

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



**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 policies 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](http://www.elto.gov.on.ca) to view the attachment in PDF format.

**Local Planning Appeal Tribunal**  
A constituent tribunal of Environment and Land Tribunals Ontario  
Website: [www.elto.gov.on.ca](http://www.elto.gov.on.ca) Telephone: 416-212-6349 Toll Free: 1-866-448-2248

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.

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<sup>2</sup> (consisting of 128,962 m<sup>2</sup> of residential GFA and 2,740 m<sup>2</sup> 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<sup>2</sup> (consisting of 112,044m<sup>2</sup> of residential GFA and 1,991m<sup>2</sup> 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.

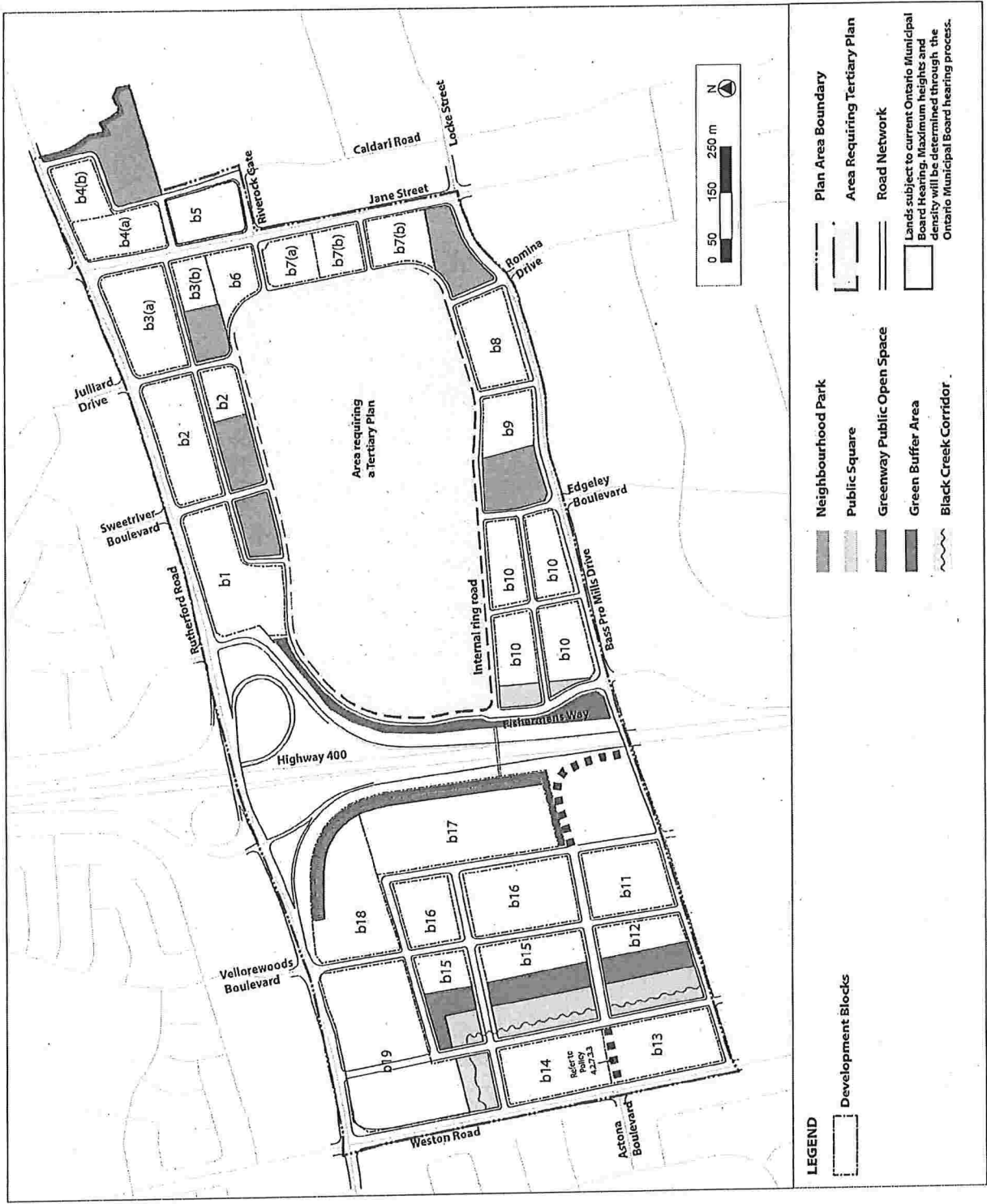
#### 18.3 Special Provisions Governing the Development of Block B3(a)

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**

<b>HORIZON</b>	<b>DEVELOPMENT LEVEL</b>	<b>RECOMMENDED NETWORK IMPROVEMENTS TO ACCOMMODATE THE PROPOSED DEVELOPMENT LEVEL AT THE STATED HORIZON</b>
<p><b>PHASE 1: Horizon 2021</b></p>	<p><i>Includes all of the Jane Street Corridor Area as shown in Schedule A of the Vaughan Mills Centre Secondary Plan</i> (70% of all proposed development east of Highway 400) #</p> <p><i>Within the Vaughan Mills Business District as shown in Schedule A of the Vaughan Mills Centre Secondary Plan</i> (40% of all development west of Highway 400) *</p>	<p><b>Road Network Improvements: (Jane Street Corridor Area)</b></p> <ul style="list-style-type: none"> <li>• Complete Bass Pro Mills Drive extension to Jane Street.</li> <li>• Complete Caldari Road extension to Rutherford Road.</li> <li>• Complete Romina Drive extension to Vaughan Mills Ring Road.</li> <li>• Implement a full-moves signalized access on Jane Street midblock between Riverrock Gate and Bass Pro Mills Drive as part of planned development applications.</li> <li>• Provide an additional right-turn lane on southbound Fisherman's Way at Bass Pro Mills Drive.</li> </ul> <p><b>Road Network Improvements: (Vaughan Mills Centre Business District Area)</b></p> <ul style="list-style-type: none"> <li>• Northbound dual left-turn lanes on Weston Road at Rutherford Road (dependent on effects of the improvements on Major Mackenzie Drive at Highway 27).</li> <li>• Implement the internal road network as show in the Vaughan Mills Centre Secondary Plan, Schedule F.</li> <li>• 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.</li> <li>• Provide an additional right-turn lane on northbound Vellore Woods Boulevard at Rutherford Road.</li> </ul> <p><b>Other Transportation Improvements:</b></p> <ul style="list-style-type: none"> <li>• Implement a strong internal grid network as outlined in the Secondary Plan to enhance traffic connectivity across the site.</li> <li>• Viva Quick Start rapid bus service on Jane Street, from Rutherford Road to the planned Spadina Subway extension station at Highway 7.</li> <li>• Transit signal priority and queue jump lanes on Jane Street, Weston Road and Rutherford Road.</li> <li>• Enhancement of YRT bus service on Rutherford Road and to the YRT Vaughan Mills bus terminal.</li> <li>• 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.</li> <li>• Create an organized Passenger Pick-up and Drop-off (PPUDO) area adjacent to the Vaughan Mills transit terminal.</li> <li>• Collaborate with car share operators to introduce car-sharing.</li> <li>• Revise parking standards for developments to discourage single-occupancy vehicle use.</li> <li>• Consider use of shared parking, and preferred parking for hybrid and electric vehicles.</li> </ul>

HORIZON	DEVELOPMENT LEVEL	RECOMMENDED NETWORK IMPROVEMENTS TO ACCOMMODATE THE PROPOSED DEVELOPMENT LEVEL AT THE STATED HORIZON
<p><b>PHASE 2: Full Build-Out (Horizon 2031)</b></p> <p><i>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.</i></p> <p><i>Includes the remainder of development within the Vaughan Mills Business District as shown in Schedule A of the Vaughan Mills Centre Secondary Plan *</i></p>	<ul style="list-style-type: none"> <li>• Up to 672 residential units</li> <li>• Up to 55,931 m<sup>2</sup> retail and other uses</li> <li>• Up to 31,500 m<sup>2</sup> of office</li> <li>• Up to 152,400 m<sup>2</sup> of prestige employment uses</li> <li>• Up to 59,241 m<sup>2</sup> of office uses</li> <li>• Up to 46,072 m<sup>2</sup> of neighbourhood and medium format retail uses</li> <li>• Up to 21,781 m<sup>2</sup> of other uses including hotel, entertainment, and cultural uses</li> </ul>	<ul style="list-style-type: none"> <li>• Implement intelligent parking information systems across the Vaughan Mills Centre area parking lots for more effective distribution of parking demands.</li> <li>• Implement transportation demand management strategies within the Vaughan Mills Centre area to discourage heavy car uses and encourage developing less auto-dependent travel behaviours.</li> <li>• Integrate comprehensive pedestrian and cycling route facilities and network to promote active transportation.</li> <li>• 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.</li> </ul> <p><b>Road Network Improvements: (West of Highway 400)</b></p> <ul style="list-style-type: none"> <li>• Completion of Bass Pro Mills Drive extension to Weston Road.</li> <li>• Install traffic signals at the intersection of Bass Pro Mills Drive at Weston Road.</li> </ul> <p><b>Other Transportation Improvements:</b></p> <ul style="list-style-type: none"> <li>• 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.</li> <li>• Enhancing priority transit service on Rutherford Road and introduce Viva service;</li> <li>• 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.</li> <li>• 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.</li> </ul>

# 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.