



Toronto and Region
Conservation
for The Living City

CFN 38958

November 25, 2013

By mail and email (jeffrey.abrams@vaughan.ca)

Mr. Jeffrey Abrams
City Clerk
City of Vaughan
2141 Major Mackenzie Drive
Vaughan, Ontario
L6A 1T1

c <u>13</u>
Communication
CW: <u>Nov 26/13</u>
Item: <u>12</u>

Dear Mr. Abrams,

**Re: City of Vaughan - Committee of the Whole Public Hearing November 26 2013 -
Bonusing for Increases in Height/Density - Section 37 of the Planning Act**

Thank you for providing the Notice of Public Hearing respecting this matter. Further to the notice, and review of the staff report on the website, we offer the following comments for the City's consideration and further discussion.

We understand the proposed amendment to the Official Plan is to provide the opportunity for the City to obtain added measures beyond normal development considerations, in exchange for added density.

While TRCA has a limited interest in the provision of extra density, the Authority does have an interest when the added permission's are to be given in exchange for enhancements associated with valleylands and natural features.

A part of the proposed Section 37 Official Plan Amendment (OPA) identifies providing the opportunity for potentially receiving extra development permissions for alterations within areas that are of interest to the TRCA and are likely to be subject to Regulation 166/06 under the Conservation Authorities Act. It would be a most undesirable circumstance for the Authority and the City, if such permission was negotiated and then found at the time of construction, that the nature of the alteration could not be accommodated based on the Authority's mandate. To avoid such circumstances, we suggest, if City Staff consider it appropriate to do so, an amendment to Section 10.1.2.9 of the OPA, and Section 6 of the "Guideline for Implementing Section 37 Policies", to acknowledge the need to consult with the Authority. Below are the relevant sections of the OPA and Guideline. Added italics, are suggested modifications that, if considered appropriate by the City, would address this concern.

Suggested Policy Additions Relevant to the TRCA:

Section 37 Official Plan Amendment

10.1.2.9 Increased Height and Density Provision

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ii. Pursuant to Section 37 of the Planning Act, a by-law may be enacted by Council to achieve the City's objective of obtaining certain facilities, services or other matters which would not otherwise be secured under the other provisions of the Planning Act or the Development Charges Act, and which may be of particular benefit to a specific area or the City at large. Notwithstanding the generality of the foregoing it is the intent of Council in passing such by-laws to attain community benefits consisting of capital facilities, services or cash contributions toward specific capital facilities or services including but not limited to:

- enhanced public access to natural heritage features, ravines and valleylands *supported by the Toronto and Region Conservation Authority*, involving off-site improvements/upgrades ;

Section 37 Implementation Guideline

6. Protocol for Determining Community Benefits

6.1 Planning Staff will manage the negotiations Process

Planning staff responsible for making recommendations on development applications to Vaughan Council in accordance with the Planning Act and other Provincial policy will lead negotiations with owners/developers regarding the nature of Section 37 community benefits. Planning staff will also coordinate input from other departments on the appropriate provision and costing of community benefits. *Planning Staff will also consult with the Toronto and Region Conservation Authority to determine regulatory feasibility where enhanced public access to natural heritage features, ravines and valleylands is being considered.*

The modifications identify the need to consult and the preference that such consultations take place as early in the process as possible. TRCA supports policies that provide creative opportunity to help build the Living City. We would be happy to discuss further as required. Thank you for the opportunity to comment,

Yours truly,



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