

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF OCTOBER 19, 2016

Item 14, Report No. 34, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on October 19, 2016.

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**ZONING BY-LAW AMENDMENT FILE Z.16.033
MET RESIDENCES CORP. C/O P. IABONI
SITE DEVELOPMENT FILE DA.16.033
BERKELEY COMMERCIAL (JANE) INC.
WARD 4 - VICINITY OF JANE STREET AND PORTAGE PARKWAY**

The Committee of the Whole recommends approval of the recommendation contained in the following report of the Deputy City Manager, Planning & Growth Management, Director of Development Planning and Senior Manager of Development Planning, dated October 5, 2016:

Recommendation

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

1. THAT Zoning By-law Amendment File Z.16.033 (Met Residences Corp. c/o P. Iaboni) BE APPROVED, to remove the Holding Symbol "(H)" on the entirety of the subject lands shown on Attachments #1 and #2, thereby effectively zoning the subject lands C9 Corporate Centre Zone, subject to site-specific Exception 9(1433).
2. THAT Site Development File DA.16.033 (Berkeley Commercial (Jane) Inc.) BE APPROVED, to permit the development of the subject lands shown on Attachments #1 and #2 with a 35-storey apartment building (510 units) and 3-storey ground-related residential units (62 units: 57 back-to back townhouse units - Blocks "B", "C", "D", "E", and "G", and 5 townhouse units - Block "F") for a total of 572 units and with a density of 4.1 Floor Space Index (FSI), as shown on Attachments #3 to #13, subject to the following conditions:
 - a) that the Vaughan Office of the City Solicitor be authorized to prepare a Limiting Distance Agreement to be registered on the title of the subject lands and the abutting city-owned lands (Edgeley Pond and Park), which has the effect of prohibiting development on the northerly 2.7 m to 6 m of the city-owned lands within the vicinity of the subject lands, as shown on Attachment #3, to the satisfaction of the City of Vaughan, and that the Owner shall be responsible for all costs associated with the preparation and registration of the Limiting Distance Agreement. The City Clerk is hereby authorized to execute the Limiting Distance Agreement in a form satisfactory to the Chief Building Official and the City Solicitor;
 - b) prior to the execution of the Site Plan Agreement:
 - i) the Vaughan Development Planning Department shall approve the final site plan, building elevations, landscape cost estimate, landscape plans, including a tree replacement and compensation plan, and the interim landscape treatment plan for the north boulevard of Portage Parkway;
 - ii) the Vaughan Development Engineering and Infrastructure Planning (DEIP) Department shall approve the final site servicing plan, site grading plan, functional servicing and stormwater management report and drawings, noise report, geotechnical and hydrogeological assessment, the Traffic Demand Management (TDM) Plan, external lighting plan, and the utility coordination plan;

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- iii) the Owner shall enter into a Development Agreement with the City of Vaughan for the following:
 - a) Jane Street streetscape and the interim landscape treatment on the north boulevard of Portage Parkway;
 - b) the construction of the Portage Parkway right-of-way to the terminus west of the Black Creek, as shown on Attachment #3; and,
 - c) the buffer lands (OS2 Zone – Open Space Park Zone, as shown on Attachment #3).

The Development Agreement will acknowledge that the design and implementation of the Portage Parkway right-of-way will include an interim landscape condition on the north boulevard, to the satisfaction of the Vaughan DEIP, Development Planning, and Parks Development Departments;

- iv) the Owner shall satisfy all requirements of the Vaughan Environmental Services Department, Solid Waste Management Division;
- v) the Owner shall satisfy all requirements of the Toronto and Region Conservation Authority (TRCA), including, but not limited to, obtaining an Ontario Regulation 166/06 permit from the TRCA; and, the site servicing and grading plans, which shall conform to the conceptual Black Creek remediation works, the stormwater management report, the hydrogeological assessment, and the dewatering plan, shall be reviewed, to the satisfaction of the TRCA;
- vi) The Owner shall enter into an Encroachment Agreement with the City of Vaughan to permit a private walkway to encroach on the city-owned lands located at the south east corner of the subject lands along the south property limit, to the satisfaction of the Vaughan Office of the City Clerk and the Vaughan Development Planning Department;
- vii) The Owner shall convey an easement in favour of the City of Vaughan through a separate reference plan, and associated Easement Agreement prepared by the Owner, that facilitates an open and unencumbered public access along the south property line and extending eastward from the west property line (Jane Street) to the west edge of Building “E”, between the subject lands and the OS2 Open Space Park Zone; generally in the location shown on Attachments #3 and #4, to the satisfaction of the Vaughan Development Planning and Parks Development Departments and the Vaughan Office of the City Solicitor;
- viii) If the 3D digital model of the development has not been completed by the Owner and provided to the City prior to the execution of the Site Plan Agreement, the Owner shall provide a separate Letter of Credit in a format satisfactory to the City of Vaughan in the amount of \$15,000.00 to guarantee the completion of the final 3D digital model, which shall include the accurately geo-referenced digital data, as outlined in the Draft VMC Submission Protocol, to the satisfaction of the Vaughan Development Planning Department;

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- c) prior to the issuance of an above-grade Building Permit by the City of Vaughan, the Owner shall enter into a Site Plan Agreement with York Region;
- d) that the Site Plan Agreement shall include the following clauses:
 - i) “For residential high-rise developments, the Owner shall pay to the City of Vaughan by way of certified cheque, cash-in-lieu of the dedication of parkland equivalent to 5% of the value of the subject lands, prior to the issuance of any Building Permit, or a fixed unit rate per unit, whichever is higher in accordance with the *Planning Act* and the City’s cash-in-lieu policy.”
 - ii) “The Owner shall pay to the City of Vaughan an amount to be determined through the Development Agreement for the tree restoration within the OS2 Open Space Park Zone adjacent to the subject lands along the interface of the Edgeley Pond and Park, to the satisfaction of the Vaughan Development Planning and Parks Development Departments”;
 - iii) “The Owner shall pay to the City of Vaughan all applicable Development Charges in accordance with the Development Charges By-laws of the City of Vaughan, York Region, York Region District School Board and York Catholic District School Board, prior to the issuance of any building permit, to the satisfaction of the Vaughan Financial Planning and Development Finance Department.”
 - iv) “Upon Site Plan Approval of Site Development File DA.16.033, the Owner shall begin to coordinate with the City of Vaughan on the design and construction of the streetscape works for:
 - Jane Street at an enhanced level of streetscape; and,
 - Portage Parkway at a standard urban level of streetscape.

The streetscape works shall be in accordance with the City’s standards, the “City-wide Streetscape Implementation Manual” and “VMC Streetscape & Open Space Plan”, and shall complement with the approved landscape plans and ensure a seamless integration to the Edgeley Pond and Park design, to the satisfaction of the Vaughan DEIP, Development Planning, and Parks Development Departments.”

- v) “The Owner acknowledges that all the portions of the subject lands that interface with Jane Street and the Edgeley Pond and Park design area shall be subject to a future design coordination with the City of Vaughan for the Jane Street enhanced level of service, and the Edgeley Pond and Park design, to the satisfaction of the Vaughan DEIP, Development Planning, and Parks Development Departments.”
- vi) “The Owner acknowledges that the portions of the subject lands that interface with Portage Parkway shall be subject to future coordination through the detailed design of Portage Parkway as initiated by the City of Vaughan.”

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- vii) “Should archaeological resources be found on the property during construction activities, all work must cease and the Ontario Ministry of Tourism, Culture and Sport and the Vaughan Development Planning Department, Urban Design and Cultural Heritage Division shall be notified immediately.”
 - viii) “In the event that human remains are encountered during construction activities, the Owner must immediately cease all construction activities. The Owner shall contact the York Regional Police Department, the Regional Coroner and the Registrar of the Cemeteries and Crematoriums Regulation Unit of the Ministry of Government and Consumer Services.”
- e) that the Site Plan Agreement shall include the following clauses and a requirement that these clauses be included in the future Condominium Agreement and Condominium Declaration:
 - i) “All persons presently having or who may in the future acquire any interest in the subject lands are hereby notified as follows:
 - a) That Canadian National Railway Company (CN) is the Owner of certain lands known as its MacMillan Rail Yard (the CN Lands) located within a kilometre of the subject lands, and that the CN Lands are now and will continue to be used for the present and future railway and trucking facilities and operations of CN and its customers on a continuous basis (24 hours each day in each year) including, without limitation, the operation and idling of diesel locomotives and trucks with the generation of diesel fumes and odours, 24 hours a day artificial lighting of the CN Lands which may illuminate the sky, the classification, loading, unloading, braking and switching of rail cars containing bulk and other commodities including hazardous substances and/or goods containing the same which can make wheel squeal, noise, vibration, odours, airborne particulate matter and/or dust and the operation of various processes for the maintenance of rail and truck equipment;
 - b) That CN, its customers, invitees, lessees, and/or licensees will not be responsible for any complaints or claims by or on behalf of the owners and occupants of the subject lands from time to time arising from or out of or in any way in connection with the operation of the CN Lands and all effects thereof upon the use and enjoyment of the subject lands or any part thereof, and whether arising from the presently existing facilities and operations of CN, its customers, invitees, lessees, or licensees, upon or from any and all future renovations, additions, expansions and other changes to such facilities and/or future expansions, extensions, increases, enlargements and other changes to such operations;
 - c) That CN shall not be required to change any of its facilities or operations upon the CN Lands as a result of or in response to any such complaints or claims;

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- d) That CN may in the future renovate, add to, expand or otherwise change its facilities on the CN Lands and/or expand, extend, increase, enlarge or otherwise change its operations conducted upon the CN Lands;
 - e) That an agreement under the Industrial and Mining Lands Act has been entered into between the owner of the whole of the subject lands and CN releasing any right you may have now or in the future to sue CN, its customers, invitees, lessees and /or licensees for nuisance arising out of the operation of an activity at the CN Lands including any noise, vibration, light, dust, odour, particulate matter emanating there from;
 - f) That for units on the north and east facades of the buildings on the subject lands that have unenclosed balconies, patios, or terraces are subject to the following noise clauses:

“Noise levels from CN’s MacMillan Rail Yard may not meet the maximum noise limits of the Ministry of the Environment and Climate Change (“MOECC”) criteria as defined in Noise Assessment Criteria in NPC-300, “Environmental Noise Guideline – Stationary and Transportation Noise Sources – Approval and Planning.” Such outdoor areas have not been designed to be used as Outdoor Living Areas as defined in Publication NPC-300, “Environmental Noise Guidelines – Stationary and Transportation Noise Sources – Approval and Planning.” Noise levels from activities from the CN MacMillan Rail Yard could potentially cause discomfort or annoyance and/or interrupt conversations in these outdoor areas.””
 - ii) “The Condominium Corporation shall maintain an easement in favour of the City of Vaughan that facilitates an open and unencumbered public access along the south property line and extending eastward from the west property line (Jane Street) to the west edge of Building “E”, in perpetuity, between the subject lands and the OS2 Open Space Park Zone, generally in the location as shown on Attachments #3 and #4.”
- 3) THAT Vaughan Council adopt the following resolution to allocate servicing capacity to the subject development proposal:
- “THAT Site Development File DA.16.033 be allocated servicing capacity from the York Sewage Servicing / Water Supply System for a total of 572 residential units (1,317 persons equivalent).”

Contribution to Sustainability

The applications implement the following Goals and Objectives of Green Directions Vaughan:

Goal 2: To ensure sustainable development and redevelopment

- Objective 2.2: To develop Vaughan as a City with maximum greenspace and an urban form that supports our expected population growth
- Objective 2.3: To create a City with sustainable built form

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Goal 3: To ensure that getting around in Vaughan is easy and has a low environmental impact

- Objective 3.1: To develop and sustain a network of sidewalks, paths and trails that supports all modes of non-vehicular transportation
- Objective 3.2: To develop and sustain a network of roads that supports efficient and accessible public and private transit
- Objective 3.3: Reduce single occupant vehicle (SOV) trips by supporting active transportation, car pooling and public transit

In accordance with the goals and objectives identified above, the Owner has advised that the following, but not limited to, sustainable site and building features will be included in the development proposal:

- i) as a transit-oriented development in the VMC, the proposed development will include pedestrian connections and transit information, including transportation demand measures (TDM) such as 552 provided bicycle parking spaces;
- ii) the site is located adjacent to a naturalized vegetated buffer abutting the future improvements to Edgeley Pond. The proposed green roofs, permeable surface paving, high albedo paving and roofing materials will complement the planned environmental enhancements; and,
- iii) low flow fixtures, stormwater management and storm water re-use technology, high efficiency HVAC systems, energy efficient light fixtures and appliances, and water efficient and low maintenance planting.

Economic Impact

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

Communications Plan

N/A

Purpose

The purpose of this report is to seek approval from the Committee of the Whole for the following applications:

1. Zoning By-law Amendment File Z.16.033 to remove the Holding Symbol ("H") from the subject lands, thereby effectively zoning the subject lands C9 Corporate Centre Zone, subject to site-specific Exception 9(1433).
2. Site Development File DA.16.033 to permit the development of the subject lands shown on Attachments #1 and #2 with a 35-storey apartment building (510 units) and 3-storey ground-related residential units (62 units: 57 back-to-back townhouse units - Blocks "B", "C", "D", "E", and "G", and 5 townhouse units - Block "F") for a total of 572 units and with a density of 4.1 FSI, as shown on Attachments #3 to #13.

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Background - Analysis and Options

Synopsis:

The Owner proposes to remove the Holding Symbol “(H)” from the subject lands and construct a 35-storey apartment building (510 units) and 3-storey ground-related residential units (62 units: 57 back-to back townhouse units and 5 townhouse units) for a total of 572 units with a density of 4.1 FSI. The Vaughan Development Planning Department supports the development proposal as it contributes to high density development in the Vaughan Metropolitan Centre (VMC), the City's new downtown area, conforms to the in-effect Official Plan, is permitted by Zoning By-law 1-88, and is compatible and appropriate with the existing and planned surrounding land uses.

Location

The subject lands are located on the southeast corner of Jane Street and Portage Parkway, known municipally as 7895 Jane Street, as shown on Attachments #1 and #2. The surrounding land uses are shown on Attachment #2.

The 1.02 ha subject lands are rectangular in shape and have approximately 90 m frontage on Jane Street and 126 m on Portage Parkway. The subject lands are located within the northern boundary of the VMC, which is the City of Vaughan's emerging downtown.

Official Plan

The subject lands are designated “Station Precinct” (Neighbourhood 3) by the Vaughan Metropolitan Centre Secondary Plan (VMC Plan), which forms part of Volume 2 of the Vaughan Official Plan 2010 (VOP 2010), which received partial approval by the Ontario Municipal Board (OMB) on November 18, 2015, and permits a high density residential use on the subject lands with a maximum building height of 30 storeys and density of 5.0 FSI.

The Official Plan includes bonussing policies, in accordance with Section 37 of the *Planning Act*, where Vaughan Council may authorize an increase in building height in return for the provision of benefits in the VMC. The City has executed a Section 37 Agreement with the Owner to permit an increase in building height of 5 storeys to 35 storeys.

The property is also subject to site-specific Official Plan Amendment (OPA) #749, which provides amendments to the definition of net density, permits a maximum density of 4.15 FSI, and includes provisions regarding community benefits in the VMC under Section 37 of the *Planning Act* to facilitate the development proposal on the subject lands. The development proposal includes a maximum building height of 35 storeys, a density of 4.1 FSI, and a residential land use that is permitted by the Official Plan. Therefore, the development proposal conforms to the Official Plan.

Zoning

The subject lands are zoned C9(H) Corporate Centre Zone with the Holding Symbol “(H)” by Zoning By-law 1-88, subject to zoning Exception 9(1433), which permits site-specific zoning exceptions (e.g. building height and setbacks) to facilitate the development proposal.

a) Holding Symbol “(H)”

The subject lands are zoned with the Holding Symbol “(H)” which may be removed from the lands when Vaughan Council identifies and allocates water supply and sewage servicing capacity and the Owner submits a reference plan to the City of Vaughan that establishes the north and south property lines. The conditions to remove the Holding Symbol “(H)” have been satisfied as follows:

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- i) The Vaughan DEIP Department has advised that servicing capacity was reserved for the development proposal on February 16, 2016, and that servicing capacity for the subject development is available and unrestricted. Therefore, a resolution is included in the recommendation of this report to allocate capacity to the development proposal; and,
- ii) The Owner has submitted a reference plan that satisfactorily establishes the north and south property limits. The Vaughan DEIP Department has confirmed that the north property limit coincides with the limits established through the approved Portage Parkway Environmental Assessment (EA), which is discussed later in this report. The TRCA has confirmed that the south property limit is consistent with the development limits established 10 m from the staked top-of-bank.

Upon removal of the Holding Symbol (“H”), the lands will be effectively zoned C9 Corporate Centre Zone, subject to site-specific Exception 9(1433).

b) Minor Variance File A288/16

Through the review of Site Development File DA.16.033, additional site-specific zoning exceptions were identified that are required to implement the development proposal. The Owner submitted Minor Variance File A288/16, which was approved by the Vaughan Committee of Adjustment on August 11, 2016, for the following variances:

	Zoning By-law 1-88 Standard	C9 Corporate Centre Zone Exception 9(1433) Requirements	Approved Variances to the C9 Corporate Centre Zone Exception 9(1433)
a.	Minimum Parking Space Size	2.7 m by 6 m	2.6 m by 5.7 m (all parking spaces)
b.	Minimum Amenity Area	18.4 m ² per unit @ 572 units = 10,524.8 m ²	17.6 m ² per unit @ 572 units = 10,067.2 m ²

The development proposal complies with Zoning By-law 1-88, subject to Exception 9(1433) in all other respects.

Site Plan and Building Elevations

The subject lands are located on the northern boundary of the VMC and the development proposal represents the northern gateway on Jane Street into the City's new downtown. The Owner proposes to develop the subject lands with a 35-storey residential apartment building (Building “A”) consisting of 510 units and 62 three-storey ground-related units in six blocks (Buildings “B” to “G”) arranged on both sides of an internal private driveway, as shown on Attachments #3 to #13. The development proposal is serviced by three levels of underground parking with 620 spaces accessed by a garage from the west right-in and right-out access on Portage Parkway. The east driveway on Portage Parkway is proposed to be a full moves access.

Building “A” is articulated with a distinct base, middle and top with an enhanced architectural corner feature that addresses the Jane Street and Portage Parkway intersection, a gateway into the VMC, as shown in the building elevations on Attachments #5 to #9. The ground related units

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are articulated by projections and recesses in the façade at a residential scale that is conducive to a pedestrian-oriented and human-scaled environment, as shown on Attachments #10 to #12. The ground related units are designed at a height, proportion and massing to provide a transition towards the future Edgeley Pond and Park.

The Vaughan Development Planning Department is satisfied with the development proposal as shown on Attachments #3 to #13, subject to the conditions included in the recommendation of this report.

Landscape Plan

The landscape plan, shown on Attachment #4, proposes unit paving, tree planting on slab, landscaping within raised planters, decorative fencing, and bench seating overlooking the future Edgeley Pond and Park. The Vaughan Development Planning Department is satisfied with the landscape proposal, subject to the conditions included in the recommendation of this report.

In advance of the final streetscape design of the north side of Portage Parkway, the Owner proposes an interim landscape treatment, as shown on Attachment #4, which will be removed upon the redevelopment of the property to the north (7941 Jane Street). The Owner proposes a streetscape design on the south boulevard of Portage Parkway that is in accordance with the enhanced level of streetscaping identified in the VMC Streetscape Open Space Plan and the VMC Plan, and will be addressed in the Development Agreement, which is discussed later in this report. The Owner has agreed to collaboratively work with the City of Vaughan on the final construction design of the south side of Portage Parkway.

Through the review of the Owner's arborist report and tree removal plan, the Owner will be required to pay to the City of Vaughan, prior to the execution of the Site Plan Agreement, an amount to be determined through the Development Agreement for the tree restoration within the OS2 Open Space Park Zone adjacent to the subject lands along the interface of the Edgeley Pond and Park, to the satisfaction of the Vaughan Development Planning and Parks Development Departments. A condition to this effect is included in the recommendation of this report.

Encroachment Agreement

The Owner proposes a private sidewalk along the south property line that encroaches into the OS2 Open Space Park Zone lands at the south east portion of the site as shown on Attachment #3. The Owner must enter into an encroachment agreement with the City of Vaughan through the Office of the City Clerk to permit the private sidewalk on the city-owned lands. The Vaughan Development Planning Department has no objection to this arrangement as the encroachment is minor. A condition to this effect is included in the recommendation of this report.

Public Easement

In order to achieve a seamless integration of design and access from the subject lands to the Edgeley Pond and Park, the Owner agrees to convey an easement in favour of the City of Vaughan through a separate reference plan, and associated Easement Agreement prepared by the Owner, that facilitates an open and unencumbered public access along the south property line and extending eastward from the west property line (Jane Street) to the west edge of Building "E", between the subject lands and the OS2 Open Space Park Zone, and the said easement must be registered on title, as shown on Attachments #3 and #4, to the satisfaction of the Vaughan Development Planning and Parks Development Departments and the Office of the City Solicitor. The easement will facilitate a publicly accessible walkway connection from the subject lands to the future pedestrian trail in the Edgeley Pond and Park.

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A condition to facilitate this arrangement will be included in the Site Plan Agreement and the future Condominium Agreement and Declaration, as reflected in the recommendation of this report, and that the Condominium Agreement and Declaration will require the condominium corporation to maintain the publicly accessible walkway.

3D Digital Model

The Owner is working towards submitting their 3D digital model of the development to the City. However, if the 3D digital model has not been completed by the Owner and provided to the City prior to the execution of the Site Plan Agreement, the Owner shall provide a separate Letter of Credit in a format satisfactory to the City of Vaughan in the amount of \$15,000.00 to guarantee the completion of the final 3D digital model, which shall include the accurately geo-referenced digital data, as outlined in the Draft VMC Submission Protocol, to the satisfaction of the Vaughan Development Planning Department. A condition to this effect is reflected in the recommendation of this report.

Draft Plan of Condominium

Should Vaughan Council approve the subject Site Development and Zoning By-law Amendment applications, the development of the subject lands will be processed through a future Draft Plan of Condominium application, to apply a condominium tenure to the development, which is subject to approval by Vaughan Council.

Vaughan Development Planning Department, Urban Design and Cultural Heritage Division

The Vaughan Development Planning Department, Urban Design and Cultural Heritage Division have advised that they have no further concerns regarding the approval of the development proposal. In areas that have been cleared of concern for archaeological resources, the Owner is advised that:

- a) Should archaeological resources be found on the property during construction activities, all work must cease and the Ontario Ministry of Tourism, Culture and Sport and the City of Vaughan Development Planning Department, Urban Design and Cultural Heritage Division shall be notified immediately; and,
- b) In the event that human remains are encountered during construction activities, the Owner must immediately cease all construction activities. The Owner shall contact the York Regional Police Department, the Regional Coroner and the Registrar of the Cemeteries and Crematoriums Regulation Unit of the Ministry of Government and Consumer Services.

A condition to include the above clauses in the Site Plan Agreement is included in the recommendation of this report

Vaughan Development Engineering and Infrastructure Planning (DEIP) Department

The Vaughan Development Engineering and Infrastructure Planning (DEIP) Department has provided the following comments:

i) General Comments

The Vaughan DEIP Department has no objections to the development proposal, subject to the finalization of the final site servicing plan, site grading plan, functional servicing and

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stormwater management report and drawings, noise report, geotechnical and hydrogeological assessment, Traffic Demand Management (TDM) Plan, external lighting plan, and utility coordination plan. A condition to this effect is included in the recommendation of this report.

ii) Portage Parkway Environmental Assessment (EA)

The subject lands are bound on the west side by Jane Street and require access from the proposed extension of Portage Parkway, east of Jane Street. The Portage Parkway Environmental Assessment (EA) Study establishes a preferred alignment and design for improvements for the widening of Portage Parkway from 2 to 4 lanes from Applewood Crescent to Jane Street (generally defined as Part A as subject to the EA process) and the extension east of Jane Street across the Black Creek channel to Creditstone Road (generally defined as Part B as subject to EA process). The EA responds to the need to complete Part B, including the extension of Portage Parkway to an interim terminus/cul-de-sac east of the subject lands, as shown on Attachment #3, west of the Black Creek channel, which is a functional requirement to facilitate the proposed access to the subject lands.

The EA was initiated in May 2015 and completes the planning and design study process and advances the implementation of Portage Parkway as a major collector in the VMC with a planned 28 m to 33 m right-of-way. The conclusions and recommendations of the EA were approved by Vaughan Council on June 28, 2016. The Notice of Completion was issued, which closed after the public review period on August 15, 2016. The project is now approved in accordance with the planning and design process outlined in the Municipal Engineers Association - Municipal Class Environmental Assessment October 2000, as amended in 2007, 2011 and 2015, which is approved under the Ontario Environmental Assessment Act. The project will now be proceeding to detailed design and construction.

iii) Development Agreement

Prior to the execution of the Site Plan Agreement, the Owner is required to enter into a Development Agreement for the Jane Street and Portage Parkway streetscape and coordination of the right-of-way construction, the design of the OS2 Open Space Park Zone lands (buffer lands), and the inclusion of an interim condition on the north boulevard, to the satisfaction of the Vaughan DEIP and Development Planning Departments. A condition to this effect is included in the recommendation of this report.

For clarification, the City of Vaughan acknowledges that the south boulevard area of Portage Parkway is designed and will be built to the ultimate condition. The interim condition on the north boulevard will remain until such time as redevelopment occurs on the lands to the north of the right-of-way (7941 Jane Street), and when the remainder of the right-of-way will be conveyed to the City for the completion of Portage Parkway.

Edgeley Pond and Park

As development around Edgeley Pond has gained momentum, with up to 700 residential units being occupied by Q4 2016 in other development projects (2 Expo City towers), and with the addition of 572 residential units (subject lands) being constructed by 2018, the pond and future park is anticipated to become a signature amenity over the next several years. The Edgeley Pond and Park design will connect new development and infrastructure projects to create a special destination for the City of Vaughan that includes an upgraded pond, a park and a renewed naturalized creek channel designed to a high urban design and sustainability standard.

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The Edgeley Pond and Park design is anticipated to be completely designed by Q2 2018 with construction to begin in Q3 2018 for an anticipated Q3 2020 completion of the first phase of the pond and park. The timing of this development proposal precedes that of the pond and park design. The Owner has acknowledged the ecological significance of the Black Creek and the importance of the pond and park in the VMC. Therefore, should Vaughan Council approve the subject Site Development and Zoning By-law Amendment applications, the Owner has agreed to begin collaborating with the City of Vaughan in the future design coordination for the Edgeley Pond and Park design. A condition to this effect is included in the recommendation of this report and will also be included in the Site Plan Agreement and future Condominium Agreement.

Limiting Distance Agreement

The Owner proposes to construct an above ground portion of the Building “A” podium on the south elevation to the property line facing the future Edgeley Pond and Park. In order to permit this building design, the Owner has requested to enter in a “Limiting Distance Agreement” with the City of Vaughan (Owner of the Edgeley Pond and Park), which will have the effect of prohibiting any development (i.e. buildings or structures) within a range of 2.7 m to 6 m wide area in the limits of the City-owned lands within the north limits of the buffer lands of the Edgeley Pond and Park (OS2 Open Space Park Zone). This is to ensure that buildings or structures are not too close to each other to address Building Code requirements. The Agreement must be registered on the title of both the City and Owner’s lands.

A condition of approval is included in the recommendation of this report to obtain Vaughan Council’s direction for the Vaughan Office of the City Solicitor and the Vaughan Building Standards Department to prepare and execute a Limiting Distance Agreement. The Owner shall pay all costs related to the preparation, execution and implementation of the Agreement.

Vaughan Environmental Services Department, Solid Waste Management Division

The Vaughan Environmental Services Department, Solid Waste Management Division has reviewed the development proposal, which includes a tri-sorted waste management system. The final waste management plan and waste collection design standards submission must be approved to the satisfaction of the Vaughan Environmental Services Department, Solid Waste Management Division. A condition to this effect is included in the recommendation of this report.

Toronto and Region Conservation Authority (TRCA)

Through the Committee of the Whole report dated February 2, 2016, for the related Official Plan Amendment File OP.15.003 and Zoning By-law Amendment File Z.16.008, the TRCA advised they had no objection to the approval of the applications provided that the buffer lands along the south side of the subject lands are zoned OS2 Open Space Park Zone. The buffer lands were zoned accordingly by Zoning By-law 026-2016. The TRCA is in receipt of the current Site Development Application (File DA.16.033) and have advised that they are working with the Owner to finalize approvals. A condition requiring the Owner to satisfy all requirements of the TRCA is included in the recommendation of this report.

Office of the City Solicitor, Vaughan Real Estate Department

The Office of the City Solicitor, Vaughan Real Estate Department, has advised that for residential high-rise developments, the Owner shall pay to the City of Vaughan by way of certified cheque, cash-in-lieu of the dedication of parkland equivalent to 5% of the value of the subject lands, prior to the issuance of a Building Permit, or a fixed unit rate per unit, whichever is higher in accordance with the *Planning Act* and the City’s cash-in-lieu policy. A condition to this effect is included in the recommendation of this report.

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NavCanada and Bombardier Aerospace

NavCanada, a private sector, non-share Capital Corporation that owns and operates Canada's civil air navigation service (ANS) and Bombardier Aerospace, and exclusively owns and operates the Toronto Downsview Airport, has advised they have no objection to the development proposal.

Canadian National Railway (CN)

CN has no objections to the Site Development application, subject to the inclusion of their warning clauses in the Site Plan Agreement and the future Condominium Agreement and Condominium Declaration for the warning clauses identified in the recommendation of this report.

Canada Post

Canada Post has reviewed the development proposal and indicated that it is the Owner's responsibility to contact Canada Post to discuss a suitable mailbox/mailroom location and ensure that Canada Post specifications are met. The Owner is required to supply, install and maintain a centralized mailbox facility.

School Boards

The York Region District School Board has reviewed the development proposal and has advised that they will not require a public elementary school site within the proposed development. The York Region Catholic and the French School Boards have no comments or objections to the development proposal.

Utilities

PowerStream Inc. has indicated it has no objection to the approval of the development proposal. PowerStream advises that the development proposal must meet the minimum clearances from their power lines (overhead and underground electrical distribution systems). It is the Owner's responsibility to contact PowerStream and discuss all aspects of the development proposal with respect to electrical supply, transformer locations, and temporary service requirements.

Enbridge Gas has reviewed the development proposal and has no objections. It is the Owner's responsibility to contact Enbridge Gas with respect to installation and clearance requirements for service and metering facilities.

Bell Canada has reviewed the development proposal and has advised that an easement may be required to service the subject lands, depending on further detailed review.

Rogers Communication Inc. has advised no objection to the development proposal.

Relationship to Term of Council Service Excellence Strategy Map (2014-2018)

This report supports the following priority set forth in Term of Council Service Excellence Strategy Map (2014-2018):

- Facilitate the development of the VMC

Regional Implications

The York Region Community Planning and Development Services Department has advised they have no objection to the development proposal subject to the following comments. The Owner will be required to enter into a Site Plan Agreement with York Region, prior to an above-grade

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Building Permit by the City of Vaughan. York Region, on May 17, 2016, provided their comments regarding the development proposal. The Owner has been advised to not undertake any works within the Jane Street right-of-way without York Region engineering approval and the issuance of a Road Occupancy Permit from York Region. The following are the main comments from York Region, which have been provided on the proposed site plan, as shown on Attachment #3:

- a) York Region is protecting for a 45 m right-of-way for Jane Street measured 22.5 m from the centreline of construction of Jane Street;
- b) York Region requires the conveyance of the full 10 m by 10 m daylighting triangle at the southeast corner of Jane Street and Portage Parkway; and,
- c) The Owner has been advised that the westerly access on Portage Parkway shall be located a minimum 45 m from Jane Street and shall be restricted to right-in and right-out movements only.

York Region and the Owner are currently preparing an Encroachment Agreement to address the above-grade balcony encroachments into the daylighting triangle, as shown on Attachment #3. The Owner is also required to submit the applicable construction hoarding/fencing plans, shoring anchor/tie back system plans, and crane swing plans, grading design and cross section profiles, erosion and sediment control plans pertaining to the Region's road allowance, construction management plan, a hydrogeological report, landscaping and streetscaping plans along the Jane Street right-of-way, traffic management plan, and a Transportation Demand Management Plan, to the satisfaction of York Region.

The Owner is required to address all York Region requirements prior to the execution of the Regional Site Plan Agreement, in accordance with the recommendation of this report.

Conclusion

Zoning By-law Amendment File Z.16.033 and Site Development File DA.16.033 have been reviewed in accordance with the policies of the Official Plan, Zoning By-law 1-88, comments from City Departments and external public agencies, and the area context. The Vaughan Development Planning Department is satisfied that the development proposal for a 35-storey apartment building (510 units) and 3-storey ground-related residential units (62 units: 57 back-to-back townhouse units - Blocks "B", "C", "D", "E", and "G", and 5 townhouse units - Block "F") with a density of 4.1 FSI in the VMC is appropriate and compatible with the planned uses in the surrounding area and conforms to the in-effect Official Plan.

Accordingly, the Vaughan Development Planning Department can support the approval of Zoning By-law Amendment File Z.16.033 to remove the Holding Symbol "(H)" on the subject lands, thereby effectively zoning the subject lands C9 Corporate Centre Zone, subject to site-specific Exception 9(1433) and Site Development File DA.16.033 to permit the residential development proposal, subject to the conditions included in the recommendation of this report.

Attachments

- 1. Context Location Map
- 2. Location Map
- 3. Site Plan
- 4. Landscape Plan
- 5. Building "A" Elevation - Along Jane Street
- 6. Building "A" Elevations - North (Portage Parkway) and South
- 7. Building "A" Elevation – East

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8. Building “A” Ground Floor Elevations
9. Building “A” Perspective
10. Ground Related Units - Building Elevations (Typical - Blocks “B”, “C”, “D”, “E”, “G”)
11. Ground Related Units - Building Elevations (Block “F”)
12. Ground Related Units Perspective – Along Portage Parkway
13. Building Section (East/West)

Report prepared by:

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(A copy of the attachments referred to in the foregoing have been forwarded to each Member of Council and a copy thereof is also on file in the office of the City Clerk.)