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File No. 702895-1

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COMMUNICATION
CW (PH) - MARCH 7/2017
ITEM - 3

March 6, 2017

By Regular Mail and E-Mail to policyplanning@vaughan.ca

Mr. Clement Chong
Policy, Planning & Environmental Sustainability
City of Vaughan
City Hall, Level 200
2141 Major Mackenzie Drive
Vaughan, ON L6A 1T1

Dear Mr. Chong:

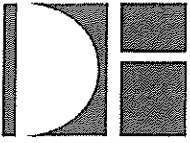
**Re: Dufferin and Centre Street Intersection Land Use Study
Draft Area Specific Official Plan Amendment
Municipal File No. 26.6
1438 and 1450 Centre Street, Vaughan ("Subject Lands")**

As you know, we are counsel to 235539 Ontario Inc. (operating as Concord Food Centre), the owner of the Subject Lands.

The City of Vaughan (the "City") has recently completed the Dufferin Street and Centre Street Intersection Land Use Study (the "Land Use Study") and has prepared a draft Area Specific Official Plan amendment (the "Draft OPA") for public input and comment. The Subject Lands are located within the Land Use Study area.

On February 6, 2017 we wrote to you to express our clients concerns with the Land Use Study and any proposed Official Plan Amendment policies that would seek to restrict, limit or consolidate access to the Subject Lands, and to alert you to our clients' recent discussions with York Region (the "Region") regarding a second access point. A copy of that correspondence is attached for ease of reference.

In addition to the concerns expressed in our earlier correspondence, we are now writing to identify particular issues with the Draft OPA and object to its adoption in its current form. As such, we wish to provide the following comments with respect to the contents of the Draft OPA:



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Urban Design Policies

- Policy 12.XX.5.1(g) requires that all surface parking be located in the interior of development blocks and be screened by buildings. In addition, off street parking shall not be located between the building and any public street.
- Policy 12.XX.5.1(h) requires that surface parking areas be shaded with trees in accordance with the City of Vaughan Parking Design Guidelines.

Transportation and Street Network Policies

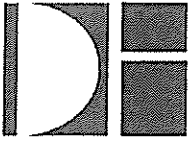
- Policy 12.XX.7.5 states that sharing of parking is encouraged, subject to evaluation by the City.
- Policy 12.XX.7.6 states that surface parking is discouraged and where provided shall not be located in the yard facing a public street.

The existing parking configuration of the Concord Food Centre includes surface parking on the north and south sides of the drive aisle, facing Centre Street. In addition, the trees on site provide limited shading to the surface parking spaces.

Our clients' proposed second access is subject to the approval of an updated site plan application. However, a formal application has yet to be filed and there are serious concerns that our clients may be subject to the above-referenced policies, notwithstanding the fact that the parking configuration is an existing condition and the site plan application would propose a second access only.

Public Road Network

- Map 12.XX.A ("Map 12") proposes a public road network to the east and west of the Subject Lands.
- Policy 12.XX.7.10 states that Map 12 identifies a potential public local street network and intersection points that are intended to link the four quadrants of the Land Use Study and where possible, improve vehicular movement throughout the Draft OPA. This policy also states that minor modifications to the location and alignment of the planned public local street network are permitted without amendment to the Draft OPA.
- The Dufferin Centre Report authored by the Planning Partnership (the "Study Report") indicates that the VIVA bus rapid transit station that is currently under construction necessitates the proposed internal public road network.



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As expressed in our earlier correspondence, our clients are concerned that the proposed public road network has the potential to impact our clients' existing site operations as well as any future adjustments it is contemplating to obtain a second access point.

Our client is strongly opposed to any new public roads traversing through and adjacent to the Subject Lands.

Draft Demonstration Plan

- Figure 15 of the Study Report illustrates a draft demonstration plan for the northeast quadrant of Dufferin and Centre Street and appears to propose a new urban square directly south of the Subject Lands, replacing the current surface parking arrangement facing Centre Street.

Our clients are strongly opposed to the proposed draft demonstration plan as it not only alters and significantly impacts its existing site operations, but also directly conflicts with our clients' proposed second access point which has been supported by Regional transportation staff.

Compatibility Issues

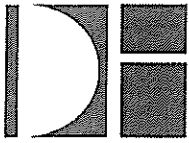
- The Study Report identifies a need to consider compatibility issues adjacent to the residential areas of the northeast quadrant of Dufferin and Centre Street, as well as potential opportunities to incorporate King High Park into the Draft OPA.

The Study Report summarizes existing site conditions at the northeast quadrant of Dufferin and Centre Street and specifically recognizes the Subject Lands. Our clients are concerned with the proposed "need" to consider compatibility issues given that its existing commercial use has been identified in the Study Report.

Implementation

- The Study Report indicates that legally existing businesses can continue and the Draft OPA will not affect their ongoing operations, as reflected in Policy 10.2.1.4 of the Vaughan Official Plan.

While the Study Report recognizes existing uses, the draft OPA and Study Report are silent with respect to transitioning potential development applications. Our clients are concerned that they may be prejudiced due to the fact that they have



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not yet filed a formal site plan application to this point, despite lengthy discussions it has been engaged in with the Region regarding a second access.

For the reasons noted above, we object to the adoption of the Draft OPA in its current form.

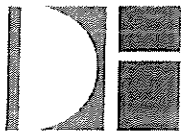
Please notify the undersigned of any and all meetings, including open houses public, Council and committee meetings, reports and background reports with respect to the Draft OPA.

Yours truly,
DAVIES HOWE PARTNERS LLP

John M. Alati

JMA:mk

copy: Clients



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File No. 702895-1

February 6, 2017

By Regular Mail and E-Mail to clement.chong@vaughan.ca

Mr. Clement Chong
Policy, Planning & Environmental Sustainability
City of Vaughan
City Hall, Level 200
2141 Major Mackenzie Drive
Vaughan, ON L6A 1T1

Dear Mr. Chong:

**Re: Dufferin and Centre Street Intersection Land Use Study
Proposed Dufferin-Centre Street Secondary Plan
1438 and 1450 Centre Street, Vaughan ("Subject Lands")**

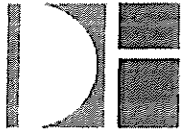
We are counsel to 235539 Ontario Inc. (operating as Concord Food Centre), the owner of the Subject Lands.

We understand that the Dufferin and Centre Street Intersection Land Use Study (the "Land Use Study") is now complete and will be used to prepare the Dufferin-Centre Secondary Plan in the form of an Official Plan Amendment (the "Proposed OPA"). We also understand that the City of Vaughan intends to schedule a statutory public meeting in relation to the Proposed OPA in March, 2017.

In advance of this meeting, we are writing to express our concerns with any proposed policies that seek to restrict, limit or consolidate access to the Subject Lands, particularly since our client is attempting to secure a second access with the Regional Municipality of York (the "Region").

Proposed Secondary Access to the Subject Lands

The purpose of this second access is a direct result of the installation of the future VIVA bus rapid transit line, which will necessitate the construction of a centre median on Centre Street and result in a loss of full turn access to the Subject Lands. In order to minimize operational challenges imposed by the new bus line and associated expropriation of our client's lands to accommodate it and related



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facilities, our client has been in discussions with the Region regarding a new second egress point which will allow the drive aisle located directly in front of the Subject Lands (the "Drive Aisle") to be converted to a one-way eastbound. This will eliminate the potential for inbound traffic to be blocked from entering the Drive Aisle as well as avoid other potential traffic conflicting movements on site.

Potential Transition Policies

Our client's proposed second access is subject to the approval of an updated site plan application. However, a formal application has yet to be filed and we have serious concerns with the potential transition policies alluded to in the City of Vaughan Official Plan (the "Official Plan"). While the Official Plan does not expressly reference the proposed Dufferin-Centre Secondary Plan, it includes policies related to "Required Secondary Plan Areas." In particular, Policy 10.1.1.12 of the Official Plan states that:

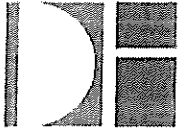
...notwithstanding the policies concerning the Required Secondary Plan Areas identified in Schedule 14-A, Council may permit the continuance of processing of an existing development application submitted prior to May 17, 2010 when it is demonstrated to Council's satisfaction that the proposed development is generally compatible with the vision contemplated in the Official Plan; is significant in terms of its contribution to city-building; and that the proposal could be adversely affected because of any delay caused by having to adhere to the timing of a secondary plan process.

[Emphasis added].

The above-referenced policy suggests that the Proposed OPA will only transition applications submitted prior to May 17, 2010. We are concerned that our client may be prejudiced by any potential transition policy due to the absence of a formal site plan application, despite lengthy discussions with the Region regarding a second access. Our client has been advised by the Regional transportation staff that it supports a second access as has been proposed by our client's transportation consultant, the BA Group.

New Public Roads

While the Land Use Study itself is not publicly available, we understand that a concept layout was presented during the November 3, 2016 public open house which included two new public roads through or adjacent to the Subject Lands.



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We are concerned that these roads will be included in the Proposed OPA and could impact our client's existing site operations as well as any future adjustments it is contemplating to obtain a second access point.

Our client is strongly opposed to any new public roads traversing through the Subject Lands.

Notice

Lastly, we wish to reiterate our February 2, 2017 request via e-mail to be added to the notice list for the statutory public meeting tentatively scheduled for March, 2017.

We appreciate the attention of City Staff and await the release of the Proposed OPA. Should you have any questions or wish to discuss our client's concerns, please do not hesitate to contact me.

Yours truly,

DAVIES HOWE PARTNERS LLP

John M. Alati

JMA:mk

copy: Ava Kanner
Client