

## ORDER

**With respect to the City of Vaughan, Regional Municipality of York, CIHA Order  
XXX-XXX**

### **Subsection 34.1 (9) of the *Planning Act***

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1. I hereby order pursuant to clause 34.1 (9) (a) of the *Planning Act*, further to a request from the Council for the City of Vaughan set out in a resolution dated [DATE], that:
  - (a) The zoning requirements attached as Appendix A apply to the lands, in the City of Vaughan, Regional Municipality of York, set out in Appendix B,
  - (b) Pursuant to subsection 34.1 (15) of the *Planning Act*, the following do not apply to any site plan approval, plan of subdivision approval and condominium approval required before a use permitted under this Order may be established:
    - (i) A policy statement issued under subsection 3 (1) of the *Planning Act*;
    - (ii) A provincial plan; and
    - (iii) An official plan;
  - (c) Appendices A, B and C attached to this Order, form part of this Order.
2. This Order comes into force on the day this order is made.

Made by:

\_\_\_\_\_  
PAUL CALANDRA  
Minster of Municipal Affairs and Housing

Date made:

## APPENDIX A

### With respect to City of Vaughan, Regional Municipality of York Subsection 34.1 (9) of the Planning Act.

#### Definitions

1. In this Order,

"Affordable" shall have the same meaning as in the *York Region Official Plan 2022*, and may also be referred to as 'Affordable Housing' or 'Affordable Housing Units' for the purpose of this Order.

"CIHA Order Conditions" means the requirements listed in Appendix C to this Order pursuant to subsection 34.1(13) of the *Planning Act* that shall be satisfied prior to the Minister of Municipal Affairs and Housing making the Order.

"Dwelling Units" shall have the same meaning as defined in Zoning By-Law No. 001-2021 of the City of Vaughan.

"Order" means the order made by the Minister of Municipal Affairs and Housing pursuant to clause 34.1(9) (a) of the *Planning Act* with respect to the City of Vaughan, Regional Municipality of York.

"Lands" or "Subject Lands" means the entirety of the parcel outlined in red on Appendix B.

"Public Park Block" means 1,750 m<sup>2</sup> of area within the "Lands" that has a minimum width of 25 metres and is free of encumbrances including but not limited to underground parking, underground stormwater management infrastructure, utility services, transformer boxes, temporary or permanent building structural elements, building overhangs, Canada Post mailboxes and/or access, buffers, Natural Heritage Network core feature and associated buffers.

"Zoning By-law" means Zoning By-Law No. 001-2021 of the City of Vaughan.

#### Application

2. This Order applies to lands in the City of Vaughan in the Regional Municipality of York, in the Province of Ontario, being the lands outlined in red on the map attached to the Order as Appendix B.

#### Zoning By-law

3. That Zoning By-law 001-2021 of the City of Vaughan, as amended from time to time and in its entirety, applies to the lands shown on the map set out in Appendix B of this Order, and subject to the exceptions noted below.

#### High-Rise Mixed-Use Zone (HMU)

4. Every use of land and every erection, location or use of any building or structure is prohibited on the lands identified as "High-Rise Mixed-Use Zone (HMU)" on the map referred to in Appendix B of this Order except as noted below:

##### Permitted Uses:

(a) Uses permitted under Table 8-2, High-Rise Mixed-Use Zone (HMU) inclusive of all listed additional requirements, of the Zoning By-law, save and except note 4;

- (b) Uses permitted under Table 12-2, Public Open Space Zone (OS1) except, 'Cemetery', 'Conservation use' and 'Decommissioning Activities'

**Lot and Building Requirements:**

- (c) For the purpose of determining zoning compliance for the Lands, the Front Yard shall be abutting Jane Street, except for the Public Park Block where the Front Yard shall be abutting Talman Court
- (d) The requirements listed under Table 8-3, High-Rise Mixed-Use (HMU) Zone along with all listed additional requirements, of the Zoning By-law, save and except notes 2;
- (e) Minimum of 25 metres tower separation
- (f) Minimum of 5 metres Front Yard Setback to Jane Street,
- (g) Minimum of 3 metres Exterior Side Yard Setback to MacIntosh Boulevard
- (h) Minimum of 3 metres Rear Yard Setback to Talman Court
- (i) Maximum height of 193.5 metres or 60-storeys whichever is greater
- (j) Maximum podium height of 27 metres or 6-storey whichever is greater
- (k) Minimum of 5 metres tower setback from a Rear Yard Lot Line
- (l) Minimum of 5 metres tower setback from an Interior Side Yard Lot Line
- (m) Minimum landscape strip (width) abutting a Street Line, Interior Side Yard Lot Line, Rear Lot Line and Opens Space Zone (Public Park Block) of 3 metres

**Special Provisions**

5. In addition to uses and requirements above, the following provisions shall apply.
- (a) The maximum total Gross Floor Area (GFA) for all uses on the lands are 145,000 m<sup>2</sup>
  - (b) A maximum of 94,000 m<sup>2</sup> of residential use shall apply of which:
    - i. A maximum total of 1,269 Apartment Dwelling Units are permitted
    - ii. Of the total Apartment Dwelling unit count, a minimum of five percent (5%) shall be Affordable Housing Units.
  - (c) The minimum Gross Floor Area of the following uses identified in Section 4(a) of this Order shall apply to the Lands where they are permitted:
    - i. 5,142 m<sup>2</sup> of Office
    - ii. 1,589 m<sup>2</sup> of Community Facility
    - iii. 6,081 m<sup>2</sup> of Place of Assembly
    - iv. 1,835 m<sup>2</sup> of Retail
  - (d) A maximum of 37,000 m<sup>2</sup> of non-residential uses are permitted for the entirety of the Lands
  - (e) Notwithstanding Section 5(d) of this Order, Urban Square (Private-Owned-Public-Space 'POPS') shall be excluded from the maximum permitted GFA total for non-residential use
  - (f) 1,750 m<sup>2</sup> of area within the Lands as shown in Appendix B shall be reserved for a Public Park Block that is created through a Plan of Subdivision and shall be associated through the Plan of Subdivision as "Public Open Space Zone (OS1)" for the purpose of zoning
  - (g) All uses are prohibited on the Public Park Block except for the uses identified in Section 4(b) of this Order
  - (h) Notwithstanding Section 5(g) of this Order 'Stormwater Management Facility' is prohibited on the Public Park Block
  - (i) The following shall apply only to the Public Park Block:

- i. Minimum of 9 metres Front Yard Setback to Talman Court
  - ii. Minimum of 0 metres Exterior Side Yard Setback
  - iii. Minimum of 0 metres Interior Side Yard Setback
  - iv. Minimum of 0 metres Rear Yard Setback
- (j) Notwithstanding Section 5.15.2 of the Zoning By-law the minimum setback for a below-grade parking structure shall be the following:
- i. Minimum of 0 metres from a Street Line
  - ii. Minimum of 0 metres from a Front Lot Line, Exterior Side Lot Line, Interior Side Lot Line and Rear Lot Line
- (k) Notwithstanding Sections 4 (f), (g) and (h) of this Order, encroachments are permitted into the Front Yard, Exterior Side Yard and Rear Yard for structures that start at 7.5 metres above the ground level for less than 50% of elevations pursuant to section 4.13 of the Zoning By-law.
- (l) Notwithstanding Table 6-1 of the Zoning By-law the parking space length may be 5.6 metres
- (m) Notwithstanding Table 6-2 of the Zoning By-law the minimum parking rates shall apply for the following use:

<b>Uses</b>	<b>Parking Rate</b>
Residential Dwelling Unit	0.7 spaces per unit
Visitor Space per Dwelling Unit	0.2 spaces per unit
Note: All other parking rates from Table 6-2 of the Zoning By-law remain applicable for the Subject Lands	

- (n) Notwithstanding Section 6.5.1 through to section 6.5.6 of the Zoning By-law, the following shall apply:
- i. A bicycle parking space shall not be required for non-residential uses where the total gross floor area of all non-residential uses on a single lot is less than 500 m<sup>2</sup>
  - ii. Where a required long-term and/or short-term bicycle parking space is wholly located within a building or structure, it shall be subject to the following requirements:
    - A required bicycle parking space shall have access via a ramp or elevator from an interior communal area of a building or structure; and
    - A required bicycle parking space located within the ground floor area of a building or structure shall have access to the exterior of that building or structure
  - iii. The minimum width of an aisle providing access to a bicycle parking space shall be 1.75 metres
  - iv. The minimum dimensions of a horizontal bicycle parking space shall be provided as follows;

<b>Dimension</b>	<b>Minimum Requirement (m)</b>
Length	1.8
Width	0.6/0.45 staggered
Vertical Clearance from Floor	1.9

- v. The minimum dimensions of a vertical bicycle parking space shall be provided as follows:

<b>Dimension</b>	<b>Minimum Requirement (m)</b>
Length or vertical clearance	1.9
Width	0.6
Vertical Clearance From wall	1.2

- vi. For a stacked bicycle parking space, the minimum vertical dimensions for each bicycle parking space shall be 1.2 metres and the minimum vertical clearance from the floor shall be 2.4 metres.
- vii. The minimum bicycle parking space rates shall be interpreted as per 100m<sup>2</sup> of gross floor area, unless otherwise indicated. The minimum bicycle parking space requirements of this By-law shall not apply to existing buildings or structures, or any additions thereto.
- viii. The minimum bicycle parking space rates for the Subject Lands are as follows:

<b>USE</b>	<b>LONG-TERM</b>	<b>SHORT TERM</b>
Apartment dwelling and any residential use that requires visitor parking	0.8 per dwelling unit	0.2 per dwelling unit
Any commercial use, including Retail Store, Eating Establishment, Eating Establishment Convenience, Eating Establishment Take-out, Club or Heath Centre	0.1	0.2 or 6 spaces whichever is greater
Business or Professional Office, Office Building	0.2	0.4 or 6 spaces whichever is greater
Community Facility, Library	0.1	0.4 or 6 spaces whichever is greater
All other uses	Not Required	0.2

- ix. A long-term bicycle parking space shall be located wholly within the building where the principal use is located and for which the bicycle parking space is required.
- x. A long-term bicycle parking space required for a dwelling unit shall be required to be located within the following areas of a building:
- Within the ground floor area; or
  - On the 2nd story or mezzanine within the ground floor area; or
  - On the first or second level located below grade.
  - Bicycle parking may be provided in one level increments below grade commencing with the third level below grade and moving down, provided

that a combined minimum of 50% of the parking area for the first and second parking levels below grade are dedicated to long-term bicycle parking spaces

- xi. A short-term bicycle parking space shall be required to be located in the following areas:
  - Wholly within a building in which the principal use is located and for which the short-term bicycle parking space is required; or,
  - In any yard, provided the short-term bicycle parking space is wholly open and unenclosed.
- xii. Where a short-term bicycle parking space is located in a yard, it shall be permitted to be located in a required yard, subject to the following:
  - A short-term bicycle parking space shall have a minimum setback of 0.6 metre from the nearest lot line.
  - A short-term bicycle parking space shall have a minimum setback of 3.0 metres from a parking area.
- xiii. For all non-residential uses, where a use, building, or structure is required to provide a long-term bicycle parking space, a change and shower facility shall be provided as follows:

<b>Required Number of Long-Term Bicycle Parking Spaces</b>	<b>Required Number of Change and Shower Facilities</b>
Less than 5	None
5 to 60	1
61 – 120	2
121 – 180	3
181 or greater	4

- (o) Notwithstanding of Section 6.11 and Table 6-17 and 6-18 of the Zoning By-law, the minimum Loading Spaces shall be provided as follows: 5 Type B, 3 Type C and 3 Type D on the Subject Lands.
- (p) Notwithstanding Section 4.3.3 of the Zoning By-law, there is no cap for the required outdoor Amenity Area that can be provided on a roof top or terrace.

**Terms of Use**

- 6. (1) Every use of land and every erection, location or use of any building or structure shall be in accordance with this Order.
- (2) Nothing in this Order prevents the use of any land, building or structure for any use prohibited by this Order if the land, building, or structure is lawfully so used on the day this Order comes into force.

(3) Nothing in this Order prevents the reconstruction of any building or structure that is damaged or destroyed by causes beyond the control of the owner if the dimensions of the original building or structure are not increased and its original use is not altered.

(4) Nothing in this Order prevents the strengthening or restoration to a safe condition of any building or structure.

# Appendix B

## Part of Lot 8, Concession 4, City of Vaughan, Regional Municipality of York



### MAP No. XXX

Map filed at the office of the Ontario Ministry of  
Municipal Affairs and Housing,  
777 Bay St., Toronto, Ontario,





Planning Act

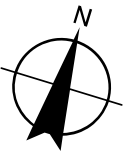
Ontario Regulation: XXX/24

Date:

Original Signed By: Minister of Municipal Affairs  
and Housing

### Legend

-  Lands Subject to CIHA Order
-  Roads
-  Parcel Boundary
-  Lot & Concession





## Appendix C

### CIHA Order Conditions

The following materials, items, and tasks shall be submitted/completed to the satisfaction of the Minister of Municipal Affairs and Housing and/or the City of Vaughan (the 'City'):

#### City of Vaughan: Development Planning Department

1. The Owner shall enter into an agreement with the City to provide a minimum of 5% of the total number of residential units as affordable housing units as defined by the York Region Official Plan 2022.

#### Urban Design and Cultural Heritage Division

2. The Owner shall provide a Pedestrian Level Wind Study, as per the City's [Terms of Reference for Wind Study](#).
3. The Owner shall provide an Arborist report and Tree Inventory and Preservation Plan for all trees within the subject property or the 6m of the property boundary should be provided to preserve as many trees as possible on site and to compensate for the tree removals through replacement planting or monetary contributions.
4. Prior to removing this CIHA Order condition and submitting a formal Site Plan Application to the City of Vaughan, the conceptual Site Plan shall illustrate only below-grade (underground parking) in order to comply with policy 9.2.3.6 of the Vaughan Official Plan 2010. If there is any technical constraint on the site that prevents such a requirement, the above-grade parking should be wrapped with active uses at ground level along all public frontages, including the natural feature and should be fully enclosed within the envelope of the building or structure.
5. Prior to removing this CIHA Order condition and submitting a formal Site Plan Application to the City of Vaughan, the conceptual Site Plan shall be satisfactory to the City of Vaughan Development Planning Department in principle.

#### City of Vaughan: Development Engineering Department

6. The Owner shall provide the updated downstream sanitary capacity analysis and related drawings of external municipal infrastructure upgrades required to demonstrate that the Subject Lands can be adequately serviced for sanitary sewage, to the satisfaction of the Development Engineering Department.
7. The Owner shall enter into an agreement with the City that ensures the Owner front-end finance and construct or contribute to related required water distribution system and wastewater servicing infrastructure improvements based on the conclusions and recommendations of the City's Integrated Urban Water Master Plan EA, specifically the Vaughan Metropolitan Centre Secondary Plan Area Functional Servicing Strategy Report, to the satisfaction of the City.
8. The Owner shall enter into a Development Agreement with the City to design and construct at no cost to the City all applicable external municipal infrastructure required

that are necessary to benefit the Plan to the satisfaction of the City. The Development Agreement shall be registered against the lands to which it applies, and upon execution, the Owner shall satisfy conditions of the City, financial or otherwise, all to the satisfaction of the City.

9. The Owner shall submit a copy of a Ministry of the Environment, Conservation, and Parks (MECP) Record of Site Condition filed on the environmental site registry covering the subject lands or implementation and confirmation of completion of the Remedial Action Plan to the satisfaction of the City.
10. The Owner must submit a Final Noise Study for the Subject Lands, to the satisfaction of the City detailing the specific mitigation measures that will be required to mitigate noise impacts on the Subject Lands
11. The Owner shall provide an updated comprehensive Transportation Impact Study (TIS) to the satisfaction of the Development Engineering department to determine the full list of transportation infrastructure improvements/works.
12. For City Council to adopt a resolution allocating sewage and water supply capacity in accordance with the City's approved Servicing Capacity Distribution Policy assigning capacity to the lands on the map set out in Appendix B

#### City of Vaughan: Parks Infrastructure Planning and Development Department

13. Prior to submitting a formal Site Plan Application, the Owner shall provide a conceptual Site Plan which illustrates pedestrian connection(s) and public access easement(s) to ensure appropriate public access, including public street frontage, will be provided for the proposed Public Park Block, to the satisfaction of the Parks Infrastructure Planning and Development department. Exact limits of easement(s) to be finalized through the formal Site Plan Application.

#### City of Vaughan: Parks, Forestry and Horticulture Operations Department

14. The Owner shall provide an arborist report and Tree Inventory and Preservation Plan for all trees 20cm DBH or greater located on the subject property or within 6 metres of the property boundary. Note\* Forestry cannot provide any comments in relation to tree removals, tree protection or tree planting on the York Region right-of-way.

The following materials, items, and tasks shall be submitted/completed to the satisfaction of the Minister of Municipal Affairs and Housing and/or Regional Municipality of York ('York Region')

## York Region

15. The Owner shall provide a Transportation Impact Study consistent with the format and recommendations of the Region's Transportation Mobility Plan Guidelines for Development Applications (November 2016). The TIS shall include assessment of other modes of transportation such as transit and active transportation for internal and external to the site in the future total conditions.
16. The Owner shall provide a comprehensive Transportation Demand Management Plan (TDM) consistent with Region Transportation Mobility Plan Guidelines 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.
17. The Owner shall demonstrate through a preliminary site plan that protects for a basic 45.0 metre right-of-way for this section of Jane Street. As such, all municipal setbacks shall be referenced from a point 22.5 metre from the centerline of construction of Jane Street. Any additional lands required for turn lanes at the intersections/access will also be conveyed to York Region for public highway purposes, free of all costs and encumbrances, to the satisfaction of the York Region Solicitor.
18. The Owner shall provide to the Region the following documentation to confirm that water and wastewater services are available to the subject development and have been allocated by the City of Vaughan:
  - a) a copy of the Council resolution confirming that the City of Vaughan has allocated servicing capacity, specifying the specific source of the capacity, to the development proposed within this draft plan of subdivision.
  - b) a copy of an email confirmation by City of Vaughan staff stating that the allocation to the subject development remains valid at the time of the request for regional clearance of this condition.
19. The Owner shall agree in the development agreement that 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.
20. The Owner shall enter into an agreement with York Region to ensure the following is provided and addressed to York Region's satisfaction through a future Site Plan Application: final engineering drawing showing water, waster water infrastructure, Infrastructure Asset Management Branch and a Functional Servicing Report (FSR).
21. The Owner shall enter into an agreement with York Region ensuring that any work within the Region's right-of-way is to the Region's satisfaction including engineering drawings.

The following materials, items, and tasks shall be submitted/completed to the satisfaction of the Minister of Municipal Affairs and Housing and/or the Toronto and Region Conservation Authority ('TRCA')

### Toronto and Region Conservation Authority (TRCA)

22. The Owner shall enter into an agreement with the TRCA and the City to ensure they obtain the following permits at the Site Plan Stage and/or prior to any development or site alterations on the Subject Lands:
  - a) Obtain a permit from the TRCA pursuant to Ontario Regulation 166/06 for any development or site alteration works associated with the high-rise mixed-use development within TRCA's Regulated Area.
  - b) Obtain a permit from TRCA pursuant to Ontario Regulation 166/06 for flood plain remediation works involving installation of relief culverts under Jane Street and Pennsylvania Avenue and modifications to the Black Creek corridor. As a part of a TRCA permit application for flood plain remediation works, the following technical requirements and design considerations will need to be addressed, at a minimum, to the satisfaction of the TRCA:
    - I. As a part of the design for the flood remediation works, the proponent will need to provide all modelling files to demonstrate that there are no negative off-site impacts (i.e., causing increased flood depths, velocity, and erosion) due to the development and the remediation works. Please note that hydraulic 2D MIKE Flood model should be used for the Flood Impact Assessment.
    - II. All proposed infrastructure and channel modification measures need to be modelled and digital files need to be provided.
    - III. The Owner shall explore all options to avoid the use of vertical retaining walls and channel hardening measures within the reach of the Black Creek corridor that is subject to the flood remediation works. The channel alteration options will need to incorporate natural channel design principles consistent with TRCA's channel modification design requirements and TRCA's valley and stream crossing guideline.
    - IV. The locations for any cut and fill should be clearly identified on applicable drawings/plans by including cross sections with cut and fill volumes provided between each cross section. It also must be demonstrated that the cut and fill volumes are equivalent for every 0.3 m vertical increments.
23. The Owner Shall enter into an agreement with the TRCA and City to ensure the following occurs at the Site Plan stage and/or prior to issuance of occupancy for buildings on the Subject Lands:
  - a) Confirmation that flood mitigation works including installation of the relief culverts under Jane Street and Pennsylvania Avenue and modifications to the Black Creek corridor are completed pursuant to a permit from TRCA pursuant to Ontario Regulation 166/06;
  - b) Updated flood line mapping based on as-constructed drawings have been prepared by a qualified engineer and approved by TRCA, which confirms the subject lands have been removed from the Regional Storm flood plain; and
  - c) The development meets the program, regulatory and policy requirements of the TRCA

The following materials, items, and tasks shall be submitted/completed to the satisfaction of the Minister of Municipal Affairs and Housing and/or Canadian National Railway ('CN Rail')

### Canadian National Railway (CN Rail)

24. The Owner shall engage a consultant to undertake an analysis of noise (Noise Study). Subject to the review of the noise report, the CN Rail may consider other measures recommended by an approved Noise Consultant.