

## Committee of the Whole (1) Report

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**DATE:** Monday, October 07, 2019

**WARD:** 4

**TITLE: DULCINA INVESTMENTS INC.  
SITE DEVELOPMENT FILE DA.18.047  
VICINITY OF JANE STREET AND RUTHERFORD ROAD**

**FROM:**

Jason Schmidt-Shoukri, Deputy City Manager, Planning and Growth Management

**ACTION:** DECISION

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**Purpose**

To seek approval from Committee of the Whole for Site Development File DA.18.047 (Dulcina Investments Inc.) for the Subject Lands, shown on Attachment 1, to permit 24 and 26-storey apartment buildings with a total of 586 units and ground related commercial uses, as shown on Attachments 2 to 7.

**Report Highlights**

- The Owner proposes to develop the subject lands with 24 and 26-storey apartment buildings and a total of 586 units and with ground related commercial uses as shown on Attachments 2 to 7.
- The development is consistent with the Vaughan Mill Centre Secondary Plan on the subject lands, approved through the Local Planning Appeal Tribunal.
- The Development Planning Department supports the approval of Site Development File DA.18.047 as the proposed development conforms to the Official Plan, the proposed uses are permitted by Zoning By-law 1-88, and it is compatible with the existing and planned uses in the surrounding area.

## **Recommendations**

1. THAT Site Development File DA.18.047 (Dulcina Investments Inc.) BE DRAFT APPROVED SUBJECT TO THE FOLLOWING CONDITIONS; to the satisfaction of the Development Planning Department, to permit 24 and 26-storey apartment buildings with a total of 586 residential units and ground related commercial uses, as shown on Attachments 2 to 7:
  - a) prior to the execution of the Site Plan Agreement:
    - i) the Development Planning Department shall approve the final site plan, building elevations, landscape plans and cost estimate, the roof-top amenity plans, signage, and wind analysis;
    - ii) the Development Engineering Department shall approve the final site servicing, grading and erosion control plans, functional servicing and stormwater management report and plans, geotechnical and hydrogeological assessment, dewatering plan, external lighting and site illumination plans, the utility coordination plan, Noise Report, shoring and tie-back design, construction schedule and phasing and logistics plans, Traffic Impact Study, Transportation Demand Management Plan, and pavement markings and signage plan;
    - iii) The Owner shall pay the Development Engineering Department's Complex Site Plan fee in the amount of \$208,590.80 pursuant to the Fees and Charges By-law as amended;
    - iv) the Owner shall satisfy all requirements of the Environmental Services Department, Solid Waste Management Division;
    - v) the Owner shall apply to the City of Vaughan for any permanent dewatering system(s) that is required for the development, and enter into an agreement and/or obtain a permit to discharge groundwater;
    - vi) the Owner shall enter into a Section 37 Bonusing Agreement with the City of Vaughan to secure the community benefits set out in Zoning By-law 033-2019 including the following options, to be finalized to the satisfaction of the City:
      - the monetary contribution payment of \$1,471,622.00 for the purpose of providing public benefits to the City in return for the increase in height and density, or

- the provision of a Public Indoor Recreation Space ('PIRS') within Block B of Phase 1, which will be offset against the monetary contribution payment.

The Owner shall also pay to the City of Vaughan the Section 37 Bonusing Agreement surcharge fee, in accordance with the "Tariff of Fees By-law for Planning Applications", in effect at the time of the execution of the Agreement;

- vii) the Owner shall satisfy all requirements of Alectra Utilities Corporation;
- viii) the Owner shall satisfy all conditions of the York Region Community Planning and Development Services Department;
- ix) the Owner shall obtain a final clearance from NavCanada and Bombardier Aerospace;
- x) the Owner shall satisfy all the conditions of the Toronto and Region Conservation Authority;
- xi) the Owner shall satisfy all requirements of Bell Canada;
- xii) the Owner shall satisfy all requirements of Canada Post;
- xiii) The Owner shall enter into a Development Agreement, as identified in Zoning By-law 033-2019, through the Development Engineering Department and shall agree, but not limited to the following:
  - a) The installation of any proposed service connections and agree to pay for the design and construction of any improvements to the municipal infrastructure regarding the site servicing assessment, should it be determined, in future phases that upgrades are required to the infrastructure to support this development;
  - b) Enter into the necessary agreement(s) with the City for the proposed private sewers crossing the proposed public road - Street A. The agreement(s) shall include provisions for operation and maintenance of the sewers;
  - c) Design and construct Street A including the installation of the necessary municipal services and utilities, prior to occupancy

of the first building and as identified on the approved drawings;

- d) Design and construct a center median on Jane Street, prior to occupancy of the first building in accordance with the approved drawings, to the satisfaction of York Region and the City;
- e) Pay applicable fees and post the necessary Letters of Credit(s);
- f) 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 Development Agreement to carry out, or cause to carry out, the recommendations of the report;
- g) Design and construct street lighting/pedestrian scale lighting system on the proposed public road - Street A. 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; and
- h) Convey any lands and/or easements to the City, free of all costs and encumbrances, that are necessary to construct the municipal services for the development, which may include any required easements and/or additional lands within and/or external to the subject lands including but not limited to the following:
  - i) the necessary land for proposed public road - Street A (22 metre right-of-way) in accordance with the final drawings; and
  - ii) a 5 x 5 metre daylight triangle and 0.3 m reserves at the corners of the Fishermens Way and the proposed public road - Street A intersection.
- xiv) The Owner shall provide the Ministry of the Environment, Conservation and Parks ('MECP') approvals for the wastewater

works, as the sewage systems will be servicing more than one property or provide confirmation from MECP that there is no need for such approvals; and

- xv) The Owner shall pay the applicable fees pursuant to the current Fees and Charges By-law including water consumption during building construction;
  - xvi) The Owner shall enter into a Development Agreement with the City of Vaughan to satisfy all conditions included in the LPAT approved Zoning By-law 033-2019 Schedule 3, financial or otherwise, with regard to such matters including the payment of additional letters of credit, conveyance of parkland (approximately 0.6 ha), access agreements and the construction of the park and associated facilities in a timely manner in accordance with the City's Developer Build Parks Policy, No. 07.2.05 to the satisfaction of the Parks Planning Department.
- b) The implementing Site Plan Agreement shall include the following clauses.
- i) "For high-density residential Development, the Owner shall convey land at the rate of 1 hectare per 300 units and/or pay to Vaughan by way of certified cheque, cash-in-lieu of the dedication of parkland at the rate of 1 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's Cash-in-Lieu Policy."
  - ii) "The Owner shall pay to the City of Vaughan all applicable Development Charges in accordance with the Development Charges By-laws of the City of Vaughan, York Region, the York Region District and Catholic District School Boards, prior to the issuance of any Building Permit."
  - iii) "Should archaeological resources be found on the Subject Lands 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."
  - iv) "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 Ontario Ministry of Tourism,

Culture and Sport Government, and the City of Vaughan Development Planning Department, Urban Design and Cultural Heritage Division.”

- v) “The Owner shall grant to Bell Canada any easements that may be required, which may include a blanket easement, for communication and telecommunication infrastructure. In the event of any conflict with existing Bell Canada facilities or easements, the Owner shall be responsible for the relocation of such facilities or easements.”
- vi) “The Owner shall provide, in conjunction with an application for a Building Permit, a certification by a noise consultant that the noise attenuation measures identified in the approved Noise Report have been included in the building plans. Furthermore, prior to the registration of a Draft Plan of Condominium, the Owner’s noise consultant shall certify that the noise attenuation measures identified in the approved noise report have been incorporated into the building, to the satisfaction of the Development Engineering Department.”
- vii) “The Owner shall agree, as part of the future phases, to resubmit an updated Transportation Impact Study. The Study shall demonstrate, amongst other things, adequate road capacity to facilitate any future development(s), including reanalyzing the intersection of Jane Street and the local east-west street to determine whether signalization is required as part of future developments. However, until such time this intersection will remain in an unsignalized right-in/right-out configuration.”
- viii) “Prior to occupancy of any unit or registration of a condominium, the Owner shall, at no cost to the City of Vaughan, convey to the City an easement to secure the surface public pedestrian path north of the subject lands, between Jane Street and Fishermens Way as identified in the Schedule H of the Vaughan Mills Secondary Plan, to the satisfaction of the City of Vaughan.”
- ix) “The Owner shall agree in the Site Plan and Development Agreements, at its own cost, to design, construct, repair and maintain the public pedestrian path noted in condition viii), including the clearing of snow and ice, to the satisfaction of the City.”

- x) “The Owner shall implement all Transportation Demand Management (‘TDM’) measures as identified in the ‘Traffic Impact Study & Transportation Demand Management Plan Dulcina Lands Phase 1, prepared by Paradigm dated June 2018. The TDM measures include provision of short-term and long-term bicycle parking, bicycle repair station and pedestrian/cycling connections to transit facilities.”
- xi) “Prior to occupancy of any unit, a noise consultant shall certify that the building design and plans are in accordance with the noise control features and noise abatement measures recommended by the approved Noise Report. Where wall, window and/or oversized forced air mechanical systems are required by the Noise Report, these features be certified by a Professional Engineer at the City’s request. The Engineer’s certificate must refer to the final Noise Report and be submitted to the City’s Chief Building Official and the Director of Development Engineering.”
- xii) “Prior to the placement of top soil and after certification of rough grading, the Owner shall agree to undertake a Limited Phase Two ESA on the park land block to be conveyed to the City of Vaughan.”
- xiii) “The Owner shall agree to include the necessary warning clauses in agreements of Offer of Purchase and Sale, Lease/Rental agreements and in the Condominium Declaration including but not limited to the following:
- “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, adjacent employment/industrial uses and from the CN MacMillan Rail Yard 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.”
- xiv) “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 proposed public road - Street A. 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.”

2. THAT the Owner be permitted to apply for a Minor Variance Application(s) to the City of Vaughan and/or the Vaughan Committee of Adjustment, 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, if required.
3. THAT a Zoning By-law to remove the Holding Symbol “(H)” from the Subject Lands be forwarded to Council upon the Owner satisfying all the conditions in Zoning By-law 033-2019 approved by the Local Planning Appeal Tribunal.
4. That Vaughan Council adopt the following resolution for the allocation of water and sewage servicing capacity:

“That Site Development File DA.18.047 be allocated servicing capacity from the York Sewage Servicing/Water Supply System for a total of 586 residential units (1295 persons equivalent). The allocation of said capacity may be revoked by Council resolution and/or in accordance with the City’s current Servicing Capacity Distribution Protocol in the event that (at the discretion of the City) the development does not proceed with a building program within a reasonable timeframe.”

## **Background**

The 1.02 ha subject lands (the ‘Subject Lands’) shown on Attachments 1 and 2 are located on the west side of Jane Street, south of Rutherford Road and represents the first phase (Phase 1A) of a phased development as shown on Attachment 8. The surrounding land uses are shown on Attachment 2.

### ***A Site Development Application has been submitted to permit the Development***

The Owner has submitted Site Development File DA.18.047 (the ‘Application’) to permit the development of the Subject Lands with 24 and 26-storey apartment buildings with 586 units, grade related commercial uses and 761 parking spaces in six levels of underground parking, as shown on Attachments 2 to 7.

### ***The Local Planning Appeal Tribunal issued a Decision on September 17, 2018, for the overall landholdings***

The Subject Lands form part of a larger 3.9 ha landholding for which the Local Planning Appeal Tribunal (‘LPAT’) on September 17, 2018, approved Zoning By-law 033-2019. This By-law permits the development of the overall landholding in 2 Phases, as shown



on Attachment 8, with conditions required to be satisfied prior to the removal of the Holding Symbol “(H)” on any part of the landholding. The approval for the overall landholding includes five apartment buildings ranging in height from 24 to 28-storeys on shared podiums over both phases, the conveyance of part of a planned public park and a local public road - Street A, connecting Jane Street and Fishermens Way, and the following:

- Phase 1 (includes Phase 1A and 1B) - a maximum of 1,125 apartment units
- Phase 2 - a maximum of 342 residential units permitted subject to transportation improvements
- Phase 1 (includes Phase 1A and 1B) and 2 - a maximum total Gross Floor Area ('GFA') of 128,962 m<sup>2</sup>
- Phase 1 and 2 - a maximum total retail commercial GFA of 2,740 m<sup>2</sup>

The Application relates to the first phase of development for the landholding, shown as Phase 1A on Attachments 2 and 8, which is consistent with Zoning By-law 033-2019.

### **Previous Reports/Authority**

[February 25, 2014, Committee of the Whole \(Item 14, Report No.10\)](#)

### **Analysis and Options**

#### ***The Development is consistent with the Provincial Policy Statement***

In accordance with Section 3 of the *Planning Act*, all land use decisions in Ontario “shall be consistent with” the Provincial Policy Statement (the ‘PPS’), which provides policy direction on matters of provincial interest related to land use planning and development. The PPS is applied province-wide and provides provincial policy direction on key land use planning issues that affect communities such as: the efficient use and management of land and infrastructure, ensuring the provision of sufficient housing to meet changing needs; protection of the environment; ensuring opportunities for economic development and ensuring that appropriate transportation is available to accommodate current and future needs; ensuring development and opportunities for protecting the environment and ensuring the appropriate transportation, water and sewer infrastructure is available the current and future needs.

The Development is consistent with the policies of the PPS, which promotes the efficient use of land, additional housing options, an opportunity for economic development, and supports a healthy community and public investment in transit. The Development supports alternate modes of transportation such as transit, cycling and walking and will use existing infrastructure more efficiently thereby minimizing land consumption. The Subject Lands are located within 145 m of the York Region Transit

Vaughan Mills Terminal Platforms, which currently provides access to several bus routes including a direct bus route to the Vaughan Metropolitan Centre ('VMC') Subway Station.

***The Development conforms to the A Place to Grow, Growth Plan for the Greater Golden Horseshoe 2019***

A Place to Grow, the Growth Plan for the *for the Greater Golden Horseshoe 2019* (the 'Growth Plan') is intended to guide the development complete communities and encourages compact built form, transit supportive communities, diverse land uses, a range and mix of housing types, access to local amenities, and directs growth to settlement areas that offer municipal water and wastewater systems. The Growth Plan states that a focus for transit and infrastructure investment to support future growth can be provided by concentrating new development in these areas and creating complete communities with diverse housing types.

The Development conforms with the policy framework of the Growth Plan as it makes more efficient use of the Subject Lands and existing infrastructure, is located in proximity to an existing York Region Transit Terminal Platforms and provides a housing option within the Vaughan Mills Centre that is planned as a complete community with residential, commercial, and employment opportunities, which promotes an active and healthy quality of life for the residents and visitors to Centre.

***The Development conforms to the York Region Official Plan 2010***

The Subject Lands are designated "Urban Area" by the York Region Official Plan 2010 (the 'YROP 2010') and located within a "Regional Centre".

The Development contributes to the mix of uses planned in the Vaughan Mills Centre and contributes to the range of housing choices available in the City to meet the needs of residents and workers of York Region. The proposed density for the Development would support the existing surrounding employment and commercial uses, encourage and optimize the use of transit, and contribute to a complete community. The Development conforms to YROP.

***The Development conforms to the Vaughan Mills Centre Secondary Plan***

The Subject Lands are designated "High-Rise Mixed-Use" by the Vaughan Mills Centre Secondary Plan (the 'Secondary Plan'), which forms Volume 2 of VOP 2010 and was adopted by Vaughan Council through Official Plan Amendment No. 2 ('OPA 2') and approved by York Region Council with modifications, on July 11, 2014.

The Secondary Plan establishes the land use designations and policies for an area generally bounded by Rutherford Road to the north, Bass Pro Mills Drive to the south, generally extending east of Jane Street and Weston Road to the west. A total of 12

appeals were filed by landowners against the Secondary Plan, including an appeal by the Owner of the Subject Lands. Official Plan Amendment and Zoning By-law Amendment Files OP.07.001 and Z.09.038 for the overall landholding including the Subject lands, were also appealed to the LPAT (then the OMB).

The LPAT on September 17, 2018, issued a Decision which included a motion for partial approval and modifications to the Secondary Plan on the subject lands and for the approval of site-specific Zoning By-law Amendment File Z.09.038, to facilitate development of the overall landholdings, including the Subject Lands, in two phases. The modification to the Secondary Plan permits a maximum of 1,125 units in Phase 1 and 342 units in Phase 2 with building heights that range between 18 to 28-storays. The Development conforms to the Official Plan.

***The Development complies with Zoning By-law 1-88 and is subject to the Holding Symbol “(H)”***

The Subject Lands are zoned “RA3(H) Apartment Residential Zone” with the Holding Symbol “(H)” by Zoning By-law 1-88, as amended by By-law 033-2019, incorporated as site-specific Exception 9(1472). The removal of the Holding Symbol “(H)” from the Subject Lands is subject to conditions that were negotiated through the LPAT conducted mediation and included on the implementing Zoning By-law, and includes, but not limited to the following:

- execution and registration of a development agreement(s) to secure: the conveyance and construction of the public street; the conveyance of the Jane Street widening along the frontage of the Subject Lands; the conveyance of public parkland within the lands zoned OS2 Open Space Park Zone (Attachment 1); the payment of cash-in-lieu of parkland in accordance with Section 42 of the *Planning Act*; and the extension of public services with respect to the development of the Phase 1 Lands
- arrangements have been made satisfactory to the City of Vaughan and York Region for the completion of the extension of Bass Pro Mills Drive to Jane Street
- approval of a Site Development File DA.18.047, being Phase 1A.
- an agreement pursuant to Section 37 of the *Planning Act* for community benefits has been executed and registered
- the necessary requirements to facilitate the construction of the public park, to the satisfaction of the City of Vaughan with the execution of a cost sharing agreement to secure the proportionate share of the works required to service and deliver the entire public park
- water supply and sewage servicing capacity allocation being identified by York Region and allocated by the City of Vaughan

***The Owner has submitted a Zoning By-law Amendment File Z.18.023 to remove the Holding Symbol “(H)” from the Subject Lands***

The Owner has submitted a Zoning By-law Amendment File Z.18.023 to remove the Holding Symbol “(H)” from the Subject Lands. The Holding Symbol “(H)” will be removed from the Subject Lands upon the Owner satisfying the conditions for removing the Holding Symbol “(H)” included in the Zoning By-law 033-2019 and the conditions of approval included in the Recommendation of this report.

***An administrative Correction is required to Zoning By-law 033-2019***

The Zoning By-law approved by the LPAT for the Subject Lands inadvertently omitted a zoning provision to permit an driveway for the Subject Lands to be partially located on the lands to the north to access a proposed loading area for the Development. The Owner notified the LPAT and all parties subject to the LPAT proceedings of the omission, and it was agreed by all parties that this minor correction be authorized by the LPAT, prior to the approval of an administrative correction By-law.

An easement for access in favour of the Subject Lands over the lands to the north (owned by the Region of York) is registered on title and supports the administrative correction.

***The Planning Act permits Vaughan Council to pass a resolution to permit the Owner to apply for a Minor Variance application, if required, within 2 years of Zoning By-law coming into full force and effect***

Section 45 (1.3) of the *Planning Act* restricts a landowner from applying for a Minor Variance Application(s) to the Committee of Adjustment within two (2) years of the day on which a Zoning By-law was amended. The *Planning Act* also permits Council to pass a resolution to allow an Owner to apply for a Minor Variance application(s) within 2 years of the passing of the zoning by-law amendment. Development Planning Department Staff support the inclusion of a resolution to accommodate minor design changes that may occur through the finalization of all plans and construction. A condition to this effect is included in the Recommendations of this report.

***The Development Planning Department supports the Development***

Site Design

The proposed site plan, shown on Attachment 2, includes 24 and 26-storey apartment buildings connected by a six-storey podium, 607 m<sup>2</sup> of ground related commercial uses and 761 parking spaces distributed over six levels of underground parking.

The Development represents Phase 1A of an overall development concept that includes five apartment buildings as shown on the Phasing Plan (Attachment 8). The LPAT decision requires the Owner to construct a local east-west public road - Street A, as shown on Attachment 2, that connects Jane Street to Fishermens Way and to dedicate to the City the lands zoned OS2 Open Space Park Zone (located to the south of the Subject Lands, as shown on Attachment 1) for a future public park.

The site plan includes a pedestrian connection from Jane Street to provide access to the ground related commercial uses. A private park is also proposed as shown on Attachments 2 and 3, to provide amenity space for the future residents.

The Owner has submitted a detailed wind study for the Development. The final building and site design must incorporate the recommended mitigation measures to ensure suitable pedestrian conditions at grade and for the roof-top amenity areas.

The final site plan, including the signage and lighting plans, and wind study shall be approved by the Development Planning Department. A Condition to this effect is included in the Recommendations of this report.

#### Site Access

Vehicular access to the Subject Lands is proposed from a proposed local east-west public road - Street A, as shown on Attachment 2, that also provides access to the underground parking and the pick-up and drop-off areas located in proximity to the residential lobby. Wayfinding signage is proposed to orient residents and visitors to key locations on the Subject Lands and to the York Region Bus Terminal and the Vaughan Mills shopping centre. Loading is proposed along the north side of the Development.

#### Parking

A total of 761 parking spaces are proposed for the Development including accessible spaces, distributed over six levels of underground parking. The minimum parking for the Development is calculated based on the requirements of Zoning By-law 1-88 as follows:

|  |                    |
|--|--------------------|
| Residential Parking (586 units @ 1.065 spaces/unit)                        | = 624 spaces       |
| Visitor Parking (586 units @ .20 spaces/unit)                              | = 118 spaces       |
| <u>Commercial Parking (607 m<sup>2</sup> @ 3 spaces/100 m<sup>2</sup>)</u> | <u>= 19 spaces</u> |
| Total Parking provided   | = 761 spaces       |

The parking proposed complies with Zoning By-law 1-88.

#### Landscape Plan

The landscape plan shown on Attachment 3 implements an urban streetscape along Jane Street, which transitions to a softer landscape treatment within the proposed private park. Illumination is proposed to ensure safety for the residents of the

Development and the public. Private roof-top amenity areas are proposed for the Development. The final landscape plans must be approved by the Development Planning Department. A condition to this effect is included in the Recommendations of this report.

### Building Elevations

The proposed building elevations shown on Attachments 4 to 7, include a signature grid articulation that is clad with precast concrete. The architectural expression is distinguished from the surrounding existing buildings and would contribute to wayfinding within the Vaughan Mills Centre. The buildings have been oriented to maximize southern exposure and contribute to a unique profile of the Vaughan Mills Centre's skyline. The final building elevations must be approved by the Development Planning Department. A condition to this effect is included in the Recommendations of this report.

### ***The Owner has addressed the Vaughan Design Review Panel's comments***

The Design Review Panel (the 'Panel'), considered the Development on November 28, 2013 and March 29, 2018. The Panel made comments regarding the relationship of the Development to the existing and future context of the regional shopping centre within the overall vision of the Secondary Plan with a focus along the edges of the Development and ground floor relationships.

Following a series of design meetings with the Owner, the Development Planning Department is satisfied that the Owner has addressed the comments of the DRP, subject to the approval of the final plans.

### ***The Subject Lands have been cleared of concern for archaeological resources***

The Subject Lands have been cleared of concern for archaeological resources. The following clauses shall be included on the Site Plan Agreement:

- a) Should archaeological resources be found on the Subject Lands during construction activities, all construction activity and work must cease, and the Owner shall notify the Ontario Ministry of Tourism, Culture and Sport and the City of Vaughan Development Planning Department, Urban Design and Cultural Heritage Division immediately; and
- 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 and Crematoriums Regulation Unit of the Ontario Ministry of Tourism Culture and Sport and the City of Vaughan Development Planning Department, Urban Design and Cultural Heritage Division.

A condition to include the above clauses in the Site Plan Agreement is provided in the Recommendations of this report.

***The Development meets the Gold Threshold Score with an Overall Application Score of 70 and an Overall Community Score of 85***

The Owner has submitted the completed Sustainability Scoring Tool dated June 28, 2018, in support of the Development. The Sustainability Metrics Package demonstrates an Overall application score of 70 and an Overall Community Score of 85, which meets the Gold Sustainability Threshold Score.

***The Owner is required to enter into a Section 37 Bonusing Agreement in order to secure community benefits***

Vaughan Council has the power under Section 37(1) of the *Planning Act*, in a by-law enacted under Section 34 of the *Planning Act*, to authorize increases to the height and density of development above what is otherwise permitted by the applicable zoning in return for the provisions community benefits as determine necessary by the City. Through the LPAT proceedings dealing with Official Plan and Zoning By-law Amendment Files OP.07.001 and Z.09.038 (entire landholdings Phases 1 and 2), including the Subject Lands, Section 37 benefits were identified and included in Zoning By-law 033-2019, and includes the following options:

- the monetary contribution payment of \$1,471,622.00 for the purpose of providing public benefits to the City in return for the increase in height and density, or
- the provision of a Public Indoor Recreation Space ('PIRS') within Block B of Phase 1, which will be offset against the monetary contribution payment.

The City and the Owner are in continued negotiations to determine the exact community benefits. The Owner shall enter into a Section 37 Bonusing Agreement to secure the required payment prior to the execution of the Site Plan Agreement and prior to the removal of the Holding Symbol "(H)" from the Subject Lands, to the satisfaction of the City of Vaughan. The Owner will also be required to pay the Section 37 Bonusing Agreement Surcharge Fee, in accordance with the "Tariff of Fees By-law for Planning Applications", in effect at the time of the execution of the Agreement. A condition to this effect is included in the Recommendations of this report.

***The Development Engineering Department supports the Development, subject to the conditions.***

The Development Engineering ('DE') Department has provided the following comments regarding the Development:

### Water Supply Network

The Subject Lands are located within Pressure District 6 ('PD6'). There is an existing municipal 300mm diameter watermain on Fishermens Way to the west of the Subject Lands. The Owner will provide two isolated domestic and two isolated fire service connections to service the Development. The Owner's consultant has demonstrated that the existing watermain can provide sufficient flows and pressures for the Development as required by the City Design Criteria, which is acceptable to the City.

### Sanitary Sewer Network

The Owner proposes to connect to the proposed private sanitary sewer along Jane Street within the property, which will connect to the municipal sanitary sewer system within Vaughan Mills Mall area via an existing sanitary stub at the northeast corner of the Subject Lands. The private sewer will also service a portion or the entire remaining land holdings. This component will be reviewed as part of the related planning applications (Phases 1B and 2) and/or the development agreement. The Owner's consultant has provided a downstream capacity analysis by using the actual infiltration and inflow rate as measured by the City and confirmed there is sufficient capacity to service the Development, which is acceptable to the City.

### Stormwater Management Facilities and Storm Sewer Network

The Owner proposes to connect the Development to a storm sewer on private property running parallel to Jane Street, which ultimately connects to the existing municipal storm sewer within the Vaughan Mills Mall access road. This storm sewer system ultimately discharges into the existing Keffer Stormwater Management ('SWM') Pond.

The Keffer SWM Pond was designed to provide Level 2 water quality control. An oil and grit separator is proposed on the Subject Lands to achieve Enhanced (Level 1) water quality control, as required by the City. Furthermore, the Owner's consultant proposes to over control the quality and quantity of the runoff within the development block, therefore the runoff generated by the future road south of the Subject Lands, can be discharged uncontrolled into the storm sewer system, without any downstream capacity issues, which is acceptable to the Development Engineering Department.

### Road Network

The submitted Traffic Impact Study ('TIS') and Transportation Demand Management ('TDM') Plan demonstrates that the Subject Lands will be served via full movements access on a local east-west proposed public road - Street A, to be constructed by the Owner, connecting Jane Street to Fishermens Way.



A six-level underground parking garage with 761 parking spaces is proposed to serve this Development. The Development Engineering Department - Transportation Engineering has reviewed the TIS containing a summary of the traffic impact assessments, parking review, and the TDM Plan and are satisfied with the findings and recommendations.

As part of the future subsequent Phase 2 development, an updated TIS will be required. The updated TIS shall demonstrate, amongst other things, adequate road capacity to facilitate any future development, including reanalyzing the intersection of Jane Street and the local east-west proposed public road - Street A to determine whether signalization is warranted. Until such time, this intersection will remain an unsignalized, right-in/right-out only configuration as determined by York Region. The Owner will be required to extend the existing centre median on Jane Street to limit the Jane Street intersection to a right-in/right-out movements only.

#### Active Transportation and Transportation Demand Management

In addition to enhanced vehicular connectivity as a result of the new east-west proposed public road - Street A, pedestrian connectivity will also be improved through the provision of wide 2 m wide sidewalks on both sides of Street A. An additional pedestrian link between Jane Street and Fishermens Way, north of the Subject lands as shown on Schedule H of the Vaughan Mills Centre Secondary Plan, will also be secured through public easement. To promote the surrounding active transportation network, the Development will also include short and long-term bicycle parking, including bicycle repair stations.

#### Environmental Site Assessment

The submitted Environmental Site Assessment ('ESA') report was reviewed by the Development Engineering Department. A Ministry of the Environment, Conservation and Parks ('MECP') Record of Site Condition ('RSC') was also filed on the Environmental Site Registry by the Owner for the Development. The ESA reports and RSC confirm that the Subject Lands are suitable for the proposed Development. The Development Engineering Department is satisfied with the submitted ESA documentation.

#### Sewer and Water Servicing Allocation

A resolution to allocate servicing capacity from the York Sewage Servicing / Water Supply System to the Development is recommended for Council's approval and is included in the Recommendations of this report.

## Noise Mitigation Measures

The City is satisfied that the latest Valcoustic's Noise Report submission has addressed potential noise concerns and has confirmed that the recommended noise abatement measures and the applicable MECF guidelines will achieve acceptable noise limits for the Development. The recommended noise abatement measures shall be incorporated into the design drawings and/or site plan and all the necessary warning clauses/statements shall be included in all offers of Purchase and Sale or Lease/Rental agreements and condominium documents to the satisfaction of the Development Engineering Department. A condition to this effect is included in the Recommendations section of this report.

The Development Engineering Department has provided additional comments by way of a letter dated April 12, 2019, regarding the Development, which has been provided to the Owner to address, prior to the execution of the Site Development Agreement.

### ***The Financial Planning and Development Finance Department requires the Owner to pay the applicable Development Charges***

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 and York Catholic District School Boards.

### ***The Owner must submit a Draft Plan of Condominium application to establish the condominium tenure for the Development***

Should Council approve the Application, the proposed condominium tenure for of the Development will be created through a future Draft Plan of Condominium application(s), which is subject to approval by Council. The future condominium corporation(s) will be responsible for all common elements in the Development, including but not limited to parking and all landscape elements.

### ***The Infrastructure Development and Parks Planning Departments require the following condition to be included in the Site Plan Agreement***

The Infrastructure Development and Parks Development Departments have provided the following condition of approval:

“For high-density residential Development, the Owner shall convey land at the rate of 1 hectare per 300 units and/or pay to Vaughan by way of certified cheque, cash-in-lieu of the dedication of parkland at the rate of 1 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's Cash-in-Lieu Policy.”

A condition to include this clause in the Site Plan Agreement is included in the Recommendations of this report.

***The Environmental Services Department, Solid Waste Management Division, has no objection to the Development***

The Environmental Services Department, Solid Waste Management Division has advised that the final plans shall be revised to their satisfaction, and that a truck turning movement plan be submitted for review. The Owner must also provide a certified letter by a qualified Engineer that the structure can support a collection vehicle weighing 35,000 kg. A condition requiring the Owner to satisfy all requirement of the Environmental Services Department, Solid Waste Management Division has been included in the Recommendations of this report.

***The Parks Planning Department has no objection to the Development, subject to their condition in the Recommendations***

The Owner shall enter into a Development Agreement, as identified in Zoning By-law 033-2019, Schedule 3 through the Development Engineering Department and shall agree, but not limited to the following:

- a) Convey parklands falling within the Owner's lands as identified in the Vaughan Mills Secondary Plan of approximately 0.6 hectares.
- b) The Owner shall enter into a Developer Build Agreement with the City to build the Park including but not limited to the construction of playground, shade structure, hardscape, facilities, and all associated softscape in accordance with the Developer Build Parks Policy, No. 07.2.05. Conditions related to the Developer Build Agreement shall be included in the Development Agreement.
- c) Prior to or upon conveyance of the Park Block to the City, the City and the Owner shall enter into an Access Agreement for the Park Block.
- d) Complete all works described in Zoning By-law 033-2019, Schedule 3, Part I: Parkland Base Development Requirements for the Dulcina Park Block and the Mammone Park Block by no later than the earlier of the date of registration of the Phase 1 Development Agreement and twelve (12) months after the date of registration of the adjacent lands Phase 1 Development Agreement. Complete all works described in Zoning By-law 033-2019, Schedule 3, Part II: Parkland Base Development Requirements for the Dulcina Park Block and the Mammone Park Block by no later than issuance of the first Building Permit for above-ground development of the Subject Lands. Completion of the Dulcina Park Block and the Mammone Park Block to the ultimate condition as described in Zoning By-law 033-2019, Schedule 3, Part III shall be coordinated with the residential development to provide park facilities to the local residents in a timely manner. The timing of

these works shall be completed by no later than issuance of an occupancy certificate for the Phase 1B Lands. In the event that an application for issuance of an occupancy certificate for the Phase 1B Lands is not made within three (3) years following first occupancy of the Phase 1A Lands, all works associated with developing the completion of the Dulcina Park Block and the Mammone Park Block are as described under Part III to the ultimate condition shall be completed as agreed with the City by a date to be agreed with the City and all works described on Part III shall be completed for the remaining part of the Dulcina Park Block.

- e) A letter of credit in the amount of \$84,730.00 was collected as part of the Minutes of Settlement process. The Owner acknowledges that following are additional letters of credit that shall be provided by the Owner to the City of Vaughan through the Development Agreement:
- \$62,500 shall be provided for securing works required for the Dulcina Park Block estimated for Part II based on existing site conditions to bring up the parkland base grade to meet and match proposed road levels
  - \$87,000 shall be provided for securing works required for the Park Block estimated for Part II requirements
- f) Prior to the execution of the Development Agreement, the Owner shall enter into a separate cost sharing agreement with the owners of the Mammone Park Block site to secure their proportionate share of the works required to service and deliver the Park to the City.

### **NavCanada and Bombardier Aerospace have no objection to the Development**

NavCanada, and Bombardier Aerospace a private sector, non-share Capital Corporation that owns and operates Canada's civil air navigation service (ANS) and Bombardier Aerospace, owner and operator of the Toronto Downsview Airport, has advised they have no objection to the Development. A condition for their final clearance has been included in the Recommendations of this report.

### ***The Owner is required to satisfy the Toronto and Region Conservation Authority conditions of approval for the Development***

The Toronto and Region Conservation Authority ('TRCA') advise that the Development is subject to policy REC-1 Parts 2 (a) and (b) in the Credit Valley, Toronto and Region and Central Lake Ontario ('CTC') Source Protection Plan, and requires the submission of a site-specific water balance assessment for review and approval by the TRCA to mitigate development related impacts to infiltration. Prior to the execution of the Site

Plan Agreement the Owner shall satisfy the conditions of the TRCA. A condition to this effect is included in the Recommendations of this report.

***The Ministry of Transportation Ontario has no objection to the Development***

The Ministry of Transportation Ontario (the 'MTO') has advised that they have no objection to the Development.

***Canada Post has no objection to the Development***

Canada Post has advised that it is the Owner's responsibility to contact Canada Post to discuss a suitable mailbox/mailroom location(s) and ensure that Canada Post specifications are met. A condition to this effect is included in the Recommendations of this report.

***The York Region District and York Catholic District School Boards have no objection to the Development.***

The York Region District and York Catholic District School Boards have no objection to the Development.

***The various utilities have no objection to the Development***

Alectra Utilities Corporation has indicated it has no objection to the approval of the Development and that the Development must meet the minimum clearances from their underground electrical distribution systems. It is the Owner's responsibility to contact Alectra and discuss all aspects of the Development with respect to electrical supply, transformer locations, and temporary service requirements.

Enbridge Gas has no objection to the Development and has advised that it is the Owner's responsibility to contact Enbridge Gas with respect to the installation and clearance requirements for service and metering facilities.

Bell Canada has advised that the Owner must confirm that sufficient wire-line communication/telecommunication infrastructure is available. In the event that such infrastructure is unavailable, the developer shall be required to pay for the connection to and/or extension of the existing communication/telecommunication infrastructure. If the Owner elects not to pay for the above noted connection, then the Owner will be required to demonstrate to the satisfaction of the municipality that sufficient alternative communication/telecommunication will be provided to enable, at a minimum, the effective delivery of communication services for emergency management services (i.e. 911 Emergency Services).

Rogers Communication Inc. has no objection to the Development.

Conditions requiring the Owner to satisfy the requirements of the various utilities are included in the Recommendations of this report.

## **Financial Impact**

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

## **Broader Regional Impacts/Considerations**

The York Region Community Planning and Development Services Department ('York Region') has no objection to the Development subject to York Region issuing their first engineering approvals. The first approval is for shoring, hoarding, crane swing, dewatering, erosion, median construction, traffic management and sediment control and construction management, and is subject to conditions that the Owner must satisfy. York Region's conditions must be satisfied prior the execution of the Site Plan Agreement. A condition to this effect is included in the Recommendations of this report.

## **Conclusion**

The Development Planning Department has reviewed Site Development File DA.18.047 in consideration of the policies of the Provincial Policy Statement, the Growth Plan, the York Region Official Plan 2010 and Vaughan Official Plan 2010, the LPAT decision regarding the Subject Lands, the requirements of Zoning By-law 1-88, comments from City Departments, external public agencies, and the surrounding area context.

The Development is consistent with the policies of the PPS, conforms to the Growth Plan and the York Region Official Plan, and implements the Vaughan Mills Centre Secondary Plan and the LPAT decision. The Development Planning Department is satisfied that the Development shown on Attachments 2 to 7, is compatible with the existing and planned uses in the surrounding area and represents good planning. Accordingly, the Development Planning Department supports the approval of the Application, subject to the conditions included in the Recommendations of this report.

**For more information**, please contact: Eugene Fera, Senior Planner, Development Planning Department, extension 8003.

## **Attachments**

1. Location Map
2. Site Plan and Proposed Zoning
3. Landscape Plan
4. Building Elevations - East
5. Building Elevations - South
6. Building Elevations - West
7. Building Elevations - North
8. Development Phasing- By-law 033-2019

**Prepared by**

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/MEO