

Committee of the Whole (1) Report

DATE: Tuesday, January 17, 2023

WARD(S): ALL

TITLE: TESTON SANDS INC. PROPOSED PARK FACILITIES ON
UNDERGROUND SWM TANK RELATED TO ZBA Z.21.046 AND
SUBDIVISION 19T-17V009

FROM:

Vince Musacchio, Deputy City Manager, Infrastructure Development

ACTION: DECISION

Purpose

To report back to Committee on direction to review consideration of park facilities located on the proposed underground stormwater management tank in the Teston Sands Inc. proposed development.

Report Highlights

- Committee of the Whole requested that staff undertake full consideration of the construction of a park located above proposed underground stormwater management tanks located on Block 93.
- Several options were investigated to allow for parkland uses on Block 93, however due to limiting factors including insufficient setbacks to park facilities, structural encumbrances from the underground tanks and significant sloping topography, development of park facilities is not possible on this block.
- Based on staff's review it is recommended that payment of lieu of parkland dedication be considered for this development.

Recommendation

1. THAT cash-in-lieu of parkland dedication be required for the Teston Sands Inc. development 19T-17V009 accordance with Parkland Dedication By-Law 168-2022.

Background

In June 2022 Council directed staff to undertake full consideration for construction of a park located above stormwater management tanks on the Subject Lands (Block 93) located within the proposed Teston Sands Inc. development

The Ontario Land Tribunal (OLT) approved the original development application with a proposed Storm Water Management Pond (SWMP) in Block 96. The Owner is now proposing an underground stormwater storage system within Block 93 as an alternative to a SWMP. The original application did not contain a park block. Accordingly, conditions of development approval required the Owner to provide cash-in-lieu of parkland dedication. This requirement was a condition of the Original Applications approved by the OLT.

The Subject Lands reviewed for parkland potential are shown on Attachment 1 as Block 93, zoned OS1 with a total area 0.17 ha. Staff investigated several scenarios and determined parkland development on this block is not feasible due a number of site constraints, presented as Attachment 2.

Previous Reports/Authority

The previous reports for the Subject Lands regarding the original applications files OP.17.010, Z.17.026 and 19T-17V009:

[Committee of the Whole Public Meeting - January 23, 2018, \(Item 1, Report 3\)](#)
[Council Minutes, Minute 91 amending Committee of the Whole Report 21 - June 19, 2018 \(Item 35\)](#)

[Committee of the Whole \(Closed Session\) - March 4, 2019 \(Item 4\)](#)
[Special Council Minutes - March 5, 2019 Minute 51](#)

The Public Meeting for revised Applications File Z.21.046 and File 19T-17V009:
[Council Extract Committee of the Whole – January 25, 2022 \(Public Meeting\) Item 2, Report 3](#)

Reports for the Subject Lands regarding Z.21.046 and 19T-17V009:
[Committee of the Whole \(2\) June 21, 2022 \(Item 6, Report No. 23\)](#)
[Council Extract Committee of the Whole – June 28, 2022 \(Item 2, Report No 23\)](#)

Analysis and Options

A review was undertaken by staff to consider the potential for parkland facilities located above stormwater management tanks on Block 93

Block 93 is 0.17 ha (1721 square meters) in total area, triangular in shape, will contain stormwater management tanks underneath, and is to encompass approximately 14 manholes throughout the perimeter of the site to provide access for maintenance. These features constrain the type of park facilities that can be considered within the parcel. The parcel is irregularly shaped with the widest portion measuring approximately 30 meters in width at the northern portion of the parcel. Park facilities such as playgrounds generally require a setback of 15 meters from adjacent roadways and residential development and require an area of approximately 700 square meters to construct formal playground areas. Block 93 OS1 setbacks within this area have been set through the Zoning By-law Amendment requiring 15 meter setbacks from adjacent residential properties, 4.5 meter setbacks from the west boundary, and 6 meter setback from the rear lot which leaves an area of 364 square meters to install a playground, which is half of the minimum required area for this type of park use as depicted in Attachment 2.

Block 93 presents the following challenges based on the current design:

- 1- 14 manholes are identified throughout the perimeter of the site which constrain park facility locations. The manholes would need to remain free and clear from obstruction;
- 2- The proposed soil depth above proposed stormwater management tanks is approximately 1.5 meters. This limits the depth of footings acceptable for installing playground structures and other landscape elements;
- 3- The proposed elevation of Block 93 is set lower than the adjacent lands to the east (Vaughan Fire Station 7-10). Grading is required to slope up to the adjacent lands limiting recreational programming along the eastern edge of the block.

Additional considerations for the proposed underground stormwater management tanks include:

- 1- Routine disruption of the lands due to operation and maintenance of the underground tanks;
- 2- Disruption of the lands for a relative long period of time due to lifecycle replacement of the underground tanks;
- 3- Additional costs to the City due to the need to replace surface assets and facilities as part of tank replacement or maintenance requirements;
- 4- Loss of flexibility and programming of the surface due to constraints imposed by technical limitations of the underground tanks;
- 5- Mitigating for safety concerns due to physical structures such as manholes in proximity to active play and recreation areas.

PIPD staff explored several options including the viability of developing a playground, pathway and seating area within the Subject Lands. A junior and senior playground was investigated however, due size constraints, configuration, setback requirements, topography, manholes, and stormwater tanks underneath, playground facilities are not practical. It is therefore staff recommendation that payment in lieu of parkland be considered for this development.

According to the parkland dedication by-law 168-2022 regarding the conveyance of land and payment-in-lieu, section 3(2) indicates that underground stormwater facilities may be subject to 100% full credit. However, provided that 3(3) the land is permit-ready for active and/or passive park programming, the area is designed and developable to City standards and facility does not prohibit or restrict public programming. Due to the current design challenges including the encumbrances of 14 manholes throughout the block, the inadequate size of developable area, and the limitations of usage as active parkland, staff recommend obtaining cash-in-lieu of parkland dedication.

Financial Impact

Staff are recommending that payment in lieu of parkland dedication be provided for this development based on the in-effect Parkland Dedication By-law 168-2022.

Broader Regional Impacts/Considerations

None.

Conclusion

As directed by Council, staff completed a review of parkland development options for Block 93. Staff investigated the development of a playground on the site for future residents, however no viable option was found due to the constraints associated with the irregular configuration of the site, topography and underground stormwater facility restrictions. Staff recommend that payment in lieu of parkland dedication be considered for this development.

For more information, please contact: Jamie Bronsema, Director, Parks Infrastructure Planning & Development, Extension 8858.

Attachments

1. Key Map
2. Proposed Open Space Layout

Prepared by

Aimee Pugao, Senior Planner, Parks and Open Space Planning, Ext. 8936.

Michael Habib, Manager, Parks and Open Space Planning, Ext. 8092.

Approved by

A handwritten signature in black ink, appearing to read 'V. Musacchio'.

Vince Musacchio,
Deputy City Manager,
Infrastructure Development

Reviewed by

A handwritten signature in black ink, appearing to read 'Nick Spensieri'.

Nick Spensieri, City Manager