C 21
COMMUNICATION
CW (PH) - April 5/16
ITEM - 5

From: Racco, Sandra
Sent: April-03-16 10:23 PM
To: 'slifchits@rogers.com'
Cc: DevelopmentPlanning@vaughan.ca; Caputo, Mary; Peverini, Mauro; Uyeyama, Grant; MacKenzie, John; Furfaro, Cindy; Abrams, Jeffrey
Subject: RE: Proposed Development Plan on open space lands at 230 Grand Trunk Avenue
Attachments: 230 Grand Trunk Avenue PL111184 Papoi.pdf; PL111184-MAR-09-2016 (2).pdf

Sorry, I forgot to attach the OMB decision for your review.

Sandra Yeung Racco, B. Mus.Ed., A.R.C.T.
Councillor, Concord/North Thornhill
City of Vaughan

"For the Community"

To subscribe to Councillor Racco's e-newsletter, please click here.
Visit Racco's Community Forum on Facebook.
Please visit my new website www.4myCommunity.ca

"Don't be distracted by criticism. Remember that the only taste of success some people have is when they take a bite out of you"

-----Original Message-----
From: Racco, Sandra
Sent: Sunday, April 03, 2016 10:21 PM
To: 'slifchits@rogers.com'
Cc: DevelopmentPlanning@vaughan.ca; Caputo, Mary; Peverini, Mauro; Uyeyama, Grant; MacKenzie, John; Furfaro, Cindy
Subject: RE: Proposed Development Plan on open space lands at 230 Grand Trunk Avenue

Dear Mr. & Mrs. Lifchits,

Thank you for your letter and I do appreciate the comments you made here within however please note that any landowner can make an application to the City to develop his or her parcel of land. The applicant is expected to undertake due diligence and responsibility to show to the City that their application does not negatively impact the existing community and is guided by the Vaughan Official Plan that has been approved by Council. In this particular circumstances, the recent OMB decision released over an appeal made by the landowner has changed the designation of the lands in question from Natural Area to a combination of Low Density Residential, Low Density Residential Special Study Area and Natural Area (I have enclosed a copy of the OMB decision for your review).

And now as you know, an application for a Draft Plan of Subdivision has come forward and will be dealt with on Tuesday April 5th, 2016 during the Public Hearing Committee meeting scheduled 7:00 pm in Council Chamber at the Vaughan City Hall.

The intent of the public hearing is to receive comments from the public, whether it's an individual, a business or an agency. You have the opportunity to make deputation in front of staff and Committee members (i.e. Council members), where they will listen intently and take notes on all the issues arising from the comments. Should you or your neighbours not able to attend the meeting, you are also welcome to submit a letter or e-mail (like what you have done here) or any other form of communications to the City and they will become part of the public record. Please note that NO DECISION will be made at this meeting however, often after the public meeting, staff will meet with applicant to go over the various issues raised and ask applicant to take whatever action necessary to resolve them, including providing the necessary studies and/or technical reports and only when staff is satisfied that the applicant has met the City's standard, will staff proceed to write a technical report with recommendations to bring forward for Council's consideration.

I encourage you and your neighbours to attend this meeting and voice your concerns. A letter was sent out in the mail from my office to the neighbouring residents detailing the chronology of the OMB case and the decision. The planner who is assigned to this application is Mary Caputo. Should you have further questions regarding this application, please feel free to contact Mary or myself.

I look forward to hearing from on Tuesday, April 5th.

Respectfully yours,

Sandra Yeung Racco, B. Mus.Ed., A.R.C.T.
Councillor, Concord/North Thornhill
City of Vaughan

"For the Community"

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-----Original Message-----
From: slifchits@rogers.com [mailto:slifchits@rogers.com]
Sent: Sunday, April 03, 2016 4:54 PM
To: DevelopmentPlanning@vaughan.ca; Racco, Sandra
Subject: Proposed Development Plan on open space lands at 230 Grand Trunk Avenue

Dear Sir or Madam,
Please take into consideration our concerns regarding Proposed Development Plan on open space lands at 230 Grand Trunk Avenue. See attached document

Serguei and Fatima Lifchits

Ontario Municipal Board
Commission des affaires municipales
de l'Ontario

ISSUE DATE: March 9, 2016 **CASE NO(S).:** PL111184

PROCEEDING COMMENCED UNDER subsection 17(40) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Appellant:	1042710 Ontario Limited (aka Royal Centre)
Appellant:	1096818 Ontario Inc.
Appellant:	11333 Dufferin St et al
Appellant:	1191621 Ontario Inc.; and others
Subject:	Failure to announce a decision respecting Proposed New Official Plan
Municipality:	City of Vaughan
OMB Case No.:	PL111184
OMB File No.:	PL111184
OMB Case Name:	Duca v. Vaughan (City)

Heard: October 14, 2015 in Vaughan, Ontario

APPEARANCES:

Parties	**Counsel**
Dufferin Vistas Ltd.	D. Bronskill
City of Vaughan	D. Jubb
Toronto and Region Conservation Authority	J. Wigley

DECISION DELIVERED BY C. CONTI AND ORDER OF THE BOARD

INTRODUCTION

[1] This is the decision for an appeal by Dufferin Vistas Ltd. ("Appellant") regarding a proposed new Official Plan for the City of Vaughan ("City") known as Vaughan Official Plan (2010). This appeal involves lands at 230 Grand Trunk Avenue and it has been identified as appeal No. 21 among a number of appeals that were filed regarding Vaughan Official Plan (2010). The various appeals are in the process of being resolved through a number of Board proceedings.

[2] At the beginning of the proceeding, David Bronskill informed the Board that there was a settlement among the parties based upon proposed changes to the Official Plan. However, the Board heard that a number of residents of the area wanted to present evidence.

[3] Michael Smirnov, Sergei Lifchits, Codruta Papoi, Nick Shlepov and Peter Badali, on behalf of the Eagle Hills Community Association, requested participant status which was granted by the Board on consent.

[4] The subject property is approximately 4.5 hectares ("ha") in size and is located north of Rutherford Road and west of Dufferin Street. The lands to the north have been developed with low density residential uses. The lands to the south adjacent to the western part of the property are also developed with low rise residential uses. There are woodlands abutting the south eastern part of the property that are part of the Carrville Centre Secondary Plan area.

[5] Grand Trunk Avenue, which is a municipal road, currently ends at the north limit of the property. Plans are for the road to extend through the subject property and continue to the south along the western boundary of the Secondary Plan area to connect with Rutherford Road.

EVIDENCE

[6] The Board heard evidence in support of the settlement from Paul Lowes, Principal with SGL Planning and Design Inc. Mr. Lowes is a Registered Professional Planner with approximately 30 years of experience. He was qualified by the Board as an expert in land use planning.

[7] The Board also heard evidence in support of the settlement from Tom Hilditch, President and CEO with Savanta. Mr. Hilditch has more than 20 years of experience carrying out natural heritage studies. He was qualified by the Board as an expert in ecology.

[8] Mr. Badali expressed support for the settlement on behalf of the Eagle Hills Community Association.

[9] Mr. Smirnov, Mr. Lifchits, Ms. Papoi and Mr. Shlepov were opposed to the settlement and supported the proposed Official Plan designations for the property.

[10] Mr. Lowes testified that the subject property is identified as being within a settlement area in the Oak Ridges Moraine Conservation Plan ("ORMCP"). He indicated that the ORMCP allows urban development in settlement areas, but it may be restricted by the presence of natural features. Natural heritage studies are required to identify and evaluate natural features and determine any required buffers.

[11] According to the evidence, the property is identified as Urban Area in the Regional Structure of the York Region Official Plan and it is not shown as being within the Regional Greenlands System (Exhibit 96). Mr. Lowes indicated a small area of the property is identified as woodland in Map 5, Woodlands, of the York Region Official Plan.

[12] A wooded feature is also shown on a portion of the property on Schedule 24 of Official Plan Amendment No. 604 which was intended to incorporate the policies of the

ORMCP into the Official Plan. In this context, Mr. Lowes stated that woodlands larger than 4 ha. are considered significant, but that the woodland on the property now is smaller than 4 ha.

[13] In the Vaughan Official Plan (2010) the subject property is identified as Natural Area and Countryside. In Schedule 2, Natural Heritage Network, the site is shown as having Core Features. In Schedule 13, Land Use, the property is designated as Natural Area. Mr. Lowe stated that the designations in Vaughan Official Plan (2010) were appealed by the previous owner of the subject property and are being carried forward by the Appellant.

[14] The Board heard that a Natural Heritage Network Study was completed for the City which does not identify a significant woodland on the property or any other significant feature. It does show a stream corridor to the east of the property (Exhibit 99).

[15] Mr. Lowes explained that in the late 1990's, there was more of a wooded feature in the eastern portion of the property. Many of the trees were removed by a former owner who was charged and ordered to replant. It is Mr. Lowes' understanding that the Court accepted the replanting.

[16] There was also a greater concentration of trees in the western part of the property which were removed in the early 2000's by a previous owner. According to Mr. Lowes no charges were laid in that case.

[17] The Board heard that Mr. Hilditch undertook a number of natural heritage studies for the property. He also reviewed previous natural heritage work for the area. Mr. Hilditch's studies included investigations in the disciplines of botany, Ecological Land Classification, and breeding bird studies. Mr. Hilditch indicated that a number of field visits of the property were undertaken in conjunction with his work. In addition, staff of the Toronto and Region Conservation Authority ("TRCA") visited the site to review its natural heritage characteristics.

[18] Mr. Hilditch stated that there was evidence that the site had been historically disturbed. He indicated that key natural heritage features and sensitive hydrogeological features, which had been referenced in other documents, do not exist on the western part of the property. However, there are some features in the eastern part of the property which may warrant protection and require further studies. The eastern part of the property contains an intermittent watercourse, an off-line pond and some wetland features. There are four butternut trees in this area, and also green frog and bull frog were found. Mr. Hilditch indicated that these are significant species and they were found in the portion of the property that is intended to remain designated as Natural Area. He also indicated that the eastern wood pewee was heard in the vicinity, but off site.

[19] The presence of these features indicates that there may be significant wildlife habitat and significant woodlands on portions of the eastern section of the property and off-site adjacent to this area.

[20] As a result of these findings, Mr. Lowes indicated that modifications to Vaughan Official Plan (2010) were proposed to deal with the possible presence of significant natural heritage features as included in Exhibit 100. The modifications propose changes to Schedule 13 of the Official Plan redesignating the land use for the subject property from Natural Areas to Low Density Residential and Natural Areas. Schedule 14 of the Official Plan is also proposed to be modified to identify the property as being subject to a site-specific plan.

[21] The modifications also propose adding a new section 13.X to Vaughan Official Plan (2010) which specifies a number of detailed studies that must be completed to the satisfaction of the City in consultation with TRCA prior to development of the property.

[22] Through s. 13.x.4 the land uses for the property are further delineated. For the western part of the property, the modifications assign a Low Rise Residential designation. The central portion of the property is identified as Low Rise Residential

Special Study Area. The eastern part of the property is identified as Natural Area. The modifications require that the Low Rise Residential Special Study Area can only be developed if studies demonstrate that specified natural features and functions will be protected. The intent is that the area identified as Natural Area will be protected and that the boundary between the Low Rise Residential Special Study Area and the Natural Area will be more clearly defined through the studies and field work.

[23] Mr. Lowes' expert planning opinion was that the proposed modifications conform to the ORMCP. He also stated that identifying the property as Low Rise Residential conforms to the Growth Plan for the Golden Horseshoe ("Growth Plan").

[24] Mr. Lowes indicated that the proposal is consistent with the Provincial Policy Statement ("PPS"). He indicated that through the modifications natural heritage features will be protected as required in the policies of the PPS.

[25] Mr. Lowes' opinion was that the modifications protect the known significant features and that they conform to the York Region Official Plan.

[26] Mr. Lowes stated that the modifications represent good planning and are in the public interest.

[27] Dawne Jubb and Jonathan Wigley indicated support for the settlement on behalf of the City and TRCA.

[28] Mr. Badali supported the modifications and the settlement. He indicated that the Eagle Hills Community Association is concerned about traffic issues and he contended that the extension of Grand Trunk Avenue through the property will help alleviate traffic problems.

[29] The other participants expressed concern about the settlement and they indicated that the Vaughan Official Plan (2010) designations for the property should not be changed. The removal of trees on the property through the actions of the previous

owner should not be a rationale to remove restrictions on the property. The Board heard that the photomap submitted as Exhibit 93 appeared to be out of date and that the tree cover on the property is more extensive than shown in the figure. Ms. Papoi submitted two previous Board decisions for the property which recognized provisions to protect the wooded areas on the property. They requested the Board to maintain the designations for the property that are identified in Vaughan Official Plan (2010).

ISSUES, ANALYSIS AND FINDINGS

[30] The Board has carefully considered the evidence provided by the parties and participants. The expert opinion evidence supporting the settlement is uncontradicted. The professional planning opinion and the expert evidence regarding ecology and natural heritage support the proposed redesignation of the lands, the identified limits and character of the natural heritage features and the approach for delineating development of the property as described in the modifications.

[31] The Board accepts Mr. Hilditch's opinion that the significant natural heritage features are not located in the western part of the property which is proposed for low density residential use. Based upon the evidence, the only potentially significant natural heritage features are within the eastern part of the property, primarily in the area designated as Natural Area in the modifications, and in adjacent areas off-site. The Board accepts and agrees with Mr. Hilditch's opinion that these areas can be protected through the proposed studies and the land uses and policies included in the modifications (Exhibit 100).

[32] It is clear from the evidence that the property at one time contained more extensive woodlands, a portion of which were identified as being worthy of protection. However, it is difficult from the evidence to determine the exact extent of significant woodlands that may have existed on the property in the past.

[33] The Board shares some of the concerns expressed by participants that portions of the wooded area of the property have been removed which may have affected its

natural heritage significance. The Board in no way condones actions which contribute to the removal of significant natural heritage features that may facilitate development. The Board understands that the Appellant is in no way responsible for these actions and is considering the potential for the property in its current condition.

[34] Furthermore, the Board notes that the alignment for the municipal road, Grand Trunk Avenue, has been planned to essentially bisect the property in a north to south direction. Given this alignment, some impact on any environmental features that may have existed previously in the central portion of the property must have been anticipated and considered to be acceptable.

[35] The Board has concluded from the evidence that the features of the site as they exist must be the basis for its determinations. Therefore, the Board agrees with the planning opinion provided by Mr. Lowes. The Board finds that the proposed modifications comply with the ORMCP, the Growth Plan and the York Region Official Plan. The Board finds that the modifications are consistent with the PPS. Furthermore, the Board finds that the modifications represent good planning and are in the public interest.

[36] Mr. Bronskill indicated that during the hearing, the need for a minor revision to Exhibit 100 was identified through which changes are required to Schedule 1 of the Vaughan Official Plan (2010) to reflect the new designations of the lands. He indicated that a revised Exhibit 100 would be provided to the Board. Subsequent to the hearing, the Board received the revised Exhibit which is attached to this decision.

[37] This decision in no way contradicts the previous Board decisions for the property that were submitted in the evidence. The evidence in this appeal and particularly the expert opinion evidence provided by the parties strongly supports the settlement. In the Board's decision *Vaughan (City) Zoning By-law No. 489-2001 (Re)* [2003] O.M.B.D. No. 1163, which was submitted by the participants, the significance of expert evidence was emphasized.

[38] Based upon the above considerations, the Board will allow the appeal in part based upon the modifications to Vaughan Official Plan (2010) contained in the revised Exhibit 100.

[39] The appeal of Dufferin Vistas Ltd. is resolved in full by the settlement. However, Mr. Bronskill noted that the provisions of Exhibit 100 do not address Vaughan Official Plan (2010) Schedule 2 which identifies the City's Natural Heritage Network. At the time of the hearing, Schedule 2 had not been approved by the Board and Mr. Bronskill indicated that he may be requesting some changes in the future to address the Appellant's interests and the results of the settlement.

ORDER

[40] The Board orders that the appeal by Dufferin Vistas Ltd. is allowed in part and Vaughan Official Plan (2010) is modified as set out in Attachment 1.

"C. Conti"

C. CONTI
MEMBER

If there is an attachment referred to in this document,
please visit www.elto.gov.on.ca to view the attachment in PDF format.

ATTACHMENT 1

MODIFICATIONS
TO THE CITY OF VAUGHAN OFFICIAL PLAN 2010

MODIFICATIONS TO THE VAUGHAN OFFICIAL PLAN 2010

The City of Vaughan Official Plan is hereby modified by:

1. Modifying Schedule "1" – Urban Structure by modifying the categories from "Natural Areas and Countryside" to "Community Areas" and "Natural Areas and Countryside" as shown on Schedule "1";

2. Modifying Schedule "13" – Land Use by modifying the designation of the Subject Lands from "Natural Areas" to "Low-Rise Residential" "and "Natural Areas" in the manner shown on Schedule "2";

3. Modifying Schedule "14-C" – Areas Subject to Site Specific Plans to identify the subject lands as an area subject to a site specific plan as identified in Schedule "3", attached hereto;

4. Adding a new Section 13.X to Chapter 13 of Volume 2 of the Vaughan Official Plan as follows:

"13.X 230 Grand Trunk Avenue

13.x.1 General

13.x.1.1 The subject lands known as 230 Grand Trunk Avenue, as shown on Map 13.X.A, have been considered appropriate for Low-Rise Residential development subject to detailed review. The policies in this section outline the studies considered necessary to determine the extent of development and the appropriate type of infrastructure needed to support the development as well as the future extension of Grand Trunk Avenue.

13.x.2 Natural Features/Hazard Lands

13.x.2.1 The natural features, functions and hazards on the site will require detailed review through the development process. Some of these features extend south of the subject property, necessitating reasonable consideration of adjacent lands in terms of natural features and the provision and connection of infrastructure.

13.x.3 Detailed Technical Studies and Plans

13.x.3.1 Prior to consideration of site alteration or development approvals on the property, a comprehensive set of plans and studies be completed to the satisfaction of the City, in consultation with the TRCA:

- A natural heritage evaluation that defines the natural features, functions and linkages within and to a reasonable extent adjacent to the site, defines appropriate buffers and demonstrates that the impacts of development are appropriately mitigated and/or compensated, where appropriate, including the subject lands and to a reasonable extent those abutting to the south;
- A geotechnical slope stability analysis, including cross-sections, detailed grading plans;

- A hydrogeological study/analysis;
- A water balance;
- Landscape restoration plans.
- A Functional Servicing Report (FSR) that:
  - Considers the alignment, design and extent of grading of the proposed extension of Grand Trunk Avenue
  - Reviews the development opportunities within the context of the Block Plan and MESP
  - Detailed consideration of the subject lands and to a reasonable extent the lands to the south, respecting stormwater management, slope stability and the alignment of Grand Trunk Avenue.
- Planning Report including Oak Ridge Moraine Conformity

13.x.3.2 An appropriate Terms of Reference for the FSR will be developed to the satisfaction of the City in consultation with the TRCA.

13.x.3.3 The future development patterns and features for preservation/conservation including the ways and means to achieve this will be determined through the above-noted studies and will be recognized through the zoning by-law and future development planning processes.

13.x.4 Land Use Designations

Three land use designations are illustrated on Map 13.X.B.

13.x.4.1 Low-Rise Residential

The lands identified as Low-Rise Residential designation on Map 13.X.B shall be developed in accordance with the policies of Section 9.2.2.1.

13.x.4.2 Low-Rise Residential Special Study Area

The lands identified as Special Study Area on Map 13.X.B shall be developed in accordance with the Low-Rise Residential designation and policies outlined in 9.2.2.1, without the requirement for an OPA, provided the studies, prepared in support of a development application or zoning application, are completed to demonstrate that development can be accommodated and the following features and functions, if present on the site, are maintained to the satisfaction of the City, in consultation with TRCA:

- Draw / Valley;
- Hazard Slopes;
- Headwater Drainage Feature;
- Groundwater seepage areas on the Oak Ridges Moraine;
- Wetlands;
- Significant Wildlife Habitat; and
- Endangered Species.

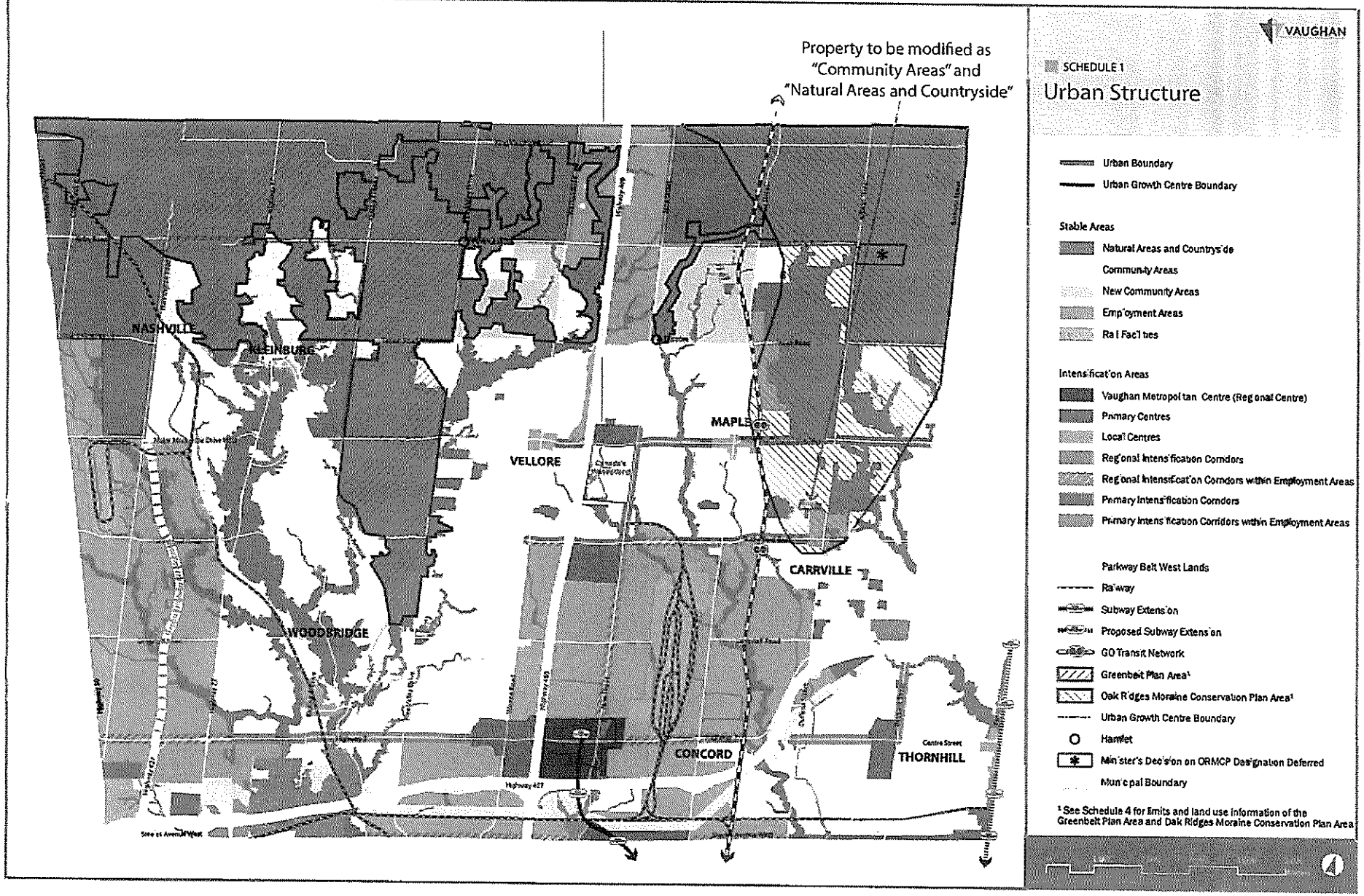
13.x.4.3 Natural Areas

The lands identified as Natural Areas on Map 13.X.B contain the following features and shall be subject to the policies of Section 9.2.2.16:

- A Watercourse;
- Wetlands;
- Endangered Species; and
- Natural Vegetation.

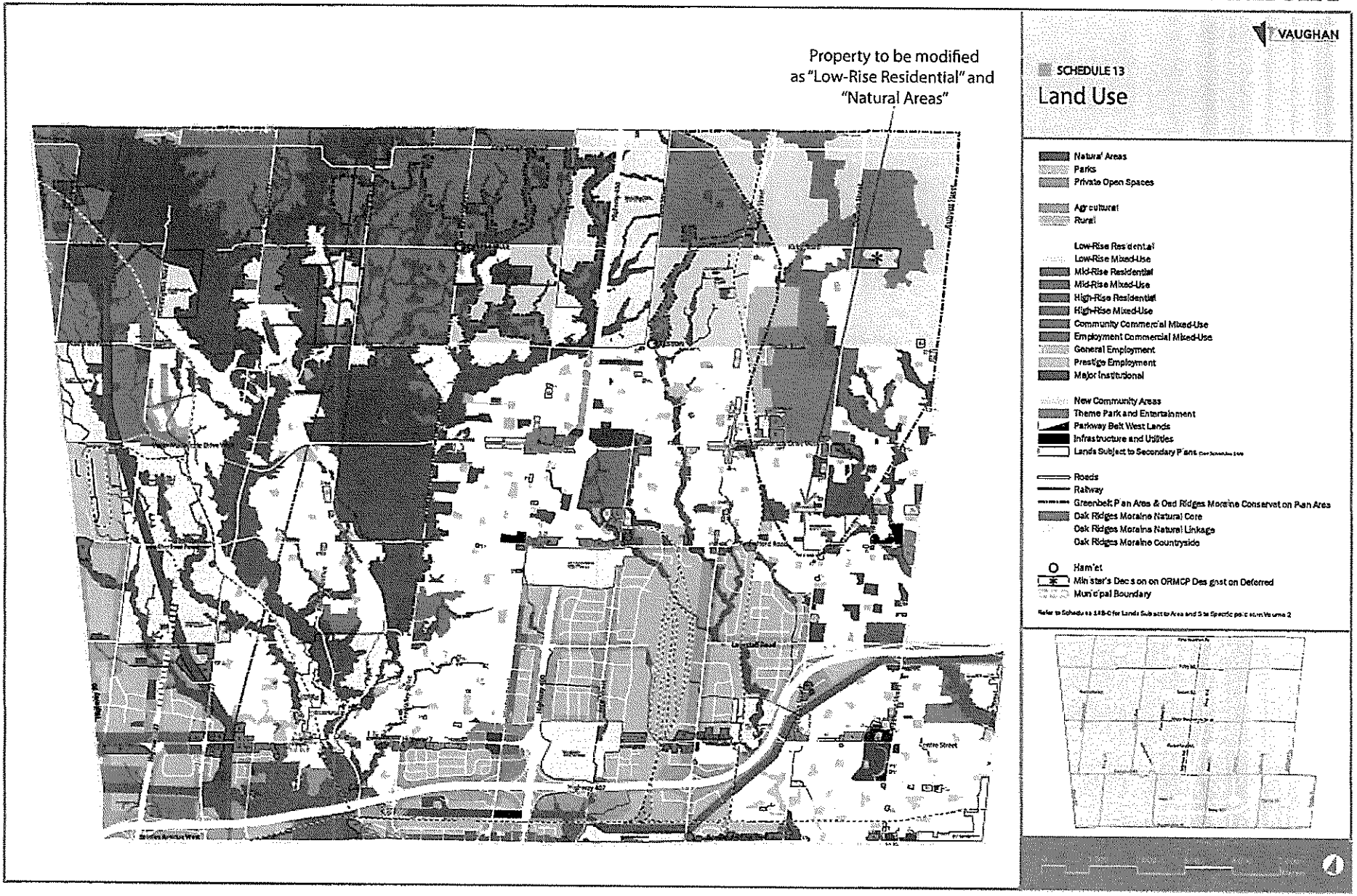
13.x.4.4 The specific boundary of the Natural Areas and Low Rise Residential Special Study Areas shall be determined through the studies of 13.x.3.1 and through staking of the natural features.

SCHEDULE 1



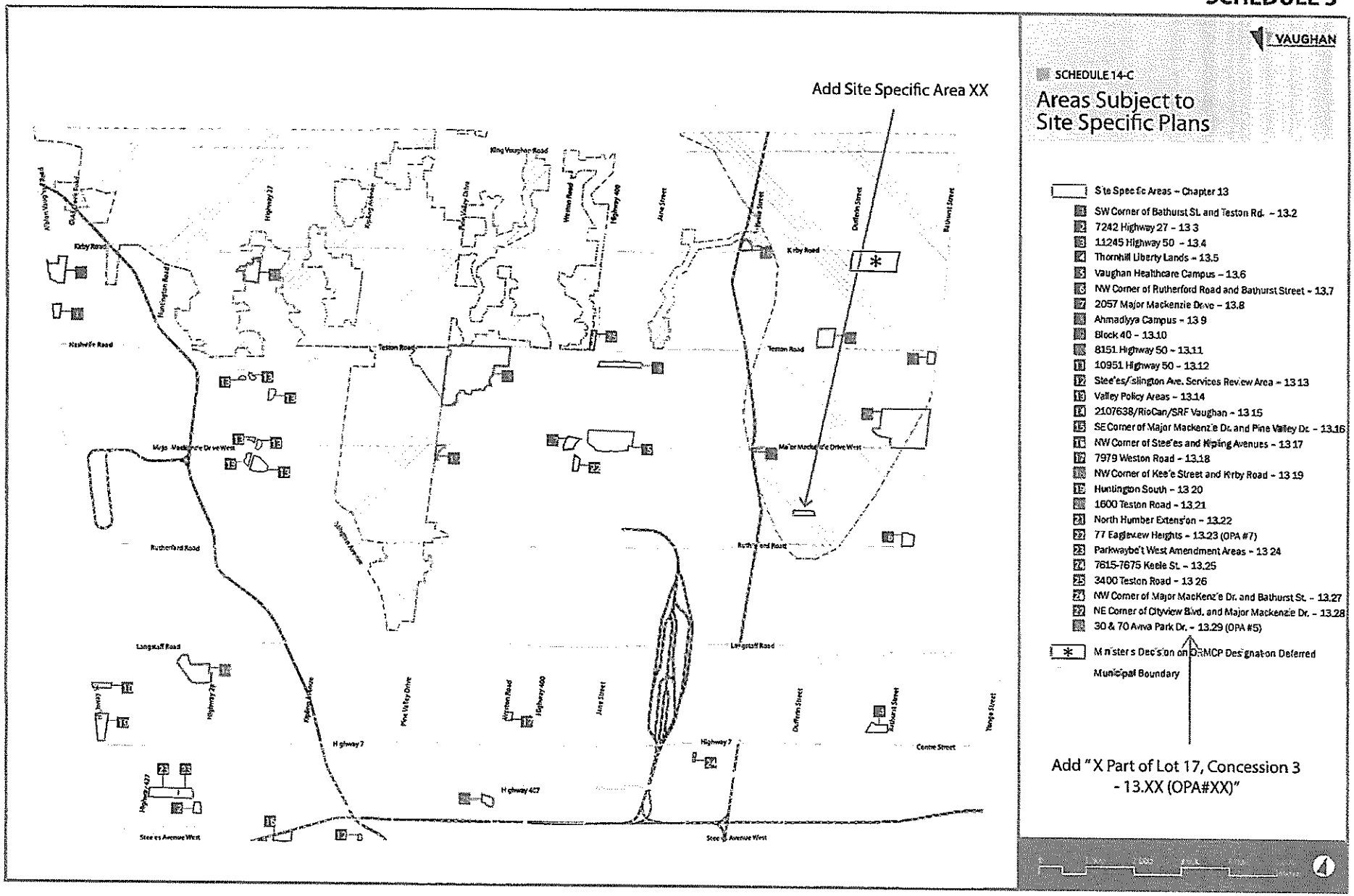
October 2014

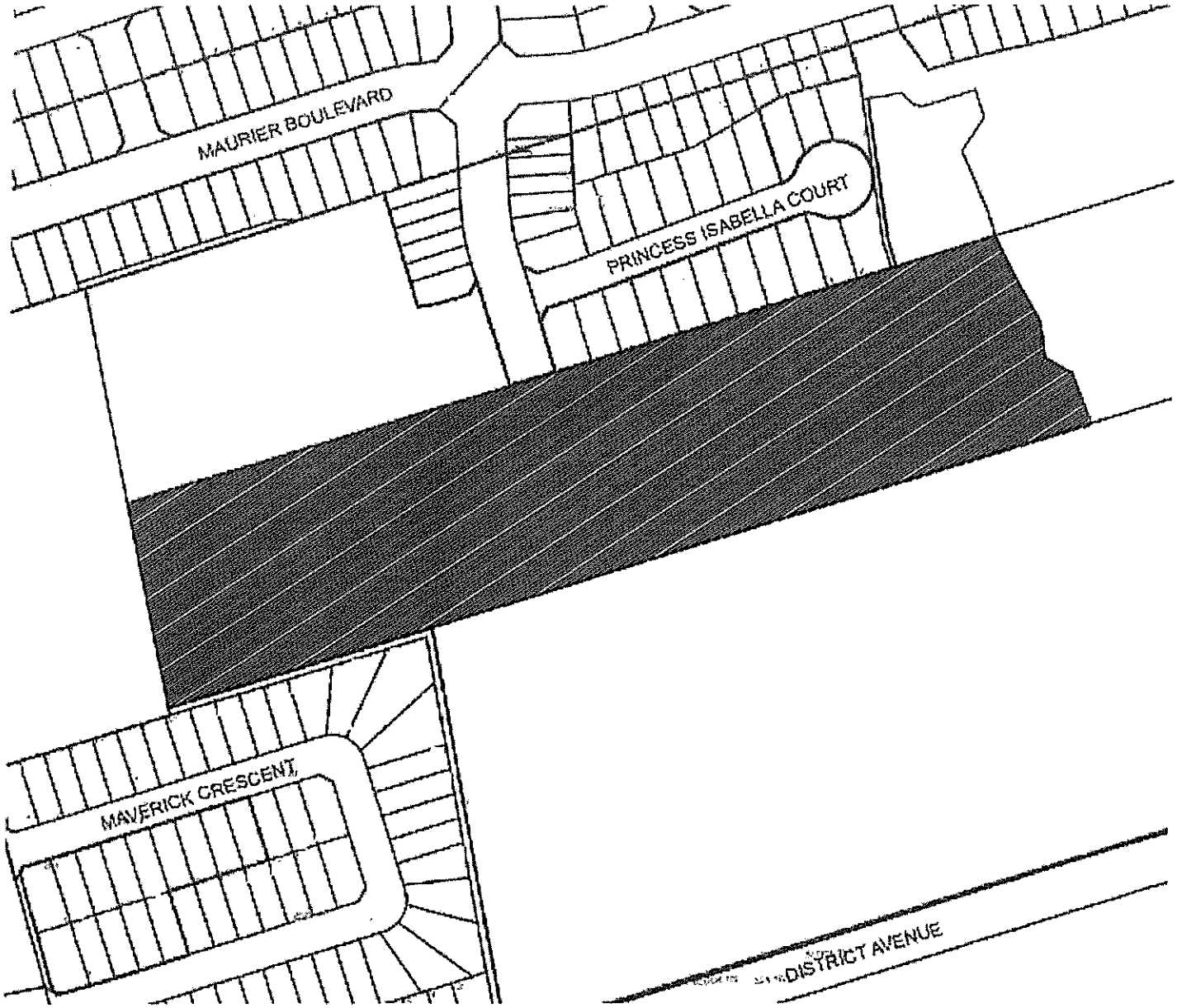
SCHEDULE 2



October 2014

SCHEDULE 3


Add Site Specific Area XX
VAUGHAN
SCHEDULE 14-C
Areas Subject to Site Specific Plans
Site Specific Areas – Chapter 13
SW Corner of Bathurst St. and Teston Rd. – 13.2
7242 Highway 27 – 13.3
11245 Highway 50 – 13.4
Thornhill Liberty Lands – 13.5
Vaughan Healthcare Campus – 13.6
NW Corner of Rutherford Road and Bathurst Street – 13.7
2057 Major Mackenzie Drive – 13.8
Ahmadiyya Campus – 13.9
Block 40 – 13.10
8151 Highway 50 – 13.11
10951 Highway 50 – 13.12
Steeles/Islington Ave. Services Review Area – 13.13
Valley Policy Areas – 13.14
2107638/RioCan/SRF Vaughan – 13.15
SE Corner of Major Mackenzie Dr. and Pine Valley Dr. – 13.16
NW Corner of Steeles and Kipling Avenues – 13.17
7979 Weston Road – 13.18
NW Corner of Keele Street and Kirby Road – 13.19
Huntington South – 13.20
1600 Teston Road – 13.21
North Humber Extension – 13.22
77 Eagleview Heights – 13.23 (OPA #7)
Parkwaybelt West Amendment Areas – 13.24
7615-7675 Keele St. – 13.25
3400 Teston Road – 13.26
NW Corner of Major MacKenzie Dr. and Bathurst St. – 13.27
NE Corner of Cityview Blvd. and Major Mackenzie Dr. – 13.28
30 & 70 Anna Park Dr. – 13.29 (OPA #5)
Minister's Decision on ORMCP Designation Deferred
Municipal Boundary
Add "X Part of Lot 17, Concession 3 - 13.XX (OPA#XX)"
Kirby Road
Teston Road
Major Mackenzie Drive West
Rutherford Road
Langstaff Road
Highway 7
Centre Street
Steeles Avenue West
Highway 407
Huntington Road
Pine Valley Drive
Weston Road
Highway 400
Jane Street
Dufferin Street
Bathurst Street
Yonge Street



MAP 13.X.A

Area Subject to Policy 13.X


MAURIER BOULEVARD
PRINCESS ISABELLA COURT
Natural Area
Low-Rise Residential Special Study Area
Low Rise Residential
MAVERICK CRESCENT
DISTRICT AVENUE

MAP 13.X.B