

**SPECIAL COUNCIL    FEBRUARY 28, 2014**

**OFFICIAL PLAN AMENDMENT FILE OP.09.006**

**ZONING BY-LAW AMENDMENT FILE Z.09.037**

**SANDRA MAMMONE**

**WARD 4 - VICINITY OF JANE STREET AND RUTHERFORD ROAD**

(Referred – Item 13, Committee of the Whole, Report No. 10)

Committee of the Whole at its meeting of February 25, 2014, recommended that this matter be referred to the Special Council meeting of February 28, 2014, for adoption.

**Recommendation of the Committee of the Whole:**

The Committee of the Whole recommends:

- 1) That the recommendation contained in the following report of the Commissioner of Planning and the Director of Development Planning, dated February 25, 2014, be approved;
- 2) That the confidential recommendation contained in Confidential Communication C1, be approved; and
- 3) That this matter be referred to the Special Council meeting of February 28, 2014, for adoption.

**Report of the Commissioner of Planning and the Director of Development Planning, dated February 25, 2014:**

**Recommendation**

The Commissioner of Planning and the Director of Development Planning recommend:

1. THAT Official Plan Amendment File OP.09.006 and Zoning By-law Amendment File Z.09.037 (Sandra Mammone) BE REFUSED.
2. THAT City Staff and external consultants be directed to attend the Ontario Municipal Board Hearing in support of the refusal.

**Contribution to Sustainability**

The owner has advised that the following, but not limited to, sustainable site and building features will be included in the proposed development:

- Water efficient landscaping
- Water use reduction program - plumbing fixtures within an overall 30% reduction in water use to exceed Environmental Protection Act standards
- All systems will be chilled water with no CFCs
- Use of central chiller/boiler plant
- Bicycle storage and change rooms to encourage an alternate mode of transportation
- A development supportive of higher order of transit
- Green roofs, tree plantings, and minimized surface parking to reduce heat island effects

## **Economic Impact**

There are no requirements for new funding associated with this report.

## **Communications Plan**

On December 18, 2009, the City of Vaughan mailed a Notice of Public Hearing to all property owners within 150 m of the subject lands. To date, the following two (2) letters were received on January 12, 2010, with the following comments:

- 1) Ms. Eileen P. Costello, Aird & Berlis LLP, Bay Street, on behalf of MI Developments (Caldari Road): MI Developments leases a majority of their landholdings in the City of Vaughan to the Magna International Inc. Group of Companies. Magna International operates a heavy stamping plant 24 hours a day, 7 days a week and 365 days per year. The plant creates noise as a result of the stamping of metal and the transport trucks that deliver and pick-up from the plant continuously. MI Developments is concerned that the introduction of residential uses, that are sensitive to issues of noise, vibration, light, and odour infiltration, would affect their industrial operations.
- 2) Solmar Development Corporation, on behalf of Tesmar Holdings Inc.: Tesmar Holdings Inc. has submitted Official Plan and Zoning By-law Amendment Files OP.05.020 and Z.07.029 to permit mixed-use office and residential high-rise buildings at the northeast corner of Jane Street and Riverock Gate, as shown on Attachment #2. Tesmar has objected to the Sandra Mammone applications based on prematurity.

On February 14, 2014, the City of Vaughan mailed a courtesy notice of this Committee of the Whole meeting to the individuals who requested notification of these applications.

## **Purpose**

The owner has submitted the following applications to facilitate the development of the subject lands, shown on Attachments #1 and #2 with a mixed-use residential commercial development consisting of the following, as shown on Attachments #5 and #6:

- 2.604 ha net developable land area
  - Six apartment buildings ranging in height from 16 to 30 storeys
  - Four-storey podium buildings (residential units and 3,628.5 m<sup>2</sup> of ground floor commercial uses)
  - A total of 1,397 residential units
  - Two 2-storey commercial buildings containing each 912 m<sup>2</sup> gross floor area with ground floor commercial uses and second floor business or professional office uses
  - a 0.478 ha portion of a public park
  - a total of 2,056 parking spaces
1. Official Plan Amendment File OP.09.006 to amend the OPA #600 to redesignate the subject lands from "General Commercial" to "High Density Residential-Commercial", as follows:

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**Table 1: Official Plan Amendment File OP.09.006**

|  | <b>Official Plan Policy for High Density Residential-Commercial Areas in OPA #600</b> | <b>Proposed Amendments to High Density Residential-Commercial Areas in OPA #600</b> |
|--|---|---|
|--|---|---|

**Table 1: Official Plan Amendment File OP.09.006**

|    | <b>Official Plan Policy for High Density Residential-Commercial Areas in OPA #600</b>   | <b>Proposed Amendments to High Density Residential-Commercial Areas in OPA #600</b>   |
|----|---|---|
| a. | Section 4.2.1.4 ii) permits, in part, apartment buildings to a maximum of 8-storeys in height in the Vaughan Centre Secondary Plan.   | Notwithstanding Section 4.2.1.4 ii), permit a maximum building height of 30 storeys.  |
| b. | Section 4.2.1.4 iii) permits, in part, a net maximum density of 120 units per hectare (uph) within the High Density Residential - Commercial Areas designation (Total 238 units). | Notwithstanding Section 4.2.1.4 iii), in a High Density Residential - Commercial designation permit a net maximum density of 536.5 uph (1,397 units) and a Floor Space Index (FSI) of 4.38. |

2. Zoning By-law Amendment File Z.09.037 to amend Zoning By-law 1-88, specifically to rezone the subject lands from EM2 General Employment Area Zone and EM1(H) Prestige Employment Area Zone with the Holding Symbol "(H)", subject to Exception 9(881) to RA3(H) Apartment Residential Zone with the Holding Symbol "(H)", with the following site-specific zoning exceptions.

**Table 2: Zoning By-law Amendment File Z.09.037**

|    | <b>By-law Standard</b>  | <b>By-law 1-88 RA3 Apartment Residential Zone Requirements</b> | <b>Proposed Exceptions to By-law 1-88 RA3 Apartment Residential Zone Requirements</b> |
|----|---|--|---|
| a. | Minimum Lot Area  | 67 m <sup>2</sup> /unit  | 18.7 m <sup>2</sup> /unit   |
| b. | Minimum Front Yard Setback (Bass Pro Mills Drive)                 | 7.5 m  | 0.8 m   |
| c. | Minimum Rear Yard Setback (Vaughan Mills Mall Internal Ring Road) | 7.5 m  | 2.0 m   |
| d. | Minimum Interior Side Yard Setback (west property line)           | 4.5 m  | 3.3 m   |
| e. | Maximum Building Height   | 44 m   | 91 m  |

**Table 2: Zoning By-law Amendment File Z.09.037**

|    | <b>By-law Standard</b>   | <b>By-law 1-88 RA3<br/>Apartment Residential<br/>Zone Requirements</b>  | <b>Proposed Exceptions<br/>to By-law 1-88 RA3<br/>Apartment<br/>Residential Zone<br/>Requirements</b>  |
|----|--|---|--|
| f. | Minimum Width of a Landscape Strip along Bass Pro Mills Drive                                      | 6.0 m   | 0.8 m  |
| g. | Minimum Required Parking for Residential and Commercial Uses                                       | <p><b>2,751</b></p> <p><u>Residential Parking:</u></p> <p>1.5 spaces per unit (@1,397 units = 2,096 spaces), and 0.25 (@1,397 units = 350 spaces) spaces for visitor parking</p> <p>Total Residential Parking = 2,446 spaces</p> <p><u>Commercial Parking:</u></p> <p>4,540.5 m<sup>2</sup> @ 6.0 spaces/100 m<sup>2</sup> GFA = 273 spaces</p> <p><u>Office Parking:</u></p> <p>912 m<sup>2</sup> @ 3.5 spaces/100 m<sup>2</sup> GFA = 32 spaces</p> | <p><b>2,056</b></p> <p><u>Residential Parking:</u></p> <p>1.145 spaces per unit (@1,397 units = 1,600 spaces), and 0.179 (@1,397 units = 250 spaces) spaces for visitor parking</p> <p>Total Residential Parking = 1,850 spaces</p> <p><u>Commercial Parking:</u></p> <p>4,540.5 m<sup>2</sup> @ 3.744 spaces/100 m<sup>2</sup> GFA = 170 spaces</p> <p><u>Office Parking:</u></p> <p>912 m<sup>2</sup> @ 3.947 spaces/100 m<sup>2</sup> GFA = 36 spaces</p> |
| h. | Minimum Parking Space Size   | 2.7 m by 6.0 m  | 2.7 m x 5.7 m  |
| i. | Minimum Setback to Portions of Buildings Below Grade (underground parking to Bass Pro Mills Drive) | 1.8 m   | 0.0 m  |

**Table 2: Zoning By-law Amendment File Z.09.037**

|    | <b>By-law Standard</b> | <b>By-law 1-88 RA3<br/>Apartment Residential<br/>Zone Requirements</b>          | <b>Proposed Exceptions<br/>to By-law 1-88 RA3<br/>Apartment<br/>Residential Zone<br/>Requirements</b>   |
|----|------------------------|---|---|
| j. | Commercial Uses        | Not Permitted   | Permit 5,452.5 m <sup>2</sup><br>ground related<br>commercial uses<br>identified in Note 1<br>below and in the<br>January 12, 2010<br>Public Hearing report |
| k. | Minimum Amenity Area   | 1,397 one-bedroom<br>units @ 20 m <sup>2</sup> /unit =<br>27,940 m <sup>2</sup> | 1,397 one bedroom<br>units @ 17.7 m <sup>2</sup> /unit or<br>24,706.7 m <sup>2</sup>  |

**Note 1: (Proposed Commercial Uses)**

- Banking or Financial Institution
- Business or Professional Office
- Club or Health Centre
- Eating Establishment
- Eating Establishment, Convenience
- Eating Establishment, Take-Out
- Photography Studio
- Place of Entertainment
- Retail Store
- Service or Repair Shops
- Video Store
- Personal Service Shop

**Background - Analysis and Options**

**Location**

The 3.08 ha subject lands are located on the west side of Jane Street and on the north side of Bass Pro Mills Drive, municipally known as 8940 Jane Street, as shown on Attachments #1 and #2.

**Application History**

On October 21, 2009, the owner submitted Official Plan Amendment File OP.09.006 to amend OPA #600 to permit 6 residential apartment buildings with maximum heights of 35 storeys and ground floor commercial uses, along with a gross density of 520 uph (4.98 FSI), shown on Attachments #3 and #4. The original application proposed a shared private park with the development proposal by Casertano Development Corporation (Files OP.07.001 and Z.09.038), the adjacent landowner. The current application has been revised to be a shared public park with Casertano Development Corporation. The application was held in abeyance pending the outcome of the Jane Street Land Use Planning Review. On November 18, 2009, the owner submitted Zoning By-law Amendment File Z.09.037 to implement the Official Plan Amendment application.

On January 12, 2010, Official Plan and Zoning By-law Amendment Files OP.09.006 and Z.09.037 were considered at a Public Hearing and the Committee of the Whole adopted the following resolution, which was ratified by Vaughan Council on January 19, 2010:

"THAT any issues identified be addressed by the Development Planning Department in a comprehensive report to the Committee of the Whole following the completion and approval by City of Vaughan Council of the final results of the City's comprehensive Official Plan Review Process."

On February 22, 2011, the Vaughan Committee of the Whole considered a deputation by Weston Consulting, the agent acting on behalf of the owner requesting that Vaughan Council permit the processing of Official Plan and Zoning By-law Amendment Files OP.09.006 and Z.09.037 in advance of the required draft Vaughan Mills Centre Secondary Plan, as permitted by Vaughan Council pursuant to Section 10.1.1.10 of VOP 2010, and is now in force and referenced as Section 10.1.1.12. On April 12, 2011, the Vaughan Development Planning Department, in consultation with the Vaughan Policy Planning Department, prepared a report responding to Weston Consulting's deputation for consideration of the applications by the Vaughan Committee of the Whole. On May 3, 2011, Vaughan Council ratified the recommendation of the report not to process the applications in advance of the completion of the draft Vaughan Mills Centre Secondary Plan.

#### Ontario Municipal Board (OMB)

On April 18, 2011, the owner appealed Official Plan and Zoning By-law Amendment Files OP.09.006 and Z.09.037 to the OMB for failure by the City of Vaughan to make a decision on the applications within the timeframes prescribed by the Planning Act. The appeals were filed in conjunction with the Casertano Development Corporation applications. The first Pre-Hearing Conference was held on August 18, 2011, where eight parties were identified, including the owner, the City, the Region of York, Magna International, MI Developments Inc., 2272769 Ontario Inc. (Stronach Trust), Tesmar Holdings Inc., and Ivanhoe Cambridge II Inc.

A second Pre-Hearing Conference was held on November 21, 2011. On the consent of the parties and by Order of the Board, the appeals were adjourned for a period of 18 to 24 months in order for the draft Vaughan Mills Centre Secondary Plan (draft VM CSP) and the site-specific development on the Casertano lands to proceed. As a result of this agreement between the City and Casertano Development Corporation, the Sandra Mammone appeals were held in order to allow Casertano to submit and the City to process Site Development Files DA.11.072 and DA.12.110 that facilitated the development of the northerly 1.1 ha portion of the Casertano lands (original boundary of the property) for a 5-storey office building that is currently under construction.

Following the retention of planning consultants by the City, the draft Vaughan Mills Centre Secondary Plan Study process commenced in May 2012, which involved several consultations and a statutory public hearing in May 2013. Vaughan Committee of the Whole is considering the final technical report from the Commissioner of Planning regarding the proposed secondary plan at the same February 25, 2014, Committee of the Whole meeting.

A third Pre-Hearing Conference was held on May 24, 2013 at the request of the parties in order to provide the Board with an update and to seek a Hearing date. On October 18, 2013, the owner formally submitted a revised development concept, shown on Attachments #5 and #6. An OMB Hearing is scheduled for March 18, 2014 to April 8, 2014.

#### Planning Considerations

The Development Planning Department has reviewed the Official Plan and Zoning By-law Amendment Applications in consideration of the following policies and does not support the applications for the following reasons:

a) Ontario Planning Act

Section 2 of the *Ontario Planning Act* states that the Council of a municipality in carrying out their responsibilities shall have regard to, among other matters, matters of Provincial interest such as:

- i) the orderly development of safe and healthy communities
- ii) the co-ordination of planning activities and public bodies
- iii) the appropriate location of growth and development
- iv) the adequate provision of a full range of housing
- v) the promotion of development that is designed to be sustainable to support public transit and be oriented to pedestrians

Section 3(5) of the *Ontario Planning Act* also requires that a decision of Council of a municipality in respect of the exercise of any authority that affects a planning matter shall:

- i) be consistent with the policy statements issued under subsection (1) that are in effect on the date of the decision
- ii) conform with the provincial plans that are in effect on that date, or shall not conflict with them, as the case may be.

The applications do not satisfy a number of these requirements of the Planning Act based on the findings of the City's technical review and analysis that takes into account the findings of the draft Vaughan Mills Centre Secondary Plan Study and supporting studies, as discussed in the following sections.

b) The Provincial Policy Statement (PPS)

The Provincial Policy Statement (PPS) provides policy direction on matters of Provincial interest related to land use planning and development. Policy 1.1.3.3 states that "planning authorities" shall identify and promote opportunities for intensification and redevelopment where this can be accommodated taking into account existing building stock or areas.

The PPS defines "Intensification" as follows:

*"Intensification: means the development of a property, site or area at a higher density than currently exists through:*

- a) *redevelopment, including the reuse of brownfield sites;*
- b) *the development of vacant and/or underutilized lots within previously developed areas;*
- c) *infill development; and*
- d) *the expansion or conversion of existing buildings."*

The PPS further defines "Residential Intensification" as follows:

*"Residential intensification: means intensification of a property, site or area which results in a net increase in residential units or accommodation and includes:*

- a) *redevelopment, including the redevelopment of brownfield sites;*
- b) *the development of vacant or underutilized lots within previously developed areas;*
- c) *infill development;*
- d) *the conversion or expansion of existing industrial, commercial and institutional buildings for residential use; and*

- e) *the conversion or expansion of existing residential buildings to create new residential units or accommodation, including accessory apartments, secondary suites and rooming houses."*

The proposal represents the intensification of the subject lands, as defined by the PPS. The PPS directs municipalities to identify opportunities for intensification where it can be accommodated within the municipality. It further places the responsibility for the identification of opportunities for substantial intensification with planning authorities that is implemented through official plans and zoning by-laws. While intensification and redevelopment is a desirable planning objective on the subject lands, the proposal does not reflect a coordinated and comprehensive approach to managing intensification and redevelopment.

Policy 1.2.1 of the PPS states that a coordinated, integrated, and comprehensive approach should be used when dealing with planning matters within municipalities, or which cross lower, single, and/or upper tier municipal boundaries, including managing and/or promoting growth and development.

The City has undertaken a coordinated, integrated, and comprehensive approach to manage and promote intensification and redevelopment in this area through a comprehensive City-Wide Official Plan Review (VOP 2010), the draft Vaughan Mills Centre Secondary Plan (draft VM CSP), and related supporting studies. The VOP 2010 review identified the lands in the vicinity of Jane Street and Rutherford Road as requiring a secondary plan to guide future development. The City has also completed the draft VM CSP and related studies that provide a strategy and policies to manage growth and intensification in a coordinated, integrated, and comprehensive manner as required by the PPS.

The applications are not consistent with the PPS in this respect since they do not represent an integrated or comprehensive approach to managing growth related to City planning matters, as it relates to the intensification of land uses in this area.

Furthermore, Policy 4.5, Implementation and Interpretation of the PPS states:

*"The official plan is the most important vehicle for implementation of this Provincial Policy Statement.*

*Comprehensive, integrated and long-term planning is best achieved through municipal official plans. Municipal official plans shall identify provincial interests and set out appropriate land use designations and policies. Municipal official plans should also coordinate cross-boundary matters to complement the actions of other planning authorities and promote mutually beneficial solutions.*

*Municipal official plans shall provide clear, reasonable and attainable policies to protect provincial interests and direct development to suitable areas.*

*In order to protect provincial interests, planning authorities shall keep their official plans up-to-date with this Provincial Policy Statement. The policies of this Provincial Policy Statement continue to apply after adoption and approval of a municipal official plan."*

The Planning Act states that the appropriate location of growth and redevelopment is a matter of Provincial interest and the PPS states that official plans shall provide policies to protect Provincial interests. Policy 4.5 identifies that the mechanism through which Provincial interest is protected is the municipal official plan. The policy is achieved by

establishing appropriate land use designations and policies to direct development to suitable areas.

The applications constitute the introduction of significant intensification on a site-specific basis without regard for certain requirements and matters that have been informed by the comprehensive VOP 2010, draft VMCSP, and related studies. This approach is inconsistent with the approach to promoting areas for intensification as required by the PPS and with the scale of intensification proposed for the subject lands by the draft VMCSP. The site-specific applications are contrary to the intent of the PPS, which clearly identifies that long term planning is best achieved through municipal official plans.

c) Places to Grow: The Growth Plan for the Greater Golden Horseshoe (The Growth Plan)

The Growth Plan identifies how and where growth and development will occur within the Greater Golden Horseshoe. The applications are required to conform to The Growth Plan. It establishes policies that address, among other matters, land use planning, urban form, housing, transportation and infrastructure.

Section 2.2.2.1 of the Growth Plan states (in part) that population and employment growth will be accommodated by, "*b) focusing intensification in intensification areas.*" The Growth Plan utilizes the same definition for "intensification" and "redevelopment" (in part) as the PPS. The Growth Plan defines an "intensification area" as:

*"Lands identified by municipalities or the Minister of Infrastructure within a settlement area that are to be the focus for accommodating intensification. Intensification areas include urban growth centres, intensification corridors, major transit station areas, and other major opportunities that may include infill, redevelopment, brownfield sites, the expansion or conversion of existing buildings and greyfields."*

Additionally, Section 2.2.3.6 of the Growth Plan, General Intensification, states (in part):

*"All municipalities will develop and implement through their official plans and other supporting documents, a strategy and policies to phase in and achieve intensification and the intensification target. This strategy and policies will:*

- a) be based on the growth forecasts contained in Schedule 3, as allocated to lower-tier municipalities in accordance with policy 5.4.2.2*
- b) encourage intensification generally throughout the built-up area*
- c) identify intensification areas to support achievement of the intensification target*
- g) identify the appropriate type and scale of development in intensification areas*
- h) identify density targets for urban growth centres where applicable, and minimum density targets for other intensification areas consistent with the planned transit service levels, and any transit-supportive land-use guidelines established by the Government of Ontario."*

Section 2.2.3.7 of the Growth Plan also states that (in part):

*"All intensification areas will be planned and designed to:*

- f) achieve an appropriate transition of built form to adjacent areas."*

Policy b) above encourages intensification generally throughout the built-up area. Policy c) above, states that the Growth Plan requires municipal official plans such as VOP 2010

and the draft VMCSPP, to identify intensification areas to support and to meet the municipality's intensification targets. The proposed building height and density is inconsistent with policy g) above, that states the official plan (i.e. draft VMCSPP) shall identify the appropriate type and scale of development in (said) intensification areas.

As directed by the Growth Plan and noted earlier, intensification is to be implemented by way of municipal Official Plans. The City has undertaken a comprehensive official plan review (VOP 2010), which was adopted by Vaughan Council and York Region Council, and is approved in part by the OMB. Furthermore, the City has also undertaken a comprehensive secondary plan exercise, which was received at the June 11, 2013, Public Hearing meeting and is being considered by the Vaughan Committee of the Whole on February 25, 2014.

Both the VOP 2010 and the comprehensive secondary plan exercise result in an intensification strategy and policies that respond to the requirements of the Growth Plan. The applications represent significant intensification of a single property without consideration for a comprehensive strategic approach for the implementation of intensification as required by the Growth Plan and which has been undertaken by the City through the Vaughan Mills Centre Secondary Plan. The revised applications do not reflect a comprehensive strategic approach to the intensification of the subject lands.

The Growth Plan and the Region's intensification strategy places the onus on the upper tier and local municipalities to decide where and how to accommodate growth and intensification. Through the draft VMCSPP, a comprehensive strategy and policies to guide the development of intensification in this area, considered in the context of the City's overall intensification strategy established in VOP 2010, are identified.

The applications are inconsistent with the City's intensification strategy as required by the Growth Plan. They represent significant intensification implemented on a site-specific basis in the absence of a strategy or policy to implement intensification in an orderly manner through a municipal official plan contrary to the policies of the Growth Plan.

For the reasons noted above, and as discussed later in this report, the applications do not conform to Growth Plan policies.

d) New Region of York Official Plan

The new Region of York Official Plan identifies the subject lands as being located within the "Urban Area" by Map 1, Regional Structure. It also acknowledges, "All planning decisions under the York Region Official Plan shall conform to provincial plans and be consistent with the Provincial Policy Statement." Additional comments from the Region of York are provided in the Regional Implications section of this report.

Section 5.1.9 of the Regional Official Plan requires local municipalities to prepare detailed sequencing plans within each secondary plan that provides for the orderly and efficient progression of development supported by the necessary infrastructure and the provision of human services.

Section 5.3 of the Regional Official Plan also states that intensification will occur in strategic locations in the built up area to maximize efficiencies in infrastructure delivery, human services provisions, and transit ridership. The strategic locations are based on an intensification framework that recognizes that the highest scale of development will occur in Regional Centres, followed by Regional Corridors. The subject lands are not identified as a Regional Centre or as being located on a Regional Corridor by the Regional Official Plan.

Section 5.4 of the Regional Official Plan states that Regional Centres and Corridors (Map 1 - Regional Structure of the Regional Official Plan) serve a critical role as the primary location for most intensive and greatest mix of development in the Region. In addition, it is a policy of the Plan to recognize and support a hierarchy within the system of Regional Centres and Corridors, in keeping with the York Region 2031 Intensification Strategy, which Regional Centres are focal points for the highest densities and mix of uses. The only Regional Centre identified in the City of Vaughan is the Vaughan Metropolitan Centre (VMC) and the only Regional Corridors are Regional Road 7 and Yonge Street. The densities proposed for the subject lands are not in conformity with the approach to city building identified in the Regional Official Plan.

As noted above, the PPS requires the coordinated, integrated, and comprehensive approach to planning matters within municipalities (i.e. Vaughan) in the form of the City-wide comprehensive official plan review and the resulting Vaughan Official Plan 2010 (VOP 2010). VOP 2010 identifies the subject lands as part of the Vaughan Mills Centre Secondary Plan Area and is consistent and in conformity with the intent of the Regional Official Plan, PPS, and the Growth Plan.

e) Vaughan Official Plan Amendment No. 600 (OPA #600)

The subject lands are originally identified as part of the Vaughan Centre Secondary Plan Area of the in-effect OPA #600 and are currently designated "General Commercial". The development proposal does not conform to the policies of the in-force official plan. As a result, the owner, through Official Plan Amendment File OP.09.006, proposes to redesignate the subject lands to "High Density Residential-Commercial" and increase the maximum building height and density from 8-storeys and 120 uph to 30-storeys and net 536.5 uph, respectively.

OPA #600 (section 4.2.2.2) identifies that the Vaughan Centre Secondary Plan area shall be an area of mixed-use development. The extent and types of dwelling units within the area shall be addressed through the secondary planning process. OPA #600 also identifies that the Vaughan Centre Secondary Plan area shall be developed in accordance with comprehensive design schemes approved by the City of Vaughan prior to development, supported by traffic and urban design studies to examine and establish in greater detail:

- range of residential development and permitted density
- scale of retail commercial facilities
- range of overall land uses permitted in each centre
- urban design objectives
- transportation and transit objectives
- traffic management measures
- scale, height, and massing of building and structures

OPA #600 also establishes a number of urban design objectives intended to guide the development of the Vaughan Centre Secondary Plan area.

The policies of OPA #600 require the development of the Vaughan Centre Secondary Plan area in a comprehensive manner addressed through a detailed secondary plan process prior to development.

The applications do not conform to the policies of in-effect OPA #600 as they relate to the development of this area in a comprehensive manner through a secondary plan process and instead, propose significant intensification on a site-specific basis.

f) Vaughan Official Plan 2010 (VOP 2010)

Policy 1.2.1 of the PPS states that a coordinated, integrated and comprehensive approach should be used when dealing with planning matters within municipalities, or which cross lower, single and/or upper tier municipal boundaries, including managing and/or promoting growth and development.

The City of Vaughan undertook a Citywide comprehensive Official Plan review that resulted in Vaughan Official Plan 2010 (VOP 2010). VOP 2010 was adopted by Vaughan Council on September 7, 2010 (as modified by Vaughan Council on September 27, 2011, March 20, 2012 and April 17, 2012) as endorsed by Region of York Council on June 28, 2012, and approved, in part, by the Ontario Municipal Board, on July 23, 2013, December 2, 2013, and February 3, 2014.

VOP 2010 identifies the subject lands within an intensification area known as a "Primary Centre" and is designated "High-Rise Mixed-Use". No maximum building heights or densities are assigned to the subject lands. Policy 9.2.1.7 of the VOP 2010 indicates, in part, "Where no height or floor space index is indicated on Schedule 13, the maximum height and density shall be established through a Secondary Plan or Area Specific Policy." VOP 2010 identifies the subject lands as part of a Required Secondary Plan Area, more specifically, the draft Vaughan Mills Centre Secondary Plan Area.

g) Draft Vaughan Mills Centre Secondary Plan Area (Draft VMCSPP)

VOP 2010 requires the preparation of a Secondary Plan to guide the development of the draft Vaughan Mills Centre Secondary Plan Area, which includes the subject lands. VOP 2010 also identifies the Vaughan Mills Centre area as an Intensification Area ("Primary Centre"). Primary Centres are intended to accommodate a wide range of uses with varying building heights that transition to neighbouring areas. These centres are intended to provide uses that serve the City's communities, including retail, institutional, office, community and human services. They must be designed as complete communities and be transit-oriented and pedestrian-friendly.

In May 2012, the City of Vaughan initiated the draft Vaughan Mills Centre Secondary Plan Study (draft VMCSPPS) following the retention of planning consultants. The study area included all lands bounded by Weston Road to the west, Jane Street to the east, Rutherford Road to the north, Bass Pro Mills Drive to the south, and includes lands at the southeast quadrant of Jane Street and Rutherford Road, as shown on Attachment #1.

The purpose of the study was to identify a comprehensive vision and identify any gaps in the overall policy framework, and to establish a current land use and urban design policy framework to guide future development within the Secondary Plan Area. The study recognizes that the subject lands are part of an area identified as a shopping destination of regional significance, with the potential for residential intensification and additional uses through the redevelopment of the existing surface parking areas and out-parcels, and the long-term redevelopment and intensification of the Vaughan Mills Shopping Centre.

The study recognizes the VOP 2010 planned urban structure hierarchy and the strategy to accommodate intensification on a Citywide basis, as required by provincial policy, as follows:

- Vaughan Metropolitan Centre (VMC)

Identified as the City's downtown and focus of major intensification, the VMC Secondary Plan (VMC Plan), which forms part of Volume 2 of the VOP 2010, and was adopted by Vaughan Council on September 7, 2010 (as modified on

September 27, 2011, March 20, 2012, and April 17, 2012) and is pending approval from the Ontario Municipal Board, will have the widest range of uses with the most intense concentration of development (maximum density of 6.0 FSI) with the tallest buildings (maximum of 35-storeys).

- Regional Intensification Corridors (e.g. Regional Road 7 and Yonge Street)

As a link between regional centres in Vaughan and beyond, these corridors are linear places of significant activity that may accommodate mixed-use intensification or employment intensification.

- Primary Centres (e.g. Vaughan Mills Centre)

To facilitate appropriate transitions to neighbouring areas, these centres will accommodate a wide range of uses in built forms of varying heights at intensities that support transit.

- Primary Intensification Corridors (e.g. Rutherford Road and Jane Street)

Similar to the regional intensification corridor, these corridors are linear places of activity and may accommodate mixed-use intensification or employment intensification with limited high-rise.

- Local Centres (e.g. Village of Maple)

These centres are community focused, lower in scale, and offer a limited range of uses.

The study resulted in a draft Vaughan Mills Centre Secondary Plan (draft VMCSP) that was received by Vaughan Council at the May 22, 2013, Public Hearing followed by the June 11, 2013, Committee of the Whole meeting with the recommendation that any issues raised will be addressed by the Policy Planning Department in a future Technical Report to Committee of the Whole. The final draft VMCSP that has been modified since the Public Hearing in response to agency and stakeholder input will be considered at the February 25, 2014, Vaughan Committee of the Whole meeting.

h) Maximum Density

OPA #600 permits a maximum density of 120 uph on the subject lands, whereas the owner proposes a net density of 536.5 uph.

The draft VMCSP assigns a maximum density of 3.0 FSI on the subject lands. Furthermore, it includes policies that pertain to the subject lands and notes "for lands where the maximum FSI is shown as 3.0, any development in excess of an FSI of 2.5 shall be used for non-residential uses." The proposed development yields the following density:

**Table 3: Proposed Density Breakdown**

| Floor Space Index (FSI) | draft VMCSP Requirement | Development Proposal | Difference | Difference % |
|-------------------------|-------------------------|----------------------|------------|--------------|
| Residential             | 2.5                     | 4.15                 | 1.65       | 66%          |
| Non-Residential         | 0.5                     | 0.23                 | - 0.27     | - 54%        |

**Table 3: Proposed Density Breakdown**

| Floor Space Index (FSI) | draft VMCSP Requirement | Development Proposal | Difference | Difference % |
|-------------------------|-------------------------|----------------------|------------|--------------|
| Total                   | 3                       | 4.38                 | 2.7        | 46%          |

Note: Net Developable Area (excluding road widening and public park) = 2.604 ha or 26,040 m<sup>2</sup>; Residential GFA = 107,994.0 m<sup>2</sup>; Non-Residential GFA = 6,039.5 m<sup>2</sup>; Total GFA = 114,033.5 m<sup>2</sup>

Additionally, as noted in Table 3, the development proposal yields a net residential density of 4.15 FSI and a net non-residential density of 0.23 FSI, for a total density of 4.38 FSI, which exceeds the residential density by 1.65 FSI (66%) and does not achieve the non-residential density by 0.27 FSI (-54%). Table 3 demonstrates that the disparities between the required and the proposed residential and non-residential densities do not conform to the requirements of the draft VMCSP. Therefore, the applications do not achieve the vision of a mixed-use development as envisioned for these lands.

A 2021 horizon has been established in the draft VMCSP as an interim horizon to test the tolerance level of the assumed transportation network improvements and determine a development threshold, which the assumed future transportation network could reasonably accommodate prior to triggering the need for significant road network improvements, transit service increases, and transportation demand management measures and incentives. Based on the 2021 horizon, a development phasing scheme was determined for the draft VMCSP.

As a result, Schedule A of the draft VMCSP identifies the subject lands as being located within the "Jane Street Corridor" area that is approximately 21.35 ha in size (excluding the area of the Jane Street right-of-way), as shown on Attachment #2, with a projected total unit count of 3,371. The owner proposes 1,397 units on the 2.604 ha subject lands or 41.4% of the planned residential units located on 9.3% of the overall land area within the "Jane Street Corridor" area. The proposal exceeds the maximum density permitted by the draft VMCSP and also raises transportation concerns.

**Table 4: Proposed Residential Units Comparison with "Jane Street Corridor Area"**

| Development Proposal  | Proposed Residential Units | % Comparison with Projected 3,371 Residential Units in the "Jane Street Corridor" Character Area |
|-----------------------|----------------------------|--|
| Casertano Development | 1,814                      | 53.8%  |
| Sandra Mammone        | 1,397                      | 41.4%  |
| Total                 | 3,211                      | 95.2%  |

Table 4 illustrates the proposed number of dwelling units when considered together with the Casertano Development Corporation Official Plan and Zoning Amendment Files OP.07.001 and Z.09.038 would total 3,211 residential units or 95.2% of the total number of residential units projected over the entire "Jane Street Corridor" area. In addition, the City has received other development applications (e.g. Tesmar Holdings Inc. and Delisle Properties Limited, the latter having recently appealed their applications on February 11, 2014) and development interests from other stakeholders within the "Jane Street Corridor" area. This is considered a disproportionate allocation of residential units on two sites within the Jane Street Corridor Area thereby limiting the development potential of

other lands within the "Jane Street Corridor" area and undermining the intensification implementation strategy and policies established by the draft VMCSPP and VOP 2010.

Furthermore, it is recognized that within the "Jane Street Corridor" area there is an existing 4 ha commercial/office condominium building development and a 1.1 ha office site currently under construction, which will unlikely redevelop in the near future, however could redevelop in the long term. If the land areas of these sites (total 5.1 ha) are excluded from the Jane Street Corridor area (resulting in a Jane Street Corridor area size of 16.25 ha), the development proposal will yield 1,397 residential units and utilize 41.4% of the total number of units on 12.2% of the land within the "Jane Street Corridor" area. This would undermine the planned density structure of the secondary plan. Consequently, the proposed density is considered inappropriate.

Furthermore, the draft VMCSPP contemplates a north-south minor collector street with a minimum right-of-way width of 23 m on the subject lands. The owner proposes to delete this collector street that would connect Romina Drive to the Vaughan Mills Circle, consistent with a grid network. Maintaining the long-term vision of the draft VMCSPP will require securing all elements of the plan. In addition, as a result of amending the conceptual plan to exclude the north-south collector street (land area of 0.27 ha), the net lot developable area of the subject lands is reduced to 2.334 ha (2.604 ha - 0.27 ha) and the overall net density increases from an FSI of 4.38 to 4.89.

A density range of 4.38 to 4.89 FSI is comparable to the general densities contemplated in the Vaughan Metropolitan Centre (VMC), where higher order of transportation (e.g. Spadina Subway Extension and Bus Rapid Transit) is currently planned and under construction. From a citywide perspective, VOP 2010 establishes the planned urban structure and envisions development with the greatest intensity in the VMC where transportation and transit improvements are planned and under construction. The development proposal would undermine both the density structure for the draft VMCSPP and the planned urban structure of VOP 2010.

i) Development Progression

The draft VMCSPP acknowledges that development will take place incrementally over time. Considering the variety of stakeholders, variation in market conditions, and the timing of infrastructure improvements and additional services, there are many ways development could precede. Planning controls, for example Holding By-laws, can be used to ensure that development occurs when appropriate levels of infrastructure and community facilities are developed.

Development progression would take place in the context of adequate infrastructure and community facilities, capacity improvements for sanitary and water services, and transportation improvements and enhanced transit to ensure sufficient transportation capacity exists or will be in place to serve future development.

The owner has not proposed a development progression or phasing plan or the timing of the necessary infrastructure and services that would facilitate an integrated and comprehensive approach to responsible planning of this intensification area.

j) Building Height

OPA #600 permits a maximum building height of 8-storeys, whereas the owner proposes a maximum building height of 30-storeys. In addition, the draft VMCSPP envisions a maximum building height of 18-storeys for the subject lands.

The proposed building heights range from 16 to 30 storeys are comparable to the building heights being applied for and contemplated in the Vaughan Metropolitan Centre (VMC). From the citywide perspective, VOP 2010 establishes the planned urban structure and envisions developments with the greatest building heights in the VMC to support the transportation and transit improvements that are underway in that area.

The proposed building heights are considered too intense for the subject lands and do not offer an appropriate built form at a scale that is compatible with the existing and planned development in the area. Furthermore, the proposed 20 to 30-storey building heights conflict with the planned urban structure for the City, specifically regarding the planned density and building height hierarchy established by VOP 2010.

k) Transportation Framework

The transportation network for the draft VMCSPP was developed to provide an efficient and pedestrian-oriented movement system to support the anticipated planned growth and establishment of a mixed-use urban centre, increase connectivity, and reduce impacts from heavy traffic in the area to enhance the quality of the urban environment. The planned fine grain street network supports a hierarchy of street typologies that reflects the importance placed on users and modes of movement to create an ideal environment for active transportation and connectivity within the area.

The Vaughan Development/Transportation Engineering Department has provided the following comments:

i. Existing Road Network

Currently, Jane Street is the main north-south arterial street in the draft VMCSPP Study Area and Rutherford Road is the main east-west arterial street. Both right-of-ways are under the jurisdiction of the Region of York. Vaughan Mills Circle is a private four-lane ring road that surrounds the Vaughan Mills shopping centre. Bass Pro Mills Drive is an east-west four-lane roadway with a two-way centre lane. At its easternmost location, it joins Romina Drive, which is a two-lane roadway running in the north-south direction. In the future, Bass Pro Mills Drive will be extended easterly to Jane Street.

ii. Proposed Road Network

As part of the draft VMCSPP (Schedule F - Transportation Network), Bass Pro Mills Drive will be extended easterly to Jane St. and westerly to Weston Road. Romina Drive, as shown on Attachment #2, will be extended to the north from its current termination at Bass Pro Mills Drive to intersect with Vaughan Mills Circle. The Transportation Network identifies a north-south local street between Vaughan Mills Circle and Bass Pro Mills Drive, halfway between Edgeley Boulevard and the future extended Romina Drive. Based on the review of the development proposal, the following comments apply to the road network:

- The draft VMCSPP represents the City's coordinated, integrated, and comprehensive approach to managing intensification areas. As a result the development proposal must reflect the road network as identified in the Draft Secondary Plan (Schedule F - Transportation Network, and Schedule H - Active Transportation Network).
- Consistent with the draft VMCSPP, Romina Drive shall connect to Vaughan Mills Circle by a public road, which would affect the location of Tower 3B.

l) Open Space Framework

i. Citywide Parkland Provision Targets

The updated Active Together Master Plan (ATMP), the City's strategic plan for parks, recreation and libraries, indicates that the City's active parkland provision rate is currently 1.87 ha/1000 population, based on existing parkland supply relative to existing population. Notwithstanding this figure, the ATMP recommends a provision target of 2.2 ha/1000 population in order to meet identified parkland needs at a citywide level.

ii. Parkland Provision in Urban Intensification Areas

Recognizing that development associated with urban intensification typically involves compact urban form with reduced land base requirements, the provision of parkland based on greenfield, suburban development patterns may not be possible or appropriate. However, with increasing population densities living in built form with fewer backyards, a greater reliance on the public parks system is anticipated to provide residents with a wide range of active and passive uses.

In an effort to balance parkland needs while respecting the compact form of urban intensification, the ATMP proposes that parkland dedication in urban intensification areas be planned based on a 50-50 split of actual land dedication and Cash-in-Lieu of Parkland (CIL) in order to secure meaningful park blocks that meet the basic needs of the community while providing a funding mechanism to acquire parkland elsewhere to address the balance of parkland needs.

iii. Proposed Parkland Provision

The combined Casertano and Mammone developments propose parkland at a provision rate which is far short of the intended parkland provision target. Development concepts include a 0.74 ha neighbourhood park (0.26 ha Casertano lands, 0.48 ha Mammone lands) located on the southerly portion of the subject lands, as shown on Attachment #5, in a location consistent with the draft VMCSPP, but deficient of approximately 1.0 ha of parkland. The amount of parkland dedication proposed represents approximately 50% of the parkland identified for this location in the Draft VMCSPP.

In order to achieve an appropriate provision of public parkland, the Casertano and Mammone development proposals should be amended to more accurately reflect the parkland provision requirements based on proposed population densities. The current proposed parkland relative to the proposed population density is not sufficient and is inconsistent with the Draft Vaughan Mills Secondary Plan and the ATMP.

m) Community Facilities

The draft VMCSPP recognizes the need for community services, such as schools, daycare centres, libraries, and community centres that support an accessible and complete community for the Vaughan Mills Centre area. It notes that providing community services within close proximity to residential areas will be key to support the development of the Vaughan Mills Centre as a vibrant urban centre.

As the population increases, community facilities will be required to be provided throughout the Secondary Plan area to support the needs of the emerging community. The draft VMCSPP includes development progression policies that consider the context of adequate infrastructure and community facilities. For all residential developments in the centre, the Secondary Plan requires the owner to prepare a Community Services and Facilities Study to assist in the identification of current and anticipated levels of social

infrastructure required to support the health, safety, and well-being of local residents. The Community Services and Facility Impact Study is also required to consider the recommendations and targets proposed in the City's ATMP to assess the impact of proposed development on existing community services.

On January 27, 2014, the owner submitted a Community Services and Facilities Study, which is currently being reviewed by the Parks Development and the Recreation and Culture Departments.

n) Section 37 Provisions

Section 9.0 of the draft VMCSPP contains provisions that allow for increases in building height and/or density in exchange for community benefits in proximity to the proposed development, as determined appropriate by the City through a site-specific zoning by-law.

Despite the development proposal's substantial increases in building height and density and deficiencies in suitable parkland area and infrastructure to support the intensification of the subject lands planned in the draft VMCSPP, the owner's revised concept plan does not propose a more appropriate and reasonable scaled development consistent with the draft VMCSPP nor has consideration for exchange of community benefits, in accordance with Section 37 of the Planning Act, been contemplated. As a result, the development proposal is not in keeping with the Section 37 provisions of the draft VMCSPP.

Should the OMB approve, approve in part, or modify the Official Plan and Zoning By-law Amendment applications, it is recommended that the OMB be requested to withhold its Order until such time as a density bonusing agreement is negotiated and executed by the owner and the City and the specific density bonusing provisions are included in the implementing zoning by-law.

o) Summary

The VMCSPP area is identified as an intensification area by VOP 2010 that is intended to respond to provincial policy related to managing growth and land development in Ontario, in particular the establishment of areas intended to accommodate intensification within existing urban areas and to address negative aspects associated with rapid growth.

The PPS and the Growth Plan clearly identify that municipal official plans are the best vehicle for achieving and implementing provincial policy. The provincial plans should be read in their entirety to ensure that Provincial policy objectives and matters of interest are considered when assessing a specific development application(s).

Together with the intensification promoted by the provincial plans, and in this case the City's new official plan (VOP 2010), comes the responsibility to manage the significant levels of intensification in a comprehensive, coordinated and orderly manner having regard for the full range of issues to ensure that the result is a strong and vibrant future community. These issues include, but are not limited to, establishing appropriate density and building height requirements, traffic considerations, built form and design, amenity areas, achieving a mix of uses, sustainable design, and consideration of the aforementioned not only in the context of the specific intensification area (e.g. draft VMCSPP), but in the context of the overall planned urban structure for the City.

As identified by the PPS and the Growth Plan, this comprehensive approach to planning for intensification to meet the requirements of the provincial policies is best achieved through comprehensive municipal official plans, and not through site-specific development applications that do not take into account the findings of these

comprehensive plans. The City has implemented strategies and policies to implement intensification in the City in a comprehensive manner through the VOP 2010, which are further detailed through the draft VMCSPP, as required by provincial policy. VOP 2010, which was adopted by Vaughan Council, endorsed by the Region of York and approved, in part, by the Ontario Municipal Board, represents Vaughan Council's most recent direction on community building policies.

However, the site-specific applications are inconsistent with the approach to community building required by provincial policy. The applications propose development at a scale that is too intense for the subject lands and surrounding planned area, are inconsistent with the draft VMCSPP, and do not consider the role of this intensification area within the overall context of the City's planned urban structure. For these reasons, and other reasons as discussed in this report, the Development Planning Department does not support the applications.

p) Zoning By-law Amendment File Z.09.037

The subject lands are currently zoned C1 Restricted Commercial Zone by the City of Vaughan Zoning By-law 1-88, and subject to Exception 9(881), as shown on Attachment #2. An amendment to Zoning By-law 1-88 is required to rezone the subject lands from EM2 General Employment Area Zone and EM1(H) Prestige Employment with the Holding Symbol "(H)" to RA3 Apartment Residential Zone, to permit the certain ground related commercial uses, and to permit the proposed site-specific zoning exceptions (Table 2) to Zoning By-law 1-88 that are required to implement the proposed development.

As noted in the purpose section of this report, a number of exceptions to Zoning By-law 1-88 are required to implement the proposed plan. The PPS places the responsibility for the identification of opportunities for intensification and redevelopment with planning authorities which will be implemented through the Official Plans and Zoning by-laws. Similarly, the Growth Plan requires that all municipalities develop and implement through their Official Plans and supporting documents, strategies and policies to phase in intensification.

The RA3 Zone category and the site-specific zoning exceptions required to facilitate the proposed development are not considered appropriate since they would facilitate a development proposal that does not conform with the current in-force Official Plan, VOP 2010 or the draft VMCSPP. The zoning exceptions would result in a built form and uses that are inconsistent with the policies of the draft Vaughan Mills Centre Secondary Plan.

Vaughan Development/Transportation Engineering Department

The Vaughan Development / Transportation Engineering Department has reviewed the development proposal and notes that the owner must convey to the City, at no cost to the City, and free of all charges and encumbrances, the necessary lands for the extension of Bass Pro Mills Drive to the limit of their lands, including all necessary intersection widenings and turn arounds. The conveyance must occur prior to issuance of the first Building Permit on the subject lands. Additional comments are provided below:

i. Servicing Capacity Allocation

The residential component of the development will require water and wastewater capacity allocation from the City. In accordance with the City's Servicing Capacity Distribution Protocol as adopted by Vaughan Council on October 15, 2013, servicing allocation capacity for the above noted development application(s) has not been reserved nor assigned potential future capacity at this time. Therefore, servicing allocation capacity is currently not available to support the proposed development concept. In order to

determine the appropriate allocation of servicing capacity, a phasing plan of the proposed development is required.

A Holding Symbol "(H)" shall be placed on the subject lands that will be lifted once the Region of York confirms that adequate water supply and sewage treatment capacity are available and the City has allocated same.

ii. Water Servicing

The subject lands are within Pressure District 6 (PD6), the largest pressure district area within the City's boundary. As part of the Vaughan Mills Mall development, two 150 mm and 250 mm connections were provided for the Casertano site off the existing 300 mm watermain on Vaughan Mills Circle. Mammone will be connected to the existing 400mm watermain off Bass Pro Mills; both sites would be a looped water system.

The draft City-wide Water and Wastewater Master Plan Class EA considers the sites based on the densities proposed under the draft VMCSPP and did not recommend any overall improvements to the PD6 water supply system. However, a detailed analysis of the local water system will be required in conjunction with any development approvals.

iii. Sanitary Servicing

The subject lands are located within the Jane Street Collector Area. The draft City-wide Water and Wastewater Master Plan Class EA considers the sites based on the densities proposed under the draft VMCSPP and did not recommend any overall improvements to the sanitary system. A detailed sanitary analysis of the local system will be required in conjunction with development approvals that includes a flow monitoring component from the outlet to the nearest sanitary trunk sewer on Jane Street. If sewer system improvements are required, the owner will be required to pay their share of these works as a condition of development approval.

The Region is initiating its Northeast Vaughan Servicing Class EA in 2014, which includes sanitary servicing for the study area. The intention is to analyze the feasibility of constructing a sanitary trunk sewer on Jane Street.

iv. Bass Pro Mills Drive Extension

Depending on the development phasing, the owner may be required to advance the design and construct the Bass Pro Mills Drive extension to Jane Street as a component of the external works for the development proposal, to the satisfaction of the City. A component of the Bass Pro Mills Drive extension is a City-Wide Development Charge Project.

v. Noise Impact Assessment

The owner submitted to the City a noise report in 2009 and most recently on October 17, 2013. The reports have been peer reviewed by Novus Environmental Inc. The City's peer reviewer concluded that the noise reports should be updated as they did not sufficiently demonstrate that the proposed mitigation measures are not adequate to address the impact of the surrounding noise sources on the development, for both transportation and stationary industrial/commercial noise.

The owner is not relying on a Class 4 designation under NPC-300 and states that the noise exceedances are within the Ministry of Environment criteria. The City's peer reviewer disagrees with the application of this criterion in this case. Accordingly, it would follow that the owner should be requesting a Class 4 designation to justify the exceedances. The owner, to date, has not requested a Class 4 designation from the City.

In addition, the owner has not assessed impacts on the proposed outdoor amenity spaces, which the City's peer reviewer regards as a serious omission.

vi. Environmental Site Assessment

To date, the owner has not submitted the required Environmental Site Assessment (ESA) reports in support of the applications, as per City policy. As a result, it is inappropriate to consider the applications at this time. In addition, given that the applications propose a change in land use to a more sensitive use, a Record of Site Condition (RSC) will be required prior to rezoning and development of the subject lands.

vii. Traffic Impact Study (TIS)

The Vaughan Development/Transportation Engineering Department has provided the following comments regarding the Traffic Impact Study (TIS) submitted in support of the applications:

- The horizon year used for analysis is inconsistent with the Region's guidelines, and does not consider the infrastructure improvements and development identified in the Draft Vaughan Mills Secondary Plan. Therefore, the horizon year 2031 must be included in the TIS analyses.
- The TIS does not take into account the future infrastructure improvements and recommended developments identified in the draft VM CSP as part of the background calculations, particularly from any proposed developments west of Highway 400.
- The TIS does not clearly indicate the timing of the developments regarding the infrastructure improvements (Bass Pro Mills Drive extension, Viva Quick Start, road improvements identified in the Draft Vaughan Mills Secondary Plan, and BRT along Jane St. and Rutherford Rd.). More specific timing information is required to understand what improvements are to be made and how the intersection operations can be improved.
- The TIS states that the intersection of Bass Pro Mills Drive and Edgeley Boulevard was signalized in 2012. The traffic count was undertaken on October 19, 2010. As capacity has increased with the implementation of traffic signals, new turning movement counts at that intersection are required.
- The TIS contains no information on the timelines for the phasing of the Mammone development (various phases of construction and full build-out year). Phasing plans must be developed for each horizon year assuming achievable transit reductions that are substantiated with the planned infrastructure improvements and other adjustments, not targets as identified in the York Region TMP and City's New OP.
- The TIS indicates that a 20% non-auto modal split would be applied to reduce the numbers of site generated auto trips without supporting background information to justify the rationale for this assumption. A list of programs and incentives must be provided to support the assumed percentage of non-auto trips.
- The TIS does not provide a detailed rationale and analysis for the 34% pass-by trip reduction factor. Calculations need to be provided.
- The TIS is unclear whether it uses the 2006 Transportation Tomorrow Survey

(TTS) date to develop trip distribution percentages for all types of land uses (retail, residential and office) and trip purposes. It is not appropriate to apply the TTS date for trip retail distribution. A revision to the TIS is required to include an accurate trip distribution methodology for each proposed land uses and trip purpose.

- The calculations respecting the exact amount of future diverted traffic volumes from Rutherford Road to Bass Pro Mills Drive must be provided.
- No additional mid-block signalized full moves access is provided and assumed on Jane Street between Riverock Gate and the Bass Pro Mills Drive extension. This mid-block access will provide relief to traffic capacity pressures at the adjacent two intersections.
- No improvements were recommended to address the traffic capacity issues expected at the intersections of Jane Street and Riverock Gate and Jane Street/ Lock Street/Bass Pro Mills Drive extension, where some movements are expected to exceed capacity with significant delays.
- Some parameters, e.g. Peak Hour Factor (PHF), will need adjustments in the future conditions of the synchro analysis to better reflect the traffic operations. Furthermore, inconsistencies in the traffic control types for several intersections in the future scenarios will be required to be addressed.

viii. Conceptual Site Plan

The owner is required to consider the following items in the conceptual site plan:

- Provide traffic signage (i.e. stop signs and one-way signs) wherever required, and specify existing fire hydrants along Bass Pro Mills Drive.
- Removal of the zebra crosswalk pavement marking and instead enhance the crosswalk with sidewalk extensions, textured pavement or thermoplastic markings. The presence of a zebra pedestrian crossing could create confusion and false sense of confidence to the pedestrian.
- Clearly identified driveway and parking dimensions in accordance with Vaughan's By-law 1-88, snow storage areas, defined pedestrian connections, "by permit only" signs and associated curb depressions, loading and waste disposal areas, and truck maneuvering.
- Submission of a parking study to justify the reduced parking ratios, identified in Table 2.

ix. Sustainable Transportation

- Pedestrian and Bicycle Circulation Plan: It is recommended that the owner provide a pedestrian and bicycle network plan. The proposed network should outline all pedestrian and bicycle connections, all on and off-road facilities (within and adjacent to the site), and connections to key destinations (e.g. Vaughan Mills Shopping Centre). The facilities should include, but are not limited to, the following:
  - Pedestrian and bicycle facilities outlined in Schedule H (Active Transportation Network) of the draft VMCSPP
  - Pedestrian linkages and facilities (e.g. sidewalks, pathways, crossings,

- wayfinding signage and related street furniture)
  - Public amenity spaces (e.g. pedestrian gateways, gathering points and plazas)
  - Bicycle linkages and facilities (e.g. bike lanes, multi-use pathways, bike parking and wayfinding signage)
- Consistent with the draft VMCSPP, the easterly access on Bass Pro Mills Drive shall be aligned with Romina Drive to provide access to Vaughan Mills Circle. The draft VMCSPP also identifies a 'dedicated on-street cycling' facility for the road link between Bass Pro Mills Drive and Vaughan Mills Circle. As such, the right-of-way should include bike lanes.
- The draft VMCSPP identifies a 30 m cross section for Bass Pro Mills Drive that includes a 2 m sidewalk and a 3 m wide and 2-way bicycle facility within the north boulevard. The development proposal should be updated accordingly.
- The in-boulevard bicycle facility and intersection treatments should be designed as per the Bikeway Traffic Control Guidelines for Canada (TAC, Second Edition, 2012). The bicycle facility should also be continuous across driveway entrances.
- Walking and Accessibility: The Bass Pro Mills Drive sidewalk should continue at grade across driveway entrances to provide for through pedestrian movement, slow vehicles, and make it clear to motorists that sidewalk users have the right-of-way. In addition, there are two courtesy crossings proposed near the south property line that will not be necessary with the provision of continuous sidewalks across driveway entrances on Bass Pro Mills Drive. All internal pedestrian crossings should be accessible and step-free (e.g. through the use of dropped curbs or raised crossings). The extent of all dropped curbs should be marked.
- There are several internal 'courtesy crossings' proposed on the Site Plan. For all uncontrolled courtesy crossings, pavement markings are not recommended as they are too similar to markings used for typical controlled crossings, which would create a false sense of security on the part of pedestrians. Instead, these crossings should be enhanced through, for example, sidewalk extensions, textured pavement, or thermoplastic markings.
- Cycle Parking: The proposed land use densities exceed the densities set out in the draft VMCSPP. Once the densities for this development are refined, the following cycle parking rates can be applied as per the Draft Parking Standards Report (March 2010).

| Table 5: Short and Long Term Cycle Parking Space Requirements |                               |                               |
|---|-------------------------------|-------------------------------|
| Use   | Long Term                     | Short Term                    |
| Multi-Unit Residential  | 0.5 cycle parking spaces/unit | 0.2 spaces/unit               |
| Retail  | 0.1 spaces/100m <sup>2</sup>  | 0.15 spaces/100m <sup>2</sup> |
| Office  | 0.13 spaces/100m <sup>2</sup> | 0.1 spaces/100m <sup>2</sup>  |

- Long term cycle parking must be shown on the Floor Plan or Site Plan and be conveniently located in a locked separate location (e.g. cycle storage rooms,

cages, or bike lockers) with a dedicated entrance if possible. The proposed rack/stand type and parking pattern, including bicycle footprints and aisle width should be outlined on the plan along with the total number of spaces to be provided. The owner should also protect for future expansion of cycle parking if the TDM monitoring program determines more cycle parking is required in the future. The proposed TDM Plan should also outline who will administer access to, and monitor usage of the cycle parking. If parking is not in a visible location (i.e., because it is indoors or behind a building), signage should also be provided to direct cyclists to the parking facility.

- Short term parking (for visitors) must be shown on the Site and Landscape Plans and Landscape Details, and include the proposed rack/stand types. Cycle parking should be provided for each building, and should consist of bike stands, preferably sheltered. Bike stands should be easily accessible (no more than 15 m from a building entrance), and highly visible along the roadway frontage. Medium-high security stands are recommended with an in-ground mount that permits the bicycle frame and both wheels to be locked to the stand (e.g. inverted 'U' stand).
- Vaughan Council's policy is to encourage bicycle parking "to be provided in Intensification Areas and other public gathering places" (VOP, 2010, Policy 4.2.3.9). As such, bicycle parking is recommended within the public park.

x. Transportation Demand Management (TDM) Plan

- VOP 2010 requires the preparation and implementation of TDM Plans to support sustainable transportation. TDM Plans are required for the future Site Plan application(s). The Traffic Impact Study (TIS) prepared for Casertano Development Corporation and Sandra Mammone includes a TDM section, which can be used as a guideline for the TDM Plans required at the Site Plan approval stage.
- This development will be subject to York Region's 2012 Development Charges (DC) By-law, which will fund 'soft' TDM measures for residential developments (e.g. transit incentives, education and monitoring). However, the owner will be responsible for funding and implementation of 'hard' TDM measures (e.g. cycle parking and other physical measures), and unbundling of residential units and parking spaces.
- The TDM Plan should include the modal split assumptions in the TIS. The TIS assumes a baseline 20% 'Transit & Alternate Mode Reduction'. Building on the baseline, the TDM Plan should set a target for 'Transit & Alternate Mode Reduction' in the future, and recommend TDM measures that support these modal split assumptions. The future modal split assumptions for this development must contribute to a transit modal split of 40% during peak periods for the City by 2031 (VOP, 2010, Policy 4.1.1.2).
- The TDM Plan should include further information regarding the following TDM measures:
  - Strategic Parking Supply - Specify the number of car-sharing spaces to be provided. These spaces should be marked on the Floor Plan or Site Plan.
  - Secure convenient indoor/outdoor bike parking - It is expected that bicycle parking should be provided between building structures (short term) and below grade in parking structures (long term).

- Parking Fees - The City recommends unbundling all residential parking spaces from building space.
  - Residential Subsidies - The City recommends complimentary PRESTO fare cards with a pre-loaded value for purchasers of new condos for the first 1-2 years of occupancy. The recommended subsidy amount should be included in the TDM Plan.
  - Transit Information - In addition to transit, travel information should include all available travel options, including walking, cycling, carpooling, and car sharing. The City also recommends the applicant provide a screen in lobby with real-time transit information displays.
  - Car-Share Program - If the developer wishes to commit to a car sharing program, the relevant membership costs should be included in the TDM Plan.
- The TDM measures should recommend a mix of 'education, promotion and outreach' measures, and 'incentive/disincentive' measures that support the future modal split assumptions for this development (as defined by Transport Canada). However, the only 'education, promotion and outreach' measure considered in the TDM Plan is transit information. It is strongly recommended that the owner also consider regular sustainable transportation exhibits and/or a Personal Travel Planning (PTP) program. A PTP would include an individualized marketing program focusing on the community to encourage residents to make more sustainable transportation choices. This can be achieved through the provision of information, incentives and motivation (e.g. one-to-one contact and advice, map/leaflet order forms, PTP branding, website, interactive web map, promotional events, group walks and bike rides, free transit passes, etc.).
  - A five year monitoring program is recommended for TDM Plans, with the baseline monitoring survey occurring within one year of occupation. Travel surveys are recommended every 2-3 years as part of the monitoring program.
  - To satisfy VOP 2010 Policy 4.3.3.8, the TDM Plan shall identify financial roles and responsibilities. As such, the estimated cost for each recommended TDM measure or task should be provided as part of the TDM Plan, including the cost of monitoring, and the financial roles and responsibilities of the current landowner.
  - To satisfy VOP 2010 Policy 4.3.3.8, the TDM Plan must outline implementation and ongoing management and operations of the TDM Plan. As such, the TDM Plan should identify roles and responsibilities for all parties, including the landowner, TDM Coordinator (e.g. property management), internal and external partners (e.g. City of Vaughan and York Region). The TDM Plan should also summarize implementation of TDM measures, program of target dates, phasing of the development, and information about ongoing management of the TDM Plan.
  - The City and/or York Region may consider implementing the 'soft' TDM measures recommended in the TDM Plan for this development (also known as the 'Sustainability Mobility Program'). The City's Site Plan Agreement will contain a condition regarding the sustainable mobility program, which will require a commitment from the owner to work with the City, in coordination with York Region on implementation and monitoring of the TDM Plan.

#### **Relationship to Vaughan Vision 2020/Strategic Plan**

N/A

## **Regional Implications**

The Regional Transportation and Community Planning Department has reviewed the applications and provide the following comments:

### **i. Community Planning**

The subject lands are designated "Urban Area" by York Region's new Official Plan (2010), which permits a broad range of residential, institutional, commercial and industrial uses. The plan is Regional Council's most recent direction on economic, environmental, and community building policies. Jane Street is identified as a Regional Rapid Transit Corridor (Map 11 – Transit Network) with a planned road width of up to 45 m (Map 12 – Street Network).

Regional staff encourages the proposed development to include integrated and innovative approaches to water management, water efficiency, and minimized stormwater volumes and contaminant loads. The proposed development should maximize stormwater infiltration through an integrated treatment approach. Regional staff recommend it be designed to respond to the water conservation and efficiency policies of the new Regional Official Plan (Policy 7.1.22).

Regional staff recognizes that the VOP 2010 identifies the subject lands as within an intensification area and subject to the draft Vaughan Mills Centre Secondary Plan, pursuant to General Land Use Policy 9.2.1.7. It is appropriate to consider this application in tandem with the draft secondary plan for this area, where such secondary plan would guide development in accordance with Regional Secondary Plan policies for City building (Policy 5.4.6 - York Region's new Official Plan). Schedule B (Height and Density) in the draft Vaughan Mills Centre Secondary Plan identifies a maximum height and density of 18 storeys and 3.0 FSI, respectively, within the "High-Rise Mixed-Use" designation of the subject lands. The draft secondary plan designates the east portion of the subject lands as "Neighbourhood Park." The region understands the draft secondary plan is scheduled for the Vaughan Committee of the Whole consideration on February 25, 2014 and Regional Staff are supportive of the findings of the draft VMCSPP.

Regarding the specific building height, density, and number of units, Regional staff noted that local planning staff typically determines built form compatibility with adjacent structures and land uses. Therefore, regional planning staff are of the opinion that local planning staff are best able to determine the final building height and density.

### **ii. Transportation**

York Region's Transportation Planning staff have reviewed the Traffic Impact Study (TIS) prepared by Paradigm Transportation Solutions Ltd., dated November, 2013, and have provided comments. In summary, transportation staff recommends the following:

- a) Include policies in the official plan amendment requiring that the TIS include a phasing plan that is associated with anticipated timing of recommended and planned transportation infrastructure improvements.
- b) Revisions to the TIS, including, but not limited to, providing horizon year analysis consistent with the Region's TIS Guidelines, consideration of infrastructure improvements and development identified in the draft VMCSPP including, but not limited to, the proposed east-west and north-south streets on the subject lands, and providing additional information regarding trip generation and phasing.
- c) That the owner be advised of future site plan conditions, including, but not limited to, conveyance of lands required to widen Jane Street along the frontage of the subject lands (measured 22.5 m from centreline of construction), provision of a phasing plan, incentives, and measures to support transit and access

requirements.

Regional Community Planning staff supports the inclusion of phasing policies in the official plan amendment based on the comments provided by Transportation Planning staff on the owner's TIS.

iii. Servicing

The proposed development will be serviced by full municipal services for water and wastewater. The lands are located within York Water System Pressure District 6 and within the Maple North/Black Creek Wastewater Service Area.

The residential portion of the development within the subject lands will require water and wastewater servicing allocation from the City. If the City does not grant allocation, the development may require additional infrastructure based on conditions of future capacity assignments.

**Conclusion**

The Development Planning Department has reviewed the development applications in consideration of the in-force official plan policies (OPA #600), Vaughan Council adopted and OMB (in part) approved policies (VOP 2010) and the draft Vaughan Mills Centre Secondary Plan that provide a comprehensive strategy to implement intensification in a manner consistent with the requirement of the Planning Act, the PPS, the Growth Plan, and the ROP.

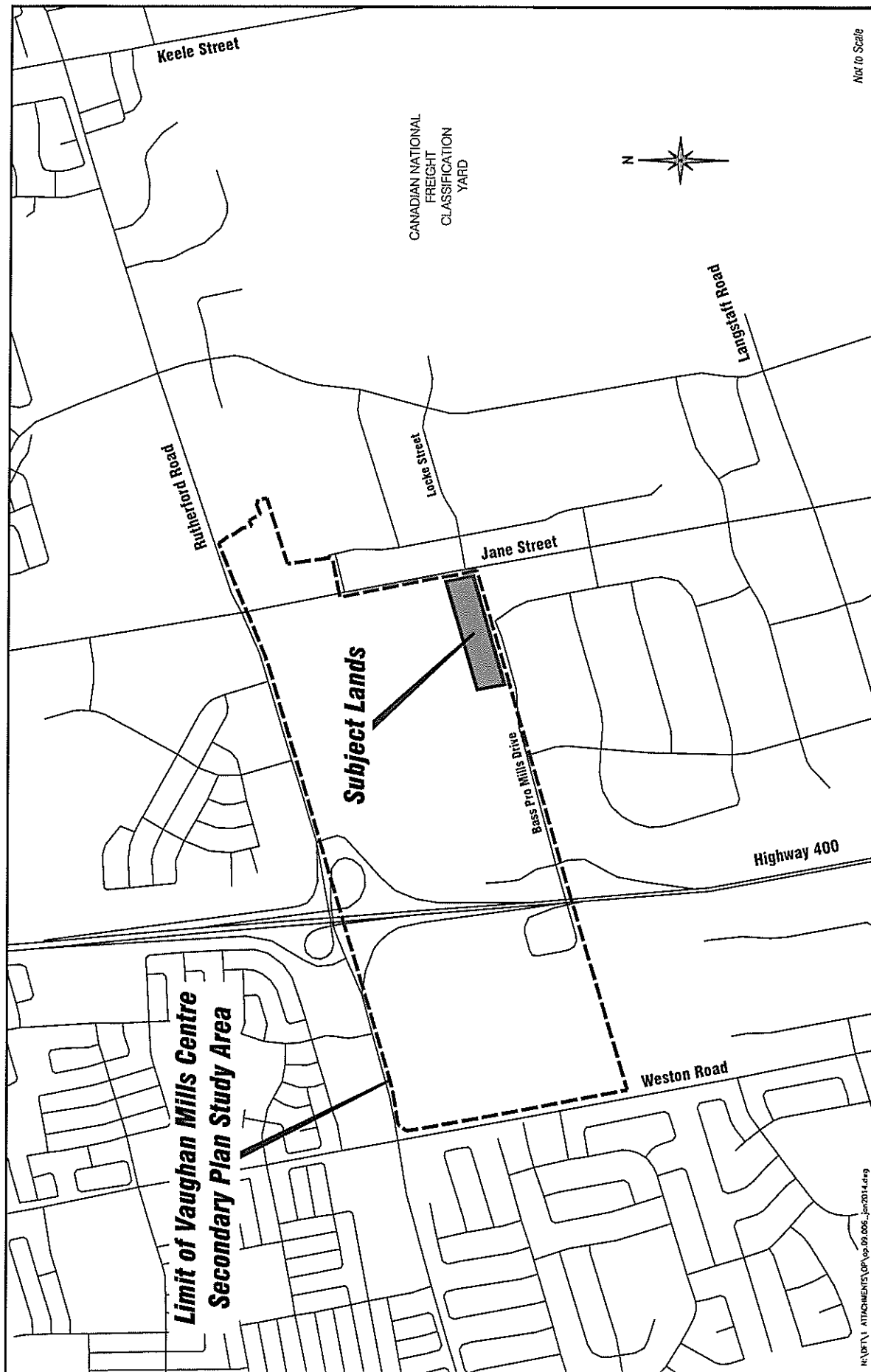
The owner has submitted Official Plan and Zoning Amendment Files OP.09.006 and Z.09.037 to facilitate a site-specific development proposal that does not conform with the in-force Official Plan (OPA #600), the Vaughan Council adopted and OMB approved (in part) VOP 2010, and the draft Vaughan Mills Centre Secondary Plan, and with the requirements of Provincial and Regional Policy. Accordingly, the Development Planning Department does not support the development applications and recommends refusal as they do not represent good planning nor are they in the public interest.

**Attachments**

1. Context Location Map
2. Location Map
3. Original Concept Site Plan
4. Original Concept Building Elevations
5. Revised Concept Site Plan
6. Revised Concept Building Site Elevations

**Report prepared by:**

Stephen Lue, Planner, ext. 8210  
Christina Napoli, Senior Planner, ext. 8483  
Mauro Peverini, Manager of Development Planning, ext. 8407



## Context Location Map

LOCATION:  
Part of Lot 14, Concession 5

APPLICANT:  
Sandra Mammone

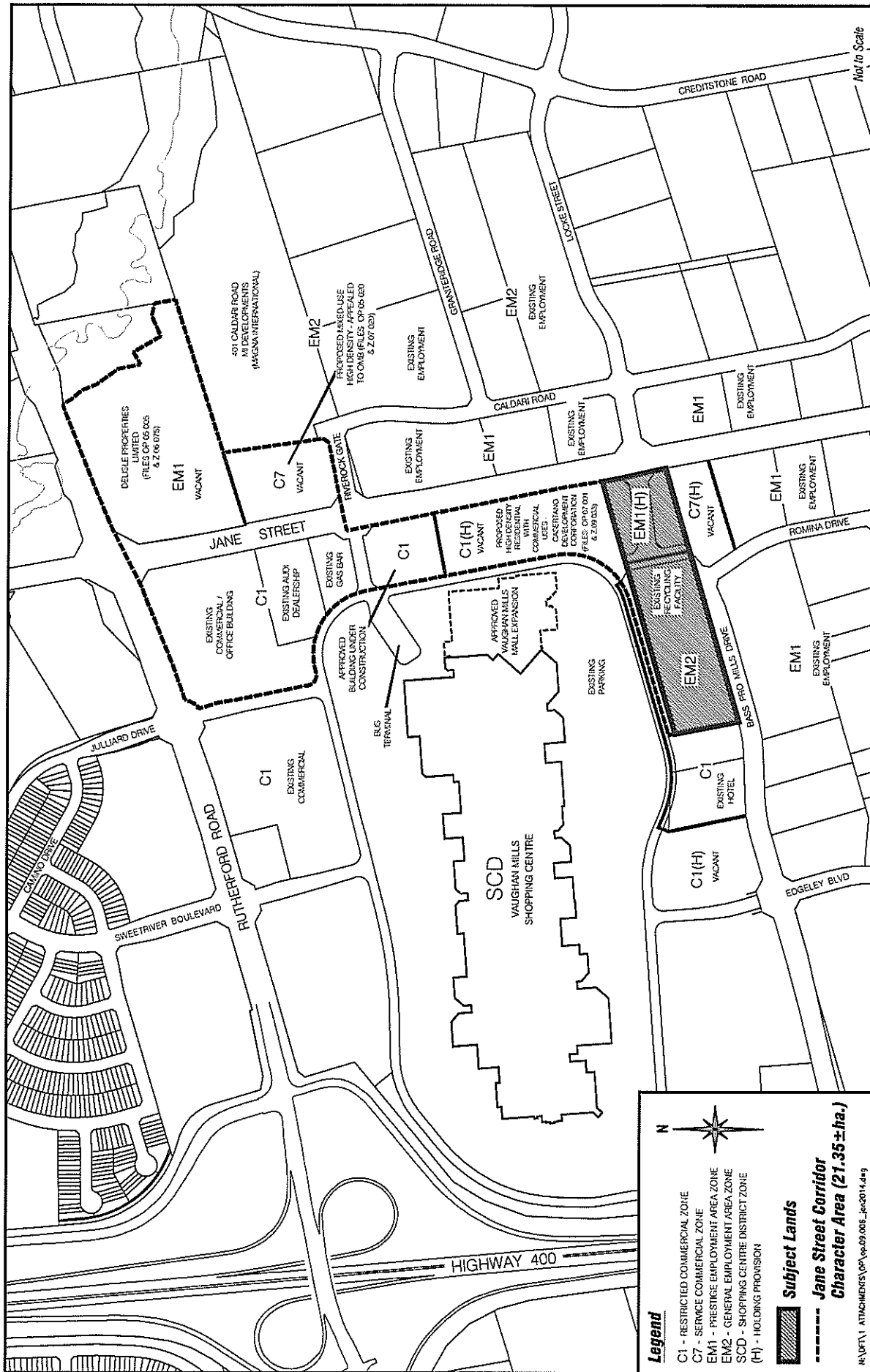


## Attachment

FILES:  
OP.09.006 & Z.09.037

DATE:  
January 10, 2014





## Location Map

LOCATION:  
Part of Lot 14, Concession 5

APPLICANT:  
Sandra Mammone

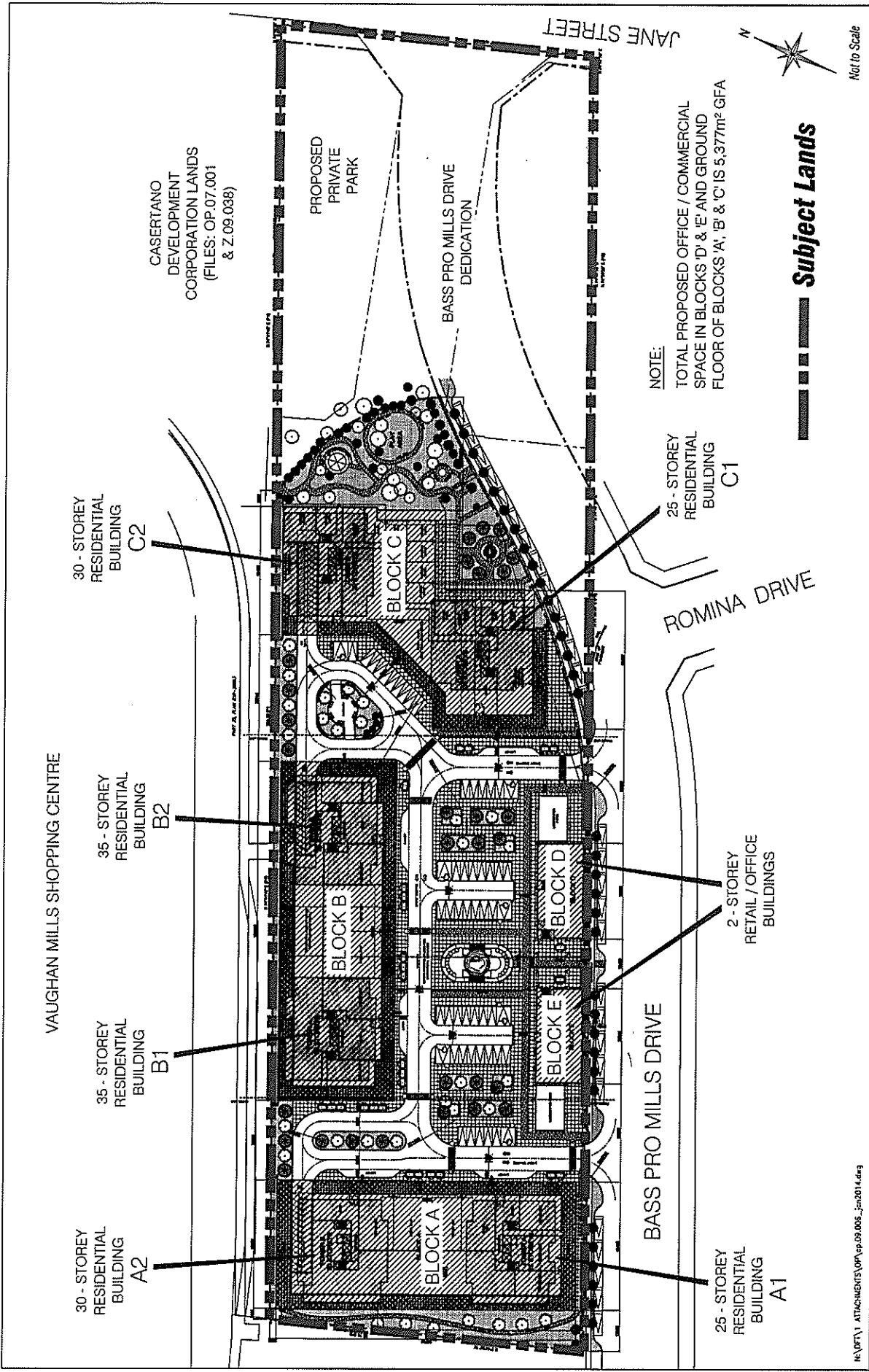


## Attachment

FILES:  
OP.09.006 & Z.09.037

DATE:  
January 10, 2014

2



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# Original Concept Site Plan

LOCATION:  
Part of Lot 14, Concession 5

APPLICANT:  
Sandra Mammone

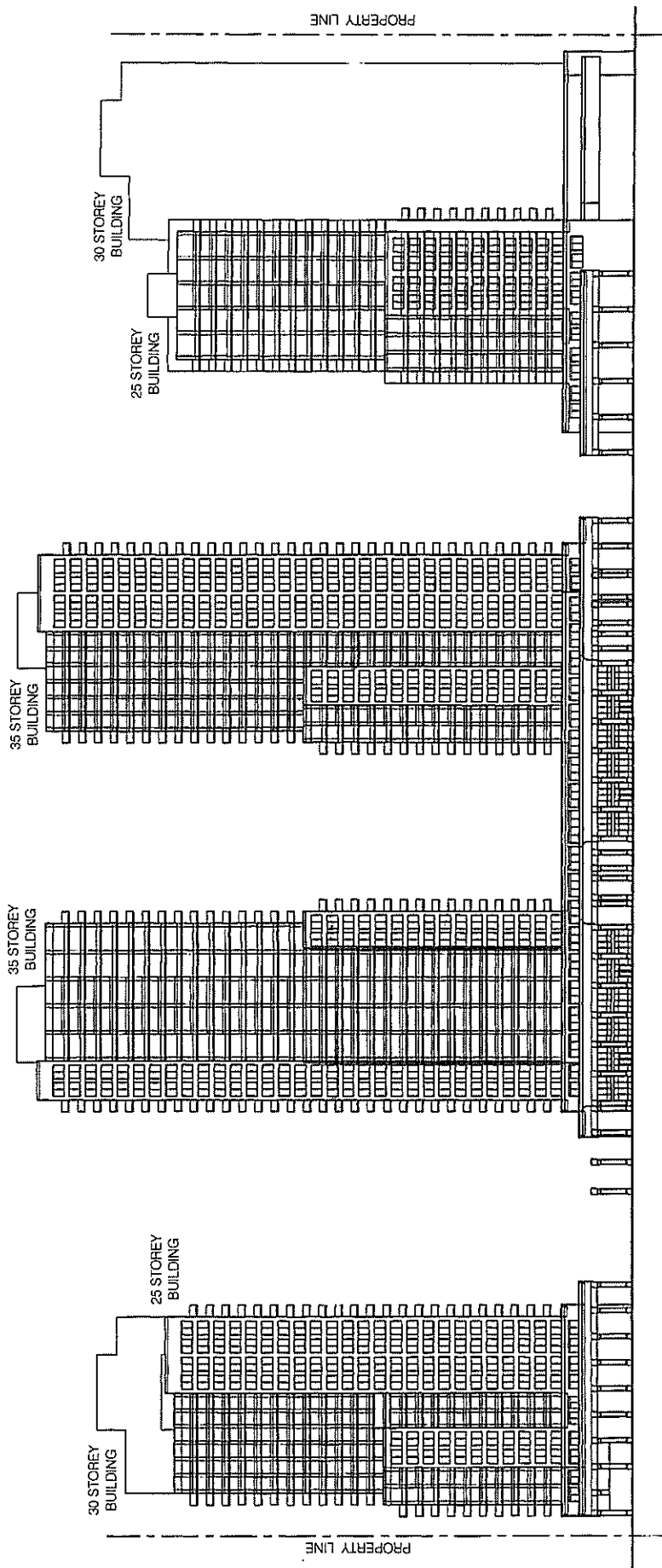


## Attachment

FILES:  
OP.09.006 & Z.09.037

DATE:  
January 10, 2014

3



SOUTH (FRONT) ELEVATION (FACING BASS PRO MILLS DRIVE)

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Not to Scale

# Original Concept South Building Elevations

LOCATION:  
Part of Lot 14, Concession 5

APPLICANT:  
Sandra Mammone



## Attachment

FILES:  
OP.09.006 & Z.09.037

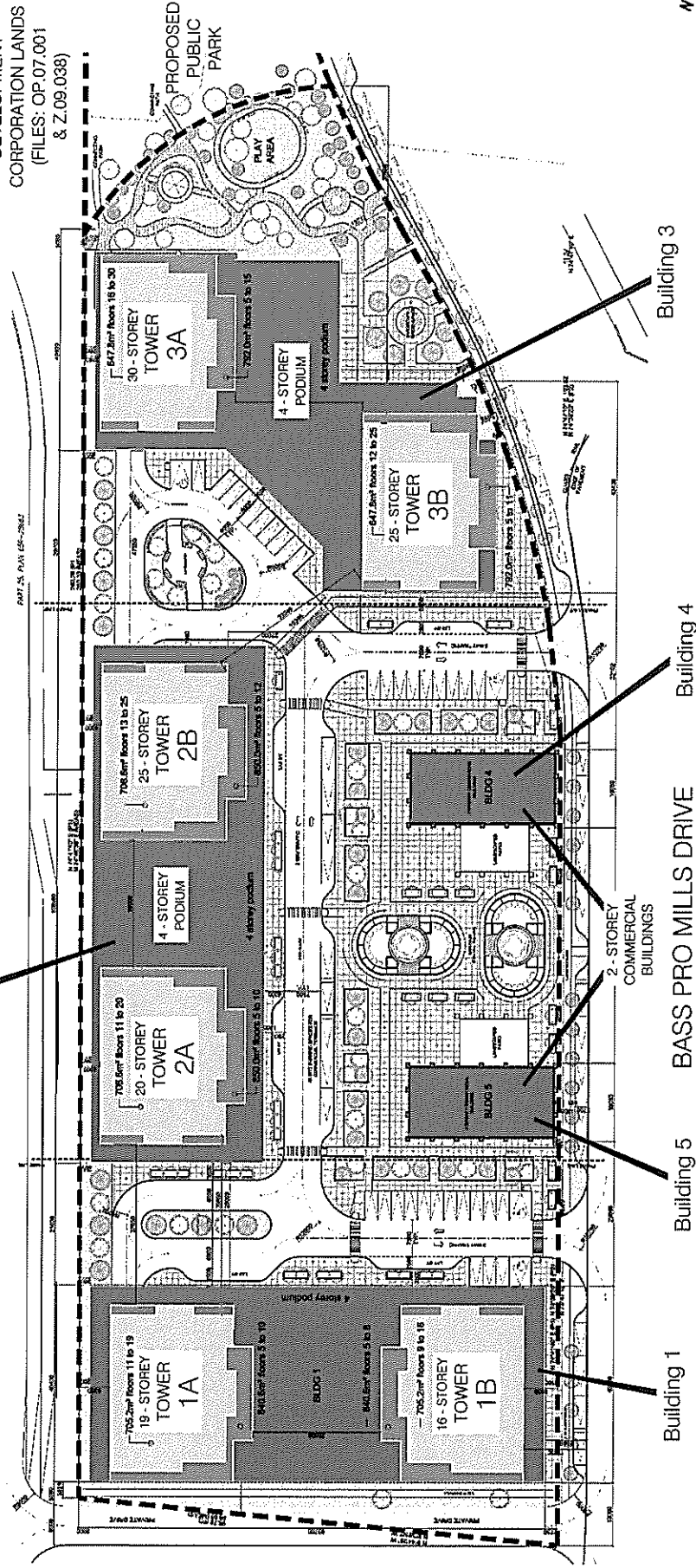
DATE:  
January 10, 2014

4

# Vaughan Mills Shopping Centre (New Expansion)

Building 2

CASERTANO  
DEVELOPMENT  
CORPORATION LANDS  
(FILES: OP.07.001  
& Z.09.038)



Building 1

Building 5

BASS PRO MILLS DRIVE

Building 4

Building 3

--- Subject Lands

MAP/PTV 1 ATTACHMENTS (OP) op.09.006\_jan2014\_JAS.dwg

## Revised Concept Site Plan

LOCATION:  
Part of Lot 14, Concession 5

APPLICANT:  
Sandra Mammone

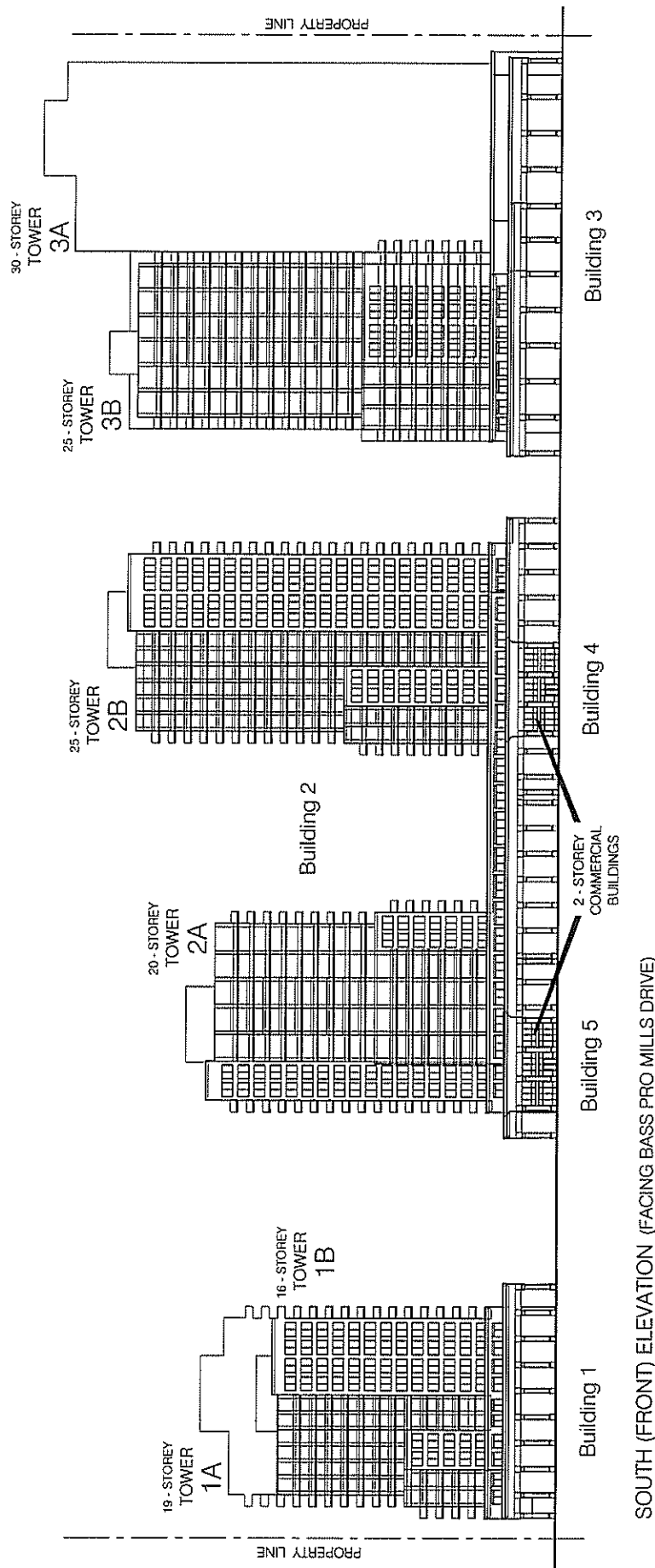


## Attachment

FILES:  
OP.09.006 & Z.09.037

DATE:  
January 10, 2014

5



Not to Scale

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# Revised Concept South Building Elevations

LOCATION: Part of Lot 14, Concession 5  
 APPLICANT: Sandra Mamone



## Attachment

FILES: OP.09.006 & Z.09.037  
 DATE: January 10, 2014

6