

DATE: June 18, 2018

TO: Mayor and Members of Council

FROM: Claudia Storto, City Solicitor
Jason Schmidt-Shoukri, Deputy City Manager, Planning and Growth Management

RE: **COMMITTEE OF THE WHOLE REPORT NO. 21, ITEM 5.35**
OFFICIAL PLAN AMENDMENT FILE OP.17.010
ZONING BY-LAW AMENDMENT FILE Z.17.026
DRAFT PLAN OF SUBDIVISION FILE 19T-17V009
TESTON SANDS INC.
VICINITY OF DUFFERIN STREET AND TESTON ROAD

ACTION: DECISION

Purpose

To advise Council of the withdrawal of Teston Sands Inc.'s (the "Applicant") appeal before the Local Planning Appeal Tribunal ("LPAT") with respect to the property municipally known as 1600 Teston Road (the "Subject Property") and the effect of this withdrawal on the recommendations to the Committee of the Whole on June 5, 2018.

Recommendation

That the following recommendations replace the recommendations contained in Committee of the Whole, Report No. 21, Item 35, report of the Deputy City Manager, Planning and Growth Management, dated June 5, 2018:

1. THAT Official Plan Amendment File OP.17.010 (Teston Sands Inc.) BE APPROVED; to amend Site-Specific Policy 13.20 (Attachment #6) of the Vaughan Official Plan 2010 (VOP 2010), Volume 2 to redesignate the Subject Lands from "Natural Areas" to "Low-Rise Residential" subject to the "Low-Rise Residential" policies of VOP 2010.
2. THAT the implementing Official Plan Amendment include the following policy to the satisfaction of York Region:

"The southern portion of the Subject Lands may be affected by the recommendations of the Teston Road Individual Environmental Assessment ("IEA") and that a portion may be subject to the Holding Symbol "(H)" provisions under the Planning Act, implemented through subsequent development applications. If it is determined that the lands are not required for the Teston

Road extension, the underlying land use designations identified in this Plan shall prevail, without the need for further amendment to this Plan. Subsequent development applications will need to be consistent with the findings of the approved Teston Road IEA."

3. THAT Zoning By-law Amendment File Z.17.026 (Teston Sands Inc.) BE APPROVED; to amend Zoning By-law 1-88, to rezone the Subject Lands from "A Agricultural Zone" and "OS5 Open Space Environmental Protection Zone" to "RD1 Residential Detached Zone One", "RD3 Residential Detached Zone Three", "RD3 (H) Residential Detached Zone Three" with the Holding Symbol "(H)", OS1 (H) "Open Space Conservation Zone" with the Holding Symbol "(H)", and "OS5 Open Space Environmental Protection Zone in the manner shown on Attachment #4."
4. THAT the Holding Symbol "(H)" shall not be removed from the lands zoned "RD3(H) Detached Residential Zone Three" with the Holding Symbol "(H)" and "OS1(H) Open Space Conservation Zone" with the Holding Symbol "(H)" as shown on Attachment #4, until the following matters have been addressed to the satisfaction of the City, York Region and the Toronto and Region Conservation Authority:
 - i) For Lots 1 to 5 and Block 92 (Stormwater Management Pond) until York Region has completed the design and is satisfied the vertical and horizontal design is approved or until the Region has sufficient certainty regarding the potential alignment(s) of the Teston Road extension, or in the likelihood of its ultimate approval and construction; and,
 - ii) For Lots 46 to 53, Lots 1 to 7 and Blocks 91 and 92 until such time as the design of Teston Road has been completed and approved by York Region and until an alternative stormwater management solution which does not require these lands is approved by the City, York Region and the Toronto and Region Conservation Authority.
5. THAT the Owner be permitted to apply for a Zoning By-law Amendment application(s) or a Minor Variance Application(s) to the City and/or the Vaughan Committee of Adjustment, if required, before the second anniversary of the day on which the implementing Zoning By-law for the Subject Lands comes into effect, to permit minor adjustments to the implementing Zoning By-law.
6. THAT Draft Plan of Subdivision File 19T-17V009 (Teston Sands Inc.) as shown on Attachment #4 BE APPROVED; to facilitate a residential plan of subdivision consisting of 87 lots that would be developed with detached dwellings, subject to the Conditions of Draft Plan Approval set out in Attachment #1.
7. THAT the Subdivision Agreement for Draft Plan of Subdivision File 19T-17V009 (Teston Sands Inc.) shall contain the following clause:

- i) "The Owner shall pay to the City of Vaughan by way of certified cheque, cash-in-lieu of the dedication of parkland equivalent to 5% or 1 ha per 300 dwelling units of the value of the Subject Lands, prior to the issuance of a Building Permit, in accordance with the Planning Act and the City's Cash-in-lieu Policy. The Owner shall submit an appraisal of the Subject Lands, in accordance with Section 42 of the Planning Act, prepared by an accredited appraiser for approval by the Office of the City Solicitor, Real Estate Department, and the approved appraisal shall form the basis of the cash-in-lieu payment."

8. THAT Vaughan Council adopt the following resolution for allocation of water and sewage servicing capacity:

"IT IS HEREBY RESOLVED THAT Draft Plan of Subdivision File 19T-17V009 (Teston Sands Inc.) be allocated servicing capacity from the York Sewage Servicing / Water Supply System for a total of 87 residential units (311 persons equivalent).

Highlights:

- The Committee of the Whole considered the revised Applications for 87 lots for single detached dwelling units at its June 5, 2018 meeting and recommended that LPAT be advised that the City endorses the recommendations in the Staff Report, including an approval of the Applications subject to conditions.
- On June 11, 2018, the Applicant withdrew its LPAT appeals of the Applications. LPAT acknowledged the withdrawal, confirmed that there are no other appeals on the matter, and closed its file.
- The Region notified the City that the Applicant's Official Plan Amendment application was exempted from Regional approval because it was a routine matter of local significance.
- City Council can now decide on the Applications, and it is therefore appropriate to amend the recommendations so that a decision can be made effective.
- The Applicant withdrew its appeal of the Vaughan Official Plan 2010 (LPAT file no. PL111184) (Appeal #162) on June 18, 2018.

Background

The Committee of the Whole considered the Applications at its meeting of June 5, 2018 to enable the City to take a position at the LPAT appeals of the Applications. The Committee of the Whole adopted the recommendations contained in the Staff Report which included a recommendation that LPAT be advised that Council endorses the following recommendations:

- To approve the Official Plan Amendment application subject to implementing a policy requested by York Region;

- To approve the Zoning By-law Amendment application, with Holding Symbols applied to certain zones; and
- To approve the Draft Plan of Subdivision subject to conditions of draft plan approval.

On June 11, 2018, the Applicant, through its lawyer, advised LPAT that it was withdrawing its appeals of the Applications. On the same day, LPAT advised the City Clerk that the appeals were withdrawn, that the Pre-hearing Conference scheduled for November 8, 2018 was cancelled, and that there were no outstanding appeals for that matter and therefore LPAT has closed its file.

On June 13, 2018, York Region advised the City that it considered the Applicant's request to have its Official Plan Amendment application to be exempt from Regional approval, and that it was appropriate to allow the exemption because the application was a routine matter of local significance and does not adversely affect Regional planning policies or interests. This exemption from Regional approval for the Official Plan Amendment application enables an amendment to come into effect following its adoption by City Council and the expiration of the appeal period.

On June 18, 2018, the Applicant, through its lawyer, advised LPAT that it was withdrawing its appeal of the Vaughan Official Plan 2010, which was a site-specific appeal related to its development applications.

Previous Reports/Authority

[Committee of the Whole Report No. 21, Item 5.35, adopted without amendments on June 5, 2018.](#)

Analysis and Options

The *Planning Act* provides that if all appeals for the Applications are withdrawn, then Council may: (1) pass the zoning by-law, (2) proceed to adopt or refuse to adopt the requested official plan amendment, and (3) proceed to make a decision to refuse or give approval on a draft plan of subdivision application.

If Council wishes to ratify the recommendations adopted by the Committee of the Whole at its June 5, 2018 meeting, then it is appropriate to amend the recommendations so that an approval, rather than an endorsement, is provided by Council. A blacklined version of the recommendations adopted by the Committee of the Whole on June 5, 2018 with the proposed revisions to the recommendations, is found at Attachment #1.

Financial Impact

None.

Broader Regional Impacts/Considerations

The Applicant applied for, and received, an exemption from Regional approval for its Official Plan Amendment application. The Region is undertaking an Individual Environmental Assessment ("IEA") with respect to the extension of Teston Road. The Region has protected its interests with respect to the road extension by imposing conditions of draft plan of subdivision approval and to remove the 'H' Holding Symbol from the Subject Lands which is tied to the design and approval of the Teston Road expansion, and by including an Official Plan policy stating that the southern portion of the Subject Lands may be affected by the IEA.

Conclusion

As the jurisdiction to approve the Applications now resides with Council, it is recommended that Council amends its recommendations with respect to the Applications so that a final decision can be made by way of resolution.

For more information, please contact: Effie Lidakis, Legal Counsel x 8385

Attachments

1: Draft resolutions of Council (blacklined version)

Prepared by

Effie Lidakis, Legal Counsel, ext. 8385

Attachment 1

Recommendations

~~THAT the Local Planning Appeal Tribunal ("LPAT") be advised that Vaughan Council ENDORSES the following Recommendations:~~

1. THAT Official Plan Amendment File OP.17.010 (Teston Sands Inc.) BE APPROVED; to amend Site-Specific Policy 13.20 (Attachment #6) of the Vaughan Official Plan 2010 (VOP 2010), Volume 2 to redesignate the Subject Lands from "Natural Areas" to "Low-Rise Residential" subject to the "Low-Rise Residential" policies of VOP 2010.
2. THAT the implementing Official Plan Amendment include the following policy to the satisfaction of York Region:

"The southern portion of the Subject Lands may be affected by the recommendations of the Teston Road Individual Environmental Assessment ("IEA") and that a portion may be subject to the Holding Symbol "(H)" provisions under the Planning Act, implemented through subsequent development applications. If it is determined that the lands are not required for the Teston Road extension, the underlying land use designations identified in this Plan shall prevail, without the need for further amendment to this Plan. Subsequent development applications will need to be consistent with the findings of the approved Teston Road IEA."
3. THAT Zoning By-law Amendment File Z.17.026 (Teston Sands Inc.) BE APPROVED; to amend Zoning By-law 1-88, to rezone the Subject Lands from "A Agricultural Zone" and "OS5 Open Space Environmental Protection Zone" to "RD1 Residential Detached Zone One", "RD3 Residential Detached Zone Three", "RD3 (H) Residential Detached Zone Three" with the Holding Symbol "(H)", OS1 (H) "Open Space Conservation Zone" with the Holding Symbol "(H)", and "OS5 Open Space Environmental Protection Zone in the manner shown on Attachment #4."
4. THAT the Holding Symbol "(H)" shall not be removed from the lands zoned "RD3(H) Detached Residential Zone Three" with the Holding Symbol "(H)" and "OS1(H) Open Space Conservation Zone" with the Holding Symbol "(H)" as shown on Attachment #4, until the following matters have been addressed to the satisfaction of the City, York Region and the Toronto and Region Conservation Authority:
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- ii) For Lots 46 to 53, Lots 1 to 7 and Blocks 91 and 92 until such time as the design of Teston Road has been completed and approved by York Region and until an alternative stormwater management solution which does not require these lands is approved by the City, York Region and the Toronto and Region Conservation Authority.
- 5. THAT the Owner be permitted to apply for a Zoning By-law Amendment application(s) or a Minor Variance Application(s) to the City and/or the Vaughan Committee of Adjustment, if required, before the second anniversary of the day on which the implementing Zoning By-law for the Subject Lands comes into effect, to permit minor adjustments to the implementing Zoning By-law.
- 6. THAT Draft Plan of Subdivision File 19T-17V009 (Teston Sands Inc.) as shown on Attachment #4 BE APPROVED; to facilitate a residential plan of subdivision consisting of 87 lots that would be developed with detached dwellings, subject to the Conditions of Draft Plan Approval set out in Attachment #1.
- 7. THAT the Subdivision Agreement for Draft Plan of Subdivision File 19T-17V009 (Teston Sands Inc.) shall contain the following clause:
 - i) "The Owner shall pay to the City of Vaughan by way of certified cheque, cash-in-lieu of the dedication of parkland equivalent to 5% or 1 ha per 300 dwelling units of the value of the Subject Lands, prior to the issuance of a Building Permit, in accordance with the Planning Act and the City's Cash-in-lieu Policy. The Owner shall submit an appraisal of the Subject Lands, in accordance with Section 42 of the Planning Act, prepared by an accredited appraiser for approval by the Office of the City Solicitor, Real Estate Department, and the approved appraisal shall form the basis of the cash-in-lieu payment."
- 8. THAT Vaughan Council adopt the following resolution for allocation of water and sewage servicing capacity:

"IT IS HEREBY RESOLVED THAT Draft Plan of Subdivision File 19T-17V009 (Teston Sands Inc.) be allocated servicing capacity from the York Sewage Servicing / Water Supply System for a total of 87 residential units (311 persons equivalent).
- ~~9. Should the Local Planning Appeal Tribunal ("LPAT") approve the applications, then LPAT withhold its final Order on the Official Plan Amendment File OP.17.010, Zoning by-law Amendment File Z.17.026 and Draft Plan of Subdivision File 19T-17V009 until confirmation from the City is received indicating that the Owner's LPAT appeal of Vaughan Official Plan 2010 (File No. PL111184) (Appeal #162) as it pertains to the Subject Lands is resolved to the~~

~~satisfaction of the City Solicitor and Deputy City Manager, Planning and Growth Management.~~

- ~~10. THAT City of Vaughan Staff be directed to attend the LPAT proceedings in support of the Recommendations contained in this report and the Conditions of Draft Approval identified in Attachment #1 for Official Plan Amendment File OP.17.010, Zoning By-law Amendment File Z.17.026 and Draft Plan of Subdivision File 19T-17V009.~~