

DATE: September 25, 2020

TO: Mayor and Members of Council

FROM: Nick Spensieri, Deputy City Manager, Infrastructure Development

**RE: COMMUNICATION
ITEM NO. 5, COMMITTEE OF THE WHOLE (PUBLIC HEARING),
SEPTEMBER 22, 2020**

**OFFICIAL PLAN AMENDMENT FILE OP.20.004
ZONING BY-LAW AMENDMENT FILE Z.20.011
PRISTINE HOMES (PINE GROVE) INC.
WARD 2 - VICINITY OF ISLINGTON AVENUE AND PINE GROVE
ROAD
8337, 8341, 8345, 8349, 8353 AND 8359 ISLINGTON AVENUE**

Purpose

The purpose of this Communication is to respond to the Committee of the Whole (Public Hearing) direction of September 22, 2020 for the Pristine Homes (Pine Grove) Inc. ('Pristine Homes') development applications.

Background

Pristine Homes on March 17, 2020 submitted Official Plan Amendment and Zoning By-law Amendment Files OP.20.004 and Z.20.011 ('Applications') to facilitate the development of a 7-storey residential apartment building with 122 units and a Floor Space Index of 2.63 times the area of the lot at 8337, 8341, 8345, 8349, 8353 and 8359 Islington Avenue ('Subject Lands').

The Committee of the Whole (Public Hearing) considered the Applications on September 22, 2020 and directed staff provide a response to four specific questions asked by a resident as follows:

That Council:

- 1) refuse the Applications at the Public Hearing;
- 2) form a Stakeholders Group;
- 3) implement a freeze or hold on the subject lands and the Pine Grove area to undertake a Land Use Planning Study or other appropriate studies; and

- 4) allocate necessary resources and funding for the completion of studies.

Analysis

Request 1 - To refuse the Applications

The primary purpose of the Public Hearing is to provide an opportunity for the Committee of the Whole and members of the public to provide comments, and for Planning staff to receive feedback on the Applications. While the Committee of the Whole can recommend the Applications be refused at a Public Hearing and Council may subsequently adopt this recommendation, the disposition of the Applications are still under review by City staff and external agencies. The Development Planning Department will prepare a final technical report to a future Committee of the Whole meeting for consideration once review of the Applications is complete. The final technical report will provide an adequate level of analysis to assist Council in making an informed decision on the Applications.

Request 2 - To form a Stakeholders Group

The Committee of the Whole on September 22, 2020 recommended (in part):

“That a Working Group be established consisting of the Local Councilor, Regional Councilors, residents, the applicant, and staff to address outstanding issues and concerns.”

Council must approve the Committee’s recommendation. If approved, the request will be addressed.

Request 3 - Implement a freeze or hold on the Subject Lands to undertake appropriate studies for the area

In order to implement a freeze on development for the Subject Lands or lands within the Islington Avenue corridor, an Interim Control By-law (‘ICBL’) must be approved by Council. The ICBL can be imposed for a period of one year, with a maximum extension of one additional year.

There is no ability to appeal an ICBL to the Local Planning Appeal Tribunal (‘LPAT’) within the first year it is passed, except by the Minister of Municipal Affairs and Housing. However, any extension to an ICBL beyond the first year is subject to appeal to the LPAT by any person or public body who received notice of its passing. An ICBL can also be challenged through various applications to the Courts on grounds such as bad faith, lack of jurisdiction and failure to meet the statutory prerequisites.

ICBLs have been recognized by the Courts and the LPAT as an extraordinary remedy that serves as an important planning instrument for a municipality. Because ICBLs allow a municipality to suspend development that may conflict with any new policy while in the

process of reconsidering its land use policies, it is a tool municipality must employ with caution. ICBLs are commonly enacted in a situation of urgency, when a municipality needs “breathing room” to study its policies.

Prior to passage of an ICBL, Council must direct by by-law or resolution that a review or study be undertaken in respect of land use planning policies in the municipality or in any defined area or areas thereof. The scope of the study(ies) and the area subject to the ICBL must be clearly identified in the Council resolution. If an ICBL is to be enacted, Council must approve the required funding to undertake the study(ies) and the study(ies) must be carried out fairly and expeditiously.

The Woodbridge Centre Secondary Plan (‘WCSP’) was approved by the Ontario Municipal Board (now the LPAT) on February 24, 2015 and provides guidance for development in the Woodbridge Centre. The process for the WCSP was initiated by the City in 2009 and included background document review, various land use, urban design, transportation and environmental studies and analysis, and public consultation to develop a cohesive vision and principles for the Plan Area now reflected through the policies of the WCSP.

An ICBL is typically used to freeze lands that are currently subject to an ongoing study to ensure premature development of the lands does not prejudice the purpose of the study. In this case, the WCSP is already in effect and applicable to the subject lands. On this basis, an ICBL is not necessary, as a review and recommendation on the Applications can be made based on the existing policies of the WCSP that have been in effect for approximately 5 years.

Request 4 - Allocate necessary resources and funding for the completion of studies

Should Council direct an ICBL and associated studies, Council must approve a budget amendment to secure the necessary funding. Staff anticipate the procurement and study processes can take a minimum of 12 months to complete, thereby possibly necessitating an extension of the ICBL should one be enacted. Enacting an ICBL and undertaking the studies does not prevent the Owner from exercising their appeal rights for the Applications, nor does it necessarily stop any LPAT processes.

Financial Impact

The financial impact is dependent on Council’s direction regarding an ICBL. Specifically, a budget amendment is necessary if Council chooses to enact an ICBL.

Conclusion

As requested by the Committee of the Whole (Public Hearing), this Communication provides responses to four questions asked at the September 22, 2020 Public Hearing. Although Council can technically refuse the Applications at a Public Hearing, it is prudent to make an informed decision upon consideration of the final technical report.

In addition, the Committee directed a working group be established as requested by a resident.

With regard to freezing development on the Subject Lands or within the Islington Avenue corridor an ICBL and City commissioned land use study(ies) is not needed to arrive at recommendations on the Applications. Staff are in the process of reviewing the Applications and the accompanying studies. If Council is of the opinion an ICBL and associated studies are required Council must direct that the ICBL be initiated and the appropriate studies identified, funded and undertaken. The scope of the studies required and the area to be subject to the ICBL must also be clearly identified in the Council resolution.

Prepared By

Chris Cosentino, Planner, ext. 8215

Mark Antoine, Senior Planner, ext. 8212

Carmela Marrelli, Senior Manager of Development Planning, ext. 8791

Mauro Peverini, Director of Development Planning, ext. 8407

Caterina Facciolo, Deputy City Solicitor, Planning and Real Estate, ext. 8862

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Nick Spensieri', with a long horizontal line extending to the right.

NICK SPENSIERI

Deputy City Manager, Infrastructure Development

Copy to: Todd Coles, City Clerk
 Jim Harnum, City Manager