, MSc, MLA, MCIP, RPP  
Vice President & Partner

*cc.: Leslie Phillips*



Data Source: Government of Ontario- Proposed Provincially Significant Employment Zones Web Mapping (2018)

**Figure 1**

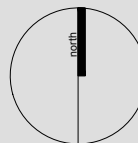
**Proposed Provincially Significant Employment Zones**

**LEGEND**

- Subject Lands
- Proposed Provincially Significant Employment Zones
- Lands Designated Employment Commercial Mixed-Use Areas (Vaughan Official Plan)
- 800 Metre Radius Around Transit Stations
- Proposed GO Station
- Highway 7 Viva Bus Route
- Viva Bus Stop
- Existing Commuter Rail Line

DATE: February 26, 2019

SCALE 1:10000



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1890 Highway 7,  
Vaughan, Ontario

**PLANNING  
URBAN DESIGN  
& LANDSCAPE  
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Concord GO Centre Secondary Plan  
**Schedule B - Land Use**



- |   |                                   |   |
|---|-----------------------------------|---|
| Concord GO Centre Boundary                      | General Employment                | Inter-Urban Transit (Refer to Policy 3.4) |
| Low-Rise Mixed Use                              | Prestige Employment               | Road and Buffer Area                      |
| High-Rise Mixed Use                             | Open Space                        | Utility                                   |
| Employment Commercial Mixed-Use                 | Natural Areas (Subject to Change) | Electric Power Facility                   |
| See York Region Notice of Decision, May 8, 2015 | Neighbourhood Park                | Proposed New Road Link (Conceptual)       |
|   | Public Square                     |   |

**Local Planning Appeal Tribunal**  
Tribunal d'appel de l'aménagement  
local



**ISSUE DATE:** December 17, 2018

**CASE NO(S):** PL171117

**PROCEEDING COMMENCED UNDER** subsection 34(11) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Applicant and Appellant: 1834375 Ontario Inc.  
Subject: Application to amend Zoning By-law No. 1-88, as amended - Neglect of the City of Vaughan to make a decision

Existing Zoning: "A – Agricultural Zone", "OS1 – Open Space Conservation Zone" and "EM2 – General Employment Area Zone"

Proposed Zoning: "OS1 – Open Space Conservation Zone", "OS2 – Open Space Park Zone" and "RA3 (H1, H2) E\_\_\_\_ - Apartment Residential Zone" with Holding Provisions 1 & 2 and site specific exceptions

Purpose: To facilitate a mixed-use development consisting of a maximum of 950 residential units (representing Phase 1 of the development) including townhouse, mid-rise and high-rise buildings ranging in height of 5 to 22 storeys, as well as 1,860 square metres (20,020 square feet) of retail space

Property Address/Description: 1890 Highway 7/ Part of Lots 6 & 7, Concession 3

Municipality: City of Vaughan  
Municipality File No.: Z.16.049  
LPAT Case No.: PL171117  
LPAT File No.: PL171117  
LPAT Case Name: 1834375 Ontario Inc. v. Vaughan (City)

**PROCEEDING COMMENCED UNDER** subsection 51(34) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Applicant and Appellant: 1834375 Ontario Inc.  
Subject: Proposed Plan of Subdivision - Failure of the

Purpose: City of Vaughan to make a decision  
To facilitate a mixed-use development consisting of a maximum of 950 residential units (representing Phase 1 of the development) including townhouse, mid-rise and high-rise buildings ranging in height of 5 to 22 storeys, as well as 1,860 square metres (20,020 square feet) of retail space

Property Address/Description: 1890 Highway 7/ Part of Lots 6 & 7, Concession 3

Municipality: City of Vaughan

Municipality File No.: 19T-16V009

LPAT Case No.: PL171117

LPAT File No.: PL171118

**Heard:** November 6, 2018 in Vaughan, Ontario

#### **APPEARANCES:**

##### **Parties**

1834375 Ontario Inc.

City of Vaughan

Toronto and Region Conservation Authority

##### **Counsel**

David Bronskill

F.F. (Rick) Coburn and Effie Lidakis

Jonathan Nehmetallah

#### **MEMORANDUM OF ORAL DECISION DELIVERED BY JUSTIN DUNCAN ON NOVEMBER 6, 2018 AND INTERIM ORDER OF THE TRIBUNAL**

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[1] This was a settlement hearing in appeals by 1834375 Ontario Inc. (“Appellant”) from the failure of the City of Vaughan to make a decision on applications to amend Zoning By-law No. 1-88 (“ZBA”) and a Proposed Draft Plan of Subdivision (“Draft Plan”) to permit a 353,000 square meter mixed use development on lands known municipally as 1890 Highway 7 (“Subject Lands”).

[2] On consent of the parties the Tribunal qualified David McKay to provide expert planning evidence. None of the participants added during the pre-hearing conference on March 20, 2018 appeared at the hearing in opposition to the settlement.

[3] Mr. McKay explained that the Subject Lands consist of approximately 13 hectares and that the lands front on Highway 7. He explained that the Subject Lands are part of the Concord GO Centre Secondary Plan (“Secondary Plan”), with a rail corridor running along its western edge. He explained that it is possible that Metrolinx may decide to locate a new GO station on the Subject Lands. He also explained that a branch of the Don River runs through the eastern portion of the Subject Lands.

[4] Mr. McKay explained that the proposal is to create a master planned community consisting of a mix of residential building types, sizes and densities. The community is to be developed in a phased manner over time, with 353,000 square meters of gross floor area being constructed as contemplated by the Secondary Plan. To implement the proposal, Mr. McKay explained that the following are required:

- a. The ZBA to rezone various blocks on the Subject Lands and inclusion of various holding provisions to allow for the phasing of development.
- b. The Draft Plan consisting of two phases and 21 Blocks consisting of:
  - i. Six blocks for mixed-use development.
  - ii. Three blocks for Open Space to be conveyed to the City.
  - iii. One block being a Park to be conveyed to the City.
  - iv. Four blocks for 0.3 m reserves.



- v. Six blocks to be conveyed to York Region.
- vi. One block to protect the Upper West Don River valleylands to be conveyed to the Toronto and Region Conservation Authority (“TRCA”).
- vii. Three future public roads.

[5] Mr. McKay explained that during Site Planning the blocking pattern may be adjusted slightly. He also explained that the list of conditions, as revised by the parties, address a variety of environmental, engineering and design related matters.

[6] Mr. McKay provided a fulsome planning opinion in relation to the proposal starting with the higher level planning policy documents. He opined that the proposed ZBA and the Draft Plan are consistent with the Provincial Policy Statement, 2014 (“PPS”) and conform to the Growth Plan for the Greater Golden Horseshoe (“Growth Plan”). For example, he explained that the proposal would facilitate the development of an underutilized site in an efficient manner and provide a range of building forms in keeping with the PPS and Growth Plan. He opined that by reserving a block to accommodate finalization of a new GO Rail Barrie Line station by the province and Metrolinx and as a result of its location on Highway 7 where VIVA Bus Rapid Transit and Light Rail is planned the proposal is for a compact urban form that is transit supportive and that meets or exceeds minimum density targets as required by the Growth Plan policy. Additionally, he opined that the proposal provides for extensive environmental protection and flood plain consideration as required by the PPS by dedicating a block for the protection of the Upper West Don River valleylands.

[7] Mr. McKay explained that the York Region Official Plan (“Regional OP”) designates the Subject Lands as Urban Area and as part of the Regional Greenlands System for the valley lands. He explained that the Urban Area designation is generally

intended to accommodate a significant portion of the planned growth in the Region and that intensification, as proposed by the Appellant, is promoted by the Regional OP. Additionally, he opined that in dedicating a block for valley lands protection the Appellant has met the Regional Greenlands System policies of the Regional OP.

[8] Mr. McKay also opined that the proposal is consistent with the policies contained in the City Official Plan (“City OP”) and with the Secondary Plan. He explained that the Subject Lands are designated as an Intensification Area (Local Centre) in the City OP and are subject to the policies of the Secondary Plan. He explained that the City OP requires that Local Centres are to provide for mixed-use within their respective communities in a manner that is compatible with the local context and are to be the primary locations for growth and the greatest mix of uses, heights and densities. He explained that the Secondary Plan incorporates these policies of the City OP and opined that the proposed development conforms to these policies in addition to policies related to: contributing to an overall long-term density target along the Highway 7 Corridor; design of parks, open spaces and public squares; and phasing of development among other matters.

[9] Mr. McKay explained that the Secondary Plan was adopted in June 2014 by the City and approved by the Region in May 2015. He explained that extensive studies have been completed to support the proposed development, as required by the City and the TRCA. It was his opinion that the proposed ZBA and Draft Plan implement the requirements of the Secondary Plan.

[10] Mr. McKay provided an opinion that each of the criteria set out in s. 51(24) of the *Planning Act* for the division of land have been met.

[11] Overall, Mr. McKay recommended that the ZBA and the Draft Plan, subject to the conditions agreed upon by the parties, be approved by the Tribunal.

[12] On the basis of Mr. McKay's opinion the parties jointly requested that the appeal be allowed in part, that the ZBA be approved and that the Draft Plan be approved subject to the conditions agreed upon. Further, the parties explained that as part of their settlement, the Appellant has agreed to withdraw its appeal from the adoption of the City OP and requested that the Tribunal withhold its final order until the Appellant advise the Tribunal that its appeal in that other case has been withdrawn.

[13] On the basis of the uncontested and comprehensive expert planning opinion provided by Mr. McKay and the submissions of the parties, the Tribunal found that the ZBA and the Draft Plan, subject to the conditions agreed upon by the parties, are consistent with the PPS, conform to the Growth Plan, conform to the Regional OP, conform to the City OP and the Secondary Plan and met the criteria under s. 51(24) of the Act. Having made these findings, the Tribunal issued the interim order set out below.

#### **INTERIM ORDER OF THE TRIBUNAL**

[14] The Tribunal orders that the appeal is allowed in part and:

- a. The ZBA identified as Exhibit 3 during the hearing is approved.
- b. The Draft Plan identified as Exhibit 5 during the hearing is approved subject to the fulfillment of the conditions set out in Exhibit 4A and as revised by Exhibit 4B.
- c. Pursuant to s. 51(56.1) of the *Planning Act*, the City shall have the authority to clear the conditions of Draft Plan approval and to administer final approval of the plan of subdivision for the purposes of s. 51(58) of the Act. In the event that there are any difficulties implementing any of the

conditions of draft plan approval, or if any changes are required to be made to the Draft Plan, the Tribunal may be spoken to.

- d. As requested by the parties, the Tribunal withholds its final order attaching the approved planning instruments until such time as the Appellant notifies the Tribunal that it has withdrawn its appeal in Tribunal Case No. PL111184.

*“Justin Duncan”*

JUSTIN DUNCAN  
MEMBER

If there is an attachment referred to in this document,  
please visit [www.elto.gov.on.ca](http://www.elto.gov.on.ca) to view the attachment in PDF format.

**Local Planning Appeal Tribunal**

A constituent tribunal of Environment and Land Tribunals Ontario  
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