

## **Attachment 7 – Conditions of Site Plan Approval (City of Vaughan)**

### Site Development File DA.21.031 (RP B3S HOLDINGS INC.)

#### 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 148-2022), and appropriately zoned by a Zoning By-law (147-2022), 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*') to the satisfaction of the City;
- b) Should a Minor Variance application be required, the Owner shall successfully obtain approval of a Minor Variance Application for the required exceptions to Zoning By-law 1-88, as amended, from the Committee of Adjustment. The Committee's decision for the Minor Variance Application shall be final and binding, and the Owner shall satisfy any conditions of approval imposed by the Committee to the satisfaction of the City.
- c) 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.
- d) The tree soil volumes for each tree planted must 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.
- e) The Owner shall submit a detailed exterior photometric lighting plan to the satisfaction of the City. This plan should include the location, specifications and details of each current and/or proposed outdoor lighting fixture 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 demonstrate to the satisfaction of the Fire Department and VMC Program (Development Engineering), that the development complies 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.

- g) 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 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 \$12,000.00 to guarantee the completion of the model;
- h) The Development Engineering Staff, VMC Program shall approve the final site servicing and grading plan, erosion control plan, functional servicing and storm water management reports and drawings, site illumination plan, utility coordination plan, geotechnical and hydrogeological assessment, 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, Urban Transportation Study, Transportation Demand Management Plan, and Pavement Markings and Signage Plan;
- i) 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. The Owner shall agree in the site plan agreement to implement the recommendations of the final noise report into the design and construction of the buildings on the lands and include all necessary warning statements on all agreements of purchase and sale or lease of individual units, all to the satisfaction of the City. The Owner shall reimburse the City for the cost of the peer review of the Noise Report, as may be applicable.
- j) The Owner shall implement all traffic control measures on-site as outlined in the Transportation Impact Study, including the implementation of all pavement marking, signage and traffic control devices to ensure pedestrians and cyclists safety especially as it relates to the underground parking ramp access on Interchange Way.
- k) The Owner shall agree to follow the approved TDM Plan (as outlined in the Transportation Impact Study), including funding and implementation of all

physical and programmatic 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 Staff, VMC Program.

- l) The Owner shall pay the Development Engineering Complex Site Plan fee, pursuant to the Fees and Charges By-law 158-2021, as amended, to the satisfaction of Development Engineering Staff, VMC Program;
- m) 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 will 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;
- n) 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) on the Lands, the Owner shall:
  - i. Submit an application to Public Works, Environmental Services Department to obtain an approval for the discharge ("Permanent Discharge Approval"). The Permanent Discharge Approval application shall ensure post-development flow rates discharged to the City of Vaughan's storm sewer system on the Lands, including groundwater and discharge from Private Water Drainage System (as defined in 130-2022), shall not exceed the flow rates approved by Development engineering
- o) The Owner shall enter into a Servicing Agreement and Land Exchange Agreement, with the City of Vaughan to satisfy all conditions, financial or otherwise, of the City with regard to such matters as the City may consider necessary including payment of the development levies, financial securities, cost sharing, the provision of roads and municipal services, utilities, and landscape. The said agreements shall be registered against the lands to which it applies and to the satisfaction of Development Engineering Staff, VMC Program. Further, Commerce Street and Doughton Road shall be fully constructed and operational prior to the execution of a Site Plan Agreement.
- p) The Owner shall convey road widening on Edgeley Boulevard South / Interchange Way and associated daylight triangles to the City free of costs and

encumbrances to the satisfaction of Development Engineering Staff, VMC Program;

- q) Prior to the conveyance of lands to the City, and/or any initiation of grading or construction on the lands, 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), Risk Evaluation, Risk Assessment report(s) in accordance with Ontario Regulation (O. Reg.) 153/04 (as amended) or its intent, for the lands. Reliance on the report(s) from the Owner's environmental consultant shall be provided to the City.
  - ii. Should there be a change to a more sensitive land use as defined under O. Reg. 153/04 (as amended) or remediation of any portions of lands 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 (RSCs) filed on the Environmental Site Registry including the acknowledgement letter from the MECP, covering all the lands.
  - iii. Submit a sworn statutory declaration by the Owner confirming the environmental condition of the lands to be conveyed to the City.
  - iv. Reimburse the City for the cost of the peer review of the ESA reports and associated documentation, as may be applicable.
- r) For Phase 2, the Owner shall formally request servicing capacity (allocation) from the City's Development Engineering Department, and that the allocation for servicing capacity be approved by City Council for a total of 535 units;
- s) The Owner shall satisfy all requirements of York Region;
- t) The Owner shall satisfy all requirements of the Ministry of Transportation Ontario ('MTO'); and,
- u) The Owner shall satisfy all requirements of Alectra Utilities Corporation, Bell Canada, and Canada Post.

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

- a) The Owner shall agree to implement the recommendations of the final noise report into the design and construction of the buildings on the lands and

include all necessary warning statements on all agreements of purchase and sale or lease of individual units, all to the satisfaction of the City.

- b) Prior to occupancy of each unit, a noise consultant shall certify that the building plans are in accordance with the noise control features recommended by the approved Noise Report. Where wall, window and/or oversized forced air mechanical systems are required by the Noise Report, these features be certified by a Professional Engineer at the City's request. The Engineer's certificate must refer to the final Noise Report and be submitted to the City's Chief Building Official and the Director of Policy Planning and Special Programs (VMC Program).
- c) The Owner shall agree to include the necessary warning clauses in agreements of Offer of Purchase and Sale, lease/rental agreements and condominium declarations including but not limited to the following:
  - i. "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."
  - ii. "Purchasers/tenants are advised that despite the inclusion of noise control features in the development and within the individual building units, sound levels due to increasing road traffic may on occasion interfere with some activities of the dwelling occupants as the sound levels may exceed the sound level limits of the City and the Ministry of the Environment, Conservation, and Parks."
  - iii. "This dwelling unit has been supplied with a central air conditioning system which will allow windows and exterior doors to remain closed, thereby ensuring that the indoor sound levels are within the sound level limits of the City and the Ministry of the Environment, Conservation, and Parks."
  - iv. "Purchasers/tenants are advised that due to the proximity of nearby commercial/office/retail facilities, sound from those facilities may at times be audible."
  - v. "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."

- d) Prior to occupancy of each dwelling unit, the Owner shall submit to the City satisfactory evidence that the appropriate warning clauses have been included in the Offer of Purchase and Sale, lease/rental agreements and condominium declarations.
- e) The Owner shall make the necessary arrangements with the City's Environmental Services Department for the supply of potable water for construction purpose and implement a water flushing program to maintain the water quality
- f) 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 Water 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 g, h and i are subject to Vaughan requiring a Permanent 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, licensed in the province of Ontario, attesting that all Private Groundwater Discharge comply with the requirements of the Permanent Discharge Approval issued by Vaughan.
- g) The Owner agrees that post-development flow rates discharged to Vaughan's storm sewer system from the Lands, including Private Water 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 Water Discharge flow rates are exceeded, causing the post-development flow rates discharged to Vaughan's storm sewer system, Council approval for increase in allowable flow will be required.
- h) 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.
- i) The Owner shall agree that in the event the Owner fails to comply with any of the terms and conditions set out in sections f, g and h, 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.
- j) Design and construct the Edgeley Boulevard South / Interchange Way road widening, including the necessary improvements to the boulevard and streetscape, and install the necessary municipal services and utilities all to the satisfaction of Development Engineering Staff, VMC Program;
- k) The Edgeley Boulevard South / Interchange Way road alignment adjacent to the subject site (Block 3S) shall continue to follow the approved alignment/ centreline from the Block 3N development site immediate to the north and not sway eastward towards the south end as proposed;
- l) Design and construct the ultimate streetscape along the east side of Commerce Street from Celebration Avenue to Doughton Road at an enhanced level of service to the satisfaction of the City;

- m) Design and construct the streetscape along the west side of Edgeley Boulevard South / Interchange Way from Celebration Avenue to Doughton Road at an enhanced level of service to the satisfaction of the City;
- n) Design and construct the ultimate streetscape along the south side of Celebration Avenue from Commerce Street to Edgeley Boulevard South / Interchange Way to a standard urban level of service to the satisfaction of the City, except along the north entrance of the mews where it shall have a premium level of service between the two proposed vehicular access driveways to the east and west;
- o) Design and construct the ultimate streetscape along the north side of Doughton Road from Commerce Street to Edgeley Boulevard South / Interchange Way to a standard urban level of service to the satisfaction of the City, except along the south entrance of the mews where it shall have a premium level of service along the width of the proposed bump out crossing;
- p) The Owner shall convey a public access easement to the City free of costs and encumbrances that are registered on title over the pedestrian mews and privately-owned public space ('POPS') in perpetuity, 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 these pedestrian connections.
- q) 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.
- r) 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.
- s) Parkland shall be dedicated in accordance with By-law 139-90, as amended by By-law 205-201 and the policies outlined in Section 7.3.3 of VOP 2010, Parkland Dedication, to the satisfaction of the City.
- t) 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.
- u) 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.

- v) 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.
- w) 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.
- x) 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.
- y) 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.
- z) 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.
- aa) 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.
- bb) 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.

- cc) 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.
- dd) 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.
- ee) 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.
- ff) 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.
- gg) 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.
- hh) 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.
- ii) If applicable, 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.

- jj) 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.
- kk) 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.
- ll) 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.
- mm) 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.