

**COMMITTEE OF THE WHOLE (2) – SEPTEMBER 20, 2022****COMMUNICATIONS****Distributed September 16, 2022****Item**

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| C1. | Confidential memorandum from the City Clerk, dated September 20, 2022. | 20 |
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**Distributed September 19, 2022**

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| C2. | Roslyn Houser, Goodmans LLP, Bay Adelaide Centre, Bay Street, Toronto, dated September 19, 2022.        | 6 |
| C3. | Ryan Mino-Leahan, Partner, KLM Planning Partners Inc., Jardin Drive, Concord, dated September 19, 2022. | 5 |
| C4. | Memorandum from the Deputy City Manager, Planning and Growth Management, dated September 19, 2022.      | 9 |
| C5. | Memorandum from the Deputy City Manager, Planning and Growth Management, dated September 19, 2022.      | 6 |
| C6. | Memorandum from the Deputy City Manager, Planning and Growth Management, dated September 19, 2022.      | 5 |

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**Please note there may be further Communications.**

**Communication : C 2  
Committee of the Whole (2)  
September 20, 2022  
Agenda Item # 6**

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**From:** Houser, Roslyn <rhouser@goodmans.ca>  
**Sent:** Monday, September 19, 2022 10:19 AM  
**To:** Clerks@vaughan.ca  
**Cc:** Kayly Robbins <krobbins@westonconsulting.com>; Effie Lidakis <Effie.Lidakis@vaughan.ca>; David Harding <David.Harding@vaughan.ca>; Mark Antoine <Mark.Antoine@vaughan.ca>; mmcculla@costco.com; Mark Levkoe (Mark@valcoustics.com) <Mark@valcoustics.com>  
**Subject:** [External] Committee of the Whole (2) Report-- Agenda item 6.6--Meeting on Sept. 20, 2022

Please see attached our letter for the Committee of the Whole in respect of the above-noted item on the agenda for the meeting on Sept, 20, 2022.

We would appreciate if you could provide this letter to the Committee members as soon as possible in advance of the meeting.

We would also be grateful for your confirmation of receipt of this email.

Regards,

Roslyn

**Roslyn Houser**  
Goodmans LLP

416.315.1603 (cell)  
416.597.4119 (office)  
[rhouser@goodmans.ca](mailto:rhouser@goodmans.ca)

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\*\*\*\*\* Attention \*\*\*\*\*

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rhouser@goodmans.ca

September 19, 2022

Our File No. 211341

Committee of the Whole  
Vaughan City Hall  
Level 100  
2141 Major Mackenzie Dr.  
Vaughan, ON L6A 1T1

Dear Sirs/Mesdames:

**Re: Committee of the Whole (2) Meeting on September 20, 2022  
Agenda Item 6.6**

We are the solicitors for Costco Wholesale Canada Ltd. ("Costco") which owns and operates a major distribution centre to the north of the property owned by 27 Developments Inc. ("27 Developments") at 8440 Highway 27 which is the subject of this rezoning application.

The staff report notes the productive discussions between City staff, 27 Developments and Costco to address questions raised by Costco respecting the implementation of noise mitigation measures by 27 Developments to ensure compatibility of the proposed hotel with Costco's operations at its distribution centre. The key measures that were agreed upon are a Class 4 designation for the property at 8440 Hwy 27 (through amendment to Schedule 4 of the City's Noise by-law) and the execution and registration on title of an agreement between 27 Developments and Costco securing the applicant's commitment to install inoperable windows for the hotel suites and central air conditioning for as long as the Costco operations remain active (as recommended by the applicant's noise consultant).

However, on behalf of Costco, we find it necessary to raise a process issue. The staff report recommends that the above-noted noise measures be satisfied prior to approval of the site plan. The challenge for Costco is that third parties have no status to appeal a site plan if they are not satisfied with the site plan or the conditions. In the circumstances, we are requesting that Committee modify recommendation #3 in the staff report to provide that the amendment to the City's noise by-law shall occur in conjunction with the approval of the zoning amendment by Vaughan Council. We note that this request has been discussed with staff and we understand they intend to provide the Committee with a supplementary communication.

As noted above, the applicant has confirmed with Costco its willingness to enter into an agreement to be registered on title securing the commitment to the installation of inoperable windows and air conditioning so we trust this can occur prior to Council's adoption of the zoning amendment.

We trust this is satisfactory. In the meantime, we wish to thank City staff and 27 Developments for their cooperation with Costco throughout this process to facilitate an appropriate resolution of the concerns identified by Costco.

Yours truly,

**Goodmans LLP**

A handwritten signature in black ink, appearing to read "R. Houser", is written over the printed name.

Roslyn Houser  
RH/lr

cc: Costco Wholesale Canada Ltd.

27 Developments Inc.  
Attention: Kayly Robbins

7303799

**Communication : C 3**  
**Committee of the Whole (2)**  
**September 20, 2022**  
**Agenda Item # 5**

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**From:** Ryan Mino <RMino@KLMPPlanning.com>

**Sent:** Monday, September 19, 2022 11:03 AM

**To:** Clerks@vaughan.ca

**Cc:** Haiqing Xu <Haiqing.Xu@vaughan.ca>; Nancy Tuckett <Nancy.Tuckett@vaughan.ca>; Mary Caputo <Mary.Caputo@vaughan.ca>; Margaret Holyday <Margaret.Holyday@vaughan.ca>; Duane Aubie <daubie@yorkmajor.com>

**Subject:** [External] OP.21.010 and Z.21.014 - Letter to Committee of the Whole - Sept 20, 2022

Good Morning,

Please find attached a letter to the Committee of the Whole in respect of the above-noted applications being considered at Committee of the Whole on September 20, 2022. I will also be speaking in relation to this matter.

Please confirm receipt.

Regards,

**Ryan Mino-Leahan** B.U.R.Pl., MCIP, RPP  
PARTNER

**KLM PLANNING PARTNERS INC.**

Planning | Design | Development

64 Jardin Drive, Unit 1B Concord, Ontario L4K 3P3

**W** 905.669.4055 (ext. 224) **C** 416.898.8721 **E** [rmino@klmplanning.com](mailto:rmino@klmplanning.com) **W** [www.klmplanning.com](http://www.klmplanning.com)

**File: P-3075**

**September 19, 2022**

Via email: [clerks@vaughan.ca](mailto:clerks@vaughan.ca)

City of Vaughan  
2141 Major Mackenzie Drive  
Vaughan, ON  
L6A 1T1

**Attention: Mayor and Members of Council**

**Re: Vaughan Committee of the Whole Meeting – September 20, 2022  
Item 6.5  
York Major Holdings Inc.  
Official Plan Amendment (File: OP.21.010) and  
Zoning By-law Amendment (File: Z.21.014)  
10,000 Dufferin Street  
Northwest Corner of McNaughton Road East and Major Mackenzie Drive West  
City of Vaughan  
Region of York**

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KLM Planning Partners Inc. (“KLM”) is the land use planning consultant representing York Major Holdings Inc. (“York Major”) with respect to lands they own at the northeast corner of McNaughton Road East and Major Mackenzie Drive West (the “Subject Lands”). The Subject Lands are the subject of a staff recommendation report (“Report”) from the Development Planning Department at the Vaughan Committee of the Whole Meeting on September 20, 2022. The Report recommends the approval of my clients Official Plan Amendment and Zoning By-law Amendment Applications (Files: OP.21.010 and Z.21.014) (the “Applications”), which will facilitate the development of the Subject Lands with 1,125 residential apartment units in 4 buildings ranging in height from 12 to 28 storeys (the “Proposal”).

We have had an opportunity to review the Report and on behalf of York Major, we wanted to express our gratitude and appreciation of the efforts of Vaughan staff in bringing their Report forward which recommends approval of the Applications. However, there is an inconsistency which exists throughout the report and which affects one of the recommendations of the Development Planning Department, which necessitates a request by York Major for a modification by the Committee of the Whole at this time.

City staff have indicated that in order for development to proceed, a Methane Gas Study (“Study”) is required to be submitted to the satisfaction of the City prior to the proposed Holding (“H”) Symbol in the Zoning By-law being lifted in the future. After discussion with City staff in the lead up to the completion of the Report, York Major have agreed to do the Study.

City staff have indicated they are requesting the Study due to the historic use of organic soils and materials in backfill and non landfill sourced methane. This is appropriately referenced on pg 21 of the Report, but

is misconstrued throughout the Report where it is often referenced that landfill gas monitoring data and assessment is required within the Study and that it be subject to the satisfaction of the City of Vaughan and the Ministry of the Environment Conservation and Parks ("MECP"). The City of Toronto and MECP support the proposed development. The requirement for a Study comes solely from the City of Vaughan and as such should not be subject to the satisfaction of MECP. This inconsistency and inaccuracy needs to be appropriately clarified for the public record.

Based on staff's comments above, recommendation 6.e) in the Report incorrectly requires York Major to provide landfill gas monitoring and a methane gas study as noted below:

*"The Owner submits landfill gas monitoring data a methane gas investigation for the subject lands completed to the satisfaction of the City of Vaughan."*

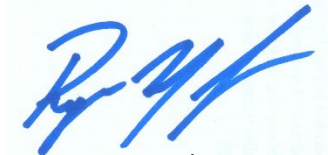
Based on the intended purpose of the Study as noted by Vaughan staff on page 21 of the Report, and given that the City of Toronto and MECP support the Applications, we respectfully ask the Vaughan Committee of the Whole to strike the words "landfill gas monitoring" from recommendation 6.e) such that as revised, it reads as follows:

The Owner submits ~~landfill gas monitoring data~~ a methane gas investigation for the subject lands completed to the satisfaction of the City of Vaughan.

Thank you for the opportunity to comment. I will be speaking to this matter in front of Committee as well to help answer any questions that may arise.

Yours very truly,

**KLM PLANNING PARTNERS INC.**



Ryan Mino-Leahan, MCIP, RPP  
Partner

Copy: Haiqing Xu, City of Vaughan,  
Nancy Tuckett, City of Vaughan  
Mary Caputo, City of Vaughan  
Margaret Holyday, City of Vaughan  
Duane E. Aubie, York Major Holdings Inc.



**Communication : C 4**  
**Committee of the Whole (2)**  
**September 20, 2022**  
**Agenda Item # 9**

**DATE:** September 19, 2022

**TO:** Mayor and Members of Council

**FROM:** Haiqing Xu, Deputy City Manager, Planning and Growth Management

**RE:** COMMUNICATION - Committee of the Whole (2) - September 20, 2022

**ITEM #9, REPORT #36**

**First Vaughan Investments Limited and SmartVMC West Inc.**  
**Site Development File DA.20.067 (northeast corner of Highway 7 and**  
**Commerce Street)**

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**Recommendations**

The Deputy City Manager, Planning and Growth Management recommends:

That the staff report for Site Development File DA.20.067 (First Vaughan Investments Limited and SmartVMC West Inc.) be amended as follows:

1. THAT Recommendation 2. of the report be deleted and replaced as follows:

“THAT Vaughan Council adopt the following resolution for the allocation of water and sewage capacity:

“THAT Site Plan Development File DA.20.067 be allocated servicing capacity from the York Sewage Servicing/Water Supply System for a total of 1,107 residential apartment units (2,447 persons equivalent). The allocation of said capacity may be redistributed (at the discretion of the City) in accordance with the City’s Servicing Capacity Allocation Policy if the development does not proceed to registration and/or building permit issuance within 36 months.”

2. THAT the first paragraph on Page 1, under “Purpose” be deleted in its entirety and replaced with the following:

“To seek draft-approval from the Committee of the Whole for Site Development File DA.20.067 to permit a mixed-use development in the Vaughan Metropolitan Centre (VMC) consisting of 48 and 56-storey residential towers on a shared 2 to 3-storey podium, with at-grade retail, live-work units and a privately-owned courtyard, as shown on Attachments 1 to 9.”



3. THAT all references on Pages 2, 5, 6, 8 and 9 respecting privately-owned and publicly accessible open spaces referred to as “POPS”, “POPS courtyard”, “central courtyard POPS” and “POPS (courtyard)” be deleted and replaced with the word “privately-owned courtyard”.
4. THAT the second paragraph under “c) Landscape” on Page 6 be deleted in its entirety and replaced with the following:  
  

“A privately-owned courtyard (the ‘courtyard’) is proposed at the north-west corner of the Development. This courtyard will be animated by the future retail uses located at the podium of the Development. The courtyard includes furnishings, landscape elements, architectural elements (trellis), lighting and is adjacent and accessible to the municipal walkway along Commerce Street, thereby providing connectivity northwest of the site. An underground parking ventilation shaft is proposed at the north-west corner of the site; however, as a condition of approval, the Owner shall replace the pavers around the shaft frontage facing the public ROW with concrete and relocate the proposed concrete seat wall and top of the wall bench to the private realm as a condition of approval, as shown on Attachment 4.”
5. THAT the reference of “2,768 persons equivalent” on Page 15 under “Geotechnical and Hydrogeological Assessment be deleted and replaced with the number and words “(2,447 persons equivalent)”.
6. THAT Attachment 9 – DA.20.067 – Conditions of Draft Approval be deleted in its entirety and be replaced with “Attachment 9 – DA.20.067 – Conditions of Draft Approval - Revised, as attached to this Communication as Appendix 1.

### **Background**

Recommendations #1 and #5 to this Communication are administrative as the unit count had previously been reduced from 1,113 to 1,107 units. The revised recommendation reflects the proper 2.21 person per unit rate for the 2,447 persons equivalent as confirmed by the Development Engineering Department.

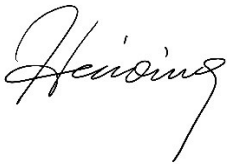
Recommendations #2, #3 and #4 to this Communication are administrative to clarify the provision of a privately-owned courtyard that was inadvertently labelled as a privately-owned publicly accessible open space (POPS) and should be correctly referenced as a ‘privately-owned courtyard’. References to the 3-storey retail building have also been removed as the Owner is not proposing to advance the building as part of the same Site Development application. Reference to an easement over the privately-owned courtyard are also removed as it is no longer required.

Recommendation #6 to this Communication contains administrative amendments to the Conditions of Draft Approval at the request of the Applicant to provide clarity on all

required conditions and clauses prior to final approval of the Site Plan. The extent of the revisions include minor revisions to clarify the proposed interim landscape area and fencing requirements at the north-east corner notch, the construction and delivery of New Park Place road extension and its associated servicing requirements within the development frontages specific to the Owner's obligations, clarify the cycling facility reimbursements, the provision of road conveyance and daylight triangle and reserve requirements, the removal of easement requirements over the privately-owned courtyard, and specifications for warning clauses to be included only in the future condominium agreements and condominium declarations.

For more information, contact Christina Bruce, Director, Policy Planning and Special Programs ext. 8231.

Respectfully submitted by

A handwritten signature in black ink, appearing to read 'Haiqing Xu', with a stylized, cursive script.

Haiqing Xu  
Deputy City Manager, Planning and Growth Management

**Attachments**

1. Appendix 1 – Attachment 9 – DA.20.067 – Conditions of Draft Approval - Revised

**ATTACHMENT 9 – Conditions of Site Plan Approval (City of Vaughan) - REVISED**

Site Development File DA.20.067

First Vaughan Investments Limited and SmartVMC West Inc. ('The Owner')

Conditions of Site Plan Approval:

1. THAT prior to the execution of the Site Plan Agreement:

- a. The Lands shall be appropriately designated by an amendment to the Official Plan (By-law 152-2022), and appropriately zoned by a Zoning By-law (151-2022), that have come into effect in accordance with the provisions of the *Planning Act*, R.S.O 1990, c.P.13, as amended (the '*Planning Act*');
- b. The final site plan, building elevations, landscape cost estimate, landscape and streetscape drawings, detailed wind tunnel model, photometric lighting plans sun/shadow analysis and wayfinding / signage design will be to the satisfaction of the City prior to final approval by the VMC Program. The wind and sun/shadow analysis must include existing and planned neighbouring buildings; and final design must demonstrate the incorporation of mitigation measures to ensure favourable micro-climatic conditions for people sitting, standing and walking within the public realm, all privately owned publicly accessible areas and private rooftop exterior amenity terraces;
- c. The Owner shall work with Staff to submit a revised Landscape Plan to illustrate an interim works condition for the north-east corner notch as shown on Attachment 4. The submission shall include the concept and details for an interim landscape area in advance of the ultimate works to facilitate a future commercial use;
- d. The Owner shall successfully obtain approval of a Consent Application from the Vaughan Committee of Adjustment to sever the Subject Lands (the 'Development') from the entirety of the landholdings as shown on Attachment 1. The Committee's decision regarding the Consent Application shall be final and binding, and the Owner shall satisfy any conditions of approval imposed by the Committee;
- e. The Owner shall submit a detailed exterior photometric lighting plan to the satisfaction of the City. This plan shall include the location of each current and/or proposed outdoor lighting fixture in the public and private realms with projected hours of use measured in lux and the area of the lighting dispersed by each lighting fixture to suit the intended uses;
- f. The Owner shall submit to the City final 3D digital massing and detail models 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 VMC Program. 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 \$12,000.00 to guarantee the completion of the model;
- g. The Owner shall demonstrate that the tree soil volumes for each tree planted will meet or exceed the minimum requirement of 20 cubic metres of growing medium in a shared tree pit or 30 cubic metres of growing medium in a stand-alone tree pit to encourage the growth of large caliper shade trees, to the satisfaction of the City;
  - h. The Owner shall submit and provide a detailed design of the Commerce Street north-bound raised in-boulevard asphalt cycling facility (east of Commerce Street) adjacent to the Subject Lands, at a minimum from Highway 7 to Apple Mill Road, to the satisfaction of the City. The cycling facility shall be delivered through the ongoing design and ultimate construction of this development, in accordance with the ultimate engineering drawings;
  - i. The Owner shall enter into a Development Agreement with the City to advance the ultimate design, construction, installation and dedication of the New Park Place extension and associated municipal services from Commerce Street to Edgeley Boulevard as determined by the City, which shall include provisions for future connection of municipal services beyond the development limits, in accordance with the Local Servicing Policy. The Owner shall also construct (i) the necessary storm servicing on New Park Place extension between Commerce Street and Applewood Crescent. The Development Agreement may include the requirement for front-end financing, cost-sharing, land conveyance, detailed design and construction of all facilities as identified in accordance with the approved Construction Drawings. The Owner shall work with Staff and the adjacent landowner to the east to discuss the construction, cost-sharing and implementation of the New Park Place road frontage along the adjacent property to the east. The New Park Place extension shall be designed to the satisfaction of the VMC Program Division of the Policy Planning and Special Programs Department with any permanent and/or interim works including drainage design, grading adjustment and illumination;
  - j. The Owner shall carry out, at no cost to the City, any temporary or permanent, access and drainage works for the storm sewer construction between Commerce Street and Applewood Crescent that is necessary to support the development under the interim condition to the satisfaction of the City;
  - k. The Owner shall enter into a Development Agreement to advance the ultimate design and construction of the Commerce Street northbound asphalt cycling facility from Highway 7 to Apple Mill Road and the enhanced level of service on the pedestrian boulevard along the development frontage on Commerce Street

- as identified in accordance with the approved Construction Drawings as part of the subject development's ultimate boulevard works. The Owner will be eligible for the complete reimbursement on the cycling facility and some cost recoveries for the pedestrian boulevard along Commerce Street, if available, through the City's Development Charges fund, to the satisfaction of the VMC Program Division of the Policy Planning and Special Programs Department;
- l. Prior to final Site Plan approval, the Applicant shall address the engineering comments dated August 31, 2022, to the satisfaction of the Policy Planning & Special Programs (VMC Development Engineering);
  - m. The Owner shall submit the final site servicing and grading plan, sediment control plan, utility coordination plan, hydrogeological report, geotechnical report, noise and vibration feasibility study, transportation impact study, functional servicing and stormwater management report, exterior street and site lighting plan, and watering plan to the satisfaction of the City;
  - n. The Owner shall submit the construction management plan that identifies matters such as staging, phasing, building material storage, contractor parking and construction access, and the Owner shall enter into an Encroachment Agreement with the City;
  - o. The Owner shall convey sufficient property for the local road (22 m R.O.W) New Park Place along the north limit of the Subject Lands at no cost and free of charges and encumbrances to the City. A minimum 8.0 m x 8.0 m sight triangle and 3.0 m return with 0.3 m reserve at the intersection with Commerce Street shall be maintained. The requirements for the widening along Highway 7 will be subject to York Region's review and approval, as applicable. Prior to final approval, the Owner shall construct and dedicate the right-of-way of New Park Place as a public highway in accordance with the Development Agreement without monetary consideration and free of all encumbrances;
  - p. The Owner shall pay its proportionate share of the cost associated with the implementing proposed Area Specific Development Charges (ASDC) for the VMC West Interchange Sanitary Sewer;
  - q. The Owner shall coordinate with the adjacent landowner to the east to complete the design and construction of the New Park Place extension (Commerce Street to Edgeley Boulevard), to the north-south private mews to the satisfaction of the City;
  - r. The Owner shall make the necessary arrangements to enter into an agreement with the adjacent landowner to the east (1042710 Ontario Limited – 3300 Highway 7) to allow for completion and construction of the private north-south mews to its ultimate configuration. The agreements shall address, but are not limited to, liability, land-title, cost sharing, the timing and costs of ongoing maintenance be fully secured and constructed prior to the occupancy of any residential units approved as part of this application;

- s. The Owner shall also register on title and carry out at no cost to the City, any temporary or permanent easement, access and drainage works that may be necessary to support the Development in the interim condition to the satisfaction of the City;
- t. The Owner shall convey an easement to the City and Region in perpetuity for the purpose of permitting uninterrupted and unobstructed public pedestrian and vehicular ingress, egress, access, use and enjoyment in on, across, over and upon the private mews. The easements shall also be registered on-title and shall form part of the condominium declaration;
- u. Prior to final approval, the Owner shall pay its proportionate share of the cost of any external municipal services that have been designed and oversized by others to accommodate the Development;
- v. Prior to the conveyance of the road widening and daylight triangle, the Owner shall implement the following to the satisfaction of the City:
  - i. Submit a Phase One Environmental Site Assessment (ESA) report and, if required and as applicable, a Phase Two ESA, Remedial Action Plan (RAP), Phase Three ESA report in accordance with Ontario Regulation (O. Reg.) 153/04 (as amended) for the lands within the Plan, including reliance on the report(s) from the environmental consultant to the City;
  - ii. If remediation of any portions of the conveyance block(s) is required to meet the applicable Standards set out in the Ministry of the Environment, Conservation, and Parks (MECP) document "Soil, Ground Water and Sediment Standards for Use under Part XV.1 of the Environmental Protection Act" (as amended), submit a complete copy of the Record(s) of Site Condition ('RSC's) filed on the Environmental Site Registry including the acknowledgement letter from the MECP, covering the entire conveyance block(s) following remediation;
  - iii. Submit a sworn statutory declaration by the Owner confirming the environmental condition of the conveyance block(s); and
  - iv. Reimburse the City for the cost of the peer review of the ESA reports and associated documentation, as may be applicable.
- w. The Owner shall demonstrate to the satisfaction of the Fire Department and VMC Program (Development Engineering), that the development is in compliance with all regulations requiring access to/from the Plan. Should the development not meet applicable regulations in effect at the time of execution of the site plan agreement for Fire Department access, the Owner shall provide an emergency access to/from the Plan to address applicable regulations and to the satisfaction of the City. Any required municipal access easements as a result of the proposed emergency access shall be conveyed to the City to allow unencumbered access. The precise limits of the municipal easement are to be determined to the satisfaction of the City VMC Program;

- x. The Owner shall provide the City with a copy of the Ministry of the Environment, Conservation, and Parks (MECP) Record of Site Condition (RSC) acknowledged and registered on the Environmental Site Registry for the entire Subject Property. Copies of all Environmental Site Assessment (ESA) reports relied upon for the filing of the RSC, including reliance from the consultant, shall also be provided to the satisfaction of the City;
- y. The Development Engineering Staff, VMC Program Division, Policy Planning and Special Programs Department shall approve the revised site plan drawings, final site servicing and grading plan, engineering drawings, erosion control plan, strata feasibility report, functional servicing and storm water management reports and drawings, site illumination plan, utility coordination plan, geotechnical and hydrogeological assessment, dewatering plan, external lighting plan, environmental noise report, shoring and tie-back design, construction schedule and phasing plan, construction logistics plan, construction parking management plan, traffic impact study update, Transportation Demand Management Plan, and Pavement Markings and Signage Plan;
- z. The Owner shall submit to the City a detailed environmental noise and vibration impact study for the proposed development on the lands prepared in accordance with Ministry of the Environment, Conservation, and Parks (MECP) noise assessment criteria as defined in Publication NPC-300, "Environmental Noise Guideline-Stationary and Transportation Noise Sources", to satisfaction of the City;
- aa. The Owner shall implement as part of the site construction all internal and external pavement marking and signage as proposed in the Transportation Impact Study Response Letter APPENDIX C: Pavement Markings and Signage Plans dated March 2022, including the warning signs and flashing beacon systems;
- bb. The Owner shall satisfy all requirements of the Environmental Services Department, Solid Waste Management Division and the Owner is advised that upon a successfully completed application, site inspection and executed agreement as determined by the Environmental Services Department, Solid Waste Management Division, the future condominium corporation may be eligible for municipal waste collection services. Should the future condominium corporation be deemed ineligible by the City or choose not to enter into an agreement with the City for municipal collection service, all waste collection services shall be privately administered and shall be the responsibility of the future condominium corporation;
- cc. Prior to initiation of any construction, the Owner shall submit an application to Public Works, Environmental Services Department to obtain an approval for permanent ground water discharge required for the proposed development, and enter into an agreement and/or permit to discharge groundwater as required by the City;

- dd. If Permanent (Long-Term) Private Water Discharge (as defined in By-law 130-2022) to the City's municipal sewer system is required for any Private Water Drainage System (as defined in By-law 130-2022), the Owner shall:
    - a) Submit an application to Public Works, Environmental Services Department to obtain an approval for permanent discharge ("Permanent Discharge Approval"), required for the proposed development to discharge groundwater or any Private Water Drainage System discharge to the City's municipal storm sewer system. Discharge Approval Application shall ensure post-development flow rates discharged to the Vaughan's storm sewer system from the Lands, including Private Water Drainage System (as defined in By-law 130-2022), shall not exceed the allowable flow rates discharged to the Vaughan's storm sewer system as approved by Development Engineering.
  - ee. The Owner shall satisfy all requirements of York Region Community Planning and Development Services Department;
  - ff. The Owner shall satisfy all requirements of the Ministry of Transportation Ontario ('MTO'); and,
  - gg. The Owner shall satisfy all requirements of Alectra Utilities Corporation, Bell Canada, Canada Post and Enbridge Gas;
2. THAT prior to the execution of the Site Plan Agreement or the issuance of the first building permit, whichever occurs first:
- a. In accordance with Section 42 of the *Planning Act*, the VOP 2010, and By-Law 139-90, as amended by 205-2012 and 007-2018, the Owner shall fulfill its parkland dedication requirements to the City's satisfaction. The City will require a cash-in-lieu contribution; and,
  - b. The Owner is required to enter into a Tree Protection Agreement which includes a security for trees to be preserved and protected in accordance with the approved Arborist Report. The value of the security associated with the City's Tree Protection Agreement is determined through the following:
    - Tree compensation formula provided in the Arborist Report based on the City Tree Replacement Requirement
    - The costs associated with tree protection measures (i.e. tree protection fencing, silt barriers etc.)
    - The costs associated with actual tree removals
- The Owner shall also pay to the City the Tree Protection Agreement fee in accordance with the City's Fee By-law 158-2021;

3. THAT the implementing Site Plan Agreement shall include the following clauses:



- a. Prior to final approval of the future Draft Plan of Condominium(s), the Owner shall provide a public access easement to the City free of costs and encumbrances that are registered on title over the north-south mews and an additional 2m-wide uninterrupted north-south pedestrian walkway directly west of the mews as shown on Attachment 4 to the satisfaction of the City. The Owner shall indemnify and save harmless the City and/or their employees from all actions, causes of actions, suits, claims and demands whatsoever which may arise directly or indirectly by reason of the said mews and pedestrian connection;
- b. The Owner shall agree to keep free and clear of any obstructions including fencing, enclosures, and encumbrances on the north-east corner notch while being maintained in its interim landscape condition, unless otherwise determined by the Owner and Vaughan;
- c. The Owner shall agree to implement the recommendations of the final noise report into the design and construction of the buildings on the lands and include all necessary warning statements on all agreements of purchase and sale or lease of individual units, all to the satisfaction of the City;
- d. The Owner shall provide a Letter of Credit in the amount of \$5,000.00 to secure for two (2) follow-up travel surveys following the baseline survey, in accordance with the Transportation Impact Study;
- e. The Owner shall agree that prior to the registration of a future plan of condominium, a noise consultant shall certify that the building plans are in accordance with the noise control features recommended by the approved Noise Report. Where wall, window and/or oversized forced air mechanical systems are required by the Noise Report, these features must be certified by a Professional Engineer at the City's request. The Engineer's certificate must refer to the final Noise Report and be submitted to the Director of Policy Planning and Special Programs Department;
- f. The Owner shall agree to implement the recommendations of the final noise report into the design and construction of the buildings on the lands, and include all necessary warning statements on all agreements of purchase and sale or lease of individual units, all to the satisfaction of the City. The Owner shall reimburse the City for the cost of the peer review of the Noise Report, as may be applicable;
- g. The Owner shall agree to implement all traffic control measures on-site as outlined in the Transportation Impact Study, including the implementation of the pavement marking and signage plan, traffic control systems such as flashing beacons, as provided in the Transportation Impact Study by BA Group dated March 2022 (as revised) for all internal and external areas of the site, including interim and ultimate conditions;
- h. The Owner shall agree to follow the TDM Plan as provided in the Transportation Impact Study by BA Group, March 2022 (as revised), including

the funding and implementation of TDM measures, on-going management and operation, monitoring and review of the TDM Plan. The Owner shall submit TDM Plan Updates, after conducting transportation surveys, to the satisfaction of the City of Vaughan Development Engineering Department and Policy Planning and Special Programs Department;

- i. The Owner shall implement all physical and programmatic Transportation Demand Management measures as approved in the TDM plan of the Final TIS prepared by BA Group;
- j. Prior to initiation of any construction, the Owner shall submit an application to Environmental Services Department for any dewatering system that is required for the construction, and enter into a permit to discharge ground water as required by the City;
- k. The Owner agrees that prior to the registration of a future plan of condominium, a noise consultant shall certify that the building plans are in accordance with the noise control features recommended by the approved Noise Report, to the satisfaction of the VMC Program. Where wall, window and/or oversized forced air mechanical systems are required by the Noise Report, these features be certified by a Professional Engineer at the City's request;
- l. The Owner shall agree to include the necessary warning clauses in all Condominium Agreements and condominium declarations including but not limited to the following:
  - "Purchasers and/or tenants are advised that the parkland may not be fully developed at the time of occupancy. The timing of development, phasing and programming of parkland is at the discretion of the City."
  - "This dwelling unit has been supplied with a central air conditioning system which will allow windows and exterior doors to remain closed, thereby ensuring the indoor sound levels are within the sound level limits of the City and the Ministry of Environment, Conservation and Parks."
  - "Purchasers/tenants are advised that sound levels due to the increasing road traffic may occasionally interfere with some activities of the dwelling occupants as the sound levels exceed the sound level limits of the City and the Ministry of the Environment, Conservation, and Parks."
  - "Purchasers and/or tenants are hereby put on notice that the Telecommunications Act, the Innovation, Science and Economic Development Canada ('ISED') and the Canadian Radio-television and Telecommunications Commission ('CRTC') authorize telephone and telecommunication facilities and services to be provided by telecommunication carriers other than traditional carriers for such

services and that purchasers and tenants are advised to satisfy themselves that such carriers servicing the lands provide sufficient service and facilities to meet their needs.”

- “Purchasers/tenants are advised that this development is in proximity to various commercial developments including York Region Rapid Bus Terminal, and that sound levels may at times be audible.”
- m. The Owner shall agree to make the necessary arrangements with the City’s Environmental Services Department for the supply of potable water for construction purposes and implement a water flushing program to maintain the water quality;
- n. Prior to the discharge of any water originating from a source other than Vaughan’s water supply, including water originating from groundwater accumulating or collected on private lands (“Private Groundwater Discharge”) to Vaughan’s storm sewer system, the Owner/Condominium Corporation shall obtain a discharge approval for permanent dewatering (“Permanent Discharge Approval”) from Vaughan prior to the release of Site Plan Approval, if required by Vaughan. The following terms and conditions within this section and sections (o, p, and q) are subject to Vaughan requiring a Discharge Approval, if applicable.
- i. The Owner shall agree to install all works to carry out the Private Water Discharge (“Discharge and Related Works”) in accordance with the terms and conditions of the Permanent Discharge Approval, all to Vaughan’s satisfaction. Furthermore, the Owner shall ensure that all Discharge and Related Works are in good standing with the Discharge Approval.
  - ii. Prior to registration of the condominium on the Lands, the Owner shall ensure that the Discharge Approval is in full force and effect and that the Discharge and Related Works are in good standing in accordance with the terms and conditions of the Discharge Approval and operating to Vaughan’s satisfaction.
  - iii. Upon registration of the condominium on the Lands, the Owner (which shall then be the condominium corporation) shall apply for and obtain a renewal of the discharge approval within thirty (30) days of registration or prior to the expiry date on the discharge approval, whichever occurs first, such that the Owner (condominium corporation) shall assume and become responsible for the discharge approval and the Discharge Related Works.
  - iv. Fees related to Discharge Approval renewals shall apply in accordance with the City’s Sewer Use By-law 130-2022, as amended or replaced.
  - v. Upon the Owner’s application to renew the Discharge Approval in accordance with section 1(iii), the Owner shall provide a report

prepared and sealed by a licensed professional geoscientist, in the province of Ontario, attesting that all Private Water Discharge comply with the requirements of the Permanent Discharge Approval issued by Vaughan.

- o. That the Owner agrees that post-development flow rates discharged to Vaughan's storm sewer system from the Lands, including Private Groundwater Discharge, shall not exceed the pre-development flow rates discharged to Vaughan's storm sewer system as approved by Development Engineering and per the Discharge Approval. The Owner may be required to add or modify the Discharge and Related Works to Vaughan's satisfaction, all at the Owner's sole cost and expense. Where the Private Groundwater Discharge flow rates are exceeded, causing the post-development flow rates discharged to the Vaughan's storm sewer system to exceed the allowable flow rates discharged to Vaughan's storm sewer system, Council approval for Discharge Approval an increase in allowable flow will be required;
- p. The Owner's right to Private Groundwater Discharge from its Lands into the Vaughan's sewer system is subject to all terms and conditions of this Agreement, the Discharge Approval, if required, the Vaughan's Sewer Use By-Law 130-2022, as amended or replaced, and all applicable laws and regulations;
- q. The Owner shall agree that in the event the Owner fails to comply with any of the terms and conditions set out in sections n, p and q, Vaughan may immediately suspend, terminate or revoke, at Vaughan's sole discretion, any discharge privileges granted under this Agreement and/or the Permanent Discharge Approval, if applicable;
- r. The Owner will be required to pay applicable Development Charges in accordance with the Development Charges By-laws of the City of Vaughan, Region of York, York Region District School Board and York Catholic District School Board;
- s. For high-density residential development, the Owner shall convey land at the rate of 1 ha per 300 units and/or pay to Vaughan by way of certified cheque, cash-in-lieu of the dedication of parkland at the rate of 1 ha per 500 units, or at a fixed unit rate, prior to the issuance of a Building permit, in accordance with the *Planning Act* and the City's Cash-in-Lieu Policy;
- t. Parkland shall be dedicated in accordance with By-law 139-90, as amended by By-law 205-2012 and 007-2018 and the policies outlined in Section 7.3.3 of VOP 2010, Parkland Dedication, to the satisfaction of the City;
- u. Should archaeological resources be found on the property during construction activities, the Owner must immediately cease all construction activities and notify the Ontario Ministry of Tourism, Culture and Sport and the Development Planning Department, Urban Design and Cultural Heritage Division;

- v. If human remains are encountered during construction activities, the Owner must immediately cease all construction activities. The Owner shall contact the York Regional Police Department, the Regional Coroner, the Registrar of the Cemeteries and Crematoriums Regulation Unit of the Ministry of Government and Consumer Services, and the City of Vaughan Development Planning Department, Urban Design and Cultural Heritage Division;
- w. The Owner/Developer will provide the building with its own centralized mail receiving facility. This lock-box assembly must be rear-loaded, adjacent to the main entrance and maintained by the owner/developer in order for Canada Post to provide mail service to the tenants/residents of this project. For any building where there are more than 100 units, a secure, rear-fed mailroom must be provided;
- x. The Owner/Developer agrees to provide Canada Post with access to any locked doors between the street and the lock-boxes via the Canada Post Crown lock and key system. This encompasses, if applicable, the installation of a Canada Post lock in the building's lobby intercom and the purchase of a deadbolt for the mailroom door that is a model which can be retrofitted with a Canada Post deadbolt cylinder;
- y. The Owner/Development is advised to contact Canada Post to verify new postal codes for the proposed development and to contact Canada Post during the design stage of the proposed development to discuss a suitable mailbox/mailroom location;
- z. The Owner acknowledges and agrees to convey any easement(s) as deemed necessary by Bell Canada to service this new development. The Owner further agrees and acknowledges to convey such easements at no cost to Bell Canada;
- aa. The Owner agrees that should any conflict arise with existing Bell Canada facilities where a current and valid easement exists within the subject area, the Owner shall be responsible for the relocation of any such facilities or easements at their own cost;
- bb. The Owner is advised to contact Bell Canada at [planninganddevelopment@bell.ca](mailto:planninganddevelopment@bell.ca) during the detailed utility design stage to confirm the provision of communication/telecommunication infrastructure needed to service the development;
- cc. The Owner is advised that it is the responsibility of the Owner to provide entrance/service duct(s) from Bell Canada's existing network infrastructure to service this development. In the event that no such network infrastructure exists, in accordance with the Bell Canada Act, the Owner may be required to pay for the extension of such network infrastructure. If the Owner elects not to pay for the above noted connection, Bell Canada may decide not to provide service to this development;

- dd. The Owner shall contact Enbridge Gas Distribution's Customer Connections department by emailing SalesArea30@enbridge.com for service and meter installation details and to ensure all gas piping is installed prior to the commencement of site landscaping (including, but not limited to: tree planting, silva cells, and/or soil trenches) and/or asphalt paving;
- ee. If the gas main needs to be relocated as a result of changes in the alignment or grade of the future road allowances or for temporary gas pipe installations pertaining to phase construction, all costs are the responsibility of the applicant;
- ff. In the event, easement(s) are required to service this development and any future adjacent developments. The applicant will provide all easement(s) to Enbridge Gas Distribution at no cost;
- gg. In the event a pressure reducing regulator station is required, the applicant is to provide a 3 metre by 3 metre exclusive use location that cannot project into the municipal road allowance. The final size and location of the regulator station will be confirmed by Enbridge Gas Distribution's Customer Connections department;
- hh. If applicable, the owner, or agent, of this proposed plan is required to contact Alectra and discuss all aspects of the above project. The standard electrical supply to Industrial, Commercial, Institutional and High-Rise Condominium projects is via a pad mounted transformer or where deemed appropriate, integrated within the built form to the satisfaction of the City of Vaughan. The proposed transformer shall meet Alectra's Clearance Standards, the transformer must also be located within 3-4.5m of a parking area, driveway or hard surface for access by service vehicles. The access must be from within the customer's property, not from a local roadway or adjacent properties, and must provide adequate access for a line truck. Primary voltage duct bank standards and the transformer base and grounding standards will be provided to the customer once the primary supply point(s) have been established by Alectra, and the customer's main service size has been established by their Consultant;
- ii. All proposed billboards, signs, and other structures associated with the development must maintain minimum clearances to the existing overhead or underground electrical distribution system as specified by the applicable standards, codes and acts referenced;
- jj. The transformer precast base cannot be located over parking structures or over an underground parking garage. Where the transformer is to be situated on a graded slope, a notched-out area must be established for the transformer base to be installed, with adequate space to accommodate the grounding requirements and guard post/bollards if required;
- kk. Alectra will require one architectural site plan showing the proposed transformer location, one electrical site plan, and an electrical single-line

drawing, both in hard copy (PDF file, P.Eng. approved version) and electronic AutoCAD (latest version). Additionally, a complete building elevation drawing (including subsurface excavations) is required to ensure the project is not in conflict with any existing overhead or underground components of the electrical distribution system. Alectra also requires a letter from the owner, or the agent, stating that the proposed building-to-existing electrical distribution system clearances have been checked and are in compliance with the current requirements of the applicable standards, acts and codes referenced below;

- ll. In the event that the building commences construction, and the clearance between any component of the building structure and the adjacent existing overhead and underground electrical distribution system violates the Occupational Health and Safety Act, the customer will be responsible for 100% of the costs associated with Alectra making the work area safe. All construction work will be required to stop until the safe limits of approach can be established;
- mm. In the event the building is completed, and the clearance between the building and the adjacent existing overhead and underground electrical distribution system violates the any of applicable standards, acts or codes referenced, the customer will be responsible for 100% of Alectra's cost for any relocation work; and,
- nn. Once Alectra has received all proposed details and are satisfied with the design, Alectra will provide the customer with an Offer to Connect which will specify all the details and the responsibilities of each party. Once the Offer is signed and full payment received by Alectra, Alectra will start the final design and state and/or obtain the required approvals from the Local Municipality.



**DATE:** September 19, 2022

**TO:** Mayor and Members of Council

**FROM:** Haiqing Xu, Deputy City Manager, Planning and Growth Management

**RE:** COMMUNICATION - COMMITTEE OF THE WHOLE (2),  
SEPTEMBER 20, 2022

**ITEM #6, REPORT #36**

**27 DEVELOPMENTS INC.  
OFFICIAL PLAN AMENDMENT FILE OP.18.011  
ZONING BY-LAW AMENDMENT FILE Z.18.018  
WARD 2 – 8440 HIGHWAY 27  
VICINITY OF HIGHWAY 27 AND LANGSTAFF ROAD**

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**Recommendation**

The Deputy City Manager, Planning and Growth Management recommends:

1. THAT Recommendation 3 of the Committee of the Whole (2) Report dated September 20, 2022, be deleted and replaced with the following:
  - “3. THAT the Hotel and ancillary uses proposed for the Subject Lands be designated as a Class 4 area pursuant to the Ministry of the Environment, Conservation, and Parks Noise Guideline NPC-300 (Stationary and Transportation Sources – Approval and Planning), and that an amendment to the City’s Noise By-law Schedule 4 include the Subject Lands upon approval of the implementing zoning by-law by Vaughan Council for Zoning By-law Amendment File Z.18.018;”

**Background**

In August 2013, the Ministry of Environment, now Ministry of the Environment, Conservation and Parks (‘MECP’) released Environmental Noise Guidelines NPC 300 (‘NPC-300’) that addresses the condition where existing stationary noise sources, such as industrial or auxiliary transportation facilities, are in proximity to proposed noise sensitive land uses. The new MECP noise guidelines establish a class system of designating the various acoustic environments and defines the appropriate sound level criteria for each Class. The Class designation of lands is established by the land use planning approval authority.



At the September 17, 2018, Committee of the Whole Public meeting, Goodmans LLP, representing Costco Wholesale Canada ('Costco') (90-111 Line Drive, formerly 8682 Highway 27) provided an oral submission. It had also provided a written submission dated January 26, 2018. Goodmans LLP provided comments respecting implications for Costco to maintain its 'MECP' noise approval as a result of the proposed development as it applies to its existing and/or proposed expansions to its operations.

Uncertainty was raised by Costco, who retained Valcoustics, around whether the proposed development is considered a sensitive use under NCP-300. A solution to eliminate the uncertainty is to designate the Subject Lands as a Class 4 acoustical area ('Class 4 designation').

Recommendation 3 of the staff report currently recommends the noise mitigation measures identified by the consultant be incorporated into the site plan approval process, with the amendment to the noise by-law occurring prior to the occupancy permit stage where the construction of the recommended noise mitigation measures be verified. Since the writing of the report, Goodmans LLP has raised concern over the timing of the implementation of the Class 4 designation, requesting it to correspond with the passing of the zoning by-law amendment. Third parties (i.e. Costco) have no status to appeal a Site Development Application under the *Planning Act* if they are not satisfied with the site plan or conditions of approval.

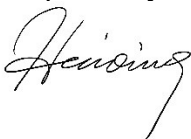
On this basis, the Development Planning Department is agreeable to requiring the Class 4 designation and associated noise by-law amendment upon approval of the implementing zoning by-law by Vaughan Council. The implementing zoning by-law for the proposed development, if approved, will be specific to the uses requested. Any future changes to the permitted uses on the Subject Lands would require a future zoning by-law amendment, which would in turn require a re-evaluation of the uses and built form with respect to noise.

Accordingly, the Development Planning Department recommends that Recommendation 3 of the Committee of the Whole (2) Report dated September 20, 2022, be deleted and replaced with the condition attached hereto to this Communication.

### **Conclusion**

The Development Planning Department and Development Engineering Department has no objection to the above amendment to Recommendation 3 of the September 20, 2022 CW(2) staff report.

Respectfully submitted,



Haiqing Xu  
Deputy City Manager, Planning and Growth Management



**Communication : C 6**  
**Committee of the Whole (2)**  
**September 20, 2022**  
**Agenda Item # 5**

**DATE:** September 19, 2022

**TO:** Mayor and Members of Council

**FROM:** Haiqing Xu, Deputy City Manager, Planning and Growth Management

**RE:** **COMMUNICATION - Committee of The Whole (2), September 20, 2022**

**ITEM #5, REPORT #36**

**YORK MAJOR HOLDINGS INC.**  
**OFFICIAL PLAN AMENDMENT FILE OP.21.010**  
**ZONING BY-LAW AMENDMENT FILE Z.21.014**  
**WARD 4 - 10,000 DUFFERIN STREET**  
**VICINITY OF MCNAUGHTON ROAD EAST AND EAGLE ROCK WAY**

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**Recommendation**

THAT Recommendation #5 e) in the Committee of the Whole (2) September 20, 2022, staff report for Official Plan and Zoning By-law Amendment staff report for Files OP.21.010 & Z.21.014 York Major Holdings Inc., be deleted and replaced as follows:

“5 e) The Owner submits a methane gas investigation for the subject lands completed to the satisfaction of the City of Vaughan.”

**Background**

The September 20, 2022, Committee of the Whole (2) staff report for York Major Holdings Files OP.21.010 and Z.21.014, Recommendation 5 e) included reference to landfill gas monitoring data. However, the City is satisfied that the detailed review of offsite landfill gas monitoring data was undertaken and to the satisfaction of the Ministry of Environment, Conservation and Parks as evidenced through their approval to amend Environmental Compliance Approval, allowing the removal of the subject lands from the Secondary Buffer of the closed Keele Valley Landfill Site. As such, revision to Recommendation 5 e) is required to clarify that the City is requesting the Owner undertake a methane gas investigation for the Subject Lands and that offsite landfill gas monitoring data will not be required.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Haiqing Xu'.

Haiqing Xu  
Deputy City Manager, Planning and Growth Management