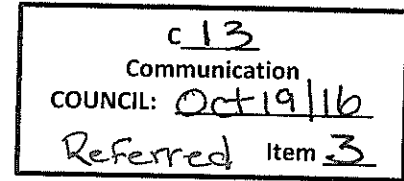


Magnifico, Rose

Subject: FW: Council October 19, 2016 item 3 Camelot on 7 Inc., 4902 & 4908 Highway 7, Vaughan, File No. SP-V-032-14
Attachments: image2016-10-07-091654.pdf



Sent from my BlackBerry 10 smartphone on the Bell network.

Original Message

From: Mauti, Mary (N165154) <mary.mauti@bell.ca>

Sent: Monday, October 17, 2016 5:55 PM

To: Clerks@vaughan.ca; Council; Bevilacqua, Maurizio; Rosati, Gino; Di Biase, Michael; Ferri, Mario; Carella, Tony; DeFrancesca, Rosanna; Racco, Sandra; marilyn.lafrate@vaughan.ca; Shefman, Alan; Abrams, Jeffrey; MacKenzie, John
Subject: Council October 19, 2016 item 3 Camelot on 7 Inc., 4902 & 4908 Highway 7, Vaughan, File No. SP-V-032-14

Members of Council and City Staff:

Re: Council Meeting of October 19, 2016
Item 3 Camelot on 7 inc.

I'm writing on behalf of the Vaughanwood Ratepayers Association and as an immediate resident of the area of 40 years.

It's been brought to my attention that the report from York Region (as attached) does not constitute a final approval from the Region for a right in and right out. The residents were not aware of the report or the findings. York Region is suggesting to implement a "pork chop" access. To our knowledge this will be the answer or resolve the safety and traffic issue that will occur on Highway 7. The residents had proposed a median built on Highway 7 to avoid any full access by drivers. A pork chop solution will not resolve the possibilities of the home owners to make a "U" turn on highway to access their homes. The issue for this particular project are the site lines. You can stop in time as the site lines are impaired, this issue has not been addressed.

Also it has been brought to our attention a 7' grade difference will be caused from the project to the neighbor to east.

This project also cannot be built on its own merits. I understand there are many outstanding agreements from neighbors that the developer requesting to enter into encroachment, crane swing, tie-back agreements in order for their project to be successful and built. To date they have not been agreed upon with the neighbors. Most projects of this caliber are completed on its own merits, not using neighbors properties to build their building.

These are only a few items that we are aware of with no answers. If a proper public hearing was conducted many of the issues would have been addressed properly and not for the immediate residents asking for clarification. The public hearing that was conducted on this site was for a different plan.

A new public hearing should have been conducted on the merits of the new revised plan! I understand from the past that this is feasible, why was it not considered on this project?

In all of the years serving as a rate payers association I have never seen an application of these merits and the very unusual process that it went through. It's unfortunate that it will be at the cost of the residents again.

Since we cannot speak on the matter, I do ask that you take into consideration what the residents will have to live against.

Will it be on your conscience to support the matter when the accidents occur??

Mary
Mary Mauti
Right of Way
Specialist - Network Provisioning
Floor 3 - West Tower
5115 Creekbank Road
Mississauga, Ontario L4W 5R1
905-219-4047 - Office
416-433-5583 - cell

October 4, 2016

Mary Caputo
Planning Department
City of Vaughan
2141 Major Mackenzie Drive
Vaughan, ON L6A 1T1

Dear Ms. Caputo:

**Re: Site Plan Comments: 2nd Submission
Camelot on 7 Inc.
4902 & 4908 Highway 7
City of Vaughan
Town File No.: DA.15.057
Our File No.: SP-V-032-14**

Please note this is a preliminary letter, and does not constitute a final approval from the Regional Municipality of York.

York Region has reviewed Plans and Reports submitted as part of your 2nd Submission dated April 12, 2016 and has no objection to the proposal, **in principle**.

However, prior to receiving final approval from the Region, and prior to the issuance of any conditional, partial and/or final building permits by the City of Vaughan, the applicant must satisfy the requirements listed below, and be in receipt of a fully executed site plan agreement, unless otherwise agreed to in writing by York Region.

ACCESS ISSUES

1. In response to community concerns the Region retained a traffic safety consultant from CIMA+ to conduct an In-Service Road Safety Review of Highway 7 from Islington Avenue to Bruce Street to identify safety issues and propose countermeasures. Please find attached a copy of the Report.
2. In light of the findings of the In-Service Road Safety Review the Region will permit a right-in/right-out access at the location proposed in the 1st and 2nd Site Plan submissions. In order to physically restrict the left turn movements the Applicant will be required to construct the access with a “pork-chop” island to the Region’s satisfaction.

CONDITIONS TO BE COMPLIED WITH PRIOR TO THE ISSUANCE OF ENGINEERING APPROVAL

Prior to the commencement of construction, and thereby prior to the issuance of any conditional, partial and/or final building permits by the City of Vaughan the Owner must be in receipt of an Engineering Approval for all works proposed to be undertaken in the right-of-way of Highway 7 including all works that may encroach onto the Regional right-of-way – above ground or underground.

Technical Requirements

1. The Owner is required to submit an updated submission to the satisfaction of the Region, reflecting the attached comments and mark-ups.
2. The Owner is advised to contact YRRTC to obtain design information for the future vivaNext rapidway and to coordinate the Site Grading and Servicing design of the development site with the design of the rapidway. Prior to Engineering approval the Owner shall provide confirmation from YRRTC that they are satisfied with the Grading and Servicing design. The contact person at YRRTC is Brian Storozinski (brian.storozinski@york.ca and ext. 71231)
3. The Landscape Plans are still under review. When available comments will be provided on separate cover.
4. The Owner is required to submit to the satisfaction of the Region, the following plans, reports and fees that didn't form part of prior submissions:
 - A Draft Reference Plan for the conveyance of road widenings
 - A Phase 1 ESA less than 2-years old
 - Shoring, Hoarding, and Crane Swing drawings
 - Construction Management Plan
 - Construction Phasing and Scheduling plan
 - Dewatering Plan
 - Hydrogeological Report for dewatering plan design
 - Confirmation from the Hydro authority that proposed hydro clearances are acceptable
 - A Noise Study
 - A Travel Demand Management Plan
 - Certified cheque of \$ 7,100.00 for Site Plan Review Fee
 - Certified Cheque of \$ 1,500.00 for Environmental Documentation Review Fee

Financial and Insurance Requirements

5. The Owner shall deposit to the Regional Community Planning and Development Services Branch, payable to The Regional Municipality of York, security in the form of a Certified Cheque or Letter of Credit to the satisfaction of the Regional Commissioner of Finance ***in a sufficient amount*** to cover the costs of the required works within the right-of-way of **Highway 7**, the conveyance of lands and the construction/implementation of noise attenuation features as recommended by the approved noise study. This security shall be from the Owner and will be retained as a guarantee of good workmanship on the Regional right-of-way, to ensure timely progress and completion of construction, to rectify any construction damages, to satisfy liens, claims, fees and to ensure that the road surface and ditches are kept clear of dust, mud and refuse.
- i. The security shall specify the Region's File Number, **SP-V-032-14**, the location of the site and the name and address of the Owner.
- ii. Reductions in Letters of Credit, to a minimum of 15% of the total submitted security, may be authorized after an inspection has been carried out. The reduced balance will then be retained for a period of two years for maintenance and lien claim purposes. Prior to releasing any securities, the Region will require the Owner to provide a statutory declaration of payment of all outstanding invoices, and where noise wall, window and/or oversized forced air mechanical systems are required, these features shall be certified by a professional engineer to have been installed as specified by the approved Noise Study and in conformance with the Ministry of Environment guidelines and York Region's Noise Policy.

Also, prior to releasing any securities, the Region must conduct a final inspection. If the Region issues to the Owner a deficiency list after the final inspection, then the Owner shall rectify the deficiencies within a maximum period of ninety (90) days of non-inclement weather. A day of inclement weather occurs when, in the Region's sole opinion, the Owner and/or the Owner's contractor is prevented by inclement weather, for a period of at least six (6) hours in a working day from proceeding with at least sixty percent (60%) of normal labour on any component of deficiencies which, if delayed, will delay the completion of the deficiencies. If the Owner fails to rectify the deficiencies within this period, then the Region may draw upon any or all of the remaining securities, once this period has passed.

- iii. The Owner acknowledges that the Region will carry out any work deemed necessary at the Owner's expense if such requirements are not carried out within 24 hours of notice being given to the Owner, Consulting Engineer or Owner or without any notice if, in the opinion of the Regional Commissioner of Transportation, it is required immediately. **In the event that the Region must rectify any deficiencies, make any remedies or must carry out the cleanup of roads from mud, dust, refuse or debris, the Owner**

acknowledges that the Region shall charge the Owner, for each occurrence, a minimum of \$1,000.00 or twice the actual cost to perform the work, whichever is greater.

- iv. Owners who elect to submit a Letter of Credit as their guarantee, shall advise their lending institution that the Region's **STANDARD DOCUMENTATION FOR LETTERS OF CREDIT** shall be used.

Details on the required Security fee will be provided upon receipt of the final submission once a final cost estimate can be provided for approved works within the Regional right-of-way of Highway 7.

6. The Owner shall submit to the Regional Community Planning and Development Services Branch, a certificate of insurance on the Region's form, completed to the satisfaction of the Region's Manager of Insurance and Risk, naming The Regional Municipality of York as an additional insured with respect to the Commercial General Liability policy. The Owner shall maintain the insurance in effect until all site works have been completed and accepted by the Region. The certificate of insurance shall specify: for a liability insurance amount of not less than \$5,000,000 per occurrence, and Non-Owned Automobile Liability and Owned Automobile Liability Insurance for limits of not less than \$2,000,000 per occurrence for each. In addition, the Region requires confirmation of WSIB coverage. In the event that participation in Workers Compensation is not required or has been opted out of, the Region requires confirmation of Employer's Liability in an amount not less than \$2,000,000 per occurrence.

This certificate of insurance shall specify the Region's File Number **SP-V-032-14**, the location of the site and the name and address of the Owner. The name, address and telephone number of the issuing company and/or agent must be shown on the certificate. In addition, a clause shall be added such that this policy shall be automatically extended in one year increments, until all site works have been completed and accepted by the Region, and that 30 days written notification be given to the Region by registered mail if this policy is to be cancelled or if coverage is reduced.

Further the Owner shall indemnify the Region against and hold the Region, its elected and appointed officials, employees, contractors and agents harmless from any and all liability for damages on account of injury to persons or damage to property resulting from or arising out of or in any way connected with the presence of the Owner, its servants, agents or employees, and persons duly authorized by the Owner, on the site or right-of-way and shall reimburse the Region for all costs, expenses and any loss incurred by it in consequence of any claims, demands and causes of action which may be brought against it arising out of the presence of the Owner, its servants, agents or

employees, and persons duly authorized by the Owner, on the site or the Regional right-of-way.

7. This application is subject to the Region's development review fees identified in Bylaw No. 2010-15. **The fee for site plan application review is \$8,300.00 minimum or 7%** of the estimated cost of works on the Regional right-of-way, whichever is greater. The Region has already received \$ 1,200.00. Prior to the next submission the Owner shall forward a **certified cheque** in the amount of \$7,100 to cover the minimum review fee to the Regional Community Planning and Development Services Branch, payable to The Regional Municipality of York.

Details on the final Review Fee will be provided upon receipt of the final submission once a final cost estimate can be provided for approved works within the Regional right-of-way of Highway 7.

8. This application is subject to the Region's review fee for Environmental Reports identified in Bylaw No. 2010-15. The fee for reviewing Environmental Reports is \$ **1,500.00**. The Owner shall forward a **certified cheque** in the amount of \$ 1,500.00 to the Regional Community Planning and Development Services Branch, payable to The Regional Municipality of York.

Access Design

9. The Owner shall submit to the satisfaction of the Region an engineering design for the proposed access that:
 - i. Reflects that inbound and outbound left-turn movements will be physically restricted with an island in the access (a "pork-chop" island)
 - ii. Meet design requirements for fire-truck access
 - iii. Complies with AODA requirements

Property Requirements

10. The Owner shall arrange for the preparation, review and deposit on title of a reference plan, or plans, describing the lands identified below, to the satisfaction of the Regional Community Planning and Development Services Branch. The reference plan shall identify all lands to be conveyed to the Region of York.
 - a. A widening across the full frontage of the site where it abuts *Highway 7* of sufficient width to price for a right-of-way of 22.5 metres measured from the centreline of construction of Highway 7.

11. The Owner shall submit, in general accordance with the requirements of the Environmental Protection Act and O. Reg. 153/04 Records of Site Condition Part XV.1 of the Act (as amended) ("O. Reg. 153/04"), a Phase I environmental site assessment ("Phase I ESA") of the Owner's lands that are the subject of the application, including the lands to be conveyed to the Region (the "Conveyance Lands"). The Phase I ESA cannot be more than 2 years old as of the actual date title to the Conveyance Lands is transferred to the Region. If the Phase I ESA is linked to different phases of development and there will be multiple conveyances of lands, the Phase I ESA prepared in respect of a specific conveyance and phase of development cannot be more than two years old as of the actual date of transfer of title to the Region. If a Phase I ESA is or would be more than two years old as of the actual date of transfer of title to the Region, the Phase I ESA will need to be either updated or a new Phase I ESA obtained by the Owner in accordance with the requirements of this section. The Region, at its discretion, may require further study, investigation, assessment and delineation to determine whether any remedial or other action is required regardless of the findings or conclusions of the Phase I ESA. Any Phase II environmental site assessment required by or submitted to the Region must be prepared in general accordance with the requirements of O. Reg. 153/04 (as noted above). Reliance on the Phase I ESA and any subsequent environmental reports or other documentation prepared in respect of the environmental condition of the lands must be provided to the Region and: (i) will be addressed to "The Regional Municipality of York"; (ii) contain wording to the effect that the Region is entitled to rely on such reports or documentation in their entirety; and (iii) the terms and conditions of the reliance extended (including any wording seeking to limit liability) must be satisfactory to the Region.

The preparation and delivery of the Phase I ESA, any subsequent environmental reports, other documentation, reliance and the Owner's certified written statement shall be provided at no cost to the Region.

Hoarding, Shoring and Crane Swing

12. If Hoarding/Fencing within the Regional right-of-way will be needed, the Owner must submit applicable Construction Hoarding/Fencing plans to the Region. The approved Construction Hoarding/Fencing within the Regional right-of-way will require an ***encroachment agreement*** between the Region and the Owner.
13. If Shoring Anchor/Tie Back within the Regional right-of-way will be needed the Owner must submit Shoring Anchor/Tie Back System plans, certified by a qualified professional engineer, to the Region. The approved Construction Shoring Anchor/Tie Back Systems within the Regional right-of-way will require an ***encroachment agreement*** between the Region and the Owner.

14. If the a construction crane will swing over the ultimate right-of-way of Highway 7 the Owner must submit Crane Swing Plans, certified by a qualified professional engineer, to the Region, Approved Crane Swing over the Regional right-of-way and/or Easements will require an ***encroachment agreement*** between the Region and the Owner.

Encroachment Agreements

15. All Encroachment Agreements required for this site plan agreement must be executed **prior to the Region issuing Engineering Approval.**
16. For the Region to prepare and release the Encroachment Agreements for execution the Owner must submit:
 - A \$1,660 Legal Fee
 - An Insurance Certificate
 - Approved plans show encroachment details
 - Parcel Register for the subject property and for the Regional lands that will be encroached upon

Dewatering

17. The Owner shall submit a ***Hydrogeological Study*** and a ***Dewatering Plan***, to the satisfaction of the Region, for the proper assessment, design, and supervision of temporary construction dewatering on the subject property.
18. The Owner shall provide confirmation to the York Region that they have received, where necessary, from Ontario Ministry of the Environment (MOE), Permits To Take Water for the groundwater withdrawals associated with dewatering systems on the subject property as well as any discharge permitted associated with the subject property.
19. If dewatering discharge is proposed to Regional or local infrastructure, the Owner will be required to obtain a dewatering discharge permit is required from the Region's Environmental Service Department prior to the commencement of dewatering. A dewatering permit application is available on line at [www.york.ca /seweruse](http://www.york.ca/seweruse) or by contacting 905-830-4444 extension 75097.

Utilities Conditions

20. The Owner shall be responsible for determining the location of all utility plants within the Regional right-of-way and for the cost of relocating, replacing, repairing and restoring any appurtenances damaged during construction of the proposed site works. The Owner shall review, or ensure that any consultants retained by the Owner, review,

at an early stage, the applicable authority's minimum vertical clearances for aerial cable systems and their minimum spacing and cover requirements. The Owner shall be entirely responsible for making any adjustments or relocations, if necessary, prior to the commencement of any construction.

21. If this site requires any service installation, connection or relocation, including hydro, telecommunications, gas, cable, water, sewers, etc. within the Regional right-of-way, the Owner shall inform the affected utility company of the requirement to obtain approval from the Regional Community Planning and Development Services Branch. The Owner shall also contact Matthew Aylett, Utilities Plans Coordinator at (905) 830-4444 extension 75959.
22. The Owner shall provide confirmation from the electrical authority to the Region of the appropriate clearances required between the face of proposed buildings and their associated features and the electrical transmission poles and lines.
23. The Owner shall conduct a **SUE QL-A subsurface investigation**. This means that precise horizontal and vertical location of existing utilities within the road allowance should be obtained by the actual exposure and subsequent survey of subsurface utilities at expected points of conflict.
24. The results of SUE-QL-A investigations should be depicted on the servicing plan and profile drawings, grading plan and profile drawings, landscape drawings and any other drawings where development works may conflict with subsurface utilities.

Construction Site Management

25. The Owner shall submit to the Region's satisfaction a **Construction Management Plan** that contains:
 - i. A **Traffic Management Plan** in accordance with OTM Book 7 showing how traffic on Highway 7 will be managed when work is undertaken within the right-of-way of Highway 7
 - ii. A **Pedestrian Safety Management Plan** showing how pedestrians on Highway 7 will be accommodated during construction
 - iii. A **Construction Vehicle Management Plan** showing how trucks will route to and from the site, where they will queue, where they will enter the site, where they will load/off-load materials, and where they will exit the site. – with due consideration that no queuing and/or loading/off-loading will be permitted from the travelled portion of Highway 7, and that left-out movements will not be permitted from any construction access.
 - iv. Details on where construction personnel will park private vehicles – with due consideration that no parking will be permitted within the right-of-way of Highway 7 – neither in the travelled portion nor on the boulevard of Highway 7.

- v. Details on the anticipated construction schedule

Road Occupancy Permit

- 26. The Owner must obtain, and advise all contractors, that a Road Occupancy Permit is required from the Community Planning and Development Services Branch prior to commencing any work on Regional property. The Road Occupancy Permit application can be obtained by visiting www.york.ca/roadpermits. The Road Occupancy Permit will be issued once the Owner has supplied proof that the Regional Finance Department, is in receipt of an **Engineering Approval**. The completed Road Occupancy Permit application along with 24 hour emergency telephone numbers and a certificate of insurance is to be returned to permits@york.ca. For General inquiries please contact (905) 830-4444 extension 75700. Please allow three to four weeks for processing applications.

Construction Coordination Requirements

- 27. Please note that the construction of the Highway 7 VIVA rapidway (the "Project") will commence in 2016. The implementation of approved site development works within the Regional right-of-way prior to the completion of the Project will require the prior consent of the Region, and if permitted the works must be coordinated with YRRTC and its contractors in accordance with the requirements of the Occupational Health and Safety Act. At all times the VIVA rapidway works will have priority over site development works, should a conflict arise.

CONDITIONS TO BE COMPLIED WITH PRIOR TO THE EXECUTION OF THE SITE PLAN AGREEMENT

Prior to the issuance of a final building permit by the City of Vaughan the owner will be in receipt of an executed Site Plan Agreement with the Region.

- 28. Prior to the execution of the Site Plan agreement, the Owner shall have satisfied all conditions required to obtain Engineering Approval as outlined above.
- 29. **Prior to the execution of the site plan agreement**, the Owner shall convey the following lands to the Region, free of all costs and encumbrances, to the satisfaction of the Regional Solicitor:
 - b. A widening across the full frontage of the site where it abuts *Highway 7* of sufficient width to price for a right-of-way of 22.5 metres measured from the centreline of construction of Highway 7.

30. **Prior to the execution of the site plan agreement**, the Owner shall provide a solicitor's certificate of title in a form satisfactory to the Regional Solicitor, at no cost to the Region with respect to the conveyance of the above noted lands to the Region.
31. The Owner shall also provide the Region's Community Planning and Development Services Branch with a certified written statement from the Owner or the Owner's authorized representative that no contaminant, pollutant, waste of any nature, hazardous substance, toxic substance, dangerous goods, or other substance or material defined or regulated under applicable environmental laws is present at, on, in or under lands to be conveyed to the Region (including soils, substrata, surface water and groundwater, as applicable): (i) at the time of conveyance, at a level or concentration that exceeds the Environmental Protection Act O. Reg. 153/04 (as amended) full depth generic site condition standards applicable to the intended use of such lands by the Region or any other remediation standards published or administered by governmental authorities applicable to the intended land use; and (ii) in such a manner, condition or state, or is emanating or migrating from such lands in a way, that would contravene applicable environmental laws.
32. In the Site Plan Agreement the Owner shall acknowledge and agree:
- i. That the access to Highway 7 will be restricted to right-in/right-out movements only.
 - ii. Not to initiate any action, suit, or any other proceeding against the Region before any court or tribunal, including but not limited to any action for injurious affection, as a result of the restriction of the accesses to and from the site as described herein.
 - iii. That any construction within the Regional right-of-way by the Owner, prior to the completion of the Project, may be temporary in nature and are throw-away costs and shall be the sole responsibility of the Owner.
 - iv. If the Owner has, on its own, elected to construct or commences to construct any, or all of the work in the Regional right-of-way related to this development, resulting in a co-ordination conflict with construction of the Highway 7 VIVA Next- Transitway, the Owner shall co-ordinate said construction within the Regional right-of-way with YRRTC and its contractors in accordance with the requirements of the Occupational Health and Safety Act.
 - v. That the YRRTC, through York Region, may need to construct some or all of the development related works within the Regional right-of-way of Highway 7, on behalf of the Owner, as a result of constructor coordination issues within the Regional right-of-way.

- vi. That the costs associated with the development related works, are the sole responsibility of the Owner. The Owner shall provide securities to the Region to cover the costs of the construction. Should these works be undertaken by the YRRTC, the Region shall invoice the Owner for the actual costs of construction based on the Region's contract price, plus administration fees.
 - vii. That should a conflict arise, resulting in work stoppage or delays or any losses suffered by the Owner, the Owner agrees that it shall not initiate any suit or action against the Region or YRRTC arising from such delay, including, but not limited to, delays, injurious affection, or business losses.
 - viii. To construct/implement, at their cost, the noise attenuation features recommended by the approved noise study, to the satisfaction of the Community Planning and Development Services Branch.
 - ix. To advise purchasers through the purchase and sales agreement, that despite the inclusion of noise attenuation features within the development area and within the individual building units, noise levels will continue to increase, occasionally interfering with some activities of the building's occupants.
33. The Owner shall deliver to the Legal Services Branch of the Region a certified cheque in the sum of **\$770.00** made payable to The Regional Municipality of York, towards the legal and administrative expenses of the Region in the preparation and processing of this Agreement.
34. The Owner shall deliver to the Legal Services Branch of the Region a certified cheque in the sum of **\$72.74** made payable to The Regional Municipality of York, towards the administrative expenses of the Region in the registration of this Agreement on title of the Subject Lands.

If you have any questions, regarding this application, please contact Calvin Mollett at extension 75221.

Sincerely,



Calvin Mollett, P.Eng.
Program Manager, Development Engineering

CM/jb

Copy to: Vick Bilkhu, Development Engineering York Region (e-mail)
Bob Smith, Development Engineering, York Region (e-mail)
Brian Storoinski, Project Specialist, YRRTC (e-mail)