

***For consideration by the Council
of the City of Vaughan
on March 22, 2016***

**REPORT NO. 13 OF THE SPECIAL COMMITTEE OF THE WHOLE
FOR CONSIDERATION BY COUNCIL, MARCH 22, 2016**

14. **Ms. Maria D'Agostino, Old Firehall Lane, Woodbridge, representing the York Region Condominium Corporation 848; and**
 15. **Ms. Tina Mazzei, Woodbridge Avenue; Woodbridge;**
- 3) **That the following Communications be received:**
- C1 **Ms. Tessa Shelvey, Wallace Street, Woodbridge, dated February 25, 2016;**
 - C2 **Mr. Maxim Boiko, Wallace Street, Woodbridge, dated February 29, 2016;**
 - C3 **Mr. Angelo Potkidis, Rosebury Lane, Woodbridge, dated March 1, 2016;**
 - C4 **Mr. Derek Steede, Fairground Lane, Woodbridge, dated March 1, 2016;**
 - C5 **Ms. Sylvie Leneveu, dated March 1, 2016; and**
 - C6 **Mr. Robert Wilson, Kipling Avenue, Woodbridge, dated March 1, 2016; and**
- 4) **That the coloured elevation drawings submitted by the applicant be received.**

Recommendation

The Deputy City Manager, Planning & Growth Management, Director of Development Planning, and Senior Manager of Development Planning recommend:

1. THAT Zoning By-law Amendment File Z.14.026 (FCF Old Market Lane 2013 Inc.) BE APPROVED, to amend Zoning By-law 1-88, specifically to rezone the subject lands from R2 Residential Zone and C1 Restricted Commercial Zone as shown on Attachment #2 to RA2(H) Apartment Residential Zone with the Holding Symbol "(H)" to facilitate a mixed-use apartment building with a total of 119 residential units, 705 m² of ground related commercial uses and the restoration, retention and relocation of portions of 2 existing heritage buildings as shown on Attachments #3 to #8, together with the site-specific zoning exceptions identified in Table 1 of this report.
2. THAT the implementing Zoning By-law shall include a provision that the Holding Symbol "(H)" shall not be removed from the subject lands until the following condition is addressed to the satisfaction of the City of Vaughan:
 - a) The Owner shall carry out the Environmental Site Assessment (ESA) clearance to completion, up to and including the satisfactory registration of a Record of Site Condition (RSC) for the subject lands, the proof of which requires two (2) documents: a hard copy of the RSC signed by a Qualified Person; and an Acknowledgement Letter from the Ministry of the Environment and Climate Change confirming the filing of the RSC on the Environmental Site Registry. The ESA clearance shall also include submission of all ESA reports relied upon for the filing of the RSC.
3. THAT the implementing Zoning By-law shall include provisions respecting density bonusing, including but not limited to, the conservation and restoration of the Thomas Frazier Wallace House and the Dr. Peter McLean House, the Privately Owned Public Space, Streetscape Improvements along Woodbridge Avenue and Wallace Street and \$100,000.00 cash contribution for community benefits and enhanced streetscaping on Woodbridge Avenue that will be implemented through an executed Density Bonusing Agreement between the Owner and the City of Vaughan, prior to the issuance of a Building Permit, in accordance with Section 37 of the *Planning Act R.S.O 1990* to the satisfaction of the Deputy City Manager, Planning & Growth Management.
4. THAT the implementing Zoning By-law shall not be enacted and the Site Development Agreement shall not be executed until the Ontario Municipal Board issues a final Order regarding the site-specific VOP 2010 appeal on the subject lands and that the implementing Zoning By-law and Site Development drawings shall conform to the OMB's decision.

**REPORT NO. 13 OF THE SPECIAL COMMITTEE OF THE WHOLE
FOR CONSIDERATION BY COUNCIL, MARCH 22, 2016**

5. THAT prior to the enactment of the implementing Zoning By-law the Owner shall provide an updated Community Plan to the satisfaction of the Development Planning Department that shall be displayed within the Sales Office for the mixed-use apartment building.
6. THAT Site Development File DA.15.056 (FCF Old Market Lane 2013 Inc.) BE APPROVED, to permit the development of the subject lands shown on Attachments #1 and #2 with a mixed-use apartment building comprised of a total of 119 residential units and 705 m² of ground related commercial uses and the retention, restoration and relocation of portions of 2 existing heritage dwellings, as shown on Attachments #3 to #8, subject to the following conditions:
 - a) that prior to the execution of the Site Plan Agreement:
 - i) the Vaughan Development Planning Department shall approve the final site plan, building elevations, commercial signage, landscape plan and landscape cost estimate including the cost of the Privately Owned Public Space (POPS);
 - ii) the Vaughan Development Planning Department shall approve the programming and design of the Privately Owned Public Space;
 - iii) the Owner shall revise the design of the proposed building connections between the relocated heritage dwellings and the main building to a more suitable and appropriate design that complements the heritage architecture to the satisfaction of the Vaughan Development Planning Department, Urban Design and Cultural Heritage Division; and,
 - iv) the Vaughan Development Engineering and Infrastructure Planning Department shall approve the final site grading and servicing plans, stormwater management report, functional servicing report, traffic study and Environmental Noise Assessment;
 - b) the implementing Site Plan Agreement shall include the following clauses:
 - i) The Owner shall satisfy all requirements with respect to noise attenuation and ensure it is in accordance with the noise features recommended by the revised Report entitled "Noise Feasibility Study 177-197 Woodbridge Avenue, Vaughan, Ontario" prepared by HGC Engineering dated October 22, 2015;
 - ii) The following warning clauses shall be registered on title and be included in all Offers of Purchase and Sale for each residential unit:
 - "Purchase/tenants are advised that noise levels due to increasing road traffic on Woodbridge Avenue and rail traffic on the Canadian Pacific Railway (CPR) Mac Tier Subdivision may on occasions interfere with some activities of the dwelling occupants as the sound levels may exceed the Municipality's and the Ministry of the Environment's noise criteria."
 - "This dwelling unit has been supplied with a central air conditioning system which will allow windows and exterior doors to remain closed, thereby ensuring that the indoor sound levels are within the Municipality's and the Ministry of the Environment and Climate Change's noise criteria."

**REPORT NO. 13 OF THE SPECIAL COMMITTEE OF THE WHOLE
FOR CONSIDERATION BY COUNCIL, MARCH 22, 2016**

- “Purchasers or tenants are advised that Canadian Pacific Railway Company (CPR) or its assigns or successors in interest has or have an operating right-of-way including the possibility that the Railway may expand its operations, which expansion may affect the living environment of residents in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating for complaints measures in the design of the development and individual dwellings. CPR will not be responsible for complaints or claims arising from uses of its facilities and/or operations on, over or under the aforesaid right-of-ways.”
 - “Purchasers or tenants are advised that due to the proximity of the adjacent commercial/retail facilities, sound levels from the facilities may at times be audible.”
 - “Purchasers or tenants are advised that the Privately Owned Public Open Space is a permanent easement and the responsibility of the future Condominium Corporation. A clause will be included in the Condominium Agreement and Condominium Corporation Declaration.”
- iii) That prior to the issuance of a Building Permit, the Owner shall implement a Transportation Demand Management (TDM) Program to the satisfaction of the Vaughan Development Engineering and Infrastructure Planning Department and in coordination with York Region, and provide a Letter(s) of Credit to secure the TDM requirements;
- iv) That prior to the issuance of a Building Permit, the Owner shall enter into a Heritage Easement Agreement with the City of Vaughan for the two relocated heritage buildings;
- v) That prior to the issuance of a Building Permit, the Owner shall enter into an Access Easement Agreement with the City of Vaughan for the Privately Owned Public Space (POPS);
- vi) The Owner shall provide a Letter of Credit in the amount calculated at \$125 dollars per square foot for each of the heritage buildings municipally known as 185 and 197 Woodbridge Avenue. Prior to the release of the Letter of Credit, the Owner shall complete the following to the satisfaction of the Vaughan Development Planning Department, Urban Design and Cultural Heritage Division:
- the proposed work to relocate, maintain and restore portions of the heritage buildings in accordance with the Conservation Plan and the approved Heritage Permit to the satisfaction of the Vaughan Development Planning Department, Urban Design and Cultural Heritage Division;
 - Connect each heritage building to municipal services;
 - Verify that the heritage buildings meet the basic standards of occupancy as confirmed by the Chief Building Official;
 - Submit final as-built photographs of the exterior and interiors of the heritage buildings on the subject property.

**REPORT NO. 13 OF THE SPECIAL COMMITTEE OF THE WHOLE
FOR CONSIDERATION BY COUNCIL, MARCH 22, 2016**

7. THAT Site Development File DA.15.056 be allocated servicing capacity from the York Sewage Servicing / Water Supply System for a total of 119 residential units (261 persons equivalent).
8. THAT the Owner shall pay to the City of Vaughan by way of certified cheque, cash-in-lieu of the dedication of parkland equivalent to 5% of the value of the subject lands, prior to the issuance of a Building Permit, or a fixed unit rate per unit, whichever is higher, in accordance with the *Planning Act R.S.O. 1990* and the City's "Cash-in-Lieu Policy".

The meeting adjourned at 10:13 p.m.

Respectfully submitted,

Councillor Sandra Yeung Racco, Chair