

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF NOVEMBER 29, 2022

Item 6, Report No. 38, of the Committee of the Whole, which was adopted without amendment, by the Council of the City of Vaughan on November 29, 2022.

Councillor Marilyn Iafrate declared an interest with respect to this matter as a member of her family has purchased a unit in Phase 1 of that complex and did not take part in the discussion or vote on the matter.

6. RUTHERFORD LAND DEVELOPMENT CORP. DRAFT PLAN OF SUBDIVISION FILE 19T-18V001, SITE DEVELOPMENT FILE DA.19.010 - VICINITY OF RUTHERFORD ROAD AND JANE STREET

The Committee of the Whole recommends:

- 1) That the recommendations contained in the report of the Deputy City Manager, Planning and Growth Management dated November 22, 2022, be approved;**
- 2) That the comments from Ms. Irene Ford, Irish Moss Court, Woodbridge be received; and**
- 3) That the following Communications be received:**
 - C5. Meaghan McDermid, Davies Howe LLP, Adelaide Street West, Toronto, dated November 18, 2022; and**
 - C6. Confidential Memorandum from the Deputy City Manager, Planning and Growth Management and the Deputy City Manager, Legal and Administrative Services & City Solicitor, dated November 22, 2022.**

Councillor Iafrate declared an interest in the aforesaid as a member of her family has purchased a unit in that complex and did not participate in the discussion or vote on the matter.

Recommendations

- 1. THAT Draft Plan of Subdivision File 19T-18V001(Rutherford Land Development Corp.) BE DRAFT APPROVED subject to the Conditions of Draft Plan of Subdivision Approval set out in Attachment 1 to create three (3) development blocks for High-Rise Mixed-Use development, a park block, an open space block, a buffer block, the extension of Caldari Road to Rutherford Road (Street 'A'), completion of a new east-west road (Street 'B') and other road widenings, and be permitted to proceed in two (2) phases, as shown on Attachment 4;**

CITY OF VAUGHAN

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2. THAT Site Development File DA.19.010 (Rutherford Land Development Corp.) BE DRAFT APPROVED SUBJECT TO THE CONDITIONS OF SITE PLAN APPROVAL set out in Attachment 2, to the satisfaction of the Development Planning Department, to permit a high-rise residential/mixed-use development comprised of three (3) buildings, two (2) of which are 26 storeys in height and one that is 30 storeys in height, with a total of 831 residential dwelling units and a Floor Space Index of 10.4 times the area of the lot, as shown on Attachment 5;
3. THAT the Owner be permitted to apply for a Minor Variance Application(s) to the City of Vaughan Committee of Adjustment for Site Development File DA.19.010, if required, before the second anniversary of the day on which the implementing Zoning By-law for the subject lands came into effect, to permit minor adjustments to the implementing Zoning By-law; and
4. THAT Vaughan Council adopt the following resolution of water and sewage servicing capacity for Phase 1 of the Subject Lands:

“THAT Site Development Application DA.19.010 be allocated servicing capacity from the York Sewage Servicing/Water Supply System for a total of 831 residential apartment units (1,837 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.”

Committee of the Whole (1) Report

DATE: Tuesday, November 22, 2022

WARD: 4

TITLE: RUTHERFORD LAND DEVELOPMENT CORP.
DRAFT PLAN OF SUBDIVISION FILE 19T-18V001
SITE DEVELOPMENT FILE DA.19.010
VICINITY OF RUTHERFORD ROAD AND JANE STREET

FROM:

Haiqing Xu, Deputy City Manager, Planning and Growth Management

ACTION: DECISION

Purpose

To seek approval from the Committee of the Whole for Draft Plan of Subdivision File 19T-18V001 to permit a phased subdivision consisting of three (3) blocks for High-Rise Mixed-Use development, a park block, an open space block, a buffer block, the extension of Caldari Road to Rutherford Road (Street 'A'), completion of a new east-west road (Street 'B') and other road widenings, and for Site Development File DA.19.010 to facilitate the development of three (3) high-rise mixed-use buildings in Block 4 of Draft Plan of Subdivision File 19T-18V001, as shown on Attachments 4 to 10.

Report Highlights

- Draft Plan of Subdivision approval is required to create three (3) development blocks, a park block, an open space block, a buffer block, the extension of Caldari Road to Rutherford Road, completion of a new east-west road and other road widenings
- Site Development approval is required to facilitate the development of Block 4 in Draft Plan of Subdivision File 19T-18V001
- The related Official Plan Amendment and Zoning By-law Amendment for Block 4 of Draft Plan of Subdivision File 19T-18V001 have been approved by the Ontario Land Tribunal
- The Subject Lands outside of Block 4 of Draft Plan of Subdivision File 19T-18V001 are subject to a Minister's Zoning Order, approved by the province on November 6, 2020
- The Development Planning Department supports the approval of the applications, as they are consistent with the Provincial Policy Statement 2020, conforms to A Place to Grow: The Growth Plan for the Greater Golden Horseshoe, 2019, as amended, the York Region Official Plan 2010, and the policies of the Vaughan Official Plan 2010

Recommendations

1. THAT Draft Plan of Subdivision File 19T-18V001(Rutherford Land Development Corp.) BE DRAFT APPROVED SUBJECT TO THE CONDITIONS OF DRAFT PLAN OF SUBDIVISION APPROVAL set out in Attachment 1 to create three (3) development blocks for High-Rise Mixed-Use development, a park block, an open space block, a buffer block, the extension of Caldari Road to Rutherford Road (Street 'A'), completion of a new east-west road (Street 'B') and other road widenings, and be permitted to proceed in two (2) phases, as shown on Attachment 4;
2. THAT Site Development File DA.19.010 (Rutherford Land Development Corp.) BE DRAFT APPROVED SUBJECT TO THE CONDITIONS OF SITE PLAN APPROVAL set out in Attachment 2, to the satisfaction of the Development Planning Department, to permit a high-rise residential/mixed-use development comprised of three (3) buildings, two (2) of which are 26 storeys in height and one that is 30 storeys in height, with a total of 831 residential dwelling units and a Floor Space Index of 10.4 times the area of the lot, as shown on Attachment 5;
3. THAT the Owner be permitted to apply for a Minor Variance Application(s) to the City of Vaughan Committee of Adjustment for Site Development File DA.19.010, if required, before the second anniversary of the day on which the implementing

Zoning By-law for the subject lands came into effect, to permit minor adjustments to the implementing Zoning By-law; and

4. THAT Vaughan Council adopt the following resolution of water and sewage servicing capacity for Phase 1 of the Subject Lands:

“THAT Site Development Application DA.19.010 be allocated servicing capacity from the York Sewage Servicing/Water Supply System for a total of 831 residential apartment units (1,837 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.”

Background

The subject lands (‘Subject Lands’) are located at the southeast corner of Rutherford Road and Jane Street. The Subject Lands and surrounding Land Uses are shown on Attachment 3. The Subject Lands are currently occupied by a temporary sales office and are comprised of two (2) parcels of land as follows:

- a 5.8 hectare parcel owned by Rutherford Land Development Corp. (‘RLDC’) located at the southeast corner of Rutherford Road and Jane Street and municipally known as 2901 Rutherford Road
- a 2.2 hectare parcel owned by Caldari Land Development Corp. (‘CLDC’) located immediately to the south of the RLDC lands and legally described as Part of Lot 15 in Concession 4, Parts 3, 4, 9 and 10 on Registered Plan 65R-34051.
- Collectively, RLDC and CLDC are referred to as the ‘Owner’
- Articles of Amalgamation were registered on March 16, 2021 whereby RLDC and CLDC amalgamated into the corporation “Rutherford Land Development Corp.”

The Draft Plan of Subdivision File 19T-18V001 (the ‘Draft Plan’) shown on Attachment 4 applies to the entirety of the Subject Lands representing a total of approximately 8 hectares; however, Site Development File DA.19.010 (the ‘Site Plan’) applies to only Block 4 of the Draft Plan, which represents approximately 0.8 hectares of the total land area.

The majority of the Draft Plan with the exception of Block 4, is subject to a Minister’s Zoning Order (‘MZO’) issued by the Ministry of Municipal Affairs and Housing (‘MMAH’) on November 6, 2020 (Ontario Regulation 643/20), as shown on Attachment 4. The Ontario Land Tribunal (‘OLT’), formerly known as the Local Planning Appeal Tribunal (‘LPAT’), approved the site-specific Official Plan and Zoning By-law Amendments for Block 4 on December 24, 2019, the details of which are discussed later in this report.

The name 'Abeja Street' was approved by Council on June 22, 2021 for Street 'B' of the Draft Plan.

The unauthorized removal of approximately 1.02 ha of significant woodlands occurred on the Subject Lands in 2020 and 2021

When the Draft Plan application was submitted, the Subject Lands contained approximately 1.32 ha of Significant Woodlands contiguous to the West Don River tributary of the Don River Valleylands System. The Significant Woodland (the 'Woodland') is identified as Woodlands by Map 5 - Woodlands of the York Region Official Plan, 2010 ('YROP'). The Woodland is also identified as "Core Features" by Schedule 2 - Natural Heritage Network of the Vaughan Official Plan 2010 ('VOP 2010'). The "Core Features" on the Subject Lands are more specifically identified as "Unapproved", which are unapproved areas of the Natural Heritage Network that are under consideration for "Core Features" additions, deletions, or classification as an "Enhancement Area". That said, the Environmental policies in Section 3 of VOP 2010 prevail over the Schedules.

The Owner still has an active OLT appeal of VOP 2010 Schedule 2 - Natural Heritage Network, respecting the "Unapproved" portion of the Woodland located on the CLDC lands. Therefore the status of the Woodland has not been confirmed through the OLT and no decision has been made to date on the OLT appeal.

Prior to submitting the Draft Plan and Site Plan applications, the Owner submitted an Environmental Impact Study ('EIS') for the Subject Lands prepared by Azimuth Environmental, dated January 2016 in support of the official plan and zoning by-law amendment applications. An addendum to this EIS ('Addendum EIS') was prepared by Dillon Consulting on December 6, 2017 in support of the Draft Plan, which updated the EIS to include the CLDC lands (central portion of the Woodland). The Addendum EIS confirmed that a Significant Woodland and fish habitat (West Don River) is located within or adjacent to the location of the proposed development area within the Draft Plan. It was also determined that the Subject Lands contain a Significant Woodland as identified on Schedule 2 of VOP 2010. As a result of their findings, it was determined that City staff and TRCA would not support the removal of the Woodland on the Subject Lands.

Since this time, the MZO was approved which provided land use permissions to allow all of the Subject Lands to be developed including the area containing the Woodland. In order for the Owner to remove the Woodland from the Subject Lands, the appropriate technical studies as well as Woodland cash-in-lieu compensation would be required, and only granted should the Applications be approved by Council.

In January 2022, the City was notified that the central portion of the Woodland had been removed, and City staff subsequently confirmed that these removals had occurred without authorization. As such, the City notified York Region staff as the Forest Conservation By-law would be applicable since the Owner had not received final Council approval on the Applications. It was determined through aerial photography of the Subject Lands, observed over a couple of years that the removals had taken place over six months prior to when the City was notified, and therefore they were not able to prosecute, as the statute of limitations had passed pursuant to the Forest Conservation By-law.

As the City of Vaughan is the planning authority for the Subject Lands, including the Woodland portion, Policy 3.2.3.9 of VOP 2010 is in-effect and states, "That unauthorized removal or alteration of natural features or functions within areas identified as Core Features is prohibited, and will result in the features and functions being restored to their previous state at no expense to the City of Vaughan and other public agencies. In the case of a development application, the application will not proceed until restoration works have been undertaken to the satisfaction of the City and TRCA and/or York Region, as needed".

As development permissions were granted by the MZO, the City did not pursue the reforestation of the Subject Lands. However, the City requires monetary compensation for both the Woodland vegetation replacement value and the land value. This approach is supported by the TRCA, and both City staff and TRCA requested the Owner, to calculate the appropriate compensation valuation using TRCA's Guideline for Determining Ecosystem Compensation, 2018.

The Owner submitted a Valleyland Stewardship Management Plan and an Edge Management Plan, both dated March 2022 and prepared by Dillon Consulting for review by the City and the TRCA. The Valley Stewardship Management Plan identified the preservation and enhancement opportunities for the West Don River tributary and associated valley corridor within the eastern portion of the Subject Lands. The Edge Management Plan presented a plan to mitigate potential negative impacts to the new forest edge of the along the east property line of the Subject Lands resulting from new development.

The Development Planning and Policy Planning and Special Projects Departments reviewed the above-noted materials and advised that the plantings/monetary compensation proposed by the Owner was insufficient for restoration of the ecological functions lost by the removal of the Woodland on the Subject Lands. In lieu of having the Owner continue to develop and implement the above-noted plans, the City is seeking \$2 million in compensation from the Owner, which the City is satisfied is appropriate in consideration of the above. A condition to this effect is included in

Attachment 1a). The City will report details of the proposed allocation for the compensation funds to a future Committee of the Whole meeting.

The Owner also acknowledged to the City that it does not support unauthorized removal of trees.

The majority of the Subject Lands were encumbered by the Woodland, and over time this feature has been impacted. Woodland trees and individual trees were removed without authorization over the course of a number of years, with the latest significant removal occurring approximately in the year 2020 based on aerial photography of the Subject Lands.

The Owner submitted a Tree Inventory and Preservation Plan Report prepared by Kuntz Forestry Consulting Inc. dated July 14, 2022, which updated the Tree Inventory and Preservation Plan Report prepared by Kuntz Forestry Consulting Inc. dated March 30, 2016, revised May 9, 2016.

The July 14, 2022 Tree Inventory and Preservation Plan Report was updated to reflect the removal of trees from the Subject Lands, which were identified in the May 9, 2016 Tree Inventory and Preservation Plan Report.

The City is also seeking cash-in-lieu payment for the unauthorized individual tree removals that have also occurred on the Subject Lands outside of the Woodlands based on the July 14, 2022 Tree Inventory and Preservation Plan, the details of which are provided under the Development Planning section of this report.

Public Notice was provided in accordance with the Planning Act and Council's Notification Protocol

The City on March 9, 2018, mailed a Notice of Public Meeting for the Draft Plan application to an extended polling area beyond 150 m, the East Woodbridge Homeowners' Association and the Weston Downs Ratepayers' Association. Notice of the Public Meeting was also sent to those individuals who had been identified as a party at OLT (formerly LPAT), hearings regarding the appeal of Official Plan Amendment No. 2 to the City of Vaughan Official Plan 2010 ('VOP 2010'), specifically the Vaughan Mills Centre Secondary Plan ('VMCSP').

A copy of the Notice of Public Meeting was also posted on the City's website at www.vaughan.ca and Notice Signs were installed on Rutherford Road and Jane Street in accordance with the City's Notice Signs Procedures and Protocols.

Vaughan Council on April 11, 2018, ratified the recommendation of the Committee of the Whole to receive the Public Meeting report of April 4, 2018, and to forward a comprehensive technical report to a future Committee of the Whole meeting. The following Deputations were made at the Public Meeting:

Deputation

1. Mr. Michael Bissett, on behalf of the Owner
2. Mr. Maurizio Rogato, on behalf of Tesmar Holdings Inc.
3. Mr. Richard Lorello, Treelawn Boulevard, Kleinburg

Written Submissions

1. Papazian Heisey Myers, Barristers & Solicitors, on behalf of Canadian National Railway, letter dated April 3, 2018

The following is a summary of and responses to the comments provided in the deputations and written submissions submitted at the Public Meeting:

- a) There should be consideration for matters related to cost-sharing and oversizing of servicing for all landowners within the area.

Response

The recommended Conditions of Approval included in Attachment 1a) include conditions related to cost-sharing conditions specific to the abutting development applications to the south of the Subject Lands by Tesmar Holdings Inc.

- b) There is a concern regarding the removal of employment lands for residential uses.

Response

The Subject Lands outside of Block 4 of the Draft Plan, are subject to an MZO which approved zoning that facilitated the removal of employment lands for residential uses. Block 4 of the Draft Plan is designated “High-Rise Mixed-Use” by the VM CSP in Volume 2 of VOP 2010. Therefore, the Draft Plan conforms with the MZO and VOP 2010.

- c) The Subject Lands are within the noise influence area of the Canadian National Railway MacMillan Classification Yard. Concern was raised about the acoustical environment of the proposed subdivision.

Response

The OLT, in a Decision dated December 18, 2018, approved in principle, amendments to VOP 2010 and Zoning By-law 1-88 as they relate to the first phase of development (Block 4) of the Subject Lands. The OLT’s final Order was

to be withheld until the OLT was informed that the Owner and Canadian National Railway ('CN Rail') reached an agreement, and it was registered on title. The Owner and CN Rail reached an agreement on September 23, 2019, and it was registered on October 24, 2019, for the lands in Block 4. OLT issued the final Order on December 24, 2019.

A Notice of Complete Application was issued for the Draft Plan and the Site Plan

A Notice of Complete Application was issued to the Owner and to the public for the - Draft Plan on March 9, 2018 and for the Site Plan on October 25, 2022.

Previous Reports/Authority

The following are links to the Public Meeting report for the Draft Plan and the Committee of the Whole report for the related Official Plan Amendment ('OPA') and Zoning By-law Amendment ('ZBA') applications (Files OP.06.028 and Z.06.075 respectively):

Committee of the Whole (Public Meeting) report for Draft Plan of Subdivision File 19T-18V001:

[April 4, 2018 Committee of the Whole \(Public Hearing\) \(Item 1, Report No. 15\)](#)

Committee of the Whole report for related Files OP.06.028 and Z.06.075:

[June 5, 2018 Committee of the Whole \(Item 36, Report No. 21\)](#)

Communication for Committee of the Whole report for related Files OP.06.028 and Z.06.075:

[June 5, 2018 - Communication 9](#)

Council Meeting Minutes for related Files OP.06.028 and Z.06.075:

[June 19, 2018 Council Minutes](#)

The following are links to the Council meeting reports and minutes associated with requests by the Owner for an MZO and the Class 4 Noise Area designation on the Subject Lands:

Council Meeting Member's Resolution and Minutes – Request from Cortel Group on Behalf of RLDC and CLDC for an MZO to Zone 2901 Rutherford Road et al.:

[October 21, 2020 Council Member's Resolution](#)

[October 21, 2020 Council Minutes \(Item 156\)](#)

Council Meeting Minutes for Report and Communication on Class 4 Noise Area designation request from RLDC for a Class 4 Area designation:

[December 11, 2017 Council Minutes](#)

The following link is to the Minister's Zoning Order issued by the MMAH:
[November 6, 2020 Ontario Regulation 643/20](#)

Analysis and Options

Draft Plan of Subdivision and Site Development applications have been submitted to permit the development

The Owner has submitted the following applications (the 'Applications') for the Subject Lands shown on Attachment 3 to permit a phased subdivision consisting of three (3) blocks for High-Rise Mixed-Use development, a park block, an open space block, a vegetation protection zone ('environmental buffer') block, and blocks to facilitate the extension of Caldari Road to Rutherford Road (Street 'A'), completion of a new east-west road (Street 'B') and other road widenings, and to facilitate the development of three (3) high-rise mixed-use buildings in Block 4 (the 'Development'), as detailed below:

1. Draft Plan of Subdivision File 19T-18V001 to facilitate the proposed high-rise mixed-use plan of subdivision, as shown on Attachment 4, consisting of the following:

Blocks/Roads	Land Use	Area (ha)	Units
Block 4	High-Rise Mixed-Use (File DA.19.010)	0.793	831
Block 5	High-Rise Mixed-Use	1.764	
Block 19	High-Rise Mixed-Use	3.205	
Blocks 18, 20, 21	Park, Buffer, Open Space	0.821	
Block 2	Regional Right-of-Way	0.059	
Block 3	Future Road (Caldari Road extension)	0.044	
Blocks 1,6,7	Other Blocks to be Conveyed	0.162	
Block 8	Road Widening (Jane Street)	0.077	
Blocks 9 to 17	0.3 m Reserves	0.015	
Roads	Street 'A' and Street 'B'	0.951	
Total		7.891 ha	831

To advance certain parts of the development, the Draft Plan will be phased as follows:

Phase 1 – lands outside of the MZO and public roads

To facilitate the creation of Block 4 for the high-rise mixed-use development subject to Site Development File DA.19.010, the creation of Block 18 for the public park, Block 20 for the environmental buffer, and Block 21 for the open space, the creation of Block 3 for a portion of the Caldari Road extension, the proposed public roads Street 'A' and Street 'B', and other road widenings (Blocks 1, 2, 6, 7 and 8), as shown on Attachment 4. Since Block 4 is outside of the MZO, it is not subject to the recommendations (i.e. conditions) Council included as part of their approval of the MZO request, and therefore

the registration of this block can proceed ahead the balance of the Subject Lands (i.e. Phase 2) subject to the MZO recommendations which are described in further detail in the MZO section of this report. Although the park (Block 18), environmental buffer (Block 20), open space (Block 21), streets and road widening/extension blocks are within the lands subject to the MZO, they are included in Phase 1 as they are not developable lands and are required in order to facilitate the creation/completion of public roads and to secure a public park block on the Subject Lands, which will be conveyed to the City.

Phase 2 (and additional phases as required) – lands subject to the MZO

To facilitate the creation of Blocks 5 and 19 for High-Rise Mixed-Use developments, as shown on Attachment 4.

2. Site Development File DA.19.010 to facilitate the development of Block 4 in the Draft Plan, for three (3) High-Rise Mixed-Use buildings containing 831 residential units with heights of 26 storeys (Tower 'A1'), 26 storeys (Tower 'A2') and 30 storeys (Tower 'A3'), as shown on Attachments 5 to 10.

The Applications are consistent with the Provincial Policy Statement, 2020

In accordance with Section 3 of the *Planning Act*, all land use decisions in Ontario "shall be consistent" with the *Provincial Policy Statement, 2020* (the 'PPS'). The PPS provides policy direction on matters of provincial interest related to land use planning and development. Key policy objectives include: building strong, healthy communities, the wise use and management of resources, providing a range and mix of housing types and protecting public health and safety. These policies support the goal of enhancing the quality of life for all Ontarians.

Consistency with the PPS for Block 4 of the Draft Plan was established through the OLT's consideration of the appeal when the OLT rendered its decision on the related OPA and ZBA applications. The remainder of the Subject Lands within the Draft Plan are subject to an MZO, issued through Ontario Regulation 643/20 which was made under the *Planning Act*. Accordingly, in consideration of the MZO, the Applications are consistent with the policies of the PPS, particularly:

- Section 1.1.1 regarding healthy, livable, and safe communities
- Section 1.1.3 regarding settlement areas being the focus of development based on densities and efficient land use, and
- Section 1.4.3 regarding planning authorities providing for an appropriate range and mix of housing types.

The Subject Lands are located within a Settlement Area as defined by the PPS. The Applications will contribute to providing growth within a defined Settlement Area with densities that promote efficient land uses (Section 1.1.3). The Applications also contribute to an appropriate range and mix of housing types. On this basis, the Applications are consistent with the PPS.

The Applications conform to A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019, as amended

A Place to Grow: Growth Plan for the Greater Golden Horseshoe 2019, as amended ('Growth Plan') is intended to guide decision making on the development of land by encouraging compact built form, transit supportive communities, and diverse land uses.

Conformity with the Growth Plan for Block 4 of the Draft Plan was established through the OLT's consideration of the appeal when the OLT rendered its decision on the related OPA and ZBA applications. The remainder of the Subject Lands within the Draft Plan are subject to an MZO. Accordingly, the Applications are consistent with the policy framework of the Growth Plan, as it will facilitate a future built form that utilizes the Subject Lands more efficiently, makes use of the existing infrastructure, and contributes to the achievement of a complete community. The Subject Lands are designated and zoned through the VM CSP and MZO for housing at densities supportive of the Growth Plan objectives, specifically Section 2.2.1 which requires that growth be directed to settlement areas having existing or planned municipal water and wastewater systems. On this basis the Applications conform to the Growth Plan, as amended.

The Applications conform to the York Region Official Plan 2010

The York Regional Official Plan 2010 ('YROP 2010') guides economic, environmental and community building decisions across York Region. The Subject Lands are designated "Urban Area" by Map 1 - Regional Structure of the YROP 2010 which permits a wide range of residential, commercial, industrial, and institutional uses.

Conformity with the YROP for Block 4 of the Draft Plan was established through the OLTs consideration of the appeal when the OLT rendered its decision on the related OPA and ZBA applications. The remainder of the Subject Lands within the Draft Plan are subject to an MZO. Accordingly, the Development conforms to Section 3.5.4 of the YROP 2010 requiring "local municipal official plans and zoning by-laws permit a mix and range of housing types, lot sizes, unit sizes, functions, tenures and levels of affordability within each community." The Applications also conform to Section 5.4.5 which requires consideration of development that is in a compact urban form, oriented to the street, pedestrian and cyclist-friendly, and transit supportive. On this basis, the Applications conform to the YROP.

York Region has no objection to the Applications, subject to Conditions in Attachment 1b).

The Development conforms to the site-specific VOP 2010 policies, as amended by the OLT

The Development proposed for Block 4 of the Draft Plan and subject to Site Development File DA.19.010, is identified as an area subject to a Secondary Plan on Schedule 13 – Land Use of VOP 2010, being the VMCSPP – Section 11.7 in Volume 2 of VOP 2010. Block 4 is designated “High-Rise Mixed-Use” within the VMCSPP area and the VMCSPP is further identified as a “Primary Centre” by VOP 2010. Section 2 of VOP 2010 includes policies related to Managing Growth. These policies establish a hierarchy of Intensification Areas ranging in density and building height.

Primary Centres are identified as locations for intensification accommodated in the form of predominantly mixed-use high and mid-rise buildings, developed at a density supportive of transit. Intensification Areas are the primary locations for the accommodation of growth and the greatest mix of uses, building heights and densities in accordance with the prescribed urban structure hierarchy established in VOP 2010.

Conformity with the VMCSPP for Block 4 (Phase 1) was established through the OLT’s consideration of the appeal when the OLT rendered its decision on the applications for OPA File OP.06.028 and ZBA File Z.06.075. These OPA and ZBA applications were previously also applicable to the balance of the lands owned by RLDC, which are now subject to an MZO. This is further explained in the MZO section of this report. CLDC (not subject to the above OPA and ZBA) also appealed VOP 2010, Schedule 2 - Natural Heritage Network as it applies to their lands to the OLT. CLDC’s lands are also now subject to an MZO.

The OLT on January 25, 2018 in an Oral Decision approved, in principle, the VMCSPP as it applies to the RLDC lands, thereby designating the RLDC lands “High-Rise Mixed-Use”, “Neighbourhood Park”, and “Green Buffer Area”, subject to specific conditions, including, but not limited to, the following:

- a maximum of 985 units is permitted in the first phase of development (i.e Block 4 of the Draft Plan)
- requirements for the extension of Caldari Road from Riverrock Gate to Rutherford Road

The OLT on June 14, 2018, Issued a Memorandum for the January 25, 2018 Oral Decision and Order of the OLT.

The OLT on June 21, 2018, considered a motion brought forward by the Owner related to the OPA and ZBA applications for the first phase of development (i.e. Block 4 of the Draft Plan).

The OLT in a Decision dated December 18, 2018, approved, in principle, the OPA and ZBA as they relate to the first phase of development. The OLT issued the Final Order on December 24, 2019. Site-specific Official Plan policies permit increases in height and density subject to the application of a Density Bonusing Agreement pursuant to Section 37 of the *Planning Act* for Block 4.

The OLT also allowed the Owner to maintain their appeals of the site-specific OPA and ZBA applications as they relate to the balance of the RLDC lands, outside of Block 4. However, since that time, the remainder RLDC lands together with the CLDC lands are now subject to an MZO, and therefore no longer require the approval of the OPA and ZBA applications by the OLT to permit the land uses required to facilitate the approval of the Draft Plan and the future Site Development Applications for each of the Draft Plan blocks.

The site-specific Zoning By-law for the Development has a Holding Symbol “(H)”

The Development proposed for Block 4 of the Draft Plan and subject to Site Development File DA.19.010 is zoned “RA3 (H) Apartment Residential Zone” with the Holding Symbol “(H)”, subject to site-specific Exception 9(1488) by Zoning By-law 1-88, as approved by the OLT.

A By-law to remove the Holding Symbol “(H)” from Block 4 or any portion thereof, shall not be enacted until the following conditions are satisfied:

- i. The Owner successfully obtain approval of Draft Plan of Subdivision File 19T-18V001, or phase thereof, from Vaughan Council or the Ontario Land Tribunal (formerly the Local Planning Appeal Tribunal)
- ii. Water and sewer servicing capacity being identified and allocated by the City of Vaughan
- iii. The City of Vaughan shall be in receipt of confirmation of a Ministry of Environment and Climate Change Acknowledgement/Registration of the Record of Site Condition
- iv. The submission of an Environmental Noise Impact Study and an Environmental Vibration Report, prepared in consultation with the operators of the “Rail Yard” and the “Existing Industrial Lands”, to the satisfaction of the City of Vaughan. For the purposes of this Zoning By-law a “Rail Yard” is defined as the McMillan Rail Yard and the “Existing Industrial Lands” are defined as the Maple Stamping Plant
- v. The provision and/or securing of any required noise mitigation and control measures at the Owner’s expense as the City of Vaughan may require
- vi. If necessary, the execution of agreements satisfactory to the City of Vaughan between the Owner and owner(s) of neighbouring lands containing stationary

noise sources to secure any noise mitigation measures which may be required on these neighbouring lands, as the City may require

- vii. The Owner successfully obtaining the approval of a Site Development Application from Vaughan Council or the Ontario Land Tribunal (formerly the Local Planning Appeal Tribunal) for the Development
- viii. The execution of a Site Plan Agreement, or other such agreement, satisfactory to the City of Vaughan to be registered on title which obligates the Owner to include in all Offers of Purchase and Sale, warning clauses for the Subject Lands and to provide notice of the Class 4 Area classification to prospective purchasers of residential units on the Subject Lands to the satisfaction of the City
- ix. The Owner successfully obtaining a resolution passed by Vaughan Council classifying the Subject Lands as a Class 4 Area
- x. A Subdivision Agreement and any other necessary agreement(s), has been executed and registered with respect to the Subject Lands securing the conveyance and construction of the public streets, including the completion of the extension of Caldari Road to Rutherford Road, the completion of Street B, and the widening of Jane Street; the payment of cash-in-lieu of parkland, or provision of parkland, in accordance with Section 42 of the *Planning Act*; cost sharing; and, the installation of the necessary municipal service and utilities, to the satisfaction of the City, and
- xi. An agreement pursuant to Section 37 of the *Planning Act* has been executed and registered, providing for the contribution equivalent of \$4.1 million with respect to the increase in building height and density for the Development of the Subject Lands, consisting of the payment of money, or the provision of facilities, services, or other matters or combination thereof, to the satisfaction of the City of Vaughan. Payment of the Section 37 amount shall be pro-rated based upon the percentage of the approved number of units and payable prior to the issuance of the first Building Permit for any above grade structure(s) (other than the temporary sales office).

The Owner has submitted a Zoning By-law Amendment Application File Z.22.034 to remove the Holding Symbol “(H)” from Block 4, for Council approval. The Owner must demonstrate to the City’s satisfaction that the above conditions have been addressed. Until such time that the Holding Symbol “(H)” is removed, the zoning is not considered to be in place for the purpose of obtaining a building permit.

A Minor Variance Application is required for the Development

Through the review of Site Development File DA.19.010 for Block 4 of the Draft Plan, the following exceptions to Zoning By-law 1-88, as amended, will be required through a Minor Variance application to permit the Development in Block 4 of the Draft Plan:

	Zoning By-law 1-88 Standard	RA3 Apartment Residential Zone Requirement	Proposed Exceptions to RA3 Residential Apartment Zone
a.	Maximum Gross Floor Area ('GFA') of Non-residential Uses (Commercial/ Institutional) on the Ground Floor	1,800 m ²	452 m ² of non-residential uses shall be permitted on the second (2 nd) floor
b.	Minimum Parking Requirements	<p><u>Residential</u> 0.85 spaces/1 bedroom or Bachelor unit x 469 units + 0.95 spaces/2 bedroom unit x 319 units + 1.15 spaces/3 or more bedroom unit x 43 units = 753 parking spaces</p> <p><u>Visitor</u> 0.2 spaces/unit x 831 units = 167 parking spaces</p> <p><u>Non-residential (Commercial)</u> 969.4 m² x 3 spaces/100 m² of GFA = 30 parking spaces</p> <p><u>Non-residential (Institutional)</u> 497 m² x 3 spaces/100 m² of GFA = 15 parking spaces</p> <p>Total Parking Required = 965 parking spaces</p>	<p><u>Residential</u> 0.85 spaces/1 bedroom or Bachelor unit x 469 units + 0.95 spaces/2 bedroom unit x 319 units + 1.15 spaces/3 or more bedroom unit x 43 units = 753 parking spaces</p> <p><u>Visitor</u> 0.129 spaces/unit x 831 units = 110 parking spaces</p> <p><u>Non-residential (Commercial)</u> 969.4 m² x 3 spaces/100 m² of GFA = 30 parking spaces</p> <p><u>Non-residential (Institutional)</u> 497 m² x 3 spaces/100 m² of GFA = 15 parking spaces</p> <p>Total Parking Provided = 908 parking spaces*</p>
c.	Minimum Landscape Strip Width Along a Lot Line that Abuts a Street Line	1.5 metres	0 m

	Zoning By-law 1-88 Standard	RA3 Apartment Residential Zone Requirement	Proposed Exceptions to RA3 Residential Apartment Zone
d.	Minimum Setback from the Streetline to the First Two Storeys of any Building Above Finished Grade	3 metres	2.9 m (west side)
e.	Minimum Front Yard Setback for All Storeys Above the First Two Storeys	7.5 m	1.5 m
f.	Minimum Exterior Side Yard for All Storeys Above the First Two Storeys	7.5 m	1.31 m (west side) 1.89 m (east side)

* Note: If relief is obtained for 907 parking spaces through a Minor Variance Application, the Minimum Number of Accessible Parking Spaces provided must comply. The required minimum number of accessible parking spaces cannot be varied from.

There is a provision in site-specific Exception 9(1488) of Zoning By-law 1-88 that permits the parking spaces for Residential Visitors, Commercial and Institutional Uses to be shared and not be individually designated. Therefore, the Development Planning Department can support the reduction in Residential Visitor parking requirements, as it permits residential visitors to use spaces that are also used for the commercial and institutional uses, which both meet the parking requirements, subject to any additional requirements identified by Transportation Engineering staff through the Minor Variance application process. The remaining variances that are required to implement the Development maintain the general intent of the Official Plan and Zoning By-law, are minor in nature, and desirable for the appropriate development of the lands. As such, the Development Planning Department has no objections to the requested variances.

The Owner will be required to successfully obtain approval of a Minor Variance application for the above-noted site-specific zoning exceptions from the Vaughan Committee of Adjustment, and the Committee's decision must be final and binding. The Owner shall satisfy any conditions imposed by the Committee of Adjustment prior to the execution of the implementing Site Plan Agreement, should the Site Plan be approved. A condition to this effect is included in Attachment 2.

Council enacted By-law 001-2021 as the new Vaughan Comprehensive Zoning By-law

On October 20, 2021, Council enacted By-law 001-2021 as the new Vaughan Comprehensive Zoning By-law. A notice of the passing was circulated on October 25, 2021, in accordance with the *Planning Act*. The last date for filing an appeal to the OLT in respect of By-law 001-2021 was November 15, 2021. By-law 001-2021 is currently under appeal and, when in force, will replace Zoning By-law 1-88, as amended.

The Site Plan application is determined to be transitioned in accordance with Subsection 1.6.3 of Zoning By-law 001-2021, and therefore the Development in Block 4 of the Draft Plan is subject to Zoning By-law 1-88, as amended, only.

The Owner has appealed By-law 001-2021 to the OLT pursuant to section 34(19) of the *Planning Act*, R.S.O. 1990, c. P 13 on a site-specific basis as it relates to Block 4 of the Draft Plan, as this block has a site-specific zoning by-law amendment to Zoning By-law 1-88 approved by the OLT, which has not been appropriately carried forward or reflected in By-law 001-2021.

The balance of the Subject Lands is subject to an MZO which has been appropriately recognized in By-law 001-2021 and is therefore excluded from this appeal.

An MZO applies to the balance of the lands in the Draft Plan

Vaughan Council on October 21, 2020 adopted a resolution based on the request of the Owner in a letter dated October 13, 2020, to enact an MZO for the balance of the Subject Lands outside of Block 4 of the Draft Plan, as shown on Attachment 4. As part of the adopted resolution regarding the request for the MZO, Council recommended a number of conditions respecting matters such as providing affordable housing units, particularly in earlier phases of the project; designating the portions of the Subject Lands (i.e. the CLDC lands) that do not currently have a Class 4 Noise Area designation, as Class 4 pursuant to Environmental Noise Guidelines NPC 300 of the Ministry of Environment, Conservation and Parks; protection and preservation of natural features on the Subject Lands including the remaining woodlot; finalizing the location of a park within the Subject Lands and/or providing cash-in-lieu of parkland; and that the Owner withdraw its outstanding OLT appeals for the balance of the RLDC and CLDC lands. To date, the OLT appeals remain open.

As part of these recommendations, Council also directed City staff to work with the Owners and the MMAH to prepare an MZO with appropriate conditions that is consistent with these recommendations and that should any recommendation of Council not be included in the MZO, then the City Manager may enter into any agreement(s) (i.e. an "MZO Agreement"), as may be required, on behalf of the City of Vaughan, with RLDC and/or CLDC and such other persons as appropriate, to implement and enforce the recommendation(s), in a form satisfactory to the City Solicitor.

In accordance with this recommendation, a draft MZO was prepared with these recommendations and was forwarded to the Minister of Municipal Affairs and Housing together with Council's resolution as a statement of Council's direction and requests.

The Minister of Municipal Affairs and Housing on November 6, 2020, issued an MZO through Ontario Regulation 643/20 for the balance of the lands outside of Block 4, which did not include the recommendations of Council. Therefore, an MZO Agreement, at the discretion of Council, will be required between the City and the Owner to ensure that the recommendations are fulfilled by the Owner. To date this MZO Agreement has not been finalized. However, several of the conditions requested by Council have been addressed through the conditions of Draft Plan approval in Attachment 1 a), including condition as it relates to the withdrawal of the OLT appeals.

The MZO effectively zones the entirety of these lands the equivalent of the "RA3 Apartment Residential Zone" of Zoning By-law 1-88, with additional exceptions to this zone, including but not limited to: increasing the maximum building height of 30 storeys, permitting a maximum floor space index of 8.5 times the area of the lot, and placing no limits on the maximum number of dwelling units or the maximum gross floor area permitted.

The balance of the RLDC lands were previously zoned "EM1 Prestige Employment Area Zone" subject to site-specific Exception 9 (1170) by Zoning By-law 1-88 and permitted employment uses. The CLDC lands were previously zoned "EM2 General Employment", subject to site-specific Exception 9(1032) by Zoning By-law 1-88, which permitted employment uses.

The Planning Act enables a municipality to pass a resolution to permit the Owner to apply for a future Minor Variance application(s), if required, within 2 years of a Zoning By-law coming into full force and effect

Policy 45(1.3) of the *Planning Act* restricts an Owner from applying for a Minor Variance application(s) to the Vaughan Committee of Adjustment before the second anniversary of the day on which the implementing Zoning By-law for the Subject Lands came into effect. However, the *Planning Act* also enables Council to pass a resolution to allow an Owner to apply for a Minor Variance Application(s) to permit minor adjustments to the implementing Zoning By-law, prior to the two-year moratorium.

The Development Planning Department has included a Recommendation to permit the Owner to apply for a Minor Variance application(s) to address refinements to the Development that may arise through the final design and construction process. A condition to this effect is included in the Recommendations of this report.

A Draft Plan of Condominium Application will be required for the Development

Should the Applications be approved, the Owner shall be required to submit a Draft Plan of Condominium Application and receive approval from Council, to establish the condominium tenure for the Development subject to Site Development File DA.19.010.

Site Development Applications will be required to facilitate the future development of the Draft Plan blocks

Should the applications be approved, the Owner will be required to submit Site Development Application(s) to facilitate the future development of the balance of the High-Rise Mixed-Use blocks (Blocks 5 and 19) identified on the Draft Plan shown on Attachment 4.

A Community Benefits Charge pursuant to Section 37 of the Planning Act is applicable to the balance of the Draft Plan outside of Block 4

On September 14, 2022, Council enacted By-law 201-2022 as the new Community Benefits Charge ('CBC') By-law, which authorizes community benefits charges to be imposed against land to pay for the capital costs of facilities, services and matters required because of development or redevelopment.

The CBC By-law effectively replaces how and when community benefits were collected under the previous Section 37 of the *Planning Act*. As a result of the MZO, the previous in-effect Section 37 provisions were not applied to the balance of the development blocks in Draft Plan, outside of Block 4; however, in light of the recent changes to Section 37 of the *Planning Act* and the new in-effect CBC By-law, the balance of the lands in the Draft Plan outside of Block 4 may be subject to the requirements of the CBC By-law.

As such, the Owner is advised that prior to the issuance of a Building Permit, the Owner shall pay to the City of Vaughan by way of certified cheque a community benefits charge equivalent to 4% of the value of the subject lands in accordance with Section 37 of the *Planning Act* and the City's CBC By-law. The Owner shall submit an appraisal of the Subject Lands, pursuant to City's CBC By-law, prepared by an accredited appraiser for approval by the Vaughan Real Estate Department, and the approved appraisal shall form the basis of the calculation of the community benefits charge payment.

The Development Planning Department has no objection to the Applications, subject to the Owner satisfying the Conditions of Draft Plan and Site Plan Approval in Attachments 1 and 2, respectively

Subdivision Design

The Draft Plan shown on Attachment 4, consists of three (3) blocks for High-Rise Mixed-Use development, a park block, a buffer block, an open space block, the

extension of Caldari Road to Rutherford Road (Street 'A'), completion of a new east-west road (Street 'B') from Jane Street, and other road widenings.

The Draft Plan will be phased to facilitate the registration of the Phase 1 lands, as shown on Attachment 4, in advance of the registration of the balance of the blocks in the Draft Plan, which are subject to an MZO. The Owner has not yet fulfilled its obligations as outlined in the Member's Resolution for the MZO adopted by Council. As such, the City is not in a position to move forward with the final approval for the registration of the Draft Plan outside of the Phase 1 lands until it is satisfied that the Owner has fulfilled its obligations as requested by Council. A condition to this effect is included in Attachment 1.

The Urban Design Division ('Urban Design staff') of the Development Planning Department has reviewed the Draft Plan and provided comments requesting the submission of an updated detailed tree preservation study, an updated Urban Design Brief, an updated detailed Edge Management Plan study, and a soils report for all street tree pits and planting beds throughout the Draft Plan, to the satisfaction of the City. Prior to the landscape plan review, Urban Design staff also requires the Landscape Plan Review fee to be paid by the Owner in accordance with the City's Tariff of Fees By-law. The Development Planning Department is satisfied with the Draft Plan, subject to the Conditions of Approval in Attachment 1a) of this report.

Cash-in-Lieu for Private Tree Removals

Urban Design staff have reviewed the Tree Inventory and Preservation Plan Report dated July 26, 2022, prepared by Kuntz Forestry Consulting Inc. related to the above-mentioned site. However, the updated report does not provide any information regarding the trees that have already been removed from the site, therefore Urban Design staff has relied on the original report submitted by Kuntz Forestry Consulting Inc. dated March 30, 2016, revised May 9, 2016 (Project P1198) to calculate the tree compensation for individual private trees.

It is noted that Urban Design staff cannot support any additional tree removals, specifically as they do not have any conflict with the proposed development and that from an urban design perspective, removal of the remaining Woodland trees is not justified to accommodate for the proposed public park (Block 18).

In the original arborist report submitted (dated March 2016), tree grouping 'PD' and trees #1 to #14 are considered private trees (not part of the removed Woodland trees) and are calculated based on the tally information provided for tree grouping 'PD' on page 8 of the noted report. The total tree compensation requirement for the trees noted above is equal to 64 trees. Cash-in-lieu compensation for the above noted trees at \$550 x 64 = \$35,200 would be required. A condition to this effect is included in Attachment 1

a). The size classification for the tree grouping 'PD' does not match the City's Tree Protection Protocol. If further information regarding these trees can be provided, the calculations above can be adjusted.

Tree grouping 'PD' was removed to accommodate for the construction of Riverrock Road. Urban Forestry has not confirmed that monetary compensation has been calculated for the removal of the above noted tree grouping.

Site Plan and Building Elevations

The Development shown on Attachments 5 to 10 consists of three (3) high-rise residential buildings on a shared mixed-use podium, located in Block 4 of the Draft Plan. Towers 'A1' and 'A2' are 26-storeys each in height and Tower 'A3' is 30-storeys in height, not including the mechanical penthouses, and are situated on a shared 4-storey podium for the majority of the Development except for the north side of Building 'A2' where the podium is 2-storeys in height and steps up to 6-storeys in height. Outdoor amenity space is proposed atop the portion of the 5-storey podiums between the three towers, and outdoor terraces are proposed on the stepped portion of the podium.

The west elevation of the podium along the Jane Street frontage as shown on Attachment 7, contains approximately 970 m² of commercial (retail) space on the ground floor. There is also an indoor community space approximately 452 m² in area on the second floor accessed from a lobby approximately 45 m² in area located on the ground floor. This space is being considered for public use by the City for community programming. The City is working with the Owner to find a suitable user for this community space and discussions with relevant stakeholders are currently underway to consider the ownership/lease, viability, operation, programming, maintenance, access and easement requirements, in the interest of facilitating the approval of the Site Plan. A condition to this effect is included in Attachment 2.

A 2,668 m² Privately-Owned Publicly Accessible Space ('POPS') is proposed to be located along the north side of the Development and includes the second level public courtyard located in the central open area of the Development, as shown on Attachments 5 and 6. The POPS contains a playground, a plaza/flex space that contains water jets, a fitness area, and multiple seating areas consisting of benches and tables and chairs. The community space can also be accessed from the POPS.

There may be an opportunity to apply a portion of the monetary contribution collected through the Section 37 Density Bonus Agreement towards the community space and enhancements to the POPS, among other community improvements under consideration in the vicinity of the Subject Lands. This will be explored further through discussions and negotiations with various City stakeholders.

A 2 m wide sidewalk is provided on the east side of the Development along the Street 'A' frontage, on the south side of the Development along the Street 'B' (Abeja Street) frontage and on the west side of the Development along the Jane Street frontage.

The entrances to the underground parking garage and to the loading area are accessed from Street 'B' (Abeja Street). The Development is served by four (4) levels of underground parking and additional level of parking provided within the ground floor of the Development, containing 908 parking spaces including accessible (barrier-free) parking spaces.

Urban Design staff has provided comments requesting minor revisions to the site plan and elevation drawings, signage locations and details, and wind mitigation measures. The Owner shall address any outstanding comments to the satisfaction of the Development Planning Department. A condition to this effect is included in Attachment 2.

Landscape Plan

The Landscape Plan is shown on Attachment 6. Urban Design staff satisfied with the landscape plan subject to the Owner making the following changes:

- the sidewalk and the bike lane need to be separated by the planting area, and the boulevard's cross section shall be revised to provide an unencumbered tree planting zone
- the signage for the POPS and its details should be integrated into the landscape package. POPS must have visible identification signage on all access points from the public right-of-ways
- the ground sign at the Jane Street frontage shall be realigned to face the sidewalk and preferably move it close to the airshaft to visually screen the airshaft, which is close to the sidewalk, and to remove additional obstruction to the sight lines to the POPS.
- well drained snow storage areas should be located away from public right-of-ways and major sight lines. If providing such locations on site is not possible, then the snow should be removed off-site.
- as per the findings of the wind study, depending on the wind conditions the proposed water jets at both locations may need to be relocated or other uses must be considered that can effectively contribute to the public space
- a coordinated design between the private land and the boulevard along Street 'B'
- details for the windscreens proposed along Jane Street shall be provided
- Please provide a key plan, depicting the exact boundaries of the POPS, the City's right-of-way, the regional right-of-way and a corresponding landscape cost estimate.

- include the total area of the POPS as well as the ramp/stair and the elevated POPS section for Section 37 calculations.

The Urban Design staff have also provided comments requesting minor revisions to the landscape cost estimate. The Owner shall address all comments to the satisfaction of the Development Planning Department. A condition to this effect is included in Attachment 2.

Sustainability Performance Metrics

The Owner has submitted a Sustainability Performance Metrics ('SPM') scoring tool and summary letter for the Draft Plan and Site Plan applications, achieving a score of 39 out of 103 (38%) and 50 out of 155 (32%) respectively. The Owner must address the minor redline comments provided to the satisfaction of the Development Planning Department and submit an updated SPM scoring tool and summary letter for both the Draft Plan and Site Plan Applications. The revised SPM scoring tool and cover letter must be submitted to demonstrate how the Draft Plan and Site Plan application achieves the minimum SPM Bronze Level score of 21 points for Draft Plan of Subdivision applications and 31 points for Site Development applications. A condition to this effect is included in the Conditions of Approval in Attachments 1a) and 2.

The Vaughan Design Review Panel supports the Development

The Design Review Panel ('DRP') has reviewed the Development at two stages. The first stage took place at the Official Plan and Zoning By-Law Amendment applications stage held on October 31, 2013, for the overall masterplan, which corresponds to the same land area as the Subject Lands, but with a significantly larger public park contemplated than what is currently proposed by the Draft Plan. The second stage took place at the Pre-Application Consultation stage for Block 4 of the Draft Plan on November 29, 2018, and provided the following comments:

1st stage

At the first round, the DRP commented on the following:

- activating the Rutherford Road and Jane Street frontage and the Development's interface with the public realm.
- Being mindful of the microclimates and shadow impact of the towers on the courtyards and parkland.
- the importance of the phasing plan with reference to the critical mass to support retail.
- Providing better connection of the adjacent natural open space to the development's access points, street network, and open space network.

With regards to the internal courtyard as POPS, the DRP commented on the following:

- the success of the proposed courtyards as public urban space depends on their accessibility and visibility.
- The panel expressed concern about the low level of pedestrian permeability into the courtyards which starts to suggest the privatization of open space.
- It was advised that public access into the courtyards be increased by reducing their elevation/ height relative to the surrounding streets and by providing more entry points to them from the street network.

The applicant has responded to 1st round DRP comments by:

- proposing retail along the Jane Street frontage and proposing live-work units along the new proposed public road at south boundary and the extension of Caldari Road.
- Also, the footprint of the towers has been reduced to 750 m² to reduce the shadow impact on the central POPS and adjacent park land.
- Furthermore, public mid-block pathways have been provided from Jane Street to the extension of the Caldari Road to increase connectivity.
- While more entrances to the POPS was not provided, the north access was expanded and includes both an accessible ramp and stairs.

2nd stage

At the 2nd stage, DRP requested the following:

- clarification on the key information about the location of the public park; so that development can be designed accordingly. It was noted that if there is no park as part of this development, then the open space/POPS should be located at grade.
- Panel requested for the details of the POPS functionality, public access, and usable spaces.
- Panel recommended that the podium to the south and east be reduced in height to further improve access to direct sunlight within the POPS.
- DRP expressed concerns about potential wind issues and encouraged the applicant to resolve microclimate conditions to the greatest extent possible to provide a comfortable environment for pedestrians.

While the applicant did not provide the POPS at grade due to the constraints of the site and parking requirement, the applicant has responded to the DRP's comments by:

- Lowering the podium height and providing internal step backs at the podiums around the internal POPS area to reduce the shadow impacts.
- Applicant is working closely with staff to further evaluate wind impact and resolving microclimate issues by providing an extensive wind tunnel model analysis for further mitigation measures.

The Development Planning Department is satisfied that the Owner has addressed the comments of the DRP, subject to the Recommendations in this report.

The Cultural Heritage Division of the Development Planning Department has no archaeological concerns, subject to the Conditions of Approval

The Subject Lands have been cleared of any built heritage or archaeological potential; however, should any archaeological resources or human remains be located during construction, standard warning clauses are included in the Conditions of Approval in Attachments 1a) and 2.

The Policy Planning and Special Programs ('PPSP') Department requires the Owner to address the Draft Plan Conditions of Approval

The Environmental Planning division of the Policy Planning and Special Programs ('PPSP') Department has reviewed the Site Plan application and has no objection subject to the Owner addressing the SPM comments provided earlier in this report. The Owner will also be required to address the SPM comments for the Draft Plan. A condition to this effect has been included in both Attachment 1a) and Attachment 2.

There is a portion of the Woodland that has not been removed on the Subject Lands within Block 21 of the Draft Plan, which PPSP staff is supportive of retaining on the landscape. The development limits of the Subject Lands have been determined based on the staked and surveyed dripline of the Woodland edge plus a 10 m vegetation protection zone ('VPZ') applied from this dripline. The dripline represents the most conservative line in determining development limits. This VPZ together with the Woodland are identified as separate blocks (Blocks 20 and 21) in the Draft Plan shown on Attachment 4. Blocks 20 and 21 shall be conveyed into public ownership in accordance with policy 3.2.3.10 of VOP 2010.

Through negotiations between the Owner and the Deputy City Manager for Planning and Growth Management, it was determined that \$2 million was an appropriate amount of compensation to be paid to the City for the removal of trees in the Woodland. These funds shall be deposited into the City's Natural Heritage Reserve account managed by the PPSP Department for future Woodland restorations and/or land acquisition for the purpose of Woodland restoration.

The Owner shall also submit a revised Valley Stewardship Management Plan ('VSMP') and implement the recommendations of the revised VSMP to the satisfaction of the City and the TRCA. The funds to implement the VSMP is outside of the Woodland replacement compensation. The PPSP Department defers the approval of the Edge Management Plan/Restoration Plan to the TRCA and Urban Design staff.

The Owner shall address the Conditions of Approval in Attachment 1a).

The Development Engineering ('DE') Department has no objection to the approval of the Applications, subject to the comments in this report and Conditions of Approval

The DE Department has reviewed the Applications and provides the following comments:

The OLT and Minutes of Settlement

As part of the January 25, 2018 OLT hearing, discussed earlier in this report, Minutes of Settlement ('MOS') were reached and executed between the Owner, the adjacent landowners - Tesmar Holdings Inc., Magna International Inc., Granite Real Estate Investment Trust, Granite Reit Inc., 805062 Ontario Limited, and the City of Vaughan, and filed with the OLT. The MOS set out a number of conditions of development that must be satisfied by all parties. Therefore, the Owner will be required to fulfill its obligations as agreed in the MOS, including the following items:

- Conveyance of lands to facilitate widening of private driveway on the Granite Real Estate Investment Trust lands (MOS Item No. 45)
- Traffic Signals at the intersection of Caldari Road and Riverrock Gate (MOS Item No. 46) prior to occupancy of residential developments
- Improvements and signalization at the intersection of Rutherford Road and Caldari Road (MOS Item No. 2 of Schedule G)

Coordination with the adjacent development to the south - Tesmar Holdings Inc. ('Tesmar')

Pursuant to the MOS, the following shall be in place prior to issuance of any occupancy permit for the Tesmar or RLDC developments, whichever comes first:

- the extension of Caldari Road from Riverrock Gate to Street 'B' (Abeja Street), including the associated services
- Street 'B' (Abeja Street) from Jane Street to Caldari Road, including the associated services

Although the construction of the above-noted works is included in a Development Agreement between the City and Tesmar, the Owner will be responsible to undertake the works, when requested by the City, in case Tesmar is unable to fulfill its obligations.

Keffer Industrial Subdivision Cost Share Agreement

A cost share agreement ('Cost Agreement') was formed between benefitting landowners to construct a storm pond at Creditstone Road and Granite Ridge Drive to serve areas located outside of the subdivision boundary including the Subject Lands. Delisle Properties Limited ('Delisle') previously owned the RLDC lands and was a non-participating landowner for the Cost Agreement prepared for the Keffer Industrial

Subdivision. Storm water drainage for the Subject Lands passed through the Magna International Inc. lands towards the stormwater management ('SWM') pond within the Keffer Industrial Subdivision in Registered Plan 65M-3381. The storm drainage on the Subject Lands continues to drain towards the storm pond and is therefore subject to cost sharing as set out in the Cost Agreement.

The Subdivision Agreement for the Keffer Industrial Subdivision contains a provision that uses best efforts clauses from the City to collect the funds from Delisle (now RLDC) as a condition of the Draft Plan.

Transportation Network

The Subject Lands will be adequately served by the existing and proposed road network. The following public roads, as shown on Attachment 4, are proposed in the Draft Plan to provide the necessary road network to service Phase 1 of the Draft Plan:

- Street 'A' (the Caldari Road extension), is a Minor Collector Road with a 26 m right-of-way ('ROW') through the Subject Lands and will ultimately connect Riverrock Gate to Rutherford Road
- Street 'B' (Abeja Street), is a Local Road with a 20 m ROW, along the south boundary of Block 4 and is shared with the adjacent Tesmar lands, connecting Jane Street to Street 'A'.

All the future road network will be designed and constructed to satisfy the VMCPs requirements. Future accesses to Subject Lands are provided to/from Street 'A' and Street 'B'. The alignment and design of the Local Road and Minor Collector Road as proposed are generally acceptable, and final DE Department comments will be addressed during the detailed design.

On-street parking is permitted along both sides of Street 'A' for the most of its length, and on one side along Street 'B'.

The pick-up/drop-off area is required to be accommodated on the Site Plan. Public on-street parking cannot be used for the pick-up/drop-off activity. The Owner shall allocate an area inside the property limit for pick-up/drop-off activity. Pick-up/drop-off activities also includes ridesharing (part of the Travel Demand Management ('TDM') initiatives), and to make it easy and safe for users, a designated area inside the property limit is needed, not on the public on-street parking.

Active Transportation Facilities and Infrastructure

Existing and planned active transportation facilities in the area are appropriate and include standard sidewalks along both sides of all future public roads. In addition, bike lanes are planned along Street 'A' from Riverrock Gate to Rutherford Road and will integrate with the cycling network in the surrounding area.

The Owner shall provide a cycling facility along the Jane Street frontage of the Subject Lands in accordance with the Council approved Pedestrian and Bicycle Master Plan, 2020. The Owner shall implement the final functional plan of the Jane Street cycling facility approved by the Region of York. A condition to this effect is included in Attachment 1a).

Transit Service

The area is well served by transit services under the existing condition and these services will be enhanced under the future condition. Rutherford Road is planned to be widened to 6 lanes with pedestrian/cyclist improvements and new transit high occupancy vehicle ('HOV') lanes. The Vaughan Mills Bus Terminal is located 300 m (4-minute walk) west of the Subject Lands. In addition, nearby Routes 20 and 26 provide direct connectivity to the VMC Station. Short and long-term improvements are also identified for the area. Jane Street is identified for a future rapid transit corridor from Steeles Avenue West to Major Mackenzie Drive.

Water Supply Network

The Subject Lands are located within Pressure District 6 ('PD6'). The Draft Plan will be serviced by a future watermain on Street 'A' through the Subject Lands. The watermain will connect to an existing trunk watermain on Rutherford Road and an existing watermain at the intersection of Caldari Road and Riverock Gate. A portion of the proposed watermain, between Street 'B' and Riverock Gate, will be installed by Tesmar, which is the adjacent development to the south of Block 4 of the Draft Plan.

Sanitary Sewer Network

The Subject Lands will be serviced by a future sanitary sewer system on Street 'A' through the Subject Lands, connecting to a new sewer to be installed by Tesmar at the intersection of Streets 'A' and 'B'. The proposed sanitary sewer will ultimately connect to the existing Regional Jane and Rutherford trunk sewer on Riverock Gate.

Storm Sewer Network

The Subject Lands will be serviced by a new sewer system on Street 'A' through the property connecting to an existing sewer system at the intersection of Street 'A' and Street 'B', currently under review and approval for the Tesmar development to the south. The existing sewer system is connected to an existing trunk sewer at the intersection of Caldari Road and Riverock Gate, which ultimately discharges into the existing Keffer Industrial Subdivision SWM Pond.

An underground stormwater tank is proposed in Block 4 to control the runoff leaving the Development to the allowable discharge rate.

The Keffer Industrial Subdivision SWM Pond is designed to provide Level 2 water quality control. To achieve Enhanced (Level 1) water quality control within the development blocks, a combination of appropriate treatment units, and Low Impact Development ('LID') measures will be required. The Owner will be required to demonstrate the runoff generated by the future roads will satisfy the required water quality criteria, to the satisfaction of the City.

Environmental Site Assessment

The Owner submitted a Phase One Environmental Site Assessment ('ESA') for the RLDC lands (i.e. Part 1 of Registered Plan 65R-26506), as shown on Attachment 3 prepared by McClymont and Rak Engineers Inc. ('MCR') dated August 18, 2019. No contaminants of concern were identified in the ESA reports. The Owner also successfully filed and submitted a Ministry of the Environment, Conservation, and Parks ('MECP') Record of Site Condition ('RSC') for the RLDC lands in 2019. The City is satisfied with the findings of the ESA investigations with respect to the RLDC lands.

An ESA and RSC have not been submitted to the City for the CLDC lands, as shown on Attachment 3. Therefore, prior to final registration of each phase of the Draft Plan and final approval of Site Development Applications for each subsequent Phase of the Draft Plan located within the CLDC lands, the following shall be provided to the City:

1. A digital copy of all supporting ESA reports and/or Remedial Action Plan ('RAP') to the satisfaction of the City
2. A letter of reliance issued by the author of the ESA reports and/or RAP, in conformity with the DE Department standard template
3. A digital copy of the RSC filed on the Environmental Site Registry including the acknowledgement letter issued by the MECP

Conditions to this effect are included in Attachment 1a).

Noise Mitigation Measures – RLDC Lands

The noise impact on the RLDC lands (i.e., Part 1 on Registered Plan 65R-26506) from the stationary noise sources in the vicinity was assessed in accordance with the requirements of the Noise Evaluation Method and Matrix of Design Features schedule in the executed MOS agreement, Schedule I. The assessment concluded that where there is a predicted excess at a sensitive receptor location, one or more of the receptor-based design features listed in Schedule I of the MOS and permitted by NPC-300 are to be included in the building design and outdoor living areas to eliminate these excesses.

The MOS is based on Block 4 being designated Class 4, pursuant to the MECP noise guidelines and as approved by the City. Vaughan Council passed a conditional resolution on December 11, 2017, designating the RLDC lands as a Class 4 Area, in accordance with the MECP noise guidelines (Publication NPC-300), subject to OLT

approval of the OPA and ZBA applications on the RLDC lands, submission of a detailed noise impact assessment and provision of any recommended noise control measures, approval of the Site Plan for Block 4, and agreement to register warning clauses on title.

Noise Mitigation Measures – CLDC Lands

Vaughan Council passed a resolution on October 21, 2020, recommending the portions of the Subject Lands (i.e., CLDC lands) that do not have a Class 4 designation pursuant to MECP noise guidelines (Publication NPC-300) to be designated as Class 4; and the future development of these lands shall comply with the requirements of the NPC-300 guidelines.

Notwithstanding Council's resolution, the Owner shall provide further supporting documentation in support of the Class 4 designation for the portions of the Subject Lands that do not currently have a Class 4 designation pursuant to the MECP noise guidelines (Publication NPC-300).

Prior to final registration of each phase of the Draft Plan and final approval of Site Development applications for each phase of the Draft Plan, the following shall be completed by the Owner for the CLDC lands:

1. The Owner shall provide a digital copy of Noise & Vibration Feasibility Assessment on the balance of the subject lands, to the satisfaction of the City
2. The Owner shall provide an initial deposit of \$8000.00 towards the cost of the Peer Review in the form of a certified cheque, to the City, and
3. The Owner shall provide written proof and supporting documentation to the City that Items No. 28 to 33, 47 to 50 and other relevant items or sections in the executed MOS agreement have been satisfied.

Relevant noise conditions to this effect have been included in Attachment 1a).

Upon satisfaction of the City that all requirements and supporting documentation have been satisfied and provided, the City's Noise By-Law shall be amended to include the CLDC lands as a Class 4 designation in accordance with MECP noise guidelines.

Notwithstanding any approved Class 4 designation by the City, staff will require implementation of noise attenuation measures to achieve Class 1 sound level limits within the development wherever practically and economically feasible.

Geotechnical and Hydrogeological Report

The Owner shall provide Geotechnical and Hydrogeological Investigation ('GHI') Reports for each phase of the Draft Plan to the satisfaction of the City.

The Owner shall update the submitted GHI Reports for Phase 1 of the Draft Plan, as necessary. The GHI Reports shall evaluate any groundwater and hydrogeological impacts associated with the Development and recommend the ground water control measures to be implemented during the Site Plan and detailed design stages, as required by the applicable City of Vaughan by-laws and procedures.

The DE Department has no objections to the Draft Plan subject to their Conditions of Approval in Attachment 1a).

The Financial Planning and Development Finance Department have no objection to the Applications, subject to the Conditions of Approval

The Owner shall enter into a Subdivision Agreement with the City of Vaughan to satisfy all conditions, financial or otherwise of the City, regarding matters the City may consider necessary, including payment of all applicable development charges. The underground parking will be assessed Development Charges in accordance with the City and York Region's current Development Charge By-law at the time of Building Permit issuance. Cost-sharing for oversizing works may also be applicable. A condition to this effect is included in Attachments 1a) and 2.

The Parks Infrastructure Planning and Development ('PIPD') Department has no objection to the Applications, subject to Conditions of Approval

The PIPD Department has reviewed the Applications and provides the following comments:

Council enacted By-law 168-2022 as the new Parkland Dedication By-law to govern conveyance of parkland and/or alternative payment of cash-in-lieu of parkland (CIL).

On September 18, 2022 the City's new Parkland Dedication By-law came into effect. Accordingly, the Applicant has requested consideration for full parkland dedication credits for the conveyance of Blocks 18, 20, and 21 to the City as a contribution towards the parkland dedication requirements for the Applications. The parkland considerations of the Applications are being considered based on the criteria included in By-law 168-2022 and would be eligible for 100% parkland dedication credits as follows:

3(1) The City requires lands that fully meet the City's requirements for parklands, which can include passive recreation uses. Such lands accepted by the City for dedication shall receive full (100%) credit towards satisfying the parkland dedication requirements for a development or redevelopment.

3(2) The City will accept the following encumbered lands at a full (100%) credit towards satisfying the parkland dedication requirements for a development or redevelopment:

- a. Strata parks
- b. Land encumbered by underground storm water facilities, utility corridors, and other publicly owned infrastructure.
- c. Land that forms part of the Natural Heritage Network and associated buffers.
- d. Land encumbered by floodplains.
- e. Land encumbered by sustainability features.
- f. Land within the Greenbelt or Oak Ridges Moraine.

3(3) Consideration and provision of parkland credits for the encumbered lands provided in section 3(2) shall require the owner to enter into an agreement with the City for dedication of land that:

- a. is permit-ready for active and/or passive park programming;
- b. is designed and developable to City standards;
- c. does not prohibit or restrict public programming;
- d. will be open and accessible to the public at all times;
- e. meets any further applicable criteria in the City's Official Plan or Secondary Plan; and
- f. meets requirements of the Greenbelt or the Oak Ridges Moraine policies where applicable.

3(5) Notwithstanding sections 3(2) and 3(4), lands not acceptable for parkland dedication and any credit are the following:

- a. Lands with poor drainage, erosion issues, extreme slopes, and other adverse physical conditions
- b. Lands required to accommodate open storm water management facilities
- c. Lands deemed by the City to be contaminated in any way
- d. Lands that prohibit or restrict public programming.

Abeja District: Parks Facilities Site Composition Planning

The PIPD Department acknowledges the efforts spent by the Owner and consultants through the preparation of the Abeja District: Parks Facilities Site Composition Planning ('Parkland Master Plan') document, prepared by Studio TLA, dated March 2022, to meet the programming requirements generated by the planned population at full build out of the Draft Plan, including designing and depicting a meaningful and elaborate flow of open space within the proposed urban fabric. Notwithstanding, PIPD staff provide the following comments:

- a) Limited public road frontage associated with the proposed parkland raises concerns with respect to limitations for visible public access, maintenance access, and security and liability. Proposed park designs are required to review and consider alternatives to mitigate the identified concerns.
- b) Block 18 of the Draft Plan measures approximately 0.2 Ha and is comprised primarily of unrestricted tableland generally suitable for construction of active park facilities, however, this area is significantly restricted by size and configuration. Proposed park designs must seek opportunities to provide active park facilities within this block, designed to City standards.
- c) Block 20 of the Draft Plan measures approximately 0.19 ha and is comprised of transitional vegetation and moderately sloping topography. This area may be suitable for active and/or passive parkland facilities, subject to further review and confirmation. Proposed park designs must seek opportunities to provide active and passive park facilities within this block, designed to City standards.
- d) Block 21 of the Draft Plan measures approximately 0.43 ha and is comprised of Woodland features of the Natural Heritage Network. This area may be suitable for passive parkland facilities, subject to further review and confirmation. Proposed park designs must seek opportunities to provide passive park facilities within this block, designed to City standards.
- e) The total combined proposed parkland dedication of Blocks 18, 20, and 21 measures approximately 0.821 ha which represents approximately 30% of the public parkland area initially identified for this community. Provision of public parkland measuring 2.63 ha would be consistent with a typical neighbourhood parkland designation as identified in the VM CSP for the Subject Lands to service future residents east of Jane Street with the necessary outdoor active recreational facilities as guided by the provisions of the ATMP, and contribute to the City's objective of providing 2.0Ha of parkland per 1000 residents.
- f) The eligibility of Block 20 and 21 to be considered 100% parkland dedication credits is subject to the Applicant meet conditions of section 3(3) of By-law 168-2022, specifically ensuring that the lands are permit-ready for active or passive programming.
- g) To meet the provisions of the Parkland Dedication Bylaw 168-2022, the final size and configuration of park and associated blocks that will be considered to contribute towards parkland dedication credit will be subject to field verification and ensure they meet section 3(5) of By-law 168-2022 and excludes lands with poor drainage, erosion issues, extreme slopes and other adverse physical conditions, deemed by the City to be contaminated in any way and prohibit or

restrict public programming, and accommodate open storm water management facilities.

A condition to this effect is included in Attachment 1a).

Tree Inventory and Preservation Plan Report ('TIPP')

PIPD staff provide the following comments on the TIPP:

- a) The submitted TIPP identifies all remaining woodland trees within the public park Block 18 to be removed, and detailed location and condition comments are not provided. PIPD staff requests that the existing trees within Block 18 be inventoried and location and detailed size condition information be provided. The Owner shall submit to the City an updated Parkland Master Plan and an updated TIPP, addressing the above comments.

A condition to this effect is included in Attachment 1a).

The Owner shall submit to the City an updated Parkland Master Plan and an updated TIPP, addressing the above comments. A condition to this effect is included in Attachment 1a).

Timing of Parkland Conveyance

- a) Following the registration of the plan, the applicant shall convey the public park Block 18 free of encumbrances to the satisfaction of the City.

A condition to this effect is included in Attachment 1a).

Community Multi-use Recreational Trails

The 2020 Pedestrian and Bicycle Master Plan identifies a requirement for a pedestrian/ bicycle route through the subject lands connecting the open space lands to Jane / Rutherford intersection. The provision of a future walkway/trail connection would assist with respect to providing access from Creditstone Road through the open space ideally within the buffer block lands to the planned multiuse pathway on Rutherford Road.

The Owner shall submit a Trail Feasibility Brief and Plan examining the potential feasibility of a trail/pedestrian connection or improvements and showing proposed trail alignment and connections on plan.

A condition to this effect is included in Attachment 1a).

Block 4 POPS Parkland Credits

The Development proposed for Block 4 of the Draft Plan and subject to Site Development File DA.19.010 includes POPS at grade north of the main building with a series of ramps leading to an interior open space at the second floor.

100% parkland dedication credits for POPS are to be based on section 3(4) of By-law 168-20 as follows:

3(4) Through the development approval process, City Council may choose to accept land proposed as a privately owned public space at full (100%) credit towards satisfying the parkland dedication requirements for a development or redevelopment. Consideration and provision of parkland credits for a privately owned public space shall require the owner to enter into an agreement with the City providing that the privately owned public space:

- a. is designed, developed and maintained to City standards;
- b. is open and accessible to the public at all times; and
- c. meets any further applicable criteria in the City's Official Plan or Secondary Plan.

Furthermore, for areas to be considered POPS, Section 6.2.8.j of the Urban Design Guidelines includes the following requirements for a POPS to meet at a minimum:

- a) Located in a prominent, public facing location.
- b) Provides a critical site connection that benefits the surrounding community.
- c) Fulfills a required open space need that has been identified for the development of the surrounding community.
- d) An integral part of the surrounding public realm design and/or landscape treatments.
- e) The main entrance of future development is located off of the POPS as a mid-block connection.

Based on the above, Staff recommends that part of the proposed POPS that meet above requirements within Block 4 are eligible for 100% parkland credits.

Payment-In-Lieu of Parkland Dedication

To meet parkland dedication requirements under the *Planning Act*, the VOP 2010 (Section 7.3.3 Parkland Dedication) and in-effect Parkland Dedication By-law and applicable amendments, payment-in-lieu of parkland shall be provided, discounting any public parkland dedicated to the City. Real Estate Services shall review and provide comments as required prior to Building Permit. The valuation date of land value for payment-in-lieu, including determining what unit rate shall apply under the Parkland

Dedication By-law, shall be the day before the day the required first Building Permit is issued for the Development.

A condition to this effect is included in Attachment 2.

Site Plan

The PIPD Department has no objection to the Site Plan subject to the Owner addressing any outstanding comments provided by PIPD and subject to warning clauses being included in all Offers of Agreement of Purchase and Sale or Lease for all units advising potential Owners that the public park land may not be fully developed at the time of occupancy.

Conditions to this effect are included in Attachment 1a).

The Owner shall enter into a Tree Protection Agreement

The Owner has submitted a Tree Inventory and Preservation Plan ('TIPP') Report, dated July 14, 2022, prepared Kuntz Forestry Consulting Inc. which updated the TIPP Report prepared by Kuntz Forestry Consulting Inc. dated March 30, 2016, revised May 9, 2016.

The July 14, 2022 TIPP report was updated to reflect the removal of trees from the Subject Lands, which were identified in the May 9, 2016 TIPP Report.

The Owner will enter into a Tree Protection Agreement with the Development Planning Department, to identify the standards and procedures required by the City to protect the remaining public and private trees through the development review processes as indicated in the City's Tree Protection Protocol. A condition to this effect is included in Attachment 1a).

The Real Estate Department has no objection to the Applications, subject to Conditions of Approval

The Real Estate Department has no objection to the approval of the Applications. For high-density residential development, the Owner shall convey land at a rate of 1 hectare per 300 units and/or pay to the City of Vaughan by way of certified cheque, cash-in-lieu of the dedication of parkland at the rate of 1 hectare 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 of Vaughan's Cash-in-Lieu of Parkland Dedication Policy. A condition to this effect is included in Attachment 2.

An Order to Comply and Stop Work Order was issued to the Owner by the City

An Order to Comply pursuant to Section 12(2) of the *Building Code Act* was issued to the Owner by the City on February 25, 2022. The Order to Comply was issued because the underground parking structure for the Development subject to Site Development File DA.19.010 was being constructed prior to obtaining the required Building Permit.

Construction continued to take place on the Subject Lands without a Building Permit, therefore a Stop Work Order was issued to the Owner by the City on April 5, 2022. The Stop Work Order will continue to be in place, until the Owner obtains the required Building Permit from the City.

The Toronto and Region Conservation Authority ('TRCA') has no objection to the Applications, subject to Draft Plan Conditions of Approval

The TRCA has no objection to the Site Plan. The TRCA also has no objection to the Draft Plan, subject to their comments and Conditions of Approval in Attachment 1c) being addressed by the Owner.

Regarding the proposed Woodland removals within TRCA's regulated area, TRCA will require compensation consistent with TRCA's Guideline for Determining Ecosystem Compensation (the 'Guidelines') through the issuance of their permit. This would include both ecosystem structure compensation and land base compensation as per the Guideline. The TRCA defers to the City of Vaughan to determine the appropriate compensation for the unauthorized Woodland removals that have taken place outside of the TRCA's regulated area on the Subject Lands, which is discussed earlier in this report. The compensation that the TRCA is seeking from the Owner is in addition to the compensation being sought by the City.

Canadian National Railway ('CN Rail') has no objection to the Applications, subject to Conditions of Approval

CN Rail has advised that the Subject Lands are located within 1000 m of a CN Rail main rail yard (CN MacMillan Yard).

The OLT's Decision dated December 18, 2018, approved in principle, the first phase of development (Block 4) of the Subject Lands. The OLT's final Order was to be withheld until the OLT was informed that the Owner and Canadian National Railway ('CN Rail') reached an agreement, and it was registered on title. The Owner and CN Rail reached an agreement on September 23, 2019, and it was registered on October 24, 2019, for the lands in Block 4. OLT issued the final Order on December 24, 2019.

CN Rail has no objection to the approval of the Applications, subject to the Conditions of Approval applicable to the balance of the lands outside of Block 4, included in Attachment 1d).

Canada Post has no objection to the Applications, subject to the Conditions of Approval

Canada Post Corporation has no objection to the Applications, subject to the Conditions of Approval included in Attachment 1e).

The School Boards have no objection to the Applications

The York Region District School Board ('YRDSB') advised that they have no objection to the approval of the Applications based on the understanding that an elementary school site in the location identified in the VM CSP (northeast corner of Edgeley Boulevard and Bass Pro Mills Drive) continues to be available to the YRDSB for the development of an elementary school once there is a threshold of students to proceed with a request to the Ministry for capital priorities funding. The York Catholic District School Board ('YCDSB') have advised they have no objection to the Applications, subject to sidewalks being provided on at least one side of all streets within this plan. No comments were received from the Conseil Scolaire de District Catholique Centre Sud.

The various utilities have no objection to the Applications, subject to Conditions of Approval

Bell Canada has no objection to the Applications subject to their conditions included in Attachment 1f).

Alectra Utilities Corporation has no objection to the Applications subject to their conditions included in Attachment 1g).

Enbridge Gas Inc. has no objection to the Applications subject to their conditions included in Attachment 1h).

Rogers has no objections to the Applications.

Financial Impact

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

Broader Regional Impacts/Considerations

York Region Community Planning and Development Services ('CPDS') has no objection to the Applications, subject to the Conditions of Approval

York Region CPDS has no objections to the Applications, subject to their comments and Conditions of Approval included in Attachments 1b) and 2.

The Subject Lands are located at the southeast quadrant of Rutherford Road and Jane Street, which are both under the jurisdiction of York Region.

York Region on August 12, 2019, advised through their review of the Draft Plan, that the Owner is required to convey the following to York Region:

- widenings across the full frontage abutting Rutherford Road and Jane Street of sufficient width to provide a minimum of 21.5 m and 22.5 m respectively, from the centre line of construction of Rutherford Road and Jane Street
- 10 m by 10 m daylight triangles at the intersection of Street 'A' and Jane Street, and Street 'B' and Rutherford Road from the widened limit of Jane Street and Rutherford Road respectively
- a 20 m by 20 m daylight triangle in the southeast corner of the intersection of Jane Street and Rutherford Road, measured from the widened limits of Jane Street and Rutherford Road
- a 0.3 m reserve adjacent to the above-noted widenings

Conclusion

The Development Planning Department is satisfied that the Applications are consistent with the PPS, and conforms to the Growth Plan, the YROP and VOP 2010 policies, as well as the OLT approvals and the MZO. The Applications will facilitate development on the Subject Lands that is appropriate and compatible with the existing and planned land uses in the surrounding area. On this basis, the Development Planning Department can support approval of the Applications, subject to the Recommendations in this report and the Conditions of Approval in Attachments 1 and 2.

For more information, please contact Letizia D'Addario, Senior Planner, Extension 8213.

Attachments

1. Conditions of Draft Plan of Subdivision Approval (including Attachments 1a to 1i).
2. Conditions of Site Development Approval
3. Context and Location Map
4. Draft Plan of Subdivision File 19T-18V001 (with MZO overlay)
5. Site Plan and Zoning
6. Landscape Plan
7. Building Elevations – West Elevation Facing Jane Street
8. Building Elevations – South Elevation Facing Street 'B' (Abeja Street)
9. Building Elevations – East Elevation Facing Street 'A' (Caldari Road Extension)
10. Building Elevations – North Elevation Facing Privately-Owned Publicly Accessible Space ('POPS')

Prepared by

Letizia D'Addario, Senior Planner, extension 8213.

Mary Caputo, Senior Manager of Development Planning, extension 8635.

Nancy Tuckett, Director of Development Planning, extension 8529.

Approved by

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

Haiqing Xu, Deputy City Manager,
Planning and Growth Management

Reviewed by

A handwritten signature in black ink, appearing to read 'Nick Spensieri'.

Nick Spensieri, City Manager

ATTACHMENT 1
CONDITIONS OF APPROVAL

**DRAFT PLAN OF SUBDIVISION FILE 19T-18V001 ('THE PLAN')
RUTHERFORD LAND DEVELOPMENT CORP. ('THE OWNER')
PART LOT 15 AND CONCESSION 4, CITY OF VAUGHAN**

**THE CONDITIONS OF THE COUNCIL OF THE CITY OF VAUGHAN THAT SHALL
BE SATISFIED PRIOR TO THE RELEASE FOR REGISTRATION OF PLAN OF
SUBDIVISION FILE 19T-18V001 ('THE PLAN') ARE AS FOLLOWS:**

The Owner shall satisfy the following Conditions of Approval:

1. The Conditions of Approval of the City of Vaughan as set out in Attachment 1a).
2. The Conditions of Approval of York Region as set out in Attachment 1b) and dated August 12, 2019.
3. The Conditions of Approval of the Toronto and Region Conservation Authority as set out in Attachment 1c) and dated May 26, 2022.
4. The Conditions of Approval of CN Rail as set out in Attachment 1d) and dated May 20, 2022 and May 26, 2022.
5. The Conditions of Approval of Canada Post as set out in Attachment 1e) and dated April 12, 2018.
6. The Conditions of Approval of Bell Canada as set out in Attachment 1f) and dated May 18, 2022.
7. The Conditions of Approval of Alectra Utilities Corporation as set out in Attachment 1g) and dated February 15, 2018.
8. The Conditions of Approval of Enbridge Gas Inc. as set out in Attachment 1h) and dated March 1, 2019.
9. The Conditions of Approval of York Catholic District School Board as set out in Attachment 1i) and dated April 20, 2022.

Clearances

1. Final approval for the registration of the Plan may be issued in phases to the satisfaction of the City, subject to all applicable fees provided that:
 - a. phasing is proposed in an orderly progression, in consideration of such matters as the timing of road improvements, infrastructure, schools and other essential services; and
 - b. All commenting agencies agree to registration by phases and provide clearances, as required on Conditions in Attachments 1a), 1b), 1c), 1d), 1e), 1f), 1g), 1h) and 1i) for each phase proposed for registration; and furthermore, the required clearances may relate to lands not located within the phase sought to be registered.
2. The City shall advise that the Conditions in Attachment 1a) have been satisfied and the clearance letter shall include a brief statement detailing how each condition has been met.
3. York Region shall advise that the Conditions in Attachment 1b) have been satisfied and the clearance letter shall include a brief statement detailing how each condition has been met.
4. The Toronto and Region Conservation Authority shall advise that the Conditions in Attachment 1c) have been satisfied and the clearance letter shall include a brief statement detailing how each condition has been met.
5. CN Rail shall advise that the Conditions in Attachment 1d) have been satisfied and the clearance letter shall include a brief statement detailing how each condition has been met.
6. Canada Post shall advise that the Conditions in Attachment 1e) have been satisfied and the clearance letter shall include a brief statement detailing how each condition has been met.
7. Bell Canada shall advise that the Conditions in Attachment 1f) have been satisfied and the clearance letter shall include a brief statement detailing how each condition has been met.
8. Alectra Utilities shall advise that the Conditions in Attachment 1g) have been satisfied and the clearance letter shall include a brief statement detailing how each condition has been met.

9. Enbridge Gas Inc. shall advise that the Conditions in Attachment 1h) have been satisfied and the clearance letter shall include a brief statement detailing how each condition has been met.
10. York Catholic District School Board shall advise that the Conditions in Attachment 1i) have been satisfied and the clearance letter shall include a brief statement detailing how each condition has been met.

ATTACHMENT 1a)

**CONDITIONS OF APPROVAL
DRAFT PLAN OF SUBDIVISION FILE 19T-18V001 ('THE PLAN')
RUTHERFORD LAND DEVELOPMENT CORP. ('THE OWNER')
PART OF LOT 15, CONCESSION 4, CITY OF VAUGHAN**

**THE CONDITIONS OF THE COUNCIL OF THE CITY OF VAUGHAN ('THE CITY')
SHALL BE SATISFIED PRIOR TO THE RELEASE FOR REGISTRATION OF THE
PLAN, ARE AS FOLLOWS:**

CITY OF VAUGHAN CONDITIONS

1. The final Plan shall relate to the Draft Plan of Subdivision, prepared by Bousfields Inc., dated March 30, 2022, updated November 9, 2022 (the 'Plan').
2. The Owner shall provide the final georeferenced AutoCAD drawings of the plan of subdivision, site plan and landscape plan, the associated Excel translation files and individually layered pdfs for all drawings to the satisfaction of the GIS section of the Development Planning Department. If the files meet requirements, an email from gisplanning@vaughan.ca confirming the final submission has been approved will be provided.
3. The lands within the Plan shall be appropriately zoned by a Zoning By-law which has come into effect in accordance with the provisions of the *Planning Act*.
4. The Owner shall pay any and all outstanding application fees to the Development Planning Department and the Development Engineering Department, in accordance with the in-effect Tariff of Fees By-law.
5. The Owner shall pay \$2,000,000 (two million dollars) to the City for both Woodland vegetation replacement value and the land value, as compensation for the unauthorized removal of 1.02 hectares of Woodland trees on the Subject Lands.
6. The Owner shall withdraw their appeal of Official Plan Amendment File OP.06.028 and Zoning By-law Amendment File OP.06.075 and Vaughan Official Plan 2010 (OLT Files PL140839, PL140154 and PL111184) for the subject lands to the satisfaction of the Deputy City Manager
7. If a lot/block is created through the phased registration of the Plan, the Owner shall agree in the subdivision agreement for Phase 1, to register an M-Plan and enter into a subdivision agreement for the lot/block created.

8. The Owner shall enter into a subdivision agreement with the City of Vaughan for each phase to satisfy all conditions, financial or otherwise of the City, with regard to such matters as the City may consider necessary, including payments of development levies, the provisions of roads and municipal services, landscaping and fencing. The said agreement for each phase shall be registered against the lands to which it applies.
9. The Owner shall dedicate all roads, daylight triangles included within this draft plan of subdivision as public highways without monetary consideration and free of all encumbrances.
10. The road allowances included within this draft plan of subdivision shall be named to the satisfaction of the City and the Regional Planning Department.
11. The road allowances included in the Plan shall be designed in accordance with the City's standards for road and intersection design, temporary turning circles, daylighting triangles, and 0.3 metre reserves. The pattern of streets and the layout of lots and blocks shall be designed to correspond and coincide with the pattern and layout of abutting developments.
12. Any dead ends or open sides of road allowances created by this draft plan of subdivision shall be terminated in 0.3 metre reserves, to be conveyed to the City without monetary consideration and free of all encumbrances, to be held by the City until required for future road allowances or development of adjacent lands.
13. The Owner shall agree in the subdivision agreement for each phase that construction access shall be provided only in a location approved by the City and the York Region.
14. Prior to final approval of the Plan, the Owner shall provide easements as may be required for utility, drainage or construction purposes shall be granted to the appropriate authority(ies), free of all charge and encumbrance.
15. Prior to final approval, a soils report prepared at the Owner's expense shall be submitted to the City for review and approval. The Owner shall agree in the subdivision agreement for each phase to carry out, or cause to carry out, the recommendations including pavement design structure for ideal and non-ideal conditions to the satisfaction of the City.
16. Prior to the initiation of grading, and prior to the final approval of this draft plan of subdivision or any phase thereof, the owner shall submit to the City for review and approval the following:

A detailed engineering report that describes the storm drainage system for the proposed development within this draft plan, which report shall include:

- a) plans illustrating how this drainage system will tie into surrounding drainage systems, and indicating whether it is part of an overall drainage scheme, how external flows will be accommodated, and the design capacity of the receiving system;
- b) the location and description of all outlets and other facilities;
- c) storm water management techniques which may be required to control minor or major flows; and
- d) proposed methods of controlling or minimizing erosion and siltation onsite and in downstream areas during and after construction.

The Owner shall agree in the subdivision agreement for each phase to carry out, or cause to carry out, the recommendations set out in any and all of the aforementioned reports to the satisfaction of the City.

- 17. The Owner shall agree in the subdivision agreement for each phase that no building permits will be applied for or issued until the City is satisfied that adequate road access, municipal water supply, sanitary sewers, and storm drainage facilities are available to service the proposed development.
- 18. Prior to final approval of the Plan, the Owner shall pay its proportionate share of the cost any external municipal services, temporary and/or permanent built or proposed, that have been designed and oversized by others to accommodate the development of the plan. The City agrees to utilize its reasonable efforts to recover the Owner's costs of any external municipal services that have been designed and oversized by the Owner to accommodate any benefitting owners.
- 19. The Owner shall relocate or decommission any existing municipal infrastructure or utilities, internal or external to the Plan, to facilitate the Plan, at its own expense, to the satisfaction of the City.
- 20. The Owner shall agree in the subdivision agreement for each phase to design, purchase material and install a LED streetlighting system in the Plan in accordance with City Standards and Specifications. This Plan shall be provided with decorative streetlighting to the satisfaction of the City.
- 21. The Owner shall agree in the subdivision agreement for each phase that all lots or blocks to be left vacant shall be graded, seeded, maintained and signed to prohibit dumping and trespassing.

22. The Owner shall agree in the subdivision agreement for each phase to maintain adequate chlorine residuals in the watermains within the Plan after successful testing and connection to the potable municipal water system and continue until such time as determined by the City or until assumption of the Plan. In order to maintain adequate chlorine residuals, the Owner will be required to retain a licensed water operator to flush the water system and sample for chlorine residuals on a regular basis determined by the City. The Owner shall be responsible for the costs associated with these activities including the metered consumption of water used in the program.
23. Prior to final approval of the Plan, the Owner shall submit an environmental noise impact study, prepared in accordance with the MECP NPC-300 for review and approval of the City. The preparation of the noise study shall include the ultimate traffic volumes associated with the surrounding road and rail network. The Owner shall agree in the subdivision Agreement for each phase to carry out, or cause to carry out, the recommendations set out in the approved noise study and include necessary warning clauses in all Offers of Sale or Lease, to the satisfaction of the City.
24. The Owner shall cause the following warning clauses to be included in a schedule to all offers of purchase and sale, or lease for all lots/blocks within the entire Plan:
 - a) "Purchasers and/or tenants are hereby put on notice that the *Telecommunications Act* and the 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."
 - b) "Purchasers and/or tenants are advised that despite the inclusion of noise control features within both the development area and the individual building units, noise levels, including from construction activities, may be of concern and occasionally interfere with some activities of the building occupants."

Any additional warning clause as noted in the subdivision agreement for each phase shall be included in all Offers of Purchase and Sale or Lease for all Lots and/or Blocks within the Plan to the satisfaction of the City.
25. The Owner shall agree to include the following conditions in the Subdivision Agreement for Phase 1 of the Plan:

- a) The Owner shall design and construct the Street 'A' (Caldari Road extension) and a cul-de-sac turnaround at the terminus of Street 'A', including installation of the necessary municipal services and utilities all to the satisfaction of the City;
- b) The Owner shall make arrangement with the owner of adjacent lands to the south, "Tesmar", to coordinate and cost-share design and construction of Street 'B' (Abeja Street) and Street 'A' (Caldari Road extension), including the associated utilities and municipal services; the necessary improvements to Riverock Gate; and the intersection improvement and signalization of Riverock Gate and Caldari Road, to the satisfaction of the City;
- c) The Owner shall submit a geotechnical report that identifies the existing site conditions and provides recommendations for the design and construction of the proposed municipal infrastructure and services including a pavement design structure for ideal and non-ideal conditions to the satisfaction of the City. The Owner shall agree in the Subdivision Agreement to carry out, or cause to carry out, the recommendations of the report to the satisfaction of the City;
- d) The Owner shall submit a functional servicing report and a detailed storm water management report that describes the storm drainage system for the proposed site development and Street 'A' (Caldari Road extension) and Street 'B' (Abeja Street), which report shall include:
 - i. Plans to illustrate how this drainage system will tie into surrounding drainage systems, and indicating whether it is part of an overall drainage scheme, how external flows will be accommodated, and the design capacity of the receiving system;
 - ii. The location and description of all outlets and other facilities;
 - iii. Storm water management techniques, which may be required to control minor and major flows; and
 - iv. Proposed methods of controlling or minimizing erosion and siltation on-site and in downstream areas during and after construction.

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

- e) The Owner shall design and construct street lighting/pedestrian scale lighting system on Street 'A' (Caldari Road extension) and Street 'B' (Abeja Street) to the satisfaction of the City. The streetlight system shall use LED luminaire, pole type and type of fixtures (or equivalent) in accordance with the City Standards and Specification and the City's Streetscape/Open Space Master Plan.

- f) The Owner shall pay the City its proportionate share of the cost of any external municipal services and roads that have been designed and oversized by others to accommodate the development of the lands.
- g) The Owner shall prepare all documents and grant a temporary public access easement, associated with a temporary cul-de-sac turnaround at Caldari Road Extension of Phase 1, to the City without monetary considerations and free of all encumbrances, to allow public pedestrian and vehicular access, as well as City's vehicles access for emergency, operation and maintenance purposes, in perpetuity and at all times, to the satisfaction of the City. The temporary access easement shall be discharged when:
 - i. Full right-of-ways associated with the ultimate Caldari Road extension to Rutherford Road has been completely conveyed to the City;
 - ii. Construction of the ultimate Caldari Road extension to Rutherford Road has been implemented to the satisfaction of the City; and
 - iii. The Caldari Road Extension from the temporary cul-de-sac to Rutherford Road has been dedicated as a Public Highway.
- h) The Owner shall agree in an agreement associated with Phase 1 (Block 4 development related to DA.19.010) with the City to design and construct Caldari Road extension and temporary turnaround to service Phase 1 (Block 4) development, at no cost to the City and to the satisfaction of the City.
- i) 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 on the Street 'A' (Caldari Road extension) and Street 'B' (Abeja Street) to City standard. The Owner shall be responsible for all costs incurred by the City in connection with the water used for testing and flushing the water distribution system.
- j) The Owner shall agree to implement the approved erosion and sediment control plan, construction management plan and traffic control plan; operate and maintain the required measures at all times during construction of the subject development.
- k) The Owner shall agree to minimize traffic disruption to existing establishments in the vicinity area through implementation of adequate traffic control measures and designated construction access(es). The City reserves its rights to request necessary modifications to construction management plan and traffic control plan, and location of designated construction access(es), in response to actual traffic conditions at any time deemed necessary by Traffic Operation Staff of the City.

26. Prior to the final approval of each phase of the Plan, the Owner shall provide, to the satisfaction of Development Engineering Department, the final site servicing and grading plans, erosion control plan, functional servicing and storm water management reports and drawings, site illumination plan, utility coordination plan, geotechnical and hydrogeological reports, Traffic Impact Study (TIS), and Transportation Demand Management Plans (TDM Plans). Note that additional information and documents may be required upon subsequent submission. The Owner shall agree in the Subdivision Agreement for each phase of the Plan to implement the recommendations of these reports and plans to the satisfaction of the City.
27. Prior to the final approval of each phase of the Plan, the Owner shall carry out, at no cost to the City, any temporary or permanent, drainage works that may be necessary to eliminate ponding or erosion caused by design or construction deficiencies within the Subdivision to the satisfaction of the Development Engineering. The decision of the Development Engineering as to the required works to be undertaken in this regard shall be final and binding.
28. Prior to final approval of the Plan, the Owner shall provide confirmation that satisfactory arrangements have been made with a suitable telecommunication provider to provide their services, and if required within the municipal right of way at the approved locations and to the satisfaction of the City. The Owner shall provide a copy of the fully executed Subdivision Agreement for each phase to the appropriate telecommunication provider.
29. Prior to final approval of the Plan, the Owner shall provide a phasing and implementation plan, which includes details concerning such matters as the ultimate and interim traffic and transportation system, storm water management, and servicing to the satisfaction of York Region and the City. The plan should specify the required infrastructure improvements and development triggers to support the development of the Plan.
30. The Owner shall agree in subdivision agreement to design and construct, at no cost to the City, necessary interim services, if required, to service various development phases of the Plan, to the satisfaction of the City.
31. The Owner shall agree to enter into an agreement with the City, to design and construct, at no cost to the City, cycling infrastructure (including signage and pavement markings) along the east boulevard of Jane Street from Abeja Street to Rutherford Road, including crossings at Abeja Street and Rutherford Road to the satisfaction of the City and York Region.

32. The Owner shall enter into a subdivision agreement of each phase of the Plan with the City, to design and construct, at no cost to the City:
- a) Abeja Street from Jane Street to Caldari Road Extension
 - b) Caldari Road Extension from Riverrock Gate to Abeja Street
 - c) Caldari Road Extension from Abeja Street to Rutherford Road
 - d) Including but not limited to associated utilities and municipal services (i.e. watermain, sanitary and storm sewers), streetscape and landscape elements
 - e) Implementation of intersection improvements and signalization at Rutherford Road and Caldari Road, as required by the City and York Region, and
 - f) Implementation of intersection improvements at Riverrock Gate and Caldari Road, including traffic signalization in accordance with City specifications.

The City may reimburse the cost of the growth-related portion of the works that have been identified in City's latest Development Charges Background Study upon availability of funding by an approved Capital Budget.

33. The Owner shall enter into a subdivision agreement for each phase of the Plan to design and construct, the proposed public roads, municipal servicing and any required infrastructure improvements and/or upgrades, to the satisfaction of the City, at no cost to the City. The construction of public roads and municipal servicing within each phase of the Plan shall be completed prior to occupancy of the building(s).
34. Prior to registration of Phase 1 of the Plan and prior to execution of the site development agreement of Phase 1, and prior to issuance of any building permit on Phase 1 of the Plan, the Owner shall convey to the City all remaining blocks of lands on the Subject Lands necessary to complete the Public Right-Of-Ways and road intersections of (i) Abeja Street and (ii) Caldari Road Extension from Abeja Street to Riverrock Gate. The Owner shall prepare all documents and convey the said lands and blocks to the City, without monetary considerations and free of all encumbrances, to the satisfaction of the City.
35. The following warning clauses shall be included in all Offers of Purchase and Sale or Lease for Lots and Blocks on the Plan.
- a) "Purchasers and/or tenants are advised that the Caldari Road extension will be connected to Rutherford Road to facilitate development of this lands and adjacent lands without further notice."
 - b) "Purchasers and/or tenants are advised that despite the inclusion of noise control features within this development area and within the building units,

sound levels from CN MacMillan Yard, surrounding commercial/industrial areas, increasing road traffic on Jane Street, Rutherford Road and Caldari Road may continue to be of concern, occasionally interfering with some activities of the dwelling occupants as the sound level exceeds the City's and the Ministry of Environment, Conservation and Parks' noise criteria.

- c) "Purchasers and/or tenants are advised that the dwellings are located in a designated Class 4 Noise Area pursuant to MECP NPC-300."

- 36. The following warning clauses, in addition to the warning clauses that are listed in Schedule "K" of the Minutes of Settlement, shall be included in the Agreement for each phase of the Plan, all Offers of Purchase and Sale or Lease Agreement of any phase or development block of the Plan, condominium declarations, and condominium agreement:

- a) "Purchasers/tenants are advised that sound levels due to increasing road traffic may occasionally interfere with some activities of the dwelling occupants as the sound levels exceed the sound level limits of the Municipality and the Ministry of the Environment, Conservation and Parks."
- b) "Purchasers/tenants are advised that despite the inclusion of noise control features in the development and within the building units, sound levels due to increasing road traffic may occasionally interfere with some activities of the dwelling occupants as the sound levels exceed the sound level limits of the Municipality and the Ministry of the Environment, Conservation and Parks."
- c) "This dwelling unit has been designed with the provision for adding central air conditioning at the occupant's discretion. Installation of central air conditioning by the occupant will allow windows and exterior doors to remain closed, thereby ensuring that the indoor sound levels are within the sound level limits of the Municipality and the Ministry of the Environment, Conservation and Parks."
- d) "This dwelling unit has been supplied with a central air conditioning system which will allow windows closed and exterior doors to remain closed, thereby ensuring that the indoor sound levels are within the sound level limits of the Municipality and the Ministry of the Environment, Conservation and Parks."
- e) "Purchasers/tenants are advised that due to the proximity of CN MacMillan Yard, adjacent industries and commercial facilities, sound levels from the said noise sources may at times be audible."

- 37. Prior to the final site development approval of any development block(s) within subsequent phases of the Plan as identified on the approved Draft Plan of Subdivision and excluding Phase 1 (Block 4 development related to DA.19.010),

the City and York Region shall confirm that adequate allocation of water supply and sewage treatment capacity are available for the development block(s).

38. Prior to earlier of the initiation of any grading or construction on the subdivision, the Owner shall install an erosion and sediment control within the property. The erosion and sediment control shall be designed and maintained in place until sufficient grass cover is established within the site to the satisfaction of the City.
39. Prior to final approval of the Plan, the Owner shall submit to the City for review and approval a detailed geotechnical and hydrogeological report, which shall address but not limited to the following:
 - a) a dewatering report/plan, necessary contingency plan, monitoring and reporting program during and after completion of the construction;
 - b) assessment of the potential for impact to the existing building structures in vicinity of the proposed development due to dewatering operation; and,
 - c) design considerations for municipal services and structures.
40. Prior to final approval of the Plan, the Owner shall obtain necessary permission, permits and Approvals from the City and MECP for all sewage works that service the development including but not limited to proposed stormwater management facilities, watermains, sanitary and storm sewers.
41. Prior to registration of Phase 1 of the Plan and execution of site development agreement of Phase 1 of the Plan, the Owner shall pay the City its proportionate share of the cost of Keffer SWM pond that was built as part of the Keffer Subdivision (65M-3381) and the RLDC was a non-participating land, pursuant to the Keffer Industrial Subdivision Agreement. The Owner shall submit a certified cheque, payable to the City of Vaughan, in the amount of \$225,198.66 (which is based on contributing area of 4.44 hectares from the RLDC-Delisle Holdings lands and \$50,720.42 per hectare of contributing drainage area including 3% City's administration costs).
42. Prior to the final approval and registration of each phase of the Plan, final approval and final site development agreement of each phase of the Plan, and prior to conveyance of lands to the City and/or initiation of grading or construction on each phase of the Plan, the Owner shall implement the following to the satisfaction of the City:
 - a) 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 within each phase of the Plan. Reliance on the report(s) from the Owner's environmental consultant shall be provided to the City.

- b) 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 within the Plan 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 within each phase of the Plan.
 - c) Submit a signed and stamped certificate letter prepared by the Owner's Environmental Qualified Person/Professional ('QP') stating that the Owner covenants and agrees that all lands within each phase of the Plan and any lands and easements external to the lands to be dedicated to the City and the Region were remediated in accordance with O.Reg. 153/04 (as amended) and the accepted RAP (if applicable) are suitable for the intended land use, and meet the applicable Standards set out in the MOECC document "Soil, Ground Water and Sediment Standards for Use under Part XV.1 of the *Environmental Protection Act*" (as amended).
 - d) Reimburse the City for the cost of the peer review of the ESA reports and associated documentation, as may be applicable.
43. Prior to the conveyance of lands to the City and/or release of applicable portion of the Municipal Services Letter of Credit, the Owner shall implement the following to the satisfaction of the City:
- a) For all public roads, parks, open spaces, landscape buffers, and storm water management facility block(s) in the Plan that are being conveyed to the City, submit a limited Phase Two Environmental Site Assessment (ESA) report in accordance or generally meeting the intent of Ontario Regulation (O. Reg.) 153/04 (as amended) assessing the fill in the conveyance block(s) for applicable contaminants of concern. The sampling and analysis plan prepared as part of the Phase Two ESA shall be developed in consultation with the City. The implementation of the sampling and analysis plan shall be completed to the satisfaction of the City and shall only be undertaken following certification of rough grading but prior to placement of topsoil placement. Reliance on the ESA report(s) from the Owner's environmental consultant shall be provided to the City.

- b) If remediation of any portions of the conveyance block(s) is required in order 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 Record(s) of Site Condition (RSCs) filed on the Environmental Site Registry including the acknowledgement letter from the MECP, covering the entire conveyance block(s) following remediation.
 - c) Submit a certificate letter prepared by the Owner's Qualified Person/Professional ('QP') stating that the Owner covenants and agrees that all lands or easements within the Plan or external to the Plan to be dedicated or granted to the City and the Region were remediated in accordance with O.Reg. 153/04 (as amended) and the accepted RAP (if applicable), are suitable for the intended land use, and meet the applicable Standards set out in the MOE document "Soil, Ground Water and Sediment Standards for Use under Part XV.1 of the *Environmental Protection Act*" (as amended).
 - d) Submit a sworn statutory declaration by the Owner confirming the environmental condition of the conveyance block(s).
 - e) Reimburse the City for the cost of the peer review of the ESA reports and associated documentation, as may be applicable.
44. Prior to final registration of each phase of the Plan and final site development approval of each phase of the Plan, the Owner shall submit an environmental noise and vibration feasibility assessment (referred to as "the noise report" below), prepared in accordance with the MECP NPC-300 for review and approval of the City. The preparation of the noise report shall include the ultimate traffic volumes associated with the surrounding road, rail, rail yard, as well as other stationary sources and existing industries (including Granite and Magna).
45. Prior to final approval of each phase of the Plan, and final site development approval of each phase of the Plan, and at the request of the City, the Owner shall pay all costs associated with the City retaining a third-party peer reviewer to review the noise report and related documents. The Owner shall submit an initial deposit of \$8,000.00 towards the cost of the Peer Review in the form of a certified cheque, to the City. The Owner shall agree to submit further deposits when requested to cover all costs of retaining a third-party peer reviewer (unused funds will be refunded to the applicant by the City).
46. Prior to final site development approval of each phase of the plan, the Owner shall provide detailed noise and vibration implementation report, which shall include recommendations on necessary noise control, mitigation and/or attenuation measures, and warning clauses in all Offers of Sale or Lease; as well

as evaluation of final detailed building design, architectural and mechanical drawings, to the satisfaction of the City.

47. Prior to final site development approval of each phase of the plan, the Owner shall agree to enter into an agreement with the City for each phase to carry out, or cause to carry out, the recommendations set out in the approved noise report and include necessary warning clauses in all Offers of Sale or Lease, to the satisfaction of the City.
48. Prior to final site development approval of each phase of the plan, the Owner shall agree to implement necessary noise control, mitigation and/or attenuation measures as per recommendations by the approved noise report; and the noise measures shall be included in the site plan agreement of any phased development on the Subject Lands and registered on title.
49. Prior to the registration of each phase of the Plan, the Owner shall amend and re-submit the Plan, Reports and/or Drawings to address any outstanding comments from City's Development Engineering Department, as required, to the satisfaction of the City.
50. Prior to the registration of Phase 1 (Block 4 development related to File DA.19.010), the Owner shall amend and re-submit the Plan, Reports and/or Drawings to address any outstanding comments from City's Development Engineering Department, as required, to the satisfaction of the City.
51. Prior to the registration of Phase 1 (Block 4 development related to File DA.19.010), the Owner shall agree in the Development Agreement of Phase 1 to design and construct, at no cost to the City, necessary interim services to support the Phase 1 development, to the satisfaction of the City.
52. Prior to the registration of Phase 1 (Block 4 development related to File DA.19.010), the Owner shall agree in the Development Agreement of Phase 1 to design and construct, at no cost to the City, any necessary interim water supply looping to service the Phase 1 development and maintain it until the proposed water network within the Plan is completed, to the satisfaction of the City.
53. Prior to the registration of Phase 1 (Block 4 development related to File DA.19.010), the Owner shall provide a phasing and implementation plan, which includes details concerning such matters as the ultimate and interim traffic and transportation system, storm water management, and servicing to the satisfaction of York Region and the City. The plan should specify the required infrastructure improvements and development triggers to support the development of the Plan.

54. Prior to final site plan approval of Phase 1 (Block 4 development related to File DA.19.010), the Owner shall prepare all documents and convey any public roads, public road intersection, parkland, open space, and 0.3-m reserves as shown on the Draft Plan, to the City without monetary considerations and, free of all encumbrances, to the satisfaction of the City:
- a) Park, Environmental Buffer, and Open Space Blocks - Block 18, Block 20, and Block 21;
 - b) Lands necessary for any public roads, Street 'A' (Caldari Road extension) and Street 'B' (Abeja Street) pursuant to the requirements of the Vaughan Mills Center Secondary Plan;
 - c) Lands necessary to provide a full 26-m Public Right-Of-Way for Caldari Road Extension between Riverrock Gate and Street 'B' (Abeja Street) i.e. Block 3 on the Draft Plan;
 - d) 0.3 m reserves as shown on the Draft Plan – Blocks 10, 11, 16 and 17 on the Draft Plan;
 - e) Northeast corner of the intersection of Riverrock Gate and Caldari Road i.e. Block 6 on the Draft Plan.
55. Prior to the execution of the Draft Plan of Phase 1, and prior to execution of any subsequent phases of the Draft Plan of the Subject Lands, if applicable, the Owner shall provide a written confirmation, co-signed and dated by the Owner and its legal counsel, in acknowledgement that all applicable obligations, terms and conditions, as outlined in the executed Minutes of Settlement and the Ontario Land Tribunal, formerly the Ontario Municipal Board (OMB case PL070347, PL111184, PL120974, PL140154 and PL140839 issued on January 25, 2018), are satisfactorily completed.
56. The following Standard Archaeological Clauses shall be included, and the Owner shall agree in the Subdivision Agreement that:
- a) Should archaeological resources be found on the property during construction activities, the Owner must immediately cease all construction activities and notify the Ministry of Heritage, Sport, Tourism and Culture Industries and the Development Planning Department, Urban Design and Cultural Heritage Division at the City of Vaughan.
 - b) 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 at the Bereavement Authority of Ontario (BAO) and the City of

Vaughan Development Planning Department, Urban Design and Cultural Heritage Division.

57. The Owner shall provide compensation to the City of Vaughan for the removal of 64 individual trees that were previously located within the Subject Lands (outside of the Woodland feature), in the amount of \$35,200.00 payable by certified cheque, in accordance with and to the satisfaction of the City of Vaughan's Replacement Tree Requirements pursuant to By-law 052-2018, as amended and the City of Vaughan Tree Protection Protocol.
58. Prior to final approval, the owner shall provide a detailed tree preservation study to the satisfaction of the City. The study shall include an inventory of all existing trees, assessment of significant trees to be preserved and proposed methods of tree preservation based on the arborist report recommendations.
 - In addition, the study shall quantify the value of the tree replacements using the Urban Design Tree Replacement Valuation outlined in the City's Tree Protection Protocol.
 - The owner shall not remove trees without written approval by the City.
 - The owner shall enter into a tree protection agreement in accordance with City Council enacted Tree By-Law 052-2018, which will form a condition of the draft plan approval.
59. Prior to the landscape plan review by Urban Design staff, a fee shall be provided by the owner to the Development Planning Department in accordance with recent council approved fee by-laws (commencing January 1, 2022); i.e. Tariff of Fees for Vaughan Planning Applications – Landscape Plan Review.
 - This fee will include staff's review and approval of proposed streetscaping/landscaping within the development (including but not limited to urban design guidelines, landscape master plan, architectural design guidelines, perfect submission landscape architectural drawings, stormwater management pond planting plans, natural feature edge restoration/management plans), and tree inventory/preservation/removals plans.
 - In addition, a fee will be applied for each subsequent inspection for the start of the guaranteed maintenance period and assumption of the development by the City of Vaughan.
60. Prior to final approval, the owner shall prepare an Urban Design Brief. The document must articulate how the design and concept are consistent with the performance standards outlined in the Vaughan City-Wide Urban Design Guidelines and Vaughan City-Wide Official Plan (VOP 2010) Urban Design Policies. The document shall address but not be limited to the following issues:

- a) Landscape master plan; co-ordination of the urban design/streetscape elements including built form, street tree planting, fencing treatments, park lands, and open space valleylands.
 - The appropriate community edge treatment along Jane Street; including the appropriate landscaping with low-maintenance plant material.
 - The appropriate community edge treatment along Rutherford Road; including the appropriate landscaping with low-maintenance plant material.
 - The appropriate edge restoration along the open space valleylands.
 - The pedestrian urban connections between streets, built forms, park lands, and open space valleylands.
 - Trail system within the open space valleylands.
 - Environmental report for the open space valleylands.
 - b) Architectural control design guidelines, including appropriate flankage elevations along Jane Street and Rutherford Road.
 - c) Sustainability design practices/guidelines.
61. Prior to final approval, the owner shall agree in the subdivision agreement that all development shall proceed in accordance with the City of Vaughan Sustainability Metrics program.
- a) The program shall present a set of metrics to quantify the sustainability performance of new development projects.
62. Prior to final approval, the owner shall provide buffer blocks abutting the open space valleylands in accordance with TRCA policies.
63. Prior to final approval, the owner shall prepare a detailed edge management plan study for the perimeter of the open space valleylands. The study shall include an inventory of all existing trees within an 8 metre zone inside the staked edges, and areas where the valleyland edges are disturbed, assessment of significant trees to be preserved and proposed methods of edge management and/or remedial planting shall be included. The owner shall not remove any vegetation without written approval by the City.
- a) The owner shall provide a report for a 20 metre zone within all staked open space valleyland edges to the satisfaction of the TRCA and City, which identifies liability and issues of public safety and recommends woodlot/forestry management practices and removal of hazardous and all other trees as identified to be removed prior to assumption of the subdivision.
64. The owner shall agree in the subdivision agreement to erect a permanent 1.5-metre-high black vinyl chain-link fence or approved equal along the limits of the blocks that abut the open space valleylands and associated buffer blocks.

65. The owner shall convey the open space valleylands and associated buffer blocks to the TRCA or the City free of all cost and encumbrances.
66. The owner shall agree in the subdivision agreement to provide a soils report for all street tree pits and planting beds throughout the subdivision to the satisfaction of the City.
67. The Owner shall enter into a Tree Protection Agreement with the Development Planning Department, to identify the standards and procedures required by the City to protect public and private trees through the development review processes as indicated in the City's Tree Protection Protocol.
68. Prior to final approval of the Plan, the Owner shall convey Block 20 - Environmental Buffer Block and Block 21 - Open Space lands associated with the Valleylands to a public authority free of all cost and encumbrances.
69. Prior to final approval of the Plan, the Owner shall provide a revised Valleyland Stewardship Management Plan (VSMP) and implement the recommendations of the revised VSMP to the satisfaction of the City and Toronto and Region Conservation Authority.
70. Prior to final approval of the Plan, the Owner shall provide a Sustainability Performance Metrics (SPM) scoring tool and summary letter demonstrating how the revised plan of subdivision meets minimum threshold requirements, to the satisfaction of the City.
71. That the Owner agrees, in the Subdivision Agreement, to carry out, or cause to be carried out, all plans referenced in Environmental Planning conditions, to the satisfaction of the City.
72. That this draft plan of subdivision be subject to red-line revisions, if required, in order to meet Environmental Planning conditions of draft plan, to the satisfaction of the City.
73. The Owner shall address all comments and satisfy all requirements provided by Parks Infrastructure Planning and Development in their comments dated September 30, 2022, for Draft Plan of Subdivision File 19T-18V001.
74. The Applicant shall agree to complete a Parkland Master Plan to the City's standard level of service for Park Block(s) and associated buffer and open space Blocks 20 and 21 to the City's satisfaction, and shall include the following information:

- a) Provides information on parkland development phasing to deliver the Park and associated facilities to residents consistent with the development phasing and to the City's satisfaction accompanied with Layout plan to illustrate proposed park program requirements as determined by the City.
 - b) Provides boundaries of proposed parkland dedication and the total size of individual blocks.
 - c) Demonstrates a sound design approach at locations where proposed public parks are adjacent to private development on the treatment of the interface between the public park and the private development to ensure an integrated design approach is adopted towards built form, pedestrian connections, and ground floor programming to the City's satisfaction.
 - d) Demonstrates parkland configuration and grading to allow for the placement and development of appropriate outdoor facilities to the satisfaction of the City.
 - e) Provides base and ultimate grading consistent with intended uses and objectives of the park. The grading plan shall illustrate proposed storm water run-off, surface drainage patterns and sub-surface storm water servicing requirements.
 - f) Provides an existing conditions plan illustrating topographic information to assess slopes and drainage, and vegetation, identifying species, age, size and condition.
 - g) Provides a preliminary construction cost estimates for various phases, if required.
 - h) Provides an Edge Management Plan for park block abutting open space and associated buffer should the Park Block abut Open Space Valley lands.
 - i) The plans are to be completed by a registered Landscape Architect having a minimum of 5 years of experience in the design and development of municipal park projects, with full membership in the OALA, with full use of their stamp and are required to provide sufficient information to confirm facility and program requirements to the satisfaction of the City.
75. Prior to registration of Phase 1 of the Plan and execution of the site development agreement of Phase 1, the applicant shall convey the public Park Block 18 to the City. The Owner shall prepare all documents and convey Block 18 to the City, without monetary considerations and free of all encumbrances, to the satisfaction of the City.
76. Prior to registration of Phase 1, should the Applicant seek 100% credits for Block 20 and 21, the Applicant shall provide necessary documentation to demonstrate the eligibility of Blocks 20 and 21 to be considered 100% parkland dedication

credits by meeting conditions of section 3(3) of By-law 168-2022, specifically ensuring that the lands are permit-ready from respective agencies such as the TRCA and the City for active or passive programming.

77. Prior to registration of Phase 1, to meet the provisions of the Parkland Dedication Bylaw 168-2022, the Applicant shall determine the final size and configuration of park and associated blocks that will be considered to contribute towards parkland dedication credit will based on field verification and ensure they meet section 3(5) of By-law 168-2022 to exclude lands with poor drainage, erosion issues, extreme slopes and other adverse physical conditions, deemed by the City to be contaminated in any way and prohibit or restrict public programming, and accommodate open storm water management facilities.
78. It is the intent of the City that development of the public Park Block(s) shall be coordinated with residential development to provide park facilities to the local residents in a timely manner. The timing of the parkland base works shall be completed by no later than, and within two growing seasons of the building permit for Phase 1, and/or twenty five percent (25%) occupancy of the residential units within Phase 1 served by the park.
79. Parkland to be conveyed in a physical condition, satisfactory to City and in accordance with policies/practices and guidelines of the City. The Parkland Base works shall include:
 - a) Archaeological Assessment, Stage I and II is required to determine limits of public park block(s). Proposed public park lands are to be clear of all historically significant heritage features.
 - b) A geotechnical investigation and Phase 2 Environmental Site Assessment to be conducted by a qualified Professional Engineer in accordance with O.Reg. 153/04 (as amended) assessing park and open space blocks for contaminants of concern to the satisfaction of the City and in conformity with the applicable MOECC Site Condition Standards for parkland use. Ensure compliance with the updated Engineering Design Criteria and Standard Drawings Manual. A minimum of five (5) boreholes to be determined at draft plan of subdivision or development agreement are required within the parks blocks. Boreholes are to be taken at regular intervals along the full length of the parks blocks. Borehole reports will indicate soil type, water content, and density (general compaction). All samples are to be tested in a laboratory to determine their physical properties, including levels of various chemical elements and contaminants; Should additional fill be placed to meet required grading levels, the results of the Phase Two Investigation shall be supplemented with a letter report addressed to the City the Applicant's environmental consultant that includes: confirmation of the area where fill has

been placed and details regarding dates, sources, volumes, and certification that the placed fill material meets the applicable MOECC Site Condition Standards referenced above and compacted to the standard referenced below.

- c) A complete inventory and analysis report of existing vegetation completed by a Certified Arborist for all existing trees within park block(s). Drawings shall indicate the location of all existing trees, including limit of drip line, trees to be removed and trees to be maintained within the park block. No grading work is permitted within the drip line of existing trees that are to be preserved. All dead, damaged and hazardous trees are to be removed and disposed of off-site.
- d) Park Block(s) shall be graded based on the Park's proposed facilities, stormwater management requirements, and generally to allow for a minimum 2% and no greater than 5% gradient over 75% of the total block area. Park block(s) shall be graded with clean engineered fill compacted to 95% Standard Proctor Dry Density (SPDD), inclusive of any civil work required such as retaining structures, rip rap, swales, and the like to meet grading levels. No fill is to be placed on existing topsoil and the stockpiling of topsoil on the park and open space blocks is prohibited. Spread and fine grade topsoil evenly to a depth of 300 mm over the entire park block. Topsoil for fine grading shall be fertile and friable, natural loam soil with two percent (2%) minimum organic matter for sandy loams and four percent (4%) minimum organic matter for clay loams. Acidity of topsoil shall range from 6.0pH to 7.5pH and shall be capable of sustaining vigorous plant growth. The Applicant shall complete all necessary chemical analysis and topsoil fertility tests by a qualified testing laboratory to the satisfaction of the City, and results of testing provided to the City for review and approval. Prior to placement of topsoil, the Applicant shall add all amendments as required to amend the existing soils to meet the recommendations of the fertility testing and demonstrate that these standards have been met.
- e) Park block(s) grading must not negatively impact adjacent properties with overland flow routes. The public park blocks cannot be encumbered by overland flow routes from adjacent properties.
- f) Park block(s) shall be sodded to the City's satisfaction.
- g) The perimeter of the park block(s) shall be temporarily fenced off with fencing approved by the City and "No Dumping" signs shall be placed along the perimeter of the park blocks.
- h) The Applicant shall be responsible to maintain park block(s) until such time as the park's construction commences or assumption is granted. Maintenance shall entail maintaining sufficient grades to prevent standing water, cutting the grass/vegetation a minimum of twice in summer, erosion repairs, cleaning of

catchbasins, repair of perimeter fencing and removal of any debris that is dumped on the site, to the satisfaction of the City.

- i) Park block(s) shall not be encumbered by any services or easements including but not limited to utility services, transformer boxes, Canada Post mailboxes and/or access, and the like.
 - j) Park block(s) shall include adequately sized servicing connections along the main frontage of the park block, including a water chamber manhole, complete with a curb stop, sanitary manhole, and storm water manhole. All servicing structures are to be located no less than 5 metres away from property lines. A storm water management brief and grading plan for all required storm water services is required to ensure that proposed works have been designed to accommodate storm water flows in accordance with the Engineering Department Design Manual City at interim and ultimate phases of the park blocks and to the satisfaction of the City.
 - k) Electrical services include a 120/240 volt, single phase, three wire power supply to park block(s). The power supply drop will consist of a 3 conductor #3/0 aluminum underground cable drop located one metre from the street line and one metre from the property line inside the park block(s). The cable feed will originate from the closest (within 75 metre cable length) single phase pad mounted transformer and will be left coiled and attached to a 2" X 4" wood stake, visible above grade.
 - l) All temporary sediment control management measures within parks and open space blocks are to be removed prior to rough grading of the associated block or if otherwise instructed by City staff.
80. Prior to the execution of the subdivision or development agreement, the Applicant shall agree to enter into a developer build agreement with the City to build the Public Park Block 18 and Blocks 20 and 21 including but not limited to the construction of playground, shade structure, hardscape, facilities, and all associated softscape as per Developer Build Parks Policy, No. 07.2.05. The cost of the final park and associated facilities are recoverable through Development Charges.
81. Prior to approval of the Plan, the Owner shall complete a trail feasibility study to identify the conveyance of lands into public ownership for the development of a multiuse recreational trail per provisions of the Planning Act under Section 51(25) b, and City requirements. The Applicant shall agree to convey into public ownership lands within which the multiuse recreational pathway shall be located and constructed and secure the necessary permits for future implementation of the trails.

82. Prior to registration of the Plan, the Owner shall construct a multiuse recreational trail by the Owner to City standards, guidelines and to the satisfaction of the City.
83. All multiuse recreational pathways connection segments shall be asphalt and a minimum 3 m in width with an additional 1.0m mow strip on both sides, flared and with appropriate line markings to City Standards.
84. The open space pathway shall not exceed a 5% grade. The trails shall be site verified by the Parks Development Department prior to construction. The open space trail shall not require asphalt paving except for the portions of the open space trail that connect to a residential subdivision and those portions of the trail that exceed a 5% grade as per City Standards.
85. Appropriate signage and wayfinding shall be provided include trail head signage at entrance point, trail wayfinding, information, warnings, and maintenance notices. City shall review graphics and content.
86. All pathways crossing over a culvert shall flare out 2.0 m on either side of the pathway as per City Standards
87. Suitable light levels shall be achieved along the multi-use recreational pathway. If suitable light level cannot be achieved from street lighting, pedestrian lighting shall be required along the multi-use pathway to the satisfaction of the City.
88. The multi-use recreational pathways shall be site verified by the City prior to construction.
89. Prior to approval of the Plan, the Owner shall complete a Tree Inventory and Preservation Plan Report identifying all trees within the proposed park block (including species, location, size and condition).
90. The following warning clause shall be included in all Offers of Purchase and Sale or Lease for all units:
91. "Purchasers and/or tenants are advised that designate parkland within the community 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."

"Purchasers and/or tenants are advised that the lot abuts a neighborhood park and that lighting and noise should be expected from the use of the park for recreation purposes."

92. Prior to the registration of the Plan, the Owner shall convey the Buffer Block into public ownership, either to the TRCA or the City.
93. Prior to the execution of the Draft Plan of Subdivision agreement, the Owner shall provide the City with Letter of Credit (LC) totaling the complete cost to construct the public park, based on the approved plans and cost estimate. The LC shall be held for the estimated construction costs for the proposed site works, which shall include but is not limited to all required grading and landscape restoration. The Owner is responsible for the total cost of the construction of park, including but not limited to any works of a temporary nature.

Portions or the total sum of the LC may be drawn upon by the City, as necessary, to complete the above-noted public park construction and restoration works, in the case where the Owner does not complete the construction of the public park, and/or if deemed necessary by the City.



August 12, 2019

Mr. Mauro Peverini
Director of Development Planning
City of Vaughan
2141 Major Mackenzie Drive
Vaughan, ON L6A 1T1

Attention: Clement Messere, Senior Planner

**Re: Draft Plan of Subdivision 19T-18V001 (SUBP.18.V.0009)
Part of Lot 15, Concession 4
2901 Rutherford Road and 0 Caldari Road
(Peter Cortellucci, Rutherford Land Development Corporation/Caldari Land
Development Corporation)
City of Vaughan**

York Region has now completed its review of the above noted draft plan of subdivision prepared by Bousfields Inc., Drawing No. 12125-43dp, dated August 2, 2019. The development is located at the southeast quadrant of Rutherford Road and Jane Street, in the City of Vaughan. The proposal is comprised of 4 high-rise mixed-use development blocks, and blocks for roads, land conveyance and reserves, within a 7.89 ha site.

Technical Comments

Regional Transportation and Infrastructure Planning and Development engineering staff have reviewed the draft plan of subdivision and supporting documentation and technical comments are attached.

Sanitary Sewage and Water Supply

Residential development in the City of Vaughan requires servicing capacity allocation prior to final approval. If the City of Vaughan does not grant this development allocation from the existing capacity assignments to date, then the development may require additional Regional infrastructure based on conditions of future capacity assignment, which may include:

- Duffin Creek WPCP Outfall Modification – 2021 pending the outcome of the Class EA,
- Northeast Vaughan Servicing - 2028 expected completion, and
- Other projects as may be identified in future studies.

Based on our understanding of the Utility Plan submitted, the proposed development will be serviced by way of existing wastewater and water infrastructure owned by the City of Vaughan in the Caldari Road right-of-way and a direct connection to the Region's 900 mm watermain on Rutherford Road.

The Owner is advised that the Regional 900 mm watermain is located in the south side of the Rutherford Road right-of-way and the Regional 975 mm Jane Rutherford Sanitary Trunk Sewer is located in Jane Street right-of-way. The integrity of the aforementioned infrastructure is to be maintained at all time during the grading and construction activities of the proposed development.

The proposed direct connection of the 400 mm watermain to the Region's 900 mm watermain requires Region's approval prior to construction. Furthermore, the Owner is advised of the following Regional requirements to be met prior to construction:

- Engineering designs showing the plan and profile views of the associated construction works shall be submitted to the Region for review and approval;
- Disinfection Plan;
- Flushing and sampling program;
- MOECC Form 1 – record of Watermains Authorized as a Future Alteration; and
- Two (2) weeks advanced notice prior to the connection works so that a Regional inspector can be present at the site during construction.

Summary

York Region has no objection to draft plan approval of the draft plan of subdivision subject to the attached Schedule of Clauses/Conditions. We request a copy of the notice of decision, draft approved plan, and the clauses/conditions of draft approval should the plan be approved.

Should you have any questions regarding the above or the attached conditions please contact Justin Wong, Planner, at extension 71577 or through electronic mail at justin.wong@york.ca.

Yours truly,



Duncan MacAskill, M.C.I.P., R.P.P.
Manager, Development Planning

JW/

Attachments (2) Schedule of Conditions
Technical Memorandum

Schedule of Clauses/Conditions
Draft Plan of Subdivision 19T-18V001 (SUBP.18.V.0009)
Part of Lot 15, Concession 4
2901 Rutherford Road and 0 Caldari Road
**(Peter Cortellucci, Rutherford Land Development Corporation/
Caldari Land Development Corporation)**
City of Vaughan

Re: Bousfields Inc., Drawing No. 12125-43dp, dated August 2, 2019

Conditions to be Included in the Subdivision Agreement

1. The Owner shall save harmless the City of Vaughan and York Region from any claim or action as a result of water or sanitary sewer service not being available when anticipated.
2. The Owner shall agree, prior to the development approval of Blocks 1 and 2, that access to these blocks shall be via the internal road network and that direct access to Jane Street and Rutherford Road will not be permitted.

Conditions to be Satisfied Prior to Final Approval

3. The road allowances included within the draft plan of subdivision shall be named to the satisfaction of the City of Vaughan and York Region.
4. York Region shall confirm that adequate water supply and sewage capacity are available and have been allocated by the City of Vaughan for the development proposed within this draft plan of subdivision or any phase thereof.
5. The Owner shall revise the Transportation Impact Assessment, prepared by Poulos & Chung, dated January 2018, to the satisfaction of the Region.
6. The Region requires the Owner submit a Phase One Environmental Site Assessment ("ESA") in general accordance with the requirements of the Environmental Protection Act and O. Reg. 153/04 Records of Site Condition, as amended ("O. Reg. 153/04"). The Phase One ESA must be for the Owner's property that is the subject of the application and include the lands to be conveyed to the Region (the "Conveyance Lands"). The Phase One ESA cannot be more than two (2) years old at: (a) the date of submission to the Region; and (b) the date title to the Conveyance Lands is transferred to the Region. If the originally submitted Phase One ESA is or would be more than two (2) years old at the actual date title of the Conveyance Lands is transferred to the Region, the Phase One ESA will need to be either updated or a new Phase One ESA submitted by the Owner. Any update or new Phase One ESA must be prepared to the satisfaction of the Region and in general accordance with the requirements of O. Reg. 153/04. The Region, at its discretion, may require further study, investigation, assessment,

delineation and preparation of reports to determine whether any action is required regardless of the findings or conclusions of the submitted Phase One ESA. The further study, investigation, assessment, delineation and subsequent reports or documentation must be prepared to the satisfaction of the Region and in general accordance with the requirements of O. Reg. 153/04. Reliance on the Phase One ESA and any subsequent reports or documentation must be provided to the Region in the Region's standard format and/or contain terms and conditions satisfactory to the Region.

The Region requires a certified written statement from the Owner that, as of the date title to the Conveyance Lands is transferred to the Region: (i) there are no contaminants of concern, within the meaning of O. Reg. 153/04, which are present at, in, on, or under the property, or emanating or migrating from the property to the Conveyance Lands at levels that exceed the MOECC full depth site condition standards applicable to the property; (ii) no pollutant, waste of any nature, hazardous substance, toxic substance, dangerous goods, or other substance or material defined or regulated under applicable environmental laws is present at, in, on or under the Conveyance Lands; and (iii) there are no underground or aboveground tanks, related piping, equipment and appurtenances located at, in, on or under the Conveyance Lands.

The Owner shall be responsible for all costs associated with the preparation and delivery of the Phase One ESA, any subsequent environmental work, reports or other documentation, reliance and the Owner's certified written statement.

7. Upon registration of the plan, the Owner shall convey the following lands to York Region for public highway purposes, free of all costs and encumbrances, to the satisfaction of the Regional Solicitor:
 - a) A widening across the full frontage of the site where it abuts Rutherford Road of sufficient width to provide a minimum of 21.5 metres from the centreline of construction of Rutherford Road,
 - b) A 10 metre by 10 metre daylight triangle at the intersection of Street "B" and Rutherford Road measured from the widened limit of Rutherford Road,
 - c) A widening across the full frontage of the site where it abuts Jane Street of sufficient width to provide a minimum of 22.5 metres from the centreline of construction of Jane Street,
 - d) A 10 metre by 10 metre daylight triangle at the intersection of Street "A" and Jane Street measured from the widened limit of Jane Street,
 - e) A 20 metre by 20 metre daylight triangle in the southeast corner of the intersection of Jane Street and Rutherford Road, measured from the widened limits of Jane Street and Rutherford Road, and

- f) A 0.3 metre reserve adjacent to the above noted widenings.
8. The Owner shall provide a solicitor's certificate of title in a form satisfactory to York Region Solicitor, at no cost to York Region with respect to the conveyance of the above noted lands to York Region.
 9. The Owner shall demonstrate, to the satisfaction of Development Engineering, that all local underground services can be installed within the area of the development lands and not within York Region's road allowances. If a buffer or easement is needed to accommodate the local services adjacent to York Region's right-of-way, then the Owner shall provide a satisfactory buffer or easement to the Area Municipality, at no cost to the Region.
 10. The Owner shall demonstrate, to the satisfaction of Development Engineering, that the site is to be graded to prevent an increase of stormwater flows from the site to existing Regional storm sewer infrastructure on Jane Street and Rutherford for the 5 year to 100 year storm events.
 11. The Owner shall provide a copy of the Subdivision Agreement to the Regional Corporate Services Department, outlining all requirements of the Corporate Services Department.
 12. The Owner shall enter into an agreement with York Region, agreeing to satisfy all conditions, financial and otherwise, of the Regional Corporation; Regional Development Charges are payable in accordance with Regional Development Charges By-law in effect at the time that Regional development charges, or any part thereof, are payable.
 13. The Regional Corporate Services Department shall advise that Conditions 1 to 12 inclusive, have been satisfied.



MEMORANDUM – PRELIMINARY TECHNICAL COMMENTS

RE: Draft Plan of Subdivision 19T-18V001 (SUBP.18.V.0009)
Part of Lot 15, Concession 4
2901 Rutherford Road and 0 Caldari Road
(Peter Cortellucci, Rutherford Land Development Corporation/
Caldari Land Development Corporation)
City of Vaughan

Regional Transportation and Infrastructure Planning and Development Engineering staff have reviewed the above noted draft plan of subdivision as well as the supporting documents and offer the following comments for these applications and any subsequent development applications. These comments are not an approval and are subject to modification. It is intended to provide information to the applicant regarding the Regional requirements that have been identified to date.

Transportation and Infrastructure Planning

1. Transportation and Infrastructure Planning staff provide the following comments on the Transportation Impact Assessment, prepared by Poulos & Chung, dated January 2018:
 - a) Transportation Impact Assessment should include a Transportation Demand Management Plan (TDM). However, a comprehensive TDM Plan consistent with Region Transportation Mobility Plan Guidelines shall be required at the site plan stage to the satisfaction of York Region. The TDM Plan shall include a TDM checklist that summarizes the programs and measures, estimated costs and responsibility of the applicant to implement TDM recommendations. Estimated costs for any items that are provided by the Region or the Municipality shall be identified as "TBD" (To be determined).
 - b) The TDM Plan shall also include a TDM communication strategy, to assist the Region and the City of Vaughan to effectively deliver the Information Packages and pre-loaded PRESTO Cards to residents. This strategy shall also include a physical location for distribution of the Information Packages and pre-loaded PRESTO Cards. The applicant is responsible for the coordination and for providing a venue for the distribution of PRESTO cards. Each event, approximately 2 hours of staff time, can serve approximately 50 residential units. The applicant shall coordinate specific event details with York Region/York Region Transit Staff allowing a minimum of 2 months' notice.

2. Prior to site plan approval, the Owner shall submit site plan drawings and reports that show the following:
 - a) The implementation of all the requirements/conditions as stipulated in the RLDC Modifications for Partial Approval (Vaughan Mills Centre Secondary Plan (VMCSP) and Vaughan Official Plan (VOP)). These include a development and infrastructure phasing plan, Caldari Road extension requirements from Riverock Gate to Rutherford Road, an eastwest public street connecting Jane Street to Caldari Road extension and an updated Transportation Study to the satisfaction of the Region.
 - b) The provision of direct pedestrian and cycling connections to the boundary roadways and adjacent developments, as well as facilities on the site (e.g. convenient and secure bike racks near entrances) to promote non-auto travel modes. Drawings that show the pedestrian and cycling connections and facilities shall be provided for review.
 - c) The provision a comprehensive Transportation Demand Management (TDM) Plan consistent with the Region's Mobility Plan Guidelines (November 2016). The TDM Plan shall identify measures to achieve the desired Modal Split. The TDM Plan shall include a checklist that summarizes the programs and measures, estimated costs and responsibility of the applicant to implement TDM recommendations. Estimated costs for any items that are provided by the Region or the City of Vaughan shall be identified as "TBD" (To be determined).
 - d) A TDM Plan that include a communication strategy, to assist the Region and the City of Vaughan to effectively deliver the Information Packages and pre-loaded PRESTO Cards to residents. This strategy shall also include a physical location for distribution of the Information Packages and pre-loaded PRESTO Cards. The applicant is responsible for the coordination and for providing a venue for the distribution of PRESTO cards. Each event, approximately 2 hours of staff time, can serve approximately 50 residential units. The applicant shall coordinate specific event details with York Region/York Region Transit Staff allowing a minimum of 2 months' notice.
 - e) The provisions of interconnections with adjacent developments or existing communities in order to consolidate and reduce the number of accesses onto Regional roads (as per the Regional Official Plan Policy 7.2.53), where appropriate.
 - f) The provision of proposed development access via local streets, shared driveways and interconnected properties to maximize the efficiency of the Regional street system (as per the Regional Official Plan Policy 7.2.53), where appropriate.
 - g) That there will be no direct private accesses to Street or Rutherford Road and that all site accesses shall be provided via local road.

- h) The provision of sidewalk facilities that connect Street "A" with Jane Street and the Caldari Road extension with Rutherford Road.
- i) In the Site Plan Agreement and Condominium Agreement the Owner shall agree to advise all potential purchasers of the existing transit services in this development. This includes current transit routes, bus stops, and shelter locations. The Owner/consultant is to contact YRT Contact Centre (tel.1-866-668-3978) for route maps and the future plan maps.

Development Engineering

- 3. The Region anticipates that technical approvals relating to Site Grading, Site Servicing, Erosion and Sediment Control, Landscaping, Construction Management, Intersection Construction, Noise Control etc. will be done through future Site Plan applications for developments on Blocks 1 to 5. Submission requirements for these can be provided as part of the formal pre-development consultation process.
- 4. No development works may commence on these blocks without Regional sign-off as part of a Site Plan Approval process.

May 26, 2022

CFN 58559

SENT BY E-MAIL (letizia.d'addario@vaughan.ca)

Letizia V. D'Addario
Senior Planner
Development Planning Department
City of Vaughan
2141 Major Mackenzie Drive
Vaughan, Ontario L6A 1T1

Dear Ms. D'Addario:

**Re: Revised Conditions of Draft Plan Approval
Draft Plan of Subdivision Application 19T-18V001
Part of Lot 15, Concession 4
2901 Rutherford Road
City of Vaughan, York Region
Rutherford Road Land Development Corporation/Caldari Land Development
Corporation. (Agent: Bousfields Inc.)**

Further to our previous letter dated October 21, 2020, this letter acknowledges receipt of a resubmission of Draft Plan of Subdivision 19T-17V006. A digital copy of the circulation was received by the Toronto and Region Conservation Authority (TRCA) on April 11, 2022. A list of the documents reviewed by TRCA can be found in Appendix 'A' of this letter.

Background

TRCA previously provided conditions of draft plan approval to the City of Vaughan on October 21, 2020. It is our understanding that the draft plan of subdivision has been revised to create new blocks resulting in the following breakdown:

2020 Draft Plan Blocks	2022 Draft Plan Blocks
Block 1 – High-Rise Mixed Use – 0.79 ha	Block 4, 5, 19 - High-Rise Mixed – 5.762 ha
Block 2, 17 – Regional R.O.W – 0.076 ha	Block 2 – Regional R.O.W – 0.059 ha
Block 3 – Future Road – 0.046 ha	Block 3 – Future Road – 0.044 ha
Block 4-6 – Blocks – 0.047 ha	Blocks 1, 6, 7 – Blocks – 0.162 ha
Block 7 – Road Widening – 0.060 ha	Block 8 – Road Widening – 0.077 ha
Block 8-16 = 0.3m Reserves – 0.015 ha	Blocks 9-17 – 0.3 metre Reserve – 0.015 ha

Roads 26.0 metre R.O.W – 339 metre – 0.875 ha 20.0 metre R.O.W – 87 metre – 0.080 ha	Block 18 – Park – 0.821 ha
	Roads 26.0 metre R.O.W – 339 metre – 0.874 ha 20.0 metre R.O.W – 87 metre – 0.077 ha

It is the understanding of TRCA staff that the intent behind the revision to the draft plan of subdivision is to implement the full build out of the site, which had previously been revised to include just one development block (formerly identified as Block 1 and currently identified as Block 4) and the proposed Caldari Road extension.

Application Specific Comment

Based on a review of the materials noted in Appendix 'A', comments have been provided in Appendix 'C'. These comments speak preliminary to detailed designs items related to the protection, enhancement, and compensation strategy for the proposed impacts to the natural heritage system, stormwater management design, and geotechnical engineering requirements for the proposed road extension.

Recommendations

TRCA has no objection to the approval of Draft Plan of Subdivision 19T-18V001, subject to the revised conditions listed in Appendix 'B'.

Should any revisions to Draft Plan of Subdivision Application 19T-18V001 be proposed now or in the future, TRCA staff asks to be given the opportunity to amend our conditions and comments accordingly. Please provide the Notice of Decision for the draft plan of subdivision once approved.

Fees/Timing

Please note that this project will be subject to a clearance fee at the time of clearance, which will be based on the fee schedule in effect at that time.

At the time of requesting clearance of TRCA conditions of draft plan approval, we ask that the applicant submit their request in writing to TRCA offices a minimum of **90 days** in advance of expected registration. Additional time may be required in cases where open space lands are to be dedicated into public ownership, and/or Ontario Regulation 166/06 permits are required from TRCA (i.e., grading and servicing, SWM ponds, infrastructure works). We ask that the applicant consider these requirements and take into consideration the required timelines prior to the submission of draft plan clearance requests.

We trust these comments are of assistance. Should you have any questions, please contact me at extension 5743, or at stephen.bohan@trca.ca

Sincerely,



Stephen Bohan
Senior Planner

Development Planning and Permits | Development and Engineering Services

Appendix 'A': List of Materials Reviewed by TRCA

The following materials were received by TRCA on April 11, 2022:

- Drawing No. 12125-64dp, Draft Plan of Subdivision, prepared by Bousfield Inc., dated March 30, 2022.
- Comment Response Matrix, prepared by proponent, dated March 11, 2022.
- 2901 Rutherford Road Letter - Development Limits-Waterway Program, prepared by Bousfield Inc., dated February 22, 2022.
- Response Letter, prepared by Studio TLA, dated February 17, 2022.
- Abeja District Master Plan + Park Programming, prepared by Studio TLA, dated March 2022.
- Edge Management Plan, prepared by Dillon Consulting, dated March 2022.
- Valley Stewardship Plan, prepared by Dillon Consulting, dated March 2022.
- Woodland Area Compensation for the Property Located at Jane Street and Rutherford Road, prepared by Dillon Consulting, dated March 14, 2022.
- RLDC - Subdivision Comment Matrix, prepared by proponent, dated March 11, 2022.
- Slope Stability Assessment, prepared by McClymont & Rak Engineers, Inc., dated November 2019.
- Functional Servicing Report, prepared by Valdor Engineering Inc., revised dated March 2022.
- Drawing No. GP-1, General Plan, prepared by Valdor Engineering Inc., dated November 2018.
- Limit of Development Figure, prepared by Dillon Consulting, dated March 25, 2022.
- MZO Map, Part 15, Concession 4, City of Vaughan, not dated.

Appendix 'B' – TRCA's Conditions of Draft Plan Approval**TRCA's Conditions of Draft Plan Approval**

TRCA staff recommends approval of Draft Plan of Proposed Subdivision, Part of Lot 15, Concession 4, (Geographic Township of Vaughan), City of Vaughan, Regional Municipality of York, prepared by Bousfields Inc., dated March 30, 2022, subject to the following conditions:

Red-line Revisions

1. That this draft plan of subdivision be subject to red-line revision(s) to meet the requirements of TRCA's conditions of draft plan approval, if necessary, to the satisfaction of TRCA.
2. Prior to the registration of the Plan of Subdivision, the Owner shall provide an M-Plan showing the lot/block lines and any required revisions to the satisfaction of the City of Vaughan and TRCA.

Prior to Works Commencing

3. That prior to topsoil stripping and prior to the registration of this plan or any phase thereof, the Owner shall submit a detailed engineering report and plans to the satisfaction of TRCA for any proposed topsoil stripping in the plan area. This submission shall include:
 - o Detailed plans illustrating the topsoil stripping proposal, including but not limited to the locations, staging and methodology.
 - o An erosion and sediment control report and plans for the subject lands that includes proposed measures for controlling or minimizing erosion and siltation on-site and/or in downstream areas during and after topsoil stripping.
4. That prior to any development or site alteration (except for topsoil stripping) and prior to the registration of this plan or any phase thereof, the Owner shall submit a Functional Servicing Report (FSR) and detailed engineering reports (e.g., Stormwater Management, Site Level Water Balance) that describes in detail the applicable stormwater management criteria, how the proposed storm drainage system will be designed to meet stormwater management criteria, and how it will comply to TRCA requirements. These reports shall include, but not limited to:
 - i. A description of the storm drainage system and appropriate stormwater management techniques including minor and major flow controls for the proposed development of the subject land and how it will comply with all related TRCA requirements for quantity, quality, water balance and erosion control.
 - ii. Plans illustrating how this drainage system will tie into surrounding drainage systems, i.e., identifying if it is part of an overall drainage scheme, how external flows will be accommodated, the design capacity of the receiving system.
 - iii. Appropriate Stormwater Management Practices (SWMPs) to be used to treat stormwater, to mitigate the impacts of development on the quality and quantity of ground and surface water resources as it relates to the natural heritage system, both aquatic and terrestrial.

- iv. Detailed plans indicating location, orientation, size and description of all stormwater management features, including outlet structures, and all other proposed servicing facilities (e.g., infiltration trenches, etc.), grading, site alterations, development, and infrastructure, which are required to service or facilitate the development of the subject lands, which may require a permit pursuant to Ontario Regulation 166/06.
- v. Design of flow dispersal measures and treatments associated with stormwater management outlets to reduce potential erosion, impacts to the natural system, and maximization of potential infiltration, to the satisfaction of the TRCA.
- vi. Detailed plans and calculations for the proposed lot-level, conveyance and end-of-pipe controls to be implemented on the site.
- vii. The integration of Low Impact Development (LID) measures and the employment of source and conveyance controls to: mimic pre-development site hydrology, overall site water balance, pre-development water budget to satisfy the CTC Source Protection Plan criteria, and feature-based water balance to the satisfaction of the TRCA.
- viii. A subsurface investigation (including assessment of groundwater levels) for the final design of underground parking structures/foundations, site grading and stormwater management infrastructure. The recommendations of the subsurface assessment will be used to inform the final design and construction plans. All underground construction and infrastructure must be designed to not require permanent dewatering, and any potential impacts to the groundwater system that may result from the development must be assessed and mitigated
- ix. An evaluation that addresses the need for groundwater dewatering during construction, including but not limited to details for its disposal, potential impacts to natural features due to groundwater withdrawal, mitigation measures, and any permitting requirements.
- x. Grading plans for the subject lands.
- xi. Supplementary slope stability assessment, cross-sections and details where grading and filling is proposed in or adjacent to the Park (Block 18) and Valleylands. The cross-sections and details shall include, but shall not be limited to, existing and proposed grades; limits of the natural features, hazards and buffers; transition to the adjacent tableland areas; interim and permanent stabilization of the slopes/disturbed areas; soil remediation; mitigation; tree protection; sediment and erosion controls; supporting geotechnical/soils analyses; and compensation to the satisfaction of TRCA.
- xii. An erosion and sediment control report and plans for the subject lands that includes proposed measures for controlling or minimizing erosion and siltation on-site and/or in downstream areas during and after construction.

The Owner shall carry out, or cause to be carried out, the recommendations of the engineering reports and details of the plans approved by TRCA to the satisfaction of TRCA. This shall be identified as a requirement within the subdivision agreement.

5. That prior to the registration of this plan or any phase thereof, the Owner shall submit and attain the approval of TRCA and City of Vaughan for a Compensation Plan for the 1.34 ha woodland feature on the southeastern portion of the site per recommendation no. 3 of the City of Vaughan's Council Resolution, dated October 21, 2020, and encroachments of the Caldari Road extension into the valley corridor on the northeastern portion of the site. The compensation agreement shall be consistent with TRCA's Guideline for Determining Ecosystem Compensation (dated June 2018). For the purposes of the Compensation Plan, the compensation project shall include both (a) ecosystem structure compensation, at the appropriate ratio as per the guideline, and (b) land base compensation as per the guideline.
 - a. Loss of land removed from the natural heritage system, must be compensated at a 1:1 ratio and be compensated for by adding equal land base into the natural heritage system, either on the subject lands or off-site. Lands identified for addition into the natural system, either on the development site or elsewhere on the landscape, must improve the overall ecological function of the natural system. As such, they must be in a condition that can be fully restored with trees and shrubs with no grades steeper than 3:1 and sufficient topsoil depths to support growth. If replicating land base for off-site compensation, the new lands must be located as close to the original location as possible to help ensure the restored ecosystem functions and services remain accessibly to the local community, and land secured for compensation must be located outside of (but connected to) the identified natural systems of the City of Vaughan so that they can be added to the system to make up the loss. Alternatively, if impacted features cannot be compensated for on-site and another parcel of land is not readily available off-site, to compensate for the lost land base associated with the impact, cash-in-lieu is required that reflects market value of the developed lands being gained. The market value of the development site must be determined through recent comparable sales data or an appraisal.
 - b. Replication of the existing ecosystem structure associated with the 1.34 ha woodland and the portion of the valley corridor impacted by the encroachment of the Caldari Road extension shall be consistent with TRCA's compensation guideline to ensure that the same ecosystem structure is re-established in a reasonable time frame without significant lag time. The report and plans must verify the appropriate ratios for ecosystem structure compensation as required by the guidelines using basal area. The total area of natural system loss will be determined for all areas required for lot creation, road construction and any grading required for construction. Once the ratios and total areas have been confirmed, opportunities to implement that compensation should be explored on-site first. Any required ecosystem structure compensation that cannot be implemented on-site must be provided off-site in proximity to the subject lands.
6. That prior to site alteration and prior to the registration of this plan or any phase thereof, the Owner prepare a tree protection and preservation plan for the site to the satisfaction of TRCA.
7. That prior to the registration of this plan or any phase thereof, the Owner prepare a program including comprehensive edge management and restoration planting plans for the Park (Block 18) and Valleylands, per the City of Vaughan's memo 'Program for Waterway – Rutherford Land Development Corporation – 2901 Rutherford Road, dated December 3, 2020. The reports and plans shall include details for the preservation and enhancement of the natural features on, and adjacent to the site, to the satisfaction of TRCA and City of Vaughan.
8. That prior to the registration of this plan or any phase thereof, the Owner prepare and implement a valley stewardship management plan per the City of Vaughan's memo 'Program

for Waterway – Rutherford Land Development Corporation – 2901 Rutherford Road, dated December 3, 2020, addressing issues associated with removal and restoration of unauthorised dumping/littering, historic structures and invasive species that may impact the overall ecological health of the valley corridor. The scope of this plan should include both the portion of the valley corridor located on the subject lands (Park - Block 18) as well as the City of Vaughan owned property located to the immediately to the east (Valleylands), to the satisfaction of TRCA and the City of Vaughan.

9. That prior to the registration of this plan or any phase thereof, the Owner shall prepare trail plans and details per the City of Vaughan's memo 'Program for Waterway – Rutherford Land Development Corporation – 2901 Rutherford Road, dated December 3, 2020, for areas within and adjacent to the Park (Block 18) and Valleylands to the satisfaction of TRCA and the City of Vaughan.
10. That prior to the registration of this plan or any phase thereof, the Owner obtain all necessary permits from TRCA pursuant to the *Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation* (Ontario Regulation 166/06), as may be amended, to the satisfaction of TRCA.
11. That the Park (Block 18) be dedicated into public ownership, per the City of Vaughan's memo 'Program for Waterway – Rutherford Land Development Corporation – 2901 Rutherford Road, dated December 3, free of all charges and encumbrances, to the satisfaction of TRCA and the City of Vaughan.

Subdivision Agreement

12. That the Owner agrees in the subdivision agreement, in wording acceptable to TRCA:
 - i. To carry out, or cause to be carried out, to the satisfaction of TRCA, the recommendations of the reports/strategies and details of the plans referenced in TRCA's conditions of draft plan approval.
 - ii. To install and maintain all stormwater management and erosion and sedimentation control structures operating and in good repair during the construction period, in a manner satisfactory to TRCA.
 - iii. To obtain all necessary permits from TRCA pursuant to the *Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation* (Ontario Regulation 166/06), as may be amended, to the satisfaction of TRCA.
 - iv. To comply with the permits approved under Ontario Regulation 166/06, as may be amended, including the approved plans, reports and conditions to the satisfaction of TRCA.
 - v. To erect a permanent fence along all blocks that abut the Park (Block 18), the Valleylands and in other areas as may be required to protect existing and future open space lands from unauthorized/non-programmed entry to the satisfaction of TRCA.
 - vi. To prohibit grading works within the Park (Block 18) and the Valleylands unless approved by TRCA; and

- vii. To prohibit retaining walls in or adjacent to the Park (Block 18) and the Valleylands unless approved by TRCA.

Fees

- 13. That the Owner provide a copy of the fully executed subdivision agreement and pay TRCA the required draft plan of subdivision planning review fees, clearances fees and permit fees (topsoil stripping, grading, servicing, etc.) to the TRCA.

Appendix 'C' – Comments for Detailed Design & Draft Plan Clearance

Natural Heritage System Management

Valleyland Stewardship Management Plan

1. TRCA is supportive of the objectives and strategies included in the plan. However, there are no specific areas identified where the potential works will take place. Please identify specific areas for site cleanup, invasives removal and restoration planting. A simple plan with polygons identifying these areas will suffice. For areas where planting is to take place, species and quantities of plantings will also be required.

Tree Compensation Letter

2. Given the Council resolution, dated October 21, 2020, compensation for woodland removals is required. The proposed approach to compensation in this letter focuses on 1.02ha of the 1.34ha of woodland proposed to be removed. It is not clear from the memo what framework was used to determine the tree, shrub and seed quantities included. It does not appear that this approach addresses the lag time required to replace ecosystem services currently being provided by the woodland, or the loss in natural heritage system land base.

TRCA advises that woodland compensation consistent with TRCA's Guideline for Determining Ecosystem Compensation be used to adequately offset impacts. This would include both ecosystem structure compensation, at the appropriate ratio as per the guideline, and land base compensation as per the guideline. Please revise the compensation approach to be consistent with TRCA's guideline.

3. Regarding the proposed woodland removals within TRCA's regulated area, TRCA will require compensation consistent with TRCA's Guideline for Determining Ecosystem Compensation through the issuance of our permit. This would include both ecosystem structure compensation, at the appropriate ratio as per the guideline, and land base compensation as per the guideline.

Flood Plain Management

4. The limit of development drawing has an outdated TRCA flood plain and an outdated Floodline 10 metre Buffer. Please update the floodline based on the updated TRCA hydraulic modelling. Please contact alwish.gnanaraj@trca.ca if a data request needs to be placed for the TRCA updated floodplain mapsheet or hydraulic model.

Stormwater Management

Water Quantity

5. TRCA recognizes that calculations have been provided to demonstrate the flow control requirement for Blocks 1 to 5. However, please clarify and/or provide a separate drainage area plan with the areas specified in Table G2 and G3 (Woodlot, Roads – North to Caldari/South to Caldari, North Block to Caldari Road, South Block to Caldari Road, Lots to Riverrock Gate, etc) to help verify the flow control to 116.5 L/s/ha for the areas Blocks 1 to 4 and 5 (North Outlet).
6. Please note that if green roofs are not proposed, the water quantity calculations must be revised to account for the roof area as impervious. TRCA strongly encourages that LID options

be explored for feasibility at this stage to ensure that there is adequate space allotted for them at the detailed design stage.

Water Quality

7. OGS design (Stormceptor EF) has been provided in Appendix H. However, the report says that a Jellyfish filter unit will be proposed. Please clarify this discrepancy.

Erosion Control

8. Please note that TRCA's current Erosion Control criteria is 25 mm over 48-hour detention in the SWM pond. Since the existing SWM pond only provides 24 hour detention and further, has not been designed for the entire 7.938 ha site area, please investigate possibilities and show best efforts to meet the current TRCA Erosion Control criteria.

Water Balance and Infiltration

9. The site is located within an area of the WHPA-Q2 that has been identified as being down-gradient of municipal wells. As such, the project is exempt from the REC-1 part 2 policy. Development of the site is still subject to the REC-1 part 1 policy of the CTC SPP. In accordance with the REC-1 part 1 policy, new development is required to implement best management practices, such as Low Impact Development (LID), with the goal of maintaining predevelopment recharge.

Please demonstrate best efforts to provide post development to predevelopment infiltration mitigation, in addition to the TRCA *first* 5 mm onsite retention water balance requirement. Please demonstrate using the average annual infiltration calculations how close the proposed measures will be to achieving the target levels.

10. The proponents have mentioned several LID measures in the report and have clarified that they will be factored in during the site plan stage. However, please demonstrate that all spatial requirements have been considered including the placement of any required mitigation footprints.
11. TRCA encourages an emphasis on passive LIDs that don't require manual draining like a cistern. If the cistern is proposed as the sole LID please demonstrate that there will be adequate demand for the water (car-washing, water for landscaping etc.) to ensure the tank will be empty prior to the next storm event.

Geotechnical Engineering

12. Grading information for the proposed road which include cross-sections and a longitudinal profile is required. The site grading plan should clearly depict the existing slope and grade elevations vs proposed elevations. The cross-sections should capture the entire slope. Furthermore, the side slope inclinations of the cut area should be clearly shown and the applicant will have to demonstrate that the side slopes will remain stable long-term.
13. A portion of the proposed road and embankment encroaches into the erosion hazard and, as such, a supplementary slope stability assessment will have to be conducted to ensure the proposed road and embankment will not be negatively impacted long-term by slope erosion. The supplementary slope assessment will need to demonstrate that the road and embankment is safe from any potential slope instability (for a minimum safety factor of 1.5).

Landscape Plantings

14. TRCA looks forward to review of the detailed landscape/restoration plans that implement the measures proposed in the Edge Management Plan.

Erosion and Sediment Controls During Construction

15. TRCA will require a comprehensive, multi-barrier Erosion and Sediment Control Plans and a Report as a part of the detailed design for the development. Please use the following link as a guide. <https://sustainabletechnologies.ca/app/uploads/2013/01/ESC-Guideline-December-2006.pdf>.

ATTACHMENT 1d) – CN RAIL

From: Proximity <proximity@cn.ca>

Sent: Wednesday, November 9, 2022 3:21 PM

To: Letizia D'Addario <Letizia.D'Addario@vaughan.ca>

Subject: [External] 2022-11-09_CN_RES_RLDC DA.19.010 and 19T-18V001 CN Agreement and Noise Report-(2901 Rutherford)

Hello Letizia,

It appears as the portion of the lands owned by Caldari within this application are NOT yet covered by any CN Agreement. CN needs to have the agreement extended to cover those lands. CN would like to include the conditions in the municipal approval document even if there was a CN Agreement in effect. As such, I would ask to include the following conditions for CN:

1. The Owner shall engage a consultant to undertake an analysis of noise. Subject to the review of the noise report, the Railway may consider other measures recommended by an approved Noise Consultant.
2. The following clause should be inserted in all development agreements, offers to purchase, and agreements of Purchase and Sale or Lease of each dwelling unit within 1000m of the railway right-of-way:

“Warning: Canadian National Railway Company or its assigns or successors in interest has or have a rights-of-way within 1000 metres from the land the subject hereof. There may be alterations to or expansions of the railway facilities on such rights-of-way in the future including the possibility that the railway or its assigns or successors as aforesaid may expand its operations, which expansion may affect the living environment of the residents in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development and individual dwelling(s). CNR will not be responsible for any complaints or claims arising from use of such facilities and/or operations on, over or under the aforesaid rights-of-way.”

3. The Owner shall through restrictive covenants to be registered on title and all agreements of purchase and sale or lease provide notice to the public that the noise isolation measures implemented are not to be tampered with or altered and further that the Owner shall have sole responsibility for and shall maintain these measures to the satisfaction of CN.
4. The Owner shall enter into an Agreement with CN stipulating how CN's concerns will be resolved and will pay CN's reasonable costs in preparing and negotiating the agreement.
5. The Owner shall be required to grant CN an environmental easement for operational noise and vibration emissions, registered against the subject property in favour of CN.

Thank you and do not hesitate to contact me with any questions.

Best regards

Ashkan Matlabi, Urb. OUQ. MBA

ATTACHMENT 1d) – CN RAIL

Urbaniste sénior / Senior Planner (CN Proximity)
Planning, Landscape Architecture and Urban Design
Urbanisme, architecture de paysage et design urbain



E : proximity@cn.ca

T : 1-438-459-9190

1600, René-Lévesque Ouest, 11e étage

Montréal (Québec)

H3H 1P9 CANADA

wsp.com



April 12, 2018

**CITY OF VAUGHAN
2141 MAJOR MACKENZIE DRIVE
VAUGHAN ON L6A 1T1**

Attention: Clement Messere - Planner

Dear Sir/Madam:

Re: **19T-18V001**

**RELATED FILE(S): OP.06.028, Z.06.075
PETER CORTELLUCCI, RUTHERFORD LAND DEVELOPMENT CORPORATION/CALDARI
LAND DEVELOPMENT CORPORATION
2901 RUTHERFORD ROAD & O CALDARI RD
CITY OF VAUGHAN WARD 4 POSTAL DELIVERY AREA CONCORD**

As the building(s) in this project consist of more than two adjoining units, sharing a common indoor entrance, the developer/owner must supply, install and maintain a centralized mailbox facility to Canada Post's specifications. The specifications can be found in our Delivery Standards Manual, which can be downloaded from this link:

https://www.canadapost.ca/cpo/mc/assets/pdf/business/standardsmanual_en.pdf

I am requesting the developer/owner contact me during the design stage of the above project, to discuss a suitable mailbox/mailroom location.

Should you require further information, please do not hesitate to contact me at the above telephone number or mailing address.

Sincerely,

Patrick Brown

Patrick Brown
Delivery Planning Officer
1860 Midland Ave 2nd Fl
Scarborough ON M1P 5A1
416-751-0160 Ext 2019 patrick.brown@canadapost.ca

ATTACHMENT 1f) BELL CANADA

From: circulations@wsp.com <circulations@wsp.com>

Sent: Wednesday, May 18, 2022 12:55 PM

To: Letizia D'Addario <Letizia.D'Addario@vaughan.ca>

Subject: [External] Draft Plan of Subdivision (19T-18V001), 2901 Rutherford Rd. & 0 Caldari Rd., Vaughan.

2022-05-18

Letizia D'Addario

Vaughan

''

Attention: Letizia D'Addario

Re: Draft Plan of Subdivision (19T-18V001), 2901 Rutherford Rd. & 0 Caldari Rd., Vaughan.; Your File No. 19T-18V001

Our File No. 93394

Dear Sir/Madam,

We have reviewed the circulation regarding the above noted application. The following paragraphs are to be included as a condition of approval:

"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.

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."

The Owner is advised to contact Bell Canada at planninganddevelopment@bell.ca during the detailed utility design stage to confirm the provision of communication/telecommunication infrastructure needed to service the development.

It shall be noted 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.

ATTACHMENT 1f) BELL CANADA

To ensure that we are able to continue to actively participate in the planning process and provide detailed provisioning comments, we note that we would be pleased to receive circulations on all applications received by the Municipality and/or recirculations.

Please note that WSP operates Bell's development tracking system, which includes the intake of municipal circulations. WSP is mandated to notify Bell when a municipal request for comments or for information, such as a request for clearance, has been received. All responses to these municipal circulations are generated by Bell, but submitted by WSP on Bell's behalf. WSP is not responsible for Bell's responses and for any of the content herein.

If you believe that these comments have been sent to you in error or have questions regarding Bell's protocols for responding to municipal circulations and enquiries, please contact planninganddevelopment@bell.ca

Should you have any questions, please contact the undersigned.

Yours truly,

Ryan Courville
Manager - Planning and Development
Network Provisioning
Email: planninganddevelopment@bell.ca

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Date: February 15th , 2018

Attention: **Clement Messere**

RE: Request for Comments

File No.: **19T-18V001 (ICI)**

Related Files:

Applicant: Peter Cortellucci, Rutherford Land Development Corporation
Caldari Land Development Corporation

Location 2901 Rutherford Rd and 0 Caldari Road



COMMENTS:

☐

We have reviewed the Proposal and have no comments or objections to its approval.

☒

We have reviewed the proposal and have no objections to its approval, subject to the following comments (attached below).

☐

We are unable to respond within the allotted time for the following reasons (attached) you can expect our comments by _____.

☐

We have reviewed the proposal and have the following concerns (attached below)

☐

We have reviewed the proposal and our previous comments to the Town/City, dated _____, are still valid.

Alectra Utilities (formerly PowerStream) has received and reviewed the submitted plan proposal. This review, however, does not imply any approval of the project or plan.

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. The proposed transformer shall be located 6m (or more) from windows, doors, vents and any flammable materials on the building site. In the event the 6m clearance cannot be achieved, Alectra will require the installation of a fire/blast wall (6"poured reinforced concrete, 8"solid block, or 12" hollow 85% fill). 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. *(see attachment 4)

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.

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. The primary duct bank cannot be integrated into the poured flooring of the building.

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), along with the completed and signed Service Application Information Form (SAIF). 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.

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.

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.

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.

The information on the SAIF must be as accurate as possible to reduce unnecessary customer costs, and to provide a realistic In-Service Date. The information from the SAIF is also used to allocate/order materials, to assign a Technician to the project, and to place the project in the appropriate queue.

If the customer intends to use the permanent transformer for providing temporary power during construction, the temporary service requirements on the Application Form must be included. Amperage, voltage and the proposed secondary cable sizes, in order to calculate the cost in the *Offer to Connect*, are to be provided.

When the customer is ready to proceed, they will need to contact the New Connections Call Centre at (905) 417 - 6900 ext. 25713, or toll free 1-877- 963- 6900 ext. 25713 to obtain a Service Application Information Form (SAIF).

(Note to help expedite the request for final connection please ensure the job specific Ref# for your project is on all communication, drawings and Electrical Safety Authority (ESA) Connection Authorization Forms(CA)).

The form is to be completed and returned, with the signed copies to the attention of Barry Stephens. If this proposed development is condominium-related, also contact Alectra Metering Manager, Eddie Augusto at (905) 532 4433 for information about suite metering.

References:

- Ontario Electrical Safety Code, latest edition (Clearance of Conductors from Buildings), attached
- Ontario Health and Safety Act, latest edition (Construction Protection)
- Ontario Building Code, latest edition (Clearance to Buildings)
- PowerStream (Construction Standard 03-1, 03-4), attached
- Canadian Standards Association, latest edition (Basic Clearances)

Service Application Information Form to be completed and returned with the following documentation in order to prepare the Offer to Connect and/or Easements if required:

1. A copy of a current Parcel Register or Abstract of Title to include the property owner's name, address, telephone and fax numbers and pin number.

2. Title documents pertaining to the subject property to include the transfer deed of land, any encumbrances/Certificate of incorporation and any amendments showing the current correct corporate name and address as filed with the appropriate Government Office.

Please ensure that the reference number is included on your Electrical Inspection Certificate.

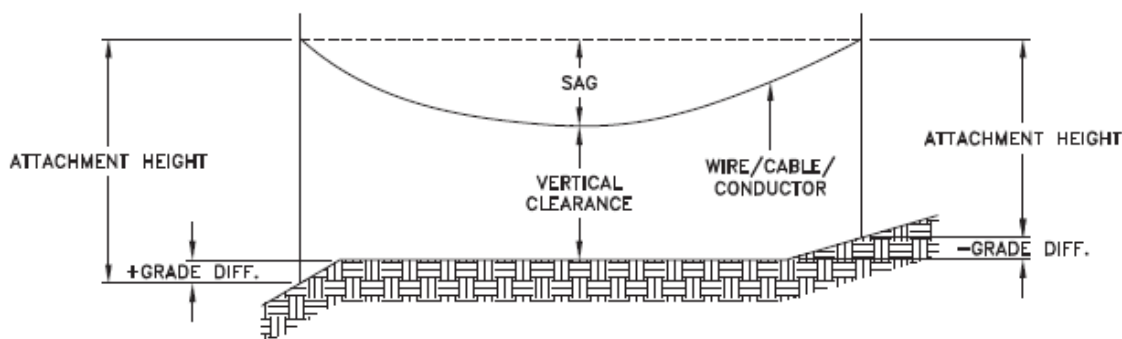
Regards,

Mr. Stephen Cranley, C.E.T
Supervisor, Distribution Design, ICI
Phone: 1-877-963-6900 ext. 31297
Fax: 905-532-4401

E-mail: stephen.cranley@alectrautilities.com

Service Application Information Form is available by calling 1-877-963-6900 ext. 25713

LOCATION OF WIRES, CABLES OR CONDUCTORS	SYSTEM VOLTAGE			
	SPAN GUYS AND COMMUNICATIONS WIRES	UP TO 600V AND NEUTRAL	4.16/2.4kV TO 27.6/16kV (SEE NOTE 1)	44kV
	MINIMUM VERTICAL CLEARANCES (SEE NOTE 2)			
OVER OR ALONGSIDE ROADS, DRIVEWAYS OR LANDS ACCESSIBLE TO <u>VEHICLES</u>	442cm	442cm	480cm	520cm
OVER GROUND ACCESSIBLE TO <u>PEDESTRIANS</u> AND <u>BICYCLES</u> ONLY	250cm	310cm	340cm	370cm
ABOVE TOP OF RAIL AT <u>RAILWAY CROSSINGS</u>	730cm	730cm	760cm	810cm



MINIMUM ATTACHMENT HEIGHT = MAXIMUM SAG
 + MINIMUM VERTICAL CLEARANCE (FROM ABOVE TABLE)
 + GRADE DIFFERENCE
 + 0.3m (VEHICLE OR RAILWAY LOCATION)
 + SNOW DEPTH (PEDESTRIAN LOCATION, SEE NOTE 3)

NOTES:

1. THE MULTIGROUNDED SYSTEM NEUTRAL HAS THE SAME CLEARANCE AS THE 600V SYSTEM.
2. THE VERTICAL CLEARANCES IN THE ABOVE TABLE ARE UNDER MAXIMUM SAG CONDITIONS.
3. REFER TO CSA STANDARD C22.3 No.1, ANNEX D FOR LOCAL SNOW DEPTH VALUES.
4. ALL CLEARANCES ARE IN ACCORDANCE TO CSA STANDARD C22.3.

CONVERSION TABLE	
METRIC	IMPERIAL (APPROX)
810cm	27'-0"
760cm	25'-4"
730cm	24'-4"
520cm	17'-4"
480cm	16'-0"
442cm	15'-5"
370cm	12'-4"
340cm	11'-4"
310cm	10'-4"
250cm	8'-4"

MINIMUM VERTICAL CLEARANCES OF WIRES, CABLES AND CONDUCTORS ABOVE GROUND OR RAILS

ORIGINAL ISSUE DATE: 2010-DEC-24 REVISION NO: R1 REVISION DATE: 2012-JAN-09

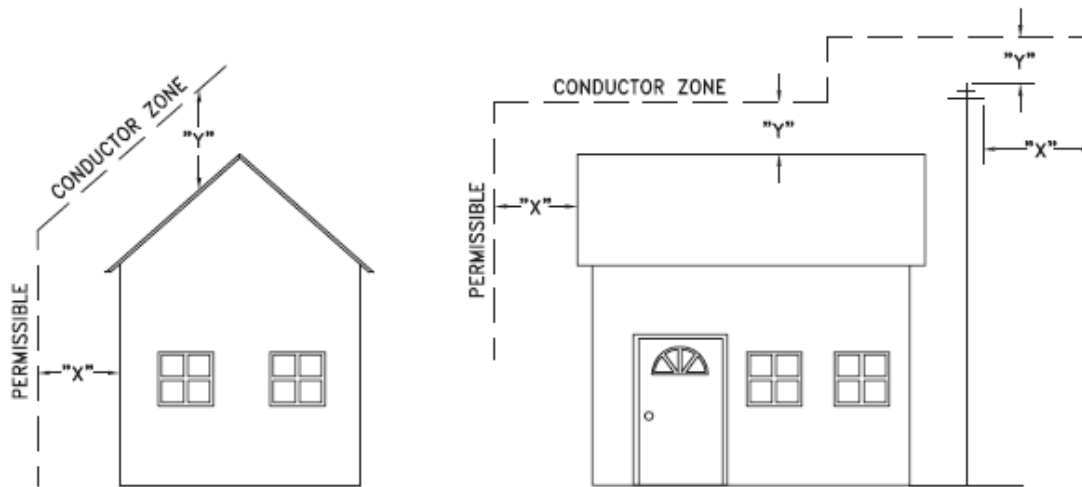
REFERENCES

SAGS AND TENSIONS SECTION 02

Certificate of Approval

This construction Standard meets the safety requirements of Section 4 of Regulation 22/04

Joe Crozier, P.Eng. 2012-JAN-09
 Name Date
 P.Eng. Approval By: Joe Crozier



VOLTAGE	MINIMUM HORIZONTAL CLEARNACE UNDER MAXIMUM SWING CONDITIONS DIMENSION "X" (SEE NOTES 1, 3 & 4)	MINIMUM VERTICAL CLEARANCE UNDER MAXIMUM DESIGN SAG CONDITIONS DIMENSION "Y" (SEE NOTES 1, 2, 4 & 5)
0-600V AND NEUTRAL	100cm	250cm
4.16/2.4 TO 44kV	300cm	480cm

NOTES

- UNDER NO CIRCUMSTANCES SHALL A CONDUCTOR BE PERMITTED TO PENETRATE THE ENVELOPE SHOWN BY THE DOTTED LINE.
- THE VERTICAL CLEARANCES ARE UNDER CONDITIONS OF MAXIMUM DESIGN SAG.
- THE HORIZONTAL CLEARANCES ARE UNDER CONDITIONS OF MAXIMUM SWING. WHERE THE CONDUCTOR SWING IS NOT KNOWN A HORIZONTAL CLEARANCE OF 480CM SHALL BE USED.
- BUILDINGS THAT EXCEED 3 STOREYS OR 15M IN HEIGHT, THE MINIMUM HORIZONTAL CLEARANCE OF THE SECONDARY CONDUCTORS SHOULD BE INCREASED TO 300cm WHERE IT IS NECESSARY TO ALLOW FOR THE RAISING OF LADDERS BY LOCAL FIRE DEPARTMENTS.
- IN SITUATIONS SUCH AS MULTI-LEVEL GARAGES, WHERE ROOFS ARE NORMALLY USED BY PERSONS AND VEHICLES, THE VERTICAL CLEARANCES OF POWERSTREAM STANDARD 03-1 SHALL APPLY.
- DISTRIBUTION LINES CONSTRUCTED NEAR BUILDINGS SHALL BE BUILT TO AVOID OVERHANG WHEREVER POSSIBLE. WHERE LINES MUST BE CONSTRUCTED OVER OR ADJACENT TO BUILDINGS THE APPLICABLE HORIZONTAL AND VERTICAL CLEARANCES SHALL BE AT CONDITIONS OF MAXIMUM CONDUCTOR SWING AND MAXIMUM SAG. THE ABOVE CLEARANCES ARE DESIGNED TO PREVENT PERSONS ON OR IN BUILDINGS AS WELL AS EXTERNAL MACHINERY USED IN CONJUNCTION WITH A BUILDING TO COME IN CONTACT WITH CONDUCTORS. EFFORTS SHOULD BE MADE TO INCREASE THESE CLEARANCES WHERE POSSIBLE.
- ALL CLEARANCES ARE IN ACCORDANCE TO CSA C22.3 NO.1-06 (TABLE-9).

CONVERSION TABLE	
METRIC	IMPERIAL (APPROX)
480cm	16'-0"
300cm	10'-0"
250cm	8'-4"
100cm	3'-4"

MINIMUM VERTICAL & HORIZONTAL CLEARANCES OF CONDUCTORS FROM BUILDINGS OR OTHER PERMANENT STRUCTURES (CONDUCTORS NOT ATTACHED TO BUILDINGS)

Certificate of Approval	
This construction Standard meets the safety requirements of Section 4 of Regulation 22/04	
Name	Date
P.Eng. Approval By: <u>D. Dadwani</u>	2010-MAY-05

ORIGINAL ISSUE DATE: 2010-MAY-05 REVISION NO: REVISION DATE:
P:\System Planning and Standards\Standard Design\PowerStream Standards\PowerStream Standards working folder\Section 23-4\DWG 03-4 RD May 5, 2010.dwg, 5/5/2010 9:27:03 AM, Adobe PDF

75-706 Primary and secondary lines clearances

- (1) The poles that support the phase conductor of a primary line shall be so located and of such height as to afford a clearance of 7 m measured vertically between the conductors under maximum sag conditions and the ground.
- (2) Notwithstanding Subrule (1) for high voltage line installations where plans are submitted for examination to the inspection department, the clearances listed in Table 34 are acceptable.
- (3) The primary line neutral shall be considered a secondary conductor and shall have the same minimum vertical clearance as specified in Subrule (4).
- (4) Conductors of a secondary line shall have a minimum 6.1 m measured vertically between the conductors under maximum sag conditions and the ground.
- (5) Notwithstanding Subrule (1) for high and low voltage line installations on public right of ways, for the purpose of roadway lighting systems or traffic control systems, CSA C22.3 No. 1, Overhead systems, or the Ontario Provincial Standards shall be permitted.

75-708 Clearances of conductors from buildings

- (1) An overhead primary line conductor shall be kept at least 3 m at maximum conductor swing measured horizontally from a building.
- (2) Primary line conductors shall not be installed over buildings unless the installation is lawful under Rule 2-030, and work shall not begin until the plans and specifications for the work are approved in accordance with Rule 2-010.
- (3) No building, mobile home or structure shall be placed or constructed within at least 3 m at maximum conductor swing measured horizontally from the nearest conductor of an overhead primary line.
- (4) Where the conductor swing is not known, a distance of 1.8 m shall be used.
- (5) An overhead secondary line conductor shall be kept at least 1 m measured horizontally from any building except where necessary to connect to the electrical wiring of a building.

75-710 Clearances for other structures

- (1) Notwithstanding Rule 36-110, conductors of a primary line shall
 - (a) not be located closer than 12 m measured horizontally from silos to the closest conductors, with the conductor at rest;
 - (b) not be located over wells from which pump rods may be lifted and come in contact with the conductors;
 - (c) have sufficient clearance from free-standing poles that support flood or area lighting, flagpoles, antennae, or other similar structures so as to permit the structure to fall in an arc, without touching the conductors at rest;
 - (d) not be located within 6 m, measured horizontally from wind-mills or similar structures to the closest conductor, with the conductor at rest; and
 - (e) have a minimum vertical clearance of 3.1 m above fencing at maximum sag.
- (2) Conductors of a secondary line shall not be installed closer than 1 m measured horizontally from structures.
- (3) The poles and equipment associated with a primary or secondary line shall be located and suitably protected so as to avoid the possibility of damage from contact with vehicles.

75-712 Tree trimming

- (1) The owner of a private line shall provide clearance to the line from trees and other forms of woody growth in compliance with a code or standard under a rule or by-law of the supply authority concerning tree trimming.
- (2) Where there is no applicable code or standard under a rule or by-law of the supply authority concerning tree trimming, all trees and woody growth adjacent to a line shall be trimmed so that minimum clearance to the nearest conductor horizontally at maximum conductor swing and vertically at a maximum sag shall be
 - (a) 1 m for secondary lines; and
 - (b) 4 m for primary lines.

Grounding and bonding

75-800 Grounding of equipment mounted on steel poles

- (1) A steel pole shall be permitted to be used as the grounding electrode for equipment mounted on the pole where the steel pole is directly embedded in soil and the portion of the pole in contact with the soil is not coated with any non-metallic coating or covering and such an installation is in accordance with the manufacturer's recommendations.
- (2) Where a pole is used as the ground electrode for the transformer, the transformer shall be bonded to the pole and the neutral in accordance with Specification 44 or 45.

Urban Design Issues

October, 2013

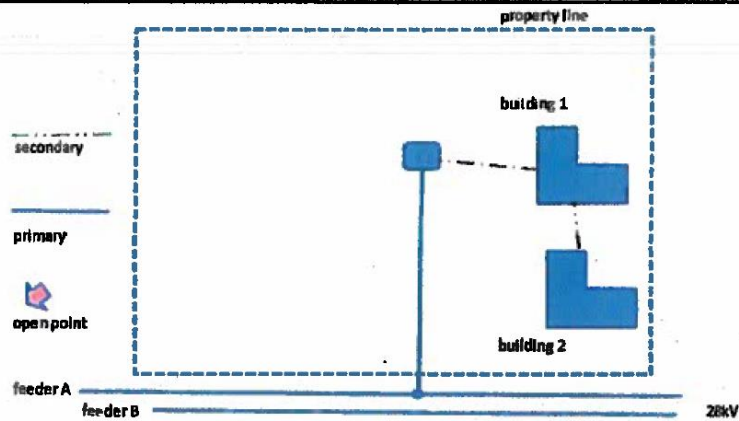


FIGURE 2: 2 BUILDING CONNECTION less than 1,000kVA

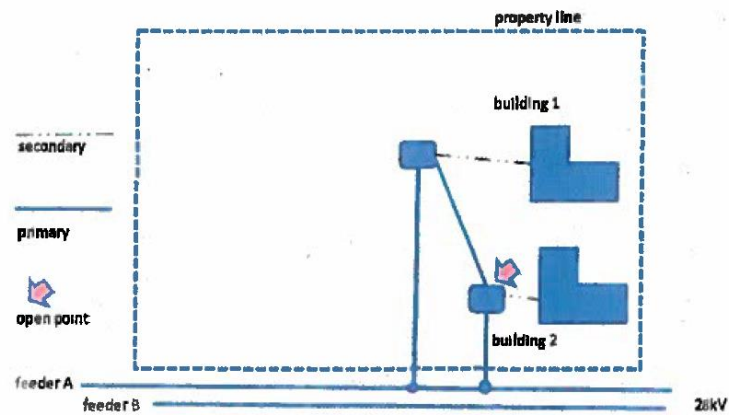


FIGURE 3: 2 BUILDING CONNECTION greater than 1,000kVA

Final Version, October 1, 2013



Urban Design Issues

October, 2013

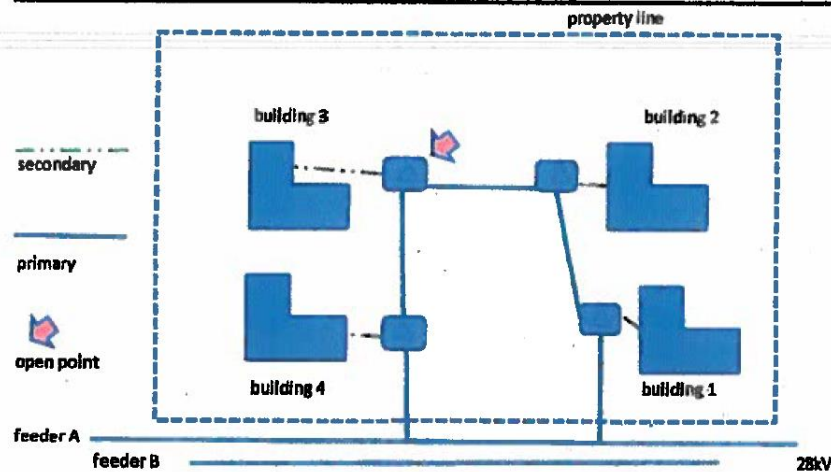


FIGURE 4: MULTI BUILDING CONNECTION greater than 1,000kVA

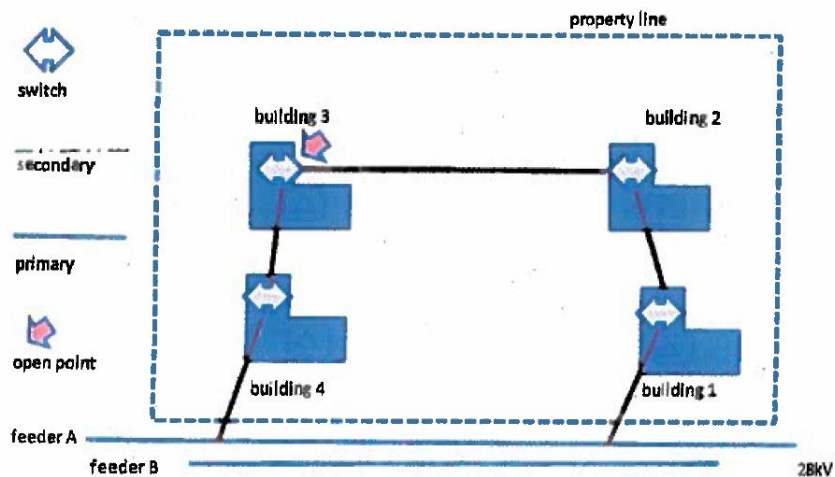


FIGURE 5: DRY TYPE TRANSFORMERS greater than 1,000kVA

Final Version, October 1, 2013

**Power
Stream**

alectra
utilities
Discover the possibilities

(4) Underground consumer's service raceway entry into a building

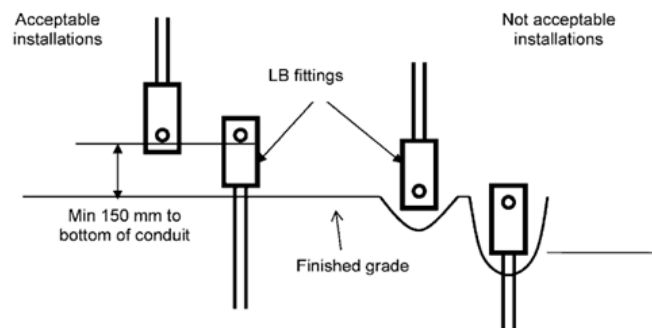
Subrule 6-300(3) requires that an underground consumer's service raceway enter a building above ground where practicable. If it is not practicable, then the raceway must be suitably drained or installed in such a way that moisture and gas will not enter the building.

The intent of the Subrule is to prevent water leaking into either the building or the electrical service equipment and causing damage.

Questions have arisen as to how we determine "above ground" or "above grade".

Above ground or grade will be interpreted as any part of the building that is more than 150 mm above the finished grade. (See Figure B1)

Figure B1 – Interpretation of "above ground"





Enbridge Gas Inc.
500 Consumers Road
North York, Ontario M2J 1P8
Canada

March 1, 2019

Clement Messere
Planner
City of Vaughan
Development Planning Department
2141 Major Mackenzie Drive
Vaughan, ON L6A 1T1

Dear Clement,

Re: Site Development Application
Rutherford Land Development Corporation
2901 Rutherford Road
City of Vaughan
File No.: DA-19-010
Related File No.: 19T-18V001, OP-06-28, Z-06-075

Enbridge Gas Inc. does not object to the proposed application(s).

This response does not constitute a pipe locate or clearance for construction.

The applicant shall contact Enbridge Gas Inc.'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.

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.

In the event that easement(s) are required to service this development, the applicant will provide the easement(s) to Enbridge Gas Inc. at no cost.

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 is within the municipal road allowance. The final size and location of the regulator station will be confirmed by Enbridge Gas Inc.'s Customer Connections department. For more details contact SalesArea30@Enbridge.com.

Enbridge Gas Inc. reserves the right to amend or remove development conditions.

Sincerely,

A handwritten signature in cursive script that reads 'Alice Coleman'.

Alice Coleman
Municipal Planning Coordinator
ENBRIDGE GAS INC.
TEL: 416-495-5386
MunicipalPlanning@enbridge.com
500 Consumers Rd, North York, ON, M2J 1P8

enbridgegas.com

Safety. Integrity. Respect.



YORK CATHOLIC DISTRICT SCHOOL BOARD

Planning Services Department

Circulation ID: 11069

YCDSB File: OPA(V)-06028

TO: Letizia D'Addario
FROM: Adam McDonald, Senior Planner
EMAIL: letizia.d'addario@vaughan.ca
RE: **Plan Type:** Plan of Subdivision
Applicant: Peter Cortellucci
Address: 2901 Rutherford Road
Municipality: Vaughan
Municipal File: 19T-18V001

In support of Active and Safe Routes to School, the Board requests that sidewalks be provided on at least one side of all streets within this plan. Sidewalks are important infrastructure in facilitating students (residents) walking to school, or to bus stop locations.

- ☒ We have reviewed the proposal and have no additional comments or objections to its approval
- ☐ Board staff request that an extension to the comment deadline to fully evaluate this proposal. You can expect our comments by:
- ☐ We have reviewed the proposal and have the following concerns (see attached).
- ☐ We have reviewed the proposal and our previous comments to the Town, dated are still valid.

Signature

Tue Apr 19 2022

Date

905.713.1211 Ext:12379
 Adam.McDonald@ycdsb.ca

ATTACHMENT 2
CONDITIONS OF SITE PLAN APPROVAL
SITE DEVELOPMENT FILE DA.19.010
RUTHERFORD LAND DEVELOPMENT CORP. ('THE OWNER')

Conditions of Site Plan Approval:

1. THAT prior to the execution of the Site Plan Agreement:
 - a) The Development Planning Department shall approve the final site plan, building elevations, landscape plan, landscape details, landscape cost estimate, lighting plan, context plan, key plan, wind study, arborist report and Sustainability Performance Metrics;
 - b) The Owner shall provide the final georeferenced AutoCAD drawings of the plan of subdivision, site plan and landscape plan, the associated Excel translation files and individually layered pdfs for all drawings to the satisfaction of the GIS section of the Development Planning Department. If the files meet requirements, an email from gisplanning@vaughan.ca confirming the final submission has been approved will be provided.
 - c) The M-Plan for Phase 1 of Draft Plan of Subdivision 19T-18V001 shall be registered on title;
 - d) The Owner shall successfully obtain approval of a Minor Variance application for the required site-specific zoning exceptions to Zoning By-law 1-88, as identified in Table 1 of this report, from the Vaughan Committee of Adjustment. The Committee's decision shall be final and binding and the Owner shall satisfy any conditions of approval imposed by the Committee.
 - e) the Owner withdraw its appeals of Official Plan Amendment File OP.06.028 and Zoning By-law Amendment File Z.06.075 in accordance with the resolution passed by Vaughan Council in support of the MZO
 - f) The Owner shall pay the applicable fees or charges for multi-residential waste diversion containers (recycling bag/container and organics kitchen container) in accordance with City's By-law 171-2013, as amended."
 - g) The City of Vaughan, at its sole discretion, will assess and determine the need for the Community Space and render a decision on its acquisition prior to the execution of the Site Plan Agreement. Following this decision, the Owner shall enter into a separate agreement, to the satisfaction of the

City for the acquisition of the Community Space. The agreement shall contain provisions relating to but not limited to acquisition costs, Section 37 creditable values in accordance with applicable law and City established policies, processes and procedures, type and term of ownership, fit-out costs, maintenance costs, applicable condominium fees, public access easements, parking access, servicing and mechanical utilities, location, use, size, configuration, internal layout, structural elements, framing, interior finishes, elevator requirements. Should the City elect not to acquire the Community Space, the Owner should consider alternative use of the space.

- h) The Owner shall address all comments provided in Section B of the Memo to Development Planning dated October 28, 2022 and submit the required revised reports, drawings and/or plans, to the satisfaction of Development Engineering Department. Note that additional information and documents may be required upon reviewing of the next submission.
- i) If permanent groundwater discharge to the City's municipal sewer system is required, the Owner shall submit an application to Public Works - Environmental Services Department to obtain an approval for permanent ground water discharge ("Discharge Approval"), required for the proposed development to discharge groundwater 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 Groundwater Discharge, shall not exceed the allowable flow rates discharged to the Vaughan's storm sewer system as approved by Development Engineering Department.
- j) The Owner shall provide written proof and supporting documentation such as a registered Reference Plan and land transfer document registered with the Land Registrar, to the satisfaction of the City, to confirm that conveyance of lands to facilitate widening of the private driveway on the Granite Lands has been completed; including Block 1 (to facilitate the private driveway widening, to be conveyed to Granite) and Block 6 (i.e. northeast corner of the intersection of Riverrock Gate and Caldari Road, to be conveyed to the City) as shown on the Draft Plan.
- k) The Development Engineering Department 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, and Traffic Impact Study (TIS).

- l) The Owner shall submit a Transportation Demand Management Plans (TDM Plans), prepared by a qualified professional transportation consultant, for each phase of the development including a plan for the existing and future phase(s). The TDM Plan shall identify objectives, targets, measures, monitoring, and management plan, including roles and responsibilities of the landowners. In addition, the TDM Plan shall include a budget for the full cost of implementing the TDM measures, including operational financial consideration. All TDM Plans shall be completed to the satisfaction of the Development Engineering Department.
- m) The Owner shall submit to the City a Detailed Environmental Noise Assessment and Vibration Report for the proposed development on the lands prepared in accordance with Ministry of the Environment and Climate Change 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 Condominium Declaration and 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.
- n) The Owner shall enter into an agreement with the City to 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, financial securities, cost sharing, the design and construction of Street 'A' (Caldari Road extension from Riverrock Gate to a temporary cul-de-sac, which shall terminate before Caldari Road turns into east-west direction) and Street 'B' (Abeja Street); and including the necessary improvements to and signalization of intersection of Riverrock Gate and Caldari Road; installation of the necessary municipal services and utilities, streetscape and landscape elements; cycling infrastructure along the entire Caldari Road extension; and cycling infrastructure along the site frontages of Jane Street, Abeja Street and Caldari Road. The said agreement(s) shall be registered against the lands to which it applies and to the satisfaction of the Development Engineering Department. The said agreement shall be registered with the City prior to the final Site Plan Approval.
- o) The Owner shall pay the applicable fees pursuant to the current Fees and Charges By-law including the Development Engineering Site Plan Complex review fee and building water charge.

- p) The Owner shall satisfy all requirements of the Environmental Services Department, Solid Waste Management Division.
- q) The Owner shall enter into an agreement with the City to convey the following lands, free of all costs and encumbrances, to the City, to the satisfaction of the City. The following required lands are necessary to complete full right-of-ways of the City's public roads:
 - i. Lands necessary to provide a full Public Right-of-Way for Street 'B' (Abeja Street);
 - ii. Lands necessary to provide a full 26-m Public Right-Of-Way for Caldari Road Extension between Riverrock Gate and Street 'B' (Abeja Street) i.e. Block 3
- r) The Owner shall submit prior to conveyance of lands to the City, and/or any initiation of grading or construction on the lands:
 - i. 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. The sampling and analysis plan prepared as part of the Phase Two ESA, Phase Three ESA, and RAP shall be developed in consultation with the City, implemented, and completed to the satisfaction of the City.
 - ii. Should a change to a more sensitive land use as defined under O. Reg. 153/04 (as amended) or remediation of any portions of lands be required to meet the applicable Standards set out in the Ministry of the Environment and Climate Change (MOECC) 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 satisfactory registration of the Record(s) of Site Condition (RSCs) filed on the Environmental Site Registry including the acknowledgement letter from the MOECC, covering all the lands.
 - iii. Submit a signed and stamped certificate letter prepared by the Owner's Environmental Qualified Person/Professional (QP) stating that they covenant and agree that all lands and any lands and easements external to the lands to be dedicated to the City and the Region were remediated in accordance with O. Reg. 153/04 (as amended) and the accepted RAP (if applicable), are suitable for the intended land use, and meet the applicable Standards set out in the

MOECC document "Soil, Ground Water and Sediment Standards for Use under Part XV.1 of the *Environmental Protection Act*" (as amended).

- iv. Reimburse the City for the cost of the peer review of the ESA reports and RAP, as may be applicable.
- s) The Owner shall provide construction management plan and traffic control plan to the satisfaction of the City. The construction management plan and traffic control plan shall demonstrate adequate construction management, traffic control measures and designate construction access of the subject development to the satisfaction of the City.
- t) The Owner shall agree that location of construction access of the subject development shall be approved by the City and York Region.
- u) Prior to undertaking any work within the Regional right-of-way of Jane Street (e.g., grading, landscaping etc.), and/or encroaching within the Regional right-of-way of Jane Street with crane swing, hoarding, tie-backs, excavation etc. the Owner must be in receipt of a Site Plan Approval and a Road Occupancy Permit from the Region. To obtain Site Plan Approval the Owner shall meet all requirements from York Region in accordance with their letter dated August 11, 2022 for Site Development File DA.19.010 and also enter into a Site Plan Agreement with York Region.
- v) The Owner shall address all comments and satisfy all requirements provided by Parks Infrastructure Planning and Development in their comments dated September 30, 2022, for Site Development File DA.19.010.
- w) To meet dedication requirements under the *Planning Act*, the VOP 2010 (Section 7.3.3 Parkland Dedication) and in-effect Parkland Dedication By-law and applicable amendments, payment-in-lieu of parkland shall be provided, discounting any public parkland dedicated to the City. Real Estate Services shall review and provide comments as required prior to Building Permit. The valuation date of land value for payment-in-lieu, including determining what unit rate shall apply under the Parkland Dedication By-law, shall be the day before the day the required first building permit is issued for the development.
- x) The Owner shall engage a consultant to undertake an analysis of noise. Subject to the review of the noise report, the Railway may consider other measures recommended by an approved Noise Consultant.

- y) The Owner shall through restrictive covenants to be registered on title and all agreements of Purchase and Sale or Lease/Rental provide notice to the public that the noise isolation measures implemented are not to be tampered with or altered and further that the Owner shall have sole responsibility for and shall maintain these measures to the satisfaction of CN.
 - z) The Owner shall enter into an Agreement with CN stipulating how CN's concerns will be resolved and will pay CN's reasonable costs in preparing and negotiating the agreement.
 - aa) The Owner shall be required to grant CN an environmental easement for operational noise and vibration emissions, registered against the subject property in favour of CN.
 - bb) The Owner shall provide a sidewalk on at least one side of all streets within this plan, to the satisfaction of the York Catholic District School Board
2. THAT the Site Plan Agreement shall include the following provisions and/or warning clauses, to the satisfaction of the City:
- a) "The Owner shall agree to implement the recommendations of the final noise report into the design and construction of the buildings on the subject lands; and include all necessary warning statements on Condominium Declaration and 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 final approved Detailed Environmental Noise Assessment and Vibration Report. Where a façade, wall, door, window and/or oversized forced air mechanical systems are required by the Noise Report, these features shall 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 Development Engineering."
 - c) The Owner shall agree in the Site Plan Agreement to include the necessary warning clauses in agreements of Offer of Purchase and Sale, lease/rental agreements and condominium declarations for all units, including but not limited to the following:

- i. "Purchasers and/or tenants are advised that Caldari Road will be extended northerly to intersect with Rutherford Road in the future in accordance with Vaughan Mills Center Secondary Plan to facilitate development of adjacent lands."
 - ii. "Purchasers/tenants are advised that despite the inclusion of noise control features in the development and within the individual dwelling units, sound levels from increasing road traffic and adjacent employment/industrial uses may on occasion interfere with some activities of the dwelling occupants as the sound level may exceed the Ministry of Environment and Climate Change's environmental noise guidelines NPC-300."
 - iii. And other additional warning clauses as recommended in the final approved Detailed Environmental Noise Assessment and Vibration Report.
 - iv. "Purchasers and/or tenants are advised that the public 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."
 - v. The Owner shall also agree in the Site Plan Agreement to include a statement in all agreements of Purchase and Sale or Lease advising all future owners and residents of the details regarding solid waste collection and that the development will have private waste collection services.
- d) "Prior to occupancy of each dwelling unit, the Owner shall submit to the City satisfactory evidence that the appropriate statements and warning clauses have been included in Condominium Declaration and all agreements of Offer of Purchase and Sale or Lease."
- e) "The Owner shall agree to include a statement in Condominium Declaration and all agreements of Offer of Purchase and Sale or Lease advising all future owners, tenants and residents of the details regarding solid waste collection and that the development will have private waste collection services."
- f) "For high-density residential development, the Owner shall convey land at a rate of 1 hectare per 300 units and/or pay to the City of Vaughan by way of certified cheque, cash-in-lieu of the dedication of parkland at the rate of 1 hectare per 500 units, or at a fixed unit rate, prior to the issuance of a

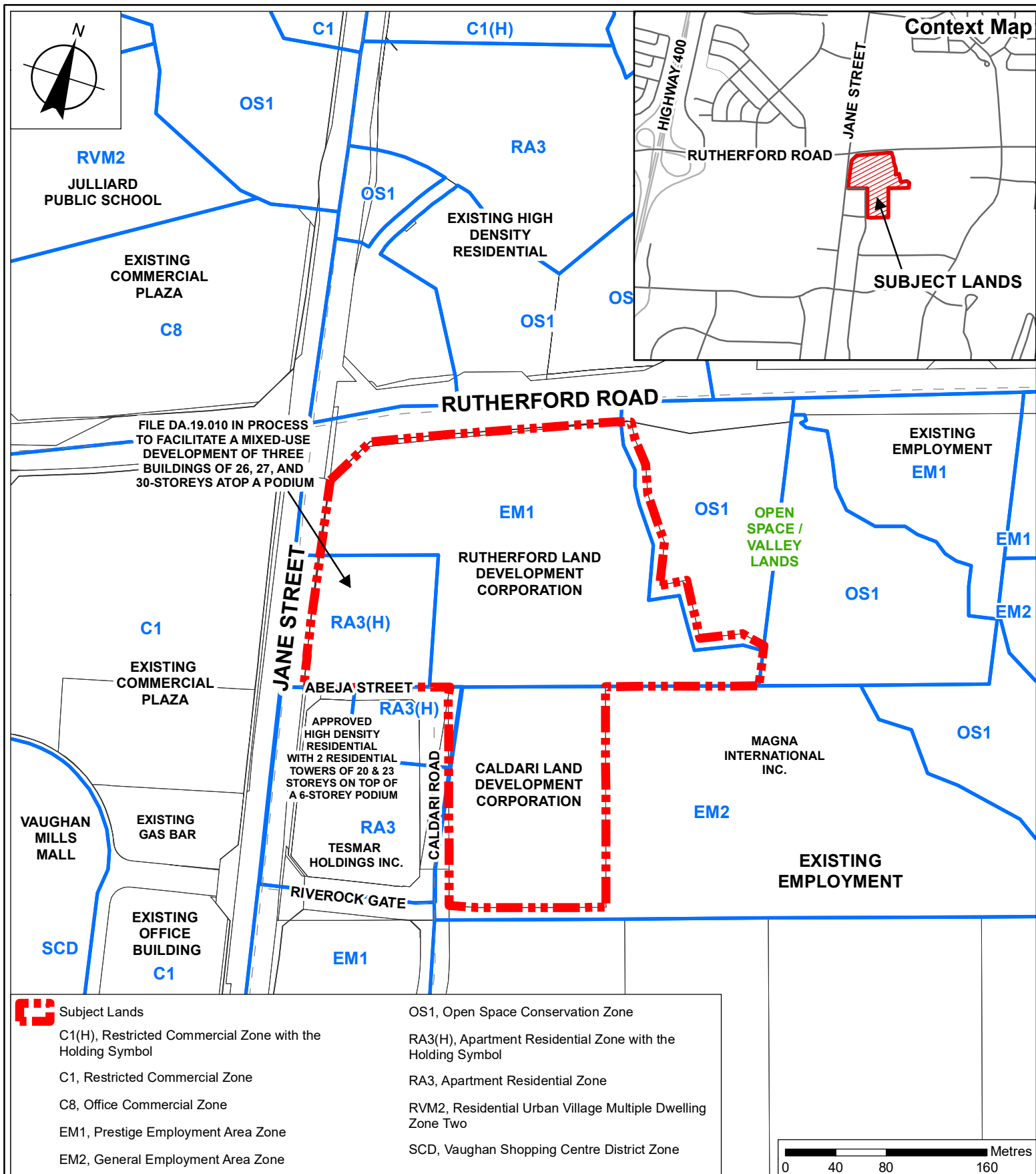
Building Permit, in accordance with the *Planning Act* and the City of Vaughan's Cash-in-Lieu of Parkland Dedication Policy."

- g) "The Owner shall pay to the City 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."
- h) "i) Should archaeological resources be found on the Subject Lands during construction activities, the Owner must immediately cease all construction activities and notify the Ministry of Heritage, Sport, Tourism and Culture Industries and the Development Planning Department, Urban Design and Cultural Heritage Division at the City of Vaughan.

ii) 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 at the Bereavement Authority of Ontario (BAO) and the City of Vaughan Development Planning Department, Urban Design and Cultural Heritage Division."
- i) The Owner shall agree in the Site Plan Agreement to include the following clause in all development agreements, offers to purchase, and agreements of Purchase and Sale or Lease/Rental and condominium declarations of each dwelling unit within 1000 m of the railway right-of-way:
 - i. "Warning: Canadian National Railway Company or its assigns or successors in interest has or have a right-of-way within 1000 metres from the land the subject hereof. There may be alterations to or expansions of the railway facilities on such rights-of-way in the future including the possibility that the railway or its assigns or successors as aforesaid may expand its operations, which expansion may affect the living environment of the residents in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development and individual dwelling(s). CNR will not be responsible for any complaints or claims arising from use of such facilities and/or operations on, over or under the aforesaid rights-of-way."
- j) "The Owner shall agree to provide direct pedestrian and cycling connections to the boundary roadways and adjacent developments, as

well as facilities on the site (e.g. convenient and secure bike racks near entrances) to promote non-auto travel modes.”

- k) “The Owner shall agree to provide interconnections with adjacent developments or existing communities in order to consolidate and reduce the number of accesses onto Regional roads (as per the Regional Official Plan Policy 7.2.53), where appropriate.”
- l) “The Owner shall agree to provide proposed development access via local streets, shared driveways and interconnected properties to maximize the efficiency of the Regional street system (as per the Regional Official Plan Policy 7.2.53), where appropriate.”
- m) “The Owner shall agree to no direct private access is permitted onto Jane Street and Rutherford Road.”
- n) The Owner shall satisfy all requirements from Canada Post
- o) The Owner shall satisfy all requirements from Alectra Utilities Corporation, Enbridge Gas Distribution Inc. and Bell Canada



Context and Location Map

LOCATION:
2901 Rutherford Road
Part of Lot 15, Concession 4

APPLICANT:
Rutherford Land Development Corporation



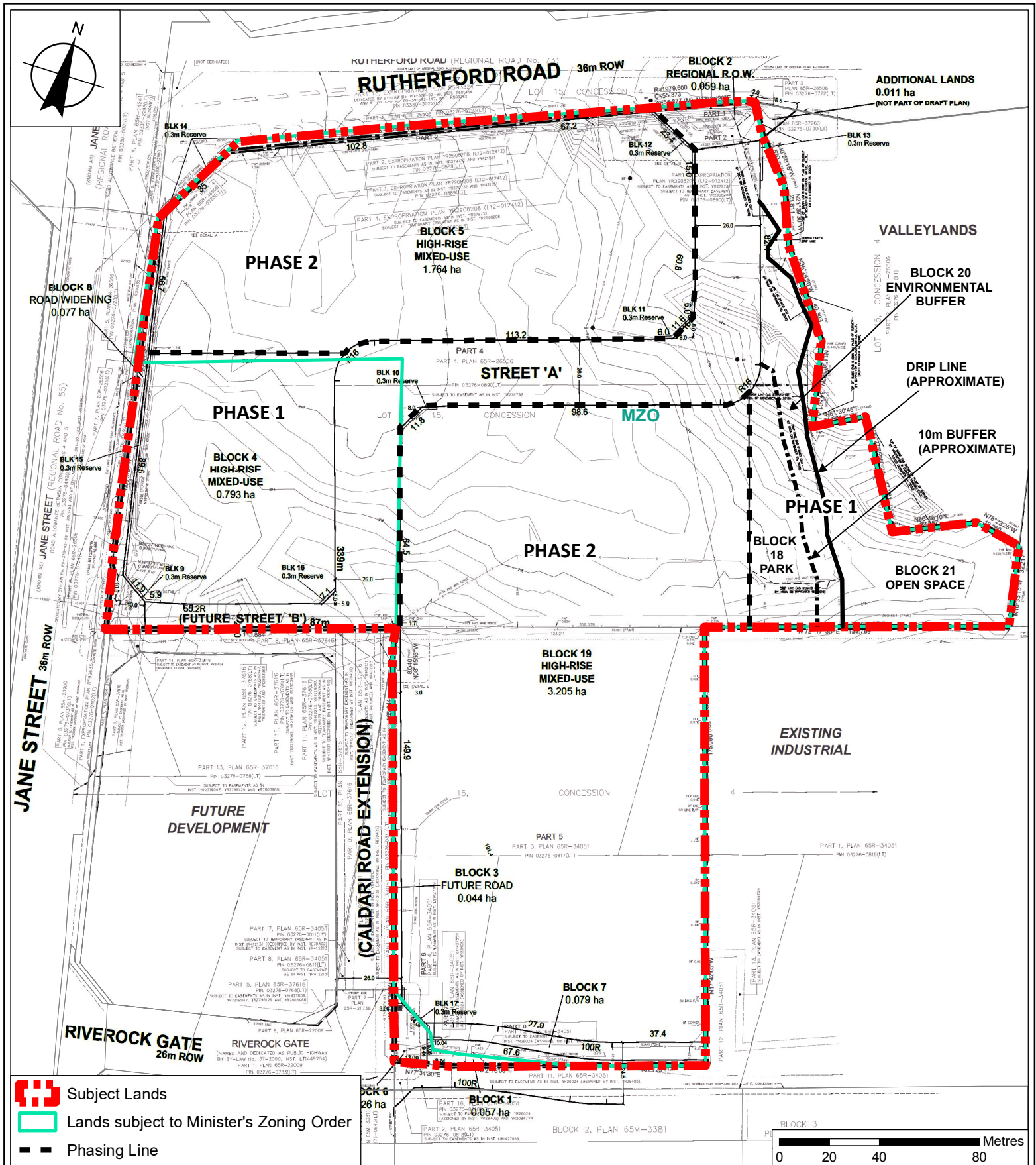
Attachment

FILE:
19T-18V001 and DA.19.010

RELATED FILES:
OP.06.028 and Z.06.075

DATE:
November 22, 2022

3



Draft Plan of Subdivision **File 19T-18V001**

LOCATION:
 2901 Rutherford Road
 Part of Lot 15, Concession 4

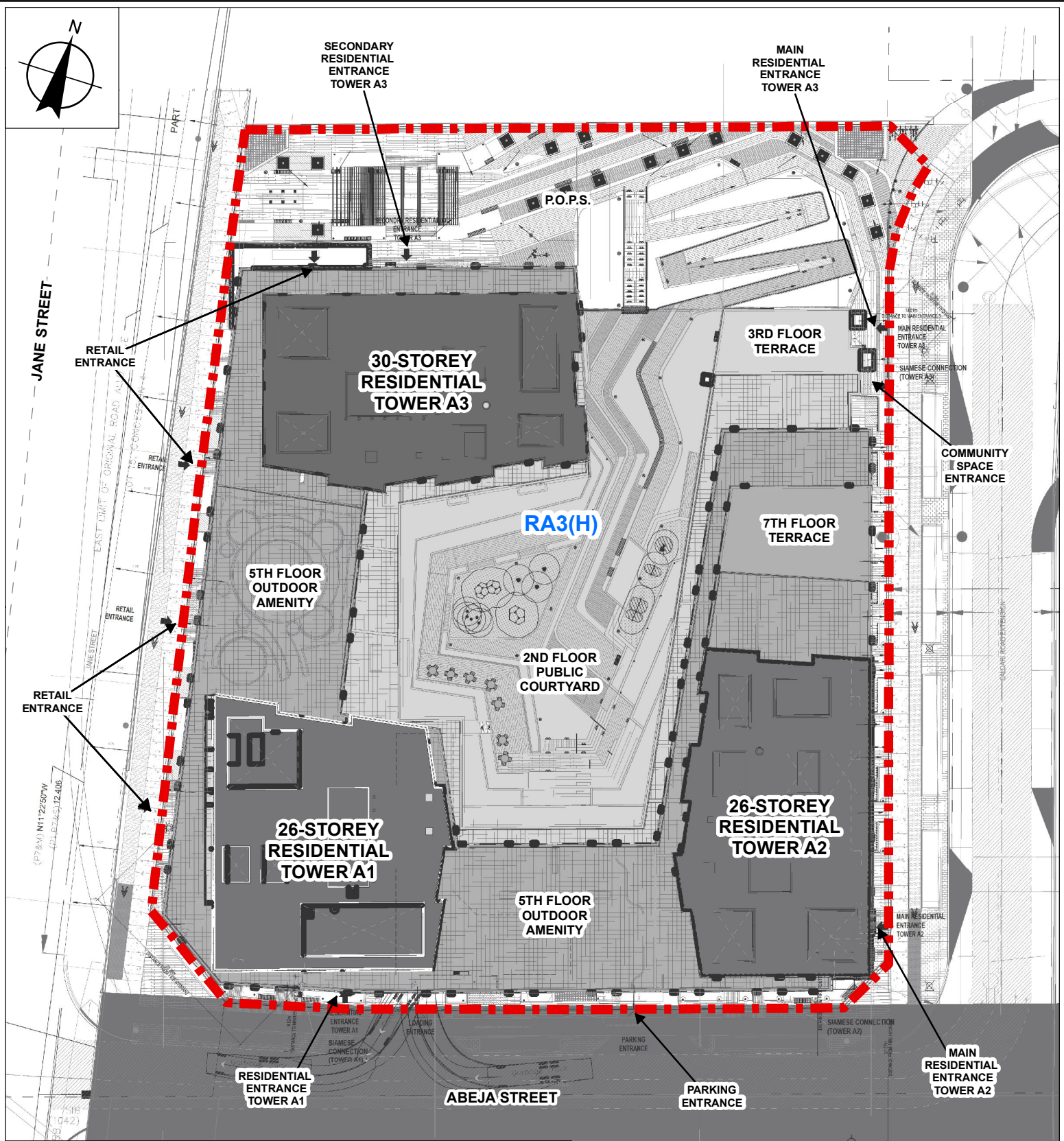
APPLICANT:
 Rutherford Land Development Corporation



Attachment

FILE:
 19T-18V001 and DA.19.010
RELATED FILES:
 OP.06.028 and Z.06.075
DATE:
 November 22, 2022

4



Subject Lands (DA.19.010)
 RA3(H), Apartment Residential Zone with the Holding Symbol

0 5 10 20 Metres

Site Plan and Zoning

LOCATION:
 2901 Rutherford Road
 Part of Lot 15, Concession 4

APPLICANT:
 Rutherford Land Development Corporation



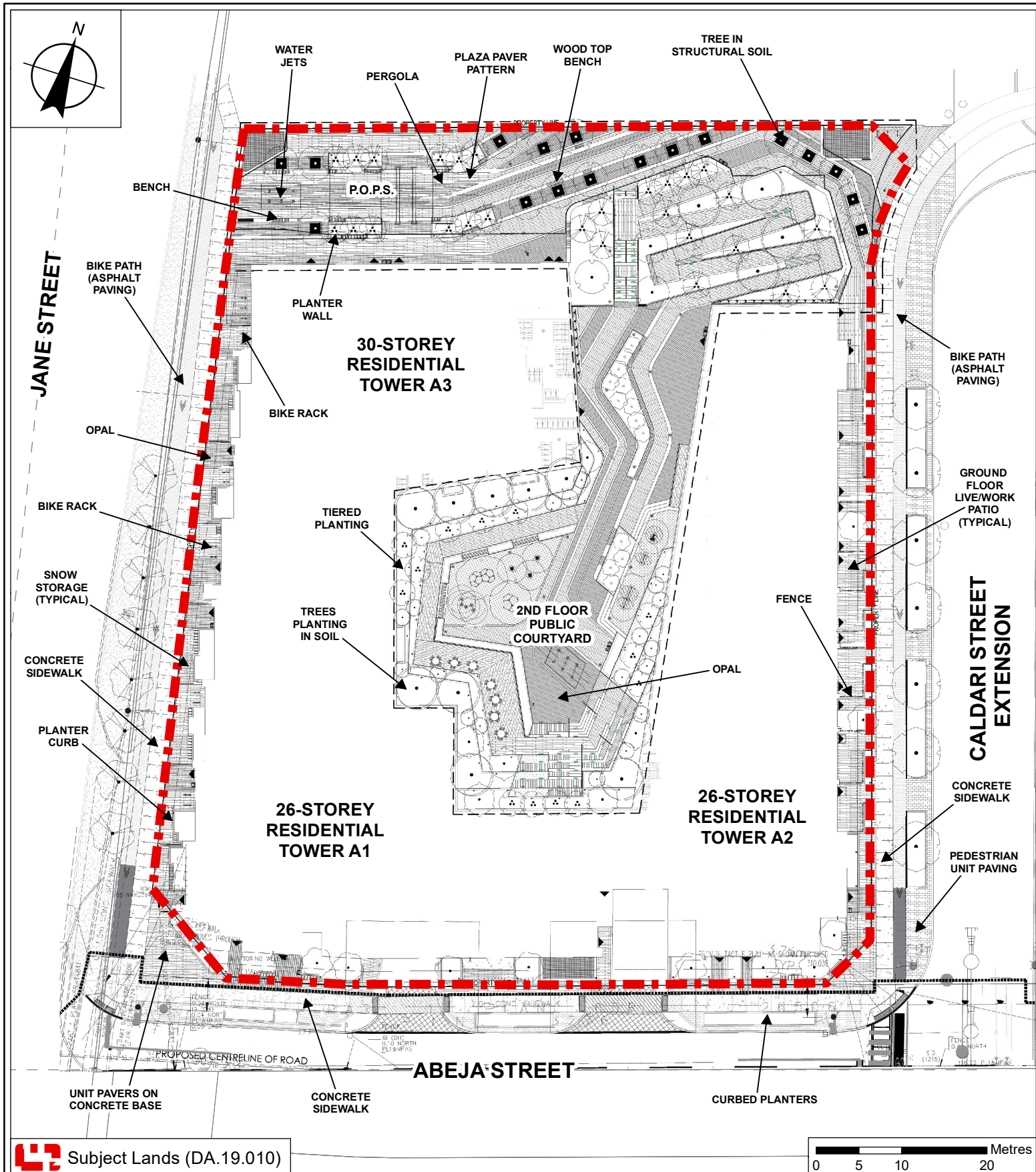
Attachment

FILE:
 19T-18V001 and DA.19.010

RELATED FILES:
 OP.06.028 and Z.06.075

DATE:
 November 22, 2022

5



Landscape Plan

LOCATION:
2901 Rutherford Road
Part of Lot 15, Concession 4

APPLICANT:
Rutherford Land Development Corporation



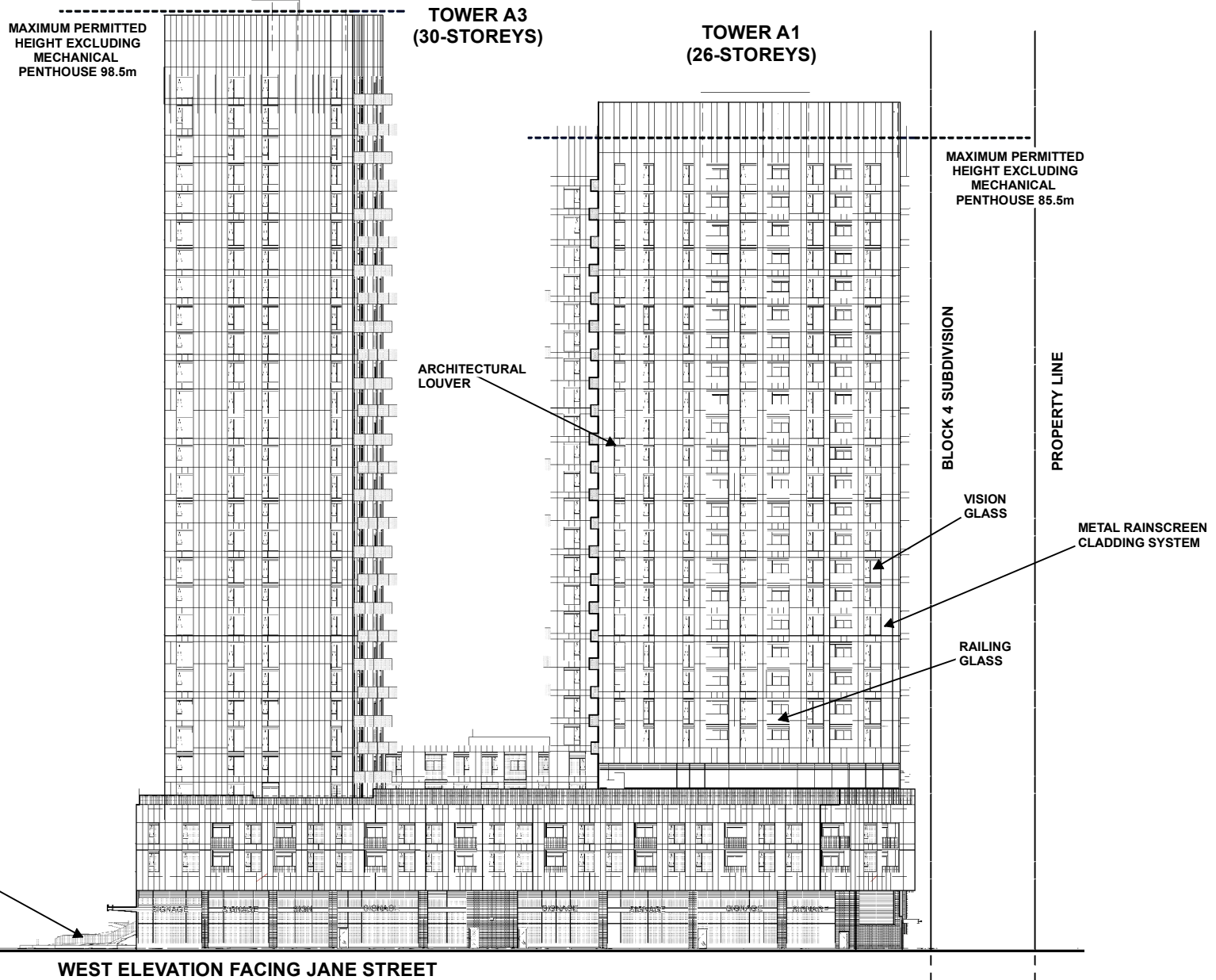
Attachment

FILE:
19T-18V001 and DA.19.010

RELATED FILES:
OP.06.028 and Z.06.075

DATE:
November 22, 2022

6



Building Elevations - West Elevation Facing Jane Street

LOCATION: 2901 Rutherford Road
Part of Lot 15, Concession 4

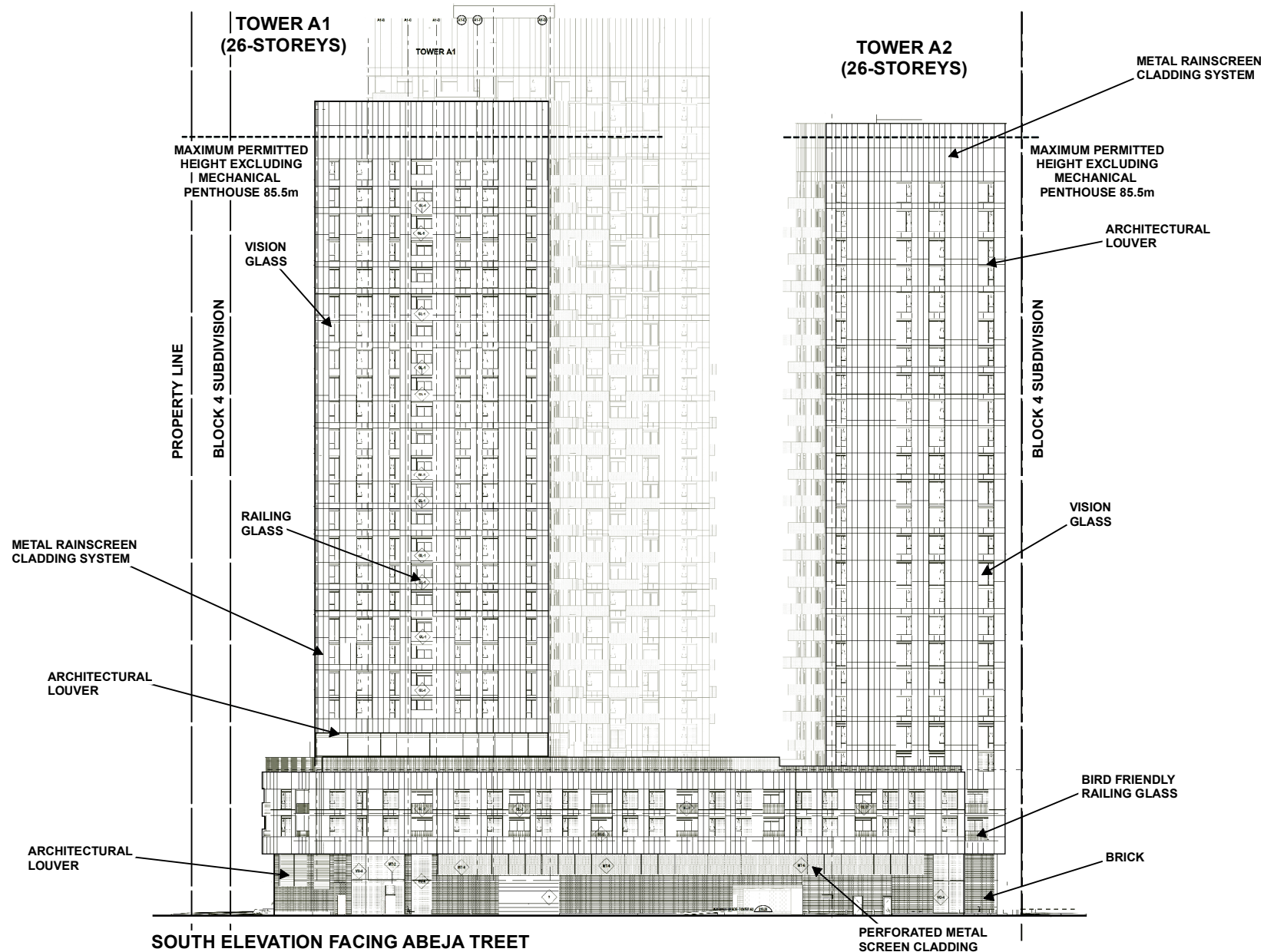
APPLICANT: Rutherford Land Development Corporation



Attachment

FILES:
19T-18V001 and DA.19.010
RELATED FILES:
OP.06.028 and Z.06.075
DATE: November 22, 2022

7



Building Elevations - South Elevation Facing Street 'B' (Abeja Street)

LOCATION: 2901 Rutherford Road
Part of Lot 15, Concession 4

APPLICANT: Rutherford Land Development Corporation



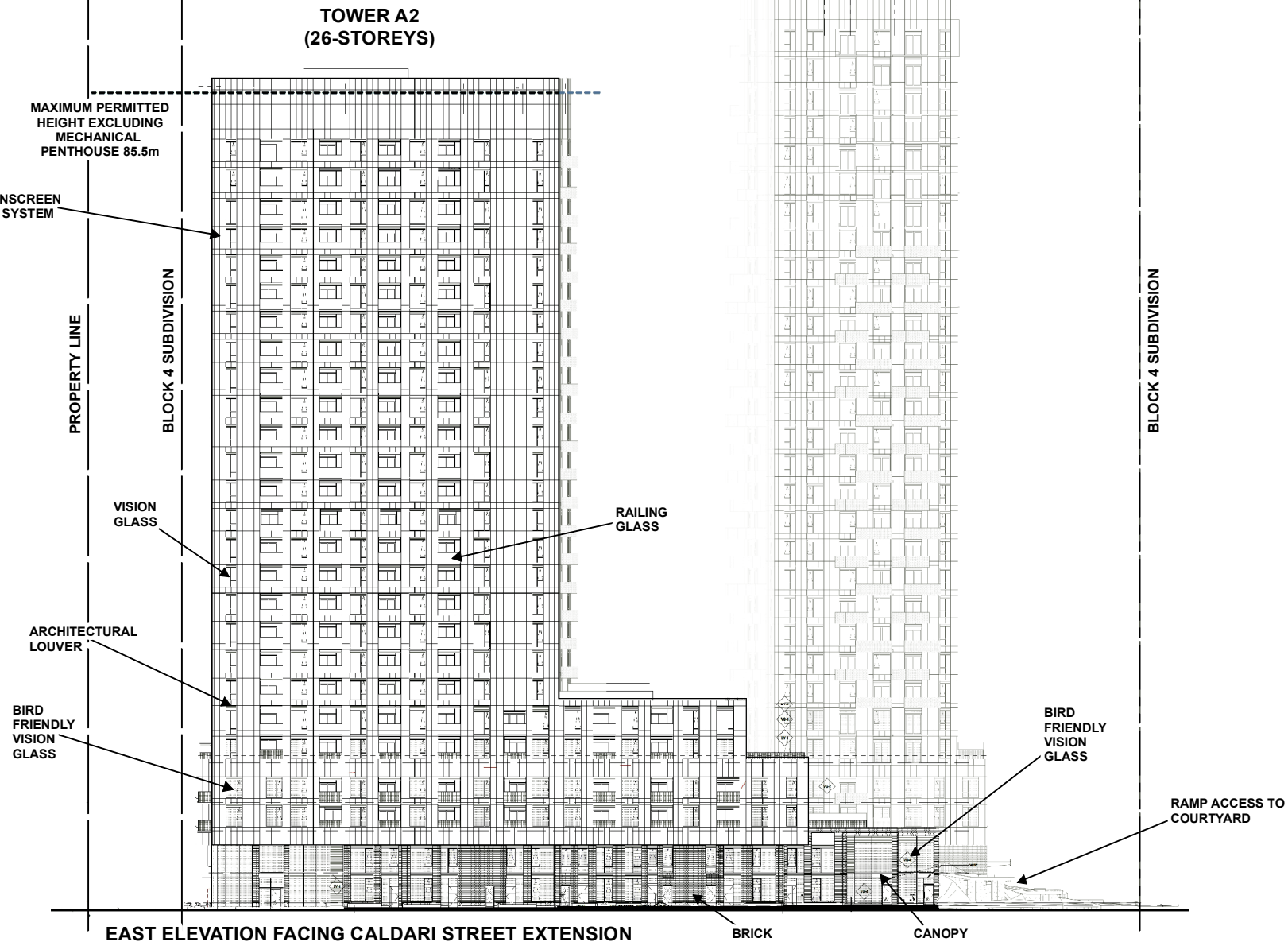
Attachment

FILES:
19T-18V001 and DA.19.010

RELATED FILES:
OP.06.028 and Z.06.075

DATE: November 22, 2022

8



Building Elevations - East Elevation Facing Street 'A' (Caldari Road Extension)

LOCATION: 2901 Rutherford Road
Part of Lot 15, Concession 4

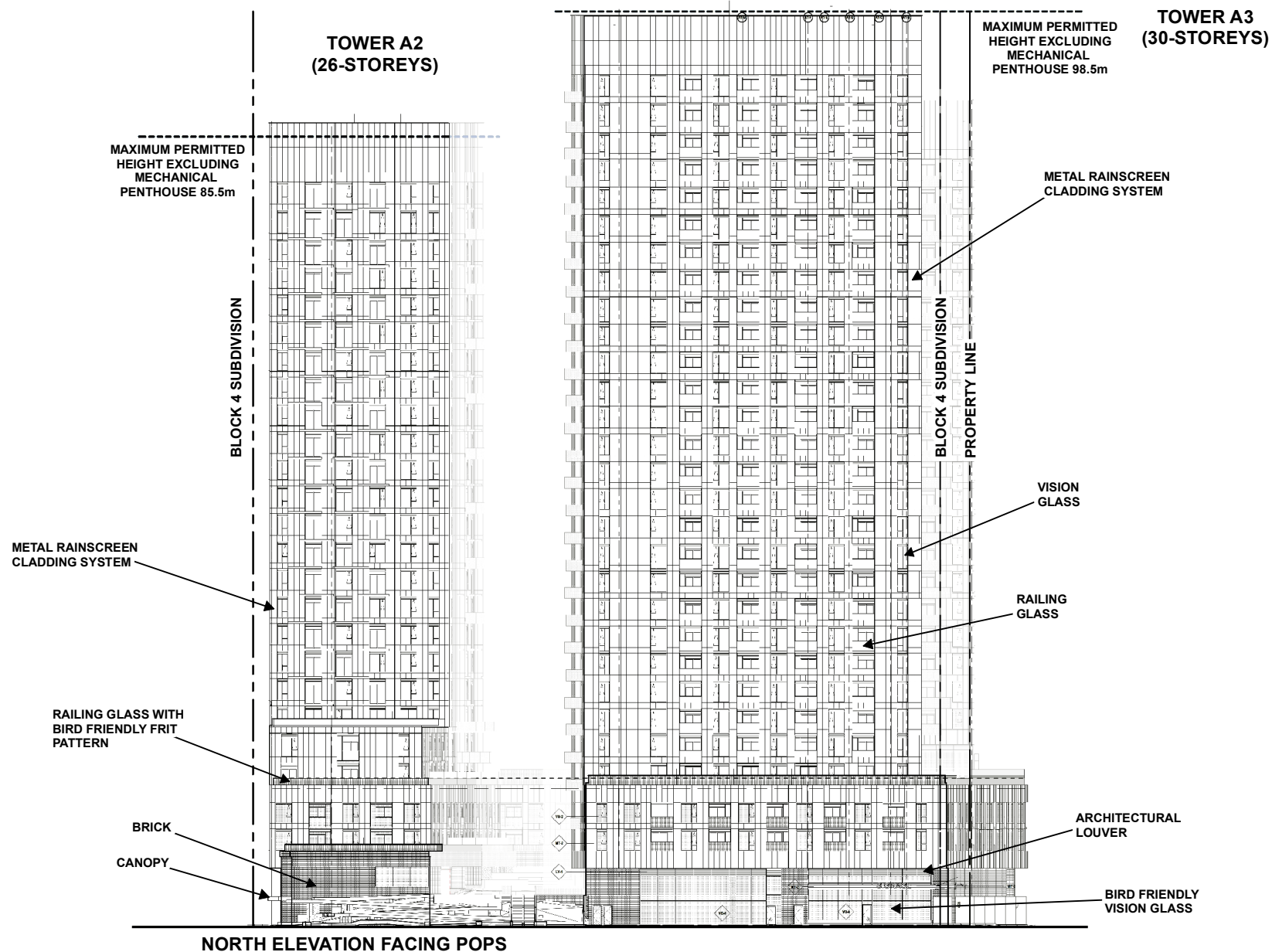
APPLICANT: Rutherford Land Development Corporation



Attachment

FILES:
19T-18V001 and DA.19.010
RELATED FILES:
OP.06.028 and Z.06.075
DATE: November 22, 2022

9



Not to Scale

Building Elevations - North Elevation Facing Privately-Owned Publicly Accessible Space (POPS)

LOCATION: 2901 Rutherford Road; Part of Lot 15, Concession 4

APPLICANT: Rutherford Land Development Corporation



Attachment

FILES:
19T-18V001 and DA.19.010

RELATED FILES:
OP.06.028 and Z.06.075

DATE: November 22, 2022

10