

TO: HONOURABLE MAYOR & MEMBERS OF COUNCIL
FROM: JOHN MACKENZIE, COMMISSIONER OF PLANNING
DATE: JUNE 24, 2013
SUBJECT: COMMUNICATION – COUNCIL MEETING, JUNE 25, 2013

C	<u>14</u>
Item #	<u>49</u>
Report No.	<u>32 (CW)</u>
<u>Council - June 25/13</u>	

ITEM #49, COMMITTEE OF THE WHOLE – JUNE 18, 2013

**OFFICIAL PLAN AMENDMENT FILE OP.12.014
ZONING BY-LAW AMENDMENT FILE Z.12.034
DRAFT PLAN OF SUBDIVISION FILE 19T-12V007
SITE DEVELOPMENT FILE DA.12.085
CALLOWAY REIT (SEVENBRIDGE) INC.
WARD 4 – VINCINTY OF REGIONAL ROAD 7 AND EDGELEY BOULEVARD**

Recommendation

The Commissioner of Planning recommends:

1. THAT the recommendation from the Commissioner of Planning and the Director of Development Planning in the Committee of the Whole report dated June 18, 2013, respecting Item 49, be deleted, and replaced with the following:
 - "1. THAT Official Plan Amendment File OP.12.014 (Calloway REIT (Sevenbridge) Inc.) BE APPROVED, specifically to amend OPA #500 (Vaughan Corporate Centre Plan), as amended by OPA #528, OPA #529 and OPA #663 (The Avenue 7 Land Use Future Study Plan), to increase the maximum permitted building height on the subject lands from 25 m to 76 m and to delete two (2) planned north-south local roads (17 m - 20 m right-of-way), as shown on Attachments #3 and #5.
 2. THAT Zoning By-law Amendment File Z.12.034 (Calloway REIT (Sevenbridge) Inc.) BE APPROVED, to amend Zoning By-law 1-88, specifically to:
 - a) delete the subject lands from the existing site-specific Exception 9(959), and permit the site-specific zoning exceptions in Table 3 of this report to implement the site plan (Phases 1 and 2) shown on Attachments #8 and #9;
 - b) remove the Holding Symbol "(H)" from a portion of the subject lands (building and future transit square area) currently zoned C9(H) Corporate Centre Zone as shown on Attachment #8, thereby rezoning these areas C9 Corporate Centre Zone;
 - c) add the following condition for the removal of the Holding Symbol "(H)" on the temporary surface parking area, identified on Attachment #8:

- i) A future Site Development Application, and if required, a Zoning By-law Amendment Application, to ensure the development of the planned park in the Vaughan Metropolitan Centre (VMC) area, will require public consultation and approval by Vaughan Council, in which details such as, but not limited to, the park design, access, relationship to surrounding blocks, programming, ownership and maintenance, construction and timing, inclusion of site-specific uses, provisions for kiosks and/or buildings, and any strata arrangements, are finalized, to the satisfaction of the City; and,
 - d) permit only a temporary surface commercial parking use, mews, and a future park use on the portion of the subject lands zoned C9(H) Corporate Centre Zone with the Holding Symbol "(H)", as shown on Attachment #8.
- 3. a) THAT Draft Plan of Subdivision File 19T-12V007 (Calloway REIT (Sevenbridge) Inc.) BE APPROVED, to facilitate seven (7) development blocks described in Table 1 of this report, illustrated on Attachment #4, and subject to the Conditions of Approval set out in Attachment #1, consisting of the following:

Table 1: Draft Plan of Subdivision Land Use Breakdown

Block(s)	Land Use	Area (m ²)	Area (ha)
1	14-storey office building, temporary commercial surface parking lot (Phase 2 Park)	19,482.15	1.94
2, 3, 4	Apple Mill Road (27.2 m ROW) and Edgeley Boulevard (26 m ROW) road widening	1,571.97	0.15
--	22m right-of-way of future Street "A"	6,219.21	0.62
5, 6, 7	0.3m reserves	7.93	0.00079
Total Area of Subdivision		27,281.26	2.7

- b) THAT the Subdivision Agreement for Draft Plan of Subdivision File 19T-12V007 (Calloway REIT (Sevenbridge) Inc.) shall include the following provision:

"The Owner shall dedicate parkland and/or pay to Vaughan by way of certified cheque cash-in-lieu of the dedication of parkland, prior to the issuance of a Building Permit in accordance with the Planning Act and the City's Cash-in-lieu Policy. The Owner shall submit an appraisal of the subject lands, in accordance with Section 42 of the Planning Act, prepared by an accredited appraiser for approval by the Vaughan Legal Services Department, Real Estate Division, and the approved appraisal shall form the basis of the cash-in-lieu payment."
- 4. THAT Site Development File DA.12.085 (Calloway REIT (Sevenbridge) Inc.) BE APPROVED, to permit a phased development consisting of the following, and subject to the following conditions:

Phase 1: a 14-storey office building, a 2-storey commercial mixed-use building, an underground pedestrian connection to the VMC (Vaughan Metropolitan Centre) Subway Station, a portion of the future transit square, and a temporary surface commercial parking area, as shown on Attachment #8; and,

Phase 2: the removal of the temporary surface commercial parking area to facilitate the completion of the park (ultimate build out) to occur concurrent with proposals for mixed-use (residential) developments in the northwest quadrant of the VMC, as shown on Attachment #9;

- a) that prior to the execution of the Site Plan Agreement:
- i) the Owner shall satisfy all requirements of the Vaughan Development Planning Department, respecting the final site plan, building elevations, landscape plans and details (Street "A" and Apple Mill Road), a materials board demonstrating the exterior finishing materials and colours, and signage plans; the plans shall include, but not be limited to, structural elements including the built form, parking area, hard and soft landscape elements, and architectural massing and elevation treatments, including commercial locations and entrances fronting the pedestrian realm along the streetscapes, transit square, park, and the east-west pedestrian passageway between the buildings;
 - ii) the Owner shall incorporate barrier-free accessibility features within the development, in accordance with the Ontario Building Code and the Accessibility for Ontarians with Disabilities Act, to the satisfaction of the Vaughan Building Standards and Development Planning Departments;
 - iii) the Owner shall prepare detailed pedestrian level Wind Studies related to the proposed office building, to the satisfaction of the Vaughan Development Planning Department, which shall include existing neighbouring buildings and recommend mitigation measures to ensure favourable micro-climatic conditions at grade;
 - iv) the final site servicing and grading plans, site illumination, storm water management report, geotechnical reports, Transportation Demand Management Plan, site access and internal traffic circulation plan, an updated Urban Transportation Consideration Report, and solid waste management plan shall be approved to the satisfaction of the Vaughan Development/Transportation Engineering Department;
 - v) that all necessary cross agreement(s), public access easement(s) and maintenance agreement(s) related to the proposed underground pedestrian tunnel from the proposed office building to the Vaughan Metropolitan Centre Station shall be executed to the satisfaction of the City;
 - vi) the Owner shall submit a full signage and details plan for all buildings and structures including directional and wayfinding signage;

- vii) the requirements of the City's Waste Collection Design Standards shall be approved to the satisfaction of the Vaughan Public Works Department;
- viii) the Owner shall satisfy all requirements of the Toronto Transit Commission (TTC), including but not limited to, the following:
 - 1. The site plan drawings shall not show any buildings, landscaping, public streets, driveways, or other improvements or alterations on the property to be owned by the TTC until and unless approved through the TTC Technical Review process, or as otherwise specifically approved in writing by the TTC;
 - 2. The Owner shall continue to work with the TTC and the Toronto York Spadina Subway Extension (TYSSE) Project on any construction areas or improvements that may affect the TTC operations in the area, including any planned permanent or temporary works on or within the property to be owned by the TTC, including the YYSSE construction easement areas;
 - 3. The Owner shall respond in writing to all formal site plan comments from the TTC and the YYSSE Project in a timely manner, and shall submit such responses either prior or with future site plan revisions circulated to the TTC/YYSSE; and,
 - 4. All site plan drawings illustrating the TTC property shall show existing or planned TTC facilities and other improvements accurately, including municipal right-of-ways (ROW) constructed as part of the YYSSE Project;
- ix) the Owner shall satisfy all hydro requirements of PowerStream Inc.;
- x) the Owner shall satisfy all requirements of Canada Post;
- xi) the Owner shall update NAV Canada and Bombardier Aerospace on any changes to the development proposal and shall satisfy all their requirements; and,
- xii) the Owner shall satisfy all requirements of the Region of York Transportation and Community Planning Department;
- b) that the Site Plan Agreement shall include the following provisions and conditions:
 - i) "The Owner agrees that the temporary surface commercial parking lot shall be permitted until the development of a total of 1,350 residential units within the geographical limits of Regional Road 7 to the south, Portage Parkway to the north, Edgeley Boulevard to the west, and Millway Avenue to the east."

- ii) "The Owner shall by January 31, 2014, submit a proposal that includes draft general principles for City consideration to inform future agreements related to both the development of the transit square and the westerly park from the office tower to Edgeley Boulevard, which will address the following: maintenance, construction, ownership, management, programming, any proposed strata arrangement, legal arrangements, and parkland credits.

City staff will expeditiously review and provide advice to Vaughan Council with the objective of reporting to a Committee of the Whole / Council meeting no later than June 2014."

- iii) "The Owner shall pay to the City of Vaughan by way of certified cheque, cash-in-lieu of the dedication of parkland equivalent to 2% of the value of the subject lands, prior to the issuance of a Building Permit, in accordance with Section 42 of the Planning Act. The Owner shall submit an appraisal of the subject lands prepared by an accredited appraiser for approval by the City of Vaughan Legal Services Department, Real Estate Division, and the approved appraisal shall form the basis of the cash-in-lieu payment.

The commercial surface parking lot is tended to be a temporary use, and that when other parking spaces are built in the future to replace this parking lot, a credit will be given for the cash-in-lieu paid at that time."

- iv) "The Owner shall submit a physical and digital model of the final approved site development, including accurately geo-referenced digital data, to the satisfaction of the Vaughan Development Planning Department. The Owner shall file a separate Letter of Credit in a format and amount satisfactory to the Vaughan Development Planning Department to guarantee the completion of the models, prior to the execution of the Site Plan Agreement."
- v) "That no Building Permit(s) will be applied for or issued until the City is satisfied that adequate road access, municipal water supply, sanitary sewers, and storm drainage facilities are available to service the proposed site development."
- vi) "Prior to issuance of a Building Permit(s), the Owner shall pay its proportionate share of the cost and/or provide financial commitments based on the City's latest available cost estimate associated with implementing the infrastructure improvements identified in the approved Vaughan Metropolitan Centre Master Servicing Plan and the Black Creek Optimization Study to the satisfaction of the City."
- vii) "The Owner shall implement transportation demand management (TDM) measures in accordance with the recommendation of the approved Urban Transportation Consideration Report to the satisfaction of the City."

- viii) "The Owner shall include the following warning clause in a schedule to all Offers of Purchase and Sale or Lease:

Purchaser and/or tenants are advised that the surface commercial parking lot shall not exceed 340 parking spaces and is temporary and the intended use of those lands is a future park."

5. a) THAT the Owner shall submit a Site Development Application to comprehensively address the future transit square, respecting but not limited to, the design, configuration, size, and programming for approval by Vaughan Council. The Owner shall revise the landscape plan, if required, subject to Site Development File DA.12.085, to reflect any revisions resulting from the comprehensive transit square.
- b) THAT the Owner will make best efforts to work diligently with the City of Vaughan, TTC, TYSSE, and York Region to come to a resolution on the construction, land ownership and funding arrangements for the Transit Square. It is intended for the Transit Square to be constructed in the first phase of development, however, the City acknowledges there are existing construction easements and land ownership issues to resolve that are outside of the control of the Owner.
6. THAT the Owner shall submit a Site Development Application for the adjacent lands located at 3200 Regional Road 7 (existing Future Shop lands) to facilitate improvements including underground works, access and parking reconfiguration and that the site plan be approved to the satisfaction of the Vaughan Development/Transportation Engineering and Development Planning Departments."
2. THAT the Standard Conditions of Draft Approval being Attachment #1 in the Committee of the Whole report dated June 18, 2013, respecting Item 49, from the Commissioner of Planning and the Director of Development Planning, be deleted, and replaced with the revised Standard Conditions of Draft Approval, attached hereto, as Attachment #1 to this Communication.

Background

On June 18, 2013, the Committee of the Whole deferred consideration of the report from the Commissioner of Planning and the Director of Development Planning, respecting Item 49, to the Council meeting on June 25, 2013, to provide the opportunity for the Owner to meet and resolve concerns with City staff. On June 19 and June 21, 2013, representatives of the Owner met with staff from the Vaughan Development Planning, Parks Development, and Development / Transportation Engineering Departments to discuss the following matters respecting, but not limited to, the removal of the Holding provision, temporary surface parking lot, park, transit square, and cash-in-lieu of parkland dedication:

a) Removal of the Holding Symbol "(H)" on the Temporary Surface Parking Lot

In the staff report, the removal of the Holding Symbol "(H)" on the temporary surface parking lot to allow the construction of a park was dependent on the Owner and the City entering into a future Agreement to occur prior to the construction of the temporary surface parking lot to address the park design, construction, north-south connectivity, programming, public art, maintenance, ownership matters, and any strata arrangements. The trigger to develop the park was the development of 1,350 residential units within the geographic area of Regional Road 7, Portage Parkway, Edgeley Boulevard and Millway Avenue. However, this condition had the effect of binding the authority of a future Council to make independent decisions, and has been deleted. In

order for the Holding provision to be removed, the Owner is now required to submit a future Site Development Application to include the details of the park for consideration and approval by Vaughan Council as identified in Recommendation 2.c)i).

b) New Recommendation for Parkland / Cash-in-lieu of Parkland Dedication

The original staff report included a cash-in-lieu of parkland dedication provision to be included in the Site Plan Agreement. The standard provision is also required to be included into the Subdivision Agreement, and is being added as Recommendation 3.b) in this Communication.

c) Conditions to be Included in the Site Plan Agreement

A condition that was to be included in the Site Plan Agreement that the Owner and City enter into a separate Agreement for the park details has been removed, and replaced with a condition in Recommendation 4.b)i) that requires the Owner to provide for the temporary surface commercial parking lot until such time as when the development of a total of 1,350 residential units has been reached within the geographic area of Regional Road 7, Portage Parkway, Edgeley Boulevard and Millway Avenue.

A new condition to be included in the Site Plan Agreement has been introduced as Recommendation 4.b)ii), and will require the Owner by January 31, 2014, to submit a proposal that includes draft general principles for City consideration to inform future agreements related to both the development of the transit square and the westerly park from the office tower to Edgeley Boulevard, which will address the following: maintenance, construction, ownership, management, programming, any proposed strata arrangement, legal arrangements, and parkland credits. City staff will expeditiously review and provide advice to Vaughan Council with the objective of reporting to a Committee of the Whole / Council meeting no later than June 2014.

The cash-in-lieu of parkland dedication condition in Recommendation 4.b)iii) has been revised to include additional text that would have the effect of recognizing that the commercial surface parking lot is a temporary use, and that when other parking spaces are built in the future to replace this parking lot, a credit will be given for the cash-in-lieu paid at that time.

Throughout the staff report, there are references to a minimum of 325 and a maximum of 340 surface parking spaces. The condition to be included in the Site Plan Agreement in Recommendation 4.b)viii) and in the implementing Zoning By-law now reference only a maximum of 340 surface parking spaces.

d) Transit Square

Recommendation 5 (now identified as 5a)) originally included a requirement for the Owner to submit a Site Plan Application to address the transit square and park block. Reference to the park block has been removed as it is now subject to a separate recommendation. A new Recommendation 5b) has been added to address the transit square, as follows:

"The Owner will make best efforts to work diligently with the City of Vaughan, TTC, TYSSE, and York Region to come to a resolution on the construction, land ownership and funding arrangements for the Transit Square. It is intended for the Transit Square to be constructed in the first phase of development, however, the City acknowledges there are existing construction easements and land ownership issues to resolve that are outside of the control of the Owner."

e) Revised Conditions of Subdivision Approval in Attachment #1

The following Standard Conditions of Draft Approval in the June 18, 2013 report of the Commissioner of Planning and the Director of Development Planning have been amended:

- i) Condition 25 has been modified to acknowledge that the reconstruction of Apple Mill Road is within the TTC construction contract area for the VMC Station. The new condition is as follows:

"25. The Owner shall agree in the Subdivision Agreement to carry-out the design and reconstruction of Apple Mill Road between Edgeley Boulevard and the new Millway Avenue right-of-way to the satisfaction of the City. It is acknowledged that a portion of the Apple Mill Road reconstruction is within the TTC construction contract. The Owner shall make necessary arrangements with the TTC/TYSSE for any change orders required to facilitate the construction of Apple Mill Road to City standards.";

- ii) Original Conditions 30.a) and 30.b) have been deleted as the Phase Two ESA report has been approved. The requirement for a Phase Two ESA for the future park has been deferred to the future Site Development Application;
- iii) Original Condition 36 has been deleted respecting the requirement for an Environmental Assessment and Municipal Class Environmental Assessment for Apple Mill Road, Edgeley Boulevard, Street "A" and Millway Avenue, which have been approved, and therefore, this condition is no longer required;
- iv) Original Conditions 39 to 46 in the staff report referred to a future public park development, of which the issue of ownership requires future discussions between the Owner and the City. These Conditions have been replaced with the following new Conditions 37. a), b) and c):

"37. a) The Owner shall by January 31, 2014, submit a proposal which includes draft general principles for City consideration to inform future agreements related to both the development of the transit square and the westerly park from the office tower to Edgeley Boulevard, which will address the following: maintenance, construction, ownership, management, programming, any proposed strata arrangement, legal arrangements, and parkland credits.

City staff will expeditiously review and provide advice to Vaughan Council with the objective of reporting to a Committee of the Whole / Council meeting no later than June 2014;

- b) The Owner shall submit a Site Development Application to comprehensively address the future transit square, respecting but not limited to, the design, configuration, size, and programming for approval by Vaughan Council. The Owner shall revise the landscape plan, if required, subject to Site Development File DA.12.085, to reflect any revisions resulting from the comprehensive transit square;
- c) The Owner will make best efforts to work diligently with the City of Vaughan, TTC, TYSSE, and York Region to come to a resolution on the construction, land ownership and funding arrangements for the Transit Square. It is intended for the Transit Square to be constructed in the first phase of development, however, the City acknowledges there are existing construction easements and land ownership issues to resolve that are outside of the control of the Owner."

Conclusion

On June 18, 2013, the Committee of the Whole deferred consideration of Item 49 from the Commissioner of Planning and the Director of Development Planning, to permit the Owner to meet with City staff to resolve concerns respecting the removal of the Holding provision, temporary surface parking lot, park, transit square, and cash-in-lieu of parkland dedication. On June 19 and 21, 2013, meetings took place involving the Owner and representatives of the Vaughan Development Planning, Parks Development, and Development / Transportation Engineering Departments, to which all concerns have now been resolved to the mutual satisfaction of all parties. As there are several text changes that need to be made to the Recommendation section and Conditions of Subdivision Approval in the staff report, it is easier to delete and replace these with the new recommendations and conditions in this Communication.

Should Vaughan Council concur, the revised recommendation section and subdivision conditions in Attachment #1 as provided in this Communication can be approved. The implementing Official Plan and Zoning By-law Amendments are also included on the Council Agenda of June 25, 2013, and can be adopted and enacted, respectively.

Respectfully submitted,



JOHN MACKENZIE
Commissioner of Planning

SL/GU

Copy to: Barbara Cribbitt, Interim City Manager
Jeffrey A. Abrams, City Clerk
Marlon Kallideen, Commissioner of Community Services
Paul Jankowski, Commissioner of Engineering and Public Works
Andrew Pearce, Director of Development / Transportation Engineering
Heather Wilson, Director of Legal Services
Martin Tavares, Parks Development
Stephen Lue, Planner, Development Planning
Grant Uyeyama, Director of Development Planning

ATTACHMENT NO. 1

STANDARD CONDITIONS OF DRAFT APPROVAL

DRAFT PLAN OF SUBDIVISION 19T-12V007 CALLOWAY REIT (SEVENBRIDGE) INC. LOT 6, CONCESSION 5, CITY OF VAUGHAN

THE CONDITIONS OF THE COUNCIL OF THE CITY OF VAUGHAN (CITY) THAT SHALL BE SATISFIED PRIOR TO THE RELEASE FOR REGISTRATION OF PLAN OF SUBDIVISION 19T-12V007, ARE AS FOLLOWS:

City of Vaughan Conditions

1. The Plan shall relate to the Draft Plan of Subdivision, prepared by MHBC Planning Urban Design & Landscape Architecture, drawing #07132K, dated May 28, 2013.
2. The lands within this Plan shall be appropriately zoned by a Zoning By-law, which has come into effect in accordance with the provisions of The Planning Act. Particular zoning categories to be applied are as follows:
 - a) C9 – Corporate Centre Node Zone; and,
 - b) C9(H) – Corporate Centre Node Zone with the Holding Symbol “(H)”.
3. The Owner shall pay any and all outstanding application fees to the Development Planning Department, in accordance with the applicable and in-effect Tariff of Fees By-law.
4. The road allowances within this Plan shall be named to the satisfaction of the City, in consultation with the Regional Planning Department; a proposed street name for Street “A” shall be submitted by the Owner for approval by Council and shall be included on the first engineering drawings.
5. The Owner shall enter into a Subdivision Agreement with the City of Vaughan to satisfy all conditions, financial or otherwise of the City, with regard to such matters as the City may consider necessary, including payments of development levies, the provisions of roads and municipal services, landscaping and fencing. The said Agreement shall be registered against the lands to which it applies.
6. Prior to final approval, the Owner shall prepare preliminary pedestrian level Wind Studies for the proposed development to the satisfaction of the City. These studies should include existing neighbouring buildings where they exist and recommend mitigation measures to ensure favourable micro-climactic conditions at grade.
7. Prior to final approval, the Owner shall prepare development and infrastructure Phasing Plans for the construction of built form, temporary surface parking, underground parking, vehicle and pedestrian access points to underground parking, pedestrian access points to the subway-bus terminal tunnel from the development, transit square, park, and streets.
8. Prior to final approval of the Plan, the Owner shall provide a copy of the fully executed subdivision agreement to:
 - a) The Region of York;
 - b) York Region District School Board;
 - c) York Catholic District School Board;

- d) Canada Post;
 - e) Canadian National Railway (CN);
 - f) Municipal Property Assessment Corporation (MPAC);
 - g) PowerStream Inc.;
 - h) Enbridge Gas; and,
 - i) Bell Canada.
9. The road allowances included in this Draft Plan of Subdivision shall be designed in accordance with the City's standards for road and intersection design, temporary turning circles, daylighting triangles, and 0.3 metre reserves. The pattern of streets and the layout of blocks shall be designed to correspond and coincide with the pattern and layout of abutting developments.
10. Any dead ends or open sides of road allowances created by this Draft Plan of Subdivision shall be terminated in 0.3 metre reserves, to be conveyed to the City without monetary consideration and free of all encumbrances, to be held by the City until required for future road allowances or development of adjacent lands.
11. The Owner shall agree in the Subdivision Agreement that construction access shall be provided only in a location approved by the City.
12. Prior to final approval, a soils report prepared at the Owner's expense shall be submitted to the City for review and approval. The Owner shall agree in the Subdivision Agreement to carry out, or cause to carry out, the recommendations including pavement design structure for ideal and non-ideal conditions to the satisfaction of the City.
13. The Owner shall agree in the Subdivision Agreement that no Building Permits will be applied for or issued until the City is satisfied that adequate road access, municipal water supply, sanitary sewers, and storm drainage facilities are available to service the proposed development.
14. Prior to the initiation of grading, and prior to the registration of this Draft Plan of Subdivision or any phase thereof, the Owner shall submit to the City for review and approval the following:
- a) A detailed engineering report that describes the storm drainage system for the proposed development within this Draft Plan, which report shall include:
 - i) plans illustrating how this drainage system will be tied 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) stormwater management techniques which may be required to control minor or major flows;
 - iii) appropriate Stormwater Management Practices (SWMPs) to be used to treat stormwater, to ensure no negative impact on the quality and quantity of ground and surface water resources at it relates to fish and their habitat;
 - iv) the location of description of all outlets and other facilities which may require permits under Ontario Regulation 166/06 and/or the Lakes and Rivers Improvement Act;
 - v) proposed methods of controlling and preventing erosion and siltation on-site and in downstream areas during and after construction;

- vi) retain an environmental monitor and report on the implementation and on-going maintenance of erosion and sediment controls; and,
- vii) overall grading Plans for the Plan.

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

- 15. Prior to final approval of the Plan, the Owner shall pay its proportionate share of the cost of any external municipal services that have been designed, oversized and built temporarily or permanent by others to accommodate the development of the Plan.
- 16. Prior to final approval of the Plan, the Owner shall make the necessary arrangements at the expense of the Owner for the relocation of any utilities required by the development of the Plan to the satisfaction of the City.
- 17. The Owner shall agree that all Lots or Blocks to be left vacant shall be graded, seeded, maintained and signed to prohibit dumping and trespassing.
- 18. The Owner shall agree in the Subdivision Agreement to maintain adequate chlorine residuals in the watermain within the Plan after successful testing and connection to the potable municipal water system and continue until such time as determined by the City or until assumption of the Plan. In order to maintain adequate chlorine residuals, the Owner will be required to retain a licensed water operator to flush the water system and sample for chlorine residuals on a regular basis determined by the City. The Owner shall be responsible for the costs associated with these activities including the metered consumption of water used in the program.
- 19. Prior to final approval of the Plan, the Owner shall provide confirmation that satisfactory arrangements have been made with a suitable telecommunication provider to provide their services underground at the approved locations and to the satisfaction of the City. The Owner shall provide a copy of the fully executed Subdivision Agreement to the appropriate telecommunication provider.
- 20. Prior to final approval of the Plan, the Owner shall permit any telephone or telecommunications service provider to locate its Plant in a common trench within the proposed Plan of Subdivision prior to release of the Plan for registration, provided such service provider has executed a Municipal Access Agreement with the City. The Owner shall ensure that any such service provider will be permitted to install its Plant so as to permit connection to individual blocks within the Subdivision as and when each block is constructed.
- 21. Prior to the initiation of the grading or stripping of top soil and final approval, the Owner shall submit a top soil storage Plan detailing the location, size, slopes stabilization methods and time period, for the review and approval by the City. Top soil storage shall be limited to the amount required for final grading, with the excess removed from the site.
- 22. Prior to initiation of grading or stripping of topsoil and prior to final approval of the Plan, the Owner shall prepare and implement a detailed erosion and sedimentation control plan(s) addressing all phases of the construction of the municipal services and house building program including stabilization methods, topsoil storage locations and control measures to the satisfaction of the City. The Owner shall prepare the erosion and sediment control plan(s) for each stage of construction (pre-stripping/earthworks, pre-servicing, post-servicing) in accordance with the Toronto and Region Conservation Authority (TRCA) Erosion and Sediment Control Guidelines for Urban Construction, dated December 2006, and implement a monitoring and reporting program to the satisfaction of the City.

23. The Owner acknowledges that the final engineering design(s) may result in minor variations to the Plan (e.g. in the configuration of road allowances and lotting, number of Lots/Blocks etc.), which may be reflected in the final Plan to the satisfaction of the City.
24. Prior to final approval of the Plan, satisfactory arrangements shall be in place between the TTC, City, Region and the Owner with respect to the lands and easements necessary to complete the right-of-way of Apple Mill Road and Street "A" from the east limit of the Plan to the new Millway Avenue right-of-way to the satisfaction of the City.
25. The Owner shall agree in the Subdivision Agreement to carry-out the design and reconstruction of Apple Mill Road between Edgeley Boulevard and the new Millway Avenue right-of-way to the satisfaction of the City. It is acknowledged that a portion of the Apple Mill Road reconstruction is within the TTC construction contract. The Owner shall make the necessary arrangements with the TTC/TYSSE for any change orders required to facilitate the construction of Apple Mill Road to City standards.
26. The Owner shall agree in the Subdivision Agreement to design and construct the municipal services in the Plan in accordance with the final recommendations and conclusion of the following studies to the satisfaction of the City:
 - a) VMC Municipal Servicing Master Plan;
 - b) City-Wide Transportation Master Plan; and,
 - c) Black Creek Optimization Study.
27. The Owner shall agree in the Subdivision Agreement to pay its proportionate share of the cost associated with implementing the infrastructure improvements identified in the approved Vaughan Metropolitan Centre Master Servicing Plan and the Black Creek Optimization Study to the satisfaction of the City. The City intends on enacting a Special Area Development Charge (SAC) by-law(s) with respect to the required drainage and sewer infrastructure improvements. In advance of the enactment of this SAC(s) by-law, the Owner shall provide financial commitments via the Subdivision Agreement based on the City's latest available cost estimate for the required infrastructure improvements.
28. Prior to final approval of the Plan, the Owner shall submit a Water Supply Analysis Report for review and approval to the satisfaction of the City, which shall include a comprehensive water network analysis of the water distribution system and shall demonstrate that adequate water supply and fire flow demands are available for the Plan and any external lands which comprise part of proposed water distribution system.
29. Prior to final approval of the Plan, and/or conveyance of land, and/or any initiation of grading or construction, the Owner shall implement the following to the satisfaction of the City:
 - a) submit a Phase One Environmental Site Assessment (ESA) report and a Phase Two ESA in accordance with Ontario Regulation (O.Reg.) 153/04 (as amended) for the lands within the Plan to the satisfaction of the City;
 - b) submit a certificate letter prepared by the Owner's Qualified Person stating that the Owner covenants and agrees that all lands within the Plan and any lands and easements external to the Plan to be dedicated to the City and the Region are suitable for the intended land use and meet the applicable Standards set out in the MOE document "Soil, Ground Water and Sediment Standards for Use under Part XV.1 of the Environmental Protection Act" (as amended); and,

- c) reimburse the City for the cost of the peer review of the ESA reports, as may be applicable.
- 30. Prior to final approval of Plan, the Owner shall submit a detailed Noise/Vibration Impact Study for review and approval by the City. The Owner shall agree in the Subdivision Agreement to carry out, or cause to carry out recommendations set out in the approved noise/vibration study to the satisfaction of the City.
- 31. Prior to final approval of the Plan, the Owner shall enter into a Developers' Group Agreement with the other participating landowners within the Vaughan Metropolitan Centre (VMC), if required, to the satisfaction of the City. The Agreement shall be regarding but not limited to all cost sharing for the provision of parks, cash-in-lieu of parkland, roads and municipal services within the VMC. This Agreement shall also include a provision for additional developers to participate with the Developers' Group Agreement when they wish to develop their lands.
- 32. The Owner shall agree in the Subdivision Agreement to submit detailed engineering drawings and reports that include, but are not limited to plan and profile drawings for the proposed municipal services including intersection design, grading and servicing, erosion and siltation control and street lighting as deemed necessary for review and approval to the satisfaction of the City.
- 33. The Owner shall agree in the Subdivision Agreement to undertake the necessary modifications to the existing Future Shop lands (3200 Regional Road 7) and associated services to permit the unencumbered construction of Street "A" and associated municipal services to the satisfaction of the City.
- 34. The Owner shall agree in the Subdivision Agreement to design and construct street lighting/pedestrian scale lighting system in the Plan to the satisfaction of the City. The streetlight system shall use LED luminaire, pole type and type of fixtures in accordance with the City Standards and Specification and the City's Streetscape/Open Space Master Plan.
- 35. Prior to final approval of the Plan, the Owner shall submit to the City for review and approval a detailed Geotechnical and Hydrogeological Report, which shall address but not limited to the following:
 - a) a dewatering report/plan, necessary contingency plan, monitoring and reporting program during and after completion of the construction;
 - b) assess any impact on the existing building structures in the vicinity of the proposed development due to dewatering operation; and,
 - c) design considerations for municipal services and structures.
- The Owner shall agree in the Subdivision Agreement to carry out, or cause to carry out, the recommendations set out in any and all of the aforementioned report to the satisfaction of the City.
- 36. a) Prior to final approval and prior to commencement of any work on the site, the proponent shall carry out an archaeological assessment of the subject property to the satisfaction of the City and the Ministry of Culture; and the proponent shall agree to mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found. No grading or other soil disturbances shall take place on the subject property prior to the approval authority and the Ministry of Culture confirming that all archaeological resource concerns have met licensing and resource conservation requirements.

- b) Prior to final approval and prior to the commencement of any work on site, the proponent shall deliver to the City (Cultural Services Division) two copies of the Archaeological Assessment.
 - c) Prior to the commencement of any archaeological fieldwork, a copy of the contract information sheet which was submitted to the Ministry of Culture shall have been forwarded to the City; licensed consultants are urged to review the Archaeological Master Plan Study for the City of Vaughan prior to commencing any fieldwork.
37. a) The Owner shall by January 31, 2014, submit a proposal that includes draft general principles for City consideration to inform future agreements related to both the development of the transit square and the westerly park from the office tower to Edgeley Boulevard, which will address the following: maintenance, construction, ownership, management, programming, any proposed strata arrangement, legal arrangements, and parkland credits.
- City staff will expeditiously review and provide advice to Vaughan Council with the objective of reporting to a Committee of the Whole / Council meeting no later than June 2014.
- b) The Owner shall submit a Site Development Application to comprehensively address the future transit square, respecting but not limited to, the design, configuration, size, and programming for approval by Vaughan Council. The Owner shall revise the landscape plan, if required, subject to Site Development File DA.12.085, to reflect any revisions resulting from the comprehensive transit square.
 - c) The Owner will make best efforts to work diligently with the City of Vaughan, TTC, TYSSE, and York Region to come to a resolution on the construction, land ownership and funding arrangements for the Transit Square. It is intended for the Transit Square to be constructed in the first phase of development, however, the City acknowledges there are existing construction easements and land ownership issues to resolve that are outside of the control of the Owner.

Region of York Conditions

38. The Owner shall provide the following to the Region of York:
- a) a copy of the executed Subdivision Agreement; and,
 - b) a Solicitor's Certificate of Title to the Region of York Corporate and Legal Services Department, to the satisfaction of the Regional Solicitor, at no cost to the Region, with respect to the conveyance of lands to The Regional Municipality of York.
39. The Owner shall enter into an Agreement with the Region of York, agreeing to satisfy all conditions, financial and otherwise, of the Regional Corporation; Regional Development Charges are payable prior to final approval in accordance with By-law DC-3-98-77.

Bell Canada

40. Bell Canada requires one or more conduit or conduits of sufficient size from each unit to the room(s) in which the telecommunication facilities are situated and the one or more conduits from the room(s) in which the telecommunication facilities are located to the street line.

PowerStream Inc.

41. a) Prior to final approval, the Owner shall satisfy all technical, financial and other requirements of PowerStream Inc., its successors and assign regarding the design, installation, connection and/or expansion of electric distribution services, or any other related matters; the Owner shall enter into a Development Agreement with PowerStream Inc. which addresses the foregoing requirements.
- b) The Owner shall agree to design, purchase materials, and install a buried hydro distribution system, compatible with the existing and/or proposed systems in surrounding Plans, all in accordance with the latest standards and specifications of PowerStream Distribution Inc. and the City.

Canada Post

42. The Owner shall agree to:
- a) supply, install and maintain a suitable mailbox/mailroom location to Canada Post's specifications; and,
- b) provide a copy of the executed Subdivision Agreement to Canada Post.

Other Conditions

43. Final approval for registration may be issued in phases to the satisfaction of the City, subject to all applicable fees provided that:
- a) phasing is proposed in an orderly progression, in consideration of such matters as the timing of road improvements, infrastructure, schools and other essential services; and,
- b) all government agencies agree to registration by phases and provide clearances, as required in Conditions 1 to 42 inclusive, for each phase proposed for registration; furthermore, the required clearances may relate to lands not located within the phase sought to be registered.
44. The City shall advise that Conditions 1 to 37 inclusive, have been satisfied; the clearance letter shall include a brief statement detailing how each condition has been met.
45. The Region of York shall advise that Conditions 38 and 39 have been satisfied; the clearance letter shall include a brief statement detailing how each condition has been met.
46. Bell Canada shall advise that Condition 40 has been satisfied; the clearance letter shall include a brief statement detailing how this condition has been met.
47. PowerStream Inc. shall advise that Condition 41 has been satisfied; the clearance letter shall include a brief statement detailing how this condition has been met.
48. Canada Post shall advise that Condition 42 has been satisfied; the clearance letter shall include a brief statement detailing how this condition has been met.