

COMMITTEE OF THE WHOLE JUNE 16, 2008

DRAFT PLAN OF CONDOMINIUM FILE 19CDM-07V01 JANE-RUTH DEVELOPMENT INC.

Recommendation

The Commissioner of Planning recommends:

1. THAT Draft Plan of Condominium File 19CDM-07V01 (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 a Draft Plan of Condominium on the subject lands shown on Attachment #2, consisting of a 16-storey residential condominium building with 216 residential units (Building "B"), a total of 363 surface and underground (on 3 levels) parking spaces, and a total gross floor area of 22,335 m² (Attachment #3). The building is currently under construction.

Background - Analysis and Options

The subject lands shown on Attachment #2 are located on the east side of Jane Street, north of Rutherford Road (9235 Jane Street), in Part of Lot 16, Concession 4, City of Vaughan. The subject draft plan of condominium forms "Building B" of the Bellaria Residences. The surrounding land uses are shown on Attachment #1.

Official Plan/Zoning

The subject lands are designated "High Density Residential/Commercial" by OPA #600, as amended by site-specific OPA #626, which was approved by the Ontario Municipal Board (OMB) on April 19, 2005 as part of Decision Order 0982. OPA #626 is a site-specific official plan amendment, which facilitates the development of four residential condominium buildings at the northeast quadrant of Jane Street and Rutherford Road. The draft plan of condominium conforms to the Official Plan.

The subject lands are zoned RA3 Apartment Residential Zone by By-law 1-88, subject to Exception 9(1246). The draft plan of condominium complies with the provisions of By-law 1-88, as amended.

Site Development

The OMB approved the site plan for Building "B" 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 "B") being 16 storeys in height with 216 residential units. The site is currently under construction and is being built in accordance with the approved Site Plan (File DA.04.023, as amended by File DA.06.086). Building "B" is situated on the east side of Jane Street, north of Rutherford Road. The development is accessed from the main entrance on Jane Street leading to a main internal road, which connects with Rutherford Road and serves the overall development. The main entrance to Building "B" is located on the north elevation and is received by a roundabout drop-off area. A total of 363 parking spaces are proposed consisting of two (2) grade level visitor parking spaces located near the main entrance to the building, off the internal

private road. The balance of the parking for Building "B" provided within a three level underground garage accessed by a driveway off the main internal road at the south side of the building. Garbage and recycling will be stored internal to the building, and will be privately picked-up on designated days on the south side of Building "B". Private snow plowing will also be the responsibility of the Condominium Corporation.

Access and Easements

The development is accessed by a right-in/right-out access along Rutherford Road, which leads to a 7 m wide internal road that will connect with the newly constructed main driveway that is accessed from Jane Street. The internal road is being built as part of Phase One of the development in order to facilitate the internal vehicular and pedestrian movement within the overall development. This internal road will require reciprocal access easements among the existing Buildings "A" and "B" and the future condominium phases (Buildings "C" and "D"), and will be 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 Files DA.04.023, as amended by DA.06.068. 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 2020

This report is consistent with the priorities set forth in Vaughan Vision 2020, particularly "Plan & Manage Growth and Economic Vitality".

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 19CDM-07V01

Report prepared by:

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Respectfully submitted,

JOHN ZIPAY
Commissioner of Planning

GRANT UYEVAMA
Manager of Development Planning

/CM

ATTACHMENT NO. 1

CONDITIONS OF APPROVAL

**DRAFT PLAN OF STANDARD CONDOMINIUM 19CDM-07V01
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-07V01, ARE AS FOLLOWS:

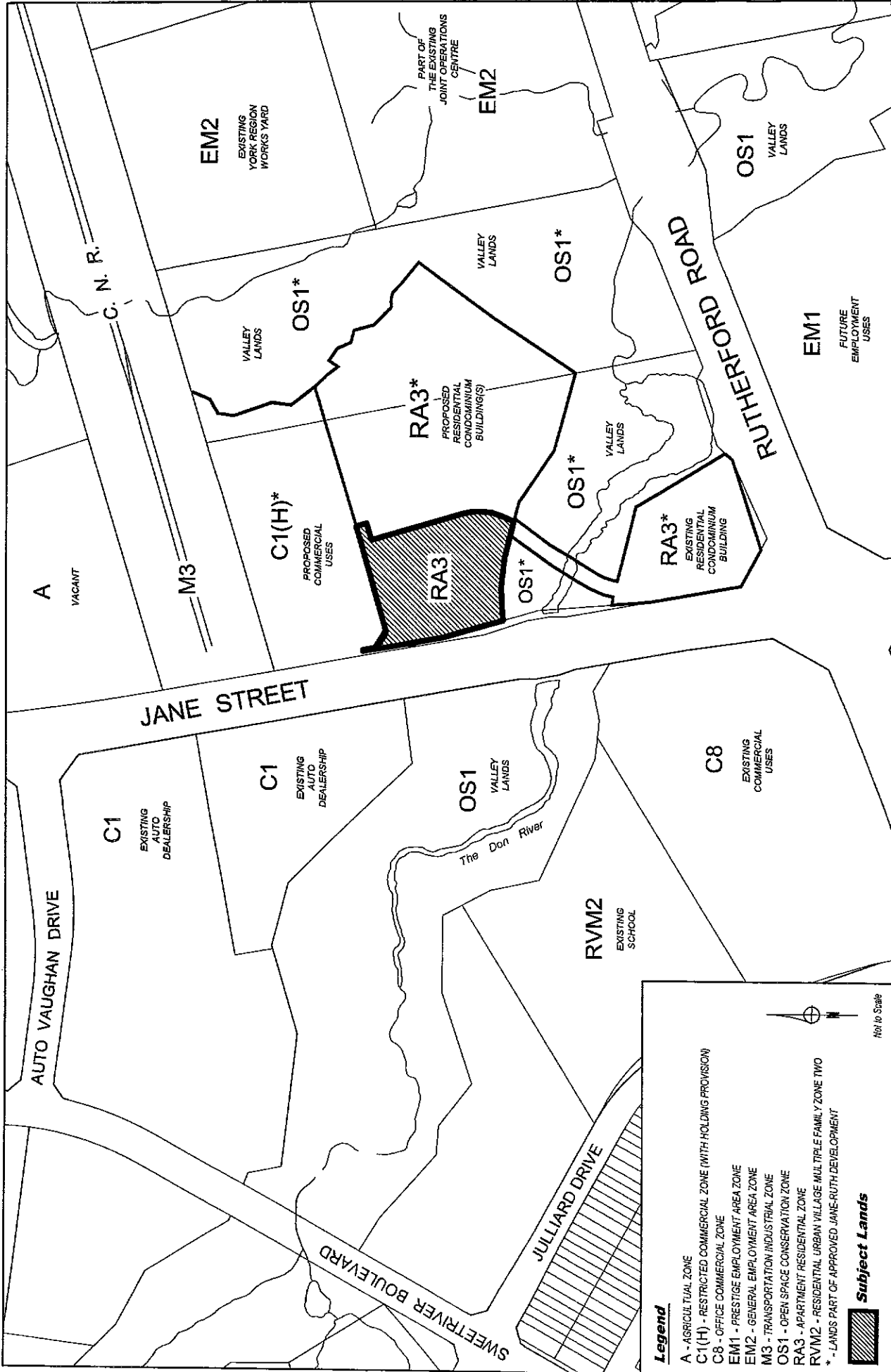
City of Vaughan Conditions

1. The Plan shall relate to a Draft Plan of Condominium, prepared by Rady-Pentek & Edward Surveying Ltd., dated March 20, 2008.
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 conditions with respect to such matters as landscaping and site development and any other matters that the City may consider necessary, which may be outstanding from the registered site plan agreement (File DA.04.023, as amended by File DA.06.086). 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; and,
 - c) snow removal and clearing shall be the responsibility of the Condominium Corporation.
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 (Phases 1, 3 and 4) 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 the City of Vaughan Development Planning Department and CN Rail, prior to the 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.

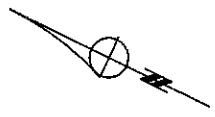
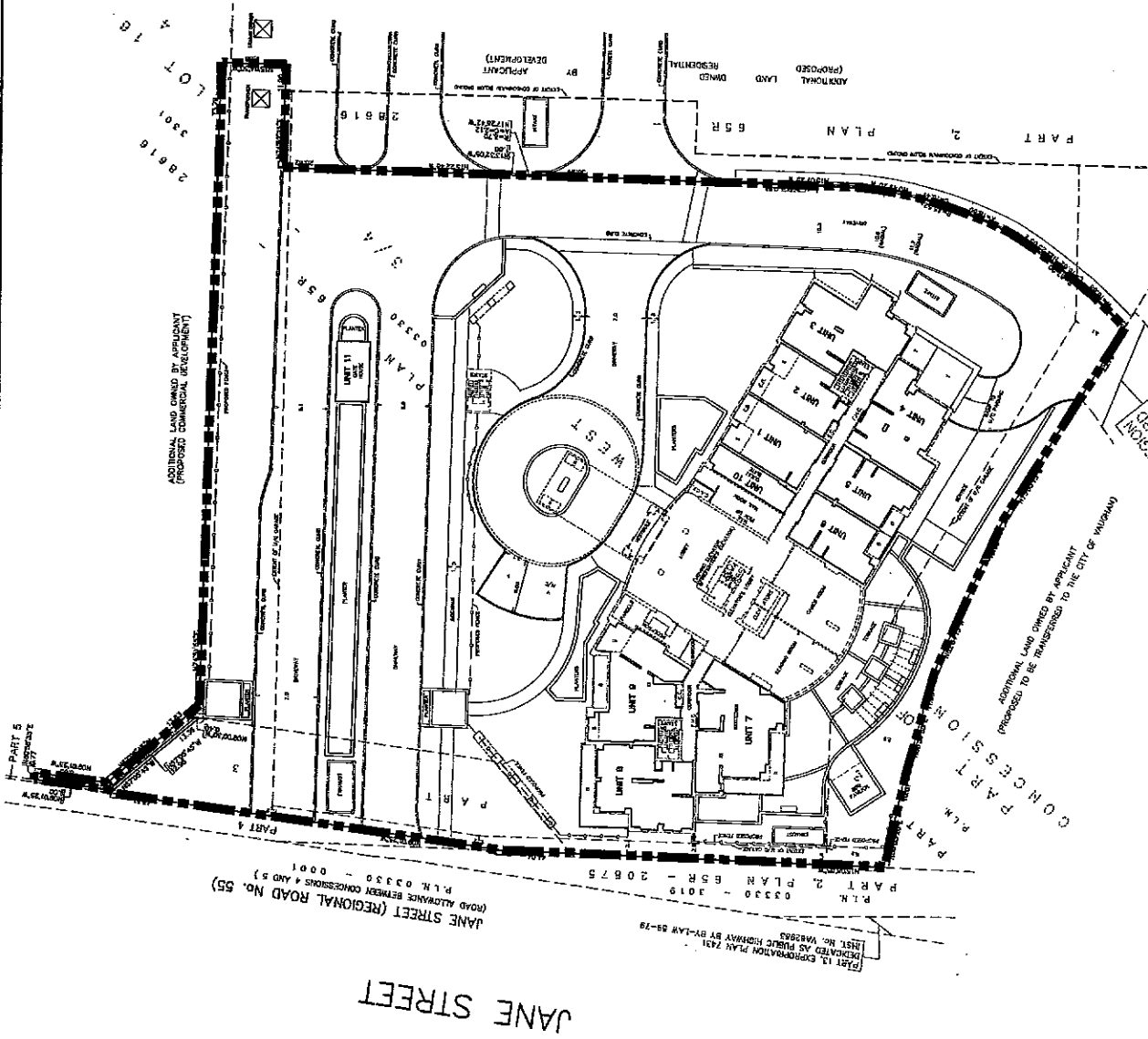


Legend

- A - AGRICULTURAL ZONE
- C1(H) - RESTRICTED COMMERCIAL ZONE (WITH HOLDING PROVISION)
- C8 - OFFICE COMMERCIAL ZONE
- EM1 - PRESTIGE EMPLOYMENT AREA ZONE
- EM2 - GENERAL EMPLOYMENT AREA ZONE
- M3 - TRANSPORTATION INDUSTRIAL ZONE
- OS1 - OPEN SPACE CONSERVATION ZONE
- RA3 - APARTMENT RESIDENTIAL ZONE
- RVM2 - RESIDENTIAL URBAN VILLAGE MULTIPLE FAMILY ZONE TWO
- * - LANDS PART OF APPROVED JANE-RUTH DEVELOPMENT

Subject Lands

Not to Scale



Not to Scale

----- Subject Lands

Attachment 3
 FILE No.: 19CDM-07V01
 RELATED FILES:
 DA.04.023, DA.06.086,
 May 26, 2008

City of Vaughan
The City Above Toronto
 Development Planning Department

**Draft Plan of Condominium
 19CDM-07V01**
 APPLICANT: JANE-RUTH
 DEVELOPMENT INC.
 Part of Lot 16,
 Concession 4

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