

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF JUNE 25, 2024

Item 9, Report No. 25 of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on June 25, 2024.

9. PENGUIN-CALLOWAY (VAUGHAN) INC. (BLOCK A5 – PHASE 1) SITE DEVELOPMENT FILE DA.20.052 - 220-234 APPLE MILL ROAD AND 2A-2B BUTTERMILL AVENUE (FORMERLY PART OF 101 EDGELEY BOULEVARD) VICINITY OF BUTTERMILL AVENUE AND APPLE MILL ROAD

The Committee of the Whole recommends approval of the recommendations contained in the following report of the Deputy City Manager, Planning and Growth Management, dated June 18, 2024:

Recommendations

1. THAT Site Development File DA.20.052 BE DRAFT APPROVED subject to the revised conditions set out in Attachment 8; and
2. THAT Recommendation 2, Item 49, CW Report 30, as adopted by Council on June 28, 2022, be amended, and Vaughan Council adopt the following resolution for the allocation of water and sewage servicing capacity:

“THAT Site Plan Development Application DA.20.052 be allocated servicing capacity from the York Sewage Servicing / Water Supply System for a total of 569 residential apartment units (1,257 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 (2) Report

DATE: Tuesday, June 18, 2024

WARD: 4

**TITLE: PENGUIN-CALLOWAY (VAUGHAN) INC.
(BLOCK A5 – PHASE 1)
SITE DEVELOPMENT FILE DA.20.052
220-234 APPLE MILL ROAD AND 2A-2B BUTTERMILL AVENUE
(FORMERLY PART OF 101 EDGELEY BOULEVARD)
VICINITY OF BUTTERMILL AVENUE AND APPLE MILL ROAD**

FROM:

Haiqing Xu, Deputy City Manager, Planning and Growth Management

ACTION: DECISION

Purpose

To seek re-endorsement of draft approval from the Committee of the Whole for Site Development File DA.20.052 with respect to revised plans to permit a mixed-use development consisting of 40 and 18-storey residential towers on a shared podium with a total of 569 dwelling units, a 5-storey office building, 4-storey commercial building, a 17.7m wide mid-block pedestrian connection, and introduction of a district energy system ('DES') as shown on Attachments 2-7.

Report Highlights

- Site Development File DA.20.052 was previously draft approved by Vaughan Council on June 28, 2022.
- The Owner has submitted revised plans which convert the previously contemplated 6-storey residential building (Building C) to a 5-storey office building, introduces a district energy system, repurposes mechanical penthouse space within Tower A to residential units, and adds an additional two levels of underground parking to the Development.
- The VMC Program Division of the Policy Planning and Special Programs Department supports the draft approval of the Site Development Application, subject to conditions outlined in this report.

Recommendations

1. THAT Site Development File DA.20.052 BE DRAFT APPROVED subject to the revised conditions set out in Attachment 8; and
2. THAT Recommendation 2, Item 49, CW Report 30, as adopted by Council on June 28, 2022, be amended, and Vaughan Council adopt the following resolution for the allocation of water and sewage servicing capacity:

“THAT Site Plan Development Application DA.20.052 be allocated servicing capacity from the York Sewage Servicing / Water Supply System for a total of 569 residential apartment units (1,257 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

Location: 220-234 Apple Mill Road and 2A-2B Buttermill Avenue (the ‘Subject Lands’) (formerly part of 101 Edgeley Boulevard). The Subject Lands are in the Vaughan Metropolitan Centre (‘VMC’) on the northwest corner of Apple Mill Road and Buttermill Avenue. The Subject Lands encompass only the southeast quadrant of the larger block, as shown on Attachment 1, that once accommodated a Walmart retail store.

Site Development File DA.20.052 was draft approved by Vaughan Council on June 28, 2022.

On June 28, 2022, Vaughan Council draft approved Site Development File DA.20.052, which contemplated a mixed-use development consisting of the following:

- Two (2) residential apartment buildings with heights of 38-storeys (Tower A) and 18-storeys (Tower B), located on a shared podium varying in height from 2-3 storeys, a 6-storey (Tower C) residential apartment building with commercial uses at-grade and a 4-storey standalone commercial building (Tower D);
- 629 residential units;
- Gross Floor Area (‘GFA’) of 53,641 m² consisting of 52,114 m² of residential and 1,527 m² of commercial uses;
- 212 parking spaces in one (1) level of underground parking and 385 bicycle parking spaces;
- 1,374 m² of common amenity area (745 m² indoor and 629 m² outdoor);
- 2,483 m² central privately-owned, publicly accessible space (POPS); and
- A 19 m wide mid-block pedestrian connection.

The Owner is proposing revisions to the previously draft approved plans.

The Owner has submitted revised plans to the City, which requires re-endorsement of draft approval of the Site Development file from Council. Proposed revisions include:

- Tower A: Conversion of the mechanical penthouse into 2-storey dwelling units;
- Tower B: Increased mechanical penthouse height of 6.2m to facilitate a DES on the Subject Lands;

- Tower C has been converted from a 7-storey residential building to a 5-storey office building;
- A total of 569 residential units;
- Gross Floor Area ('GFA') of 51,981 m² consisting of 45,908 m² of residential, 1,480 m² of retail, and 4,594 m² of office uses;
- Two (2) additional levels of underground parking, totaling 601 parking spaces;
- 2,101 m² of common amenity area (912 m² indoor and 1,189 m² outdoor); and
- A 17.7 m wide mid-block pedestrian connection.

Minor Variance Application A135/23 was approved by Vaughan Committee of Adjustment to facilitate the proposed site plan revisions.

On October 19, 2023, the Owner appeared before the Committee of Adjustment to facilitate the above noted revisions. Variances were related to the building height for Tower A, the floorplate size for Tower B, a setback to the west property line, and bicycle parking counts. Committee of Adjustment approved the proposed variances, and a Notice of Final and Binding was issued on November 9, 2023.

Re-endorsement of draft approval of the Site Development application is required from Council.

Submission of Site Development application DA.20.052 precedes the Bill 109, More Homes For Everyone Act, 2022, which outlines a mandatory delegation of Site Plan control decisions to be made by City staff instead of Vaughan Council. As such, Vaughan Council remains the approval authority with respect to the proposed revisions for File DA.20.052 in accordance with By-law 123-2013.

Previous Reports/Authority

Previous reports related to the application can be found at the following links:

Penguin-Calloway (Vaughan) Inc. (Block A5 – Phase 1), Committee of the Whole 2 Report for DA.22.052

[June 21, 2022, Committee of the Whole \(2\) Report \(Item 49, Report No. 30\)](#)

Analysis and Options

The Development remains consistent with the Provincial Policy Statement and in conformity with the Growth Plan, and York Region Official Plan.

Provincial Policy Statement, 2020 ('PPS')

The PPS provides direction on matters of Provincial interest related to land use planning and development and include building strong, healthy communities with an emphasis on efficient development and land use patterns, wise use and management of resources, and protecting public health and safety.

The Subject Lands are within a Settlement Area and the Delineated Built-Up Area of the Built Boundary of York Region. The Proposed Development continues to facilitate a compact urban form through the intensification of underutilized lands in the City's

established Settlement Area where full municipal services exist. The compact urban form, the ability to utilize existing municipal infrastructure, and the opportunity to provide housing with varying unit sizes facilitate a higher density development that capitalizes on the transportation infrastructure investments, consistent with the PPS. Staff are satisfied that the Proposed Development is consistent with the PPS.

A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020, as amended (the 'Growth Plan')

The Growth Plan provides a framework for implementing the Province's vision for building strong, prosperous communities within the Greater Golden Horseshoe to 2041. The premise of the Growth Plan is building compact, vibrant and complete communities, developing a strong competitive economy, protecting and wisely using natural resources, and optimizing the use of existing and new infrastructure to support growth in a compact and efficient form.

The Subject Lands are within an Intensification area and are proximal to higher order transit facilities and the VMC Protected Major Transit Station Area ('PMTSA') #67. The Growth Plan defines a PMTSA as the area within an approximate 500 to 800m of a transit station. The Subject Lands are proximal to the VMC Subway Station, York Region Bus Terminal, and a Bus Rapid Transit ('BRT') Station. The Development now includes an office component which contributes to developing a strong and competitive economy. The Development continues to conform to the Growth Plan.

York Region Official Plan 2010 ('YROP 2010')

As the Application was deemed complete prior to the approval of York Region Official Plan 2022, the YROP 2010 remains as the in-force Regional Official Plan against which conformity of the Applications is measured.

The YROP 2010 designates the Subject Lands 'Urban Area', which permits a wide range of residential, commercial, industrial, and institutional uses. The Subject Lands are located within a "Regional Centre" and PMTSA #67, which are focal points for the highest densities and most intensive development. The proposed mixed-use Development conforms to the YROP 2010.

The Development conforms to the VMCSPP and shall comply with the Zoning By-law prior to execution of a Site Plan Agreement.

Vaughan Metropolitan Centre Secondary Plan ('VMCSPP')

The Subject Lands are designated Station Precinct by the VMCSPP, which forms part of Volume 2 of VOP 2010 and are subject to site-specific policy 9.3.16 (Area N) which were approved through OPA 72 and By-law 125-2021 at the September 27, 2021, Council meeting. The proposed revisions include an office component that is permitted within the Station Precinct designation, and a DES which is encouraged by the VMCSPP as a sustainability measure.

The Development continues to conform to the VM CSP as the proposal implements site-specific policy 9.3.16 and other policies as described in the approval report for the corresponding Official Plan Amendment, Zoning By-law Amendment and Minor Variance applications.

Compliance to Zoning By-law 1-88, as amended

Per the previous Staff report to Committee of the Whole, the application is deemed as transitioned under Zoning By-law 001-2021.

Through By-law 124-2021 that was enacted by Council at the September 27, 2021 meeting, site-specific zoning standards were developed to specifically facilitate the initial development proposal. As mentioned, the Development has gone through Committee of Adjustment Minor Variance File A153/23 to facilitate the proposed revisions.

Prior to the execution of the site plan agreement, the architectural drawings must be approved by the VMC Program which will require full zoning compliance.

The Development achieves a Gold Sustainability Threshold Score.

The Development achieves an overall Sustainability Performance Metrics (SPM) application score of 61 (gold level). This score exceeds the minimum Silver Threshold Score towards the City's SPM for projects in the VMC.

The VMC Program of the Policy Planning and Special Programs Department supports the Development, subject to revised conditions.

The VMC Program recommends approval of the Development as shown on Attachments 2-7, subject to conditions outlined in Attachment 8. Conditions have been updated to reflect current circumstances and revised wording since Council previously draft approved the Site Development file on June 28, 2022.

Plans submitted with the Application indicate an encroachment of the underground parking structure beyond the north property line. This item is to be resolved prior to execution of a Site Plan Agreement.

As the Subject Lands form part of a larger landholding, the Owner is required to obtain a Certificate of Official by way of a Consent Application through the Committee of Adjustment to create the lot. A condition to this effect is included in Attachment 8.

Financial Impact

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

Operational Impact

Comments from internal departments and external agencies remain generally consistent with those provided for in the Staff Report that proceeded to June 21, 2022, Committee of the Whole. A few new comments are provided because of the revisions. As mentioned, some conditions have been updated to reflect current circumstances and revised wording since the application was previously draft approved.

The VMC Program Development Engineering ('DE') Division supports the Development, subject to the revised conditions in this report.

The DE Division has reviewed the proposed revisions and has no objection in principle. Final plans and reports must be approved to the satisfaction of the VMC DE Division. Outstanding comments and conditions, as outlined in Attachment 8, shall be addressed prior to final approval of the plan.

Transportation Engineering Staff note that the parking supply has increased significantly with the resubmission from 212 spaces to 601 spaces, with the former rate supported by previous parking justifications.

The Development Finance Department has no objection to the Development.

The Owner shall pay to the City the applicable development charges, in accordance with the Development Charges By-laws of the City of Vaughan, York Region, York Region District School Board and York Catholic District School Board. A condition to this effect will be included as part of a future Site Plan Agreement.

Payment-in-Lieu of the dedication of parkland is required.

For high-density residential development, the Owner shall, prior to the issuance of a Building Permit, pay to Vaughan by way of certified cheque, payment-in-lieu of the dedication of parkland at the rate of 1 ha per 1000 net residential units, or at a fixed unit rate, at Vaughan's discretion, in accordance with the *Planning Act* and the City of Vaughan Parkland Dedication By-law.

A revised condition to this effect is included in Attachment 8.

Community Benefits Charge ('CBC') is applicable and will be collected at Building Permit Stage.

The development meets the criteria for CBC being 5 or more storeys and 10 or more units. The City passed the CBC By-law on September 14, 2022, which is therefore the applicable mechanism used to collect community benefits.

Other external agencies and various utilities have no objection to the Development.

The school boards, NavCanada, Canada Post, Bell Canada, Alectra Utilities, and Rogers have no objections to the Development, subject to the conditions included on Attachment 8.

Broader Regional Impacts/Considerations

York Region has no objection to the development proposal, in principle. The Owner is required to satisfy all York Region requirements, per the Conditions of Approval in Attachment 8.

Conclusion

The VMC Program of the Policy Planning and Special Programs Department is satisfied the Application is consistent with the PPS, conforms with the Growth Plan, YROP and

VOP 2010, and is appropriate for the development of the Subject Lands. The Development is considered appropriate and compatible with existing and planned surrounding land uses. Accordingly, VMC Program can recommend approval of the Applications, subject to the recommendations in this report and Conditions of Approval in Attachment 8.

For more information, please contact Matthew Peverini, Senior Planner – VMC, at extension 3636.

Attachments

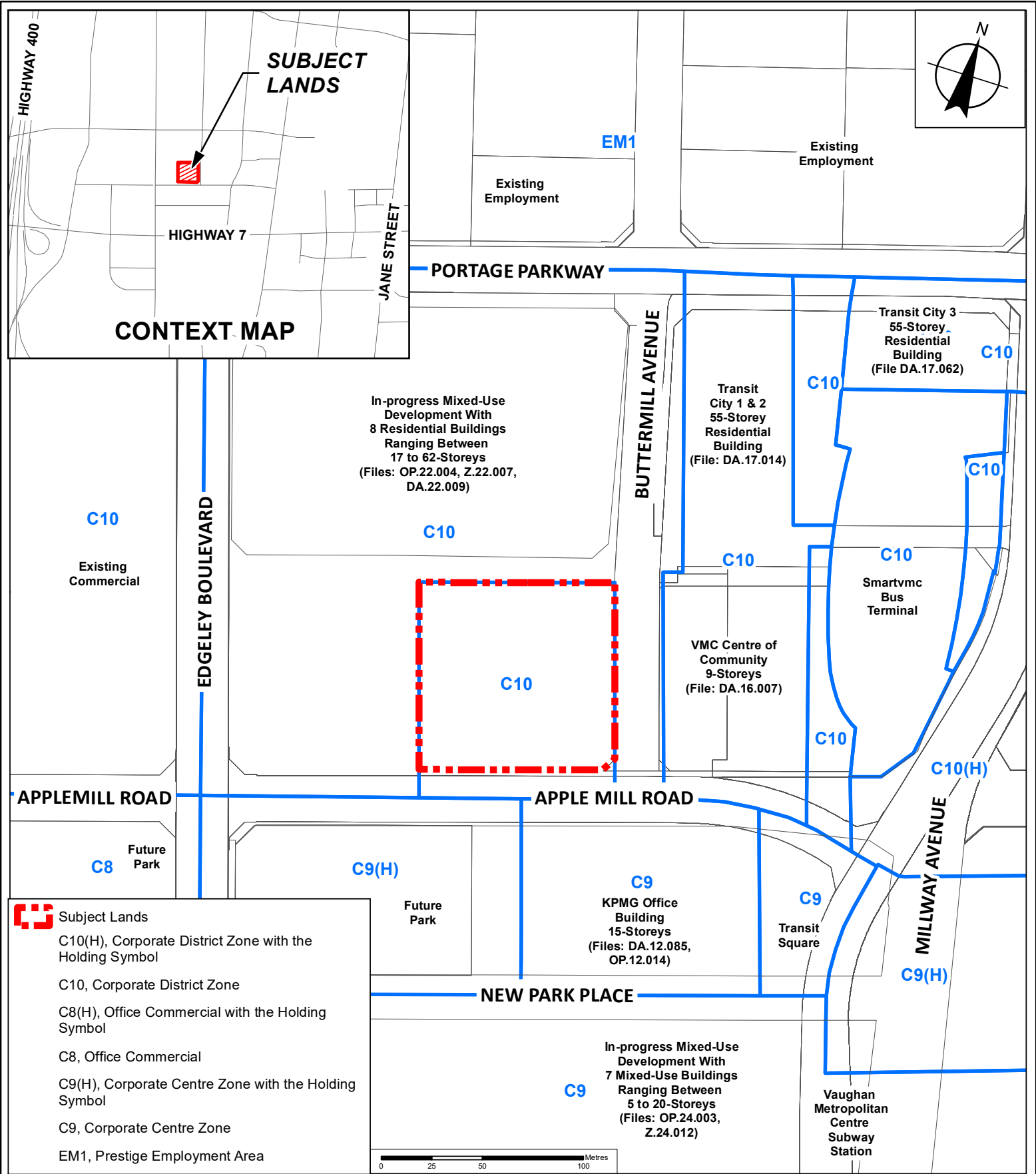
1. Context and Location Map
2. Proposed Revised Site Plan
3. Proposed Revised North Elevations
4. Proposed Revised South Elevations
5. Proposed Revised East Elevations
6. Proposed Revised West Elevations
7. Proposed Revised Rendering
8. Revised Conditions of Site Plan Approval for File DA.20.052

Prepared by

Matthew Peverini, Senior Planner – VMC, ext. 3636

Gaston Soucy, Senior Manager of Planning and Urban Design – VMC, ext. 8266

Christina Bruce, Director of Policy Planning and Special Programs, ext. 8231



Context and Location Map

LOCATION:
Part of Lot 6, Concession 5; 101 Edgeley Boulevard

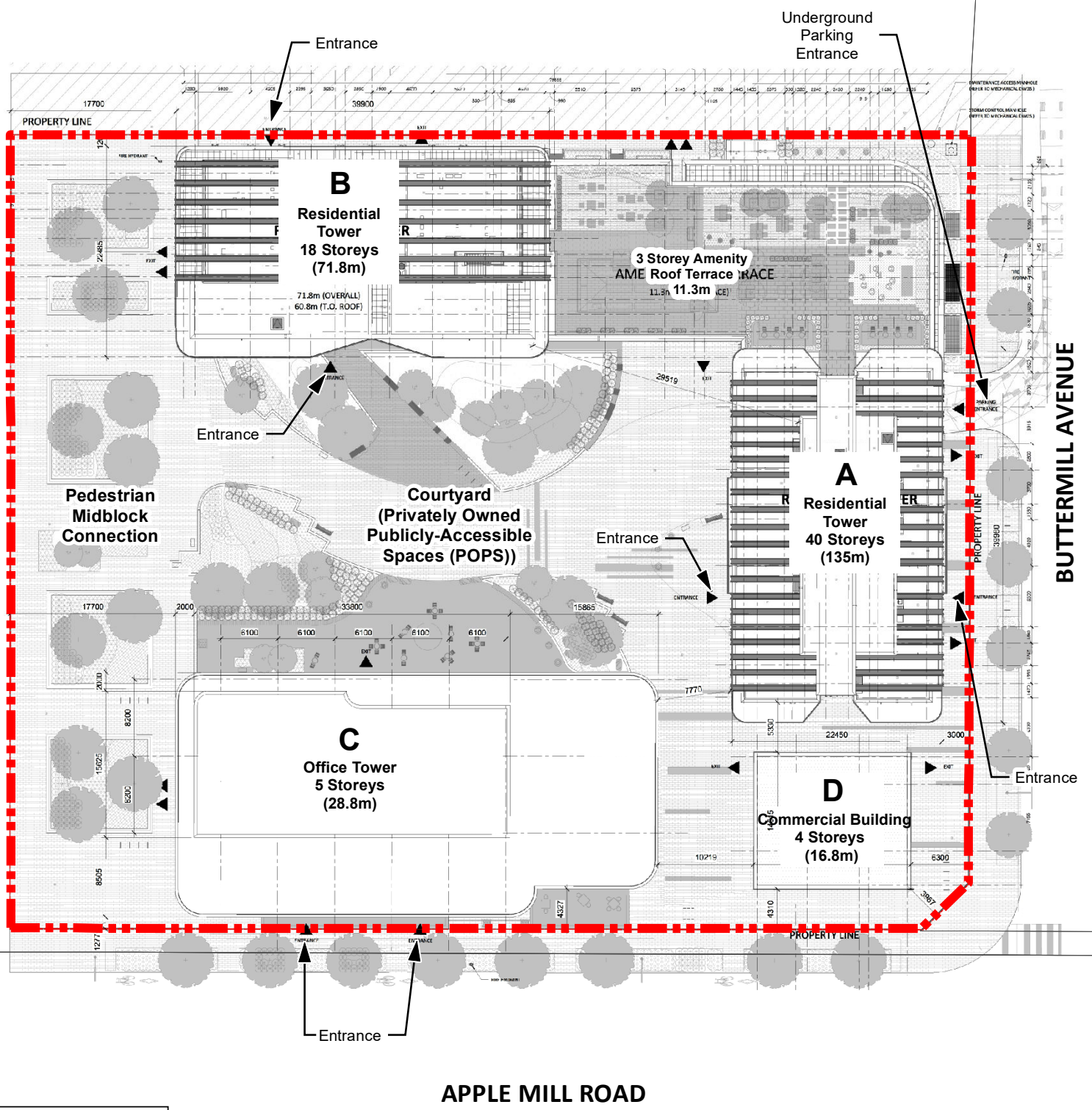
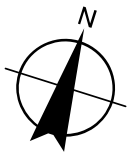
APPLICANT:
Penguin-Calloway (Vaughan) Inc.




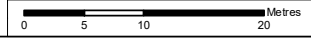
Attachment

FILE:
DA.20.052
RELATED FILES:
OP.20.013 and Z.20.029
DATE: June 18, 2024

1



 Subject Lands



Proposed Revised Site Plan

LOCATION:
Part of Lot 6, Concession 5
101 Edgeley Boulevard

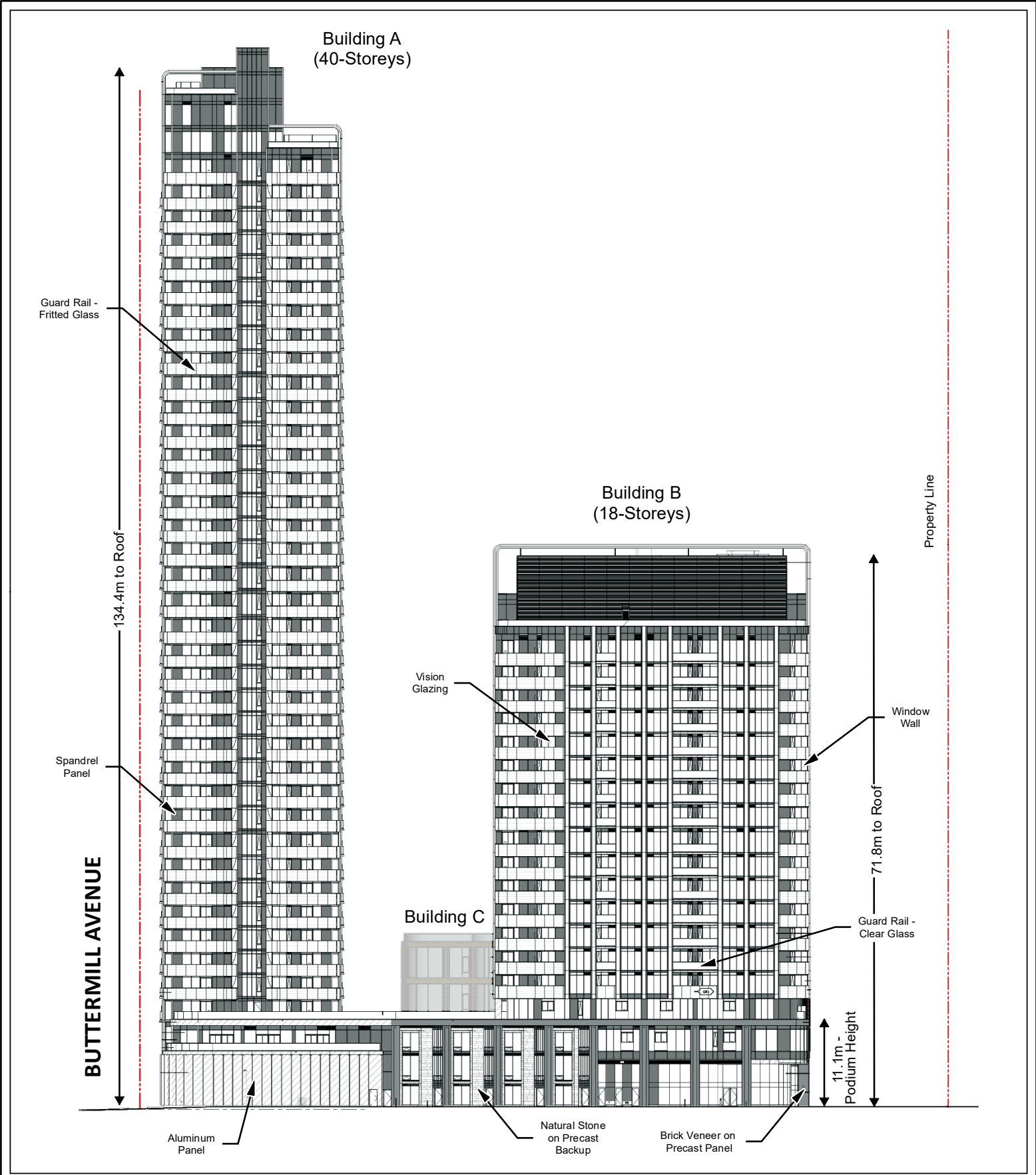
APPLICANT:
Penguin-Calloway (Vaughan) Inc.



Attachment

FILE:
DA.20.052
RELATED FILES:
OP.20.013 and Z.20.029
DATE: June 18, 2024

2



Proposed Revised North Elevations

LOCATION:
Part of Lot 6, Concession 5;
101 Edgeley Boulevard

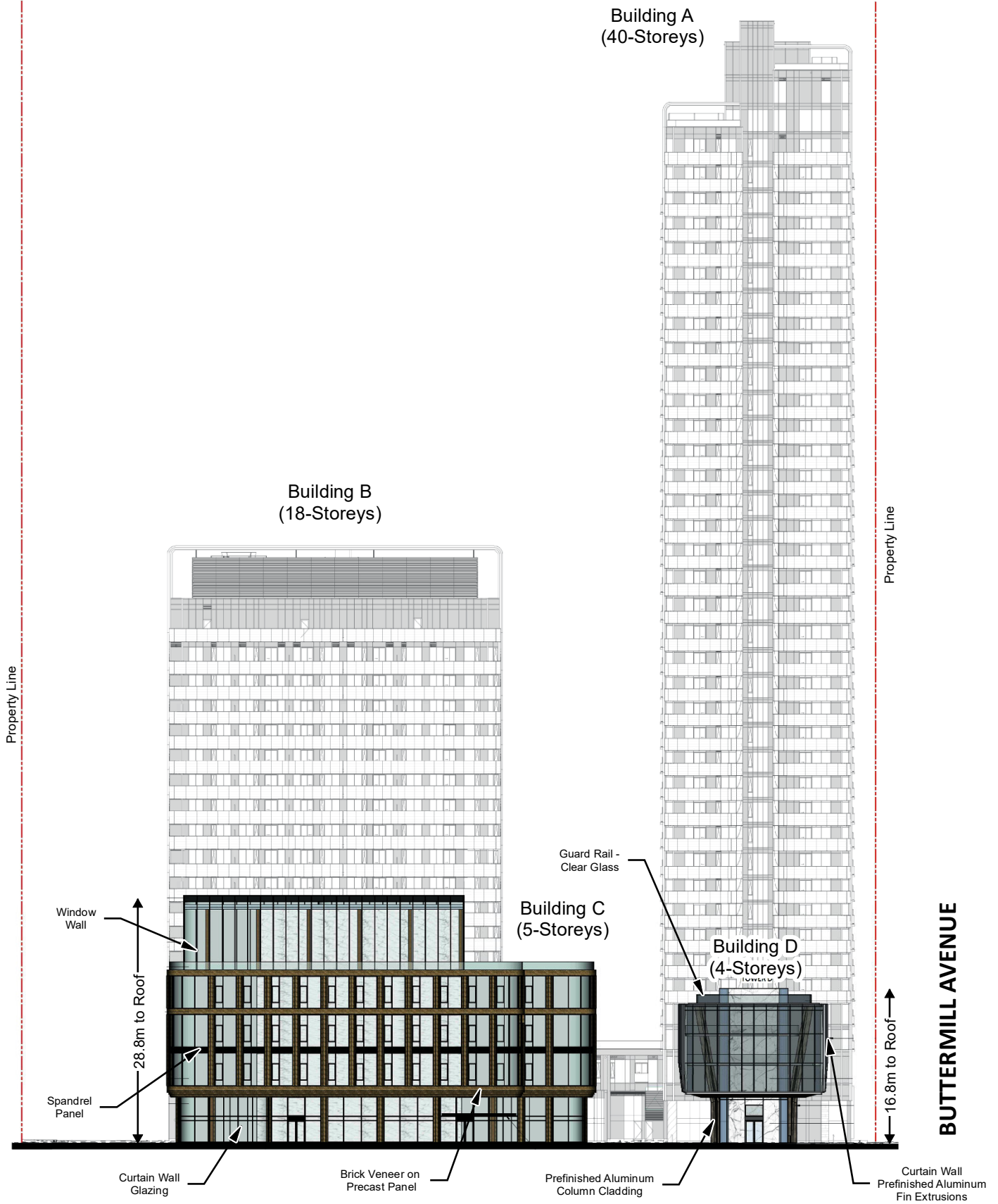
APPLICANT:
Penguin-Calloway (Vaughan) Inc.



Attachment

FILE:
DA.20.052
RELATED FILES:
OP.20.013 and Z.20.029
DATE: June 18, 2024

3



Proposed Revised South Elevations (Facing Apple Mill Road)

LOCATION: Part of Lot 6, Concession 5;
101 Edgeley Boulevard

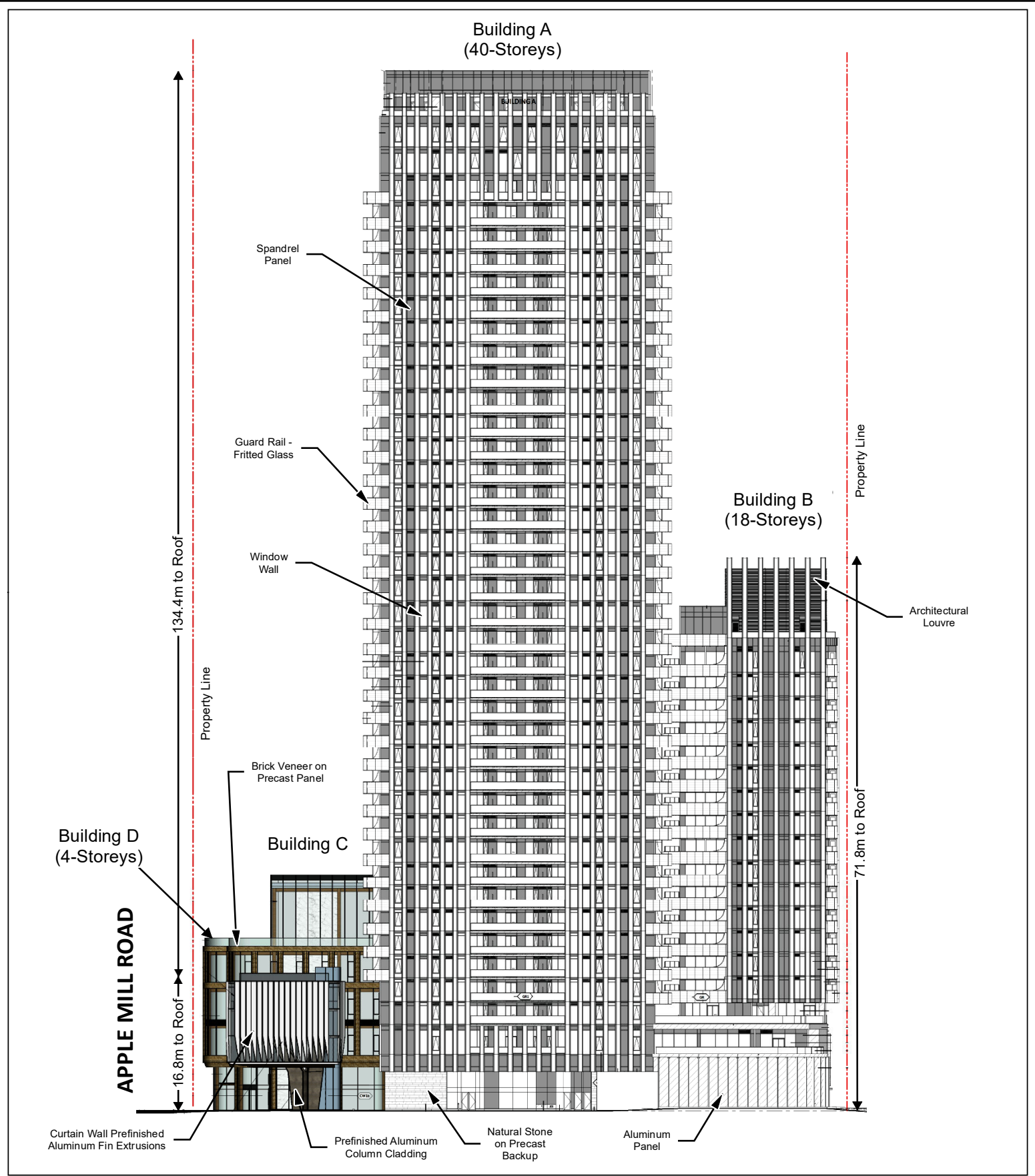
APPLICANT:
Penguin-Calloway (Vaughan) Inc.



Attachment

FILE:
DA.20.052
RELATED FILES:
OP.20.013 and Z.20.029
DATE: June 18, 2024

4



Proposed Revised East Elevations (Facing Buttermill Avenue)

LOCATION: Part of Lot 6, Concession 5; 101 Edgeley Boulevard
APPLICANT: Penguin-Calloway (Vaughan) Inc.



Attachment

FILE: DA.20.052
RELATED FILES: OP.20.013 and Z.20.029
DATE: June 18, 2024

5

Building A
(40-Storeys)

Building B
(18-Storeys)

Building C
(5-Storeys)

Architectural Louvre

Guard Rail - Clear Glass

Window Wall

71.8m to Roof

Vision Glazing

Aluminum Panel

Brick Veneer on Precast Panel

Spandrel Panel

Curtain Wall

Property Line

APPLE MILL ROAD

28.8m to Roof

Proposed Revised West Elevations

LOCATION:
Part of Lot 6, Concession 5;
101 Edgeley Boulevard

APPLICANT:
Penguin-Calloway (Vaughan) Inc.



Attachment

FILE:
DA.20.052
RELATED FILES:
OP.20.013 and Z.20.029
DATE: June 18, 2024

6



View Looking North West From Apple Mill Road and Buttermill Avenue

Proposed Revised Rendering

LOCATION:
Part of Lot 6, Concession 5;
101 Edgeley Boulevard

APPLICANT:
Penguin-Calloway (Vaughan) Inc.



Attachment

FILE:
DA.20.052
RELATED FILES:
OP.20.013 and Z.20.029
DATE: June 18, 2024

7

Attachment 8 – Revised Conditions of Site Plan Approval

Site Development File DA.20.052
Penguin-Calloway (Vaughan) Inc. ('The Owner')

Revised Conditions of Site Plan Approval:

1. THAT prior to the execution of the Site Plan Agreement:
 - a. The final site plan, landscape and streetscape plans, detailed wind tunnel model, public utilities plan, pedestrian and bicycle circulation plan, sustainability metrics, detailed exterior photometric lighting plan, sun/shadow analysis, wayfinding/signage design, building elevations including bird friendly window treatments, landscape cost estimate tree inventory and arborist report, and tree preservation plan to the satisfaction of the VMC program;
 - b. The owner shall address and resolve the urban design comments dated February 20th, 2024, and any subsequent submission comments to the satisfaction of the City;
 - c. The Owner shall submit to the City the final 2D georeferenced CAD of the site plan, landscape plan, grading plan and the associated Excel translation files and individually layered pdfs for all drawings to the satisfaction of the GIS section of the Development Planning Department and the VMC Program. If the files meet requirements, you will receive an email from gisplanning@vaughan.ca confirming your final submission has been approved;
 - d. The owner shall submit to the City the final 3D digital massing and detail models of the Development, which shall include the accurately geo-referenced digital data, as outlined in the VMC Submission Protocol, to the satisfaction of the VMC Program. If the 3D digital model of the development has not been completed by the Owner and provided to the City prior to the execution of the Site Plan Agreement, the Owner shall provide a separate Letter of Credit in a format satisfactory to the City of Vaughan in the amount of \$12,000.00 to guarantee the completion of the model;
 - e. When the construction of all site works has been substantially completed to the satisfaction of the City, and prior to any landscape inspection by the Vaughan Development Planning Department (VMC Program), as a condition to any release of Performance and Maintenance Letter of Credit, the Owner shall provide the City with the following information:
 - a) 1 original certification letter stamped, signed, and certified by an OALA landscape architect certifying that all landscape work has been completed in accordance with the 'approved' landscape drawings;
 - b) 1 set of 'as-built' landscape architectural drawings stamped, signed, and certified by an OALA landscape architect (digital format);

- c) 1 set of 'approved' landscape architectural drawings (digital format);
- d) All drawing sets must be 100% complete and shall include the cover sheet and all construction detail sheets.

The Owner is advised that a fee will be applied for each subsequent inspection for the start of the guaranteed maintenance period and assumption of the Plan by the City.

- f. The Owner shall seek approval from the City of Vaughan Committee of Adjustment to sever the Subject Lands from the remainder of the larger landholdings and provide evidence of an issued Certificate of Official by the Office of the City Clerk, along with the new legal description of the Subject Lands, all to the satisfaction of the VMC Program;
- g. The Owner shall convey a 2.7 m wide road widening on the north side of Apple Mill Road along the frontage of the Subject Lands and a 5 x 5 m daylight triangle required at the northeast corner of the site to the City free of costs and encumbrances, to the satisfaction of Development Engineering Staff, Policy Planning and Special Programs Department;
- h. Prior to the conveyance of the road widening and daylight triangle, the Owner shall implement the following to the satisfaction of the City:
 - i. Submit a Phase One Environmental Site Assessment (ESA) report and, if required and as applicable, a Phase Two ESA, Remedial Action Plan (RAP), Phase Three ESA report in accordance with Ontario Regulation (O. Reg.) 153/04 (as amended) for the lands within the Plan, including reliance on the report(s) from the environmental consultant to the City;
 - ii. If remediation of any portions of the conveyance block(s) is required to meet the applicable Standards set out in the Ministry of the Environment, Conservation, and Parks (MECP) document "Soil, Ground Water and Sediment Standards for Use under Part XV.1 of the Environmental Protection Act" (as amended), submit a complete copy of the Record(s) of Site Condition ('RSC's) filed on the Environmental Site Registry including the acknowledgement letter from the MECP, covering the entire conveyance block(s) following remediation
 - iii. Submit a sworn statutory declaration by the Owner confirming the environmental condition of the conveyance block(s); and
 - iv. Reimburse the City for the cost of the peer review of the ESA reports and associated documentation, as may be applicable.
- i. The Owner shall provide the City with a copy of the Ministry of the Environment, Conservation, and Parks (MECP) Record of Site Condition (RSC) acknowledged and

registered on the Environmental Site Registry for the entire Subject Property. Copies of all Environmental Site Assessment (ESA) reports relied upon for the filing of the RSC, including reliance from the consultant, shall also be provided to the satisfaction of the City;

- j. The Development Engineering Staff, of the VMC Program shall approve the final site servicing and grading plan, erosion control plan, functional servicing and storm water management reports and drawings, site illumination plan, utility coordination plan, geotechnical and hydrogeological assessment, dewatering plan, external lighting plan, environmental noise report, shoring and tie-back design, construction schedule and phasing plan, construction logistics plan, construction parking management plan, Urban Transportation Study, Transportation Demand Management Plan, and Pavement Markings and Signage Plan;
- k. The Owner shall submit to the City a detailed environmental noise and vibration impact study for the proposed development on the lands prepared in accordance with Ministry of the Environment, Conservation, and Parks (MECP) noise assessment criteria as defined in Publication NPC-300, "Environmental Noise Guideline-Stationary and Transportation Noise Sources", to satisfaction of the City;
- l. The Owner shall pay the Development Engineering Complex Site Plan fee, pursuant to the Fees and Charges By-law 195-2020, as amended, to the satisfaction of Development Engineering Staff, Policy Planning and Special Programs Department;
- m. The Owner shall satisfy all requirements of the Environmental Services Department, Solid Waste Management Division and the Owner is advised that upon a successfully completed application, site inspection and executed agreement as determined by the Environmental Services Department, Solid Waste Management Division, the future condominium corporation will be eligible for municipal waste collection services. Should the future condominium corporation be deemed ineligible by the City or choose not to enter into an agreement with the City for municipal collection service, all waste collection services shall be privately administered and shall be the responsibility of the future condominium corporation;
- n. The Owner shall submit an application to Public Works, Environmental Services Department to obtain an approval for permanent ground water discharge required for the proposed development, and enter into an agreement and/or permit to discharge groundwater as required by the City;
- o. The Owner shall satisfy all required of York Region;
- p. The Owner shall satisfy all requirements of Alectra Utilities Corporation, Bell Canada, Canada Post and Enbridge Gas.

2. THAT prior to the execution of the Site Plan Agreement or the issuance of the first building permit, whichever occurs first:
 - a. In accordance with Section 42 of the Planning Act, the VOP 2010, and By-Law 139-90, as amended by 205-2012 and 168-2022, the Owner shall satisfy its parkland dedication requirements to the City's satisfaction. The City will require a payment-in-lieu contribution;
 - b. In accordance with YR3330453 registered on title, the Owner is shall pay the required Section 37 contribution prior to issuance of a Building Permit.

3. THAT the implementing Site Plan Agreement shall include the following clauses:
 - a. Prior to the registration of a future plan of condominium(s) on the Lands, an easement shall be conveyed in favour of the future condominium corporation(s) over the Lands comprising the required number of residential visitor parking spaces to serve the development File DA.20.052. The Owner shall agree to include a condition to this effect as a condition of draft approval of plan of condominium;
 - b. The Owner shall agree to implement the recommendations of the final noise report into the design and construction of the buildings on the lands and include all necessary warning statements on all agreements of purchase and sale or lease of individual units, all to the satisfaction of the City.
 - c. The Owner shall agree that prior to the registration of a future plan of condominium, a noise consultant shall certify that the building plans are in accordance with the noise control features recommended by the approved Noise Report. Where wall, window and/or oversized forced air mechanical systems are required by the Noise Report, these features must be certified by a Professional Engineer at the City's request. The Engineer's certificate must refer to the final Noise Report and be submitted to the Director of Policy Planning and Special Programs Department;
 - d. The Owner shall agree to implement the recommendations of the final noise report into the design and construction of the buildings on the lands and include all necessary warning statements on all agreements of purchase and sale or lease of individual units, all to the satisfaction of the City. The Owner shall reimburse the City for the cost of the peer review of the Noise Report, as may be applicable;
 - e. The Owner shall agree to implement all traffic control measures on-site as outlined in the Transportation Impact Study, including the implementation of the pavement marking and signage plan, traffic control systems such as flashing beacons, as provided in the Transportation Impact Study by BA Group dated March 2021 (as revised) for all internal and external areas of the site, including interim and ultimate conditions.

- f. The Owner shall agree to follow the TDM Plan as provided in the Transportation Impact Study by BA Group, March 2021 (as revised), including the funding and implementation of TDM measures, on-going management and operation, monitoring and review of the TDM Plan. The Owner shall submit TDM Plan Updates, after conducting transportation surveys, to the satisfaction of the City of Vaughan Development Engineering Department and Policy Planning and Special Programs Department;
- g. The Owner shall agree to pay its proportionate share of the cost associated with implementing the recommendations of the approved VMC Master Servicing Plan Update to the satisfaction of the City. Financial commitments will be secured based on the City's latest available cost estimate for the required infrastructure improvements.
- h. The Owner shall agree to include the necessary warning clauses in agreements of Offer of Purchase and Sale, lease/rental agreements and condominium declarations including but not limited to the following:
- "Purchasers and/or tenants are advised that the neighbouring municipal urban park may not be fully developed at the time of occupancy. The timing of development, phasing and programming of parkland is at the discretion of the City."
 - "This dwelling unit has been designed with the provision for adding central air conditioning at the occupant's discretion. Installation of central air conditioning by the occupant in low, medium and high- density developments will allow windows and exterior doors to remain closed, thereby ensuring that the indoor sound levels are within the sound level limits of the City and the Ministry of the Environment, Conservation, and Parks."
 - "Purchasers/tenants are advised that sound levels due to the increasing road traffic may occasionally interfere with some activities of the dwelling occupants as the sound levels exceed the sound level limits of the City and the Ministry of the Environment, Conservation, and Parks."
 - "Purchasers and/or tenants are advised that the City will not be responsible for pedestrian traffic, night lighting, noise of any inconvenience or nuisance which may be present itself as a result of the neighbouring municipal urban park and associated recreational amenities."
 - "Purchasers and/or tenants are hereby put on notice that the Telecommunications Act, the Innovation, Science and Economic Development Canada ('ISED') and the Canadian Radio-television and Telecommunications Commission ('CRTC') authorize telephone and telecommunication facilities and services to be provided by telecommunication carriers other than traditional carriers for such services and

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

- i. The Owner shall agree to make the necessary arrangements with the City's Environmental Services Department for the supply of potable water for construction purposes and implement a water flushing program to maintain the water quality.
- j. The Owner agrees that prior to the discharge of any water originating from a source other than Vaughan's water supply, including water originating from groundwater accumulating or collected on private lands (“Private Groundwater Discharge”) to Vaughan's storm sewer system, the Owner shall obtain a Discharge Approval for permanent ground water discharge (“Discharge Approval”) from Vaughan prior to the release of Site Plan Approval, if required by Vaughan. The following terms and conditions within this section and sections l, m and n are subject to Vaughan requiring a Discharge Approval, if applicable.
 - i. The Owner shall agree to install all works to carry out the Private Groundwater Discharge (“Discharge and Related Works”) in accordance with the terms and conditions of the Discharge Approval, all to Vaughan's satisfaction. Furthermore, the Owner shall ensure that all Discharge and Related Works are in good standing with the Discharge Approval.
 - ii. The Owner shall agree that prior to registration of the condominium on the Lands, the Owner shall ensure that the Discharge Approval is in full force and effect and that the Discharge and Related Works are in good standing in accordance with the terms and conditions of the Discharge Approval and operating to Vaughan's satisfaction.
 - iii. The Owner shall agree that prior to registration of the condominium on the Lands, the Owner (which shall then be the condominium corporation) shall apply for and obtain a renewal of the Discharge Approval within thirty (30) days of registration or prior to the expiry date on the Discharge Approval, whichever occurs first, such that the Owner (condominium corporation) shall assume and become responsible for the Discharge Approval and the Discharge Related Works.
- k. The Owner shall agree that post-development flow rates discharged to Vaughan's storm sewer system from the Lands, including Private Groundwater Discharge, shall not exceed the pre-development flow rates discharged to Vaughan's storm sewer system as approved by Development Engineering and per the Discharge Approval. The Owner may be required to add or modify the Discharge and Related Works to Vaughan's satisfaction, all at their sole cost and expense. Where the Private Groundwater Discharge flow rates are exceeded, causing the post-development flow rates discharged to the Vaughan's storm sewer system to exceed the pre-development

flow rates discharged to Vaughan's storm sewer system, Council Approval for Discharge Approval will be required.

- l. The Owner's right to Private Groundwater Discharge from its Lands into Vaughan's sewer system is subject to all terms and conditions of the Site Plan Agreement, the Discharge Approval, if required, the Vaughan's Sewer Use By-Law 087-2016, as amended, and all applicable laws and regulations.
- m. The Owner shall agree that in the event the Owner fails to comply with any of the terms and conditions set out in sections k, l and m, Vaughan may immediately suspend, terminate or revoke, at Vaughan's sole discretion, any discharge privileges granted under this Agreement and the Discharge Approval, if applicable.
- n. The Owner will be required to pay applicable Development Charges in accordance with the Development Charges By-laws of the City of Vaughan, Region of York, York Region District School Board and York Catholic District School Board.
- o. For high-density residential development, the Owner shall, prior to the issuance of a Building Permit, pay to Vaughan by way of certified cheque, payment-in-lieu of the dedication of parkland at the rate of 1 ha per 1000 net residential units, or at a fixed unit rate, at Vaughan's discretion, in accordance with the Planning Act and the City of Vaughan Parkland Dedication By-law. Notwithstanding the above, parkland contribution in the form of payment-in-lieu as determined by the City shall be subject to a cap of (i) 10% of the Lands or value of the Lands if the Lands are 5 ha or less; or (ii) 15% of the Lands or value of the Lands if the Lands are greater than 5 ha. Should the Owner choose to proceed with the alternative requirement in the Planning Act, the City will require a current appraisal to determine land value at the time of building permit. Submission of land value appraisal should allow sufficient review time and be cognizant of expiry associated with appraisals.
- p. Should archaeological resources be found on the property during construction activities, the Owner must immediately cease all construction activities and notify the Ontario Ministry of Tourism, Culture and Sport and the Development Planning Department, Urban Design and Cultural Heritage Division.
- q. If human remains are encountered during construction activities, the Owner must immediately cease all construction activities. The Owner shall contact the York Regional Police Department, the Regional Coroner, the Registrar of the Cemeteries and Crematoriums Regulation Unit of the Ministry of Government and Consumer Services, and the City of Vaughan Development Planning Department, Urban Design and Cultural Heritage Division.
- r. The Owner/Developer will provide the building with its own centralized mail receiving facility. This lock-box assembly must be rear-loaded, adjacent to the main entrance

and maintained by the owner/developer in order for Canada Post to provide mail service to the tenants/residents of this project. For any building where there are more than 100 units, a secure, rear-fed mailroom must be provided.

- s. The Owner/Developer agrees to provide Canada Post with access to any locked doors between the street and the lock-boxes via the Canada Post Crown lock and key system. This encompasses, if applicable, the installation of a Canada Post lock in the building's lobby intercom and the purchase of a deadbolt for the mailroom door that is a model which can be retrofitted with a Canada Post deadbolt cylinder.
- t. The Owner/Development is advised to contact Canada Post to verify new postal codes for the proposed development and to contact Canada Post during the design stage of the proposed development to discuss a suitable mailbox/mailroom location.
- u. 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.
- v. 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.
- w. 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.
- x. The Owner is advised that it is the responsibility of the Owner to provide entrance/service duct(s) from Bell Canada's existing network infrastructure to service this development. In the event that no such network infrastructure exists, in accordance with the Bell Canada Act, the Owner may be required to pay for the extension of such network infrastructure. If the Owner elects not to pay for the above noted connection, Bell Canada may decide not to provide service to this development.
- y. The Owner shall contact Enbridge Gas Distribution's Customer Connections department by emailing SalesArea30@enbridge.com for service and meter installation details and to ensure all gas piping is installed prior to the commencement of site landscaping (including, but not limited to: tree planting, silva cells, and/or soil trenches) and/or asphalt paving.
- z. 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.

- aa. Easement(s) are required to service this development and any future adjacent developments. The applicant will provide all easement(s) to Enbridge Gas Distribution at no cost.
- bb. In the event a pressure reducing regulator station is required, the applicant is to provide a 3 metre by 3 metre exclusive use location that cannot project into the municipal road allowance. The final size and location of the regulator station will be confirmed by Enbridge Gas Distribution's Customer Connections department.
- cc. The owner, or agent, of this proposed plan is required to contact Alectra and discuss all aspects of the above project. The standard electrical supply to Industrial, Commercial, Institutional and High-Rise Condominium projects is via a pad mounted transformer or where deemed appropriate, integrated within the built form to the satisfaction of the City of Vaughan. The proposed transformer shall meet Alectra's Clearance Standards, the transformer must also be located within 3-4.5m of a parking area, driveway or hard surface for access by service vehicles. The access must be from within the customer's property, not from a local roadway or adjacent properties, and must provide adequate access for a line truck. Primary voltage duct bank standards and the transformer base and grounding standards will be provided to the customer once the primary supply point(s) have been established by Alectra, and the customer's main service size has been established by their Consultant.
- dd. 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.
- ee. 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.
- ff. Alectra will require one architectural site plan showing the proposed transformer location, one electrical site plan, and an electrical single-line drawing, both in hard copy (PDF file, P.Eng. approved version) and electronic AutoCAD (latest version). Additionally, a complete building elevation drawing (including subsurface excavations) is required to ensure the project is not in conflict with any existing overhead or underground components of the electrical distribution system. Alectra also requires a letter from the owner, or the agent, stating that the proposed building-to-existing electrical distribution system clearances have been checked and are in compliance with the current requirements of the applicable standards, acts and codes referenced below.

- gg. 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.
- hh. 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.
- ii. 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.