

**CITY OF VAUGHAN**

**EXTRACT FROM COUNCIL MEETING MINUTES OF APRIL 23, 2013**

Item 17, Report No. 14, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on April 23, 2013.

**17**

**OFFICIAL PLAN AMENDMENT FILE OP.12.013  
ZONING BY-LAW AMENDMENT FILE Z.12.031  
DRAFT PLAN OF SUBDIVISION FILE 19T-12V006  
NONNODESTO INCOME INC.  
WARD 4 – VICINITY OF BATHURST STREET AND TESTON ROAD**

**The Committee of the Whole recommends approval of the recommendation contained in the following report of the Commissioner of Planning, dated April 9, 2013:**

**Recommendation**

The Commissioner of Planning recommends:

1. THAT Official Plan Amendment File OP.12.013 (Nonnodesto Income Inc.) BE APPROVED, specifically to amend OPA #600, as amended by site-specific OPA #638, as follows:
  - i) redesignate 1.95 ha of the subject lands, identified as Part “A” on Attachment #3, from “High Density Residential/Commercial” to “Low Density Residential” to facilitate the development of 34 lots for single detached dwelling units, in the manner shown on Attachment #4; and,
  - ii) maintain the current “High Density Residential/Commercial” designation on Part “B” (0.88 ha) of the subject lands, as identified on Attachment #3, which permits as-of-right apartment dwelling units at a maximum density of 250 units/ha, Floor Space Index (FSI) of 2.95, and a maximum building height of 12 storeys.
2. THAT Zoning By-law Amendment File Z.12.013 (Nonnodesto Income Inc.) BE APPROVED, to amend Zoning By-law 1-88, specifically to:
  - i) rezone 1.95 ha of the subject lands identified as Part “A” on Attachment #3, from RA3(H) Apartment Residential Zone with the Holding Symbol “(H)” and subject to Exception 9(1261) to RD3(H) Residential Detached Zone Three with the Holding Symbol “(H)” (single detached dwelling units on minimum 12 m frontage lots), RD4(H) Residential Detached Zone Four with the Holding Symbol “(H)” (single detached dwelling units on minimum 9 m frontage lots) and OS2 Open Space Park Zone (landscaped buffer), in the manner shown on Attachment #4; and,
  - ii) maintain the existing RA3(H) Apartment Residential Zone with the Holding Symbol “(H)” subject to Exception 9(1261) on Part “B” of the subject lands, as identified on Attachment #3, which permits as-of-right site-specific zoning exceptions.
3. THAT the Holding Symbol (H) shall not be removed from Parts “A” and “B”, as shown on Attachment #3 and zoned RD3(H) Residential Detached Zone Three with the Holding Symbol “(H)” and RD4(H) Residential Detached Zone Four with the Holding Symbol “(H)” as shown on Attachment #4, until the following conditions are addressed, to the satisfaction of the City:
  - c) Vaughan Council shall identify and allocate water supply and sewage servicing capacity to the subject lands.

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4. THAT Draft Plan of Subdivision File 19T-12V006 (Nonnodesto Income Inc.) BE APPROVED, to facilitate a plan of subdivision for 34 lots for single detached dwellings as shown on Attachment #4, subject to the conditions of approval set out in Attachment #1.
5. THAT the subdivision agreement for Draft Plan of Subdivision File 19T-12V006 (Nonnodesto Income Inc.) shall contain a provision requiring the Owner to pay to the City of Vaughan by way of certified cheque, cash-in-lieu of the dedication of parkland equivalent to 5% or 1 ha per 300 units of the value of the subject lands, prior to the issuance of a Building Permit, in accordance with the Planning Act and the City's Cash-in-lieu Policy. The Owner shall submit an appraisal of the subject lands, in accordance with Section 42 of the Planning Act, prepared by an accredited appraiser for approval by the Vaughan Legal Services Department, Real Estate Division, and the approved appraisal shall form the basis of the cash-in-lieu payment.

#### **Contribution to Sustainability**

The applications implement the following Goals and Objectives of Green Directions Vaughan:

Goal 2: To ensure sustainable development and redevelopment

- Objective 2.1: To achieve sustainable growth and development by completing and implementing Vaughan Tomorrow, the City's Consolidated Growth Management Strategy – 2031, and by ensuring that the strategy is subject to periodic review and renewal
- Objective 2.2: To develop Vaughan as a City with maximum greenspace and an urban form that supports our expected population growth
- Objective 2.3: To create a City with sustainable built form

Goal 3: To ensure that getting around in Vaughan is easy and has a low environmental impact

- Objective 3.1: To develop and sustain a network of sidewalks, paths and trails that supports all modes of non-vehicular transportation
- Objective 3.2: To develop and sustain a network of roads that supports efficient and accessible public and private transit

Goal 6: To ensure a supportive system for the implementation of the Community Sustainability and Environmental Master Plan

- Objective 6.1: To fully support the implementation of Green Directions at all levels of City operations

In accordance with the goals and objectives identified above, the Owner has advised that the following, but not limited to, sustainable site and building features will be included in the proposed development:

- i) a pedestrian connection to Bathurst Street;
- ii) low flow plumbing fixtures; and,
- iii) efficient Low-E Argon windows.

#### **Economic Impact**

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

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#### Communications Plan

On November 2, 2012, a Notice of Public Hearing was circulated to all property owners within 150m of the subject lands. Deputations, a written submission and petitions, were received from the following:

- a) Mr. Hamid Boland, Lady Nadia Drive, Maple;
- b) Mr. David Elliott, Lady Nadia Drive, Maple;
- c) Ms. Doris Garzon, Torah Gate, Maple;
- d) Ms. Julia Feldman, Lady Nadia Drive, Maple;
- e) Mr. Saurabh Moudgil, Lady Nadia Drive, Maple;
- f) Ms. Rossana Burgos, Chair, School Council, Herbert H. Carnegie Public School, Maple;
- g) Ms. Andrea Kuprejanov-Hatzis, Vanda Drive, Maple;
- h) Ms. Pooja Dhamija, Treasurer, School Council, Herbert H. Carnegie Public School;
- i) Ms. Laura and Mr. Pete Bhoi, Queen Filomena Avenue, Vaughan;
- j) Mr. Michael Albright, Lady Nadia Drive, Maple;
- k) Mr. Steven Bahadoor;
- l) Ms. Belle Yuan, Alysha Way, Vaughan; and,
- m) Mr. Len Hatzis, Vanda Drive, Vaughan.

The following is a summary of the concerns expressed at the Public Hearing (November 27, 2012):

- a) residents did not receive notification on the proposed high density development;
- b) desire to provide input in the design of the high density development;
- c) a better vision for the area should be developed;
- d) the permitted high-rise development would increase traffic and parking into the adjacent residential neighbourhood;
- e) the builder showed the subject lands as all commercial development when homes in the area were originally purchased;
- f) high-rise development should not be permitted; and,
- g) the subject lands should be developed as a park.

Site-specific OPA #638 and the current RA3(H) Apartment Residential Zone with the Holding Symbol "(H)" subject to Exception 9(1261) on the subject lands was approved by Vaughan Council on May 8, 2006 (Official Plan Amendment File OP.05.018 and Zoning By-law Amendment File Z.05.039 - Andridge Homes Five Limited). OPA #638 redesignated the subject lands from "Low Density Residential" with a "Neighbourhood Commercial Centre" overlay to "High Density Residential/Commercial", and permits apartment units at a maximum density of 250 units per hectare, a maximum building height of 12-storeys and a maximum Floor Space Index (F.S.I.) of 2.95 on the subject lands.

Zoning By-law 204-2006 rezoned the subject lands from C4(H) Neighbourhood Commercial Zone with the Holding Symbol "(H)" to RA3(H) Apartment Residential Zone with the Holding Symbol (H) with site-specific zoning exceptions. The Owner is proposing to maintain the "High Density Residential/Commercial" designation and RA3(H) Apartment Residential Zone with the Holding Symbol (H) on Part "B" as shown on Attachment #3. The subject staff report will concentrate on the Part "A" lands to be developed with 34 lots for single detached dwellings.

A future Site Development Application will be required for Part "B" which will be reviewed to ensure appropriate building and site design, barrier free accessibility, pedestrian connectivity, vehicular access, internal traffic circulation, parking, landscaping, waste management, and

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servicing and grading. A Draft Plan of Condominium Application will also be required to create a condominium corporation for the residential apartment building(s).

The recommendation of the Committee of the Whole, to receive the Public Hearing report of November 27, 2012, and to forward a comprehensive report to a future Committee the Whole meeting was ratified by Council on December 11, 2012.

**Purpose**

The Owner has submitted the following applications on the subject lands shown on Attachments #2 and #3:

1. Official Plan Amendment File OP.12.013 to amend the policies of in-effect OPA #600, as amended by site-specific OPA #638 to:
  - i) redesignate 1.95 ha of the subject lands, identified as Part “A” on Attachment #3, from “High Density Residential/Commercial” to “Low Density Residential” to facilitate the development of 34 lots for single detached dwelling units, in the manner shown on Attachment #4; and,
  - ii) maintain the current “High Density Residential/Commercial” designation on Part “B” (0.88 ha) of the subject lands, as identified on Attachment #3, which permits apartment dwelling units at a maximum density of 250 units/ha, Floor Space Index (FSI) of 2.95, and building height of 12 storeys.
2. Zoning By-law Amendment File Z.12.013 to amend Zoning By-law 1-88, specifically to:
  - i) rezone 1.95 ha of the subject lands identified as Part “A” on Attachment #3, from RA3(H) Apartment Residential Zone with the Holding Symbol “(H)” subject to Exception 9(1261) to RD3(H) Residential Detached Zone Three with the Holding Symbol “(H)” (single detached dwelling units on minimum 12 m frontage lots), RD4(H) Residential Detached Zone Four with the Holding Symbol “(H)” (single detached dwelling units on minimum 9 m frontage lots) and OS2 Open Space Park Zone (landscaped buffer), in the manner shown on Attachment #4; and,
  - ii) maintain the existing RA3(H) Apartment Residential Zone, with the Holding Symbol “(H)” subject to Exception 9(1261) on Part “B” of the subject lands, as identified on Attachment #3, which permits as-of-right site-specific zoning exceptions.
3. Draft Plan of Subdivision File 19T-12V006 on Part “A” of the subject lands consisting of the following as shown on Attachment #4:

|   |                |
|---|----------------|
| 34 residential lots for single detached dwellings (Lots 1-34) | 1.26 ha        |
| 1 future high-density residential block (Block 36) (Part “B”) | 0.88 ha        |
| 1 landscape buffer block (Block 35)                           | 0.05 ha        |
| Municipal Road (Street “A”)                                   | 0.63 ha        |
| <u>0.3 m Reserves (Blocks 37-42)</u>                          | <u>0.01 ha</u> |
| Total Area  | 2.83 ha        |

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#### **Background - Analysis and Options**

##### Location

The subject lands shown on Attachments #2 and #3 are located on the west side of Bathurst Street, south of Teston Road, City of Vaughan. The surrounding land uses are shown on Attachment #3.

##### Land Use Policies/Planning Considerations

The Vaughan Development Planning Department has reviewed the Official Plan Amendment Application to redesignate the subject lands, in light of the following land use policies:

a) Provincial Policy Statement (PPS)

The PPS provides broad based policy direction on matters of Provincial interest related to land use planning and development. The PPS promotes cost-effective development standards to minimize land consumption and servicing costs, while facilitating transit supportive development. It supports and encourages residential intensification and redevelopment to accommodate an appropriate range and mix of employment opportunities, housing and other land uses that make more efficient use of land and public infrastructure. The applications would facilitate low and high density residential development on a parcel of land with detached and apartment dwelling units, thereby providing a broader range of housing types and accommodation choice than currently permitted on the site. The development will utilize the existing municipal infrastructure efficiently. The proposed development conforms to the goals, objectives and policies of the PPS.

b) Places to Grow - Growth Plan for the Greater Golden Horseshoe (Growth Plan)

The policies of the Growth Plan are intended to guide the development of land in the Greater Golden Horseshoe; encourage compact built form, transit supportive communities, diverse land uses, and a range and mix of housing types; and, direct growth to settlement areas that offer municipal water and wastewater systems. Moreover, the Growth Plan outlines opportunities to make better use of land and infrastructure by directing growth to existing urban areas as well as creating complete communities.

The Growth Plan states that a focus for transit and infrastructure investments to support future growth can be provided by concentrating new development in these areas and creating complete communities.

The proposal is considered infill development within the built up area of Planning Block 12 and will facilitate the development of a vacant lot within a developed area at an overall higher density than currently exists in Block 12. The proposal meets the intent of the Places to Grow Plan.

c) Region of York Official Plan

The Region of York Official Plan designates the subject lands "Urban Area" which permits a wide range of residential, commercial, industrial and institutional uses. Under the partially approved new Regional Official Plan (2010), the subject lands remain designated "Urban Area". However, the Region has introduced policies, although not in full force and effect, that prohibit the reduction of densities without a municipal comprehensive review.

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Through the new Vaughan Official Plan 2010 municipal comprehensive review the subject site was redesignated from “High Density Residential/Commercial” to “Mid-Rise Mixed-Use”. This reduction in density has therefore been assessed through a municipal review and the policies within Volume 2 of the Vaughan Official Plan 2010 permit “Low-Rise Buildings” including but not limited to single-detached dwelling units. In addition, the proposal to reduce the density and to permit low density residential uses complies with the Region’s planned urban structure to reduce high density developments that are not located along a Regional Corridor or in a Regional Centre. In addition, the Community Planning Department of the Region of York identified that the Official Plan Amendment application is a routine matter of local significance. Furthermore, in accordance with Regional Official Plan Policy 7.2.7, it does not adversely affect Regional planning policies or interest. Accordingly, the Region of York has exempted the Official Plan Amendment application from Regional approval by Regional Planning Committee and Council.

#### d) City of Vaughan Official Plan

The subject lands are designated “High Density Residential/Commercial” by in-effect OPA #600 as amended by site-specific OPA #638 and “Settlement Area” by OPA #604 (Oak Ridges Moraine Conservation Plan). Site-specific OPA #638 designates the entirety of the subject lands (Parts “A” and “B”) “High Density Residential/Commercial” and permits apartment dwelling units with a maximum residential density of 250 units/ha, a maximum building height of 12-storeys, and a maximum Floor Space Index (FSI) of 2.95. The proposal for 34 single-detached residential units on 1.95 ha of the subject lands identified as Part “A” on Attachment #3 does not conform to the Official Plan. The remaining 0.88 ha of the subject lands identified as Part “B” on Attachment #3, for future high density residential uses conforms to the in-effect Official Plan.

Prior to OPA #638, the subject lands were designated “Low Density Residential” with a “Neighbourhood Commercial” overlay by OPA #600. The “Low Density Residential” designation permits the proposed single-detached dwelling units with a maximum permitted net density of 22 units per hectare. The proposal to redesignate Part “A” back to “Low Density Residential” will re-establish the “Low Density Residential” policies within OPA #600 prior to the approval of OPA #638. Therefore, the Development Planning Department is of the opinion that the proposal is appropriate and maintains the original intent of OPA #600 and is compatible with surrounding land uses.

#### e) Vaughan Official Plan (VOP) 2010

The subject lands are designated “Mid-Rise Mixed-Use” by the new Vaughan Official Plan 2010 (VOP 2010), which was adopted by Vaughan Council on September 7, 2010 (as modified on September 27, 2011, March 20, 2012, and April 17, 2012), as further modified and endorsed by Region of York Council on June 28, 2012, and is pending approval from the Ontario Municipal Board. The VOP 2010 permits a maximum building height of 12-storeys and maximum density of 3.5 FSI on the entirety of the subject lands (Parts “A” and “B”). The property is also subject to site-specific Policy 13.2 of Volume 2 of the VOP 2010, which was adopted by Vaughan Council on September 7, 2010, and permits Low-Rise Buildings. The development proposal for Portion “A” (34 single detached units) conforms to VOP 2010, and the remainder of the subject lands to maintain the existing “High Density Residential/Commercial” designation on Portion “B” is consistent and conforms with the policies of VOP 2010.

#### Zoning

The entirety of the subject lands (Parts “A” and “B”) are zoned RA3(H) Apartment Residential

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Zone with the Holding Symbol “(H)” by Zoning By-law 1-88, subject to Exception 9(1261), as shown on Attachment #3. To implement the proposed draft plan of subdivision shown on Attachment #4, an amendment to Zoning By-law 1-88 is required to rezone Part “A” of the subject lands from RA3(H) Apartment Residential Zone with the Holding Symbol “(H)” to RD3(H) Residential Detached Zone Three with the Holding Symbol “(H)” (single detached dwellings on minimum 12 m frontage lots), RD4(H) Residential Detached Zone Four with the Holding Symbol “(H)” (single detached dwellings on minimum 9 m frontage lots) and OS2 Open Space Park Zone (landscaped buffer) in the manner shown on Attachment #4, and to maintain the existing zoning on Part “B” of the subject lands.

The Owner is proposing to maintain the existing RA3(H) Apartment Residential Zone with the Holding Symbol “(H)” subject to Exception 9(1261) on Part “B” of the subject lands, as identified on Attachments #3 and #4.

The Development Planning Department can support the approval of Zoning By-law Amendment File Z.12.031 as the proposed rezoning would implement the low density residential policies of the new Official Plan (VOP 2010) on Portion “A”, be consistent with the original planning for Part “A” for single detached dwellings in OPA #600, and result in lots and a built form that is compatible with the surrounding residential area. The zoning application would maintain the existing site-specific high density residential zoning requirements on Part “B” of the subject lands, including a maximum building height of 38.5 m (12 storeys).

Subdivision Design

The proposed draft plan of subdivision shown on Attachment #4 is comprised of 34 residential lots for single detached units (Lots 1 – 34), a 0.88 ha block for future high density residential (Block 36) and a 0.05 ha landscaped buffer block (Block 35) adjacent to Bathurst Street. The property has a residential developable area of 2.81 ha and a frontage of 180 m along Bathurst Street. The future Street “A” as shown on Attachment #4 will be conveyed to the City as a public road. The Owner will be required to revise the approved Block 12 Community Plan to reflect the proposed lotting and street pattern, if approved. A condition to this effect is included in the Conditions of Draft Approval on Attachment #1. The proposal will result in development that is compatible with the existing surrounding low density residential land uses.

Vaughan Development/Transportation Engineering Department

The Vaughan Development/Transportation Engineering Department has reviewed the applications and provided the following comments:

i) Servicing Allocation Capacity

Servicing allocation capacity for the subject applications has not been reserved nor assigned potential future capacity in conjunction with the last annual servicing capacity report that was approved by Council on June 26, 2012. Therefore, servicing allocation capacity is not available for this draft plan of subdivision at this time. A Holding Symbol “(H)” will be placed on the subject lands through the related Zoning By-law Amendment File Z.12.031, and the Owner will be required to enter into Agreements of No-Sale with the City. A condition to this effect is included in the recommendation of this report in the Conditions of Draft Approval on Attachment #1.

The City intends to undertake an annual review of the status of the available and unused servicing capacity and related Distribution Protocol in Fall 2013. The availability of servicing allocation capacity for the subject development applications will be considered at that time based on the City’s servicing allocation protocol.

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##### ii) Environmental Site Assessment (ESA)

Based on our Environmental Engineer's review and memorandum dated January 9, 2013, the City of Vaughan Development/Transportation Engineering Department is satisfied with the proposed sampling and analysis plan (SAP) provided by SPL. As such, the development application may proceed with the condition that a Phase Two Environmental Site Assessment (ESA) presenting the results of the SAP (and any remediation if required) be provided to the City for review and approval prior to final approval of the Draft Plan of Subdivision. Conditions of approval to this effect are included in Attachment #1.

##### iii) Municipal Servicing

The proposed Draft Plan of Subdivision is serviced by storm sewers, sanitary sewers and watermain that connect to existing services located on Torah Gate that were constructed as part of the Block 12 Spine Services, and as such, future connection points are available at the limits of the property.

The municipal services for this development shall be in accordance with the approved Block 12 Master Environmental Servicing Plan and Environmental Impact Statement Addendum dated September 1999 (Revised October 2001) and Addendum dated August 2003, all prepared by Malone Given Parsons.

##### iv) Lot Grading

The subject lands (Parts "A" and "B") have been graded in accordance with the overall grading plans for Block 12.

##### v) Streetlighting

The streetlighting design shall meet the City's Criteria and Design Standards, and the streetlighting poles and luminaire are consistent with other developments within Block 12 (Trafalgar pole and decorative arm and luminaire).

##### vi) Noise Attenuation

The subject development is located along Bathurst Street (east), Torah Gate (west), a commercial use (north), and is in proximity to Teston Road. Noise from these facilities impacts the living environment of a number of units in the Plan, therefore noise attenuation measures are being proposed. The applicant has submitted a report "Environmental Noise Analysis, Block 12, Nonnodesto Subdivision", dated August 3, 2012, and amended on December 21, 2012, which recommends a combination of a 0.3m high berm and a 2.4 m high acoustic fence on top of the berm for Lot #12 to meet the 58 dBA acceptable noise level. The 2.4m high acoustic fence and berm is to merge with the existing 2.4m high acoustic fence between the commercial property to the north and the proposed subdivision. In addition to the 1.8m high acoustic fence to attenuate traffic noise on Torah Gate and Bathurst Street for Lots 1,13, 16, 25 and 26 and mandatory air conditioning for Lots 1 to 16 inclusive and provision for adding air conditioning for Lots 25 and 26, and all necessary warning clauses as per the approved noise report.

#### Vaughan Cultural Services Division

The Vaughan Cultural Services Division has no objections to the approval of the subject applications and advises that the lands have been cleared of concern for archaeological resources.

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##### Parkland Dedication

The Owner will be required to pay cash-in-lieu of parkland in accordance with the recommendation in this report.

##### School Boards

The York Region District School Board, York Catholic District School Board, and Conseil Scolaire de District Catholique Centre-Sud, have no objections to the subject development applications, and require no conditions.

##### Canada Post

Canada Post Corporation has no objection to the proposed development applications, subject to the conditions of subdivision approval provided in Attachment #1.

##### Enbridge Gas Distribution Inc.

Enbridge Gas Distribution Inc. has no objection to the proposed development applications, subject to the conditions of subdivision approval provided in Attachment #1.

##### **Relationship to Vaughan Vision 2020/Strategic Plan**

This report is consistent with the following initiatives set forth in the Vaughan Vision 2020/Strategic Plan:

##### iii) Lead and Promote Environmental Sustainability

The Owner will be incorporating the sustainable site and building features identified in this report.

The proposed development includes City waste pick-up, including organic waste and recycling, which will contribute to increasing the waste diversion targets as part of the Greening Vaughan strategy.

##### iv) Plan and Manage Growth & Economic Vitality

The proposed development implements the City's current Official Plan and the Growth Management Strategy as set in Vaughan Official Plan 2010.

##### Regional Implications

The Community Planning Department of the Region of York is of the opinion that the proposed Official Plan Amendment application is a routine matter of local significance. Furthermore, in accordance with Regional Official Plan Policy 7.2.7, the proposal does not adversely affect Regional planning policies or interest. Accordingly, the Region of York has exempted the Official Plan Amendment application from approval by Regional Planning Committee and Council. The Region of York has no objection to the approval of the Official Plan Amendment, Zoning By-law Amendment and Draft Plan of Subdivision Applications, subject to the conditions of subdivision approval provided in Attachment #1.

##### **Conclusion**

The Vaughan Development Planning Department has reviewed Official Plan Amendment File

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OP.12.013, Zoning By-law Amendment File Z.12.031 and Draft Plan of Subdivision File 19T-12V006, in accordance with the applicable Provincial policies, Regional and City Official Plan policies, Zoning By-law 1-88, comments from City Departments and external public agencies, and the area context. The applications will facilitate a low density residential development form on Part “A” (34 lots for detached dwellings) that is consistent and compatible with the surrounding land uses, while maintaining the site-specific high density residential Official Plan and Zoning By-law permissions on Part “B” of the applicant’s lands.

Accordingly, the Development Planning Department can support the approval of the Official Plan Amendment, Zoning By-law Amendment and Draft Plan of Subdivision applications, subject to the conditions of approval set out in the recommendation of this report.

**Attachments**

1. Conditions of Draft Approval
2. Context Location Map
3. Location Map
4. Proposed Zoning and Draft Plan of Subdivision File 19T-12V006

**Report prepared by:**

Mary Caputo, Planner, ext. 8215  
Christina Napoli, Senior Planner, ext. 8483  
Mauro Peverini, Manager of Development Planning, ext. 8407

(A copy of the attachments referred to in the foregoing have been forwarded to each Member of Council and a copy thereof is also on file in the office of the City Clerk.)

**COMMITTEE OF THE WHOLE    APRIL 9, 2013**

**OFFICIAL PLAN AMENDMENT FILE OP.12.013  
ZONING BY-LAW AMENDMENT FILE Z.12.031  
DRAFT PLAN OF SUBDIVISION FILE 19T-12V006  
NONNODESTO INCOME INC.  
WARD 4 – VICINITY OF BATHURST STREET AND TESTON ROAD**

**Recommendation**

The Commissioner of Planning recommends:

1. THAT Official Plan Amendment File OP.12.013 (Nonnodesto Income Inc.) BE APPROVED, specifically to amend OPA #600, as amended by site-specific OPA #638, as follows:
  - i) redesignate 1.95 ha of the subject lands, identified as Part “A” on Attachment #3, from “High Density Residential/Commercial” to “Low Density Residential” to facilitate the development of 34 lots for single detached dwelling units, in the manner shown on Attachment #4; and,
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3. THAT the Holding Symbol (H) shall not be removed from Parts “A” and “B”, as shown on Attachment #3 and zoned RD3(H) Residential Detached Zone Three with the Holding Symbol “(H)” and RD4(H) Residential Detached Zone Four with the Holding Symbol “(H)” as shown on Attachment #4, until the following conditions are addressed, to the satisfaction of the City:
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5. THAT the subdivision agreement for Draft Plan of Subdivision File 19T-12V006 (Nonnodesto Income Inc.) shall contain a provision requiring the Owner to pay to the City of Vaughan by way of certified cheque, cash-in-lieu of the dedication of parkland equivalent to 5% or 1 ha per 300 units of the value of the subject lands, prior to the issuance of a Building Permit, in accordance with the Planning Act and the City's Cash-in-lieu Policy. The Owner shall submit an appraisal of the subject lands, in accordance with Section 42 of the Planning Act, prepared by an accredited appraiser for approval by the Vaughan Legal Services Department, Real Estate Division, and the approved appraisal shall form the basis of the cash-in-lieu payment.

### **Contribution to Sustainability**

The applications implement the following Goals and Objectives of Green Directions Vaughan:

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- Objective 2.1: To achieve sustainable growth and development by completing and implementing Vaughan Tomorrow, the City's Consolidated Growth Management Strategy – 2031, and by ensuring that the strategy is subject to periodic review and renewal
- Objective 2.2: To develop Vaughan as a City with maximum greenspace and an urban form that supports our expected population growth
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Goal 3: To ensure that getting around in Vaughan is easy and has a low environmental impact

- Objective 3.1: To develop and sustain a network of sidewalks, paths and trails that supports all modes of non-vehicular transportation
- Objective 3.2: To develop and sustain a network of roads that supports efficient and accessible public and private transit

Goal 6: To ensure a supportive system for the implementation of the Community Sustainability and Environmental Master Plan

- Objective 6.1: To fully support the implementation of Green Directions at all levels of City operations

In accordance with the goals and objectives identified above, the Owner has advised that the following, but not limited to, sustainable site and building features will be included in the proposed development:

- i) a pedestrian connection to Bathurst Street;
- ii) low flow plumbing fixtures; and,
- iii) efficient Low-E Argon windows.

### **Economic Impact**

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

### **Communications Plan**

On November 2, 2012, a Notice of Public Hearing was circulated to all property owners within 150m of the subject lands. Deputations, a written submission and petitions, were received from the following:

- a) Mr. Hamid Boland, Lady Nadia Drive, Maple;
- b) Mr. David Elliott, Lady Nadia Drive, Maple;
- c) Ms. Doris Garzon, Torah Gate, Maple;
- d) Ms. Julia Feldman, Lady Nadia Drive, Maple;
- e) Mr. Saurabh Moudgil, Lady Nadia Drive, Maple;
- f) Ms. Rossana Burgos, Chair, School Council, Herbet H. Carnegie Public School, Maple,
- g) Ms. Andrea Kuprejanov-Hatzis, Vanda Drive, Maple;
- h) Ms. Pooja Dhamija, Treasurer, School Council, Herbet H. Carnegie Public School;
- i) Ms. Laura and Mr. Pete Bhoi, Queen Filomena Avenue, Vaughan;
- j) Mr. Michael Albright, Lady Nadia Drive, Maple;
- k) Mr. Steven Bahadoor;
- l) Ms. Belle Yuan, Alysha Way, Vaughan; and,
- m) Mr. Len Hatzis, Vanda Drive, Vaughan.

The following is a summary of the concerns expressed at the Public Hearing (November 27, 2012):

- a) residents did not receive notification on the proposed high density development;
- b) desire to provide input in the design of the high density development;
- c) a better vision for the area should be developed;
- d) the permitted high-rise development would increase traffic and parking into the adjacent residential neighbourhood;
- e) the builder showed the subject lands as all commercial development when homes in the area were originally purchased;
- f) high-rise development should not be permitted; and,
- g) the subject lands should be developed as a park.

Site-specific OPA #638 and the current RA3(H) Apartment Residential Zone with the Holding Symbol "(H)" subject to Exception 9(1261) on the subject lands was approved by Vaughan Council on May 8, 2006 (Official Plan Amendment File OP.05.018 and Zoning By-law Amendment File Z.05.039 - Andridge Homes Five Limited). OPA #638 redesignated the subject lands from "Low Density Residential" with a "Neighbourhood Commercial Centre" overlay to "High Density Residential/Commercial", and permits apartment units at a maximum density of 250 units per hectare, a maximum building height of 12-storeys and a maximum Floor Space Index (F.S.I.) of 2.95 on the subject lands.

Zoning By-law 204-2006 rezoned the subject lands from C4(H) Neighbourhood Commercial Zone with the Holding Symbol "(H)" to RA3(H) Apartment Residential Zone with the Holding Symbol (H) with site-specific zoning exceptions. The Owner is proposing to maintain the "High Density Residential/Commercial" designation and RA3(H) Apartment Residential Zone with the Holding Symbol (H) on Part "B" as shown on Attachment #3. The subject staff report will concentrate on the Part "A" lands to be developed with 34 lots for single detached dwellings.

A future Site Development Application will be required for Part "B" which will be reviewed to ensure appropriate building and site design, barrier free accessibility, pedestrian connectivity, vehicular access, internal traffic circulation, parking, landscaping, waste management, and servicing and grading. A Draft Plan of Condominium Application will also be required to create a condominium corporation for the residential apartment building(s).

The recommendation of the Committee of the Whole, to receive the Public Hearing report of November 27, 2012, and to forward a comprehensive report to a future Committee the Whole meeting was ratified by Council on December 11, 2012.

## **Purpose**

The Owner has submitted the following applications on the subject lands shown on Attachments #2 and #3:

1. Official Plan Amendment File OP.12.013 to amend the policies of in-effect OPA #600, as amended by site-specific OPA #638 to:
  - i) redesignate 1.95 ha of the subject lands, identified as Part "A" on Attachment #3, from "High Density Residential/Commercial" to "Low Density Residential" to facilitate the development of 34 lots for single detached dwelling units, in the manner shown on Attachment #4; and,
  - ii) maintain the current "High Density Residential/Commercial" designation on Part "B" (0.88 ha) of the subject lands, as identified on Attachment #3, which permits apartment dwelling units at a maximum density of 250 units/ha, Floor Space Index (FSI) of 2.95, and building height of 12 storeys.
2. Zoning By-law Amendment File Z.12.013 to amend Zoning By-law 1-88, specifically to:
  - i) rezone 1.95 ha of the subject lands identified as Part "A" on Attachment #3, from RA3(H) Apartment Residential Zone with the Holding Symbol "(H)" subject to Exception 9(1261) to RD3(H) Residential Detached Zone Three with the Holding Symbol "(H)" (single detached dwelling units on minimum 12 m frontage lots), RD4(H) Residential Detached Zone Four with the Holding Symbol "(H)" (single detached dwelling units on minimum 9 m frontage lots) and OS2 Open Space Park Zone (landscaped buffer), in the manner shown on Attachment #4; and,
  - ii) maintain the existing RA3(H) Apartment Residential Zone, with the Holding Symbol "(H)" subject to Exception 9(1261) on Part "B" of the subject lands, as identified on Attachment #3, which permits as-of-right site-specific zoning exceptions.
3. Draft Plan of Subdivision File 19T-12V006 on Part "A" of the subject lands consisting of the following as shown on Attachment #4:

|   |         |
|---|---------|
| 34 residential lots for single detached dwellings (Lots 1-34) | 1.26 ha |
| 1 future high-density residential block (Block 36) (Part "B") | 0.88 ha |
| 1 landscape buffer block (Block 35)                           | 0.05 ha |
| Municipal Road (Street "A")                                   | 0.63 ha |
| 0.3 m Reserves (Blocks 37-42)                                 | 0.01 ha |
| Total Area  | 2.83 ha |

## **Background - Analysis and Options**

### **Location**

The subject lands shown on Attachments #2 and #3 are located on the west side of Bathurst Street, south of Teston Road, City of Vaughan. The surrounding land uses are shown on Attachment #3.

### **Land Use Policies/Planning Considerations**

The Vaughan Development Planning Department has reviewed the Official Plan Amendment Application to redesignate the subject lands, in light of the following land use policies:

a) Provincial Policy Statement (PPS)

The PPS provides broad based policy direction on matters of Provincial interest related to land use planning and development. The PPS promotes cost-effective development standards to minimize land consumption and servicing costs, while facilitating transit supportive development. It supports and encourages residential intensification and redevelopment to accommodate an appropriate range and mix of employment opportunities, housing and other land uses that make more efficient use of land and public infrastructure. The applications would facilitate low and high density residential development on a parcel of land with detached and apartment dwelling units, thereby providing a broader range of housing types and accommodation choice than currently permitted on the site. The development will utilize the existing municipal infrastructure efficiently. The proposed development conforms to the goals, objectives and policies of the PPS.

b) Places to Grow - Growth Plan for the Greater Golden Horseshoe (Growth Plan)

The policies of the Growth Plan are intended to guide the development of land in the Greater Golden Horseshoe; encourage compact built form, transit supportive communities, diverse land uses, and a range and mix of housing types; and, direct growth to settlement areas that offer municipal water and wastewater systems. Moreover, the Growth Plan outlines opportunities to make better use of land and infrastructure by directing growth to existing urban areas as well as creating complete communities.

The Growth Plan states that a focus for transit and infrastructure investments to support future growth can be provided by concentrating new development in these areas and creating complete communities.

The proposal is considered infill development within the built up area of Planning Block 12 and will facilitate the development of a vacant lot within a developed area at an overall higher density than currently exists in Block 12. The proposal meets the intent of the Places to Grow Plan.

c) Region of York Official Plan

The Region of York Official Plan designates the subject lands "Urban Area" which permits a wide range of residential, commercial, industrial and institutional uses. Under the partially approved new Regional Official Plan (2010), the subject lands remain designated "Urban Area". However, the Region has introduced policies, although not in full force and effect, that prohibit the reduction of densities without a municipal comprehensive review. Through the new Vaughan Official Plan 2010 municipal comprehensive review the subject site was redesignated from "High Density Residential/Commercial" to "Mid-Rise Mixed-Use". This reduction in density has therefore been assessed through a municipal review and the policies within Volume 2 of the Vaughan Official Plan 2010 permit "Low-Rise Buildings" including but not limited to single-detached dwelling units. In addition, the proposal to reduce the density and to permit low density residential uses complies with the Region's planned urban structure to reduce high density developments that are not located along a Regional Corridor or in a Regional Centre. In addition, the Community Planning Department of the Region of York identified that the Official Plan Amendment application is a routine matter of local significance. Furthermore, in accordance with Regional Official Plan Policy 7.2.7, it does not adversely affect Regional planning policies or interest. Accordingly, the Region of York has exempted the Official Plan Amendment application from Regional approval by Regional Planning Committee and Council.

d) City of Vaughan Official Plan

The subject lands are designated “High Density Residential/Commercial” by in-effect OPA #600 as amended by site-specific OPA #638 and “Settlement Area” by OPA #604 (Oak Ridges Moraine Conservation Plan). Site-specific OPA #638 designates the entirety of the subject lands (Parts “A” and “B”) “High Density Residential/Commercial” and permits apartment dwelling units with a maximum residential density of 250 units/ha, a maximum building height of 12-storeys, and a maximum Floor Space Index (FSI) of 2.95. The proposal for 34 single-detached residential units on 1.95 ha of the subject lands identified as Part “A” on Attachment #3 does not conform to the Official Plan. The remaining 0.88 ha of the subject lands identified as Part “B” on Attachment #3, for future high density residential uses conforms to the in-effect Official Plan.

Prior to OPA #638, the subject lands were designated “Low Density Residential” with a “Neighbourhood Commercial” overlay by OPA #600. The “Low Density Residential” designation permits the proposed single-detached dwelling units with a maximum permitted net density of 22 units per hectare. The proposal to redesignate Part “A” back to “Low Density Residential” will re-establish the “Low Density Residential” policies within OPA #600 prior to the approval of OPA #638. Therefore, the Development Planning Department is of the opinion that the proposal is appropriate and maintains the original intent of OPA #600 and is compatible with surrounding land uses.

e) Vaughan Official Plan (VOP) 2010

The subject lands are designated “Mid-Rise Mixed-Use” by the new Vaughan Official Plan 2010 (VOP 2010), which was adopted by Vaughan Council on September 7, 2010 (as modified on September 27, 2011, March 20, 2012, and April 17, 2012), as further modified and endorsed by Region of York Council on June 28, 2012, and is pending approval from the Ontario Municipal Board. The VOP 2010 permits a maximum building height of 12-storeys and maximum density of 3.5 FSI on the entirety of the subject lands (Parts “A” and “B”). The property is also subject to site-specific Policy 13.2 of Volume 2 of the VOP 2010, which was adopted by Vaughan Council on September 7, 2010, and permits Low-Rise Buildings. The development proposal for Portion “A” (34 single detached units) conforms to VOP 2010, and the remainder of the subject lands to maintain the existing “High Density Residential/Commercial” designation on Portion “B” is consistent and conforms with the policies of VOP 2010.

Zoning

The entirety of the subject lands (Parts “A” and “B”) are zoned RA3(H) Apartment Residential Zone with the Holding Symbol “(H)” by Zoning By-law 1-88, subject to Exception 9(1261), as shown on Attachment #3. To implement the proposed draft plan of subdivision shown on Attachment #4, an amendment to Zoning By-law 1-88 is required to rezone Part “A” of the subject lands from RA3(H) Apartment Residential Zone with the Holding Symbol “(H)” to RD3(H) Residential Detached Zone Three with the Holding Symbol “(H)” (single detached dwellings on minimum 12 m frontage lots), RD4(H) Residential Detached Zone Four with the Holding Symbol “(H)” (single detached dwellings on minimum 9 m frontage lots) and OS2 Open Space Park Zone (landscaped buffer) in the manner shown on Attachment #4, and to maintain the existing zoning on Part “B” of the subject lands.

The Owner is proposing to maintain the existing RA3(H) Apartment Residential Zone with the Holding Symbol “(H)” subject to Exception 9(1261) on Part “B” of the subject lands, as identified on Attachments #3 and #4.

The Development Planning Department can support the approval of Zoning By-law Amendment File Z.12.031 as the proposed rezoning would implement the low density residential policies of

the new Official Plan (VOP 2010) on Portion "A", be consistent with the original planning for Part "A" for single detached dwellings in OPA #600, and result in lots and a built form that is compatible with the surrounding residential area. The zoning application would maintain the existing site-specific high density residential zoning requirements on Part "B" of the subject lands, including a maximum building height of 38.5 m (12 storeys).

#### Subdivision Design

The proposed draft plan of subdivision shown on Attachment #4 is comprised of 34 residential lots for single detached units (Lots 1 – 34), a 0.88 ha block for future high density residential (Block 36) and a 0.05 ha landscaped buffer block (Block 35) adjacent to Bathurst Street. The property has a residential developable area of 2.81 ha and a frontage of 180 m along Bathurst Street. The future Street "A" as shown on Attachment #4 will be conveyed to the City as a public road. The Owner will be required to revise the approved Block 12 Community Plan to reflect the proposed lotting and street pattern, if approved. A condition to this effect is included in the Conditions of Draft Approval on Attachment #1. The proposal will result in development that is compatible with the existing surrounding low density residential land uses.

#### Vaughan Development/Transportation Engineering Department

The Vaughan Development/Transportation Engineering Department has reviewed the applications and provided the following comments:

##### i) Servicing Allocation Capacity

Servicing allocation capacity for the subject applications has not been reserved nor assigned potential future capacity in conjunction with the last annual servicing capacity report that was approved by Council on June 26, 2012. Therefore, servicing allocation capacity is not available for this draft plan of subdivision at this time. A Holding Symbol "(H)" will be placed on the subject lands through the related Zoning By-law Amendment File Z.12.031, and the Owner will be required to enter into Agreements of No-Sale with the City. A condition to this effect is included in the recommendation of this report in the Conditions of Draft Approval on Attachment #1.

The City intends to undertake an annual review of the status of the available and unused servicing capacity and related Distribution Protocol in Fall 2013. The availability of servicing allocation capacity for the subject development applications will be considered at that time based on the City's servicing allocation protocol.

##### ii) Environmental Site Assessment (ESA)

Based on our Environmental Engineer's review and memorandum dated January 9, 2013, the City of Vaughan Development/Transportation Engineering Department is satisfied with the proposed sampling and analysis plan (SAP) provided by SPL. As such, the development application may proceed with the condition that a Phase Two Environmental Site Assessment (ESA) presenting the results of the SAP (and any remediation if required) be provided to the City for review and approval prior to final approval of the Draft Plan of Subdivision. Conditions of approval to this effect are included in Attachment #1.

##### iii) Municipal Servicing

The proposed Draft Plan of Subdivision is serviced by storm sewers, sanitary sewers and watermain that connect to existing services located on Torah Gate that were constructed as part of the Block 12 Spine Services, and as such, future connection points are available at the limits of the property.

The municipal services for this development shall be in accordance with the approved Block 12 Master Environmental Servicing Plan and Environmental Impact Statement Addendum dated September 1999 (Revised October 2001) and Addendum dated August 2003, all prepared by Malone Given Parsons.

iv) Lot Grading

The subject lands (Parts "A" and "B") have been graded in accordance with the overall grading plans for Block 12.

v) Streetlighting

The streetlighting design shall meet the City's Criteria and Design Standards, and the streetlighting poles and luminaire are consistent with other developments within Block 12 (Trafalgar pole and decorative arm and luminaire).

vi) Noise Attenuation

The subject development is located along Bathurst Street (east), Torah Gate (west), a commercial use (north), and is in proximity to Teston Road. Noise from these facilities impacts the living environment of a number of units in the Plan, therefore noise attenuation measures are being proposed. The applicant has submitted a report "Environmental Noise Analysis, Block 12, Nonnodesto Subdivision", dated August 3, 2012, and amended on December 21, 2012, which recommends a combination of a 0.3m high berm and a 2.4 m high acoustic fence on top of the berm for Lot #12 to meet the 58 dBA acceptable noise level. The 2.4m high acoustic fence and berm is to merge with the existing 2.4m high acoustic fence between the commercial property to the north and the proposed subdivision. In addition to the 1.8m high acoustic fence to attenuate traffic noise on Torah Gate and Bathurst Street for Lots 1,13, 16, 25 and 26 and mandatory air conditioning for Lots 1 to 16 inclusive and provision for adding air conditioning for Lots 25 and 26, and all necessary warning clauses as per the approved noise report.

Vaughan Cultural Services Division

The Vaughan Cultural Services Division has no objections to the approval of the subject applications and advises that the lands have been cleared of concern for archaeological resources.

Parkland Dedication

The Owner will be required to pay cash-in-lieu of parkland in accordance with the recommendation in this report.

School Boards

The York Region District School Board, York Catholic District School Board, and Conseil Scolaire de District Catholique Centre-Sud, have no objections to the subject development applications, and require no conditions.

Canada Post

Canada Post Corporation has no objection to the proposed development applications, subject to the conditions of subdivision approval provided in Attachment #1.

### Enbridge Gas Distribution Inc.

Enbridge Gas Distribution Inc. has no objection to the proposed development applications, subject to the conditions of subdivision approval provided in Attachment #1.

### **Relationship to Vaughan Vision 2020/Strategic Plan**

This report is consistent with the following initiatives set forth in the Vaughan Vision 2020/Strategic Plan:

i) **Lead and Promote Environmental Sustainability**

The Owner will be incorporating the sustainable site and building features identified in this report.

The proposed development includes City waste pick-up, including organic waste and recycling, which will contribute to increasing the waste diversion targets as part of the Greening Vaughan strategy.

ii) **Plan and Manage Growth & Economic Vitality**

The proposed development implements the City's current Official Plan and the Growth Management Strategy as set in Vaughan Official Plan 2010.

### **Regional Implications**

The Community Planning Department of the Region of York is of the opinion that the proposed Official Plan Amendment application is a routine matter of local significance. Furthermore, in accordance with Regional Official Plan Policy 7.2.7, the proposal does not adversely affect Regional planning policies or interest. Accordingly, the Region of York has exempted the Official Plan Amendment application from approval by Regional Planning Committee and Council. The Region of York has no objection to the approval of the Official Plan Amendment, Zoning By-law Amendment and Draft Plan of Subdivision Applications, subject to the conditions of subdivision approval provided in Attachment #1.

### **Conclusion**

The Vaughan Development Planning Department has reviewed Official Plan Amendment File OP.12.013, Zoning By-law Amendment File Z.12.031 and Draft Plan of Subdivision File 19T-12V006, in accordance with the applicable Provincial policies, Regional and City Official Plan policies, Zoning By-law 1-88, comments from City Departments and external public agencies, and the area context. The applications will facilitate a low density residential development form on Part "A" (34 lots for detached dwellings) that is consistent and compatible with the surrounding land uses, while maintaining the site-specific high density residential Official Plan and Zoning By-law permissions on Part "B" of the applicant's lands.

Accordingly, the Development Planning Department can support the approval of the Official Plan Amendment, Zoning By-law Amendment and Draft Plan of Subdivision applications, subject to the conditions of approval set out in the recommendation of this report.

**Attachments**

1. Conditions of Draft Approval
2. Context Location Map
3. Location Map
4. Proposed Zoning and Draft Plan of Subdivision File 19T-12V006

**Report prepared by:**

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Respectfully submitted,

JOHN MACKENZIE  
Commissioner of Planning

GRANT UYEYAMA  
Director of Development Planning

/CM

## **ATTACHMENT NO. 1**

### **STANDARD CONDITIONS OF DRAFT APPROVAL**

#### **DRAFT PLAN OF SUBDIVISION 19T-12V006 NONNODESTO INCOME INC. PART OF LOT 25, CONCESSION 2, CITY OF VAUGHAN**

**THE CONDITIONS OF THE COUNCIL OF THE CITY OF VAUGHAN THAT SHALL BE SATISFIED PRIOR TO THE RELEASE FOR REGISTRATION OF PLAN OF SUBDIVISION 19T-12V006, ARE AS FOLLOWS:**

#### **City of Vaughan Conditions**

1. The Plan shall relate to the draft plan of subdivision, prepared by Malone Given Parsons Ltd., drawing #11-2057, dated August 3, 2012.
2. The lands within this Plan shall be appropriately zoned by a zoning by-law which has come into effect in accordance with the provisions of The Planning Act.
3. The Owner shall pay any and all outstanding application fees to the Development Planning Department, in accordance with the applicable and in-effect Tariff of Fees By-law.
4. Prior to final approval of any part of the Plan, the Owner shall submit a revised Block Plan, and reports for Block 12, if required, to reflect any significant alterations caused from this draft plan approval.
5. The Owner shall enter into a subdivision agreement with the City to satisfy all financial and other conditions, with regard to such matters as the City may consider necessary, including payment of development levies and the woodlot development charge, the provision of roads and municipal services, landscaping and fencing. The said agreement shall be registered against the lands to which it applies.
6. The Owner shall agree to create easements for maintenance purposes for all lots providing less than 1.2 m side yards, or having roof encroachments, prior to transfer of land.
7. Prior to final approval, easements required for utility, drainage and construction purposes shall be created and granted to the appropriate authority(ies), free of all charge and encumbrances.
8. Prior to final approval of the Plan, the Owner's Consultant shall certify that the internal roads within this Plan have been designed to comply with the internal roads of the approved Block Plan.
9. Prior to final approval of the Plan, the Owner shall provide confirmation that satisfactory arrangements have been made with a suitable telecommunication provider to provide their services underground at the approved locations and to the satisfaction of the City.

10. Prior to final approval of the Plan, the Owner shall provide a copy of the fully executed subdivision agreement to:
  - a) Toronto and Region Conservation Authority (TRCA);
  - b) York Region District School Board;
  - c) York Region Catholic District School Board;
  - d) Canada Post; and,
  - e) the appropriate telecommunication provider.
11. Prior to final approval of the Plan, the Owner shall submit, to the satisfaction of the City, a listing prepared by an Ontario Land Surveyor of all the Lot and Block areas and Lot frontages and depths in accordance with the approved Zoning By-law for all Lots and Blocks within the Plan.
12. Prior to final approval of the Plan, the City shall confirm that adequate water supply and sewage treatment capacity are available to accommodate the proposed development.
13. Prior to final approval of the Plan, the Owner shall provide a revised Water Supply Analysis for review and approval by the City.
14. The road allowances within the Plan shall be designed in accordance with the City's engineering standards and shall be dedicated to the City free of all charge and encumbrances. The streets, lots and blocks shall be designed to coincide with the development pattern on adjacent properties.
15. Any dead end or open side of a road allowance within the Plan shall be terminated in a 0.3m reserve, to be conveyed to the City free of all charge and encumbrances, until required for a future road allowance or development of adjacent lands.
16. Final engineering design(s) may result in minor variations to the Plan (e.g. in the configuration of road allowances and lotting, number of lots, etc.), which may be reflected in the final plan to the satisfaction of the City.
17. Prior to the initiation of construction within the Plan, the Owner shall provide construction access to the Plan to the satisfaction of the City and the Region of York. Construction access to the Plan shall be from Teston Road via Via Torah Gate.
  - (a) No other access to the Plan shall be used for construction unless authorized in writing by the City. If another access is used without approval, the City may refuse to issue further building permits within the Plan or subsequent future phases until such use ceases.
  - (b) The Owner shall remove the construction access when directed by the City to do so.
18. Prior to final approval, a soils report prepared at the Owner's expense shall be submitted to the City for review and approval. The Owner shall agree in the subdivision agreement to carry out, or cause to carry out, the recommendations including pavement design

structure for ideal and non-ideal conditions to the satisfaction of the City.

19. Prior to final approval of the Plan, the Owner shall agree to remove any driveways and buildings on site, which are not approved to be maintained as part of the Plan; any modification to off-site driveways required to accommodate this Plan shall be co-ordinated and completed at the cost of the Owner.
20. The Owner agrees that all lots or blocks within the Plan that are left vacant six (6) months following completion of overall grading shall be topsoiled, to a minimum depth of 100 mm, seeded, maintained and signed to prohibit dumping and trespassing, to the satisfaction of the City.
21. Prior to final approval of the Plan, the Owner shall certify to the City that they are not aware of any soil, groundwater or sediment contamination on or within lands to be conveyed to the municipality which could interfere with its intended use.
22. Prior to final approval of the Plan, the Owner shall ensure that the servicing works to be carried out are consistent with the concepts outlined in the Block 12 Master Environmental Servicing Plan Report to the satisfaction of the City.
23. Prior to final approval of the Plan, the Owner shall:
  - (a) enter into a Developers' Group Agreement with the other participating landowners within Block 12 to the satisfaction of the City. The agreement shall be regarding but not limited to all cost sharing for the provision of parks, cash-in-lieu of parkland, roads and municipal services within Block 12. This agreement shall also include a provision for additional developers to participate within the Developers' Group Agreement when they wish to develop their lands.

The Owner shall acknowledge that parkland shall be dedicated and/or cash-in-lieu paid in accordance with Section 42 of the Planning Act and conform to the City's "Cash-In-Lieu of Parkland Policy".
  - (b) the Trustee for Block 12 shall provide the City with a letter indicating that the Owner has fulfilled all cost sharing and other obligations of the Block 12 Landowners Cost Sharing Agreement.
24. a) Prior to final approval and prior to any works commencing on the site, the Owner shall submit for approval by the City and the Toronto and Region Conservation Authority (TRCA), a detailed engineering report(s) that describes the storm drainage system for the proposed development, which shall include:
  - i) plans illustrating how this drainage system will be tied into the surrounding drainage systems, and indicating whether it is part of an overall drainage scheme, the design capacity of the receiving system and how external flows will be accommodated;
  - ii) the location and description of all outlets and other facilities;
  - iii) stormwater management techniques which may be required to control minor and major flows;

- iv) stormwater management practices to be used to treat stormwater, to mitigate the impacts of development on the quality and quantity of ground and surface water resources as it relates to fish and their habitat;
- v) proposed methods of controlling or minimizing erosion and siltation on-site and in downstream areas during and after construction;
- vi) overall grading plans for the subject lands;
- vii) landscape plans for the subject lands; and,
- viii) proposed measures to promote infiltration and maintain water balance.

25. The Owner shall agree:

- a) to obtain all necessary permits pursuant to Ontario Regulation 158 and the Lakes and Rivers Improvement Act from the Toronto and Region Conservation Authority;
- b) to maintain all stormwater management and erosion and sedimentation control structures operating and in good repair during the construction period; and,
- c) to provide a copy of the executed subdivision agreement to the Toronto and Region Conservation Authority.

26. Prior to final approval of the Plan, the Owner shall prepare for review and approval a detailed Traffic Impact Study, and implement the recommendations of the study as approved by the City and the Region of York. The Owner shall subsequently, implement the recommendations of the traffic impact study as approved.

27. Prior to final approval of the Plan and/or commencement of construction within the Plan, the Owner shall submit a detailed hydrogeological impact study that identifies, if any, local wells that may be influenced by construction and, if necessary, outline a monitoring program to be undertaken before, during and after construction of the subdivision as follows:

- a) A base line well condition and monitoring report shall be submitted to the City prior to the pre-servicing or registration of the Plan (whichever occurs first) and shall include as a minimum requirement the following tests:
  - i) Bacteriological Analysis – total coliform and E-coli counts;
  - ii) Chemical Analysis – Nitrate Test; and
  - iii) Water level measurement below existing grade.
- b) In the event that the test results are not within the Ontario Drinking Water Standards, the Owner shall notify in writing, the Purchaser, the Regional Health Department and the City within twenty-four (24) hours of the test results.
- c) Well monitoring shall continue during construction and an interim report shall be submitted to the City for record purposes.

- d) Well monitoring shall continue for one year after the completion of construction and a summary report shall be submitted to the City prior to Completion Approval.
  - i) the Owner shall provide temporary water supply to the affected residents upon notice by the City. If the quantity and quality of water in the existing wells is not restored to its original condition within a month after first identification of the problem, the Owner will engage the services of a qualified hydrogeologist to evaluate the wells and recommend solutions including deepening the wells or provide a permanent water service connection from the municipal watermain system.
- 28. Prior to initiation of grading or stripping of topsoil and prior to final approval of the Plan, the Owner shall prepare and implement a detailed erosion and sedimentation control plan(s) addressing all phases of the construction of the municipal services and house building program including stabilization methods, topsoil storage locations and control measures to the satisfaction of the City and TRCA. The Owner shall prepare the erosion and sediment control plan(s) for each stage of construction (pre-stripping/earthworks, pre-servicing, post-servicing) in accordance with the TRCA Erosion and Sediment Control Guidelines for Urban Construction, dated December 2006 and implement a monitoring and reporting program to the satisfaction of the City and TRCA.
- 29. The Owner shall agree in the subdivision agreement that that no building permits will be applied for or issued until the City is satisfied that adequate road access, municipal water, sanitary sewers, and storm drainage facilities are available to service the proposed development.
- 30. Prior to final approval of the Plan, and/or conveyance of land, and/or any initiation of grading or construction, the Owner shall submit the Environmental Site Assessment (ESA) Phase 1 Report and if required, Phase 2 Report and the Remedial Action Plan for the lands within the Plan in accordance with the Ontario Regulation 153/04, "Soil, Ground Water and Sediment Standards" for Use Under Part XV.1 of the Environmental Protection Act. In addition, for park blocks and open space blocks, the Owner shall submit a Phase II Environmental Site Assessment (ESA) report in accordance with the "Guideline Phase II Environmental Assessment, Proposed Parkland, City of Vaughan", to the City for review and approval. This said ESA is to be conducted following the completion of rough grading, but prior to the placement of topsoil and landscaping. Prior to final approval of the Plan, and/or any conveyance of land, and/or any initiation of grading or construction, the Owner shall implement the following to the satisfaction of the City:
  - a) Should site remediation be required to meet the applicable soil and ground water criteria set out in the above-noted regulation, the Owner shall submit to the City the report delineating the successful implementation of the approved Remediation Action Plan with verifying samplings and chemical analysis for review and approval by the Vaughan Development/Transportation Engineering Department;

- b) Provide a certificate by a qualified professional that all lands within the Plan, and any lands and easements external to the Plan to be dedicated to the City and the Region, meet the applicable soil and groundwater criteria noted above;
  - c) Document proof of the satisfactory registration of the Record of Site Condition (RSC) for the lands within the Plan with the Environmental Site Registry (ESR) of the Ministry of Environment (MOE), which includes the acknowledgement from the MOE and a signed copy of the RSC by a Qualified Person, which must be submitted to the Vaughan Development/Transportation Engineering Department for review and approval; and,
  - d) Reimburse the City for the costs of peer review of the above reports.
31. Prior to the issuance of a building permit for any lot, the Owner's consulting engineer shall certify, to the satisfaction of the Vaughan Engineering Department and the Vaughan Building Standards Department that lot grading complies with City of Vaughan lot grading criteria and the driveway as shown on the plan submitted for the construction of the building on that particular lot, conforms in terms of location and geometry (i.e. width etc.) with the approved, or the amended and subsequently approved, Construction Drawings.
  32. Prior to final approval, a Phase Two Environmental Site Assessment (ESA) presenting the results of the SAP (and any remediation if required) be provided to the City for review and approval.
  33. Prior to the transfer of any Lot or Block on the Plan, the Owner shall submit to the City satisfactory evidence that the appropriate warning clauses required by the subdivision agreement have been included in the Offer of Purchase and Sale or Lease for such Lot or Block.
  34. Prior to the transfer of any Lots or Blocks, the Owner shall construct a maintenance free acoustic barrier along the private side of the lot lines of the subject lots as required in the approved noise report and in compliance with the City's noise policy. The noise consultant shall certify that the acoustic barrier complies with the requirements of the noise report prior to transfer.
  35. Prior to final approval, the Owner shall pay the proportionate share of the cost of any external municipal services, temporary and/or permanent built or proposed, that have been designed and oversized by others to accommodate the subject Plan.
  36. a) Prior to final approval, the Owner shall satisfy all technical, financial and other requirements of PowerStream Inc., its successors and assigns regarding the design, installation, connection and/or expansion of electric distribution services, or any other related matters; the Owner shall enter into a development agreement with PowerStream Inc. which addresses the foregoing requirements.

- b) The Owner shall agree to design, purchase materials, and install a buried hydro distribution system, compatible with the existing and/or proposed systems in surrounding Plans, all in accordance with the latest standards and specifications of PowerStream Distribution Inc. and the City.
- 37. Prior to final approval, an environmental noise impact study, prepared at the Owner's expense, shall be submitted to the City for review and approval. The preparation of the noise report shall include the ultimate traffic volumes associated with the surrounding road network. The Owner shall agree in the subdivision agreement to carry out, or cause to carry out, the recommendations set out in the approved noise report to the satisfaction of the City.
  - 38. Prior to final approval, the Owner shall agree to design, purchase materials and install a street lighting system, compatible with the existing and/or proposed systems in surrounding Plans, all in accordance with City standards and specifications.
  - 39. The Owner shall agree to erect fencing comprising a permanent wood privacy fence or approved equal along the limits of the residential lots that abut the existing commercial lands.
  - 40. The Owner shall agree to pay the City at the time of registration of the Plan, payment at the rate of \$1,000.00 per residential unit, plus \$500.00 per future unit on each part lot block, as per Schedule "I", in accordance with the Special Area Woodlot Development Charge By-law.
  - 41. Prior to final approval, the Owner shall submit a tree preservation study to the satisfaction of the City. The Study shall include inventory of all the trees, assessment of significant trees to be preserved, and proposed methods of tree preservation, remedial and/or compensation planting. The Owner shall not remove trees without written approval of the City. The Owner shall agree to undertake the measures identified in the City-approved assessment.
  - 42. Prior to final approval, the Owner shall prepare a Landscape Master Plan, and the plan shall address but not be limited to the following:
    - (a) The pedestrian urban connections between streets, built forms, and the existing commercial lands; and,
    - (b) Community edge treatment along Bathurst Street.
  - 43. Prior to final approval, the Owner shall not remove any vegetation or topsoil or start any grading of the lands, without a fill permit issued by the City, and a development agreement, if necessary.
  - 44. Prior to final approval, Architectural Design Guidelines shall be prepared in accordance with Council Policy and approved by Council; the Owner shall agree that:
    - a) all development shall proceed in accordance with the Council approved architectural design guidelines;

- b) a control architect satisfactory to the City shall be retained at the cost of the Owner, to ensure that all development proceeds in compliance with the approved architectural design guidelines;
  - c) prior to the submission of individual building permit applications, the control architect shall have stamped and signed the drawings certifying compliance with the approved architectural guidelines; and,
  - d) the City may undertake periodic reviews to ensure compliance with the architectural guidelines; should inadequate enforcement be evident, the City may cease to accept drawings stamped by the control architect and retain another control architect at the expense of the Owner.
45. a) Should archaeological resources be found on the property during construction activities, all works must cease and both the Ontario Ministry of Tourism and Culture and the City of Vaughan's Policy Planning, Development Planning (Urban Design Section) and Recreation and Culture Departments shall be notified immediately; and,
- b) In the event that human remains are encountered during construction activities, the proponent must immediately cease all construction activities. The proponent shall contact York Region Police, the Regional Coroner and the Registrar of the Cemeteries Regulation Unit of the Ministry of Consumer and Business Services.
46. The Owner shall cause the following warning clauses to be included in a schedule to all Offers of Purchase and Sale, or Lease for all lots/blocks within the entire subdivision plan:
- a) "Purchasers and/or tenants are advised that the planting of trees on City boulevards in front of residential units is a requirement of the City and a conceptual location plan is included in the subdivision agreement. While every attempt will be made to plant trees as shown, the City reserves the right to relocate or delete any boulevard tree without further notice.
- The City has not imposed an amount of a tree fee or any other fee, which may be charged as a condition of purchase for the planting of trees. Any tree fee paid by purchasers for boulevard trees does not guarantee that a tree will be planted on the boulevard in front or on the side of the residential dwelling."
- b) "Purchasers and/or tenants are advised that proper grading of all lots in conformity with the Subdivision Grading Plans is a requirement of this subdivision agreement.
- The City has taken a Letter of Credit from the Owner (Subdivision Developer) for the security to ensure all municipal services including, but not limited to lot grading, are constructed to the satisfaction of the City. Direct cash deposit from the Purchasers to the City and/or Owner, for lot grading purposes, is NOT a requirement of this subdivision agreement. The City of Vaughan does not control the return of such deposits and purchasers/tenants must direct inquiries regarding this return to their vendor/landlord."

- c) "Purchasers and/or tenants are hereby put on notice that the Telecommunications Act and the CRTC authorize telephone and telecommunication facilities and services to be provided by telecommunication carriers other than traditional carriers for such services and that purchasers and tenants are advised to satisfy themselves that such carriers servicing the lands provide sufficient service and facilities to meet their needs."
- d) "Purchasers and/or tenants are advised that driveway widths and curb cut widths are governed by City of Vaughan By-Law 1-88, as amended, as follows:
- i) The maximum width of a driveway shall be 6 metres measured at the street curb, provided circular driveways shall have a maximum combined width of 9 metres measured at the street curb.
  - ii) Driveways in either front or exterior side yards shall be constructed in accordance with the following requirements:

| <u>Lot Frontage</u>             | <u>Maximum Width of Driveway</u> |
|---------------------------------|----------------------------------|
| 6.0 - 6.99 m <sup>1</sup>       | 3.5 m                            |
| 7.0 - 8.99 m <sup>1</sup>       | 3.75 m                           |
| 9.0 - 11.99 m <sup>1</sup>      | 6.0 m                            |
| 12.0 m and greater <sup>2</sup> | 9.0 m                            |

<sup>1</sup>The Lot Frontage for Lots between 6.0 – 11.99 m shall be comprised of a Minimum of 33% Landscaped Front or Exterior Side yard and a minimum sixty percent (60%) of the Minimum Landscaped Front or Exterior Side yard shall be soft landscaping in accordance with Paragraph 4.1.2 of By-law 1-88.

<sup>2</sup>The Lot Frontage for Lots 12.0 m and greater shall be comprised of a Minimum of 50% Landscaped Front or Exterior Side yard and a minimum sixty percent (60%) of the Minimum Landscaped Front or Exterior Side yard shall be soft landscaping in accordance with Paragraph 4.1.2 of By-law 1-88".

- e) "Purchasers and/or tenants are advised that fencing along the lot lines of Lots and Blocks abutting public lands is a requirement of this subdivision agreement and that all required fencing, noise attenuation feature and barriers shall be constructed with all fencing materials, including foundations, completely on private lands and totally clear of any 0.3 metre reserve, as shown on the Construction Drawings.

The City has taken a Letter of Credit from the Owner (Subdivision Developer) for the security to ensure all fencing including, but not limited to privacy fencing, chain link fencing and acoustic fencing, are constructed to the satisfaction of the City. Direct cash deposit from the Purchasers to the City and/or Owner, for fencing, is NOT a requirement of this subdivision agreement.

The maintenance of the noise attenuation feature or fencing shall not be the responsibility of the City, or the Region of York and shall be maintained by the Owner until assumption of the services of the Plan. Thereafter, the maintenance of the noise attenuation feature or fencing shall be the sole responsibility of the lot Owner. Landscaping provided on Regional Road right-of-ways by the Owner or the City for aesthetic purposes shall be approved by the Region and maintained by the City with the exception of the usual grass maintenance.”

- f) “Purchasers and/or tenants are advised that this plan of subdivision is designed to include rear lot catchbasins. The rear lot catchbasin is designed to receive and carry only clean stormwater. It is the homeowner’s responsibility to maintain the rear lot catchbasin in proper working condition by ensuring that the grate is kept clear of ice, leaves and other debris that would prevent stormwater from entering the catchbasin. The rear lot catchbasins are shown on the Construction Drawings and the location is subject to change without notice.”
  - g) “Purchasers and/or tenants are advised that the roads within the Plan may have been constructed using Alternative Development Standards. In April 1995, the Ministry of Housing and the Ministry of Municipal Affairs published the Alternative Development Standards as a guideline to municipalities. The Province of Ontario has been promoting the use of these guidelines which provide for reduced pavement widths and traffic calming measures into the road allowances.”
  - h) “Purchasers and/or tenants are advised that the Plan lies within the boundary of the Oak Ridges Moraine as defined through the Oak Ridges Moraine Conservation Plan, April 22, 2002.”
  - i) “Purchasers and/or tenants are advised that the City of Toronto owned and operated a landfill within 4 kilometres of the property and the facility is now closed and will be redeveloped into a passive park.”
  - j) “Purchasers and/or tenants are advised that the Owner (Subdivision Developer) has made a contribution towards recycling containers for each residential unit as a requirement of this subdivision agreement. The City has taken this contribution from the Owner to off-set the cost for the recycling containers, therefore, direct cash deposit from the Purchasers to the Owner for recycling containers purposes is not a requirement of the City of Vaughan. The intent of this initiative is to encourage the home Purchasers to participate in the City’s waste diversion programs and obtain their recycling containers from the Joint Operation Centre (JOC), 2800 Rutherford Road, Vaughan, Ontario, L4K 2N9, (905) 832-8562; the JOC is located on the north side of Rutherford Road just west of Melville Avenue.”
  - k) “Purchasers and/or tenants are advised that public transit routes have not been determined for the area within the Plan, however, Lady Nadia Drive, Teston Road, and Bathurst Street may be subject to public transit bus traffic, and that necessary bus stops and passenger amenities will be placed accordingly.”
47. The following warning clause shall be included in all Offers of Purchase and Sale or Lease for Lots 1 to 16 on the Plan:

"Purchasers and/or tenants are advised that, despite the inclusion of noise control features in this development area and within the dwelling unit, the noise levels from increasing traffic may continue to be of concern, occasionally interfering with some activities of the occupants. This dwelling has, therefore, been equipped with forced air heating and ducting etc., as well as central air conditioning which will allow windows to be kept closed, thereby achieving indoor sound levels within the limits recommended by the Ministry of the Environment and in compliance with the City's noise policy."

48. The following warning clause shall be included in all Offers of Purchase and Sale or Lease for Lots 25 and 26 on the Plan:

"Purchasers and/or tenants are advised that, despite the inclusion of noise control features within the development area, road noise will continue to increase occasionally interfering with some activities of the dwelling occupants. This dwelling has, therefore, been equipped with forced air heating and ducting, etc. sized to accommodate the future installation of air conditioning by the purchaser and/or tenant."

49. The following warning clause shall be included in all Offers of Purchase and Sale or Lease for all Lots and Blocks on the Plan:

"Purchasers and/or tenants are advised that additional traffic might be generated from the future development of the high rise development to the south. The exact location, if any, of the entrance/egress to be determined at the site plan stage for that development."

50. The following warning clause shall be included in all Offers of Purchase and Sale or Lease for Lots 1 to 12 on the Plan:

"Purchasers and/or tenants are advised that due to the proximity of the existing commercial facilities, sound levels from the facilities may at times be audible."

51. The Owner shall agree in the subdivision agreement to convey Block 35 in the draft plan of subdivision (File 19T-12V006) to the City free of charge and encumbrances for landscaping buffer purposes.

52. Notwithstanding the general provisions (Subsection 5.1) that are typically included in the Subdivision Agreement, the City may issue a model home building permit(s) provided that the land is zoned to the satisfaction of the City and the appropriate conditions (Subsection 5.18) of the Subdivision Agreement are fulfilled.

53. The Owner shall agree in the subdivision agreement that the engineering design(s) for alternative design standards for road design, traffic calming measures and designated transit route(s) may result in variation to the road, lotting pattern and the number of lots to the satisfaction of the City.

54. The Owner shall cause the following to be displayed on the interior wall of the sales office, information approved by the City of Vaughan, prior to offering any units for sale, to be monitored periodically by the City. No building permit shall be issued for a sales office or model home, or a residential unit until such information is approved by the City of Vaughan:
- the Block Plan for the broader area, showing surrounding land uses, arterials/highways, railways and hydro lines, etc.
  - the location of street utilities, community mailboxes, entrance features, fencing and noise attenuation features, together with the sidewalk plan approved in conjunction with draft plan approval.
  - the location of parks, open space, stormwater management facilities and trails.
  - the location of institutional uses, including schools, places of worship, community facilities.
  - the location and type of commercial sites.
  - colour-coded residential for singles, semis, multiples, and apartment units.
  - the following notes in BOLD CAPITAL TYPE on the map:

"For further information, on proposed and existing land uses, please call or visit the City of Vaughan, Development Planning Department, at 2141 Major Mackenzie Drive, L6A 1T1; (905)832-8585."

"For detailed grading and berming information, please call the developer's engineering consultant, (name) at \* \_\_\_\_\_".

"This map is based on information available as of (date of map), and may be revised or updated without notification to purchasers."

*[In such circumstances, the Owner is responsible for updating the map and forwarding it to the City for verification.]*
55. Where the Owner proposes to proceed with the construction of a model home(s) prior to registration of the Plan, the Owner shall enter into an agreement with the City, setting out the conditions, and shall fulfill relevant conditions of that agreement prior to issuance of a building permit.
56. Prior to the initiation of grading or stripping of topsoil and prior to final approval, the Owner shall submit a topsoil storage plan detailing the location, size, side slopes, stabilization methods and time period, for approval by the City. Topsoil storage shall be limited to the amount required for final grading, with the excess removed from the site, and shall not occur on either park or school blocks.
57. The Owner shall permit any telephone or telecommunications service provider to locate its plant in a common trench within the proposed Plan of Subdivision prior to release of the plan for registration, provided such service provider has executed a Municipal

Access Agreement with the City. The Owner shall ensure that any such service provider will be permitted to install its plant so as to permit connection to individual dwelling units within the subdivision as and when each dwelling unit is constructed.

#### Region of York Conditions

58. The road allowances included within the draft plan of subdivision shall be named to the satisfaction of the area municipality and the Regional Planning and Development Services Department.
59. Prior to final approval, York Region shall confirm that adequate water supply and sewage servicing capacity are available and have been allocated by the City of Vaughan for the development proposed within this draft plan of subdivision or any phase thereof. Registration of the plan of subdivision shall occur in phases based on the availability of water supply and sewage servicing allocation.
60. The Owner shall agree in the subdivision agreement that the Owner shall save harmless the City of Vaughan and York Region from any claim or action as a result of water or sanitary sewer service not being available when anticipated.
61. Prior to final approval of the Plan, the Owner shall design and construct the traffic calming/management measures that are identified on the City approved Block 12 Traffic Management Plan in accordance with the approved Construction Drawings and the provisions of this Agreement to the satisfaction of the City. In the event that these traffic calming measures are found to be insufficient and/or ineffective by the City prior to the assumption of the municipal services on the Plan, then the Owner shall design and construct additional traffic calming measures and/or modify existing traffic calming measures to the satisfaction of the City.
62. Prior to final approval, the Owner shall provide a set of engineering drawings, approved by the area municipality, which indicates the storm drainage system, the overall grading plans and all proposed accesses onto York Region roads, for all lands within this plan of subdivision, to the Transportation Services Department for verification that all York Region's concerns have been satisfied.
63. Prior to final approval and concurrent with the submission of the subdivision servicing application (MOE) to the area municipality, the Owner shall provide a set of engineering drawings, for any works to be constructed on or adjacent to the York Region road, to the Roads Branch, Manager, Development Approvals, that includes the following drawings:
  - i) Plan and Profile for the York Region road and intersections;
  - ii) Grading and Servicing;
  - iii) Intersection/Road Improvements, including the recommendations of the Traffic Report;
  - iv) Construction Access Design;
  - v) Utility and Underground Services Location Plans;
  - vi) Illumination Designs;
  - vii) Erosion and Siltation Control Plans;
  - viii) Landscaping Plans, including tree preservation, relocation and removals; and,
  - ix) Requirements of York Region Transit.

64. Prior to final approval, the Owner shall provide drawings for the proposed servicing of the site to be reviewed by the Engineering Department of the area municipality. Three (3) sets of engineering drawings (stamped and signed by a professional engineer), and MOE forms together with any supporting information shall be submitted to the Transportation Services Department, Attention: Mrs. Eva Pulnicki, P.Eng.
65. For all lands, the Holding (H) provisions of Section 36 of the Ontario Planning Act shall be used in conjunction with all residential zone categories in order to ensure that final plan approval and development of these lands does not occur until such time as the Holding (H) symbol is removed in accordance with the provisions of the Ontario Planning Act. The Zoning Bylaw shall specify the terms under which Council may consider the removal of the Holding (H) symbol. Said terms shall include a minimum of the following:
- the City of Vaughan approves a transfer of servicing allocation to this development that is not dependent upon the completion of infrastructure; or,
  - York Region has advised in writing that the required infrastructure to support the capacity assignment associated with this development will be completed within a time period acceptable to the Region (usually 6 months to 36 months depending on the complexity of the development) to permit the plan registration; or,
  - The Regional Commissioner of Environmental Services confirms servicing allocation for this development by a suitable alternative method and the City of Vaughan allocates the capacity to this development. Prior to final approval, the Owner shall demonstrate, to the satisfaction of the Transportation Services Department, that all existing driveway(s) along the Regional road frontage of this subdivision will be removed as part of the subdivision work, at no cost to York Region.
66. Prior to final approval, the Owner shall agree to provide direct walking and cycling connections to boundary roadways and adjacent developments to promote the usage of non-auto travel modes. York Region and the City of Vaughan will not assume any financial responsibility for implementing the provision of the pedestrian and cycling connections and facilities.
67. Prior to final approval, the Owner shall agree to provide an information package to each residential unit. The package shall include a preloaded presto card with an equivalent amount of one month of transit pass, York Region Cycling map, community maps, and York Region Transit and GO Transit schedules.
68. Prior to final approval, the Owner shall have prepared, by a qualified professional transportation consultant, a functional transportation report/plan outlining the required Regional road improvements for this subdivision. The report/plan, submitted to the Transportation and Community Planning Department for review and approval, shall explain all transportation issues and shall recommend mitigative measures for these issues.
69. Prior to final approval, the Owner shall provide a written undertaking, to the satisfaction of the Transportation and Community Planning Department that the Owner agrees to implement the recommendations of the functional transportation report/plan as approved by the Transportation and Community Planning Department.

70. Prior to final approval, the Owner shall submit detailed engineering drawings, to the Transportation and Community Planning Department for review and approval, that incorporate the recommendations of the functional transportation report/plan as approved by the Transportation and Community Planning Department. Additionally, the engineering drawings shall include the subdivision storm drainage system, erosion and siltation control plans, site grading and servicing, plan and profile drawings for the proposed intersections, construction access and mud mat design, utility and underground servicing location plans, pavement markings, electrical drawings for intersection signalization and illumination design, traffic control/construction staging plans and landscape plans.
71. Prior to final approval, the Owner shall demonstrate, to the satisfaction of the Transportation Services Department that elevations along the street line shall be 0.3 metres above the centreline elevations of the York Region roadway, unless otherwise specified by the Transportation Services Department.
72. Prior to final approval, the Owner shall provide a copy of the duly executed subdivision agreement to the Transportation Services Department, outlining all requirements of the Transportation Services Department.
73. Prior to final approval, the Owner shall engage the services of a consultant to prepare and submit for review and approval, a noise study to the satisfaction of the Transportation and Community Planning Department recommending noise attenuation features.
74. The Owner shall agree in the subdivision agreement, in wording satisfactory to the Transportation and Community Planning Department, to implement the noise attenuation features as recommended by the noise study and to the satisfaction of the Transportation and Community Planning Department.
75. The Owner shall agree in the subdivision agreement, in wording satisfactory to the Transportation Services Department, that where berm, 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 the York Region Noise Policy.
76. Prior to final approval, the Owner shall demonstrate, to the satisfaction of the Transportation and Community Planning Department, that the Owner will provide the installation of visual screening between Bathurst Street and Street A consisting of a combination of a berm and appropriate planting, to a minimum of 1.8 metres in height, to be located within the right-of-way of Street A from Lots 13 to 16. The Owner shall submit to the Transportation and Community Planning Department for review and approval, landscape plans showing the proposed planting for headlight screening purposes.
77. The following warning clause shall be included in a registered portion of the subdivision agreement with respect to the lots or blocks affected:

"Purchasers are advised 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."

78. Where noise attenuation features will abut a York Region right-of-way, the Owner shall agree in the subdivision agreement, in wording satisfactory to York Region's Transportation Services Department, as follows:
- a) that no part of any noise attenuation feature shall be constructed on or within the York Region right-of-way;
  - b) that noise fences adjacent to York Region roads may be constructed on the private side of the 0.3 metre reserve and may be a maximum 2.5 metres in height, subject to the area municipality's concurrence;
  - c) that maintenance of the noise barriers and fences bordering on York Region right-of-ways shall not be the responsibility of York Region; and,
  - d) that any landscaping provided on York Region right-of-way by the Owner or the area municipality for aesthetic purposes must be approved by the Transportation Services Department and shall be maintained by the area municipality with the exception of the usual grass maintenance.
79. Prior to final approval, the Owner shall provide a solicitor's certificate of title in a form satisfactory to York Region Solicitor, at no cost to York Region with respect to the conveyance of the above noted lands to York Region.
80. Prior to final approval, York Region requires the Owner to submit to it, in 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), a Phase I environmental site assessment prepared and signed by a qualified professional, of the Owner's lands and more specifically of the lands to be conveyed to York Region (the "Assessment"). Based on the findings and results of the Assessment, York Region may require further study, investigation, assessment and delineation to determine whether any remedial or other action is required. The Assessment and any subsequent environmental reports or other documentation prepared in respect of the environmental condition of the lands to be conveyed must to be addressed to York Region, contain wording to the effect that York Region shall be entitled to rely on such reports or documentation in their entirety, and such reports or documentation shall be satisfactory to York Region.
81. Prior to final approval, the Owner shall certify, in wording satisfactory to the Transportation Services Department, that no contaminant, pollutant, waste of any nature, hazardous substance, toxic substance, dangerous good, or other substance or material defined or regulated under applicable environmental laws is present at, on, in or under all lands to be conveyed to York Region (including soils, substrata, surface water and groundwater, as applicable): at a level or concentration that exceeds the *Environmental Protection Act* O. Reg. 153/04 full depth generic site condition standards applicable to the intended use that such lands will be put by York Region at the time of conveyance or any other remediation standards published or administered by governmental authorities applicable to the intended land use; and in such a manner,

condition or emanating from such lands in such a way, that would result in liability under applicable environmental laws. The Assessment, any subsequent environmental reports or other documentation and the Owner's certification shall be done at no cost to York Region.

82. The Owner shall agree in the subdivision agreement, in wording satisfactory to the Transportation Services Department, to be responsible to decommission any existing wells on the Owner's lands in accordance with all applicable provincial legislation and guidelines and to the satisfaction of the area municipality.
83. The Owner shall agree, prior to the development approval of Lots 12, 13, 14, 15, 16, and Block 36 that direct vehicle access from Lots 12, 13, 14, 15, 16, and Block 36 will not be permitted. Access must be obtained through the internal road network.
84. Prior to final approval, the Owner shall demonstrate, to the satisfaction of the Transportation Services Department, that all local underground services will be installed within the area of the development lands and not within York Region's road allowance. If a buffer or easement is needed to accommodate the local services adjacent to York Region's Right of Way, then the Owner shall provide a satisfactory buffer or easement to the Area Municipality, at no cost to the Region.
85. The Owner shall agree in the subdivision agreement, in wording satisfactory to the Transportation Services Department that the Owner will be responsible for determining the location of all utility plants within York Region 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 must 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.
86. Prior to final approval, the Owner shall submit engineering plans for York Region's approval that identify on the plans the Transit requirements.
87. Prior to final approval, the Owner shall satisfy the Regional Municipality of York Transportation and Community Planning Department and the area municipality that the services to be installed by the Owner within or in conjunction with the Plan will provide a concrete pedestrian access connection from the internal roadway to the Regional roadway as follows:

From "Street A" to "Bathurst Street"

The concrete pedestrian access connection shall meet the local municipality's standards for sidewalks and shall be owned and maintained by the area municipality.

88. Prior to final approval, the Owner shall submit drawings showing the sideway locations and concrete pedestrian access to the satisfaction of York Region.
89. The Owner shall satisfy the Regional Municipality of York Transportation and Community Planning Department that the services to be installed within or in conjunction with the

Plan will include illumination in accordance with the local municipality's design standards along all sidewalks and pedestrian access locations.

90. Prior to final approval, the Owner shall enter into an agreement with the City of Vaughan, which agreement shall be registered on title, committing the owner to:
  - 1) Not enter into any agreements of purchase and sale with end users (\*) for the subject lands until such time as:
    - a) The City of Vaughan approves a transfer of servicing allocation to this development that is not dependent upon the construction of infrastructure;  
or
    - b) i.) The Council of the City of Vaughan has allocated, within the limit of the Regional capacity assignment, adequate available water and wastewater servicing capacities to the subject development; and,  
ii.) York Region has advised in writing that it is no earlier than twelve (12) months prior to the expected completion of all water and wastewater infrastructure required to support the Region's capacity assignment pertaining to the City of Vaughan allocation used for the subject development;  
or
    - c) The Regional Commissioner of Environmental Services and the City of Vaughan confirm servicing capacity for this development by a suitable alternative method and the City of Vaughan allocates the capacity to this development.
  - 2) Not enter into any agreements of purchase and sale with non end users for the subject lands unless the agreement of purchase and sale contains a condition that requires the purchaser and any subsequent purchasers to enter into a separate agreement with the City of Vaughan. This agreement shall be registered on title, committing the owner to the same terms as set out in item A above.
91. Prior to final approval, the Owner shall enter into an indemnity agreement with York Region. The agreement shall be registered on title, agreeing to save harmless York Region from any claim or action as a result of York Region releasing conditions and pre-conditions of draft approval as part of the draft approval of Plan of Subdivision File 19T-12V006, or any phase thereof, by the City of Vaughan, including, but not limited to claims or actions resulting from, water or sanitary sewer service not being available when anticipated. The agreement shall include a provision that requires all subsequent purchasers of the subject lands, who are not end users, to enter into a separate agreement with York Region as a condition of the agreement of purchase and sale, agreeing to indemnify York Region on the same terms and conditions as the Owner.
92. Prior to final approval, the Owner shall provide a copy of the Subdivision Agreement to the Transportation and Community Planning Department, outlining all requirements of the Transportation and Community Planning Department.
93. The Owner shall enter into an agreement with York Region, agreeing to satisfy all conditions, financial and otherwise, of the Regional Corporation; Regional Development Charges are payable prior to final approval in accordance with By-law # 2012-36.

## Canada Post

94. The Owner shall agree to:

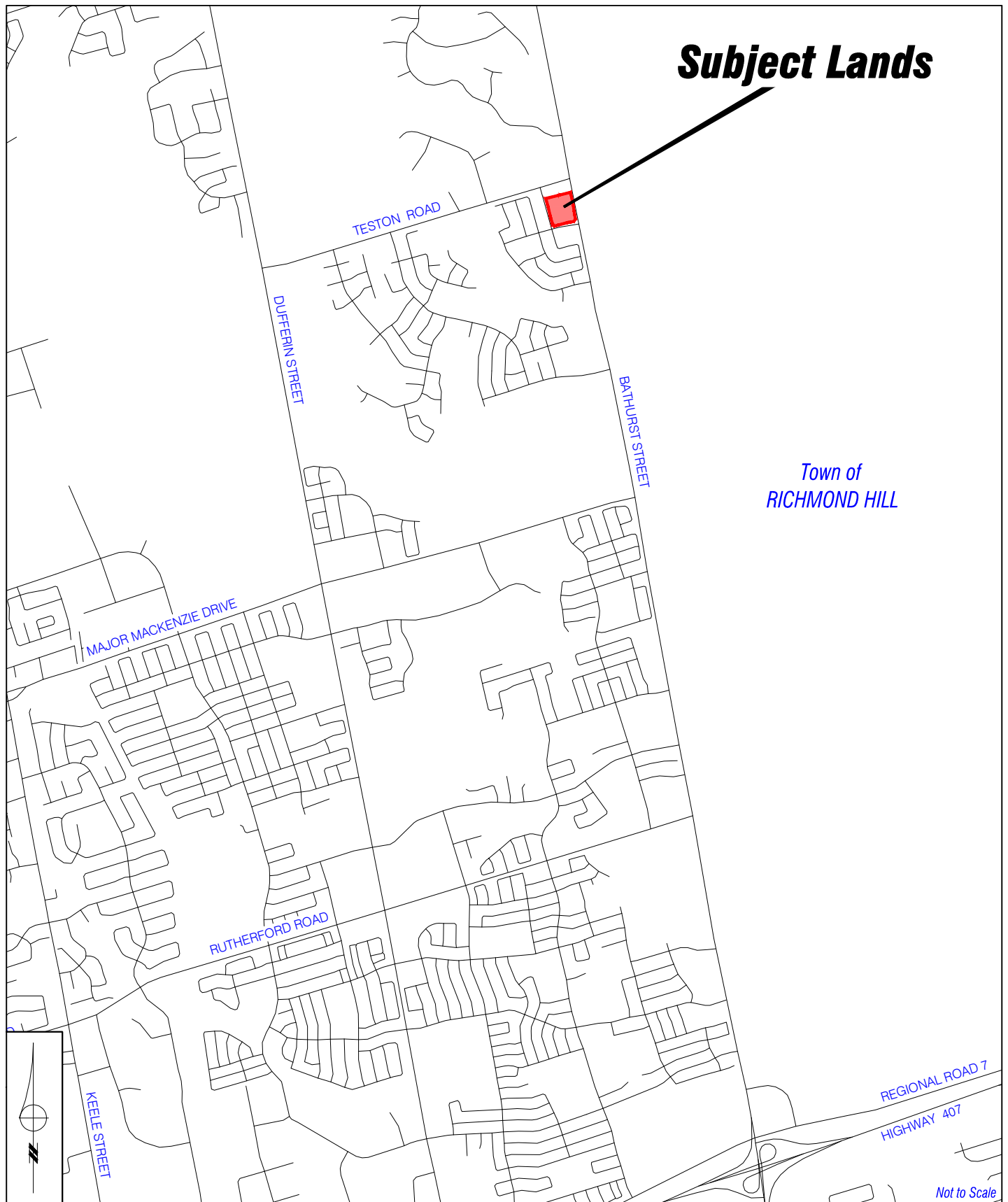
- a) provide the following for each community mailbox site, as shown on the servicing plans:
  - i) a sidewalk section (concrete pad), as per municipal and Canada Post standards, to support the mailboxes;
  - ii) any required walkway across the boulevard, as per municipal standards;
  - iii) any required curb depressions; and,
  - iv) Multiple Blocks will have the appropriate Canada Post Delivery Policy applied as the required information becomes available and it is requested that information be provided to Canada Post by the Developer.
- b) provide a suitable temporary community mailbox location(s) until the curbs, sidewalks and final grading have been completed at the permanent location(s);
- c) the Owner/developer further agrees to determine and provide and fit up a suitable temporary Community Mailbox location that may be utilized by Canada Post until the permanent mailbox pads, curbs, sidewalks and final grading have been completed at the permanent CMB site locations. This will enable Canada post to provide mail service to new residences as soon as homes are occupied;
- d) the Owner/developer further agrees to fit up the temporary area 30 to 60 days prior to the first occupancy and notify Canada Post for the first occupancies at this time;
- e) the Owner/developer agrees to include on all offers of Purchase and Sale or Lease a statement that advises the prospective purchaser that mail delivery will be from a designated Community Mailbox;
- f) the Owner/developer will be responsible for officially notifying the purchasers of the exact Community Mailbox locations prior to the closing of any home sales with specific clauses in the Purchase offer on which the homeowner does sign off; and,
- g) provide a copy of the executed agreement to Canada Post.

## Other Conditions

95. Final approval for registration may be issued in phases to the satisfaction of the City, subject to all applicable fees provided that:

- a) phasing is proposed in an orderly progression, in consideration of such matters as the timing of road improvements, infrastructure, schools and other essential services; and,

- b) all government agencies agree to registration by phases and provide clearances, as required in Conditions 1 to 94 inclusive, for each phase proposed for registration; furthermore, the required clearances may relate to lands not located within the phase sought to be registered.
- 96. The City shall advise that Conditions 1 to 57 inclusive, have been satisfied; the clearance letter shall include a brief statement detailing how each condition has been met.
  - 97. The Regional Municipality of York shall advise that Conditions 58 to 93 inclusive, have been satisfied; the clearance letter shall include a brief statement detailing how each condition has been met.
  - 98. Canada Post shall advise that Condition 94 has been satisfied; the clearance letter shall include a brief statement detailing how the condition has been met.



## Context Location Map

LOCATION:  
Part Lot of 25, Concession 2

APPLICANT:  
Nonnodesto Income Inc.

N:\DFT\1 ATTACHMENTS\Z\z.12.031.dwg

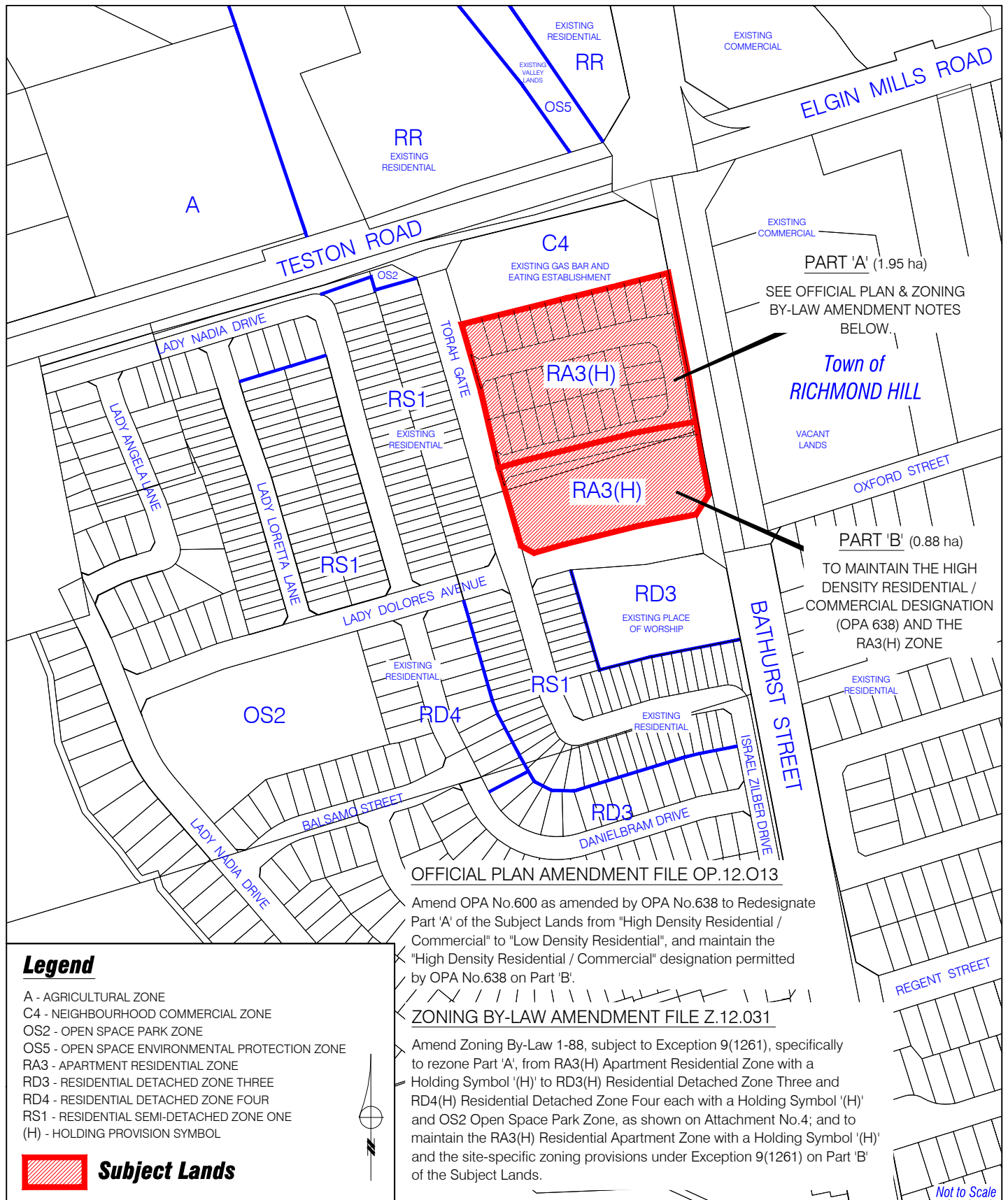


## Attachment

FILES:  
OP.12.013, Z.12.031, 19T-12V006

DATE:  
March 08, 2013

2



## Location Map

LOCATION:  
Part Lot of 25, Concession 2

APPLICANT:  
Nonnodesto Income Inc.

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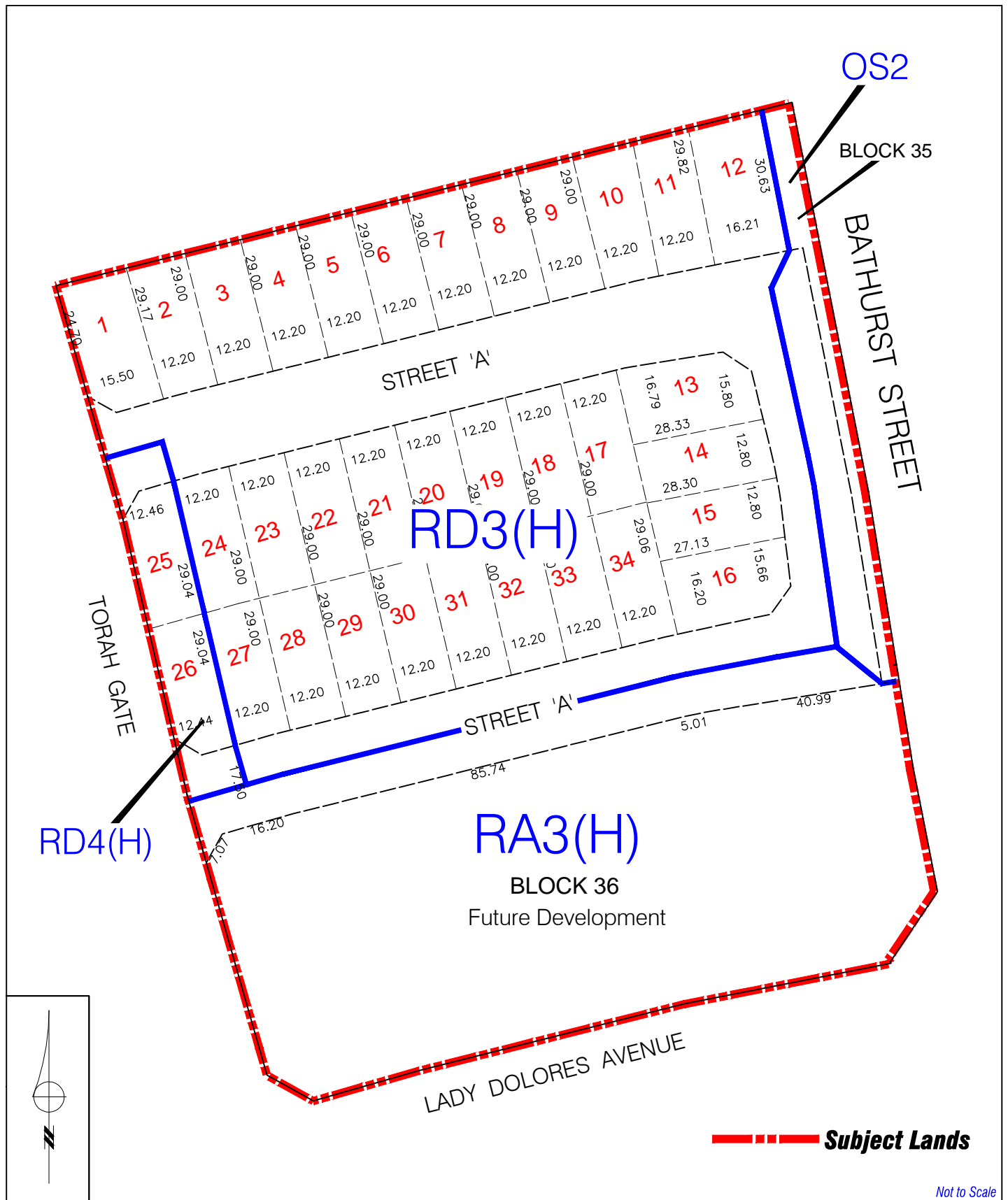


## Attachment

FILES:  
OP.12.013, Z.12.031, 19T-12V006

DATE:  
March 08, 2013

3



# Proposed Zoning & Draft Plan of Subdivision File 19T-12V006

LOCATION:  
Part Lot of 25, Concession 2

APPLICANT:  
Nonnodesto Income Inc.



## Attachment

FILES:  
OP.12.013, Z.12.031, 19T-12V006

DATE:  
March 08, 2013

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