

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF SEPTEMBER 9, 2014

Item 12, Report No. 36, of the Committee the Whole, which was adopted, as amended, by the Council of the City of Vaughan on September 9, 2014, as follows:

By receiving Communication C3 from Mr. David Toyne, dated September 2, 2014.

**12 APPLICATION FOR BLOCK PLAN APPROVAL
STATUS UPDATE
FILE BL.40/47.2003
BLOCK 40/47 DEVELOPERS GROUP INC.
WARD 3, VICINITY OF PINE VALLEY DRIVE AND TESTON ROAD**

The Committee of the Whole recommends:

- 1) That the recommendation contained in the following report of the Commissioner of Planning and Acting Director of Policy Planning, dated September 2, 2014, be approved; and**
- 2) That the following Communications be received:**
 - C16 Mr. Peter Jeffery, Ontario Federation of Agriculture, Stone Road West, Guelph, dated August 29, 2014; and**
 - C17 Mr. Paul Reesor, York Region Federation of Agriculture, Kennedy Road, Stouffville, dated August 28, 2014.**

Recommendation

The Commissioner of Planning and Acting Director of Policy Planning recommend:

- 1. THAT the status report on the progress to-date of the Application for Block Plan Approval for Block 40/47, File BL.40/47.2003 (Block 40/47 Developers Group Inc.), BE RECEIVED for information purposes.**

Contribution to Sustainability

The proposed Block Plan is consistent with *Green Directions Vaughan* through the following:

Goal 2: To ensure sustainable development and redevelopment.

Goal 3: To ensure that Vaughan is a City that is easy to get around with low environmental impact.

Economic Impact

There is no direct impact arising from this report provided the recommendation to receive the report for information purposes is approved by Council. The Block Plan is a major step in the City's development approval process, providing for the completion of the residential component of the Vellore Community Area, as defined in OPA 600. The Plan will provide for additional lands for ground related residential development and supporting commercial uses.

Communications Plan

On January 31, 2014, a notice of Public Hearing was circulated to all property owners within 200 metres of the subject lands including the property owners within the boundary of the Block Plan, other interested individuals, and groups such as the Kleinburg and Area Ratepayers Association

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and the Millwood Woodend Ratepayers Association notifying them of the February 25, 2014 Public Hearing respecting the Block 40/47 Plan.

On February 3, 2014, the Notice of Public Hearing was also posted on the Policy Planning webpage, which is accessible through the City of Vaughan's official website www.vaughan.ca. The notice was also advertised on the "City Page Online", which is also accessible through the City's official website, posted on the City Update E-Newsletter and on the City's Twitter and Facebook accounts.

As a result of the notification, a number of responses were received. For the most part, the responses were requesting clarification of the distribution of the land uses. These requests were addressed by e-mailing a colour copy of the Proposed Block 40/47 Plan to those requesting the information. However, two letters were received detailing concerns respecting the proposed block plan from neighbouring property owners and a non-participating landowner. Further detail respecting these letters is provided in Attachment 5 to this report (Council Extract June 24, 2014), in the section titled *Comments Received from the Public*.

Committee of the Whole recommended that the Public Hearing report of February 25, 2014, be received and staff was directed to prepare a comprehensive Technical Report for a future Committee of the Whole meeting. The recommendation was ratified by Vaughan Council on March 18, 2014.

Subsequent to the Public Hearing meeting on February 25, 2014 the Technical Report recommending the approval of the Block Plan application proceeded to the June 17, 2014 Committee of the Whole Meeting. Those individuals who requested notification on the progress of the Block Plan were provided with a Courtesy Notice advising of the June 17, 2014 meeting. Those previously notified have also been provided an additional courtesy notification respecting the September 2, 2014 Committee of the Whole Meeting.

Purpose

The purpose of this report is to provide members of Council and other interested parties with a status update on the progress of the Block 40/47 Block Plan application. At the June 17, 2014 Committee of the Whole meeting the Block 40/47 Developers Group Inc. provided written correspondence and a deputation that included a request to add a recommendation directing staff to report back to Council in September. In response, staff prepared a Communications Item (see Attachment 6) for the June 24, 2014 Council meeting addressing this, among other items that emerged from the June 17, 2014 Committee of the Whole meeting. The June 23, 2014 Communication Memorandum included the following recommendation, which was approved by Council.

"THAT staff report back to the September 2, 2014 Committee of the Whole meeting with a status update on the clearance of the Conditions contained in Attachment 1 and further adjustments to conditions of the Block Plan approval, if warranted, by changing circumstances or the availability of new information."

This recommendation was approved by Council and this report was prepared in response to that direction.

Background - Analysis and Options

Location

The subject lands as shown on Attachment 2 are located in Ward 3 on the south side of Teston Road, east and west of Pine Valley Drive, north of Cold Creek, in Part of Lots 23, 24, and 25, Concessions 6 and 7, City of Vaughan.

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Submission of the Block Plan Application

The Block Plan application (File BL.40/47.2003 Block 40/47 Developers Group Inc.) was originally submitted on February 7, 2003. This plan designated lands for residential, commercial, parks/parkettes, stormwater management ponds, valley lands and landscape buffer uses. The Block Plan application was originally taken to the Committee of the Whole Public Hearing on June 21, 2004. However, in the absence of an approved secondary plan it did not proceed to approval.

The Block Plan has evolved concurrent with a number of requested modifications to the Official Plan Amendment application, which culminated in the February 2014 Council adoption of OPA 744 (File OP.03.008). As a result of the changes to the Block Plan application to ensure its compliance with OPA 744 and the Council policy that requires a second public hearing if an application has not been brought forward to Committee of the Whole for approval within 2 years of the first public hearing, the Block 40/47 Plan application went to a new Public Hearing on February 25, 2014.

Subsequently, the Block Plan was revised to reflect the comments and discussions between staff and the Block 40/47 Developers Group. On June 17, 2014 the revised Block Plan submission (dated May 25, 2014) was the basis of a report brought forward by staff to Committee of the Whole (Attachment 5) recommending approval of the Block Plan application subject to the fulfillment of conditions listed in Attachment 1 of the Technical Report prepared by staff.

At the June 17, 2014 Committee of the Whole meeting written correspondence and verbal deputations respecting the Block 40/47 Plan resulted in Committee requesting that staff provide additional information to the following Council meeting addressing the deputation and responding to questions raised by Committee of the Whole. Staff in response prepared a Communication Memorandum (see Attachment 6) for the June 24, 2014 Council meeting, which resulted in the modification of the Conditions and Recommendations of Block Plan Approval for Block 40/47. On June 24, 2014, Council approved the staff recommendations subject to a number of amendments. Council's action is reflected in the extract forming Attachment 5 to this report.

Policy and Planning Context

a. Status of Official Plan Amendment No.744

OPA 744 is the site-specific official plan amendment to OPA 600 resulting from the Official Plan Amendment application submitted by the Block 40/47 Developers Group Inc. (File OP.03.008). Official Plan Amendment Application OP.03.008 was approved by Vaughan Council on December 10, 2013. The implementing amendment (OPA 744) was adopted by Council on February 18, 2014 and is now subject to the York Region approval process.

Originally OPA 744 redesignated the subject lands from "Urban Area" and "Valley Lands" to "Low Density Residential", "Valley Lands", "Medium Density Residential-Commercial", "Stormwater Management Ponds", "Neighbourhood Commercial Centre", "Parks", "Elementary School", "Institutional", "Greenway System" and "Urban Area". It fulfills the requirement for a Secondary Plan as required by OPA 600.

OPA 744 also provided for an increase to the gross density, ranging from 5 to 11 units per hectare, calculated on the basis of the developable area. Other notable policies in OPA 744 include:

- A minimum net residential density on any site shall be 11 units per net residential hectare.

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- The maximum net residential density on any site shall be 40 units per hectare, with the exception of lands at the southeast corner of Pine Valley Drive, and Teston Road where a maximum net density of 80 units per hectare and stacked townhouses and low rise apartment buildings to a maximum building height of 5 storeys shall be permitted.

Furthermore, it provided for a number of environmental policies which were required to be addressed as conditions of approval through the Block Plan or development application processes.

As a result of the continuing evolution of the Block Plan through the Block Plan approval process and in response to comments made at the Committee of the Whole meeting, additional modifications were directed at the June 24, 2014 Committee of the Whole meeting. The following points summarize the modifications to OPA 744:

- Redesignation of the Peninsula Lands to “Municipal Park”, along with development criteria
- Deleting the reference to “Medium Density Residential Commercial” and replacing it with “Low Density” subject to additional provisions for the area located at the southwest corner of Pine Valley Drive and the southerly primary road access
- Amending paragraph 6, Section IV by adding a clause respecting compatibility with adjacent rural uses
- Amending the existing paragraph 5, section IV, by deleting clauses v.b. and substituting the clause with the language provided. (See Attachment 5, Recommendation 5 a)ii)
- Deleting Section IV, paragraph 7, clause d.ii in OPA 744

The above noted modifications were approved by Council on June 24, 2014 and are subject to Region of York approval. It is expected that the Region of York's consideration of the approval of the amended OPA 744 will be addressed through the Region's Committee and Council process in September of 2014.

b. Vaughan Official Plan 2010 (VOP 2010)

Official Plan Amendment File OP.03.008 was submitted prior to Vaughan Council's adoption of VOP 2010. Therefore, the Official Plan Review was conducted under the policies of OPA 600 and is being processed as an amendment to OPA 600. Upon Regional approval of the proposed amendment (OPA 744), the approved Secondary Plan/Official Plan Amendment will be incorporated into Chapter 12 of VOP 2010, Volume 2 as an “Area Subject to an Area Specific Plan”.

The landowners have appealed the Vaughan Official Plan specific to this Block Plan and upon Regional approval of the proposed amendment (OPA 744) it is expected that the appeals will be withdrawn.

c. Draft Plans of Subdivision and Zoning By-law Amendment Applications

All the participating landowners within the block have submitted applications for the approval of the implementing draft plan of subdivisions and zoning by-law amendments. The Draft Plan of Subdivision and Zoning By-law Amendment applications are scheduled to be heard at the September 2, 2014 City of Vaughan Committee of the Whole Public Hearing.

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d. Block Plan Development Statistics

The original Block Plan development statistics, setting out the distribution of land uses are shown on Table 1 and 2 of Attachment 5 (the June 17, 2014 Committee of the Whole report). The development statistics will be updated to reflect the Council directed changes and the results of fulfilling the conditions of approval. This will be confirmed in the plan prepared for Council's final approval.

The Block Plan Process, Review, Status Up-date

Since Council's approval on June 24, 2014, additional work has been conducted by the Block 40/47 Developer's Group to clear the conditions. Staff of the Policy Planning Division met with members of the Development Group on July 18, 2014 and established a course of action/work plan to address the conditions of Block Plan approval. Policy Planning staff in consultation with the Developers Group has provided the City departments and external agencies with a list of the Conditions of Block Plan Approval indicating which conditions each department/agency is responsible for clearing. The City departments and external agencies were also provided with a matrix outlining the status of each condition.

As part of the work plan, meetings with the Developers Group, the City departments and/or external agencies have taken place and will be scheduled with a focus on resolving issues the outstanding issues. Once the Developers Group is ready to discuss or provide the required information to satisfy any of the Block Plan Conditions a meeting will be scheduled (if necessary) and the conditions to be discussed will form the agenda for each meeting. Only those departments and/or agencies required to clear the conditions to be discussed are needed to attend. Meeting in smaller groups with only the key departments and agencies was preferred to ensure that the focus remains on the agenda items/conditions.

As of August 1, 2014, staff from the Development/Transportation Engineering, Parks Development, Development Planning, and Policy Planning departments had met with the Developers Group to address the conditions of approval and advance discussions on related matters respecting the Block 40/47 Plan. The following three issues have been discussed

i. Parks Development (Conditions 16, 51–55 inclusive)

On July 15, 2014, Policy Planning and Parks Development staff met with the Developers Group, to discuss Conditions 16, and 51 – 55 inclusive. The City provided the Developer's Group with direction on what was required to clear the conditions and arrangements were made to conduct a site visit as required in Condition 16 to determine the feasibility of a future pedestrian trail system through the valley lands linking the residential communities within the Block 40/47 Plan area.

The Developers Group along with staff from the Parks Development Department, the Toronto and Region Conservation Authority (TRCA), and Ministry of Natural Resources (MNR) conducted the site visit on July 22, 2014. The City is currently in discussions with the MNR respecting the potential trail system. MNR has expressed concerns over the provision of a trail in the Valley. This is discussed later in the report. The Developers Group is preparing to submit additional information including but not limited the required facility fit plans for all the proposed parks in the Block Plan area in order to address conditions 51, 52, 54, and 55.

ii. Alternative Servicing Measures

Due to cost considerations and the potential environmental impacts of putting the services in the Valley system, the Developers Group is assessing alternative means of providing the

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required servicing (sanitary sewers and water). On July 7, 2014 a number of City departments and the TRCA were invited to a presentation provided by the Developers Group on the topic.

The Developers Group in consultation with the Development/Transportation Engineering Department, Parks Development, Policy and Development Planning, and TRCA is exploring the option of constructing a pedestrian bridge system to link the east and west sides of the Block 40 portion of the Block Plans across the valley. The proposed option involves installing two pedestrian bridges over the creek within the valley lands. Gravity sewers (pipes) will be hung on the bridges and will allow the pumping station to be accessed from a higher elevation. Therefore the pumping station itself would not be buried as deep as is currently being proposed. Proceeding with this plan would reduce construction costs, potentially reduce maintenance costs, and reduce risk as the pumping station would be located outside of the areas of soil concern.

No final decisions have been made respecting the potential for constructing the bridges, the Developers Group has further work to do and the proposal is subject to the approval of the City, the TRCA and the MNR.

iii. Cultural Heritage (Conditions 18-25 inclusive)

On July 21, 2014 the Developers Group provided a written response to the Conditions of Block Plan approval, numbers 18 to 25 inclusive. The Cultural Heritage Division is currently reviewing the submission to determine if it satisfies the conditions and is arranging the necessary site visits in order to satisfy conditions 23 and 25.

iv. Matters Relating to the Master Environmental/Servicing Plan (Conditions 4-15, 17 and 26-50)

Meetings to discuss Conditions 4 to 15 inclusive, 17 to 19 inclusive and 26 to 50 inclusive are being arranged for mid-August with Development/Transportation Engineering Department, Policy Planning, the TRCA and the MNR. The intention is to resolve the remaining issues relating to the Master Environmental/Servicing Plan and transportation matters. It is noted that some of these conditions will be influenced by the ultimate servicing solution. Finalizing the servicing issues relating to the choice between the alternatives will allow for the finalization and approval of the plans relating to the conditions.

Agency Comments

a. Ministry of Natural Resources

Throughout the Block Plan review process, the Ministry of Natural Resources (MNR) was circulated information for comment and continues to take part in the process as an external agency with a role in clearing the conditions of Block Plan approval.

The MNR has been in attendance at a number of meetings and most recently attended a site walk through the valley lands in order to determine the feasibility of a future trail system. Taking into consideration the outcome of the site walk and the information submitted throughout the Block Plan review process, the MNR has provided the following comments with respect to the trail system, the wetlands; the peninsula; future zoning; and the Teston Road jog re-alignment.

i. Trail System

The MNR is of the opinion that any development of trails in the valley lands should be avoided to protect the valley system, including Provincially Significant Wetlands, and the

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Redside Dace habitat. If the City requires a trail system between the residential communities within the Block 40/47 Plan, the use of the existing bridge should be considered as an alternative to the development of a trail system.

ii. Wetlands

The wetlands referenced in the provided documentation as 13a, 13b, 15, and 39 have been reviewed and it has been determined by the MNR that these wetlands are not Provincially Significant Wetlands (PSWs). MNR also notes that the Developers Group has agreed to construct a number of new wetlands to offset the loss of ecological function that will occur due to development in the surrounding area. MNR further notes that Condition 4 of the conditions of Block Plan approval reflects a commitment to the development of additional wetlands.

MNR through its comments is requiring that the ecological function of the existing Provincially Significant Wetlands (PSWs) within the subject lands be maintained. MNR is of the opinion that a minimum 30m buffer from all PSWs is required, and notes that the 30m buffer has been reflected for wetland #168 in the May 25, 2014 Block Plan which originally showed a setback of 8m. However, the appropriateness of the 30m buffer needs to be addressed in the revised documentation/reports to be submitted by the Developers Group. Furthermore, MNR has also noted that there has been no information reflecting the stormwater discharge for wetland #168 which also needs to be provided with the resubmission of revised reports and studies for review.

Other outstanding information includes an analysis of the seasonal pre and post-wetland hydrology. Without this information, the findings provided in the submitted documentation demonstrating that discharge from Stormwater Management Pond #1 will result in no adverse effect of wetlands is not founded and requires further analysis. MNR is of the opinion that this issue should be explored further in the revised MESP.

MNR also recommends that a monitoring and contingency program be developed that addresses significant changes to the wetland plant communities, which should take place within 5 years of the completion of the subdivision development.

iii. Peninsula Lands

MNR continues to support retaining the Peninsula lands as part of the natural heritage system, as was set out in OPA 600. Notwithstanding the MNR is of the view that, the use of the lands as approved by Council for a Municipal Park will have less of an impact on the natural heritage features than the previously proposed residential use. MNR recommends that the Peninsula lands be developed for recreational uses; passive activities that minimize disturbance such as unlit fields. Walking trails are ideal and can be supported over the more intensive uses such as lit sports fields. Whenever possible opportunities to naturalize the Peninsula lands should be encouraged to minimize impacts on the adjacent valley land features. Impervious surfaces should be avoided to ensure the impacts to groundwater flows are minimized.

iv. Zoning

Given the sensitivity of the valley land feature and the presence of endangered species such as the Redside Dace a more restrictive zoning, taking into consideration the environmental protection needed, should be applied to valley lands than the City's standard OS1 Open Space Conservation Zone. This will be noted and addressed through the Zoning and Draft Plan of Subdivision application processes.

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v. Teston Road Jog Re-alignment

In consideration of the Environmental Assessment (EA) for the Teston Road re-alignment being conducted by York Region, it may be premature to consider development at the corner of Pine Valley Drive and Teston Road until the ultimate alignment of Teston Road is determined through the EA process.

MNR has significantly scoped the issues it remains concerned with regarding the possibility of a trail system in the sensitive Valleyland areas. This will be discussed with the Parks Development Department and the TRCA. The issue may also be influenced by the resolution of the servicing options, which may provide for pedestrian connections by way of the bridges.

b. Toronto and Region Conservation Authority

As a result of the July 7, 2014 meeting respecting the pedestrian bridge, the TRCA was asked by the Developers Group's consulting team to provide feedback on the alternative servicing proposal. On July 22, 2014 the TRCA issued a memo providing technical guidance respecting the proposal in the event that the City prefers the pedestrian bridge solution as a means of servicing Block 40/47 and surrounding area.

The TRCA was clear that the memo was not to be construed as support for the proposal. It was intended to provide the Developers Group and its consultants information that the TRCA would require in order to consider the pedestrian bridge proposal. The memo outlines in detail the design objectives for the pedestrian bridge, taking into consideration the following:

i. Design

The TRCA's expectation when constructing a watercourse crossing (pedestrian bridge) is that the impact of construction on the ecological functions of the valley lands and watercourse be minimized as much as possible. Construction shall also avoid forests, wetlands, seepage areas, and other sensitive habitats whenever possible. Crossings should also be situated at appropriate locations to avoid natural hazards. The protection of important natural features is required during and after construction by implementing effective mitigation measures and providing restoration and/or compensation as required.

ii. Hydrogeology

The provision of hydrogeology information such as an evaluation of the type of pier construction given the site specific soil and groundwater conditions is required. The impact on the ecology respecting the concerns related to habitat, the ecological integrity of the forests, wetlands and aquatic features and functions needs to be addressed along with the proposed mitigation measures during construction.

iii. Planning

A comprehensive construction plan is required describing the phasing and staging of construction. There is a need for a comprehensive and integrated design taking into consideration the infrastructure proposed in the valley lands. A management agreement and easement between the City and the TRCA would be required in the event that the TRCA takes ownership of the valley lands. It should also be noted that the MNR will also need to be consulted in respect to endangered species and the Endangered Species Act.

The Developers Group will be meeting with MNR to discuss this proposal.

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Relationship to Vaughan Vision 2020/Strategic Plan

This report is consistent with Vaughan Vision 2020 by supporting the following goals and objectives:

Service excellence:

- Promote Community Safety, Health and Wellness – To promote healthy lifestyles and encourage a high quality of life, well-being and the safety of residents.
- Lead and Promote Environmental Sustainability – to preserve, protect and enhance Vaughan's natural and built environment through responsible leadership and innovative policies, practices and education.
- Preserve our Heritage and Support Diversity, Arts and Culture – To support Vaughan's diverse heritage through community and cultural initiatives.

Regional Implications

The Block Plan has been prepared in consultation with York Region. Regional implications may include additional refinements to the municipal water and wastewater servicing networks. A future revision to the Block Plan may also be required as a result of the Regional Class Environmental Assessment currently underway for this segment of Teston Road. One outcome of the EA may be the realignment of Teston Road at Pine Valley Drive. A condition of approval has been included to address this matter. Upon Regional approval of OPA 744, which will involve further review and input involving agencies and the Province's consideration and clearance of the conditions of Block Plan approval, the City will be able to proceed to consider approval implementing draft plans of subdivision. The public hearings are scheduled for September 2, 2014.

Conclusion

Progress has been made with a number of agencies and with the general processing of the applications related to the Block 40/47 Plan area. The Conditions of Block Plan approval are being currently addressed by the Developers Group and City, in consultation with external agencies. At the time of preparation of this report, the Developers Group had met with Policy Planning and developed a work plan to clear the conditions of Block Plan Approval. The Developers Group continues to meet with city departments and external agencies to address the various conditions.

As such, the processing of the Block 40/47 Block Plan and the related measures required to effect the development of the subject lands have been substantially advanced since the Council meeting of June 24, 2014.

This includes:

- The Region's consideration of OPA 744, for the purposes issuing a Notice of Decision has been scheduled for September 2014.
- The draft plan of subdivision and zoning amendment applications are proceeding to Public Hearing on September 2, 2014.
- Meetings are on-going with City staff, external agencies and the Developers Group to focus on any outstanding issues holding up the clearance of Block Plan conditions.

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- Priority will be given to the consideration of the servicing alternative involving the potential pedestrian bridge as it will influence the resolution of a number of conditions.

If information is forthcoming from the Developers Groups and issues are resolved to the satisfaction of agencies, it is expected that a report from Policy Planning , clearing the conditions of Block Plan approval can be available prior to or concurrent with the consideration of the Technical Reports regarding the draft plans of subdivision. Staff will be concentrating on resolving the issues that may cause further delays. It is recommended that this report be received for information purposes.

Attachments

1. Conditions of Approval
2. Context Location Map
3. Location Map
4. Council Approved Block 40/47 Plan
5. Council Extract from June 24, 2014) for Committee of the Whole Report for File BL.40/47.2003 (June 17, 2014)
6. Memorandum: Communication Report No. 30, Item 57 Committee of the Whole, June 17, 2014

Report prepared by:

Arminé Hassakourians, Planner, ext. 8368

(A copy of the attachments referred to in the foregoing have been forwarded to each Member of Council and a copy thereof is also on file in the office of the City Clerk.)