

COMMITTEE OF THE WHOLE JUNE 20, 2005

**ZONING BY-LAW AMENDMENT FILE Z.03.015
SITE DEVELOPMENT FILE DA.04.023
JANE-RUTH DEVELOPMENT INC.**

Recommendation

The Commissioner of Planning recommends:

1. THAT the Ontario Municipal Board be advised that Council endorses the approval of Zoning By-law Amendment File Z.03.015 (Jane-Ruth Development Inc.), subject to the following:
 - a) That By-law 1-88 be amended as follows:
 - i) rezone the subject lands from A Agricultural Zone and OS1 Open Space Conservation Zone to RA3 Apartment Residential Zone, OS1 Open Space Conservation Zone, and C1(H) Restricted Commercial Zone with the addition of the Holding Symbol "H" in the manner shown on Attachment #15;
 - ii) permit a maximum residential density on the subject lands of 200 units per hectare or a maximum Floor Space Index of 2.7, whichever is the lesser;
 - iii) require the following minimum building setbacks for the lands zoned RA3 Apartment Residential Zone:
 - 115.5m from the north property line, abutting the CN pullback track;
 - 2.5m from the westerly property line;
 - 20m from the southerly property line;
 - 10m from an OS1 Open Space Conservation Zone;
 - 0.0m for a portion of a building or structure located below grade;
 - iv) permit a maximum residential building height of 16 storeys or 50m, exclusive of accessory roof construction such as mechanical penthouses, elevators, antenna, parapet walls or roof top equipment in an RA3 Residential Apartment Zone;
 - v) provide an exception to the definition of a "lot" to consider this site as one lot for zoning purposes regardless of future conveyances, easements, etc. made on the property;
 - vi) require a minimum amenity area of 49.9m²/ residential dwelling unit;
 - vii) prohibit any buildings or structures in the tree preservation area shown on Attachment #15;
 - viii) exclude the lands from Sections 3.8(g) and (i), 3.21, and 4.1.4(f) respecting the minimum access and driveway width, frontage on a public street, intersection of a driveway with a street, and driveway dimension requirements;

- ix) require a minimum landscape strip of 2m along a lot line that abuts a street line;
 - x) prohibit the following uses and require a minimum building setback and development standards for the lands zoned C1 General Commercial Zone as follows;
 - prohibit the following uses on the subject lands: automotive retail store; boating showroom; funeral home; laboratory; and a radio transmission establishment;
 - a 1.5 m setback from a building to the north lot line abutting the CN pullback track;
 - a 10m building setback from an OS1 Open Space Conservation Zone;
 - a 6m building setback from the westerly property line;
 - a 3 m building setback to the south limit of the Commercial Zone;
 - a 50m maximum building height for a hotel or an office building;
 - a 6m minimum building height;
 - prohibit any building or structure within the tree preservation area shown on Attachment #19;
 - permit a maximum gross floor area for an office building or hotel of 2.0 times the lot area;
 - xi) require that no building permit shall be issued for any unit on the subject lands prior to the applicant submitting an application for draft plan of condominium;
 - xii) any other exceptions that may be required to implement the final approved site development application; and
 - xiii) require that the proposed driveway from Jane Street shall be utilized exclusively for access to the residential development and shall not be used to provide access to the abutting commercial lands.
- b) That prior to the Ontario Municipal Board issuing its' Decision Order respecting the implementing zoning by-law, the Owner shall submit a survey, prepared by an Ontario Land Surveyor, which establishes:
- the final development limits of the subject lands to the satisfaction of the Toronto and Region Conservation Authority and the City; and,
 - the boundary of the proposed tree preservation area identified in the draft zoning by-law.
- c) That in accordance with the requirements of the Official Plan, the Open Space lands be zoned OS1 Open Space Conservation Zone and dedicated to the Toronto and Region Conservation Authority (TRCA) or City of Vaughan free of all costs and encumbrance.

2. THAT the Ontario Municipal Board be advised that Council endorses the approval of Site Development File DA.04.028 (Jane-Ruth Development Inc.), subject to the following:

- a) the Owner shall submit a noise impact assessment study to the satisfaction of the City, in consultation with CN Rail, to address the noise issues identified in the OMB's Decision Order, and as required by the Ministry of the Environment

guidelines; and that the City shall select a qualified noise consultant to conduct a peer review of the study, at the Owner's expense;

- b) that the final site plan, building elevations, landscape plan and cost estimate shall be approved to the satisfaction of the Development Planning Department;
 - c) the Owner shall satisfy all requirements of the Toronto and Region Conservation Authority;
 - d) the Owner shall satisfy all requirements of the Region of York;
 - e) the Owner shall satisfy all hydro requirements of PowerStream Inc.;
 - f) the Owner shall satisfy all requirements of the Fire Department;
 - g) that the residential development shall proceed by way of a draft plan of condominium;
 - h) that the internal road connecting the site from Rutherford Road to Jane Street be constructed as part of Phase 1 of the proposed development;
 - i) that the site plan agreement include the following clauses:
 - i) "The Owner shall pay to Vaughan by way of certified cheque, cash-in-lieu of the dedication of parkland equivalent to the high density rate applicable on a per unit basis or 5% of the value, whichever is higher, for the residential component, and 2% for the commercial component, prior to the issuance of a building permit, in accordance with Section 42 of the Planning Act and the City's cash-in-lieu policy. The Owner shall submit an appraisal of the subject lands prepared by an accredited appraiser for approval by the Vaughan Legal Department, Real Estate Division, and the approved appraisal shall form the basis of the cash-in-lieu payment."
 - ii) "The Owner shall undertake the necessary noise study(ies) required to recommend the materials and construction methods to be employed to meet the stationary noise source criteria in all areas of the proposed building."
 - iii) "The Owner shall agree to implement all of the recommendations of the final approved noise study and that prior to the issuance of a building permit, a qualified engineer shall certify that the building plans implement the recommendations of the approved noise study(ies)."
 - iv) "The Owner acknowledges and agrees that the proposed driveway access from Jane Street shall be used for residential purposes only and shall not be used to facilitate access to the abutting commercial lands."
3. THAT the OMB be requested to withhold its' Order respecting the Zoning By-law Amendment and Site Development Applications pending:
- i) clarification from the OMB with respect to the timing of construction of the intervening commercial land uses and/or noise abatement measures and any interim noise abatement measures, if required;
 - ii) the Owner satisfying all the conditions of site plan approval set out above; and

- iii) the final development and tree preservation area limits being confirmed to the satisfaction of the City and the Toronto and Region Conservation Authority.
- 4. THAT The Owner shall submit a phasing plan to identify the proposed staging of development including, but not limited to: pedestrian and vehicular connections; trail system connections; amenity area; and landscaping; and that the Phasing Plan be included in the site plan agreement.
- 5. THAT Council pass the following resolution with respect to the allocation of sewage and water servicing capacity:

“NOW THEREFORE BE AND IT IS RESOLVED THAT the proposed Site Plan Application DA.04.023 be allocated sewage capacity from the Maple Service Area of the York/Durham Servicing Scheme and water supply capacity from Pressure District No. 6 of the York Water Supply System, for a total of 467 residential apartment units, following the execution of a site plan agreement to the satisfaction of the City.”

Economic Impact

There are no requirements for new funding associated with this report. The proposed development will add new assessment to the local tax base.

Purpose

The Owner has submitted a Zoning By-law Amendment and Site Development Applications to rezone the subject lands from A Agricultural Zone and OS1 Open Space Conservation Zone to RA3 Apartment Residential Zone, C1 General Commercial Zone and OS1 Open Space Conservation Zone, and to provide the necessary zoning exceptions required to implement a proposed site development consisting of the following:

	Height	No. of Units	Gross Floor Area	Parking Spaces
Building A	16 storeys	242	22,387m ²	452
Building B	16 storeys	225	21,522m ²	450
Total	-----	467	43,909m ²	902
Total Developable (Residential) Site Area – 3.604ha (8.9 ac).				

The proposal represents two of four 16-storey high-density residential condominium buildings for the residential portion of the property.

Background - Analysis and Options

The subject lands are located on the northeast corner of Jane Street and Rutherford Road, in Lot 16, Concession 4, City of Vaughan. The site is currently developed with an existing dwelling and a sales office is being constructed on the property. The natural features of the property consist of a tributary of the West branch of the Don River, a pond, a mix of plants, ornamental trees and vegetation associated with the watercourse.

The lands are part of the Vaughan Centre Secondary Plan Area as defined by OPA #600, as amended by OPA #626 and approved by the Ontario Municipal Board on April 19, 2005 as part of Decision Order 0982. OPA #626 designates the subject lands “High Density

Residential/Commercial” and “Valley Lands” with a Storm Water Management overlay. OPA #626 is a site- specific official plan amendment, which facilitates the proposed development. The property is currently zoned A Agricultural Zone by By-law 1-88, as amended, subject to site-specific Exceptions 9(669) and 9(801). The Owner filed an application to amend the Zoning By-law to rezone the subject lands from A Agricultural Zone and OS1 Open Space Conservation Zone to RA3 Residential Apartment Zone, C1 General Commercial Zone and OS1 Open Space Conservation Zone to implement the proposed development. The OMB in Decision Order 1815 approved the zoning amendment application and directed that the implementing zoning by-law reflect the final site plan design that is approved. The existing surrounding land uses are:

- North - CN Pullback Track (M3 Transportation Industrial Zone) and vacant (A Agricultural Zone)
- South - Rutherford Road; vacant land/applications approved to permit a four-storey office building and employment uses (EM1 Prestige Employment Area Zone)
- East - existing dwelling (A Agricultural Zone)
- West - Jane Street; vacant land (C1 (H) Restricted Commercial Zone and C8 (H) Office Commercial Zone, both with the Holding Symbol (H))

Ontario Municipal Board (OMB) Hearing

Pursuant to s.34 (11) of the *Planning Act*, the Owner filed an appeal to the Ontario Municipal Board (OMB) for the subject applications, as Council did not consider the applications within the time frames stipulated under the Act. On November 23, 2004, the OMB issued Decision Order #1815 wherein the Board allowed the appeals filed by Jane-Ruth Developments Inc. subject to the following:

- the property will be zoned to permit commercial uses (not including a banquet hall) on the lands closest to the pullback track and high-density residential/commercial uses beyond 150m from the south track of the pullback track;
- the Zoning By-law and/or site plan agreement will provide for a berm and/or fence along the north property line adjacent to the pullback track, to reach a height no less than 6m;
- the Zoning By-law will require a minimum height of three-storeys for any commercial building abutting the pullback track;
- the Zoning By-law and Official Plan will provide for a maximum residential density of 200 units per hectare, a total building floor area of 2.7 f.s.i. (floor space index) and a maximum building height of 16 storeys. The density and f.s.i. will be calculated over the lands used for the residential portion of the site only. Any of these standards may operate to limit the amount of floor space, height of the buildings, and number of buildings;
- that the Zoning By-law include a provision that the residential development must proceed by way of plan of condominium;
- that it is not appropriate for the building at the corner of Jane Street and Rutherford Road to be located closer to the street;
- that the Official Plan Amendment refer to Tables LU-131, of the Ministry of the Environment Guidelines, and that there will be no provision for a 5db (decibel) excess; and,
- that the implementing By-law should reflect the site design that is approved.

The OMB on April 19, 2005 issued an amending Decision Order (#0982) after hearing from the parties at the hearing on certain matters requiring clarification. The amending Order provides for the following:

- the 150m setback from the south rail of the CN pullback track applies to the residential buildings, not the residential zone boundary;

- that the reference to approximately 600 units on the site was a supportive statement only and that the factors controlling density on the lands are intended to be an f.s.i. of 2.7, the density of 200 units per hectare and the maximum building height of 16 storeys;
- that there must be a substantial intervening land use on the commercial lands and that development on the commercial lands must be configured so that the buildings can provide some shielding of the residential grounds from unacceptable levels of noise from the CN pullback track; and,
- the deletion of the requirement for a three-storey commercial building.

Policy Context

i) Provincial Policy Statement

The subject application was commenced prior to March 1, 2005 and therefore, is subject to the Provincial Policy Statement (PPS) issued under Bill 20. The PPS policies focus on the key provincial interests related to land use planning. Section 1.0, Developing Strong Communities, states (in part) that land requirements and land use patterns will be based on densities which efficiently use land, resources and infrastructure and public service facilities and support the use of public transit and the provision of a range of uses and opportunities for intensification in areas which have existing or planned infrastructure to accommodate them.

The PPS provides provisions for a full range of housing types and densities by encouraging all forms of residential intensification in built-up areas that have sufficient existing or planned infrastructure to create a potential supply of new housing units available from residential intensification.

The PPS states that long term prosperity will be supported by planning so that major facilities such as transportation corridors and sensitive land uses are appropriately designed, buffered and/or separated from each other to prevent adverse effects from noise, odour and other contaminants. Corridors and rights-of-way for significant transportation and infrastructure will also be protected.

ii) Regional Official Plan

The Region of York Official Plan designates this site as “Urban Area” and both Jane Street and Rutherford Road as “Urban Corridors”. The policies of the Regional Plan direct growth to areas designated as urban areas and encourage a mix of housing and employment uses along the urban corridors. The Regional Plan also includes housing policies that encourage a range of different housing forms, sizes and tenure.

The Regional Plan requires that noise, vibration and safety issues are addressed for land uses adjacent to railway corridors and terminal facilities.

Region of York Planning Staff has advised they support the proposed land use change in so far as it is consistent with Regional Official Plan policies to provide a wider range of housing options for residents, and provide medium and higher density urban development adjacent to transit-intensive urban arterials.

iii) Site-Specific OPA # 626

As noted above, the OMB approved OPA #626, which redesignates the site as “High Density Residential/Commercial”, “Valley Lands” with a “Stormwater Management” overlay. OPA #626 is a site-specific amendment that establishes the necessary framework to implement the proposed development.

iv) Ministry of Environment Guideline D-6

The Ministry of the Environment has issued Guideline D-6, Compatibility Between Industrial Facilities and Sensitive Land Uses. The objective of the D-6 Guideline is to prevent or minimize the encroachment of sensitive land uses upon industrial land uses. However, the OMB in Decision Order 1815 established specific noise criteria, which has been implemented through OPA #626, and will be implemented through the implementing zoning by-law and site plan agreement, as required.

Site Design

The Owner has submitted a context plan as shown on Attachment #2 for the overall Jane-Ruth Developments Inc. land holdings. More detailed site plans for Buildings "A" and "B" are shown on Attachments #3 and #4 respectively. The context plan shows four, 16-storey residential buildings organized around an internal access road, which runs from Rutherford Road and across the valley to a new east/west driveway from Jane Street. An electronic gate and a gatehouse are located at the ends of the internal road to control access and egress from the site. Building "A" is located at the corner of Jane Street and Rutherford Road and is separated from Buildings "B", "C" and "D" by the valley lands, which diagonally traverses the site. Building "B" will be the only other building that fronts onto Jane Street. The site will be developed as a condominium project and therefore, snow removal and garbage pick-up will be privately contracted.

The main amenity area for the overall project is located south of Buildings "C" and "D" adjacent to the valley lands and will not be developed as part of the construction of Buildings "A" and "B". A pedestrian walkway system is provided throughout the site, including a sidewalk on the east side of the internal road, and connections to the public sidewalks and into the valley lands.

The current site plan application will facilitate the development of Buildings "A" and "B" only. Building "A" is located at the northeast corner of Jane Street and Rutherford Road and setback from the street as directed in the OMB Decision Order. An internal driveway is located between the building and the arterial roads, which connects to the development north of the valley lands. A roundabout is located in front of the main entry of the building to provide a convenient drop off area for residents and visitors. Fifteen grade level parking spaces are provided opposite the main entrance off the internal road. Otherwise, all of the parking for Building "A" is located in an underground garage accessed via a driveway from the main internal road. The area between the internal access road and the arterial roads is landscaped and incorporates a large circular design feature anchoring the project at the corner. The garbage pick-up area is located on the north side of Building "A".

Building "B" is located on the north side of the valley, adjacent to Jane Street and is oriented in an east/west direction. The main front façade of the building faces north. The building can be accessed from Rutherford Road via the internal road or from Jane Street from a proposed new driveway. A roundabout is located in front of the main entrance to provide a convenient pick-up/drop-off for future residents and the underground parking garage is accessed from a driveway on the east side of the building. Two grade level parking spaces are located west of the main entrance accessed from the roundabout. The garbage pick-up area is located at the southeast corner of the building away from Jane Street. Minimal amenity area is provided for Building "B" on the actual development site.

Staff has discussed with the applicant the option of providing an enhanced architectural treatment for the driveway ramps leading to the underground parking facility in the form of a projecting canopy or other light structure that encloses a significant portion of the access throat into the parking area, which is not incorporated on the current submission. Staff recommends that the applicant review this issue with Staff, prior to final site plan approval.

The Owner will be required to file a subsequent site development application for Buildings “C” and “D”.

Density

The OMB established a maximum residential density of 200 units per hectare, to be calculated using the land area devoted exclusively for residential uses. The exact site area has not been finalized at this point in time since the final development limit of the property abutting the valley has not been confirmed. However, the site area appears to be in the order of 3.604 ha, which would result in a maximum of 721 residential units on the overall site. The Official Plan does not include any bonussing policies that would permit an increase in the maximum density. The OMB also prescribed a maximum gross floor area of 2.7 times the lot area and a maximum building height of 16 storeys. Any one of the parameters may operate to limit the amount of floor space or the height and number of buildings.

The OMB did not prescribe a density for the commercial lands, however, the applicant has provided a draft zoning by-law that sets out a maximum gross floor area on the commercial lands of 2 times the lot area.

Building Elevations

The elevations for Buildings “A” and “B” are similar in terms of their appearance and proposed construction materials and are shown on Attachments #5 - #10, inclusive. Each building is 16 storeys and 49.52 metres in height. The main entry to each building is composed of a double door surrounded by glass panels and framed with a precast concrete element. Each floor has a height of 2.95m except the main floor and penthouse levels, which have a height of 4.570m and 3.65m, respectively. The primary building material is precast concrete panels utilizing two different colours and textures to provide visual interest to the building. The base of each structure including the first three floors will be clad in a darker taupe coloured, exposed aggregate textured precast cladding. An architectural precast cornice molding is utilized as a transition feature to the upper storeys, which are finished in a smooth precast concrete panel with a lighter shade of the base colour. The architectural precast cornice molding is repeated at the upper levels and top of each building. A bronze coloured glass will be used for all the windows and three bronze metal domes are proposed at the roof level. Balconies are located on the east and west elevations of each building.

Parking

The minimum parking requirement for the proposed residential development is calculated as follows:

Building “A”

Residential Parking – 242 units @ 1.5 spaces / unit	= 363 spaces
<u>Visitor Parking – 242 units @ 0.25 spaces / unit</u>	<u>= 61 spaces</u>
Total Required Parking Building “A”	= 424 spaces

Building “B”

Residential Parking - 225 units @ 1.5 spaces / unit	= 338 spaces
<u>Visitor Parking - 225 units @ 0.25 spaces / unit</u>	<u>= 57 spaces</u>
Total Required Parking	= 395 spaces

The site plan shows that parking is proposed as follows:

Building "A"

Residential Parking	– 391 spaces
<u>Visitor Parking</u>	<u>- 61 spaces</u>
Total Parking	- 452 spaces

Building "B"

Residential Parking	- 394 spaces
<u>Visitor Parking</u>	<u>- 56 spaces</u>
Total Parking	= 450 spaces

The visitor parking supply for Building "B" is deficient by 1 parking space, however, there is a surplus of resident parking spaces, one of which, can be converted to a visitor parking space and satisfy the minimum parking requirements of By-law 1-88. A four level underground parking garage is proposed for each building to accommodate the required parking spaces. The applicant will be required to show the location of the handicapped parking sign and to post it in front of these spaces.

Access

Access to the site is proposed from Rutherford Road via a 7m wide internal road that wraps around the front of Building "A", crosses the valley and intersects with a new driveway access from Jane Street. This road is required in order to facilitate vehicular and pedestrian movement between the two development areas on this property. Consequently, the road should be built as part of phase one of the proposed development.

The Jane Street access is proposed to be signalized, and has a minimum width of 18m and incorporates a 6m wide centre landscaped median. This driveway is located immediately adjacent to the commercial lands and as designed, could facilitate future access to these lands. Staff does not support the joint use of this access for a private residential condominium development and a public commercial project. In order to ensure that this driveway is used solely for the residential component of the project, Staff has included conditions of approval requiring that a provision be included in both the zoning by-law and site plan agreement ensuring that this driveway be used to access the residential lands only.

Transit Services

Bus stops are available on all four corners of Jane Street and Rutherford Road with varying levels of service via the "20 Jane-Concord" and "85/85A/85B – Rutherford/16th Avenue" York Transit bus routes. A York Transit 8 bus bay terminal is also located in the Vaughan Mills Development accessed from Jane Street, south of Rutherford Road, which provides access to additional public transit routes.

Landscaping

The Owner has submitted a Master Landscape Plan and Tree Inventory and detailed landscaping/planting plans for the proposed development as shown on Attachments #11, #12, #13 and #14. The landscape plans consist of a mix of coniferous and deciduous trees and ground plantings utilized along the street frontages, around each building and abutting the valley lands. The plans also illustrate proposed hard surfaced landscape areas including walkways and amenity areas. The plan includes a landscape feature on the northeast corner of Jane Street and Rutherford Road consisting of plant material, and a corner colonnade as shown on Attachment #15. The colonnade has a circular design and is constructed with precast concrete beams, a wood trellis and iron fencing. Benches, landscaping, lighting and a sculpture will be provided within this area and will function as an amenity area for the development. It is noted that a portion

of this area encroaches into the Regional road right-of-way and therefore, Region of York approval is required.

Staff has reviewed the landscape plans and is generally satisfied with the proposed landscape treatment. The landscape cost estimate shall also be revised to reflect current market replacement costs.

It is noted that the draft zoning by-law includes a tree preservation area as shown on Attachment #15 wherein the construction of any building or structure will be prohibited. The final limits of the tree preservation area must be determined to the satisfaction of the Toronto and Region Conservation Authority.

Phasing

The overall development will be constructed in phases, however the Owner has not provided a phasing plan identifying the stages of development, which is of particular concern as it relates to the implementation of the vehicular and pedestrian connections, amenity area, trail systems and landscaping. A condition of approval has been included requiring that a phasing plan be submitted and approved to the satisfaction of the Development Planning Department and it will be implemented through the site plan agreement.

Zoning

The Owner has submitted a draft Zoning By-law in support of the Zoning Amendment Application to implement the proposed development and directions from the OMB. The draft by-law proposes to zone the residential and commercial portions of the lands to RA3 Apartment Residential Zone and C1 (H) Restricted Commercial Zone with the addition of the Holding Symbol "H" respectively, and includes several site-specific exceptions required to implement the proposal. The valley lands would be zoned OS1 Open Space Conservation Zone. The proposed exceptions to the by-law are briefly identified as follows:

- the commercial lands will be zoned with the Holding Symbol "H" to be lifted upon approval of a site development application;
- an amendment to the definition of a "lot" is proposed that would allow the subject lands to be considered one lot for the purposes of zoning despite any future conveyances, severances or easements granted after the by-law comes into force;
- a proposed exemption from Sections 3.8(g) and (i) respecting the minimum width of a driveway accessing a parking area and the minimum angle of intersection between a driveway and a street, respectively;
- require a minimum landscaped strip of 2.0m abutting a lot line, whereas 2.4m is required;
- require a minimum setback of 0.0m from a lot line to the nearest building or structure below grade, whereas 1.8m is required;
- a proposed exemption from Section 4.1.4(f) respecting the dimensions of driveways;
- require a minimum lot area of 49.9m² /unit whereas 67m² is required;
- require a more restrictive minimum building setback to the Rutherford Road property line of 20m, whereas 7.5 metres is required;

- require a minimum building setback to the Jane Street property line of 2.5m, whereas 7.5m is required;
- require a minimum building setback to an OS1 Open Space Conservation Zone of 10m as required by the Toronto and Region Conservation Authority;
- establish a “tree preservation zone” in the by-law wherein buildings and structures are prohibited;
- require a minimum setback to a residential building of 115.5m to the CN pullback track as directed by the OMB;
- require a maximum building height of 16 storeys and a maximum gross floor area of 2.7 times the lot area on the lands zoned for residential purposes as directed by the OMB;
- require the following standards for respecting future development on the commercial lands:
 - i) permit a motel and convention centre as permitted uses in the C1 Restricted Commercial Zone;
 - ii) require a minimum interior side yard setback of 1.5m;
 - iii) require a minimum building setback to an OS1 Open Space Conservation Zone of 10m to implement the requirements of the Toronto and Region Conservation Authority;
 - iv) require a minimum building setback of 40m to Jane Street, whereas 9m is required;
 - v) establish a “tree preservation zone” in the by-law where buildings and structures are prohibited;
 - vi) permit a maximum building height of 50m for a hotel, business or professional office or an office building use only, whereas 11m is permitted;
 - vii) permit a minimum building height of 6.0 metres, whereas a minimum building height standard is not prescribed by the zoning by-law;
 - viii) permit a maximum gross floor area of 2.0 times the lot area for the lands zoned C1 Restricted Commercial Zone, whereas the by-law permits a maximum 50% lot coverage and controls the maximum gross floor area on the site through minimum building setbacks and coverage requirements;
- require that no occupancy permits be issued prior to draft approval of a condominium application for the applicable building to implement the direction of the OMB.

Staff is generally satisfied that the zoning exceptions identified above are required to implement the proposed site plan. However, the following changes are recommended to the draft zoning by-law:

- i) A maximum building height for the residential buildings of 50m should be incorporated into the zoning by-law.
- ii) The by-law should establish a maximum residential density of 200 units per hectare on the residential lands as identified in the OMB Decision Order.
- iii) The draft by-law submitted by the Owner requires that “no occupancy permit shall be issued prior to draft approval of a condominium application for the applicable building.” The OMB Decision Order states that no “building permit” could be issued without a condominium application. The final implementing by-law should reflect the Board’s requirement.

- iv) The draft zoning by-law proposes to rezone the subject lands from A Agricultural Zone to C1 Restricted Commercial Zone. OPA #600 identifies the role of Vaughan Centre as providing a higher order of goods and services, including department stores, specialty stores, major chain stores, restaurants, cafes, places of entertainment and amusement, nightclubs, personal service shops, hotels, business and professional offices. The following uses permitted in the C1 Zone are considered inconsistent with the official plan and should be excluded from the implementing zoning by-law: automotive retail store; boating showroom; funeral home; laboratory; and a radio transmission establishment.

- v) The draft by-law would establish a minimum building setback from Jane Street of 40m whereas 9m is required in a C1 Zone. A 2.92m setback is proposed from Jane Street to residential Building "B". A 40m setback could be contrary to the OMB Decision Order, which seeks to establish a significant intervening land use between the CN pullback track and the residential grounds and result in a building with little or no relationship to the street. The proposed setback would further be inconsistent with Section 2, Paragraph d) (ix) (1) of OPA #626, which encourages that buildings be sited to create an attractive streetscape along Jane Street. The proposed setback would likely result in a parking lot being located in the front yard. Accordingly, Staff recommends that the front yard setback for the commercial lands be reduced to 6m in order to achieve urban design objectives for Jane Street and be more consistent with the OMB Decision Order.

Noise Study

On June 3, 2005, the Owner submitted an updated Environmental Noise Analysis, prepared by Valcoustics Canada Ltd., and dated June 2, 2005. Staff has not had an adequate opportunity to review the noise study and therefore are unable to provide comments with respect to its' conclusions. Staff recommends that a qualified noise consultant, undertake a peer review of the noise report prior to final approval of the site plan.

The report concludes that the current site plan will comply with the MOE outdoor traffic noise criteria at designated at-grade outdoor amenity areas without any additional noise mitigation measures. The report further states that a 2m to 3m high sound barrier along the north boundary of the site will ensure compliance with the MOE noise guidelines over all the residential grounds, except for minor noise excesses north of Buildings "B", "C" and "D" in certain cases. However, the report states that a sound barrier of 6m or greater will be no more effective, and thus the 2m-3m high barrier along the north property line satisfies the conditions of the Board's decision. The exact height of the noise barrier will depend on the final grading, positioning and composition of the sound barrier (i.e. berm, fence, etc). It further states that the details of this sound barrier are more appropriately dealt with as part of the commercial site plan approval, not the zoning by-law.

The OMB Decision Order #1815 as amended by Order #0982 indicates the desire for a substantial intervening land use on the commercial lands in order to shield the residential grounds from noise. The plans submitted in support of the application do not illustrate any development or noise abatement measures (i.e. berm/fence) on the commercial lands, including the 2m-3 m high noise barrier recommended in the Environmental Noise Analysis report. The OMB further acknowledged that this requirement will remain unless the parties can demonstrate to the Board's satisfaction that there are alternative means of achieving the effect of a substantial intervening use, and a reduction of noise on the residential grounds, or unless the parties can demonstrate that the requirements will result in insurmountable difficulties in the development of the commercial portion of the land and cannot achieve the desired objectives; and that some modification to the requirement is called for. At this point in time, the Owner has not provided any direction in this respect.

In addition, the OMB's Decision Order, as amended, does not indicate the timing for the construction of the "substantial intervening land use" or any alternative as required to shield the residential grounds from noise in the interim. The commercial lands could remain undeveloped for several years thereby not addressing the Board's concerns. Staff requests clarification from the Board in this matter and has included a condition in this respect. The OMB's Order respecting the Zoning Amendment and Site Development Applications should be withheld pending clarification of this issue.

Toronto & Region Conservation Authority

The Toronto and Region Conservation Authority (TRCA) has advised that the Owner and TRCA Staff met onsite on April 29, 2005 and agreed upon an approach to defining the development limits for the eastern portion of the site. The approach taken recognizes that a draw feature would be protected from any alteration or grading by a tree preservation line identified in the zoning by-law as a landscaped area wherein structures are prohibited. The TRCA has also advised that a detailed planting and restoration plan is required for the portion of the property affected by the re-created valley and natural channel design and that detailed discussions respecting this matter is on-going. A revised site plan has been forwarded to the TRCA for their review and comment. The Owner will be required to satisfy all requirements of the TRCA.

Valley Lands

Section 5.9.1 of OPA #600, subparagraph (14) states:

"Valley and Stream Corridors, as defined in this plan and determined through the Block Plan process to be retained and protected, shall be conveyed to the City and/or TRCA as a condition of development approval for the property to which it is part."

Schedule "F" to OPA #600 identifies Valley and Stream Corridors, including the valley lands on the Jane-Ruth lands. These valley land limits are further refined in OPA#626, which is an amendment to OPA #600. Accordingly, Section 5.9.1, subparagraph 14, is applicable to the Jane-Ruth property and the valley lands shall be dedicated to the City or TRCA as a condition of zoning and site plan approval, as required by the Official Plan. A condition of approval is included in this respect.

Servicing

The Engineering Department has advised that the subject development is located within the Maple Service Area and is naturally tributary to the Jane-Rutherford collector. In addition, based on the City's current Vaughan Water Pressure Districts (2026 Condition) plan, the development falls within the servicing area of Pressure District 6 of the York Water Supply System. The existing watermain and sanitary sewer on Jane Street will provide the connections required for this development. Connections to the existing infrastructure will be subject to confirmation that there are no downstream constraints in the existing system. The Engineering Department has provided a resolution for Council's consideration to allocate sewage and water supply capacity for the proposed development, which is included in the recommendation section of this report.

The Owner has submitted the required engineering drawings including, a grading and servicing plan and a stormwater management report, which must be approved to the satisfaction of the Engineering Department and the Region of York.

PowerStream Inc. & Fire Department

The Owner will be required to satisfy all hydro and fire prevention requirements of PowerStream Inc. and the Vaughan Fire Department, respectively. A condition of approval has been included in this respect.

Development Charges

The Finance Department has advised that City, Regional and Boards of Education development charges apply to the proposed development. In addition, a woodlot acquisition charge of \$1000 per unit and a special area charge are applicable to the proposal.

Region of York

The Region of York has advised that they have no objection to the application in principal, however have provided a letter, dated May 16, 2005, which outlines 50 conditions that the applicant must address. Some of the key conditions that need to be addressed include:

- the requirements for Regional Road widening and reserves;
- Building "B" must be located to comply with the minimum setback to the widened Regional right-of-way as required by the Region;
- the access to the commercial lands will likely be restricted to a right-in/right-out configuration;
- a number of design related matters respecting the configurations of the access driveway to Rutherford Road and Jane Street; and,
- the Owner must submit a Noise Study for the Region's review.

The Owner will be required to satisfy all conditions of the Region of York.

CN Rail

CN has reviewed the proposed site plan application and have provided the following comments:

- "1. We are currently reviewing the Stormwater Management and Channel Design Brief and will provide comments as soon as possible.
2. Based on the information provided, it does not appear that the required intervening commercial development and 6 metre high berm/barrier have been provided for, in accordance with the OMB decision.
3. A final acoustical analysis is required, in accordance with the OMB decision."

Canada Post

Canada Post has advised that their delivery policy requires the Owner to install and maintain a centralized mail facility for each building.

Relationship to Vaughan Vision 2007

This staff report is consistent with the priorities set forth in Vaughan Vision 2007, particularly 'A-5', "Plan and Manage Growth".

Conclusion

The proposed draft Zoning By-law provided by the applicant and Site Development application have been reviewed in consideration of the applicable Official Plan policies, the Ontario Municipal Board Decisions, the requirements of By-law 1-88, and the surrounding area context. With respect to the proposed draft zoning by-law submitted by the Owner, the Planning Department is generally satisfied that it implements the proposed site plan. However, a number of revisions are recommended, as set out in this report, to more accurately implement the requirements of the OMB decisions and the proposed site plan. It is further recommended that the OMB withhold its' Decision Order respecting the zoning amendment and site plan applications pending clarification from the Board as it relates to the timing of the implementation of noise abatement measures recommended in its' decision and in the Environmental Noise Analysis Report; the applicant satisfying all requirements of site plan approval set out in this report; and, the final development limits being confirmed to the satisfaction of the City and the Toronto and Region Conservation Authority.

The Planning Department is generally satisfied that the proposed site plan implements the Decision of the Ontario Municipal Board, subject to the comments and conditions set out in the "Recommendation" section of this report. In particular, the final site plan application shall not be approved until the Environmental Noise Analysis has been reviewed and it has been assessed whether the current site plan submission adequately addresses the noise related issues identified by the Ontario Municipal Board.

In light of the above, a recommendation has been included wherein Council can advise the Ontario Municipal Board that it endorses the zoning amendment and site development applications, subject to the conditions of approval set out in the recommendation of this report.

Attachments

1. Location Map
2. Context Site Plan
3. Site Plan – Building "A"
4. Site Plan – Building "B"
5. Building "A" Elevation – South
6. Building "A" Elevation – North
7. Building "A" Elevations – West & East
8. Building "B" Elevation – South
9. Building "B" Elevation – North
10. Building "B" Elevations – West & East
11. Master Landscape Plan
12. Building "A" – Planting Plan
13. Building "B" – Planting Plan
14. Streetscape Elevations
15. Proposed Zone Schedule

Report prepared by:

Mauro Peverini, Planner, ext. 8407
Grant Uyeyama, Manager of Development Planning, ext. 8635

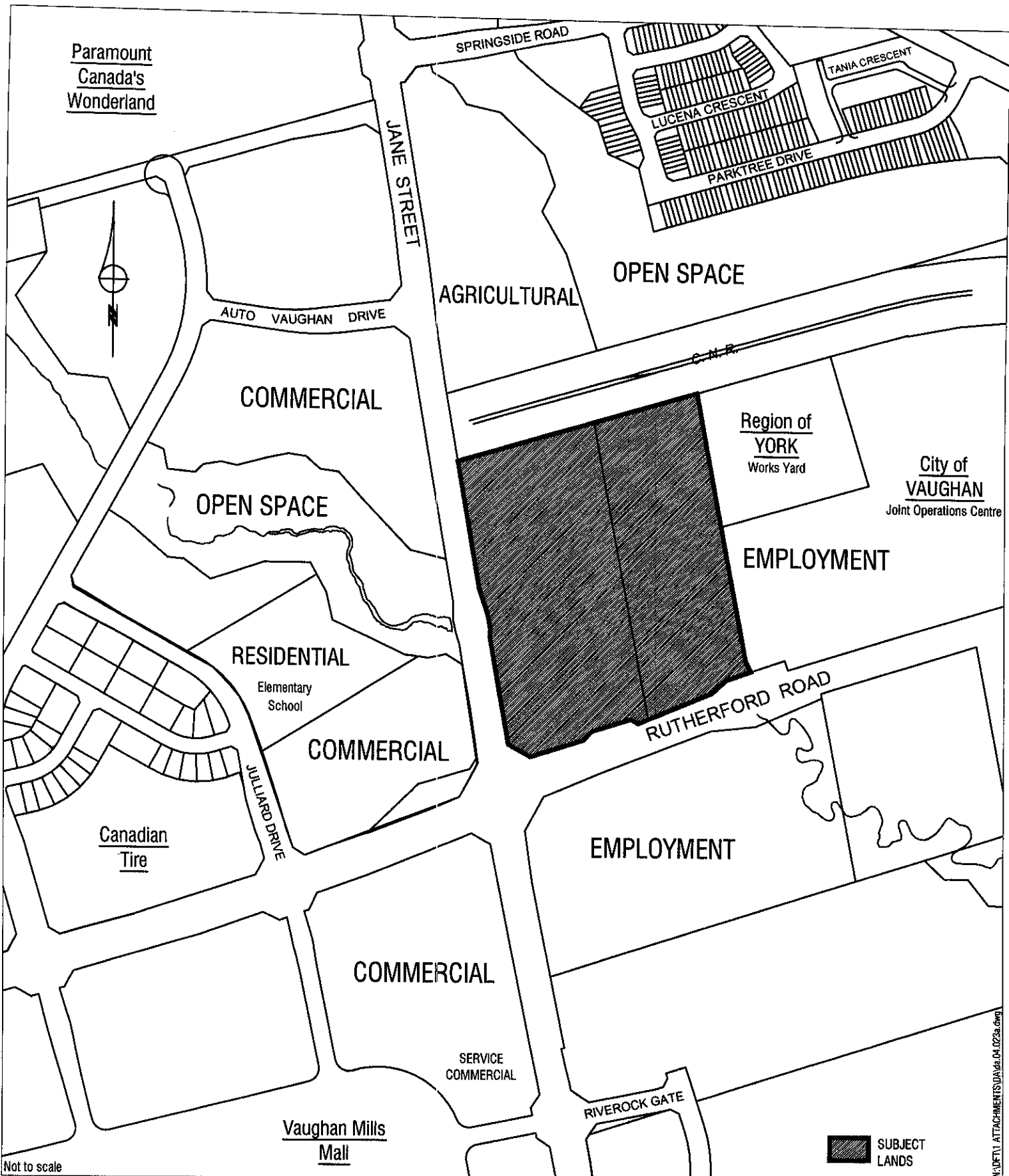
Respectfully submitted,

JOHN ZIPAY
Commissioner of Planning

MARCO RAMUNNO
Director of Development Planning

/CM

R:\SER\WORKING\PEVERIN\MJane-Ruth-June-20-05.CW.doc



Not to scale

Location Map

Location:
Part Lot 16, Concession 4
Applicant:
JANE RUTH DEVELOPMENTS INC.

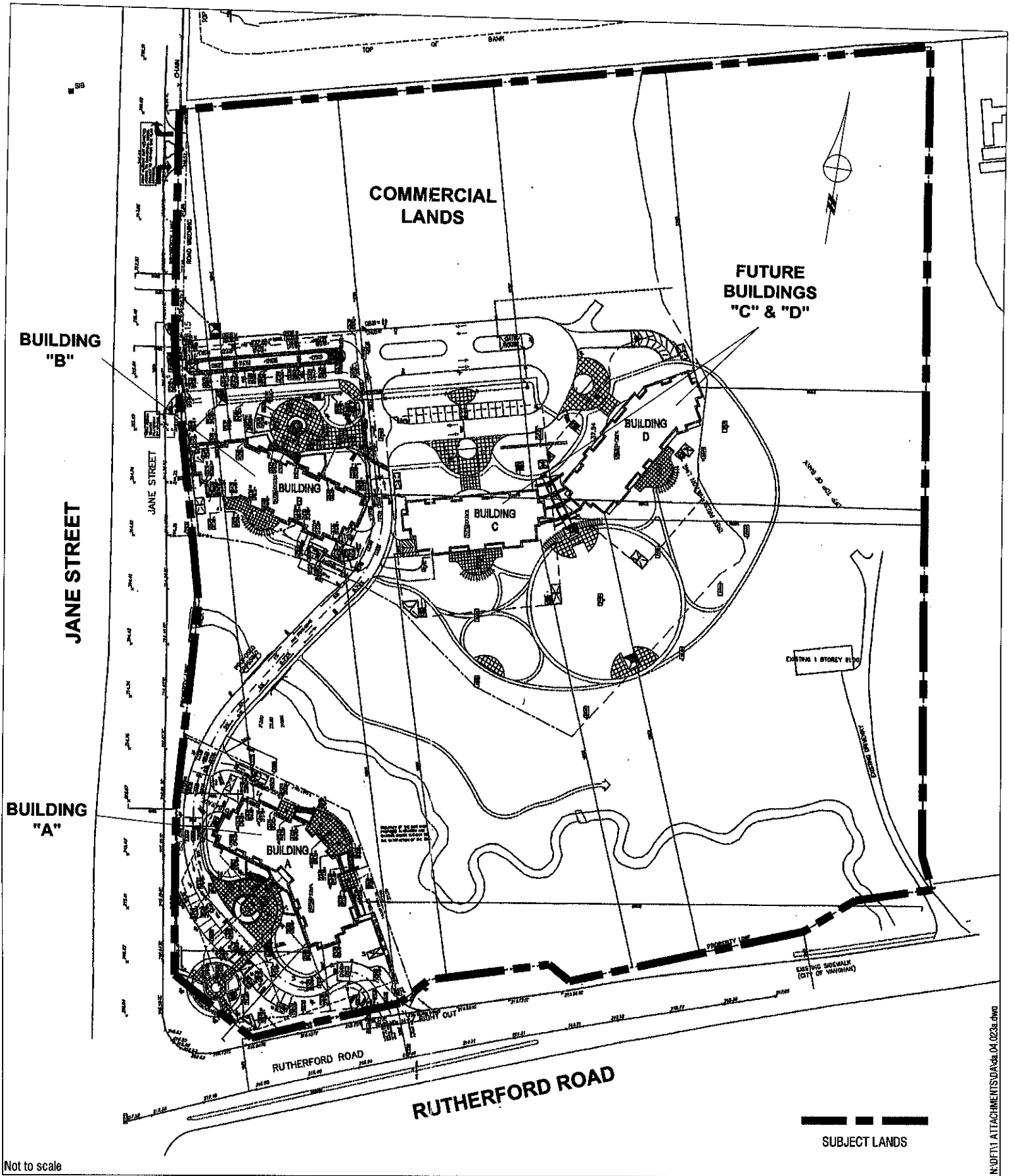
City of Vaughan
The City Above Toronto
Development Planning Department

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Date:
June 1, 2005

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Not to scale

Context Site Plan

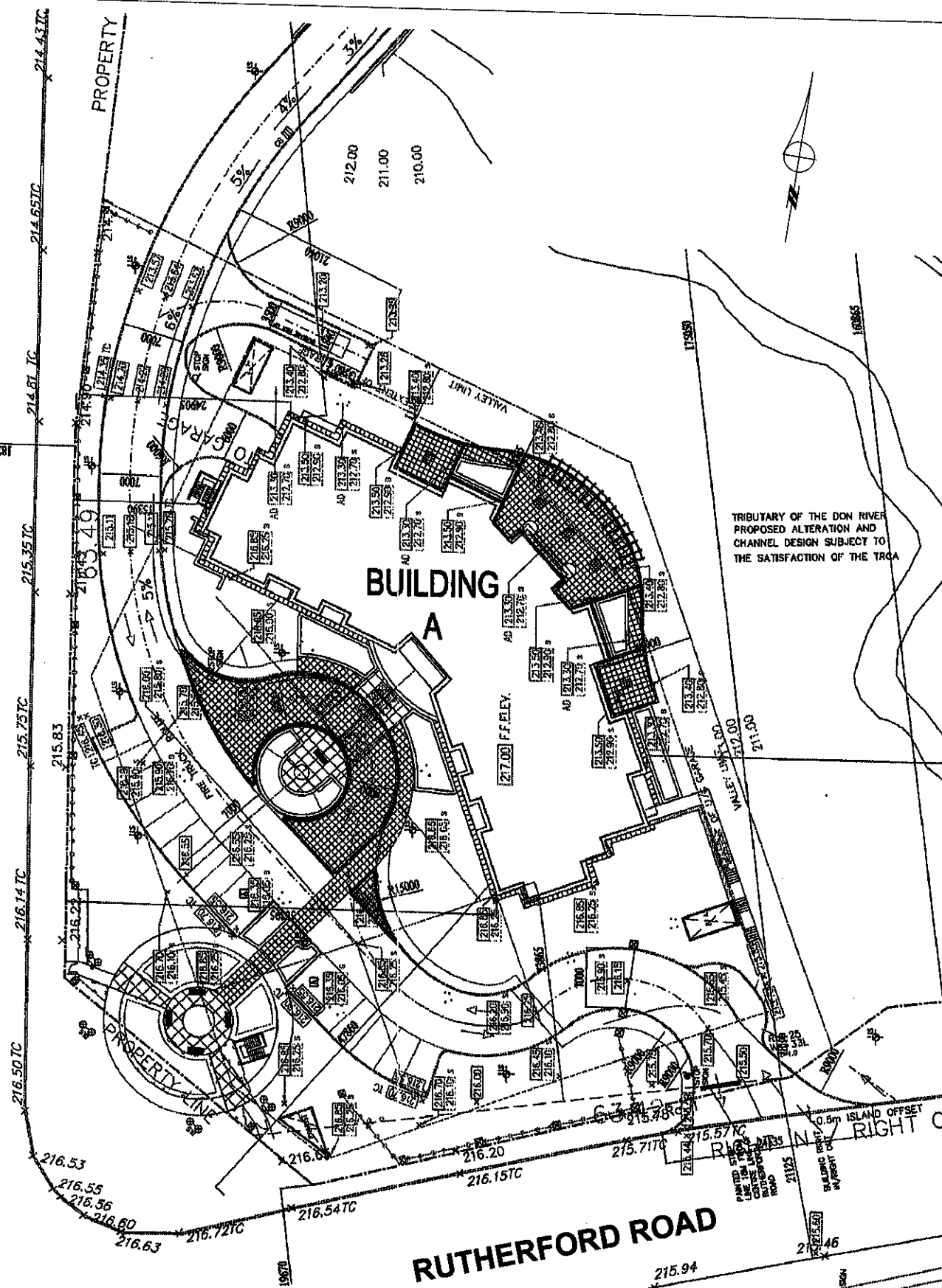
Location:
Part Lot 16, Concession 4
Applicant:
JANE RUTH DEVELOPMENTS INC.

City of Vaughan
The City Above Toronto
Development Planning Department

Attachment
File:
DA.04.023
Date:
June 3, 2005

2

JANE STREET



Not to scale

Site Plan - Building 'A'

Location:
 Part Lot 16, Concession 4
 Applicant:
 JANE RUTH DEVELOPMENTS INC.



The City Above Toronto
 Development Planning Department

Attachment

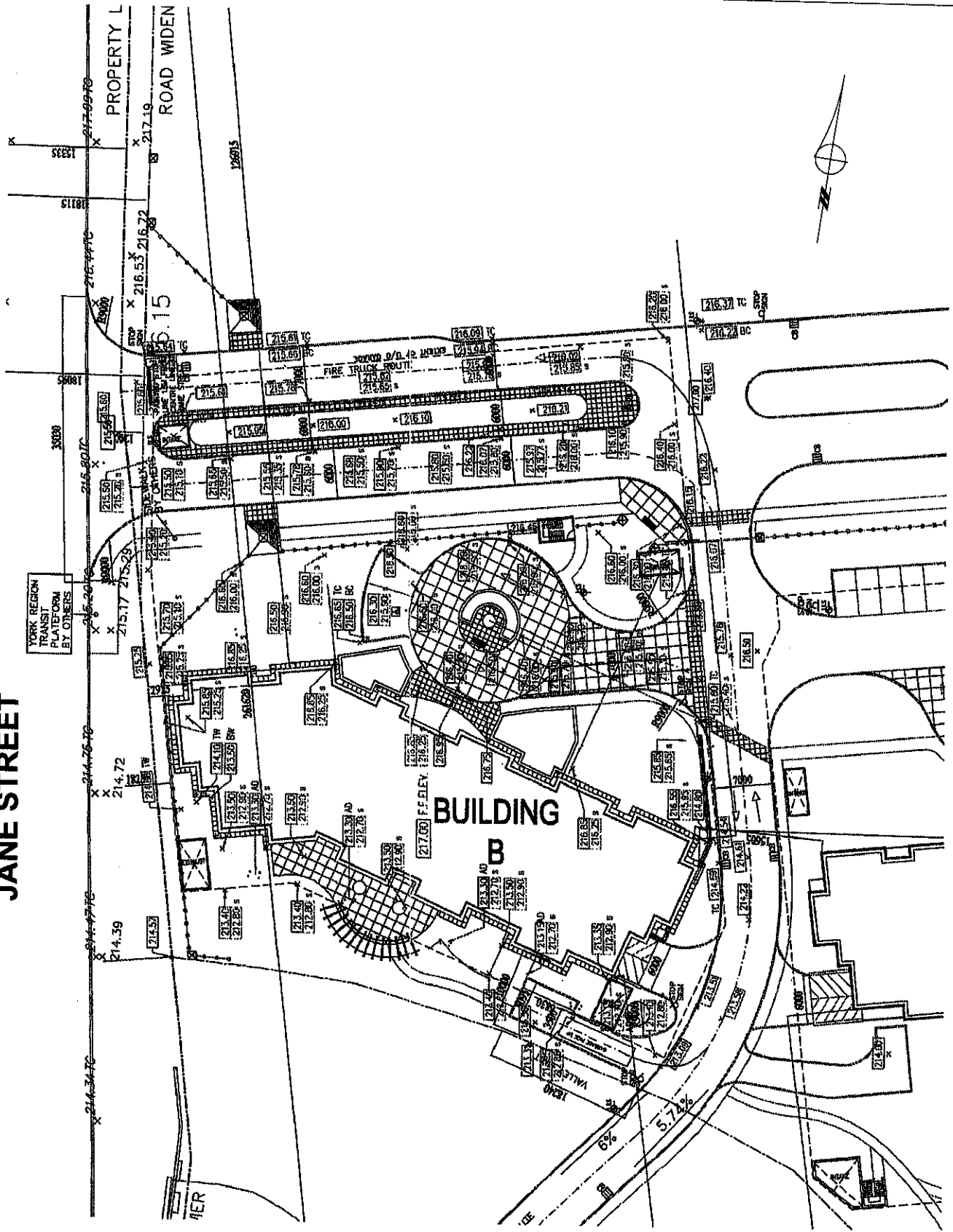
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 June 3, 2005

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JANE STREET

PROPERTY L
ROAD WIDEN



Not to scale

Site Plan - Building 'B'

Location:
Part Lot 16, Concession 4
Applicant:
JANE RUTH DEVELOPMENTS INC.

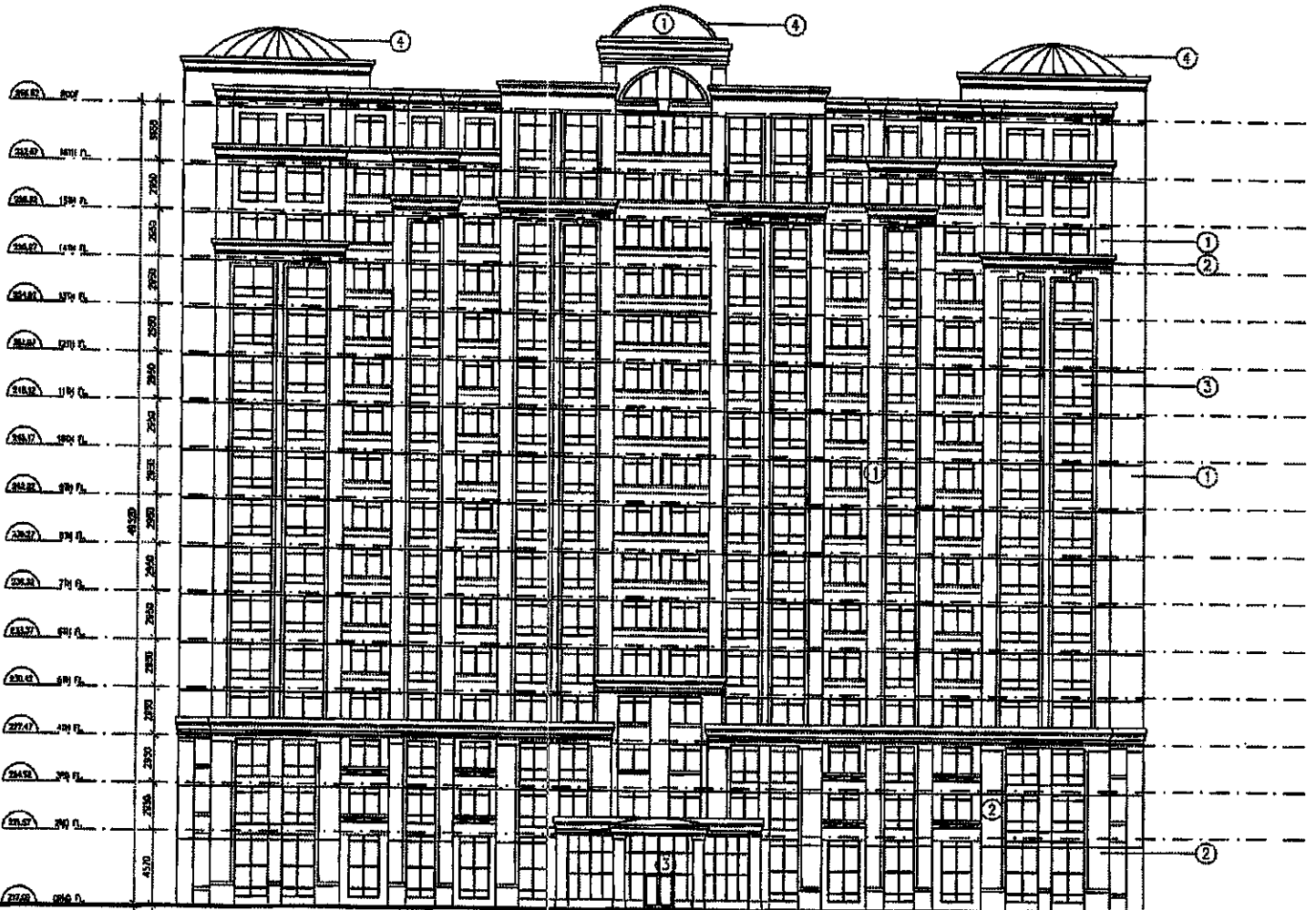
CITY OF
Vaughan
The City Above Toronto
Development Planning Department

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Date:
June 3, 2005

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South Elevation - Rutherford Road

- ① PRECAST - TEXTURE/COLOUR 1
- ② PRECAST - TEXTURE/COLOUR 2
- ③ BRONZE COLOURED GLASS
- ④ BRONZE METAL ROOF

Not to scale

Building 'A' Elevations

Location:
Part Lot 16, Concession 4

Applicant:
JANE RUTH DEVELOPMENTS INC.



The City Above Toronto

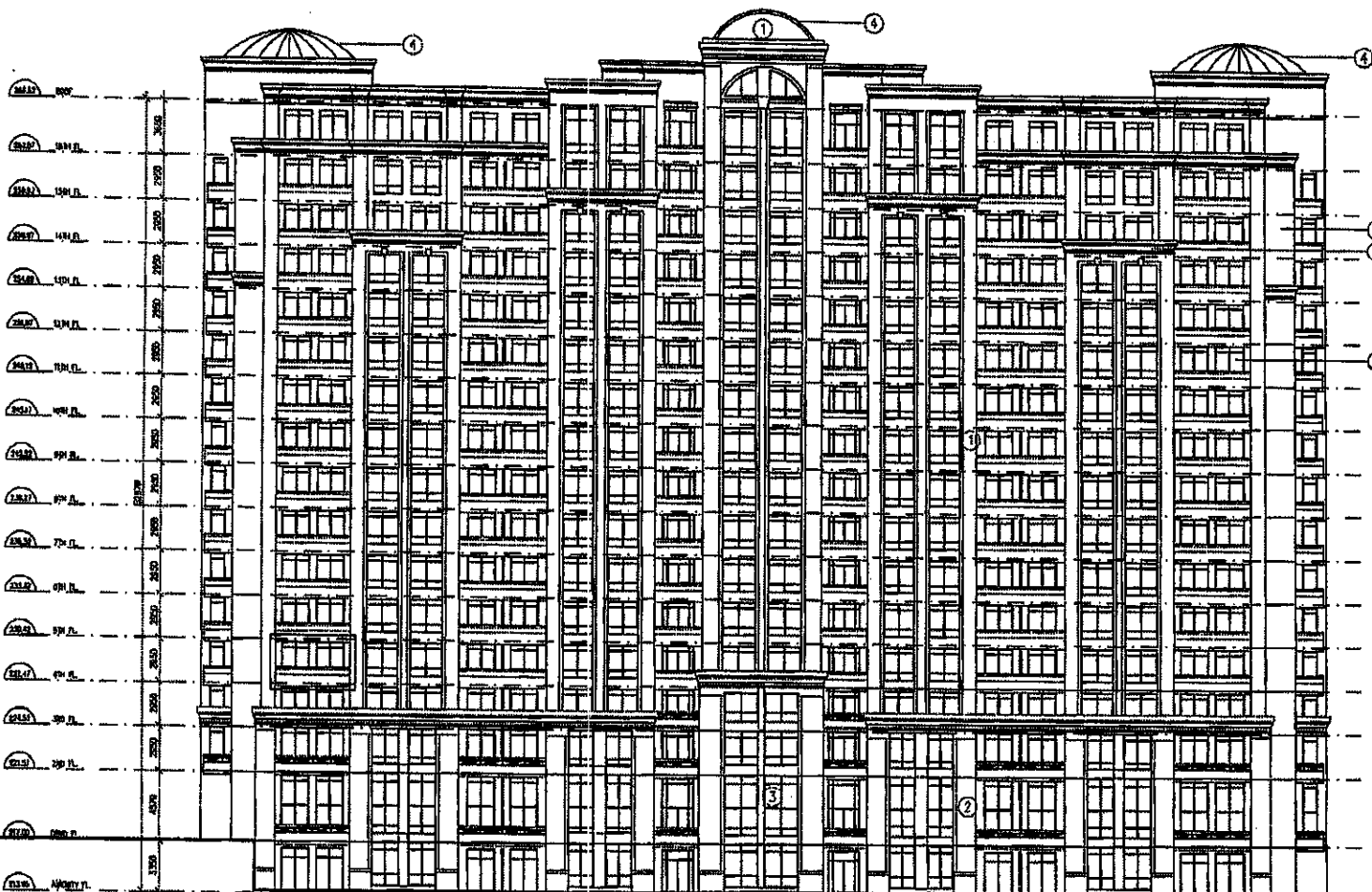
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Date:
June 3, 2005

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North Elevation

- ① PRECAST - TEXTURE/COLOUR 1
- ② PRECAST - TEXTURE/COLOUR 2
- ③ BRONZE COLOURED GLASS
- ④ BRONZE METAL ROOF

Not to scale

Building 'A' Elevations

Location:
Part Lot 16, Concession 4
Applicant:
JANE RUTH DEVELOPMENTS INC.

City of Vaughan

The City Above Toronto

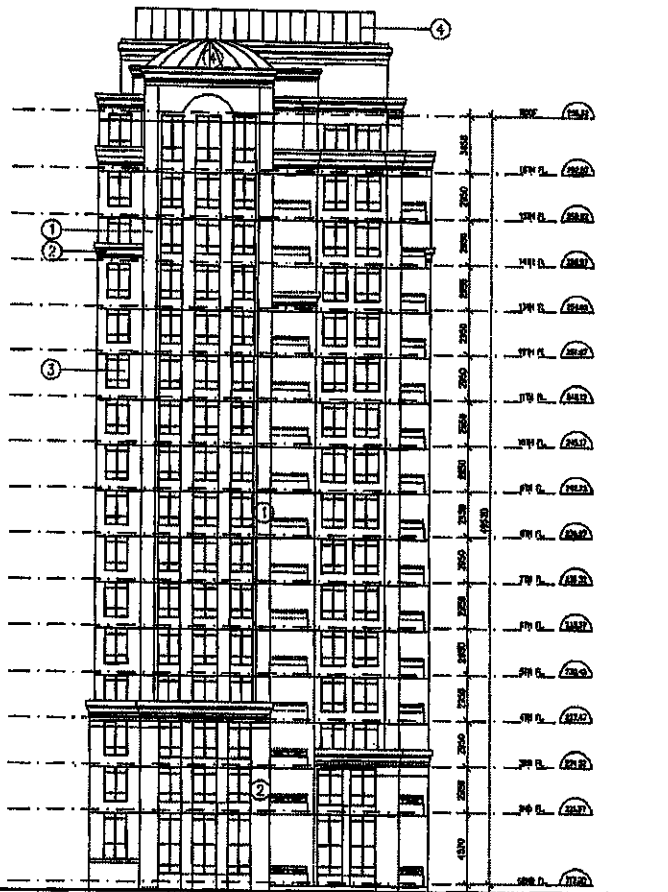
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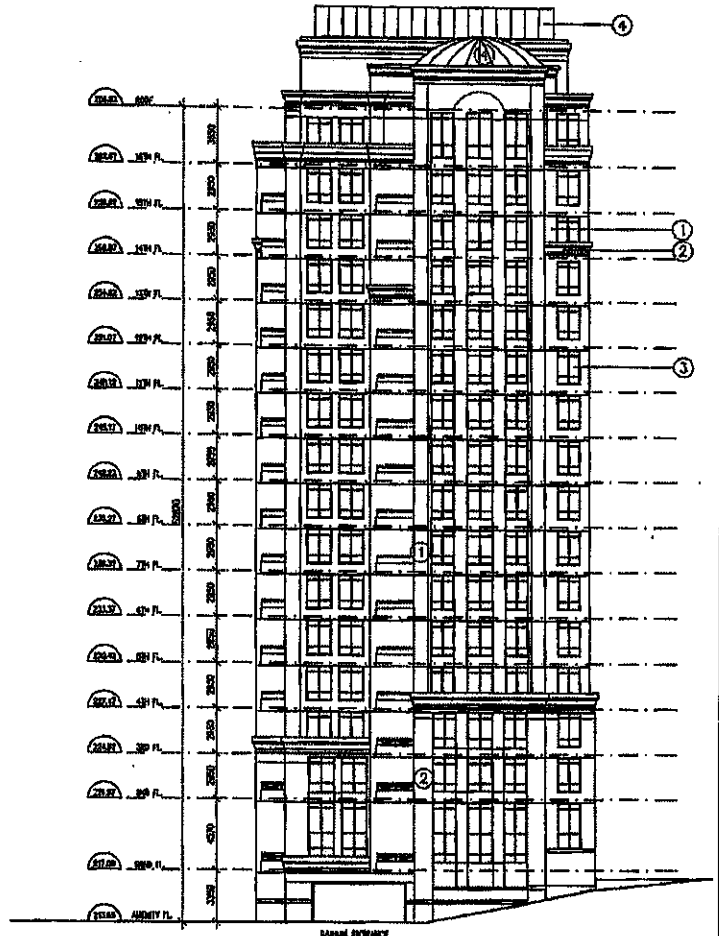
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June 3, 2005

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West Elevation - Jane Street



East Elevation

- ① PRECAST - TEXTURE/COLOUR 1
- ② PRECAST - TEXTURE/COLOUR 2
- ③ BRONZE COLOURED GLASS
- ④ BRONZE METAL ROOF

Not to scale

Building 'A' Elevations

Location:
Part Lot 16, Concession 4

Applicant:
JANE RUTH DEVELOPMENTS INC.



The City Above Toronto

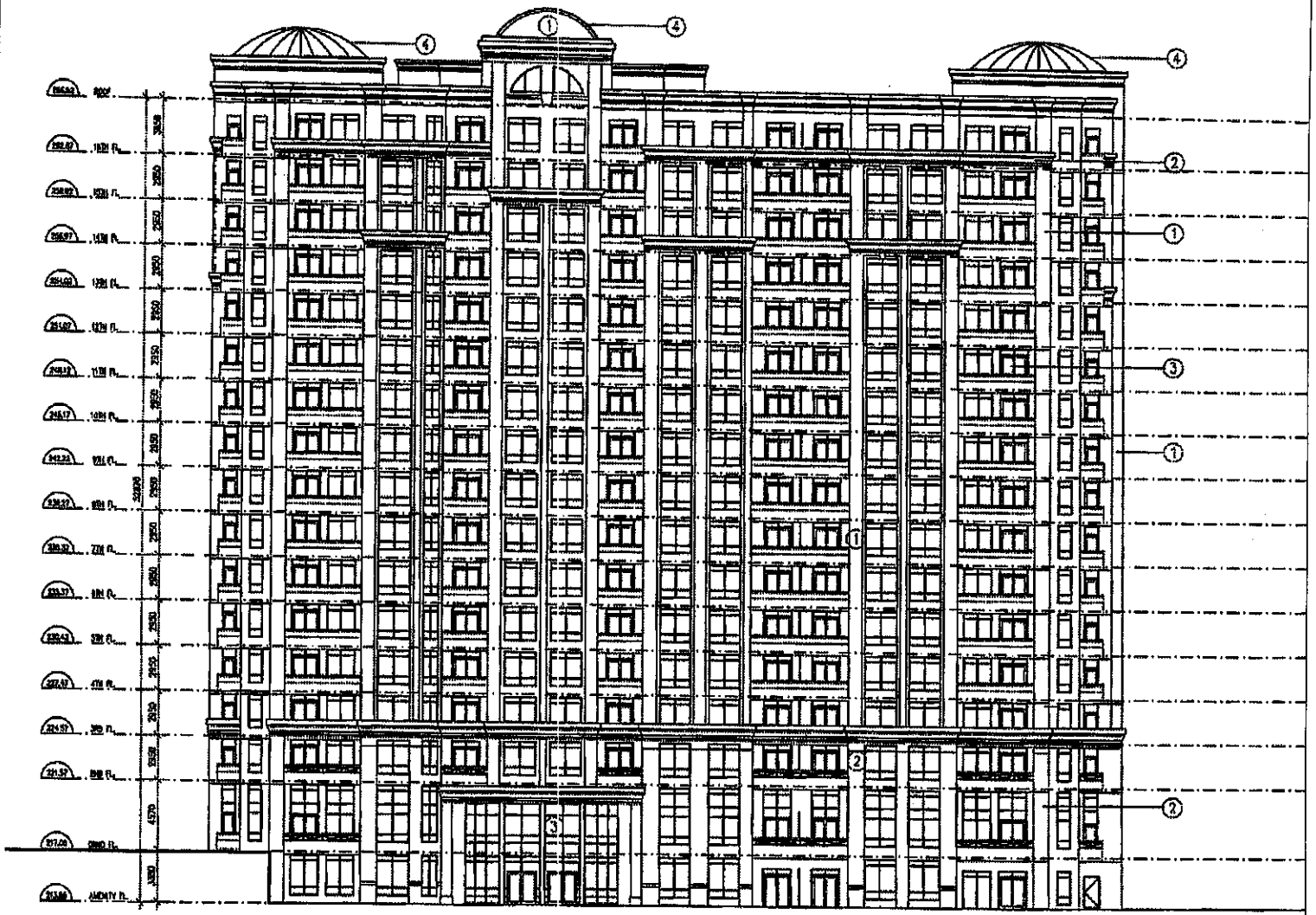
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Date:
June 3, 2005

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South Elevation

- ① PRECAST - TEXTURE/COLOUR 1
- ② PRECAST - TEXTURE/COLOUR 2
- ③ BRONZE COLOURED GLASS
- ④ BRONZE METAL ROOF

Not to scale

Building 'B' Elevations

Location:
Part Lot 16, Concession 4

Applicant:
JANE RUTH DEVELOPMENTS INC.



The City Above Toronto

Development Planning Department

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Date:
June 3, 2005

8



North Elevation

- ① PRECAST - TEXTURE/COLOUR 1
- ② PRECAST - TEXTURE/COLOUR 2
- ③ BRONZE COLOURED GLASS
- ④ BRONZE METAL ROOF

Not to scale

Building 'B' Elevations

Location:
Part Lot 16, Concession 4

Applicant:
JANE RUTH DEVELOPMENTS INC.



The City Above Toronto

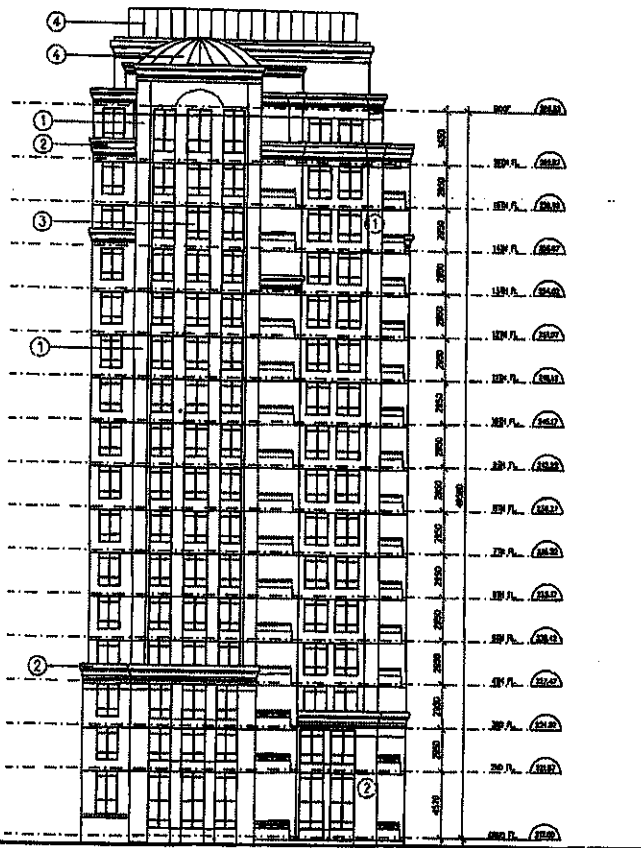
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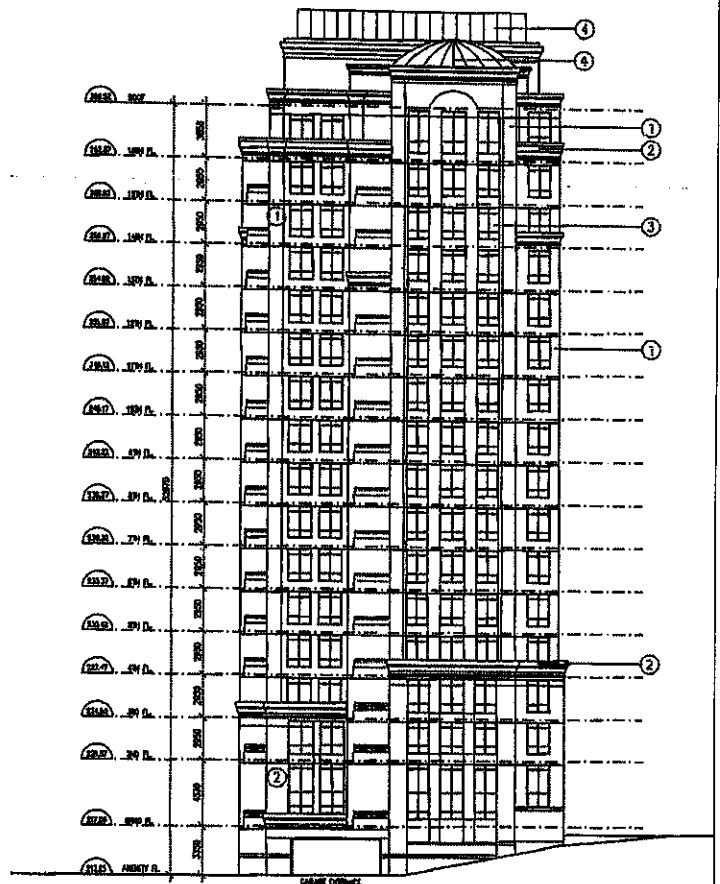
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East Elevation



West Elevation

- ① PRECAST - TEXTURE/COLOUR 1
- ② PRECAST - TEXTURE/COLOUR 2
- ③ BRONZE COLOURED GLASS
- ④ BRONZE METAL ROOF

Not to scale

Building 'B' Elevations

Location:
Part Lot 16, Concession 4

Applicant:
JANE RUTH DEVELOPMENTS INC.



The City Above Toronto

Development Planning Department

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Date:
June 2, 2005

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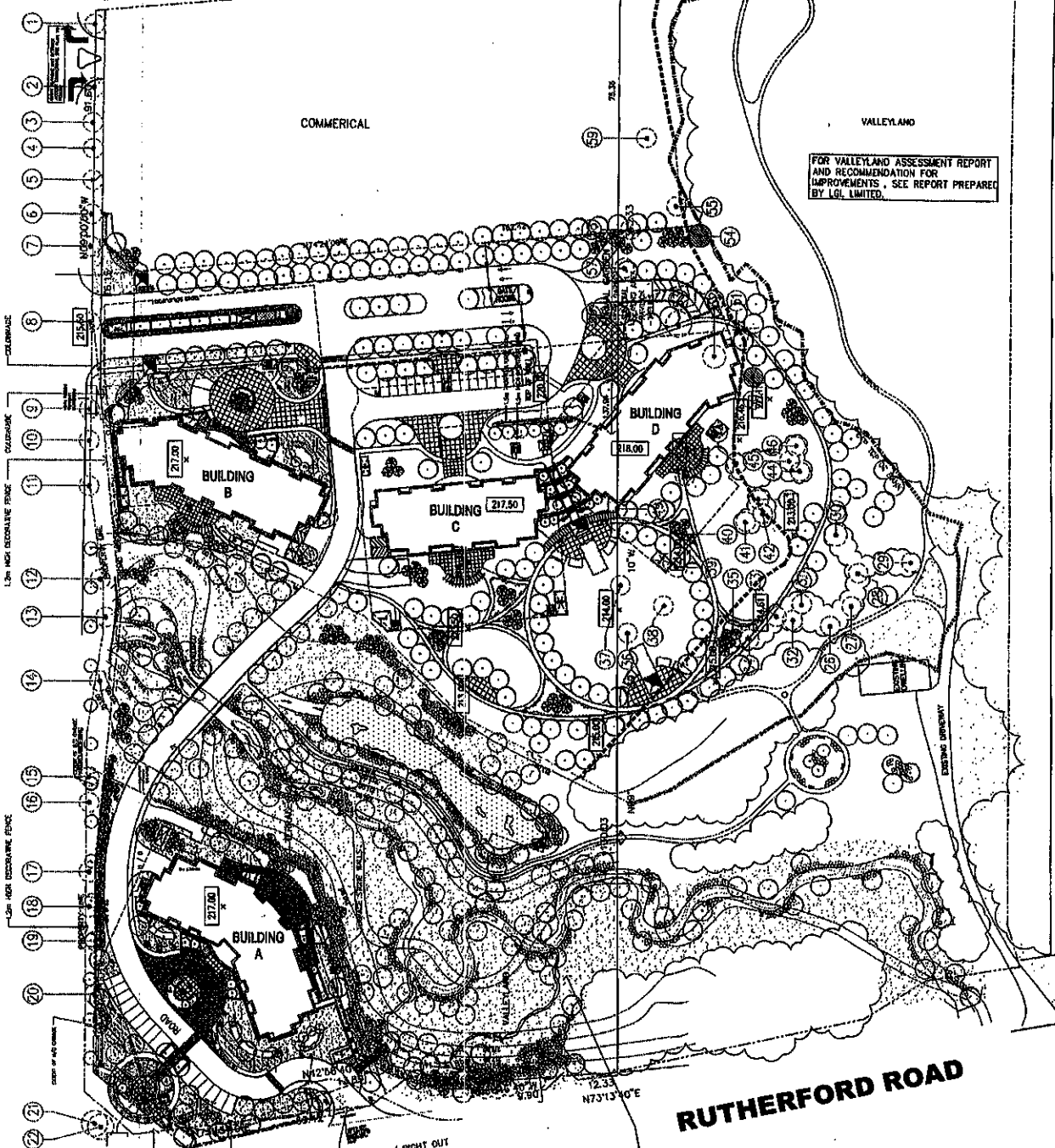
PULL BACK TRACK FOR TRAINS

JANE STREET

COMMERCIAL

VALLEYLAND

FOR VALLEYLAND ASSESSMENT REPORT AND RECOMMENDATION FOR IMPROVEMENTS, SEE REPORT PREPARED BY LGL LIMITED.



TRIBUTARY OF THE DON RIVER PROPOSED ALTERATION AND CHANNEL DESIGN SUBJECT TO THE SATISFACTION OF THE TRCA

FOR VALLEYLAND ASSESSMENT REPORT AND RECOMMENDATION FOR IMPROVEMENTS, SEE REPORT PREPARED BY LGL LIMITED.

Not to scale

Master Landscape Plan

Location:
Part Lot 16, Concession 4
Applicant:
JANE RUTH DEVELOPMENTS INC.



The City Above Toronto

Development Planning Department

Attachment

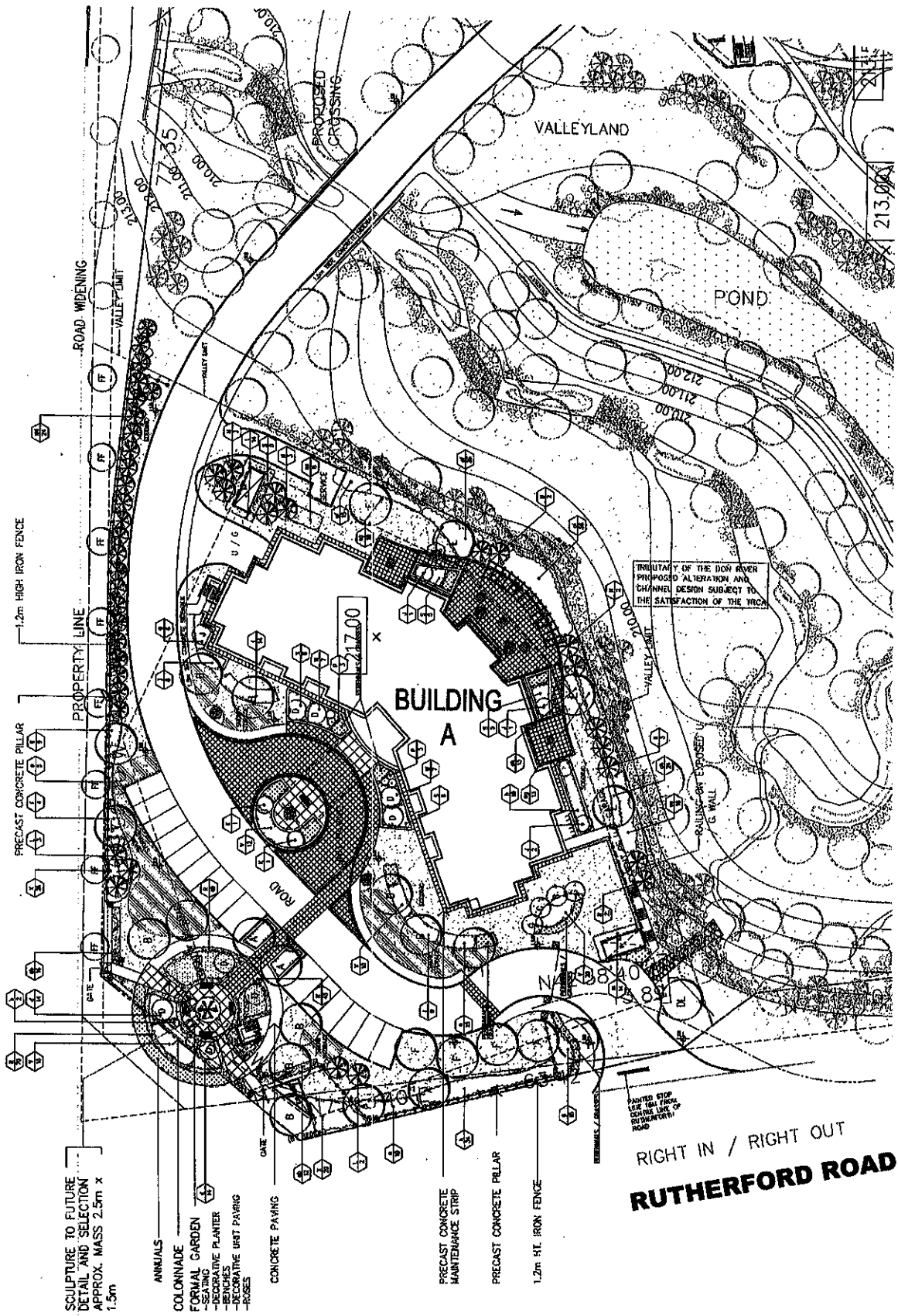
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June 1, 2005

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JANE STREET



RUTHERFORD ROAD

RIGHT IN / RIGHT OUT

Not to scale

Building 'A' Planting Plan

Location:
Part Lot 16, Concession 4
Applicant:
JANE RUTH DEVELOPMENTS INC.



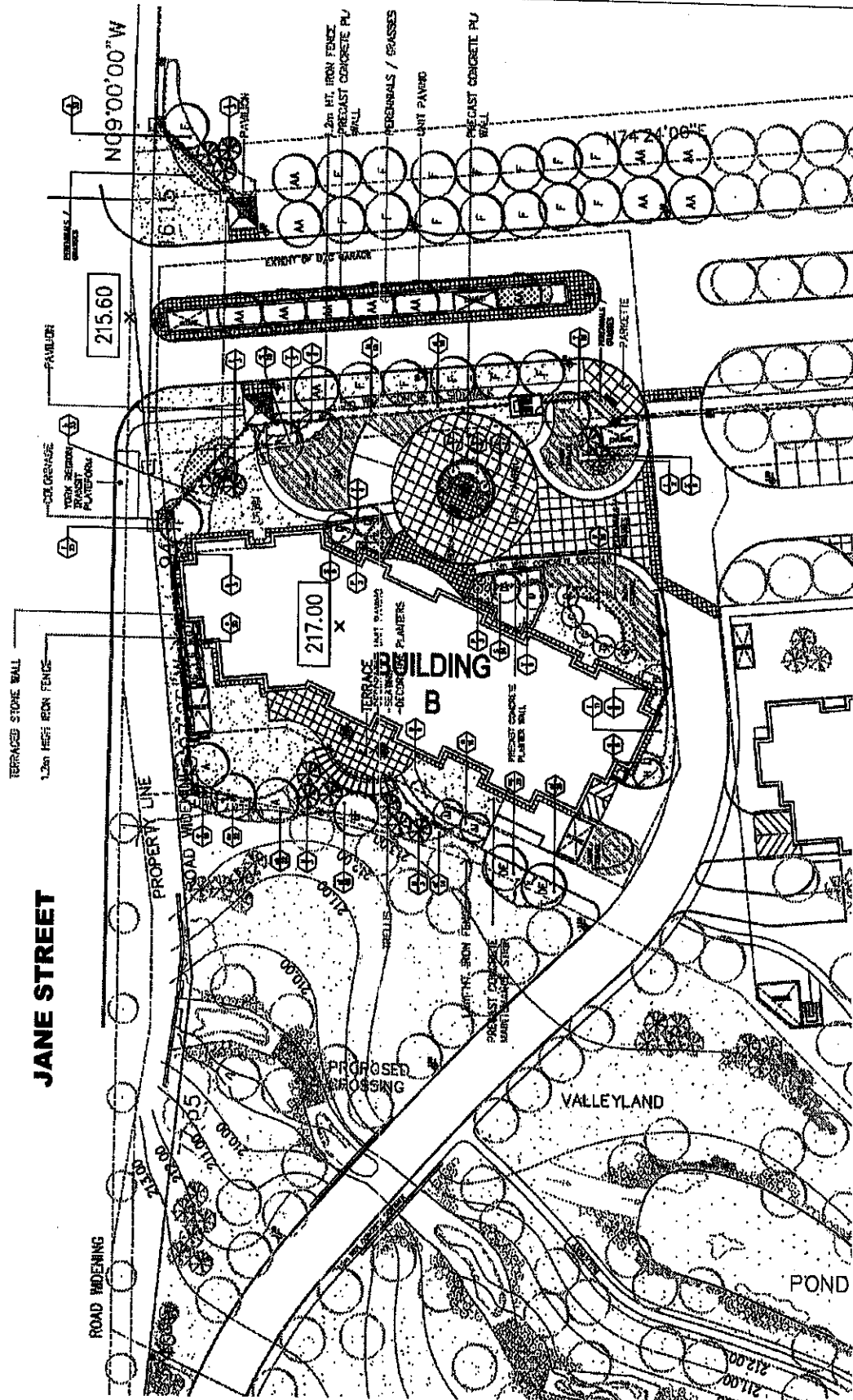
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Building 'B' Planting Plan

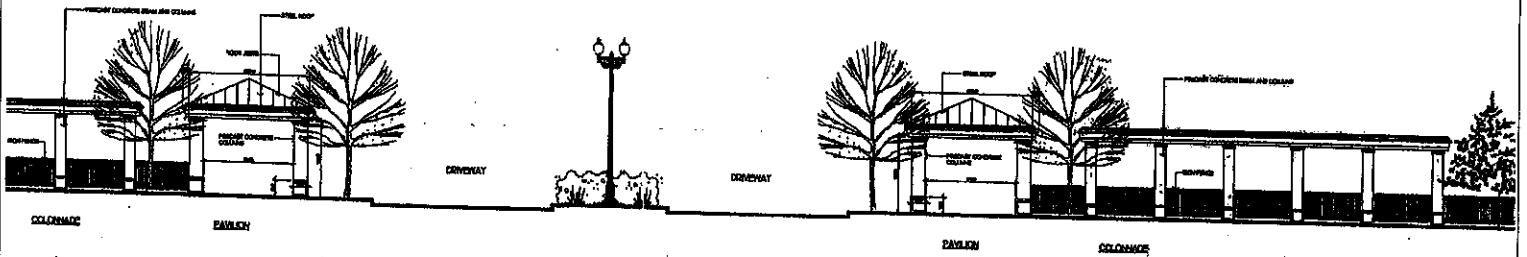
Location:
Part Lot 16, Concession 4
Applicant:
JANE RUTH DEVELOPMENTS INC.

City of Vaughan
The City Above Toronto
Development Planning Department

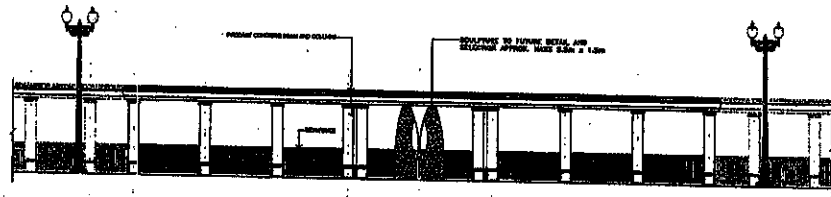
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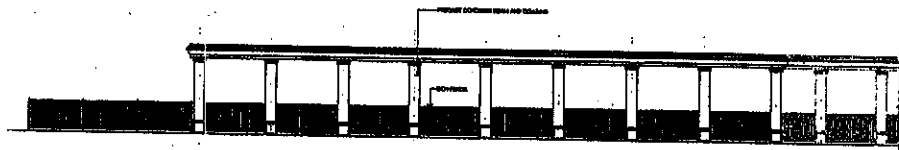
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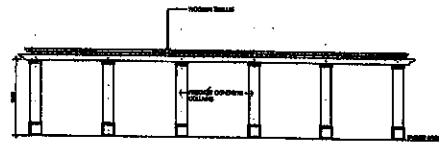
① DRIVENGE AT JANE STREET - PAVILION / COLONNAGE / FINISH



② CORNER COLONNAGE AT JANE AND BURNHAMTHORPE - FRONT ELEVATION



③ CORNER COLONNAGE AT JANE AND BURNHAMTHORPE - TYPICAL SIDE ELEVATION



④ TYPICAL TOWER FROM ELEVATION

Not to scale

Streetscape Elevations

Applicant:
JANE RUTH DEVELOPMENTS INC.

Location:
Part Lot 16, Concession 4



The City Above Toronto

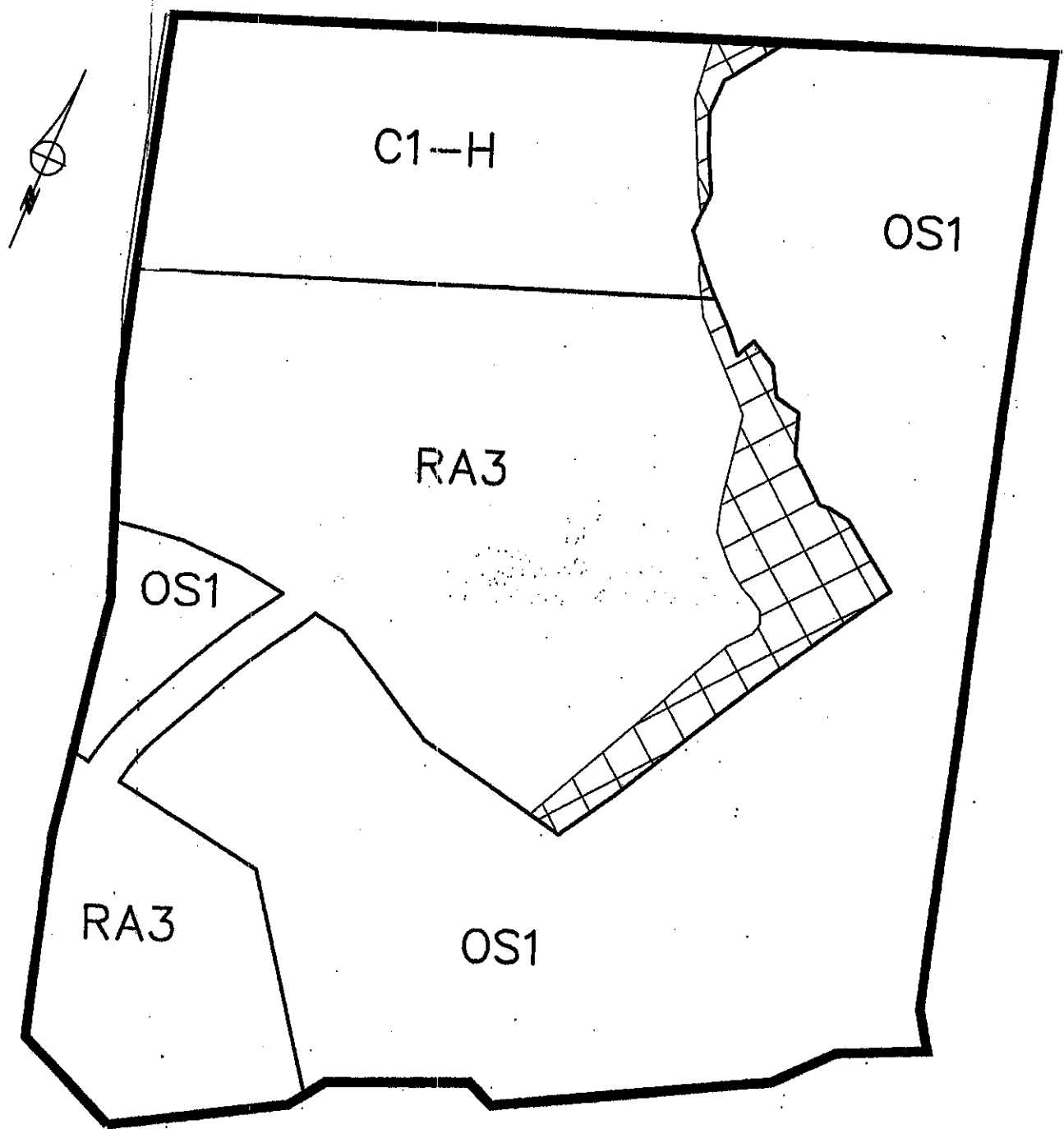
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June 2, 2005

14



LEGEND

-  **SUBJECT LANDS**
-  **TREE PRESERVATION AREA**

Not to scale

Proposed Zone Schedule

Applicant:
JANE RUTH DEVELOPMENTS INC.

Location:
Part Lot 16, Concession 4



The City Above Toronto
Development Planning Department

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Date:
June 15, 2005

15