

# Committee of the Whole (1) Report

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**DATE:** Tuesday, May 30, 2023

**WARD:** 4

**TITLE:** DULCINA INVESTMENTS INC.:  
SITE DEVELOPMENT FILE DA.20.060 –  
8960 JANE STREET.  
VICINITY OF JANE STREET AND RUTHERFORD ROAD

**FROM:**

Haiqing Xu, Deputy City Manager, Planning and Growth Management

**ACTION:** DECISION

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**Purpose**

To seek approval from the Committee of the Whole to permit a mixed-use residential apartment building with a maximum building height of 29-storeys, 275 m<sup>2</sup> of at-grade commercial uses and 342 residential units, as shown on Attachments 2 to 6.

**Report Highlights**

- The Owner proposes one mixed-use residential apartment building with a maximum building height of 29-storeys, 275 m<sup>2</sup> of at-grade commercial uses, and 342 units.
- Prior to the issuance of a Building Permit the Owner must satisfy the conditions to lift the Holding Symbol “(H)” from the Zoning By-law, File Z.20.037 (Dulcina Investments Inc.).
- The Development Planning Department supports the proposed development subject to conditions as outlined in this report.

**Recommendations**

1. THAT Site Development File DA.20.060 (Dulcina Investments Inc.) as shown on Attachments 2 to 6, BE APPROVED, to permit a mixed-use residential apartment building with a maximum building height of 29-storeys, 275 m<sup>2</sup> of at-grade commercial uses, a Floor Space Index of 4.13 times the area of the lot and 342 units, subject to the Conditions of Approval in Attachment 7; and

2. THAT staff, at the earliest opportunity upon receiving confirmation or assignment of Regional water and wastewater servicing capacity, allocate Regional water and wastewater servicing capacity to Site Development Application File DA.20.060 per the City's Servicing Capacity Distribution Policy.

## **Background**

Location: 8960 Jane Street (the 'Subject Lands'). The Subject Lands and the surrounding land uses are shown on Attachment 1.

### ***The Local Planning Appeal Tribunal issued an Order on September 17, 2018, for the overall landholdings***

The Ontario Land Tribunal ('OLT'), formally known as the Local Planning Appeal Tribunal ('LPAT') on September 17, 2018 issued an Order approving the Zoning By-law for the Subject Lands. The OLT's decision was implemented through By-law 033-2019 and incorporated into Zoning By-law 1-88 as site-specific Exception 9(1472). This By-law permits the development of the overall landholding in 2 phases, as shown on Attachment 8, with conditions required to be satisfied prior to the removal of the Holding Symbol "(H)" on any part of the landholding.

The Zoning By-law for the overall landholdings includes permission for five (5) apartment buildings, the conveyance of part of a planned public park and local future public road (Korda Gate) that would connect Jane Street and Fishermens Way, as follows:

#### Phase 1

- Phase 1A consisting of 24 and 26-storey apartment buildings (Buildings A1 and A2)
- Phase 1B consisting of 26 and 28-storey apartment buildings (Buildings B1 and B2)
- Permits a maximum of 1,125 dwelling units

#### Phase 2

- Building C – permits a maximum of 342 dwelling units subject to transportation improvements

#### Phases 1 and 2

- A maximum of 1,467 dwelling units permitted
- A maximum total Gross Floor Area ('GFA') of 131,702 m<sup>2</sup>, consisting of 128,962 m<sup>2</sup> of residential GFA and 2,740 m<sup>2</sup> of non-residential GFA is permitted for Phases 1 and 2

***A Site Development Application has been submitted to permit the proposed development***

The Owner has submitted a Site Development Application (the 'Application') for the Subject Lands to permit one mixed-use residential apartment building with a maximum building height of 29-storays, 275 m<sup>2</sup> of at grade commercial uses, and 342 units (the 'Development'), as shown on Attachments 2 to 6.

The Owner is required to submit a future Draft Plan of Condominium.

**Previous Reports/Authority**

Previous reports related to the Subject Lands can be found at the following links:

[October 7, 2019, Committee of the Whole \(Item 6 Report No.29\)](#)

**Analysis and Options**

***The Development is consistent with the Provincial Policy Statement and conforms to the Growth Plan, YROP and VOP 2010***

Provincial Policy Statement, 2020 ('PPS')

The PPS provides direction on matters of Provincial interest related to land use planning and development and include building strong, healthy communities with an emphasis on efficient development and land use patterns, wise use and management of resources, and protecting public health and safety.

The Subject Lands are within a Settlement Area and the Delineated Built-Up Area of the Built Boundary of York Region. The Proposed Development facilitates a compact urban form through the intensification of underutilized lands in the City's established Settlement Area where full municipal services exist. The compact urban form, the ability to utilize existing municipal infrastructure, and the opportunity to provide housing with varying unit sizes facilitate a higher density development that capitalizes on the transportation infrastructure investments, consistent with the PPS. Staff are satisfied that the Proposed Development is consistent with the PPS.

A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019, as amended (the 'Growth Plan')

The Growth Plan provides a framework for implementing the Province's vision for building strong, prosperous communities within the Greater Golden Horseshoe to 2041. The premise of the Growth Plan is building compact, vibrant and complete communities, developing a strong competitive economy, protecting and wisely using natural resources, and optimizing the use of existing and new infrastructure to support growth in a compact and efficient form.

Conformity with the Growth Plan was established through the LPAT's consideration of the appeal when the LPAT rendered its decision. Accordingly, Policies in Section 2.2.1, 2.2.6, 4.2.5 of the Growth Plan that speak to the importance of providing a range of housing types, access to public open spaces and local amenities, and direct growth in settlement areas with existing municipal water and sanitary systems which can support

new development have been satisfied. The Development shown on Attachments 2 to 6 conforms to the Growth Plan.

#### York Region Official Plan 2022 ('YROP 2022')

The YROP 2022 designates the Subject Lands "Urban Area" which permits a wide range of residential, commercial, industrial, and institutional uses. The Subject Lands are located within a Future Major Transit Station Area as shown on Map 1B – Urban Systems Overlays", MTSA 77 – Vaughan Mills BRT Station ('MTSA'). Regional Centres and MTSA's are focal points for the highest densities and most intensive development. The Proposed Development, which conforms to the YROP 2022, provides for a denser and more intense development on a parcel of the land in close proximity to existing transit facilities.

#### York Region Official Plan 2010 ('YROP 2010')

The YROP 2022 replaces the YROP with respect to applications not deemed to be complete as of the YROP 2022 date of approval (Transition Policy 7.4.13). As the Applications were deemed complete prior to the approval of YROP 2022, the YROP 2010 remains as the in-force Regional Official Plan against which conformity of the Applications is measured.

The YROP 2010 designates the Subject Lands "Urban Area" which permits a wide range of residential, commercial, industrial, and institutional uses. The Subject Lands are located within a "Regional Centre". Regional Centres are focal points for the highest densities and most intensive development. The Proposed Development, which conforms to the YROP 2010, provides for a denser and more intense development on a parcel of the land in close proximity to existing transit facilities.

#### Vaughan Official Plan 2010 ('VOP 2010')

VOP 2010 sets out the municipality's general planning goals and policies that guide future land use. The Subject Lands are identified in VOP 2010 as follows:

- "Community Area" on Schedule 1 – "Urban Structure" of VOP 2010
- "High-Rise Mixed Use" by the Vaughan Mills Centre Secondary Plan, Volume 2, Policy 11.7.

The "High-Rise Mixed-Use" designation permits a high-rise mixed-use building at a building height of 29-storeys with a Floor Space Index of 4.13 times the area of the lot.

The Secondary Plan was adopted by Vaughan Council through Official Plan Amendment NO. 2 ('OPA 2') and approved by York Region Council with modifications, on July 11, 2014. The LPAT on September 17, 2018, issued its Order including a motion for partial approval and modifications to the Secondary Plan on the Subject Lands and for the approval of site-specific Zoning By-law Amendment File Z.09.038, to facilitate the development of the overall landholdings. Accordingly, conformity with VOP 2010 was established when the LPAT rendered its decision. On this basis, the Development conforms to VOP 2010.

## ***Zoning By-law 1-88 permits the Development***

### Zoning:

- “RA3(H) Apartment Residential Zone” with the Holding Symbol “(H)” by Zoning By-law 1-88, subject to site-specific Exception 9(1472).
- This Zone permits the use subject to the Holding Symbol “(H)” conditions being satisfied.

## ***The Development Planning Department supports the Development, subject to conditions***

The Development Planning Department recommends approval of the Development as shown on Attachments 2 to 6, subject to conditions of approval on Attachment 7.

### Site Design

The Development shown on Attachments 2 to 6 consists of a 29-storey mixed-use residential apartment building with 342 residential dwelling units, 275 m<sup>2</sup> of at-grade commercial GFA, 1,340 m<sup>2</sup> of indoor amenity space and 1,126 m<sup>2</sup> of outdoor amenity space. The main residential entrance to the Development for pedestrians is proposed off the private north-south street located east of the building. Vehicular access to the underground parking and loading is proposed off the private east-west street which is located south of the building. At-grade, the Development will include 2 visitor parking spaces, 5 residential Type A, 5 residential Type B, and 1 visitor barrier-free parking spaces are provided underground. The three levels of underground parking include 69 visitor parking space and 394 residential parking spaces for a total of 463 spaces, as well as 345 bicycle parking spaces.

### Building Elevations

The proposed building elevations are shown on Attachments 4 to 6. Architectural materials proposed for the building include vision glass, spandrel glass, precast concrete panels, white granite, porcelain spandrel panels, metal panels, and glazed balcony railings.

### Landscape Plan

The Landscape Plan, shown on Attachment 3, consists of at-grade planting which includes deciduous, coniferous, and ornamental trees, coniferous and deciduous shrubs, ground cover planting and sod. These planting beds are located on each side of the building, and on the south side of the private east west road south of the building. An at-grade amenity area is located north of the building, and roof top amenity areas are located on floors 7, and 29. The at-grade amenity area located on the north side of the building includes fixed tables and seating with decorative wind screens, benches and hard and soft landscaping. The level 7 roof top amenity area includes planters, an outdoor terrace surrounding the building, an outdoor pool with pool terrace paving, pool enclosure fence with gate, wind screens, cabanas, chairs, lounge seating, dinning tables and chairs, bar top tables with chairs, a billiards table, BBQs and linear fireplaces. The level 29 amenity area includes planters, an outdoor terrace surrounding

the building, dining tables and chairs, bar counter and chairs, lounge seating, windscreens, BBQs, and linear fireplaces.

### Design Review Panel ('DRP')

The DRP has reviewed Phase 1A and Phase 1B, Files DA.18.047 and DA.19.084, of the overall subject lands associated with By-law 033-2019. DRP Meetings were held on March 29, 2018, and August 30, 2018, respectively.

The Owner has been working closely with staff to further improve the Development through all three phases of the master plan. The other two phases of the master plan have gone to DRP, as noted above. Phase, 2, Block C is a small internal site within the overall master plan. The master plan layout and interfaces were reviewed by the previous DRPs for Phases 1A and 1B. The Development Planning Department is satisfied that the Owner has addressed the comments of staff and DRP for the overall master plan and this Application, and, therefore, waived the requirement for Phase 2, Block C to attend DRP.

### Archaeology

The Development Planning Department, Urban Design and Cultural Heritage Division has advised there are no built heritage concerns on the Subject Lands and is not identified as having archaeological potential, subject to any archaeological resources or human remains being located during construction. Warning clauses in this regard are included as Conditions of Approval in Attachment 7.

### ***The Development achieves a Gold Sustainability Threshold Score***

The Development achieves an overall Sustainability Performance Metrics (SPM) application score of 67 (gold level). This score meets minimum threshold requirements.

### **Financial Impact**

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

### **Operational Impact**

#### ***The Policy Planning and Environmental Sustainability Department supports the Development, subject to Conditions of Approval***

The Policy Planning and Environmental Sustainability Department has advised that there are no natural heritage features on the Subject Lands and therefore, has no further concerns respecting these Applications. However, all applications, regardless of their location, are required to abide by the Endangered Species Act (2007) regulated by the Ministry of Natural Resources and Forestry (MNR). The Owner is required to complete an information request form and submit it to the MNR for confirmation of any potential Species at Risk on the Subject Lands. A condition to this effect is included in Attachment 7.

***The Development Engineering ('DE') Department supports the Development, subject to the conditions in this report***

The DE Department has provided the following comments:

Shared Common Elements

The Subject Lands will share common sanitary and storm servicing with Phase 1 Block A and Phase 1 Block B in accordance with By-law 033-2019. An agreement between the Owners of Blocks A, B and C will be required for cost-sharing for any applicable sewer utilities payable to the operation utility companies, operation costs, maintenance, replacement and repair of the shared system.

Phase 1 Block B and Phase 2 Block C will share common fire supply service and suppression systems. An agreement between the Owners of Block B and Block C will be required for cost-sharing of water utilities, cost of operation, maintenance, replacement and repair for the share system. The agreements shall be disclosed in the condominium declaration for Block B and Block C.

The Development requires that the Phase 1 Block B and Phase 2 Block C Developments share common elements including driveway accesses, underground parking, vehicular and pedestrian access. An agreement between the Owners of Block B and Block C will be required for cost-sharing operation costs, maintenance, replacement and repair costs of the shared common elements. The agreements shall be disclosed in the condominium declaration for Block B and Block C.

Road Network/Access

The Subject Lands are bound by Jane Street to the east Fishermens Way (which is a privately owned internal ring road) to the west and a new east-west public road to the north. The new east-west public road provides linkage between Jane Street and Fishermens Way.

Two separate site access are proposed via the new east-west public road and Fishermens Way, respectively. Since Fishermens Way is a private road, any necessary consent form adjoining landowners must be confirmed.

The Development will share a private road with the adjoining Block B, which will provide access to both the new eat-west public road and Fishermens Way. A reciprocal cost-sharing and easement agreement between Block b and Block C is required to outline rights and obligations related to the shared common private road.

Water Supply Network

Water service will come from a tee-off from an existing 300 mm municipal watermain on Fishermens Way. An exiting 250 mm water service connection will serve as a domestic connection for the Subject Lands. Block C will be served by two 200 mm fire flow connections via the adjoining Phase 1 Block B development, which meets the OBC requirement for a minimum of two fire connections for a building high which exceeds 84 metres.

The Owner has demonstrated that the existing watermain can provide sufficient flows and pressures for the development.

#### Sanitary Sewer Network

The Owner proposes to connect to an existing municipal sanitary sewer on Fishermens Way. The Owner had provided a downstream capacity analysis by using actual infiltration and inflow rate, measured over a period of 13 months, and concluded there is insufficient sanitary sewer capacity to service Phase 2 Block C during wet weather flow conditions.

In order to address the sewer capacity constraint during wet weather flow conditions, the Owner proposes to undertake inflow/infiltration remediation works on existing sanitary maintenance holes frame and covers at the existing Vaughan Mills Mall.

After implementation of the required inflow/infiltration remediation works, post-construction flow and monitoring shall be undertaken by the Owner in order to confirm available capacity in the sanitary sewer system in support of the Development.

Upon review of the post-construction flow monitoring result, it shall be further determined whether additional studies or improvements for the existing sanitary sewer system will be required to support the proposed development of Block C. Pre-approval conditions shall be applied to the Development. Conditions to this effect are included in Attachment 7.

#### Stormwater Management Facilities and Storm Sewer Network

The Owner proposes to connect to the private storm sewer on the Subject Lands. The sewer was installed parallel to Jane Street which connects to the existing municipal storm sewer which connects to the existing municipal storm sewer within the Vaughan Mills Mall access road. This storm sewer system discharges into the existing Keffer Storm Water Management ('SWM') Pond.

The Keffer SWM Pond was designed to provide Level 2 water quality control. An oil and grit separator is proposed on the Subject Lands to achieve Enhanced (Level 1) water quality control and quantity of the runoff within the Development, therefore the runoff generated by the future road north of the site can be discharged uncontrolled into the storm sewer system without any downstream capacity issues.

#### Noise Mitigation Measures

An updated Environmental Noise Assessment was submitted as part of the Block C development (DA.20.060) and has been reviewed and accepted by Development Engineering.

The sound level predictions indicate that noise from the CN rail yard meets the applicable MECF noise guidelines at the proposed development. Noise mitigation measures are not required. With the recommended building envelope construction,



including upgraded windows, traffic noise levels will be mitigated to comply with the applicable MECP indoor noise criteria and result in an appropriate acoustical environment for the future occupants

The Environmental Noise Assessment shall be consistent with the final architectural drawings and recommend appropriate mitigation measures and waring clauses. A Condition to this effect is included in Attachment 7.

#### Environmental Site Assessment ('ESA')

The submitted ESA report was reviewed by the Development Engineering Department. A Ministry of the Environment, Conservations and Parks ('MECP') Record of Site Condition ('RSC') was also filed on the Environmental Site Registry by the Owner for the Development. The ESA reports and RSC confirm that the lands are suitable for the proposed residential development, which is acceptable.

#### Sewage and Water Allocation

Currently, there is limited Regional servicing capacity available to the City. It is anticipated that York Region will be granting the City additional servicing capacity in Q4-2023 as part of their Capacity Assignment cycle to Regional Municipalities. At the earliest opportunity, upon receiving confirmation of available serving capacity from York Region, City staff will bring forth a report to Council recommending a resolution to formally approve servicing allocation for File DA.20.060.

#### Dewatering

Prior to final approval of the Site Plan and/or commencement of construction within the Subject Lands, the Owner shall submit a detail Hydrogeology Impact Study that identifies, if any. Local wells that may be influenced by construction and, if necessary, outline a monitoring program to be undertaken before, during and after construction. Furthermore, prior to the discharge of any water originating form a source other than City of Vaughan's municipal water supply, including water originating from groundwater accumulating or collected on private lands ("Private Groundwater Discharge") to Vaughan's storm sewer system, the Owner shall obtain a Discharge Approval for permanent ground water discharge ("Discharge Approval") from Vaughan prior to the release of the Site Plan Approvals, if required by City of Vaughan. The Owner agrees that post-development flow rates discharged to the Vaughan's storm sewer system form the Subject Lands, including Private Groundwater Discharge, shall not exceed the allowable flow rates discharged to the Vaughan's storm sewer system as approved by Development Engineering and per the Discharge Approval. The Owner may be required to add or modify the Discharge and Related Works to the City's satisfaction, all at their sole cost and expense. Where the Privat Groundwater Discharge flow rates are exceeded, causing the post-development flow rates discharged to the Vaughan's storm sewer system, Council Approval for Discharge Approval will be required.

### Transit and Active Transportation (AT) Networks

The Development is well serviced by transit. York Region Transit ('YRT') provides proper transit service in the vicinity of the Subject Lands. This includes the Vaughan Mills transit terminal in close proximity of the Subject Lands, Rutherford GO station is approximately 2.5 km east along Rutherford Road, YRT route 20 provided a direct connection to the VMC subway station south along Jane Street. The Region's 5-year and 10-year transit plans also indicate service improvements along Jane Street and Rutherford Road.

The Development is within a short walking distance to planned green space, a major transit hub (Vaughan Mills) and commercial uses (Vaughan Mills, west of Jane Street). Sidewalks will be available on both sides of the surrounding roads. Currently there are few cycling facilities near the Subject Lands. However, future in-boulevard cycling lanes will be available along Jane Street and Rutherford Road.

### Parking and Travel Demand Management (TDM)

A four-level underground parking garage will provide 463 parking spaces and will be accessed from a shared private driveway via the adjoining Phase 1 Block B Development. A comprehensive TDM Plan for the proposed overall Development has been prepared.

The implementation of these measures would further assist in reducing site generated automobile trips.

### Traffic Impacts and External Improvements

In addition to the traffic signal optimizations for the signalized intersections and TDM Plan proposed for the Subject Lands, a new east-west public road will be constructed north of the Subject Lands. Sidewalks will be constructed along the private road Fishermens Way located west of the Subject Lands providing proper pedestrian connection between the site, Vaughan Mills Shopping Center and the terminal as well as the future park located south of the Subject Lands.

### ***Cash-in-Lieu of the dedication of parkland is required***

The Owner is required to pay to the City by way of certified cheque, cash-in-lieu of the dedication of the parkland, in accordance with the *Planning Act* and the City's cash-in-lieu Policy. A condition to this effect is included in Attachment 7.

### ***Other external agencies and various utilities have no objection to the Development***

Hydro One, Alectra Utilities, Canada Post, York District School Board, York Catholic District School Board, Rogers Communications, Bell Canada, NavCan, Bombardier, CN have no objection to the Development, subject to the conditions included on Attachment 7.

## **Broader Regional Impacts/Considerations**

The Subject Lands are located on Jane Street which is a Regional Road. York Region has no objection to the approval of the Development in principle. The Owner is required to satisfy all York Region requirements, subject to the comments and Conditions of Approval in Attachment 7a.

## **Conclusion**

The Development Planning Department is satisfied the Application(s) is/are consistent with the PPS, conforms with the Growth Plan, YROP and VOP 2010, and is appropriate for the development of the Subject Lands. The Development is considered appropriate and compatible with existing and planned surrounding land uses. Accordingly, the Development Planning Department can recommend approval of the Application, subject to the recommendations in this report and Conditions of Approval in Attachment 7.

**For more information**, please contact Carol Birch, Planner, at extension 8485.

## **Attachments**

1. Context Location Map
2. Site Plan and Zoning
3. Landscape Plan
4. Building Elevations - South and North
5. Building Elevations – East
6. Building Elevations - West
7. Conditions of Site Plan Approval City of Vaughan
- 7A. Conditions of Site Plan Approval York Region
- 7B. Conditions of Site Plan Approval CN
- 7C. Conditions of Site Plan Approval Canada Post
8. By-law 033-2019

## **Prepared by**

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## **Approved by**



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## **Reviewed by**



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on behalf of Nick Spensieri,  
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