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Vaughan City Council
City of Vaughan
2141 Major Mackenzie Drive
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Jan 18, 2020

Re: Item 5 (1) Committee of the Whole Agenda January 19, 2020, 1p.m. and Endorsement of Developer Minister's Zoning Order Requests

Dear Honourable Mayor, Regional Councillors and Councillors:

I am writing today to express continued concern about endorsement of previous developer Minister's Zoning Order (MZO) requests, the MZO request before you today and all others that may come. To date I have found that Vaughan Council has endorsed seven (7) MZO developer requests and five (5) have been approved by the Minister of Municipal Affairs and Housing. A recent York Region news article stated that the City of Vaughan approved \$1 billion in development projects in 2020 and that City building has not slowed in the City of Vaughan during the global pandemic¹. Presumably most of this development was approved through the status quo planning process. The staff report entitled *Active Development Applications - Update*² references a study completed by BILD stating that Vaughan's planning process performs well. It is ranked 1st for Site Plan Approval and 2nd for Official Plan and Zoning Amendments and Subdivision Plan Approval when compared to 18 municipalities of similar size. This would suggest that Vaughan Council should only need to endorse a MZO under exceptional circumstances otherwise the planning process is efficient.

The developer request before you today does not justify or provide sufficient rationale on why Vaughan Council should endorse the MZO at the expense of public consultation and appeal rights, circumvent the local planning process and prioritize this developer's application, ahead of all other active applications that followed and abided by the local planning process (481 are active as of Nov 30, 2020).

¹ Vaughan's economy expected to recover in 2021 but environmental, social issues continue
<https://www.yorkregion.com/news-story/10298703-vaughan-s-economy-expected-to-recover-in-2021-but-environmental-social-issues-continue/>

² City of Vaughan Staff Report entitled "Active Development Applications-Update", Deputy City Manager, Infrastructure Development, Jan 19, 2020:
<https://pub-vaughan.escribemeetings.com/Meeting.aspx?Id=8c109899-aba8-4e42-a2c7-13d92e212692&Agenda=Agenda&lang=English&Item=27>

A previous MZO endorsed³ and approved⁴ is on the south east corner of Jane and Rutherford for multiple condominium buildings up to 30 stories. The request before Vaughan Council today is on the north east corner of Jane and Rutherford and is requesting zoning changes to proceed with two (2) condominium buildings *at the same major intersection*⁵. The developer indicates that this will speed up the process by 24 months. It is unclear if this is consistent with City of Vaughan and York Region infrastructure plans and timelines. Especially in the context of the already approved MZO at the same intersection. It would be rash for Vaughan Council to endorse this development request in the absence of a greater understanding of approved and active development applications and the adequacy or inadequacy of infrastructure (water, wastewater, roads, transit etc.). At a minimum I would suspect staff need time to review this application in the context of Vaughan's Asset Management Policy⁶. This information would enable a full understanding of conditions external yet pertinent to the proposed development.

More specifically is the MZO request consistent with the approved Vaughan Mills Center Secondary Plan (VMCSP)⁷; the request shows building heights of 36 stories but Schedule B of the VMCSP shows maximum building heights of 25 and 22 stories? **Is Vaughan Council also being asked to endorse a greater building height than what was publicly consulted and approved?** I am unable to find the previously approved MZO referred to by the developer under the approved Planning Act regulations, is it still active and why was it needed? If this phase of the project truly had a significant planning hurdle that required zoning changes why was it not addressed at that time and included in the previously approved MZO?

It would appear that special treatment of MZO endorsed applications follows in subsequent City and Regional permit and planning approvals. This is unfair to all other active development applications. As an example the MZO endorsed by Vaughan Council⁸ and approved by the

³ Mayor Bevilacqua's Members Resolution entitled: "Request from Cortel Group on behalf of Rutherford Land Development Corporation and Caldari Land Development Corporation for a Minister's Zoning Order to Zone 2901 Rutherford Road and Part of Lot 15, Concession 4 (VGN), designated as Parts 3, 4, 9 and 10, Plan 65R-34051, located at the Southeast Corner of Jane Street and Rutherford Road, in the City of Vaughan" Oct 21, 2020: <https://pub-vaughan.escribemeetings.com/filestream.ashx?DocumentId=51493>

⁴ O.Reg. 643/20: <https://www.ontario.ca/laws/regulation/200643>

⁵ Mr. Rino Mostacci, on behalf of Solmar Development Corp., with respect to Ministerial Zoning Order (MZO) for Park Avenue Place Phase 2, (9095 Jane St.) and for Bellaria II (9291 Jane St.) and request favourable consideration from City Council to adopt the requisite resolutions.

<https://pub-vaughan.escribemeetings.com/filestream.ashx?DocumentId=57252>

⁶ City of Vaughan Asset Management Policy:

<https://www.vaughan.ca/cityhall/departments/IPCAM/policies/Pages/default.aspx>

⁷ Decision Vaughan Mills Centre Secondary Plan for all lands east of Hwy 400 not under appeal, See pg. 105: https://www.vaughan.ca/projects/policy_planning_projects/official_planning_2010/General%20Documents/VOP%202020%20Board%20Orders%20and%20Decisions/PL140839-NOV-04-2020.pdf

⁸ Mayor Bevilacqua's Members Resolution entitled: "REQUEST FROM CONMAR DEVELOPMENTS INC. & FENLANDS VAUGHAN INC., DG GROUP AND LORWOOD HOLDINGS FOR MINISTER'S ZONING ORDER FOR THE DECLASSIFICATION OF PROVINCIALLY SIGNIFICANT WETLANDS IN BLOCK 34 EAST" Mar 9, 2020: <https://pub-vaughan.escribemeetings.com/filestream.ashx?DocumentId=30449>

Minister of MHMA⁹ for the Walmart Warehouse distribution facility¹⁰ had a site plan approved dependent on numerous conditions being fulfilled¹¹. The development broke ground in August¹². It remains unclear to me if all conditions of approval have been met. In this instance provincial approval of the MZO was required to declassify, destroy and relocate provincially significant wetlands in conjunction with a permit under Ontario's Endangered Species Act to allow endangered species habitat alteration¹³. Only four (4) Ha of agricultural land was the subject of provincial approval for the MZO; all other zoning changes were promptly approved by Vaughan Council¹⁴. While this development may appear to bring large economic benefits it will also come with hidden externalized costs borne by taxpayers; no/inadequate infrastructure, creation of significant trailer traffic that will result in increased pollution and public health burden, traffic congestion, increased wear and tear on roads and more. These impacts will be experienced by the community long after the financial benefits of the development have been realized. It will also decrease Vaughan's ability to be climate resilient by paving over a site that had potential for natural heritage extension, offering natural free stormwater and source water protection - Natural Asset Management¹⁵.

At present the only justification observed for endorsement of MZO developer requests ahead of all other development applications is that a developer asked and their request subsequently appeared on Vaughan Council's agenda. The rationale for Vaughan Council endorsement of MZO developer requests must be stronger than vague references to affordable housing and economic recovery from COVID-19. The affordable housing crisis will not be solved by offering a few units here and there through ad hoc approval with unclear requirements about the type and size of the units (for families, individuals). It may solve the problem if we are trying to create affordable housing for Vaughan Councillor's children but little more. The reality is that there are greater structural barriers that need to be understood and included in the solution if Vaughan Council truly wants to provide affordable housing (which should also include rental housing). I look forward to reading the staff report that was requested by Vaughan Council last December.

⁹ O. Reg. 173/20: <https://www.ontario.ca/laws/regulation/200173>

¹⁰ 11110 Jane St., North of Jane and Teston, just south of the end of the proposed GTA West Corridor/Highway 413.

¹¹ CONMAR DEVELOPMENTS INC. & FENLANDS VAUGHAN INC. ZONING BY-LAW AMENDMENT FILE Z.19.007 DRAFT PLAN OF SUBDIVISION FILE 19T-19V002 SITE DEVELOPMENT FILE DA.19.072 11110 JANE STREET <https://pub-vaughan.escrimemeetings.com/filestream.ashx?DocumentId=31936>

¹² Walmart Canada and Condor Properties Break Ground on Newest and Highest Volume Distribution Centre in Vaughan:

<https://www.newswire.ca/news-releases/walmart-canada-and-condor-properties-break-ground-on-newest-and-highest-volume-distribution-centre-in-vaughan-868896194.html>

¹³ <https://ero.ontario.ca/notice/019-1685> and <https://ero.ontario.ca/notice/019-1069>

¹⁴ CONMAR DEVELOPMENTS INC. & FENLANDS VAUGHAN INC. ZONING BY-LAW AMENDMENT FILE Z.19.007 DRAFT PLAN OF SUBDIVISION FILE 19T-19V002 SITE DEVELOPMENT FILE DA.19.072 11110 JANE STREET, Apr 21, 2020:

<https://pub-vaughan.escrimemeetings.com/filestream.ashx?DocumentId=31936>

¹⁵ Investments in Natural Infrastructure Have Significant Economic Returns: Report Jun 4, 2020:

<https://www.watercanada.net/investments-in-natural-infrastructure-have-significant-economic-returns-report/>

Economic recovery from COVID-19 must embrace all ten (10) of Vaughan's Strategic Priorities, not just the economic ones. Vaughan Council declared a Climate Emergency in June of 2019¹⁶ that recognized the urgency and need for all levels of government to act. This reality and urgency to act must be better reflected in Council decisions that affect the economy and development; especially those that are subject to special treatment through endorsement of MZO developer requests.

I once again ask Vaughan Council to refrain from endorsing MZO developer requests unless there are extreme circumstances that are explained to the public in an open, transparent, rational and justified manner. Endorsement of MZO requests should be in the greater public interest and contribute to supporting all ten of Vaughan's Strategic Priorities. As an observer of this process it is difficult to see how Vaughan Council is representing their constituents and the public interest by endorsing development projects that clearly have unresolved conflicts, many with a long documented history. **There is no red tape or duplication of process; there are conflicts with how the developer wants to develop on the land they own versus what is permitted by current planning documents/legislation and acceptable to surrounding communities/constituents as approved through Vaughan's Official Plan.**

I look forward to seeing concerns of public interest, your constituents, fully reflected in Vaughan Council decision making. Thank you for reading.

Sincerely,
Irene Zeppieri

¹⁶ City of Vaughan declared Climate Emergency:
https://www.vaughan.ca/cityhall/environmental_sustainability/Pages/Climate-Change.aspx