COMMITTEE OF THE WHOLE SEPTEMBER 13, 2011

STATUS OF STAKEHOLDERS MEETING OFFICIAL PLAN AMENDMENT FILE OP.11.001 ZONING BY-LAW AMENDMENT FILE Z.11.006 165 PINE GROVE INVESTMENTS INC. WARD 2

Recommendation

The Commissioner of Planning recommends:

THAT this report BE RECEIVED as information.

Contribution to Sustainability

N/A

Economic Impact

N/A

Purpose

The purpose of this report is to respond to the following Council resolution of June 7, 2011 (in part) regarding the issues and concerns raised at the May 31, 2011 Public Hearing with respect to the above noted files:

- "1. "That staff be directed to convene a stakeholder's group to discuss and resolve issues of concern to all parties and such group to be comprised of:
 - the Ward Councillor;
 - the Mayor and Regional Councillors, should they wish to attend;
 - representatives of the proponent; and
 - up to six local residents, three of which will be residents of that portion of Pine Grove Road west of the Humber River;
- That the Ward Councillor be appointed the Chair of the Stakeholder's group;
- 3. That the group report on its discussions no later than Labour Day 2011; and,
- 4. That the Planning Department be represented at meetings of the group."

The Owner has submitted Official Plan Amendment File OP.11.001 and Zoning By-law Amendment File Z.11.006, to redesignate and rezone the subject lands shown on Attachments #1 and #2, to permit the development of the site with 132 stacked townhouse dwelling units within 5, 3½-storey residential buildings, and parks and natural areas as shown on Attachment #3.

Background - Analysis and Options

Location

The subject lands shown on Attachments #1 and #2 are located northeast of Islington Avenue and Pine Grove Road on both the north and south sides of Pine Grove Road, known municipally as 165, 170, 180, 192, 201 and 229 Pine Grove Road, City of Vaughan.

Special Policy Area (SPA)

The subject lands are located in the portion of Woodbridge subject to a Special Policy Area defined by the Province. In correspondence dated March 26, 2009 (Attachment #4), on another development application located in the SPA in the Woodbridge Core (south side of Woodbridge Avenue, opposite Clarence Street), the Ministry of Municipal Affairs and Housing (MMAH) directed the City in part, that:

"... there is a commitment from the City of Vaughan that it will be undertaking a comprehensive examination/update of its' SPA within the next year and as part of this, the Commissioner of Planning will not be recommending any further site-specific proposals to be approved in the SPA until this examination is completed. This should include any applications which are proposing an increase in density to either the official plan or zoning by-law."

Further discussion of the status of the Woodbridge SPA Review is provided later in this report.

Stakeholders Group Meeting #1 Summary

A Stakeholders Meeting was held at the Al Palladini Community Centre on July 6, 2011, at 7:00 pm. The meeting was attended by the Local Ward 2 Councillor, Director of Development Planning, City Planner, representatives of Cityzen Developments and their consultants, and 6 residents.

The applicant gave an overview of their development proposal and the Development Planning Department explained the status of the Special Policy Area (SPA) and how it would impact the proposed development.

The following matters were identified by the residents and discussed at the Stakeholders Group Meeting:

- A number of the residents living on Pine Grove Road next to the Mill complained about the current state of the existing buildings and asked the applicant to provide additional security measures and to maintain the grass. The applicant replied that they have a security and maintenance management plan in place, but will re-evaluate their existing plan, in light of the comments.
- The residents had concern with how the proposed density for the development was calculated using the entire site rather than the developable portion only. The residents asked that staff and the applicant provide the density calculations for the current permitted land use designations (OPA #240 as amended by OPA #597) and under the new Vaughan OP 2010 land use designations, and that it be applied to the developable area of the property only. Staff advised that the developable area cannot be delineated at this time, as the Toronto and Region Conservation Authority (TRCA) has not confirmed the development limits for the property. However, Staff indicated that once the development limits are established, the actual density both in FSI and units per hectare will be provided to the residents.
- Development Planning Staff indicated that the Parks Development Department wants to see a trail through the property and was not going to accept the open space lands as parkland dedication. The residents and developer both indicated that they wanted a trail system. The residents also wanted to see if the open space lands could be used for active recreational fields with no permanent structures such as for soccer; Development Planning Staff indicated that this would need to be addressed with the TRCA.

- Issues regarding the building materials were discussed and the applicant agreed to work
 with the residents and provide material sample boards at this stage of the process rather
 than wait until the site plan stage.
- The residents explained that this new development will adversely impact an already bad traffic situation, and that options, including a traffic light, should be considered at Islington Avenue and Pine Grove Road to help alleviate traffic conditions. The Local Councillor asked the developer to consider fronting the costs to provide traffic lights, regardless if it did not meet the warrants or not.
- The residents expressed concern that information related to the Special Policy Area (SPA) and the developable limits were not available for the meeting. The Development Planning Department informed the residents that a meeting with the Toronto and Region Conservation Authority (TRCA) was scheduled for July 7, 2011 (discussed below), which could provide additional information.
- It was agreed amongst the participants that an additional stakeholders meeting be scheduled before Labour Day, only if the TRCA had delineated the development limits for the property, otherwise there was no point in meeting.

Toronto and Region Conservation Authority (TRCA)

On July 7, 2011, a meeting took place at the City of Vaughan, attended by TRCA Staff, City of Vaughan Development and Policy Planning staff, representatives from Cityzen Developments (the Owner) and their consultants. The meeting resulted in an overview of the issues, the status of the Woodbridge SPA Review, and details on specific technical information. No recommendation on the proposed development was tabled, nor was the final developable limits determined by the TRCA. The TRCA indicated that they needed additional time to review the application and that a formal letter would be issued in mid-August 2011.

The Development Planning Department received written comments from the TRCA on August 15, 2011, on the proposed development, specifically in response to the various documents submitted in support of the applications. The comments are summarized below:

- a formal assessment of the technical merits of these submissions cannot be completed until the fundamental question of the proposed land use is finalized;
- the residential land use being proposed is contrary to both the existing land use designations in OPA #240 (industrial) and the adopted designation (commercial mixeduse) in the City of Vaughan Official Plan 2010 (COVOP 2010);
- the Woodbridge SPA Review Update was undertaken with a comprehensive risk management approach, which considered land use risk, and did not take into account a residential land use designation, which represents a major change in risk;
- the TRCA supports the recommendation and proposed designation for commercial mixed use on the subject lands as identified in the COVOP 2010; and,
- the Provincial Ministers of Natural Resources and Municipal Affairs and Housing must approve the change in land use. If the applicant wishes to pursue this land use change further, pre-consultation with the Province should be explored by the applicant.

The TRCA has not provided a recommendation to support the proposed applications, nor have the development limits been determined. Until such time as the SPA review is completed, or the applicant pursues this matter with the Provincial Ministries, an additional stakeholder's meeting cannot be scheduled nor can any further processing of the applications occur.

On August 24, 2011, the Development Planning Department sent a letter to the Owner advising that their site-specific applications to amend the Official Plan and Zoning By-law would not be processed until matters related to the Special Policy Area are finalized.

Relationship to Vaughan Vision 2020/Strategic Plan

This report is consistent with the priorities set forth in Vaughan Vision 2020, particularly "Plan & Manage Growth & Economic Well-being".

Regional Implications

N/A

Conclusion

The Staff report identifies the issues that were raised and discussed at the Stakeholder's meeting held on July 6, 2011. A future stakeholder's meeting may occur once the relevant information from the TRCA is received, respecting the development limits for the site. It is unlikely, given the comments identified in this report, for the TRCA to establish the development limits for the site, until the Province has dealt with Woodbridge Special Policy Area (SPA) Review Update. The Woodbridge SPA Review update is being finalized for submission to the Province at this time. The Commissioner of Planning and Staff have requested the Ministries of Municipal Affairs and Housing and Natural Resources (MMAH and MNR) to expedite their review once the information is received. Until this Provincial review and endorsement occurs or new direction from the Province is received, the Development Planning Department is not in a position to further process the subject applications. This situation was recently communicated to the applicant through a letter dated August 24, 2011 (Attachment #5).

Attachments

- Context Location Map
- 2. Location Map
- Site Plan
- Ministry Letter dated March 26, 2009
- Letter to Applicant dated August 24, 2011

Report prepared by:

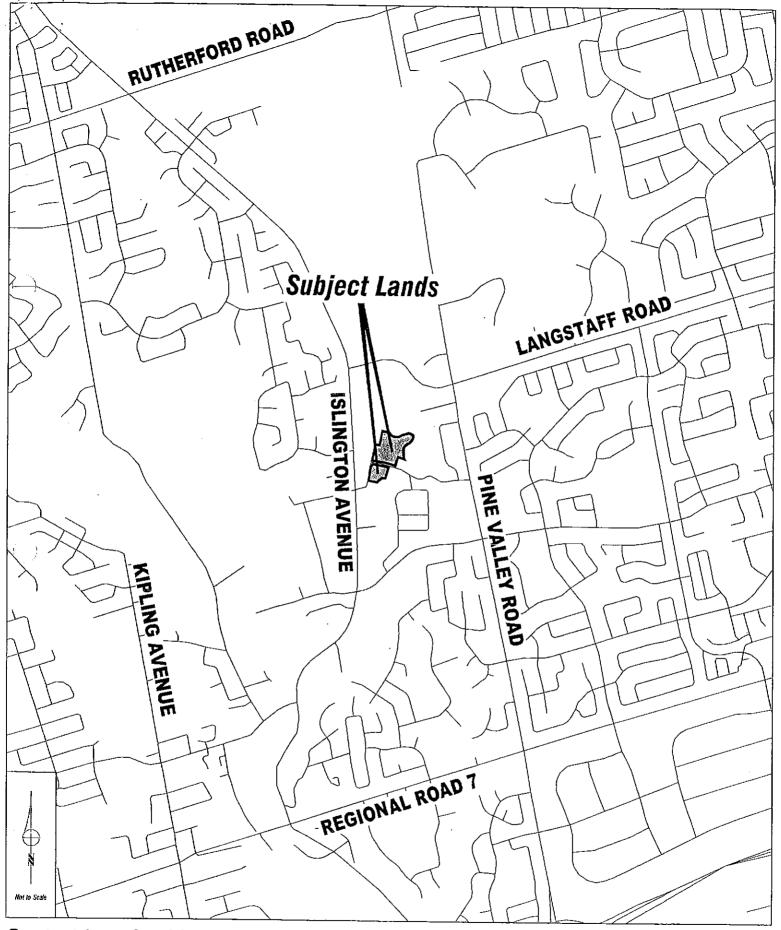
Eugene Fera, Planner, ext. 8064 Carmela Marrelli, Senior Planner, ext. 8791 Mauro Peverini, Manager of Development Planning, ext. 8407

Respectfully submitted,

JOHN MACKENZIE
Commissioner of Planning

GRANT UYEYAMA Director of Development Planning

/CM



Context Location Map

LOCATION: Part Lot 10, Concession 7

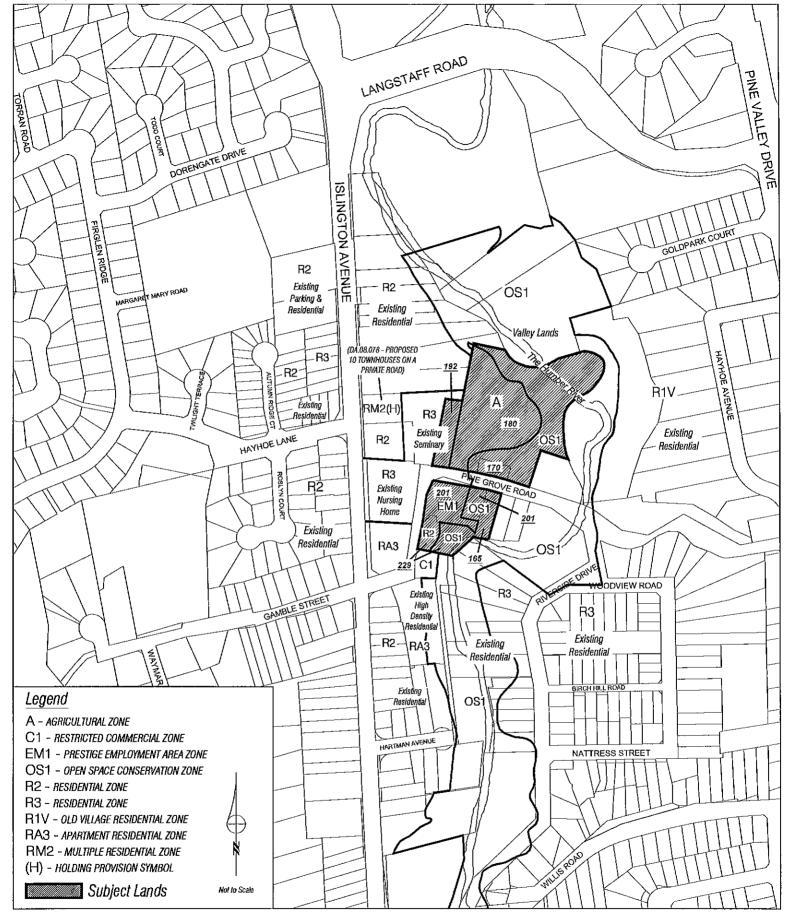
APPLICANT: 165 Pine Grove Investments Inc.



Attachment

FILES: OP.11.001 & Z.11.006

DATE: April 12, 2011



Location Map

LOCATION: Part Lot 10, Concession 7

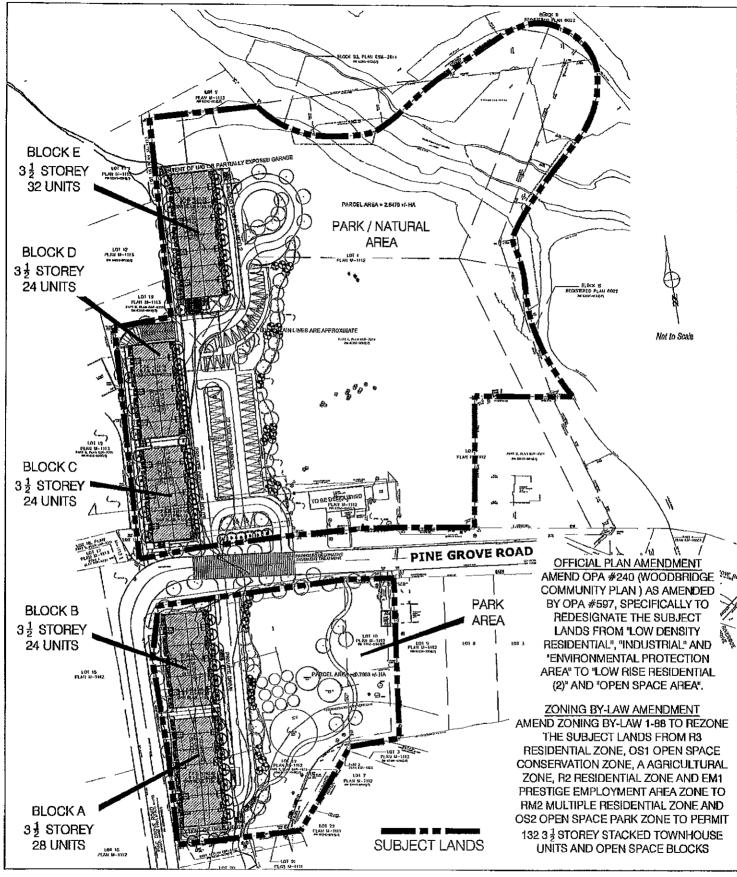
APPLICANT: 165 Pine Grove Investments Inc.



Attachment

FILES: OP.11.001 & Z.11.006

> DATE: April 12, 2011



Site Plan

LOCATION; Part Lot 10, Concession 7

APPLICANT:
165 Pine Grove investments inc.
RADITAL ARRAMENTS/OFA-ALLONG 11.001/2.11.



Attachment

FiLES: OP.11.001 & Z.11.006

> OATE: May 10, 2011

Ministry of
Municipal Attairs
and Housing
Municipal Services Office
Central Region
777 Bay Street, 2nd Floor
Toronto ON M5G 2E5
Phone: 416-585-6226
Fax: 416-585-6882
Toll-Free: 1-800-688-0230

Ministere des
Affaires municipales
et du Logement
Bureau des services aux municipalités
Région du Centre
777, rue Bay, 2nd étage
Toronto ON M5G 2E5
Télécopieur: 416-585-6228
Télécopieur: 416-585-6882
Sans frais: 1-800-668-9230



March 26, 2009

Brian Tuckey Commissioner of Planning Regional Municipality of York 17250 Yonge Street, Newmarket, Onlario, L3Y 6Z1

Dear Mr. Tuckey.

Subject: Amendment to the Official Plan of the City of Vaughan to permit a

change in policy within the Woodbridge Special Policy Area (SPA)
Adopted Official Plan Amendment (OPA) #691 and Zoning By-law 38-

2009

Our File: 19-DP-1500-06023

This letter follows our February 25, 2009 letter regarding the above noted application within the Woodbridge Community Plan Area and within the provincially approved Special Policy Area (SPA) in the City of Vaughan. The amendments and associated information propose a new 6-storey residential building on the subject lands. The total number of residential units will be 88, an increase of 58 units from what is currently permitted on this property.

As noted in our previous letter, any changes to the boundaries, policies, land uses and densities within this SPA, are required to first obtain the approval from the Minister of Municipal Affairs and Housing and Minister of Natural Resources. Further, the letter also indicated that both the Ministry of Natural Resources (MNR) and Municipal Affairs and Housing (MAH) are prepared to consider the City's request to review this application (and supporting materials) on an individual site specific basis.

Again, this review is based on a commitment from the City of Vaughan that it will be undertaking a comprehensive examination/update of its SPA within the next year. As part of this, the Commissioner of Planning, Mr. John Zipay, will not be recommending any further site specific proposals to be approved within the SPA until this examination is completed. This should include any applications which are proposing an increase in density to either the official plan or zoning by-law.

To confirm, an itemized list of the information/reports we have received to date is noted below. The comments that are contained in the balance this letter are based on our review of these materials:

- Fire and Medical Risk Analysis, Trow, November 2007
- Population Analysis Report, Weston Consulting Group Inc., April 2008
- Planning Justification Report, Weston Consulting Group Inc., May 7, 2008
- Boundary and Topographic Survey, Krcmar Surveyors Ltd.; Revision No. 2revised May 8, 2008
- Öfficial plan amendment no. 691 adopted on June 23, 2008
- Emergency Preparedness Manual, Weston Consulting Group Inc., October 29, 2008
- Letter regarding Structural Engineering Design and Construction, Halcrow Yolles, March 1, 2009 (received March 6, 2009)
- Letter regarding building envelope utilized in the modelling exercise, Water's Edge, March 5, 2009 (received March 6, 2009)
- Revised Site Plan, Elevation and Section drawings (A3.0, A3.1, A5.0, A5.1 and A6.0). Inta Architect Inc., February 2009 (received March 6, 2009)
- Letter regarding the Structural Engineer Design and Construction of Regional Flood Loads, Halcrow Yolles, March 18, 2009 (received March 19, 2009)

Technical Review

A letter dated March 18, 2009 from the Toronto and Region Conservation Authority (TRCA) has been received indicating that the TRCA has completed its review of the above listed documents and that the Authority is prepared to support the proposal moving to the Phase II review. It has been confirmed that:

- a) the development can proceed without producing adverse flooding effects on neighbouring properties; and
- b) that the hydrostatic structural design of the basement walls and foundation will meet stability requirements under expected flood conditions.

Accordingly, the Province is now also prepared to support the proposal moving to the Phase II review. To this end, Phase II will still require TRCA's final review and approval, including final technical study submissions and a resolution from its Executive Committee endorsing this application.

Official Plan Amendment 691 & Zoning By-law 38-2009

Official Plan Amendment no. 691 was adopted by the City on June 23, 2008 and subsequently forwarded to the Region of York for approval. The amendment has been held in abeyance by the Region of York until such time as the Province has completed its review and provided Ministerial sign-off. In addition to this, the City adopted the implementing Zoning By-law amendment (By-law 38-2009) for this property on February 24, 2009.

On this front, we have completed our review of the adopted OPA 691 and Zoning Bylaw and offer the following comments and requested modifications.

Requested Policy Revisions/Modifications to OPA 691

 In the preamble of the amendment, under number 5, the word "approved" is incorrect. This should read as "adopted", as the Region of York is the assigned approval authority for OPA 69 junder the Planning Act.

Details of the amendment - Site Specific Policies

- Part ii) the permitted building height is listed here as 7-storeys, however, the Planning Justification Report states that the height has been reduced to 6storeys plus mechanical and penthouse. As such, it the section should be reworded as follows:
 - "ii) the maximum permitted building height along Woodbridge Avenue shall be 4 storeys and the maximum overall building height shall be 6 storeys (excluding that portion of the building used for mechanical and/or penthouse purposes which will be one storey). Further, all residential units will be above the ground floor and mezzanine (1st Floor), which is above the Regional Storm Flood level elevation. All windows and openings will also be above the Regional Flood level."

Also, since the City intends to be specific about the height requirements through policy, it should be reflected in the zoning requirements as well.

- Part III) should be deleted and replaced with the following:
 - "iii) Access to the parking garage, including the underground parking level will be designed for ingress and egress above the Regional Storm Flood level, such that during a Regional Storm event the parking garage will not be subject to flooding."
- Part iv) should be deleted and replaced with the following:
 - "iv) in accordance with Section 6.C of this Plan, the implementing Zoning Bylaw for this site shall include provisions requiring floodproofing measures to protect against risk associated with the Regional Storm event. Window and door openings, including emergency access routes to and from the building, and all habitable fiving space, shall not be permitted below the Regional Storm Flood level.
- Parts v) and vii) should be deleted, as the requirements have been met as part of this review process, and replaced with:
 - "v) The site plan will be prepared in such a matter that the development design will ensure the findings of the Risk Assessment Study and Emergency Management Plan will be implemented by the City of Vaughan and where required the building will be designed to meet the City's requirements in order.

to implement the Emergency Management Plan. The findings of the Risk Assessment Study and the Emergency Management Plan will also be incorporated into the site plan agreement."

Part xiii) should be deleted, as the requirements have been met as part of this
review process and part iii) deals with access.

In the case of OPA 691, these modifications should be incorporated by the Region as the approval authority, with endorsement from the City of Vaughan through a Council resolution. Final approval, however, should not be granted until Ministerial approval has been received.

Requested Revisions/Modifications the Zoning By-law

- aii) after the words "driveway access" add the words "shall be above the Regional Storm Flood level"
- fi) as described above, the 2nd bullet should be revised to state:
 - "maximum building height 6-storeys (excluding that portion of the building used for mechanical and/or penthouse purposes which will be one storey)."
- adding an additional bullet to the end of section fi) as follows:
 - emergency access from the building, all windows and openings, including emergency access routes, and all habitable living space, will be above the Regional Storm Flood level"

Given that the Zoning By-law amendment (#38-2009) has already been passed by the City on February 24, 2009, a new zoning by-law amendment will have to be enacted in order to reflect the requested revisions. A "draft" of the revised zoning by-law amendment is required as part of the final submission but should not be adopted until final Ministerial approval is granted.

Additional Information Requested to Support the Application

Based on our review of the Preamble section of OPA 691 and the Planning Justification report prepared by Weston Consulting, we will require some additional justification and analysis to be conducted insofar as how OPA 691 is consistent with the policies of the Provincial Policy Statement (PPS).

Specifically, the PPS has explicit policies and definitions with respect to Special Policy Areas, including where it suggests that new or intensified development is not intended to be permitted within an SPA if a community has feasible opportunities for development outside of the flood plain.

Based on the reports which have been provided, this type of analysis has not been thoroughly considered and we would require this as part of the Phase II submission.

Secondly, we would also like to clarify and/or comment on some of the statements made in the both OPA 691 (in the Preamble section) and the Justification Report, which we view as a mischaracterization of the Intent of the PPS policies.

- The preamble of the amendment, within the "Basis" section under number 2, the second last paragraph speaks to intensification within the SPA. Specifically, it states that "Accordingly, intensification is currently permitted within the SPA". On this front, we would disagree with this statement. It would be our view that the existing permissions in both the official plan and zoning by-law are permissions that have already been contemplated within the SPA. Intensification on the other hand, would be additional planning permissions above and beyond what has been contemplated in this area.
- The Planning Justification Report provided by Weston Consulting discusses the matters related to development within a SPA based on the provisions of the Provincial Policy Statement, 2005 (PPS). It is important to note, that Section 4 of the PPS, Implementation and Interpretation, in subsection 4.3 states the PPS should be read in its entirety and all relevant policies shall be applied to each situation. In this regard, when dealing with competing policies within the PPS, a balance of matters must be reached in a planning analysis and each policy given the appropriate weight in considering their application. This is particularly true with respect to intensification, as the PPS includes explicit policies stating that the Natural Hazard policies need to be considered (e.g. policy 1.1.3.3).
- Both the Justification Report and the preamble of OPA 691 speak to the
 direction provided by the Growth Plan, 2006 relating to growth management.
 While the Growth Plan speaks to providing opportunities for intensification
 and redevelopment in a more complete and compact form, it does not
 preclude the undertaking of precautionary review or consideration of other
 important aspects of planning in doing so.

More pointedly, as described on page 9 of the Planning Justification report. Section 1.4 of the Growth Plan outlines that in the case of conflict relating to the Growth Plan and the PPS the direction that provides more protection to the natural environment or human health prevails. In this case, the policies of the Provincial Policy Statement relating to Special Policy Areas would prevail. As such, the "Basis" section, under number 3, in the first paragraph of OPA 691 and page 6 of the Planning Justification Report do not appropriately reflect the policies of the Growth Plan.

As such, the City should clearly outline the circumstances and analysis that has been undertaken to meet the requirements as pullined in the definition above, particularly the second paragraph, in order to demonstrate how this proposal is consistent with the policies and definitions of the PPS.

Population Analysis & Emergency Management

The Population Analysis Report outlines expected population per unit (PPU) for this building. This is based on the fact that this development will be an adult lifestyle high-density development. Hence, the PPU has been calculated at a lesser amount then that typically established within the Woodbridge Core Area. This assumes a population that is predominantly 55 years of age and older.

As such, this represents two scenarios that should be considered in the Emergency Management Plan. The City needs to provide clarification on how they intend to address the following scenarios during an evacuation due to flooding:

- that the potential for additional or specialized requirements (i.e. additional needs for wheel chair or assisted persons) of people 55 years and older for evacuation are considered; and.
- 2. the potential for the full population in relation to the PPU being higher then than that predicated in the Population Analysis Report could be realized based on the PPU in the adjacent buildings and surrounding area.
- Also, as a minimum, accessibility guidelines and standards should be considered and reflected as part of the design of the building based on the basis of the adult life-style type development proposed based on population analysis. As outlined below, additional clarification will be required on this matter.

Summary

Accordingly, based on our review, both the Ministry of Natural Resources and Municipal Affairs and Housing staff are prepared to recommend that this proposal proceed to Phase II of the process.

As part of the Phase II submission, the proponent (City of Vaughan) must provide through the Region of York, a final submission (9 copies of each) that shall include the following

- Finalized detailed design and drawings
- The endorsement from the TRCA's Executive Committee or Full Authority Board advising that there are no further issues with the proposed development
- A letter from the structural engineer stating that the structure has been
 designed to withstand all hydraulic loads associated with the Regulatory
 Flood (i.e. hydrostatic loading and/or uplift). The letter must be signed and
 stamped by a professional engineer.
- The revised OPA 691 and Zoning By-law amendments in DRAFT form.

- Additional justification requirements as listed above regarding the conformity
 with the PPS and clarification of how the emergency services will address the
 population related to the emergency management plan
- A Council resolution from the City of Vaughan supporting the revisions to the OPA and Zoning By-law.
- A Council resolution or signed planning report from York Region indicating its position regarding the approval of this application

A final review of this material will then take place by the Province and a final decision, will be made by both Ministers.

If you have any questions regarding the above, please do not hesitate to contact me at (416) 585-7264 or David Sit, Manager at (416) 585-6583.

Sincerely.

Fox

Larry Clay

Regional Director

Municipal Services Office-Central Region

cc. John Zipay, Commissioner of Planning, Gity of Vaughan

Brian Denney, TRCA

Ray Bonenberg, MNR

Tracy Smith, MNR

Kurt Franklin, Vice President, Weston Consulting Group



August 24, 2011

Sherman, Brown, Dryer, Carol Barristers and Solicitors 5075 Yonge Street Suite 900 Toronto, Ontario M2N 6C6

Attention: Mr. Adam Brown

RE:

Official Plan Amendment Application OP.11.001 Zoning By-law Amendment Application Z.11.006 165 Pine Grove Investments Inc. 165, 170, 180, 192, 201 and 229 Pine Grove Road

Dear Mr. Brown.

In response to your e-mail of August 18, 2011, the City of Vaughan Development Planning Department is not in a position to continue processing your client's applications OP.11.001 and Z.11.006 (165 Pine Grove Investments Inc.) as currently proposed in the various submission materials.

OPA #240 (Woodbridge Community Plan) designates the subject properties as "Industrial", "Low Density Residential" and "Drainage Tributary". OPA #597, the Islington Avenue Corridor Plan designates the subject lands "Industrial", "Low Density Residential" and "Environmental Protection Area". OPA #597 also designates all or portions of the properties that make up the subject lands as a "Special Policy Area" (SPA). OPA #597 has been approved, save and except for the lands designated within the SPA, which were deferred by the Region of York until such time as a comprehensive SPA review is completed and approved by the Province.

In addition to the above, the City is in receipt of correspondence from the Province directing, in part, that:

"... there is a commitment from the City of Vaughan that it will be undertaking a comprehensive examination/update of its' SPA within the next year and as part of this, the Commissioner of Planning will not be recommending any further site specific proposals to be approved in the SPA until this examination is completed. This should include any applications which are proposing an increase in density to either the official plan or zoning by-law."

The City's comments in the Public Hearing report of May 31, 2011 remains accurate that until such time as the SPA Review is approved by the TRCA and the Province, further processing of the development applications cannot occur.

Furthermore, the current Official Plan Amendment Application proposes to redesignate a portion of the lands from "Industrial" to "Low Rise Residential (2)", which represents a conversion of lands within an employment area to a non-employment area use. The PPS permits the conversion of employment lands within an employment area through a comprehensive review where it has been demonstrated that there is a need for the conversion. Although the new Vaughan Official Plan (VOP 2010) reflects a comprehensive review of employment lands and appropriate justification for employment land conversion for the site (Industrial to Commercial), it is not approved at this time.

In consideration of the above, further processing of the applications cannot proceed until: (1) the new City of Vaughan Official Plan 2010 is approved by the Region of York to address the employment land conversion matter; and, (2) the SPA Review is finalized and approved by the Toronto and Region Conservation Authority and the Province, which will establish the development limits for the site and area.

If you have any questions, please feel free to contact me at 905/832-8585, Extension 8635; or, email at grant.uyeyama@vaughan.ca

Respectfully,

GRANT UYEYAMA
Director of Development Planning

Copy to: John MacKenzie, Commissioner of Planning Diana Birchall, Director of Policy Planning Tony Jacobelli, Environmental Senior Planner

Eugene Fera, Planner

Paulo Stellato, Cityzen (email: pstellato@cityzen.ca)