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Item #	1
Report No.	2 - CW
Council - Jan 20, 2015	

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Our File No.: 120067

Via email to: clerks@vaughan.ca

Mayor and Members of Council
City of Vaughan
City Hall
Level 100, 2141 Major Mackenzie Drive
Vaughan, On
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Dear Sirs/Mesdames:

Re: Baif Developments Limited
File Nos. OP12.019 and Z.12.047

We are the solicitors for Baif Developments Limited ("Baif") in connection with the above-noted application, which will be considered by Council at its meeting on January 20, 2015.

The purpose of this letter is to respond to a number of serious mischaracterizations of the applications by members of Committee of the Whole (the "Committee") when the matter was debated at the Committee meeting on January 13, 2015. It appears that the following matters are not properly understood, notwithstanding that each has been carefully addressed in the staff report dated January 13, 2015 (the "Staff Report") which recommends approval of Baif's applications:

1. Applicable official plan policies

The Baif applications were filed prior to the City's new official plan, VOP 2010, coming into effect so the Staff Report details the relief required from the policies contained in the Thornhill Vaughan Secondary Plan (which is now very dated) as well as the City's current but unapproved policies for the Baif lands under VOP 2010. However the staff evaluation of the applications properly focuses on the City's current vision for the lands as set out in VOP 2010.

While the Staff Report notes that Baif has appealed the height and density permissions in VOP 2010, Baif has advised City staff that the appeal will be withdrawn if its development applications are approved and the new OP is modified to reflect the

approval. Some members of the Committee appeared to be under the mistaken impression that Baif has also appealed its site specific applications. In fact, Baif was content to allow for the City's processing of the applications to be completed and is pleased that the process culminated in a staff recommendation for approval.

2. Magnitude of the proposed density increase

Baif's proposal for a total of 797 units translates into a density of 4.35 FSI. VOP 2010 contemplates a density of 3.5 FSI. Therefore, the incremental density sought by Baif exceeds the City's density limit in VOP 2010 by only .85 FSI. Staff recommend approval of this minor density increase on the basis that it is supported by Provincial and Regional policy.

Notably, Baif's proposed density is lower than the 4.43 FSI approved by Council for the Liberty site immediately to the south. While Liberty's approved unit count is 438, the Liberty site is half the size of the Baif site.

3. Operation of the intersection at Bathurst and Beverley Glen

There was a suggestion at the Committee of the Whole that the Region's refusal to permit double left turn lanes at the Bathurst Street/Beverley Glen Boulevard intersection would result in "traffic chaos". At the request of the local councillor, Baif's traffic consultant, BA Group, prepared an analysis of the potential for double left turn lanes but BA Group never considered double left lanes to be required. Moreover City staff have concluded that "the maximum projected traffic volumes can easily be accommodated by the intersection and does not require two lanes".

4. Sufficiency of the parking supply

The proposed parking supply of 975 spaces has been justified by a detailed parking study which included parking utilization studies for comparable developments. City staff have noted that the proposed parking supply is consistent with the new standards recommended by the City's consultant, the IBI Group. The City's approvals of the Liberty project and others in the vicinity have similarly incorporated a reduced parking ratio.

5. Proposed Heights

The heights of the 25 and 15 storey buildings that will be oriented to the Bathurst Street frontage exceed the 12 storey height limit in VOP 2010 (although that height limit has been appealed by Baif). City staff recommend approval of Baif's proposed heights on the basis that they are consistent with other approved developments in the area, including the towers in the Liberty development, and because the lands are within an Intensification Area on a Regional Corridor.

The third and fourth buildings in the interior of the development conform to the proposed height limit in VOP 2010. Nonetheless, Baif engaged in consultation with the residents of the adjacent townhouse development and responded to their concerns by reducing building height, increasing terracing and by the provision of a substantial landscaped buffer. These changes have been well received by the community so it is inaccurate to say there has been a "public outcry" against the current proposal.

6. Shadow impact

Concern was expressed regarding shadow impacts on the low density residential homes on the east side of Bathurst Street. The Staff Report notes that the use of point towers with slim floorplates will result in shadows for a period of less than three consecutive hours on any individual property, which meets the City's standard of acceptability.

7. Section 37

Baif has offered to make a Section 37 contribution in the amount of \$700,000 if the project is approved by Council, as outlined in the report from the Director of Development Planning dated January 9, 2015. Baif's proposed contribution is significantly more generous than the contribution the City accepted when it approved the Liberty project in 2013. Moreover, subsequent to the Committee meeting, Baif had a further discussion with Councillor Shefman respecting certain additional benefits it would be prepared to consider if Council approves the project but has not yet had response from Councillor Shefman.

It should be clearly understood by Council that Baif's offer to make a Section 37 contribution is withdrawn in its entirety if Council refuses the applications and Baif is obliged to appeal to the OMB.

We trust the foregoing will help to clarify Council's understanding of the issues evaluated by staff in their very detailed and comprehensive review of the Baif applications as well as Baif's position with respect to a Section 37 contribution if Council does not approve the project.

Yours truly

Goodmans LLP



Roslyn Houser

RH/lr

cc: Baif Developments Limited