



memorandum

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COMMUNICATION
FAA - NOVEMBER 14/2016
ITEM - 1

DATE: NOVEMBER 14, 2016
TO: HONOURABLE MAYOR AND MEMBERS OF COUNCIL
FROM: JOHN MACKENZIE, DEPUTY CITY MANAGER
PLANNING AND GROWTH MANAGEMENT
SUBJECT: COMMUNICATION - CAPITAL BUDGET FOR PLANNING AND GROWTH
MANAGEMENT PORTFOLIO
ITEM 1 – DRAFT 2017 BUDGET AND 2018 PLAN
FINANCE AND ADMINISTRATION COMMITTEE
NOVEMBER 14, 2016

ITEM #22, REPORT #34 – COMMITTEE OF THE WHOLE FOR
CONSIDERATION BY COUNCIL – OCTOBER 19, 2016

RESPONSE TO REQUESTED ACTION FROM CITY STAFF TO ENSURE A
COMPREHENSIVE REVIEW FOR PROMENADE MALL SECONDARY PLAN
AREA (FILE #: 26.7)

Recommendation

The Deputy City Manager, Planning and Growth Management and the Director of Policy Planning & Environmental Sustainability in consultation with the Director of Development Engineering & Infrastructure Planning and the Director of Financial Planning & Development Finance and Deputy City Treasurer, recommend:

1. That a comprehensive Peer Review for development application OP.16.006 (“Torgan”) be undertaken on behalf of the City and such Peer Review be fully funded by the applicant;
2. That the City meet with the owner of the Promenade Mall to determine their future plans;
3. That the City initiate a Secondary Plan study, after additional discussion with stakeholders including the owner of the Promenade Mall, once additional details regarding the potential future use or redevelopment of the Promenade Mall are known; and
4. That in reporting back to Committee of the Whole on confirmation of stakeholder interest in proceeding with the Secondary Plan Study, such report include a detailed scope of work and terms of reference.

Economic Impact

The recommended Peer Review for application OP.16.006 (“Torgan”) is expected to take 4 to 6 months and be fully funded by the applicant in the absence of a required Secondary Plan.

The process to carry out the Promenade Mall Secondary Plan is extensive and could take 36 months to complete. This study is not a Council priority project nor has budget been allocated to carry out the study. The City is currently not resourced from a staffing perspective to support and manage the project in a more cost efficient way as it would be a new project in addition to the existing priorities and work plan. Although it is recommended that a Secondary Plan study not be initiated at this time, should Council

direct staff to commence the study without re-prioritizing existing projects, the total cost to complete the Secondary Plan is estimated to be between \$1.1 million to \$1.5 million. This total cost includes the hiring of an external consultant team and the hiring of 3 additional staff resources to support the project for a 3-year period (for the duration of the study).

The 2017 draft budget would require an amendment to add a capital project, funded 90% from General Government Development Charges (\$1,350,000) and 10% from Property Taxation (\$150,000). The General Government Development Charge reserve is already in a negative position and continues to be pressured by the numerous studies being advanced by the City. Should Council decide to approve such a project then staff would need to reprioritize \$150,000 of Property Taxation from the current capital program to accommodate this request within the 3% mandated property tax increase target.

Alternatively, as a means of reducing the economic impact of carrying out the Promenade Secondary Plan study, the City could look to repurpose the existing funds allocated towards the Weston Road and Highway 7 Secondary Plan study in the amount of \$253,000 to partially offset costs as well as reprioritize the existing work plan for the Term of Council Priorities to provide capacity for City staff to accommodate the work needed to complete the project. This option would reduce the net economic impact, however the alternative would also result in other previously approved priorities being delayed. It should be noted that some stakeholders (SmartREIT and others) have requested that the Weston 7 Road / Highway 7 Secondary Plan commence quickly as well.

Purpose

This communication serves to respond to the October 19, 2016, Vaughan Council resolution, which provides as follows:

Therefore, it be resolved that:

1. *Staff be directed to initiate the secondary plan process for the Promenade Mall area to satisfy the Vaughan Official Plan 2010 requirements, and to report any additional staffing and funding requirements associated with initiating a Secondary Plan for the Promenade Mall area as part of the 2017 budget process;*
2. *That Staff be directed to request the applicant identified in part 1, to undertake more detailed comprehensive studies that address the concerns from the community related to heights, densities, traffic, access for pedestrians to transit, parks, schools and other community infrastructure issues; and*
3. *That Staff be directed to report back on the cost and process involved of a peer review of the application identified in part 1 so as to ensure a comprehensive review of the proposal identified in part 1 can be completed quickly to inform the City's position;*
4. *That recognition of the need for an expeditious review that staff be requested to examine existing funding sources.*

The full resolution forms Attachment 1 to this communication.

Background:

Development Application OP.16.006 (“Torgan Group”)

An Official Plan Amendment has been submitted for the south-west corner of the Bathurst and Centre Street intersection along the Promenade Ring Road within the Promenade Mall Secondary Plan Area boundary as shown on Schedule 14-A to VOP 2010.

On September 3, 2014, the required Pre-Application Consultation Understanding was executed by the City and Weston Consulting, the landowner's agent, acknowledging that the plans, reports and studies

submitted in support of a site specific official plan amendment application needed to be at a Secondary Plan level of detail and must consider the whole of the Promenade Mall Secondary Plan Area, in accordance with the in-effect Thornhill Town Centre Plan (OPA 671).

On April 1, 2016, the Torgan Group, 1529749 Ontario Inc., submitted Official Plan Amendment (File OP.16.006) to amend the in-effect policies of the Thornhill Town Centre Plan (OPA 210 as amended by OPA 671) respecting building height, density and urban design to facilitate a phased development consisting of 7, 27 storey residential apartment buildings, with commercial uses at grade, together with 2 low-rise commercial buildings all served by outdoor amenity areas, at grade parking, a 3 storey parking structure and 3 levels of underground parking (total parking provided 2397 spaces).

On April 29, 2016 the application was deemed complete and in accordance with the Planning Act, the Notice of Complete Application was mailed by the Office of the City Clerk to those within a 150 m radius of the subject lands. The application was also circulated to City Departments and external public agencies for review and comment. It was considered by the Vaughan Design Review Panel on August 25, 2016. The application is still under review and all comments received are considered as input into the review process.

On November 1, 2016 (see Attachment 2), City staff sent correspondence to the landowner requesting that the plans, studies and reports submitted in support of site-specific Official Plan Amendment application File OP.16.006 be revised pursuant to Vaughan Council's approved resolution, as follows:

- 2) *That Staff be directed to request the applicant identified in Part 1, to undertake more detailed comprehensive studies that address the concerns from the community related to heights, densities, traffic, access for pedestrians to transit, parks, schools and other community infrastructure issues; and...*

The Peer Review will support the analysis of the application and should proceed.

Due to the scale and complexity of the application, a thorough and complete review will be required. It is recommended that a third party consulting team be retained to conduct the Peer Review in the context of the City's land use policy framework, to ensure that the City's objectives are being met. It is estimated that a Peer Review of application OP.16.006 would cost in the range of \$90,000 to \$120,000 and be funded by the applicant. A Peer Review could take approximately 6 months to complete from the date of contract award but this timing is dependent on the level of detail and the quality of the supporting technical studies.

It is expected that the Peer Review will include (but not be limited to) the consideration of criteria identified in policies 10.1.1.3 and 10.1.1.4 of VOP 2010, and the concerns of the community as identified in paragraph 2 of the October 19, 2016 Council resolution.

Staff is recommending further consideration in advance of initiating a Secondary Plan process for the Promenade Mall.

Although it is being recommended that the Promenade Mall Secondary Plan study not be initiated at this time, should the study be commenced now, it is estimated that the cost of a Promenade Mall Secondary Plan Study would be approximately \$1.5 million. This cost includes consulting services (which would include Planning/Urban Design and Transportation Engineering), salary for additional staff resources, and contingency allowance of 15%, as summarized in Table 2 below. Given the complex planning issues associated with transportation and transit, and based on experience with similar studies, it is recommended that a contingency of 15% be carried to cover unexpected costs which may arise during the project.

Table 2: Estimated costs of Promenade Mall Secondary Plan

	Estimated Amount
Consultant Costs (consultant retainer, transportation, urban design and planning analysis)	\$700,000-\$1,000,000
Staff Project Management Costs	\$300,000
Contingency (approx. 15%)	\$100,000-\$200,000
Total estimated costs	\$1,100,000 - \$1,500,000

Currently there is no funding budgeted for the Promenade Mall Secondary Plan study. In addition, there are no resources in place in key departments including the Policy Planning and Environmental Sustainability, Development Engineering and Infrastructure Planning, and Urban Design to initiate and manage a Secondary Plan study for this area. This is due to vacancies in the Portfolio and other workload pressures including the need to pursue other funded Service Excellence Strategy initiatives. It is noted that subject to budget approval, it would take existing staff approximately six months to initiate the study process, given the current workload, to the point of retaining the Secondary Plan consultant. This would include finalizing a terms of reference, preparation of an RFP and conducting the hiring process.

As a result, staff estimates that proceeding with a Secondary Plan in 2017 would result in the need for additional resources to support the completion of the study. This is estimated to cost approximately \$0.3 million for additional staff support for a Planner / Project Manager, Transportation Engineer, and Urban Designer at 30% of full-time capacity, allocated over the course of a 3-year term to assist with managing, coordinating, and providing technical expertise for reviews. The study would also require approximately \$1 million for an external consulting team.

The above estimate is informed by a review of the projected and actual costs expended in undertaking the Vaughan Mills Centre Secondary Plan (VMCSP) to date, which is not complete due to OMB appeals. It also, however, contemplates the costs associated with an increase in capacity that would be required to address the increased workload while responding to existing priorities. The VMCSP was used as a comparable due to a number of similar characteristics including designation as a "Primary Centre" on Schedule 1 of VOP 2010 the City's Urban Structure Plan, the road and site configuration, a transit hub located at the mall and major intensification proposed on the outparcels of the mall. At the point in time the study was initiated, staff estimated the cost of the Secondary Plan study at \$230,000. However, due to OMB appeals, traffic and transportation issues additional transportation work of \$70,000 was incurred and in addition, demand for staff resources and costs for legal and planning work continue to mount due to an ongoing and dynamic OMB mediation that has yet to conclude.

Staff have not been able to confirm whether the owner of the Promenade Mall is actually considering whether to redevelop the mall or the outparcels that comprise the existing parking areas. As it is not clear that the owner intends to proceed, it is recommended that staff meet with the owner to determine if there are any plans for redevelopment in the near future. This would provide staff with a more realistic and accurate expectation of what might be required to complete the study. If redevelopment is planned, meetings with the owner might also help to scope areas and issues that will need to be examined in both a future City study and the peer review.

Conclusion

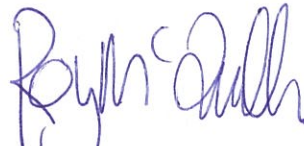
Due to the current work load in the affected City departments, it is recommended that an external consultant be retained to undertake a Peer Review of application OP.16.006 based on an estimated budget in the range of \$90,000 to \$120,000, to be paid by the applicant as set out in Recommendation 1) to this communication.

It is also recommended that staff report back with more detail to inform a future Promenade Mall Secondary Plan study after there has been definitive discussions with stakeholders, including the owner of the Promenade Mall, regarding their views on the evolution of the mall area.

Respectfully submitted,



JOHN MACKENZIE
Deputy City Manager,
Planning and Growth Management



ROY MCQUILLIN
Director of Policy Planning
& Environmental Sustainability

Attachments

1. Council resolution October 19, 2016 for Promenade Mall Secondary Plan and Torgan Peer Review
2. City of Vaughan Letter to Landowner (Torgan) identifying requirements of Official Plan Submission
3. Context and Location Map Promenade Mall Secondary Plan Study Area Boundary

MR/lm

Copy To: Daniel Kostopoulos, City Manager
Laura Mirabella-Siddall, Chief Financial Officer and City Treasurer
Jeffrey A. Abrams, City Clerk
Roy McQuillin, Director of Policy Planning and Environmental Sustainability
Andrew Pearce, Director of Development Engineering and Infrastructure Planning
Lloyd Noronha, Director, Financial Planning & Development and Deputy City Treasurer
Melissa Rossi, Manager of Policy Planning

EXTRACT FROM COUNCIL MEETING MINUTES OF OCTOBER 19, 2016

Item 22, Report No. 34, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on October 19, 2016.

22 REQUESTED ACTION FROM CITY STAFF TO ENSURE A COMPREHENSIVE REVIEW

The Committee of the Whole recommends approval of the recommendation contained in the following resolution submitted by Councillor Shefman, dated October 5, 2016:

Member's Resolution

Submitted by Councillor Alan Shefman.

Whereas, 1529749 Ontario Inc. has appealed the Vaughan Official Plan – 2010 and has filed a complete application for a large scale redevelopment at the southwest corner of the Bathurst and Centre Street (Promenade Village Shops), proposing seven 27 storey buildings, 6 storey podiums, a 3 storey parking structure and 2 storey retail buildings; and

Whereas the Thornhill community has expressed major concerns related to the potential negative impact of this very high density proposal in an area where there is significant existing high density development; and;

Whereas, the Promenade Mall is in the process of being sold by its long-term owner, and the potential for redevelopment in some form may increase under new ownership; and

Whereas, the lands subject to the application identified in part 1 above and the mall itself form parts of the area described on Schedule 14-A "Areas Subject to Secondary Plans" to the Vaughan Official Plan 2010 as "Promenade Mall", which is shown as a "Required Secondary Plan Area," and

Whereas, to responsibly respond to the existing and imminent development proposals for this area, the City's position on proposed redevelopment must be established quickly.

Therefore, be it resolved:

1. **That** Staff be directed to initiate the secondary plan process for the Promenade Mall area to satisfy the Vaughan Official Plan 2010 requirements, and to report on any additional staffing and funding requirements associated with initiating the Secondary Plan for the Promenade Mall area as part of the 2017 budget process.
2. **That** Staff be directed to request the applicant identified in part 1, to undertake more detailed comprehensive studies that address the concerns from the community related to heights, densities, traffic, access for pedestrians to transit, parks, schools and other community infrastructure issues; and
3. **That** Staff be directed to report back on the cost and process involved of a peer review of the application identified in part 1 so as to ensure a comprehensive review of the proposal identified in part 1 can be completed quickly to inform the City's position;
4. **That** in recognition of the need for an expeditious review that staff be requested to examining existing funding sources.



Meeting/Date:	COMMITTEE OF THE WHOLE - OCTOBER 5, 2016
Title:	REQUESTED ACTION FROM CITY STAFF TO ENSURE A COMPREHENSIVE REVIEW
Submitted by:	Councillor Alan Shefman

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Whereas, to responsibly respond to the existing and imminent development proposals for this area, the City’s position on proposed redevelopment must be established quickly.

Therefore, be it resolved that:

1. That Staff be directed to initiate the secondary plan process for the Promenade Mall area to satisfy the Vaughan Official Plan 2010 requirements, and to report on any additional staffing and funding requirements associated with initiating the Secondary Plan for the Promenade Mall area as part of the 2017 budget process.

2. That Staff be directed to request the applicant identified in part 1, to undertake more detailed comprehensive studies that address the concerns from the community related to heights, densities, traffic, access for pedestrians to transit, parks, schools and other community infrastructure issues; and

3. That Staff be directed to report back on the cost and process involved of a peer review of the application identified in part 1 so as to ensure a comprehensive review of the proposal identified in part 1 can be completed quickly to inform the City’s position;

4. That in recognition of the need for an expeditious review that staff be requested to examining existing funding sources.

Respectfully submitted,

Councillor Alan Shefman

November 1, 2016

1529749 Ontario Inc.
4950 Yonge Street, Suite 1010
Toronto, Ontario, M2N 6K1

C/O

Weston Consulting Group Inc.
Attn: Ryan Guetter
201 Millway Avenue, Unit 19
Vaughan, Ontario, L4K 5K8

RE: Vaughan Council Meeting October 19, 2016, Member's Resolution
Report #34, Item #22: Requested Action from City Staff to Ensure Comprehensive Review
Official Plan Amendment File OP.16.006
7700 Bathurst Street

This letter serves to inform that on October 19, 2016, Vaughan Council approved the following recommendation(s), in part, contained in a resolution submitted by Ward 5 Councillor Alan Shefman:

"Therefore, be it resolved:

2. That Staff be directed to request the applicant identified in part 1 (1529749 Ontario Inc. was identified), to undertake more detailed comprehensive studies that address the concerns from the community related to heights, densities, traffic, access for pedestrians to transit, parks, schools and other community infrastructure issues; and,..."

On September 3, 2014, the required Pre-Application Consultation Understanding was executed by the City and Weston Consulting, your Agent, acknowledging that the plans, reports and studies submitted in support of a site specific official plan amendment application needed to be at a Secondary Plan level of detail and consider the whole of the Promenade Mall Secondary Plan Area, bound by Centre Street, Clark Avenue West, Bathurst Street and New Westminister Drive, in accordance with the in-effect Thornhill Town Centre Plan (OPA# 671).

On April 1, 2016, your office submitted Official Plan Amendment File OP.16.006 together with plans, reports and studies in support of a site specific amendment for the subject lands only.

As of October 18, 2016, your office is in receipt of comments on the subject application from the following City of Vaughan Departments requesting more detailed comprehensive analysis at a Secondary Plan level:

- Vaughan Parks Development, dated July 11, 2016
- Design Review Panel Minutes dated August 25, 2016
- York Region Community Planning & Development Services dated August 25, 2016
- Vaughan Development Engineering & Infrastructure Planning dated September 27, 2016
- Vaughan Policy Planning & Environmental Sustainability dated September 30, 2016

- Vaughan Urban Design & Cultural Heritage dated October 12, 2016

We request that the plans, studies and reports submitted in support of site-specific Official Plan Amendment File OP.16.006 be revised pursuant to Vaughan Council's approved resolution and City of Vaughan comments issued to date on the subject application.

We look forward to working with you.

Sincerely,



JOHN MACKENZIE
Deputy City Manager Planning & Growth Management

Enclosures: Member's Resolution by Councillor Alan Shefman, dated October 5, 2016

Copy to:

Claudia Storto, Deputy City Manager, Legal & Human Resources
Grant Uyeyama, Director of Development Planning
Roy McQuillin, Director of Policy Planning & Environmental Sustainability
Andrew Pearce, Director of Development Engineering & Infrastructure Planning
Jamie Bronsema, Director of Parks Development
Mauro Peverini, Senior Manager of Development Planning
Rob Bayley, Manager of Urban Design and Cultural Heritage
Steven Dixon, Senior Planner OMB
Mary Caputo, Senior Planner OMB



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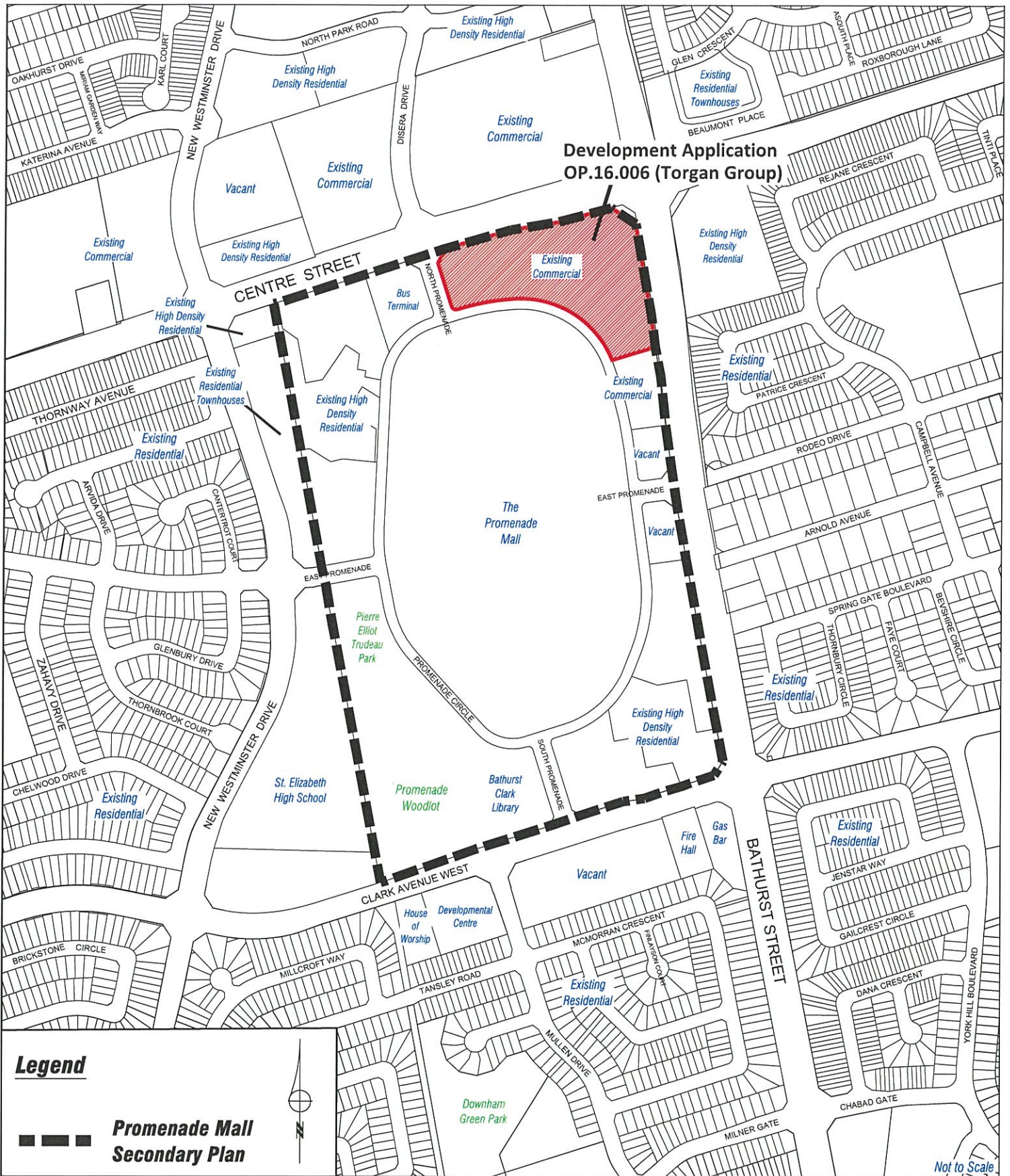
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- 4. That* in recognition of the need for an expeditious review that staff be requested to examining existing funding sources.

Respectfully submitted,

Councillor Alan Shefman



Context Location Map

LOCATION:
Part of Lots 4 & 5,
Concession 2

VAUGHAN
 Policy Planning and
 Environmental Sustainability

Attachment

FILE: 26.7
 RELATED FILE: OP.16.006

DATE:
 November 8, 2016

3