

GOLDBERG GROUP LAND USE PLANNING AND DEVELOPMENT
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November 26, 2013

Chair and Members of Committee of the Whole
City of Vaughan
2141 Major Mackenzie Drive
Vaughan, ON
L6A 1T1

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Item #	12
Report No.	52(cw)
Council - December 10/13	

Dear Chair and Members of the Committee of the Whole:

**RE: Comments Filed on Behalf of Baif Development Limited
Vaughan Official Plan (VOP) 2010
Modifications to Policies 10.1.2.9 - 10.1.2.12
Section 37 of the Planning Act and
Implementation Guidelines (File #25.6.1)**

We are the land use planners for Baif Developments Limited, current appellants of the VOP 2010 concerning the development of its property located at the northwest corner of Bathurst Street and Beverley Glen in the Thornhill Community.

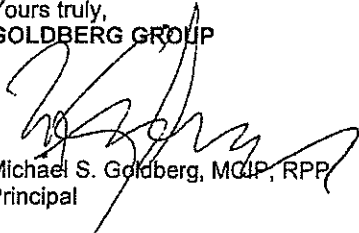
We have had the opportunity to review the November 26, 2013 Staff Report concerning the captioned topic area of the VOP 2010. While our client's review is ongoing, we understand that City staff are recommending approval of revised COP 2010 Policies 10.1.2.9 - 10.1.2.12, as a modification to the VOP 2010 regarding Bonusing for Increases in Height or Density. We further understand that if approved by City Council, the report recommends Council's direction to seek approval of the revised Policies before the Ontario Municipal Board.

While Section 37 has been a part of the Planning Act for many years, it is a relatively new approach to planning in the City of Vaughan. Our clients concern is that the implementation of Section 37 be undertaken in a fair, equitable and transparent manner. This relates to when and how Section 37 would potentially be applied on a site specific basis. In this regard, it appears from the staff report that there will be considerable reliance on Implementation Guidelines which are currently in draft, and are intended to only be finalized once the OMB approves the revised VOP 2010 policies. At this time, the draft Implementation Guidelines are broad in application and potentially require an excessive amount of Section 37 contributions. Section 5 of the draft Implementation Guidelines specify that on average, the City will seek to achieve a value for community benefits that represent a range between 20-35% of the increase in land value resulting from the increase in height and/or density. In our view and that of your staff, more work needs to be done concerning this.

Since the VOP 2010 policies are intended to work hand in hand with the approved Implementation Guidelines, it is our suggestion that both documents should be finalized at the same time. It is through such a process that the most appropriate combination of policies and guidelines can be determined. As such and in our view, approving the revised VOP 2010 policies now is premature until both the policies and the Implementation Guidelines are finalized.

In view of the above, we request that you only approve the recommended policies when the Implementation Guidelines have been finalized through a full consultation process.

Yours truly,
GOLDBERG GROUP


Michael S. Goldberg, MCIP, RPP
Principal

Cc: John Mackenzie, Anna Sicilia and Roy McQuillin, City Planning
Paul Minz and Lynn Barkey, BAIF Developments Limited
Roslyn Houser, Goodmans LLP