

**Local Planning Appeal Tribunal**  
Tribunal d'appel de l'aménagement  
local



**ISSUE DATE:** August 27, 2018

**CASE NO(S):**

PL140839  
PL070347

The Ontario Municipal Board (the "OMB") is continued under the name Local Planning Appeal Tribunal (the "Tribunal"), and any reference to the Ontario Municipal Board or Board in any publication of the Tribunal is deemed to be a reference to the Tribunal.

**PROCEEDING COMMENCED UNDER** subsection 17(36) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Appellants (jointly): Casertano Developments Corporation and Sandra Mammone  
Appellants (jointly): Limestone Gallery Investments Inc. and Damara Investment Corp.  
Appellants (jointly): Granite Real Estate Investment Trust and Magna International Inc.  
Appellants (jointly): H & L Title Inc. and Ledbury Investments Ltd.  
Appellant: Canadian National Railway  
Appellant: Rutherford Land Development Corporation  
Appellant: 281187 Ontario Ltd.  
Appellant: Anland Developments Inc.  
Subject: Proposed Official Plan Amendment No. 2 to the Official Plan for the City of Vaughan (2010)  
Municipality: City of Vaughan  
OMB Case No.: PL140839  
OMB File No.: PL140839  
OMB Case Name: Mammone v. Vaughan (City)

**PROCEEDING COMMENCED UNDER** subsection 17(40) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Appellant: Tesmar Holdings Inc.  
Subject: Failure of Regional Municipality of York to announce a decision respecting Proposed Official Plan Amendment No. 653  
Municipality: City of Vaughan

OMB Case No.: PL070347  
 OMB File No.: O070048  
 OMB Case Name: Tesmar Holdings Inc. v. Vaughan (City)

**PROCEEDING COMMENCED UNDER** subsection 34(11) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended

Applicant and Appellant: Tesmar Holdings Inc.  
 Subject: Application to amend Zoning By-law No. 1-88  
 – Refusal or neglect of City of Vaughan to make a decision  
 Existing Zoning: Service Commercial (C7) Zone  
 Proposed Zoning: Specific Apartment Residential (RA3) Zone  
 Purpose: To permit two twenty-eight (28) storey high-rise residential condominium buildings  
 Property Address/Description: Part of Lot 15, Concession 4  
 Municipality: City of Vaughan  
 OMB Case No.: PL070347  
 OMB File No.: PL120974

**PROCEEDING COMMENCED UNDER** subsection 41(12) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended

Subject: Site Plan  
 Referred by: Tesmar Holdings Inc.  
 Property Address/Description: Part of Lot 15, Concession 4, Parts 1 to 12 on Reference Plan 65R-32119  
 Municipality: City of Vaughan  
 OMB Case No.: PL070347  
 OMB File No.: PL141275

**Heard:** January 25 and 26, 2018 in Vaughan, Ontario and on March 23, 2018 by Telephone Conference Call

**APPEARANCES:**

**Parties**

City of Vaughan

**Counsel/Representative\***

R. Coburn, C. Storto

Dulcina Investments Inc. (formerly Casertano Development Corporation), and Sandra Mammone	M. Flynn-Guglietti, A. Forristal
Tesmar Holdings Inc.	M. McDermid
Rutherford Land Development Corporation	Q. Annibale, B. Ruddick
Granite Real Estate Inc., Granite Reit Inc. and Magna International Inc.	A. Skinner, S. Zakem
Anland Developments Inc.	C. Barnett
281187 Ontario Limited	G. Borean
Region of York	B. Ogunmefun
Canadian National Railway	A. Heisey
H & L Tile and Ledbury Investments Ltd.	M. Flowers
Ivanhoe Cambridge II Inc.	J. Alati
York Region School Board	J. Easto
Toronto and Region Conservation Authority	C. Bonner*

## DECISION DELIVERED BY C. CONTI AND ORDER OF THE TRIBUNAL

### INTRODUCTION

[1] This is the decision resulting from a pre-hearing conference ("PHC") and a Telephone Conference Call ("TCC") before the Ontario Municipal Board ("Board"), now the Local Planning Appeal Tribunal ("Tribunal"), with regard to appeals related to the City of Vaughan ("City") Official Plan, the Vaughan Mills Centre Secondary Plan ("Secondary Plan") and applications for a Zoning By-law Amendment ("ZBA") and Site

Plan approval by Tesmar Holdings Inc. ("Tesmar") to permit the development of lands at Part Lot 15, Concession 4 in Vaughan.

[2] The Secondary Plan sets out proposed land use designations and policies for an area generally bounded by Rutherford Road to the north and Bass Pro Mills Drive to the south, generally extending to Jane Street to the east and Weston Road to the west. An area to the east of Jane Street and south of Rutherford Road is also included in the Secondary Plan area. Multiple appeals were filed regarding the Secondary Plan, but through discussion among the parties and as a result of Board conducted mediation a number of the appeals were settled and motions were brought forward at the PHC for approvals related to the settlements. The parties filed Minutes of Settlement among the City, Tesmar, Rutherford Land Development Corporation, Caldari Land Development Corp., Magna International Inc., Granite Real Estate Investment Trust and Granite Reit Inc. and 805062 Ontario Limited (Exhibit 23).

[3] This Decision deals with the appeals related to the Tesmar lands including the motion brought forward by Tesmar for partial approval of modifications to the City Official Plan and the Secondary Plan and for approval of the ZBA, and with matters related to the appeal of Site Plan application. It should be noted that although the appeal of the Site Plan (File: PL141275) was dealt with through the same PHC it was not formally consolidated with the other appeals. It should also be noted that the TCC was attended only by Ms. Ogunmefun, Mr. Coburn, Ms. Storto, Ms. McDermid, Mr. Heisey and Mr. Zakem. Ms. Skinner represented Magna International Inc., Granite Real Estate Inc., and Granite Reit Inc. ("Magna and Granite") at the PHC, which was not attended by Mr. Zakem.

## **MOTION**

[4] In support of the motion, Tesmar filed a Motion Record (Exhibit 20), which included the Affidavit of Ryan Mino-Leahan, a Registered Professional Planner who is a

Partner at KLM Planning Partners Inc. Mr. Mino-Leahan also provided oral testimony at the PHC. He was qualified by the Board as an expert in land use planning.

[5] In addition to the Minutes of Settlement noted above, separate Minutes of Settlement between Tesmar and Canadian National Railway Company ("CNR") were also filed.

[6] The intent of the motion was to approve in principle certain modifications to the City Official Plan and the Secondary Plan in order to permit development of the Tesmar lands and to also approve in principle the proposed ZBA. Tesmar is proposing high rise towers for mainly residential use with some non-residential space. The Board heard that the Tesmar lands are located in the eastern part of the Secondary Plan area to the east of Jane Street and south of Rutherford Road.

[7] Tesmar had applied to have the lands included within the Secondary Plan area and also for a high density use of the subject lands through OPA 653. According to Mr. Mino-Leahan's evidence, when the City Official Plan was adopted, the property was not included in the Secondary Plan area and the property was designated as Commercial Mixed Use. Subsequent to Tesmar filing an appeal, the City and Region passed resolutions endorsing a High Rise Mixed Use designation on the lands and including the lands within the Secondary Plan area. The Secondary Plan included the Tesmar lands but identified them as being subject to a Board hearing and provided no land use designation for the lands.

[8] According to the evidence, the settlement of the Tesmar appeals resulted in a revised proposal which includes two residential towers with heights of 23 and 20 storeys located on top of a six-storey podium fronting on Riverrock Gate and Jane Street. The residential use will consist of 600 residential units and a maximum of 45,000 square metres ("sq m") of residential gross floor area ("GFA"). A minimum of 5,000 sq m of non-residential GFA will be provided through Phase 2 of the development. The settlement also requires that the lands be identified as a Class 4 area pursuant to the

Ministry of the Environment's NPC-300 Noise Guideline. Receptor based mitigation measures have been incorporated into the design of the residential buildings. Construction of a new east-west road and an extension of Caldari Road are also proposed through the settlement.

[9] The identification of the property as a Class 4 area and the noise mitigation measures respond to concerns raised by CNR, Magna and Granite, which both filed responses to the motion (Exhibit 26 and 28). The responses did not oppose the proposed modifications to the City Official Plan and the Secondary Plan as set out in the Motion Record. The response to the motion by Magna and Granite indicates that it does not oppose approvals requested by Tesmar based upon paragraph 1 (a) to (d) of Tesmar's Motion and the Minutes of Settlement (Exhibit 23). Magna and Granite own lands and operate facilities in the vicinity of the Tesmar lands. The Minutes of Settlement include provisions for identifying the Tesmar lands as a Class 4 Area under the NPC-300 Noise Guidelines, implementing noise mitigation measures and requirements for Tesmar to provide noise studies. The intent is to ensure compatibility between the Magna and Granite facilities and the Tesmar development.

[10] The response by CNR indicated that it did not oppose the approval sought by Tesmar based upon the settlement agreement (Exhibit 22). The settlement agreement includes similar provisions for the noise mitigation and measurement including that the property should be identified as a Class 4 area under the NPC-300 Noise Guideline. A CNR facility, the MacMillan Rail Yard is located in the area and the proposed provisions are intended to ensure compatibility to that of the proposed use of the Tesmar lands and the facility.

[11] Mr. Mino-Leahan explained the proposed modifications to the Official Plan, the Secondary Plan and the provisions of the ZBA. The modifications to the Official Plan are set out in Exhibit K of his affidavit (Exhibit 20, Tab 2K) and include identifying the Tesmar lands in the Primary Centres intensification area and recognition that the lands are within the Secondary Plan area on Schedules 13 and 14-A.

[12] Mr. Mino-Leahan indicated that the proposed modifications to the Secondary Plan are contained in Exhibit L of his affidavit (Exhibit 20, Tab 2L). They include modifying Schedules A to I to designate the Tesmar lands as High Rise – Mixed Use, modifications to Schedule B to indicate a height of 23 storeys and density of 3.7 and modifications to Schedule D with regard to setbacks along street frontages. The projected number of residential units is also modified and a site specific policy is applied to the area which provides details regarding the development of the site as well as land use compatibility policies including noise mitigation measures.

[13] Mr. Mino-Leahan described the proposed ZBA contained in Exhibit M of his affidavit (Exhibit 20, Tab 2M) and revised in Exhibit 21. He indicated that the ZBA will change the zoning of the Tesmar lands from C7, Service Commercial, to RA3, Apartment Residential Zone, subject to site specific exceptions and a Holding symbol. The ZBA provides standards to permit the development of the site as has been proposed. The Holding symbol will be applied to both the first and second phase and includes a number of requirements for the symbols to be lifted, including confirmation of servicing capacity, the submission of a Noise Impact Study, and approval of the site plan.

[14] Mr. Mino-Leahan also provided evidence on the Site Plan, which covers Phase 1 of the development (Exhibit 33). He stated that the Site Plan includes the details of the proposal including the Phase 1a building, which is the 23-storey south building and Phase 1b, the 20-storey north building. Both are on six-storey podia. The drawings show all details of the proposal including the floor plates for each floor, elevations and cross sections. He indicated that the Site Plan implements the City Official Plan and Secondary Plan as modified, and the ZBA.

[15] It was Mr. Mino-Leahan's opinion that the proposed modifications are appropriate and provide for intensification in the Jane Street corridor. His expert planning opinion was that the modifications conform to the York Region Official Plan, the City Official Plan, they are consistent with the PPS and they conform to the Growth Plan for the

Greater Golden Horseshoe ("Growth Plan"). He recommended that the Board approve the modifications to the City Official Plan and Secondary Plan, and the ZBA in principle and requested that the Tribunal issue an oral decision.

[16] Mr. Mino-Leahan provided the opinion that the Site Plan has regard for s. 41 of the *Planning Act*, it conforms to the Growth Plan, the York Region Official Plan, the City Official Plan and the Secondary Plan as modified and it should be approved. He requested that the Board issue an oral approval.

## **FINDINGS**

[17] The Board considered the evidence and the submissions of the parties. The opinion evidence of Mr. Mino-Leahan was uncontested and based upon the terms of the Minutes of Settlement and no party opposed the motion.

[18] In consideration of the above, the Board found that the proposed modifications to the Official Plan, the Secondary Plan and the proposed ZBA were consistent with the PPS, conformed to the Growth Plan, conformed to the York Region Official Plan and the City Official Plan and should be approved.

[19] The Board agreed with the evidence provided by Mr. Mino-Leahan and found that the site plan complied with the Growth Plan, York Region Official Plan, and the City Official Plan and the Secondary Plan as modified and that it should be approved.

[20] The Board issued an oral decision approving the modifications and the ZBA in principle as set out in the attachments to a draft order, which had been submitted by the parties in Exhibit 24 and subject to the matters included in the attachment. The Board indicated that the final order would be withheld until the matters identified in paragraph 1 (d) of Tab 1 of the Motion Record (Exhibit 20) had been satisfied. These are the same requirements that are included in paragraph 6 of Exhibit 24.



[21] The Board also issued an oral decision approving the Site Plan in principle subject to the matters set out in the draft order submitted by the parties.

[22] Subsequent to the hearing, the Tribunal has been informed that the requirements for issuing the final approval of the modifications to the City Official Plan and Secondary Plan, for the final approval of the ZBA and for final approval of the Site Plan for Phase 1 have been fulfilled. The Tribunal has also received a revised draft order for approval of the ZBA and the modifications to the City Official Plan and Secondary Plan, and a separate draft order for approval of the Site Plan. The Tribunal adopts the orders, which are included with this decision as Attachments 1 and 2. It should be noted that while the order approving the modifications to the City Official Plan and Secondary Plan and approving the ZBA refers to the Board, it is an order of the Tribunal.

#### ORDER

[23] The Tribunal allows the motion and the Tribunal orders that the appeal is allowed in part. The City of Vaughan Official Plan, the Vaughan Mills Centre Secondary Plan and the City of Vaughan Zoning By-law No. 1-88 are amended as set out and subject to the matters and conditions included in Attachment 1;

[24] And furthermore, the Site Plan is approved subject to the matters and conditions set out in Attachment 2.

*"C. Conti"*

C. CONTI  
VICE-CHAIR

If there is an attachment referred to in this document,  
please visit [www.elfo.gov.on.ca](http://www.elfo.gov.on.ca) to view the attachment in PDF format.

#### **Local Planning Appeal Tribunal**

A constituent tribunal of Environment and Land Tribunals Ontario

Website: [www.elfo.gov.on.ca](http://www.elfo.gov.on.ca) Telephone: 416-212-6349 Toll Free: 1-866-448-2248

# ATTACHMENT 1

PL070347  
PL120974  
PL111184  
PL140839

## ONTARIO MUNICIPAL BOARD

**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: Tesmar Holdings Inc.

Subject: Appeals in respect of the City of Vaughan Official Plan 2010 (the "VOP 2010"), and in respect of the Vaughan Mills Centre Secondary Plan forming part of Volume 2 of the VOP 2010, and in respect of the Region of York's failure to make a decision with respect to City of Vaughan Official Plan Amendment No. 653 for the lands at the northeast corner of Jane Street and Riverock Gate, described as Part of Lot 15, Concession 4 in the City of Vaughan (the "Subject Lands"), and in respect of the City of Vaughan's failure to make a decision on an application by the Appellant for an amendment to City of Vaughan Zoning By-law 1-88 in respect of the Subject Lands

Municipality: City of Vaughan

OMB Case Nos.: PL070347, PL120974, PL111184, PL140839

OMB File Nos.: PL070347, PL120974, PL111184, PL140839

**THESE MATTERS** having come on for a public hearing,

**THE BOARD 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 VOP 2010, and 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 1-88, as amended:

1. Schedules 1, 13 and 14A of the VOP 2010 are hereby modified as they relate to the Subject Lands, as set out in Attachment "A" attached hereto and forming part of this Order, and hereby approved as they relate to the Subject Lands.
2. The policies, tables and schedules of the Vaughan Mills Centre Secondary Plan are hereby modified as they relate to the Subject Lands, as set out in Attachment "B" attached hereto and forming part of this Order, and hereby approved as they relate to the Subject Lands.

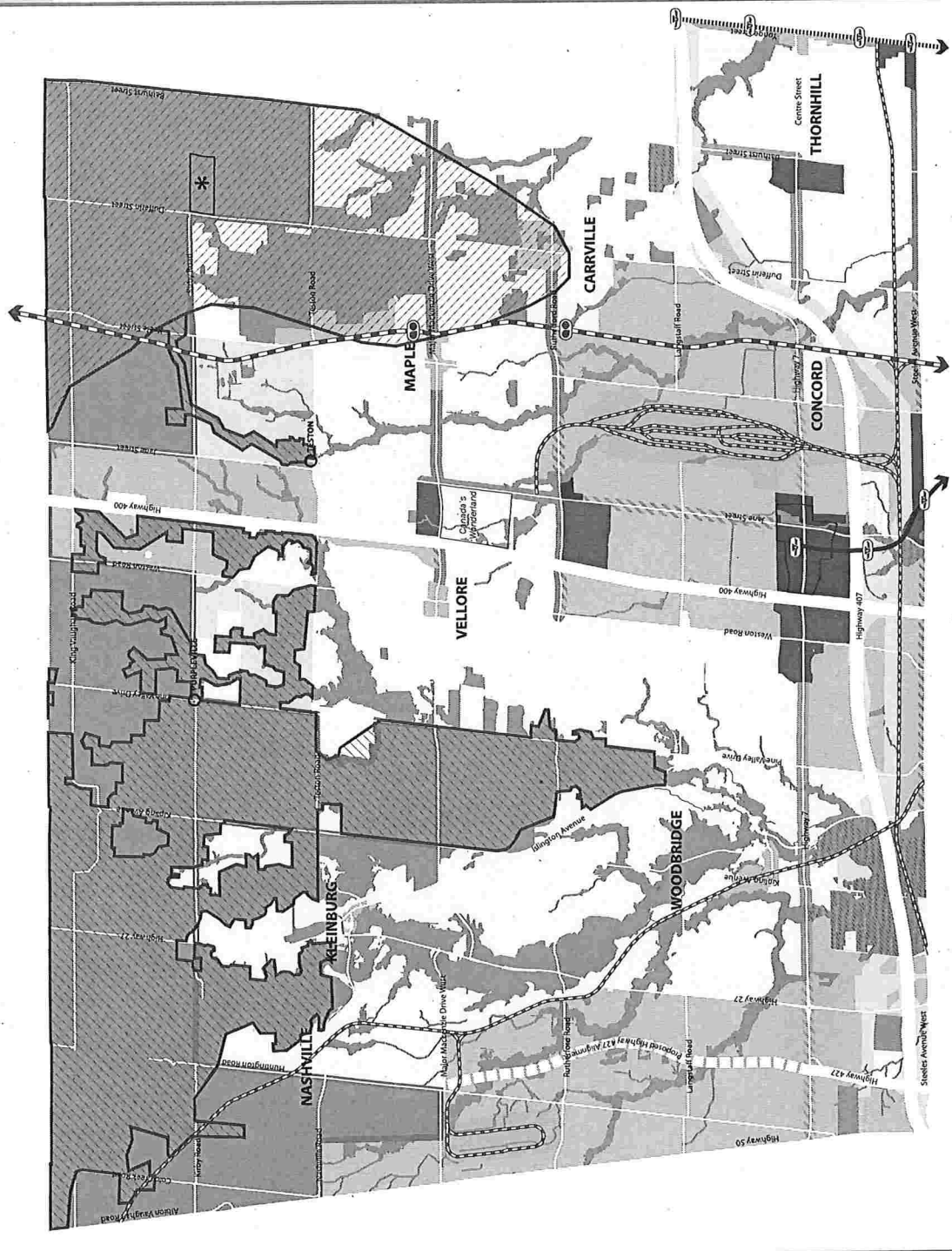
3. City of Vaughan Zoning By-law No. 1-88, as amended, is hereby further amended as set out in Attachment "C" attached hereto and forming part of this Order.
4. This partial approval of the VOP 2010 and the Vaughan Mills Centre Secondary Plan shall be strictly without prejudice to, and shall not have 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 Plans, or (b) the jurisdiction of the Board to consider and approve modifications, deletions or additions to the unapproved policies, schedules, maps, figures, definitions, tables and associated text in the said Plans on a general, area-specific or site-specific basis, as the case may be, or to consider and approve further modifications, deletions or additions to the approved policies, schedules, maps, figures, definitions, tables and associated text in the said Plans of a housekeeping nature, as may be necessary or desirable to remove inconsistencies or correct errors.
5. The appeals by the Appellant are hereby allowed to the extent necessary to give effect to this Order, and in all other respects are hereby dismissed.

**ATTACHMENT "A"**

SCHEDULE 1  
Urban Structure

- Urban Boundary
- Urban Growth Centre Boundary
- Stable Areas
- Natural Areas and Countryside
- Community Areas
- New Community Areas
- Employment Areas
- Rail Facilities
- Intensification Areas
- Vaughan Metropolitan Centre (Regional Centre)
- Primary Centres
- Local Centres
- Regional Intensification Corridors
- Regional Intensification Corridors within Employment Areas
- Primary Intensification Corridors
- Primary Intensification Corridors within Employment Areas
- Parkway Belt West Lands
- Railway
- Subway Extension
- Proposed Subway Extension
- GO Transit Network
- Greenbelt Plan Area<sup>1</sup>
- Oak Ridges Moraine Conservation Plan Area<sup>1</sup>
- Urban Growth Centre Boundary
- Hamlet
- See Minister's Decision on ORMCP Designation
- Municipal Boundary

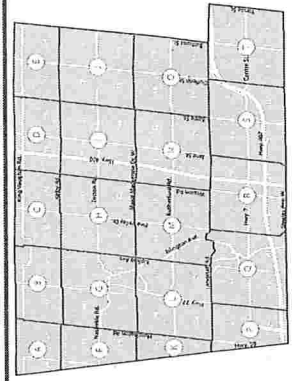
<sup>1</sup> See Schedule 4 for limits and land use information of the Greenbelt Plan Area and Oak Ridges Moraine Conservation Plan Area



SCHEDULE 13  
Land Use

- Natural Areas
- Parks
- Private Open Spaces
- Agricultural
- Rural
- Low-Rise Residential
- Low-Rise Mixed-Use
- Mid-Rise Residential
- Mid-Rise Mixed-Use
- High-Rise Residential
- High-Rise Mixed-Use
- Community Commercial Mixed-Use
- General Employment
- Prestige Employment
- Major Institutional
- New Community Areas
- Theme Park and Entertainment
- Parkway Belt West Lands
- Infrastructure and Utilities
- Lands Subject to Secondary Plans (See Schedule 14)
- Roads
- Railway
- Greenbelt Plan Area & Oak Ridges Moraine Conservation Plan Area
- Oak Ridges Moraine Natural Core
- Oak Ridges Moraine Natural Linkage
- Oak Ridges Moraine Countryside
- Hamlet
- See Minister's Decision on ORMCP Designation
- Municipal Boundary

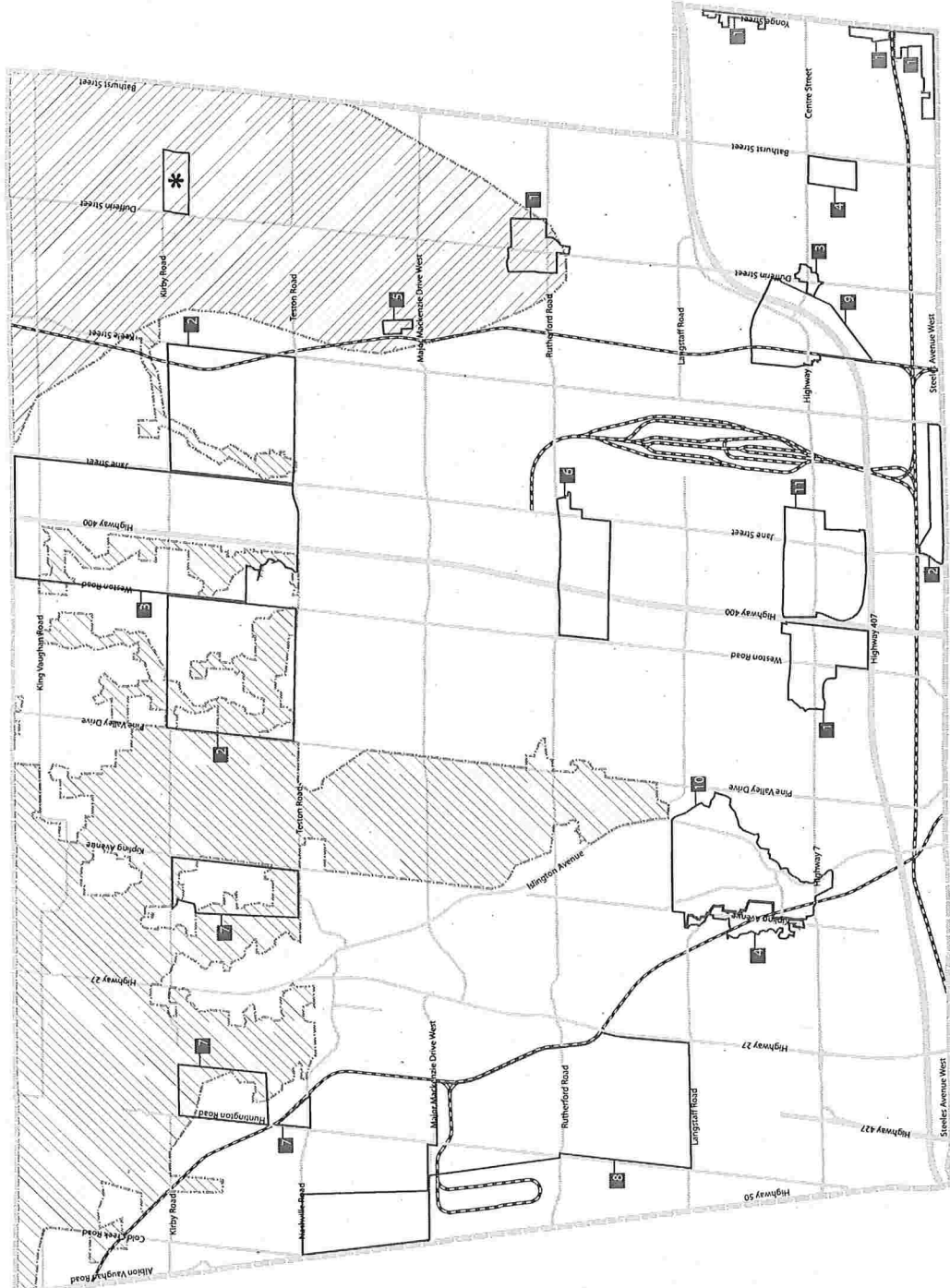
Refer to Schedule 14B-C for Lands Subject to Area and Site Specific policies in Volume 2



SCHEDULE 14-A

# Areas Subject to Secondary Plans

- Secondary Plan Areas - Chapter 11
  - 1 Canville Centre - 11.2
  - 2 Steeles West - 11.3
  - 3 Highway 400 North Employment Lands - 11.4
  - 4 Kipling Avenue - 11.5
  - 5 Maple GO Station Area - 11.6
  - 6 Vaughan Mills Centre - 11.7
  - 7 North Kleinburg/Nashville - 11.8
  - 8 West Vaughan Employment Area - 11.9
  - 9 Concord GO Centre - 11.10
  - 10 Woodbridge Centre - 11.11
  - 11 Vaughan Metropolitan Centre - 11.12
- Secondary Plan Areas to be Approved (adopted by Council on September 7, 2010)
  - 1 Yonge Steeles Corridor
- Required Secondary Plan Areas
  - 1 Weston Road and Highway 7
  - 2 New Community Areas (Blocks 41 & 27)
  - 3 Dufferin Street and Centre Street
  - 4 Promenade Mall
- \* See Minister's Decision on ORMCP Designation
- Municipal Boundary



**ATTACHMENT "B"**



That the Vaughan Mills Centre Secondary Plan ("VMCSP"), being Official Plan Amendment Number 2 to the City of Vaughan Official Plan 2010 ("VOP 2010"), be amended by:

- a) Adding the new Section 18.4 "Special Provisions Governing the Development of Block B5" as set out below.
- b) Modify Policy 3.2, Part B, Table "Units, Population, and Job Projections by Area" to show 3,631 units and a population of 7,371 for the Jane Street Corridor, and to show 672 units and a population of 1407 for the Bass Pro Mills Area and the Rutherford Road Area,
- c) Delete Table 2: "Transportation Network Improvements" and substitute with Table 2 attached hereto.
- d) Modify Policy 7.3.1, Part C, to replace the reference to 3,371 residential units with 3,631 residential units.
- e) Delete Schedules A, B, C, D, E, F, G, H and I to remove the hatching and note with reference to the OMB Hearing and replace with the Schedules A, B, C, D, E, F, G, H, I attached hereto.

#### 18.4 – Special Provisions Governing the Development of Block B5

The following policies will apply to the development of the lands shown as "b5" on Schedule "I":

- 1) The following is permitted on the subject lands which may be developed in phases:
  - i. Residential uses having a total maximum Gross Floor Area (GFA) of up to 45,000 m<sup>2</sup>,
  - ii. A maximum total of 600 residential units,
  - iii. The maximum building height for the two residential buildings shall not exceed 23 and 20 storeys for Phase 1a and Phase 1b respectively. Individual building heights shall be prescribed in the implementing zoning by-law.
  - iv. Notwithstanding Policy 3.5.7, Part B, and policies 1i, ii, and iii above, non-residential uses including Office and Commercial uses having a minimum Gross Floor Area of 5000 m<sup>2</sup> consisting of the following are permitted:
    1. Office uses having a minimum GFA of 4200 m<sup>2</sup>;
    2. Commercial uses as defined in the implementing Zoning By-law, having a maximum GFA of 800 m<sup>2</sup> with no outdoor storage.

- v. A maximum FSI of 3.7 is permitted for the residential and non-residential uses combined, subject to the policies in this Plan.
  - vi. Private Outdoor Amenity Space having a minimum size of 1840 m<sup>2</sup> shall be located at grade level and 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.
- 2) The required non-residential office uses and permitted retail uses shall be located in a building having no less than 3 storeys.
  - 3) Should the non-residential uses identified in clause 1)iv above not be included as part of Phase 1, the required non-residential uses shall be required in Phase 2 of development.
  - 4) The consideration of additional residential uses exceeding the permitted 600 units can occur in the second phase, in addition to the required office/commercial uses, and would be subject to a further Official Plan Amendment and Zoning By-law Amendment.
  - 5) The boundaries of the Phase 1 and Phase 2 areas will be confirmed in 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 York Region.
  - 6) The removal of the Holding Symbol ("H") may be staged within each Phase, which is set out in the implementing Zoning By-law, to the satisfaction of the City and York Region.
  - 7) In each Phase, all new development requiring the conveyance of land 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.
  - 8) The following policies shall apply to the removal of the Holding Symbol ("H") for the Subject Lands or portion(s) thereof, 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*:

Phase 1 (2021 Horizon)

i. The provision of the following:

- a. Satisfactory arrangements are in place for the completion of the northerly extension of Caldari Road from Riverock Gate to Rutherford Road, as set out in more detail in the zoning by-law, to the satisfaction of the City.

- b. Satisfactory arrangements for the construction of an east-west public road along the north boundary of Block B5 between Jane Street and Caldari Road, to the satisfaction of the City,
  - c. The execution and delivery of a development agreement securing the following:
    - i. The conveyance of lands that are required for the northern extension of Caldari Road between Riverrock Gate and the proposed east-west road between Block B4 and B5;
    - ii. The conveyance of lands for an east-west public street along the north boundary of Block B5 between Jane Street and Caldari Road as identified on Schedule F of this Plan.
    - iii. The payment of cash-in-lieu in accordance with Section 42 of the Planning Act and;
    - iv. The extension of public services with respect to the development of Phase 1 in the implementing Zoning By-law;
    - v. Water supply and sewage servicing capacity required for development of Phase 1 to proceed have been identified by York Region and allocated by the City;
    - vi. Any necessary agreements required to ensure orderly development of the land have been executed among benefitting landowners, and the City and/or York Region where appropriate, for municipal services, parkland and community services; and
    - vii. Environmental requirements to permit development to proceed have been secured to the satisfaction of the City.
- 9) 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) The podium fronting Riverrock Gate and the new east-west road between Blocks b4 and b5 shall have a minimum height of 1-storey and 6.0 metres.
  - b) Podium design shall incorporate active street related dwellings, and/or retail and amenity uses with building frontages oriented toward public streets and the Private Amenity Space and connections.
  - c) Towers above the podium shall generally be setback a minimum of 6.0 m from any public street and setback 3.0 m from the Private Amenity Space.

- d) Notwithstanding Policy 3.8.2, Part B, the tower elements of high-rise buildings shall be designed as slender towers with floorplates not exceeding 770 m<sup>2</sup> 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.
- e) 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 28 metres.
- f) Site Design shall incorporate a minimum 1,840 m<sup>2</sup> of Private Amenity Space which shall be subject to an easement for public access in favour of the City of Vaughan.
- g) 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.
- h) 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.
- i) Safe, efficient and convenient vehicular access which minimizes pavement and is pedestrian friendly shall be provided.
- j) 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.

#### **Site Plan Control and Land Use Compatibility**

For development on Block b5 as identified on Schedule I, the following policies shall be applicable to any application for Site Plan Approval on these Development Blocks.

- 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 b5 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 Block b5, 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 Block b5;
  - ii. Minimizing and where possible, preventing complaints from residents of residential development on Block b5.
  - 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 b5 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 shall be implemented through this OPA, the use of a Zoning By-law with the holding symbol "H", a site plan approval and an amendment to the City's Noise By-law that, among other things, implements the classification of the lands as a Class 4 area and appropriately accommodates adjacent industrial lands being operated under a valid Environmental Compliance Approval. 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 Block b5.
  - vi. A resolution is passed by Vaughan Council classifying the site as a Class 4 Area.

## Environmental Noise Impact Study

- 10) 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 b5. 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 Block and shall include measures aimed at eliminating or minimizing impacts.
- 11) 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 Climate Change and approved by the City in consultation with other public agencies, and the operator of the "Rail Yard" and the "Existing Industrial Lands".
- 12) The environmental noise impact study shall include:
  - a. The assessment of the Block in accordance with the applicable MOECC 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 and Climate Change 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.
- 13) 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 balconies that are enclosed to act as a barrier to the noise experienced at the interior living room and/or bedroom windows.
- 14) 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.
- 15) 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.
- 16) 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**

- 17) A detailed environmental vibration report and detailed design plans may be required in support of a development application for sensitive land uses on Block b5. 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 Block and shall include measures aimed at eliminating or minimizing impacts.
- 18) 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".
- 19) 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).
- 20) 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**

- 21) A detailed environmental emissions report and detailed design plans may be required in support of a development application for sensitive land uses on Block b5. 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 Block and shall include measures aimed at minimizing adverse impacts.
- 22) 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 Climate Change and approved by the City in consultation with other public agencies and the operators of the "Rail Yard" and the "Existing Industrial Lands".
- 23) 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.
- 24) 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**

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

### **Warning Clauses**

- 26) 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.

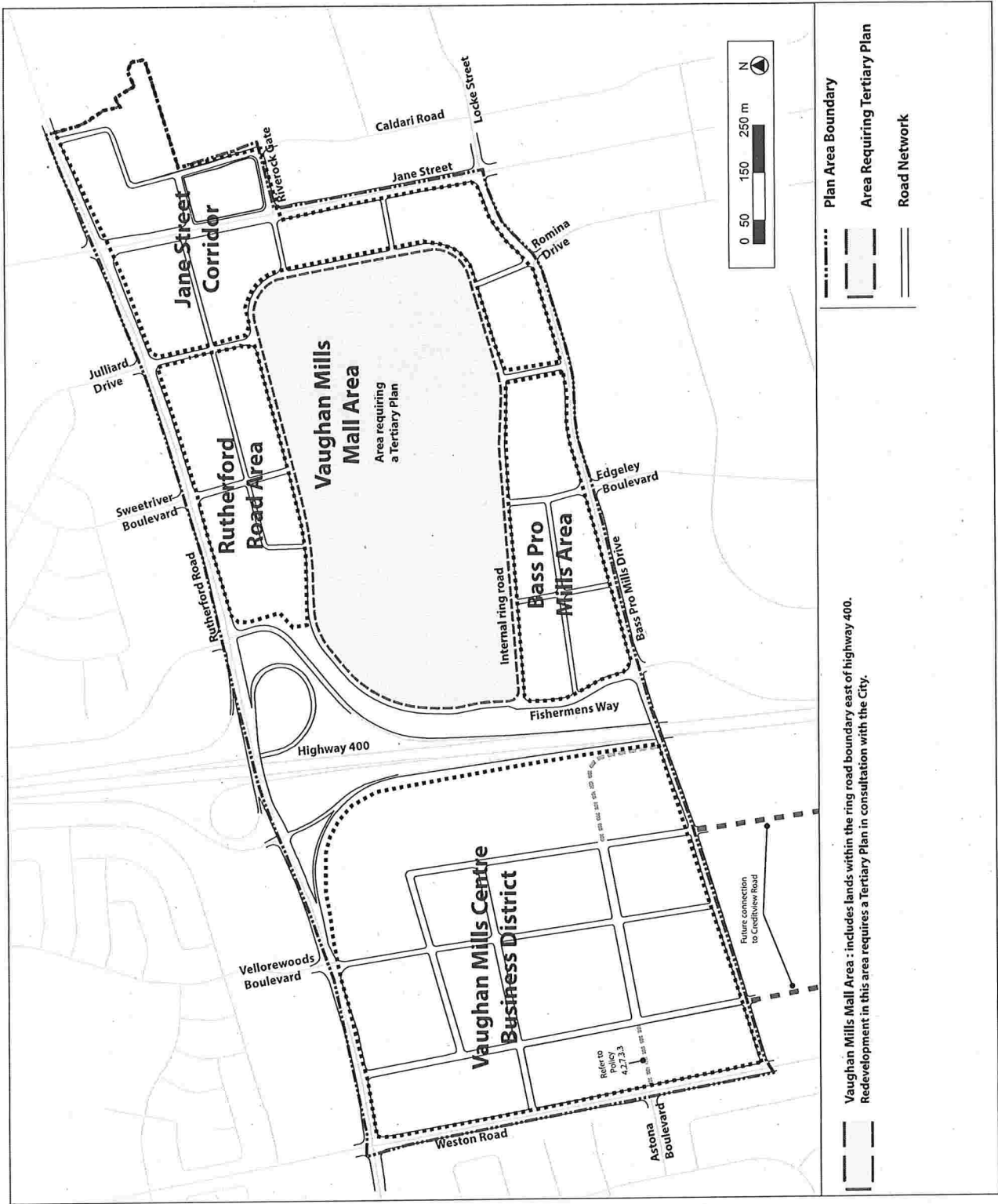
### **Implementation of Environmental Studies**

- 27) The recommendations of the Environmental Reports described above shall be incorporated into the design of the residential buildings on Block b5 and shall be included in the drawings required to be approved pursuant to the Site Plan Control provisions of the Planning Act, to the satisfaction of the City.

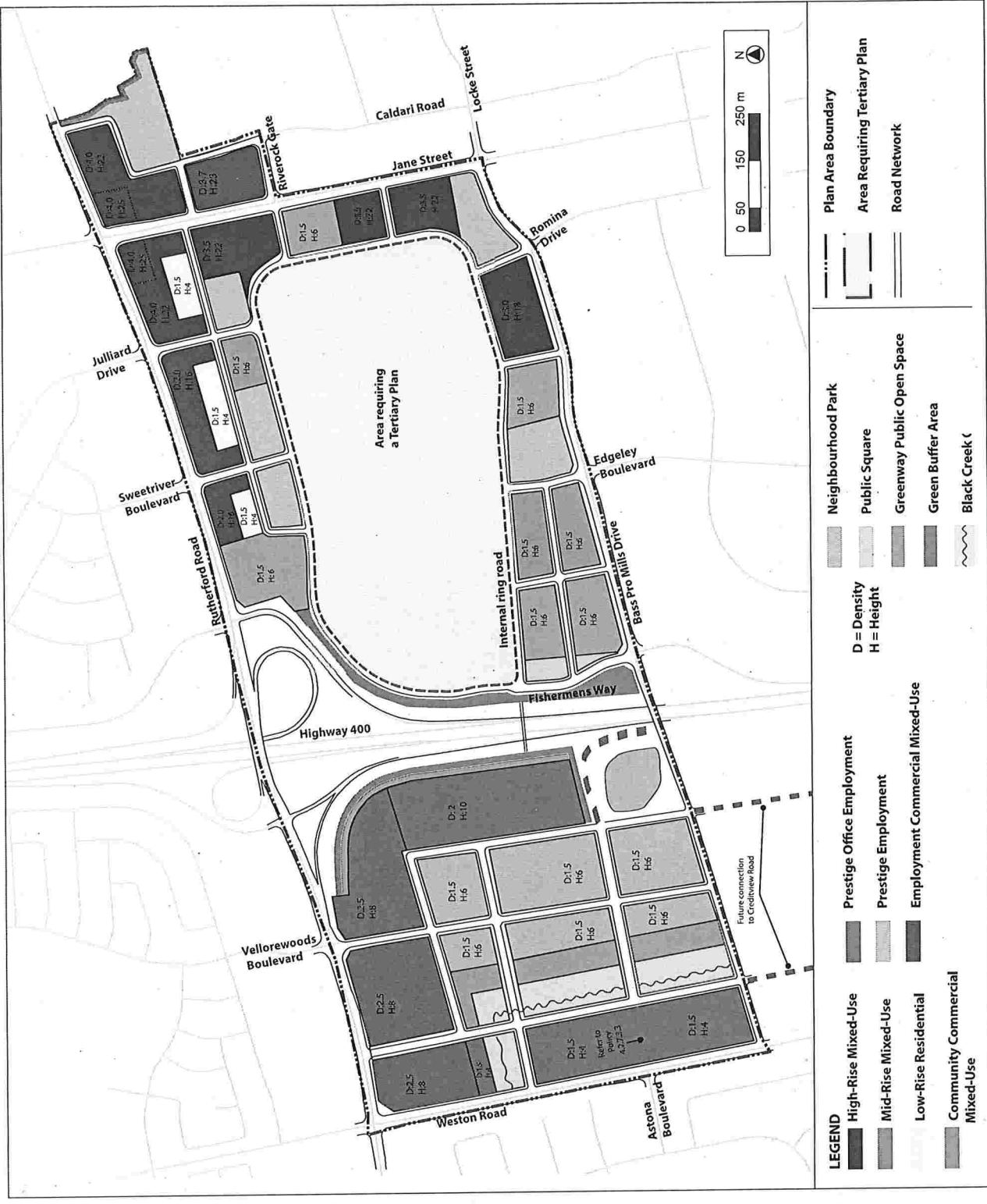


- 28) Prior to issuance of building permits, the architectural drawings shall be reviewed and certified by a qualified acoustical engineer indicating that any required noise mitigation measures have been incorporated into the building design.
- 29) Prior to occupancy of the residential units, any required 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.
- 30) 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.

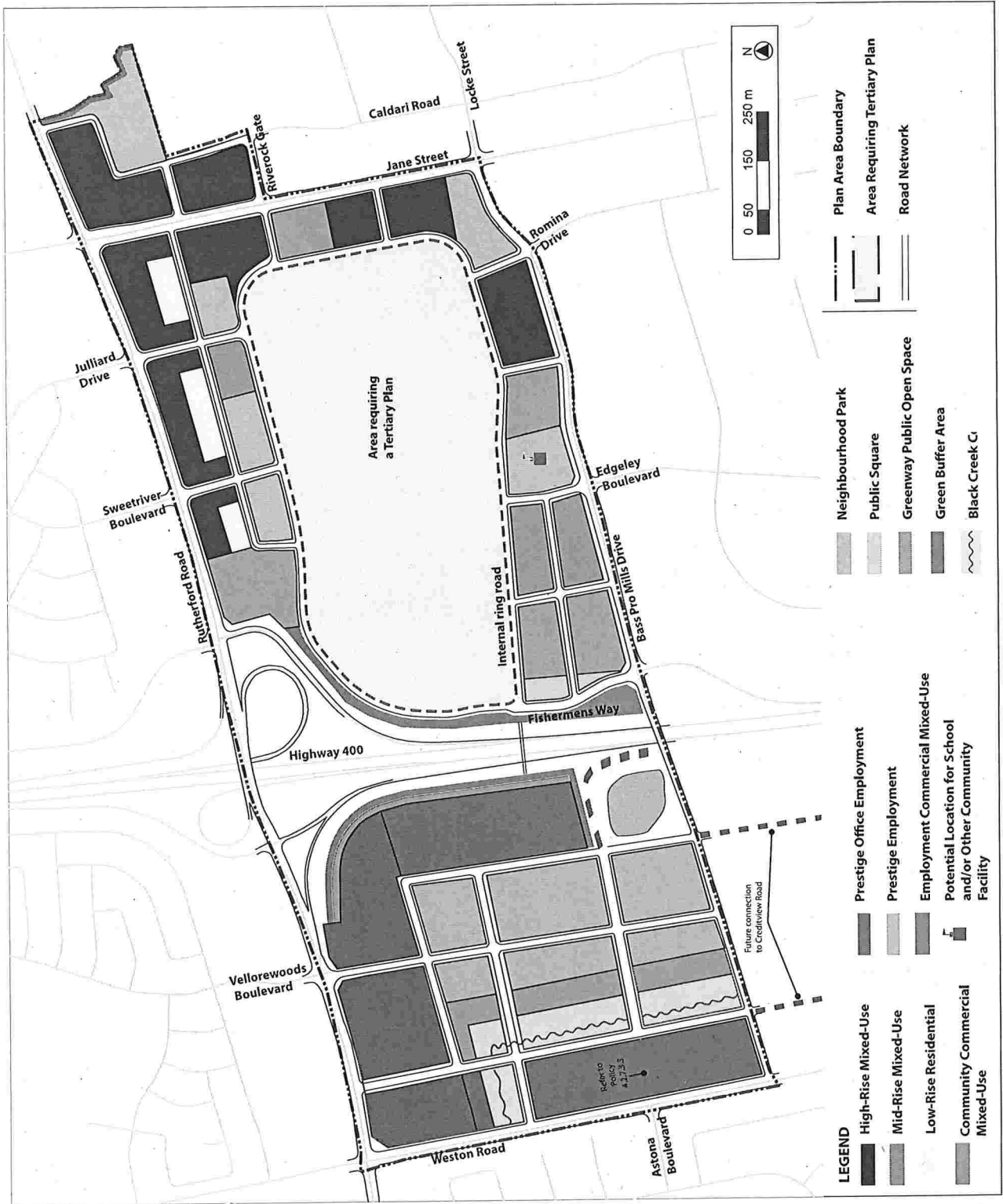
# Schedule A: PLAN AREA



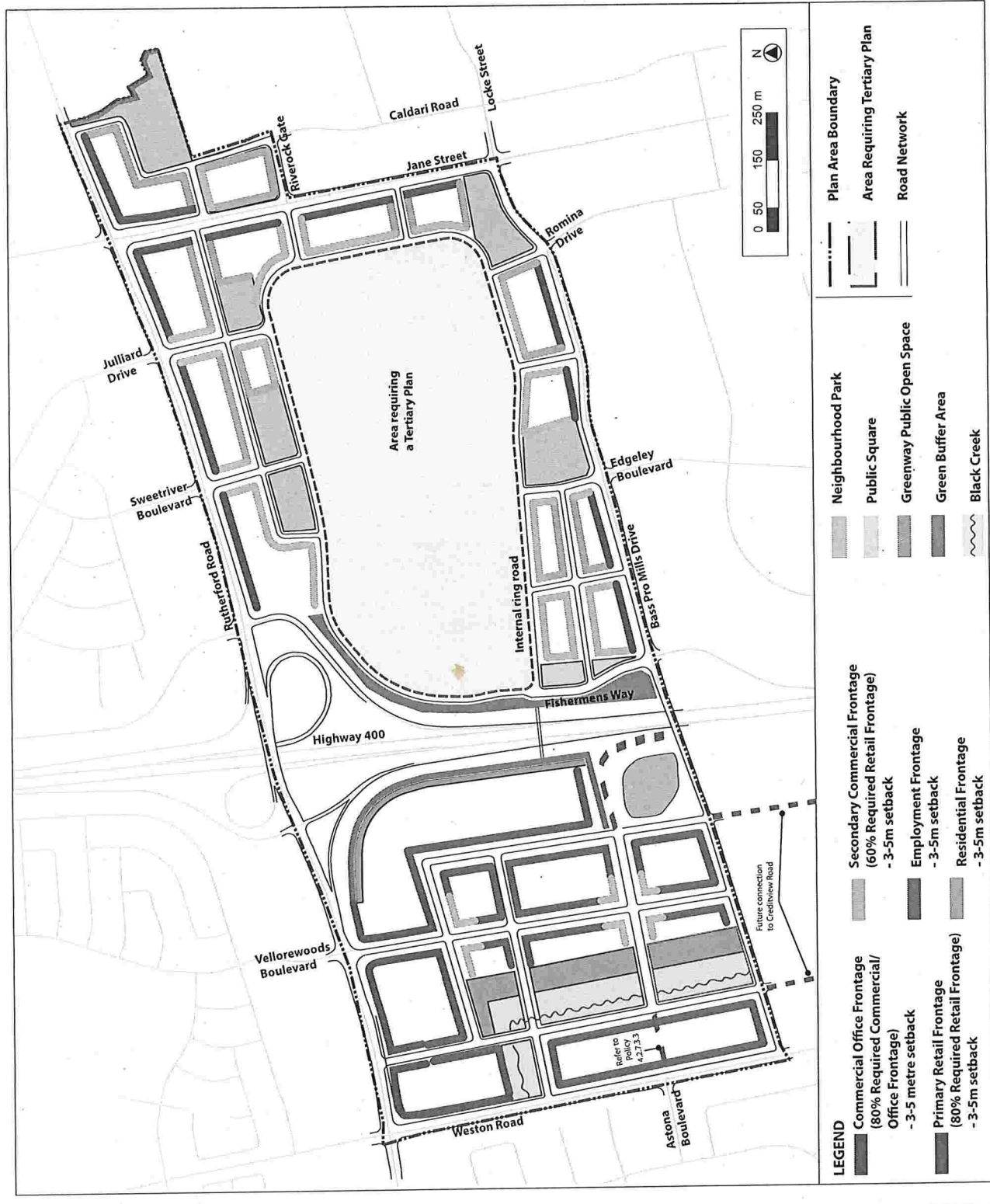
# Schedule B: HEIGHT AND DENSITY



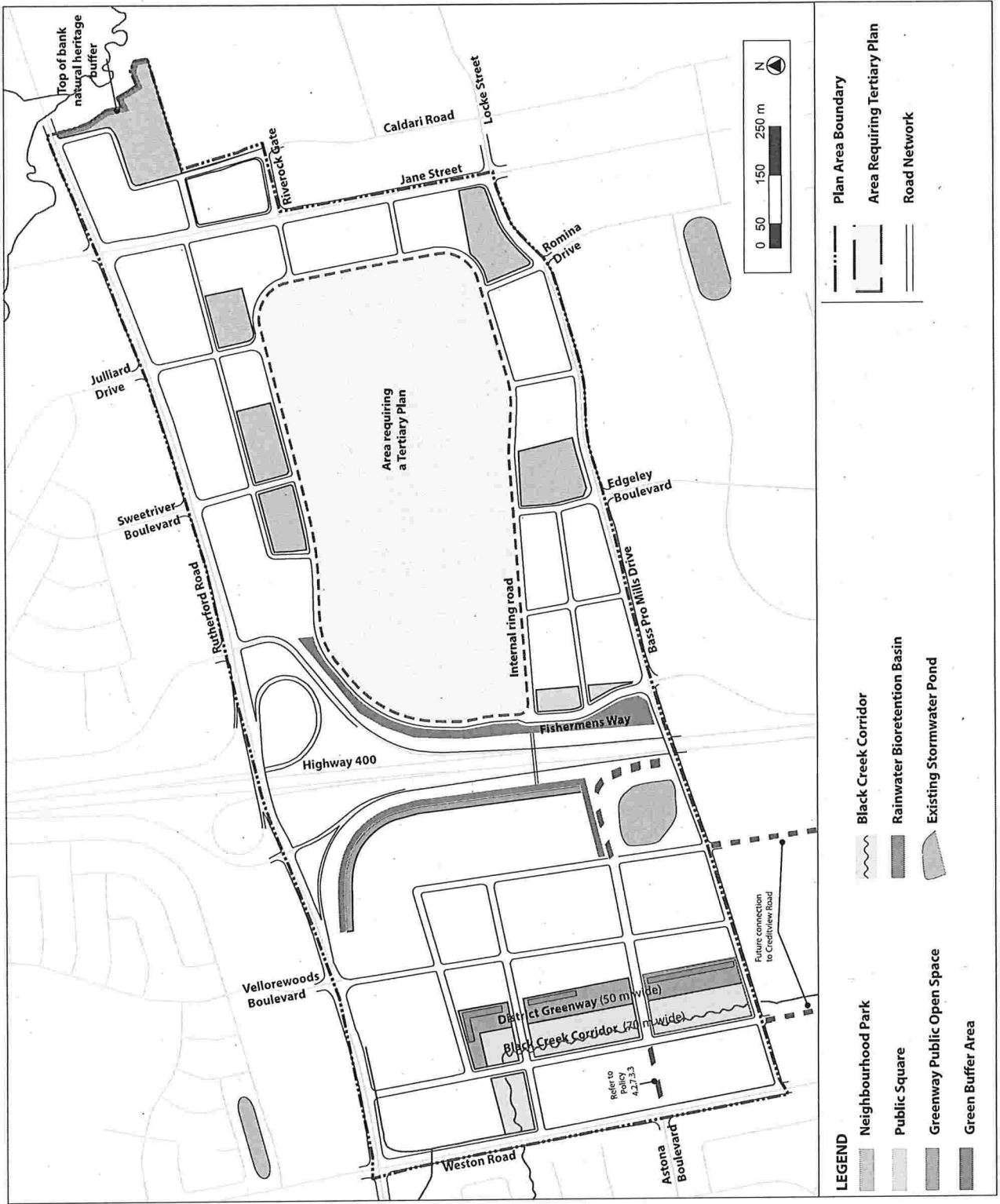
# Schedule C: LAND USE DESIGNATION



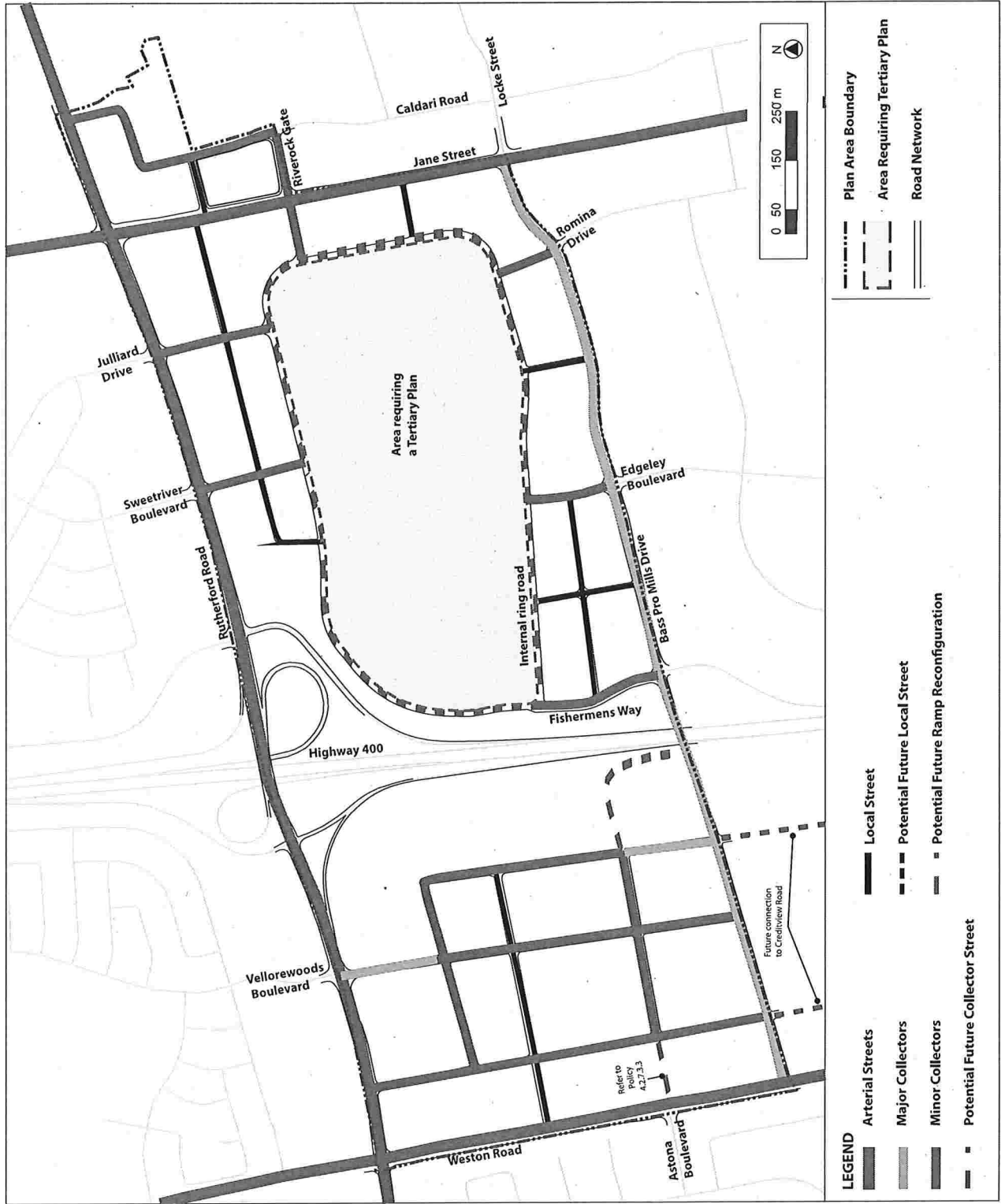
# Schedule D: GROUND FLOOR FRONTAGE TYPES



# Schedule E: OPEN SPACE NETWORK



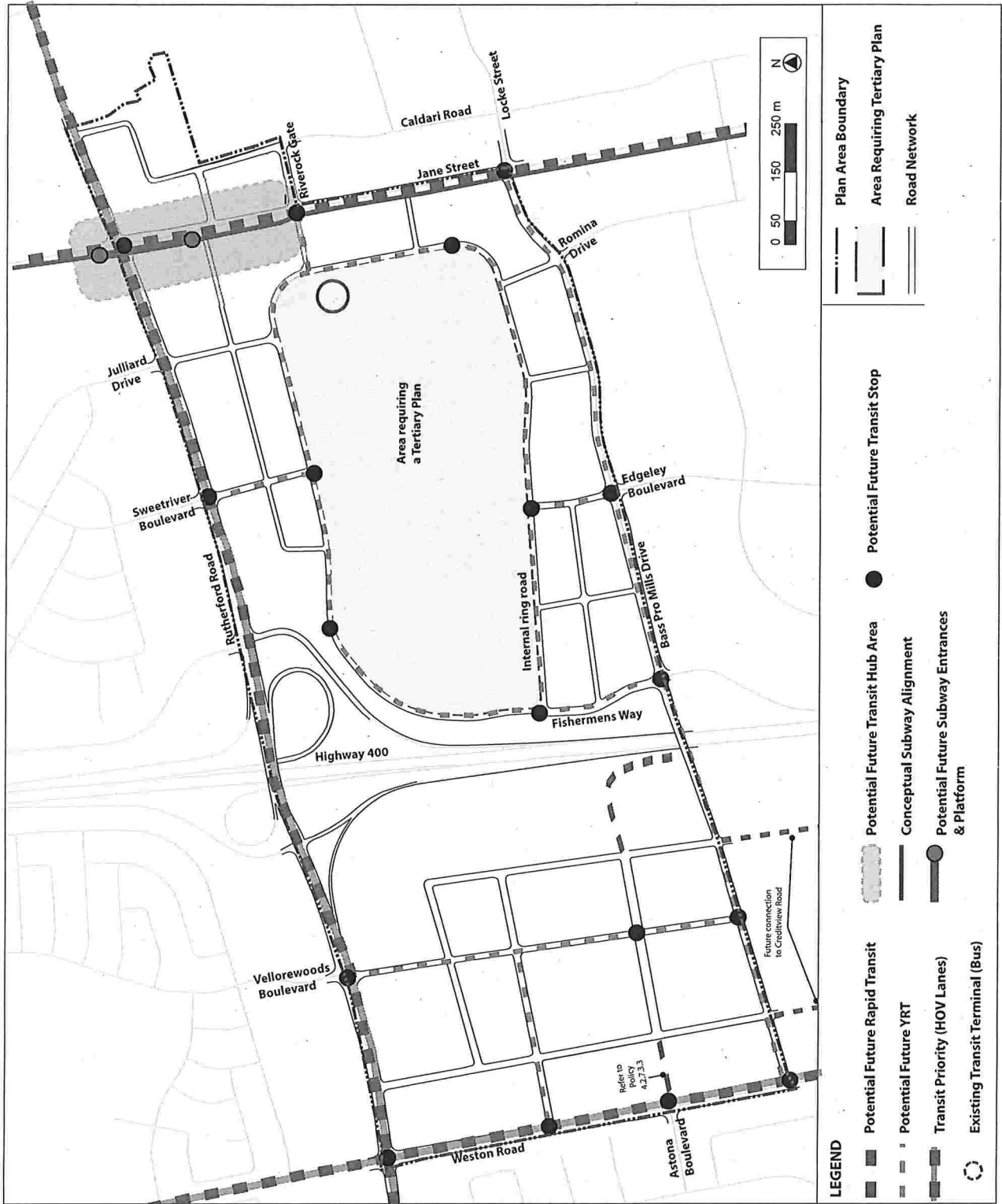
# Schedule F: TRANSPORTATION NETWORK



**LEGEND**

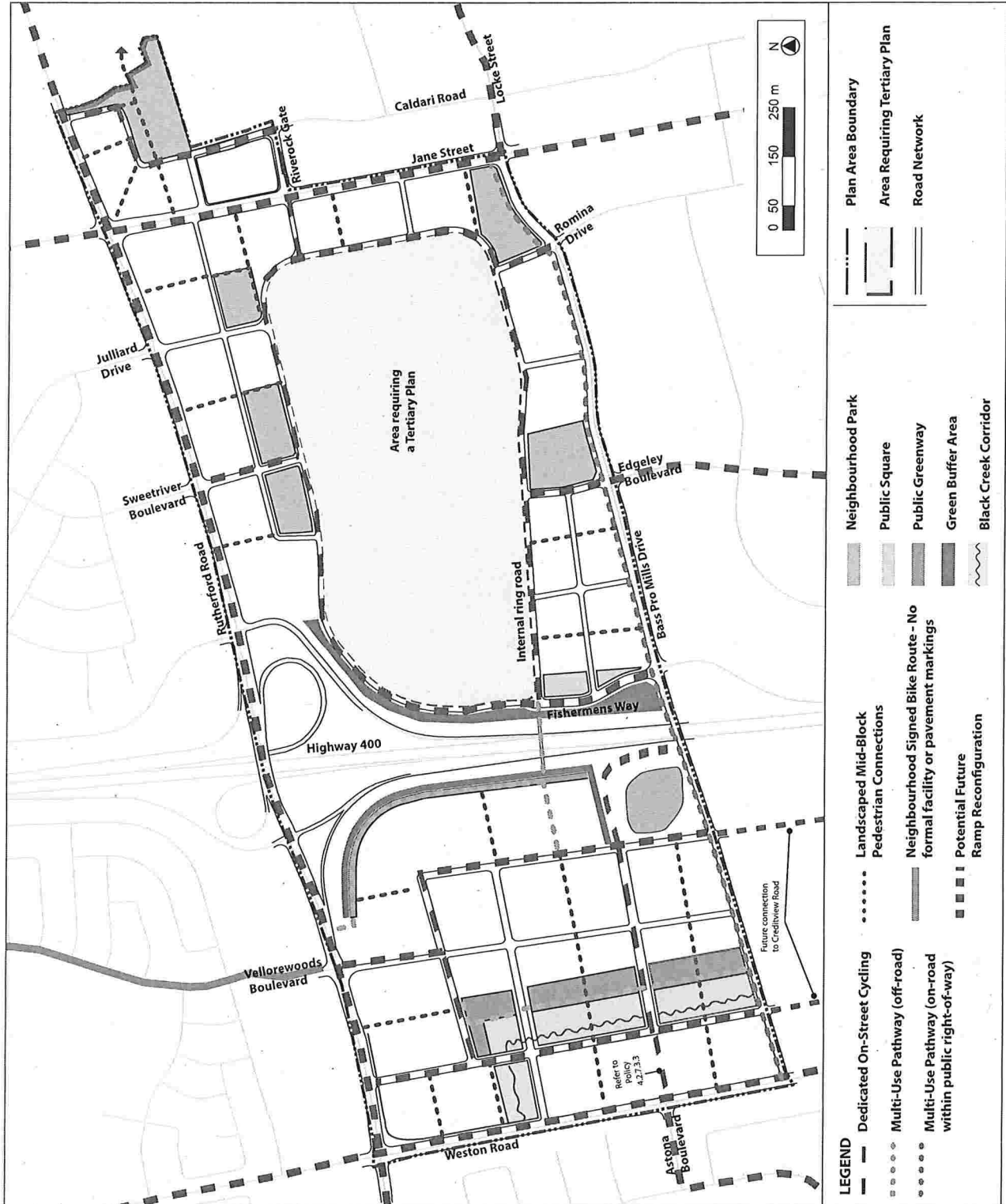
- Arterial Streets
- Major Collectors
- Minor Collectors
- Potential Future Collector Street
- Local Street
- Potential Future Local Street
- Potential Future Ramp Reconfiguration
- Area Requiring Tertiary Plan
- Road Network

# Schedule G: TRANSIT NETWORK





# Schedule H: ACTIVE TRANSPORTATION NETWORK



# Schedule I: DEVELOPMENT BLOCKS

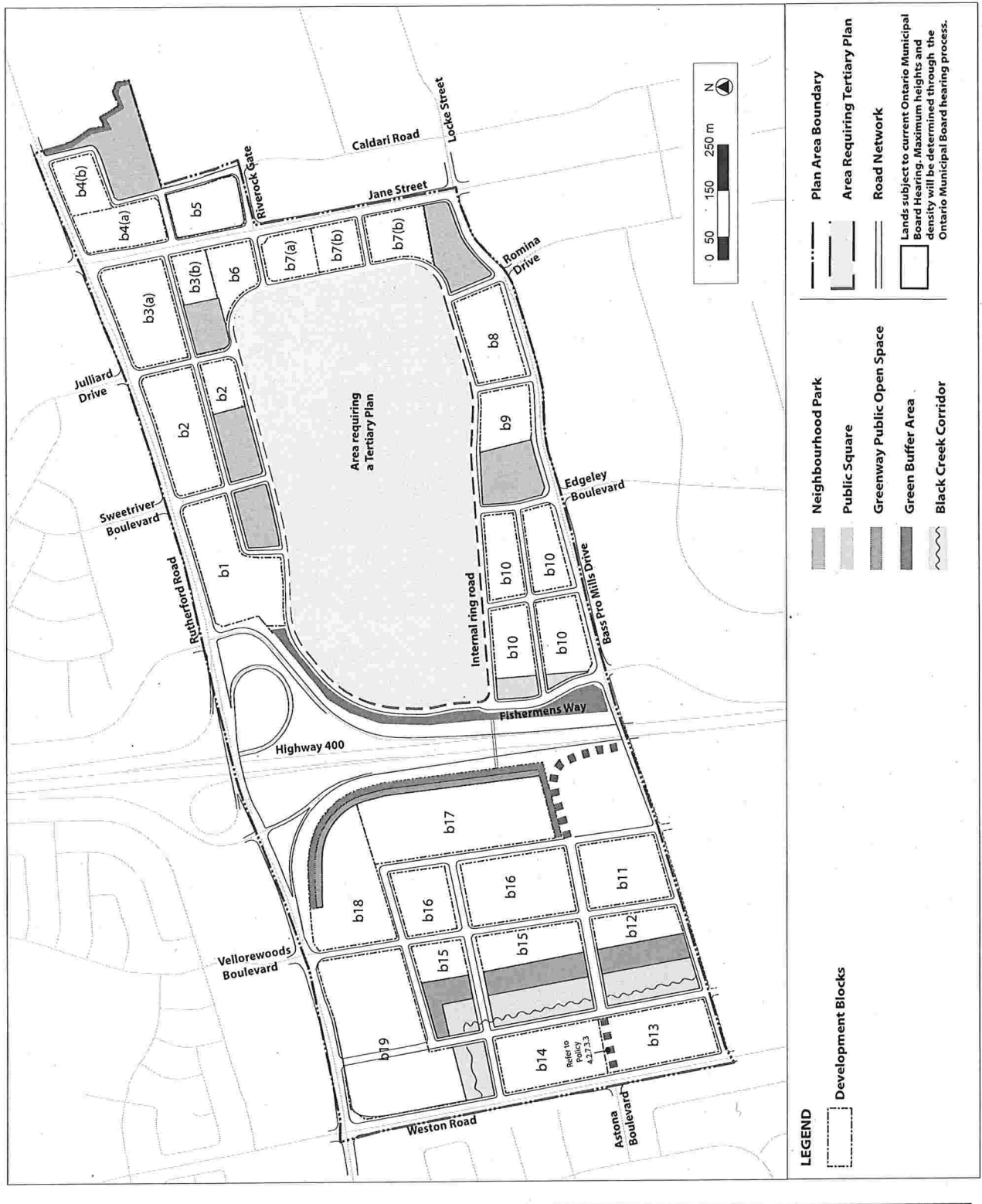


Table 2  
Recommended Transportation Network Improvements

HORIZON	DEVELOPMENT LEVEL	RECOMMENDED NETWORK IMPROVEMENTS TO ACCOMMODATE THE PROPOSED DEVELOPMENT LEVEL AT THE STATED HORIZON
<p><b>PHASE 1: Horizon 2021</b></p>	<p><i>Includes all of the Jane Street Corridor Area as shown in Schedule A of the Vaughan Mills Centre Secondary Plan</i> (70% of all proposed development east of Highway 400) #</p>	<p><i>Road Network Improvements: (Jane Street Corridor Area)</i></p> <ul style="list-style-type: none"> <li>• Complete Bass Pro Mills Drive extension to Jane Street.</li> <li>• Complete Caldari Road extension to Rutherford Road.</li> <li>• Complete Romina Drive extension to Vaughan Mills Ring Road.</li> <li>• Implement a full-moves signalized access on Jane Street midblock between Riverrock Gate and Bass Pro Mills Drive as part of planned development applications.</li> <li>• Provide an additional right-turn lane on southbound Fisherman's Way at Bass Pro Mills Drive.</li> </ul>
	<p><i>Within the Vaughan Mills Business District as shown in Schedule A of the Vaughan Mills Centre Secondary Plan</i> (40% of all development west of Highway 400) *</p>	<p><i>Road Network Improvements: (Vaughan Mills Centre Business District Area)</i></p> <ul style="list-style-type: none"> <li>• Northbound dual left-turn lanes on Weston Road at Rutherford Road (dependent on effects of the improvements on Major Mackenzie Drive at Highway 27).</li> <li>• Implement the internal road network as show in the Vaughan Mills Centre Secondary Plan, Schedule F.</li> <li>• Plan for a four-lane cross-section for Vellore Woods Boulevard south of Rutherford Road, and for Creditview Road north of Bass Pro Mills Drive.</li> <li>• Provide an additional right-turn lane on northbound Vellore Woods Boulevard at Rutherford Road.</li> </ul>
		<p><i>Other Transportation Improvements:</i></p> <ul style="list-style-type: none"> <li>• Implement a strong internal grid network as outlined in the Secondary Plan to enhance traffic connectivity across the site.</li> <li>• Viva Quick Start rapid bus service on Jane Street, from Rutherford Road to the planned Spadina Subway extension station at Highway 7.</li> <li>• Transit signal priority and queue jump lanes on Jane Street, Weston Road and Rutherford Road.</li> <li>• Enhancement of YRT bus service on Rutherford Road and to the YRT Vaughan Mills bus terminal.</li> <li>• Proactive and aggressive programs and initiatives to reinforce the need to create change in modal split behavior, to promote greater use of transit, to attract more riders and to achieve the assumed modal split.</li> <li>• Create an organized Passenger Pick-up and Drop-off (PPUDO) area adjacent to the Vaughan Mills transit terminal.</li> <li>• Collaborate with car share operators to introduce car-sharing.</li> <li>• Revise parking standards for developments to discourage single-occupancy vehicle use.</li> <li>• Consider use of shared parking, and preferred parking for hybrid and electric vehicles.</li> </ul>

HORIZON	DEVELOPMENT LEVEL		RECOMMENDED NETWORK IMPROVEMENTS TO ACCOMMODATE THE PROPOSED DEVELOPMENT LEVEL AT THE STATED HORIZON
<p><b>PHASE 2: Full Build-Out (Horizon 2031)</b></p>		<ul style="list-style-type: none"> <li>Implement intelligent parking information systems across the Vaughan Mills Centre area parking lots for more effective distribution of parking demands.</li> <li>Implement transportation demand management strategies within the Vaughan Mills Centre area to discourage heavy car uses and encourage developing less auto-dependent travel behaviours.</li> <li>Integrate comprehensive pedestrian and cycling route facilities and network to promote active transportation.</li> <li>Promote self-contained neighbourhood living/working and recreation within the Vaughan Mills Centre area to help reduce traffic demands on the area's road network.</li> </ul>	
<p><i>Includes development within the Rutherford Road Area, and the Bass Pro Mills Area, as shown in Schedule A of the Vaughan Mills Centre Secondary Plan.</i></p> <p><i>Includes the remainder of development within the Vaughan Mills Business District as shown in Schedule A of the Vaughan Mills Centre Secondary Plan *</i></p>	<ul style="list-style-type: none"> <li>Up to 672 residential units</li> <li>Up to 55,931 m<sup>2</sup> retail and other uses</li> <li>Up to 31,500 m<sup>2</sup> of office</li> <li>Up to 152,400 m<sup>2</sup> of prestige employment uses</li> <li>Up to 59,241 m<sup>2</sup> of office uses</li> <li>Up to 46,072 m<sup>2</sup> of neighbourhood and medium format retail uses</li> <li>Up to 21,781 m<sup>2</sup> of other uses including hotel, entertainment, and cultural uses</li> </ul>	<p><b>Road Network Improvements: (West of Highway 400)</b></p> <ul style="list-style-type: none"> <li>Completion of Bass Pro Mills Drive extension to Weston Road.</li> <li>Install traffic signals at the intersection of Bass Pro Mills Drive at Weston Road.</li> </ul> <p><b>Other Transportation Improvements:</b></p> <ul style="list-style-type: none"> <li>Higher-order transit service on Jane Street, in the form of BRT or LRT, with its dedicated right-of-way connecting the Spadina Subway extension to Vaughan Mills Centre and up to Canada's Wonderland and the future Mackenzie Vaughan Hospital on Major Mackenzie Drive.</li> <li>Enhancing priority transit service on Rutherford Road and introduce Viva service;</li> <li>Pedestrian and cyclist bridge crossing over Highway 400 midblock between Bass Pro Mills Drive and Rutherford Road to provide additional non-auto connection within the Secondary Plan.</li> <li>Continue to promote sustainable transportation (transit, walking, cycling) and other transportation demand management programs and measures to encourage a greater shift in travel mode patterns to achieve the assumed modal split.</li> </ul>	

# Up to 80% of the proposed development east of Highway 400 could be accommodated if the full extension of Bass Pro Mills Drive to Weston Road is also completed by 2021.

\* Development thresholds and transportation improvements will be determined through the Block Plan process as identified in Part C, Section 7.4.3 of the Secondary Plan for lands located in the Vaughan Business District Area (west of Highway 400). The Block Plan application will address the matters set out in Policies 10.1.1.15 of VOP 2010 and shall constitute a complete application to the satisfaction of the City of Vaughan.

\*\* The total unit counts for Phase 1 are based on the June 2015 Transportation Assessment Addendum Report for the Vaughan Mills Centre Secondary Plan, subject to Policy 7.3 Part C, and the other policies of Section 7, Part C of this Plan.

# The City of Vaughan BY-LAW

BY-LAW NUMBER - 2018

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

**WHEREAS** the matters herein set out are in conformity with the Official Plan of the Vaughan Planning Area, which is approved and in force at this time;

**AND WHEREAS** there has been an amendment to the Vaughan Official Plan adopted by Council but not approved at this time, with which the matters herein set out are in conformity;

**NOW THEREFORE** the Council of the Corporation of the City of Vaughan **ENACTS AS FOLLOWS:**

1. That City of Vaughan By-law Number 1-88, as amended, be and it is hereby further amended by:
  - a) Deleting Exception 9(1032) from Section 9.0 "EXCEPTIONS" and substituting therefor the following paragraph:

"(1032) Notwithstanding the provisions of:

    - a) Subsection 6.1.2 and Schedule "A" respecting zone requirements in Employment Area Zones,

the following provisions shall apply to the lands shown as "Subject Lands" on Schedule "E -1128";

    - ai) A minimum 10 metre setback from an OS1 Open Space Conservation Zone shall apply to all buildings and structures."
2. 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 "1" attached hereto from C7 Service Commercial Zone, subject to Exception 9(1032), to RA3 Apartment Residential Zone, subject to site specific zone exceptions and with addition of the Holding Symbol "(H)" in the manner shown on the said Schedule "1" and Schedule "2".
  - b) Adding the following Paragraph to Section 9.0 "EXCEPTIONS":

"9( )

    - A. 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 Planning Act:

- i) Lands Zoned with the Holding Symbol "(H)" shall only be used for a use legally existing as of the date of enactment of By-law XX-2018, being for the production of field crops, an Underground Parking Structure and a Temporary Sales Office;

B. Removal of the Holding Symbol "(H)" from the Subject Lands shall be contingent on the following:

Phase 1a

- i. Water and sewer servicing capacity being identified and allocated by the City of Vaughan;
- ii. City of Vaughan being in receipt of confirmation of the Ministry of Environment's Acknowledgement/Registration of the Record of Site Condition;
- iii. The submission of an Environmental Noise Impact Study and an Environmental Vibration Report, prepared in consultation with the operator 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;
- iv. 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;
- v. 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;
- vi. The approval of a Site Development Application by Vaughan Council or the Ontario Municipal Board for the proposed development;
  - vii. 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;
  - viii. A resolution is passed by Vaughan Council classifying the site as a Class 4 Area;
  - ix. The execution of an agreement with the City of Vaughan to construct the proposed public road "A" (extension of Caldari Road) to the new proposed public road "B" (east-west road) and the construction of proposed public road "B" to Jane Street, or suitable interim alternative to the satisfaction of the City of Vaughan, and requiring said public roads to be completed prior to first occupancy of Phase 1a; and,
  - x. Submission of a Traffic Impact Study for Phase 1 to the satisfaction of the City of Vaughan and York Region.

Phase 1b

- i. Water and sewer servicing capacity being identified and allocated by the City of Vaughan;
- ii. City of Vaughan being in receipt of confirmation of the Ministry of Environment's Acknowledgement/Registration of the Record of Site Condition;
- iii. The submission of a noise and vibration impact study, prepared

in consultation with the operator of the "Rail Yard" and the "Existing Industrial Lands", to the satisfaction of the City of Vaughan;

- iv. 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;
- v. 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 of Vaughan may require
- vi. The approval of a Site Development Application by Vaughan Council or the Ontario Municipal Board for the proposed development;
- vii. 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;
- viii. A resolution is passed by Vaughan Council classifying the site as a Class 4 Area;
- ix. That public road "A" (extension of Caldari Road) to public road "B" (east-west road) and public road "B", or suitable interim alternative, are constructed to the satisfaction of the City of Vaughan;
- x. The execution of an agreement with the City that provides for the extension of public road "A" (Caldari Road) north of public road



"B" to a signalized (when warranted) intersection with Rutherford Road, including the signalized intersection and any required, related upgrades to Rutherford Road and public road "B" in its ultimate form, to the satisfaction of the City of Vaughan and York Region. Said agreement shall require that these roads be constructed prior to first occupancy of Phase 1b unless construction at a later phase is supported by a Traffic Impact Study to the satisfaction of the City of Vaughan and Region of York; and,

- xi. Submission of a Traffic Impact Study to the satisfaction of the City of Vaughan and York Region.

#### Phase 2

- i. Water and sewer servicing capacity being identified and allocated by the City of Vaughan;
- ii. City of Vaughan being in receipt of confirmation of the Ministry of Environment's Acknowledgement/Registration of the Record of Site Condition;
- iii. The submission of a noise and vibration impact study, prepared in consultation with the operator of the "Rail Yard" and the "Existing Industrial Lands", to the satisfaction of the City of Vaughan;
- iv. 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;
- v. 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 of Vaughan may require

- vi. The approval of a Site Development Application by Vaughan Council for the proposed development;
- vii. 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;
- viii. A resolution is passed by Vaughan Council classifying the site as a Class 4 Area;
- ix. The extension of public road "A" (Caldari Road) north of public road "B" to a signalized (when warranted) intersection with Rutherford Road, including the signalized intersection and any required, related upgrades to Rutherford Road is constructed to the satisfaction of the City of Vaughan and York Region.
- x. Submission of a Traffic Impact Study to the satisfaction of the City of Vaughan and York Region; and,
- xi. Confirmation that the non-residential component of a minimum of 5,000 square metres (GFA) is being provided.

C. Notwithstanding the provisions of:

- a) Section 2.0 respecting the Definition of a "Lot", "Lot Line, Front", "Parking Space", "Underground Parking Structure", and "Accessory Building";
- b) Subsection 3.8 a) respecting Minimum Parking Requirements;
- c) Subsection 3.8 g) respecting the access and/or driveway requirements;
- d) Subsection 3.9d) respecting Loading Space Requirements;

- e) Subsection 3.13 respecting Minimum Landscaped Areas;
- f) Subsection 3.17 respecting Portions of Buildings Below Grade;
- g) Subsection 3.16 respecting Accessory uses, Building and Structures and Subsection 4.1.1a), c), e), g), h) and k) respecting Accessory Buildings and Structures;
- h) Subsection 4.1.4 b)i) and 4.1.4 b)ii) respecting Parking Areas for Multiple Family Dwellings;
- i) Subsection 4.1.6 a) and c) respecting Minimum Amenity Areas;
- j) Schedule "A" respecting the zone requirements in the RA3 Apartment Residential Zone; and,
- k) Subsection 4.12 respecting permitted uses within the site specific 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) 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;

- a.iii) For the purposes of this By-law, the LOT LINE, FRONT shall be deemed to be Jane Street;
- a.iv) 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 use for the temporary parking of motor vehicles;
- a.v) UNDERGROUND PARKING STRUCTURE – Means a building or structure constructed below finished grade used for the temporary parking of motor vehicles and shall not include the storage of impounded or derelict motor vehicles;
- a.vi) ACCESSORY BUILDING - Means a subordinate building or structure, whether separate or attached, located on the same lot as the main building, the use of which is clearly incidental to that of the main building, not used for human habitation and shall not include a private garage or carport;
- b.i) The minimum number of parking spaces shall be as follows:
  - 0.85 parking spaces per one bedroom unit;
  - 0.95 parking spaces per two bedroom unit;
  - 0.20 parking spaces per residential unit for visitors;
  - 74 parking spaces for the 5,000 m<sup>2</sup> of non-residential gross floor area (GFA). For non-residential GFA above 5,000 m<sup>2</sup>, additional parking shall be provided at a rate of 1.5 spaces per 100 m<sup>2</sup>;
  - Additional parking will not be required for outdoor patios.All parking spaces, either in part or in whole, dedicated

to parking either above or below ground shall remain fully unenclosed.

- ci) A two-way access driveway shall be provided with a maximum width of 15.0 m and shall include a minimum 2 m wide landscaped island/median;
- di) Loading and unloading shall only be permitted between a building and Street "A", provided it is incorporated into the building design;
- ei) A strip of land not less than 3.0 m in width shall be provided along a lot line which abuts a street line, and shall be used for no other purpose than landscaping. This shall not prevent the provision of access driveways across the said strip and shall include both soft and hard landscaping including but not limited to trees, shrubs, flowers, grass, unit pavers, patio stones, concrete, decorative stonework or other architectural elements designed to enhance the visual amenity areas of the property;
- fi) The minimum setback from a lot line to the nearest building or structure below finished grade shall be 0.0m;
- gi) The maximum Gross Floor Area of all accessory buildings and structures shall not exceed 500 m<sup>2</sup>, of which a maximum of 20% shall be permitted on the lands to be used for publicly accessible private amenity space located at grade level and subject to an easement for public access in favour of the City of Vaughan;
- gii) Any accessory building or structure may be located between any portion of the building and the rear lot line, and within the roof-top amenity area located above the podiums;
- giii) In addition to Section 4.1.1 k) Accessory buildings or structures and architectural features may be permitted within the roof top

amenity areas. Where any accessory structure or building or architectural feature is located within the roof top amenity areas, the maximum height of the accessory building or structure or architectural feature shall be measured from the top of the roof surface and shall not be included in determining the overall building height of the podiums;

hi) Landscaping and screening is not required around the periphery of an outdoor parking area;

ii) A Minimum Amenity Area of 16,000 m<sup>2</sup> shall be required over the total site area; and shall include a *publicly accessible privately-owned amenity space* having a minimum area of 1840m<sup>2</sup> and subject to an easement for public access in favour of the City of Vaughan. For the purposes of this By-law *Publicly accessible private amenity space* shall be defined as follows:

*Publicly Accessible Private Amenity Space:* "Means Publicly Accessible Private Amenity space as shown on Schedule "E-\_\_\_\_, and including a pedestrian connection to Jane Street, that are open space lands owned by a Condominium Corporation(s) with an easement for public access in favour of the City of Vaughan located at grade level. Underground parking may be permitted below the *publicly accessible private amenity space* to the satisfaction of the City of Vaughan. Residential, commercial/retail and employment uses are not permitted on the *publicly accessible private amenity space*;

ji) The Minimum *Lot Area* shall be deemed to be 1.67 ha in accordance with subsection (ai) of this By-law;

jiii) The Minimum setback from any public street to any portion of the podium shall be 3.0m;

jiv) The following uses shall be permitted on the subject lands as shown on Schedule "E- \* ":

Phase 1a – One Apartment Dwelling with a maximum building height of 23-storeys and 80m, and;

Phase 1b – One Apartment Dwelling with a maximum of 20-storeys and 73 m,

Phase 2: A minimum 3-storey building that shall include a minimum of 5,000 m<sup>2</sup> of non-residential uses. No building in Phase 2 shall exceed 44 m in height.

For the purposes of this By-law, the maximum building height shall exclude accessory roof construction and architectural roof features, such as elevators, mechanical room, antenna, parapet wall or roof top equipment;

jv) The following provisions shall apply:

- i. A podium shall be a minimum of 3-storeys along Jane Street. The podium shall not exceed 6-storeys;
- ii. Any portion of the podium above the first storey may be set back a maximum of 2.0 m;
- iii. A podium with a minimum height of one-storey and 6.0m shall be provided along Road 'B' (north) and may include an open mezzanine area not exceeding 40 percent of the open area of the unit and in accordance with the provisions of the Ontario Building Code;
  - An open mezzanine within a podium shall not be located along the exterior wall facing a street.
  - An open mezzanine shall not be considered to be a storey;
- iv. Any podium provided along Riverrock Gate shall have a

minimum height of one- storey and 6.0 metres.

- v. A pedestrian connection from Jane Street to the *Publicly Accessible Private Open Space* with a minimum width of 6.0m is required;
  - vi. A minimum of 80% of any podium fronting on Jane Street or Riverrock Gate shall be built to the podium setback line.
  - vii. All residential, and commercial units at grade shall provide a direct entrance to the street, pedestrian connections, or *publicly accessible private amenity space*;
  - viii. The ground floor of any building and any entrance to any unit facing a public street shall be no greater than 0.5 m above the average finished grade;
  - ix. Towers above the podium shall be setback a minimum of 6.0 m from any public street and a minimum of 3.0 m from any *publicly accessible private amenity space*;
  - x. The maximum floorplate of a residential apartment tower above the podium shall not exceed 770 m<sup>2</sup>; and
  - xi. The minimum distance between any portion of a tower to another tower above the podium shall be a minimum of 28 m
- ki) The permitted uses within the site-specific RA3 Apartment Residential Zone on Schedule "E-\*" shall include the following:
- i. Residential uses having a total maximum Gross Floor Area (GFA) of 45,000m<sup>2</sup> and a maximum total of 600 units;
  - ii. Non-residential uses having a minimum Gross Floor



Area (GFA) of 5,000 m<sup>2</sup> consisting only of:

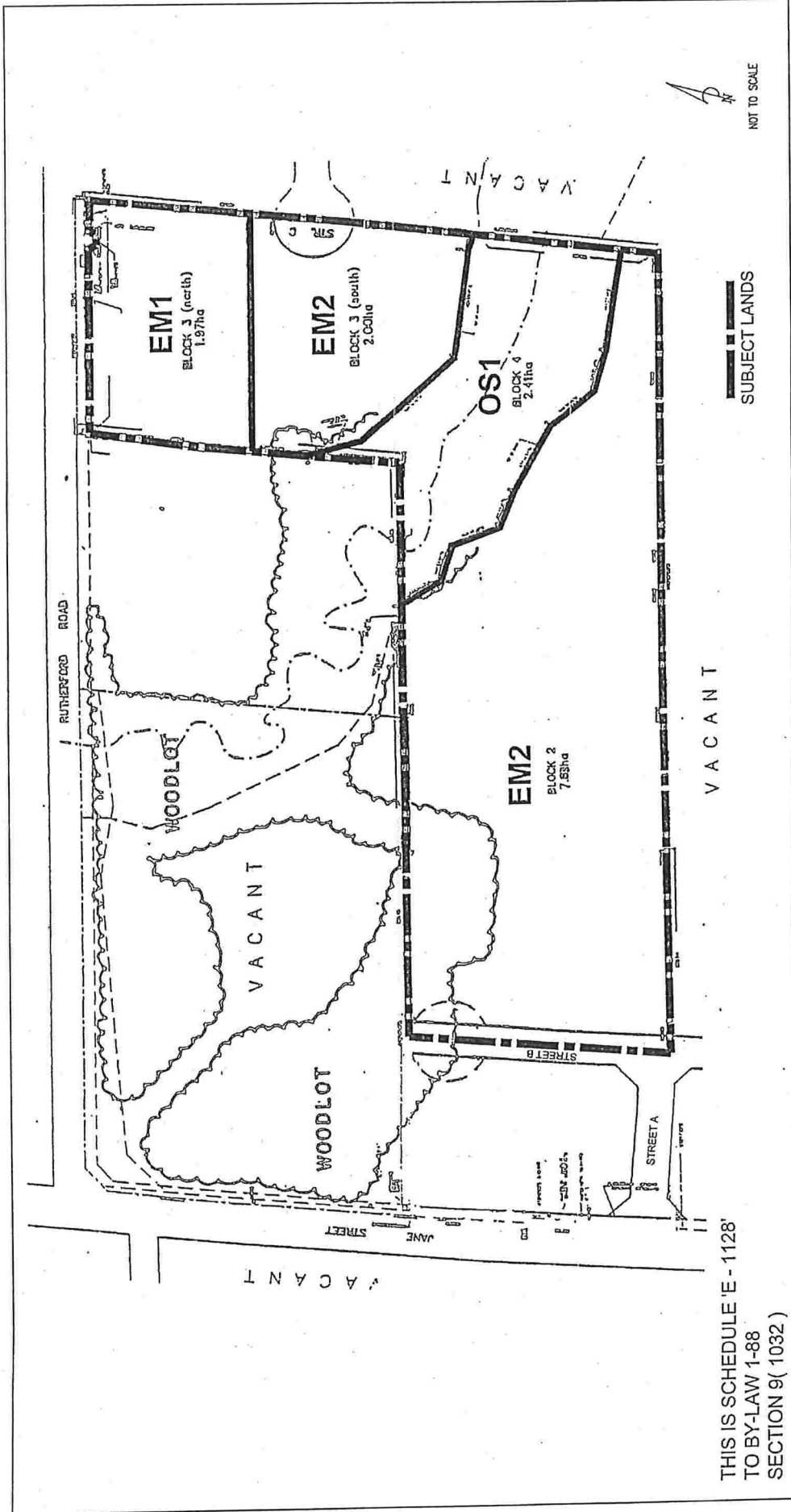
- Business or Professional Office uses having a minimum GFA of 4,200 m<sup>2</sup>, within a minimum 3 storey building; and Commercial uses restricted to the following and having a maximum combined GFA of 800 m<sup>2</sup> with no outdoor storage as follows:

- Banking or Financial Institution;
- Club or Health Centre;
- Day Nursery;
- Dry Cleaning Depot
- Eating Establishment;
- Eating Establishment – Take Out;
- Eating Establishment – Convenience;
- Outdoor patio accessory to an Eating Establishment;
- Personal Service Shop;
- Pharmacy
- Museum or Art Gallery
- Retail store; and
- Studio including Photography Studio;

- The total maximum Gross Floor Area (GFA) for all development on the subject lands as shown on Schedule "E-\* " shall be 50,000 m<sup>2</sup>

- c) Deleting Schedule "E1032" and substituting therefor the Schedule "E-1032" attached hereto as Schedule "1".
- d) Adding Schedule "E-\* " attached hereto as Schedule "2".
- e) Deleting Key Map 4C and substituting therefor the Key Map 4C attached hereto as Schedule 3.

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



THIS IS SCHEDULE 'E' - 1128'  
 TO BY-LAW 1-88  
 SECTION 9( 1032 )

SIGNING OFFICERS  
 \_\_\_\_\_ MAYOR  
 \_\_\_\_\_ CLERK

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

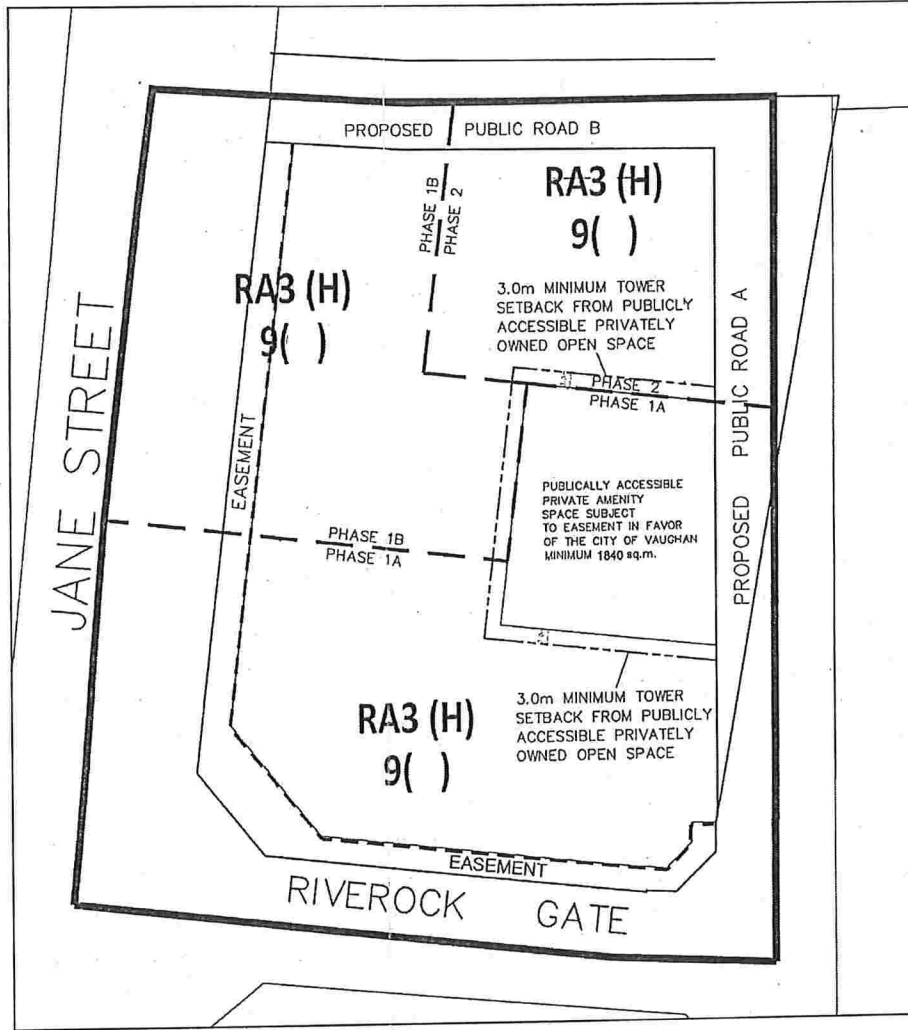
FILE No. Z.07.029  
 RELATED FILE: OP.05.020  
 LOCATION: Part of Lot 4, Concession 15  
 APPLICANT: TESMAR HOLDINGS INC.  
 CITY OF VAUGHAN

LEGEND

- SUBJECT LANDS
- - PHASE BOUNDARIES



The subject lands are designated as a Class 4 Area pursuant to NPC-300



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

NOT TO SCALE

**THIS IS SCHEDULE '2'**  
**TO BY-LAW \_\_\_\_\_ - 2018**  
**PASSED THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2018**

FILE No. Z.07.029  
RELATED FILE: OP.05.020  
LOCATION: Part of Lot 4, Concession 15  
APPLICANT: TESMAR HOLDINGS INC.  
CITY OF VAUGHAN

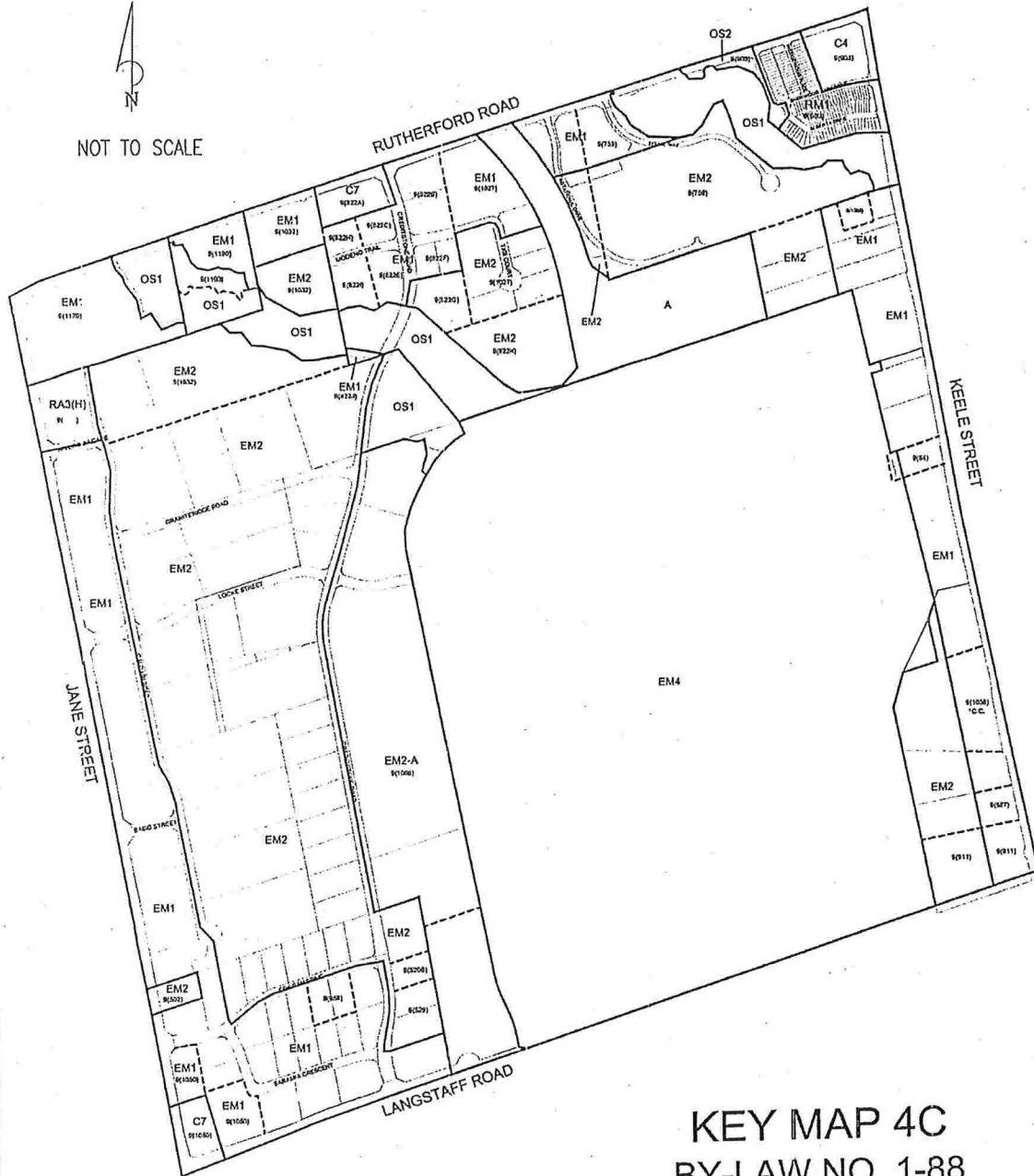
SIGNING OFFICERS

\_\_\_\_\_ MAYOR

\_\_\_\_\_ CLERK



NOT TO SCALE



**KEY MAP 4C**  
**BY-LAW NO. 1-88**

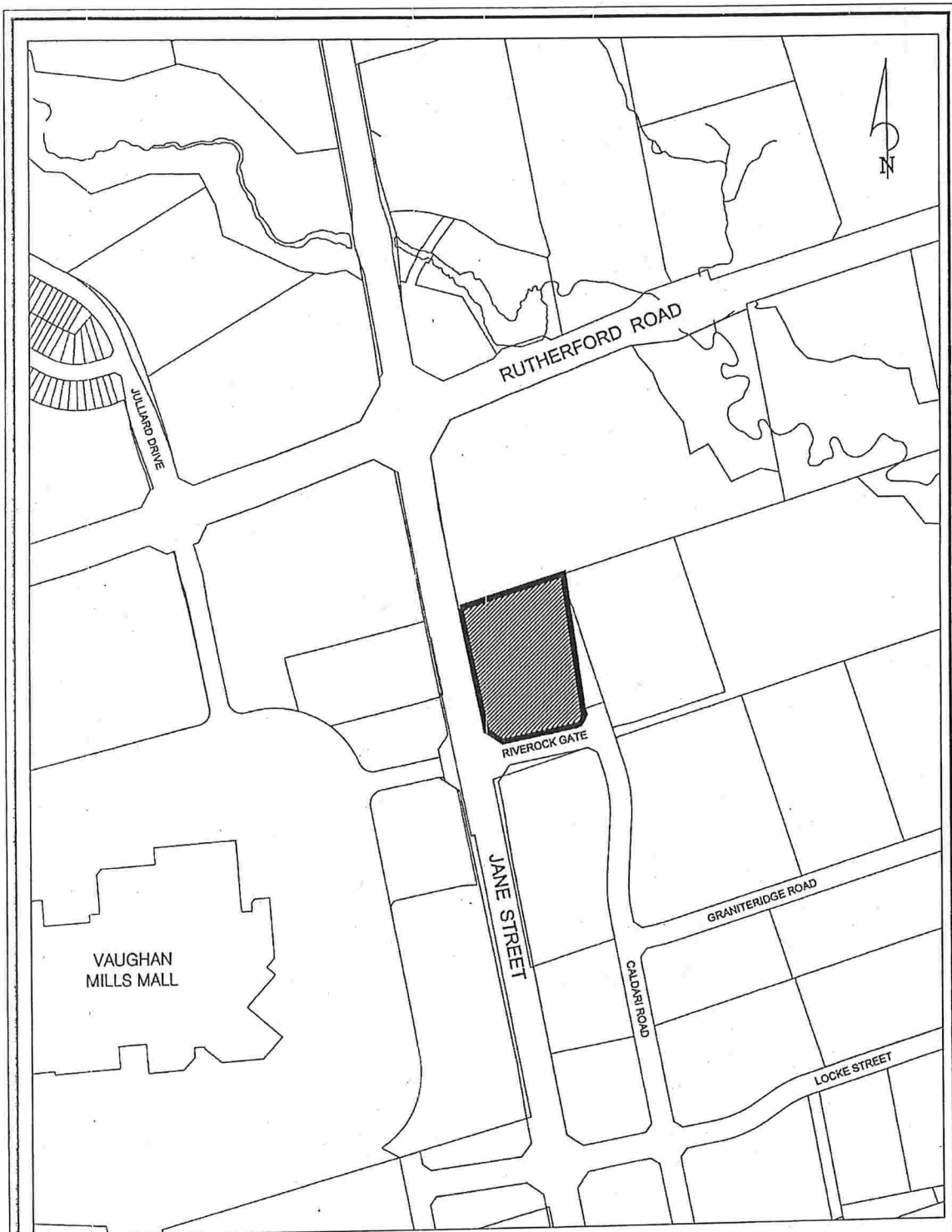
**THIS IS SCHEDULE '3'**  
**TO BY-LAW \_\_\_\_\_ - 2018**  
**PASSED THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2018**

FILE No. Z.07.029  
 RELATED FILE: OP.05.020  
 LOCATION: Part of Lot 4, Concession 15  
 APPLICANT: TESMAR HOLDINGS INC.  
 CITY OF VAUGHAN

SIGNING OFFICERS


\_\_\_\_\_ MAYOR

\_\_\_\_\_ CLERK



NOT TO SCALE

# LOCATION MAP TO BY-LAW \_\_\_\_\_ - 2018

  
SUBJECT LANDS

FILE No. Z.07.029  
RELATED FILE: OP.05.020  
LOCATION: Part of Lot 4, Concession 15  
APPLICANT: TESMAR HOLDINGS INC.  
CITY OF VAUGHAN

## SUMMARY TO BY-LAW - 2018

The lands subject to this By-law are located on the northeast corner of Jane Street and Riverrock Gate, in Lot 15, Concession 4, City of Vaughan.

The purpose of this By-law is to rezone the Subject Lands from C7 Service Commercial Zone to a site specific RA3 Apartment Residential Zone with the addition of the Holding Symbol "(H)". The development requires the following site- specific exceptions to facilitate the proposed use of the lands:

- The lands will be zoned with the "(H)" Holding Symbol and may permit legally existing uses and a Temporary Sales Office until such time that the conditions to remove the Holding Symbol are fulfilled and subject to the requirements in the zoning by-law;
- An amendment to the definition of a *lot* is proposed that would allow the subject lands to be considered one lot for purposes of zoning irrespective of any future severances, conveyances after the day this By-law is approved;
- For the purpose of this By-law, Jane Street is deemed to be the Lot Line, Front;
- Establishes a minimum parking ratio requirement for the proposed development;
- Permits a maximum driveway width of 15 m;
- A provision that will allow a loading space between a building and Street "A";
- A reduction in the landscape strip requirements to 3.0 proposed adjacent to a street line;
- A reduction in the minimum setback to a lot line of 0.0m for those portions of building below grade is proposed;
- Accessory building and structures and architectural features shall be permitted between any part of the building and the rear lot line and within the rooftop amenity area, up to a maximum GFA of 500 m<sup>2</sup> for all buildings and structures;
- An exemption from the landscaping and screening requirements required in 4.1.4 is proposed for any surface parking proposed including but not limited to the provision of lay-by parking;
- A Minimum Amenity Area of 16,000 square metres shall be required and includes the requirement for a publicly accessible but privately-owned amenity space area of 1840 m<sup>2</sup>;
- Minimum *lot* area is deemed to be 1.67 hectares;
- Minimum setback of 3.0 m to a podium is proposed;
- Maximum building heights of 20-storeys (73 m) and 23-storeys (80 m), exclusive of any architectural roof features, mechanical rooms, roof top equipment, etc. is proposed;
- Establishes the following additional buildings standards:
  - o Requirement for a minimum 3-storey podium along Jane Street and 1-storey and 6.0 m podium along Riverrock gate and Road 'B' (north);
  - o Any portion of the podium above the first storey may be set back a maximum of 2.0 m;
  - o The 1-storey/6.0 m podium may include an open mezzanine/loft area not exceeding 40 percent of the open area of the unit and in accordance with the provisions of the Ontario Building Code;
    - An open mezzanine/loft shall not be located along the exterior wall facing a street;
    - An open mezzanine/loft shall not be considered to be a storey;
  - o Requires a pedestrian connection from Jane Street to the publicly accessible private amenity space with a minimum width of 6.0 m;
  - o Requires 80% of the building frontage in the podium to be built to the setback line along Jane Street;
  - o Residential and commercial and/or office units at grade shall provide direct entrance into the public realm;
  - o Ground floor of buildings no greater than 0.5 m above the average finished grade;
  - o Minimum floor to floor height of 4.5 m for commercial and/or offices uses at grade;
  - o Towers above the 3 storey podium are required to be setback a minimum of 6.0m from a public street and 3.0 m from publicly accessible private amenity space;

- Maximum residential apartment tower floor plate above 3 storey podium shall not exceed 770 square m;
  - Minimum distance between apartment residential towers above 3 storey podium shall be 28 m;
- Permits residential uses with a maximum gross floor area of 45,000 m<sup>2</sup> and a maximum total of 600 units;
- Permits non-residential uses with a minimum gross floor area of 5,000 m<sup>2</sup>;
  - Business and Professional Office uses shall have a minimum gross floor area of 4,200 m<sup>2</sup>;
  - Commercial uses shall have a maximum gross floor area of 800 m<sup>2</sup>;
- Total maximum gross floor area for all development on the subject lands shall be 50,000 m<sup>2</sup>;
- The By-law includes provisions regarding the phasing of development;
- The By-law includes provisions that confirm the site is classified as a Class 4 Area and includes requirements such as the submission of a noise impact study, among other things.



## ATTACHMENT 2

L.P.A.T. Case No. PL141275

### LOCAL PLANNING APPEAL TRIBUNAL

**IN THE MATTER OF** proceedings commenced under subsections 41(12) of the *Planning Act*, R.S.O. 1990, c.P.13, as amended.

Appellant: Tesmar Holdings Inc.  
Subject: Site Plan Referral  
Subject Lands: Northeast corner of Jane Street and Riverrock Gate, Part of Lot 15,  
Concession 4  
Municipality: City of Vaughan  
L.P.A.T. Case No.: PL141275  
L.P.A.T. File No.: PL141275

**THIS MATTER** having come on for a public hearing,

**THE TRIBUNAL ORDERS** that in accordance with the provisions of sections 41(12.1) of the *Planning Act*, R.S.O. 1990, c.P.13, as amended:

1. The plans and drawings filed as Exhibit 33 and identified in Table 1 attached hereto are hereby approved subject to the conditions attached hereto as Appendix A.
2. The Tribunal may be spoken to should any issues arise with respect to the implementation of this Order, including the implementation of the site plan conditions in Appendix A.

**Table 1**

<b>Plan/Drawing</b>	<b>Date</b>
A101 Site Plan	December 7, 2017
A102 Site Plan and Statistics	March 22, 2018
A250 P4 Underground Parking Plan	December 7, 2017
A251 P3 Underground Parking Plan	December 7, 2017
A252 P2 Underground Parking Plan	December 7, 2017
A253 P1 Underground Parking Plan	December 7, 2017
A301 Tower A+B 1st Floor	January 23, 2018
A302 Tower A+B 2nd Floor	January 23, 2018
A303 Tower A+B 3rd Floor	January 23, 2018
A304 Tower A+B 4th Floor	January 23, 2018
A305 Tower A+B 5th Floor	January 23, 2018
A306 Tower A+B 6th Floor	January 23, 2018
A307 Tower A+B 7th Floor	January 23, 2018
A308 Tower A+B 8th Floor	January 23, 2018
A309 Tower A+B 9th Floor	January 23, 2018
A310 Tower A+B 10th to 16th Floors	January 23, 2018
A311 Tower A+B 17th to 20th Floors	January 23, 2018
A312 Tower A+B 21st Floor	January 23, 2018
A313 Tower A+B 22nd and 23rd Floors	January 23, 2018
A314 Tower A+B Mech	January 23, 2018
A315 Tower A+B Roof	January 23, 2018
A401 Tower A+B East Elevation	December 7, 2017
A402 Tower A+B West Elevation	December 7, 2017
A403 Tower A+B South Elevation	December 7, 2017
A404 Tower A+B North Elevation	December 7, 2017
A501 Tower A Building Section	December 7, 2017
A502 Tower A Building Section	December 7, 2017
A503 Tower A Building Section	December 7, 2017
A504 Tower A Building Section	December 7, 2017
A505 Tower A Building Section	December 7, 2017
A506 Tower B Building Section	December 7, 2017
A507 Tower B Building Section	December 7, 2017
SS-1 Site Servicing Plan	June 25, 2018
SG-1 Site Grading Plan	June 25, 2018
TA-1 Storm Tributary Plan	June 25, 2018
TA-2 Sanitary Tributary Plan	June 25, 2018
PP-1 Plan and Profile of Public Road A	June 25, 2018

PP-2 Plan and Profile of Public Road B	June 25, 2018
SEC-1 Cross-Sections	June 25, 2018
SEC-2 Cross-Sections	June 25, 2018
SEC-3 Cross-Sections	March 23, 2018
SEC-4 Cross-Sections	March 23, 2018
SEC-5 Cross-Sections	March 23, 2018
City of Vaughan Standard Drawings D-1	June 25, 2018
UT-1 Utility Coordination Plan	March 23, 2018
PM-1 Pavement Marking and Signage Plan	March 23, 2018
CM-1 Construction Management Plan	March 23, 2018
CM-2 Construction Management Plan	March 23, 2018
CM-3 Construction Management Plan	March 23, 2018
GN-1 General Notes Plan	June 25, 2018
LS-100 Ground Floor Landscape Site Plan	April 23, 2018
LS-101 Terrace Plan	April 23, 2018
LD-100 Landscape Details	April 28, 2018
LD-101 Landscape Details	April 23, 2018
LD-102 Landscape Details	April 9, 2018
LD-103 Landscape Details	April 9, 2018
SL-1 Streetlight Design	May 4, 2018
SL-2 Streetlight Design Detail Sheet	May 4, 2018
PHOTO-1 Photometric Analysis	December 1, 2017

## APPENDIX A

Tesmar Holdings Inc.

### City of Vaughan Site Plan Conditions

#### Planning Department

1. The Owner acknowledges and agrees that it must submit a final site plan submission, including all required drawings, plans and reports, and therefore, these conditions of approval may be revised as a result of the City's review.
2. The Owner shall submit a revised Landscape/Streetscape Plan to the satisfaction of the City that, inter alia, depicts an enhanced streetscape treatment along Jane Street to appropriately provide screening of the ground floor residential units and terraces and also addresses the corner gateway treatment.
3. Prior to the execution of the Site Plan Agreement the Owner shall provide the final building elevations, landscape plan and landscape cost estimate and sun / shadow analysis to the satisfaction of the Development Planning Department, and post all required Letter(s) of Credit and proof of liability insurance to the satisfaction of the Development Planning Department.
4. Should archaeological resources be found on the property during development activities (construction, topsoil removal etc.), all work must cease and both the Ontario Ministry of Tourism, Culture and Sport and the City of Vaughan's Development Planning and Heritage staff shall be notified immediately.
5. In the event that human remains are encountered during construction activities, the proponent must immediately cease all construction activities. The proponent shall contact the York Regional Police Department, the Regional Coroner and the Registrar of the Cemeteries Regulation Unit of the Ministry of Consumer and Business Services.
6. The Owner shall convey land at the rate of 1 hectare per 300 units and/or pay to Vaughan by way of certified cheque, cash-in-lieu of the dedication of parkland at the rate of 1 hectare per 500 units, or at a fixed unit rate, prior to the issuance of a Building Permit, in accordance with the *Planning Act* and the City's cash-in-lieu policy.

#### Financial Planning and Development Finance Department

7. The Owner shall pay to the City applicable Development Charges in accordance with the Development Charges By-laws of the City of Vaughan, Region of York, York Region District School Board and York Catholic District School Board.

#### Parks Development

The following warning clauses shall be included in all Offers of Purchase and Sale or Lease for all units:

8. "Purchasers and/or tenants are advised that designated parkland within the community may not be fully developed at the time of occupancy. The timing of development, phasing and programming of parkland is at the discretion of the City."
9. "Purchasers and/or tenants are advised that there may be a neighbourhood park in the vicinity of this development and that lighting and noise may be expected from the use of the park for recreation purposes."

#### Canada Post

10. As the buildings in this project consist of more than two adjoining units, sharing a common indoor entrance, the developer/owner must supply, install and maintain a centralized mailbox facility to Canada Post's specifications. The Owner shall contact Canada Post to discuss a suitable mailbox/mailroom location

#### Bell Canada

11. The Owner will grant to Bell Canada any easements that may be required, which may include a blanket easement, for communication/telecommunication infrastructure. In the event of any conflict with existing Bell Canada facilities or easements, the Owner shall be responsible for the relocation of such facilities or easements.
12. The Owner to contact Bell Canada during detailed design to confirm the provision of communication/telecommunication infrastructure needed to service the development.
13. Bell Canada is Ontario's principal telecommunications infrastructure provider, developing and maintaining an essential public service. It is incumbent upon the Municipality and the Developer to ensure that the development is serviced with communication/telecommunication infrastructure. In fact, the 2014 Provincial Policy Statement (PPS) requires the development of coordinated, efficient and cost-effective infrastructure, including telecommunications systems (Section 1.6.1). Prior to commencing any work, the Owner must confirm that sufficient wire-line communication/telecommunication infrastructure is available. In the event that such infrastructure is unavailable, the Developer shall be required to pay for the connection to and/or extension of the existing communication/telecommunication infrastructure.
14. If the Owner elects not to pay for the above noted connection, then the Developer will be required to demonstrate to the satisfaction of the Municipality that sufficient alternative communication/telecommunication will be provided to enable, at a minimum, the effective delivery of communication/telecommunication services for emergency management services (i.e., 911 Emergency Services).

#### Enbridge

15. The Owner shall contact Enbridge Gas Distribution's Customer Connections department by emailing SalesArea30@enbridge.com for service and meter installation details and to ensure all gas piping is installed prior to the commencement of site landscaping (including, but not limited to: tree planting, silva cells, and/or soil trenches) and/or asphalt paving. If the gas main needs to be relocated as a result of changes in the alignment or grade of the future road allowances or for temporary gas pipe installations pertaining to phase construction, all costs are the responsibility of the applicant. Easement(s) are required to service this development and

any future adjacent developments. The applicant will provide all easement(s) to Enbridge Gas Distribution at no cost.

16. In the event a pressure reducing regulator station is required, the applicant is to provide a 3 metre by 3 metre exclusive use location that cannot project into the municipal road allowance. The final size and location of the regulator station will be confirmed by Enbridge Gas Distribution's Customer Connections department. For more details contact SalesArea30@enbridge.com.

#### Alectra

17. The owner, or agent, of this proposed plan is required to contact Alectra and discuss all aspects of the above project. The standard electrical supply to Industrial, Commercial, Institutional and High Rise Condominium projects is via a pad mounted transformer. The proposed transformer shall be located 6m (or more) from windows, doors, vents and any flammable materials on the building site. In the event the 6m clearance cannot be achieved, Alectra will require the installation of a fire/blast wall (6"poured reinforced concrete, 8"solid block, or 12" hollow 85% fill). The transformer must also be located within 3-4.5m of a parking area, driveway or hard surface for access by service vehicles. The access must be from within the customer's property, not from a local roadway or adjacent properties, and must provide adequate access for a line truck. Primary voltage duct bank standards and the transformer base and grounding standards will be provided to the customer once the primary supply point(s) have been established by Alectra, and the customer's main service size has been established by their Consultant.
18. All proposed billboards, signs, and other structures associated with the development must maintain minimum clearances to the existing overhead or underground electrical distribution system as specified by the applicable standards, codes and acts referenced.
19. The transformer precast base cannot be located over parking structures or over an underground parking garage. Where the transformer is to be situated on a graded slope, a notched-out area must be established for the transformer base to be installed, with adequate space to accommodate the grounding requirements and guard post/bollards if required. The primary duct bank cannot be integrated into the poured flooring of the building.
20. Alectra will require one architectural site plan showing the proposed transformer location, one electrical site plan, and an electrical single-line drawing, both in hard copy (PDF file, P.Eng. approved version) and electronic AutoCAD (latest version), along with the completed and signed Service Application Information Form (SAIF). Additionally, a complete building elevation drawing (including subsurface excavations) is required to ensure the project is not in conflict with any existing overhead or underground components of the electrical distribution system.
21. Alectra also requires a letter from the owner, or the agent, stating that the proposed building-to-existing electrical distribution system clearances have been checked and are in compliance with the current requirements of the applicable standards, acts and codes referenced below.
22. In the event that the building commences construction, and the clearance between any component of the building structure and the adjacent existing overhead and underground electrical distribution system violates the Occupational Health and Safety Act, the customer will

be responsible for 100% of the costs associated with Alectra making the work area safe. All construction work will be required to stop until the safe limits of approach can be established.

23. In the event the building is completed, and the clearance between the building and the adjacent existing overhead and underground electrical distribution system violates the any of applicable standards, acts or codes referenced, the customer will be responsible for 100% of Alectra's cost for any relocation work.
24. Once Alectra has received all proposed details and are satisfied with the design, Alectra will provide the customer with an *Offer to Connect* which will specify all the details and the responsibilities of each party. Once the Offer is signed and full payment received by Alectra, Alectra will start the final design and state and/or obtain the required approvals from the Local Municipality.
25. The information on the SAIF must be as accurate as possible to reduce unnecessary customer costs, and to provide a realistic In-Service Date. The information from the SAIF is also used to allocate/order materials, to assign a Technician to the project, and to place the project in the appropriate queue.
26. If the customer intends to use the permanent transformer for providing temporary power during construction, the temporary service requirements on the Application Form must be included. Amperage, voltage and the proposed secondary cable sizes, in order to calculate the cost in the *Offer to Connect*, are to be provided.
27. When the customer is ready to proceed, they will need to contact the New Connections Call Centre at (905) 417 -6900 ext. 25713, or toll free 1-877- 963- 6900 ext. 25713 to obtain a Service Application Information Form (SAIF).

#### Vaughan Development Engineering

28. Prior to the execution of the Site Plan Agreement:
  - a) The Development Engineering Department shall receive and approve the final site servicing and grading plan, erosion control plan, functional servicing and storm water management reports and drawings, site illumination plan, utility coordination plan, geotechnical and hydrogeological assessment, and Traffic Impact Study (TIS), to the satisfaction of the City.
  - b) The Owner shall submit to the City a detailed environmental noise assessment and vibration report for the proposed development on the lands prepared in accordance with Ministry of the Environment and Climate Change noise assessment criteria as defined in Publication NPC-300, "Environmental Noise Guideline-Stationary and Transportation Noise Sources", to the satisfaction of the City. The Owner shall agree in the site plan agreement to implement the recommendations of the final noise report into the design and construction of the buildings on the lands, and include all necessary warning statements on all agreements of purchase and sale or lease of individual units, all to the satisfaction of the City. The Owner shall reimburse the City for the cost of the peer review of the Noise Report and the City's costs related to the retention of its noise expert for the OMB proceedings related to the lands.

- c) The Owner shall submit a Transportation Demand Management Plans (TDM Plans), prepared by a qualified professional transportation consultant, for each phase of the development including a plan for the existing and future phase(s). The TDM Plan shall identify objectives, targets, measures, monitoring, and management plan, including roles and responsibilities of the landowners. In addition, the TDM Plan shall include a budget for the full cost of implementing the TDM measures, including operational financial consideration. All TDM Plans shall be completed to the satisfaction of the Development Engineering Department.
  - d) The Owner shall enter into a Development Agreement, and any other necessary agreements, with the City to satisfy all conditions, financial or otherwise, of the City with regard to such matters the municipality may consider necessary including payment of the development levies, financial securities, cost sharing, the design and construction of the Caldari Road extension and Street B, including the necessary improvements to Riverrock Gate and the existing intersection of Riverrock Gate and Caldari, and the installation of the necessary municipal services and utilities. The said agreement (s) shall be registered against the lands to which it applies and to the satisfaction of the Development Engineering Department. The Development Agreement shall be executed and registered prior to final Site Plan Approval.
  - e) The Owner shall pay the applicable fees pursuant to the current Fees and Charges By-law including the Development Engineering Site Plan Complex review fee and water charges during building construction.
  - f) The Owner shall satisfy all requirements of the Environmental Services Department, Solid Waste Management Division. The Owner shall also agree in the Site Plan Agreement to include a statement in all agreements of Purchase and Sale or Lease advising all future owners and residents of the details regarding solid waste collection and that the development will have private waste collection services.
29. The Owner shall enter into a Development Agreement, which the Owner agrees shall include inter alia the following requirements:
- a) Design and construct the Caldari Road extension and Street B including the necessary improvements to Riverrock Gate and the existing intersection of Riverrock Gate and Caldari Road, and install the necessary municipal services, and signal installation (including costs or proportionate share), and utilities, all to the satisfaction of the City.
  - b) Submit a geotechnical report that identifies the existing site conditions and provides recommendations for the design and construction of the proposed municipal infrastructure and services including a pavement design structure for ideal and non-ideal conditions to the satisfaction of the City. The Owner shall agree in the Development Agreement to carry out, or cause to carry out, the recommendations of the report, to the satisfaction of the City.
  - c) Submit a functional servicing report and a detailed storm water management report that describes the storm drainage system for the proposed site development and the Caldari Road Extension and Street B, which report shall include:



- i. Plans to illustrate how this drainage system will tie into surrounding drainage systems, and indicating whether it is part of an overall drainage scheme, how external flows will be accommodated, and the design capacity of the receiving system;
- ii. The location and description of all outlets and other facilities;
- iii. Storm water management techniques, which may be required to control minor and major flows; and
- iv. Proposed methods of controlling or minimizing erosion and siltation on-site and in downstream areas during and after construction.

The Owner shall agree in the Development Agreement to carry out, or cause to carry out, the recommendations set out in any and all the aforementioned reports to the satisfaction of the City.

- d) Undertake a comprehensive engineering condition and capacity assessment of the existing watermain, sanitary sewer and storm sewer located within the future Caldari Road extension to determine if this existing infrastructure meets City standards and specifications for municipal services, all to the satisfaction of the City. The Owner shall remove and replace any component of this existing infrastructure that fails to meet City requirements at no cost to the City.
- e) Coordinate the design and construction of the Caldari Road extension and Street B with the adjacent landowner to the north (Rutherford Land Development Corp.) including the associated utilities and municipal services to the satisfaction of the City.
- f) Design and construct street lighting/pedestrian scale lighting system on the Caldari Road extension and Street B to the satisfaction of the City. The streetlight system shall use LED luminaire, pole type and type of fixtures (or equivalent) in accordance with the City Standards and Specification and the City's Streetscape/Open Space Master Plan.
- g) Pay its proportionate share of the cost of any external municipal services that have been designed and oversized by others to accommodate the development of the lands.
- h) Convey any lands and/or easements to the City, free of all costs and encumbrances, that are necessary to construct the municipal services for the site development, which may include any required easements and/or additional lands within and/or external to the Site Plan Application, to the satisfaction of the City including but not limited to:
  - i. The necessary land for the northerly extension of Caldari Road and Street B satisfactory to the City and in accordance with an "R-Plan" that is satisfactory to the City;
  - ii. 5.0 metre by 5.0 metre daylight triangle and 0.3m reserves at the south-west corner of the intersection of Caldari Road and Street B; and
  - iii. 8.0 metre by 8.0 metre daylight triangle and 0.3m reserves at the north-west corner of the intersection of Caldari Road and Riverrock Gate.
- i) Submit prior to the removal of the Holding Symbol "(H)" and/or conveyance of land, and/or any initiation of grading or construction on the lands:

- i. a Phase One Environmental Site Assessment (ESA) report and, if required and as applicable, a Phase Two ESA, Remedial Action Plan (RAP), Phase Three ESA report in accordance with Ontario Regulation (O. Reg.) 153/04 (as amended) for the lands. The sampling and analysis plan prepared as part of the Phase Two ESA, Phase Three ESA, and RAP shall be developed in consultation with the City, implemented, and completed to the satisfaction of the City.
  - ii. Should a change to a more sensitive land use as defined under O. Reg. 153/04 (as amended) or remediation of any portions of lands be required to meet the applicable Standards set out in the Ministry of the Environment and Climate Change (MOECC) document "Soil, Ground Water and Sediment Standards for Use under Part XV.1 of the Environmental Protection Act" (as amended), submit a complete copy of the satisfactory registration of the Record(s) of Site Condition (RSCs) filed on the Environmental Site Registry including the acknowledgement letter from the MOECC, covering all the lands. In the alternative, the Owner may submit updated reports and a Letter of Reliance for the purpose of lifting the "H" Holding Symbol in the Zoning By-law, with acknowledgement of filing an updated RSC to follow.
  - iii. Submit a signed and stamped certificate letter prepared by the Owner's Environmental Qualified Person/Professional (QP) stating that they covenant and agree that all lands and any lands and easements external to the lands to be dedicated to the City and the Region were remediated in accordance with O. Reg. 153/04 (as amended) and the accepted RAP (if applicable), are suitable for the intended land use, and meet the applicable Standards set out in the MOECC document "Soil, Ground Water and Sediment Standards for Use under Part XV.1 of the Environmental Protection Act" (as amended).
  - iv. Reimburse the City for the cost of the peer review of the ESA reports and RAP, as may be applicable.
- j) The Owner shall make the necessary arrangements with the City's Environmental Services Department for the supply of potable water for construction purpose and implement a water flushing program to maintain the water quality on the Caldari Road extension and Street B to City standard. The Owner shall be responsible for all costs incurred by the City in connection with the water used for testing and flushing the water distribution system.

30. The Owner shall agree to include inter alia the following provisions in the Site Plan Agreement:

- a) The Owner shall agree to implement the recommendations of the final noise report into the design and construction of the buildings on the lands, and include all necessary warning statements on all agreements of purchase and sale or lease of individual units, all to the satisfaction of the City.
- b) Prior to occupancy of each unit, a noise consultant shall certify that the building plans are in accordance with the noise control features recommended by the approved Noise Report. Where wall, window and/or oversized forced air mechanical systems are required by the Noise Report, these features be certified by a Professional Engineer at the City's request. The Engineer's certificate must refer to the final Noise Report and be submitted to the City's Chief Building Official and the Director of Development Engineering.

- c) The Owner shall agree in the Site Plan Agreement to include the necessary warning clauses in agreements of Offer of Purchase and Sale, lease/rental agreements and condominium declarations including but not limited to the following:
- "Purchasers and/or tenants are advised that Caldari Road will be extended northerly to intersect with Rutherford Road in the future in accordance with Vaughan Mills Center Secondary Plan to facilitate development of adjacent lands."
  - "Purchasers/tenants are advised that despite the inclusion of noise control features in the development and within the individual dwelling units, sound levels from increasing road traffic and adjacent employment/industrial uses may on occasion interfere with some activities of the dwelling occupants as the sound level may exceed the Ministry of Environment and Climate Change's environmental noise guidelines NPC-300."
- d) Prior to occupancy of each dwelling unit, the Owner shall submit to the City satisfactory evidence that the required warning clauses have been included in the Offer of Purchase and Sale, lease/rental agreements and condominium declarations.
- e) The Owner shall make the necessary arrangements with the City's Environmental Services Department for the supply of potable water for construction purpose and implement a water flushing program to maintain the water quality.

#### Region of York

31. The Owner shall satisfy all requirements of the Region of York, including execution of necessary agreements.