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| c9 Communication CW: Feb 25/14 Item: 5 |
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February 24, 2014
File 4742

Chair and Members
Committee of the Whole
City of Vaughan
2141 Major Mackenzie Drive
Vaughan ON
L6A 1T1

Dear Sirs and Mesdames,

RE: Revised Draft Vaughan Mills Centre Secondary Plan (Feb. 14, 2014) (File 26.1)

As explained previously in our letter dated June 10, 2013, Weston Consulting is the planning consultant for Casertano Developments Corporation ("Casertano") and Sandra Mammone ("Mammone") who own adjoining sites on the west side of Jane Street within the above secondary plan area, and who have been working together to achieve official plan and zoning amendment approvals to permit the co-ordinated development of their lands for high density mixed use purposes.

The Casertano and Mammone applications for official plan and zoning amendments, which were submitted in 2007/2009, were appealed following Council's determination that they did not meet the new Official Plan's criteria for consideration in advance of the preparation of a secondary plan. The owners subsequently agreed to place their appeals in abeyance given the City's commitment to timely preparation of the secondary plan. However, following significant delays by the City in the hiring of consultants and the study process itself, the owners reactivated their appeals. A three-week hearing is scheduled to begin on March 18, 2014.

We provided comments on the draft Vaughan Mills Centre Secondary Plan in our letter dated June 10, 2013. The covering staff report, which will be considered by the Committee of the Whole on February 25, 2014, and which responds to various submissions made at the public meeting, indicates that responses have not been provided to submissions made by appellants, such as Casertano and Mammone, because "there continue to be Without Prejudice negotiations in the hopes of settling or scoping the appeals". To be clear, Casertano and Mammone are unaware of any such discussions or negotiations as referenced in the staff report. The comments included in our letter of June 10, 2013 continue to apply in the context of the revised draft secondary plan and have been attached for your reference.

Background

The Casertano and Mammone plans of 2009 envisaged densities of approximately 5.0 F.S.I. on the gross area each of the two sites (but excluding the Bass Pro Mills extension lands and the residual Mammone lands to the south of the extension). The tower heights ranged between 26 and 40 storeys on the Casertano site and between 25 and 35 storeys on the Mammone site. A total of 3,650 units were proposed. A public park was also proposed at the northwest corner of Jane Street and Bass Pro Mills Drive.

In revised submissions made to the City in October 2013, the proposed densities were reduced to 3.7 F.S.I. over the same gross land areas, and the building heights were reduced to a range of 26 to 30 storeys on the Casertano lands, and 16 to 30 storeys on the Mammone lands. A total of 3,211 units are now proposed. A public park, with an area of 0.74 ha, continues to be proposed at the northwest corner of Jane Street and Bass Pro Mills Drive.

Revised Draft Vaughan Mills Centre Secondary Plan (February 14, 2014)

As stated, the comments included in our letter of June 10, 2013 continue to apply. However we have reviewed the draft revised secondary plan on behalf of Casertano and Mammone and observe as follows:

1. The Casertano lands, including the area recently transferred to York Region for its office building, would be designated Community Commercial Mixed Use (1.5 F.S.I./6 storeys), High-Rise Mixed Use (3.5 F.S.I./22 storeys) and Neighbourhood Park. These land use designations are the same as in the May 2013 version, but the maximum net density on the High-Rise Mixed Use lands has been increased from 3.2 F.S.I. to 3.5 F.S.I.
2. The Mammone lands would be designated High-Rise Mixed Use (3.0 F.S.I./18 storeys) and Neighbourhood Park. Again, these land use designations are the same as in the May 2013 version, but the maximum net density and maximum height have been increased from 2.0 F.S.I. to 3.0 F.S.I. and from 16 to 18 storeys.
3. The effect of the revised density maximums and related density calculation policies would be to allow approximately 106,245 m² of floor area on the Casertano lands and approximately 57,030 m² of floor area on the Mammone lands, which represents 73% of what is proposed in the revised Casertano concept, and 50% of what is proposed in the revised Mammone concept.
4. Similarly, the allowable building heights in the revised draft secondary plan continue to be lower than what is contemplated in the revised Casertano and Mammone proposals.
5. At approximately 1.4 ha, the proposed Neighbourhood Park is twice the size of the public park (or "Public Square") that is proposed in the combined Casertano and Mammone concepts. Moreover, the draft revised Secondary Plan continues not to allow any density to be transferred from the park to help compensate for its dedication.

In our opinion, the above proposals in the revised draft Secondary Plan continue not to take proper advantage of the planned function of Jane Street as a designated rapid transit corridor

and do not appropriately reflect the status of Vaughan Mills as a Primary Centre within the City's hierarchy of intensification areas.

The revised draft plan states that the 2021 horizon for the "Jane Corridor" area allows up to 3,371 residential units, 16,330 m² of retail uses and 46,079 m² of office uses. The City has not provided its calculations or methodology as to how it arrived at these highly specific numbers. In addition, it is unclear whether the office building on the Casertano lands has been included in the 46,079 m². In any event, it is clear that the overall number of residential units that is available would be insufficient to allow approval of the number of residential units proposed on the Casertano and Mammone lands, in conjunction with the approval of proposals for other sites.

It appears that the revised land use and density designations within the "Jane Corridor" area are based on the conclusions of the MMM Transportation Assessment dated February 2014 in terms of what could be accommodated on the road network up to the year 2021. We submit that a longer term view needs to be taken with regard to such designations because not all of the lands within the "Jane Corridor" area will be developed or redeveloped by 2021.

The revised draft plan contains a new section entitled "Character Areas" (1.4), wherein the Jane/Rutherford intersection is defined as a "gateway location" where the tallest buildings would be permitted, of up to 25 storeys compared with 22 storeys elsewhere in the Jane corridor. We would question whether the proposed minimal differentiation in building height would create a meaningful gateway. Nevertheless, in our opinion, the entire Jane corridor, between Bass Pro Mills Drive and Rutherford Road, should be treated as a single "focal point" for the Jane corridor and the Vaughan Mills Primary Centre as a whole, and should read as such when approaching the Centre from any direction.

In its Transportation Assessment dated February 2014, MMM proposes an east/west public street which crosses the Casertano site, and connects Jane Street to Vaughan Mills Circle. This new street would be aligned with a future extension of Graniteridge Drive and would have a full-moves, signalized intersection at Jane Street. This proposal has been reviewed by Casertano's transportation consultant, Mr. Bill O'Brien of Paradigm Transportation Solutions. He is of the opinion that Casertano's current proposal for an east/west road link, intersecting Jane Street approximately mid-way between the Casertano office driveway and Bass Pro Mills Drive, and being restricted to right-in right-out movements only, is preferable to the MMM proposal for several reasons, including:

- (a) Better integration with loading and driveway accesses for the mall on the west side of Vaughan Mills Circle
- (b) Improved separation distance from the existing Casertano office driveway; and
- (c) Less impact on future rapid transit operations on Jane Street by avoiding the addition of a new signalized intersection with minimal spacing from existing signalized intersections.

We would accordingly request that MMM's proposal for the east/west public street be reconsidered.

We note that the MMM assessment does not rely on the proposed Romina Drive extension across the Mammone lands for the purpose of estimating the capacity of the road network to support the proposed development levels. We acknowledge that roadways are accompanied by sidewalks and accordingly also accommodate pedestrian movements as well as vehicular circulation, but pedestrian routes along private driveways and within public parks can also contribute to the creation of a fine-grained pedestrian network. Accordingly, we submit that there should be more flexibility in the location and format of the connecting links to Vaughan Mills Circle than what the current revised draft plan provides.

Please do not hesitate to contact me if there any questions regarding the foregoing.

Yours truly,

Weston Consulting

Per:



Alan Young, BES, MSc, MCIP, RPP
Senior Associate

- c. Joe DiGiuseppe, Casertano Development Corporation
Sandra Mammone
Mary Flynn-Guglietti, McMillan LLP
Bill O'Brien, Paradigm Transportation Solutions



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June 10, 2013

File 4742

Chair and Members
Committee of the Whole
City of Vaughan
2141 Major Mackenzie Drive
Vaughan ON
L6A 1T1

Dear Sirs and Mesdames,

RE: Vaughan Mills Centre Secondary Plan (File 26.1)

Weston Consulting is the planning consultant for Casertano Developments Corporation ("Casertano") and Sandra Mammone ("Mammone") who own adjoining sites on the west side of Jane Street within the above secondary plan area, and who have been working together to achieve official plan and zoning amendment approvals to permit the co-ordinated development of their lands for high density mixed use purposes.

The location of the Casertano and Mammone sites is shown on the attached Land Use Designation plan from the draft secondary plan.

Background

The Casertano and Mammone official plan and zoning amendment applications were originally submitted in 2007/2009. The applications envisaged densities of approximately 5.0 F.S.I. on each of the two sites, with tower heights ranging between 26 and 40 storeys on the Casertano site and between 25 and 35 storeys on the Mammone site. A total of 3,650 units were proposed. A public park was proposed at the northwest corner of Jane Street and Bass Pro Mills Drive.

The statutory public meeting was held in January 2010. Council adopted the Committee of the Whole recommendation to defer the applications pending completion of a secondary plan review for Vaughan Mills.

In September 2010, Council adopted the City's new Official Plan which designated the Casertano and Mammone lands as High-Rise Mixed Use, as part of the Vaughan Mills primary centre where a secondary plan was required. The new Official Plan provided some flexibility for applications already in progress to proceed in advance of the secondary plan, subject to certain

criteria being satisfied. By letter dated November 1, 2010, Weston Consulting made a submission on behalf Casertano and Mammone, addressing the City's criteria, but in March 2011, Council turned down the owners' request to have their applications considered in advance of the secondary plan.

Casertano and Mammone appealed their applications to the Ontario Municipal Board in April 2011. On the basis that the City then adopted a program to complete the Vaughan Mills Secondary Plan by the end of 2012, the owners asked that their appeals be held in abeyance pending the outcome of that process. The appeals were reactivated earlier this year when it became apparent that the conclusion of the secondary plan process would be delayed.

Revised Casertano/Mammone Concept

By letter dated May 24, 2013, Weston Consulting submitted a revised development concept (attached) which reduces the proposed density to 3.7 F.S.I. on each of the two sites.

The number of towers on the Casertano lands would be reduced from six to five. This change arises from Casertano's decision to proceed with the construction of an office building in accordance with the existing zoning at the north end of its parcel. There would continue to be six towers on the Mammone lands.

Tower heights would be reduced to a range of 26-30 storeys on the Casertano lands, and 16-30 storeys on the Mammone lands.

A total of 3,211 units are proposed in the two concepts combined.

The concept continues to show the dedication of a public park at the northwest corner of Jane Street and future Bass Pro Mills Drive, stretching through the block to Vaughan Mills Circle. The aggregate area of the park is 0.74 ha, which falls within the category of "Urban Square" as defined in Vaughan Official Plan 2010.

Draft Vaughan Mills Secondary Plan (May 22, 2013)

We have reviewed the draft secondary plan on behalf of Casertano and Mammone and observe as follows:

1. The Casertano lands would be designated Community Commercial Mixed Use (1.5 F.S.I./6 storeys), High-Rise Mixed Use (3.2 F.S.I./22 storeys) and Neighbourhood Park.
2. The Mammone lands would be designated High-Rise Mixed Use (2.0 F.S.I./16 storeys) and Neighbourhood Park.
3. The effect of the above density maximums and related density calculation policies would be to allow approximately 90,930 m² of floor area on the Casertano lands and approximately 38,200 m² of floor area on the Mammone lands, which represents 63% of what is proposed in the revised Casertano concept, and 33% of what is proposed in the revised Casertano/Mammone concept.

4. Similarly, the building heights in the draft secondary plan are lower than what is contemplated in the revised Casertano/Mammone concept.
5. At approximately 1.4 ha, the proposed Neighbourhood Park is twice the size of the public park (or "Urban Square") that is proposed in the combined Casertano and Mammone concepts. Moreover, the draft Secondary Plan would not allow any density to be transferred from the park to help compensate for its dedication.

In our opinion, the above proposals in the draft Secondary Plan do not take proper advantage of the planned function of Jane Street as a designated rapid transit corridor and do not appropriately reflect the status of Vaughan Mills as Primary Centre within the City's hierarchy of intensification areas.

The covering staff report for the plan explains how important Jane Street is to the Region and the City as a future rapid transit corridor yet the Key Principles and Objectives of the draft Secondary Plan are silent on the need to designate lands for high density along Jane Street to support public sector investment in rapid transit.

The top proposed density of 3.2 F.S.I. is lower than existing densities in the area, Bellaria, which is 4.0 F.S.I., and planned densities in the immediate area, at Jane Street/Auto Vaughan Drive (3.5 F.S.I.), yet neither of these sites are within the Primary Centre. Similarly, the top building height at 22 storeys, is only five storeys more than what exists at Bellaria. The strict control on building height in the Primary Centre is not justified from an impact perspective, given the significant distance of most of the area from low density residential areas.

Getting the density right at Vaughan Mills is very important for building the case for public sector investment in rapid transit on Jane Street. No rationale has been presented for the particular densities or heights that have been advanced in the draft Secondary Plan. In our submission, sites that are within walking distance (500 metres) of Jane Street should be designated for higher densities and accompanying building heights, to set the scene for development that is more genuinely transit-supportive.

Both the Casertano and Mammone sites abut Jane Street. The entire Casertano site is within 100 metres of Jane Street, and the entire Mammone site is within 400 metres of Jane Street. Unlike most other sites in the Primary Centre and the Jane corridor, the Casertano and Mammone sites are significantly underutilized and they are ripe for development. They present an opportunity to realize transit-supportive development in the near future. In our submission there is ample room to increase the densities and heights to at least what is represented in the revised Casertano and Mammone concepts, while maintaining the Vaughan Metropolitan Centre as the place where the greatest densities and heights are allowed (up to 6.0 F.S.I. and up to 35/42 storeys).

The proposed Neighbourhood Park at the northwest corner of Jane Street and Bass Pro Mills Drive is also problematic because it reduces the supply of development land within walking distance of the transit corridor. The scale of the proposed Urban Square in the Mammone and Casertano concepts is more suitable for this prime location.

The draft Secondary Plan does not provide for any density transfers from public park designations. It is unclear, therefore, how the local park system is to be established on an equitable basis, particularly in a centre like Vaughan Mills where redevelopment of existing buildings will likely be slow in occurring. A density transfer mechanism would help resolve this issue.

For the same reason, we would request that density calculations include lands dedicated for public roads purposes. We note that OPA 400 and the Vaughan Metropolitan Centre Plan allow at least some public road dedications to be included in density calculations.

The revised Casertano and Mammone concepts both provide for road links connecting Vaughan Mills Circle to Jane Street and Bass Pro Mills Drive, as envisaged in the draft Secondary Plan, but not in the same specific location shown in the Secondary Plan. We propose these as private streets since Vaughan Mills Circle is not envisaged to be dedicated as a public road for the foreseeable future. We are however open to discussing the location and ownership of the road links with staff further, as part of a general discussion relating to the revised concepts and in the interests of achieving a settlement of the appeals.

Other observations and comments relating to the draft Secondary Plan are provided below:

1. The 2031 targets for the Vaughan Mills Centre are equivalent to full build-out of the Plan's assigned development potential. To achieve a target, the overall assigned development potential needs to be much higher than the 2031 target, as in the Vaughan Metropolitan Centre Plan.
2. The location of the proposed Mobility Hub is detached from the existing York Region Transit Terminal and is hypothetical at this time. For the purpose of assigning density in relation to transit, the draft Secondary Plan should focus on the entire Jane Street corridor, or the "potential future transit stops" along Jane Street (at Rutherford, Riverrock and Bass Pro Mills) as shown on Schedule "G" to the draft secondary plan.
3. The Plan's policies and density/height assignments should clearly differentiate Jane Street, a designated Regional Rapid Transit Corridor, from Rutherford Road, a Regional Transit Priority Corridor. Higher densities and heights are appropriate to future rapid transit corridors, particularly Jane Street where a subway extension is sought.
4. The Casertano lands comprise a single parcel but are proposed for a split development designation. Since the site abuts Jane Street and is entirely within 100 m of Jane Street, the entire parcel should be placed in the High-Rise Mixed Use designation.
5. The commercial density in the revised Casertano/Mammone concept is approximately 0.25 F.S.I. on each site. Draft policy 3.5.7 requires that at least 0.5 F.S.I. of the top density category, 3.2 F.S.I., be devoted to non-residential uses. We concur with the principle of mixed use, but request that a more general principle be articulated in the Secondary Plan, encouraging or requiring at least the ground floors of apartment buildings to contain retail/service commercial or institutional uses in targeted locations.
6. As expressed in Casertano's and Mammone's appeals of Vaughan Official Plan 2010, mandatory built form parameters should not be contained in the Official Plan. We

request that general built form principles be articulated in the Secondary Plan, but that the numeric parameters be reworked as guidelines for inclusion in an appendix.

7. No rationale has been presented for reducing the maximum floorplate size for high-rise buildings above 12 storeys, from 850 m² to 750 m².
8. Draft policy 3.8.3(ii) appears to require a street wall along a minimum of 80% of all public street frontages. In our opinion, flexibility should be retained for privately owned yet publicly accessible open space features which could be similar in function to Urban Squares.
9. Draft policy 3.6.1.7 carries forward the existing site-specific policy applicable to the Mammone site. This provides guidance for a previous as-of-right zoning scenario. It is obsolete in the context of the Secondary Plan and should be deleted.
10. The draft "Development Progression" policies in Section 7.0 should be clarified to indicate that the initial phase of development runs to the year 2031, since the number of residential units in Areas 1 and 2 corresponds to the build-out potential indicated in the Table on p. 41.

We thank for the Committee for this opportunity for input and we look forward to discussing the foregoing matters with the City further.

Yours truly,

Weston Consulting

Per:



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- c. Casertano Development Corporation
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