

Committee of the Whole (1) Report

DATE: Monday, October 07, 2019

WARD: 5

**TITLE: PROMENADE LIMITED PARTNERSHIP
SITE DEVELOPMENT FILE DA.18.107
VICINITY OF BATHURST STREET AND CENTRE STREET**

FROM:

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

ACTION: DECISION

Purpose

To seek approval of the Committee of the Whole for Site Development File DA.18.107, to develop the subject lands shown on Attachments 1 and 2, with 30 and 35-storey residential apartment buildings connected by a 7-storey podium with a total of 729 units with retail at grade and a 23-storey mixed-use building comprised of office, hotel and retail uses as shown on Attachments 3 to 10.

Report Highlights

- The Owner proposes to develop the subject lands with 30 and 35-storey residential apartment buildings connected by a 7-storey podium with a total of 729 units and retail at grade and a 23-storey mixed-use building comprised of office, hotel and retail uses.
- The Development Planning Department supports the approval of the development as it is consistent with the Provincial Policy Statement 2017, conforms to the Growth Plan 2019, and the York Region Official Plan, the proposed residential, office and hotel uses are permitted by VOP 2010, and the development is compatible with the existing and planned land uses in the surrounding area

Recommendations

1. THAT Site Development File DA.18.107 (Promenade Limited Partnership) BE DRAFT APPROVED SUBJECT TO THE FOLLOWING CONDITIONS, to the satisfaction of the Development Planning Department, to permit the development of a 30 and 35-storey residential apartment buildings connected by a 7-storey podium with a total of 729 units with retail at grade and a 23-storey mixed-use

building comprised of office, hotel and retail uses, as shown on Attachments 3 to 10:

- a) That prior to the execution of the Site Plan Agreement:
- i) the Development Planning Department shall approve the final site plan, landscape plan, and cost estimate, building elevations and signage details;
 - ii) the Development Engineering Department shall approve the final site servicing and grading, erosion control plan, functional servicing and stormwater management reports and plans, final noise report, hydrogeological assessment, and Traffic Impact Study and the Owner shall pay the Development Engineering Site Plan fee in accordance with By-law 022-2018;
 - iii) or prior to initiation of any construction activities, whichever comes first, the Owner shall prepare a construction management plan, and enter into an agreement and/or permit to the satisfaction of the City;
 - iv) the Owner shall enter into a Development Agreement with the City:
 - to the design and construction of any required improvements to the municipal infrastructure at no cost to the City, pay applicable fees and post any necessary Letter of Credit(s). The Owner shall undertake all necessary monitoring of the downstream sewer system. Proposed improvement works shall adhere to the studies being undertaken to support the Secondary Plan;
 - the Owner shall submit a geotechnical report that identifies the existing site conditions and provides recommendations for the design and construction of the proposed municipal infrastructure and services including a pavement design structure for ideal and non-ideal conditions and carry out the recommendations of the report to the satisfaction of the City;
 - v) the Owner shall submit a comprehensive Environmental Noise Impact Assessment, prepared in accordance with Ministry of the Environment, Conservation, and Parks NPC-300 Environmental Noise Guidelines to the satisfaction of the City;
 - vi) the Owner shall submit a copy of the registered plan of survey (i.e. R-Plan) showing the boundaries of the residential portion used for the filing of the Ministry of the Environment Conservation and Parks Record of Site Condition and designation of the Class 4 acoustical area, to the satisfaction of the City;

- vii) the Owner shall submit a risk evaluation report as defined under O. Reg. 153/04 assessing the salt related impacts and/or a remediation report for the mixed-use office building portion of the development to the satisfaction of the City;
 - viii) the Owner and the City shall enter into and execute a Parkland Agreement to the satisfaction of the City;
 - ix) the Owner shall satisfy all requirements of the Environmental Services Department, Waste Management Division;
 - x) the Owner shall satisfy all requirements of York Region;
 - b) That the Site Plan Agreement shall include the conditions and warning clauses as identified in this report, to the satisfaction of the City.
2. THAT Vaughan Council adopt the following resolution for the allocation of water and sewage servicing capacity:
- “THAT Site Plan Development File DA.18.107 be allocated servicing capacity from the York Sewage Servicing / Water Supply System for a total of 729 residential apartment units (1,611 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 construction program within a reasonable timeframe.”
3. THAT the residential portion of the Phase 1 development of the Promenade Shopping Centre be designated as a Class 4 area pursuant to the Ministry of the Environment, Conservation, and Parks Noise Guideline NPC-300 to the satisfaction of the City.
4. THAT the City’s Noise By-law, Schedule 4, be amended to designate the residential portion of the Phase 1 development of the Promenade Shopping Centre as a Class 4 area and the property description shall include reference to the assessed noise level limits defined in the final comprehensive Noise Impact Assessment report to the satisfaction of the City.
5. THAT prior to the consideration of a Part Lot Control Exemption By-law by Council, the Owner be required to:
- a) provide proof of payment of all current property taxes for the subject lands, to the satisfaction of the City Solicitor; and

- b) register, to the satisfaction of the City Solicitor, a Section 118 Restriction under the *Land Titles Act* agreeing not to transfer or charge any part of the lands without the written consent of the Deputy City Manager, Planning and Growth Management, or designate.

Background

The subject lands (the ‘Subject Lands’) are located south of Centre Street, west of Bathurst Street, and forms part of the property municipally known as 1 Promenade Circle as shown on Attachments 1 and 2. The Subject Lands form part of the lands currently developed with the Promenade Shopping Centre.

Official Plan and Zoning By-law Amendment applications have been approved and are in-effect for the Subject Lands

On June 4, 2019, the Committee of the Whole recommended approval of Official Plan and Zoning By-law Amendment Files OP.18.013 and Z.18.020, to rezone the Subject Lands to RA5 High Density Residential Town Centre Zone with the Holding Symbol “(H)” and with site-specific zoning exceptions to permit maximum building heights of 26, 30 and 35-storeys, a Floor Space Index (‘FSI’) / density of 4.4 times the area of the lot, and a maximum of 790 residential units. Council ratified the Committee’s decision on June 12, 2019 and passed OPA 46 and By-law 105-2019 to permit the development, which are now in full force and effect.

A Site Development Application has been submitted to permit the development

The Owner has submitted Site Development File DA.18.107 (the ‘Application’) for Phase 1 of the Subject Lands to permit 30 and 35-storey residential apartment buildings connected by a 7-storey podium with a total of 729 units with retail at grade and a 23-storey mixed-use building comprised of office, hotel and retail uses (the “Development”), as shown on Attachments 3 to 10.

Previous Reports/Authority

[Committee of the Whole Meeting, June 4, 2019 - OP.18.013 and Z.18.020](#)

Analysis and Options

The Development Planning Department has reviewed the Development shown on Attachments 3 to 10 in consideration of the policies of the Provincial Policy Statement 2014, A Place to Grow - Growth Plan for the Greater Golden Horseshoe 2019, York Region Official Plan 2010 and Vaughan Official Plan 2010.

The Development contributes to building a strong and healthy community consistent with the Provincial Policy Statement which applies across Ontario and provides provincial policy direction on land use planning.

Section 3 of the *Planning Act*, requires that all land use decisions in Ontario “shall be consistent” with the Provincial Policy Statement 2014 (the ‘PPS’). The PPS provides

policy direction on matters of provincial interest related to land use planning and development. These policies support the goal of enhancing the quality of life for all Ontarians. The key policy objectives are: building strong, healthy communities; wise use and management of resources; and protecting public health and safety.

The Development is consistent with the Provincial Policy, specifically the following sections under Part V - "Policies" of the PPS:

- Section 1.1.1. b) - accommodating an appropriate range of residential, employment, institutional, recreation, park and open space uses
- Section 1.1.1. e) - promoting cost-effective development patterns and standards to minimize land consumption and servicing costs
- Section 1.1.3.1 - settlement areas as the focus of growth and development
- Section 1.1.3.2 (a) and (b) - land use patterns based on densities and a mix of uses and promoting opportunities for intensification where appropriate
- Section 1.4.1 - to provide for an appropriate range and mix of housing types and densities required to meet projected requirements for current and future residents.

The Development is consistent with the policies of the PPS identified above. The Development shown on Attachments 3 to 10 is for 23 to 35-storey apartment buildings with a range of uses including residential, office, hotel and retail. The Subject Lands are located within a settlement area and the Development would add to the range and mix of housing types in the community, and efficiently utilize the Subject Lands. The Development is proposed in an area where appropriate levels of infrastructure and public service facilities exist, are under construction, or are planned. The proposed density more efficiently uses the Subject Lands, resources, infrastructure and public service facilities in a compact development form. On this basis, the Development is consistent with the PPS.

The Development contributes to a vibrant urban centre - one that supports and encourages diverse forms of living, transit and employment opportunities. This conforms with the policies of the Growth Plan

A Place to Grow - Growth Plan for the Greater Golden Horseshoe 2019 ('Growth Plan') is intended to guide decision making on the development of land by encouraging compact built form, transit supportive communities, diverse land uses, and a range and mix of housing types. The Growth Plan encourages population and employment growth within the settlement areas and promotes the development of complete communities that offer a mix of housing types, access to local amenities, and connections to municipal water and sewer systems.

The *Planning Act* requires that Vaughan Council's planning decisions conform to, or not conflict with, the Growth Plan. The Development is consistent with the Growth Plan objectives, specifically:

- Section 2.2.1 - directing growth to settlement areas and locations with municipal water and wastewater systems, public services facilities and public transit to support the achievement of complete communities;
- Section 2.2.2 - contribute to meeting residential development growth targets with the delineated built-up area;
- Section 2.2.6 - providing a diverse mix of housing densities to meet the needs of current and future residents and establish targets for affordable ownership housing and rental housing, and,
- Section 3.2.3 - to optimize public investments in higher order transit.

The Subject Lands are located within a settlement area and a delineated built-up area. The Development adds a range and mix of housing units, provides a diversified mix of uses in the community, and a higher density compact built form. The Development promotes the “Guiding Principles” and “Where and How to Grow” policies of the Growth Plan which support a range and mix of housing options.

The Growth Plan recognizes transit as a first priority for major transportation investments. It sets out a regional vision for transit and seeks to align transit with growth by directing growth to Major Transit Station Areas (‘MTSA’) and other strategic growth areas, including urban growth centres. The Disera Road and Promenade area has been identified as a future MTSA. A bus rapid transit system is currently being constructed on Bathurst Street and Centre Street.

The Development is consistent with the policy framework of the Growth Plan by directing growth to a built-up area where there is opportunity to accommodate population growth, promote a transit-supportive density and a mix of residential and commercial land uses. The Development will ensure opportunities for safe pedestrian linkages, pedestrian-built form at grade, new and enhanced pedestrian linkages to the shopping centre and will also provide an appropriate transition to the adjacent community areas.

The Development would contribute to a complete community, economic viability and a sustainable natural environment which conforms with the York Region Official Plan

The Subject Lands are designated “Urban Area” by the York Region Official Plan (the ‘YROP’), which permits a wide range of residential, commercial, industrial and institutional uses. Section 5.3 of the YROP outlines policies for development within the urban structure by encouraging residential development to occur within the built-up area as defined by the Province’s Built-Up Area Boundary in the Growth Plan. Well-designed, pedestrian-friendly and transit-oriented built form is encouraged. The Subject Lands are located along Centre Street and Bathurst Street which are identified as Regional Corridors in the YROP.

Section 3.5 of the YROP, Housing our Residents, provides housing objectives which include and promote an integrated community structure and design that ensures a

broad mix and range of lot sizes, unit sizes, housing forms and types and tenures that will satisfy the needs of the Region's residents and workers.

The Development would add a hotel, office, residential and additional retail uses to the existing regional shopping centre, thereby increasing the mixed-use function of the Subject Lands, located on a Regional Corridor, which satisfies policy 4.2.4 of the YROP. Residential uses will integrate with the major retail within the community satisfying policy 4.4.8 of the YROP. The York Region Community Planning and Development Services Department has advised the Development is in an urban form and design that is compact, pedestrian and cyclist-friendly, and transit supportive satisfying policy 5.4.5 of the YROP. York Region has advised the Applications conform with the YROP.

The Development conforms to Vaughan Official Plan 2010

Vaughan Official Plan 2010 ('VOP 2010') identifies Primary Centres as the location for the accommodation of growth and the greatest mix of uses and densities. The entirety of the Promenade Shopping Centre lands, including the Subject Lands are located within an Intensification Area - "Primary Centre" by Schedule 1 - Urban Structure of VOP 2010, Volume 1, with access to and frontage (overall Promenade Shopping Centre lands) on a "Regional Rapid Transit Corridor" along Centre Street and onto a "Regional Transit Priority Network Corridor and Special Study Area" along Bathurst Street.

VOP 2010 provides that Primary Centres will be locations for intensification accommodated in the form of predominantly mixed-use, high and mid-rise buildings, developed at an intensity supportive of transit. These areas are identified in VOP 2010 as Intensification Areas, which are the primary locations for the accommodation of growth and the greatest mix of uses, heights and densities.

The Subject Lands are designated "High-Rise Mixed-Use" by VOP 2010, Volume 2 - Site Specific Policies 13.49, which permits a High-Rise Mixed-Use development with maximum building heights of 26, 30 and 35-storieds, a maximum FSI / density of 4.4 times the area of the Subject Lands and a maximum of 790 residential units within 2 residential buildings.

The Development as proposed is primarily contained within the overall development footprint of the existing Promenade Shopping Centre and conforms with policies of VOP 2010. The Development will support and transform the existing retail uses, ensure a range of housing options, support transit, introduce office, hotel and additional retail uses onto the Subject Lands, provide an attractive pedestrian friendly built form by locating active uses at grade and achieve an appropriate transition of intensity to uses in the surrounding community. The Promenade Shopping Centre is separated from existing low-rise residential uses by public and private roads, and existing high density residential, and by commercial uses, a school and a park. The Development conforms with VOP 2010 and is compatible and consistent with the surrounding land uses.

The Development complies with Zoning By-law 1-88

The Subject Lands are zoned RA5 High Density Residential - Town Centre Zone with the Holding Symbol “(H)” as shown on Attachment 3, by Zoning By-law 1-88, which permits the proposed mixed-use development as shown on Attachments 3 to 10. The Development complies with all of the development standards of the RA5 High Density Residential - Town Centre Zone” of Zoning By-law 1-88.

The Holding Symbol “(H)” shall not be removed from Phase 1 of the Subject Lands or any portion thereof, until the following conditions are addressed to the satisfaction of the City:

- a) the Owner shall update the plans and reports for the required ultimate sanitary service for Phase 1 of the Subject Lands, and sanitary tributary areas to the satisfaction of the City;
- b) the Owner shall enter into a development agreement and/or any other agreement(s) with the City for Phase 1 of the Subject Lands for the design and construction of the necessary municipal services and utilities. The said agreement shall be registered against the Subject Lands; and
- c) a Record of Site Condition shall be filed on the Environmental Site Registry and acknowledged by the Ministry of the Environment, Conservation, and Parks covering the residential portion of Phase 1 of the Subject Lands.

Council on June 12, 2019, approved the Recommendation to permit the Owner to apply for a Minor Variance application(s), if required, prior to the two-year moratorium on amendments to the Zoning By-law in order to address minor zoning deficiencies that may arise through the finalization and construction of the Development.

The Development Planning Department supports the Development

Site Design

The Subject Lands form part of the lands currently developed with the Promenade Shopping Centre. The Owner is proposing to demolish and redevelop the existing former Sears Canada retail space located at the southwest portion of the shopping centre with 30 and 35-storey residential apartment buildings connected by a 7-storey podium and consisting of a total of 729 residential units as shown on Attachment 3. The Development extends around the easterly portion of the shopping centre with a 23-storey, mixed-use building consisting of a 170-suite hotel (11-storeys), 19,200 m² of office space (10-storeys) and at grade retail (2-storeys) and an additional 2-storey retail space to the north of the mixed-use building as shown on Attachment 3.

The Development includes a new street (High Street) as shown on Attachment 3. High Street is a wide landscaped and pedestrian oriented retail boulevard abutting the

Subject Lands and will provide a connection from Centre Street to the balance of the shopping centre lands and Clark Avenue West (via Promenade Circle), for the residential, office, hotel and retail development and the existing Promenade Shopping Centre. Pedestrian connections on the Subject Lands will connect to High Street, Promenade Circle, the existing bus terminal, the outparcel retail stores and Pierre Elliott Trudeau Park.

Vehicular access to the site is provided from Bathurst Street and Clark Avenue. The proposed parking spaces are distributed over 4 levels of an underground garage and surface parking. The total number of parking spaces required for the overall Promenade Shopping Centre lands, including the Development, is 3,955 spaces. Zoning By-law 1-88 permits parking spaces to be shared between the existing Promenade Shopping Centre and the Development. A total of 3,610 spaces (including the car sharing option) is required by Zoning By-law 1-88. The Development and the Promenade Shopping Centre includes a total of 3,702 parking spaces, which complies with Zoning By-law 1-88.

Landscape

The proposed landscape plan is shown on Attachment 4. The High Street streetscape includes landscaping with hardscape features to support the retail and office uses and pedestrian activity. Residential outdoor amenity area is provided for on the second-floor podium rooftop, adjacent to Building A as shown on Attachment 3, and includes a putting green, dog run and seating areas. The Development includes indoor amenity facilities such as fitness, yoga, sports lounge, cards, dining and children's play rooms.

Building Elevations

The proposed building elevations are shown on Attachments 5 to 10. The architecture utilizes a modern design with vision and spandrel glass and aluminum banding as the primary building materials on the residential and mixed-use buildings. The rooftop mechanical units are screened to minimize visibility from the public realm. A secondary mall entrance is proposed with a significant skylight feature extending into the existing shopping centre. The final site plan, building elevations, and landscape cost estimate, and signage details shall be to the satisfaction of the Development Planning Department. A condition to this effect is included in the Recommendations of this report.

The Vaughan Design Review Panel supports the Development

The Design Review Panel ('DRP') reviewed the Development on April 25, 2019, and provided the following comments:

- it is important that High Street be completed in early phases of the Development to provide connection to Centre Street
- a clear hierarchy of pedestrian circulation should be developed for Phase 1, identifying the existing gaps and connecting to existing community facilities

- the proposed sustainable features and materiality should be further developed into the details of the design
- a variety in retail scale along High Street and incubator/flex spaces can be used by the community to create a positive experience

In response to the DRP's comments, the Owner has committed to work closely with City staff and the consultants undertaking the secondary plan for the Promenade Shopping Centre.

The landscape plan has been revised to improve pedestrian circulation to provide safe connections from the Shopping Centre to the existing crosswalks on Promenade Circle, as shown on Attachment 4. The opportunity to divide the retail spaces into smaller spaces in response to changes in the retail market and provide flex spaces is incorporated into the design layout of the Shopping Centre and can be provided upon future demand. The Owner is working with staff to finalize the building elevations.

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

The Development achieves a Gold Sustainability Metrics Threshold Score

The Owner has submitted the completed Sustainability Scoring Tool and Summary Letter ("Sustainability Metrics Package"), dated February 19, 2019, in support of the Development. The Sustainability Metrics Package demonstrates an Overall Application Score of 73 and an Overall Community Score of 87, meeting the Gold Sustainability Threshold Score.

A Part Lot Control Application is required to establish ownership for Phase 1 lands

The Owner is proposing to submit a Part Lot Control application to establish new ownership and property boundaries for the Subject Lands (Phase 1) to separate the Phase 1 lands from the existing Promenade Shopping Centre lands. The new Phase 1 lands will be transferred into new ownership for the purposes of financing and construction.

Prior to the consideration of a Part Lot Control Exemption By-law by Council, the Owner will be required to register a Section 118 Restriction under the *Lands Titles Act* agreeing not to transfer or charge any part of the Subject Lands without the written consent of the Deputy City Manager, Planning and Growth Management, or designate and to provide proof of payment for all current property taxes, should the Application be approved. A condition to this effect is included in the Recommendation section of this report.

A Draft Plan of Condominium application(s) is required to establish the condominium tenure for the Development

The Owner has indicated that the Development will be managed by a Condominium Corporation. Should Vaughan Council approve the Application, a Draft Plan of Condominium application will be required to create the condominium tenure for the Development.

The Development Engineering Department supports the Development, subject to the conditions in this report

The Development Engineering ('DE') Department advise they have no objection to the Development subject to the conditions in the Recommendations of this report and have provided the following comments:

Water Supply

The Subject Lands are located within the City of Vaughan Pressure District 6 ('PD6'). There are municipal watermain adjacent to the Subject Lands on Bathurst Street and Centre Street. In addition, municipal watermain are located within easements on Promenade Circle. The Owner proposes to connect to the watermain on Promenade Circle to service the Development. There are sufficient sources of potable water to support the Development.

Sanitary Sewer

The Functional Servicing Report (the FSR) demonstrates three options to service the Subject Lands as follows:

1. Connecting with a new deep manhole shaft to the regional Trunk sewer on Bathurst Street across Promenade Circle, which requires York Region's approval;
2. Connecting to the Regional Trunk sewer at the existing manhole shaft at Bathurst Street and Steeles Avenue West via a new sanitary sewer system along Bathurst Street, which requires York Region's approval; and
3. Connecting to a municipal sanitary sewer on Clark Avenue West.

Option 1 is the DE Department's preferred option, which reduces new municipal infrastructure and can service the entirety of the lands that are subject to the Secondary Plan.

Option 2 requires a future sanitary sewer system along Bathurst Street to Steeles Avenue West. The sewer will then connect to an existing trunk manhole shaft. The extent of the system has not been identified to date. The DE Department has no issue with this option subject to York Region ownership of the system including operation and maintenance.

Option 3 requires upgrades to the existing municipal sewers downstream of the Subject Lands on Clark Avenue West up to a Region or City of Vaughan trunk sewer. The extent of the upgrades has not been identified to date. This option may not be able to service the Development and the remainder of the lands subject to the Secondary Plan.

Storm Sewer

The FSR demonstrates that the post-development flows will be controlled to the existing flows by a proposed underground tank and orifice, therefore no upgrades will be required to the existing storm sewer system. The Owner proposes to install filter-based treatment units (Jelly Fish Filters) to achieve the water quality targets.

Sewer and Water Servicing Allocation

On February 21, 2018, the City's latest annual servicing capacity allocation strategy report was endorsed by Vaughan Council. Accordingly, servicing capacity to Development File DA.18.107 is available and unrestricted and a resolution to allocate capacity to the Development is included in the Recommendations of this report.

Environmental Noise Feasibility Assessment

The Owner submitted an Environmental Noise Feasibility Assessment prepared by Novus Environmental dated December 18, 2018. The report evaluated noise and vibration compliance with the Ministry of the Environment, Conservation, and Parks ('MECP') NPC-300 Environmental Noise Guideline and recommends the residential portion of the Development be designated as a Class 4 area acoustical environment due to noise from the existing Promenade Shopping Centre rooftop equipment. A Class 4 area acoustical environment allows for the use of higher noise guideline limits and is intended for use with intensification developments where noise sensitive land-uses are in proximity to lawfully established stationary noise sources. Class 4 is established through formal confirmation by the land use planning authority. The various acoustical area Classes are defined in NPC-300.

The City's noise consultant peer reviewed the Environmental Noise Feasibility Assessment and requested additional information to identify the shopping centre noise controls required to meet NPC-300 Class 1 noise level limits. A Noise Mitigation Plan dated August 9, 2019 was prepared by Novus and outlined the required mitigation measures, estimated costs, and feasibility of achieving noise level compliance.

Through the peer review process, it was determined that designating the residential lands as a Class 4 area but implementing mitigation measures to reduce sound levels to within 3 decibels (dB) of the Class 1 noise level limits is the most feasible option for achieving compliance with NPC-300. This option meets the intent of the NPC-300 Class 4 area designation; ensures a suitable acoustical environment for residents indoors while allowing the Development outdoor amenity area to meet Class 1 noise level limits; and reduces the likelihood of noise complaints in accordance with the City's

Noise By-law. Acceptance of this option also considered that many of the shopping centre rooftop mechanical units are aging and would require replacement with quieter units resulting in reduced sound levels for the residences over time.

Accordingly, Staff recommends that the residential portion of the Development be designated as a Class 4 area acoustical environment subject to the conditions outlined in this report.

Schedule 4 of the City's Noise By-law shall be amended to identify the residential portion of the Phase 1 Development of the Promenade Shopping Centre as a Class 4 area. A condition to this effect is included in the Recommendations of this report. The Schedule 4 property description shall also include reference to the assessed noise level limits defined in the final Noise Impact Assessment report to ensure the site-specific noise level limits are identified in the event of future noise complaints. Amendment to the Noise By-law will occur upon the Owner satisfying the implementation of the required noise mitigation measures identified in the final comprehensive Noise Impact Assessment Report. A condition to this effect will be included in the Site Plan Agreement.

Applicable Noise Impact Assessment requirements for future proposed developments in the area will be subject to the requirements identified in the Secondary Plan process, which is currently being undertaken.

Environmental Site Assessment

The Owner submitted Phase One and Phase Two Environmental Site Assessment ('ESA') reports which were reviewed by the Development Engineering Department. The findings of the Phase Two ESA identified elevated concentrations for salt related parameters exceeding the applicable MECP Standards in soil. As a result, the Owner submitted a Remedial Action Plan ('RAP') outlining the proposed removal of the salt impacted soil through remedial excavation during bulk excavation activities of the underground parking structure.

A Holding Symbol "(H)" was applied to the implementing zoning by-law with removal conditional upon the Owner providing the City with a copy of a MECP Record of Site Condition ('RSC') covering the residential portion of the Phase 1 Development lands.

The non-residential portion (mixed-use office building) of the Development will require a risk evaluation and/or a remediation report, prepared by a Qualified Person as defined under O. Reg. 153/04, addressing the salt related impacts on the non-residential portions of the Development prior to the execution of a Site Plan Agreement.

Road Network

The Subject Lands are served by the existing public and private road networks surrounding the Promenade Shopping Centre. A revitalization of the existing Shopping

Centre frontage road (High Street) is proposed to provide better accommodations for pedestrians, cyclists and vehicular traffic including on-street layby parking. The Development includes a Low Street (located below High Street) that will provide direct access for loading and connectivity to 3-levels of underground parking. Stratified separation of the two streets provides better site traffic circulation and separation between different road users including pedestrians, cyclists and larger service vehicles.

The DE Department concurs with the recommendations of the traffic study analysis that demonstrates that the Development can be accommodated by the existing road network through internal private streets, subject to easements in favour of the City. The Subject Lands has excellent connectivity to the surrounding Regional and City road networks. Major full-movement connections to the surrounding public streets are facilitated through signalized intersections, one each on the Centre Street, Bathurst Street, Clark Avenue West, and New Westminster Drive.

Transit

The Subject Lands will have access to public transit including the new Bus Rapid Transit ('BRT') along Centre Street and Bathurst Street, adjacent to the Subject Lands. This transit service provides direct access to the Vaughan Metropolitan Centre ('VMC') Toronto Transit Commission ('TTC') Subway Station and beyond to the west and to the future Richmond Hill Centre TTC Subway extension, and further east to Markham. There are several other transit routes (YRT, VIVA, and TTC) currently providing service to the area including connectivity to the City of Toronto.

Active Transportation

Pedestrian and cycling infrastructure improvements proposed as part of this Development include urbanization and traffic calming on High Street, provision of sidewalks on both sides of the road, and enhanced direct connectivity to Bathurst Street. In addition, High Street includes 'sharrows' for cyclists that raises motorists' awareness about the shared right-of-way. Separated cycling facilities are proposed for the surrounding road network including both the Bathurst Street and Regional Road 7/Centre BRT corridors. Furthermore, separated cycling facilities, in the form of in-boulevard cycle-tracks, are proposed on Clark Avenue West. The City of Vaughan is currently undertaking a detailed design for this project and construction is expected to be completed by 2020.

Future Secondary Plan Considerations

Due to the scale and intensity of potential future developments in the area of the Subject Lands, a thorough and complete review of the transportation network will be undertaken for the entirety of the Promenade Shopping Centre lands through the Secondary Plan process. It is recommended that the Owner participate in this City-led Study and it's supporting comprehensive transportation study to achieve integrated analysis results and recommendations. Furthermore, the Owner should be aware that

the transportation network beyond Phase 1 of the Development may be modified to the satisfaction of the City and that potential modifications are subject to the findings and conclusions of a comprehensive transportation study in support of the Promenade Shopping Centre Secondary Plan Study. The provision of a north-south major collector road alignment will be determined by a comprehensive transportation study and should be protected for and the dedication of the lands should be conveyed to the City free of any costs and encumbrances for any future phases.

The Site Plan Agreement shall include conditions and warning clauses

The following conditions and warning clauses shall be included in the Site Plan Agreement to the satisfaction of the City:

- i) “The Owner shall agree to implement the recommendations of the final Noise Impact Assessment report into the design and construction of the buildings on the Subject Lands and on the Promenade Shopping Centre building. The Owner shall pay necessary fees and provide a Letter of Credit as may be required.”
- ii) “The Owner of the Promenade Shopping Centre shall enter into an agreement registered and/or register appropriate restrictions on title with the future condominium corporation to provide the necessary noise mitigation measures as required in the final Noise Impact Assessment report, to the satisfaction of the City.”;
- iii) “A noise consultant shall certify that the building plans are in accordance with the noise control features recommended by the final Noise Impact Assessment report. The Engineer’s certificate must refer to the final Noise Impact Assessment report and be submitted to the satisfaction of the City’s Chief Building Official and the Director of Development Engineering.”
- iv) “The Owner shall agree and submit satisfactory evidence that the appropriate warning clauses have been included in agreements of Offer of Purchase and Sale, Lease/Rental agreements and Condominium Agreement(s) and Declarations including but not limited to the following:
 - “Purchasers and/or tenants are advised that the future roads will be constructed in accordance with the Secondary Plan and the approved Draft Plan of Subdivision to facilitate development of adjacent lands.”
 - “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 may on occasion interfere with some activities of the dwelling occupants as the sound level may exceed the Ministry of Environment, Conservation and Parks Environmental Noise Guidelines NPC-300.”

- “Purchasers/tenants are advised that due to the proximity of the shopping centre, noise from the shopping centre may at times be audible.”
 - “Purchasers/tenants are advised that sound levels due to the adjacent shopping centre are required to comply with sound level limits that are protective of indoor areas and are based on the assumption that windows and exterior doors are closed. This dwelling unit has been supplied with a ventilation/air conditioning system which will allow windows and exterior doors to remain closed.”
 - “Purchasers/tenants are advised that the dwelling units are in a Class 4 Noise area and that agreements respecting noise mitigation will exist and are to be registered on title.”; and,
- v) “The Owner shall pay by certified cheque cash-in-lieu of the dedication parkland in accordance with Section 42 of the *Planning Act* and conform with the City’s “Cash-In-Lieu of Parkland Policy.”

The Parks Development Department has no objection to the Development subject to the conditions in this report

The Parks Planning Department has no objection to the approval of the subject to the following conditions:

Parkland Dedication

To meet dedication requirements under the *Planning Act*, the VOP 2010 (Section 7.3.3 Parkland Dedication) and By-Law 139-90, as amended by 205-2012, payment-in-lieu of parkland shall be provided.

Parkland Agreement

That prior to execution of the Site Plan Agreement, the Owner and the City shall enter into and execute a parkland agreement which addresses the following items to the satisfaction of the City:

- the securement of a minimum amount of parkland dedication associated with the Phase 1 development, measuring approximately 1 ha in size. The final size, configuration and location of parkland is to be determined prior to completion of the Secondary Plan process, which is currently being undertaken
- Determination of a parkland credit for the Phase 1 development, if required
- Provisions for cash-in-lieu of the dedication of parkland for the balance of the parkland requirements Phase 1 and the potential parkland requirement for future phases of development, if required

- Consideration for the interim use of existing lands owned by the Owner for park or recreation uses and/or events, timing of parkland conveyance, consideration of strata parkland, park development costs and potential cost-sharing agreements along with details of proposed improvements by the Owner to the existing park (Pierre Elliot Trudeau Park) and woodlot area located immediately adjacent to the Subject Lands.

A condition to enter into a Parkland Agreement is included in the Recommendations of this report.

The Subject Lands have been cleared of archeological concerns

The Subject Lands have been cleared of archeological concerns.

The School Boards have no objection to the Development

The York Region District School Board, York Region Catholic and the French School Boards have no comments or objections to the Development.

Enbridge Gas, Alectra Utilities, Rogers have no object to the Applications

Enbridge Gas, Alectra Utilities, Rogers have advised they have no objections to the Application.

Financial Impact

Not applicable.

Broader Regional Impacts/Considerations

The Application has been circulated to York Region for review and approval. Prior to final Site Plan Approval, the Owner will be required to satisfy all requirements of York Region. A condition to this effect is included in the Recommendations of this report.

Conclusion

Site Development File DA.18.107 has been reviewed in consideration of the applicable Provincial Policies, the policies of YROP 2010 and VOP 2010, the requirements of Zoning By-law 1-88 and the surrounding area context. The Development shown on Attachments 3 to 10 is consistent with and conforms to Provincial Policy and conforms to the YROP 2010 and VOP 2010. The Development also complies with Zoning By-law 1-88. The Development Planning Department is satisfied that the Development is appropriate and compatible with the existing and permitted uses in the surrounding area. Accordingly, the Development Planning Department can support the approval of Site Development File DA.18.107, subject to the Recommendations in this report.

For more information, please contact: Mary Caputo, Senior Planner, Development Planning, Extension 8635.

Attachments

1. Context Location Map
2. Location Map
3. Proposed Site Plan
4. Landscape Plan
5. Building Elevations (East & West - Towers A & B)
6. Building Elevations (North & South - Towers A & B)
7. Building Elevations (East & West - Tower C)
8. Building Elevations (North & South - Tower C)
9. Perspective (East Elevation)
10. Perspective Along High Street (East Elevation)

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