

206. ZONING BY-LAW AMENDMENT FILE Z.16.003
SITE DEVELOPMENT FILE DA.16.007
SITE DEVELOPMENT FILE DA.16.089
PENGUIN-CALLOWAY (VAUGHAN) INC.
WARD 4 - VICINITY OF MILLWAY AVENUE AND APPLE MILL ROAD
(Referred)

MOVED by Councillor Yeung Racco
seconded by Councillor Iafrate

- 1) That the recommendation contained in the following report of the Deputy City Manager, Planning & Growth Management, Interim Director of Development Planning and Senior Manager of Development Planning, dated December 6, 2016, be approved;
- 2) That the confidential recommendation contained in Confidential Communication C2, from the Deputy City Manager, Legal & Human Resources, dated December 13, 2016, be approved; and
- 3) That the following be approved in accordance with Communication C1 from the Deputy City Manager, Planning and Growth Management, dated December 8, 2016:
 1. THAT the technical report (Item 32 of Report 43) by the Deputy City Manager, Planning & Growth Management, Interim Director of Development Planning, and Senior Manager of Development Planning, dated December 6, 2016, be amended as follows:
 - a) deleting the words “, or portion thereof” in Recommendation 3.a)i), to read as follows:

“500 parking spaces subject to their removal upon redevelopment of the subject lands;”
 - b) adding the word “and” after the word “Owner” to the first bullet and adding “for the staging of events, but not provide free parking to the general public” to the end of the second bullet point in Recommendation 3.b)iv), so to read as follows:

“• the dates and times for the use of the temporary surface parking lot will be agreed upon annually by the Owner and the City;
• the City may use the parking lot for up to four events annually for the staging of events, but not provide free parking to the general public; and,”
 - c) adding “and the Owner” to the last sentence in Recommendation 3.b)iv), to read as follows:

“The agreement will also consider other matters such as liability, security and on-site operations, to the satisfaction of the City and the Owner;”
 - d) deleting the reference “platinum” after the paragraph beginning with “Goal 4” in the Contribution to Sustainability section and replacing it with “gold”, to read:

“In accordance with the goals and objectives identified above, the Owner advises that the mixed use building development proposal

(Site Development File DA.16.007), a brownfield redevelopment, will be constructed to achieve a gold Leadership in Energy and Environmental Design (LEED) certification and that the following, but not limited to, sustainable site and building features will be included:”

- e) deleting the reference to “temporary sidewalk” in the first sentence of the third paragraph of item b) of the Landscape Plan/Urban Design section and replacing it with “safe pedestrian connections”, to read:

“The Owner has been advised that the landscape treatment along Jane Street must be improved with buffer plantings, safe pedestrian connections, and enhanced screening measures.”

CARRIED

Council, at its meeting of December 13, 2016, adopted the following recommendation (Item 32, Committee of the Whole, Report No. 42):

By approving that consideration of this matter be deferred to the Council meeting of January 24, 2017;

By approving the following recommendation of the Council (Closed Session) meeting of December 13, 2016:

1. That the legal advice be received; and

By receiving the following Communications:

- C5 Deputy City Manager, Planning & Growth Management, dated December 8, 2016; and
- C8 Confidential communication from the Deputy City Manager, Legal & Human Resources, dated December 13, 2016.

Recommendation of the Committee of the Whole meeting of December 6, 2016:

- 1) That the recommendation contained in the following report of the Deputy City Manager, Planning & Growth Management, Interim Director of Development Planning and Senior Manager of Development Planning, dated December 6, 2016, be approved;
- 2) That the deputation by Ms. Paula Bustard, Vice President, Development, SmartReit, Applewood Crescent, Vaughan, be received; and
- 3) That the coloured elevation submitted by the applicant be received.

Report of the Deputy City Manager, Planning & Growth Management, Interim Director of Development Planning and Senior Manager of Development Planning, dated December 6, 2016

Recommendation

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

1. THAT Zoning By-law Amendment File Z.16.003 (Penguin-Calloway (Vaughan) Inc.) BE APPROVED, to amend Zoning By-law 1-88, specifically the C10 Corporate District Zone, subject to Exception 9(959), on the part of the subject lands located on the north side of Apple Mill Road and west of the York Region Rapid Transit Corporation (YRRTC) Bus

Terminal, as shown on Attachments #1 and #2, to permit the site-specific zoning exceptions identified in Table 1 of this report to facilitate the development of an 9-storey mixed-use building, as shown on Attachments #6 to #12, subject to the following condition:

- a) Prior to the enactment of the implementing site-specific Zoning By-law, the Owner (Penguin-Calloway (Vaughan) Inc.) shall resolve its Ontario Municipal Board (OMB) appeals of the Vaughan Official Plan (VOP) 2010 and the Vaughan Metropolitan Centre (VMC) Secondary Plan in a form satisfactory to the City Solicitor and the Deputy City Manager, Legal and Human Resources.
2. THAT Site Development File DA.16.007 (Penguin-Calloway (Vaughan) Inc.) BE APPROVED, to permit the development of the part of the subject lands located west of Millway Avenue and on the north side of Apple Mill Road, as shown on Attachment #1 and #2 with an 9-storey, 22,103 m² mixed-use building, as shown on Attachments #6 and #12, with business and professional office, community centre, retail store, public library, and day nursery uses, subject to the following conditions:
- a) prior to the execution of the Site Plan Agreement:
 - i) the implementing zoning by-law shall be in full force and effect;
 - ii) the Owner shall receive approval from the Vaughan Development Planning and Development Engineering and Infrastructure Planning (DEIP) Departments for Site Development File DA.16.077 to permit an amendment on the approved Wal-Mart Site Development File DA.96.067, specifically modifications to the existing parking area and landscape plan to accommodate the lands for the mixed-use building development proposal and the Owner shall prepare and deposit a Reference Plan that defines the limits of the future Buttermill Avenue right-of-way for future conveyance purposes at the time of the Wal-Mart redevelopment, to the satisfaction of the Vaughan DEIP Department;
 - iii) the Vaughan Development Planning Department shall approve the final site plan, building elevations, landscape cost estimate, landscape plans, and wayfinding signage;
 - iv) the Vaughan DEIP Department shall approve the final site servicing plan, site grading plan, erosion control plan, functional servicing and stormwater management report and drawings, geotechnical and hydrogeological assessment, external lighting plan, the utility coordination plan, Transportation Demand Management Plan, and functional schematics of the Buttermill Avenue right-of-way extension including the alignment, road cross-sections and underground servicing for the future conveyance of a future public road (Buttermill Avenue) as identified in the VMC Secondary Plan, at the time of redevelopment of the lands to the immediate west (Wal-Mart lands), or portions thereof;
 - v) The Owner shall submit a Phase One Environmental Site Assessment (ESA), Phase Two ESA, and Remedial Action Plan (if required) including reliance from the Owner's environmental consultant on all ESA documentation, to the satisfaction of the City;
 - vi) the Owner shall submit to the City the final 3D digital model of the development, 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. 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 model;

- vii) the Owner shall satisfy all requirements of York Region;
- viii) the Owner shall satisfy all requirements of PowerStream Inc.; and
- ix) the Owner shall satisfy all requirements of Canada Post.

b) that the Site Plan Agreement shall include the following clauses:

- i) “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 any 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 Office of the City Solicitor, Real Estate Department, and the approved appraisal shall form the basis of the cash-in-lieu payment.”
- ii) “Prior to the issuance of any Building Permit, the Owner shall submit a Ministry of the Environment and Climate Change (MOECC) Record of Site Condition (RSC), including the Acknowledgement Letter from the MOECC filed on the Environmental Site Registry, for the subject lands. All Environmental Site Assessment (ESA) reports relied upon for the filing of the RSC shall also be submitted to the City, to the satisfaction of the City, including reliance from the Owner’s environmental consultant.”
- iii) “Prior to the issuance of the final Building Permit, the Owner and the City shall execute a separate agreement, which will include the requirement for the Owner to submit a Letter of Credit, to address the details to commission and install a permanent piece of public art as a public art contribution consistent with the principles of Site 9 – Community Centre as outlined in the City’s VMC Culture and Public Art Framework, to the satisfaction of the City. The Owner shall develop a public art program that follows the approved process outlined in the City-wide Public Art Program, to the satisfaction of the City. The Owner will own and maintain the public art piece. The City acknowledges that this contribution satisfies the requirement for public art in the development block.”
- iv) “Upon redevelopment of the property to the west (Wal-Mart), the Owner shall convey to the City the Buttermill Avenue right-of-way between Apple Mill Road to Portage Parkway free of cost and encumbrances, in accordance with the VMC Secondary Plan, and enter into an agreement with the City to design and construct this portion of Buttermill Avenue, to the satisfaction of the City.”
- v) “Prior to the occupancy of the mixed-use building, the Owner will be required to design and construct the ultimate streetscape and sidewalk conditions for the eastern side of Buttermill Avenue along the frontage of the mixed-use building, subject to Site Development File DA.16.007, to the satisfaction of the City.”

3. THAT Site Development File DA.16.089 (Penguin-Calloway (Vaughan) Inc.), BE APPROVED, to permit the development of the portion of the subject lands located at the northeast corner of Millway Avenue and the Apple Mill Road extension, as shown on Attachments #1 and #2, for a temporary surface commercial parking lot with a maximum 976 spaces, as shown and red-lined on Attachments #13 and #14, subject to the following conditions:

- a) The Owner shall enter into an agreement with the City, which will include the following triggers for the ultimate removal of the parking lot:

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- i) 500 parking spaces subject to their removal upon redevelopment of the subject lands, or portion thereof;
 - ii) 476 parking spaces shall be removed 5 years from the occupancy of the mixed-use building, which is subject to Site Development File DA.16.007:
- b) prior the execution of the Site Plan Agreement:
 - i) the Owner (Penguin-Calloway (Vaughan) Inc.) shall resolve its Ontario Municipal Board (OMB) appeals of the Vaughan Official Plan (VOP) 2010 and the Vaughan Metropolitan Centre (VMC) Secondary Plan in a form satisfactory to the City Solicitor and the Deputy City Manager, Legal and Human Resources;
 - ii) Minor Variance Application A387/16 for the required exceptions to Zoning By-law 1-88, identified in Table 2 of this report, as it pertains to Site Development File DA.16.089, shall be approved by the Vaughan Committee of the Adjustment, the Committee's decision shall be final and binding, and the Owner shall satisfy any conditions imposed by the Committee;
 - iii) the Vaughan Development Planning Department shall approve the final site plan, landscape plan, landscape cost estimate, and wayfinding signage and demonstrate that the temporary surface parking lot include infrastructure that can accommodate the staging and hosting of public events;
 - iv) the Owner shall enter into a separate agreement with the City to permit the City to utilize the temporary surface parking lot to stage and host public events, based on the following principles, to the satisfaction of the City:
 - the dates and times for the use of the temporary surface parking lot will be agreed upon annually by the Owner the City;
 - the City may use the parking lot for up to four events annually; and,
 - the use of the parking lot will be at no cost to the City.

The agreement will also consider other matters such as liability, security and on-site operations, to the satisfaction of the City;

 - v) the Vaughan Development Engineering and Infrastructure Planning (DEIP) Department shall approve the final site servicing plan, site grading plan, erosion control plan, functional servicing and stormwater management report and drawings, lighting plan, and access operation review study;
 - vi) the Owner shall enter into a Development Agreement with the City for the design, construction and conveyance of the Apple Mill Road extension from Millway Avenue to Jane Street, including the associated municipal services, streetscape and signalization at Jane Street, if required by York Region, to the satisfaction of the City;
 - vii) the Owner shall satisfy all requirements of York Region;
 - viii) the Owner shall satisfy all requirements of Toronto and Region Conservation Authority (TRCA); and,
 - ix) the Toronto Transit Commission (TTC) shall provide their final clearance;

- c) that the Site Plan Agreement shall include the following clauses:
 - i) “A temporary surface parking lot is permitted subject to the Owner entering into an agreement with the City, which will include the following triggers for the ultimate removal of the parking lot:
 - a) 500 parking spaces subject to their removal upon redevelopment of the subject lands, or portion thereof;
 - b) 476 parking spaces shall be removed 5 years from the occupancy of the mixed-use building, which is subject to Site Development File DA.16.007.”
 - ii) “The Owner shall provide the minimum 220 parking spaces required under Zoning By-law 1-88 to permanently service the mixed-use building, subject to Site Development File DA.16.007, within 5 years of the occupancy of the mixed-use building.”
 - iii) “The Owner agrees that should a parking or traffic circulation problem be identified by the City or YRRTC/York Region, which includes transit vehicles, for the mixed-use building and surrounding streets including Millway Avenue, Portage Parkway, and Apple Mill Road, the Owner shall work, in consultation with its parking operator, the City and York Region, to adjust the operations of the temporary surface commercial parking lot in order to accommodate the parking demand of the mixed-use building.”
 - iv) “The Owner shall continue to work with the City to incorporate, wherever possible, the permanent premium level of service streetscape requirements on the subject lands as part of the planned Millway Avenue works and the City acknowledges that the advanced permanent streetscape works that are front-ended by the Owner shall be considered in review of future development applications on the subject lands.”
 - v) “The Owner shall convey to the City, free of change and encumbrances, the necessary road widening for both Millway Avenue (east and west sides) and Portage Parkway along the frontage of the subject lands pursuant to the VMC Secondary Plan and Portage Parkway Class Environmental Assessment, to the satisfaction of the City.”
- d) The following shall be addressed in the Development Agreement, as referenced in section 3.b)vi) in the recommendation section of this report, to the satisfaction of the City of Vaughan:

- i) Apple Mill Road Extension

The design, construction and conveyance of the Apple Mill Road extension from Millway Avenue to Jane Street, including municipal services and the installation of a signalized intersection at Apple Mill Road and Jane Street, if required by York Region, by the Owner and an interim, and some areas permanent, streetscape condition and tree planting on both sides of the Apple Mill Road extension where it does not conflict with the planned utility or servicing upgrades. The Owner shall be required to provide drawings, plan and profile, sewer/water design sheets and drainage area plan for the design of the road extension, to the satisfaction of the City;

- ii) Millway Avenue Streetscape Treatment

The Owner shall make the necessary arrangements to fund and implement the completion of the premium level of service streetscape

treatment between the curb and the sidewalk along the east side of Millway Avenue from Regional Road 7 to Portage Parkway, in accordance with the VMC Streetscape and Open Space Plan, to the satisfaction of the City;

iii) Millway Avenue and Portage Parkway Access

The Owner shall convey the required road widenings for Portage Parkway and Millway Avenue identified by the VMC Secondary Plan and the Portage Parkway Environmental Assessment. The Owner shall undertake the required access works at Millway Avenue and Portage Parkway, to the satisfaction of the City.

iv) Environmental Site Assessment

Prior to the transfer of the Apple Mill Road extension lands to the City, and any other lands to be conveyed to the City as part of this development, the Owner shall submit, as a minimum, a Phase One Environmental Site Assessment (ESA) in accordance with O. Reg. 153/04 (as amended). Should the findings of the Phase One ESA recommend further assessments, those shall also be required to be completed. All ESA reports shall include reliance extended from the environmental consultant to the City for the use of the reports, to the satisfaction of the City.

4. THAT Community Improvement Plan (CIP) File CIP.16.003 be reviewed by the City for eligibility for the VMC CIP Program, specifically for the proposed 10,000 m² office component within the mixed-use building, in accordance with the criteria set in the City of Vaughan CIP By-law, CIP Program Guide, and CIP Application, to the satisfaction of the City.
5. THAT the Mayor and City Clerk be authorized to enter into an agreement with the Owner (Penguin-Calloway (Vaughan) Inc.) to provide for the Owner to tender a construction contract and construct Millway Avenue, a funded City project, between New Park Place and Portage Parkway on behalf of the City, pursuant to Section 12 of the City's Consolidated Purchasing Policy.

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

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

Goal 4: To create a vibrant community where citizens, businesses and visitors thrive

- Objective 4.1: To foster a City with strong social cohesion, an engaging arts scene, and a clear sense of its culture and heritage

- Objective 4.2: Ensure that the City of Vaughan attracts businesses and investment that will result in well-paying jobs for Vaughan citizens, a sustainable tax base and continuing prosperity into the 21st century

In accordance with the goals and objectives identified above, the Owner advises that the mixed-use building development proposal (Site Development File DA.16.007), a brownfield redevelopment, will be constructed to achieve a platinum Leadership in Energy and Environmental Design (LEED) certification and that the following, but not limited to, sustainable site and building features will be included:

- a 20% reduction in water consumption, including low flow fixtures, stormwater management and storm water re-use technology and innovative wastewater technologies
- construction waste management and building material reuse
- low-emitting adhesives and sealants, paints and coatings, flooring systems, and composite wood and agri-fiber products
- low-mercury lamps and energy efficient light fixtures to reduce light pollution
- green housekeeping incorporated in the management of the development
- as a transit-oriented development in the VMC, the proposed development will include pedestrian connections, transit information, and transportation demand measures (TDM) consisting of bicycle storage and change rooms to encourage public transit
- high efficiency HVAC systems
- water efficient and low maintenance planting

Economic Impact

The Owner has submitted a CIP application to the City for evaluation in accordance with the criteria set in the City's CIP By-law and CIP Program Guide for the proposed mixed-use building, which will provide a positive economic impact.

Communications Plan

On March 11, 2016, a Notice of Public Hearing was circulated to all property owners within 150m of the lands subject to Zoning By-law Amendment File Z.16.003, as shown on Attachments #1 and #2. The Notice of Public Hearing was also posted on the City's website at www.vaughan.ca and two notice signs were installed on the property along Portage Parkway and Apple Mill Road, in accordance with the City's Notice Sign Procedures and Protocol. To date, no comments have been received by the Vaughan Development Planning Department.

The recommendations of the Committee of the Whole to receive the Public Hearing report of April 5, 2016, and to forward a comprehensive technical report to a future Committee of the Whole meeting was ratified by Vaughan Council on April 19, 2016.

Purpose

To seek approval from the Committee of the Whole for the following:

- a) Zoning By-law Amendment File Z.16.003, to amend Zoning By-law 1-88, specifically the C10 Corporate District Zone, to permit the site-specific zoning exceptions identified in Table 1 of this report to facilitate the development of the portion of the subject lands located on the north side of Apple Mill Road, west of the YRRTC Bus Terminal, as shown on Attachments #1 and #2, with an 9-storey mixed-use building shown on Attachments #6 to #12;
- b) Site Development File DA.16.007, to permit the development of the portion of the subject lands located on the north side of Apple Mill Road, west of the YRRTC Bus Terminal, as shown on Attachments #1 and #2, with an 9-storey, 22,103 m² mixed-use building, as shown on Attachments #6 and #12, consisting of business and professional office, community centre, retail store, public library, and day nursery uses; and,

- c) Site Development File DA.16.089, to permit the development of the portion of the subject lands located at the northeast corner of Millway Avenue and the Apple Mill Road extension, as shown on Attachments #1 and #2, for a temporary surface commercial parking lot consisting of 976 parking spaces, as shown and red-lined on Attachments #13 and #14.

Background - Analysis and Options

Synopsis:

The Owner proposes to amend Zoning By-law 1-88 to permit site-specific development standards to facilitate an 9-storey, mixed-use building consisting of business and professional office, retail store, community centre, library, and day nursery uses. The Owner also proposes to construct a temporary 976-space surface commercial parking lot that provides the required parking for the mixed-use building and additional temporary parking to activate the Vaughan Metropolitan Centre (VMC) in its early stages of development. Triggers for the removal of the parking lot are proposed including the removal of 500 spaces upon the redevelopment of the parking lot and the removal of 476 spaces 5 years from the occupancy of the mixed-use building. The Vaughan Development Planning Department supports the development applications as they will facilitate development in the VMC, subject to the conditions identified in the recommendation of this report.

Location

The lands subject to Zoning By-law Amendment and Site Development Files Z.16.003 and DA.16.007, respectively, are located on the west side of the Millway Avenue realignment and on the north side of Apple Mill Road, shown as "Subject Lands" on Attachments #1 and #2. Currently, the site for the proposed mixed-use building is partially used as a parking lot for the abutting Wal-Mart lands to the west and the balance of the lands as a contractor parking area for the adjacent KPMG office building on the south side of Apple Mill Road.

The lands subject to Site Development File DA.16.089 (temporary surface parking lot) are located on the north east corner of Millway Avenue and the Apple Mill Road extension to Jane Street, as shown on Attachments #1 and #2. The lands are currently vacant with a portion of the lands being utilized by the Owner for a construction staging area.

The surrounding land uses are shown on Attachment #2.

Official Plan

The subject lands are designated "Corporate Centre District" by in-effect OPA #500 (Vaughan Corporate Centre Plan), as amended by OPA #528, OPA #529, and OPA #663 (The Avenue 7 Land Use Future Study Plan). The "Corporate Centre District" designation provides opportunities to accommodate a wide range of land uses including office, commercial, institutional, civic and cultural, community facilities, and retail uses of all types and sizes, at a maximum density of 1.5 FSI (Floor Space Index) for an individual development. The mixed-use building, having a density of 1.15 FSI, conforms to in-effect OPA #500, as amended.

The subject lands are located in the partially approved VMC Secondary Plan, which forms part of the Volume 2 to the Vaughan Official Plan 2010 (VOP 2010). The land use schedule, which is in effect, designates the subject lands as "Station Precinct", which permits the proposed major civic and office uses. The mixed-use development conforms to the partially approved VMC Secondary Plan.

a) Temporary Surface Parking Lot and Triggers

The proposed temporary surface commercial parking lot for the mixed-use building is located at the northeast corner of Millway Avenue and the Apple Mill Road extension, as shown on Attachments #1, #2, #13, and #14. Policy 8.8.1g) of the partially approved VMC Secondary Plan permits interim surface parking that is tied to major office (greater than 7,000 m²) and civic facilities, subject to an agreement with the City and triggers related to

the redevelopment of the temporary surface parking lot. The proposed triggers to be included in the agreement are as follows:

- i) 500 parking spaces subject to their removal upon redevelopment of the subject lands, or portion thereof.
- ii) 476 parking spaces shall be removed 5 years from the occupancy of the mixed-use building, which is subject to Site Development File DA.16.007.

Zoning By-law 1-88 requires that a minimum of 220 spaces to service the mixed-use building. For operational purposes, the Owner proposes to provide 264 parking spaces for the mixed-use building. When the KPMG office building was approved, additional parking beyond the minimum Zoning By-law 1-88 requirement was approved at a ratio of 1.84 times the required parking for the office building. Based on the operational requirement of 264 spaces and the application of the 1.84 ratio used for the KPMG office building, this would yield a parking supply of 486 spaces for the proposed mixed-use building, rounded to 500 spaces.

The Vaughan Development Planning Department has no objection to permitting the proposed temporary surface commercial parking lot, subject to the triggers identified above and the conditions included in this report.

b) Off-Site Parking Policies

Policy 8.8.1i) of the partially approved VMC Secondary Plan, which represents Vaughan Council's current policy direction, permits off-site parking to be located generally within 400 m of a development, being the mixed-use building. This policy is subject to an OMB appeal on a Plan-wide basis and is therefore not in-effect on the subject lands, but is expected to be brought into force for the subject lands once the appeal filed by the Owner is resolved.

Zoning By-law 1-88

The lands subject to the mixed-use building and temporary surface parking lot proposals are zoned C10 Corporate District Zone and C10 (H) Corporate District Zone with the Holding Symbol "(H)", respectively, as shown on Attachment #2, and are both subject to site-specific Exception 9(959) in Zoning By-law 1-88. The condition for the removal of the Holding Symbol "(H)" in the Zoning By-law is that Vaughan Council approves a future Site Development application on the land subject to the temporary surface parking lot proposal. In the interim, the Owner has filed Minor Variance application A387/16 to permit a temporary surface parking lot on the lands, notwithstanding the Holding Symbol ("H").

Mixed-Use Building Exceptions

The following site-specific zoning exceptions identified in Table 1 are required to permit the mixed-use building development proposal:

Table 1: Zoning By-law Amendment File Z.16.003			
	Zoning By-law 1-88 Standard	C10 Corporate District Zone Requirements, subject to Exception 9(959)	Proposed Exceptions to the C10 Corporate District Zone, subject to Exception 9(959)
a.	Maximum Building Height	15 m	50 m (mixed-use building)

Table 1: Zoning By-law Amendment File Z.16.003			
	Zoning By-law 1-88 Standard	C10 Corporate District Zone Requirements, subject to Exception 9(959)	Proposed Exceptions to the C10 Corporate District Zone, subject to Exception 9(959)
b.	Maximum Density - Floor Space Index (FSI)	0.6 FSI	1.15 FSI
c.	Parking Requirement and Access (Subject Lands)	Access to and parking for the subject lands shall be secured solely on the subject lands	<ul style="list-style-type: none"> ▪ Permit access to the subject lands (mixed-use building) from the adjacent lands to the west (Wal-Mart lands), as shown on Attachment #6 ▪ Permit parking for the subject lands to be located off-site, specifically on the lands shown on Attachments #13 and #14 on a temporary basis and subject to the triggers identified in this report.
d.	Parking Requirements (Wal-Mart lands)	Access and parking to the Wal-Mart lands shall be secured solely on the Wal-Mart lands	Permit access and parking to the Wal-Mart lands from the mixed-use building subject lands
e.	Minimum Loading Space Requirements	Mixed use building - 22,103 m ² @ 2 loading spaces for every 10,000 m ² or portion thereof) = 6 loading spaces	Permit a total of 2 loading spaces for the mixed-use building
f.	Definition of "Lot"	"Lot" means a parcel of land fronting on a street separate from any abutting land to the extent that a consent contemplated would not be required for its conveyance	The Subject Lands are deemed to be one lot, regardless of the number of buildings constructed thereon, the creation of separate units and/or lots by way of plan of condominium, consent, conveyance of private or public roads, strata title arrangements, or other permissions, and any easements or registrations that are granted, shall be deemed to comply with the provision of Zoning By-law 1-88

The Vaughan Development Planning Department supports the proposed site-specific zoning exceptions identified in Table 1 for the following reasons:

a) Building Height and Density

The subject lands are located within an identified mobility hub adjacent to the future York Region Rapid Transit Corporation (YRRTC) bus terminal and in close proximity to the VMC Subway Station, which is currently under construction. The proposed building height and density conform to the in-effect official plan and VOP 2010.

b) Parking and Access

With denser forms of development within a downtown area, opportunities for shared access driveways become viable (e.g. proposed private driveway/future Buttermill Avenue), which is supported and encouraged. A provision will be included in the site-specific zoning by-law to facilitate the shared driveway access for the mixed-use building. The proposed temporary surface commercial parking lot is considered appropriate for the reasons discussed later in this report.

c) Loading Space Requirements

The proposed mixed-use building will be occupied by several uses located within one building. Servicing a mixed-use building provides the opportunity to have shared service areas, including loading, which is encouraged within an intensification area and a mobility hub. The proposal to reduce the minimum number of loading spaces from 6 to 2 spaces will maximize the building efficiencies by repurposing the areas that would have been used for loading to community facilities.

d) Definition of "Lot"

The proposed zoning exception to the definition of a "lot" is required to ensure that for zoning purposes, the subject lands are deemed to be one lot regardless of future conveyances and to avoid future technical zoning amendments. In consideration of the nature of the proposed mixed-use development, which includes shared connections (e.g. proposed private driveway/future Buttermill Avenue/future development on the north side of the mixed-use building), this exception is appropriate.

e) West Property Line Limit – Site Development File DA.16.077

The Owner has submitted the concurrent amending Site Development File DA.16.077 to amend the original approval (File DA.96.067) for the Wal-Mart lands located on the lands to the immediate west and to facilitate the reconfiguration of the Owner's overall land holdings (the subject lands and the Wal-Mart lands), as shown on Attachment #2, to accommodate the development proposal, specifically the existing parking area and landscape strip.

Site Development File DA.16.077 facilitates modifications to the existing Wal-Mart parking and landscape areas and access. This file has been substantially reviewed by the Vaughan Development Planning Department and will not require any associated minor variances to Zoning By-law 1-88.

The Vaughan Development Planning Department recommends the following provision be included in the implementing site-specific Zoning By-law, to address the final delineation of the west lot line of the subject lands:

"For the purposes of this Zoning By-law, the C10 Corporate District Zone shall be interpreted to coincide with the west property line as established by the final registered reference plan."

Temporary Surface Parking Lot Exceptions

Table 2 below identifies the site-specific exceptions to Zoning By-law 1-88 requested through Minor Variance File A387/16 that are required to facilitate Site Development File DA.16.089, the Owner's proposal for a temporary surface commercial parking lot.

Table 2: Site Development File DA.16.089 – Required Variances (File A387/16)			
	Zoning By-law 1-88 Standard	C10 Corporate District Zone Requirements, subject to Exception 9(959)	Proposed Exceptions to the C10 Corporate District Zone, subject to Exception 9(959)
a.	Permitted Use	Does not specifically permit a "Commercial Parking Lot"	Permit a "Commercial Parking Lot" without a building and on lands, notwithstanding the Holding Symbol "(H)"
b.	Minimum Landscape Strip Widths	6 m along a street line	5 m along a street line (all butting streets)
c.	Minimum Parking Space Size	2.7 m x 6 m	2.7 m x 5.7 m
d.	Maximum Driveway Width	7.5 m	12 m

The Vaughan Development Planning Department supports the site-specific zoning exceptions identified in Table 2 for the following reasons:

a) Permitted Use

Permitting a temporary commercial parking lot (976 parking spaces) on the lands subject to Site Development File DA.16.089 would accommodate off-site parking for the mixed-use building, on an interim basis, and enable the early activation of the VMC by providing a space to host events that will attract people into the emerging downtown area and support off-route transit riders who will utilize the commuter parking spaces in order to access business and higher order transit opportunities in the VMC. The surface lot will also provide ancillary parking for planned public events and for patrons to the VMC. The location of the temporary commercial parking lot is visually and physically removed from Regional Road 7, but in close proximity to the YRRTC Bus Terminal, the VMC Subway Station, and Transit Square.

Prior to the execution of the Site Plan Agreement for the temporary surface parking lot, the Owner shall demonstrate that the approved plans include infrastructure to accommodate the staging and hosting of public events and must enter into a separate agreement with the City to permit the City to utilize the temporary surface parking lot, based on the following principles:

- i) the dates and times for the use of the temporary surface parking lot will be agreed upon annually by the Owner the City;
- ii) the City may use the parking lot for up to four events annually; and,
- iii) the use of the parking lot will be at no cost to the City.

The agreement will also consider other matters such as liability, security and on-site operations, to the satisfaction of the City. A condition to this effect is included in the recommendation of this report.

The Vaughan Development Planning Department recommends the approval of a temporary surface commercial parking lot consisting of 976 parking spaces, as red-lined on Attachments #13 and #14, subject to the Owner entering into an agreement with the City, which will include the following triggers for the ultimate removal of the parking lot the following conditions:

- i) 500 parking spaces subject to their removal upon redevelopment of the subject lands, or portion thereof; and,
- ii) 476 parking spaces shall be removed 5 years from the occupancy of the mixed-use building, which is subject to Site Development File DA.16.007.

The 500 space maximum is based on utilizing the same temporary parking ratio used for the KPMG office building, being 1.84 times the parking required by Zoning By-law 1-88 to service the mixed-use building. The 264 spaces proposed by the Owner would yield 486 spaces, which when rounded up equates to 500 spaces. Therefore, the Vaughan Development Planning Department has no objection to the use of the lands for a temporary surface commercial parking lot.

The temporary surface commercial parking lot will service the mixed-use building and commuters until a permanent integrated parking structure/facility is constructed north of the mixed-use building, at which time the required parking for the mixed-use building will be relocated from the temporary surface lot into the parking structure.

The VMC Secondary Plan permits off-site parking associated with major office development and civic facilities, subject to an agreement and triggers for their ultimate removal. As noted, the off-site parking policies are currently under appeal Plan-wide; however, the City is working with the Owner to arrive at a settlement of the appeal in order to bring the off-site parking policies into effect.

On the basis of these policies, and in an effort to initiate early activation of the VMC as discussed in this report, the Vaughan Development Planning Department can support the proposed temporary surface parking lot, subject to the recommendations included in this report. The Vaughan Development Planning Department is satisfied that given locational advantages of this site in proximity to the VMC Subway Station, YRRTC Bus Terminal and transit that these parking spaces will be redeveloped in the early phases of the development of the VMC, and that they will not remain in the long-term.

The Development Planning Department has no objection to the commercial surface parking lot being permitted under the current zoning for the site, which includes the Holding Symbol "(H)". The proposed surface parking lot use is temporary and subject to triggers for its removal as identified in this report.

b) Landscape Strip Widths, Parking Space Size, and Driveway Width

The reduced landscape strip width from 6 m to 5 m will provide opportunity for appropriate landscape on the site. The reduced parking space length is consistent with other parking size reductions approved in the VMC and will contribute to space efficiency within the temporary surface commercial parking lot. The increased driveway entrance from 7.5 m to 12 m will accommodate the gated controls and regulate traffic to and from the temporary surface commercial parking lot.

Minor Variance File A387/16 to permit the above noted variances to Zoning By-law 1-88 shall be approved by the Vaughan Committee of the Adjustment, the Committee's decision shall be final and binding, and the Owner shall satisfy any conditions imposed by the Committee. A condition to this effect is included in the recommendation of this report.

Site Plan Review

a) Site Development File DA.16.007 (Mixed-Use Building)

The Owner originally proposed a 9-storey mixed-use building (Attachments #3 and #5) and a 6-storey, 37,982 m² stand-alone parking garage (Attachment #4) to accommodate 1,167 parking spaces. Through the review of the development applications, the Owner advanced the 9-storey mixed-use building development proposal shown on Attachments #6 to #12. The Owner proposes to proceed with the development of the lands located north of the mixed-use building with a project expected to include an integrated parking structure, through a future development application.

The proposed building elevations shown on Attachments #7 to #10 are comprised of a combination of brick masonry, glass curtain walls with elements of fritted glazed spandrel panels, and zinc cladding on a 3-storey podium with gold anodized aluminum that articulates a playful building expression. The building is well articulated with provisions for a fourth storey terrace and a green roof for building activation.

Pedestrian accesses into the mixed-use building are located on the east and west sides of the building and are connected by an internal corridor. A landscape promenade is located between the mixed-use building and the YRRTC Bus Terminal, which will be equipped with seating and bicycle racks, as shown on Attachment #11. The proposed landscape will be integrated with the planned landscape works for the YRRTC Bus Terminal and the KPMG office building on the south side of Apple Mill Road and will incorporate an enhanced level of streetscape design in accordance with the VMC Streetscape and Open Space Plan.

An outdoor play area associated with the day care use is located on the west side of the building. A private driveway identified as “Future Buttermill Avenue Extension” on Attachment #6 is located along the west side of the building, extending north from Apple Mill Road. Upon the redevelopment of the Wal-Mart site to the west, this driveway will form part of Buttermill Avenue, a planned 22 m wide public right-of-way that will connect Apple Mill Road to Portage Parkway. The mixed-use building is proposed to be serviced along the north side of the building, which will be animated with second floor active uses.

The Vaughan Development Planning Department is satisfied with the design of the mixed-use building and the site plan, subject to the conditions included in the recommendation of this report.

b) Site Development File DA.16.089 (Temporary Surface Commercial Parking Lot)

The Owner proposes a temporary 976-space off-site surface commercial parking lot located at the northeast corner of Millway Avenue and the future Apple Mill Road extension, as shown on Attachments #13 and #14.

Access driveways to the temporary surface commercial parking lot are proposed on the Apple Mill Road extension (full move access) and Millway Avenue and Portage Parkway (right-in and right-out). The Owner has agreed to align the access driveways for the temporary surface commercial parking lot to be consistent with the general location of a planned local street shown in the VMC Secondary Plan. The temporary proposed parking lot site plan shown on Attachments #13 and #14 has been red-lined to reflect this change. Each access driveway is currently proposed to be gated and controlled, but this may be reconsidered to avoid negative traffic impacts.

A sidewalk on the north side of Apple Mill Road will serve as the main pedestrian route connecting the temporary parking lot to the mixed-use building, as shown on Attachment #13, and the YRRTC Bus Terminal. Sidewalks on Millway Avenue extending south from Apple Mill Road will connect to the VMC Subway Station entrance. The distance from the temporary surface commercial parking lot to the mixed-use building is within 400 m or less than a 5 minute walk. The Owner will be required to coordinate wayfinding signage

to the City's standards and in response to the comments from the Toronto Transit Commission (TTC) and York Region, which is discussed later in this report.

The Vaughan Development Planning Department will continue to work with the Owner to finalize the details of the temporary surface commercial parking lot including lighting and signage, particularly wayfinding measures. The final site plan, landscape plans, building elevations plans, lighting plan, and wayfinding signage must be approved to the satisfaction of the Vaughan Development Planning Department. A condition to this effect has been included in the recommendation of this report.

Landscape Plan / Urban Design

a) Mixed-Use Building

The Urban Design and Cultural Heritage Division of the Development Planning Department has reviewed the landscape plan, as shown on Attachment #11, and has no objection to the development proposal, subject to the final landscape plan and landscape cost estimate to the satisfaction of the Vaughan Development Planning Department. The Owner has been advised to provide a signage package showing the integration of signage and wayfinding into the design of the building façade and wayfinding for all the various uses within the mixed-use building.

The Owner will also be required to submit to the Vaughan Development Planning Department the final 3D digital model of the development, which shall include accurately geo-referenced digital data, as outlined in the Draft VMC Submission Protocol, to the satisfaction of the Vaughan Development Planning Department. 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 in the amount of \$15,000.00.

b) Temporary Surface Commercial Parking Lot

The landscape plan for the temporary surface commercial parking lot is shown on Attachment #14. The Urban Design and Cultural Heritage Division of the Vaughan Development Planning Department has reviewed the proposal and advises that Millway Avenue is defined as a premium level of service streetscape in the City-Wide Streetscape Implementation Manual and VMC Streetscape and Open Space Plan (VMC SOS Plan), and the design of the east boulevard must conform to the design specifications outlined in the Terms of Reference for this capital project. The Owner has agreed to make the necessary arrangements to fund and implement the ultimate landscape design solution for Millway Avenue, from Regional Road 7 to Portage Parkway, which will be subject to a separate Development Agreement.

Apple Mill Road is defined an enhanced level of service streetscape in the City-Wide Streetscape Implementation Manual and VMC SOS Plan. The Owner and the City will continue to collaboratively explore the interim and ultimate landscape design solutions with respect to the street trees. The design of the north Apple Mill Boulevard should be seamless on either side of the entrance with consideration for the potential integration of a bioswale or rain garden in the sodded area. This treatment is subject to a separate Development Agreement, which is included in the recommendation of this report.

The Owner has been advised that the landscape treatment along Jane Street must be improved with buffer plantings, temporary sidewalk, and enhanced screening measures. Additionally, the design of the Portage Parkway streetscape must be coordinated with the concept developed through the recently approved Environmental Assessment (EA) for the Portage Parkway widening and easterly extension to west of Black Creek (Part A). The widening of Portage Parkway is discussed in the Vaughan Development Engineering and Infrastructure Planning Department section of this report.

The Owner is further advised that the plaza at the north-east corner of Millway Avenue and the Apple Mill Road extension must be designed and coordinated seamlessly with the Millway Avenue streetscape concept and adjacent public spaces, including the YRRTC Bus Terminal plaza area and Transit Square/TTC Plaza as part of the broader vision for the mobility hub landscape. All site furnishings must conform to the material palette outlined in the VMC SOS Plan. The Owner is further encouraged to introduce breaks in the expanse of parking with the introduction of a significant planting islands with bioswale features to support storm water management. All wayfinding signage must be reviewed by the City.

The Vaughan Development Planning Department shall approve the final landscape plan, landscape cost estimate and wayfinding signage, together with the requirement or the 3D digital model, must be approved to the satisfaction of the Vaughan Development Planning Department, which is included in the recommendation of this report.

Vaughan Design Review Panel – Site Development File DA.16.007 (Mixed-Use Building)

The Vaughan Design Review Panel (DRP) considered the original mixed-use building development proposal (including the parking structure), as shown on Attachments #3 to #5 on January 28, 2016, and the subsequent revisions, shown on Attachments #6 to #12, on April 28, 2016. The comments from the April 28, 2016, meeting of the DRP regarding the current proposal were as follows:

a) Site Plan

- i) The importance and potential of the east-west pedestrian connection along the north of the building was identified. This connection will likely become a short cut that people travel through from the westerly neighbourhoods to reach the transit hub. The DRP was interested in understanding how the design and integration of the east-west connection will extend into the neighbourhood to the west.

b) Architecture

- i) The DRP encouraged the Owner to revisit the podium expression. More animation of the podium was encouraged.
- ii) The main entrances of the building should be more pronounced and the west entrance could be treated in a much more fun and playful way. For instance, planes could project out of the building, and colour could be added to the soffits and under surfaces as a wayfinding device.
- iii) The treatment of the penthouse floor is foreboding and appears very top heavy and could be designed to be less conspicuous.

The DRP noted that the parking structure included in the first review was removed from the current proposal and acknowledged that the Owner was undertaking a feasibility assessment to determine whether a mixed-use option (parking structure integrated with residential) is viable for this block. The DRP will consider any development proposal for this block at a future meeting.

The Owner responded to the DRP's comments with the revised proposal shown on Attachments #6 to #12. The revised development proposal incorporates colour and fritted glass treatment at the podium level, specifically the podium will be activated with visible uses (community centre gym) along the north of the building. The main entrances have designed with more prominence and greater expression. Though not fully depicted on Attachment #12, the building design will incorporate a stepped back roof line to provide articulation to the building. The Vaughan Development Planning Department is satisfied that the revised plans appropriately respond to the DRP's comments.

Public Art (Mixed-Use Building)

Public art improves the public realm and contributes to the creation of a sense of place. Prior to issuance of a Building Permit, the Owner and the City shall execute a separate agreement, including the requirement to submit a Letter of Credit, to address the details to commission and install a permanent piece of public art as a contribution consistent with the principles of Site 9 – Community Centre as outlined in the City's VMC Culture and Public Art Framework, to the satisfaction of the City.

Prior to the issuance of a final Building Permit, the Owner shall develop a public art program that follows the approved process outlined the City-wide Public Art Program, to the satisfaction of the City. This contribution will satisfy the requirement for public art in the development block identified on Attachment #2, as identified in the City's VMC Culture and Public Art Framework. A condition to this effect is included in the recommendation of this report.

Vaughan Development Engineering and Infrastructure Planning (DEIP) Department

a) Site Development File DA.16.007 (Mixed-Use Building)

The Vaughan Development Engineering and Infrastructure Planning (DEIP) Department shall approve the final site servicing plan, site grading plan, erosion control plan, functional servicing and stormwater management report and drawings, geotechnical and hydrogeological assessment, and the utility coordination plan. Through the review of the application, the Vaughan DEIP Department has advised the Owner that a geotechnical and hydrogeological assessment and external lighting plan will be required to be reviewed and approved. A condition to this effect is included in the recommendation of this report.

i) Traffic Impact Study (TIS)

The alignment of the future Buttermill Avenue extension extends along the west side of the mixed-use building. On an interim basis, the right-of-way will be used as a driveway until such time the property to the west (Wal-Mart lands) redevelops, thereby providing the opportunity to establish the Buttermill Avenue road link.

As part of the mixed-use building proposal, the Owner shall prepare a study that includes a functional drawing and details of the ultimate design of the Buttermill Avenue right-of-way of 22 m and an area functional review. The interim design of Buttermill Avenue and the proposed access points should be incorporated on the same drawings as the ultimate design and should include the curb radii, pavement width, sight triangle, functional plan of the ultimate intersection design, which shall conform to the approved VMC Servicing Strategy Master Plan Class Environmental Assessment Study and the City Design Criteria.

ii) Environmental Site Assessment

The Owner proposes to development the subject lands for a mixed-use building that contains institutional uses, i.e. daycare. This constitutes a change to a more sensitive land use under O. Reg. 153/04, as amended, of the Environmental Protection Act.

The Owner has completed a Phase One Environmental Site Assessment (ESA) in accordance with O. Reg. 153/04, as amended, which identifies the requirement for a further assessment, which shall be submitted to the City and shall include reliance extended from the environmental consultant to the City for the use of the reports, prior to the execution of the Site Plan Agreement. The Owner shall be required to obtain a Record of Site Condition (RSC) filed on the Environmental Site Registry and acknowledged by the Ministry of the Environment and Climate Change (MOECC) prior to the issuance of a Building

Permit, which will be included in the Site Plan Agreement. This condition is included in the recommendation of this report. A condition to this effect is included in the recommendation of this report.

iii) Transportation Demand Management (TDM)

The City's Official Plan contains policies to require the preparation and implementation of TDM Plans to support sustainable transportation. The Owner is required to submit a TDM Plan to the satisfaction of the Vaughan DEIP Department. A condition to this effect is included in the recommendation of this report.

b) Site Development File DA.16.089 (Temporary Surface Commercial Parking Lot)

The Vaughan DEIP Department shall approve the final site servicing plan, grading plan, erosion and sediment control plan, and stormwater management compliance letter for the temporary surface commercial parking lot, to the satisfaction of the City. The Vaughan DEIP Department has also advised the Owner that a geotechnical report will be required to be reviewed and approved by the City.

The future Apple Mill Road right-of-way width will be approximately 27 m. The Owner shall provide drawings, plan and profile, sewer/water design sheets, and a drainage area plan for the design of road extension. The Owner shall enter into a Development Agreement with the City for the design and construction of the Apple Mill Road extension, including signalization at its intersection with Jane Street, if required, enhanced streetscape works, and driveway entrances. A recommendation to this effect is included in the recommendation of this report.

The Vaughan DEIP Department has provided the following comments to be addressed through the separate Development Agreement:

- i) The Owner shall design and construct the Apple Mill Road extension in accordance with the approved VMC Master Servicing Strategy, to the satisfaction of the City. The Owner shall convey sufficient property for the Apple Mill Road extension (approximately 27 m right-of-way to be confirmed through detail design) along the development frontage. A draft reference plan shall be submitted for review and comment;
- ii) The Owner shall convey a portion of their property for the widening of Millway Avenue (33 m right-of-way plus additional right-of-way at the intersection in accordance with the approved Portage Parkway EA and the VMC Secondary Plan) along the development frontage. The Owner shall provide an appropriately sized sight triangles with 0.3 m reserve at the intersection of Millway Avenue and the Apple Mill Road extension, and Millway Avenue and Portage Parkway to the satisfaction of the City. The sight triangle requirement at northwest corner of Jane Street and the Apple Mill Road extension will be subject to review and approval of York Region. A draft reference plan in this regard shall be submitted to the City for review and comment;
- iii) The Owner shall convey a portion of their property for the widening of Portage Parkway (33 m right-of-way) along the development frontage. The Owner shall provide an appropriately sized sight triangle with 0.3 m reserve at southeast corner of Millway Avenue and Portage Parkway, to the satisfaction of the City. The sight triangle requirement at southwest corner of Jane Street and Portage Parkway will be subject to review and approval of York Region. The Owner shall submit a draft reference plan to the City for review and comment;
- iv) The Owner shall design and construct the Apple Mill Road extension, and the enhanced streetscape works and the driveway entrances, and 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, the provision of roads and municipal services, landscape and fencing;

- v) The Owner shall obtain all necessary approvals from York Region and the Toronto and Region Conservation Authority (TRCA).

Transportation Planning Division

The Vaughan DEIP Department, Transportation Planning Division, has reviewed the proposed temporary surface commercial parking lot and provided the following comments:

- i) the Owner shall provide an access operations review study to address the proposed vehicular and pedestrian impacts on adjacent City streets, intersections, and transit operations. The study shall include a Functional Plan for the proposed accesses on City Roads. The Functional Plan must detail the curb radii, throat width, sight triangles details, lane configuration and auxiliary lanes requirement, if any, at City road/intersections (interim and ultimate conditions);
- ii) the access locations at Portage Parkway and Apple Mill Road shall be aligned consistent with the location of the future north-south City's road, as identified in the approved VMC Secondary Plan;
- iii) the Owner shall provide drawing details of the proposed access at Portage Parkway and Apple Mill Road;
- iv) the proposed access to Portage Parkway shall be restricted to right-in and right-out movements only;
- v) 22 accessible parking spaces shall be provided, as required by the Accessibility for Ontarians with Disabilities Act (AODA), shall be shown on the plan and must be verified by the Vaughan Building Standard Department;
- vi) include a traffic signage plan that specifies stop signs, one-way signs and do not enter signs; and,
- vii) a reference shall be included on the drawings that the proposed driveways will be constructed with heavy duty asphalt from back edge of the municipal curb to property line and this area should be highlighted on the site plan.

Environmental Site Assessment

For the temporary surface commercial parking lot, the Vaughan DEIP Department has no objection to the proposed temporary surface commercial parking lot, provided that prior to the execution of the separate Development Agreement for the Apple Mill Road extension lands, the Owner shall submit, as a minimum, a Phase One Environmental Site Assessment (ESA) in accordance with O. Reg. 153/04 (as amended). Should the findings of the Phase One ESA recommend further assessments, those shall also be required to be completed. All ESA reports shall include reliance extended from the environmental consultant to the City for the use of the reports, to the satisfaction of the City. A condition to this effect is included in the recommendation of this report.

c) Millway Avenue Re-construction

In September 2016, Vaughan Council granted approval for the Owner to lead the detailed design of Millway Avenue in an effort to maintain the project schedules. The Owner is familiar with the timing, scope, and complexity of the Millway Avenue re-construction project between New Park Place and Portage Parkway. Through the developer/build provisions of the City's Purchasing Policy, the City is able to facilitate the required tender and construction assignment for the Millway Avenue reconstruction. Staff is

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recommending that the reconstruction of Millway Avenue be delivered as a developer/build project in an effort to ensure the roadway is built for the opening of the subway.

A condition to authorize the City to enter into an agreement with the Owner for the Owner to undertake the tender preparation and re-construction of Millway Avenue on behalf of the City is included in the recommendation of this report.

Vaughan Financial Planning and Development Finance Department

The Vaughan Financial Planning and Development Finance Department has provided the following comments:

a) Site Development File DA.16.007 (Mixed-Use Building)

The Owner shall pay Development Charges to the City, in accordance with the City of Vaughan, Region of York, York Region District School Board and York Catholic District School Board Development Charge By-laws, prior to the issuance of any Building Permit.

b) Site Development File DA.16.089 (Temporary Surface Commercial Parking Lot)

The Owner shall pay to the City applicable Area Specific Development Charges for the Black Creek Financial Strategy based on the surface parking lot land area, prior to the issuance of any Building Permit.

Community Improvement Plan – Site Development File DA.16.007 (Mixed-Use Building)

The Owner has submitted a Community Improvement Plan (CIP) application, File CIP.16.003, for eligibility for the VMC CIP Program, specifically for the proposed 10,000 m² office component within the mixed-use building, in accordance with the criteria set in the City of Vaughan CIP By-law, CIP Program Guide, and CIP Application. The Owner has submitted a CIP application (File CIP.16.003) for evaluation in accordance with the criteria set in the City's CIP By-law and CIP Program Guide. Should the application be considered valid, the construction and occupancy of the new office space would add value to the City both in terms of direct and indirect jobs, and taxable assessment growth in the long term.

Vaughan Environmental Services Department, Solid Waste Management Division (Mixed-Use Building)

The Vaughan Solid Waste Management Division has advised that the development proposal meets the requirements of the Vaughan Waste Collection Design Standard Policies and has no objection to the mixed-use development proposal.

Toronto Transit Commission (Temporary Surface Commercial Parking Lot)

The Toronto Transit Commission (TTC) has reviewed the proposal for a temporary surface commercial parking lot and recognizes that the lot is a temporary condition that provides, in part, the required interim off-site parking spaces for the mixed-use building (related to File DA.16.007). The TTC has no objection in principle to the proposal, subject to the following conditions:

- a) Should any changes be made to stormwater management on or adjacent to the subject lands, the City shall circulate the revisions to the TTC for review and approval, prior to any amendments being approved to ensure that TTC infrastructure is not affected by any proposed changes.
- b) The Owner shall provide appropriate wayfinding signage located on the subject lands to clearly define access to VMC transit hubs and to ensure the temporary surface commercial parking lot is properly integrated into the VMC. The Owner is advised to contact the TTC for the appropriate wayfinding signage standards.

- c) The TTC understands that the Owner will provide safe pedestrian connections to the transit facilities to and from the subject lands, including direct connections to the public sidewalk and a functioning signalized crossing at the Apple Mill Road and Millway Avenue intersection, in accordance with City of Vaughan Standards.

The TTC advises that given the temporary nature of the commercial parking lot, the TTC reserves the right to conduct subsequent site development or technical reviews for any future development proposed by the Owner on the subject lands. A condition that the TTC provide their final clearance on the temporary surface commercial parking lot is included in the recommendation of this report.

Toronto and Region Conservation Authority (Temporary Surface Commercial Parking Lot)

The application for the temporary surface commercial parking lot (Site Development File DA.16.089) has been circulated and is subject to review by the Toronto and Region Conservation Authority (TRCA). The Owner is required to satisfy all requirements of the TRCA. A condition to this effect is included in the recommendation of this report.

NavCanada and Bombardier Aerospace (Mixed-Use Building)

NavCanada is a private sector, non-share Capital Corporation that owns and operates Canada's civil air navigation service (ANS). NAV Canada co-ordinates the safe and efficient movement of aircraft in Canadian domestic airspace and international airspace assigned to Canadian control. NavCanada, in a letter issued in March 12, 2016, advised that they have no objection to the development proposal. NAV Canada's land use evaluation is valid for a period of 12 months of their notice and the assessment is limited to the impact of the proposed physical structure on the air navigation system and installations.

The Toronto Downsview Airport is located approximately 14 km southeast of the subject lands and the subject lands are located within the flight path of the airport. Bombardier Aerospace exclusively owns and operates the Toronto Downsview Airport. All development proposals within the flight path require review by Bombardier Aerospace. In a memorandum dated February 26, 2016, Bombardier Aerospace advised they have no objection to the proposed development, provided that the proposed crane heights in conjunction with the future Site Development Application shall be reviewed by Bombardier Aerospace.

Canada Post (Mixed-Use Building)

Canada Post has reviewed the development proposal for the mixed-use building and identified that with the common indoor entrance; the Owner shall supply, install and maintain a centralized mailbox facility, to the satisfaction of Canada Post. A condition to this effect has been included in the recommendation of this report.

PowerStream Inc. (Mixed-Use Building)

PowerStream Inc. has indicated it has no objection to the approval of the mixed-use building development proposal. PowerStream advises that the Owner is required to complete a Service Application Information Form (SAIF). PowerStream will then determine the type of available service in the area to supply this project and determine the charges for the new connection. 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.

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
- Invest, renew and manage infrastructure and assets

- Attract investment and create jobs
- Continue to cultivate an environmentally sustainable City
- Support and promote arts, culture, heritage and sports in the community

Regional Implications

York Region has provided their comments for the development applications as follows:

a) Mixed-Use Building

Zoning By-law Amendment and Site Development Files Z.16.003 and DA.16.007 were circulated to the York Region Transportation and Community Planning Department for review and comment. The subject lands are located adjacent to a planned major regional infrastructure project, the YRRTC Bus Terminal, as shown on Attachment #2. York Region advises that they have no objection to the approval of the Zoning By-law Amendment File Z.16.003. The Owner, however, will be required to satisfy York Region's technical comments for the Site Development File DA.16.007.

b) Temporary Surface Commercial Parking Lot

York Region has reviewed plans and reports relating to Site Development File DA.16.089 and has no objections to the development proposal in principle. Prior to receiving final Site Plan approval from York Region and prior to the issuance of any conditional, partial and/or final Building Permits by the City, the Owner shall satisfy the requirements listed below, and be in receipt of a fully executed site plan agreement, unless otherwise agreed to in writing by York Region.

- i) The Owner shall submit to the Region an Access Operations Review, a draft reference plan showing the parts for conveyance to York Region, a street tree protection plan (along Jane Street), and a Phase 1 ESA Report and Reliance Letter;
- ii) The Owner shall conduct an access operations review that will address the following, to the satisfaction of York Region:
 - Review of traffic routing to and from the proposed temporary surface parking lot accesses and the impacts on adjacent intersections, accesses and transit operations;
 - Prior to the future widening of Portage Parkway, the proposed accesses to Portage Parkway shall be restricted to right-in and right-out movements only in order to minimize the impact on the Jane Street and Portage Parkway intersection;
 - Pedestrians movements must be reviewed by the Owner across Millway Avenue between the temporary surface parking lot and the VMC bus terminal and the Owner must provide recommendations to prevent and discourage, or to address pedestrian crossing movements at midblock locations along the frontage of the parking lot; and,
 - The Owner must provide recommendations to mitigate the impact of parking lot traffic on transit operations.
- iii) The Owner shall arrange for the preparation, review and deposit on title of a reference plan, to the satisfaction of the Regional Community Planning and Development Services Branch and the plan shall identify all lands to be conveyed to York Region, including:

- a widening across the full frontage of the lands where it abuts Jane Street of sufficient width to provide for a right-of-way of 22.5 m measured from the centreline of construction of Jane Street; and,
 - a 10 m by 10 m daylighting trapezoid at the intersection of Jane Street and Apple Mill Road, measured from the widened limits of Jane Street and Apple Mill Road;
- iv) The Owner must submit, in general accordance with the requirements of the Environmental Protection Act and O. Reg. 153/04 Records of Site Condition Part XV.1 of the Act (as amended) ("O. Reg. 153/04"), a Phase 1 ESA of the lands that are the subject of the development proposal, including the lands to be conveyed, to the satisfaction of York Region; and,
- v) The Owner shall be required to deposit the following financial and insurance requirements to York Region as part of this Site Development application:
- A cost estimate for all works within the Jane Street right-of-way;
 - A security deposit for all works within the Jane Street right-of-way;
 - A development review fee based on 7% of all works within the road allowance of Jane Street; and,
 - A certificate of insurance, completed to the satisfaction of the Region's Manager of Insurance and Risk.

A condition that all York Region requirements be satisfied for Site Development Files DA.16.007 (mixed-use building) and DA.16.089 (temporary commercial surface parking lot) is included in the recommendation of this report.

Conclusion

The Vaughan Development Planning Department has reviewed Zoning By-law Amendment File Z.16.003 and Site Development Files DA.16.007 and DA.16.089 in consideration of the policies of the in-effect Official Plan, the VMC Secondary Plan, Zoning By-law 1-88, comments received from City departments and external public agencies, and the area context.

The Vaughan Development Planning Department is satisfied that the Zoning By-law Amendment File Z.16.003 for proposed amendments to Zoning By-law 1-88, specifically the site-specific zoning exception to the C10 Corporate District Zone outlined in Table 1 of this report; Site Development File DA.16.007 to facilitate an 9-storey mixed-use building consisting of major office and civic uses; and Site Development File DA.16.089 to facilitate a temporary surface commercial parking lot to provide off-site parking to service the mixed-use building, with triggers for its ultimate removal, are appropriate, subject to the conditions included in the recommendation of this report.

The proposed mixed-use building will contribute to the creation of a complete community in the VMC and the proposed temporary surface parking lot will initiate opportunities for the early activation of the VMC, as discussed in this report. Accordingly, the Vaughan Development Planning Department can support the approval of the Zoning By-law Amendment and Site Development applications, subject to the recommendations in this report.

Attachments

1. Context Location Map
2. Location Map
3. Original Site Plan (File DA.16.007)
4. Original Parking Garage Elevations (File DA.16.007)
5. Original Rendered Elevation (File DA.16.007)
6. Revised Site Plan (File DA.16.007)
7. Mixed-Use Building Elevation (Along Apple Mill Road)
8. Mixed-Use Building Elevation (Along Future Buttermilk Avenue)

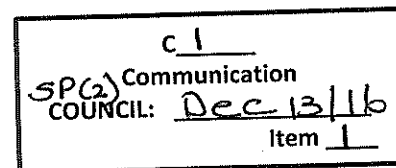
SPECIAL COUNCIL MEETING MINUTES (2) – DECEMBER 13, 2016

9. Mixed-Use Building Elevation (Abutting YRRTC Bus Terminal)
10. Mixed-Use Building Elevation (North Elevations)
11. Mixed-use Building Landscape Plan
12. Revised Rendered Elevation (9-storey Mixed-Use Building)
13. Red-lined Site Plan (File DA.16.089)
14. Red-lined Landscape Plan (File DA.16.089)
15. Communication C5

Report prepared by:

Stephen Lue, Senior Planner, ext. 8210

(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.)



DATE: DECEMBER 8, 2016

TO: HONOURABLE MAYOR AND MEMBERS OF COUNCIL

FROM: JOHN MACKENZIE, DEPUTY CITY MANAGER, PLANNING & GROWTH MANAGEMENT

RE: COMMUNICATION - COUNCIL MEETING, DECEMBER 13, 2016
ITEM NO. 32, REPORT NO. 43
COMMITTEE OF THE WHOLE - DECEMBER 6, 2016

ZONING BY-LAW AMENDMENT FILE Z.16.003
SITE DEVELOPMENT FILES DA.16.007 AND DA.16.089
PENGUIN-CALLOWAY (VAUGHAN) INC.
WARD 4 - VICINITY OF MILLWAY AVENUE AND APPLE MILL ROAD

Recommendation

The Deputy City Manager, Planning & Growth Management recommends:

1. THAT the technical report (Item 32 of Report 43) by the Deputy City Manager, Planning & Growth Management, Interim Director of Development Planning, and Senior Manager of Development Planning, dated December 6, 2016, be amended as follows:
 - a) deleting the words “, or portion thereof” in Recommendation 3.a)i), to read as follows:

“500 parking spaces subject to their removal upon redevelopment of the subject lands;”
 - b) adding the word “and” after the word “Owner” to the first bullet and adding “for the staging of events, but not provide free parking to the general public” to the end of the second bullet point in Recommendation 3.b)iv), so to read as follows:
 - the dates and times for the use of the temporary surface parking lot will be agreed upon annually by the Owner and the City;
 - the City may use the parking lot for up to four events annually for the staging of events, but not provide free parking to the general public; and,”
 - c) adding “and the Owner” to the last sentence in Recommendation 3.b)iv), to read as follows:

“The agreement will also consider other matters such as liability, security and on-site operations, to the satisfaction of the City and the Owner;”
 - d) deleting the reference “platinum” after the paragraph beginning with “Goal 4” in the Contribution to Sustainability section and replacing it with “gold”, to read:

“In accordance with the goals and objectives identified above, the Owner advises that the mixed use building development proposal (Site Development File DA.16.007), a brownfield redevelopment, will be constructed to achieve a gold Leadership in Energy



memorandum

and Environmental Design (LEED) certification and that the following, but not limited to, sustainable site and building features will be included:"

- e) deleting the reference to "temporary sidewalk" in the first sentence of the third paragraph of item b) of the Landscape Plan/Urban Design section and replacing it with "safe pedestrian connections", to read:

"The Owner has been advised that the landscape treatment along Jane Street must be improved with buffer plantings, safe pedestrian connections, and enhanced screening measures."

Background

On December 6, 2016, the Owner made a deputation to the Vaughan Committee of the Whole and requested points of clarification regarding the technical report (Item 32 of Report 43), dated December 6, 2016, respecting Zoning By-law File Z.16.003 and Site Development Files DA.16.007 and DA.16.089 (Penguin-Calloway (Vaughan) Inc.), to permit a 9-storey, mixed-use building and a temporary surface commercial parking lot. The Owner suggests minor amendments to the technical report, being:

- a) Recommendations 3.a)i) and 3.b)iv), respectively, for Site Development File DA.16.089:
- to delete the reference to "or portions thereof" in the trigger for removal of the 500 parking spaces upon redevelopment of the subject lands; and,
 - to provide clarification on the second principle for the City to stage and host public events on the temporary surface commercial parking lot so as to not permit free parking to the general public. Furthermore, in relation to the required separate agreement to facilitate this arrangement, which considers other matters such as liability, security, and on-site operations, the Owner has requested that this be adjusted to be to the satisfaction of the City and the Owner.

The intent of the words "or portions thereof" was to have parking spaces removed on a portion of the site should the area occupied by the 500 parking spaces be developed in phases, not to have all 500 parking spaces removed should only a portion of the site be developed. The amended recommendation maintains the intent of the original recommendation.

With regard to the execution of the separate agreement, staff concurs with the Owner's requested clarification that it must be to the satisfaction of the both the City and the Owner. Also, staff can support an amendment to the report to clearly identify that the intent of the condition related to the commercial parking lot is to maintain the arrangement for paid parking during City events, which is reflected in the principles to utilize the lot for City events.

- b) Modification of the Owner's aspiration for LEED certification from "platinum" to "gold" under the Contribution to Sustainability section.

Through subsequent iterations of the development proposal, the LEED aspiration of the Owner for the mixed-use building has been modified from platinum to gold certification. This recommendation in this Communication accurately reflects this change.

- c) Reference to "temporary sidewalk" under the Landscape Plan/Urban Design section for the temporary surface commercial parking lot is amended to reference "safe pedestrian connections".



memorandum

The surface commercial parking lot is temporary and the interim condition must maintain safe pedestrian connections along Jane Street. A safe interim condition facilitates pedestrian permeability throughout this Anchor Mobility Hub. The Owner has agreed to have this City concern for safe pedestrian connections accurately reflected through this Communication and substitute the words "temporary sidewalk" to "safe pedestrian connections." The Vaughan Development Planning Department supports this clarification, which is appropriate for the temporary condition of the parking lot and the surrounding context.

Conclusion

It is recommended that Recommendation 3 and portions of technical report (Item 32 of Report 43) respecting Zoning By-law Amendment File Z.16.003 and Site Development Files DA.16.007 and DA.16.089 (Penguin-Calloway (Vaughan) Inc.) considered by the Committee of the Whole on December 6, 2016, be revised as identified in this Communication to clarify the intent of certain Recommendations and information in the original report. The balance of the report remains unchanged.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'John Mackenzie', written over a horizontal line.

JOHN MACKENZIE
Deputy City Manager,
Planning & Growth Management

Copy to: Jeffrey A. Abrams, City Clerk
Daniel Kostopoulos, City Manager
Mauro Peverini, Interim Director of Development Planning

SL/

THE CITY OF VAUGHAN

BY-LAW

BY-LAW NUMBER 201-2016

A By-law to confirm the proceedings of Council at its meeting on December 13, 2016.

The Council of The Corporation of the City of Vaughan ENACTS AS FOLLOWS:

1. THAT the actions of the Council at its meeting held on December 13, 2016 with respect to each recommendation contained in the Meeting Agenda of that date and in respect to each motion, resolution and other action taken by the Council at the said meeting, subject to all approvals required by law, are hereby adopted, ratified and confirmed.
2. THAT the Head of the Council or the Acting Head of the Council and the proper officers of the Municipality are hereby authorized and directed to do all things necessary to give effect to the said motions, resolutions and other actions and to obtain approvals where required, and, except where otherwise provided, the Head or Acting Head of the Council the Clerk and/or Treasurer are hereby authorized to execute all documents necessary in that behalf, and the said Clerk is hereby authorized and directed to affix the corporate seal of the Municipality to all such documents.

Enacted by City of Vaughan Council this 13th day of December, 2016.

Hon. Maurizio Bevilacqua, Mayor

Jeffrey A. Abrams, City Clerk

SPECIAL COUNCIL **DECEMBER 13, 2016**

ZONING BY-LAW AMENDMENT FILE Z.16.003

SITE DEVELOPMENT FILE DA.16.007

SITE DEVELOPMENT FILE DA.16.089

PENGUIN-CALLOWAY (VAUGHAN) INC.

WARD 4 - VICINITY OF MILLWAY AVENUE AND APPLE MILL ROAD

(Referred)

Council, at its meeting of December 13, 2016, adopted the following recommendation (Item 32, Committee of the Whole, Report No. 42):

By approving that consideration of this matter be deferred to the Council meeting of January 24, 2017;

By approving the following recommendation of the Council (Closed Session) meeting of December 13, 2016:

1. That the legal advice be received; and

By receiving the following Communications:

- C5 Deputy City Manager, Planning & Growth Management, dated December 8, 2016; and
- C8 Confidential communication from the Deputy City Manager, Legal & Human Resources, dated December 13, 2016.

Recommendation of the Committee of the Whole meeting of December 6, 2016:

- 1) That the recommendation contained in the following report of the Deputy City Manager, Planning & Growth Management, Interim Director of Development Planning and Senior Manager of Development Planning, dated December 6, 2016, be approved;
- 2) That the deputation by Ms. Paula Bustard, Vice President, Development, SmartReit, Applewood Crescent, Vaughan, be received; and
- 3) That the coloured elevation submitted by the applicant be received.

Report of the Deputy City Manager, Planning & Growth Management, Interim Director of Development Planning and Senior Manager of Development Planning, dated December 6, 2016

Recommendation

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

1. THAT Zoning By-law Amendment File Z.16.003 (Penguin-Calloway (Vaughan) Inc.) BE APPROVED, to amend Zoning By-law 1-88, specifically the C10 Corporate District Zone, subject to Exception 9(959), on the part of the subject lands located on the north side of Apple Mill Road and west of the York Region Rapid Transit Corporation (YRRTC) Bus Terminal, as shown on Attachments #1 and #2, to permit the site-specific zoning exceptions identified in Table 1 of this report to facilitate the development of an 9-storey mixed-use building, as shown on Attachments #6 to #12, subject to the following condition:

- a) Prior to the enactment of the implementing site-specific Zoning By-law, the Owner (Penguin-Calloway (Vaughan) Inc.) shall resolve its Ontario Municipal Board (OMB) appeals of the Vaughan Official Plan (VOP) 2010 and the Vaughan Metropolitan Centre (VMC) Secondary Plan in a form satisfactory to the City Solicitor and the Deputy City Manager, Legal and Human Resources.
2. THAT Site Development File DA.16.007 (Penguin-Calloway (Vaughan) Inc.) BE APPROVED, to permit the development of the part of the subject lands located west of Millway Avenue and on the north side of Apple Mill Road, as shown on Attachment #1 and #2 with an 9-storey, 22,103 m² mixed-use building, as shown on Attachments #6 and #12, with business and professional office, community centre, retail store, public library, and day nursery uses, subject to the following conditions:
- a) prior to the execution of the Site Plan Agreement:
 - i) the implementing zoning by-law shall be in full force and effect;
 - ii) the Owner shall receive approval from the Vaughan Development Planning and Development Engineering and Infrastructure Planning (DEIP) Departments for Site Development File DA.16.077 to permit an amendment on the approved Wal-Mart Site Development File DA.96.067, specifically modifications to the existing parking area and landscape plan to accommodate the lands for the mixed-use building development proposal and the Owner shall prepare and deposit a Reference Plan that defines the limits of the future Buttermill Avenue right-of-way for future conveyance purposes at the time of the Wal-Mart redevelopment, to the satisfaction of the Vaughan DEIP Department;
 - iii) the Vaughan Development Planning Department shall approve the final site plan, building elevations, landscape cost estimate, landscape plans, and wayfinding signage;
 - iv) the Vaughan DEIP Department shall approve the final site servicing plan, site grading plan, erosion control plan, functional servicing and stormwater management report and drawings, geotechnical and hydrogeological assessment, external lighting plan, the utility coordination plan, Transportation Demand Management Plan, and functional schematics of the Buttermill Avenue right-of-way extension including the alignment, road cross-sections and underground servicing for the future conveyance of a future public road (Buttermill Avenue) as identified in the VMC Secondary Plan, at the time of redevelopment of the lands to the immediate west (Wal-Mart lands), or portions thereof;
 - v) The Owner shall submit a Phase One Environmental Site Assessment (ESA), Phase Two ESA, and Remedial Action Plan (if required) including reliance from the Owner's environmental consultant on all ESA documentation, to the satisfaction of the City;
 - vi) the Owner shall submit to the City the final 3D digital model of the development, 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. 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 model;

- vii) the Owner shall satisfy all requirements of York Region;
- viii) the Owner shall satisfy all requirements of PowerStream Inc.; and
- ix) the Owner shall satisfy all requirements of Canada Post.

b) that the Site Plan Agreement shall include the following clauses:

- i) "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 any 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 Office of the City Solicitor, Real Estate Department, and the approved appraisal shall form the basis of the cash-in-lieu payment."
- ii) "Prior to the issuance of any Building Permit, the Owner shall submit a Ministry of the Environment and Climate Change (MOECC) Record of Site Condition (RSC), including the Acknowledgement Letter from the MOECC filed on the Environmental Site Registry, for the subject lands. All Environmental Site Assessment (ESA) reports relied upon for the filing of the RSC shall also be submitted to the City, to the satisfaction of the City, including reliance from the Owner's environmental consultant."
- iii) "Prior to the issuance of the final Building Permit, the Owner and the City shall execute a separate agreement, which will include the requirement for the Owner to submit a Letter of Credit, to address the details to commission and install a permanent piece of public art as a public art contribution consistent with the principles of Site 9 – Community Centre as outlined in the City's VMC Culture and Public Art Framework, to the satisfaction of the City. The Owner shall develop a public art program that follows the approved process outlined in the City-wide Public Art Program, to the satisfaction of the City. The Owner will own and maintain the public art piece. The City acknowledges that this contribution satisfies the requirement for public art in the development block."
- iv) "Upon redevelopment of the property to the west (Wal-Mart), the Owner shall convey to the City the Buttermill Avenue right-of-way between Apple Mill Road to Portage Parkway free of cost and encumbrances, in accordance with the VMC Secondary Plan, and enter into an agreement with the City to design and construct this portion of Buttermill Avenue, to the satisfaction of the City."
- v) "Prior to the occupancy of the mixed-use building, the Owner will be required to design and construct the ultimate streetscape and sidewalk conditions for the eastern side of Buttermill Avenue along the frontage of the mixed-use building, subject to Site Development File DA.16.007, to the satisfaction of the City."

3. THAT Site Development File DA.16.089 (Penguin-Calloway (Vaughan) Inc.), BE APPROVED, to permit the development of the portion of the subject lands located at the northeast corner of Millway Avenue and the Apple Mill Road extension, as shown on Attachments #1 and #2, for a temporary surface commercial parking lot with a maximum

976 spaces, as shown and red-lined on Attachments #13 and #14, subject to the following conditions:

- a) The Owner shall enter into an agreement with the City, which will include the following triggers for the ultimate removal of the parking lot:
 - i) 500 parking spaces subject to their removal upon redevelopment of the subject lands, or portion thereof;
 - ii) 476 parking spaces shall be removed 5 years from the occupancy of the mixed-use building, which is subject to Site Development File DA.16.007:
- b) prior the execution of the Site Plan Agreement:
 - i) the Owner (Penguin-Calloway (Vaughan) Inc.) shall resolve its Ontario Municipal Board (OMB) appeals of the Vaughan Official Plan (VOP) 2010 and the Vaughan Metropolitan Centre (VMC) Secondary Plan in a form satisfactory to the City Solicitor and the Deputy City Manager, Legal and Human Resources;
 - ii) Minor Variance Application A387/16 for the required exceptions to Zoning By-law 1-88, identified in Table 2 of this report, as it pertains to Site Development File DA.16.089, shall be approved by the Vaughan Committee of the Adjustment, the Committee's decision shall be final and binding, and the Owner shall satisfy any conditions imposed by the Committee;
 - iii) the Vaughan Development Planning Department shall approve the final site plan, landscape plan, landscape cost estimate, and wayfinding signage and demonstrate that the temporary surface parking lot include infrastructure that can accommodate the staging and hosting of public events;
 - iv) the Owner shall enter into a separate agreement with the City to permit the City to utilize the temporary surface parking lot to stage and host public events, based on the following principles, to the satisfaction of the City:
 - the dates and times for the use of the temporary surface parking lot will be agreed upon annually by the Owner the City;
 - the City may use the parking lot for up to four events annually; and,
 - the use of the parking lot will be at no cost to the City.The agreement will also consider other matters such as liability, security and on-site operations, to the satisfaction of the City;
 - v) the Vaughan Development Engineering and Infrastructure Planning (DEIP) Department shall approve the final site servicing plan, site grading plan, erosion control plan, functional servicing and stormwater management report and drawings, lighting plan, and access operation review study;
 - vi) the Owner shall enter into a Development Agreement with the City for the design, construction and conveyance of the Apple Mill Road extension from Millway Avenue to Jane Street, including the associated municipal

services, streetscape and signalization at Jane Street, if required by York Region, to the satisfaction of the City;

- vii) the Owner shall satisfy all requirements of York Region;
 - viii) the Owner shall satisfy all requirements of Toronto and Region Conservation Authority (TRCA); and,
 - ix) the Toronto Transit Commission (TTC) shall provide their final clearance;
- c) that the Site Plan Agreement shall include the following clauses:
- i) “A temporary surface parking lot is permitted subject to the Owner entering into an agreement with the City, which will include the following triggers for the ultimate removal of the parking lot:
 - a) 500 parking spaces subject to their removal upon redevelopment of the subject lands, or portion thereof;
 - b) 476 parking spaces shall be removed 5 years from the occupancy of the mixed-use building, which is subject to Site Development File DA.16.007.”
 - ii) “The Owner shall provide the minimum 220 parking spaces required under Zoning By-law 1-88 to permanently service the mixed-use building, subject to Site Development File DA.16.007, within 5 years of the occupancy of the mixed-use building.”
 - iii) “The Owner agrees that should a parking or traffic circulation problem be identified by the City or YRRTC/York Region, which includes transit vehicles, for the mixed-use building and surrounding streets including Millway Avenue, Portage Parkway, and Apple Mill Road, the Owner shall work, in consultation with its parking operator, the City and York Region, to adjust the operations of the temporary surface commercial parking lot in order to accommodate the parking demand of the mixed-use building.”
 - iv) “The Owner shall continue to work with the City to incorporate, wherever possible, the permanent premium level of service streetscape requirements on the subject lands as part of the planned Millway Avenue works and the City acknowledges that the advanced permanent streetscape works that are front-ended by the Owner shall be considered in review of future development applications on the subject lands.”
 - v) “The Owner shall convey to the City, free of change and encumbrances, the necessary road widening for both Millway Avenue (east and west sides) and Portage Parkway along the frontage of the subject lands pursuant to the VMC Secondary Plan and Portage Parkway Class Environmental Assessment, to the satisfaction of the City.”
- d) The following shall be addressed in the Development Agreement, as referenced in section 3.b)vi) in the recommendation section of this report, to the satisfaction of the City of Vaughan:
- i) Apple Mill Road Extension

The design, construction and conveyance of the Apple Mill Road extension from Millway Avenue to Jane Street, including municipal services and the installation of a signalized intersection at Apple Mill Road and Jane Street, if required by York Region, by the Owner and an interim, and some areas permanent, streetscape condition and tree planting on both sides of the Apple Mill Road extension where it does not conflict with the planned utility or servicing upgrades. The Owner shall be required to provide drawings, plan and profile, sewer/water design sheets and drainage area plan for the design of the road extension, to the satisfaction of the City;

ii) Millway Avenue Streetscape Treatment

The Owner shall make the necessary arrangements to fund and implement the completion of the premium level of service streetscape treatment between the curb and the sidewalk along the east side of Millway Avenue from Regional Road 7 to Portage Parkway, in accordance with the VMC Streetscape and Open Space Plan, to the satisfaction of the City;

iii) Millway Avenue and Portage Parkway Access

The Owner shall convey the required road widenings for Portage Parkway and Millway Avenue identified by the VMC Secondary Plan and the Portage Parkway Environmental Assessment. The Owner shall undertake the required access works at Millway Avenue and Portage Parkway, to the satisfaction of the City.

iv) Environmental Site Assessment

Prior to the transfer of the Apple Mill Road extension lands to the City, and any other lands to be conveyed to the City as part of this development, the Owner shall submit, as a minimum, a Phase One Environmental Site Assessment (ESA) in accordance with O. Reg. 153/04 (as amended). Should the findings of the Phase One ESA recommend further assessments, those shall also be required to be completed. All ESA reports shall include reliance extended from the environmental consultant to the City for the use of the reports, to the satisfaction of the City.

4. THAT Community Improvement Plan (CIP) File CIP.16.003 be reviewed by the City for eligibility for the VMC CIP Program, specifically for the proposed 10,000 m² office component within the mixed-use building, in accordance with the criteria set in the City of Vaughan CIP By-law, CIP Program Guide, and CIP Application, to the satisfaction of the City.
5. THAT the Mayor and City Clerk be authorized to enter into an agreement with the Owner (Penguin-Calloway (Vaughan) Inc.) to provide for the Owner to tender a construction contract and construct Millway Avenue, a funded City project, between New Park Place and Portage Parkway on behalf of the City, pursuant to Section 12 of the City's Consolidated Purchasing Policy.

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

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

Goal 4: To create a vibrant community where citizens, businesses and visitors thrive

- Objective 4.1: To foster a City with strong social cohesion, an engaging arts scene, and a clear sense of its culture and heritage
- Objective 4.2: Ensure that the City of Vaughan attracts businesses and investment that will result in well-paying jobs for Vaughan citizens, a sustainable tax base and continuing prosperity into the 21st century

In accordance with the goals and objectives identified above, the Owner advises that the mixed-use building development proposal (Site Development File DA.16.007), a brownfield redevelopment, will be constructed to achieve a platinum Leadership in Energy and Environmental Design (LEED) certification and that the following, but not limited to, sustainable site and building features will be included:

- a 20% reduction in water consumption, including low flow fixtures, stormwater management and storm water re-use technology and innovative wastewater technologies
- construction waste management and building material reuse
- low-emitting adhesives and sealants, paints and coatings, flooring systems, and composite wood and agri-fiber products
- low-mercury lamps and energy efficient light fixtures to reduce light pollution
- green housekeeping incorporated in the management of the development
- as a transit-oriented development in the VMC, the proposed development will include pedestrian connections, transit information, and transportation demand measures (TDM) consisting of bicycle storage and change rooms to encourage public transit
- high efficiency HVAC systems
- water efficient and low maintenance planting

Economic Impact

The Owner has submitted a CIP application to the City for evaluation in accordance with the criteria set in the City's CIP By-law and CIP Program Guide for the proposed mixed-use building, which will provide a positive economic impact.

Communications Plan

On March 11, 2016, a Notice of Public Hearing was circulated to all property owners within 150m of the lands subject to Zoning By-law Amendment File Z.16.003, as shown on Attachments #1 and #2. The Notice of Public Hearing was also posted on the City's website at www.vaughan.ca and two notice signs were installed on the property along Portage Parkway and Apple Mill Road,

in accordance with the City's Notice Sign Procedures and Protocol. To date, no comments have been received by the Vaughan Development Planning Department.

The recommendations of the Committee of the Whole to receive the Public Hearing report of April 5, 2016, and to forward a comprehensive technical report to a future Committee of the Whole meeting was ratified by Vaughan Council on April 19, 2016.

Purpose

To seek approval from the Committee of the Whole for the following:

- a) Zoning By-law Amendment File Z.16.003, to amend Zoning By-law 1-88, specifically the C10 Corporate District Zone, to permit the site-specific zoning exceptions identified in Table 1 of this report to facilitate the development of the portion of the subject lands located on the north side of Apple Mill Road, west of the YRRTC Bus Terminal, as shown on Attachments #1 and #2, with an 9-storey mixed-use building shown on Attachments #6 to #12;
- b) Site Development File DA.16.007, to permit the development of the portion of the subject lands located on the north side of Apple Mill Road, west of the YRRTC Bus Terminal, as shown on Attachments #1 and #2, with an 9-storey, 22,103 m² mixed-use building, as shown on Attachments #6 and #12, consisting of business and professional office, community centre, retail store, public library, and day nursery uses; and,
- c) Site Development File DA.16.089, to permit the development of the portion of the subject lands located at the northeast corner of Millway Avenue and the Apple Mill Road extension, as shown on Attachments #1 and #2, for a temporary surface commercial parking lot consisting of 976 parking spaces, as shown and red-lined on Attachments #13 and #14.

Background - Analysis and Options

Synopsis:

The Owner proposes to amend Zoning By-law 1-88 to permit site-specific development standards to facilitate an 9-storey, mixed-use building consisting of business and professional office, retail store, community centre, library, and day nursery uses. The Owner also proposes to construct a temporary 976-space surface commercial parking lot that provides the required parking for the mixed-use building and additional temporary parking to activate the Vaughan Metropolitan Centre (VMC) in its early stages of development. Triggers for the removal of the parking lot are proposed including the removal of 500 spaces upon the redevelopment of the parking lot and the removal of 476 spaces 5 years from the occupancy of the mixed-use building. The Vaughan Development Planning Department supports the development applications as they will facilitate development in the VMC, subject to the conditions identified in the recommendation of this report.

Location

The lands subject to Zoning By-law Amendment and Site Development Files Z.16.003 and DA.16.007, respectively, are located on the west side of the Millway Avenue realignment and on the north side of Apple Mill Road, shown as "Subject Lands" on Attachments #1 and #2. Currently, the site for the proposed mixed-use building is partially used as a parking lot for the abutting Wal-Mart lands to the west and the balance of the lands as a contractor parking area for the adjacent KPMG office building on the south side of Apple Mill Road.

The lands subject to Site Development File DA.16.089 (temporary surface parking lot) are located on the north east corner of Millway Avenue and the Apple Mill Road extension to Jane Street, as

shown on Attachments #1 and #2. The lands are currently vacant with a portion of the lands being utilized by the Owner for a construction staging area.

The surrounding land uses are shown on Attachment #2.

Official Plan

The subject lands are designated “Corporate Centre District” by in-effect OPA #500 (Vaughan Corporate Centre Plan), as amended by OPA #528, OPA #529, and OPA #663 (The Avenue 7 Land Use Future Study Plan). The “Corporate Centre District” designation provides opportunities to accommodate a wide range of land uses including office, commercial, institutional, civic and cultural, community facilities, and retail uses of all types and sizes, at a maximum density of 1.5 FSI (Floor Space Index) for an individual development. The mixed-use building, having a density of 1.15 FSI, conforms to in-effect OPA #500, as amended.

The subject lands are located in the partially approved VMC Secondary Plan, which forms part of the Volume 2 to the Vaughan Official Plan 2010 (VOP 2010). The land use schedule, which is in effect, designates the subject lands as “Station Precinct”, which permits the proposed major civic and office uses. The mixed-use development conforms to the partially approved VMC Secondary Plan.

a) Temporary Surface Parking Lot and Triggers

The proposed temporary surface commercial parking lot for the mixed-use building is located at the northeast corner of Millway Avenue and the Apple Mill Road extension, as shown on Attachments #1, #2, #13, and #14. Policy 8.8.1g) of the partially approved VMC Secondary Plan permits interim surface parking that is tied to major office (greater than 7,000 m²) and civic facilities, subject to an agreement with the City and triggers related to the redevelopment of the temporary surface parking lot. The proposed triggers to be included in the agreement are as follows:

- i) 500 parking spaces subject to their removal upon redevelopment of the subject lands, or portion thereof.
- ii) 476 parking spaces shall be removed 5 years from the occupancy of the mixed-use building, which is subject to Site Development File DA.16.007.

Zoning By-law 1-88 requires that a minimum of 220 spaces to service the mixed-use building. For operational purposes, the Owner proposes to provide 264 parking spaces for the mixed-use building. When the KPMG office building was approved, additional parking beyond the minimum Zoning By-law 1-88 requirement was approved at a ratio of 1.84 times the required parking for the office building. Based on the operational requirement of 264 spaces and the application of the 1.84 ratio used for the KPMG office building, this would yield a parking supply of 486 spaces for the proposed mixed-use building, rounded to 500 spaces.

The Vaughan Development Planning Department has no objection to permitting the proposed temporary surface commercial parking lot, subject to the triggers identified above and the conditions included in this report.

b) Off-Site Parking Policies

Policy 8.8.1i) of the partially approved VMC Secondary Plan, which represents Vaughan Council's current policy direction, permits off-site parking to be located generally within 400 m of a development, being the mixed-use building. This policy is subject to an OMB appeal on a Plan-wide basis and is therefore not in-effect on the subject lands, but is

expected to be brought into force for the subject lands once the appeal filed by the Owner is resolved.

Zoning By-law 1-88

The lands subject to the mixed-use building and temporary surface parking lot proposals are zoned C10 Corporate District Zone and C10 (H) Corporate District Zone with the Holding Symbol "(H)", respectively, as shown on Attachment #2, and are both subject to site-specific Exception 9(959) in Zoning By-law 1-88. The condition for the removal of the Holding Symbol "(H)" in the Zoning By-law is that Vaughan Council approves a future Site Development application on the land subject to the temporary surface parking lot proposal. In the interim, the Owner has filed Minor Variance application A387/16 to permit a temporary surface parking lot on the lands, notwithstanding the Holding Symbol "(H)".

Mixed-Use Building Exceptions

The following site-specific zoning exceptions identified in Table 1 are required to permit the mixed-use building development proposal:

Table 1: Zoning By-law Amendment File Z.16.003			
	Zoning By-law 1-88 Standard	C10 Corporate District Zone Requirements, subject to Exception 9(959)	Proposed Exceptions to the C10 Corporate District Zone, subject to Exception 9(959)
a.	Maximum Building Height	15 m	50 m (mixed-use building)
b.	Maximum Density - Floor Space Index (FSI)	0.6 FSI	1.15 FSI
c.	Parking Requirement and Access (Subject Lands)	Access to and parking for the subject lands shall be secured solely on the subject lands	<ul style="list-style-type: none"> Permit access to the subject lands (mixed-use building) from the adjacent lands to the west (Wal-Mart lands), as shown on Attachment #6 Permit parking for the subject lands to be located off-site, specifically on the lands shown on Attachments #13 and #14 on a temporary basis and subject to the triggers identified in this report.
d.	Parking Requirements (Wal-Mart lands)	Access and parking to the Wal-Mart lands shall be secured solely on the Wal-Mart lands	Permit access and parking to the Wal-Mart lands from the mixed-use building subject lands

e.	Minimum Loading Space Requirements	Mixed use building - 22,103 m ² @ 2 loading spaces for every 10,000 m ² or portion thereof) = 6 loading spaces	Permit a total of 2 loading spaces for the mixed-use building
f.	Definition of "Lot"	"Lot" means a parcel of land fronting on a street separate from any abutting land to the extent that a consent contemplated would not be required for its conveyance	The Subject Lands are deemed to be one lot, regardless of the number of buildings constructed thereon, the creation of separate units and/or lots by way of plan of condominium, consent, conveyance of private or public roads, strata title arrangements, or other permissions, and any easements or registrations that are granted, shall be deemed to comply with the provision of Zoning By-law 1-88

The Vaughan Development Planning Department supports the proposed site-specific zoning exceptions identified in Table 1 for the following reasons:

a) Building Height and Density

The subject lands are located within an identified mobility hub adjacent to the future York Region Rapid Transit Corporation (YRRTC) bus terminal and in close proximity to the VMC Subway Station, which is currently under construction. The proposed building height and density conform to the in-effect official plan and VOP 2010.

b) Parking and Access

With denser forms of development within a downtown area, opportunities for shared access driveways become viable (e.g. proposed private driveway/future Buttermilk Avenue), which is supported and encouraged. A provision will be included in the site-specific zoning by-law to facilitate the shared driveway access for the mixed-use building. The proposed temporary surface commercial parking lot is considered appropriate for the reasons discussed later in this report.

c) Loading Space Requirements

The proposed mixed-use building will be occupied by several uses located within one building. Servicing a mixed-use building provides the opportunity to have shared service areas, including loading, which is encouraged within an intensification area and a mobility hub. The proposal to reduce the minimum number of loading spaces from 6 to 2 spaces will maximize the building efficiencies by repurposing the areas that would have been used for loading to community facilities.

d) Definition of "Lot"

The proposed zoning exception to the definition of a "lot" is required to ensure that for zoning purposes, the subject lands are deemed to be one lot regardless of future

conveyances and to avoid future technical zoning amendments. In consideration of the nature of the proposed mixed-use development, which includes shared connections (e.g. proposed private driveway/future Buttermill Avenue/future development on the north side of the mixed-use building), this exception is appropriate.

e) West Property Line Limit – Site Development File DA.16.077

The Owner has submitted the concurrent amending Site Development File DA.16.077 to amend the original approval (File DA.96.067) for the Wal-Mart lands located on the lands to the immediate west and to facilitate the reconfiguration of the Owner's overall land holdings (the subject lands and the Wal-Mart lands), as shown on Attachment #2, to accommodate the development proposal, specifically the existing parking area and landscape strip.

Site Development File DA.16.077 facilitates modifications to the existing Wal-Mart parking and landscape areas and access. This file has been substantially reviewed by the Vaughan Development Planning Department and will not require any associated minor variances to Zoning By-law 1-88.

The Vaughan Development Planning Department recommends the following provision be included in the implementing site-specific Zoning By-law, to address the final delineation of the west lot line of the subject lands:

“For the purposes of this Zoning By-law, the C10 Corporate District Zone shall be interpreted to coincide with the west property line as established by the final registered reference plan.”

Temporary Surface Parking Lot Exceptions

Table 2 below identifies the site-specific exceptions to Zoning By-law 1-88 requested through Minor Variance File A387/16 that are required to facilitate Site Development File DA.16.089, the Owner's proposal for a temporary surface commercial parking lot.

Table 2: Site Development File DA.16.089 – Required Variances (File A387/16)			
	Zoning By-law 1-88 Standard	C10 Corporate District Zone Requirements, subject to Exception 9(959)	Proposed Exceptions to the C10 Corporate District Zone, subject to Exception 9(959)
a.	Permitted Use	Does not specifically permit a “Commercial Parking Lot”	Permit a “Commercial Parking Lot” without a building and on lands, notwithstanding the Holding Symbol “(H)”
b.	Minimum Landscape Strip Widths	6 m along a street line	5 m along a street line (all butting streets)
c.	Minimum Parking Space Size	2.7 m x 6 m	2.7 m x 5.7 m
d.	Maximum Driveway	7.5 m	12 m

Table 2: Site Development File DA.16.089 – Required Variances (File A387/16)			
	Zoning By-law 1-88 Standard	C10 Corporate District Zone Requirements, subject to Exception 9(959)	Proposed Exceptions to the C10 Corporate District Zone, subject to Exception 9(959)
	Width		

The Vaughan Development Planning Department supports the site-specific zoning exceptions identified in Table 2 for the following reasons:

a) Permitted Use

Permitting a temporary commercial parking lot (976 parking spaces) on the lands subject to Site Development File DA.16.089 would accommodate off-site parking for the mixed-use building, on an interim basis, and enable the early activation of the VMC by providing a space to host events that will attract people into the emerging downtown area and support off-route transit riders who will utilize the commuter parking spaces in order to access business and higher order transit opportunities in the VMC. The surface lot will also provide ancillary parking for planned public events and for patrons to the VMC. The location of the temporary commercial parking lot is visually and physically removed from Regional Road 7, but in close proximity to the YRRTC Bus Terminal, the VMC Subway Station, and Transit Square.

Prior to the execution of the Site Plan Agreement for the temporary surface parking lot, the Owner shall demonstrate that the approved plans include infrastructure to accommodate the staging and hosting of public events and must enter into a separate agreement with the City to permit the City to utilize the temporary surface parking lot, based on the following principles:

- i) the dates and times for the use of the temporary surface parking lot will be agreed upon annually by the Owner the City;
- ii) the City may use the parking lot for up to four events annually; and,
- iii) the use of the parking lot will be at no cost to the City.

The agreement will also consider other matters such as liability, security and on-site operations, to the satisfaction of the City. A condition to this effect is included in the recommendation of this report.

The Vaughan Development Planning Department recommends the approval of a temporary surface commercial parking lot consisting of 976 parking spaces, as red-lined on Attachments #13 and #14, subject to the Owner entering into an agreement with the City, which will include the following triggers for the ultimate removal of the parking lot the following conditions:

- i) 500 parking spaces subject to their removal upon redevelopment of the subject lands, or portion thereof; and,
- ii) 476 parking spaces shall be removed 5 years from the occupancy of the mixed-use building, which is subject to Site Development File DA.16.007.

The 500 space maximum is based on utilizing the same temporary parking ratio used for the KPMG office building, being 1.84 times the parking required by Zoning By-law 1-88 to service the mixed-use building. The 264 spaces proposed by the Owner would yield 486

spaces, which when rounded up equates to 500 spaces. Therefore, the Vaughan Development Planning Department has no objection to the use of the lands for a temporary surface commercial parking lot.

The temporary surface commercial parking lot will service the mixed-use building and commuters until a permanent integrated parking structure/facility is constructed north of the mixed-use building, at which time the required parking for the mixed-use building will be relocated from the temporary surface lot into the parking structure.

The VMC Secondary Plan permits off-site parking associated with major office development and civic facilities, subject to an agreement and triggers for their ultimate removal. As noted, the off-site parking policies are currently under appeal Plan-wide; however, the City is working with the Owner to arrive at a settlement of the appeal in order to bring the off-site parking policies into effect.

On the basis of these policies, and in an effort to initiate early activation of the VMC as discussed in this report, the Vaughan Development Planning Department can support the proposed temporary surface parking lot, subject to the recommendations included in this report. The Vaughan Development Planning Department is satisfied that given locational advantages of this site in proximity to the VMC Subway Station, YRRTC Bus Terminal and transit that these parking spaces will be redeveloped in the early phases of the development of the VMC, and that they will not remain in the long-term.

The Development Planning Department has no objection to the commercial surface parking lot being permitted under the current zoning for the site, which includes the Holding Symbol "(H)". The proposed surface parking lot use is temporary and subject to triggers for its removal as identified in this report.

b) Landscape Strip Widths, Parking Space Size, and Driveway Width

The reduced landscape strip width from 6 m to 5 m will provide opportunity for appropriate landscape on the site. The reduced parking space length is consistent with other parking size reductions approved in the VMC and will contribute to space efficiency within the temporary surface commercial parking lot. The increased driveway entrance from 7.5 m to 12 m will accommodate the gated controls and regulate traffic to and from the temporary surface commercial parking lot.

Minor Variance File A387/16 to permit the above noted variances to Zoning By-law 1-88 shall be approved by the Vaughan Committee of the Adjustment, the Committee's decision shall be final and binding, and the Owner shall satisfy any conditions imposed by the Committee. A condition to this effect is included in the recommendation of this report.

Site Plan Review

a) Site Development File DA.16.007 (Mixed-Use Building)

The Owner originally proposed a 9-storey mixed-use building (Attachments #3 and #5) and a 6-storey, 37,982 m² stand-alone parking garage (Attachment #4) to accommodate 1,167 parking spaces. Through the review of the development applications, the Owner advanced the 9-storey mixed-use building development proposal shown on Attachments #6 to #12. The Owner proposes to proceed with the development of the lands located north of the mixed-use building with a project expected to include an integrated parking structure, through a future development application.

The proposed building elevations shown on Attachments #7 to #10 are comprised of a combination of brick masonry, glass curtain walls with elements of fritted glazed spandrel

panels, and zinc cladding on a 3-storey podium with gold anodized aluminum that articulates a playful building expression. The building is well articulated with provisions for a fourth storey terrace and a green roof for building activation.

Pedestrian accesses into the mixed-use building are located on the east and west sides of the building and are connected by an internal corridor. A landscape promenade is located between the mixed-use building and the YRRTC Bus Terminal, which will be equipped with seating and bicycle racks, as shown on Attachment #11. The proposed landscape will be integrated with the planned landscape works for the YRRTC Bus Terminal and the KPMG office building on the south side of Apple Mill Road and will incorporate an enhanced level of streetscape design in accordance with the VMC Streetscape and Open Space Plan.

An outdoor play area associated with the day care use is located on the west side of the building. A private driveway identified as "Future Buttermill Avenue Extension" on Attachment #6 is located along the west side of the building, extending north from Apple Mill Road. Upon the redevelopment of the Wal-Mart site to the west, this driveway will form part of Buttermill Avenue, a planned 22 m wide public right-of-way that will connect Apple Mill Road to Portage Parkway. The mixed-use building is proposed to be serviced along the north side of the building, which will be animated with second floor active uses.

The Vaughan Development Planning Department is satisfied with the design of the mixed-use building and the site plan, subject to the conditions included in the recommendation of this report.

b) Site Development File DA.16.089 (Temporary Surface Commercial Parking Lot)

The Owner proposes a temporary 976-space off-site surface commercial parking lot located at the northeast corner of Millway Avenue and the future Apple Mill Road extension, as shown on Attachments #13 and #14.

Access driveways to the temporary surface commercial parking lot are proposed on the Apple Mill Road extension (full move access) and Millway Avenue and Portage Parkway (right-in and right-out). The Owner has agreed to align the access driveways for the temporary surface commercial parking lot to be consistent with the general location of a planned local street shown in the VMC Secondary Plan. The temporary proposed parking lot site plan shown on Attachments #13 and #14 has been red-lined to reflect this change. Each access driveway is currently proposed to be gated and controlled, but this may be reconsidered to avoid negative traffic impacts.

A sidewalk on the north side of Apple Mill Road will serve as the main pedestrian route connecting the temporary parking lot to the mixed-use building, as shown on Attachment #13, and the YRRTC Bus Terminal. Sidewalks on Millway Avenue extending south from Apple Mill Road will connect to the VMC Subway Station entrance. The distance from the temporary surface commercial parking lot to the mixed-use building is within 400 m or less than a 5 minute walk. The Owner will be required to coordinate wayfinding signage to the City's standards and in response to the comments from the Toronto Transit Commission (TTC) and York Region, which is discussed later in this report.

The Vaughan Development Planning Department will continue to work with the Owner to finalize the details of the temporary surface commercial parking lot including lighting and signage, particularly wayfinding measures. The final site plan, landscape plans, building elevations plans, lighting plan, and wayfinding signage must be approved to the satisfaction of the Vaughan Development Planning Department. A condition to this effect has been included in the recommendation of this report.

Landscape Plan / Urban Design

a) Mixed-Use Building

The Urban Design and Cultural Heritage Division of the Development Planning Department has reviewed the landscape plan, as shown on Attachment #11, and has no objection to the development proposal, subject to the final landscape plan and landscape cost estimate to the satisfaction of the Vaughan Development Planning Department. The Owner has been advised to provide a signage package showing the integration of signage and wayfinding into the design of the building façade and wayfinding for all the various uses within the mixed-use building.

The Owner will also be required to submit to the Vaughan Development Planning Department the final 3D digital model of the development, which shall include accurately geo-referenced digital data, as outlined in the Draft VMC Submission Protocol, to the satisfaction of the Vaughan Development Planning Department. 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 in the amount of \$15,000.00.

b) Temporary Surface Commercial Parking Lot

The landscape plan for the temporary surface commercial parking lot is shown on Attachment #14. The Urban Design and Cultural Heritage Division of the Vaughan Development Planning Department has reviewed the proposal and advises that Millway Avenue is defined as a premium level of service streetscape in the City-Wide Streetscape Implementation Manual and VMC Streetscape and Open Space Plan (VMC SOS Plan), and the design of the east boulevard must conform to the design specifications outlined in the Terms of Reference for this capital project. The Owner has agreed to make the necessary arrangements to fund and implement the ultimate landscape design solution for Millway Avenue, from Regional Road 7 to Portage Parkway, which will be subject to a separate Development Agreement.

Apple Mill Road is defined an enhanced level of service streetscape in the City-Wide Streetscape Implementation Manual and VMC SOS Plan. The Owner and the City will continue to collaboratively explore the interim and ultimate landscape design solutions with respect to the street trees. The design of the north Apple Mill Boulevard should be seamless on either side of the entrance with consideration for the potential integration of a bioswale or rain garden in the sodded area. This treatment is subject to a separate Development Agreement, which is included in the recommendation of this report.

The Owner has been advised that the landscape treatment along Jane Street must be improved with buffer plantings, temporary sidewalk, and enhanced screening measures. Additionally, the design of the Portage Parkway streetscape must be coordinated with the concept developed through the recently approved Environmental Assessment (EA) for the Portage Parkway widening and easterly extension to west of Black Creek (Part A). The widening of Portage Parkway is discussed in the Vaughan Development Engineering and Infrastructure Planning Department section of this report.

The Owner is further advised that the plaza at the north-east corner of Millway Avenue and the Apple Mill Road extension must be designed and coordinated seamlessly with the Millway Avenue streetscape concept and adjacent public spaces, including the YRRTC Bus Terminal plaza area and Transit Square/TTC Plaza as part of the broader vision for the mobility hub landscape. All site furnishings must conform to the material palette outlined in the VMC SOS Plan. The Owner is further encouraged to introduce breaks in the expanse of parking with the introduction of a significant planting islands with

bioswale features to support storm water management. All wayfinding signage must be reviewed by the City.

The Vaughan Development Planning Department shall approve the final landscape plan, landscape cost estimate and wayfinding signage, together with the requirement or the 3D digital model, must be approved to the satisfaction of the Vaughan Development Planning Department, which is included in the recommendation of this report.

Vaughan Design Review Panel – Site Development File DA.16.007 (Mixed-Use Building)

The Vaughan Design Review Panel (DRP) considered the original mixed-use building development proposal (including the parking structure), as shown on Attachments #3 to #5 on January 28, 2016, and the subsequent revisions, shown on Attachments #6 to #12, on April 28, 2016. The comments from the April 28, 2016, meeting of the DRP regarding the current proposal were as follows:

a) Site Plan

- i) The importance and potential of the east-west pedestrian connection along the north of the building was identified. This connection will likely become a short cut that people travel through from the westerly neighbourhoods to reach the transit hub. The DRP was interested in understanding how the design and integration of the east-west connection will extend into the neighbourhood to the west.

b) Architecture

- i) The DRP encouraged the Owner to revisit the podium expression. More animation of the podium was encouraged.
- ii) The main entrances of the building should be more pronounced and the west entrance could be treated in a much more fun and playful way. For instance, planes could project out of the building, and colour could be added to the soffits and under surfaces as a wayfinding device.
- iii) The treatment of the penthouse floor is foreboding and appears very top heavy and could be designed to be less conspicuous.

The DRP noted that the parking structure included in the first review was removed from the current proposal and acknowledged that the Owner was undertaking a feasibility assessment to determine whether a mixed-use option (parking structure integrated with residential) is viable for this block. The DRP will consider any development proposal for this block at a future meeting.

The Owner responded to the DRP's comments with the revised proposal shown on Attachments #6 to #12. The revised development proposal incorporates colour and fritted glass treatment at the podium level, specifically the podium will be activated with visible uses (community centre gym) along the north of the building. The main entrances have designed with more prominence and greater expression. Though not fully depicted on Attachment #12, the building design will incorporate a stepped back roof line to provide articulation to the building. The Vaughan Development Planning Department is satisfied that the revised plans appropriately respond to the DRP's comments.

Public Art (Mixed-Use Building)

Public art improves the public realm and contributes to the creation of a sense of place. Prior to issuance of a Building Permit, the Owner and the City shall execute a separate agreement, including the requirement to submit a Letter of Credit, to address the details to commission and

install a permanent piece of public art as a contribution consistent with the principles of Site 9 – Community Centre as outlined in the City's VMC Culture and Public Art Framework, to the satisfaction of the City.

Prior to the issuance of a final Building Permit, the Owner shall develop a public art program that follows the approved process outlined the City-wide Public Art Program, to the satisfaction of the City. This contribution will satisfy the requirement for public art in the development block identified on Attachment #2, as identified in the City's VMC Culture and Public Art Framework. A condition to this effect is included in the recommendation of this report.

Vaughan Development Engineering and Infrastructure Planning (DEIP) Department

a) Site Development File DA.16.007 (Mixed-Use Building)

The Vaughan Development Engineering and Infrastructure Planning (DEIP) Department shall approve the final site servicing plan, site grading plan, erosion control plan, functional servicing and stormwater management report and drawings, geotechnical and hydrogeological assessment, and the utility coordination plan. Through the review of the application, the Vaughan DEIP Department has advised the Owner that a geotechnical and hydrogeological assessment and external lighting plan will be required to be reviewed and approved. A condition to this effect is included in the recommendation of this report.

i) Traffic Impact Study (TIS)

The alignment of the future Buttermill Avenue extension extends along the west side of the mixed-use building. On an interim basis, the right-of-way will be used as a driveway until such time the property to the west (Wal-Mart lands) redevelops, thereby providing the opportunity to establish the Buttermill Avenue road link.

As part of the mixed-use building proposal, the Owner shall prepare a study that includes a functional drawing and details of the ultimate design of the Buttermill Avenue right-of-way of 22 m and an area functional review. The interim design of Buttermill Avenue and the proposed access points should be incorporated on the same drawings as the ultimate design and should include the curb radii, pavement width, sight triangle, functional plan of the ultimate intersection design, which shall conform to the approved VMC Servicing Strategy Master Plan Class Environmental Assessment Study and the City Design Criteria.

ii) Environmental Site Assessment

The Owner proposes to development the subject lands for a mixed-use building that contains institutional uses, i.e. daycare. This constitutes a change to a more sensitive land use under O. Reg. 153/04, as amended, of the Environmental Protection Act.

The Owner has completed a Phase One Environmental Site Assessment (ESA) in accordance with O. Reg. 153/04, as amended, which identifies the requirement for a further assessment, which shall be submitted to the City and shall include reliance extended from the environmental consultant to the City for the use of the reports, prior to the execution of the Site Plan Agreement. The Owner shall be required to obtain a Record of Site Condition (RSC) filed on the Environmental Site Registry and acknowledged by the Ministry of the Environment and Climate Change (MOECC) prior to the issuance of a Building Permit, which will be included in the Site Plan Agreement. This condition is

included in the recommendation of this report. A condition to this effect is included in the recommendation of this report.

iii) Transportation Demand Management (TDM)

The City's Official Plan contains policies to require the preparation and implementation of TDM Plans to support sustainable transportation. The Owner is required to submit a TDM Plan to the satisfaction of the Vaughan DEIP Department. A condition to this effect is included in the recommendation of this report.

b) Site Development File DA.16.089 (Temporary Surface Commercial Parking Lot)

The Vaughan DEIP Department shall approve the final site servicing plan, grading plan, erosion and sediment control plan, and stormwater management compliance letter for the temporary surface commercial parking lot, to the satisfaction of the City. The Vaughan DEIP Department has also advised the Owner that a geotechnical report will be required to be reviewed and approved by the City.

The future Apple Mill Road right-of-way width will be approximately 27 m. The Owner shall provide drawings, plan and profile, sewer/water design sheets, and a drainage area plan for the design of road extension. The Owner shall enter into a Development Agreement with the City for the design and construction of the Apple Mill Road extension, including signalization at its intersection with Jane Street, if required, enhanced streetscape works, and driveway entrances. A recommendation to this effect is included in the recommendation of this report.

The Vaughan DEIP Department has provided the following comments to be addressed through the separate Development Agreement:

- i) The Owner shall design and construct the Apple Mill Road extension in accordance with the approved VMC Master Servicing Strategy, to the satisfaction of the City. The Owner shall convey sufficient property for the Apple Mill Road extension (approximately 27 m right-of-way to be confirmed through detail design) along the development frontage. A draft reference plan shall be submitted for review and comment;
- ii) The Owner shall convey a portion of their property for the widening of Millway Avenue (33 m right-of-way plus additional right-of-way at the intersection in accordance with the approved Portage Parkway EA and the VMC Secondary Plan) along the development frontage. The Owner shall provide an appropriately sized sight triangles with 0.3 m reserve at the intersection of Millway Avenue and the Apple Mill Road extension, and Millway Avenue and Portage Parkway to the satisfaction of the City. The sight triangle requirement at northwest corner of Jane Street and the Apple Mill Road extension will be subject to review and approval of York Region. A draft reference plan in this regard shall be submitted to the City for review and comment;
- iii) The Owner shall convey a portion of their property for the widening of Portage Parkway (33 m right-of-way) along the development frontage. The Owner shall provide an appropriately sized sight triangle with 0.3 m reserve at southeast corner of Millway Avenue and Portage Parkway, to the satisfaction of the City. The sight triangle requirement at southwest corner of Jane Street and Portage Parkway will be subject to review and approval of York Region. The Owner shall submit a draft reference plan to the City for review and comment;

- iv) The Owner shall design and construct the Apple Mill Road extension, and the enhanced streetscape works and the driveway entrances, and 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, the provision of roads and municipal services, landscape and fencing;
- v) The Owner shall obtain all necessary approvals from York Region and the Toronto and Region Conservation Authority (TRCA).

Transportation Planning Division

The Vaughan DEIP Department, Transportation Planning Division, has reviewed the proposed temporary surface commercial parking lot and provided the following comments:

- i) the Owner shall provide an access operations review study to address the proposed vehicular and pedestrian impacts on adjacent City streets, intersections, and transit operations. The study shall include a Functional Plan for the proposed accesses on City Roads. The Functional Plan must detail the curb radii, throat width, sight triangles details, lane configuration and auxiliary lanes requirement, if any, at City road/intersections (interim and ultimate conditions);
- ii) the access locations at Portage Parkway and Apple Mill Road shall be aligned consistent with the location of the future north-south City's road, as identified in the approved VMC Secondary Plan;
- iii) the Owner shall provide drawing details of the proposed access at Portage Parkway and Apple Mill Road;
- iv) the proposed access to Portage Parkway shall be restricted to right-in and right-out movements only;
- v) 22 accessible parking spaces shall be provided, as required by the Accessibility for Ontarians with Disabilities Act (AODA), shall be shown on the plan and must be verified by the Vaughan Building Standard Department;
- vi) include a traffic signage plan that specifies stop signs, one-way signs and do not enter signs; and,
- vii) a reference shall be included on the drawings that the proposed driveways will be constructed with heavy duty asphalt from back edge of the municipal curb to property line and this area should be highlighted on the site plan.

Environmental Site Assessment

For the temporary surface commercial parking lot, the Vaughan DEIP Department has no objection to the proposed temporary surface commercial parking lot, provided that prior to the execution of the separate Development Agreement for the Apple Mill Road extension lands, the Owner shall submit, as a minimum, a Phase One Environmental Site Assessment (ESA) in accordance with O. Reg. 153/04 (as amended). Should the findings of the Phase One ESA recommend further assessments, those shall also be required to be completed. All ESA reports shall include reliance extended from the environmental consultant to the City for the use of the reports, to the satisfaction of the City. A condition to this effect is included in the recommendation of this report.

c) Millway Avenue Re-construction

In September 2016, Vaughan Council granted approval for the Owner to lead the detailed design of Millway Avenue in an effort to maintain the project schedules. The Owner is familiar with the timing, scope, and complexity of the Millway Avenue re-construction project between New Park Place and Portage Parkway. Through the developer/build provisions of the City's Purchasing Policy, the City is able to facilitate the required tender and construction assignment for the Millway Avenue reconstruction. Staff is recommending that the reconstruction of Millway Avenue be delivered as a developer/build project in an effort to ensure the roadway is built for the opening of the subway.

A condition to authorize the City to enter into an agreement with the Owner for the Owner to undertake the tender preparation and re-construction of Millway Avenue on behalf of the City is included in the recommendation of this report.

Vaughan Financial Planning and Development Finance Department

The Vaughan Financial Planning and Development Finance Department has provided the following comments:

a) Site Development File DA.16.007 (Mixed-Use Building)

The Owner shall pay Development Charges to the City, in accordance with the City of Vaughan, Region of York, York Region District School Board and York Catholic District School Board Development Charge By-laws, prior to the issuance of any Building Permit.

b) Site Development File DA.16.089 (Temporary Surface Commercial Parking Lot)

The Owner shall pay to the City applicable Area Specific Development Charges for the Black Creek Financial Strategy based on the surface parking lot land area, prior to the issuance of any Building Permit.

Community Improvement Plan – Site Development File DA.16.007 (Mixed-Use Building)

The Owner has submitted a Community Improvement Plan (CIP) application, File CIP.16.003, for eligibility for the VMC CIP Program, specifically for the proposed 10,000 m² office component within the mixed-use building, in accordance with the criteria set in the City of Vaughan CIP By-law, CIP Program Guide, and CIP Application. The Owner has submitted a CIP application (File CIP.16.003) for evaluation in accordance with the criteria set in the City's CIP By-law and CIP Program Guide. Should the application be considered valid, the construction and occupancy of the new office space would add value to the City both in terms of direct and indirect jobs, and taxable assessment growth in the long term.

Vaughan Environmental Services Department, Solid Waste Management Division (Mixed-Use Building)

The Vaughan Solid Waste Management Division has advised that the development proposal meets the requirements of the Vaughan Waste Collection Design Standard Policies and has no objection to the mixed-use development proposal.

Toronto Transit Commission (Temporary Surface Commercial Parking Lot)

The Toronto Transit Commission (TTC) has reviewed the proposal for a temporary surface commercial parking lot and recognizes that the lot is a temporary condition that provides, in part,

the required interim off-site parking spaces for the mixed-use building (related to File DA.16.007). The TTC has no objection in principle to the proposal, subject to the following conditions:

- a) Should any changes be made to stormwater management on or adjacent to the subject lands, the City shall circulate the revisions to the TTC for review and approval, prior to any amendments being approved to ensure that TTC infrastructure is not affected by any proposed changes.
- b) The Owner shall provide appropriate wayfinding signage located on the subject lands to clearly define access to VMC transit hubs and to ensure the temporary surface commercial parking lot is properly integrated into the VMC. The Owner is advised to contact the TTC for the appropriate wayfinding signage standards.
- c) The TTC understands that the Owner will provide safe pedestrian connections to the transit facilities to and from the subject lands, including direct connections to the public sidewalk and a functioning signalized crossing at the Apple Mill Road and Millway Avenue intersection, in accordance with City of Vaughan Standards.

The TTC advises that given the temporary nature of the commercial parking lot, the TTC reserves the right to conduct subsequent site development or technical reviews for any future development proposed by the Owner on the subject lands. A condition that the TTC provide their final clearance on the temporary surface commercial parking lot is included in the recommendation of this report.

Toronto and Region Conservation Authority (Temporary Surface Commercial Parking Lot)

The application for the temporary surface commercial parking lot (Site Development File DA.16.089) has been circulated and is subject to review by the Toronto and Region Conservation Authority (TRCA). The Owner is required to satisfy all requirements of the TRCA. A condition to this effect is included in the recommendation of this report.

NavCanada and Bombardier Aerospace (Mixed-Use Building)

NavCanada is a private sector, non-share Capital Corporation that owns and operates Canada's civil air navigation service (ANS). NAV Canada co-ordinates the safe and efficient movement of aircraft in Canadian domestic airspace and international airspace assigned to Canadian control. NavCanada, in a letter issued in March 12, 2016, advised that they have no objection to the development proposal. NAV Canada's land use evaluation is valid for a period of 12 months of their notice and the assessment is limited to the impact of the proposed physical structure on the air navigation system and installations.

The Toronto Downsview Airport is located approximately 14 km southeast of the subject lands and the subject lands are located within the flight path of the airport. Bombardier Aerospace exclusively owns and operates the Toronto Downsview Airport. All development proposals within the flight path require review by Bombardier Aerospace. In a memorandum dated February 26, 2016, Bombardier Aerospace advised they have no objection to the proposed development, provided that the proposed crane heights in conjunction with the future Site Development Application shall be reviewed by Bombardier Aerospace.

Canada Post (Mixed-Use Building)

Canada Post has reviewed the development proposal for the mixed-use building and identified that with the common indoor entrance; the Owner shall supply, install and maintain a centralized mailbox facility, to the satisfaction of Canada Post. A condition to this effect has been included in the recommendation of this report.

PowerStream Inc. (Mixed-Use Building)

PowerStream Inc. has indicated it has no objection to the approval of the mixed-use building development proposal. PowerStream advises that the Owner is required to complete a Service Application Information Form (SAIF). PowerStream will then determine the type of available service in the area to supply this project and determine the charges for the new connection. 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.

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
- Invest, renew and manage infrastructure and assets
- Attract investment and create jobs
- Continue to cultivate an environmentally sustainable City
- Support and promote arts, culture, heritage and sports in the community

Regional Implications

York Region has provided their comments for the development applications as follows:

a) Mixed-Use Building

Zoning By-law Amendment and Site Development Files Z.16.003 and DA.16.007 were circulated to the York Region Transportation and Community Planning Department for review and comment. The subject lands are located adjacent to a planned major regional infrastructure project, the YRRTC Bus Terminal, as shown on Attachment #2. York Region advises that they have no objection to the approval of the Zoning By-law Amendment File Z.16.003. The Owner, however, will be required to satisfy York Region's technical comments for the Site Development File DA.16.007.

b) Temporary Surface Commercial Parking Lot

York Region has reviewed plans and reports relating to Site Development File DA.16.089 and has no objections to the development proposal in principle. Prior to receiving final Site Plan approval from York Region and prior to the issuance of any conditional, partial and/or final Building Permits by the City, the Owner shall satisfy the requirements listed below, and be in receipt of a fully executed site plan agreement, unless otherwise agreed to in writing by York Region.

- i) The Owner shall submit to the Region an Access Operations Review, a draft reference plan showing the parts for conveyance to York Region, a street tree protection plan (along Jane Street), and a Phase 1 ESA Report and Reliance Letter;
- ii) The Owner shall conduct an access operations review that will address the following, to the satisfaction of York Region:
 - Review of traffic routing to and from the proposed temporary surface parking lot accesses and the impacts on adjacent intersections, accesses and transit operations;

- Prior to the future widening of Portage Parkway, the proposed accesses to Portage Parkway shall be restricted to right-in and right-out movements only in order to minimize the impact on the Jane Street and Portage Parkway intersection;
 - Pedestrians movements must be reviewed by the Owner across Millway Avenue between the temporary surface parking lot and the VMC bus terminal and the Owner must provide recommendations to prevent and discourage, or to address pedestrian crossing movements at midblock locations along the frontage of the parking lot; and,
 - The Owner must provide recommendations to mitigate the impact of parking lot traffic on transit operations.
- iii) The Owner shall arrange for the preparation, review and deposit on title of a reference plan, to the satisfaction of the Regional Community Planning and Development Services Branch and the plan shall identify all lands to be conveyed to York Region, including:
- a widening across the full frontage of the lands where it abuts Jane Street of sufficient width to provide for a right-of-way of 22.5 m measured from the centreline of construction of Jane Street; and,
 - a 10 m by 10 m daylighting trapezoid at the intersection of Jane Street and Apple Mill Road, measured from the widened limits of Jane Street and Apple Mill Road;
- iv) The Owner must submit, in general accordance with the requirements of the Environmental Protection Act and O. Reg. 153/04 Records of Site Condition Part XV.1 of the Act (as amended) ("O. Reg. 153/04"), a Phase 1 ESA of the lands that are the subject of the development proposal, including the lands to be conveyed, to the satisfaction of York Region; and,
- v) The Owner shall be required to deposit the following financial and insurance requirements to York Region as part of this Site Development application:
- A cost estimate for all works within the Jane Street right-of-way;
 - A security deposit for all works within the Jane Street right-of-way;
 - A development review fee based on 7% of all works within the road allowance of Jane Street; and,
 - A certificate of insurance, completed to the satisfaction of the Region's Manager of Insurance and Risk.

A condition that all York Region requirements be satisfied for Site Development Files DA.16.007 (mixed-use building) and DA.16.089 (temporary commercial surface parking lot) is included in the recommendation of this report.

Conclusion

The Vaughan Development Planning Department has reviewed Zoning By-law Amendment File Z.16.003 and Site Development Files DA.16.007 and DA.16.089 in consideration of the policies of the in-effect Official Plan, the VMC Secondary Plan, Zoning By-law 1-88, comments received from City departments and external public agencies, and the area context.

The Vaughan Development Planning Department is satisfied that the Zoning By-law Amendment File Z.16.003 for proposed amendments to Zoning By-law 1-88, specifically the site-specific

zoning exception to the C10 Corporate District Zone outlined in Table 1 of this report; Site Development File DA.16.007 to facilitate an 9-storey mixed-use building consisting of major office and civic uses; and Site Development File DA.16.089 to facilitate a temporary surface commercial parking lot to provide off-site parking to service the mixed-use building, with triggers for its ultimate removal, are appropriate, subject to the conditions included in the recommendation of this report.

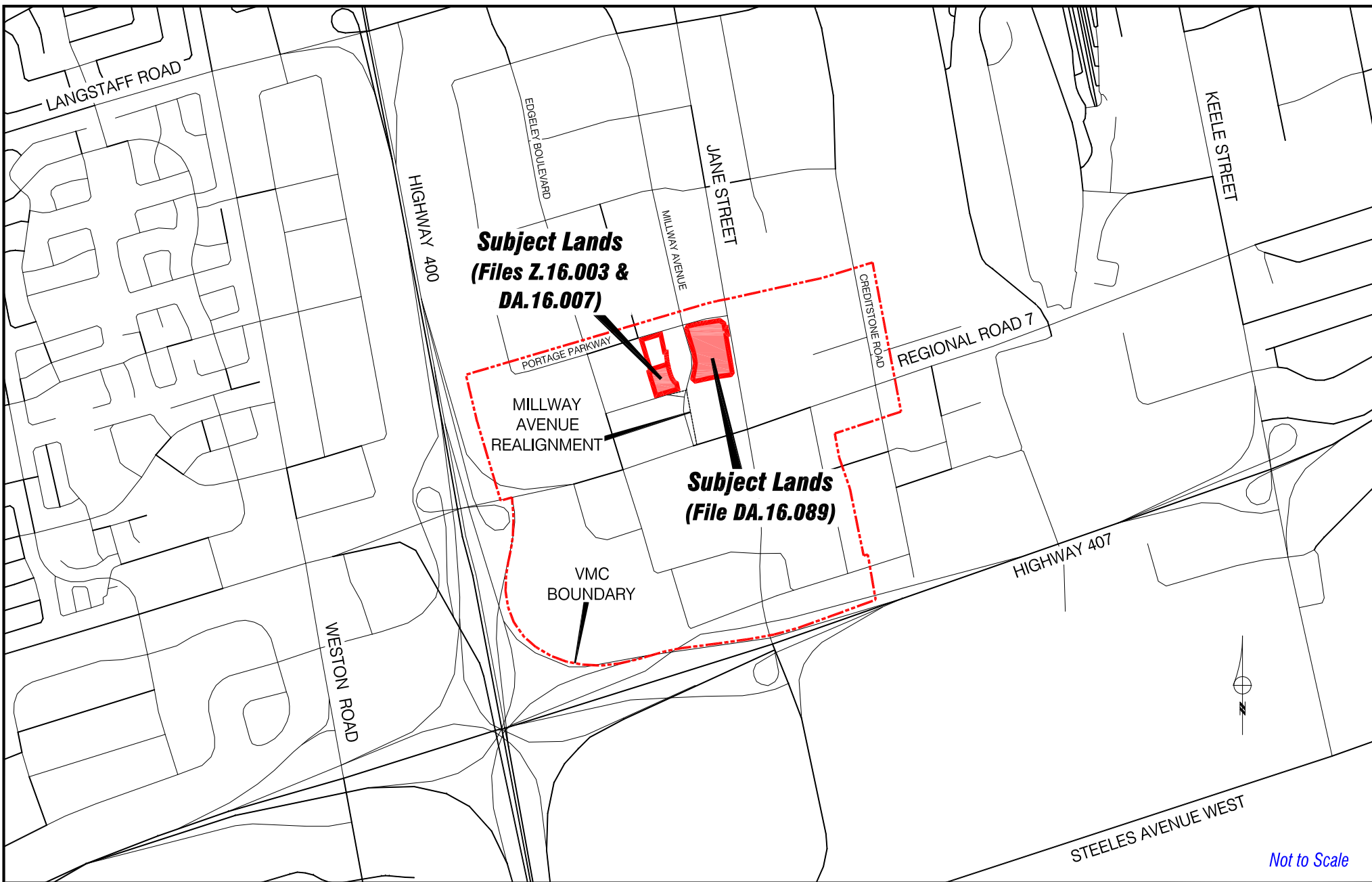
The proposed mixed-use building will contribute to the creation of a complete community in the VMC and the proposed temporary surface parking lot will initiate opportunities for the early activation of the VMC, as discussed in this report. Accordingly, the Vaughan Development Planning Department can support the approval of the Zoning By-law Amendment and Site Development applications, subject to the recommendations in this report.

Attachments

1. Context Location Map
2. Location Map
3. Original Site Plan (File DA.16.007)
4. Original Parking Garage Elevations (File DA.16.007)
5. Original Rendered Elevation (File DA.16.007)
6. Revised Site Plan (File DA.16.007)
7. Mixed-Use Building Elevation (Along Apple Mill Road)
8. Mixed-Use Building Elevation (Along Future Buttermilk Avenue)
9. Mixed-Use Building Elevation (Abutting YRRTC Bus Terminal)
10. Mixed-Use Building Elevation (North Elevations)
11. Mixed-use Building Landscape Plan
12. Revised Rendered Elevation (9-storey Mixed-Use Building)
13. Red-lined Site Plan (File DA.16.089)
14. Red-lined Landscape Plan (File DA.16.089)
15. Communication C5

Report prepared by:

Stephen Lue, Senior Planner, ext. 8210



Not to Scale

Context Location Map

LOCATION:
Part of Lots 6 and 7, Concession 5

APPLICANT:
Penguin - Calloway (Vaughan) Inc.

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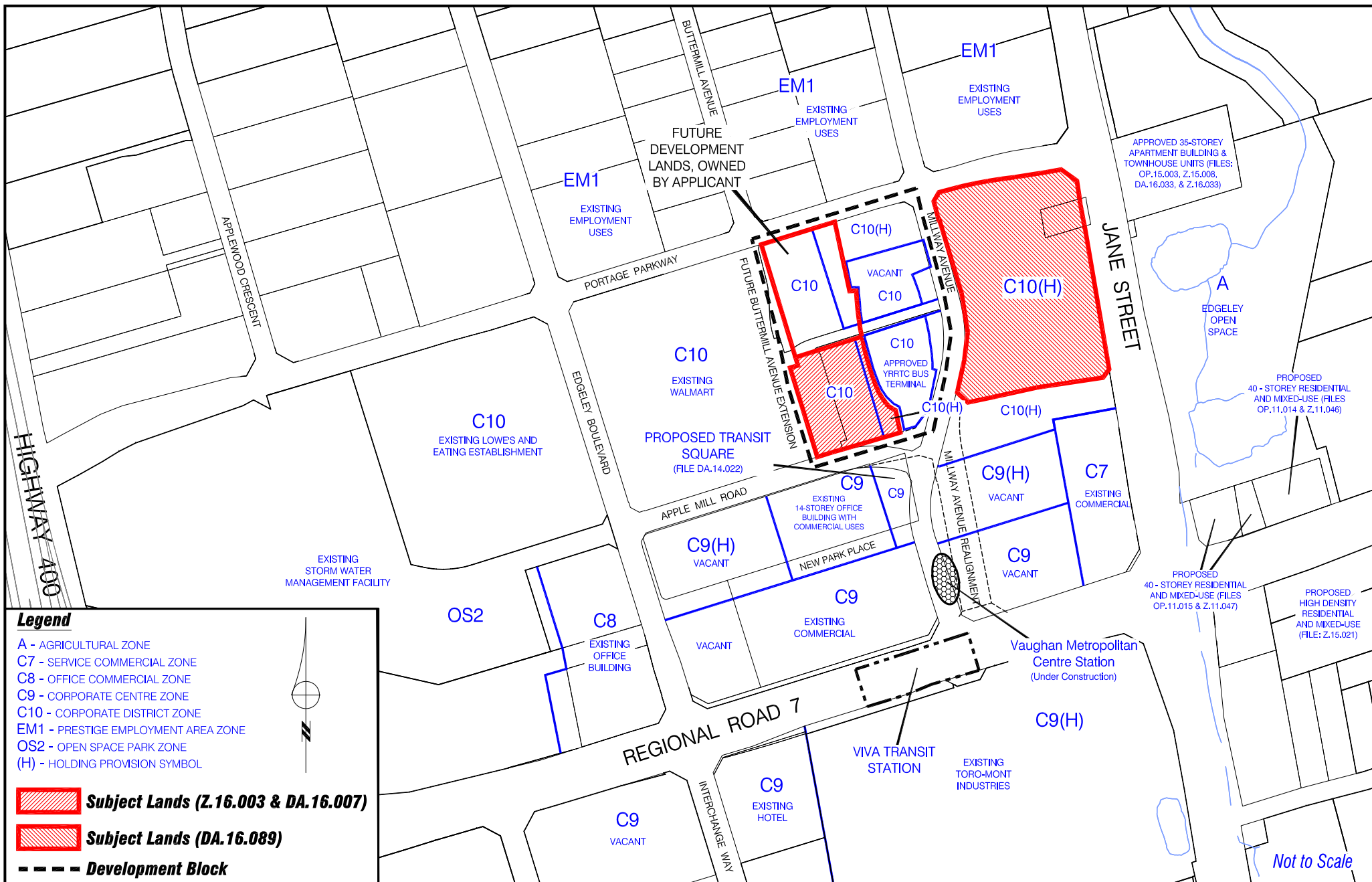


Attachment

FILES: Z.16.003,
DA.16.007 & DA.16.089

DATE:
December 6, 2016

1



Location Map

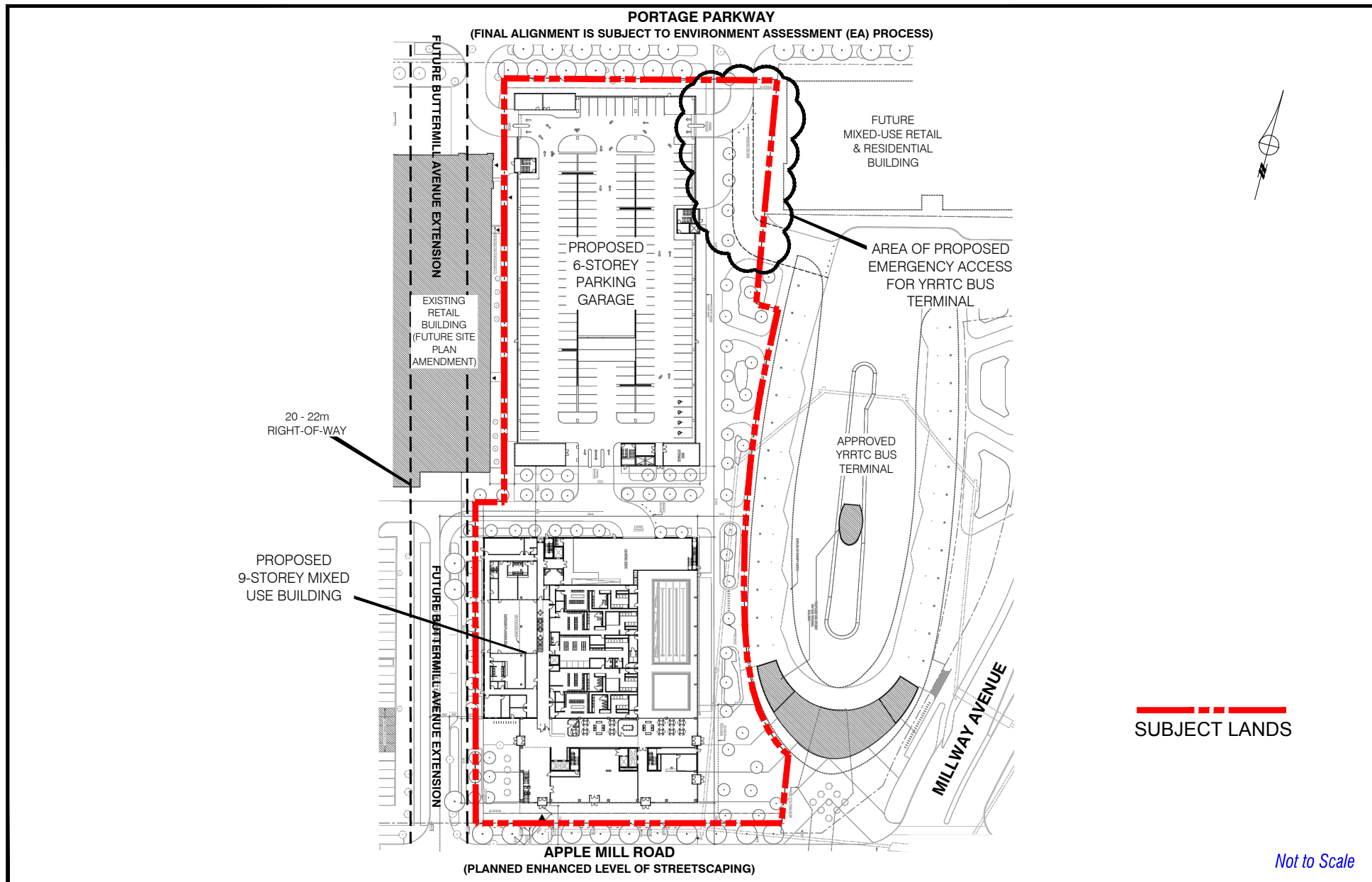
LOCATION:
Part of Lots 6 & 7, Concession 5

APPLICANT:
Penguin - Calloway (Vaughan) Inc.

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Attachment
FILES: Z.16.003,
DA.16.007 & DA.16.089
DATE:
December 6, 2016
2



Original Site Plan (File DA.16.007)

APPLICANT: Penguin - Calloway (Vaughan) Inc. LOCATION: Part of Lots 6 & 7, Concession 5

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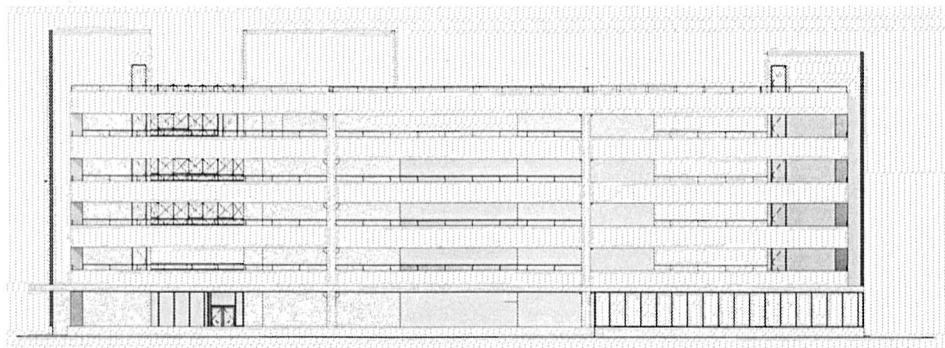


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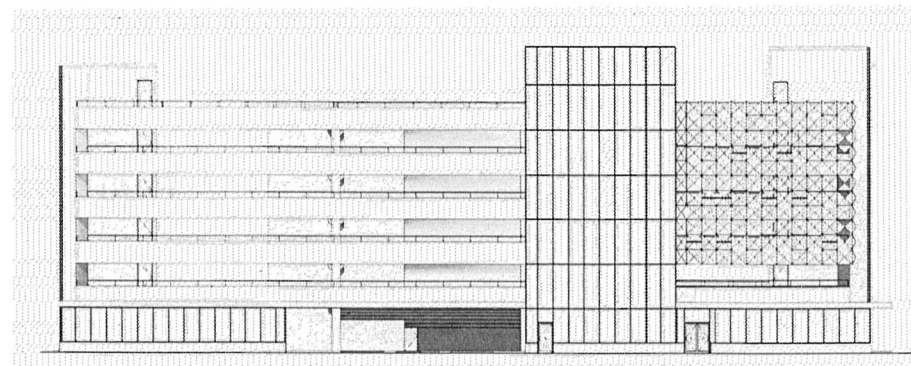
FILES: Z.16.003,
DA.16.007 & DA.16.089

DATE:
December 6, 2016

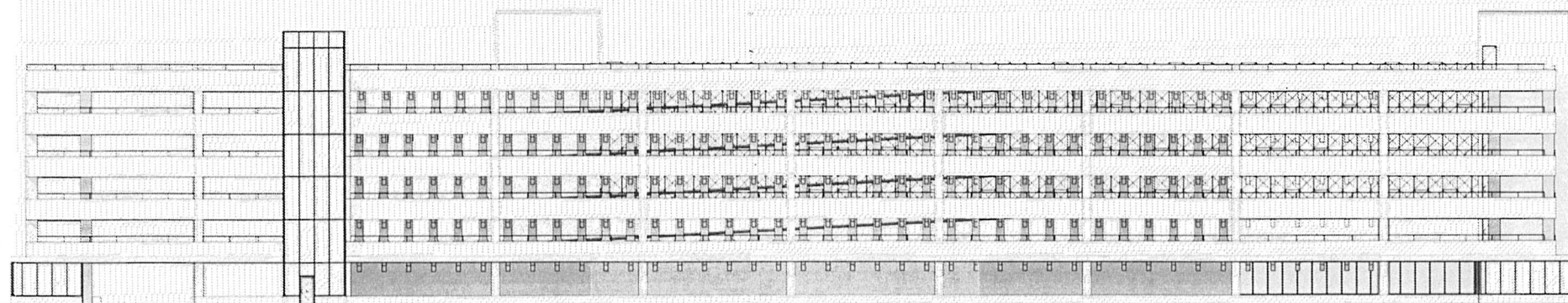
3



NORTH ELEVATION - FACING PORTAGE PARKWAY



SOUTH ELEVATION



EAST ELEVATION

Not to Scale

Original Parking Garage Elevations (File DA.16.007)

APPLICANT:
Penguin - Calloway (Vaughan) Inc.

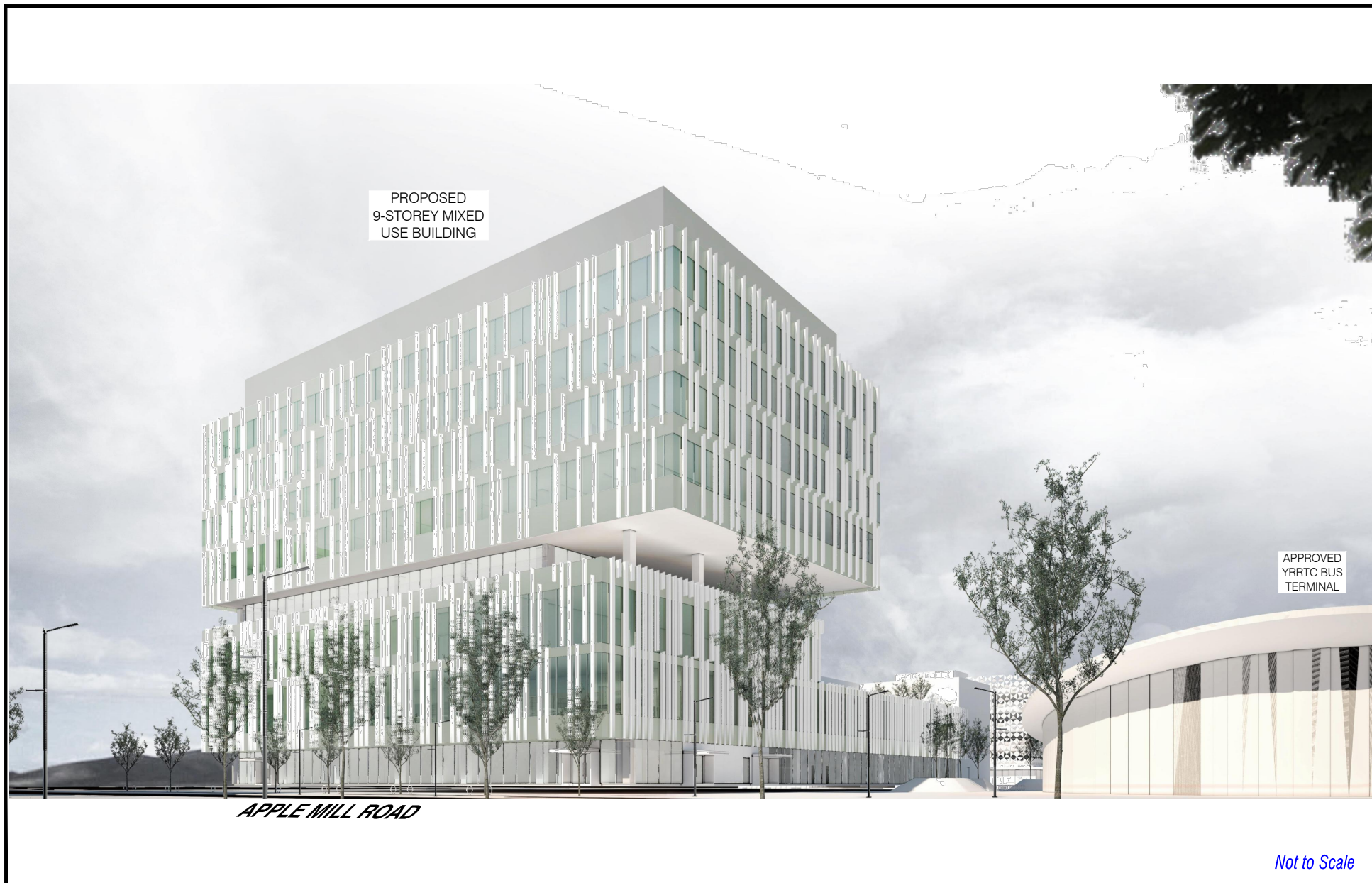
LOCATION: Part of Lots 6 & 7,
Concession 5



Attachment
FILES: Z.16.003,
DA.16.007 & DA.16.089

DATE:
December 6, 2016

4



Original Rendered Elevation (File DA.16.007)

APPLICANT: Penguin - Calloway (Vaughan) Inc. LOCATION: Part of Lots 6 & 7, Concession 5

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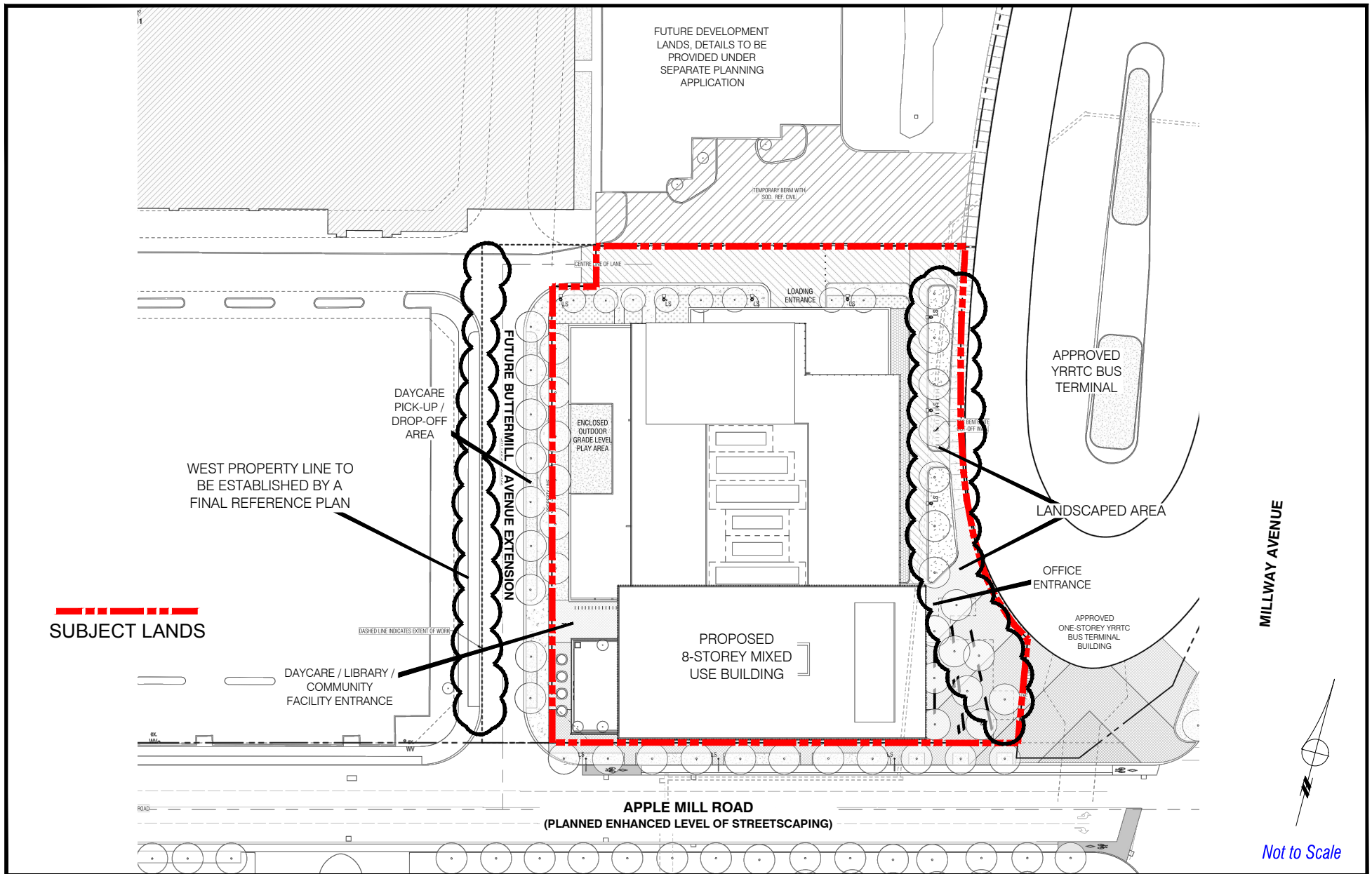


Attachment

FILES: Z.16.003,
DA.16.007 & DA.16.089

DATE:
December 6, 2016

5

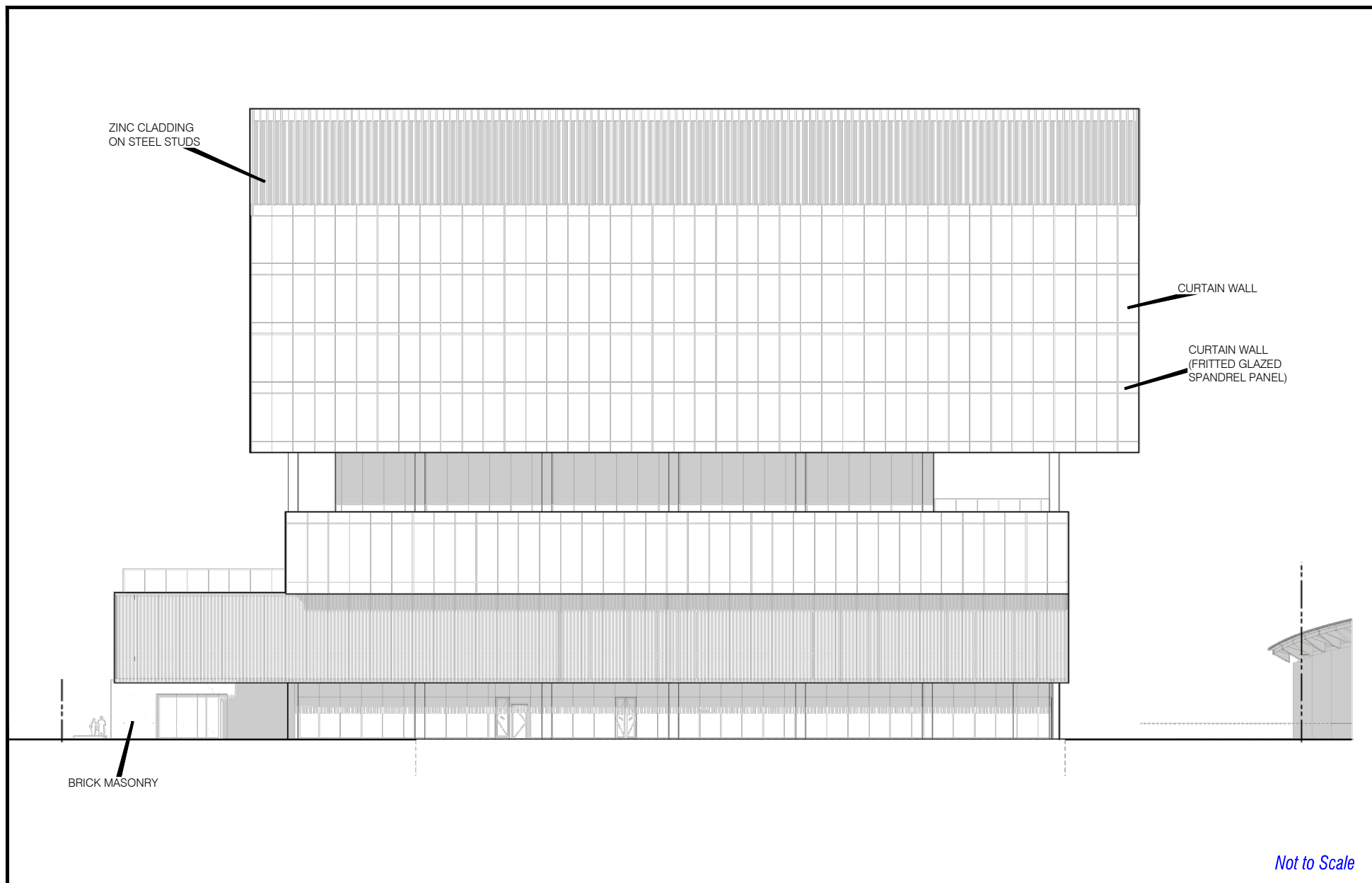


Revised Site Plan (File DA.16.007)

APPLICANT: Penguin - Calloway (Vaughan) Inc. LOCATION: Part of Lots 6 & 7, Concession 5



Attachment
FILES: Z.16.003,
DA.16.007 & DA.16.089
DATE:
December 6, 2016
6



Mixed-Use Building Elevation (Along Apple Mill Road)

APPLICANT: Penguin - Calloway (Vaughan) Inc. LOCATION: Part of Lots 6 & 7, Concession 5

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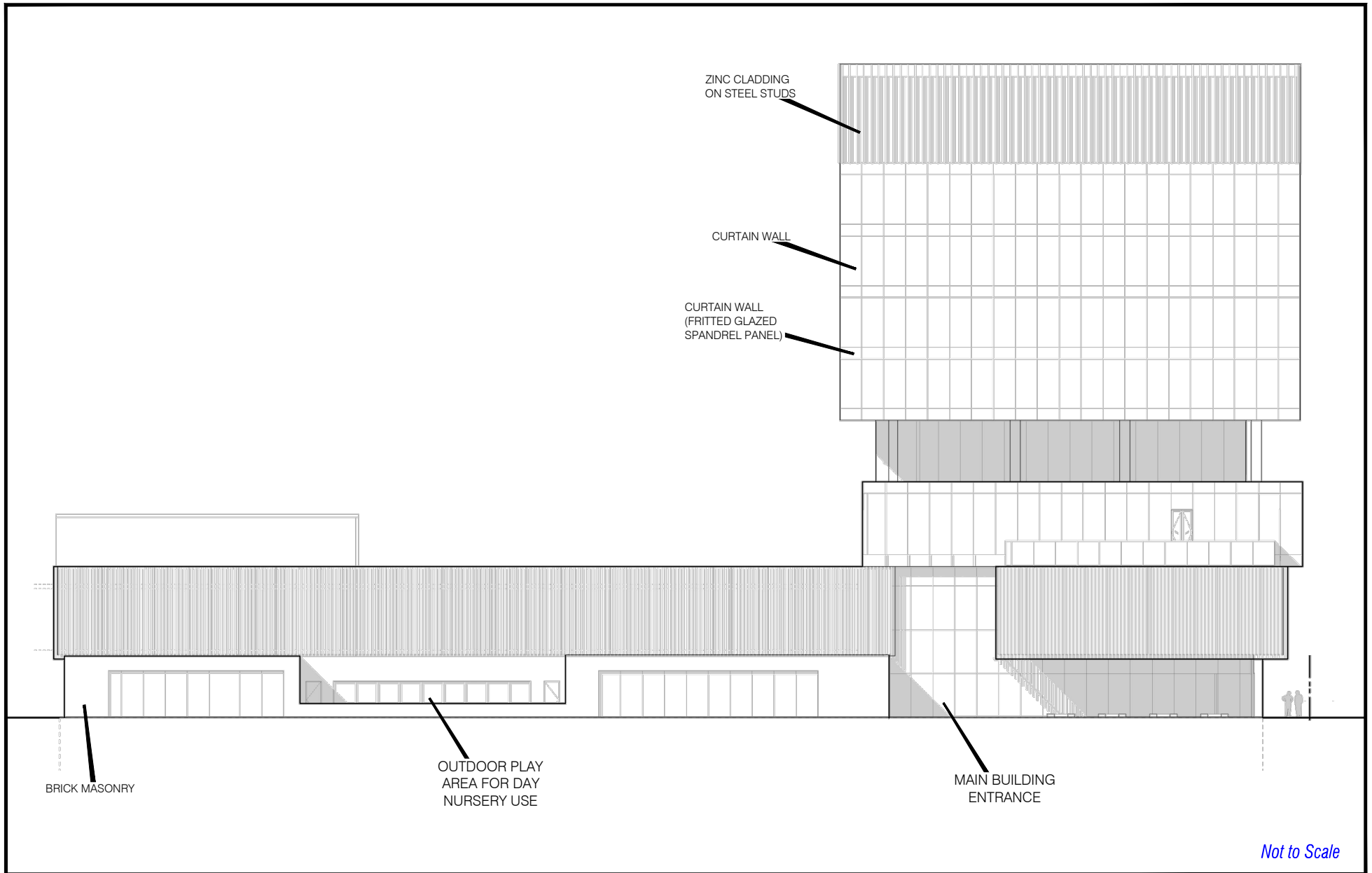


Attachment

FILES: Z.16.003,
DA.16.007 & DA.16.089

DATE:
December 6, 2016

7



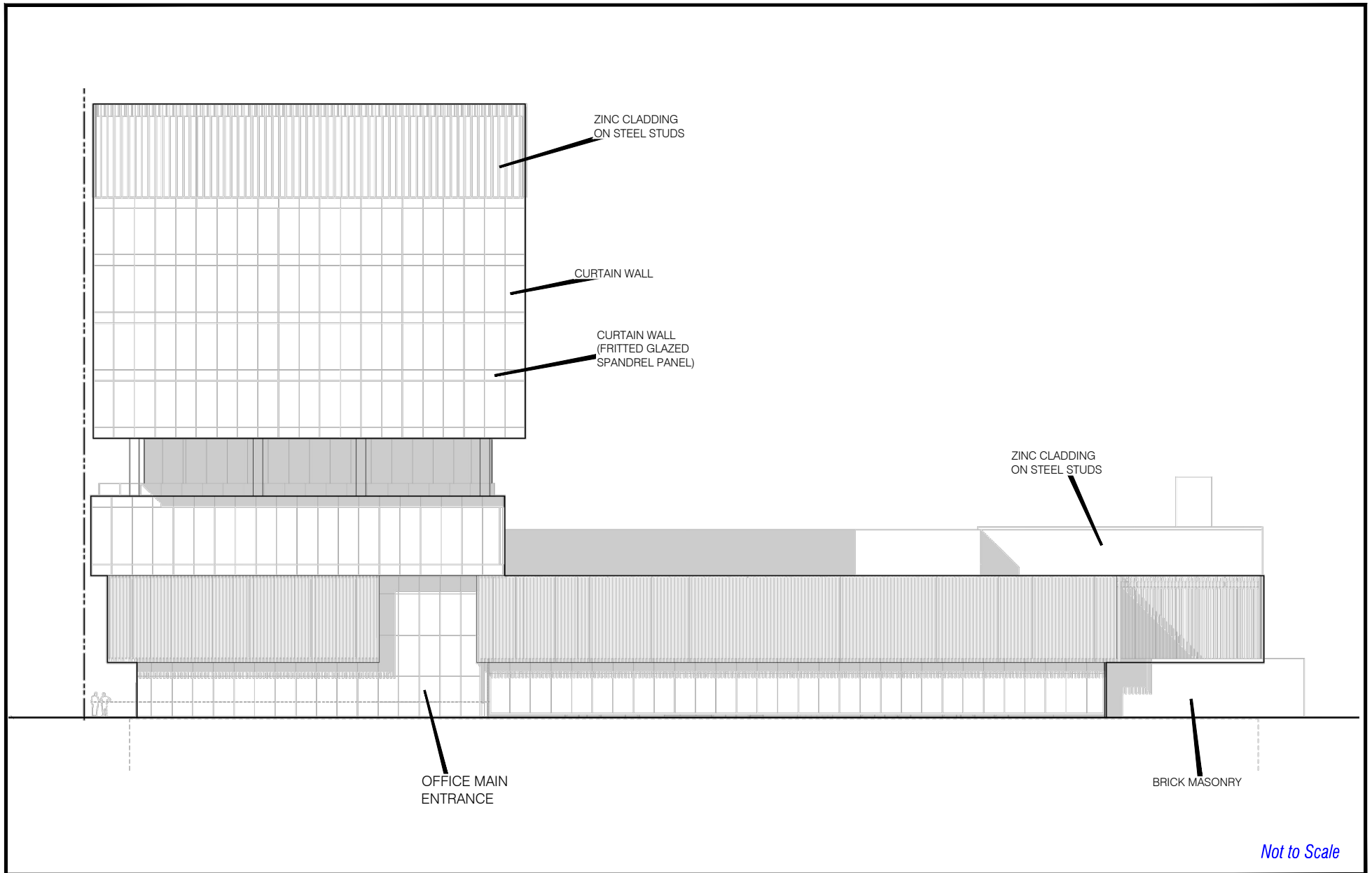
Mixed-Use Building Elevation (Along Future Buttermill Avenue)

APPLICANT: Penguin - Calloway (Vaughan) Inc. LOCATION: Part of Lots 6 & 7, Concession 5



Attachment
FILES: Z.16.003,
DA.16.007 & DA.16.089
DATE:
December 6, 2016

8



Mixed-Use Building Elevation (Abutting YRRTC Bus Terminal)

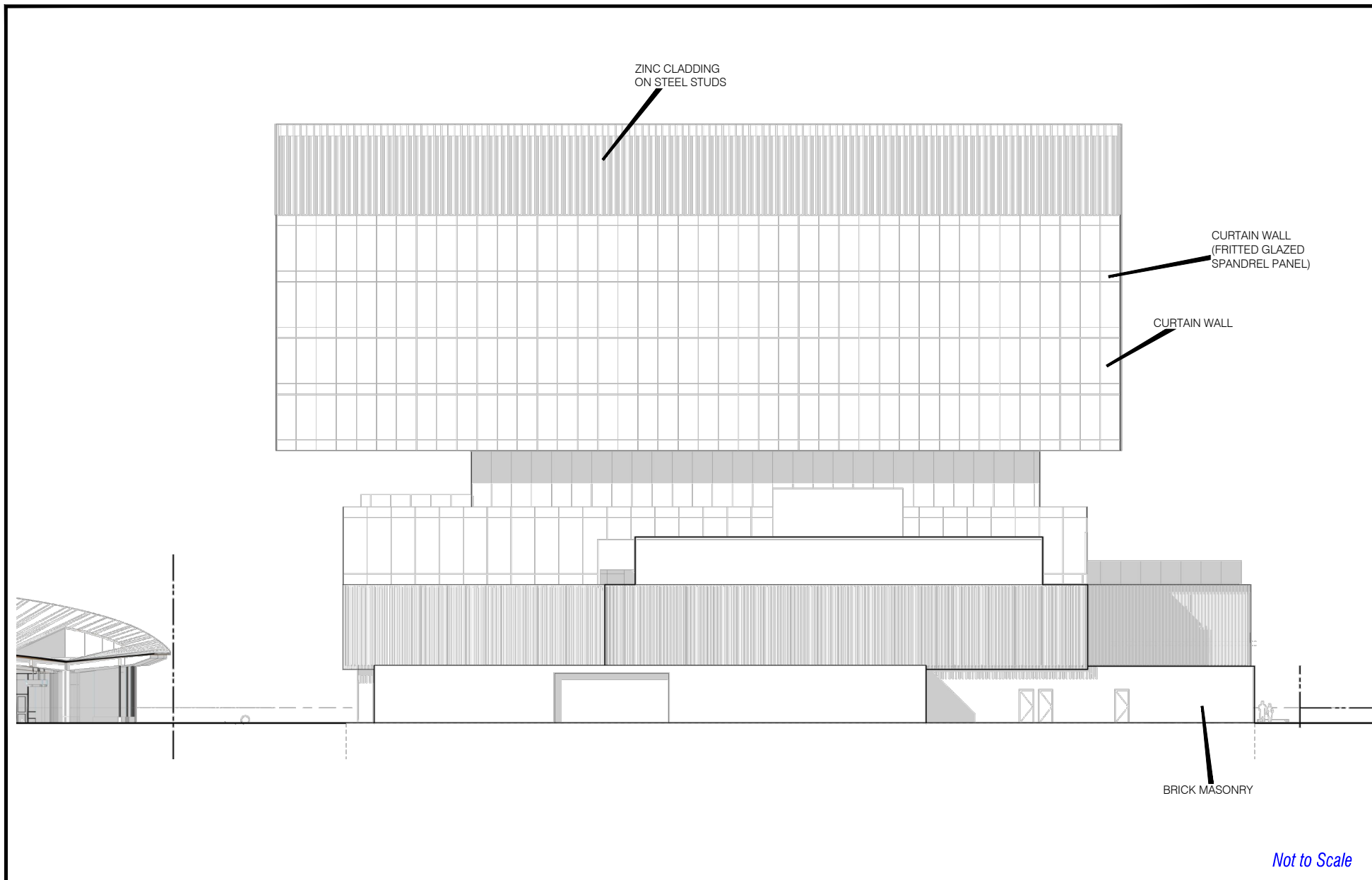
APPLICANT: Penguin - Calloway (Vaughan) Inc. LOCATION: Part of Lots 6 & 7, Concession 5

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Attachment
FILES: Z.16.003,
DA.16.007 & DA.16.089
DATE:
December 6, 2016

9



Mixed-Use Building Elevation (North Elevations)

APPLICANT: Penguin - Calloway (Vaughan) Inc. LOCATION: Part of Lots 6 & 7, Concession 5

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Attachment

FILES: Z.16.003,
DA.16.007 & DA.16.089

DATE:
December 6, 2016

10



Not to Scale

APPLE MILL ROAD

Revised Rendered Elevation (8-Storey Mixed-Use Building)

APPLICANT: Penguin - Calloway (Vaughan) Inc. LOCATION: Part of Lots 6 & 7, Concession 5

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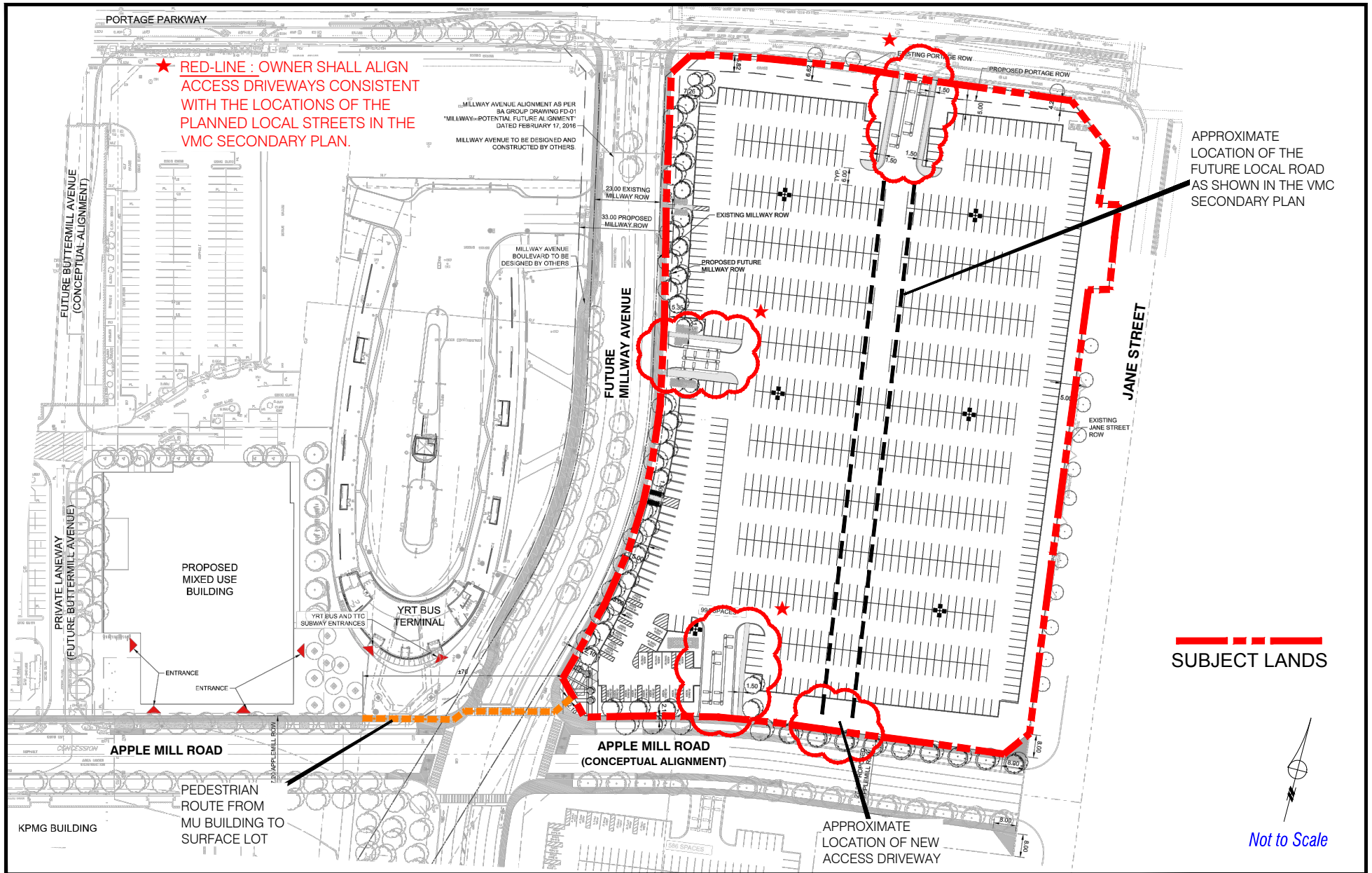


Attachment

FILES: Z.16.003,
DA.16.007 & DA.16.089

DATE:
December 6, 2016

12



Red-Lined Site Plan (DA.16.089)

APPLICANT: Penguin - Calloway (Vaughan) Inc. LOCATION: Part of Lots 6 & 7, Concession 5

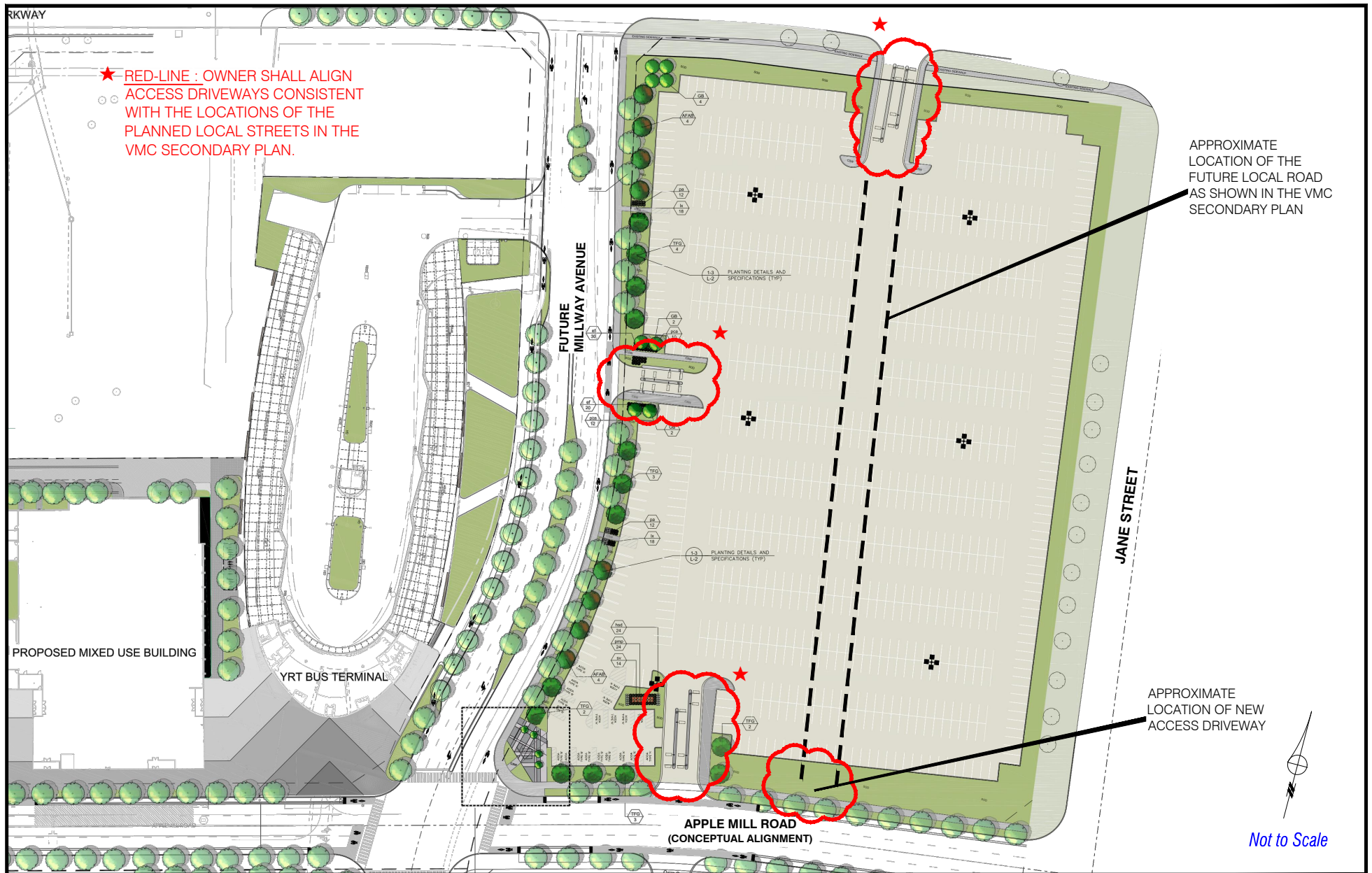


Attachment

FILES: Z.16.003,
DA.16.007 & DA.16.089

DATE:
December 6, 2016

13



Red-Lined Landscape Plan (DA.16.089)

APPLICANT: Penguin - Calloway (Vaughan) Inc. LOCATION: Part of Lots 6 & 7, Concession 5



Attachment
FILES: Z.16.003,
DA.16.007 & DA.16.089
DATE:
December 6, 2016

14



<p style="text-align: center;">c 5 Communication COUNCIL: <u>Dec. 13, 2016</u> <u>CW</u> Rpt. No. <u>43</u> Item <u>32</u></p>
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DATE: DECEMBER 8, 2016

TO: HONOURABLE MAYOR AND MEMBERS OF COUNCIL

FROM: JOHN MACKENZIE, DEPUTY CITY MANAGER, PLANNING & GROWTH MANAGEMENT

RE: COMMUNICATION - COUNCIL MEETING, DECEMBER 13, 2016
ITEM NO. 32, REPORT NO. 43
COMMITTEE OF THE WHOLE - DECEMBER 6, 2016

ZONING BY-LAW AMENDMENT FILE Z.16.003
SITE DEVELOPMENT FILES DA.16.007 AND DA.16.089
PENGUIN-CALLOWAY (VAUGHAN) INC.
WARD 4 - VICINITY OF MILLWAY AVENUE AND APPLE MILL ROAD

Recommendation

The Deputy City Manager, Planning & Growth Management recommends:

1. THAT the technical report (Item 32 of Report 43) by the Deputy City Manager, Planning & Growth Management, Interim Director of Development Planning, and Senior Manager of Development Planning, dated December 6, 2016, be amended as follows:
 - a) deleting the words “, or portion thereof” in Recommendation 3.a)i), to read as follows:

“500 parking spaces subject to their removal upon redevelopment of the subject lands;”
 - b) adding the word “and” after the word “Owner” to the first bullet and adding “for the staging of events, but not provide free parking to the general public” to the end of the second bullet point in Recommendation 3.b)iv), so to read as follows:
 - the dates and times for the use of the temporary surface parking lot will be agreed upon annually by the Owner and the City;
 - the City may use the parking lot for up to four events annually for the staging of events, but not provide free parking to the general public; and,”
 - c) adding “and the Owner” to the last sentence in Recommendation 3.b)iv), to read as follows:

“The agreement will also consider other matters such as liability, security and on-site operations, to the satisfaction of the City and the Owner;”
 - d) deleting the reference “platinum” after the paragraph beginning with “Goal 4” in the Contribution to Sustainability section and replacing it with “gold”, to read:

“In accordance with the goals and objectives identified above, the Owner advises that the mixed use building development proposal (Site Development File DA.16.007), a brownfield redevelopment, will be constructed to achieve a gold Leadership in Energy



memorandum

and Environmental Design (LEED) certification and that the following, but not limited to, sustainable site and building features will be included:"

- e) deleting the reference to "temporary sidewalk" in the first sentence of the third paragraph of item b) of the Landscape Plan/Urban Design section and replacing it with "safe pedestrian connections", to read:

"The Owner has been advised that the landscape treatment along Jane Street must be improved with buffer plantings, safe pedestrian connections, and enhanced screening measures."

Background

On December 6, 2016, the Owner made a deputation to the Vaughan Committee of the Whole and requested points of clarification regarding the technical report (Item 32 of Report 43), dated December 6, 2016, respecting Zoning By-law File Z.16.003 and Site Development Files DA.16.007 and DA.16.089 (Penguin-Calloway (Vaughan) Inc.), to permit a 9-storey, mixed-use building and a temporary surface commercial parking lot. The Owner suggests minor amendments to the technical report, being:

- a) Recommendations 3.a)i) and 3.b)iv), respectively, for Site Development File DA.16.089:
- to delete the reference to "or portions thereof" in the trigger for removal of the 500 parking spaces upon redevelopment of the subject lands; and,
 - to provide clarification on the second principle for the City to stage and host public events on the temporary surface commercial parking lot so as to not permit free parking to the general public. Furthermore, in relation to the required separate agreement to facilitate this arrangement, which considers other matters such as liability, security, and on-site operations, the Owner has requested that this be adjusted to be to the satisfaction of the City and the Owner.

The intent of the words "or portions thereof" was to have parking spaces removed on a portion of the site should the area occupied by the 500 parking spaces be developed in phases, not to have all 500 parking spaces removed should only a portion of the site be developed. The amended recommendation maintains the intent of the original recommendation.

With regard to the execution of the separate agreement, staff concurs with the Owner's requested clarification that it must be to the satisfaction of the both the City and the Owner. Also, staff can support an amendment to the report to clearly identify that the intent of the condition related to the commercial parking lot is to maintain the arrangement for paid parking during City events, which is reflected in the principles to utilize the lot for City events.

- b) Modification of the Owner's aspiration for LEED certification from "platinum" to "gold" under the Contribution to Sustainability section.

Through subsequent iterations of the development proposal, the LEED aspiration of the Owner for the mixed-use building has been modified from platinum to gold certification. This recommendation in this Communication accurately reflects this change.

- c) Reference to "temporary sidewalk" under the Landscape Plan/Urban Design section for the temporary surface commercial parking lot is amended to reference "safe pedestrian connections".



VAUGHAN

memorandum

The surface commercial parking lot is temporary and the interim condition must maintain safe pedestrian connections along Jane Street. A safe interim condition facilitates pedestrian permeability throughout this Anchor Mobility Hub. The Owner has agreed to have this City concern for safe pedestrian connections accurately reflected through this Communication and substitute the words "temporary sidewalk" to "safe pedestrian connections." The Vaughan Development Planning Department supports this clarification, which is appropriate for the temporary condition of the parking lot and the surrounding context.

Conclusion

It is recommended that Recommendation 3 and portions of technical report (Item 32 of Report 43) respecting Zoning By-law Amendment File Z.16.003 and Site Development Files DA.16.007 and DA.16.089 (Penguin-Calloway (Vaughan) Inc.) considered by the Committee of the Whole on December 6, 2016, be revised as identified in this Communication to clarify the intent of certain Recommendations and information in the original report. The balance of the report remains unchanged.

Respectfully submitted,

A handwritten signature in black ink, consisting of a large, stylized "J" followed by several vertical strokes.

JOHN MACKENZIE
Deputy City Manager,
Planning & Growth Management

Copy to: Jeffrey A. Abrams, City Clerk
Daniel Kostopoulos, City Manager
Mauro Peverini, Interim Director of Development Planning

SL/