

COMMITTEE OF THE WHOLE FEBRUARY 5, 2007

**DRAFT PLAN OF CONDOMINIUM FILE 19CDM-06V07
JANE-RUTH DEVELOPMENT INC.**

Recommendation

The Commissioner of Planning recommends:

1. THAT Draft Plan of Condominium File 19CDM-06V07 (Jane-Ruth Development Inc.) as shown on Attachment #3 BE APPROVED, subject to the conditions set out in Attachment #1.

Economic Impact

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

Purpose

The Owner has submitted an application on the subject lands shown on Attachment #2 for approval of a Draft Plan of Condominium consisting of a 16 storey residential condominium building with 236 residential units (Building "A"), four levels of underground parking, a total of 441 surface and underground parking spaces, and a total gross floor area of 22,387m². The building is currently under construction.

Background - Analysis and Options

The subject lands shown on Attachment #2 are located at the northeast corner of Jane Street and Rutherford Road (9225 Jane Street), in Part of Lot 16, Concession 4, City of Vaughan. The subject draft plan of condominium forms "Building A" of the Bellaria Residences. The surrounding land uses are:

- North - approved high density residential (RA3 Apartment Residential Zone); open space (OS1 Open Space Conservation Zone)
- South - Rutherford Road; vacant land approved employment/office uses, proposed high density residential development (EM1 Prestige Employment Area Zone)
- East - open space (OS1 Open Space Conservation Zone)
- West - Jane Street; approved commercial under construction (C8 Office Commercial Zone)

Official Plan/Zoning

The subject lands are subject to the Vaughan Centre Secondary Plan as defined by OPA #600, and as amended by OPA #626 and approved by the Ontario Municipal Board (OMB) on April 19, 2005 as part of Decision Order 0982. OPA #626 designates the subject lands "High Density Residential/Commercial". OPA #626 is a site-specific official plan amendment, which facilitates the proposed residential development. The draft plan of condominium conforms to the Official Plan.

The subject lands are zoned RA3 Apartment Residential Zone by By-law 1-88 and are further subject to Exception 9(1246), in compliance with OMB Decision Order 2494, issued on September 23, 2005. The draft plan of condominium complies with the provisions of By-law 1-88.

Site Development

The OMB approved the site plan for Building "A" in Decision Order 2494, along with the zoning for the subject lands. The Draft Plan of Condominium consists of one high density residential

building (Building "A") being 16 storeys in height with 236 residential units. The site is currently under construction and is being built in accordance with the approved Site Plan (File DA.04.023). Building "A" is situated away from the street as directed in the OMB Decision Order. A total of 441 parking spaces are proposed consisting of grade level visitor parking spaces located opposite the main entrance to the building, off the internal private road, with the balance of the parking for Building "A" provided within a four level 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 larger circular design feature anchoring the project at the northeast corner of Jane Street and Rutherford Road. Garbage and recycling which will be stored internal to the building, will be privately picked-up on designated days on the north side of Building "A". Private snow plowing will also be the responsibility of the Condominium Corporation.

Access and Easements

A right-in/right-out access to the site is provided on Rutherford Road, which leads to a 7m wide internal road that will wrap around the front of Building "A", cross the valley to the north and intersect with a new driveway access on Jane Street. The subject internal road will be built as Phase one of the overall development in order to facilitate vehicular and pedestrian movement from Building "A" to the northerly future high density residential buildings, to be constructed by the applicant.

Vehicular and pedestrian access over the internal road between Building "A" and the future condominium buildings will require reciprocal access easements between Building "A" and all future condominium phases, created by way of registration of the condominium declaration that creates the Corporation, pursuant to the Condominium Act, 1998. A condition of approval has been included in Attachment #1 to this effect.

CN Rail

CN has no objections to the draft plan of condominium, however, has provided warning clauses to be included in the Condominium Agreement and the Condominium Declaration, which are included in the conditions of approval as outlined in Attachment #1.

Application Review

The draft plan of condominium is in accordance with the approved Site Plan File DA.04.023. As a condition of approval, the Owner will be required to submit an "as-built" survey to the satisfaction of the Building Standards Department, prior to the registration of the final condominium plan.

Relationship to Vaughan Vision 2007

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

Conclusion

The draft plan of condominium is consistent with the approved site plan. The Development Planning Department has no objections to the approval of the draft plan of condominium, subject to the conditions set out in Attachment #1.

Attachments

1. Conditions of Approval
2. Location Map
3. Draft Plan of Standard Condominium

Report prepared by:

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Respectfully submitted,

JOHN ZIPAY
Commissioner of Planning

MARCO RAMUNNO
Director of Development Planning

/LG

ATTACHMENT NO. 1

CONDITIONS OF APPROVAL

**DRAFT PLAN OF STANDARD CONDOMINIUM 19CDM-06V07
JANE-RUTH DEVELOPMENT INC.
PART OF LOT 16, CONCESSION 4, CITY OF VAUGHAN**

THE CONDITIONS OF THE COUNCIL OF THE CITY OF VAUGHAN THAT SHALL BE SATISFIED PRIOR TO THE RELEASE FOR REGISTRATION OF STANDARD PLAN OF CONDOMINIUM 19CDM-06V07, ARE AS FOLLOWS:

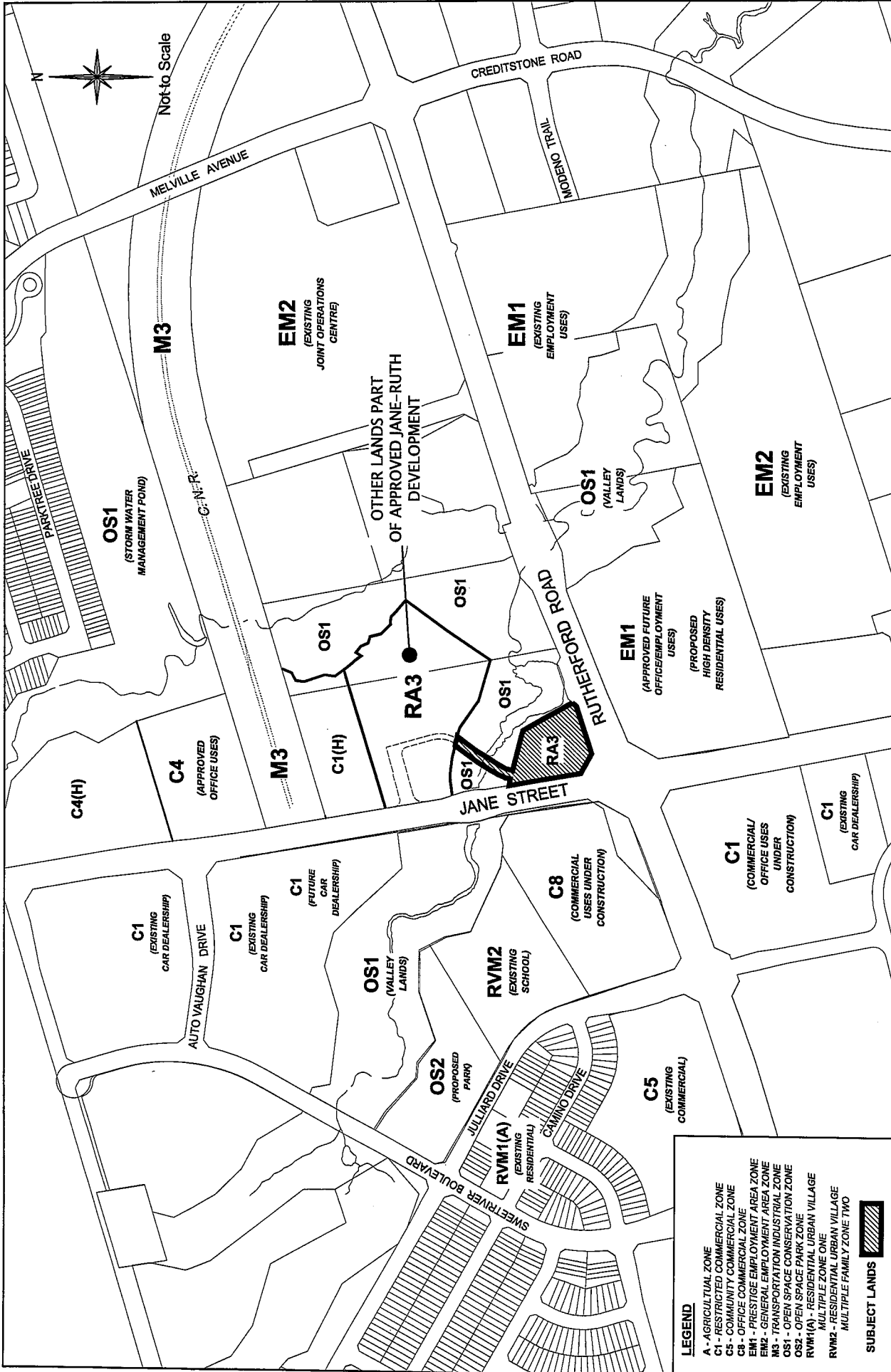
City of Vaughan Conditions

1. The Plan shall relate to a Draft Plan of Condominium, prepared by Rady-Pentek & Edward Surveying Ltd., dated March 28, 2006.
2. Prior to the execution of the condominium agreement, the Owner shall submit a pre-registered plan of condominium to the Development Planning Department.
3. The Owner shall enter into a condominium agreement with the City of Vaughan, and shall agree to satisfy any outstanding site plan conditions with respect to such matters as landscaping and site development and any other matters that the City may consider necessary; prior to final approval, the City shall confirm that the condominium agreement will be registered on title against the lands to which it applies, at the cost of the Owner.
4. The following provisions shall be included in the condominium agreement:
 - a) the Condominium Corporation shall be responsible to regularly clean and maintain all driveway catch basins;
 - b) private garbage and recycling pick-up shall be the responsibility of the Condominium Corporation;
 - c) snow removal and clearing shall be the responsibility of the Condominium Corporation;
and
5. Prior to final approval, the Owner shall submit an "as-built" survey to the satisfaction of the Building Standards Department.
6. Prior to final approval, the Owner shall confirm that all required easements and rights-of-way for utilities, drainage, and construction access purposes have been granted to the appropriate authorities.
7. The Owner shall include in Schedule "A" to the Condominium Declaration all necessary and appropriate reciprocal easements for the use and maintenance of all on-site services, support facilities, and pedestrian and vehicular access over the common elements of the Draft Plan of Condominium and the adjoining future phases as may be required. This condition is issued pursuant to Subsection 20(2) (b) of the Condominium Act, 1998.

8. Prior to final approval, the Owner shall confirm that they have paid all outstanding taxes, development charges and levies, as may be required by the Finance Department.
9. That the following CN Rail clauses shall be included in the condominium agreement:
 - a) The condominium agreement and declaration shall secure the provision that any proposed alterations to the existing drainage pattern affecting Railway property must receive prior concurrence from CN Rail and be substantiated by a drainage report to the satisfaction of CN Rail.
 - b) The condominium agreement and declaration shall secure the requirement for the condominium corporation to maintain all of the required rail noise mitigation measures.
 - c) All persons presently having or who may in the future acquire any interest in the lands which are the subject matter of this Agreement/Declaration (the "Project Lands") are hereby notified as follows:
 - i) That Canadian National Railway Company ("CN") is the owner of certain lands known as its "MacMillan Rail Yard" (the "CN Lands"), portions of which are located within 300 metres of the Project Lands, and that the CN Lands are now and will continue to be used for the present and future railway facilities and operations of CN on a continuous basis (24 hours of each day in each year) including, without limitation, the operation and idling of diesel locomotives with the generation of diesel fumes and odours, artificial lighting of the CN Lands which may illuminate the sky, the loading, unloading and switching of rail cars containing bulk and other commodities including hazardous substances and/or goods containing the same, and the operation of various processes for the maintenance of rail equipment;
 - ii) That the use of such present and future railway facilities and operations may result in the discharge, emission, releasing or venting upon or other effect of the Project Lands at any time during the day or night of or by dust, smoke, fumes, odours and other gaseous and/or particulate matter, noise, vibration and other sounds, light, liquids, solids and other emissions of every nature and kind whatsoever (herein collectively called the "Operational Emissions"), any or all of which may be annoying, unpleasant, intrusive or otherwise adversely affect the use and enjoyment of the Project Lands or any part thereof notwithstanding the inclusion of features within the development of the Project Lands which are intended to attenuate, lessen or otherwise minimize or eliminate the impact of the Operational Emissions upon the use and enjoyment of the Project Lands;
 - iii) That CN and its customers will not be responsible for any complaints or claims by or on behalf of the owners and occupants of the Project Lands arising from or out of or in any way in connection with the Operational Emissions and any and all effects thereof upon the use and enjoyment of the Project Lands or any part thereof, and whether arising from the presently existing facilities and operations of CN upon the CN Lands or from any and all future renovations, additions, expansions and other changes to such facilities and/or future expansions, extensions, increases, enlargements and other changes to such operations which

could include the acquisition of additional lands for the purpose of expanding the facilities and operations of the MacMillan Rail Yard;

- iv) That CN shall not be required to change any of its facilities or operations upon the CN Lands as a result of or in response to any such complaints or claims;
 - v) That owners, tenants, employees, guests and all other occupants, invitees and users of the Project Lands or any part thereof may be required by governmental authorities having jurisdiction to evacuate the Project Lands by reason of a hazardous situation upon or an accidental release of hazardous substances from the CN Lands.
 - d) The applicant shall agree in the condominium agreement and declaration that the Warning Clauses shall also be included in any residential condominium disclosure statement applicable to the applicant's lands or any portion thereof.
 - e) That the above clauses be included in the Condominium Declaration, a copy of which shall be provided to City of Vaughan Development Planning Department and CN Rail prior to release of the draft plan of condominium for registration.
10. The City (Development Planning Department) shall confirm that Conditions 1 to 9 have been satisfied.



Location Map

Part of Lot 16,
Concession 4

APPLICANT:
JANE - RUTH DEVELOPMENT INC.

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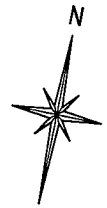
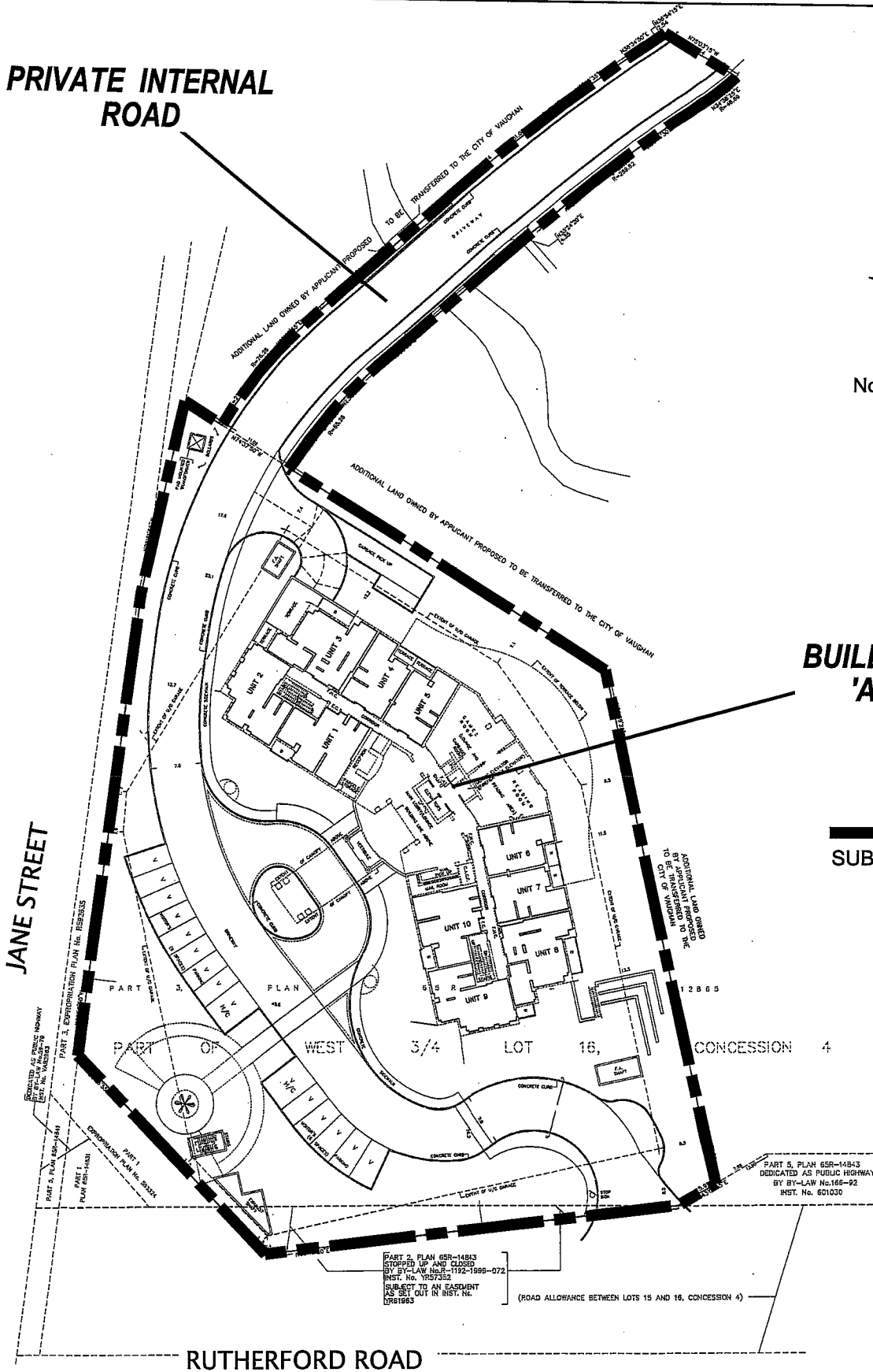
Development Planning Department

Attachment 2

FILE No.:
19CDM-06V07
RELATED FILES:
OP.03.006, Z.03.015
& DA.04.023

January 15, 2007

PRIVATE INTERNAL ROAD



Not to Scale

BUILDING 'A'

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SUBJECT LANDS

Draft Plan of Standard Condominium



Development Planning Department

Attachment

FILE No.:
19CDM-06V07
RELATED FILES:
OP.03.006, Z.03.015
& DA.04.023
January 15, 2007

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APPLICANT: JANE-RUTH DEVELOPMENT INC. Part of Lot 16, Concession 4