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Communication	
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Item:	44

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November 12, 2013

John MacKenzie  
Commissioner of Planning  
City of Vaughan  
2141 Major Mackenzie Drive  
Vaughan, Ontario  
L6A 1T1

Dear Mr. MacKenzie

On behalf of the members of the Pandolfo family (the "Pandolfos"), I have been retained to review the proposed draft Official Plan Amendment for block 40/47 and more particularly, to review the proposed draft O.P.A. in terms of its application to that portion of the Pandolfo lands which contain an area that is subject to a donation agreement referred to below. Also, I am responding to issues discussed at a meeting held on November 11, 2013 with Planning Department representatives pertinent to the proposed draft O.P.A.

I have consulted with other participants of Block 40/47 (the "Block Group") who were also present in the November 11, 2013 meeting along with representatives of the Planning Department. The position put forth in this letter is supported by the Block Group and is basically a reiteration of what was said at the meeting.

The following puts the matter into context:

1. The Pandolfos have as of May 9, 2012 entered into a donation agreement with the TRCA (the "Donation Agreement") to donate the specific heritage lands to the TRCA.
2. The Oakridges Moraine Trust has facilitated this Donation Agreement through the Canadian Ecological Gifts Program administered by Environment Canada.
3. The requirements for completing an application have been fulfilled and we are waiting for the Notice of Determination of Fair Market Value from the Appraisal Review Panel to finalize the process.
4. A re-designation of the property at this time while the appraisal is in process may have an impact on the appraisal value of the property. Accordingly, the ultimate designation is premature at this time and should be deferred until the Donation Agreement is concluded.

5. The Pandolfos have and will continue to work towards conveying the lands to a public authority pursuant to the Donation Agreement with the TRCA.

In recognition of the Pandolfos' efforts, the Block Group supports a deferral of a definitive land use designation and supports what is currently prescribed under O.P.A. 600, until the Donation Agreement or any other satisfactory arrangement is completed, after which the City would initiate an O.P.A. to re-designate the subject property with appropriate consultation and due process. This position was presented to Planning representatives in the meeting of November 11, 2013. The Block Group supports this position on the condition and agreement that the Pandolfos not file an appeal to the plan if the City adopts the alternate O.P.A. as put forth in this letter. The Block Group acknowledge that the land use designation and policies as currently drafted by the Planning Department in respect of the specific heritage area of the Pandolfo lands may have a negative impact on value for the purposes of the Donation Agreement. In the interim, it is proposed, with the support of the Block Group, that an alternative option be approved which will preserve the ability to approve the long term, intended designation at a future date. This alternative option explains the current status of the lands vis-à-vis the Donation Agreement and will preserve the opportunity for full public engagement and consultation with First Nations, the public, and the Province at a more appropriate time.

In consultation with the Block Group and with your Planning representatives I have drafted the alternative option to the O.P.A. The attached proposed Draft O.P.A. outlines a context which provides an explanation and a rationale for deferring a definitive designation until the Donation Agreement is completed.

The proposed Draft O.P.A. preserves a land use designation which is currently in effect under O.P.A. 600. It retains the requirement for an Official Plan Amendment to enact a definitive land use designation. Further, it requires consultation with First Nations and the Province in determining the final designation and policies.

The position of the Pandolfos and the Block Group is that the City approve an Official Plan which retains the current designation of the lands under O.P.A. 600 for the reasons outlined above. The Pandolfos and the Block Group would prefer to move forward with this plan in a co-operative and productive manner and I believe that this Draft O.P.A. effectively establishes this position.

This letter is also to advise that the Pandolfos will, out of necessity, object to the draft official plan if the proposed 'interpretive park' designation and pertinent policies are approved at this time as the approval of same could jeopardize the donation agreement process. I also advise you that the Block Group is not in support of this objection/or appeal.

It is neither the intent of the Pandolfos to object and delay the implementation of the Official Plan Amendment, nor is there any intent to circumvent the process of consultation with appropriate parties. The proposed alternative, which clearly explains the current status of the lands subject to the Donation Agreement, is meant to further encourage and expedite the consultation and planning process and is simply intended

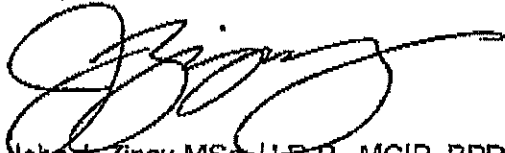
as an interim mechanism to provide the necessary time to conclude the Donation Agreement. We encourage public agencies to help facilitate the donation process being completed as quickly as possible.

This letter and alternative O.P.A. proposal is submitted on a without prejudice basis.

I thank you for your consideration of the alternative approach that is presented.

If I can be of assistance to you or anyone in receipt of this correspondence, please call me. I can be reached at (416) 305-7989.

Respectfully submitted,



John J. Zipay MSc. U.R.P., MCIP, RPP

Cc: Block Group  
Mayor Maurizio Bivilaqua  
Deputy and Regional Councillor Gino Rosati  
Regional Councillor Michael DiBlase  
Regional Councillor Deb Schulte  
Ward 1 Councillor Marilyn Iafrate  
Ward 2 Councillor Tony Carella  
Ward 3 Councillor Rosanna DeFrancesca  
Ward 4 Councillor Sandra Yeung Racco  
Ward 5 Councillor Alan Shefman  
City Clerk, Jeff Abrams

## DRAFT POLICY

### CONTEXT

The subject lands are designated "Urban Area" in O.P.A. 600 which recognizes their development permission within the urban boundary.

Section 4.2.1.2 of O.P.A. 600 prescribes executive housing on large lots. Further, under the policies of Section 4.2.1.2 ii), the "Urban Area" is subject to further studies requiring a comprehensive review in support of a secondary plan with specific land use designations to be further refined through a "Block Plan" process.

Lands which are the subject of a donation agreement with the Toronto Regional Conservation Authority, are shown in Schedule \_\_\_\_\_ which identifies the limit of the subject lands that have been assessed and surveyed by the Ministry of Tourism and Culture and qualified archeologists retained by the owners.

As of May 9, 2012, the identified lands are the subject of a donation agreement between the owner and the Toronto Region Conservation Authority. This agreement contains provisions for these lands to be transferred into public ownership and is in the process of being completed.

In recognition of requirements under O.P.A. 600, an Official Plan Amendment (Secondary Plan) and Block Plan are in process.

The timing of the completion of the donation process is dependent upon the finalization of a review by an independent Appraisal Review Panel which is beyond the control of the donor, the City of Vaughan or the Province.

So as not to impact or affect the donation process, it is premature to assign a final land use designation until such time that the donation process has been completed. Accordingly, the following policy shall apply to the subject lands:

### Policy

- i) As a land donation process has been entered into between the owners of the subject lands and a public authority and which is ongoing, the subject lands shall remain under their current designation in O.P.A. 600 and appurtenant policies until completion of the donation process.
- ii) A re-designation shall be initiated by the City of Vaughan upon the completion of the donation agreement through an official plan amendment.
- iii) Further consultation shall occur with the Ministry of Tourism and Culture and representatives of the First Nations prior to the approval of a final designation.