
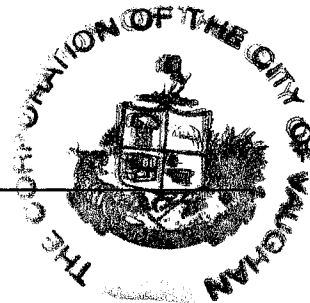


I, JOHN D. LEACH, City Clerk of the Corporation of the City of Vaughan, in the Regional Municipality of York, do hereby certify that attached is a true copy of Amendment Number 626 to the Official Plan of the Vaughan Planning Area, which was approved by the Ontario Municipal Board, as per Order #0982, dated April 19, 2005.



JOHN D. LEACH
City Clerk
City of Vaughan



DATED at the City of Vaughan
this 28th day of April, 2005.



ISSUE DATE:

APR. 19, 2005

DECISION/ORDER NO:

0982



Ontario

Ontario Municipal Board

RECEIVED

PL030635
APR 20 2005

CITY OF VAUGHAN
CLERKS DEPARTMENT

Jane-Ruth Development Inc. has appealed to the Ontario Municipal Board under subsection 34(11) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, from Council's refusal or neglect to enact a proposed amendment to Zoning By-law 1-88 of the City of Vaughan to rezone lands respecting 2920 Rutherford Road and 9291 Jane Street from Open Space 1 and Agriculture to "AR3" and "Open Space 1" to permit the development of five apartment buildings
O.M.B. File No. Z030092

Jane-Ruth Development Inc. has appealed to the Ontario Municipal Board under subsection 22(7) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, from Council's refusal or neglect to enact a proposed amendment to the Official Plan for the City of Vaughan to redesignate land at the northeast corner of Jane Street and Rutherford Road from Rural to High Density Residential/Commercial, Valleylands and Stormwater Management to permit residential uses
O.M.B. File No. O030114

(OP. 03.006)

Jane-Ruth Development Inc. has appealed to the Ontario Municipal Board under subsection 38(4) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, against Interim Control By-law 81-2004 of the City of Vaughan
O.M.B. File No. R040079

Jane-Ruth Development Inc. has referred to the Ontario Municipal Board under subsection 41(12) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, determination and settlement of details of a site plan for lands comprised of Part Lot 16, Concession 4, E.J.S., and Parts 1, 2 & 3 of Reference Plan 65R-12865, in the City of Vaughan
O.M.B. File No. M040071

APPEARANCES:

Parties

City of Vaughan

Canadian National Properties

Jane-Ruth Developments Inc.

Counsel

A. Paton

A. M. Heisey

T. R. Lederer

AMENDING DECISION DELIVERED BY S. D. ROGERS AND PARTIAL ORDER OF THE BOARD

After a seven week hearing with respect to this matter, the Board issued a decision (Decision No. 1815) on November 23, 2004. The decision gave approval in principle to an Official Plan Amendment and Zoning By-law Amendment for residential development on a property located at the northwest corner of Jane Street and

Rutherford Road in the City of Vaughan. The approval was subject to certain Board-directed amendments to the development proposal and to the Official Plan Amendment and Zoning By-law Amendment documents. There were also some outstanding issues, which needed to be addressed with the Toronto and Region Conservation Authority. The Board indicated that should issues arise in the implementation of the directions contained in the Board decision, that the hearing should be reconvened to address these matters.

The parties requested that the hearing be reconvened and on March 23, 2005, the parties met with the Board. The Board was advised at that time that the parties required some clarification from the Board of some of the terms of the decision, in order to resolve issues which had arisen between them. As well, the parties were requesting that the Board approve an Official Plan Amendment which incorporated the changes required by the Board in its Decision No. 1815/2004.

After hearing from the parties on the matters requiring clarification, the Board issued an amending decision clarifying the intent of the Board's previous ruling, in an effort to assist the parties in the implementation of that decision.

The Board confirmed the following:

1. In its decision, the Board imposed a setback of residential uses from the pull-back track or the CN property line. This setback applies to, and was considered throughout the hearing as applying to, the residential buildings only. Thus, the property line for the residential portion of the site can be adjusted without offending the intent of the decision, provided no part of the residential buildings is located within 150 metres of the south pull-back track. There was no express or implied intent in the decision to limit the size of the residential portion of the property.
2. The reference on page 25 of the decision to the fact that the density controls would result in approximately 600 units was a supportive statement only, and was based on the Board's understanding of the size of the residential portion of the site as it was presented at the hearing. However, the controlling factors for density were intended to be the f.s.i. of 2.7; the density of 200 uph; and the building height of 16 storeys. There was no intent in the decision to limit the number of units to 600 units.
3. The Board included in its decision a requirement that the Official Plan and Zoning By-law ensure that the commercial building to be located adjacent to the CN tracks be a minimum of three storeys in height and that a berm or berm/fence combination of at least 6 metres in height be constructed along

the common property line between the CN pull-back track. The Board stated on page 35, that it was requiring these measures *"unless the proponent can demonstrate to the Board that in the absence of such mitigation measures the sound level criteria can be met, or that the mitigation measures will clearly not operate to reduce noise levels on the grounds of the residential lands."*

The Board wishes to clarify how these requirements are to be dealt with.

During the hearing, there was very little attention paid to the nature or kind of uses or buildings to be placed on the commercial lands to the north of the residential lands. There was a request to include a banquet hall use in the range of commercial uses, which were to be permitted on that portion of the site. The Board did not find favour with that proposal and refused to include a banquet hall use as a permitted use.

However, the Board was concerned about two matters which related to the use of the commercial lands and how those commercial lands affected, and related to, the residential lands. Those two matters are made clear in the Board's statement on page 35, where it states, in reference to the minimum 3 storey height of the commercial building, that the requirement was *"in order to ensure a substantial intervening use in that space and in order to shield the residential grounds from noise"*. These are the controlling principles. Firstly, there must be a substantial intervening use on the commercial lands. Secondly, there must be some effort to ensure that however the commercial lands are configured, they can operate to provide some shielding of the residential grounds from unacceptable levels of noise from the CN pull-back track. This will include measures such as berming, fencing and landscaping; as well as building siting, height and configuration; and the location of parking on the site. Also note that the Board did not limit its concern with respect to noise levels, to the residential amenity areas on the site. The Board indicated its concern with noise levels on the residential grounds.

The Board is, however, cognizant of the fact that the means of achieving these objectives or controlling principles may be more varied than ordered by the Board. The Board is also cognizant of the fact that the parties did not have an opportunity to directly address these specific requirements during the hearing. Therefore the requirements will remain, as indicated in Decision 1815/2004, unless the parties can demonstrate to the Board's satisfaction that there is an alternative means of achieving the effect of a substantial intervening use, and a reduction of noise on the residential grounds, OR unless the parties can demonstrate that the requirements will result in insurmountable

difficulties in the development of the commercial portion of the lands and cannot achieve the desired objectives; and that some modification to the requirements is called for.

The Board is however, prepared to allow the parties to defer the implementation of the requirements relating to the commercial portion of the lands to the Zoning By-law. Therefore, the decision is amended, by removing the requirement to include in the Official Plan that the commercial buildings on the lands must be a minimum of three storeys in height, wherever that is referred to in the decision.

The Board heard evidence from Mr. Kennedy with respect to an Official Plan document, which had been revised to reflect the Board directions contained in its decision 1815/2004. The Board is satisfied that the revised Official Plan document reflects the decision of the Board and therefore represents good planning.

➔ The Board therefore approves the Official Plan Amendment for the subject lands as appended hereto as Attachment "1" and orders that the Official Plan for the City of Vaughan is amended accordingly.

This is the order of the Board.

"S. D. Rogers"

S. D. ROGERS
MEMBER

March 22, 2005

ATTACHMENT "1"

PL030635

**AMENDMENT NUMBER - 626
TO THE OFFICIAL PLAN
OF THE CITY OF VAUGHAN PLANNING AREA**

The following text and Schedule "1" to Amendment Number 626, being an Amendment to Amendment Number 600 to the Official Plan of the Vaughan Planning Area, constitute Amendment Number 626.

I PURPOSE

The purpose of this Amendment is to insert into the Vaughan Centre Secondary Plan the land use designations and policies for land located east of Jane Street, north of Rutherford Road and south of the CNR Pullback Track, as required by Amendment No. 600 to the Official Plan for the Vaughan Planning Area. The Secondary Plan implements the general policy direction of Amendment No. 600 which provides that an "urban centre" be developed at this location. The Amendment contains policies and designations which would permit a range of residential land uses, commercial and open space.

II LOCATION

The lands subject to this Amendment are shown on Schedule "1" attached hereto as "Area Subject to Amendment No. 626". They are bounded by the CNR Pullback Track to the north, Jane Street to the west, Rutherford Road to the south, and the valley of a tributary of the Don River to the east. The land subject to this Official Plan Amendment has an area of approximately 7.96 hectares (19.67 acres).

III BASIS

The approval of this Official Plan Amendment culminated from an Ontario Municipal Board Hearing and Decision and partial Order No. 1815 of the Board issued November 23, 2004.

The subject lands are located within the Vaughan Centre Secondary Plan Area. Amendment No. 600 to the Official Plan for the Vaughan Planning Area provides general direction with respect to the form and structure of the "urban centre" to be developed in the Vaughan Centre area. The preparation of a Secondary Plan for Vaughan Centre is required by the policies of Amendment No. 600 to more specifically define the range and densities of the permitted uses and establish transportation, environmental servicing and land use policies.

The City of Vaughan has approved land use designations and policies within the Vaughan Centre area for lands located north and south of Rutherford Road, west of Jane Street and east of Highway No. 400 through the approval of OPA No. 483, OPA No. 505 and OPA No. 551. The approval of land uses and policies for the subject lands provides further for the rounding out of the urban centre.

On the north side of Rutherford Road, west of Jane Street, land use designations and policies envision a residential community that provides a mix of housing types, a school, civic uses, shopping areas, recreational facilities, employment and open space. Along the north side of Rutherford Road the lands are designated predominately High Density Residential/Commercial and are anchored in the west end with a District Commercial designation.

On the south side of Rutherford Road the land use designations and policies permit the development of retail, service commercial, entertainment, restaurant and hotel uses contained within a regional scale indoor mall and buildings.

The highest intensity of uses have been focused on the north and south side of Rutherford Road frontage, including the intersections at Jane Street. The intersection of Jane Street and Rutherford Road creates a node that should be celebrated with the highest intensity of use within the Centre.

The introduction of additional high intensity uses at the north east corner of Jane Street and Rutherford Road will create a gateway and anchor for the east limit of the Vaughan Centre. The provision of greater building heights and density and the opportunity for the mixing of uses will create a distinctive urban environment that will create a positive urban identity for Vaughan Centre.

While at a lower intensity, this gateway node at the intersection of Jane Street and Rutherford Road will be comparable to the Corporate Centre Node with its gateway sites within the Vaughan Corporate Centre, located to the south at Highway No. 7 and Jane Street.

The Region of York Official Plan contains policies for the preparation of plans for Urban Centres. According to the Region's Official Plan, permitted uses in Urban Centres should be similar to those permitted in Regional Centres with a greater emphasis on residential and local employment uses. Urban Centres should comprise the highest density and mix of uses within urban areas, with the exception of Regional Centres.

According to OPA 600, "Vaughan Centre shall be an Urban Centre as defined in the Regional Official Plan including a mix of high and medium density residential uses, retail, office, community, cultural, recreational, civic, entertainment and tourism oriented..."

Official Plan Amendment No. 600 requires that the City designate medium and higher density, mixed use development along arterial roads with the highest densities at major intersections to promote increased transit use and the provision of efficient and effective transit services.

This Amendment will provide a higher intensity residential and commercial node within the emerging Urban Centre at the intersection of two Regional arterial roads.

Specifically, this Amendment provides for the following uses:

1.0 Components of the Plan

1.1 Residential and Commercial

The proposed amendment provides for up to approximately 780 residential units within Vaughan Centre with an additional population of approximately 1560 persons.

The developable lands are designated "High Density Residential/Commercial" to permit a range of uses including apartment buildings and commercial.

The proposed development is bounded on the north by the end segment of the pullback track, which is related to the CN Rail MacMillan Yard operations. As a result, to adequately protect the proposed new residential uses, specific policies regarding environmental noise impact from the pull back track are included within the amendment and residential buildings shall not be permitted within 150 metres from the CNR pull back track located to the north, measured from the south rail of the south track.

1.2 Open Space

The Amendment includes a valley associated with a tributary of the Don River which traverses the lands in a northwest/southeast direction. This tributary continues west of Jane Street within the Vaughan Centre where the Open Space system is linked to other elements of the public realm including schools and parks to allow for a community wide trail/walkway system.

The Open Space associated with the valley provides a natural feature that is to be protected and sensitively integrated with the proposed residential and stormwater management facility.

The lands located east of the Amendment area includes another tributary of the Don River which is located and designated Open Space by Official Plan Amendment 350 – Maple Community Plan.

IV DETAILS OF THE ACTUAL AMENDMENT AND POLICIES RELATIVE THERETO

1. Amendment No. 600 to the Official Plan of the Vaughan Planning Area is hereby amended by:

a) Amending Schedule "B1" to Amendment No. 600 as attached hereto as Schedule "1" by:

i) redesignating that portion of the Vaughan Centre Secondary Plan Area shown as "Area Subject to Amendment No. 626" on Schedule "1" to "High Density Residential/Commercial", "Valley Lands" and Stormwater Management".

2. Amendment No. 600 to the Official Plan of the Vaughan Planning Area is hereby amended as follows:

a) Subsection 4.1.1 vi) is amended by deleting the entire sentence and replacing it as follows:

"Vaughan Centre is expected to accommodate approximately 4,600 residents at full development, in predominantly medium and high density housing forms".

b) Subsection 4.2.1.4 ii) is amended by adding the following additional paragraph:

"Notwithstanding any other provision herein, apartment buildings to a maximum of 16 storeys in height are permitted within the Vaughan Centre Secondary Plan, on the lands subject to OPA No. 626 at the northeast corner of Jane Street and Rutherford Road."

c) Subsection 4.2.1.4 iii) is amended by adding the following paragraph:

"Notwithstanding any other provision herein, within the High Density Residential – Commercial Area subject to OPA No. 626 at the northeast corner of Jane Street and Rutherford Road:

- the maximum permitted density shall be 200 units per hectare and,
- the maximum permitted gross floor area shall not exceed a Floor Space Index (FSI) of 2.7 times the residential area calculated using the residential land areas both north and south of the valley.

The area included in the calculation of residential density and FSI shall include the land for the buildings, private roads and roadways, parking areas and landscaping, and amenity areas related to the high density development but those lands used exclusively for commercial purposes shall be excluded. For the purposes of this Amendment, the area of lands used to calculate the maximum permitted number of residential units shall be established in the implementing Zoning By-Law.

Density and floor area may be transferred from one property or parcel of land, to another property or parcel within the area subject to OPA No. 626, provided the other policies of the Official Plan are maintained and provided that the total number of units in the Amendment area does not exceed 200 units per hectare and a maximum of 2.7 FSI is not exceeded, calculated using the residential density and FSI calculation referenced above.

Residential Density shall not be applied to or transferred to those lands used exclusively for commercial use which lands have an area of 1.475 ha.”

d) Subsection 4.2.1.4 is amended by adding the following policies:

“ix. Lands located within the Vaughan Centre Secondary Plan at the northeast corner of Jane Street and Rutherford Road, within the area subject to Amendment No. 626, shall be developed with a prestigious “landmark” development. In addition to the design objectives of Section 4.2.2.2 the following urban design principles shall apply:

1. The development shall establish a distinctive high quality urban environment defined by architecture and landscape treatment. Buildings are encouraged to be sited to create an interesting and attractive streetscape along Jane Street and Rutherford Road with attention to integration of transit facilities and a high quality streetscape and open space. The siting of the building on the immediate corner of Jane Street and Rutherford Road should be substantially setback from the roads, to create an attractive pedestrian oriented space between the buildings and the adjacent major roads.
2. Buildings should be sited to take advantage of the natural amenity of the valley and stormwater management facilities. Private amenity space should be integrated with the valley and pedestrian areas.

3. Pedestrian access to buildings will be integrated with adjacent public streets to ensure access is convenient and safe.
 4. The development shall establish a distinctive and coordinated landscape treatment.
 5. To provide safe, efficient and convenient vehicular access in a pedestrian friendly manner.
 6. To visually screen and minimize the impact of on-site parking and service areas.
 7. Separate vehicular access and driveways shall be provided for the residential and commercial uses. Mutual or shared driveways shall not be permitted.
- x. Residential buildings shall be setback a minimum of 115.5 m, measured perpendicular from the northerly property line of the Amendment area, which is the equivalent of 150m from the south track of the C.N. pullback track. Residential buildings within the Amendment area shall be air conditioned and contain a warning clause on Title indicating possible disturbance of outdoor activities, in accordance with the recommendations of a noise report.

Notwithstanding the foregoing, underground parking structures may be located within the 115.5m setback.

- xi. The proponent of development on the subject lands will be responsible for attenuating noise from the pullback track at residential receptors in the development.
- xii. Noise studies and design of noise attenuation measures shall be based on the noise criteria of MOE publication LU-131, "Noise Assessment Criteria in Land Use Planning", October 1997, including the Annex to LU-131, with the following supplementary clarifications:
 - the applicable noise criteria for Transportation Sources are contained in Section 3 of LU-131, including Tables 1, 2, 3 and 4;
 - the applicable noise criteria for Stationary Sources are contained in Section 4 of LU-131, including Tables 5, 6 and 7;

- the pullback track shall be treated as a "Stationary Source".
- The 5 dba flexibility suggested in LU-131 shall not be permitted in the calculation of noise levels at the plane of window.

- xiii. Where needed, for compliance with the stationary noise source criteria set out in LU-131, the construction of the apartment buildings will incorporate balconies that are enclosed to act as a barrier to the sound experienced on the balconies and at adjacent living room and bedroom windows.

The analysis and design for the architectural details shall take into account the full frequency spectrum characteristics of the diesel locomotive sound sources, in accordance with good engineering practice and the noise guidelines.

- xiv. It is recognized that the lands subject to OPA No. 626 include more than one residential property or parcel which may be developed independently. Arrangements shall be made as a condition of site plan approval to ensure that internal access to the residential properties are functionally integrated and secured to ensure appropriate road access."

- e) Subsection 5.9.1 is amended by adding the following subsection:

"16. Notwithstanding the above, respecting the final limits of development, setbacks and buffers, if required, for the lands identified on Schedule "1" of OPA 626 shall be established to the satisfaction of the TRCA in conjunction with the approval of the Zoning By-Law and Site Plan."

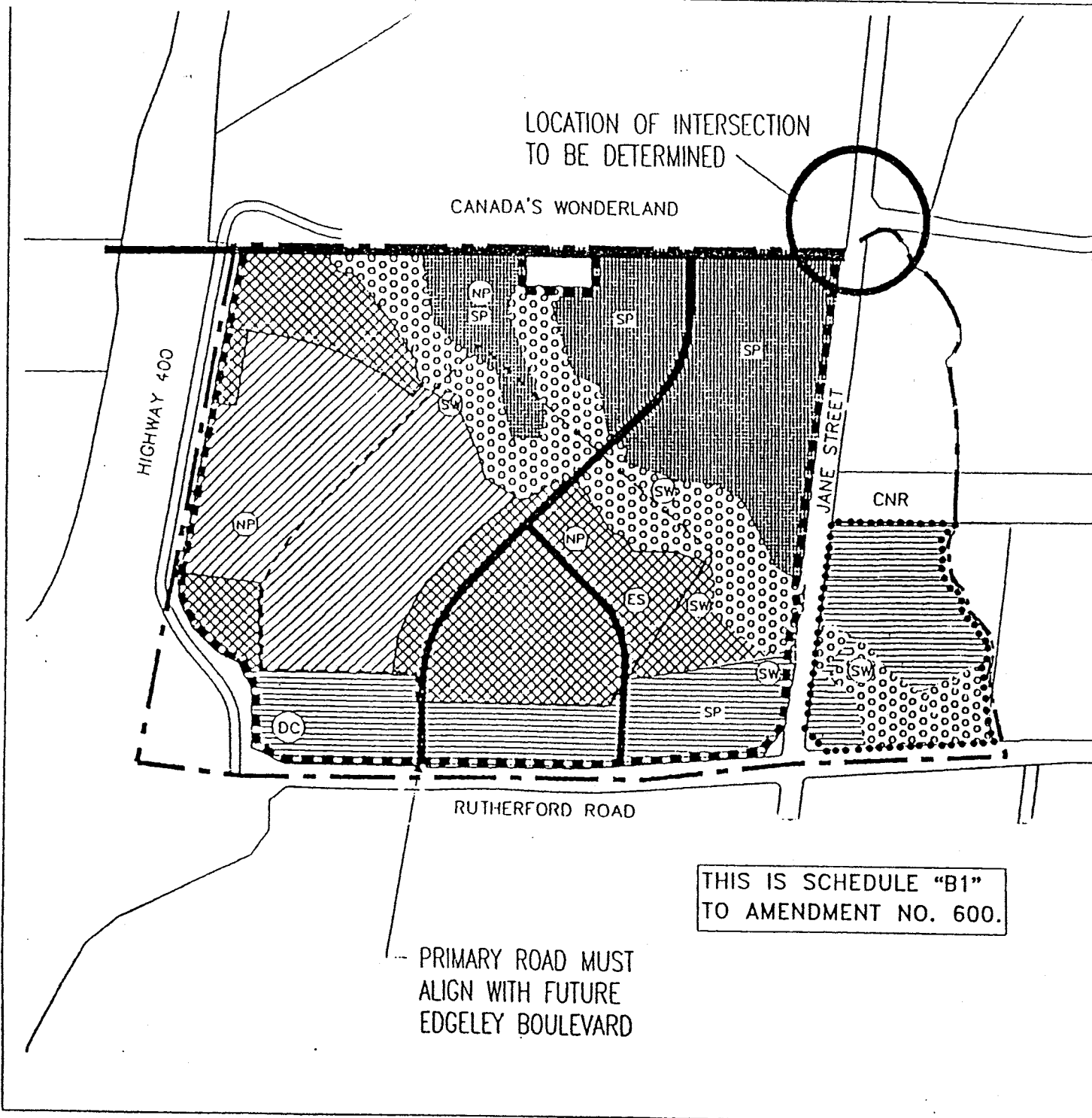
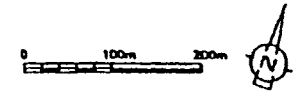
V. IMPLEMENTATION

The policies of this Amendment shall be subject to the implementation policies identified in Section 10 of Amendment No. 600 to the Official Plan of the Vaughan Planning Area.

VI INTERPRETATION

The provisions of the Amendment No. 600 to the Official Plan of the Vaughan Planning Area, as amended from time to time regarding the interpretation of that Amendment shall apply with respect to this Amendment.

VAUGHAN CENTRE
SECONDARY PLAN



CANADA'S WONDERLAND

HIGHWAY 400

JANE STREET

CNR

RUTHERFORD ROAD

THIS IS SCHEDULE "B1"
TO AMENDMENT NO. 600.

PRIMARY ROAD MUST
ALIGN WITH FUTURE
EDGELEY BOULEVARD

LEGEND

- (ES) ELEMENTARY SCHOOL
- (NP) NEIGHBOURHOOD PARK
- (SW) STORM WATER MANAGEMENT
- (DC) DISTRICT COMMERCIAL CENTRE
- SP SPECIAL POLICY

- [Diagonal lines] LOW DENSITY RESIDENTIAL
- [Cross-hatch] MEDIUM DENSITY RESIDENTIAL/COMMERCIAL
- [Vertical lines] GENERAL COMMERCIAL
- [Horizontal lines] HIGH DENSITY RESIDENTIAL/COMMERCIAL
- [Stippled] VALLEY LANDS

- GREENWAY SYSTEM
- PRIMARY ROAD
- - - VAUGHAN CENTRE SECONDARY PLAN AREA
- ■ ■ ■ AREA SUBJECT TO AMENDMENT NO. 483 / VAUGHAN CENTRE SECONDARY PLAN
- ● ● ● AREA SUBJECT TO AMENDMENT NO. 600 / VAUGHAN CENTRE SECONDARY PLAN

THIS IS SCHEDULE '1' TO
AMENDMENT # 626

APPROVED BY THE ORDER OF
THE ONTARIO MUNICIPAL BOARD

