

LOCAL PLANNING APPEAL TRIBUNAL

IN THE MATTER OF proceedings commenced under subsections 17(36), 22(7) and 34(11) of the *Planning Act*, R.S.O. 1990, c.P.13, as amended.

Appellant: Rutherford Land Development Corporation (formerly Delisle Properties Limited)

Subject: Appeals in respect of the Vaughan Mills Centre Secondary Plan forming part of Volume 2 of the Vaughan Official Plan 2010 (the “VOP 2010”), and site specific applications for Official Plan Amendment and Zoning By-law Amendment filed with respect to 2901 Rutherford Road (“Subject Lands”).

Municipality: City of Vaughan

LPAT Case Nos.: PL140116, PL140154, PL140839

LPAT File Nos.: PL140116, PL140154, PL140839

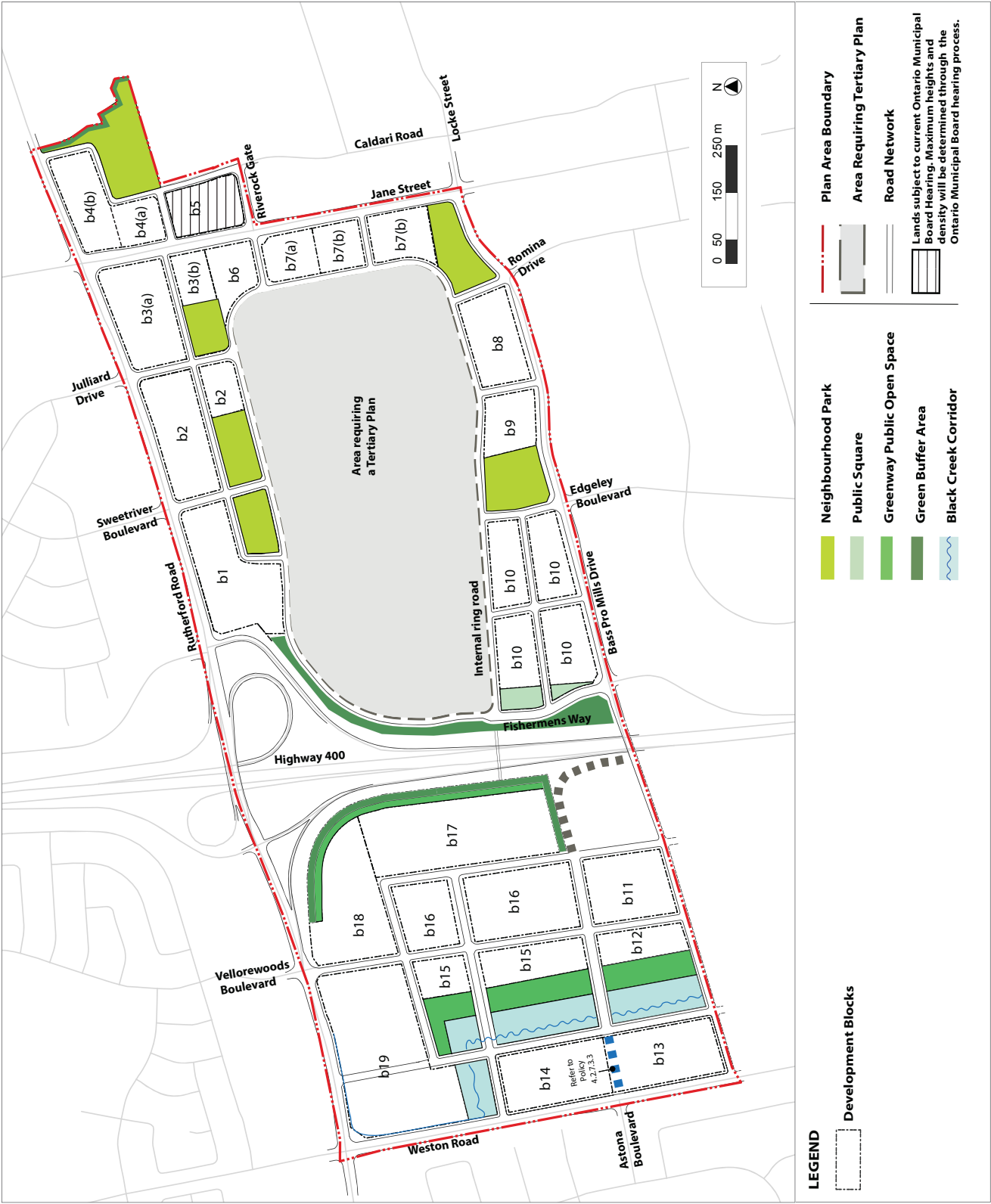
THESE MATTERS having come on for a public hearing,

THE TRIBUNAL ORDERS that in accordance with the provisions of sections 17(50) and 34(26) of the *Planning Act*, R.S.O. 1990, c.P.13, as amended, in respect of the Vaughan Mills Centre Secondary Plan, being Official Plan Amendment No. 2 to the VOP 2010 and forming part of Volume 2 of the VOP 2010, as adopted by the City of Vaughan on March 18, 2014, and modified and approved by the Region of York on June 26, 2014 and in respect of the City of Vaughan Zoning By-law No. 1-88:

1. The policies and schedules of the Vaughan Mills Centre Secondary Plan are hereby modified as set out in Attachment “A” attached hereto and forming part of this Order, as they relate to the Subject Lands. The policies and schedules of the Vaughan Mills Centre Secondary Plan are hereby modified as set out in Attachment “B” attached hereto and forming part of this Order, as they relate to the portion of the Subject Lands identified as Block b4(a) on Schedule I provided as Attachment “A” attached hereto (“Block b4(a) Lands”). Schedules “B” and “D” of the said Plan are hereby approved as they relate to the Block b4(a) Lands only. The foregoing modifications and approvals shall be without prejudice to and without limiting the ability of Rutherford Land Development Corporation or the City of Vaughan to seek further modifications of the Vaughan Mills Centre Secondary Plan on a site-specific basis in relation to the balance of the Subject Lands not affected by this Order, pursuant to the Appellant’s site-specific appeals.

2. City of Vaughan Zoning By-law 1-88, as amended, is hereby further amended as set out in Attachment “C” attached hereto and forming part of this Order.
3. This partial approval of the Vaughan Mills Centre Secondary Plan shall be strictly without prejudice to, and shall not have the effect of limiting, (a) the rights of any other party to seek to modify, delete or add to the unapproved policies, schedule, maps, figures definitions, tables and associated text in the said Plan, or (b) the jurisdiction of the Tribunal to consider and approve modifications, deletions or additions to the unapproved policies, schedules, maps, figures, definitions, tables and associated text in the said Plan on a general, area-specific or site-specific basis, as the case may be.
4. The appeals by the Appellant with respect to the Vaughan Mills Centre Secondary Plan are hereby allowed to the extent necessary to give effect to this Order, and in all other respects are hereby dismissed, subject to paragraph 1 hereof.
5. The appeals by the Appellant with respect to its site specific applications for Official Plan and Zoning By-law Amendment are hereby allowed to the extent necessary to give effect to this Order with respect to the Block b4(a) Lands, and in all other respects, as they relate to the balance of the Subject Lands, are hereby adjourned *sine die*.
6. This Order shall be withheld until such time as (i) the Tribunal’s final Decision/Order related to the Vaughan Mills Centre Secondary Plan, as it applies to the Subject Lands, delivered orally and withheld subject to conditions on January 25, 2018 is issued, and (ii) the Tribunal has received confirmation in writing from the Appellant, and a written acknowledgment of same by Canadian National Railway Company (“CNR”), that an agreement addressing the concerns of CNR has been executed and registered on title to the Subject Lands.

Schedule I: DEVELOPMENT BLOCKS



RLDC Draft OPA – June 21, 2018

Note: All gross floor area and density numbers are approximate and shall be confirmed.

The Ontario Municipal Board Orders:

1. That the Vaughan Mills Centre Secondary Plan, being Official Plan Amendment Number 2 to the City of Vaughan Official Plan 2010, be amended by:
 - (a) Amending Section 18.5 "Special Provisions Covering the Development of Block B4" as set out below.
 - (b) Amending Schedule I and substituting therefore the Schedule I attached hereto

18.5 Special Policies Governing the Development of Block B4 (a)

- 1) The following policies will apply to the development of the lands shown as "B4 (a)" on Schedule I:
 - a) The subject lands be developed in Phase 1 time horizon, corresponding with the time horizon outlined in Table 2 "Transportation Network Improvements", and subject to the delivery of infrastructure identified in Policy 7.4.1 (Part C) pertaining to Block B4 in accordance with site specific policies which follow. The boundaries of the Phase 1 area will be confirmed through the implementing zoning by-law or any amendment thereto. Development within each Phase may be staged through a site development application (s) in a manner satisfactory to the City and the Region.
 - b) A by-law may be passed under Section 34 of the Planning Act to increase heights and densities above those permitted in Schedule B: "Heights and Densities" of this Secondary Plan, in accordance with Policies 18.5 c) and d) below, subject to the application of Section 37 of the *Planning Act*, as specified in policy 9.0 (Part C) of this Secondary Plan, and provided that the use of the Subject Lands shall be subject to the removal of a Holding Symbol "H" in accordance with Policy 10.3 (Part C) of this Secondary Plan and the policies contained in this Policy 18.5.
 - c) Notwithstanding the heights permitted in Schedule B of this Secondary Plan, a by-law may be passed under Section 34 of the Planning Act to increase the average height for development in Block B4(a) to 26-storeys and 30-storeys. Individual building heights shall be prescribed in the by-law, and no individual building shall exceed a maximum of 30 storeys.
 - d) Notwithstanding the maximum densities permitted in Schedule B of this Secondary Plan, a by-law may be passed under Section 34 of the Planning Act to increase the permitted density (FSI) to permit the development of a total maximum Gross Floor Area of 70,800 m² (consisting of 66,000 m² residential GFA, 1,800 m² non-residential GFA and 3,000 m² below grade), provided that the maximum number of residential units shall not exceed 985 residential units in Phase 1.
 - e) Private Outdoor Amenity Space having a minimum size of 2,500 m² shall be provided on the lands, subject to an easement for public access in favour of the City of Vaughan.

Residential, commercial/retail and employment uses are not permitted on the Private Amenity Space. Private Amenity Space shall not count toward parkland dedication.

- f) All new development requiring the conveyance of lands for streets, parks and/or other public facilities shall be subject to a draft plan of subdivision or development agreement as per Policy 14.0 (Part C) of this Plan.
- g) The following policies shall apply to the removal of the Holding Symbol (“H”) for the development of the Subject Lands, and shall be included, without limitation, as conditions for the removal of the Holding Symbol (“H”) in the implementing zoning by-law under Section 34 of the Planning Act:
 - 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 a contribution equivalent to \$4.1 million with respect to the increase in building height and density for the Development of the Subject lands consisting of the payment of money, or the provision of facilities, services, or other matters or a combination thereof.

2) In addition to the Built Form policies in Section 3.8, Part B of this Plan, the following site-specific building design criteria shall apply:

- a) Podium heights may vary between 2 and 6 storeys.
- b) Buildings must be set back by a minimum of 3 metres along all public street frontages. Above a height of 6 metres, building may extend to a setback of 1.5 metres from the property line.
- c) Podium design shall incorporate active street related uses, including retail, residential lobbies, amenity areas and live-work units with building frontages oriented toward public streets and the Private Amenity Space and connections.
- d) Towers shall generally be setback 3 m from the podium. design shall provide for a distinct tower and base that provides for appropriate wind mitigation and good proportion and articulation to achieve the objectives of the Secondary Plan.
- e) Notwithstanding Policy 3.8.2, Part B, the tower elements of high-rise buildings shall be designed as slender towers with floorplates not exceeding 750 m² in area. The towers shall be designed to minimize shadow and wind impact, particularly on open spaces and publicly accessible privately-owned amenity space. Sun/shadow and wind impact analysis and mitigation studies shall be submitted to the satisfaction of the City.
- f) Notwithstanding Policy 3.8.2, Part B, the distance between any portion of the high-rise building above twelve storeys and another tower shall be a minimum of 25 metres.

- g) Site Design shall incorporate a minimum 2,500 m² of Private Amenity Space which shall be subject to an easement for public access in favour of the City of Vaughan.
- h) The Private Amenity Space shall be connected to Jane Street by a mid-block at-grade landscaped pedestrian connection with a minimum width of 6 m. Other landscaped/streetscaped connections on the development site will be secured at the site plan stage.
- i) Pedestrian access to buildings will be integrated with adjacent public streets to ensure access is convenient and safe. Multiple entrances and active grade related uses should be provided along Jane Street and along the mid-block pedestrian connection where possible.
- j) Safe, efficient and convenient vehicular access which minimizes pavement and is pedestrian friendly shall be provided.
- k) Buildings shall be designed with high-quality materials, selected for their performance, durability, and energy efficiency. The use of Exterior Insulation Finish System (EIFS) is not permitted.

3) Site Plan Control and Land Use Compatibility

The following policies shall be applicable to any application for Site Plan Approval on the lands.

- a) In this section the McMillan Rail Yard is referred to as the *“Rail Yard”* and the Maple Stamping Plant is referred to as the *“Existing Industrial Lands”*.
- b) Residential development on Block B 4(a) shall be designed to minimize adverse impacts from the adjacent *“Rail Yard”* and *“Existing Industrial Lands”* and any required mitigation measures shall be addressed in the studies required in this section.
- c) When considering development approval applications on the lands, regard shall be had to all applicable Federal, Provincial and municipal policies, regulations and guidelines to ensure that compatibility will be achieved and maintained with regard to noise, vibration, dust, odour and air quality, so as to achieve the goals of:
 - i. Preventing undue adverse impacts from the existing and future operations of the *“Rail Yard”* and the *“Existing Industrial Lands”*, onto the proposed residential uses to be located on the lands;
 - ii. Minimizing and where possible, preventing complaints from residents of residential development on the lands.
 - iii. Permitting the *“Existing Industrial Lands”* to comply with existing and/or future Environmental Compliance Approvals (ECA) issued by the Ministry of the Environment.

- iv. Ensuring the continued operation of the “*Rail Yard*” on a 24 hour, 365 day/year basis.
 - v. Sensitive land uses may be limited in the implementing zoning (through massing, siting, buffering, and design mitigation measures) in proximity to the “*Rail Yard*” and “*Existing Industrial Lands*” to ensure compatibility.
- d) Block b(4) has been confirmed by Vaughan Council by resolution as a “Class 4 Area” pursuant to the MOE *Environmental Noise Guideline Stationary and Transportation Sources – Approval and Planning Publication NPC 300* (“NPC 300”), as amended from time to time, subject to compliance with the City’s requirements. The classification will be implemented through the use of Zoning By-laws with the holding symbol “H”; a site plan approval; and an amendment to the City’s Noise By-law for the lands and the “*Existing Industrial Lands*”. The implementing Zoning By-laws shall include the following conditions for the removal of the holding symbol “H”:
- i. Site plan approval;
 - ii. The submission of a Noise Impact Study satisfactory to the City which addresses any noise mitigation and control measures required in conjunction with the detailed building design;
 - iii. The provision and/or securing of any required noise mitigation and control measures at the Owner’s expense, as the City may require;
 - iv. If appropriate, the execution of agreements satisfactory to the City between the Owner and owner(s) of neighbouring lands containing stationary noise sources to secure any noise mitigation measures which may be required on those neighbouring lands, as the City may require;
 - v. The execution of a site plan agreement, or other such agreement, satisfactory to the City which obligates the Owner to register noise warning clauses on title to the Subject Lands and provide notice of the Class 4 Area classification to prospective purchasers of residential units on the lands.
 - vi. A resolution is passed by Vaughan Council classifying the site as a Class 4 Area.

Environmental Noise Impact Study

- i. A detailed environmental noise impact study and detailed design plans shall be required in support of a development application for sensitive land uses on Block B4(a). Such report is to specify how compatibility will be achieved and maintained between the “*Rail Yard*” and “*Existing Industrial Lands*” and the proposed development on the lands and shall include measures aimed at eliminating or minimizing impacts.
- ii. The environmental noise impact study and design of noise attenuation measures shall be based on the relevant noise criteria of the City of Vaughan, the Region of York and the Ontario Ministry of Environment and approved by the City in consultation with other public agencies, and the operator of the “*Rail Yard*” and the “*Existing Industrial Lands*”.
- iii. The environmental noise impact study shall include:
 - a. The assessment of the lands in accordance with the applicable MOE Guidelines.
 - b. A determination of the planned and predictable worst case noise impact from all relevant noise sources, taking into account expansion or alteration plans identified by the stationary source(s) that can reasonably be expected to be implemented in the future.
 - c. A determination of the impact from all noise sources at the Rail Yard, taking into account the existing 2013 operation processing approximately 1,000,000 rail cars a year, CargoFlo, diesel shop, truck terminal, general rail operations and future capacity of the Rail Yard that could include, in addition to the existing operations, the processing of in excess of 1,000,000 rail cars a year, attendant additional truck movements, a new CargoFlo operation in the northwest quadrant of the Rail Yard and other rail operations operating 24 hours a day, 365 days per year.
 - d. The identification of all receptor locations in the proposed development with the potential to experience adverse noise impacts;
 - e. A determination of the numerical noise excess at such receptors, if any;
 - f. The preparation of specific recommendations for mitigation at receptor and/or at source to create an appropriate sound environment for future occupants/users of the proposed development;
 - g. An assessment of: applicable Ministry of the Environment regulations and guidelines, and existing Certificates of Approval, or Environmental Compliance Approval, if publicly available, for those industries that are the source of the relevant noise emissions.
 - h. The environmental noise impact study shall be prepared by a qualified acoustical engineer and shall be consistent with professional standards and good practice for such studies.
- iv. Where an environmental noise impact study completed to the satisfaction of the City identifies and recommends appropriate mitigation measures, the recommendations shall be implemented in the Zoning By-law or as conditions of Site Plan and/or Condominium Approval, where appropriate. Mitigation Measures may include:

- a. Sound isolation or sound reduction measures, construction techniques, and materials including the acoustical performance of exterior walls, windows and doors;
- b. Layout and design of the structure including the size and location of windows and doors, or outdoor living areas, and the location of non-noise sensitive space within the structure to further mitigate impacts;
- c. Spatial separation from the noise source, including the insertion of permitted non-sensitive land uses between the source and the receptors; and/or
- d. Where needed, the construction of the residential buildings may incorporate enclosed noise buffers, as defined by MOECC guideline NPC-300 to act as a barrier to the noise experienced at the interior living room and/or bedroom windows.
- v. The analysis and design of any mitigation measures and their architectural details shall take into account the full frequency spectrum characteristics of sound sources, in accordance with good engineering practice and the noise guidelines.
- vi. Mitigation to be installed at the source will be at the cost of the proponent of the sensitive land use, subject to acceptance and agreement of the user.
- vii. New technologies may offer opportunities for innovative noise and vibration abatement techniques not yet contemplated. The development and use of such techniques shall be considered and encouraged, where appropriate.

Environmental Vibration Report

- i. A detailed environmental vibration report and detailed design plans may be required in support of a development application for sensitive land uses on lands. Such report is to specify how compatibility will be achieved and maintained between the *“Rail Yard”*, the *“Existing Industrial Lands”* and the proposed development on the lands and shall include measures aimed at eliminating or minimizing impacts.
- ii. The environmental vibration report, if required, and design of any necessary vibration attenuation measures shall be based on the relevant criteria of the Ontario Ministry of Environment and approved by the City in consultation with other public agencies and the operators of the *“Rail Yard”* and the *“Existing Industrial Lands”*
- iii. The environmental vibration report, if required, shall include a study of vibration from transportation sources, and stationary source(s) and include specific recommendations for mitigation features to be incorporated into the design of the development taking into account commonly used criteria in Ontario for assessing vibration in building(s).
- iv. The environmental vibration report, if required, shall be prepared by a qualified engineer and shall be consistent with professional standards and good practice for such studies.

Environmental Emissions Report

- i. A detailed environmental emissions report and detailed design plans may be required in support of a development application for sensitive land uses on the lands. Such report is to specify how compatibility will be achieved and maintained between the “*Rail Yard*”, the “*Existing Industrial Lands*” and the proposed developments on the lands and shall include measures aimed at minimizing adverse impacts.
- ii. The environmental emissions report and design of emissions attenuation measures, if required, shall be based on the relevant emissions criteria of the Ontario Ministry of Environment and approved by the City in consultation with other public agencies and the operators of the “*Rail Yard*” and the “*Existing Industrial Lands*”.
- iii. The environmental emissions report, if required, shall include a study of emissions from transportation sources, and stationary source(s) and include specific recommendations for mitigation features to be incorporated into the design of the development taking into account commonly used criteria in Ontario for assessing emissions abatement.
- iv. The environmental emissions report, if required, shall be prepared by a qualified engineer and shall be consistent with professional standards and good practice for such studies.

Environmental Site Assessment Report

- i. Environmental site assessment reports shall be required in support of development applications, in accordance with City policy.

Warning Clauses

- i. Specific warning clauses shall be included in all agreements of purchase and sale and lease, including agreements pertaining to the resale or lease of individual residential condominium units, site plan agreements and condominium declarations. Such warning clauses shall specify that, notwithstanding the inclusion of certain mitigation features within this development to lessen potential noise, air emissions, dust, odour, vibration, and visual impact from “*Rail Yard*” and the “*Existing Industrial Lands*”, from time to time noise is likely to be audible, odours may be unpleasant, and dust and light emissions may be bothersome and such potential noise, air emissions, dust, odour, vibration, and visual impact may impact the enjoyment of indoor and outdoor areas of the development. The “*Rail Yard*” and the “*Existing Industrial Lands*” will not be responsible for any complaints or claims arising from any of the activities at or relating to such facilities, property or operations thereon.

Implementation of Environmental Studies

- i. The recommendations of the Environmental Reports described above shall be incorporated into the design of the residential buildings on the lands and shall be included in the drawings required to be approved pursuant to the Site Plan Control provisions of the Planning Act.

- ii. Prior to issuance of building permits, the architectural drawings shall be reviewed and certified by a qualified acoustical engineer indicating that any required noise mitigation measures have been incorporated into the building design.
- iii. Prior to occupancy of the residential units, any required mitigation measures will be inspected by a qualified acoustical engineer and a letter prepared certifying that the noise mitigation measures have been installed in accordance with the approved drawings.
- iv. Where the environmental noise report completed to the satisfaction of the City identifies and recommends that actual or potential noise impacts should be indicated to future tenants or purchasers, the recommendations may be implemented through conditions of Site Plan and/or Condominium approval, and may include noise impact advisories such as warning clauses, or clauses in subdivision and condominium agreements.

Schedule "C"

Draft By-law – June 4, 2018

BY-LAW NUMBER - 2018 (OMB)

A By-law to amend City of Vaughan By-law 1-88

The Ontario Municipal Board orders:

1. That City of Vaughan By-law Number 1-88, as amended, be and it is hereby further amended by:
 - A. Rezoning the lands shown as “Subject Lands” on Schedule “2” attached hereto from EM1, Prestige Employment Zone, subject to Exception 9(1170), to RA3, Apartment Residential Zone, subject to site specific zone exceptions and with the addition of the Holding Symbol “H” in the manner shown on the attached Schedule “2”.
 - B. Adding the following paragraph to Section 9.0 “EXCEPTIONS”:

"9(****) The following provisions shall apply to all lands zoned with the Holding Symbol “(H)” as shown on Schedule “E-*”, until the Holding Symbol “(H)” is removed pursuant to Subsection 36 (3) or (4) of the Ontario Planning Act:

 - a) Lands zoned with the Holding Symbol “(H)” shall be used only for a use legally existing as of the date of the enactment of By-law____-2018. Notwithstanding the foregoing, the following are permitted prior to the removal of the Holding Symbol “(H)”:
 - i. One (1) temporary sales office, in accordance with Subsection 3.25 respecting Temporary Sales Office in the City of Vaughan By-law Number 1-88; and,
 - ii. An underground parking structure.
 - b) Holding Symbol “(H)” Removal Conditions:

A By-law to remove the Holding Symbol “(H)” on the lands identified on Schedule “E-____”, or any portion thereof, shall not be enacted until the following conditions are satisfied:

 - 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 contribution equivalent of \$4.1 million with respect to the increase in building

height and density for the Development of the Subject Lands, consisting of the payment of money, or the provision of facilities, services, or other matters or combination thereof, to the satisfaction of the City of Vaughan. 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).

C. Notwithstanding the provisions of:

- a) Section 2.0 respecting the Definition of “Car Share”, “Lot”, “Parking Space”, and “Underground Parking Structure”;
- b) Subsection 3.8 a) respecting Minimum Parking Requirements, 3.8 c) respecting Residential Visitor Parking, and 3.8 g) respecting access and/or driveway requirements;
- c) Subsection 3.9 respecting Loading Spaces;
- d) Subsection 3.13 respecting Minimum Landscaped Areas;
- e) Subsection 3.17 respecting Portions of Buildings Below Grade;
- f) Subsection 4.1.6 respecting Minimum Amenity Areas;
- g) Subsection 4.1.7, and Subsection 4.12 respecting permitted uses in the RA3 Apartment Residential Zone;
- h) Schedule ‘A’ respecting zone requirements in the RA3, Apartment Residential Zone.

the following provisions shall apply to the lands shown as “Subject Lands” on Schedule “E-”:

- ai) The subject lands are designated as a Class 4 area pursuant to Ministry of Environment and Climate Change *Environmental Noise Guideline: Stationary and Transportation Sources – Approval and Planning – Publication NPC-300*
- aii) CAR SHARE means a membership based car rental service with a network of shared vehicles readily available 24 hours a day, 7 days a week. It does not include a Motor Vehicle Sales Establishment or Car Brokerage;
- aiii) LOT – Means a parcel of land fronting on a street separate from any abutting land to the extent that a consent 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 paragraph, 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. For the purposes of zoning conformity the lands shown as “Subject Lands” on Schedule “E-” 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 be deemed to comply with the provisions of this By-law;

- aiv) PARKING SPACE - Means a rectangular area measuring at least 2.7 metres by 5.7 metres, exclusive of any aisles or ingress and egress lanes, used for the temporary parking of motor vehicles.
- av) UNDERGROUND PARKING STRUCTURE – Means a building or structure constructed below grade used for the temporary parking of motor vehicles and shall not include the storage of impounded, scrap or derelict motor vehicles;
- bi) A minimum of 900 parking spaces are required on the subject lands subject to the following:
 - i) Residential Apartment Dwellings:
 - Bachelor/1 bedroom – 0.85 spaces per unit
 - 2 bedrooms – 0.95 spaces per unit
 - 3+ bedrooms – 1.15 space per unit
 - ii) Residential Visitor Spaces – 0.2 spaces per unit
 - iii) Commercial/Institutional Spaces – 3.0 parking spaces per 100 m² of GFA;
- bii) The parking spaces for Residential Visitors, Commercial and Institutional uses may be shared and do not need to be individually designated;
- biii) All parking, either in part or in whole, dedicated to parking either above or below ground shall remain fully unenclosed;
- biv) A two-way access driveway shall be a minimum of 6.0 metres and a maximum of 7.5 metres;
- ci) Subsection 3.9 shall not apply;
- di) A strip of land not less than 1.5 m in width shall be provided along a lot line which abuts a street line, and 0.0 metres abutting a sight triangle and shall be used for no other purpose than landscaping. This shall not prevent the provision of access driveways across the said strip;

- ei) The minimum setback from a streetline to the nearest part of a building below grade shall be 0.0 metres;
- fi) The minimum Amenity Area provided on the Subject Lands shall be 2.5 m² per Dwelling Unit;
- fii) A Privately Owned Publicly Accessible Open Space shall be provided on the subject lands, having a minimum area of 2,500 square metres, and subject to an easement in favour of the City of Vaughan;
- gi) The permitted uses within the site-specific RA3, Apartment Residential Zone as shown on Schedule "E-****" shall include the following:
 - i. Residential Uses having a total maximum Gross Floor Area of 66,000 m² and a maximum total of 985 units.

Residential

Apartment Residential Dwelling

- ii. Non-residential uses having a maximum Gross Floor Area of 1,800 m² restricted to the ground floor, provided the uses are carried on within a wholly enclosed building without open storage as follows:

Commercial

- Bank or Financial Institution
- Brewers Retail Outlet
- Business or Professional Office
- Car Share
- Club or Health Centre
- Eating Establishment
- Eating Establishment, Convenience
- Eating Establishment, Take-Out
- Personal Service Shop
- Pet Grooming Establishment
- Pharmacy
- Retail Store
- Veterinary Clinic
- Video Store

Institutional Uses

- Community Centre
- Day Nursery

- Independent Living Facility
- Long Term Care Facility
- Public or Private School
- Technical or Commercial School
- Public Library

gii) An outdoor patio shall only be permitted as an accessory use to an Eating Establishment, Convenience Eating Establishment, or Take-Out Eating Establishment and then only in accordance with the following provisions:

- a. The Outdoor Patio shall not exceed fifty percent (50%) of the gross floor area devoted to patron use of the eating establishment in conjunction with which the outdoor patio use is permitted;
- b. Parking shall not be required for an Outdoor Patio;
- c. An Outdoor Patio may be permitted in any yard;
- d. Any lighting facilities illuminating an Outdoor Patio shall be arranged so as to deflect light away from adjoining properties and streets;
- e. The use of musical instruments, or other mechanical or electrical music equipment, and dancing, theatrical performances or audio-visual presentations, music concerts and shows, may be permitted in areas designated for Outdoor Patio use;
- f. The ground surface of an Outdoor Patio shall be of concrete or other hard surface;
- g. An Outdoor Patio shall only be permitted in accordance with an approved Site Development Application;
- h. An outdoor patio of an eating establishment licensed to serve alcohol, in accordance with approvals from the Alcohol and Gaming Commission of Ontario, shall be completely enclosed by a physical barrier with access only from the interior of the said eating establishment, with the exception of at least one (1) exit to be used only in the case of emergency and which is not from the interior of the main building;

hi) The minimum lot area per dwelling unit shall not apply;

- hii) The minimum distance between buildings above 7-storeys shall be 25.0 m;
- hiii) The maximum floorplate of a residential apartment tower above the podium shall not exceed 750 square metres;
- hiv) the maximum permitted Building Height shall be as follows:
 - a. Building A1 - 26 storeys (85.5m)
 - b. Building A2 - 26 storeys (85.5m)
 - c. Building A3 – 30 storeys (98.5m)
- hv) The minimum floor to floor height of a Commercial unit or Non-residential unit on the ground floor shall be 4.5 m;
- hvi) The minimum setback to a sight triangle shall 0.0 metres;
- hvi) A minimum setback from the streetline to the first two-storeys of any building above finished grade shall be 3.0 metres;
- hvi) Any portion of the building above the first two-storeys (including balconies) may encroach into the minimum setback a distance of 1.5 metres.”

- D.
 - a) Deleting Schedule “E-1295” and substituting therefore the schedule “E-1295” attached hereto as Schedule “1”.
 - b) Adding Schedule “E-_____” attached hereto as Schedule “2”.
 - c) Deleting Key Map 4C and substituting therefor the Key Map 4C attached hereto as Schedule “3”.

2. Schedules “1”, “2” and “3” shall be and hereby form part of this By-law.

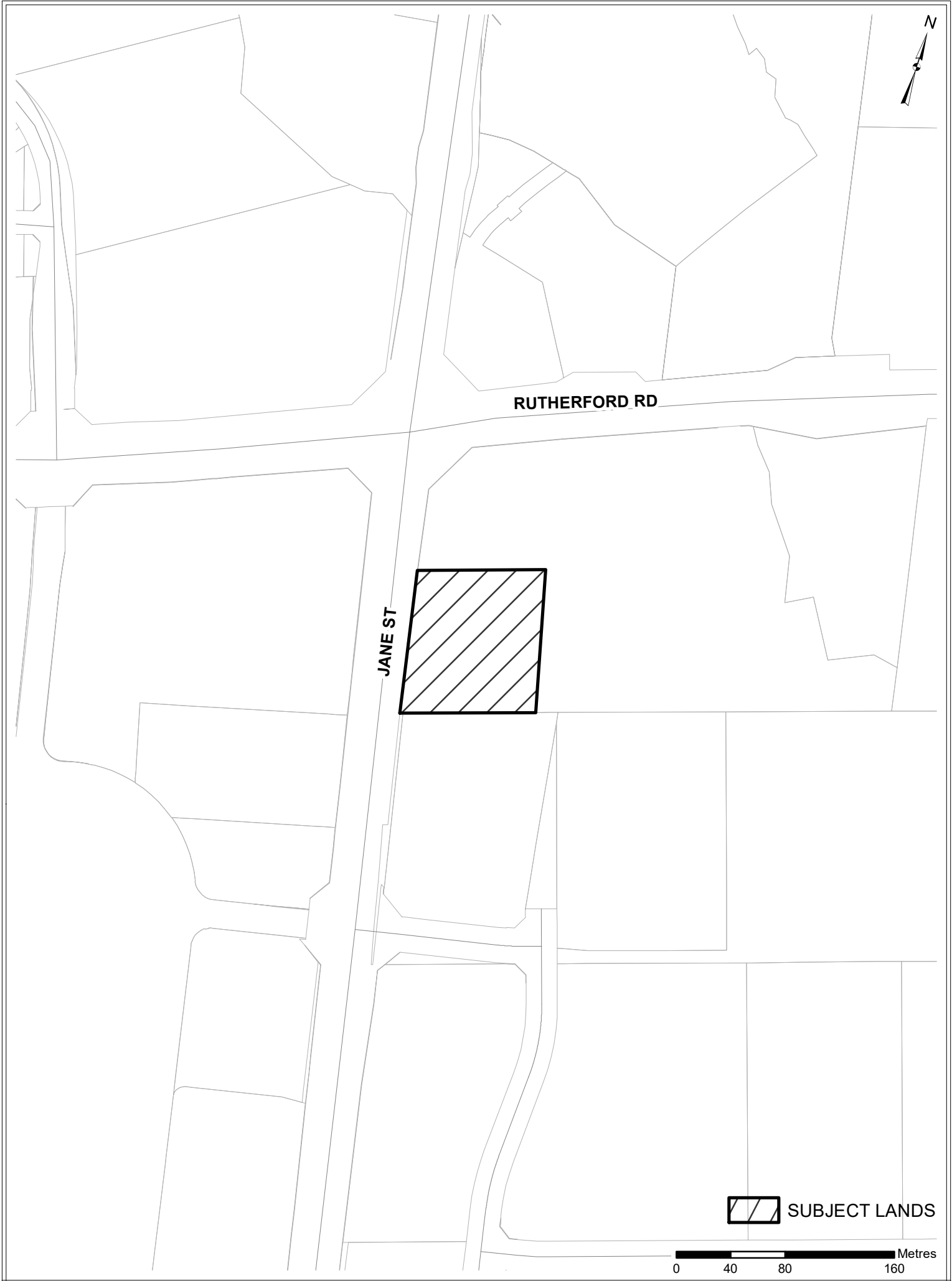
SUMMARY TO BY-LAW -2018

The lands subject to this By-law are generally located on the east side of Jane Street, South of Rutherford Road, in Part of Lots 15, Concession 4, City of Vaughan.

The purpose of this by-law is to rezone the subject lands from EM1 Prestige Employment to RA3 (H) Apartment Residential Zone, with the Holding Symbol, with site-specific zoning exceptions to permit the development of one (1) 30-storey and two (2) 26-storey residential apartment buildings, containing a total of 815 apartment units, and a maximum gross floor area of 1800 m² devoted to commercial uses.

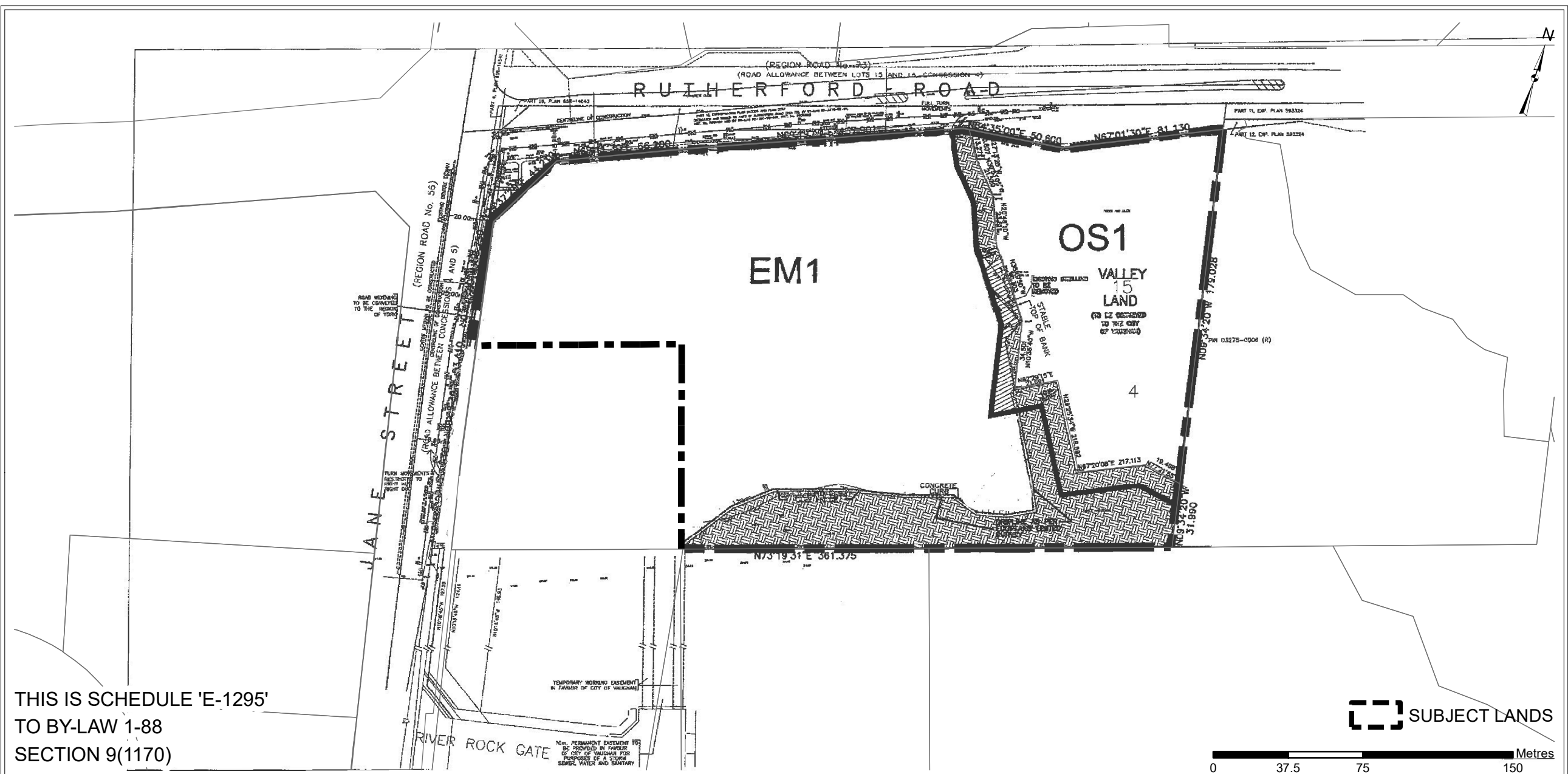
The by-law includes conditions for removal of the Holding Symbol "(H)", including conditions for Section 37 Contributions. This By-law removes the lands subject to this Bylaw from the Exception 9(1170) and Schedule "E-1295" and creates a new Exception and Schedules, including the following site-specific zoning exceptions:

- a) site-specific definitions of "car share", "lot", "parking space" and "underground parking structure"
- b) reduced parking requirements
- c) reduced minimum setbacks from public streets to portions of the building above and below grade
- d) reduced setbacks to daylight triangles
- e) maximum building heights
- f) maximum number of residential apartment dwelling units
- g) provisions for density bonussing for the Subject Lands
- h) site-specific commercial uses with no open storage
- i) relief to the outdoor patio provisions



LOCATION MAP
TO BY-LAW _____-2018

FILE: Z.06.075
RELATED FILES: OP.06.028
LOCATION: PART OF LOT 15, CONCESSION 4
APPLICANT: RUTHERFORD LAND DEVELOPMENT CORP.
CITY OF VAUGHAN



THIS IS SCHEDULE 'E-1295'
TO BY-LAW 1-88
SECTION 9(1170)

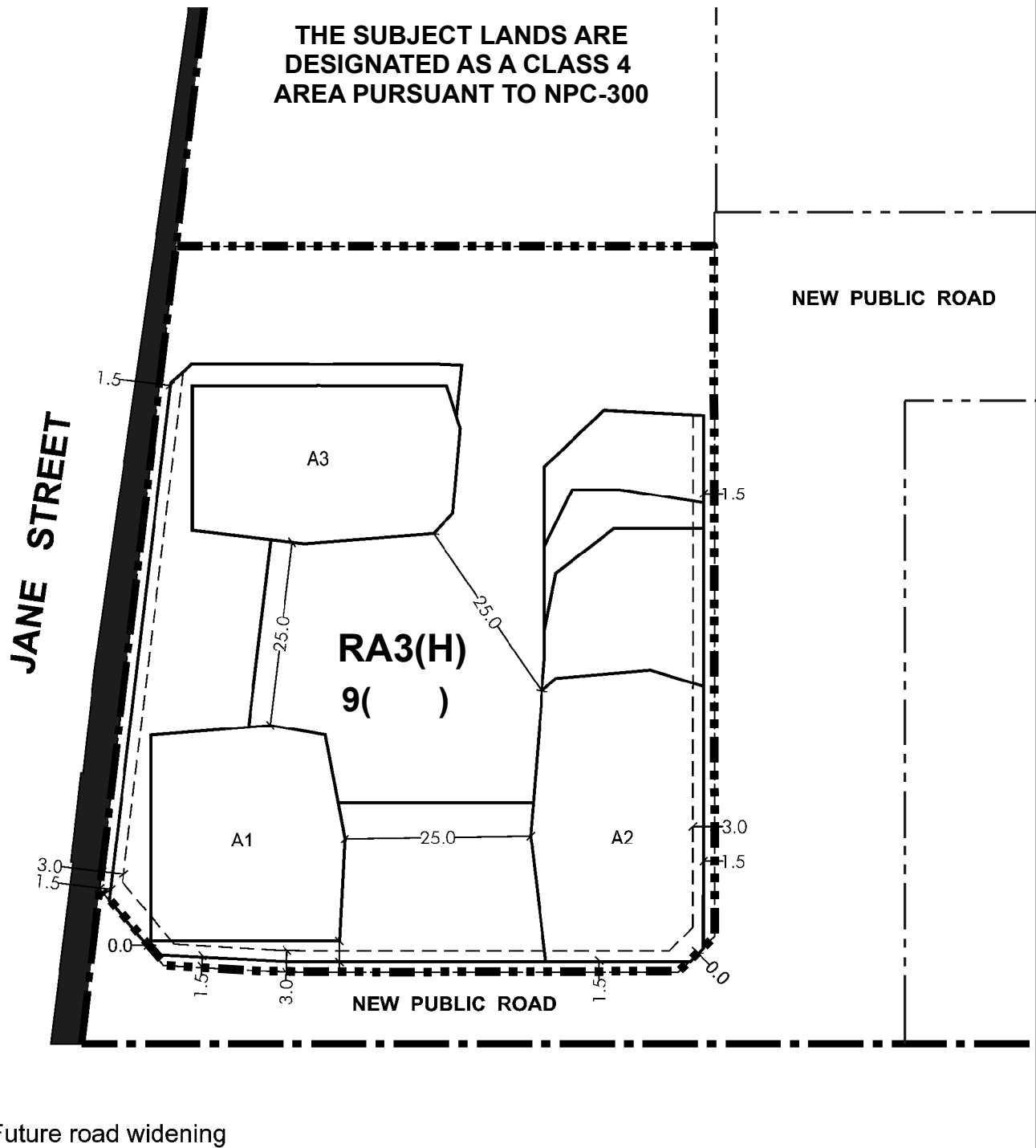
FILE: Z.06.075
RELATED FILES: OP.06.028
LOCATION: PART OF LOT 15, CONCESSION 4
APPLICANT: RUTHERFORD LAND DEVELOPMENT CORP.
CITY OF VAUGHAN

THIS IS SCHEDULE '1'
TO BY-LAW _____-2018
PASSED THE _____ DAY OF _____, 2018


SIGNING OFFICERS

MAYOR

CLERK



THIS IS SCHEDULE 'E-____'
TO BY-LAW 1-88
SECTION 9(____)

 SUBJECT LANDS

THIS IS SCHEDULE '2'
TO BY-LAW ____-2018
PASSED THE ____ DAY OF _____, 2018

FILE: Z.06.075
RELATED FILES: OP.06.028
LOCATION: PART OF LOT 15, CONCESSION 4
APPLICANT: RUTHERFORD LAND DEVELOPMENT
CITY OF VAUGHAN

SIGNING OFFICERS

MAYOR

CLERK



FILE: Z.06.075
RELATED FILES: OP.06.028
LOCATION: PART OF LOT 15, CONCESSION 4
APPLICANT: RUTHERFORD LAND DEVELOPMENT
CITY OF VAUGHAN

CLERK