

COMMITTEE OF THE WHOLE SEPTEMBER 15, 2003

**OFFICIAL PLAN AMENDMENT FILE OP.02.008
FRANCO FERRAGINE IN TRUST
REPORT #P.2001.36**

Recommendation

The Commissioner of Planning recommends:

1. THAT Official Plan Amendment Application OP.02.008 (Franco Ferragine In Trust), BE APPROVED, to redesignate the subject lands for "Mixed High Density Residential/Commercial" use, together with policies which address the following:
 - a) design criteria limiting building heights (12 storeys) and density (FS1 of 2.0) on the tableland portion, subject to confirmation that the density can be supported based on the required environmental report;
 - b) the completion and approval of the required studies (eg. noise, rail line impacts, sanitary, water and stormwater management, geotechnical and remediation plan, parking etc.) in support of the development application, and the results being implemented in the development plan;
 - c) the submission and approval of Urban Design Guidelines that address built form, streetscape, and buffering from surrounding land uses to provide a basis for the review of the site plan application;
 - d) prior to approval of a site plan application, confirmation by the City and the Region that adequate sanitary and water services are available to service the development and have been allocated by Council;
 - e) should the proposed access to the site be approved in a temporary location, provision made for its relocation opposite Frulli Court upon construction of a grade separation of Islington Avenue and Hwy. 407;
 - f) the establishment of the top-of-bank, slope-stability measures and appropriate setbacks, and valleyland restoration to the satisfaction of the TRCA; and
 - g) the appropriate measures to mitigate any adverse effect from rail noise and vibration, including safety setback, berms and security fencing.

Background

On April 10, 2002, the Owner submitted an application to amend the Official Plan to redesignate the subject lands to "High Density Residential" to permit a mixed-use development comprising 1168 apartment units (primarily retirement), retail commercial and office buildings, and a place of worship. Ten buildings, ranging in height from 3 to 14 storeys, were proposed for the 5.7ha tableland portion of the property. The existing golf course was to be redeveloped and maintained in the adjacent valley lands.

In May 2003, the applicant submitted a revised proposal to permit a mixed use development comprised of 1201 residential units in 7 buildings, ranging in height from 12 to 15 storeys, a 6-storey commercial/office building on the 5.7 ha tableland and 9 hole golf course in the valleylands.

The lands are located on the west side of Islington Avenue, north of Steeles Avenue, being Lot 26, Plan 9691 (7082 Islington Avenue), in Lot 1, Concession 7, City of Vaughan. The entire site, including the valley land, has a lot area of approximately 13 ha, and is irregular in shape. An abandoned golf course and driving range is located within the valley land portion. The surrounding land uses are:

- North - elevated CN Rail line/at grade CP Rail line (PB1 and PB2 Parkway Belt Open Space Zone)
- South - Humber Summit Community Church (A Agricultural Zone) service station (C6 Highway Commercial Zone)
- East - Islington Avenue; banquet hall, seniors apartment and approved long term care facility (EM2 and EM1 Employment Area Zones)
- West - valley lands (PB1 Zone)

Public Hearing

On May 21, 2002, a Public Hearing was held to consider the application to amend the Official Plan. A number of area ratepayers and residents attended the meeting and raised several issues with respect to access, traffic, density and height of the buildings. On May 27, 2002, Council resolved to receive the public hearing and also the following:

- “2. That the applicant be directed to meet with the interested residents and ratepayers association, and the Ward 2 Sub-Committee, to address the issues identified, once the additional information is available.”

The applicant indicated that he has met with a representative of the local ratepayer group and with representatives of the Famee Furlane Mutual Benefit Society to discuss the project.

Land Use Status

a) Provincial Policy Statement

The Provincial Policy Statement (PPS) sets out overall directions on matters of provincial interest related to land use planning and development, and includes policies that encourage the focus of new growth to urban areas. The PPS promotes efficient, cost effective development and land uses patterns that are based on densities which:

- i) efficiently use land, resources, infrastructure and public service facilities;
- ii) avoids the need or unnecessary and/or uneconomical expansion of infrastructure; and
- iii) supports the use of public transit; in areas where it exists or is to be developed.
- iv) are appropriate to the type of sewage and water systems which are planned or available

The PPS also promotes a full range of housing types and densities to meet projected demographic and market requirements of current and future residents, by ensuring all forms of residential intensification in parts of built-up areas that have sufficient infrastructure to create a potential supply of new housing units. Development and land use patterns which may cause environmental or public health and safety concerns shall be avoided

b) Regional of York Official Plan

The York Regional Official Plan (YROP) includes policies providing for a framework for coordinated planning with adjacent municipalities, as well as with other jurisdictions in the GTA,

and prescribes overall growth and development in the Region of York.

The YROP Map #5 Regional Structure schematically identifies the subject lands as a Greenland System, while Map #4 of the YROP, Regional Greenlands Systems identifies only a portion of the lands as valley lands or greenlands. Therefore the lands are identified as both an Urban Area and Greenland System, and served by major transportation regional and urban corridors and future transit systems. Specifically, Islington Avenue is an urban corridor, along which new development and employment growth at densities that would make transit service possible, is encouraged. The appropriate level of density and housing will depend on site specific circumstances and the nature of development along the adjacent corridors.

The main objective of the YROP is to identify corridors as mixed-use transit spines that link urban and regional centres. The policies encourage a mix of housing and employment uses along these corridors, and for municipalities to examine mixed or higher density development along these corridors in a comprehensive manner. In addition the plan also encourages redevelopment when opportunities for redevelopment become available, such as shopping plazas, business and industrial parks and older commercial and residential areas, provided the lands are in close proximity to transit and the proposals are physically compatible with the surrounding community.

Another objective of the YROP is to provide adequate water and sanitary sewer services to residents and businesses and that no draft approval of a plan of subdivision, site plan and plan of condominium proceeds in advance of the confirmation of the allocation of appropriate sewer and water supply. Prior to the approval of a site development plan, the Region of York must confirm that sufficient capacity is available to service the development.

c) Vaughan Official Plan

The subject lands, together with the five properties to the south fronting onto Islington Avenue, are designated "Employment Area Zone" by OPA #480, which was adopted by Council on February 24, 1997, and approved by the Region of York with modifications on January 17, 2002. The rear portion of the subject land is designated "Major Open Space and Valley Lands" by Official Plan Amendment #600, which was approved in June 2001. The lands were deleted from the Parkway Belt West Plan on October 23, 1997.

The prestige area designation provides opportunities for employment intensive uses that will take advantage of, and support the transit system. A wide range of industrial, office, business and civic uses are permitted, with no outside storage of goods or materials.

Site specific policies of OPA #480 provide that prior to rezoning, the lands be developed in a comprehensive manner by way of block plan approval, to deal with issues of traffic, access location, existing development form, ownership pattern and design. In addition, at the site plan/draft plan of subdivision stage, the following studies are required at minimum:

- slope stability study to determine top-of bank
- geotechnical report and remediation plan to address the presence of an old landfill site
- preliminary stormwater management report (quantity, quality control)

The proposed mixed high density residential/commercial development of the subject lands would require an official plan amendment.

Zoning

The subject lands are zoned PB1 Parkway Belt Open Space Zone by By-law 1-88, which does not permit the proposed development; therefore, an amendment to the zoning by-law is required.

A zoning amendment application has not been submitted and will need to be processed in conjunction with the site plan application.

Planning Consideration

Surrounding Area

The subject lands are located on a major arterial road, Islington Avenue, and abut open space to the west, a gas station and Steeles Avenue to the south and the CNR and CP rail tracks to the north. The immediate vicinity includes uses such as commercial plaza at the corner of Steeles Avenue and Islington Avenue, a garden centre, 9-storey seniors apartment, scale industrial uses and a proposed 7-storey long term care facility. Existing detached homes and a place of worship front onto Islington Avenue, south of the subject property.

The property has a gently sloping and rolling grade downward into protected valley land. The proposed development is only for the table land portion of the site and would not infringe into the open space valley lands.

Floor Space Index (FSI) Density

The preliminary development plan proposes 1201 residential units within several buildings, the maximum building height being 15-storeys. Density has been calculated as 210 units per ha, which is uncommonly high in both the surrounding Woodbridge community and City-wide. With the proposed mix of apartment and retail uses, and expected smaller retirement units, the Floor Space Index (FSI) method of calculating density may be a more appropriate measure of development intensity. Based on the current proposal, the Floor Space Index equals 2.31 FSI, for both residential and commercial uses.

The Famee Furlane complex to the east is developed with a 9-storey seniors apartment, a banquet hall/restaurant complex and a 7-storey long term care facility is under construction. The property has been developed at an FSI of approximately 1.0, and taken separately, the senior's portion has an FSI of approximately 1.2.

The Region of York Official plan encourages intensification along major arterial corridors and recognises Islington Avenue as a Urban Corridor. It also recognizes that the appropriate level of density will depend on site-specific circumstances and the nature of development along and adjacent to the corridors.

The goals and objectives of both the Provincial Policy Statement and the Region of York Official Plan anticipate intensification of land uses. However, the appropriate level of intensification can only be determined by addressing many of the complexities that affect this site, such as access, traffic, abutting rail line impact and the surrounding built form.

In consideration of the evolving nature of this corridor, and the 9-storey seniors' building and long term care facility to the east, any new development within the area should be at a compatible size. The subject site is larger than the Friuli site and gently slopes downward below the Islington Avenue elevation. In addition, the site is contained by a rail line and valley land, which would offer a range of amenities and associated views suited for residential development. While designated for employment uses, the absence of interest for this type of land use suggests that Industrial uses at this location may not be appropriate. On the contrary, residential uses could take advantage of the open space, and proximity to commercial and transit facilities.

In light of the above, Planning Staff can support a mixed high density residential/commercial development on this parcel, at a density commensurate with the density found in the area and comparable locations in Vaughan, such as the Woodbridge and Thornhill cores along Steeles

Avenue. It is recommended that development be permitted at a maximum of 2.0 FSI and to a maximum of 12-storeys, with the highest buildings located furthest from Islington Avenue.

Environmental

The lands are located next to a gas station and within 500m of a waste disposal/landfill site. Official Plan Amendment #600 contains policies for contaminated or potentially contaminated site, as follows:

“The City shall require that, prior to permitting development on or within 500m of an existing or former waste disposal site, that the following be completed to the satisfaction of the City and appropriate approval authority:

- i. submission of technical studies, such as engineering studies addressing residues, gas, leachate and hydrogeology to be carried out by qualified engineers;
- ii. implementation of mitigation or remedial measures, including phasing of development if necessary, recommended by technical studies described in I) above; and
- iii. the City shall be satisfied with the required studies with respect to any matter regarding structural stability, safety and integrity of any structure.

The Environmental Report and Remedial Action Plan (RAP) were prepared by Environmental Probe Ltd. and submitted on behalf of the owner. Terrapex Environmental Ltd., the City's peer reviewer, has reviewed both the environmental reports and is of the opinion that the remedial action plan is appropriate to the environmental issues at this site to enable residential development. However, significant additional investigation and engineering design are required to finalize the RAP.

In consideration of this, Terrapex Environmental Ltd. has suggested preliminary approval of the proposed development, subject to a number of conditions outlined in a letter dated June 13, 2003, as follows:

1. Sufficient additional leachate characterization be conducted to allow determination of the need for, and design of, leachate pre-treatment prior to discharge to the sanitary sewer, and execution of an agreement with the municipality to allow such discharge.
2. A leachate collection system be designed, to the satisfaction of the City, and installed around the perimeter of the landfill to prevent migration of landfill leachate.
3. Additional groundwater characterization be conducted to confirm, to the satisfaction of the City, that groundwater outside the perimeter of the landfill currently meets the applicable generic remediation criteria from the Ministry of Environment (MOE) Guideline for Use at Contaminated Sites in Ontario, February 1997, (the Guideline).
4. A methane venting system be designed, to the satisfaction of the City, and installed around the perimeter of the landfill.
5. The proposed on-site buildings include methane mitigation measures designed, to the satisfaction of the City, as a contingency against accumulation of methane which may currently exist outside the landfill perimeter or which may occur as a result of the failure of the methane venting system.
6. A methane and groundwater monitoring program be designed, to the satisfaction of the City, to verify the efficiency of the methane venting and leachate collection systems.

7. Adequate financial security, to the satisfaction of the City, be put in place by the proponent to cover the cost of the monitoring and maintenance of the venting and collection systems, until such time as the results of monitoring indicate they are no longer required.
8. Written confirmation be provided, to the satisfaction of the City, that the "minor issues" have been addressed in accordance with the requirements of the MOE Guideline. In the event that any of the issues have not been addressed, a detailed plan, satisfactory to the City, be provided documenting the approach which will be used to address them.
9. MOE acceptance of a site-specific risk assessment (SSRA) and acknowledgement of an accompanying Record of Site Condition be obtained. The SSRA should address the methane venting and leachate collection systems, the landfill cap and any other engineered controls as Level 2 risk management measures under the Guideline.
10. Written authorization be provided by the proponent's consultant for the City and its peer reviewer to rely on the remedial action plan, the SSRA and any additional reports or correspondence prepared in support of this application or to clear the foregoing conditions.

The conditions above should be reflected in the implementing Official Plan Amendment to ensure that the environmental constraints of the site are completely mitigated to accommodate the change to a more sensitive use, ie. industrial to residential.

Servicing

The Engineering Department has reviewed the application and have no objection subject to conditions outlined in part, below:

- The owner/applicant shall submit a servicing report, sanitary servicing report and water servicing report indicating acceptable runoff, how the subject site will be serviced by sanitary and water.
- An environmental noise impact study is to be submitted at site development stage.
- Prior to site plan approval, the City and Region of York shall confirm that adequate water and sewage treatment capacity are available to accommodate the proposed development and have been allocated thereto through Council resolution.
- The Owner /Applicant obtain all necessary approvals from CN, CPR and TRCA
- Phase 1 Environmental Site Assessment is required (Phase 2, if necessary).

Parking

The plan submitted by the applicant is conceptual and indicate surface parking and underground parking, but does not provide data on the number of spaces. Based on the proposed development and residential and commercial/office standards parking in By-law 1-88, parking required would be calculated as follows:

Condominiums-	841-units x 1.75 spaces/unit (inc. .25 spaces for visitor parking) =	1,471 spaces
Seniors Units-	360- units x 1.25 spaces/unit (incl. .25 for visitor parking) =	450 spaces
Retail Commercial-	7924.9 GFA @ 6 spaces/100 sq.m. gfa =	476 spaces
Office Commercial-	5351.043 GFA @ 6 spaces/100 sq.m. gfa =	<u>321 spaces</u>

Total Parking Required =		2,718 spaces
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Access/Traffic Study

The application is proposing a single full-movement, signalized driveway onto Islington Avenue, a regional corridor. This is the only access providing ingress and egress movement for the proposed 1200 residential units and retail activity. A second access point shown as "Emergency Access Only" is also proposed, but requires a right-of-way from the adjacent property to the south. The final access point shall be determined and shall be located to the satisfaction of the Region of York.

A Traffic Study was submitted in support of this application, and circulated to the Vaughan Engineering Department and the Region of York Transportation Department for comment. Islington Avenue is identified as a regional corridor and therefore, final approval will be subject to the Region of York Transportation Department.

The Region has reviewed the traffic study dated May 20, 2003 prepared by Entransys Group and has provided the following comments (in part):

- the study must detail the location of the access and include the number of lanes required within the throat of the ultimate access design
- all drawings, both conceptual and detailed design, must include all interim and permanent access points
- the site shall be designed to accommodate the accessible transit vehicles of York Region Transit in both the interim and ultimate access stages
- the report has not considered the addition of the long term care facility location on the Famee Furlane lands
- the 6th edition of the Institute of Transportation Engineers Trip generation Manual should be used it is more current and relevant
- the ultimate site access must be opposite Friuli Court; while the details of the future grade separation at Islington Avenue at the CPR crossing are not complete, it is expected that there will be minimal change to the current grade of Islington Avenue at Friuli Court
- the owner shall acknowledge that should a full moves access be approved from Islington Avenue at the proposed location of Street A, the access shall be temporary in nature and shall be removed when a grade separation is constructed at the CPR crossing; this requirement shall be a condition of site plan approval

The City of Vaughan Transportation Staff has also provided comments on the Traffic Study which have been forwarded to the applicant to address.

Based on the initial comments of both the Region and the City, the Owner has submitted an updated Traffic Impact Study, prepared by Sernas Transtech and dated August 2003, which is currently under review. A policy of the official plan should provide for the implementation of the results of the approved Traffic Study through the site development application.

York Region District School Board

The school board has reviewed the application for 1200 residential units and have indicated a concern with the potential number of pupils generated from this development. The property falls within an attendance boundary for an elementary school that is over its capacity.

In consideration of this, the York Region District School Board cannot support this application without receipt of detailed unit counts by bedroom type and the proposed target market.

Toronto Region and Conservation Authority

The Authority has indicated that the subject lands fall within the TRCA Regulated Area pursuant to Ontario Regulation 158, and that a top-of-bank must be staked and illustrated on survey as a surveyed line. Additional information on the proposed servicing and on the redevelopment of the golf course lands must be submitted to enable TRCA to provide further comments or conditions of approval. The official plan should provide policies to ensure that the top-of-bank and has been accurately delineated and that appropriate setbacks are achieved.

Rail Line Impacts

CN has reviewed the proposed development and have indicated that residential development adjacent to a railway right-of-way is not appropriate without impact mitigation measures to reduce incompatibility. Therefore requested the following policies be included in the Official Plan Amendment:

1. Any proposed development will be required to undertake noise and vibration studies, to the satisfaction of the City and the appropriate railway, and shall undertake appropriate measures to mitigate any adverse effects from noise and/or vibration that were identified.
2. Development adjacent to railways shall ensure that appropriate safety measures such as setbacks, berms and security fencing are provided, to the satisfaction of the City and the appropriate railway.

The following comments are in respect to the proposed redevelopment of the golf course:

1. The Zoning By-law Amendment should include a minimum building setback of 120 metres, or 30 metres in conjunction with a 2.5 metre safety berm, from the railway right-of-way for any building which promotes public assembly (ie. clubhouse, rental/sales outlet, restaurant, etc.)
2. The Owner shall install and maintain at his own expense, a chain link fence of minimum 1.83 metres height along the mutual property line. In order to ensure that there will not be any problem with trespassing or other encroachment onto CN property a higher fence and/or netting may be necessary.
3. Any proposed alterations to the existing drainage pattern affecting Railway property must receive prior concurrence from the Railway and be substantiated by a drainage report to the satisfaction of the Railway.

Urban Design

A mixed use residential and commercial complex in a prominent location such as this, is best reviewed in the context of objectives set out in an Urban Design Guidelines document, with the intent of ensuring a quality development along the arterial road. The guidelines would include the form, design and materials of the buildings, the streetscape, and the inter-relationships with adjacent buildings, railways, and open space. A condition of approval requires that Urban Design Guidelines be submitted and approved by the City as a basis for reviewing the site plan.

Conclusion

The Provincial Policy Statement promotes a full range of housing types and densities to meet projected demographic and market requirements of current and future residents, by ensuring all forms of residential intensification in parts of built-up areas have sufficient infrastructure to create a potential supply of new housing units.

The Regional Official Plan identifies Vaughan as an urban area served by major transportation regional and urban corridors and future transit system. Specifically, Islington Avenue is an urban corridor, along which new development and employment growth is encouraged, at densities that make transit service possible.

The evolving nature of the Islington Avenue corridor in the immediate vicinity, suggests that mixed residential/commercial maybe an appropriate land use for this site, provided the environmental constraints of the site can be addressed. Furthermore, the level of intensification, while taking advantage of the site's locational benefits, must also be compatible with the built form in the area, remain within the capacity of the available infrastructure, and not cause public health and safety concerns.

To this end, Staff can support a mixed high density residential/commercial land use for the subject lands, provided it is restricted to a maximum FSI and building height suitable to the specific site and commensurate with similar sites in the City. The official plan amendment should contain policies which address issues to be resolved through more detailed review of the appropriate zoning and development plan for the site. These would include soil suitability and remediation, slope stability and setbacks, noise abatement and rail setbacks, traffic and temporary/ultimate access arrangements, sanitary sewer and water capacity, urban design guidelines, and zoning standards. Should Council Concur, the recommendation of this report can be adopted.

Attachments

1. Location Map
2. Site Plan

Report prepared by:

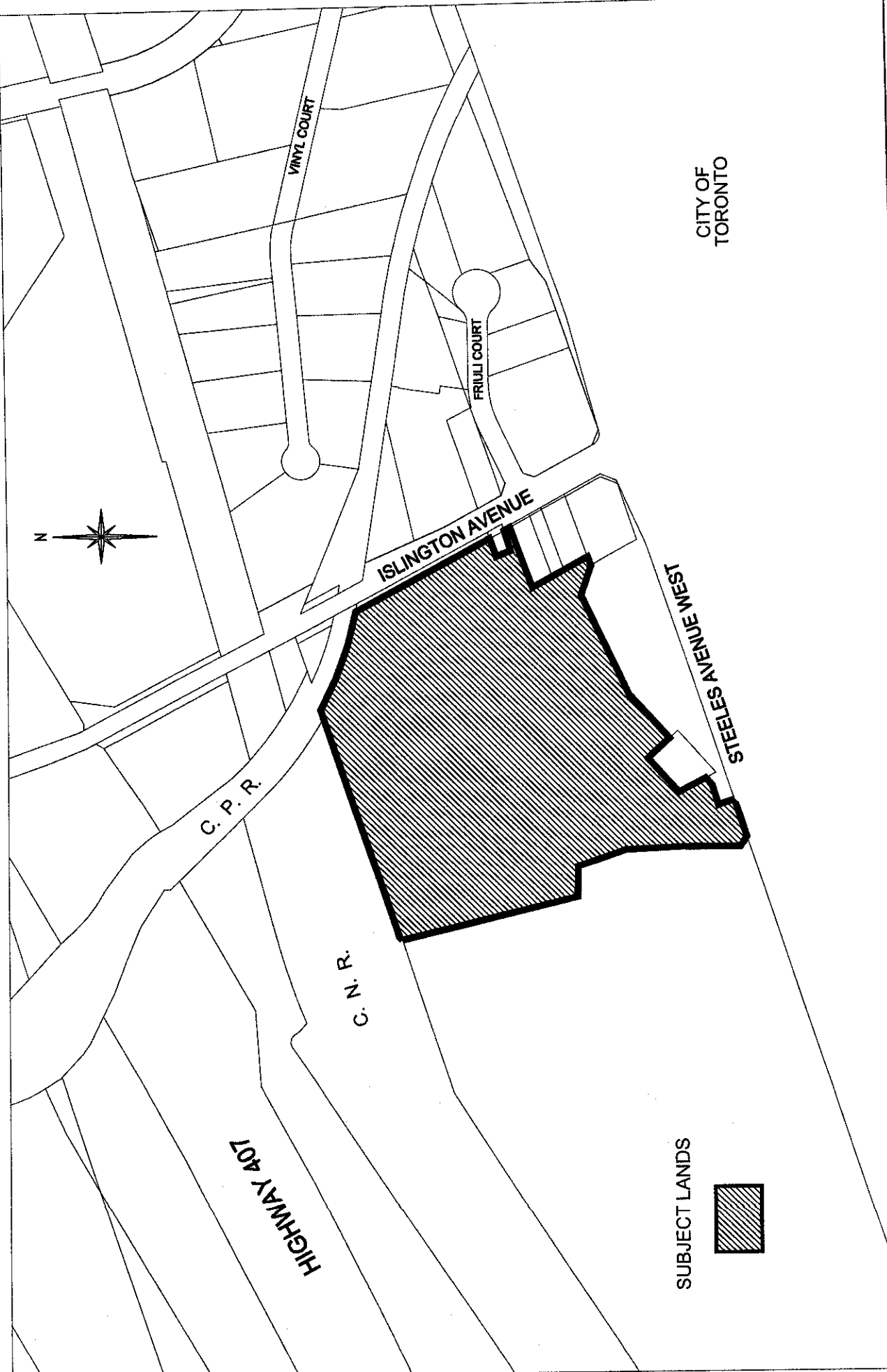
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Respectfully submitted,

MICHAEL DeANGELIS
Commissioner of Planning

JOANNE R. ARBOUR
Director of Community Planning

/CM



CITY OF
TORONTO

Attachment 1

FILE No.:
OP.02.008
August 25, 2003
Not to Scale

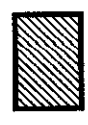
City of Vaughan

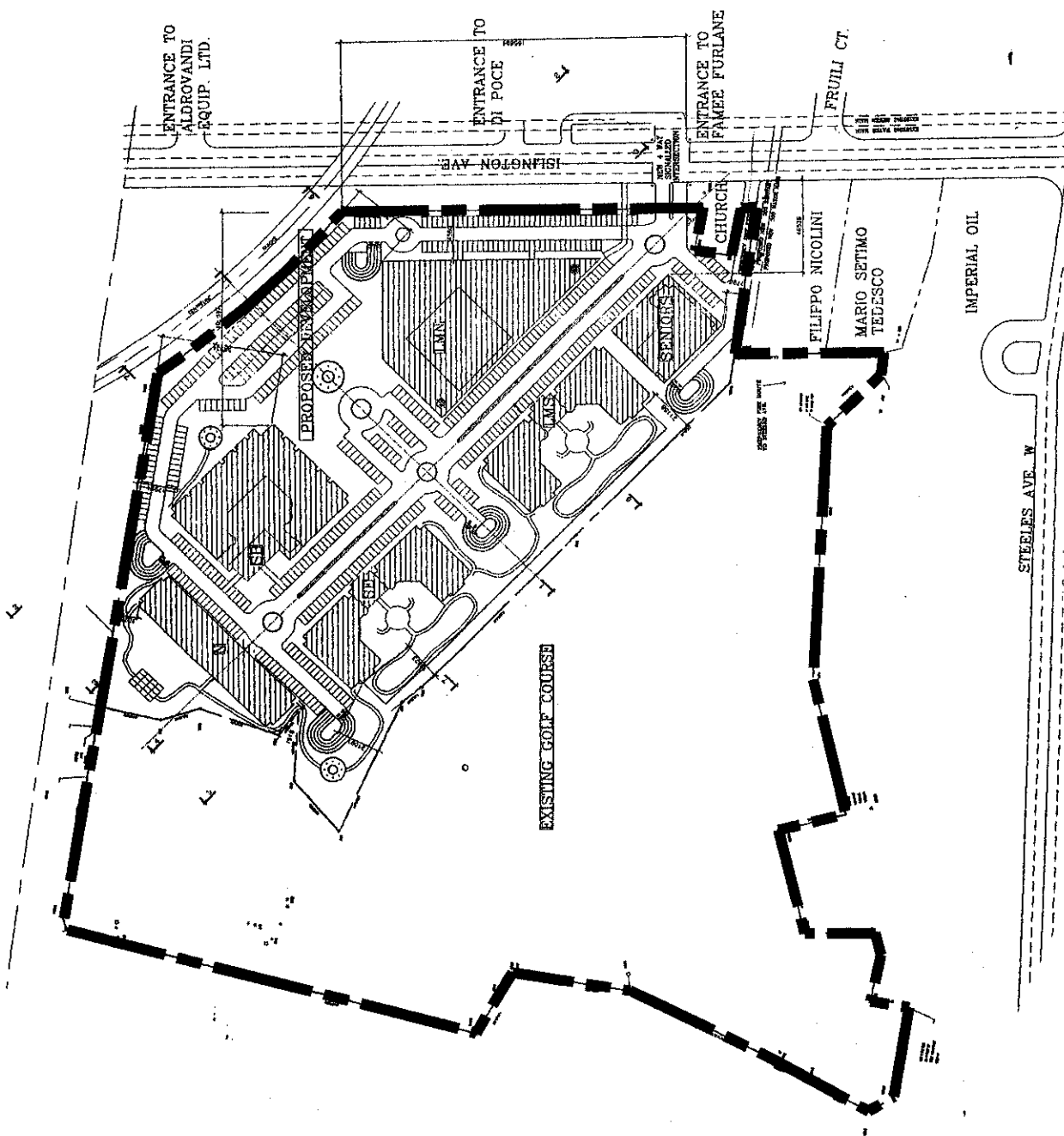
Community Planning Department

Location Map

Part of Lot 1,
Concession 7
APPLICANT:
FRANCO FERRAGINE IN TRUST
C/O FERMA PROPERTIES LTD.

SUBJECT LANDS





SUBJECT LANDS



Attachment 2
 FILE No.: OP.02.008
 August 25, 2003
 Not to Scale

City of **Vaughan**

Community Planning Department

Site Plan

Part of Lot 1,
 Concession 7
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