

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF JUNE 19, 2018

Item 36, Report No. 21, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on June 19, 2018.

36 OFFICIAL PLAN AMENDMENT FILE OP.06.028 ZONING BY-LAW AMENDMENT FILE Z.06.075 RUTHERFORD LAND DEVELOPMENT CORP. VICINITY OF RUTHERFORD ROAD AND JANE STREET

The Committee of the Whole recommends:

- 1) That the recommendation contained in the following report of the Deputy City Manager, Planning and Growth Management dated June 5, 2018, be approved; and
- 2) That Communication C9, from A. Milliken Heisey, Q.C., Papazian Heisey Myers, Barristers & Solicitors, King Street West, Toronto dated June 4, 2018, be received.

Recommendations

THAT the Local Planning Appeal Tribunal (“LPAT”) be advised that the City of Vaughan ENDORSES the following recommendations:

1. Official Plan Amendment File OP.06.028 (Rutherford Land Development Corp.) be approved in principle, subject to the matters as set out in Recommendation # 6; to amend Volume 2 of the Vaughan Official Plan 2010, specifically Schedules “B” and “I” of the Vaughan Mills Centre Secondary Plan (“VMCSP”), on the Subject Lands shown on Attachments #1 and #2, to:
 - a) increase the permitted building height from 22 to 30-storeys;
 - b) increase the permitted density (Floor Space Index - “FSI”) from 3.72 to 8.5 times the area of the Subject Lands;
 - c) permit a 25m separation between the apartment buildings;
 - d) incorporate a minimum 2,500 m² Privately Owned Publicly Accessible Space (“POPS”); and
 - e) Permit a setback of 1.5 m for a portion of a building (Jane Street) above 6 metres in height from a public street.
2. THAT Zoning By-law Amendment File Z.06.075 (Rutherford Land Development Corp.) be approved in principle, subject to the matters as set out in Recommendation #6; to:
 - a) amend Zoning By-law 1-88 to rezone the Subject Lands shown on Attachments #1 and #2 from “EM1 Prestige Employment Area Zone”, subject to site-specific Exception 9(1170) to “RA3(H) Apartment Residential Zone” with the Holding Symbol “(H)”, together with the site specific

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- development standards identified in Table 1 of this report;
and
- b) permit the bonusing for increased building height and density for the Development shown on Attachments #3 to #8 in return for community benefits, pursuant to Section 37 of the Planning Act, the policies of Vaughan Official Plan 2010 (“VOP 2010”), and the City of Vaughan Guidelines for the Implementation of Section 37 of the Planning Act, including a \$4.1 million contribution towards community benefits pursuant to Vaughan Official Plan 2010 and the Vaughan Mills Centre Secondary Plan.
3. THAT the Holding Symbol “(H)” shall not be removed from the lands zoned RA3(H) Apartment Residential Zone, as shown on Attachment #3, until:
- a) The Owner successfully obtain approval of Draft Plan of Subdivision File 19T-18V001, or phase thereof, from Vaughan Council or the Local Planning Appeal Tribunal;
 - b) Water and sewer servicing capacity being identified and allocated by the City of Vaughan;
 - c) The City of Vaughan shall be in receipt of confirmation of a Ministry of Environment and Climate Change Acknowledgement/Registration of the Record of Site Condition;
 - d) The submission of an Environmental Noise Impact Study and an Environmental Vibration Report, prepared in consultation with the operators of the “Rail Yard” and the “Existing Industrial Lands”, to the satisfaction of the City of Vaughan. For the purposes of this Zoning Bylaw a “Rail Yard” is defined as the McMillan Rail Yard and the “Existing Industrial Lands” are defined as the Maple Stamping Plant;
 - e) The provision and/or securing of any required noise mitigation and control measures at the Owner’s expense as the City of Vaughan may require;
 - f) If necessary, the execution of agreements satisfactory to the City of Vaughan between the Owner and owner(s) of neighbouring lands containing stationary noise sources to secure any noise mitigation measures which may be required on these neighbouring lands, as the City may require;

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- g) The Owner successfully obtaining the approval of a Site Development Application from Vaughan Council or the Local Planning Appeal Tribunal for the Development;
 - h) The execution of a Site Plan Agreement, or other such agreement, satisfactory to the City of Vaughan to be registered on title which obligates the Owner to include in all Offers of Purchase and Sale, warning clauses for the Subject Lands and to provide notice of the Class 4 Area classification to prospective purchasers of residential units on the Subject Lands to the satisfaction of the City;
 - i) The Owner successfully obtaining a resolution passed by Vaughan Council classifying the Subject Lands as a Class 4 Area;
 - j) A Subdivision Agreement and any other necessary agreement(s), has been executed and registered with respect to the Subject Lands securing the conveyance and construction of the public streets, including the completion of the extension of Caldari Road to Rutherford Road, the completion of Street B, and the widening of Jane Street; the payment of cash-in-lieu of parkland, or provision of parkland, in accordance with Section 42 of the Planning Act; cost sharing; and, the installation of the necessary municipal service and utilities, to the satisfaction of the City; and
 - k) An agreement pursuant to Section 37 of the Planning Act has been executed and registered, providing for the payment of \$4.1 million with respect to the increase in building height and density for the Development of the Subject Lands. Payment of the Section 37 amount shall be prorated based upon the percentage of the approved number of units and payable prior to the issuance of the first Building Permit for any above grade structure(s) (other than the temporary sales office).
4. THAT the implementing Official Plan and Zoning By-law Amendments include the provision for a contribution, pursuant to Section 37 of the Planning Act, for the contribution of \$4.1 million. The Section 37 benefits will be implemented through an agreement (the "Section 37 Agreement") between the Owner and the City of Vaughan to be executed prior to the removal of the Holding Symbol "(H)" from the Subject Lands. The payment of the Section 37 amount shall be paid to the City prior to the issuance of the first Building Permit for any above grade structure and shall be applied to the community benefits pursuant to policies of Vaughan Official Plan 2010 and the Vaughan Mills Centre Secondary Plan. The

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amount of the payment shall be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Vaughan to be calculated from the date of the enactment of the Zoning By-law Amendment.

5. THAT the form and content of the Official Plan Amendment and Zoning By-law Amendment be prepared to the satisfaction of the Deputy City Manager, Planning and Growth Management and the City Solicitor.
6. THAT the Local Planning Appeal Tribunal be requested to withhold its final Decision/Order until:
 - a) The Local Planning Appeal Tribunal's final Decision/Order related to the Vaughan Mills Centre Secondary Plan, as it applies to the Subject Lands, has been issued; and
 - b) All conditions identified in this report, including the implementing Official Plan Amendment and Zoning By-law Amendment are resolved.
7. THAT the Owner be permitted to apply for a Zoning By-law Amendment application(s) or a Minor Variance Application(s) to the City and/or the Vaughan Committee of Adjustment, if required, before the second anniversary of the day on which the implementing Zoning By-law for the Subject Lands comes into effect, to permit minor adjustments to the implementing Zoning By-law.
8. THAT City of Vaughan staff and external counsel, as required, be directed to attend the Local Planning Appeal Tribunal Prehearing in support of the Recommendations contained in this report for Official Plan Amendment and Zoning By-law Amendment Files OP.06.028 and Z.06.075.
9. THAT, should the LPAT approve Official Plan Amendment and Zoning By-law Amendment Files OP.06.028 and Z.06.075, that the Mayor and the City Clerk be authorized to execute a Section 37 Density Bonus Agreement (the "Section 37 Agreement"), pursuant to Section 37 of the Planning Act, for the implementation of community benefits, to the satisfaction of the Deputy City Manager, Planning and Growth Management, and the City Solicitor.

Item:



Committee of the Whole Report

DATE: Tuesday, June 05, 2018

WARD: 4

**TITLE: OFFICIAL PLAN AMENDMENT FILE OP.06.028
ZONING BY-LAW AMENDMENT FILE Z.06.075
RUTHERFORD LAND DEVELOPMENT CORP.
VICINITY OF RUTHERFORD ROAD AND JANE STREET**

FROM:

Jason Schmidt-Shoukri, Deputy City Manager, Planning and Growth Management

ACTION: DECISION

Purpose

To seek endorsement from the Committee of the Whole of the Recommendations contained in this Report for Official Plan and Zoning By-law Amendment Files OP.06.028 and Z.06.075, which the Owner appealed to the Local Planning Appeal Tribunal. The Applications seek approval for three mixed-use buildings comprised of one (1) 30-storey and two (2) 26-storey residential apartment buildings, containing a total of 815 apartment units and with a density (Floor Space Index "FSI") of 8.5 times the area of the lot, as shown on Attachments #3 to #8. The Owner is also seeking and increase in building height and density in return for the provision of community benefits, pursuant to Section 37 of the *Planning Act*, including a contribution of \$4.1 million.

Report Highlights

- The Owner proposes to develop the Subject Lands with three mixed-use buildings comprised of one (1) 30-storey and two (2) 26-storey residential apartment buildings, including a total of 815 apartment units, with a density (Floor Space Index - “FSI”) of 8.5 times the area of the lot. The Development also includes 1762 m² of commercial uses.
- The Owner has requested an increase in the permitted building height and density in return for the provision of community benefits, pursuant to Section 37 of the *Planning Act*, representing a contribution of \$4.1 million.
- The Owner has appealed the Applications to the Local Planning Appeal Tribunal (“LPAT”).
- An LPAT Prehearing Conference has been scheduled for June 21, 2018, to consider the resolution of Rutherford Land Development Corporation’s site-specific appeal of the Applications for Phase 1 of the Development.
- The Development Planning Department supports the approval of the Development as it is compatible with the existing and planned uses in the surrounding area. The Development is consistent with the policies of the PPS, conforms to the Growth Plan and the York Region Official Plan, and implements the Vaughan Mills Centre Secondary Plan. The number of units is in keeping with the agreement as reached between all the landowners within the corridor in respect of traffic capacity.

Recommendations

THAT the Local Planning Appeal Tribunal (“LPAT”) be advised that the City of Vaughan ENDORSES the following recommendations:

1. Official Plan Amendment File OP.06.028 (Rutherford Land Development Corp.) be approved in principle, subject to the matters as set out in Recommendation # 6; to amend Volume 2 of the Vaughan Official Plan 2010, specifically Schedules “B” and “I” of the Vaughan Mills Centre Secondary Plan (“VMCSP”), on the Subject Lands shown on Attachments #1 and #2, to:
 - a) increase the permitted building height from 22 to 30-storeys;
 - b) increase the permitted density (Floor Space Index - “FSI”) from 3.72 to 8.5 times the area of the Subject Lands;
 - c) permit a 25m separation between the apartment buildings;
 - d) incorporate a minimum 2,500 m² Privately Owned Publicly Accessible Space (“POPS”); and

- e) Permit a setback of 1.5 m for a portion of a building (Jane Street) above 6 metres in height from a public street.
2. THAT Zoning By-law Amendment File Z.06.075 (Rutherford Land Development Corp.) be approved in principle, subject to the matters as set out in Recommendation #6; to:
- a) amend Zoning By-law 1-88 to rezone the Subject Lands shown on Attachments #1 and #2 from “EM1 Prestige Employment Area Zone”, subject to site-specific Exception 9(1170) to “RA3(H) Apartment Residential Zone” with the Holding Symbol “(H)”, together with the site-specific development standards identified in Table 1 of this report; and
 - b) permit the bonusing for increased building height and density for the Development shown on Attachments #3 to #8 in return for community benefits, pursuant to Section 37 of the *Planning Act*, the policies of Vaughan Official Plan 2010 (“VOP 2010”), and the City of Vaughan Guidelines for the Implementation of Section 37 of the *Planning Act*, including a \$4.1 million contribution towards community benefits pursuant to Vaughan Official Plan 2010 and the Vaughan Mills Centre Secondary Plan.
3. THAT the Holding Symbol “(H)” shall not be removed from the lands zoned RA3(H) Apartment Residential Zone, as shown on Attachment #3, until:
- a) The Owner successfully obtain approval of Draft Plan of Subdivision File 19T-18V001, or phase thereof, from Vaughan Council or the Local Planning Appeal Tribunal;
 - b) Water and sewer servicing capacity being identified and allocated by the City of Vaughan;
 - c) The City of Vaughan shall be in receipt of confirmation of a Ministry of Environment and Climate Change Acknowledgement/Registration of the Record of Site Condition;
 - d) The submission of an Environmental Noise Impact Study and an Environmental Vibration Report, prepared in consultation with the operators of the “Rail Yard” and the “Existing Industrial Lands”, to the satisfaction of the City of Vaughan. For the purposes of this Zoning By-law a “*Rail Yard*” is defined as the McMillan Rail Yard and the “Existing Industrial Lands” are defined as the Maple Stamping Plant;
 - e) The provision and/or securing of any required noise mitigation and control measures at the Owner’s expense as the City of Vaughan may require;

- f) If necessary, the execution of agreements satisfactory to the City of Vaughan between the Owner and owner(s) of neighbouring lands containing stationary noise sources to secure any noise mitigation measures which may be required on these neighbouring lands, as the City may require;
 - g) The Owner successfully obtaining the approval of a Site Development Application from Vaughan Council or the Local Planning Appeal Tribunal for the Development;
 - h) The execution of a Site Plan Agreement, or other such agreement, satisfactory to the City of Vaughan to be registered on title which obligates the Owner to include in all Offers of Purchase and Sale, warning clauses for the Subject Lands and to provide notice of the Class 4 Area classification to prospective purchasers of residential units on the Subject Lands to the satisfaction of the City;
 - i) The Owner successfully obtaining a resolution passed by Vaughan Council classifying the Subject Lands as a Class 4 Area;
 - j) A Subdivision Agreement and any other necessary agreement(s), has been executed and registered with respect to the Subject Lands securing the conveyance and construction of the public streets, including the completion of the extension of Caldari Road to Rutherford Road, the completion of Street B, and the widening of Jane Street; the payment of cash-in-lieu of parkland, or provision of parkland, in accordance with Section 42 of the Planning Act; cost sharing; and, the installation of the necessary municipal service and utilities, to the satisfaction of the City; and
 - k) An agreement pursuant to Section 37 of the Planning Act has been executed and registered, providing for the payment of \$4.1 million with respect to the increase in building height and density for the Development of the Subject Lands. Payment of the Section 37 amount shall be pro-rated based upon the percentage of the approved number of units and payable prior to the issuance of the first Building Permit for any above grade structure(s) (other than the temporary sales office).
4. THAT the implementing Official Plan and Zoning By-law Amendments include the provision for a contribution, pursuant to Section 37 of the *Planning Act*, for the contribution of \$4.1 million. The Section 37 benefits will be implemented through an agreement (the "Section 37 Agreement") between the Owner and the City of Vaughan to be executed prior to the removal of the Holding Symbol "(H)" from the Subject Lands. The payment of the Section 37 amount shall be paid to the

City prior to the issuance of the first Building Permit for any above grade structure and shall be applied to the community benefits pursuant to polices of Vaughan Official Plan 2010 and the Vaughan Mills Centre Secondary Plan. The amount of the payment shall be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Vaughan to be calculated from the date of the enactment of the Zoning By-law Amendment.

5. THAT the form and content of the Official Plan Amendment and Zoning By-law Amendment be prepared to the satisfaction of the Deputy City Manager, Planning and Growth Management and the City Solicitor.
6. THAT the Local Planning Appeal Tribunal be requested to withhold its final Decision/Order until:
 - a) The Local Planning Appeal Tribunal's final Decision/Order related to the Vaughan Mills Centre Secondary Plan, as it applies to the Subject Lands, has been issued; and
 - b) All conditions identified in this report, including the implementing Official Plan Amendment and Zoning By-law Amendment are resolved.
7. THAT the Owner be permitted to apply for a Zoning By-law Amendment application(s) or a Minor Variance Application(s) to the City and/or the Vaughan Committee of Adjustment, if required, before the second anniversary of the day on which the implementing Zoning By-law for the Subject Lands comes into effect, to permit minor adjustments to the implementing Zoning By-law.
8. THAT City of Vaughan staff and external counsel, as required, be directed to attend the Local Planning Appeal Tribunal Prehearing in support of the Recommendations contained in this report for Official Plan Amendment and Zoning By-law Amendment Files OP.06.028 and Z.06.075.
9. THAT, should the LPAT approve Official Plan Amendment and Zoning By-law Amendment Files OP.06.028 and Z.06.075, that the Mayor and the City Clerk be authorized to execute a Section 37 Density Bonusing Agreement (the "Section 37 Agreement"), pursuant to Section 37 of the *Planning Act*, for the implementation of community benefits, to the satisfaction of the Deputy City Manager, Planning and Growth Management, and the City Solicitor.

Background

The Subject Lands (the "Subject Lands") are located on the east side of Jane Street, south of Rutherford Road, as shown on Attachments #1 and #2, and are currently vacant. The surrounding land uses are shown on Attachment #2.

The Subject Lands are part of a larger land holding that is located at the southeast corner of Rutherford Road and Jane Street, shown as "Entire Land Holding of Rutherford Land

Development Corporation /Caldari Land Development Corporation” as shown on Attachments #1 and #2, which are currently vacant and are comprised of the following:

- 5.7 hectares owned by Rutherford Land Development Corp. (“RLDC lands”) located at the southeast corner of Rutherford Road and Jane Street; and
- 2.2 hectares owned by Caldari Land Development Corp. (“CLDC lands”) located immediately to the south of the RLDC lands.

Official Plan and Zoning By-law Amendment Applications have been submitted to permit the Development

The Owner has submitted the following applications (the “Applications”) on the Subject Lands (the “Subject Lands”) shown on Attachments #1 and #2, to permit a proposed development (the “Development”) comprised of three mixed-use buildings including one (1) 30-storey and two (2) 26-storey residential (future condominium) apartment buildings, a total of 815 apartment units, with a density (Floor Space Index - “FSI”) of 8.5 times the area of the lot. The Development also includes 1,236 m² of ground floor commercial uses and 526 m² of gross floor area (“GFA”) identified for potential community uses (e.g. a day care):

1. Official Plan Amendment File OP.06.028 to amend Volume 2 of the Vaughan Official Plan 2010 (“VOP 2010”), specifically Schedules “B” and “I” of the Vaughan Mills Centre Secondary Plan (“VMCSP”), on the Subject Lands shown on Attachments #1 and #2, to:
 - a) increase the permitted building height from 22-storeys to 30-storeys;
 - b) increase the permitted density (Floor Space Index – “FSI”) from 3.72 to 8.5 times the area of the lot of the Subject Lands;
 - c) permit a 25 m separation between the apartment buildings;
 - d) incorporate a minimum of 2,500 m² Privately Owned Publicly Accessible Space (“POPS”); and
 - e) Permit a setback of 1.5 m for a portion of a building (Jane Street) above 6 metres in height from a public street.
2. Zoning By-law Amendment File Z.06.075 to rezone the Subject Lands shown on Attachments #1 and #2 from “EM1 Prestige Employment Area Zone”, subject to site-specific Exception 9(1170) to “RA3(H) Apartment Residential Zone” with the Holding Symbol “(H)”, together with the site-specific development standards identified in Table 1 of this report.

The site-specific Official Plan and Zoning By-law Amendment applications have been appealed to the Ontario Municipal Board

Official Plan and Zoning By-law Amendment Files OP.06.028 and Z.06.075 were filed on the entire RLDC lands as shown on Attachment # 2 with the City of Vaughan in February of 2005 and revised in December 2006 for high-density residential uses. The review and consideration of the Applications was deferred pending the City initiated land use review of the Jane Street Corridor. These Applications were subsequently revised during the Vaughan Mills Centre Secondary Plan (“VMCSP”) process.

On February 11, 2014, the Owners appealed the Applications to the then Ontario Municipal Board (“OMB”) now the Local Planning Appeal Tribunal (“LPAT”), based on the failure of the City to render a decision within the time frames prescribed by the *Planning Act*. The appeals of the Applications were consolidated with the appeals of the VMCSP by the then OMB on April 11, 2014. Vaughan Council on February 3, 2015, considered the Applications for the RLDC lands at a Public Hearing.

The LPAT, on January 25, 2018, provided an Oral Decision approving the VMCSP, as it applies to the Subject Lands and the entire RLDC lands. The Oral Decision also allowed the Owners to maintain their site-specific Official Plan and Zoning By-law Amendment (Files OP.06.028 and Z.06.075) appeals as they relate to the balance of the RLDC lands.

The VMCSP designates the RLDC lands as “High-Rise Mixed-Use”, “Neighbourhood Park” and “Green Buffer Area” with a maximum permitted overall density of 4 FSI (Floor Space Index) times the area of the lot and maximum building heights ranging from 22 to 25-storeys.

The entirety of RLDC lands are located within the VMCSP area. The LPAT’s January 25, 2018, Oral Decision, approved the VMCSP as it applies to the RLDC lands, subject to specific conditions, including, but not limited to, the following:

- permitting a maximum of 985 dwelling units in Phase 1 (the Subject Lands) of the development (Block 4 on Attachment #3);
- requiring the extension of Caldari Road from Riverrock Gate to Rutherford Road; and
- requiring the implementation of a signalized intersection at Rutherford Road and Caldari Road, as a component of the Phase 1 Development.

The CLDC lands, as shown on Attachments #2 and #4 are not located within the VMCSP area and are designated “General Employment” by VOP 2010. The Owner is not seeking to redesignate this portion of the lands. However, the Owner of the CLDC lands has also appealed the VOP 2010, Schedule 2 (Natural Heritage Network) as it applies to their lands to the LPAT.

A LPAT Prehearing Conference is scheduled for June 21, 2018, at which time the LPAT may consider the resolution of further modifications to the VMCSP policies regarding

height and density, and the draft Zoning By-law as it relates to the Phase 1, being the Subject Lands. The Owner seeks an increase to the permitted density and building height on the Subject Lands to permit a maximum of 985 dwelling units in Phase 1 of the development (Block 4 on Attachment #3). In the event that the City and RLDC have resolved aspects of the site-specific appeals in whole, or in part, the Prehearing Conference may be converted to a Settlement Hearing.

This report provides recommendations with respect to the Official Plan and Zoning By-law Amendment Files OP.06.028 and Z.06.075 pertaining to the Subject Lands (Block 4) as shown on Attachments #2 to #4. The Subject Lands form the first Phase of development for a larger land assembly that will continue to be the subject of site-specific appeals at the LPAT. *Planning Act* applications for future development must be submitted, as required, by the Owners and considered Vaughan Council on the remaining RLDC and CLDC lands.

Public Notice was provided in accordance with the Planning Act and Council's Notification Protocol for the Official Plan Amendment and Zoning By-law Amendment Applications

Although Official Plan and Zoning By-law Amendment Files OP.06.028 and Z.06.075 had already been appealed to the LPAT, Notices of Public Hearing for the Applications were circulated on January 9, 2015, and the Applications were considered at the February 3, 2015 Public Hearing.

The Notices of the Public Hearing were sent to an extended polling area beyond 150 m, as shown on Attachment #1, and to the East Woodbridge Homeowners' Association and the Weston Downs Ratepayers' Association. The Notices were also sent to those individuals that are Parties to the LPAT Hearing regarding the appeal of OPA No. 2 to the City of Vaughan Official Plan 2010 ("VOP 2010"), specifically the VMCSPP. The Notice of Public Hearing was also posted on the City's web-site at www.vaughan.ca and Notice Signs were installed on the Rutherford Road and Jane Street frontages of the Subject Lands in accordance with the City's Notice Signs Procedures and Protocols.

The recommendation of the Committee of the Whole to receive the Public Hearing reports of February 3, 2015, and to forward a comprehensive technical report to a future Committee of the Whole meeting was ratified by Council on February 17, 2015.

Representatives and landowners from various Parties involved the Vaughan Malls Centre Secondary Plan were present at the Public Hearing and provided written communication and/or an oral deputation.

Ms. Mariella Hernandez of Parktree Drive in Maple also appeared and commented that although a certain level of intensification is understandable for the Subject Lands, the level of intensification and building heights as proposed are excessive. Discussion regarding the proposed building height and density is included throughout this report.

The Subject Lands and the balance of the RLDC/CLDC Lands, are included within related Draft Plan of Subdivision File 19T-18V001 that is being processed by the City of Vaughan. The Draft Plan of Subdivision application is not considered as part of this report, however, was the subject of a Public Hearing held on April 4, 2018.

The Vaughan Development Planning Department on May 31, 2018, e-mailed or mailed a non-statutory courtesy notice of this Committee of the Whole meeting to those individuals requesting notice of further consideration of the Applications.

Previous Reports/Authority

[February 3, 2015 Committee of the Whole Public Hearing \(Item 8, Report No. 8\)](#)

[April 4, 2018 Committee of the Whole Public Hearing \(Item 1, Report No. 18\)](#)

Analysis and Options

The Development includes 3 apartment buildings on the Subject Lands

The Development consists of the following:

- a) one (1) 30-storey residential and two (2) 26-storey residential (future condominium) apartment buildings including a podium that ranges in height from 2 to 6 storeys;
- b) 815 residential dwelling units;
- c) a total above grade Gross Floor Area (“GFA”) of 67,568 m² (all uses);
- d) a maximum density (Floor Space Index - FSI) of 8.5 times the area of the lot;
- e) 902 parking spaces in four underground levels and a portion of the ground floor; and
- f) 1,236 m² of commercial uses and 526 m² of GFA identified for potential community uses (e.g. a day care).

The Owner also proposes to provide community benefits in return for the proposed increase in building height and density, pursuant to Section 37 of the *Planning Act*, which is discussed in this report.

The Development is consistent with the Provincial Policy Statement

The *Provincial Policy Statement (PPS) 2014*, provides policy direction on matters of provincial interest related to land use planning and development. The PPS is applied province-wide and provides direction to support strong communities, a strong economy and a clean, safe, liveable, and healthy environment. Part V – “Policies” of the PPS states (in part) the following:

Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns

1.1.1 Healthy, liveable and safe communities are sustained by (in part):

- a) *promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;*
- b) *accommodating an appropriate range and mix of residential (including second units, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs;*
- c) *avoiding Development and land use patterns which may cause environmental or public health and safety concerns;*
- d) *promoting cost-effective Development patterns and standards to minimize land consumption and servicing costs;*
- e) *improving accessibility for persons with disabilities and older persons by identifying, preventing and removing land use barriers which restrict their full participation in society; and*
- f) *ensuring that necessary infrastructure, electricity generation facilities and transmission and distribution systems, and public service facilities are or will be available to meet current and projected needs.*

The Development is consistent with the policies of the PPS and contributes to a healthy, liveable and safe community in the following manner:

- the Development would intensify an existing underutilized site in a designated settlement area at a higher density than the existing surrounding land uses and would contribute to the overall range of housing options that would meet Vaughan's housing needs;
- the proposed density would utilize the Subject Lands more efficiently and utilize existing and planned infrastructure within the built-up area, and reduce land consumption and servicing costs;
- the Development would implement the VMCSPP as it pertains to the Subject Lands; and
- the Development will be designed in compliance with the standards set by the *Accessibility for Ontarians with Disabilities Act ("AODA")* providing for accessibility for residents and visitors.

1.1.3.2 Settlement Areas

The vitality of settlement areas is critical to the long term economic prosperity of communities. It is in the interest of all communities to use land and resources efficiently, to promote efficient development patterns, protect resources, and ensure effective use of infrastructure.

1.1.3.2 *Land use patterns within settlement areas shall be based on:*

- a) *densities and a mix of land uses which:*
 - i) *efficiently use land and resources;*
 - ii) *are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion;*
 - iii) *support active transportation;*
 - iv) *are transit-supportive, where transit is planned, exists or may be developed; and*
- b) *a range of uses and opportunities for intensification and redevelopment in accordance with the criteria in policy 1.1.3.3, where this can be accommodated.*

1.1.3.3 *Planning authorities shall identify appropriate locations and promote opportunities for intensification and redevelopment where this can be accommodated taking into account existing building stock or areas, including brownfield sites, and the availability of suitable existing or planned infrastructure and public service facilities required to accommodate projected needs.*

1.1.3.4 *Appropriate Development standards should be promoted which facilitate intensification, redevelopment and compact form, while avoiding or mitigating risks to public health and safety.*

1.1.3.6 *New Development taking place in designated growth areas should occur adjacent to the existing built-up area and shall have a compact form, mix of uses and densities that allow for the efficient use of land, infrastructure and public service facilities.*

1.1.3.7 *Planning authorities shall establish and implement phasing policies to ensure that specific targets for intensification and redevelopment are achieved prior to, or concurrent with, new development within designated growth areas.*

The Development is consistent with the settlement area policies of the PPS as follows:

- the Development is located in the VMCSPP area that is planned to be serviced with existing and proposed infrastructure to efficiently utilize land and resources at a density within a designated intensification area that would support higher-order transit investments;
- the Subject Lands are located within the VMCSPP, which is an identified intensification area planned to accommodate high density development that supports population growth projections in the City;
- the Subject Lands are located on Jane Street, which is identified as a Regional Rapid Transit Corridor in the York Region Official Plan, and located in close proximity to the York Region Transit bus terminal located on the Vaughan Mills Mall lands. The Jane Street corridor provides a direct connection to the Vaughan Metropolitan Centre subway station, the York Region Rapid Transit Corporation (“YRRTC”) bus terminal and the Bus Rapid Transit system on Regional Road 7 located approximately 5 km from the Subject Lands;
- the Development would implement the approved (LPAT Oral Decision) as it pertains to the Subject Lands;
- the intensification of the site provides opportunities to reduce the negative impact of climate change by promoting active transportation through reduced parking ratios and the proximity to public transportation, pedestrian and bicycle friendly environments that encourage walking and cycling; and
- through the Section 37 provisions of the *Planning Act*, which is discussed later in this report, the Owner proposes a density and building height that exceeds the permissions in the VMCSPP in return for community benefits.

Housing (in part)

1.4.3. *Planning authorities shall provide for an appropriate range and mix of housing types and densities to meet the projected requirements of current and future residents of the regional market area by:*

- c) *directing the development of new housing towards locations where appropriate levels of infrastructure and public service facilities are or will be available to support current and projected needs;*
- d) *promoting densities for new housing which efficiently use land, resources, infrastructure and public service facilities, and support*

the use of active transportation and transit in areas where it exists or is to be developed.

The Development is consistent with the housing policies of the PPS as it includes 815 residential units including one, two and three-bedroom units at a density that efficiently uses land, infrastructure and services. The density proposed on the Subject Lands is considered to be transit-supportive and would promote active transportation, as Jane Street is an identified Regional Rapid Transit Corridor.

Long-Term Economic Prosperity (in part)

1.7.1 *Long-term economic prosperity should be supported by:*

- a) *promoting opportunities for economic Development and community investment-readiness;*
- b) *optimizing the long-term availability and use of land, resources, infrastructure, electricity generation facilities and transmission and distribution systems, and public service facilities;*
- c) *maintaining and, where possible, enhancing the vitality and viability of downtowns and mainstreets; and*
- d) *encouraging a sense of place, by promoting well-designed built form and cultural planning, and by conserving features that help define character, including built heritage resources and cultural heritage landscapes.*

The Development is consistent with the long-term economic prosperity policies of the PPS as the VMCSPP is identified as a growth area, specifically a Primary Centre, which is recognized by VOP 2010 to support the economic prosperity of the City. A range of residential unit types in an urban environment is proposed that would accommodate additional population to support the retail, office and cultural uses. The Development represents the intensification of the Subject Lands that would contribute to the urban environment and the long-term economic prosperity of the VMCSPP.

In consideration of the above, the Development is consistent with the policies of the PPS.

The Development conforms to the Places to Grow: Growth Plan for the Greater Golden Horseshoe (2017) (the “Growth Plan”)

The Provincial *Growth Plan for the Greater Golden Horseshoe* (“Growth Plan”) is intended to guide the development of land; encourage compact built form, transit supportive communities, diverse land uses, and a range and mix of housing types; and, direct growth to settlement areas that offer municipal water and wastewater systems. The Growth Plan states that a focus for transit and infrastructure investment to support

future growth can be provided by concentrating new development in these areas and creating complete communities with diverse housing types.

Managing Growth

Policies 2.2.1.1 and 2.2.1.2 of the Growth Plan state that the forecasted population and employment growth identified will be used for planning and managing growth to the horizon of the Growth Plan, and the forecasted growth will be allocated based on the following:

- a) *the vast majority of growth will be directed to settlement areas that:*
 - i) *have a delineated built boundary;*
 - ii) *have existing or planned municipal water and wastewater systems;*
and
 - iii) *can support the achievement of complete communities;*

- b) *growth will be limited in the settlement areas that:*
 - i) *are undelineated built-up areas;*
 - ii) *are not serviced by existing or planned municipal water and wastewater systems; or*
 - iii) *are in the Greenbelt Area;*

- c) *within settlement areas, growth will be focused in:*
 - i) *delineated built-up areas;*
 - ii) *strategic growth areas;*
 - iii) *locations with existing or planned transit, with a priority on higher order transit where it exists or is planned; and*
 - iv) *areas with existing or planned public service facilities;*

- d) *development will be directed to the settlement areas, except where the policies of the Growth Plan permit otherwise; and*

- e) *development will be generally directed away from hazardous lands.*

Policy 2.2.1.4 further states that the Growth Plan will support the achievement of complete communities that:

- a) *feature a diverse mix of land uses, including residential and employment uses, and convenient access to local stores, services, and public service facilities;*

- b) *improve social equity and overall quality of life, including human health, for people of all ages, abilities, and incomes;*

- c) *provide a diverse range and mix of housing options, including second units and affordable housing, to accommodate people at all stages of life, and to accommodate the needs of all household sizes and incomes;*
- d) *expand convenient access to:*
 - i) *a range of transportation options, including options for the safe, comfortable and convenient use of active transportation;*
 - ii) *public service facilities, co-located and integrated in community hubs;*
 - iii) *an appropriate supply of safe, publicly-accessible open spaces, parks, trails, and other recreational facilities; and*
 - iv) *healthy, local, and affordable food options, including through urban agriculture;*
- e) *ensure the development of high quality compact built form, an attractive and vibrant public realm, including public open spaces, through site design and urban design standards;*
- f) *mitigate and adapt to climate change impacts, build resilience, reduce greenhouse gas emissions, and contribute towards the achievement of low-carbon communities; and*
- g) *integrate green infrastructure and low impact development.*

The Development includes a mix of residential and at-grade commercial uses, which would assist in achieving the population targets set out in the Growth Plan within the City's urban boundary. The Development would benefit from the existing and planned infrastructure, while focusing new growth through intensification on an underutilized site that provides a mixed-use, pedestrian-friendly environment located in proximity to higher-order transit, and along a Regional Rapid Transit Corridor.

The Development would contribute to achieving a complete community by providing a range of residential apartment unit types with at-grade commercial uses that are convenient and accessible to the residents of the VM CSP. High-quality building design and public realm/streetscapes will be considered at the site plan approval stage. The VM CSP area, should promote a high-quality of life where the demand for vehicles is reduced because of the proximity of the Subject Lands to higher-order transit, which would reduce greenhouse gas emissions, and promote walkability and other forms of transportation.

The policies of the Growth Plan require the achievement of complete communities that feature a diverse mix of land uses, improved social equity and overall quality of life, provide a diverse range and mix of housing options, access to a range of transportation options, mitigate climate change impacts and reduce greenhouse gas emissions, and

ensure the development of high-quality compact built form with an attractive and vibrant public realm.

The Development provides housing options within the VMCSPP that are supported with grade-related commercial uses that are conveniently accessible. The Subject Lands are also located near the Vaughan Mills Mall that includes retail and commercial uses along the Jane Street and Rutherford Road corridors. The proximity to higher-order transit facilities will offer transportation options and promote an active and healthy quality of life for the residents and visitors to the VMCSPP.

The Development conforms to the York Region Official Plan

The Subject Lands are designated "Urban Area" by the York Region Official Plan ("YROP"), which permits a wide range of residential, commercial, industrial and institutional uses. The Applications conform to the YROP, as they will enable a Development that will assist in ensuring that by the year 2015 and for each year thereafter, a minimum of 40% of all residential development will occur within the built-up area as defined by the Province's Built Boundary in the Growth Plan (Policy 5.3.1). The Development is in an urban form and design that is compact, oriented to the street, pedestrian and cyclist-friendly, and transit supportive (Policy 5.4.5).

York Region staff encourages the Development to have an integrated and innovative approach to water management, be water efficient, and minimize stormwater volumes and contaminant loads and maximize infiltration through an integrated treatment approach (Policy 5.2.11). It is recommended that the development be designed to achieve energy efficiency levels that exceed the Ontario Building Code (Policy 5.2.20); to achieve 10% greater water efficiency than the Ontario Building Code (Policy 5.2.22); be designed to maximize solar gains; be constructed in a manner that facilitates future solar installations (i.e. solar ready) (Policy 5.2.26); and, incorporate green building standards, such as LEED®, ENERGY STAR®, or other emerging technologies (Policy 7.5.12).

The YROP contains policies that direct local municipalities to plan for appropriate levels of development in an intensification hierarchy. This hierarchy is the backbone of the Regional urban structure. The Vaughan Mills Centre Secondary Plan area is identified as a Primary Centre in the 2010 Vaughan Official Plan. Primary Centres are one level below the City's most urbanized core, the Vaughan Metropolitan Centre.

York Region has provided technical comments from Regional Departments including Transportation Planning, Traffic Signal Operations, Development Engineering, and the York Region Rapid Transportation Corporation ("YRRTC"). Regional Transportation staff have no objection to the Applications. However, the comments outlined below will need to be fully addressed to the satisfaction of York

Region prior to the issuance of conditions for Draft Plan of Subdivision and Site Development approvals.

Transportation

The preliminary site plan and draft Zoning By-law include a zero setback to the lot lines. No portion of the building structure, above or below ground, or associated footings and construction shoring system shall encroach within the York Region right-of-way, including daylighting triangles.

A comprehensive Transportation Demand Management (“TDM”) Plan consistent with Region Transportation Mobility Plan Guidelines will be required as part of the Site Development Application to the satisfaction of York Region. The TDM Plan shall include a TDM checklist that summarizes the programs and measures, estimated costs and responsibility of the Owner to implement the TDM Plan recommendations. Estimated costs for any items that are provided by York Region or the City shall be identified. The TDM Plan shall include a communication strategy, to assist York Region and the City to effectively deliver the Information Packages and pre-loaded PRESTO Cards to residents.

Existing transit services are provided along Jane Street and Rutherford Road in the vicinity of the Subject Lands. York Region Transit has no comments at this time. Comments will be provided at the site plan stage.

The following comments were provided with respect to Draft Plan of Subdivision File 19T-18V001 (the “Draft Plan”):

- a) The Draft Plan shall implement all the requirements/conditions as stipulated in VOP 2010 and the VMCSPP, including a phasing plan, the Caldari Road extension requirements from Riverrock Gate to Rutherford Road and an updated transportation study;
- b) The new intersection of Caldari Road and Rutherford Road will require a 15m x 15m daylight triangle;
- c) A 45 metre right-of-way for this section of Jane Street is to be provided. As such, all municipal setbacks shall be referenced from a point 22.5 metre from the centerline of construction of Jane Street and any lands required for additional turn lanes at the intersections will also be conveyed to York Region for public highway purposes, free of all costs and encumbrances, to the satisfaction of the York Region Solicitor;
- d) A 43 metre right-of-way for this section of Rutherford Road is to be provided. As such, all municipal setbacks shall be referenced from a point 21.5 metre from the centerline of construction of Rutherford Road and any lands

required for additional turn lanes at the intersections will also be conveyed to York Region for public highway purposes, free of all costs and encumbrances, to the satisfaction of the York Region Solicitor;

- e) Direct pedestrian and cycling connections to the boundary roadways and adjacent developments, as well as facilities on the site (e.g. convenient and secure bike racks near entrances) to promote the usage of non-auto travel modes will be required. Conceptual drawings showing the pedestrian and cycling connections and facilities will be required;
- f) A comprehensive TDM Plan consistent with the Region Mobility Plan Guidelines will be required;
- g) Interconnections with adjacent developments or existing communities in order to consolidate and reduce the number of accesses onto Regional roads (as per the Regional Official Plan Policy 7.2.53), where appropriate will be reviewed; and
- h) The provision of proposed development access via local streets, shared driveways and interconnected properties to maximize the efficiency of the Regional street system (as per the Regional Official Plan Policy 7.2.53), where appropriate will be encouraged.

Additional comments and conditions will be provided through the review of the Draft Plan of Subdivision and Site Development Applications for the Development.

Water and Wastewater Servicing

Infrastructure Asset Management has reviewed the Development in conjunction with the Functional Servicing Report (“FSR”) dated December 2017, by Valdor Engineering Inc.

a) Servicing Allocation

All residential development requires servicing capacity allocation from the City of Vaughan prior to final approval. If the City of Vaughan does not grant allocation from the existing capacity assignments to date, the build out of the VM CSP may require additional Regional infrastructure based on conditions of future capacity assignment, which may include:

- Dufferin Creek Water Pollution Control Plant Outfall Modification - 2021 pending the outcome of the Class Environmental Assessment (“EA”) currently underway;
- Northeast Vaughan Wastewater Servicing - 2028 expected completion; and,
- Other projects as may be identified in future studies.

The timing of the above infrastructure is the current estimate and may change as each infrastructure project progresses and is provided for information purposes only.

b) Municipal Servicing

Based on the FSR submitted by the Owner, the Development is serviced by way of connection to City of Vaughan wastewater and water infrastructure in the Caldari Road right-of-way. The FSR indicates that the 400mm diameter water main on Caldari Road is proposed to be extended to Rutherford Road to directly connect to the Region's 900 mm diameter water main. A direct connection to York Region infrastructure requires York Region's approval prior to construction. To this end, the Owner is advised of the following York Region requirements:

- Engineering designs showing the plan and profile views of the associated construction works shall be submitted to the Region's Community Planning and Development group for review and approval by the Infrastructure Asset Management ("IAM") branch of Environmental Services;
- A Disinfection Plan;
- Flushing and sampling program;
- Ministry of the Environment and Climate Change (MOECC) Form 1 - Record of Watermains Authorized as a Future Alteration; and
- Two (2) weeks advanced notice prior to the connection works so that a Regional inspector can be present at the site during construction.

c) Potential Impact on Regional Infrastructure:

The Owner is advised that the following York Region infrastructure are located in the vicinity of the Subject Lands:

- a 900 mm diameter water main within Rutherford Road right-of-way ("ROW") and;
- a 975 mm diameter Jane Rutherford Sanitary Trunk Sewer near the western and southern limit of the Subject Lands.

The Development consists of 815 residential apartment units that range from one-bedroom to three-bedroom unit sizes that contribute to a diverse housing stock in the Region. The Development supports the Regional objective regarding the provision of a mix and range of housing. The Development provides a mix of residential unit types and a condominium tenure in the VMCSF, which is planned to accommodate residential, commercial, and open space uses. The Subject Lands are located in proximity to higher-order transit, which would promote the use of the public transit by the residents of the Development. The combination of the enhanced streetscape and the introduction of the residential apartment units would complement the existing and planned uses in

proximity of the Subject Lands, thereby contributing to the evolution of the VMCSPP as a complete community.

The Development is urban and compact in form. The proposed buildings are oriented and designed to include the main entrances with access to Jane Street and Caldari Road, which would provide a pedestrian-friendly urban form that integrates with, and is enhanced by, the high-quality streetscape. The Development will incorporate a series of on-site long-term and short-term bicycle storage facilities to support and encourage active modes of transportation.

In consideration of the above, the Development conforms to the YROP.

The Development Planning Department supports the proposed amendments to VOP 2010

The Subject Lands are identified as an area “Subject to a Secondary Plan” by VOP 2010. The LPAT has issued an Oral Decision regarding the VMCSPP as it applies to the Subject Lands. The Subject Lands are designated “High-Rise Mixed-Use” within the VMCSPP Area and the VMCSPP is further identified as a “Primary Centre” by VOP 2010.

Section 2 of VOP 2010 includes policies related to Managing Growth. These policies establish a hierarchy of Intensification Areas that range in building height and intensity of use.

Primary Centres are identified as locations for intensification accommodated in the form of predominantly mixed-use high and mid-rise buildings, developed at a density supportive of transit. Intensification Areas are the primary locations for the accommodation of growth and the greatest mix of uses, heights and densities in accordance with the prescribed hierarchy established in VOP 2010.

Intensification Areas in Vaughan are the primary locations for the accommodation of the 45% intensification target set by VOP 2010. They consist of a hierarchy of mixed-use centres and corridors. Primary Centres are intended to accommodate a wide range of uses with taller buildings including lower-scale buildings in order to facilitate an appropriate gradation of height transition to neighbouring areas. In addition to the Vaughan Metropolitan Centre (“VMC”), the main areas where transformation will occur in Vaughan are the Primary Centres, which will evolve as distinct places of major activity around planned subway stations and existing regional shopping destinations. Primary Centres are mixed-use areas with residential development, as well as a wide range of other uses, that will serve the residents of the Primary Centre, the surrounding Community Areas and the City as a whole. Other uses within the Primary Centres including retail uses, institutional uses, office uses, community facilities and human services. Primary Centres are to be designed as transit-oriented, pedestrian-friendly places.

Primary Centres are planned to:

- a) develop with a mix of housing types and tenures, including housing suitable for seniors and families with children and affordable housing;
- b) include a mix of non-residential uses including retail, office, institutional, community facilities, and human services intended to serve both the local population and the City as a whole, and attract activity throughout the day;
- c) develop at densities supportive of planned public transit;
- d) have a fine grain of streets suitable for pedestrians and cyclists, with appropriate internal links and links to the surrounding Community Areas which may take the form of sidewalks and/or greenways;
- e) include well designed public open spaces that are either landscaped parks, or public plazas or both in a manner that is appropriate to the local context;
- f) encourage a pedestrian-friendly built form by locating active uses at grade; and
- g) be designed and developed to implement appropriate transition of intensity and use to surrounding Community Areas, and/or separation from adjacent Employment Areas.

The then OMB (now LPAT) on January 25, 2018, by Oral Decision approved the VMCSPP as it applies to the RLDC lands, thereby designating the overall RLDC lands as “High-Rise Mixed-Use”, “Neighbourhood Park”, and “Green Buffer Area” in accordance with Schedule “C” of the VMCSPP. To date, the LPAT has not issued a written Decision/Order to implement the January 25, 2018, Oral Decision. The OMB approval included a maximum permitted overall density FSI of 4 times the area of the lot and maximum building heights ranging from 22 to 25-storeys, on the RLDC, subject to specific conditions, including, but not limited to:

- permitting a maximum of 985 dwelling units in Phase 1 of the development (Block 4, the Subject Lands);
- requiring the extension of Caldari Road from Riverrock Gate to Rutherford Road; and
- requiring the implementation of a signalized intersection at Rutherford Road and Caldari Road, as a component of the Phase 1 development.

The Development (Phase 1) is for 815 units, will facilitate the required extension of Caldari Road and the Owner will be required to contribute to the signalization of the intersection of Rutherford Road and Caldari Road as set out in the LPAT Oral Decision.

The Subject Lands form Phase 1 of the overall development proposal for the RLDC lands. The VMCSPP designated the Subject Lands as “High-Rise Mixed-Use” and permits a maximum density (FSI) of 3.5 times the area of the lot for residential use, with an additional 0.5 times the area of the lot for non-residential use and a building height of 22-storeys. This designation permits a broad mix of uses, including residential dwellings, retail, service commercial, public uses, and policies for parking structures. In regard to proposed residential and commercial land uses, the Development conforms to the VMCSPP, as approved by the then OMB.

The then OMB’s Oral Decision contemplate that additional height and density may be approved through Section 37 bonusing in order to achieve the 985 units, subject to the provisions of Policy 9.0, Part C, which requires that development shall conform to the design principles set out in Section 1.4.1 of the VMCSPP. The development of Block B4 (Subject Lands) lands could only proceed upon the final determination of the site-specific appeals respecting Block B4 lands, including applicable Official Plan and Zoning By-law amendments.

The proposed Development on Block 4 exceeds the maximum building height and density permissions of the VMCSPP as approved by the then OMB. The Subject Lands are located on a Regional Rapid Transit Corridor, in close proximity to the YRRTC Bus Terminal (Vaughan Mills Mall), and within 5 km of the VMC subway station, the YRRTC Bus Terminal and the Bus Rapid Transit along Regional Road 7. The density of the Development would contribute to and support higher order transit.

\$4.1 million for community benefits is recommended in return for increased density and building height, pursuant to Section 37 of the Planning Act, VOP 2010, the VMCSPP and the City’s Guidelines for the Implementation of Section 37

To facilitate the Development, the Owner proposes to amend the VMCSPP to increase the permitted building height from 22-storeys to 30-storeys and to increase the overall (residential and non-residential) permitted density (FSI) from 3.72 to 8.5 times the area of the Subject Lands. Pursuant to Section 37 of the *Planning Act*, the policies of the VMCSPP and VOP 2010, and the “City of Vaughan Guidelines for the Implementation of Section 37 of the *Planning Act*”, Vaughan Council may authorize an increase in building height and density in return for the provision of community benefits. The Owner has agreed to provide community benefits in exchange for increased density and building height.

Sections 10.1.2.9 of VOP 2010 and 3.5.8, 6.1.5 and 9.0 of the VMCSPP include policies to permit bonusing for increased building height and density in return for the provision of community benefits in the form of facilities, services or other matters, provided that the following criteria are met:

a) Good Planning

The Development must represent good planning, be consistent with the other objectives of VOP 2010 and the VMCSPP and be consistent with the applicable built form and neighbourhood compatibility objectives. The Development is located on Jane Street, which is identified as a Regional Rapid Transit Corridor within the Regional Transit Network. The Jane Street Corridor is proposed to become a key destination and gateway within the emerging Vaughan Mills Centre. York Region Transit operates a bus terminal in the Vaughan Mills Mall lands approximately 300 m from the Subject Lands and the Subject Lands are located on a designated Regional Rapid Transit Corridor that provides a direct connection to major transit infrastructure in the Vaughan Metropolitan Centre approximately 5 km away. The Development is consistent with the PPS and conforms to the Growth Plan and the YROP.

The proposed increase in the maximum density and building height for the Development is achieved through the Section 37 provisions of the *Planning Act* and the VOP 2010 policies. Several iterations of design development were required to ensure that the Development met the policies, objectives and desired outcomes of the VMCSPP, in order to be supported as good planning.

In Section 3 of the City's *Guidelines for the Implementation of Section 37 of the Planning Act*, "good planning" includes addressing all other policies contained in the Official Plan, including urban design policies and objectives, the relationship of the Development to its context, the adjacent streets, the creation of a good public realm, improvements to the public realm adjacent to the site, including off-site improvements and adequate infrastructure. Following a series of collaborative design workshops with the Owner to ensure that the above objectives were met, the Development shown on Attachments #3 to #8, is determined to represent good planning.

The Development is in keeping with the fundamental principles of the VMCSPP, and is aligned with the objectives, including, but not limited to, the following:

1.4.1, Part B, Jane Street Corridor

The Jane Street Corridor includes lands within the Jane Street and Rutherford Road intersection and lands fronting along the Jane Street Corridor between Locke Street and Rutherford Road. The Jane Street and Rutherford Road area plays an important role as a transportation node, and as an employment and mixed-use commercial corridor in the city. The area is in transition which includes major redevelopment currently under construction or planned such as the Mackenzie Vaughan Hospital, development in the VMCSPP area and the VMC to the south (Jane Street and Regional Road 7). This area provides an opportunity

for intensification along with future higher-order transit in coordination with other planned development along Jane Street.

The overall vision for the area is focused towards achieving a higher density mixed-use neighbourhood supported by high order transit that is served by accessible open space and parks, pedestrian connections, community services, and an enhanced pedestrian realm.

The Jane Street Corridor is proposed to become a key destination and gateway within the emerging Vaughan Mills Centre. The Jane Street Corridor will be urban in nature, reflecting its function as a regional point of attraction and transit oriented development.

The defining characteristics of this area include, without limitation:

- Supporting a gateway development character at the corner of Jane Street and Rutherford Road as a symbolic point of reference for the area;
- Orienting the tallest buildings towards the Jane Street and Rutherford Road intersection;
- A pedestrian-oriented and urban cross-section for Rutherford Road and Jane Street with a mixed-use retail/residential frontage with buildings set close to the street to create an address;
- High quality streetscaping and pedestrian facilities;
- Providing mid-block connections and linkages to the surrounding land uses and open spaces, with trail linkages to the West Don River Valley to the east;
- Creating internal public street networks for improved traffic flow and connectivity to develop the city grid;
- Providing publicly accessible open spaces (“POPS”) that functions as a central feature for development ensuring that amenity spaces are well connected to the broader public realm network;
- Incorporating iconic elements, architectural features and public art that contributes to the character and identity of the community;
- Creating mixed-use frontages along Jane Street to encourage animation of the street and neighbourhood vibrancy;
- Exploring typological variation in building design to increase visual interest by considering variation in tower shape, orientation, and façade design;
- Orienting and massing buildings to frame views and control privacy between properties;
- Structuring building massing to create a public realm interface that frames open spaces and provides a sense of enclosure and human scale for pedestrians;

- Providing pedestrian connections with existing and future transit facilities, retail, open space, and natural heritage areas; and
- Buffering from surrounding employment land uses.

Provide a Diverse Range of Housing Options in the Vaughan Mills Centre

The VMCSP should provide for a diverse range of housing options in high-rise, mid-rise, and low-rise buildings, to support a variety of incomes, family types, and age groups that allows people to live in the Vaughan Mills Centre area through all stages of their lives.

Objectives:

- Encourage a diverse mix of housing typologies, tenures, and affordable housing opportunities within compact residential areas in order to provide options for people of all ages in more urban housing forms; and
- Allow for housing in mixed-use developments to ensure that the street is active and animated all days of the week, and all times of the day.

2.1 The Big Moves

- Allow the Vaughan Mills Mall to expand through a mix of retail/residential development. Future expansion of the shopping centre parking areas to be redeveloped as mixed-use development blocks supported by structured parking;
- Focus mid-rise development around the ring road and Bass Pro Mills Drive; and
- Locate taller buildings along Rutherford Road, Jane Street, and the Highway 400.

Jane and Rutherford Transit Hub Gateway

- Recognize and develop the Rutherford Road and Jane Street intersection as a significant gateway node through unique architectural features, active at-grade uses, and consider introducing a significant gathering place;
- Support the development of a Transit Hub and the possible extension of the Spadina Subway from the VMC to the Vaughan Mills Centre; and
- Encourage the development and location of government and public uses close to existing and planned transit stops.

The intent of the VMCSP is to:

- Integrate transportation and land use decision making to support the development of Vaughan Mills Centre as a compact, transit-oriented, and complete community;

- Enhance the connectivity of the transportation network for both motorized and other active modes of transportation;
- Support the development of a future transit hub around the intersection of Jane Street and Rutherford Road in promoting higher order rapid transit and the potential subway extension, and encourage transit-oriented development policies to guide development around the potential future Transit Hub, as identified on Schedule G: Transit Network;
- Utilize transportation demand management to influence travel patterns and reduce auto dependency; and
- Encourage active transportation by providing safe and barrier-free access, human-scaled built environments, pedestrian-oriented streetscapes and amenities, and a network of connected destinations.

The architectural drawings, as shown on Attachments #3, #5, #6 and #8, include one (1) 30-storey and two (2) 26-storey residential apartment buildings, including a podium that provides ground floor commercial uses along Jane Street.

Staff has worked with the Owner to animate the frontages along Jane Street, the future extension of Caldari Road, and the proposed east-west collector road and to provide publicly accessible green space. The proposed site plan shown on Attachment # 3 includes commercial uses within the first 2-storeys along Jane Street, and live/work units along Caldari Road. The Development includes pedestrian accessible centrally located green space in the courtyard of the 3 buildings atop the podium. The implementing Official Plan Amendment and Zoning By-law will establish the minimum size requirement for privately owned publicly accessible (“POPS”) space. The current Development includes 2,500 m² of POPS, which will be refined through to the development review process.

The Owner has submitted a sun/shadow analysis and wind tunnel model analysis for the Development. The final site and building design will include the recommended mitigation measures to ensure that the perimeter of the building and all open spaces, are suitable for pedestrians year-round, which will be finalized at the site plan approval stage.

Vehicular access to the Development is proposed from a right-in, right-out driveway along the proposed east-west collector road connecting Jane Street and Caldari Road, as shown on Attachment #3.

The final site plan, building elevations, landscape plans, signage and lighting plan, must be approved by the Development Planning Department through the site plan approval process.

The Development consists of 815 residential apartment units that range from one-bedroom to three-bedroom unit sizes that contribute to a diverse housing stock in the Region. The Development supports the objective of providing a mix

and range of housing. The Development includes a mix of uses including residential uses (1, 2 and 3-bedroom units) and ground floor commercial/retail and open space within the VMCSPP in close proximity to existing and planned employment, retail, open space, and community facilities. The Subject Lands are located in proximity to higher-order transit, which would promote the use of the public transit by the residents of the Development. The combination of the enhanced streetscape and the introduction of the residential apartment units would complement the existing and planned surrounding commercial, office, retail, and community facility uses in proximity of the Subject Lands, thereby contributing to the success of the VMCSPP as a complete community.

The Development is urban and compact in form. The proposed buildings are oriented and designed to include the main entrances with access to Jane Street and Caldari Road, which would provide a pedestrian-friendly urban form that integrates with, and is enhanced by, the high-quality streetscape. The Development will incorporate a series of on-site long-term and short-term bicycle storage facilities to support and encourage active modes of transportation.

The Development forms the first block of a larger development area (i.e. VMCSPP area) that will include a mixed-use, high-density residential development with ground-related commercial uses. The Development is considered good planning in consideration of the overall context of the planned and existing land uses and recently approved developments in the area. The Development will contribute to supporting a gateway development character at the corner of Jane Street and Rutherford Road. The Development also supports an urban and integrated transportation system within a Primary Centre as a focus of economic activity and culture, and contribute to a high-quality and sustainable community in the VMCSPP.

In consideration of the above, the proposed increase in the maximum building height and density in return for the provision of community benefits represents good planning.

b) Community Benefits

The community benefits must bear a reasonable planning relationship to the increase in building height and density of the Development. In accordance with Section 37 of the *Planning Act*, Vaughan Council may authorize an increase in building height and/or density of development otherwise permitted in Schedule B of the VMCSPP, in return for the provision of community benefits in the VMCSPP. Vaughan Official Plan 2010 and the Vaughan Mills Centre Secondary Plan identify community benefits that may qualify, including, but not limited to:

- public art contributions;

- non-profit and/or public arts, and cultural, community or institutional facilities;
- upgrades to community facilities that are above the City's standard level of service;
- fully furnished and equipped non-profit day care facilities, including startup funding; and
- The provision of affordable housing in the form of land, residential units or cash contributions to be transferred to the Region (Housing York, Inc.) or to a non-profit housing provider, free of cost (including maintenance and condo fees if applicable).

The City has determined, in accordance with the City's Guidelines for the Implementation of Section 37 of the Planning Act, that the Section 37 contribution should be \$4.1 million. The allocation of the contribution to community benefits shall be determined pursuant to the policies of VOP 2010 and the VMCSPP policies.

Should the Applications be approved, the Owner and the City shall execute a Section 37 Agreement to increase the maximum permitted building height (22-storeys) by 8-storeys for the proposed 30-storey building, and 4-storeys for each of the 26-storey buildings and to increase the maximum density on the Subject Lands from 3.72 FSI to 8.5 FSI, prior to the removal of the Holding Symbol "(H)" from the Subject Lands. The Owner shall pay to the City the Section 37 Agreement surcharge fee, in accordance with the Tariff of Fees By-law 018-2018 for Planning Applications. A condition to this effect is included in the Recommendations of this report.

c) Adequate Infrastructure

It is the City's intent to deliver the planned and orderly development of the VMCSPP through the provisions for adequate infrastructure that support the increase in building height and density.

The Planning Act enables a municipality to pass a resolution to permit a landowner to apply for future Zoning By-law Amendment or Minor Variance application(s), if required, within 2 years of a Zoning By-law coming into full force and effect

Section 29(2) of the *Planning Act* restricts a landowner from applying for a Zoning By-law Amendment application(s) or a Minor Variance Application(s) to the City and/or the Vaughan Committee of Adjustment before the second anniversary of the day on which the implementing Zoning By-law for the Subject Lands came into effect. However, the *Planning Act* also enables Council to pass a resolution to allow an applicant to apply for a Zoning By-law Amendment or Minor Variance Application(s) to permit minor adjustments to the implementing Zoning By-law, prior to the two-year moratorium. Should Council approve Zoning By-law Amendment File Z.17.028, the Development

Planning Department, in recognition of the complexity of this Development, has included a Recommendation to permit the Owner to apply for a Zoning By-law Amendment application(s) or a Minor Variance application(s) to address refinements to the project that may arise through the final design and construction of the Development.

Amendments to Zoning By-law 1-88 are required to permit the Development

The Subject Lands are zoned “EM1 Prestige Employment Area Zone”, as shown on Attachment #2, subject to site-specific Exception 9 (1170) by Zoning By-law 1-88, which only permits employment uses. To permit the Development, the Owner is proposing to rezone the Subject Lands to “RA3(H) Apartment Residential Zone” with the Holding Symbol “(H)” in the manner shown on Attachment #3, and subject to the following site-specific exceptions to Zoning By-law 1-88:

Table 1

	Zoning By-law 1-88 Standard	By-law 1-88 - RA3 Zone Requirements	Proposed Exceptions to the RA3 Zone Requirements
a.	Definition of Lot	Means a parcel of land fronting on a street separate from any abutting land to the extent that a Consent (severance) contemplated by Section 49 of the Planning Act, RSO 1983 would not be required for its conveyance. For the purpose of this paragraph, land defined in an application for Building Permit shall be deemed to be a parcel of land and a reserve shall not form part of the street.	Means a parcel of land fronting on a street separate from any abutting land to the extent that a Consent (severance) contemplated by Section 50 of the Planning Act, R.S.O. 1990, CP. 13 would not be required for its conveyance. For the purpose of this By-law, land defined in an application for a Building Permit shall be deemed to be a parcel of land and a reserve shall not form part of the lot. The Subject Lands shall be deemed to be one lot regardless of the number of buildings or structures erected and regardless of any conveyances, consents, subdivisions, easements, or condominiums, or other permissions granted after the approval of this By-law, shall

Table 1

	Zoning By-law 1-88 Standard	By-law 1-88 - RA3 Zone Requirements	Proposed Exceptions to the RA3 Zone Requirements
			be deemed to comply with the provisions of this By-law.
b.	Definition of Underground Parking Structure	Zoning By-law 1-88 does not include a definition for a "Underground Parking Structure"	Underground Parking Structure: Means a building or structure constructed below finished grade used for the temporary parking of motor vehicles and shall not include the storage of impounded or derelict motor vehicles.
c.	Definition of Car Share	Zoning By-law 1-88 does not include a definition for an "Car Share"	Car Share: Means a service for local users in support of community transit and environmental goals. It is a membership-based on service offering members access to a dispersed network of shared vehicles 24 hours, 7 days a week. It is primarily designed for shorter times and shorter distance trips providing a public service to enhance mobility options. It does not include an automobile dealership; rental car uses or an automobile car brokerage use. Car Share parking spaces may be set aside within a covered area on the Subject Lands, and will not count towards satisfying the minimum parking supply requirements of this By-law.

Table 1

	Zoning By-law 1-88 Standard	By-law 1-88 - RA3 Zone Requirements	Proposed Exceptions to the RA3 Zone Requirements
d.	Retail/ Commercial Uses	Not Permitted in an RA3 Zone	<p>Permit the following non-residential uses having a maximum total Gross Floor Area (“GFA”) of 1,800 m² within a wholly enclosed building with no open storage as follows:</p> <ul style="list-style-type: none"> • Banking or Financial Institution • Brewers Retail Outlet • Business or Professional Office • Car Share • Club or Health Centre • Community Centre • Day Nursery • Eating Establishment • Eating Establishment - Convenience • Eating Establishment – Take Out • Independent Living Facility • Long Term Care Facility • Personal Service Shop • Pet Grooming Establishment • Pharmacy • Public, Technical or Private School • Public School • Public Library • Recreational Use • Retail Store • Underground Parking Structure • Veterinary Clinic • Video Store

Table 1

	Zoning By-law 1-88 Standard	By-law 1-88 - RA3 Zone Requirements	Proposed Exceptions to the RA3 Zone Requirements
e.	Minimum Setback To Portion of Building Below Grade (Underground Garage)	Front (East-west Road) Lot Line - 1.8 m Exterior Lot Line - 1.8 m	<ul style="list-style-type: none"> • Front Lot Line - 0 m • Exterior Lot Line - 0 m
f.	Minimum Building Setbacks	Front (East - West Road) - 7.5m Exterior sides - 7.5m	Front - 1.5m and 0 m at site triangle Exterior Sides - 1.5m and 0m at site triangle
g.	Minimum Lot Area Per Unit	67 m ²	9.74 m ² (7,940 m ² / 815 units)
h.	Minimum Amenity Area Per Unit	475 One Bedroom Units @ 20 m ² / unit = 9,500 m ² 273 Two Bedroom Units @ 55 m ² / unit = 15,015 m ² 67 Three Bedroom Units @ 90 m ² / unit = 6,030 m ² Total Amenity Area Required = 30,545 m ²	815 @ 2.5 m ² /unit (all unit types) = 2,038 m ²
i.	Maximum Building Height	44 m	Tower A - 98.5 m (30-storeys) Tower B - 85.5 m (26-storeys) Tower C - 85.5 m (26-storeys)
j.	Minimum Parking Requirement		902 total parking spaces, which includes the sharing of

Table 1

	Zoning By-law 1-88 Standard	By-law 1-88 - RA3 Zone Requirements	Proposed Exceptions to the RA3 Zone Requirements
		<p>815 apartment units @ 1.5 spaces / unit = 1,223 spaces + 815 apartment units @ 0.25 visitor spaces/unit = 204 spaces + 1,236 m² Commercial (Retail) @ 6 spaces/100 m² = 75 spaces + 526 m² Commercial (Community Use) @ 3.3 spaces/100 m² = 18 spaces</p> <p>Total Parking Required = 1,520 spaces</p>	<p>visitor and commercial spaces based on the following:</p> <p>475 - 1 Bedroom units @ 0.85 spaces / unit = 404 spaces + 273 - 2 Bedroom units @ 0.95 spaces / unit = 260 spaces + 67 - 3 Bedroom units @ 1.15 space / unit = 77 spaces + Visitor Parking spaces: 815 units @ 0.2 spaces/unit = 163 spaces + 1,236 m² Commercial (Retail) @ 4.5 spaces/100m² = 37 spaces + 526 m² Commercial (Day Care, or, other Community Use) @ 3.0 spaces/100m² = 16 spaces</p> <p>Total Parking Required 957 Minus 5.75 % reduction proximity to transit and for mix of uses</p>
k.	Minimum Parking Space Size	2.7 m X 6 m	2.7 m X 5.7 m
l.	Minimum Landscape Strip Width Abutting a Street	6 m	1.5m and 0 m (at the site triangle)

The Development Planning Department can support the zoning exceptions in Table 1 on the following basis.

a) Permitted Uses

The introduction of the additional uses is consistent with the policies and the permitted uses in the VMCSF and is considered compatible with the planned surrounding uses and implements the VMCSF.

b) Definitions

The proposed definitions (i.e. Lot, Underground Parking Structure and Car Share) are required to ensure that for zoning purposes, the Subject Lands are deemed to be one lot regardless of future conveyances and to avoid future technical zoning amendments. The definitions are also required to implement the mixed-use vision of the secondary plan.

c) Parking Space Size, Parking Standards and Access

The Owner has submitted analysis prepared by Poulos and Chung Limited to support the proposed parking supply.

The Study concludes that a total parking supply of 902 spaces is adequate to support the Development, whereas 957 spaces are required based on the City's Draft Parking Standards (IBI Study, 2010), resulting in a parking deficiency of 5.75%. The Parking Justification Study supports a reduction below the IBI Study rates based on adjustment factors recommended in the Study, including proximity to frequent transit and that the proposal is a mixed-use development. After the application of these adjustment reduction factors, the overall parking requirement is 899 spaces, resulting in a surplus of 3 spaces.

The Development Engineering ("DE") Department has reviewed the study and advise they have no objection to the proposed parking supply and parking space size.

d) Site-Specific Development Standards

The proposed zoning standards identified in Table 1 would permit a Development that creates a built form and pedestrian realm relationship that is supported in an intensification area. The site-specific development standards are consistent with the approved development standards for the LPAT (then OMB) approved projects in the immediate area.

e) Holding Symbol "(H)"

Should the Applications be approved, it is recommended that the Subject Lands be zoned with the Holding Symbol "(H)" until the following matters are addressed:

- i) The Owner successfully obtain approval of Draft Plan of Subdivision File 19T-18V001, or phase thereof, from Vaughan Council or the Local Planning Appeal Tribunal;
- ii) Water and sewer servicing capacity being identified and allocated by the City of Vaughan;
- iii) The City of Vaughan shall be in receipt of confirmation of a Ministry of Environment and Climate Change Acknowledgement/Registration of the Record of Site Condition;
- iv) The submission of an Environmental Noise Impact Study and an Environmental Vibration Report, prepared in consultation with the operators of the “Rail Yard” and the “Existing Industrial Lands”, to the satisfaction of the City of Vaughan. For the purposes of this Zoning By-law a “*Rail Yard*” is defined as the McMillan Rail Yard and the “Existing Industrial Lands” are defined as the Maple Stamping Plant;
- v) The provision and/or securing of any required noise mitigation and control measures at the Owner’s expense as the City of Vaughan may require;
- vi) If necessary, the execution of agreements satisfactory to the City of Vaughan between the Owner and owner(s) of neighbouring lands containing stationary noise sources to secure any noise mitigation measures which may be required on these neighbouring lands, as the City may require;
- vii) The Owner successfully obtaining the approval of a Site Development Application from Vaughan Council or the Local Planning Appeal Tribunal for the Development;
- viii) The execution of a Site Plan Agreement, or other such agreement, satisfactory to the City of Vaughan to be registered on title which obligates the Owner to include in all Offers of Purchase and Sale, warning clauses for the Subject Lands and to provide notice of the Class 4 Area classification to prospective purchasers of residential units on the Subject Lands to the satisfaction of the City;
- ix) The Owner successfully obtaining a resolution passed by Vaughan Council classifying the Subject Lands as a Class 4 Area;
- x) A Subdivision Agreement and any other necessary agreement(s), has been executed and registered with respect to the Subject Lands securing the conveyance and construction of the public streets, including the completion of the extension of Caldari Road to Rutherford Road, the

completion of Street B, and the widening of Jane Street; the payment of cash-in-lieu of parkland, or provision of parkland, in accordance with Section 42 of the Planning Act; cost sharing; and, the installation of the necessary municipal service and utilities, to the satisfaction of the City; and

- xi) An agreement pursuant to Section 37 of the Planning Act has been executed and registered, providing for the payment of \$4.1 million with respect to the increase in building height and density for the Development of the Subject Lands. Payment of the Section 37 amount shall be pro-rated based upon the percentage of the approved number of units and payable prior to the issuance of the first Building Permit for any above grade structure(s) (other than the temporary sales office).

These conditions related to the removal of the Holding Symbol “(H)” from the Subject Lands are included in the Recommendations of this report. The final form and content of the implementing Zoning By-law will be finalized through the LPAT proceedings.

The Toronto and Region Conservation Authority (“TRCA”) can support the Development, subject to their comments and conditions

The TRCA can support the approval of the Applications for the Subject Lands. However, the TRCA has identified matters regarding the future extension of Caldari Road that need to be addressed prior to finalizing the implementing Official Plan and Zoning By-law Amendments for the Subject Lands.

The proposed Caldari Road connection at Rutherford Road encroaches into the buffers of the natural hazards and features which, are shown as “Open Space/Valleylands” on Attachment # 4. The TRCA understand there may be constraints due to York Region requirements for the road location and setbacks from Jane Street. Additional analysis is required to establish an appropriate road alignment.

The northern road location Caldari Road encroaches within the 10m buffer from the top of slope, the dripline of the contiguous natural feature and may encroach into the Long Term Stable Top of Slope (“LTSTOS”).

The following items are to be provided comprehensively on a plan to clearly establish the appropriate limits of development for this area:

- a) A geotechnical study which clearly identifies the LTSTOS plus a 10m buffer;
- b) Staking of the dripline of the contiguous valley feature plus a 10m buffer;
- c) Regulatory Floodplain plus a 10m buffer;
- d) Staked Top of Slope plus a 10m buffer; and

- e) Limit of development based on the consolidated greatest constraint of the buffers.

Consideration will also be given to the southern portion of Caldari Road, which connects to Riverrock Gate.

With regard to the balance of the RLDC lands, the TRCA staff will recommend as a future condition of approval that the Natural System be conveyed into public ownership. These lands would be a valuable component to the City's current natural heritage system holdings. The TRCA continues to recommend and support the protection of a 10m buffer as part of the Natural System.

The TRCA continues to recommend that the 10m tableland buffer from the top of slope remain OS1 Open Space Conservation Zone and any additional buffer required to address the Natural and Hazard features be zoned OS1 Zone and dedicate into public ownership. The matters identified above by the TRCA will be considered through the Draft Plan of Subdivision File 19T-18V001 and future development applications on the balance all of the RLDC/CLDC lands, as the subject Applications are for Block 4 only.

The Development Engineering Department can support the Applications, subject to the comments and Recommendations in this report

The Development Engineering ("DE") Department has provided the following comments:

Water Supply Network

The Subject Lands are located within Pressure District 6 ("PD6") with a pressure range between 65 and 70 pounds per square inch (psi). The Development will be serviced by a future 400mm diameter watermain located within the extension of Caldari Road through the Subject Lands. The watermain will connect to an existing 750mm diameter trunk watermain on Rutherford Road to the north and an existing 400mm diameter watermain at the intersection of Caldari Road and Riverrock Gate. A portion of the proposed watermain, between Street "B" and the intersection of Caldari Road and Riverrock Gate, will be installed by the landowner to the south (Tesmar Holding Corp. "Tesmar").

Sanitary Sewer Network

The Subject Lands will be serviced by a future 250-300mm diameter sewer system located within the extension of Caldari Road. The sewer system will be connected to a proposed 450mm diameter sewer, which will be installed by Tesmar at the intersection of Caldari Road and Street "B". The 450mm diameter sanitary sewer will ultimately connect to an existing 975mm diameter Regional Jane and Rutherford trunk sewer at the intersection of Caldari Road and Riverrock Gate.

York Region previously confirmed that there is sufficient residual conveyance capacity in this trunk sewer for an additional 8,000 persons.

Storm Sewer Network

The Subject Lands will be serviced by a future 525-900mm diameter sewer system located within the extension of Caldari Road through the Subject Lands. The sewer system will be connected to an existing 900-975mm diameter sewer system at the intersection of Caldari Road and Street "B" that is currently under review and approval with the Tesmar proposal. The existing sewer system was connected to an existing 2100mm diameter trunk sewer at the intersection of Caldari Road and Riverrock Gate, which ultimately discharges into the existing Keffer stormwater management ("SWM") pond.

The Keffer SWM pond is designed to provide Level 2 water quality control. To achieve Enhanced (Level 1) water quality control within the development blocks, a combination of oil and grit separator/ Jellyfish unites and Low Impact Development ("LID") measures are proposed. The Owner shall provide appropriate facilities to provide enhanced water quality control for the future roads, acceptable to the City.

Road Network

Jane Street and Rutherford Road are under the jurisdiction of York Region. The following public roads are included in the Development to provide the necessary road network to service the Subject Lands:

- Street "A" or, the Caldari Road extension with a 26-metre right-of-way ("ROW") width through the Subject Lands, which ultimately will connect between Riverrock Gate and Rutherford Road, and
- Street "B", a new 20-metre local road that will straddle the Subject Lands and the Tesmar lands to the south, between Jane Street and Street "A"/ Caldari Road extension. The VMCSPP identifies Street B as a 22 m right-of-way, however, staff are satisfied that a 20 m right-of-way is satisfactory as parking can be accommodated on one side of the roadway due to the proposed driveway locations.

The proposed future road network is to be designed and constructed to conform to the VMCSPP requirements.

Environmental Site Assessment

The Owner submitted a Phase One Environmental Site Assessment ("ESA") report, entitled "Phase One Environmental Site Assessment, Southeast Corner of Jane Street and Rutherford Road, Vaughan, Ontario" prepared by McClymont & Rak Engineers Inc., dated December 2017. Based on the finding of the report, further environmental

investigation is not warranted for the Subject Lands at this time. In addition, a Record of Site Condition (“RSC”) is not required with respect to the Ontario Reg. 153/2004, as amended, since no change of the existing land use to a more stringent land use is proposed.

Noise Mitigation Measures

The Subject Lands are affected by transportation noise sources (traffic on Jane Street and Rutherford Road) and stationary noise sources from the surrounding existing commercial/industrial operations and the CN MacMillan rail yard. On December 11, 2017, Vaughan Council designated the Subject Lands as a Class 4 Noise area, pursuant to Ministry of Environment and Climate Change (“MOECC”) NPC-300 noise guidelines.

The Owner has provided a preliminary environmental noise and vibration report, prepared by Jade Acoustics and dated December 8, 2017 in support of the Development, in particular the site-specific Applications for Phase 1 (Block 4). The assessment presented in this report was based on the MOECC noise and vibration guidelines NPC-300 and NPC-207, respectively. The report addresses the effects of the stationary and impulse noises and vibration on the Development, but not the transportation noise sources. The impacts from the transportation noise sources will be addressed in the more detailed noise report that will be required in conjunction with a Site Development application.

The findings of the preliminary noise report indicate that it is feasible to develop the Subject Lands for residential purposes meeting the Class 4 sound level limits for stationary noise sources as set out in NPC-300 without the need for at-source or extensive noise mitigation. As per MOECC guidelines, a central air conditioning system, which will allow windows to remain closed, and warning clauses will be required for all residential units in Phase 1. In addition, outdoor amenity areas may need to be shielded by sound barriers, which will be addressed once more detailed information is available. The report also concludes that due to the separation distance of approximately 170 metres between Phase 1 and the adjacent stamping plant, ground vibration is not expected to exceed MOECC vibration guidelines NPC-207.

Based on the findings of the preliminary noise report, staff have no objections to the proposed site-specific Applications of the proposed development. A detailed noise report will be required in support of a Site Development application on the Subject Lands.

The DE Department has requested conditions for the removal of the Holding Symbol “(H)” to be included in the implementing zoning by-law should the Applications be approved.

The DE Department has advised of the following technical matters need to be addressed through the Draft Plan of Subdivision and Site Plan Approval processes:

- a) The DE Department shall approve the final FSR and SWM reports and Traffic Impact Study (“TIS”), prior to the commencement of any construction works, and each development phase;
- b) A detailed Environmental Noise Assessment and Vibration Report (“Noise Report”) for the Development on the lands prepared in accordance with MOECC’s noise assessment criteria as defined in Publication NPC-300, “Environmental Noise Guideline-Stationary and Transportation Noise Sources”, shall be approved to satisfaction of the City;
- c) The Owner shall agree in the Site Plan Agreement to implement the recommendations of the final Noise Report into the design and construction of the buildings on the Subject Lands, and include all necessary warning statements on all Agreements of Purchase and Sale or Lease of individual units, all to the satisfaction of the City;
- d) The Owner shall pay all costs associated with the City retaining a third-party peer reviewer to review the Noise Report;
- e) The Owner shall submit a TDM Plan(s), prepared by a qualified professional transportation consultant, for each phase of the Development, including a plan for the existing and future phase(s). The TDM Plan shall identify objectives, targets, measures, monitoring, and management plan, including roles and responsibilities of the Owner. In addition, the TDM Plan shall include a budget for the full cost of implementing the TDM measures, including operational financial considerations. The TDM Plan(s) shall be completed to the satisfaction of the DE Department;
- f) The Owner shall agree in a subdivision agreement to pay for and construct any improvements to the municipal infrastructure or construct new municipal infrastructure to service the Development, should it be determined that upgrades or the construction of new infrastructure are required to support this Development. The Owner shall coordinate the design and construction of the Caldari Road extension and “Street B”, including the associated utilities and municipal services, with the adjacent landowner to the south (Tesmar Holding Corp.), to the satisfaction of the City;
- g) The Owner shall agree in a subdivision agreement to pay its proportionate share of the cost of any external municipal services that have been designed and oversized by others to accommodate the development of the Subject Lands;
- h) The Owner shall provide necessary lands to accommodate a 26 m right-of-way for the Caldari Road extension from Riverrock Gate to Street ‘B’ to complete the ultimate road cross section as envisioned in the VMCSPP; and

- i) The Owner shall provide all necessary signalization works and land conveyance at the intersection of Riverrock Gate and Caldari Road including additional lands (trapezoid shape on east leg) required for signalization of the ultimate intersection as per City standards;

The Parks Development Department can support the Applications, subject to the comments and Recommendations in this report

The Parks Development Department requires the approval of a Draft Plan of Subdivision, or phase thereof, as a condition to be included prior to the removal of the Holding Symbol “(H)”, on the Subject Lands.

Parks Development Department has identified the following, but not limited to, matters to be reviewed as part of the processing of the Applications for the remainder of the RLDC/CLDC lands.

- a) The conveyance of approximately 2.3 ha of unencumbered, developable public parkland, with allocation of street frontage, size and configuration that is in accordance with City policies and standards.

Section 5.2.1, Part B of the VMCSPP identifies approximately 7 hectares of public parkland to serve new residents in the VMCSPP area. The Open Space Network, Schedule “E” of the VMCSPP, shows a Neighbourhood Park, approximately 2.3 hectares in size abutting a natural heritage buffer in the northeast quadrant of the VMCSPP located within the entirety of the lands owned by RLDC.

In order to meet the recommended 7 hectares of public parkland identified in the approved VMCSPP, the 2.3 hectares neighbourhood park is required to service the residents at build out. The RLDC lands, in addition to the approved adjacent development (Tesmar Holding Corp. File DA.14.037), would require the parkland to coincide with the approval of the Draft Plan of Subdivision. The City seeks to maintain its position of ensuring parkland of approximately 2.3 hectares be provided east of Jane Street to service future residents consistent with the VMCSPP and achieve a basic level of service within areas of intensification.

- b) The completion of a trail feasibility study to identify the conveyance of lands into public ownership for the development of a multiuse recreational trail per provisions of the Planning Act.

The 2007 Pedestrian and Bicycle Master Plan (updated 2012 Transportation Master Plan) identifies a requirement for a Multiuse Recreational Pathway (“Trail”) through the RLDC lands, connecting the City owned open space lands to the Jane Street and Rutherford Road intersection. Furthermore, the Active Transportation Network Schedule “H” of the VMCSPP, shows a Landscaped Mid-

Block Pedestrian Connection through the proposed neighbourhood park and open space valley lands in the north-east direction. This is further supported through Section 4.6.5 of the VMCSPP which states under bullet 2: *“In addition to the cycling routes identified, major open spaces shall include multi-use recreational trails linked to the street network to enhance connectivity to cyclists.”*

A future trail connection would assist to provide access from Creditstone Road through the open space, ideally within the valley buffer lands to the multiuse pathway planned on Rutherford Road. This trail connection will allow public access from the Subject Lands to existing sport/recreational facilities and public services located outside the development area (i.e. Vaughan Sports Village). The Owner is required to provide a feasibility study for a trail/pedestrian connection or improvements to existing Active Transportation infrastructure. The Owner is also requested to design and construct segments of the trail/pedestrian connection as part of the future phases to be determined through the Plan of Subdivision process or future Site Plan agreements.

The Owner has submitted a related Draft Plan of Subdivision application

The Owner has submitted Draft Plan of Subdivision File 19T-18V001, which is being reviewed by City Departments and external agencies and will be the subject of a future technical report for consideration by Council. A Draft Plan of Subdivision is required to implement the Development that is under consideration through the related Official Plan and Zoning By-law Amendment applications (RLDC lands) to delineate the proposed development blocks, roads, park and open space blocks, any other blocks that may be required to be conveyed to a public authority and approval of an appropriate servicing strategy.

The Owner must submit Site Development and Draft Plan of Condominium Applications to obtain Site Plan Approval and to establish the condominium tenure of the Development

Should the LPAT approve the Applications, the Owners must submit a Site Development Application(s) for review and approval. Through the site plan review process, the appropriate building and site design, transition between the proposed development and surrounding land uses, access, internal traffic circulation, parking, landscaping, servicing and grading, pedestrian connectivity, sun, shadow and wind impacts, appropriate amenity area, and barrier free accessibility will be considered. Opportunities to implement TDM measures, including car share, plug-ins for electric cars, bicycle storage areas, the provision of Presto transit passes, etc. will be reviewed by York Region and the City.

The proposed condominium tenure for the Development will be created through a Draft Plan of Condominium application(s), which is subject to approval by Council. The future

condominium corporation(s) will be responsible for all common elements in the development, including but not limited parking and landscaping.

NavCanada and Bombardier Aerospace have no objection to the Development.

NavCanada, a private sector, non-share Capital Corporation that owns and operates Canada's civil Air Navigation Service ("ANS") and Bombardier Aerospace, owner and operator of the Toronto Downsview Airport, has advised they have no objection to the Development.

Canada Post has no objection to the Development

Canada Post has indicated that it is the Owner's responsibility to contact Canada Post to discuss a suitable mailbox/mailroom location and ensure that Canada Post specifications are met. The Owner is required to supply, install and maintain a centralized mailbox facility.

The York Region District and Catholic School Boards to require a school site within the VMCSF area

The York Region Catholic and the French School Boards have no comments or objections to the proposed development. The York Region District School Board continues to require an elementary school site within VMCSF due to insufficient elementary pupil places in adjacent area schools to accommodate the projected students from VMCSF. The School Board has continued to participate in the various LPAT Prehearing Conferences for the VMCSF in order to secure an appropriate school site to provide student accommodation. A school site is not required as part of the Subject Development.

The various utilities have no objection to the Development

Alectra Utilities Corporation has indicated it has no objection to the approval of the Development. Alectra advises that the Development must meet the minimum clearances from their power lines (overhead and underground electrical distribution systems). It is the Owner's responsibility to contact Alectra and discuss all aspects of the Development with respect to electrical supply, transformer locations, and temporary service requirements.

Enbridge Gas Distribution has no objection to the Development and has advised that it is the Owner's responsibility to contact Enbridge Gas with respect to installation and clearance requirements for service and metering facilities.

Bell Canada has advised that one or more conduit or conduits of sufficient size from each unit to the room(s) in which the telecommunication facilities are situated and one or more conduits from the room(s) in which the telecommunication facilities are located to the street line.

Rogers Communication Inc. has no objection to the Development.

Financial Impact

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

Broader Regional Impacts/Considerations

York Region Community Planning and Development Services has no objection to the Development

The YROP designates the Subject Lands as “Urban Area”. York Region has advised, in the letter dated May 23, 2018, that the proposed amendments to VOP 2010 generally conform to the Regional Official Plan.

York Region has indicated they have no objections to the Applications, and have provided technical comments that must be addressed prior to the approval of the related Draft Plan of Subdivision that is in review and the future Site Development application(s) required to implement the Development.

Conclusion

The Development Planning Department has reviewed Official Plan and Zoning By-law Amendment Files OP.06.028 and Z.06.075 in consideration of the *Provincial Policy Statement*, the Growth Plan, the York Region Official Plan and Vaughan Official Plan 2010 policies, the requirements of Zoning By-law 1-88, comments from City Departments, external public agencies, and the surrounding area context. The Development is consistent with the policies of the PPS, conforms to the Growth Plan and the York Region Official Plan, and implements the Vaughan Mills Centre Secondary Plan.

The Development Planning Department is satisfied that the Development shown on Attachments #3 to #8, is compatible with the existing and permitted uses in the surrounding area. The Development Planning Department has also considered the Owner’s request to permit increased building height and density on the Subject Lands in exchange for community benefits. The Development Planning Department is satisfied that the Development represents good planning for the reasons identified in this report, and that the Owner’s contribution of community benefits is appropriate. Accordingly, the Development Planning Department supports the approval of the Applications, subject to the conditions included in the Recommendations of this report, including advising the LPAT of the City’s position.

For more information, please contact Clement Messere, Senior Planner, Extension 8409.

Attachments

1. Context Location Map
2. Location Map
3. Conceptual Site Plan - Block 4 and Proposed Zoning
4. Draft Plan of Subdivision File 19T-18V001
5. Ground Floor Plan - Block 4
6. Building Section - Block 4
7. Schedule 13 - Vaughan Mills Centre Secondary Plan: Height and Density
8. Perspective Rendering

Prepared by

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/LG