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COMMUNICATION – C83
ITEM 1
Committee of the Whole (Public Meeting)
October 29, 2020

Office of the City Clerk
City of Vaughan
2141 Major Mackenzie Dr.
Vaughan, ON L6A 1T1

October 27, 2020
File 9979

Attn: City Clerk

RE: City-Wide Comprehensive Zoning By-law Review
Committee of the Whole (Public Meeting)
8940 Jane Street, Vaughan

Weston Consulting is the planning consultanting firm for Sandra Mammone, the registered owner of lands municipally known as 8940 Jane Street in the City of Vaughan (herein referred to as the "subject lands"). We have reviewed the third draft of the City-wide Comprehensive Zoning By-law (the "CZBL") and are pleased to provide the enclosed comments on behalf of the landowner.

The subject lands were previously zoned "*EM1(H) – Prestige Employment Area Zone*" and "*EM2 – General Employment Area Zone*" in Vaughan Zoning By-law 1-88. However, the lands were the subject of Local Planning Appeal Tribunal ("LPAT") proceedings which rezoned the lands to "*RM3(H) – Apartment Residential Zone*" and "*OS2 – Open Space Park Zone*". In a Decision issued on September 17, 2018, the LPAT granted approval in principle of a site-specific Official Plan Amendment and Zoning By-law Amendment and withheld its Order on the Amendments until such time that the Region of York advises the Tribunal in writing that transportation items are fulfilled and the Holding Symbol associated with the rezoning is lifted. Once these terms are satisfied, the LPAT can issue its full Order, approving Official Plan Amendment and By-law Amendment in its final form.

The site-specific Zoning By-law rezoned the lands "*RM3(H) – Apartment Residential Zone*" and "*OS2 – Open Space Park Zone*" to facilitate the development of three blocks with five (5) mixed-use apartment buildings ranging between 18 and 26 storeys in two phases with a maximum of 871 residential units in Phase 1 and 526 units that can be built in Phase 2 and a Public Open Space block. The proposed development will take access on private and municipal roads.

Based on our review of the third draft of the CZBL, the subject lands are proposed to be zoned "*RM2(H) – Multiple Unit Residential Zone 2*", "*OS1(H) – Public Open Space Zone*" and, "*EM1(H) – Prestige Employment Zone*" *subject* to Exception 570. It is acknowledged that Exception 570 implements the correct site-specific zone to the site as a result of the LPAT-approved Zoning By-law Amendment; however, zone Exception does not capture the LPAT approval specific to the development. We request that the site-specific by-law and Holding conditions be included in its

entirety within the CZBL, as it is referenced in the partial LPAT approval, dated September 17, 2018. See attached decision.

We are aware that the third draft of the CZBL contains transition provisions in Section 1.6.3 for in-process planning applications, that would be applicable to the subject lands given the current active status of the LPAT Decision noted-above. With respect to the LPAT Decision, Section 1.6.3 states:

1.6.3.4 The requirements of this By-law do not apply to a lot where the Ontario Municipal Board or Local Planning Appeal Tribunal has, on or after January 1, 2015 and on or before the passing of this By-law, granted approval in principle for a zoning by-law amendment or minor variance to Zoning By-law 1-88, a provisional consent, or conditional or final Site Plan Approval, but has decided that the final Order shall come into force or be issued at a future fixed date or upon the performance of terms imposed by the Ontario Municipal Board or Local Planning Appeal Tribunal, as the case may be, and a building permit has not yet been issued, the lot has not yet been registered at the Land Registry Office, or the applicable easement or agreement has not yet been registered on title, as the case may be.

We understand that, in accordance with Provision 1.6.4.2 of the draft CZBL, the transition provisions in Section 1.6 of the CZBL will be repealed five years from the effective date of the By-law without further amendment to the By-law.

We are supportive of the above-noted transition provisions and submit that under this provision, any future site development applications for the subject lands implementing the LPAT-approved Zoning By-law Amendment will receive approval and that the subject lands can be developed accordingly without any further amendment required to the CZBL.

In summary, we support that the LPAT-approved site-specific Zoning By-law Amendment provisions are captured in the CZBL. However, we request that Exception 570 be updated to reflect the entirety of the LPAT Decision, dated September 17, 2018.

We reserve the right to provide further comments as part of the ongoing City-wide Comprehensive Zoning By-law Review process as it relates to this matter, and request that this correspondence be added to the public record for the Statutory Public Meeting received on October 29, 2020. We intend to continue to monitor the City-wide Comprehensive Zoning By-law Review process on behalf of our client on an ongoing basis. We request to be notified of any future reports and/or meetings regarding the CZBL and request to be notified of any decisions regarding this matter.

Thank you for the opportunity to provide these comments. Please contact the undersigned at extension 241 or Sandra Patano at extension 245 should you have any questions regarding this submission.

Yours truly,
Weston Consulting
Per:

Ryan Guetter, BES, MCIP, RPP
Senior Vice President

c. Nick Spensieri, Deputy City Manager, Infrastructure Development
Brandon Correia, Manager of Special Projects
Sandra & Dan Mammone, Client
Mary Flynn-Guglietti, McMillan LLP
Annik Forristal, McMillan LLP

Encl. Decision

Local Planning Appeal Tribunal
Tribunal d'appel de l'aménagement local

Ontario

ISSUE DATE: September 17, 2018 **CASE NO(S).:** PL140839
PL110419

The Ontario Municipal Board (the "OMB") is continued under the name Local Planning Appeal Tribunal (the "Tribunal"), and any reference to the Ontario Municipal Board or Board in any publication of the Tribunal is deemed to be a reference to the Tribunal.

PROCEEDING COMMENCED UNDER subsection 17(36) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Appellants (jointly):	Casertano Developments Corporation and Sandra Mammone
Appellants (jointly):	Limestone Gallery Investments Inc. and Damara Investment Corp.
Appellants (jointly):	Granite Real Estate Investment Trust and Magna International Inc.
Appellants (jointly):	H & L Title Inc. and Ledbury Investments Ltd.
Appellant:	Canadian National Railway
Appellant:	Rutherford Land Development Corporation
Appellant:	281187 Ontario Ltd.
Appellant:	Anland Developments Inc.
Subject:	Proposed Official Plan Amendment No. 2 to the Official Plan for the City of Vaughan (2010)
Municipality:	City of Vaughan
OMB Case No.:	PL140839
OMB File No.:	PL140839
OMB Case Name:	Mammone v. Vaughan (City)

PROCEEDING COMMENCED UNDER subsection 22(7) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended

Applicant and Appellant:	Casertano Development Corporation
Subject:	Request to amend the Official Plan - Failure of the City of Vaughan to adopt the requested amendment
Existing Designation:	"General Commercial"

Proposed Designation:	"High-Density Residential/Commercial"
Purpose:	To permit the development of six (6) residential apartment buildings ranging from 26 to 40 storeys containing approximately 2,050 residential units and two (2) freestanding 2-storey office/commercial buildings and ground floor retail commercial uses totaling 4,234 square metres (45,574 square feet) in gross floor area in Blocks "B" and "C"
Property Address/Description:	9060 Jane Street
Municipality:	City of Vaughan
Approval Authority File No.:	OP.07001
OMB Case No.:	PL110419
OMB File No.:	PL110419
OMB Case Name:	Casertano Development Corporation v. Vaughan (City)

PROCEEDING COMMENCED UNDER subsection 34(11) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended

Applicant and Appellant:	Casertano Development Corporation
Subject:	Application to amend Zoning By-law No. 1-88, as amended – Refusal or neglect of the City of Vaughan to make a decision
Existing Zoning:	"C1(H) Restricted Commercial Zone"
Proposed Zoning:	"RA3(H) Apartment Residential Zone"
Purpose:	To permit the development of six (6) residential apartment buildings ranging from 26 to 40 storeys containing approximately 2,050 residential units and two (2) freestanding 2-storey office/commercial buildings and ground floor retail commercial uses totaling 4,234 square metres (45,574 square feet) in gross floor area in Blocks "B" and "C"
Property Address/Description:	9060 Jane Street
Municipality:	City of Vaughan
Municipal File No.:	Z.09.038
OMB Case No.:	PL110419
OMB File No.:	PL110420

PROCEEDING COMMENCED UNDER subsection 22(7) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended

Applicant and Appellant:	Sandra Mammone
Subject:	Request to amend the Official Plan - Failure of the City of Vaughan to adopt the requested amendment
Existing Designation:	"General Commercial"
Proposed Designation:	"High-Density Residential/Commercial"
Purpose:	To permit the development of six (6) residential apartment buildings ranging from 25 to 35 storeys containing approximately 1,600 residential units and two (2) freestanding 2-storey office/commercial buildings (Blocks "D" and "E") and ground floor office/commercial uses in Blocks "A", "B" and "C"
Property Address/Description:	8940 Jane Street
Municipality:	City of Vaughan
Approval Authority File No.:	OP.09.006
OMB Case No.:	PL110419
OMB File No.:	PL110455

PROCEEDING COMMENCED UNDER subsection 34(11) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended

Applicant and Appellant:	Sandra Mammone
Subject:	Application to amend Zoning By-law No. 1-88, as amended – Refusal or neglect of the City of Vaughan to make a decision
Existing Zoning:	"EM1(H) Prestige Employment Area Zone" and "EM2 General Employment Area Zone"
Proposed Zoning:	"RA3(H) Apartment Residential Zone"
Purpose:	To permit the development of six (6) residential apartment buildings ranging from 25 to 35 storeys containing approximately 1,600 residential units and two (2) freestanding 2-storey office/commercial buildings (Blocks "D" and "E") and ground floor office/commercial uses in Blocks "A", "B" and "C"
Property Address/Description:	8940 Jane Street
Municipality:	City of Vaughan
Municipal File No.:	Z.09.037
OMB Case No.:	PL110419
OMB File No.:	PL110456

Heard: January 25 and 26, 2018 in Vaughan, Ontario

APPEARANCES:

Parties	Counsel*Representative
City of Vaughan	R. Coburn* and C. Storto*
Dulcina Investments Inc. (formerly Casetano Development Corporation), and Sandra Mammone	M. Flynn-Guglietti* and A. Forristal*
Tesmar Holdings Inc.	M. McDermid*
Rutherford Land Development Corporation	Q. Annibale* and B. Ruddick*
Granite Real Estate Inc. and Magna International Inc.	A. Skinner*
Anland Developments Inc.	C. Barnett*
281187 Ontario Limited	G. Borean*
Region of York	B. Ogunmefun*
Canadian National Railway	A. Heisey*
H & L Tile and Ledbury Investments Ltd.	M. Flowers*
Ivanhoe Cambridge II Inc.	J. Alati*
York Region School Board	J. Easto*
Toronto and Region Conservation Authority	C. Bonner

DECISION DELIVERED BY C. CONTI AND ORDER OF THE TRIBUNAL

INTRODUCTION

[1] A Pre-hearing Conference ("PHC") was held before the Ontario Municipal Board ("Board"), now the Local Planning Appeal Tribunal ("Tribunal"), with regard to appeals of the Vaughan Mills Centre Secondary Plan ("Secondary Plan") and related to applications for amendments to the City of Vaughan ("City") Official Plan and the Secondary Plan, and for Zoning By-law Amendments ("ZBA's") by Dulcina Investments Inc. and Sandra Mammone ("Dulcina and Mammone") to permit the development of lands at 9060 Jane Street ("Dulcina Lands") and 8940 Jane Street ("Mammone Lands").

[2] The Secondary Plan sets out proposed land use designations and policies for an area generally bounded by Rutherford Road to the north and Bass Pro Mills Drive to the south, generally extending to Jane Street to the east and Weston Road to the west. An area to the east of Jane Street and south of Rutherford Road is also included in the Secondary Plan area. Multiple appeals were filed regarding the Secondary Plan, but through discussion among the parties and as a result of Board conducted mediation a number of the appeals were settled and motions were brought forward at the PHC for approvals related to the settlements.

[3] The applications by Dulcina and Mammone have undergone an extensive appeal process which included a number of PHC's. Through this process, the appeals of the Dulcina and Mammone applications were consolidated with the appeals of the Secondary Plan. At the PHC, the Board heard that many of the issues regarding the Dulcina and Mammone appeals had been settled.

[4] This decision deals with the appeals as they relate to lands owned by Dulcina and Mammone, including a motion for partial approval of modifications to the Official Plan and Secondary Plan and for approval of the ZBA's to facilitate development of the lands.

MOTION

[5] In support of their motion, Dulcina and Mammone filed a Motion Record (Exhibit 13) which included the Affidavit of Allan Young, a Registered Professional Planner who is President of A. Young Planner Ltd. Mr. Young also provided oral testimony at the PHC. He was qualified by the Board as an expert in land use planning.

[6] The intent of the motion was to approve in principle certain modifications to the City's Official Plan and the Secondary Plan, and to also approve in principle ZBA's for Dulcina Lands and the Mammone Lands in order to permit development of the properties. The Board heard that the Dulcina Lands and the Mammone Lands are two adjoining parcels on the west side of Jane Street, south of Riverock Gate. According to the evidence, the functional gross areas of the properties for the proposals are 2.83 hectares ("ha") for the Dulcina Lands and 3.08 ha for the Mammone Lands. The lands are located adjacent to the Vaughan Mills Mall and in proximity to the Region of York ("Region") Transit bus terminal. The lands are well removed from the nearest low rise residential area.

[7] The Board heard that the proposal has been revised and the number of proposed units has been reduced as a result of discussions among the parties and Board led mediation. The current proposal for the Dulcina Lands includes the construction of five towers of 24, 26, 26, 28 and 28 storeys containing 1,467 units. The Mammone Lands proposal includes five towers of 18, 18, 24, 26 and 26 storeys containing 1,397 units. Ground level commercial uses are proposed for each site. In addition, Dulcina and Mammone will dedicate approximately 1.54 ha for a public park and contribute to the expansion of the public street network in the area.

[8] According to Mr. Young's evidence, the properties are located within the Vaughan Mills Primary Centre, which is a high priority intensification area. Jane Street is designated as a Regional Rapid Transit Corridor in both the City and the Regional

Official Plans. The lands are designated as High-Rise Mixed Use in the Secondary Plan, which was adopted by the City through Official Plan Amendment No. 2 ("OPA 2") and was approved by the Region on June 26, 2014.

[9] Mr. Young indicated that the draft Official Plan Amendment modifies OPA 2 by adding a new section 18, which incorporates site specific policies for the Dulcina and Mammone lands (Exhibit 14). The provisions require the development of the lands to be undertaken in two phases, the first phase of which would permit up to 1,125 units for the Dulcina Lands and up to 871 units for the Mammone Lands. Development of the second phase is dependent on the completion of a comprehensive transportation assessment. Height and density requirements are included, as well as provisions for the construction and dedication of required public roads and the dedication of the public park. Holding symbols will be placed on each phase of the proposed development.

[10] Mr. Young's evidence was that a ZBA has been prepared for each site, which provides appropriate zoning to permit the development and sets out the requirements for land use, gross floor area height, setbacks, parking and other standards for the development of each property (Exhibit 13, Tab 2E and 2F). The ZBA for the Dulcina Lands also includes clauses to accommodate providing for indoor public recreational space if required by the City.

[11] Mr. Young's opinion was that the proposed Official Plan Amendment and the ZBA's are appropriate and will permit a level of development in a prime intensification area that is consistent with the Provincial Policy Statement, 2014 ("PPS"), conforms to the Growth Plan for the Greater Golden Horseshoe ("Growth Plan"), and conforms to the polices of the Region's Official Plan and the City's Official Plan. It was his opinion that the proposals will provide significant public benefits including the expansion of the public street network and the provision of a public park. Furthermore, he indicated that s. 37 benefits have been secured. He recommended that the Official Plan Amendment and the ZBA's be approved.

[12] Responses to the Motion were filed by Canadian National Railway Company ("CNR") and Manga International Inc., Granite Real Estate Inc., and Granite Reit Inc. ("Magna and Granite") in Exhibits 26 and 28 respectively. Magna and Granite did not oppose the motion. CNR did not oppose the motion, as long as the Board's approval would be without prejudice to the balance of policies appealed by CNR as set out in Schedule B of Exhibit 26.

[13] Magna and Granite and CNR operate facilities in the area which may be impacted by locating sensitive uses in the vicinity. Mr. Young indicated that the requirements of the Ministry of the Environment's NPC-300 Noise Guideline would be met for the proposal to deal with any noise impact concerns. He recommended that the final order be withheld until there was a review of the siting and configuration of the proposed buildings in relation to the guideline.

[14] At the PHC, the Board was asked to approve in principle the Amendment to the Official Plan which will modify the Secondary Plan, and approve the ZBA's in principle with final approval to be withheld. The parties filed a draft order (Exhibit 18) which includes a number of conditions for final approval, and includes requirements that must be fulfilled before Phase 2 can be approved. These include completion of an updated Transportation Impact Study for the Phase 2 development, accommodation of transportation infrastructure improvements, and appropriate implementation of a non-auto modal split for each development.

[15] At the PHC, the Board also heard that the final order should be withheld until the noise issue has been reviewed under the NPC-300 Noise Guideline and until the Board received confirmation that the planning instruments are in their final form.

[16] Also included in the motion was a request for an order of the Board accepting the withdrawal of the appeal of Damarra Investments Corp. ("Damarra") and scoping of the

appeal of Limestone Gallery Investments Inc. ("Limestone") as set out in Exhibit J of Mr. Young's affidavit (Exhibit 13, Tab 2J). The Board heard that Damarra, Limestone and Starburst Investments Inc. ("Starburst") own lands in the Secondary Plan area and that as a result of meetings with the City a number of issues have been resolved and scoped. The Board heard that Damarra had withdrawn its appeal, Limestone intends to continue in the appeal process based upon the scoped issues list, and Starburst will continue its party status sheltering under the Limestone appeal. There was no opposition to this request.

[17] The draft order also included an order related to above-noted withdrawal and scoping matters.

[18] Mark Flowers indicated that he did not oppose the requested approvals provided that they were specific for the subject lands and that the Board's approval orders included certain "without prejudice" clauses. The draft order contained the appropriate clauses.

FINDINGS

[19] The Board considered the evidence and the submissions of the parties. The opinion evidence of Mr. Young was uncontested and no party opposed the requested approvals.

[20] In consideration of the above, the Board agreed with the evidence provide by Mr. Young and found that the proposed modifications to the Official Plan which will amend the Secondary Plan and the proposed ZBA's were consistent with the PPS, conformed to the Growth Plan, conformed to the Regional Official Plan and the City Official Plan and they should be approved.

[21] The Board issued an oral decision approving in principle the modifications to the Official Plan and the Secondary Plan and approving the ZBA's in principle subject to the matters set out in the draft order (Exhibit 18). The final order was to be withheld until a review of the proposal in relation to the NPC-300 Noise Guideline was completed and until confirmation was received from the City, and Dulcina and Mammone that the planning instruments were in their final form.

[22] Subsequent to the PHC, the Tribunal has been informed that the requirements for issuing the final approval of the modifications to the Official Plan and Secondary Plan, for the final approval of the ZBA's have been fulfilled. Based upon the above, the Tribunal finds that it is appropriate to issue final approval of these instruments. The order is provided below.

ORDER

[23] The Tribunal orders that the motion is allowed and the appeal is allowed in part. The City of Vaughan Official Plan, the Vaughan Mills Centre Secondary Plan and the City of Vaughan Zoning By-law No. 1-88 are amended as set out and subject to the matters and conditions included in Attachment 1.

"C. Conti"

C. CONTI
VICE-CHAIR

If there is an attachment referred to in this document,
please visit www.elto.gov.on.ca to view the attachment in PDF format.

PL110419
PL110420
PL110455
PL110456
PL140839
PL111184

LOCAL PLANNING APPEAL TRIBUNAL

The Ontario Municipal Board (the "OMB") is continued under the name Local Planning Appeal Tribunal (the "Tribunal"), and any reference to the Ontario Municipal Board or Board in any publication of the Tribunal is deemed to be a reference to the Tribunal.

IN THE MATTER OF proceedings commenced under subsections 17(36), 22(7) and 34(11) of the *Planning Act*, R.S.O. 1990, c.P.13, as amended,

Appellant:	Dulcina Investments Inc. (formerly Casertano Development Corporation)
Appellant:	Sandra Mammone
Subject:	Appeals in respect of the City of Vaughan Official Plan 2010 (the "**VOP 2010**"), and in respect of the Vaughan Mills Centre Secondary Plan forming part of Volume 2 of the VOP 2010 and in respect of Council's refusal or neglect to enact a proposed amendment to the Official Plan for the City of Vaughan for the land municipally known as 9060 Jane Street and in respect of Council's refusal or neglect to enact a proposed amendment to the City of Vaughan Zoning By-law No. 1-88, as amended, of the City of Vaughan to rezone lands municipally known as 9060 Jane Street and in respect of Council's refusal or neglect to enact a proposed amendment to the Official Plan for the City of Vaughan for the land municipally known as 8940 Jane Street and in respect of Council's refusal or neglect to enact a proposed amendment to the City of Vaughan Zoning By-law No. 1-88, as amended, of the City of Vaughan to rezone lands municipally known as 8940 Jane Street.
Municipality:	City of Vaughan
OMB Case Nos.:	PL110419, PL110420, PL110455, PL110456, PL140839, PL111184
OMB File Nos.:	PL110419, PL110420, PL110455, PL110456, PL140839, PL111184

THESE MATTERS having come on for a public hearing,

THE TRIBUNAL ORDERS that in accordance with the provisions of sections 17(50) and 34(26) of the *Planning Act*, R.S.O. 1990, c.P.13, as amended, in respect of the VOP 2010, and in respect of the Vaughan Mills Centre Secondary Plan, being Official Plan Amendment No. 2 to the VOP 2010 and forming part of Volume 2 of the VOP 2010, as adopted by the City of

Vaughan on March 18, 2014, and modified and approved by the Region of York on June 26, 2014 and in respect of the City of Vaughan Zoning By-law No. 1-88:

1. The policies and schedules of the Vaughan Mills Centre Secondary Plan are hereby modified and as set out in Attachment "A" attached hereto and forming part of this Order, and hereby approved as they relate to the lands municipally known as 8940 Jane Street in the City of Vaughan (the "**Mammone Site**") and 9060 Jane Street in the City of Vaughan (the "**Dulcina Site**"), subject to paragraph 5 hereof.

2. City of Vaughan Zoning By-law No. 1-88, as amended, is hereby further amended as set out in Attachments "B" and "C" attached hereto and forming part of this Order, subject to paragraph 5 hereof.

3. This partial approval of the Vaughan Mills Centre Secondary Plan shall be strictly without prejudice to, and shall not have the effect of limiting, (a) the rights of any other party to seek to modify, delete or add to the unapproved policies, schedule, maps, figures definitions, tables and associated text in the said Plans, or (b) the jurisdiction of the Tribunal to consider and approve modifications, deletions or additions to the unapproved policies, schedules, maps, figures, definitions, tables and associated text in the said Plans on a general, area-specific or site-specific basis, as the case may be.

4. The appeals by the Appellants are hereby allowed to the extent necessary to give effect to this Order, and in all other respects are hereby dismissed. The motion filed by the Appellants pursuant to Section 43 of the *Ontario Municipal Board Act* is hereby withdrawn on consent unconditionally and entirely.

5. This Order as it relates to the approval of Attachments "A", "B" and "C" in respect of the Phase 2 Lands defined below shall be withheld until such time as the Region of York has advised the Tribunal in writing that:

   (a) With respect to the development of the Phase 2 Lands being Block "C" shown on Schedule 2 to Attachment "B" to this Order, (the "**Dulcina Phase 2 Lands**"):

      (i) An updated Transportation Impact Study in respect of the Dulcina Phase 2 Lands, based on the Transportation Impact Study prepared for Blocks "A" and "B" shown on Schedule 2 to Attachment "B" to this Order (the "**Dulcina Phase 1 Lands**"), has been prepared to the satisfaction of the Region. The updated Transportation Impact Study shall indicate and identify what infrastructure improvements listed in Table 2 of the Vaughan Mills Centre Secondary Plan, as amended from time to time ("**Table 2**"), have been completed, outstanding, or planned and what steps will be taken to implement these requirements as of the date of the updated Transportation Impact Study.

      (ii) The transportation infrastructure improvement requirements identified in Table 2 to accommodate the development of the Dulcina Phase 2 Lands have been implemented or identified in the City of Vaughan's plans or the Region's 10-Year Roads and Transit Capital Construction Program.

(iii) The Dulcina Site has achieved a non-auto modal split of at least 20 percent in Phase 1 of development of the Dulcina Site. If the said modal split has not been achieved in Phase 1, the owner of the Dulcina Site shall, prior to the lifting of the Holding Symbol ("H") for the Dulcina Phase 2 Lands, outline steps to be taken, to the satisfaction of the City and the Region, to achieve the said modal split in the development of the Phase 2 Lands; and

(b) With respect to the development of the Phase 2 Lands being Block "C" shown on Schedule 1 to Attachment "C" to this Order (the "**Mammone Phase 2 Lands**"):

(i) An updated Transportation Impact Study in respect of the Mammone Phase 2 Lands, based on the Transportation Impact Study prepared for Blocks "A" and "B" shown on Schedule 1 to Attachment "C" to this Order (the "**Mammone Phase 1 Lands**"), has been prepared to the satisfaction of the Region. The updated Transportation Impact Study shall indicate and identify what infrastructure improvements listed in Table 2 have been completed, outstanding, or planned and what steps will be taken to implement these requirements as of the date of the updated Transportation Impact Study.

(ii) The transportation infrastructure improvement requirements identified in Table 2 to accommodate the development of the Mammone Phase 2 Lands have been implemented or identified in the City of Vaughan's plans or the Region's 10-Year Roads and Transit Capital Construction Program.

(iii) The Mammone Site has achieved a non-auto modal split of at least 20 percent in Phase 1 of development of the Mammone Site. If the said modal split has not been achieved in Phase 1, the owner of the Mammone Site shall, prior to the lifting of the Holding Symbol ("H") for the Mammone Phase 2 Lands, outline steps to be taken, to the satisfaction of the City and the Region, to achieve the said modal split in the development of the Mammone Phase 2 Lands.

6. The appeal by Damara Investment Corp. (PL140839) is withdrawn and the appeal filed by Limestone Gallery Investments Inc. (PL140839) is scoped on consent of Limestone Gallery Investments Inc., the City of Vaughan, and the Region of York in accordance with Attachment "D" hereto.

Attachment A

The Local Planning Appeal Tribunal orders:

i. That the Vaughan Mills Centre Secondary Plan, being Official Plan Amendment Number 2 to the City of Vaughan Official Plan 2010, be amended by:

(a) Adding the new Section 18.0 "Site Specific Policies" set out below.
(b) Deleting Schedule I "Development Block" and substituting therefor the Schedule I attached hereto
(c) Deleting Table 2 – "Transportation Network Improvements" and substituting therefor the Table 2 – "Transportation Network Improvements" attached hereto.
(d) Deleting Policy 3.6.1.7, Part B, replaced with Policy 18.2 hereto.
(e) Modify Policy 7.4.1, Part C, Block 7 (Bullet 2) to read as "The dedication of the park within Block B7 as identified in this Plan
(f) Delete Policy 7.4.1, Part C, Block 8 (Bullet 1)
(g) Modify Policy 7.4.1, Part C, Block 8 (Bullet 2) to read as "The dedication of park(s) within Block B8 as identified in this Plan
(h) Modify Policy 7.4.1, Part C, Block 7 and 8 (Bullet 1) to read as "The construction of Bass Pro Mills Drive extension to Jane Street. Intersection improvements will be required at this location".

18.0: Site Specific Policies

18.1 Special Provisions Governing the Development of Block B7(b)

The following policies will apply to the development of the lands shown as "B7(b)" on Schedule I:

a) The subject lands shall be developed in two phases that correspond with the Horizons outlined in Table 2 "Transportation Network Improvements", and subject to the delivery of infrastructure identified in Policy 7.4.1 (Part C) pertaining to Block 7 and Blocks 7 and 8 in accordance with the site-specific policies which follow. The boundaries of the Phase 1 and Phase 2 areas will be confirmed in the implementing zoning by-law or any amendment thereto. Development within each Phase may be staged through a site development application(s) in a manner satisfactory to the City and York Region.

b) A by-law may be passed under Section 34 of the *Planning Act* authorizing increases in heights and densities above those permitted in Schedule B: "Heights and Densities" of this Secondary Plan, in accordance with Policies 18.1 c) and d) below, subject to the application of Section 37 of the *Planning Act*, as specified in policy 9.0 (Part C) of this Secondary Plan, and provided that the use of the Subject Lands shall be subject to the removal of a Holding Symbol "H" in accordance with Policy 10.3 (Part C) of this Secondary Plan and the policies contained in this Policy 18.1.

c) Notwithstanding the heights permitted in Schedule B of this Secondary Plan, a by-law may be passed under Section 34 of the *Planning Act* to increase the average height for development in Block B7(b) to approximately 26 storeys. Individual building heights shall be prescribed in the by-law, and no individual building shall exceed a maximum height of 28 storeys.

d) Notwithstanding the maximum densities permitted in Schedule B of this Secondary Plan, a by-law may be passed under Section 34 of the *Planning Act* to increase the permitted density (FSI) to permit the phased development of a total maximum Gross Floor Area of 131,702 m^2 (consisting of 128,962 m^2 of residential GFA and 2,740 m^2 of non-residential GFA) for Phase 1 and Phase 2 within the Subject Lands, provided that the maximum number of residential units permitted shall not exceed 1125 residential units in Phase 1; and 342 residential units in Phase 2.

e) The removal of the Holding Symbol ("H") may be staged within each Phase, which is set out in the implementing Zoning By-law, to the satisfaction of the City and York Region.

f) In each Phase, all new development requiring the conveyance of land for streets, parks and / or other public facilities shall be subject to a draft plan of subdivision or development agreement as per Policy 14.0 (Part C) of this Plan.

g) The following policies shall apply to the removal of the Holding Symbol ("H") for the development of Phases 1 and 2 within the Subject Lands, and shall be included, without limitation, as conditions for the removal of the Holding Symbol ("H") in the implementing zoning by-law under Section 34 of the *Planning Act*:

Phase 1 (2021 Horizon)

i. The provision of the following:

a. Satisfactory arrangements are in place for the completion and use of the Bass Pro Mills Drive extension to Jane Street prior to first occupancy, to the satisfaction of the City.
b. Satisfactory arrangements for the construction and conveyance of an east/west public street linking Vaughan Mills Circle and Jane Street, including potential signalization, if warranted, to the satisfaction of York Region;
c. Submission of an updated "Transportation Demand Management Plan" at each stage of development to the satisfaction of the City and York Region, that meets the objectives of Policy 4.1.1 (Part B), and reviews the progress in implementing the "Recommended Network Improvements" in Table 2, 7.3 (Part C).
d. The submission of a Development Concept Report for the development of Phase 1 in accordance with Policy 6.2, (Part C) of this Secondary Plan;

ii. The final approval of a site plan application under Section 41 of the *Planning Act,* to the satisfaction of the City and York Region;

iii. The execution and delivery of a subdivision agreement or development agreement securing the following:

a. Conveyance of lands, from within the area of subject lands, that are required for the widening of Jane Street; the east/west road linking Jane Street and Vaughan Mills Circle within Development Block B7(b) on Schedule I; and the portion of the proposed "Neighbourhood Park" located on the west side of Jane Street;
b. The construction of the east/west road linking Jane Street and Vaughan Mills Circle within Development Block B7(b) on Schedule I;
c. The payment of cash-in-lieu in accordance with Section 42 of the Planning Act and;
d. The extension of public services with respect to the development of Phase 1 in the implementing Zoning By-law;

iv. Water supply and sewage servicing capacity required for development of Phase 1 to proceed have been identified by York Region and allocated by the City;

v. The execution and delivery of an agreement under Section 37 of the *Planning Act* to the satisfaction of the City with respect to increases in heights and densities referenced in Policy 18.1 c) and d) above;

vi. Any necessary agreements required to ensure orderly development of the land have been executed among benefitting landowners, and the City and/or York Region where appropriate, for municipal services, parkland and community services; and

vii. Environmental requirements to permit development to proceed have been secured to the satisfaction of the City.

Interim Uses Permitted within Phase 2:

Notwithstanding Policy 9.2.2.6, (Volume 1, VOP 2010), respecting uses permitted in the "High-Rise Mixed-Use" designation, a single storey commercial building with a maximum Gross Floor Area of 1,970 square metres shall be permitted as an interim use within the Phase 2 Lands as identified in the implementing Zoning By-law. Such use shall be permitted while the Holding Symbol ("H") is in place and such use shall cease prior to the removal of the Holding Symbol ("H") for the Phase 2 Lands where the building is located and subject to conditions of removal of the Holding Symbol ("H") as set out in the implementing Zoning By-law.

Phase 2 (2031 Horizon)

i. In keeping with Policy 7.6 (Part C) of this Plan, the submission of a comprehensive "Jane Street Corridor Area Development Concept Report" as required through Policy 8.0 (Part C), and identified as "Jane Street Corridor Area" identified in Schedule A: "Plan Area" of this Secondary Plan, to the satisfaction of the City and York Region;
ii. A Comprehensive Transportation Assessment, prepared to the satisfaction of the City and York Region demonstrating development capacity for either complete or staged removal of the Holding Symbol ("H") as required in Policy 7.6 (Part C) of this Secondary Plan;
iii. The submission of an updated Development Concept Report for the development of Phase 2 in keeping with Policy 6.2, (Part C) of this Plan;
iv. The final approval of a site plan application under Section 41 of the *Planning Act*, to the satisfaction of the City and York Region;
v. The execution and delivery of a subdivision agreement or development agreement securing the conveyance of lands required for any remaining public streets and road widenings and the construction thereof;
vi. The provision of community facilities, the payment of cash-in-lieu in accordance with Section 42 of the *Planning Act*, and the extension of public services.
vii. Water supply and sewage servicing capacity required for development of Phase 2 to proceed have been identified by York Region and allocated by the City;
viii. Adequate provision has been made for school sites and community facilities;
ix. Any necessary agreements required to ensure orderly development of the land, have been executed among benefitting landowners, and the City and/or York Region where appropriate, for municipal servicing and community services; and
x. Environmental requirements to permit development to proceed have been secured to the satisfaction of the City.

18.2 Special Provisions Governing the Development of Block B8

The following policies will apply to the development of the lands shown as "B8" on Schedule I:

a) The subject lands shall be developed in two phases that correspond with the Horizons outlined in Table 2 "Transportation Network Improvements", and subject to the delivery of infrastructure identified in Policy 7.4.1 (Part C) pertaining to Block 8 and Blocks 7 and 8 in accordance with site specific policies which follow. The boundaries of the Phase 1 and Phase 2 areas will be confirmed in the implementing zoning by-law or any amendment thereto. Development within each Phase may be staged through a site development application(s) in a manner satisfactory to the City and York Region.

b) A by-law may be passed under Section 34 of the *Planning Act* authorizing increases in heights or densities above those permitted in Schedule B: Heights and Densities" of this Secondary Plan in accordance with Policies 18.2 c) and d) below, subject to the application of Section 37 of the

Planning Act, as specified in Policy 9.0 (Part C) of this Secondary Plan, and provided that the use of the Subject Lands shall be subject to the removal of a Holding Symbol ("H") in accordance with Policy 10.3 (Part C) of this Secondary Plan and the policies contained in this Policy 18.2.

c) Notwithstanding the heights permitted in Schedule B of this Secondary Plan, a by-law may be passed under Section 34 of the *Planning Act* to increase the average height for development in Block B8 to be approximately 24 storeys. Individual building heights shall be prescribed in the zoning by-law, and no individual building shall exceed a maximum height of 26 storeys.

d) Notwithstanding the maximum densities permitted in Schedule B to this Secondary Plan, a by-law may be passed under Section 34 of the *Planning Act* to permit the phased development of a total maximum Gross Floor Area of 114,034 m^2 (consisting of 112,044m^2 of residential GFA and 1,991m^2 of non-residential GFA) for Phase 1 and Phase 2 within the Subject Lands, provided that the maximum number of residential units permitted shall not exceed 871 residential units in Phase 1; and 526 residential units in Phase 2.

e) The removal of the Holding Symbol ("H") may be staged within each Phase, which is set out in the implementing Zoning By-law, to the satisfaction of the City and York Region;

f) In each Phase, all new development requiring the conveyance of land for streets, parks and / or other public facilities shall be subject to a draft plan of subdivision or development agreement as per Policy 14.0, Part C of this Plan.

g) The following policies shall apply to the removal of the Holding Symbol ("H") for the development of Phases 1 and 2 within the Subject Lands, and shall be included, without limitation, as conditions for the removal of the Holding Symbol ("H") in the implementing by-law under Section 34 of the *Planning Act*:

Phase 1 (2021 Horizon)

i. The provision of the following:
   a. Satisfactory arrangements are in place for the completion and use of the Bass Pro Mills Drive extension to Jane Street prior to first occupancy, to the satisfaction of the City.
   b. Satisfactory arrangements for the completion of Romina Drive (with provision for the necessary conveyances within the Subject Lands) north to Vaughan Mills Circle, including potential signalization, if warranted, at Romina Drive and Bass Pro Mills Drive.
   c. Submission of an updated "Transportation Demand Management Plan" at each stage of development, to the satisfaction of the City and York Region, and that meets the objectives of Policy 4.1.1 (Part B), and that reviews the progress in implementing the "Recommended Network Improvements" in Table 2, 7.3 (Part C).
   d. The submission of a Development Concept Report for the development of Phase 1 in accordance with Policy 6.2, Part C of this Secondary Plan;

ii. The final approval of a site plan application under Section 41 of the *Planning Act,* to the satisfaction of the City and York Region;

iii. The execution and delivery of a subdivision agreement or development agreement securing:
   a. the conveyance of lands that are required for the widening of Jane Street, the extension of Bass Pro Mills Drive to Jane Street, the Romina Drive extension, and the portion of the proposed "Neighbourhood Park" located on the west side of Jane Street, as identified in Schedule 1 of the implementing zoning by-law;
   b. The construction of Romina Drive extension;
   c. The construction of the Bass Pro Mills Drive extension to Jane Street, and the entrance of Romina Drive;
   d. The payment of cash-in-lieu in accordance with Section 42 of the Planning Act;

iv. The extension of public services with respect to the development of Phase 1 as defined in the implementing Zoning By-law.

v. Water supply and sewage servicing capacity required for development of the Phase 1 Lands to proceed have been identified by York Region and allocated by the City;

vi. The execution and delivery of an agreement under Section 37 of the *Planning Act* to the satisfaction of the City of Vaughan with respect to increases in heights and densities referenced in Policy 18.2 c) and d) above;

vii. Any necessary agreements required to ensure orderly development of the land have been executed among benefitting landowners, and the City and/or York Region where appropriate, for municipal servicing, parkland and community services;

viii. A By-law to remove the Holding Symbol (H) shall not be enacted until such time as the owner has ceased all operations and demolished all buildings and structures for any lands north of the Vaughan Mills Centre Secondary Plan boundary along the southern edge of Bass Pro Mills Drive Right-of-Way as identified on Schedule A of this Plan, that may encroach or encumber the conveyance and/or construction of Bass Pro Mills Drive; and

ix. Environmental requirements to permit development to proceed have been secured to the satisfaction of the City.

Phase 2 (2031 Horizon)

i. In keeping with Policy 7.6 (Part C) of this Secondary Plan, the submission of a scoped comprehensive "Jane Street Corridor Area Development Concept Report" as required through Policy 8.0 (Part C), and identified as "Jane Street Corridor Area" identified in Schedule A: "Plan Area" of this Secondary Plan; to the satisfaction of the City and York Region;

ii. A comprehensive Transportation Assessment, prepared to the satisfaction of the City and York Region demonstrating development capacity for either complete or staged removal of the Holding Symbol ("H") as required in Policy 7.6 (Part C) of this Secondary Plan;

iii. The submission of an updated Development Concept Report for the development of Phase 2 in keeping with Policy 6.2 (Part C) of this Secondary Plan;

iv. The final approval of a site plan application under Section 41 of the *Planning Act* to the satisfaction of the City and York Region;

v. The execution and delivery of a subdivision agreement or development agreement securing the conveyance of any remaining lands required for public streets and road widenings and the construction thereof, the provision of community facilities, the payment of cash-in-lieu in accordance with Section 42 of the *Planning Act* and the extension of public services;

vi. Water supply and sewage servicing capacity required for development of Phase 2 to proceed, have been identified by York Region and allocated by the City;

vii. Adequate provision has been made for school sites and community facilities;

viii. Any necessary agreements required to ensure orderly development of the land have been executed among benefitting landowners, and the City or York Region where appropriate, for municipal servicing and community services; and

ix. Environmental requirements to permit development to proceed have been secured to the satisfaction of the City.

18.3 Special Provisions Governing the Development of Block B3(a)

The following policies will apply to the development of the lands shown as "B3(a)" on Schedule I:

a) No residential development shall be permitted in Block B3(a) in Phase 1;

b) **Residential development in Phase 2 for Block B3(a), will be subject to the outcome of the required Phase 2 comprehensive Jane Street Corridor Area Development Concept Report and the Comprehensive Transportation Assessment and implementation of the infrastructure identified in Table 2 (Phase 2, 2031 Time Horizon), which will establish the residential capacity for Phase 2.**

Schedule I: DEVELOPMENT BLOCKS

Table 2
Recommended Transportation Network Improvements

HORIZON	DEVELOPMENT LEVEL		RECOMMENDED NETWORK IMPROVEMENTS TO ACCOMMODATE THE PROPOSED DEVELOPMENT LEVEL AT THE STATED HORIZON
PHASE 1: **Horizon 2021**	***Includes all of the Jane Street Corridor Area as shown in Schedule A of the Vaughan Mills Centre Secondary Plan*** (70% of all proposed development east of Highway 400) #	• Up to 3,631 residential units ** • Up to 16,304 m^2 retail uses • Up to 46,079 m^2 of office	***Road Network Improvements: (Jane Street Corridor Area)*** • Complete Bass Pro Mills Drive extension to Jane Street. • Complete Caldari Road extension to Rutherford Road. • Complete Romina Drive extension to Vaughan Mills Ring Road. • Implement a full-moves signalized access on Jane Street midblock between Riverock Gate and Bass Pro Mills Drive as part of planned development applications. • Provide an additional right-turn lane on southbound Fisherman's Way at Bass Pro Mills Drive.
	Within the Vaughan Mills Business District as shown in Schedule A of the Vaughan Mills Centre Secondary Plan (40% of all development west of Highway 400) *	• Up to 101,600 m^2 of prestige employment uses • Up to 39,494 m^2 of office uses • Up to 30,715 m^2 of neighbourhood and medium format retail uses • Up to 14,520 m^2 of other uses including hotel, entertainment, and cultural uses	***Road Network Improvements: (Vaughan Mills Centre Business District Area)*** • Northbound dual left-turn lanes on Weston Road at Rutherford Road (dependent on effects of the improvements on Major Mackenzie Drive at Highway 27). • Implement the internal road network as show in the Vaughan Mills Centre Secondary Plan, Schedule F. • Plan for a four-lane cross-section for Vellore Woods Boulevard south of Rutherford Road, and for Creditview Road north of Bass Pro Mills Drive. • Provide an additional right-turn lane on northbound Vellore Woods Boulevard at Rutherford Road. ***Other Transportation Improvements:*** • Implement a strong internal grid network as outlined in the Secondary Plan to enhance traffic connectivity across the site. • Viva Quick Start rapid bus service on Jane Street, from Rutherford Road to the planned Spadina Subway extension station at Highway 7. • Transit signal priority and queue jump lanes on Jane Street, Weston Road and Rutherford Road. • Enhancement of YRT bus service on Rutherford Road and to the YRT Vaughan Mills bus terminal. • Proactive and aggressive programs and initiatives to reinforce the need to create change in modal split behavior, to promote greater use of transit, to attract more riders and to achieve the assumed modal split. • Create an organized Passenger Pick-up and Drop-off (PPUDO) area adjacent to the Vaughan Mills transit terminal. • Collaborate with car share operators to introduce car-sharing. • Revise parking standards for developments to discourage single-occupancy vehicle use. • Consider use of shared parking, and preferred parking for hybrid and electric vehicles.

HORIZON	DEVELOPMENT LEVEL		RECOMMENDED NETWORK IMPROVEMENTS TO ACCOMMODATE THE PROPOSED DEVELOPMENT LEVEL AT THE STATED HORIZON
			• Implement intelligent parking information systems across the Vaughan Mills Centre area parking lots for more effective distribution of parking demands. • Implement transportation demand management strategies within the Vaughan Mills Centre area to discourage heavy car uses and encourage developing less auto-dependent travel behaviours. • Integrate comprehensive pedestrian and cycling route facilities and network to promote active transportation. • Promote self-contained neighbourhood living/working and recreation within the Vaughan Mills Centre area to help reduce traffic demands on the area's road network.
PHASE 2: **Full Build-Out** **(Horizon 2031)**	***Includes development within the Rutherford Road Area, and the Bass Pro Mills Area, as shown in Schedule A of the Vaughan Mills Centre Secondary Plan.*** ***Includes the remainder of development within the Vaughan Mills Business District as shown in Schedule A of the Vaughan Mills Centre Secondary Plan **** • Up to 152,400 m^2 of prestige employment uses • Up to 59,241 m^2 of office uses • Up to 46,072 m^2 of neighbourhood and medium format retail uses • Up to 21,781 m^2 of other uses including hotel, entertainment, and cultural uses	• Up to 672 residential units • Up to 55,931 m^2 retail and other uses • Up to 31,500 m^2 of office	***Road Network Improvements: (West of Highway 400)*** • Completion of Bass Pro Mills Drive extension to Weston Road. • Install traffic signals at the intersection of Bass Pro Mills Drive at Weston Road. ***Other Transportation Improvements:*** • Higher-order transit service on Jane Street, in the form of BRT or LRT, with its dedicated right-of-way connecting the Spadina Subway extension to Vaughan Mills Centre and up to Canada's Wonderland and the future Mackenzie Vaughan Hospital on Major Mackenzie Drive. • Enhancing priority transit service on Rutherford Road and introduce Viva service; • Pedestrian and cyclist bridge crossing over Highway 400 midblock between Bass Pro Mills Drive and Rutherford Road to provide additional non-auto connection within the Secondary Plan. • Continue to promote sustainable transportation (transit, walking, cycling) and other transportation demand management programs and measures to encourage a greater shift in travel mode patterns to achieve the assumed modal split.

Up to 80% of the proposed development east of Highway 400 could be accommodated if the full extension of Bass Pro Mills Drive to Weston Road is also completed by 2021.

* Development thresholds and transportation improvements will be determined through the Block Plan process as identified in Part C, Section 7.4.3 of the Secondary Plan for lands located in the Vaughan Business District Area (west of Highway 400). The Block Plan application will address the matters set out in Policies 10.1.1.15 of VOP 2010 and shall constitute a complete application to the satisfaction of the City of Vaughan.

** The total unit counts for Phase 1 are based on the June 2015 Transportation Assessment Addendum Report for the Vaughan Mills Centre Secondary Plan, subject to Policy 7.3 Part C, and the other policies of Section 7, Part C of this Plan.

Attachment C

Authority: Local Planning Appeal Tribunal Decision/Order issued [DATE] in LPAT File No. PL

Sandra Mammone

BY-LAW NUMBER _____ - 2018 (LPAT)

A By-law to amend City of Vaughan By-law 1-88.

The Local Planning Appeal Tribunal orders:

1. That City of Vaughan By-law Number 1-88, as amended, be and it is hereby further amended by:

   a) Rezoning the lands shown as "Subject Lands" on Schedule "1" attached hereto from EM1(H) Prestige Employment Area Zone with the Holding Symbol "(H)" and EM2 General Employment Area Zone to RA3(H) Apartment Residential Zone with the Holding Symbol "(H)" and OS2 Open Space Park Zone, in the manner shown on the said Schedule "1".

   b) Deleting Exception 9(881) from Section 9.0 "EXCEPTIONS" and substituting therefor the following paragraphs:

      "(881) A. The following provisions shall apply to the RA3 Apartment Residential Zone lands zoned with the Holding Symbol "(H)" as shown on Schedule "E-964", until the Holding Symbol "(H)" is removed pursuant to Subsection 36(3) or (4) of the *Planning Act*:

      a) Lands zoned with the Holding Symbol "(H)" shall be used only for a use legally existing as of the date of the enactment of By-law ___-2017. Notwithstanding the foregoing, one (1) temporary sales office, in accordance with Subsection 3.25 respecting Temporary Sales Office in the City of Vaughan By-law 1-88, and an Underground Parking Structure shall be permitted;

      b) Upon the enactment of a by-law, or by-laws to remove the Holding symbol "(H)" form any portion of the Subject Lands, development will occur sequentially in two Phases on the lands identified as the "Phase 1 Lands" (Blocks A and B) and "Phase 2 Lands" (Block C), as shown on Schedule "E- ". Development within each Phase may be staged in accordance with a staging plan, to the satisfaction of the City of Vaughan and York Region;

      c) <u>"Phase 1 Lands" (2021 Horizon) – Holding Symbol "(H)" Removal Conditions:</u>.

      A By-law to remove the Holding Symbol "(H)" from the "Phase 1 Lands", or any portion thereof, shall not be enacted until the following conditions are satisfied:

      i) A Development Concept Report, including supporting studies, has been submitted to the satisfaction of the City of Vaughan and York

Region;

ii) A subdivision agreement or development agreement has been executed and registered securing the conveyance of the Jane Street road widening across the frontage of the Subject Lands, the conveyance of public parkland (identified as the lands zoned OS2 Open Space Park Zone on Schedule "E- "), the payment of cash-in-lieu 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 and, if efficient and practical, the Phase 2 Lands, as set out on Schedule "E- ";

iii) Arrangements have been made satisfactory to the City of Vaughan and/or York Region for the completion of the extension of Bass Pro Mills Drive to Jane Street (with all the necessary conveyances) and the extension of the required segment of Romina Drive;

iv) Final approval of a Site Development Application(s) has been obtained for the Phase 1 Lands, or portion thereof from which the Holding Symbol "(H)" is being removed, in accordance with Section 41 of the *Planning Act*;

v) An agreement pursuant to Section 37 of the *Planning Act*, to the satisfaction of the City of Vaughan, has been executed and registered, providing for the payment of $2,181,200 with respect to increases in height and density for the development of the Phase 1 Lands and the Phase 2 Lands. Payment of the Section 37 amount shall be pro-rated based upon the percentage of the approved number of units and payable prior to the issuance of the first Building Permit for any above grade structure(s) (other than the temporary sales office);

vi) At the City of Vaughan's request, entering into a Park Developer Build Agreement with the City to construct the entire public park block in accordance with the City of Vaughan's Developer Build Parks Policy (Policy No. 07.2.05), which agreement will include "Schedule 'D' – Base Work Requirements for Assumption of a Conveyed Park Block", as shown on Schedule "E- " attached hereto as Schedule "2", to the satisfaction of the City Vaughan Manager of Parks Development Planning Department;

vii) A cost sharing agreement has been executed to the City's satisfaction to secure the proportionate share of the works

required to service and deliver the entire public park block(s);

viii) Water supply and sewage servicing capacity have been identified by York Region and allocated to the Phase 1 Lands, or portions thereof, by the City of Vaughan;

ix) The Owner shall have ceased all operations and demolished all buildings and structures within the area of the Phase 1 and Phase 2 Lands, to the satisfaction of the City of Vaughan;

x) Any necessary agreements required to ensure orderly development of the Phase 1 Lands have been executed among benefitting landowners, and the City of Vaughan and/or York Region where appropriate, for municipal servicing and community services;

xi) The submission of Ministry of Environment and Climate Change (MOECC) Record(s) of Site Condition (RSCs), MOECC Acknowledgment Letter(s) for the Phase 1 Lands, including lands to be conveyed to the City of Vaughan, and all supporting Environmental Site Assessment studies and documentation (including reliance to the City of Vaughan) in accordance with Schedule "E- " and Schedule "E- ", attached hereto as Schedules "3" and "4", respectively, to the satisfaction of the City of Vaughan;

d) <u>"Phase 2 Lands" (2031 Horizon) – Conditions of Removal of the Holding Symbol "(H)":</u>

A By-law to remove the Holding Symbol "(H)" from the "Phase 2 Lands", or any portion thereof, shall not be enacted until the following conditions are satisfied:

i) A scoped comprehensive "Jane Street Corridor Area Development Concept Report" has been submitted to the satisfaction of the City of Vaughan and York Region;

ii) A Comprehensive Transportation Assessment has been prepared to the satisfaction of the City of Vaughan and York Region, demonstrating development capacity for either complete or staged removal of the Holding Symbol "(H)" for the Phase 2 Lands, or portion thereof;

iii) An updated Development Concept Report for the development of the Phase 2 Lands has been submitted, to the satisfaction of the City of Vaughan;

iv) Final approval of a Site Development Application(s) has been

obtained for the Phase 2 Lands, or portion thereof from which the Holding Symbol "(H)" is being removed, in accordance with Section 41 of the *Planning Act*;

v) A subdivision agreement or development agreement has been executed and registered with respect to the Subject Lands securing the conveyance of lands required for any remaining public streets and road widenings and the construction thereof, the payment of cash-in-lieu 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 and the Phase 2 Lands within the Subject Lands, as set out on Schedule "E- ";

vi) Water supply and sewage servicing capacity have been identified by York Region and allocated to the Phase 2 Lands by the City of Vaughan;

vii) Adequate provision has been made for school sites and community facilities to support the development of the Phase 2 Lands, or portion thereof from which the Holding Symbol "(H)" is being removed, have been provided to the satisfaction of the City of Vaughan;

viii) The submission of Ministry of Environment and Climate Change (MOECC) Record(s) of Site Condition (RSCs), MOECC Acknowledgment Letter(s) for the Phase 2 Lands, including lands to be conveyed to the City of Vaughan, and all supporting Environmental Site Assessment studies and documentation (including reliance to the City of Vaughan) in accordance with Schedule "E- " and Schedule "E- ", attached hereto as Schedules "3" and "4", respectively, to the satisfaction of the City of Vaughan;

B. Subject to the requirements of Paragraph A above, notwithstanding the provisions of:

a) Subsection 2.0 respecting the Definition of Lot, Building Height, Care Share, Parking Space, Parking Space – Handicapped, Place of Worship, Service or Repair Shop, and Underground Parking Structure;

b) Subsection 3.8 (a) respecting Parking Requirements;

c) Subsection 3.9 respecting Loading Requirements;

d) Subsection 3.13 respecting Minimum Landscaped Area;

e) Subsection 3.17 respecting Portions of Buildings Below Grade;

f) Subsection 4.1.6 respecting Minimum Amenity Area;

g) Subsection 4.1.8 and Schedule "A" respecting the minimum Zone Standards in the RA3 Apartment Residential Zone;

h) Subsections 4.1.7 respecting Uses Permitted in All Residential Zones and 4.12 respecting Uses Permitted in the RA3 Apartment Residential Zone;

i) Subsection 6.1.2 and Schedule "A" respecting the minimum Zone Standards in the EM1 Prestige Employment Area Zone;

the following provisions shall apply to the development of the lands shown as "Subject Lands" on Schedule "E-964" upon the removal of the Holding Symbol "(H)":

ai) For the purpose of this Exception Paragraph:

i) The Phase 1 and Phase 2 lands shall be deemed to be one lot, regardless of the number of buildings or structures constructed thereon, the creation of separate units and/or lots by way of plan of condominium, conveyance, consent, or other permissions, and any easements or registrations that maybe granted, shall be deemed to comply with the provisions of this By-law;

ii) The definition of Building Height shall exclude accessory roof construction, elevator(s), mechanical room, antenna, parapet wall, canopies, landscape features, or roof-top equipment. Furthermore, any residential floor area on the same storey at, or adjacent to, the roof-top equipment shall not be considered a storey, provided that the said residential floor area is less than 50% of the floor area for that storey and does not increase the maximum number of permitted Dwelling Units on the Phase 1 and Phase 2 lands;

iii) Car Share means a service for local users in support of community transit and environmental goals. It is a membership-based on service offering members access to a dispersed network of shared vehicles 24 hours, 7 days a week. It is primarily designed for shorter times and shorter distance trips providing a public service to enhance mobility options. It does not include a dealership, rental uses or car brokerage use. Car Share parking spaces may be set aside within a covered area on the Phase 1 and Phase 2 lands, and will not count towards satisfying the minimum parking supply requirements of this by-law;

iv) The minimum dimensions of a Parking Space are 2.7 metres by 5.8 metres;

v) Accessible Parking Spaces and Aisles shall be provided in

accordance with Ontario Regulation 413/12 with a minimum parking space length of 5.8 metres;

vi) Place of Worship shall mean a building used for religious worship and may include accessory facilities such as an assembly hall, auditorium, shrine, and rectory;

vii) Service or Repair Shop shall only include the servicing or repairing of small household appliances and electronic devices;

viii) An Underground Parking Structure shall mean a building or structure constructed below finished grade for the temporary parking of motor vehicles and shall not include the storage of impounded or derelict motor vehicles;

bi) The minimum Residential – Apartment Dwelling parking ratio shall be 0.95 parking spaces per unit;

bii) The maximum Residential – Apartment Dwelling parking ratio shall be 1.15 parking spaces per unit;

biii) The minimum Residential – Apartment Dwelling, Visitor parking ratio shall be 0.20 spaces per unit and may be located in the commercial parking area. The parking spaces provided to satisfy the requirements for the Commercial uses will also count towards satisfying the residential visitor parking requirements;

biv) The minimum Commercial parking ratio shall be 3.0 parking spaces per 100 m^2 Gross Floor Area;

ci) Subsection 3.9 (a) shall not apply;

di) The following minimum landscape strip widths shall be provided:

i) 1.9 m along Bass Pro Mills Drive;

ii) 6.0 m along Vaughan Mills Circle;

iii) 9.0 m along the west property line;

iv) 3.0 m along Romina Drive;

ei) The minimum setback from the front lot line (Bass Pro Mills Drive) to the nearest part of the building below finished grade shall be 0.0 m;

fi) The Minimum Amenity Area provided on the Subject Lands shall be based on 2.5 m^2 per unit;

gi) The minimum setback to a sight triangle shall be 0.0 m;

gii) The minimum front yard setback (Bass Pro Mills Drive) shall be as follows:

i) Block 'A' – 10.0 m;

ii) Block 'C' – 1.9 m;

giii) The minimum rear yard setback (Vaughan Mills Circle) shall be as follows:

i) Block 'A' – 6.0 m;

ii) Block 'B' – 6.0 m;

giv) The minimum side yard setback (from west property line) shall be as follows:

i) Block 'A' – 8.0 m;

gv) The minimum setback from the east property line (Romina Drive) shall be as follows:

iii) Block 'B' – 3.0 m;

gvi) The maximum permitted Building Height shall be as follows:

Block 'A':

i) Building 1A – 24-storeys (79.5 m);

ii) Building 1B – 18-storeys (59.6 m);

Block 'B':

i) Building 2 – 26-storeys (83.5 m);

Block 'C':

i) Tower 3A – 18-storeys (59.6 m);

ii) Tower 3B – 26-storeys (83.5 m);

gvii) The minimum distance between buildings above 7-storeys shall be 22.0m;

gviii) The maximum permitted number of Dwelling Units within the Phase 1 Lands shall be 871;

gix) The maximum permitted number of Dwelling Units within the Phase 2 Lands shall be 526;

gx) The total maximum Gross Floor Area (GFA) on the Phase 1 Lands and the Phase 2 Lands shall be 114,034 m^2, consisting of 112,044 m^2 of residential GFA and 1,991 m^2 of non-residential GFA;

gxi) A maximum Gross Floor Area of 1,991 m^2 devoted to Commercial uses shall be permitted on the ground floor of the buildings on the land Zoned RA3 Apartment Residential Zone, where the floor to floor height of a commercial unit shall be a minimum of 4.5 m;

hi) In addition to the uses permitted in all Residential Zones and in the RA3 Apartment Residential Zone, the following commercial uses shall be permitted only if they are carried on within a wholly enclosed building and with no open storage:

i) Bank or Financial Institution;

ii) Brewers Retail Outlet;

iii) Business or Professional Office;

iv) Car Share;

v) Club or Health Centre;

vi) Community Centre;

vii) Day Nursery;

viii) Eating Establishment;

ix) Eating Establishment, Convenience

x) Eating Establishment, Take-Out;

xi) Independent Living Facility;

xii) L.C.B.O Outlet;

xiii) Long Term Care Facility;

xiv) Personal Service Shop;

xv) Pet Grooming Establishment;

xvi) Pharmacy;

xvii) Photography Studio;

xviii) Place of Entertainment;

xix) Place of Worship;

xx) Public, Technical or Private School;

xxi) Public Library;

xxii) Recreational;

xxiii) Retail Store;

xxiv) Service or Repair Shop;

xxv) Supermarket;

xxvi) Underground Parking Structures;

xxvii) Veterinary Clinic;

xxviii) Video Store;

hii) An outdoor patio shall only be permitted as an accessory use to an Eating Establishment, Convenience Eating Establishment, or Take-Out Eating Establishment and then only in accordance with the following provisions:

i) The outdoor patio shall not exceed fifty percent (50%) of the gross floor area devoted to patron use of the eating establishment in conjunction with which the outdoor patio use is permitted;

ii) Parking shall not be required for the outdoor patio;

iii) An outdoor patio may be permitted in any yard;

iv) Any lighting facilities illuminating an outdoor patio shall be arranged so as to deflect light away from adjoining properties and streets;

v) The use of musical instruments, or other mechanical or electrical music equipment, and dancing, theatrical performances or audio-visual presentations, music concerts and shows, may be permitted in areas designated for outdoor patio use;

vi) The ground surface of an outdoor patio shall be of concrete or

other hard surface;

vii) An outdoor patio shall only be permitted in accordance with an approved Site Development Application;

viii) An outdoor patio of an eating establishment licensed to serve alcohol in accordance with approvals from the Alcohol and Gaming Commission of Ontario, shall be completely enclosed by a physical barrier with access only from the interior of the said eating establishment, with the exception of at least one (1) exit to be used only in the case of emergency and which is not from the interior of the main building; and,

ii) For the lands zoned EM1 Prestige Employment Area, as shown on Schedule "E-964", the Minimum Lot Frontage shall be 23.0 m and the Minimum Lot Area shall be 2,860 m².

b) Deleting Schedule "E-964" and substituting therefor the Schedule "E-964" attached hereto as Schedule "1".

c) Adding Schedule "E- " attached hereto as Schedule "2".

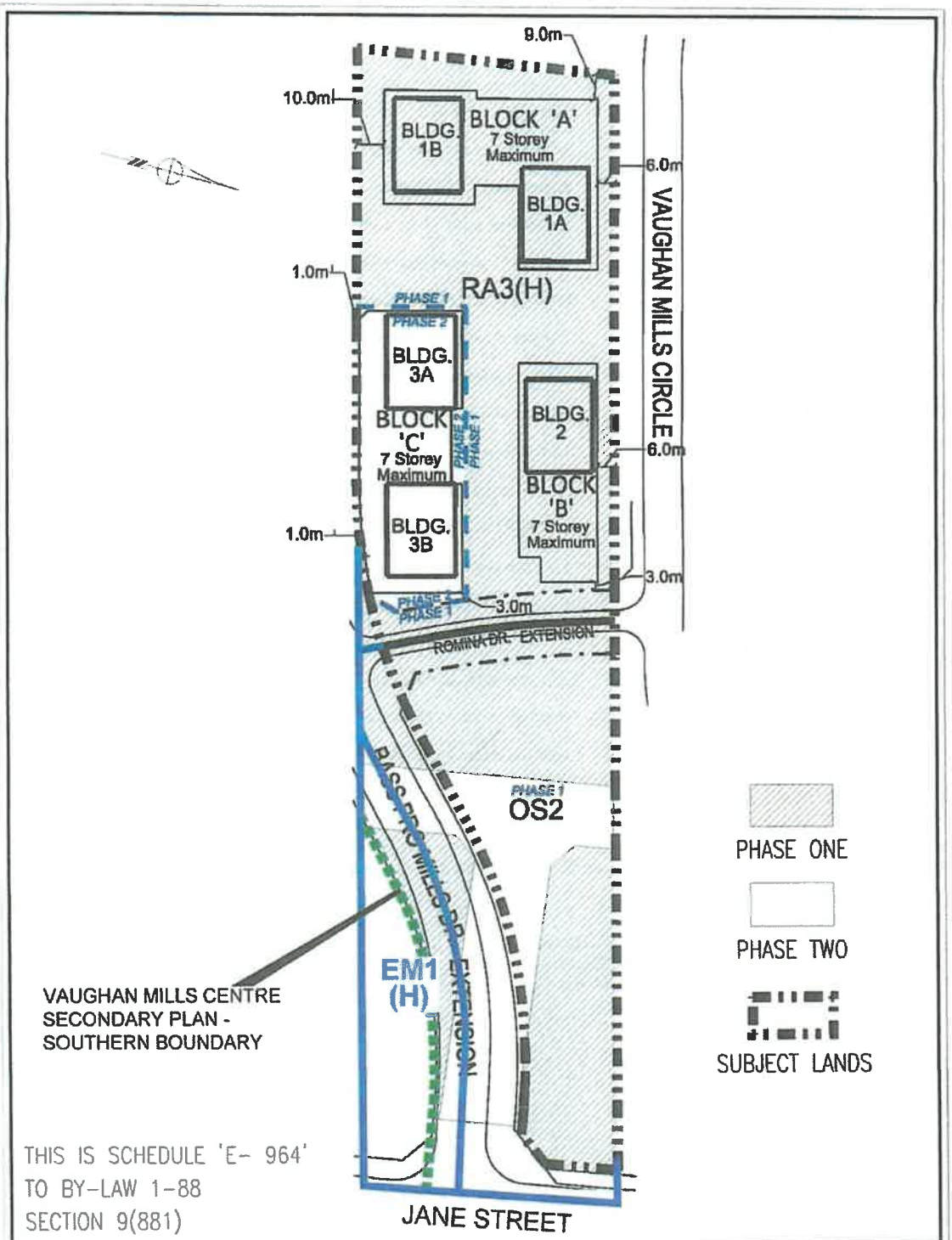
d) Adding Schedule "E- " attached hereto as Schedule "3".

e) Adding Schedule "E- " attached hereto as Schedule "4".

f) Deleting Key Map 5C and substituting therefor the Key Map 5C attached hereto as Schedule "5".

2. Schedules "1", "2", "3", "4", and "5" shall be and hereby form part of this By-law.

PURSUANT TO THE DECISION OF THE ONTARIO MUNICIPAL BOARD ISSUED [DATE] AND ORDER ISSUED [DATE] IN THE BOARD FILE NO. PL



THIS IS SCHEDULE 'E- 964'
TO BY-LAW 1-88
SECTION 9(881)

THIS IS SCHEDULE '1'
TO BY-LAW _____ - 2017
PASSED THE ____ DAY OF _____, 2017

FILE No.: Z.09.037
RELATED FILE: OP.09.006
LOCATION: PART OF LOT 14, CONCESSION 5
APPLICANT: SANDRA MAMMONE
CITY OF VAUGHAN

SIGNING OFFICERS

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MAYOR

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SCHEDULE "D"

Base Work Requirements for Assumption of a Conveyed Park Block

I. Part I

1. Archaeological Assessment, Stage I and II is required to determine limits of public park block(s). Proposed public park lands are to be clear of all historically significant heritage features.

2. Proposed public park block(s) grading must not negatively impact adjacent properties with overland flow routes. The public park block(s) cannot be encumbered by overland flow routes from adjacent properties.

3. The public park block(s) shall not be encumbered by any easements for utility services, transformer boxes, temporary or permanent building structural elements, building overhangs, Canada Post mail boxes and/or access, buffers, and the like with the exception of cross easements for servicing, utilities, maintenance and access.

4. A storm water management brief and grading plan for all required storm water services is required to ensure that proposed grading works have been designed to accommodate storm water flows in accordance with the Engineering Department Design Manual at interim and final phases of the public park block(s) development to the satisfaction of the City, acting reasonably.

5. A Park Master Plan to the City's standard level of service shall be prepared and include the following information:

   a) Boundaries of proposed parkland dedication and the total size of individual blocks;

   b) Existing conditions plan illustrating topographic information in order to assess slopes and drainage, and vegetation, identifying species, age, size and condition;

   c) Layout plan which illustrates proposed park program requirements, phasing plan based on adjacent construction activities, pedestrian circulation, and required setbacks as determined by the Parks Development Department;

   d) Grading plan illustrating proposed storm water run-off, surface drainage patterns and sub-surface storm water servicing requirements including development proposed over lands encumbered with strata conditions and to the Parks Development Department's satisfaction, acting reasonably; and

   e) A preliminary construction cost estimate.

   The plans listed above are to be completed by a registered Landscape Architect and are required to provide sufficient information to confirm facility and program

THIS IS SCHEDULE 'E- ' TO BY-LAW 1-88, SECTION 9( )

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requirements to the satisfaction of the Parks Development Department, acting reasonably.

II. Part II: Public Park Base Condition Works

1. A geotechnical investigation shall be conducted by a qualified Professional Engineer for all public park block(s) in the Park Master Plan to the satisfaction of the Parks Development Department, acting reasonably. In addition, a Phase Two Environmental Site Assessment shall be conducted by a qualified Professional Engineer in accordance with O.Reg. 153/04 (as amended) assessing all public park block(s) in the Park Master Plan for conformity with the applicable MOECC Site Condition Standards for parkland use to the satisfaction of the Parks Development Department, acting reasonably. For both the geotechnical investigation and the Phase Two Environmental Site Assessment a minimum of 4 boreholes are to be taken at regular intervals along the full length of the proposed public park block(s). Borehole reports for the geotechnical investigation will indicate soil type, water content, and density (general compaction). For the Phase Two Environmental Site Assessment all samples are to be tested in a laboratory to determine their physical properties, including levels of various chemical elements and contaminants, as required under O.Reg. 153/04 (as amended). Should additional fill be placed to meet required grading levels, the results of the Phase Two Environmental Site Assessment shall be supplemented with a letter report addressed to the City from the Owner's environmental consultant that includes: confirmation of the area where fill has been placed and details regarding dates, sources, volumes, and certification that the placed fill material meets the applicable MOECC Site Condition Standards referenced above and compacted to the standard referenced below. For greater certainty, it is understood and agreed that all obligations under this paragraph will be satisfied for the Casertano Park Block and Mammone Park Block where geotechnical reports for such lands have been prepared by a qualified Professional Engineer in accordance with the attached borehole plans and where Phase Two Environmental Site Assessments have been conducted on such lands by a qualified Professional Engineer in accordance with O.Reg. 153/04 (as amended) and the attached borehole plans.

2. Adequate sized servicing connections are required along the main public park frontage and shall include a water chamber manhole, complete with a curb stop, sanitary manhole and a storm water manhole. All structures are to be located a minimum of 5 meters from adjacent property lines. [Ensure compliance with the most updated Engineering Design Criteria and Standard Drawings.]

3. The approved electrical distribution plan will include a 120/240 volt, single phase, three wire power supply to the public park block(s). The power supply drop will consist of a 3 conductor #3/0 aluminum underground cable drop located one metre from the street line and one metre from the property line inside the block(s). The cable feed will originate

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from the closest (within 75 metre cable length) single phase pad mounted transformer and will be left coiled and attached to a 2"x4" wood stake, visible above grade.

4. Public park block(s) grading shall be completed using clean engineered fill compacted to 95% Standard Proctor Dry Density (SPDD) inclusive of any civil work required such as retaining structures, rip rap, swales, and the like to meet grading levels as determined by the City approved grading plan. The park block shall generally be graded to meet and match surrounding levels and allow for a minimum 2% and no greater than 5% gradient over 75% of the total block area.

5. No fill shall be placed on existing topsoil and the stockpiling of topsoil is prohibited on the public park block(s). Topsoil for fine grading shall be fertile and friable, natural loam soil with two percent (2%) minimum organic matter for sandy loams and four percent (4%) minimum organic matter for clay loams. Acidity of topsoil shall range from 6.0pH to 7.5pH and shall be capable of sustaining vigorous plant growth. The owner shall complete all necessary chemical analysis and topsoil fertility tests by a qualified testing laboratory to the satisfaction of the Parks Development Department, acting reasonably, and results of testing provided to the Parks Development Department for review and approval. Topsoil shall be placed to a minimum depth of 300mm over the entire public park block(s), with the exception of area falling within strata limits, which are to be determined following the detailed design stage. Prior to placement of topsoil, the owner shall add all amendments as required to amend the existing soils to meet the recommendations of the fertility testing and demonstrate that these standards have been met.

6. All temporary sediment control management measures are to be removed prior to rough grading.

7. The public park block(s) shall be seeded with a seed mix approved by Parks Development Department.

8. Any dead, damaged and hazardous trees based on an arborist's report recommendations shall be removed and disposed of off-site.

9. The perimeter of the public park block(s) shall be fenced off with fencing approved by the City and "No Dumping" signs shall be placed along the perimeter of the public park block(s).

10. The Owner shall be responsible to maintain the public park block(s) until such time as the public park's construction commences or assumption is granted. Maintenance shall entail maintaining sufficient grades to prevent standing water, cutting the grass/vegetation a minimum of twice summer, erosion repairs, cleaning of catch basins, repair of perimeter

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fencing and removal of any debris that is dumped on the site, to the satisfaction of the City, acting reasonably.

III. Part III: Public Park Development Works to the Ultimate Condition

The following are the general principles that shall be incorporated into and form part of the Development Agreement based on Option A of the Section 13: Compensation and Payment Schedule to Developer(s) under the Developer Build Parks Policy No.: 07.2.05.

Part II: Public Park Base Condition Works and Part III: Public Park Development Works shall collectively be referred to as the "Ultimate Condition".

1. **General:**

   1.1 **The Owner shall design, tender a construction contract and construct the Public Park in accordance with the Landscape Construction Drawings and Specifications approved by the City. These works constitute projects incorporated in the City's Development Charges By-law 045-2013 and in accordance with the "Developer Build Parks Policy, No. 07.02.05" or the applicable policy version in force at the time of start of the first phase of construction of the Public Park for the Public Park Development Works only and not any works that are required to ensure that the Parklands meet the Part II: Parkland Base Condition Works.**

   1.2 **All works necessary to ensure that the Public Park is delivered to the City in the Ultimate Condition shall be at the sole cost and expense of the Owner.**

   1.3 **The Owner shall obtain all approvals and permits required to construct the Public Park.**

   1.4 **The Owner shall award all contracts and shall supervise all construction and provide all necessary certifications by its Consultant(s) to the satisfaction of the City, acting reasonably.**

2. **Consultant(s) Services:**

   2.1 **The Owner shall retain all necessary construction, landscape architecture, structural & mechanical engineers, electrical engineers, surveying, geotechnical, or other professionals/consultants to complete the Park Design and Construction Supervision and Contract Administration services.**

   2.2 **The Consultant(s) shall be qualified in constructing municipal park development projects and have sufficient resources to satisfactorily design, construct and**

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administer Public Park development and the Owner shall provide such evidence to the City as requested in this regard.

2.3 The Owner's agreements or contracts with its landscape architect shall include design, general supervision and resident supervision on the construction of the Public Park to the Ultimate Condition and shall provide that the representatives of the City's Parks Development Department shall be entitled to inspect the construction of the Parklands to the Ultimate Condition and to stop any work in the event that the work is being performed in a manner that may result in a completed installation that would not be satisfactory to the City.

2.4 All design drawings shall bear the seal and signature of the professional engineer or landscape architect who is responsible for the relevant designs.

3. Contractor selection and construction costs:

3.1 All design drawings, specifications, and detailed cost estimates shall be approved by the City before any agreement is entered into for the construction of the Public Park to the Ultimate Condition and the total cost shall not exceed available Development Charge funding including all construction costs, landscape architectural services, structural & mechanical engineers, electrical engineers, and geotechnical consultants, testing, surveying, geotechnical certifications, applicable taxes, obtaining approvals and permits, construction contract administration and supervision, contingencies, applicable taxes and all costs reasonably relating to the Public Park to ensure the Park Development Works comply with City Standards and Criteria.

3.2 Prior to awarding a contract for the construction of the Public Park, the Owner shall provide the City with documentation that confirms to the satisfaction of the City, acting reasonably, that a competitive bid process was followed, with a minimum of three (3) qualified landscape general contractors, to tender the construction contract for the Public Park including a copy of the tender document and a summary of unit and total bid price for review and approval by the City. The City shall be satisfied that the selected landscape general contractor is qualified in constructing municipal park development projects, having at least five (5) years' experience in site servicing and park development and has sufficient resources to satisfactorily construct the Public Park prior to the Owner awarding the construction contract. The Owner shall provide the City with an updated cost of the Public Park based on bid prices for information following the tender closing.

3.3 Prior to the commencement of the Public Park works, should the total cost exceed the approved construction budget, the scope of the project will be amended accordingly subject to approval by the Owner and the City. The actual certified cost shall not include any of the Public Park works which are the Owner's obligation to construct The Part II: Parkland Base Condition Works, including but not limited to, design, administration and construction for the clearing and grubbing, tree

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preservation/removal and protective measures, rough grading, topsoil spreading, drainage, seeding, supplying water, storm and electrical service stubs (including chambers and meters as required to property line), temporary perimeter fencing, construction signage and sediment control fencing or all other required Parkland Base Condition Works.

3.4 In the event that there are additional Public Park works requiring use of contingency funds attributable to unforeseen circumstances or other problems encountered during construction by the Owner, the Owner shall notify the City of the use of the contingency. However, the Owner shall not be obligated to obtain the City's consent to authorize such minor additional work or increase in the cost of the Public Park through use of the contingency, except for any major changes that affect quality or facility delivery, or changes that cumulatively exceed 80% of the available contingency of the project, in which case the City's consent shall be required. As construction proceeds, the Owner shall provide copies of all supplementary contracts and change orders to the City for verification.

4. Payments:

4.1 The Owner shall submit a monthly statement on progress payment (invoice) on Public Park works performed during the previous monthly payment period and as agreed upon by the City for works completed. The invoice shall include a certificate sealed by the Landscape Architectural consultant confirming the Public Park works have been inspected and completed as per the approved construction drawings and specifications; copies of invoices from the Consultant, Suppliers and Contractors; a standard Statutory Declaration and a certificate from the Workplace Safety and Insurance Board (WSIB). The City shall reimburse the Owner the total payments for the Public Park works, which shall not exceed the reimbursable consulting fee and construction cost of the Public Park, subject to the funds being available in the approved City Capital Budget.

4.2 Subject to the Developer Build Parks Policy, the Park works' payments will be subject to a five percent (5%) Maintenance Holdback, which will be released thirteen (13) months after the date a certificate of Substantial Performance has been issued, subject to no outstanding deficiencies. In addition, a ten percent (10%) Holdback will be required and shall be released as per the requirements of the Construction Lien Act. All reimbursable consulting fees are to be invoiced separately from the Public Park works and shall not be subject to the five percent (5%) Maintenance Holdback and ten percent (10%) Holdback.

4.3 Prior to the City making the final payment to the Owner for the Public Park works, a comprehensive reconciliation of the costs and payments shall be undertaken to the satisfaction of the City, acting reasonably.

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4.4 Once the Public Park works are Substantially Performed, the City will begin the process to release the ten percent (10%) Holdback pursuant to the provisions of this Agreement and as per the requirements of the Construction Lien Act, once the following have been confirmed and/or provided:

4.4.1 Substantial Performance of the Public Park works was approved and confirmed by the professional consulting Landscape Architect and 45 days after publication of such in the Daily Commercial News by the Owner and/or his agent has transpired;

4.4.2 The proof of publication has been submitted to the City;

4.4.3 A Statutory Declaration from the Owner confirming that all accounts in connection with the design and construction of the Public Park have been paid in full and that there are no outstanding claims related to the subject works; and

4.4.4 No liens have been registered in regard to this contract, to the satisfaction of the City.

4.5 Notwithstanding that the City will be responsible for the maintenance of the Public Park from the date of Substantial Performance, the Owner shall remain responsible for (i) any and all guarantees for the Public Park for a period of thirteen (13) months; and (ii) all new plant material for a period of 24 months pursuant to the approved Construction Drawing and Specifications.

4.6 The City shall release the five percent (5%) Maintenance Holdback to the Owner for the Public Park once the following have been confirmed/or provided:

4.6.1 Thirteen (13) months have passed from the publication date of the certificate of Substantial Performance;

4.6.2 A thirteen (13) month warranty inspection has been conducted by City staff which shall be scheduled by the Owner twelve (12) months following Substantial Performance;

4.6.3 All noted deficiencies from the thirteen (13) month warranty inspection have been rectified to the City's satisfaction, acting reasonably;

4.6.4 The Owner's professional consulting Landscape Architect has issued a certificate certifying the warranty period has expired and that the noted deficiencies have been completed in general conformance to the construction drawings, specifications and reports; and

4.6.5 Any liens registered in regard to the contract have been released and/or paid by the Owner.

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5. **Final Inspection:**

5.1 The City shall conduct a final inspection of the Public Park and Services to the satisfaction of the City, acting reasonably, prior to the City issuing Substantial Performance Confirmation as defined below.

5.2 Prior to scheduling the Final Inspection and the Public Park being considered ready for use by the public to the satisfaction of the City, the Owner shall provide the City with the following information:

5.2.1 A certification from the professional consulting Landscape Architect that confirms that the Public Park have been constructed in accordance with the approved construction drawings, City standards and specifications, and sound engineering/construction practices;

5.2.2 A grading certification from either the professional consulting Landscape Architect or an Engineer based on the review of the Ontario Land Surveyor (OLS) completed survey for the rough grades, confirming the Public Park works have been constructed to the approved construction drawings and specifications;

5.2.3 A copy of the Canadian Safety Association (CSA) certificate for all playground equipment and associated safety surfacing in accordance with CAN/CSA Z614-14 Children's Playspaces and Equipment;

5.2.4 A copy of a third party CSA Children's Playspaces inspection for all playground equipment and associated safety surfacing;

5.2.5 A copy of the Electrical Safety Authority (ESA) clearance letter for the pedestrian pathway lighting associated with the Public Park and a certificate from the electrical design Consultant indicating the electrical load of the pedestrian pathway lighting and a photometric plan of the Public Park confirming a minimum of five (5) lux horizontal average light level maintained along all pathway surfaces;

5.2.6 A copy of the City building permits and required sign-offs from the City building inspector(s) for all works required to construct the Public Park;

5.2.7 A detailed breakdown of the final as-constructed costs of the Public Park certified by the professional consulting landscape architect to the satisfaction of the City, acting reasonably;

5.2.8 Copies of all final executed construction contracts, approved contract extras and change orders related to the construction of the Public Park to the satisfaction of the City, acting reasonably;

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5.2.9 Copies of all quality assurance test results, supplementary geotechnical reports and construction related reports;

5.2.10 All project close out information required for all Public Park's facilities and equipment, which shall include, but is not necessarily limited to, maintenance manuals, touch up paint, tool kits, warranty information and weigh bills (for topsoil amendments, fertilizer applied on site, etc.);

5.2.11 Storm Water Management certification from the block engineering consultant that confirms that the park blocks have been designed and constructed in accordance with the approved storm water engineering requirements for the park blocks; and

5.2.12 A Structural Engineer certification from a professional engineer for all structural footings, foundations and structures (shade structure, etc.), confirming that the necessary structures have been designed and constructed in accordance with the associated building permits, drawings and specifications.

6. Inspection and testing by City

6.1 The City may conduct, at the expense of the Owner, any tests that the City, in its absolute discretion, considers necessary to satisfy itself as to the proper construction, installation or provision of the Parklands to the Ultimate Condition.

6.2 The City, its employees, agents and contractors or any other authorized persons may inspect the construction and installation of the Public Park to the Ultimate Condition under any contract, but such inspection shall in no way relieve the Owner from its responsibility to inspect the said construction and installation. If the construction and installation of the Public Park to the Ultimate Condition is not, in the opinion of the City, being carried out in accordance with the provisions of this Park Development Agreement and/or the Final Park Development Agreement, the City may issue instructions to the Owner and/or the Owner's landscape architect or arborist to take such steps as may be deemed necessary to procure compliance with the provisions of this Park Development Agreement and/or the Final Park Development Agreement. Such instructions may be written, or may be verbal, in which case the City shall confirm them in writing within three (3) business days. In the event that neither the Owner nor the Owner's landscape architect or arborist is present at the Site to receive such verbal instructions, the City may instruct the contractor(s) to cease work forthwith.

7. Maintenance until Substantial Performance of the Public Park

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7.1 The Owner shall be responsible to maintain the Public Park until Substantial Performance is issued by the City pursuant to the provisions of this Agreement and once the following have been confirmed and/or provided:

7.1.1 The City conducted a final inspection and is satisfied that the Public Park works have been completed to its satisfaction, acting reasonably, and the City is in agreement with the issuance of the certificate of Substantial Performance;

7.1.2 The Owner's professional consulting Landscape Architect has submitted a certificate, under seal, certifying that the consultant has inspected the construction and the Public Park have been constructed as per the approved drawings and specification and confirms rectification of any major deficiencies identified during the final inspection;

7.1.3 Two (2) cuts of the turf/grass areas have taken place;

7.1.4 All garbage and debris has been removed from the Park blocks;

7.1.5 A complete set of hardcopy (3 full sized sets) and digital (AutoCAD and PDF) "As Constructed" Construction Drawings for the Public Park prepared by an Ontario Land Surveyor and shall include a topographical survey of the final grades at 0.25m contour intervals, servicing structures/inverts, and the location of above-ground Public Park facilities, planting beds and tree bases, electrical items, site furniture, play structures, and play area limits.

8. Emergency Repairs

8.1 At any time prior to the acceptance and/or assumption of the Parklands by the City, if any of the park services do not function or do not function properly or, in the opinion of the City, require necessary immediate repairs to prevent damage or undue hardship to any persons or to any property, the City may enter upon the Parklands and make whatever repairs may be deemed necessary and the Owner shall pay to the City, immediately upon receipt of a written demand, all expenses (including landscape approval fees), based upon the cost of the work incurred in making the said repairs. If the Owner fails to make the payment as demanded by the City, the City shall be entitled to draw upon any security filed pursuant to the Park Development Agreement. The City covenants and agrees to advise the Owner within three (3) business days from the date of entry by the City of the nature and extent of the emergency and repairs which were necessary. Such undertaking to repair shall not be deemed an acceptance of the Parklands by the City or an assumption by the City of any liability in connection therewith and shall not release the Owner from any of its obligations under the Final Park Development Agreement.

9. Damage and Debris

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9.1 All lands owned by the City outside the limits of the Site Plan that may be used by the Owner or parties employed by the Owner or others during construction staging area(s) in connection with the construction of the Public Park to the Ultimate Condition shall be kept in a good and usable condition and, if damaged by the Owner or parties employed by the Owner in the construction staging area(s) in connection with the construction of the Parklands to the Ultimate Condition will be repaired or restored immediately;

9.2 Not foul the public roads, outside the limits of the Site Plan, leading to the Parklands, and the Owner further agrees to provide the necessary persons and equipment to be available on reasonable notice at all times to keep such roads clean and that all trucks making deliveries to or taking materials from the Site Plan lands shall be adequately covered and reasonably loaded so as to not scatter refuse, rubbish, or debris on the abutting highways and streets;

9.3 If in the opinion of the City, in its sole discretion, the aforementioned requirements are not complied with, the City may elect to complete the work as required and the Owner shall forthwith upon demand pay to the City the full cost thereof and that the City may draw on any security filed pursuant to this Park Development Agreement and/or the Final Park Development Agreement if the Owner fails to make the payment demanded by the City;

9.4 Not allow and restrain, insofar as it is able to do so, all others, from depositing junk, debris, or other materials on any lands within the Site Plan, including lands to be dedicated for municipal purposes, vacant public land and private land;

9.5 Clear debris and garbage on any land within the Site Plan if so requested in writing by the City and that the City shall have the authority to remove such debris and garbage at the sole cost of the Owner if the Owner fails to do so within seventy-two (72) hours of written notice.

THIS IS SCHEDULE 'E- ' TO BY-LAW 1-88, SECTION 9( )

THIS IS SCHEDULE '2' (Con't.)
TO BY-LAW_____ - 2017
PASSED THE ____ DAY OF ____, 2017

FILE No.: Z.09.037
RELATED FILE: OP.09.006
LOCATION: PART OF LOT 14, CONCESSION 5
APPLICANT: SANDRA MAMMONE
CITY OF VAUGHAN

SIGNING OFFICERS

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MAYOR

_____
CLERK

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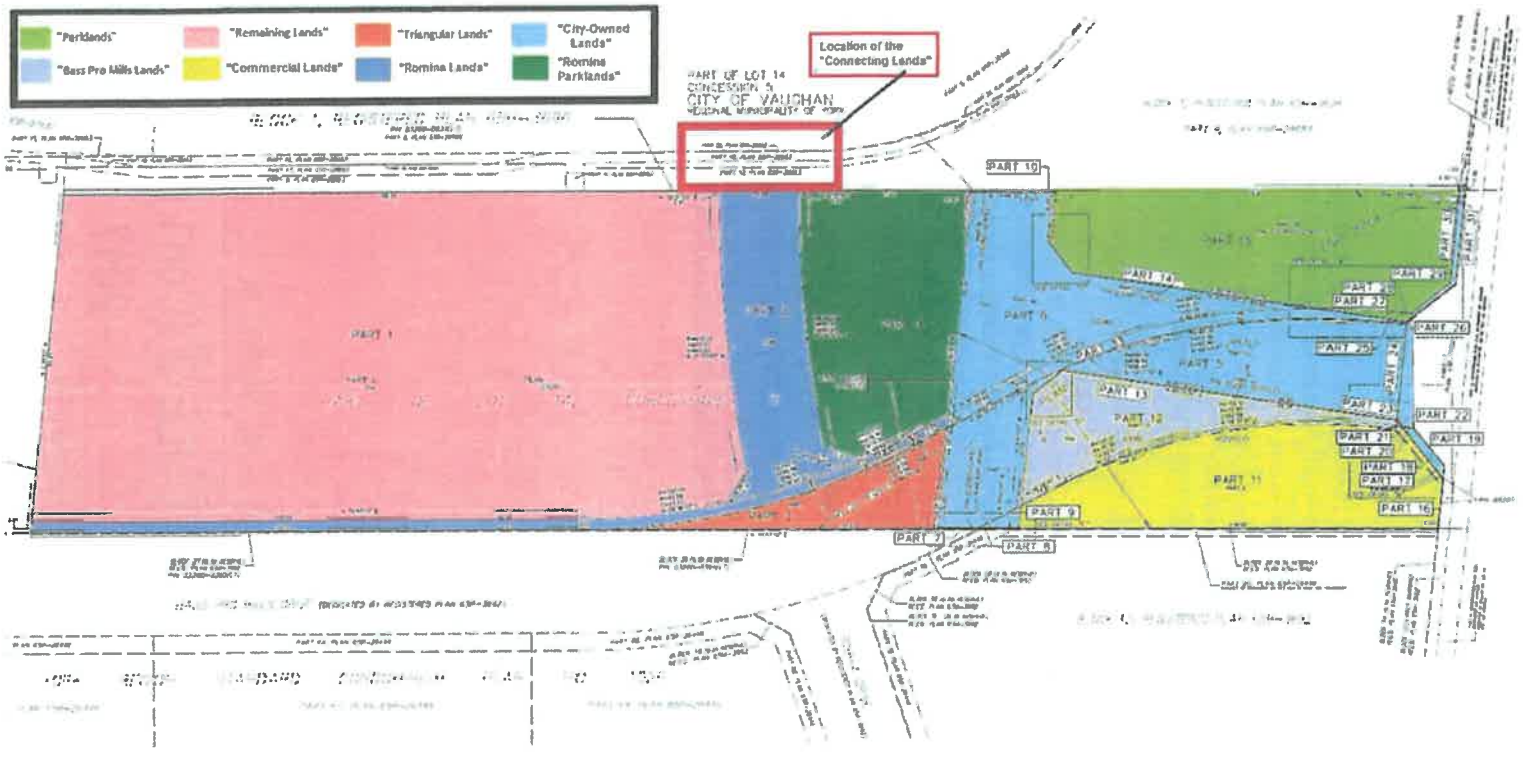

NOT TO SCALE

FILE No.: Z.09.037
RELATED FILE: OP.09.006
LOCATION: PART OF LOT 14, CONCESSION 5
APPLICANT: SANDRA MAMMONE
CITY OF VAUGHAN

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THIS IS SCHEDULE '3'
TO BY-LAW _____ - 2017
PASSED THE _____ DAY OF _____, 2017

SIGNING OFFICERS

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MAYOR

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CLERK

RSC and Conveyance Plan

Applicable Site Condition Standards

Subject to any exceptions granted by the MOECC, the Records of Site Condition shall confirm, at a minimum, satisfaction of the following site condition standards as set out in the Ministry of Environment Soil, Ground Water and Sediment Standards for Use Under Part XV.1 of the Environmental Protection Act dated April 15, 2011, as amended or revised from time to time:

Lands (as identified in Schedule "3")	Applicable Site Condition Standards
Parklands	Table 3 – Full Depth Generic Site Condition Standards in a Non-Potable Ground Water Condition for Residential/Parkland/Institutional Property Use
City-Owned Lands	Table 3 – Full Depth Generic Site Condition Standards in a Non-Potable Ground Water Condition for Residential/Parkland/Institutional Property Use
Triangular Lands	Table 3 – Full Depth Generic Site Condition Standards in a Non-Potable Ground Water Condition for Industrial/Commercial/Community Property Use
Remaining Lands	Table 3 – Full Depth Generic Site Condition Standards in a Non-Potable Ground Water Condition for Residential/Parkland/Institutional Property Use
Romina Lands	Table 3 – Full Depth Generic Site Condition Standards in a Non-Potable Ground Water Condition for Industrial/Commercial/Community Property Use
Romina Parklands	Table 3 – Full Depth Generic Site Condition Standards in a Non-Potable Ground Water Condition for Residential/Parkland/Institutional Property Use
Bass Pro Mills Lands	Table 3 – Full Depth Generic Site Condition Standards in a Non-Potable Ground Water Condition for Industrial/Commercial/Community Property Use
Connecting Lands	Not applicable. No RSC to be obtained by Mammone for the Connecting Lands.

Notwithstanding the foregoing, in the event that the MOECC allows an exemption under section 48(3) of Ontario Regulation 153/04, as amended, in respect of the applicable site condition standards for sodium, electrical conductivity or sodium adsorption ratio, any portions of the Parklands, City-Owned Lands and Romina Parklands that are to be used by the City for parkland shall nevertheless be remediated by Mammone to the applicable site condition standard for sodium, electrical conductivity or sodium adsorption ratio as identified in the table above.

In the event of any amendment, revision or other change to the Applicable Site Condition Standards following the filing of an RSC required under these Minutes, nothing in these Minutes shall be interpreted to require Mammone to obtain a new RSC, to amend or revise a filed RSC, to perform remediation activities not otherwise required to satisfy Mammone's obligations under

THIS IS SCHEDULE 'E- ' TO BY-LAW 1-88, SECTION 9( )

THIS IS SCHEDULE '4'
TO BY-LAW_____ - 2017
PASSED THE ___ DAY OF ____, 2017

FILE No.: Z.09.037
RELATED FILE: OP.09.006
LOCATION: PART OF LOT 14, CONCESSION 5
APPLICANT: SANDRA MAMMONE
CITY OF VAUGHAN

SIGNING OFFICERS

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MAYOR

_____
CLERK

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these Minutes, or to re-perform any remediation activities previously completed by Mammone to satisfy its obligations under these Minutes. For greater certainty, Mammone shall only be obligated to file an RSC confirming satisfaction of the Applicable Site Condition Standards in force at the time of the date of filing of the applicable RSC and, to the extent remediation is required for satisfaction of its obligations to obtain RSCs under these Minutes, Mammone shall only be obligated to remediate the lands to the extent necessary to satisfy the Applicable Site Condition Standards in force at the time of the date of the filing of the RSC for such lands. In the case of any other remediation undertaken pursuant to Schedule "D", Mammone shall only be obligated to remediate to the Applicable Site Condition Standards in force at the time of such remediation.

The parties acknowledge and agree that a single RSC may be obtained by Mammone for the Remaining Lands, the Romina Lands and the Romina Parklands, in which case, the Applicable Site Condition Standards shall be the more stringent Applicable Site Condition Standards set out above for such lands.

Milestone Dates

An RSC has already been obtained by Mammone for the Commercial Lands and Bass Pro Mills Lands, therefore, the obtaining of an RSC for such lands is not subject to a milestone date.

The Records of Site Condition required pursuant to this By-law shall be delivered by Mammone in accordance with the following timeline:

Part 1: RSC for Parklands, City-Owned Lands and Triangular Lands

1. Anticipated date for completion of confirmatory sampling: May 1, 2017
2. Anticipated date for submission to MOECC: June 1, 2017
3. Anticipated date for filing and acknowledgment of Records of Site Condition by MOECC: October 16, 2017

Part 2: RSC for Remaining Lands, Romina Lands and Romina Parklands

1. A Record of Site Condition for the Remaining Lands, Romina Lands and Romina Parklands shall be filed by the earlier of:

   i) the date of first occupancy of a residential building on the Dulcina Site;
   ii) the date of first site plan approval with respect to any phase or stage of development of the Mammone Site; or
   iii) the second (2nd) anniversary of the date of the Board's Order approving the OPA and rezoning (subject to "H") with respect to the Phase 1 development of the Mammone Site (the "**Romina Conveyance Date**").

THIS IS SCHEDULE 'E- ' TO BY-LAW 1-88, SECTION 9( )

THIS IS SCHEDULE '4' (Con't.)
TO BY-LAW_____ - 2017
PASSED THE ____ DAY OF ____, 2017

FILE No.: Z.09.037
RELATED FILE: OP.09.006
LOCATION: PART OF LOT 14, CONCESSION 5
APPLICANT: SANDRA MAMMONE
CITY OF VAUGHAN

SIGNING OFFICERS

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MAYOR

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CLERK

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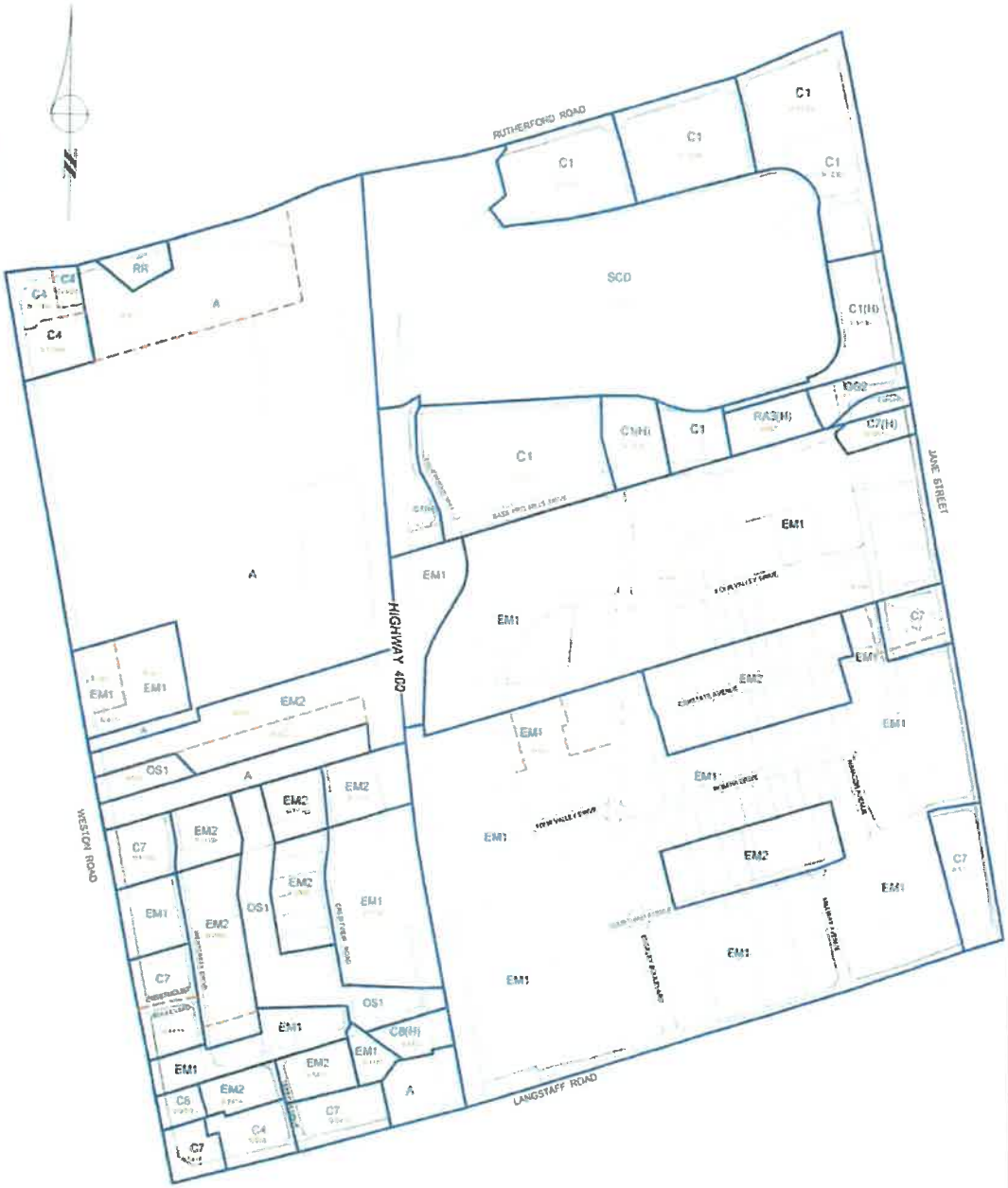


KEY MAP 5C
BY-LAW 1-88

NOT TO SCALE

THIS IS SCHEDULE '5'
TO BY-LAW _____ - 2017
PASSED THE ____ DAY OF ____, 2017

FILE No.: Z.09.037
RELATED FILE: OP.09.006
LOCATION: PART OF LOT 14, CONCESSION 5
APPLICANT: SANDRA MAMMONE
CITY OF VAUGHAN

SIGNING OFFICERS

_____
MAYOR

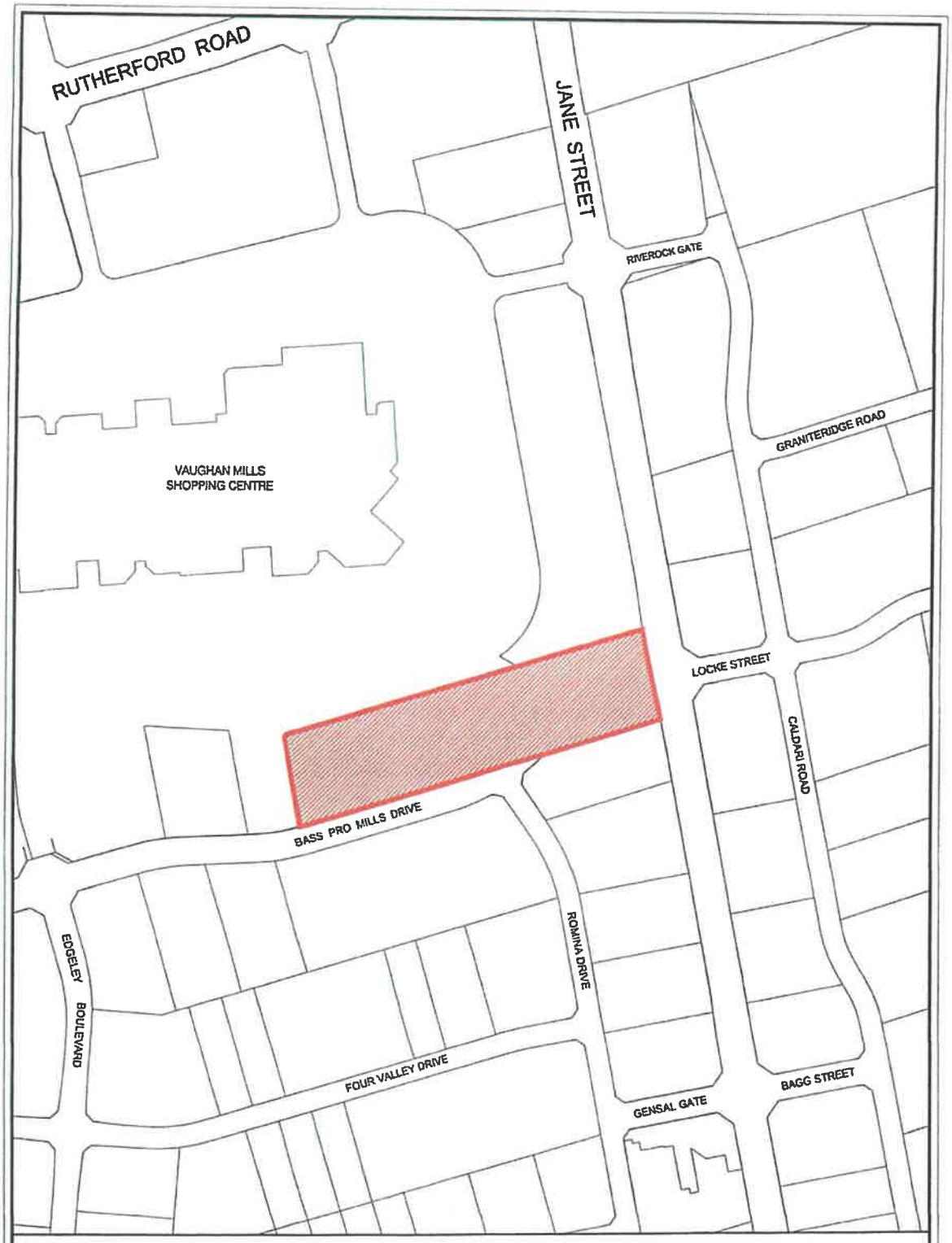
_____
CLERK

SUMMARY TO BY-LAW _____ - 2017

The lands subject to this By-law are located on the west side of Jane Street, south of Rutherford Road, municipally known as 9060 Jane Street, in part of Lots 13 and 14, Concession 5, City of Vaughan.

The purpose of this By-law is to rezone the lands to this By-law from EM1 (H) Prestige Employment Area Zone with the Holding Symbol "(H)" and EM2 General Employment Area Zone to RA3 (H) Apartment Residential Zone with the Holding Symbol "(H)" and OS2 Open Space Park Zone. The robust conditions for the removal of the Holding Symbol "(H)" are two-phased to coincide with the orderly and sequential development of the Subject Lands and include conditions for Section 37 Contributions. This By-law deletes and replaces Exception 9(881) and Schedule E-964 thereby including the following site-specific zoning exceptions:

a) site-specific definitions of "lot", "building height", "car share", "parking space", "parking space – handicapped", "place of worship', "service or repair shop", and "underground parking structure"
b) reduced parking requirements
c) reduced minimum setbacks to portions of the building below grade (Bass Pro Mills)
d) reduced setbacks to daylight triangles
e) the provisions for building envelopes
f) maximum building heights
g) maximum number of residential apartment dwelling units
h) provisions for density bonussing for the Subject Lands and the Jane Street Corridor Area
i) maximum ground related commercial areas
j) site-specific commercial uses with no open storage
k) minor relief to the outdoor patio provisions to permit flexibility



NOT TO SCALE

LOCATION MAP
TO BY-LAW _____ - 2017

FILE No.: Z.09.037
RELATED FILE: OP.09.006
LOCATION: PART OF LOT 14, CONCESSION 5
APPLICANT: SANDRA MAMMONE
CITY OF VAUGHAN

SUBJECT LANDS

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Attachment D

Reply to the Attention of	Mary Flynn-Guglietti
Direct Line	416.865.7256
Email Address	mary.flynn@mcmillan.ca
Our File No.	201539
Date	June 21, 2018

SENT VIA EMAIL

Local Planning Appeal Tribunal
655 Bay Street, Suite 1500
Toronto, ON M5G 2K4

Attention: Mr. Tome Kondinski, LPAT Caseworker

-and-

City of Vaughan
2141 Major Mackenzie Drive
Vaughan, ON L64 1T1

Attention: Ms. Claudia Storto
Deputy City Manager, Legal and Human Resources

-and-

Borden Ladner Gervais LLP
Bay Adelaide Centre,
22 Adelaide St. W.
East Tower
Toronto, ON M5H 4E3

Attention: Mr. F.F. (Rick) Coburn

Dear Mr. Kondinski, Ms. Storto and Mr. Coburn:

Re: Limestone Gallery Investments Inc. ("Limestone"), Damara Investments Corp. ("Damara") and Starburst Developments Inc. ("Starburst")
OMB Case No. PL140839 and Consolidated Matters

We are the solicitors retained to act on behalf of Limestone, Damara and Starburst in connection with matters related to OMB Case No. PL140839 and consolidated matters. On March 18, 2014, the council of the City of Vaughan adopted Official Plan Amendment No. 2, being the Vaughan Mills Centre Secondary Plan (the "**VMCSP**"), to the City of Vaughan Official Plan (2010). On July 11, 2014, the Council of the Regional Municipality of York modified and approved the VMCSP.

Limestone is the owner of lands in the VMCSP located at the south-east quadrant of Rutherford Road and Highway 400, municipally known as 3255 Rutherford Road. Damara is the owner of lands located in the VMCSP located at the south-west corner of Jane Street and Rutherford Road, municipally known as 9100 Jane Street. Starburst is the owner of two properties in the VMCSP, one located at the south-east corner of Rutherford Road and Sweetriver Boulevard and the other located at the north-west corner of Jane Street and Riverock Gate and municipally known as 3191 Rutherford Road respectively and 9088 Jane Street.

By letter dated July 25, 2014, Limestone and Damara appealed the Region's decision to approve the VMCSP to the Ontario Municipal Board ("**Board**") and attended the initial Pre-hearing in September of 2014 for the VMCSP and was granted party status. On September 23, 2014 Starburst sought and was granted party status. On November 17, 2015, Limestone, Damara and Starburst filed with the City a revised Preliminary Issues List, see Schedule "A" attached. Subsequent to being granted party status Limestone, Damara and Starburst have met with the City to determine if its concerns could be amicably addressed.

We wish to formally notify the Board that we hereby withdraw the appeal filed by Damara and will not be participating in the hearing regarding the VMCSP as it relates to its lands. With respect to Limestone it will continue to participate in these proceedings and Starburst will remain a party to these proceedings sheltering under the Appeal filed by Limestone. However, Limestone and Starburst have agreed to further scope their Appeal in accordance with the Issues List attached as Schedule "B" to this letter and further agree that they will not raise, or seek to advance, directly or indirectly issues other than those listed in Schedule "A". For greater certainty, Limestone and Starburst agree not to raise Issues 3, 6, 7 and 13 as set out in the Preliminary Issues List attached as Schedule "A" and in particular will not raise the issue of employment conversion on any of the lands within the VMCSP.

Yours truly,

Mary Flynn-Guglietti

/jl

Encls.

SCHEDULE "A"

PRELIMINARY ISSUES LIST OF LIMESTONE/DAMARA/STARBURST

APPEALS OF THE VAUGHAN MILLS CENTRE SECONDARY PLAN
PL140839, PL110419 & PL140154

REVISED: NOVEMBER 16, 2015
Further to meeting with Vaughan Staff on November 9, 2015

Issue No.	Issue	Affected Policies of the Vaughan Mills Centre Secondary Plan
	Do the density/height assignments provide sufficient support to the implementation of a rapid transit corridor along Jane Street and the creation of a Primary Centre at Vaughan Mills? What is the justification for the recommended heights and densities provided in the Secondary Plan?	Part B 3.2 – "Units, Population and job Projections by Area" table Part B 3.5.2 Schedule "B"
1	The Auto mall on the west side of Jane St., north of Rutherford has a proposed density of 3.5 and is not within the Primary Centre. The Limestone parcel only has a density of 2.0 and is within the Primary Centre. **The densities for this parcel should be higher than that of lands outside of the primary centre, so increasing the densities here to at least 3.5 is justifiable. We understand there will be greater densities in the VMC so we are asking that densities here be complementary to those, not necessarily as high.**	

Issue No.	Issue	Affected Policies of the Vaughan Mills Centre Secondary Plan
2.	Would greater maximum building heights be appropriate while respecting the Vaughan Official Plan principle that the tallest buildings will be in the Vaughan Metropolitan Centre? Given that this is a Primary Centre and growth area, should greater building heights be considered to complement the Vaughan Metropolitan Centre? We understand that the tallest buildings will be in VMC, so we are not necessarily looking for those heights but we think that **greater building heights than what is proposed in this Plan are justified, given the provisions for higher order transit and the existing transit terminal at Vaughan Mills. Traffic and transit tend to dictate density.** **Heights should not matter, as long as density is achieved.** What is the justification for the limited height restrictions?	Schedule "B"
3.	Is it appropriate for the Secondary Plan to require a minimum retail frontage? The numbers are too arbitrary. Commercial/retail uses are generally located on the ground levels. **Would also like provisions for community/amenity space such as a rec centre. Should not be restricted to commercial/retail uses only**	Part B 3.5.3 Part B 3.6.1.5 Schedule "D"
4.	Is it appropriate for the Secondary Plan to require a minimum FSI to be devoted to non-residential uses in each project? Why is there a minimum requirement for non-residential uses? All non-residential uses will be located on the ground floors, FSI should not matter	Part B 3.5.7

Issue No.	Issue	Affected Policies of the Vaughan Mills Centre Secondary Plan
5.	Is it appropriate for the Secondary Plan to include numeric parameters relating to built form? The numeric parameters should not be entrenching but should only be used as a guideline. Each project and site will be different and it may not make sense for certain developments to strictly follow these provisions. Separation distances may limit the density allowed based on site/lot configurations. In addition, is there flexibility in the defined locations for each proposed use, specifically in block 1? Can the "Community Commercial Mixed-use" portion be configured differently to work better with lot configurations? (given the grade from the highway ramp).	Part B 3.8.2, 3.8.3, 3.8.4
6.	Could the permitted Development Levels be increased based on the available traffic capacity? Is there or can there be a mechanism for increased density based on traffic studies prepared for future developments?	Part C 7.3 – Table 2 Part C 7.3.1
7.	Does the inclusion of the lands on the east side of Jane Street constitute an employment land conversion and if so has it been justified in the context of a municipal comprehensive review process? What information is available to support the employment land conversion?	Part C 7.4.1 Blocks 4 and 5 Schedules "A" to "I" inclusive

Issue No.	Issue	Affected Policies of the Vaughan Mills Centre Secondary Plan
8.	Are the proposed park designations required and appropriate? The majority of parkland seems to fall within our lands. What compensation is there and is this much land needed for a park? Why are the designated parks based on the entire land area of the Primary Centre and not justified per parcel? What is the justification for all this dedicated parkland? Flexibility is needed with respect to size and location of parkland. **The over-dedicated area of parkland to be compensated back to the land owner with <u>cash</u> at current market value or <u>density</u>, at the discretion of the land owner.**	Part B 5.1, 5.2, 5.3 Schedules "B", "C", "D", "E", "H" and "I"
9.	Should privately-owned, publicly accessible open spaces be deemed to be equivalent to public parks for the purpose of satisfying the needs of future residents? Why can't the required parkland dedication calculated through the development approval process be used as/towards the public park designation? They serve the same purpose.	Part B 5.1, 5.2, 5.3

Issue No.	Issue	Affected Policies of the Vaughan Mills Centre Secondary Plan
10.	Is the proposed local street network required and appropriate? Flexibility is needed in the location of the proposed local street network. Although they match up to what currently exists as the private drive aisles through the commercial properties, these locations may not make sense for future residential development. Why do the proposed streets need to be publicly owned when they connect to a private street network? If all parcels are redeveloped at different times, then there will be no consistency to the road network if it is dedicated as public on one site, but still a private drive aisle on the adjacent site. The Landscaped mid-block pedestrian connections split the parcel even more and further limit the development potential of the sites. Flexibility needed in the location of these pedestrian mid-block connections **Language needs to be included in the Plan to recognize that the proposed road networks, pedestrian connections, and park locations are conceptual, general guidelines only and that they may be modified to suit the individual site development proposals at the discretion of the land owner, as long as the intent of the Plan is maintained.**	Schedules "A" to "I" inclusive Schedule "H"
11.	Should other existing uses, in addition to the mall, be permitted to continue and expand in accordance with the standard approvals process and without requiring an amendment to the Secondary Plan? **We would like a provision included to permit the continued as-of-right uses should we need or wish to expand the commercial uses. Only if and when we redevelop to change the existing uses to residential should we be required to follow the provisions of the Secondary Plan.**	Part B 3.6.5.1

Issue No.	Issue	Affected Policies of the Vaughan Mills Centre Secondary Plan
12	**Should the individual Block requirements include the dedication of all parks designated in the Plan?** Specifically Blocks 1, 3 and 6 what is the reason for the park dedications in all of these blocks? And how is it justified for the landowner? Can the park and road areas be included in the density calculations for the parcels that they are proposed in? The over-dedicated portion of parkland to be compensated back to the land owner at current market value. **The over-dedicated area of parkland to be compensated back to the land owner with cash and current market value or density, at the discretion of the land owner.**	Part C 7.4.1, 7.4.2 Schedule "I"
13.	Is a Block Plan approach to the co-ordination of development appropriate and practicable in the context of a non-greenfield Primary Centre? The Block Plan approach for the redevelopment of these lands is not appropriate. We all know that each parcel is owned by a different entity which may or may not choose to redevelop their lands. A Site Plan process is a more practical approach since each parcel has a different agenda. This will ensure that at least some parcels are redeveloped and at their own pace. If the Block Plan approach is used, it could mean that the sites remain as-is indefinitely. And what happens with the centre parcel along Rutherford between HWY 400 and Jane St. that is a commercial condominium with a number of different owners. How will the Block Plan approach deal with this to get all of them on board?	Part C 8.1, 8.2, 8.3