

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF MAY 14, 2013

Item 21, Report No. 19, of the Committee of the Whole, which was adopted, as amended, by the Council of the City of Vaughan on May 14, 2013, as follows:

By receiving the following Communications:

C14. Ms. Sabrina Niceforo, Kipling Avenue, Vaughan, dated May 13, 2013; and

C18. Director of Development Planning, dated May 14, 2013.

21

OFFICIAL PLAN AMENDMENT FILE OP.12.017

ZONING BY-LAW AMENDMENT FILE Z.12.038

DRAFT PLAN OF SUBDIVISION FILE 19T-12V010

KIPCO LANDS DEVELOPMENTS LTD.

WARD 2 - VICINITY OF KIPLING AVENUE AND MEETING HOUSE ROAD

The Committee of the Whole recommends approval of the recommendation contained in the following report of the Commissioner of Planning, dated April 30, 2013:

Recommendation

The Commissioner of Planning recommends:

1. THAT Official Plan Amendment File OP.12.017 (Kipco Lands Developments Ltd.) BE APPROVED, to re-designate the subject lands shown on Attachments #2 and #3 from "High Density Residential Neighbourhood", "Mid Density Mixed Use", and Parkettes" as shown on Attachment #6 to "Mid Density Mixed Use" to facilitate the development of 56 townhouse units, 1 detached unit, 1 semi-detached unit, and the preservation of 1 heritage dwelling and 2 contributing heritage dwellings, as shown on Attachment #4.
2. THAT Zoning By-law Amendment File Z.12.038 (Kipco Lands Developments Ltd.) BE APPROVED, specifically to amend Zoning By-law 1-88 to:
 - a) rezone the subject lands shown on Attachments #2 and #3 from R3 Residential Zone to RM2(H) Multiple Residential Zone and R4(H) Residential Zone each with the addition of the Holding Symbol "(H)" and R3 Residential Zone, in the manner shown on Attachment #4, together with the site-specific zoning exceptions identified in Table 1 of this report; and,
 - b) that the Holding Symbol "(H)" shall not be removed from the lands zoned R4(H) Residential Zone and RM2(H) Multiple Residential Zone, as shown on Attachment #4, until Vaughan Council identifies and allocates water supply and sewage servicing capacity to the subject lands.
3. THAT Draft Plan of Subdivision File 19T-12V010 (Kipco Lands Developments Ltd.) as shown on Attachment #5, BE APPROVED, to facilitate a Draft Plan of Subdivision for 4 residential blocks and 1 residential lot, subject to the Conditions of Draft Approval set out in Attachment #1 to this report.
4. THAT the Subdivision Agreement for Draft Plan of Subdivision File 19T-12V010 include the following condition:

"The Owner shall pay to 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,

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF MAY 14, 2013

Item 21, CW Report No. 19 – Page 2

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 Goal and Objective of Green Directions Vaughan:
Goal 4: To create a vibrant community where citizens, businesses and visitors thrive.

Objective 4.1: To foster a City with strong social cohesion, and engaging arts scene, and a clear sense of its culture and heritage.

In accordance with the goal and objective 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) high efficiency fixtures, fittings and appliances (e.g.: dual flush toilets, low flow shower heads and faucets);
- ii) HVAC equipment that uses no CFC refrigerants;
- iii) to the extent possible, use of building materials and products that are extracted and manufactured within the region;
- iv) low E double glazed windows; and,
- v) high efficiency furnaces, air conditioning units and bathroom fans.

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 land owners within 150 m of the subject lands, the West Woodbridge Homeowners Association, and to those individuals requesting notification.

At the Public Hearing on November 27, 2012, several residents expressed the following concerns in opposition of the applications:

- i) the parkette should not be removed;
- ii) the proposed dwellings are too high and will result in shadows on the adjacent lands;
- iii) an insufficient number of visitor parking spaces are proposed;
- iv) the two, 100 year old trees located along the north property line (behind 8248 Kipling Avenue) should be maintained;
- v) the existing garage located behind 8248 Kipling Avenue should be maintained; and,
- vi) the proposal will result in increased traffic in the area.

In addition, two letters were received prior to the Public Hearing:

A letter was submitted from a landowner on Powesland Crescent that expressed concerns about the proposed development and the impact it will have on the existing traffic in the area. The landowner strongly opposed this form of development as it changes the character of the neighbourhood.

Another letter was submitted by a representative of the West Woodbridge Homeowners Association, which expressed support for the proposed development stating that it meets the

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF MAY 14, 2013

Item 21, CW Report No. 19 – Page 3

intent of the Growth Plan and Provincial Policy Statement and is in keeping with the policies contained in OPA #695 (Kipling Avenue Corridor Plan). The individual also indicated that the Owner has met with the Association to discuss and resolve their concerns.

A letter was also received after the Public Hearing from an individual representing the adjacent landowner to the west (Canuck Properties). The letter indicated that there was an oversight in the Public Hearing report, which should have identified that the Official Plan Amendment Application will also result in the removal of the “High Density Residential Neighbourhood” designation and the deletion of a north/south road identified in OPA #695 on the subject lands, as shown on Attachment #6.

The recommendation of the Committee of the Whole to receive the Public Hearing report of November 27, 2012, was ratified by Vaughan Council on December 11, 2012.

Purpose

The Owner has submitted the following applications on the subject lands shown on Attachments #2 and #3, to facilitate the residential development of 56 freehold townhouse units and 1 detached unit served by a private condominium road and visitor parking, a semi-detached unit, and 1 heritage dwelling and 2 heritage contributing dwellings as shown on Attachment #4:

1. Official Plan Amendment File OP.12.017, specifically to amend in-effect OPA #240 (Woodbridge Community Plan), as amended by OPA #695 (Kipling Avenue Corridor Plan) to redesignate the subject lands from “High Density Residential Neighbourhood”, “Mid Density Mixed Use” and “Parkette” to “Mid Density Mixed Use”.
2. Zoning By-law Amendment File Z.12.038 to amend Zoning By-law 1-88, specifically to rezone the subject lands from R3 Residential Zone to R3 Residential Zone (existing heritage dwelling) and R4(H) Residential Zone (for semi-detached dwelling) and RM2(H) Multiple Residential Zone (for 56 townhouse dwellings and one detached dwelling) each with the addition of the Holding Symbol “(H)” in the manner shown on Attachment #4, together with the site-specific exceptions to Zoning By-law 1-88 as identified in Table 1 of this report.
3. Draft Plan of Subdivision File 19T-12V010 to facilitate a plan of subdivision consisting of 4 residential blocks and 1 residential lot as shown on Attachment #5, to facilitate the future development of the subject lands with the following:

Block 2 – Townhouse and one detached unit	- 57 units (freehold)	1.0175 ha
Block 3 - 1 semi-detached and 2 detached units	- 4 units	0.1059 ha
Block 4 - Road widening/Sight Triangle		0.0310 ha
Block 5 - 0.3 m Reserve		0.0002 ha
<u>Lot 1 – Freehold Detached Dwelling Unit (existing) - 1 unit</u>		<u>0.0560 ha</u>
Total	62 units	1.2106 ha

Background - Analysis and Options

The subject lands shown on Attachments #2 and #3 are located on the west side of Kipling Avenue, south of Gordon Drive, and east of the Canadian Pacific Railway line, and are comprised of the properties municipally known as 8222, 8228, 8234, 8238, 8246 and 8248 Kipling Avenue, in the City of Vaughan.

The 1.2106 ha property represents an assembly of 6 residential lots with a combined frontage of 99 m on Kipling Avenue. The lands are currently developed with residential dwellings and several detached garages and storage buildings. Two of the existing residential dwellings (8228 and 8236 Kipling Avenue) are located on Block 3, and 8248 Kipling Avenue is located on Lot 1,

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF MAY 14, 2013

Item 21, CW Report No. 19 – Page 4

as shown on Attachment #5. 8228 Kipling Avenue is a heritage dwelling registered under the Ontario Heritage Act, and 8236 and 8248 Kipling Avenue are considered to be heritage contributing dwellings.

Land Use Policies/Planning Considerations

The Vaughan Development Planning Department has reviewed the Official Plan and Zoning By-law Amendment and Draft Plan of Subdivision applications in consideration of the following land use policies:

Provincial Policy Statement 2005 (PPS)

The Provincial Policy Statement (PPS) provides policy direction on matters of Provincial interest related to land use planning and development, and sets the policy foundation for regulating the development and use of land. The PPS includes policies that direct new growth to urban areas which contributes to the creation of strong and safe communities, healthy environments and long term economic growth.

Policy 1.1.1 states (in part) that healthy, liveable and safe communities are sustained by:

- i) promoting efficient development and land use patterns which sustain the financial well-being of the province and municipalities over the long term;
- ii) accommodating an appropriate range of housing mix of residential, employment (including industrial, commercial and institutional uses), recreational and open space uses to meet long-term needs;
- iii) avoiding development and land use patterns which may cause environmental or public health and safety concerns;
- iv) avoiding development and land use patterns which would prevent the efficient expansion of settlement areas in those areas which are adjacent or close to settlement areas; and,
- v) promoting cost effective development standards to minimize land consumption and servicing costs.

The PPS promotes a full range of housing types and densities to meet projected demographic and market requirements of current and future residents, by ensuring all forms of residential intensification in parts of built-up areas have sufficient infrastructure to create a potential supply of new housing units. The PPS is supportive of intensification that is planned and coordinated within built-up areas that have a compact form, mix of uses and densities that allow for the efficient use of land, infrastructure and public service facilities.

The Development Planning Department is satisfied that the applications will facilitate the reuse and development of an underutilized parcel of land that meets the intent of the PPS with respect to efficient use of land and infrastructure, and providing a range of housing types on lands that are environmentally safe and will not compromise public safety.

Provincial Growth Plan-Places to Grow

The Province's Places to Grow Plan sets out a framework to provide overall leadership and guidance to municipalities as they plan for growth in their communities. The plan sets out policy on a wide range of issues including, managing growth, general intensification, infrastructure planning, among other policies. The plan states that intensification makes more efficient use of land by accommodating growth within existing urban areas and that intensification is the key to revitalizing city centres and making them more people focused and liveable. The inherent goal of the Growth Plan is to manage growth by directing and focusing it to a hierarchy of intensification

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF MAY 14, 2013

Item 21, CW Report No. 19 – Page 5

areas including urban growth centres, major transit stations, intensification corridors and local corridors. The proposed development conforms to the Provincial Growth Plan as it proposes development in an area designated for higher density development by the City's Official Plan.

Regional Official Plan (YROP)

The Region of York Official Plan (YROP) designates the subject lands as "Urban Area", which permits a wide range of residential, commercial, industrial and institutional uses. The objectives of the Regional Plan include targeting growth to existing built-up portions of urban areas, encouraging carefully planned intensification, and providing for a broad range of housing types. The proposed development is consistent with the policies of the Regional Official Plan.

In-effect City OPA #240 (Woodbridge Community Plan), as amended by OPA #695 (Kipling Avenue Corridor Plan)

The subject lands are designated "High Density Residential Neighbourhood", "Mid Density Mixed Use" and "Parkettes" by in-effect OPA #240 (Woodbridge Community Plan) as amended by OPA #695 (Kipling Avenue Corridor Plan), as shown on Attachment #6. The "Mid Density Mixed Use" designation permits street townhouse dwelling units with a maximum lot coverage of 50%, a maximum Floor Space Index (FSI) of 1.0, a minimum/maximum building height of 2 and 3 storeys, respectively, and a minimum building setback of 3.5 m. The "High Density Residential Neighbourhood" designation also permits townhouse units and provides for maximum/minimum building height of 6 storeys and 2 storeys, respectively, a minimum lot coverage of 80%, a maximum density of 2.5 FSI and a minimum building setback of 3.0 m. The "Parkettes" designation permits parks, playground and open space uses.

The Owner is proposing to amend in-effect OPA #240 (Woodbridge Community Plan) as amended by OPA #695 (Kipling Avenue Corridor Plan) to redesignate the subject lands from "High Density Residential Neighbourhood", "Mid Density Mixed Use" and "Parkettes" to "Mid Density Mixed Use" to permit freehold townhouse, semi-detached, and detached dwelling units, as shown on Attachment #4. The amendment would also have the effect of removing the "Parkettes" and "High Density Residential Neighbourhood" designations and a north/south road as identified in OPA #695 (Attachment #6) from the property.

a) Townhouse Dwellings

The "High Density Residential Neighbourhood" and "Mid Density Mixed Use" designation on the subject lands, would permit apartments (maximum 6 storeys), detached, semi-detached, street townhouse, and live-work units (maximum of 3 storeys). The applicant is proposing to re-designate the entirety of the subject lands to "Mid Density Mixed Use", thereby restricting the built form to townhouse, detached and semi-detached units on the site with a maximum building height of 3 storeys. The Development Planning Department supports the redesignation of the subject lands as the proposed townhouse, semi-detached and detached dwellings represent a built form that is compatible with the existing area, and the proposed development introduces a mix of housing types into the area and preserves an existing heritage dwelling and two heritage contributing structures, which maintains the character of the area.

b) Parkette

The Owner is proposing to delete the "Parkete" designation from the subject lands, and to retain a heritage dwelling (8228 Kipling) and two heritage contributing dwellings (8236 and 8248 Kipling) to preserve the heritage character of the area. Two of these dwellings (8228 and 8236 Kipling Avenue) are located on the "Parkette" designation. 8228 Kipling Avenue is registered under the Ontario Heritage Act, as it reflects Edwardian Classicism architecture. Kipling Avenue has the highest concentration of heritage resources within the corridor, and therefore, the preservation of

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF MAY 14, 2013

Item 21, CW Report No. 19 – Page 6

existing heritage structures is important to retain the built heritage of the area. The Vaughan Cultural Services Division commends the applicant for the incorporation and preservation of these homes, including 8228 Kipling Avenue into the proposed development, as shown on Attachment #7.

The Vaughan Parks Development Department has reviewed the applications and have no objections to the proposal, including the removal of the parkette. The proposed private amenity space/tot lot will provide outdoor common space for the future residents of this development. Cash-in-lieu of parkland will be required in accordance with the City's current cash-in-lieu policy.

c) Deletion of the North/South Road

OPA #695 identifies a north/south road entirely on the subject lands as shown on Attachment #6. The road is intended to provide access to the subject lands from an internal future public road (under private ownership) in order to encourage comprehensive development with adjacent lands to the west.

The Owner is proposing to delete this road as part of the proposed development. The north/south road would be located entirely on the subject lands as identified in OPA #695, and bisect the property into two unequal parts and utilize developable land area. The Development Planning Department can support the deletion of the road since the lands to the west (Canuck Properties) will maintain frontage on the current private driveway extending west from Kipling Avenue, south of the subject lands. The road was also intended to provide the subject lands with alternate access thereby limiting the number of driveways on Kipling Avenue. However, given that three dwellings are being preserved with existing driveways onto Kipling Avenue, the proposed road would not serve this intended purpose. The Vaughan Development/Transportation Engineering Department has also advised that they have no objection to the deletion of this road.

The New City Of Vaughan Official Plan 2010 (VOP 2010)

The subject lands are designated 'Low Rise Mixed Use', "Mid-Rise Residential" and "Parkettes" by the new City of Vaughan Official Plan 2010 (VOP 2010), which was adopted by Vaughan Council on September 7, 2010 (as modified September 27, 2011, March 23, 2012, and April 17, 2012) as further modified and endorsed by the Region of York Council on June 28, 2012, and is pending approval from the Ontario Municipal Board. The policies of OPA #695 were incorporated into Volume 2 of VOP 2010 (Section 11.5) as an area specific amendment, and therefore, would require the same amendments as the in-effect Official Plan to implement the proposed development. The proposal does not conform to VOP 2010. Should Council approve the site-specific Official Plan Amendment application, a modification to Volume 2 of VOP 2010 will be necessary to include the site-specific amendments to recognize the development approvals granted.

Zoning

The subject lands are zoned R3 Residential Zone by Zoning By-law 1-88 as shown on Attachment #3, which does not permit the proposed mid-rise residential development. A Zoning By-law Amendment is required to rezone the subject lands to R3 Residential Zone (detached dwellings), and R4(H) Residential Zone (semi-detached dwellings) and RM2(H) Multiple Residential Zone (townhouse dwellings) each with the addition of the Holding Symbol "(H)" in the manner shown on Attachment #4, together with the following site-specific zoning exceptions:

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF MAY 14, 2013

Item 21, CW Report No. 19 – Page 7

Table 1

	By-law Standard	By-law 1-88, RM2 Multiple Residential Zone Requirements	Proposed Exceptions to RM2 Multiple Residential Zone (Block 2 on Attachment #5)
a.	Permitted Uses	<ul style="list-style-type: none"> ▪ Block Townhouse Dwelling ▪ Apartment Dwellings ▪ Multiple Family Dwellings 	Permit 56, 3-storey freehold Townhouse Dwelling Units and one detached dwelling unit on a Private (Common Element) Condominium Road
b.	Minimum Front Yard	i) 4.5 m, provided the minimum setback to a garage facing a lot line is 6.4 m ii) 4.5 m (detached unit)	i) 4.0 m, provided the minimum setback to a garage facing a lot line is 6.0 m ii) 2 m to the detached unit and 1 m to the sight triangle
c.	Minimum Rear Yard Setback	4.5 m	1.45 m (Block 1)
d.	Minimum Interior Side Yard Setback (Blocks 2,3,7,8 east lot line) and(Block 9 west lot line abutting amenity space)	1.5 m	1.25 m
e.	Minimum Lot Area Per Unit	230 m ² /unit	110 m ² /unit
f.	Minimum Visitor Parking Requirement	86 visitor spaces @ 0.25 visitor spaces/unit = 15 spaces	14 visitor parking spaces
g.	Minimum Parking Space Size	2.7 m x 6.0m	2.7 m x 5.8 m
h.	Minimum Landscape Strip Width Around the Periphery of an Outdoor Parking Area	3.0 m	1.2 m

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF MAY 14, 2013

Item 21, CW Report No. 19 – Page 8

	By-law Standard	By-law 1-88, RM2 Multiple Residential Zone Requirements	Proposed Exceptions to RM2 Multiple Residential Zone (Block 2 on Attachment #5)
i.	Definition of a Lot	Means a parcel of land fronting on a street separate from any abutting land to the extent that a Consent contemplated by Section 49 of the Planning Act, RSO 1983 would not be required for its conveyance. For the purpose of this paragraph, land defined in an application for building permit shall be deemed to be a parcel of land and a reserve shall not form part of the street.	For the purpose of zoning compliance, the subject lands shall be deemed to be one lot, regardless of the number buildings constructed on the lot by plan of condominium, part lot control, consent, and any easements or restrictions.
j.	Accessory Uses Buildings and Structures	Accessory buildings for the individual lots shall be located in the rear yard	For the purpose of the freehold townhouse units, the rear yard shall be based on the individual freehold lot
	By-law Standard	By-law 1-88, R3 Residential Zone Requirements	Proposed Exceptions to the R3 Residential Zone Lot 1 and Block 3 – Existing Detached Dwellings as shown on Attachment #5
a.	Minimum Front Yard Setback	11 m	0 m to steps/porch and 2.0 m to dwelling (existing dwellings 8238, 8228 and 8248 Kipling Avenue)
b.	Minimum Exterior Side Yard To the Dwelling	4.5 m	8248 Kipling Avenue 1.0 m 8238 Kipling Avenue 2.0 m 8228 Kipling Avenue - 2.0 m

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF MAY 14, 2013

Item 21, CW Report No. 19 – Page 9

	By-law Standard	By-law 1-88, R3 Residential Zone Requirements	Proposed Exceptions to the R3 Residential Zone (Lot 1 and Block 3 – Existing Detached Dwellings as shown on Attachment #5)
c.	Minimum Rear Yard Setback (Dwelling)	7.5 m	4.5 m (8228 Kipling Avenue) 5.0m (8248 Kipling Avenue) 0 m to deck (8248 Kipling Avenue) 1 m to deck/patio (8238 Kipling Avenue)
d.	Minimum Rear Yard (Garage)	7.5 m	8228 and 8238 Kipling Avenue = 0.5 m
e.	Minimum Distance Between A Detached Garage in the Rear Yard and the Nearest Wall of the Dwelling	6.0 m	4.5 m (8238 Kipling Avenue) 1.0 m (8228 Kipling Avenue)
f.	Minimum Parking Required	3 spaces for lots greater than 11 m and 2 spaces for lots 11 m or less	2.0 spaces for a residential lot with a frontage greater than 11 m (8228, 8238 and 8248 Kipling Avenue)
g.	Minimum Interior Side Yard to Garage	1.2 m	0.0m for garages (8238 and 8228 Kipling Avenue)
h.	Minimum Lot Area per unit	360 m ² /unit	325 m ² /unit
	By-law Standard	By-law 1-88, R4 Residential Zone Requirements	Proposed Exceptions to the R4 Residential Zone (Block 3 – Semi-Detached unit as shown on Attachment #5)
a.	Minimum Lot Area Per Unit	270 m ² /unit	250 m ² /semi-detached unit
b.	Minimum Rear Yard	7.5 m	5.0 m (dwelling) and 0.35 m (garage)

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF MAY 14, 2013

Item 21, CW Report No. 19 – Page 10

c.	Minimum Distance Between a Detached Garage in the Rear Yard and the Nearest Wall of the Dwelling	6.0 m	1.1 m
d.	Minimum Parking Requirement	3 spaces for lots greater than 11 m and 2 spaces for lots 11 m or less	2.0 spaces for a residential lot with a frontage greater than 11 m
e.	Minimum Interior Side Yard (Garage)	1.2 m	0.0 m
f.	Minimum Front Yard Setback	4.5 m	1.5 m to porch and 3m to dwelling

The proposed zoning exceptions would facilitate a development that is compatible with the existing and planned residential built form in the area. The reduction to the minimum setback from a garage from 6.4 m to 6.0 m, the reduced landscape strip around the outdoor parking area from 3 m to 1.2 m, the reduction of 1 visitor parking space from 15 spaces to 14 spaces and the minimum lot area per unit from 230 m² to 110 m² for the townhouse development are considered minor in nature, and consistent with other approvals in the area, and will not adversely impact the development of adjacent properties. The reduction in the minimum lot area per unit for both the detached and semi detached units applies to interior lots and for the existing heritage structures. The reduced lot area is similar to other condominium townhouse developments in the area and other parts of the City. The remainder of the zoning exceptions including setbacks and parking reductions relate to the R3 and R4 zoned lands and the preservation of the existing and contributing heritage dwellings. Exceptions respecting the definition of a lot and location of the accessory structures will facilitate future development of the site as a common element condominium.

The Development Planning Department can support the proposed rezoning of the property and the required site-specific exceptions to By-law 1-88, in order to implement the proposed development.

Subdivision Design

The proposed development is intended to function as a common element condominium block, and through the Draft Plan of Subdivision, the Owner is proposing to create 4 residential blocks and 1 residential lot under a Registered Plan of Subdivision (Attachment #5). The registered plan will facilitate a future Part Lot Control application for the creation of a development block comprised of 56 freehold townhouse units and 1 detached dwelling, and amenity and visitor parking areas served by a private common element condominium road. A Lot and 3 Blocks will also be created to facilitate the semi-detached unit, the heritage dwelling, and the two heritage contributing dwellings. The Development Planning Department has no objection on the design of the Draft Plan of Subdivision as shown on Attachment #5, subject to the conditions of draft approval shown on Attachment #1.

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF MAY 14, 2013

Item 21, CW Report No. 19 – Page 11

Proposed Site Plan

The proposed site plan shown on Attachment #4 includes 2 access points from Kipling Avenue into the site to serve the townhouse units and one detached dwelling located at the southeast corner of the property, which is required to obtain driveway access from the private internal road rather than from Kipling Avenue for traffic safety reasons. One heritage dwelling, two heritage contributing dwellings, and a semi-detached unit, each with private driveway access from Kipling Avenue, are also proposed.

The subject lands are bounded by an existing Industrial use to the west and south (Woodbridge Foam), and by low rise residential detached dwellings to the north and east. The site plan includes 9 residential townhouse blocks served by a private internal road with access to Kipling Avenue. A total of 56 townhouse units are proposed utilizing a traditional design with rear yard amenity areas. The visitor parking area is organized within the interior of the site abutting the industrial lands to the west and not visible from Kipling Avenue.

At the Public Hearing, certain residents indicated that the developer should save two significant trees and a garage located behind 8248 Kipling Avenue. Townhouse Block 2 has been sited in a manner that would require the removal of two significant trees and the garage. The residents at the Public Hearing indicated that these trees were over 100 years old and in good condition and should therefore be saved. The applicant provided an Arborist report prepared by a certified Arborist to assess the condition of the two trees (Silver Maple and English Walnut trees) to determine whether the preservation of these trees is warranted. The report concluded that both the Silver Maple tree and an English Walnut tree were in poor condition and that preservation is not warranted. City Staff has reviewed the report and concur with this recommendation.

The Development Planning Department is satisfied with the proposed site plan design, but will continue to work with the applicant to perfect the plan through the Site Plan Approval process.

a) Building Elevations

The Owner is proposing typical 3-storey townhouse designs for the 9 residential blocks, each with a different architectural treatment as shown on Attachment #8. The townhouse units are proposed to be constructed using brick as the main building façade with a corresponding colour scheme for each model. The building elevations have been reviewed by the Cultural Services Division and the Development Planning Department and are generally acceptable. However, a detailed review of the proposed townhouse building elevations will be undertaken through the Site Plan Approval process.

b) Urban Design Comments

The applicant will be required to provide outdoor furniture, such as seating, bicycle rings and a waste and recycling bin for the proposed amenity area. The applicant should also preserve as much existing vegetation as possible, specifically larger caliper trees. No trees on neighbouring properties should be removed. The applicant is also advised to enhance the architectural quality of the side and rear elevations to the level of the front façade in terms of materials and articulation.

Vaughan Development/Transportation Engineering Department

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

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF MAY 14, 2013

Item 21, CW Report No. 19 – Page 12

i) Servicing Capacity Allocation

In accordance with the City's Servicing Capacity Distribution Protocol, which was adopted by Vaughan Council on June 26, 2012, servicing allocation capacity for the proposed development has not been reserved nor assigned potential future capacity at this time. Therefore, servicing allocation capacity is currently not available to support the proposed development. The City intends to undertake an annual review of the status of the available and unused servicing capacity affecting the Distribution Protocol. The availability of servicing allocation capacity for this application may be revisited at this time based on the status of the subject development applications.

ii) Storm Water Management

The Functional Servicing Report (FSR) submitted by the applicant dated August 2012, as prepared by C.F. Crozier and Associates Inc., indicates that the proposed development will be connected to an existing 375 mm diameter storm sewer on Kipling Avenue via a new storm sewer. A 1200 mm diameter concrete storm sewer is proposed to service the development via a connection at the south leg of the proposed driveway/access to the existing storm sewer. The storm sewer will provide storage and will release flows based on pre-development flows via an orifice tube. Stormwater quality will be treated on-site with an oil-grit separator located prior to the control manhole. The internal storm drainage system for the site will consist of private underground storm water sewers. All site drainage shall be self-contained and all drainage controlled.

iii) Sanitary Servicing

According to the FSR, the proposed development will connect to the existing 200 mm diameter sanitary sewer on Kipling Avenue via a new sanitary manhole. A 200 mm diameter PVC sanitary sewer is proposed to service the development via a connection at the south leg of the proposed driveway/access to the existing sanitary sewer. In order to provide gravity flow from the development, approximately 21 metres of new pipe is proposed to replace an existing sanitary sewer at a lower elevation, within the Kipling Avenue right-of-way, from the new manhole running south to an existing manhole on the north side of the future Rainbow Creek Drive. The internal sanitary drainage system for the site will consist of private underground sanitary sewers.

The sanitary servicing scheme will be analyzed in detail as per the City's city-wide servicing master plan updates, and the FSR revised accordingly.

iv) Road Network

Access to the units will be from a proposed common element condominium driveway with two full movement accesses to Kipling Avenue.

Kipling Avenue could be classified as a Minor Collector Road and as per City Standards, a 5 m x 5 m daylight triangle is required at the intersection of a Local Road with a Minor Collector Road. In accordance with OPA #695, a future right-of-way of 26 m for Kipling Avenue is required with wider boulevards on both sides supporting a 5 m x 5 m daylight triangle.

v) Water Servicing

The proposed development is part of Pressure District 4. The existing watermain system consists of a piped municipal system with a 150 mm diameter watermain on the east side of Kipling Avenue. The FSR proposes a 150 mm diameter PVC watermain to service the development and connect to the municipal system at the south leg of the proposed driveway/access. The developer shall provide a secondary connection in order to loop the system at the north leg. The Public Works Department will be conducting a verification of the watermain on Kipling Avenue.

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF MAY 14, 2013

Item 21, CW Report No. 19 – Page 13

vi) Environmental

A Phase 1 Environmental Evaluation (March 1, 2013), and a “Geotechnical Investigation”, (February 25, 2013), as prepared by Bruce A. Brown Associates Limited, for the proposed residential redevelopment were reviewed and found to be acceptable by the Development/Transportation Engineering Department. No further environmental requirements are noted at this time.

vii) Environmental Noise Impact

The Owner has provided a preliminary Environmental Noise Assessment and a Railway Vibration Analysis both dated September 27, 2012, prepared by Valcoustics Canada Ltd. that identify noise sources that will impact the development as railway noise from the CP railway and roadway noise from Kipling Avenue. The reports provide recommendations that include typical measures to develop the proposed units and mitigate the noise sources such as acoustic barriers, air conditioning, warning clauses and upgraded building components and foundations.

The applicant is required to submit final noise and railway vibration reports for review and approval by the City as part of the detailed engineering submission when grading design is typically established. The City requires all dwelling units that abut or face a railway and/or arterial roads such as Kipling Avenue shall be constructed with mandatory central air-conditioning. All required acoustic barriers abutting public lands shall be constructed with all berming and/or fencing material, including foundations, completely on private lands and totally clear of any 0.3m road reserve.

viii) Lot Grading (Topography)

The proposed grading of the site and lot grading shall satisfy the City's current lot grading criteria.

ix) Street Lighting

The street-lighting design shall meet the City criteria.

x) Municipal Servicing Agreement

An agreement is required for the provision of the municipal services.

Vaughan Parks Development Department

The Vaughan Parks Development Department has reviewed the conceptual site plan and Draft Plan of Subdivision shown as Attachments #4 and #5, respectively, and is supportive of the proposed residential development.

Vaughan Real Estate Division

The Vaughan Legal Services Department, Real Estate Division, has indicated that the Owner shall pay to 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. A recommendation to this effect is provided in the report.

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF MAY 14, 2013

Item 21, CW Report No. 19 – Page 14

Vaughan Cultural Services Division/Heritage Vaughan Committee

The Vaughan Cultural Services Division has no objection to the applications, subject to the inclusion of the standard archaeological resources conditions requiring notification should archaeological resources and/or human remains be found on the property during grading or construction activities, and the Owner ceasing all grading or construction activities.

The applicant has submitted a Cultural Heritage Impact Assessment report prepared by Landplan Collaborative Ltd. which includes a review of the condition of the garages on Kipling Avenue, including the garage behind 8248 Kipling Avenue. The condition of the garages was reviewed by staff and included in a report to Heritage Vaughan at their meeting of March 20, 2013, at which time Heritage Vaughan approved the elevation drawings for the development and had no objection to the demolition of the garage structures, subject to a number of conditions including requiring the submission of final detailed architectural drawings for Cultural Services Division review and approval of the new semi-detached and detached dwelling units, that the applicant work with staff to finalize the design of the proposed garages and gable ends, and that material samples be submitted for Cultural Services Division approval. Many of the conditions outlined in Heritage Vaughan's recommendations can be addressed at the Site Plan approval stage.

Toronto and Region Conservation Authority (TRCA)

The Toronto and Region Conservation Authority (TRCA) has reviewed the applications and have indicated that the subject property is located within the Humber River watershed but does not appear to contain any natural features regulated under Ontario Regulation 166/06 (Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation). A Permit is not required from the TRCA for the proposed works. TRCA Staff have no objections to the applications subject to their Conditions of Subdivision Approval in Attachment #1.

Enbridge Gas Distribution

Enbridge Gas Distribution has reviewed the proposal and has no objections to the applications. Enbridge advises that at this time, there is not a commitment by Enbridge Gas Distribution to service this site, or to service this site by a given date or that there will be costs for servicing this site. The Owner is to contact the Enbridge Customer Connection Department at their earliest convenience to discuss the installation and clearance requirements for service and metering facilities. This requirement is included in the conditions of approval in Attachment #1.

Canada Post

Canada Post has no objections to the proposal subject to the Owner installing mail facilities and equipment to the satisfaction of Canada Post, which are subject to the Conditions of Approval in Attachment #1.

School Boards

The York Region District (Public) School Board, the York Region Catholic District School Board and the Conseil Scolaire de District Catholique Centre-Sud have advised that they have no objection to the proposal.

Canadian Pacific Railway Company (CP Railway)

CP Rail has reviewed the applications and have no objections subject to the Conditions of Subdivision Approval included in Attachment #1.

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF MAY 14, 2013

Item 21, CW Report No. 19 – Page 15

Relationship to Vaughan Vision 2020

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

Preserve Our Heritage and Support Diversity, Arts and Culture

The Owner is proposing to maintain one heritage dwelling (8228 Kipling Avenue) and two heritage contributing structures (8236 and 8248 Kipling Avenue) in the Kipling Heritage Conservation District.

Enhance and Ensure Community Safety/Health and Wellness

The proposed development is designed using Crime Prevention Through Environmental Design (CPTED) method. CPTED is based on the proper design and effective use of the built environment, leading to a reduction in the incidence of crime as well as an improvement in quality of life.

Plan and Manage Growth & Economic Vitality

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

Regional Implications

In a letter dated November 23, 2012, the Region of York Transportation and Community Planning Department indicated that the Official Plan Amendment application is exempt from approval by Regional Planning Committee and Council. This allows the Amendment to come into effect following its adoption by the City of Vaughan and the expiration of the required appeal period, if approved by Vaughan.

The Region of York has no objection to the approval of the Draft Plan of Subdivision application, subject to their conditions of approval included in Attachment #1.

Conclusion

The Vaughan Development Planning Department has reviewed the Official Plan and Zoning By-law Amendment and Draft Plan of Subdivision applications 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 residential development comprised of 56 freehold townhouse units and 1 detached dwelling unit on a private common element condominium road, a semi-detached unit and the maintenance of one heritage dwelling and two heritage contributing dwellings on the subject lands that is compatible with the surrounding existing and planned land uses.

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

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF MAY 14, 2013

Item 21, CW Report No. 19 – Page 16

Attachments

1. Conditions of Draft Approval
2. Context Location Map
3. Location Map
4. Proposed Site Plan and Zoning
5. Draft Plan of Subdivision File 19T-12V010
6. Schedule 3.0 (Land Use) to OPA #695
7. Kipling Streetscape
8. Proposed Typical Elevations

Report prepared by:

Eugene Fera, Planner, ext. 8064
Carmela Marrelli, Senior Planner, ext. 8791
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.)

Subject: FW: Council Meeting Scheduled for May 14th Kipco Lands Development

C	14
Item #	21
Report No.	19 (cw)
Council - May 14/13	

From: Niceforo, Sabrina [<mailto:Sabrina.Niceforo@tdsb.on.ca>]

Sent: Monday, May 13, 2013 6:45 PM

To: Farrugia, MaryLee; MacKenzie, John; Bevilacqua, Maurizio

Cc: Abrams, Jeffrey

Subject: FW: Council Meeting Scheduled for May 14th Kipco Lands Developments Ltd.

To: City of Vaughan officials

Re: Official Plan Amendment File OP.12.017

Zoning By-law Amendment File Z.12.038

Ward 2 Vicinity of Kipling Avenue and Meeting House Road

Portions redacted pursuant to Section
2.1 (9)(e) of the Procedural By-law .

As this item is going to council for approval at tomorrow's meeting, I was not notified of the committee of the whole April 30th meeting.

I am the immediate neighbour and did speak at the Nov 27th public hearing. I would like to have the council meeting scheduled for tomorrow to be adjourned in order for me to address my concerns that I was not given the opportunity to do so April 30th - Committee of the Whole meeting (no notification was sent) as I was not notified by the City of Vaughan. In reading documentation I feel that all the items I mentioned were not addressed.

As mentioned below, I am unable to attend tomorrow's meeting because of [REDACTED] and do not have ample time to send a representative in my place. Also, Mr. Abrams has not replied to my email and phone call sent earlier today.

Due to my state I will not have access tomorrow, please contact my husband, Nick Mossa at 416-[REDACTED] (a message can be left).

Please respond with due diligence,
Sabrina Niceforo

From: Niceforo, Sabrina

Sent: Monday, May 13, 2013 12:26 PM

To: jeffrey.abrams@vaughan.ca

Subject: Meeting Scheduled for May 14th

Dear Mr. Abrams,

My name is Sabrina Niceforo and I reside at 8258 Kipling Ave. I have been casually made aware of a committee meeting taking place on Tuesday May 14th regarding property directly beside my own.

I am curious to know why myself or my husband were not made aware of such a meeting as I believe I have the right to say my part at such an event. I feel that issues that I have addressed previously have not been reviewed to my satisfaction and I would like my say in this due process.

Unfortunately no one from the City of Vaughan has done their due diligence by informing me of such a committee meeting. At the same time, I am unable to attend the committee meeting on Tuesday May 14th because I have a [REDACTED] booked for 9:00 am on May 14th. I am unable to send anyone in my place with such short notice but would like and feel I have the right to my say before any decisions are made.

Please respond with due diligence,
Sabrina Niceforo

Subject:

FW: Meeting Scheduled for May 14th

C	18
Item #	21
Report No.	19 (cw)
Council - May 14/13	

From: Uyeyama, Grant

Sent: Tuesday, May 14, 2013 10:10 AM

To: 'Sabrina.Niceforo@tdsb.on.ca'

Cc: Abrams, Jeffrey; McEwan, Barbara; MacKenzie, John; Cribbett, Barbara; Fera, Eugene; Peverini, Mauro; Marrelli, Carmela

Subject: RE: Meeting Scheduled for May 14th

Hi Sabrina,

I have discussed your email with the City Planner. It is the Vaughan Development Planning Department's practice to send courtesy notifications of future Committee of the Whole meetings to members of the public who wrote in to the City with comments, requested notification, or spoke on deputation at a Public Hearing. The City Planner did send notice to the public for the April 30, 2013 Committee of the Whole meeting where the staff report is considered and the public may speak, however, unfortunately and regrettably, a notification to you was inadvertently missed. We do not send notice of the Council meeting (May 14, 2013) following the Committee of the Whole meeting as the public cannot speak at the Council meeting.

On behalf of the Vaughan Development Planning Department, I apologize to you for this inadvertent omission. I do want to let you know that the Department's staff report of April 30, 2013 provides our professional planning opinions and recommendations based on our comprehensive review of the Official Plan, Zoning By-law, surrounding land use context, and comments provided to us by City Departments and external public agencies, and comments heard and received in writing of the public and Members of Council at the Public Hearing. Should you wish to contact me, my contact information is provided below.

Respectfully,

GRANT A. UYEVAMA, MCIP, RPP
Director of Development Planning
Vaughan Development Planning Department

City of Vaughan, City Hall, 2nd Floor, North Loft
2141 Major Mackenzie Drive
Vaughan, Ontario, L6A 1T1
Phone: (905) 832-8585, Ext. 8635
Fax: (905) 832-6080
E-mail: grant.uyeyama@vaughan.ca

COMMITTEE OF THE WHOLE APRIL 30, 2013

**OFFICIAL PLAN AMENDMENT FILE OP.12.017
ZONING BY-LAW AMENDMENT FILE Z.12.038
DRAFT PLAN OF SUBDIVISION FILE 19T-12V010
KIPCO LANDS DEVELOPMENTS LTD.
WARD 2 - VICINITY OF KIPLING AVENUE AND MEETING HOUSE ROAD**

Recommendation

The Commissioner of Planning recommends:

1. THAT Official Plan Amendment File OP.12.017 (Kipco Lands Developments Ltd.) BE APPROVED, to re-designate the subject lands shown on Attachments #2 and #3 from “High Density Residential Neighbourhood”, “Mid Density Mixed Use”, and Parkettes” as shown on Attachment #6 to “Mid Density Mixed Use” to facilitate the development of 56 townhouse units, 1 detached unit, 1 semi-detached unit, and the preservation of 1 heritage dwelling and 2 contributing heritage dwellings, as shown on Attachment #4.
2. THAT Zoning By-law Amendment File Z.12.038 (Kipco Lands Developments Ltd.) BE APPROVED, specifically to amend Zoning By-law 1-88 to:
 - a) rezone the subject lands shown on Attachments #2 and #3 from R3 Residential Zone to RM2(H) Multiple Residential Zone and R4(H) Residential Zone each with the addition of the Holding Symbol “(H)” and R3 Residential Zone, in the manner shown on Attachment #4, together with the site-specific zoning exceptions identified in Table 1 of this report; and,
 - b) that the Holding Symbol “(H)” shall not be removed from the lands zoned R4(H) Residential Zone and RM2(H) Multiple Residential Zone, as shown on Attachment #4, until Vaughan Council identifies and allocates water supply and sewage servicing capacity to the subject lands.
3. THAT Draft Plan of Subdivision File 19T-12V010 (Kipco Lands Developments Ltd.) as shown on Attachment #5, BE APPROVED, to facilitate a Draft Plan of Subdivision for 4 residential blocks and 1 residential lot, subject to the Conditions of Draft Approval set out in Attachment #1 to this report.
4. THAT the Subdivision Agreement for Draft Plan of Subdivision File 19T-12V010 include the following condition:

“The Owner shall pay to 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 Goal and Objective of Green Directions Vaughan:

Goal 4: To create a vibrant community where citizens, businesses and visitors thrive.

Objective 4.1: To foster a City with strong social cohesion, and engaging arts scene, and a clear sense of its culture and heritage.

In accordance with the goal and objective 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) high efficiency fixtures, fittings and appliances (e.g.: dual flush toilets, low flow shower heads and faucets);
- ii) HVAC equipment that uses no CFC refrigerants;
- iii) to the extent possible, use of building materials and products that are extracted and manufactured within the region;
- iv) low E double glazed windows; and,
- v) high efficiency furnaces, air conditioning units and bathroom fans.

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 land owners within 150 m of the subject lands, the West Woodbridge Homeowners Association, and to those individuals requesting notification.

At the Public Hearing on November 27, 2012, several residents expressed the following concerns in opposition of the applications:

- i) the parkette should not be removed;
- ii) the proposed dwellings are too high and will result in shadows on the adjacent lands;
- iii) an insufficient number of visitor parking spaces are proposed;
- iv) the two, 100 year old trees located along the north property line (behind 8248 Kipling Avenue) should be maintained;
- v) the existing garage located behind 8248 Kipling Avenue should be maintained; and,
- vi) the proposal will result in increased traffic in the area.

In addition, two letters were received prior to the Public Hearing:

A letter was submitted from a landowner on Powesland Crescent that expressed concerns about the proposed development and the impact it will have on the existing traffic in the area. The landowner strongly opposed this form of development as it changes the character of the neighbourhood.

Another letter was submitted by a representative of the West Woodbridge Homeowners Association, which expressed support for the proposed development stating that it meets the intent of the Growth Plan and Provincial Policy Statement and is in keeping with the policies contained in OPA #695 (Kipling Avenue Corridor Plan). The individual also indicated that the Owner has met with the Association to discuss and resolve their concerns.

A letter was also received after the Public Hearing from an individual representing the adjacent landowner to the west (Canuck Properties). The letter indicated that there was an oversight in the Public Hearing report, which should have identified that the Official Plan Amendment Application will also result in the removal of the "High Density Residential Neighbourhood"

designation and the deletion of a north/south road identified in OPA #695 on the subject lands, as shown on Attachment #6.

The recommendation of the Committee of the Whole to receive the Public Hearing report of November 27, 2012, was ratified by Vaughan Council on December 11, 2012.

Purpose

The Owner has submitted the following applications on the subject lands shown on Attachments #2 and #3, to facilitate the residential development of 56 freehold townhouse units and 1 detached unit served by a private condominium road and visitor parking, a semi-detached unit, and 1 heritage dwelling and 2 heritage contributing dwellings as shown on Attachment #4:

1. Official Plan Amendment File OP.12.017, specifically to amend in-effect OPA #240 (Woodbridge Community Plan), as amended by OPA #695 (Kipling Avenue Corridor Plan) to redesignate the subject lands from "High Density Residential Neighbourhood", "Mid Density Mixed Use" and "Parkette" to "Mid Density Mixed Use".
2. Zoning By-law Amendment File Z.12.038 to amend Zoning By-law 1-88, specifically to rezone the subject lands from R3 Residential Zone to R3 Residential Zone (existing heritage dwelling) and R4(H) Residential Zone (for semi-detached dwelling) and RM2(H) Multiple Residential Zone (for 56 townhouse dwellings and one detached dwelling) each with the addition of the Holding Symbol "(H)" in the manner shown on Attachment #4, together with the site-specific exceptions to Zoning By-law 1-88 as identified in Table 1 of this report.
3. Draft Plan of Subdivision File 19T-12V010 to facilitate a plan of subdivision consisting of 4 residential blocks and 1 residential lot as shown on Attachment #5, to facilitate the future development of the subject lands with the following:

Block 2 – Townhouse and one detached unit	- 57 units (freehold)	1.0175 ha
Block 3 - 1 semi-detached and 2 detached units	- 4 units	0.1059 ha
Block 4 - Road widening/Sight Triangle		0.0310 ha
Block 5 - 0.3 m Reserve		0.0002 ha
<u>Lot 1 – Freehold Detached Dwelling Unit (existing) - 1 unit</u>		<u>0.0560 ha</u>
Total	62 units	1.2106 ha

Background - Analysis and Options

The subject lands shown on Attachments #2 and #3 are located on the west side of Kipling Avenue, south of Gordon Drive, and east of the Canadian Pacific Railway line, and are comprised of the properties municipally known as 8222, 8228, 8234, 8238, 8246 and 8248 Kipling Avenue, in the City of Vaughan.

The 1.2106 ha property represents an assembly of 6 residential lots with a combined frontage of 99 m on Kipling Avenue. The lands are currently developed with residential dwellings and several detached garages and storage buildings. Two of the existing residential dwellings (8228 and 8236 Kipling Avenue) are located on Block 3, and 8248 Kipling Avenue is located on Lot 1, as shown on Attachment #5. 8228 Kipling Avenue is a heritage dwelling registered under the Ontario Heritage Act, and 8236 and 8248 Kipling Avenue are considered to be heritage contributing dwellings.

Land Use Policies/Planning Considerations

The Vaughan Development Planning Department has reviewed the Official Plan and Zoning By-law Amendment and Draft Plan of Subdivision applications in consideration of the following land use policies:

Provincial Policy Statement 2005 (PPS)

The Provincial Policy Statement (PPS) provides policy direction on matters of Provincial interest related to land use planning and development, and sets the policy foundation for regulating the development and use of land. The PPS includes policies that direct new growth to urban areas which contributes to the creation of strong and safe communities, healthy environments and long term economic growth.

Policy 1.1.1 states (in part) that healthy, liveable and safe communities are sustained by:

- i) promoting efficient development and land use patterns which sustain the financial well-being of the province and municipalities over the long term;
- ii) accommodating an appropriate range of housing mix of residential, employment (including industrial, commercial and institutional uses), recreational and open space uses to meet long-term needs;
- iii) avoiding development and land use patterns which may cause environmental or public health and safety concerns;
- iv) avoiding development and land use patterns which would prevent the efficient expansion of settlement areas in those areas which are adjacent or close to settlement areas; and,
- v) promoting cost effective development standards to minimize land consumption and servicing costs.

The PPS promotes a full range of housing types and densities to meet projected demographic and market requirements of current and future residents, by ensuring all forms of residential intensification in parts of built-up areas have sufficient infrastructure to create a potential supply of new housing units. The PPS is supportive of intensification that is planned and coordinated within built-up areas that have a compact form, mix of uses and densities that allow for the efficient use of land, infrastructure and public service facilities.

The Development Planning Department is satisfied that the applications will facilitate the reuse and development of an underutilized parcel of land that meets the intent of the PPS with respect to efficient use of land and infrastructure, and providing a range of housing types on lands that are environmentally safe and will not compromise public safety.

Provincial Growth Plan-Places to Grow

The Province's Places to Grow Plan sets out a framework to provide overall leadership and guidance to municipalities as they plan for growth in their communities. The plan sets out policy on a wide range of issues including, managing growth, general intensification, infrastructure planning, among other policies. The plan states that intensification makes more efficient use of land by accommodating growth within existing urban areas and that intensification is the key to revitalizing city centres and making them more people focused and liveable. The inherent goal of the Growth Plan is to manage growth by directing and focusing it to a hierarchy of intensification areas including urban growth centres, major transit stations, intensification corridors and local corridors. The proposed development conforms to the Provincial Growth Plan as it proposes development in an area designated for higher density development by the City's Official Plan.

Regional Official Plan (YROP)

The Region of York Official Plan (YROP) designates the subject lands as “Urban Area”, which permits a wide range of residential, commercial, industrial and institutional uses. The objectives of the Regional Plan include targeting growth to existing built-up portions of urban areas, encouraging carefully planned intensification, and providing for a broad range of housing types. The proposed development is consistent with the policies of the Regional Official Plan.

In-effect City OPA #240 (Woodbridge Community Plan), as amended by OPA #695 (Kipling Avenue Corridor Plan)

The subject lands are designated “High Density Residential Neighbourhood”, “Mid Density Mixed Use” and “Parkettes” by in-effect OPA #240 (Woodbridge Community Plan) as amended by OPA #695 (Kipling Avenue Corridor Plan), as shown on Attachment #6. The “Mid Density Mixed Use” designation permits street townhouse dwelling units with a maximum lot coverage of 50%, a maximum Floor Space Index (FSI) of 1.0, a minimum/maximum building height of 2 and 3 storeys, respectively, and a minimum building setback of 3.5 m. The “High Density Residential Neighbourhood” designation also permits townhouse units and provides for maximum/minimum building height of 6 storeys and 2 storeys, respectively, a minimum lot coverage of 80%, a maximum density of 2.5 FSI and a minimum building setback of 3.0 m. The “Parkettes” designation permits parks, playground and open space uses.

The Owner is proposing to amend in-effect OPA #240 (Woodbridge Community Plan) as amended by OPA #695 (Kipling Avenue Corridor Plan) to redesignate the subject lands from “High Density Residential Neighbourhood”, “Mid Density Mixed Use” and “Parkettes” to “Mid Density Mixed Use” to permit freehold townhouse, semi-detached, and detached dwelling units, as shown on Attachment #4. The amendment would also have the effect of removing the “Parkettes” and “High Density Residential Neighbourhood” designations and a north/south road as identified in OPA #695 (Attachment #6) from the property.

a) Townhouse Dwellings

The “High Density Residential Neighbourhood” and “Mid Density Mixed Use” designation on the subject lands, would permit apartments (maximum 6 storeys), detached, semi-detached, street townhouse, and live-work units (maximum of 3 storeys). The applicant is proposing to redesignate the entirety of the subject lands to “Mid Density Mixed Use”, thereby restricting the built form to townhouse, detached and semi-detached units on the site with a maximum building height of 3 storeys. The Development Planning Department supports the redesignation of the subject lands as the proposed townhouse, semi-detached and detached dwellings represent a built form that is compatible with the existing area, and the proposed development introduces a mix of housing types into the area and preserves an existing heritage dwelling and two heritage contributing structures, which maintains the character of the area.

b) Parkette

The Owner is proposing to delete the “Parkete” designation from the subject lands, and to retain a heritage dwelling (8228 Kipling) and two heritage contributing dwellings (8236 and 8248 Kipling) to preserve the heritage character of the area. Two of these dwellings (8228 and 8236 Kipling Avenue) are located on the “Parkette” designation. 8228 Kipling Avenue is registered under the Ontario Heritage Act, as it reflects Edwardian Classicism architecture. Kipling Avenue has the highest concentration of heritage resources within the corridor, and therefore, the preservation of existing heritage structures is important to retain the built heritage of the area. The Vaughan Cultural Services Division commends the applicant for the incorporation and preservation of these homes, including 8228 Kipling Avenue into the proposed development, as shown on Attachment #7.

The Vaughan Parks Development Department has reviewed the applications and have no objections to the proposal, including the removal of the parkette. The proposed private amenity space/tot lot will provide outdoor common space for the future residents of this development. Cash-in-lieu of parkland will be required in accordance with the City's current cash-in-lieu policy.

c) Deletion of the North/South Road

OPA #695 identifies a north/south road entirely on the subject lands as shown on Attachment #6. The road is intended to provide access to the subject lands from an internal future public road (under private ownership) in order to encourage comprehensive development with adjacent lands to the west.

The Owner is proposing to delete this road as part of the proposed development. The north/south road would be located entirely on the subject lands as identified in OPA #695, and bisect the property into two unequal parts and utilize developable land area. The Development Planning Department can support the deletion of the road since the lands to the west (Canuck Properties) will maintain frontage on the current private driveway extending west from Kipling Avenue, south of the subject lands. The road was also intended to provide the subject lands with alternate access thereby limiting the number of driveways on Kipling Avenue. However, given that three dwellings are being preserved with existing driveways onto Kipling Avenue, the proposed road would not serve this intended purpose. The Vaughan Development/Transportation Engineering Department has also advised that they have no objection to the deletion of this road.

The New City Of Vaughan Official Plan 2010 (VOP 2010)

The subject lands are designated 'Low Rise Mixed Use', "Mid-Rise Residential" and "Parkettes" by the new City of Vaughan Official Plan 2010 (VOP 2010), which was adopted by Vaughan Council on September 7, 2010 (as modified September 27, 2011, March 23, 2012, and April 17, 2012) as further modified and endorsed by the Region of York Council on June 28, 2012, and is pending approval from the Ontario Municipal Board. The policies of OPA #695 were incorporated into Volume 2 of VOP 2010 (Section 11.5) as an area specific amendment, and therefore, would require the same amendments as the in-effect Official Plan to implement the proposed development. The proposal does not conform to VOP 2010. Should Council approve the site-specific Official Plan Amendment application, a modification to Volume 2 of VOP 2010 will be necessary to include the site-specific amendments to recognize the development approvals granted.

Zoning

The subject lands are zoned R3 Residential Zone by Zoning By-law 1-88 as shown on Attachment #3, which does not permit the proposed mid-rise residential development. A Zoning By-law Amendment is required to rezone the subject lands to R3 Residential Zone (detached dwellings), and R4(H) Residential Zone (semi-detached dwellings) and RM2(H) Multiple Residential Zone (townhouse dwellings) each with the addition of the Holding Symbol "(H)" in the manner shown on Attachment #4, together with the following site-specific zoning exceptions:

Table 1

	By-law Standard	By-law 1-88, RM2 Multiple Residential Zone Requirements	Proposed Exceptions to RM2 Multiple Residential Zone (Block 2 on Attachment #5)
a.	Permitted Uses	<ul style="list-style-type: none"> ▪ Block Townhouse Dwelling ▪ Apartment Dwellings ▪ Multiple Family Dwellings 	Permit 56, 3-storey freehold Townhouse Dwelling Units and one detached dwelling unit on a Private (Common Element) Condominium Road
b.	Minimum Front Yard	i) 4.5 m, provided the minimum setback to a garage facing a lot line is 6.4 m ii) 4.5 m (detached unit)	i) 4.0 m, provided the minimum setback to a garage facing a lot line is 6.0 m ii) 2 m to the detached unit and 1 m to the sight triangle
c.	Minimum Rear Yard Setback	4.5 m	1.45 m (Block 1)
d.	Minimum Interior Side Yard Setback (Blocks 2,3,7,8 east lot line) and(Block 9 west lot line abutting amenity space)	1.5 m	1.25 m
e.	Minimum Lot Area Per Unit	230 m ² /unit	110 m ² /unit
f.	Minimum Visitor Parking Requirement	86 visitor spaces @ 0.25 visitor spaces/unit = 15 spaces	14 visitor parking spaces
g.	Minimum Parking Space Size	2.7 m x 6.0m	2.7 m x 5.8 m
h.	Minimum Landscape Strip Width Around the Periphery of an Outdoor Parking Area	3.0 m	1.2 m

	By-law Standard	By-law 1-88, RM2 Multiple Residential Zone Requirements	Proposed Exceptions to RM2 Multiple Residential Zone (Block 2 on Attachment #5)
i.	Definition of a Lot	Means a parcel of land fronting on a street separate from any abutting land to the extent that a Consent contemplated by Section 49 of the Planning Act, RSO 1983 would not be required for its conveyance. For the purpose of this paragraph, land defined in an application for building permit shall be deemed to be a parcel of land and a reserve shall not form part of the street.	For the purpose of zoning compliance, the subject lands shall be deemed to be one lot, regardless of the number buildings constructed on the lot by plan of condominium, part lot control, consent, and any easements or restrictions.
j.	Accessory Uses Buildings and Structures	Accessory buildings for the individual lots shall be located in the rear yard	For the purpose of the freehold townhouse units, the rear yard shall be based on the individual freehold lot
	By-law Standard	By-law 1-88, R3 Residential Zone Requirements	Proposed Exceptions to the R3 Residential Zone Lot 1 and Block 3 – Existing Detached Dwellings as shown on Attachment #5
a.	Minimum Front Yard Setback	11 m	0 m to steps/porch and 2.0 m to dwelling (existing dwellings 8238, 8228 and 8248 Kipling Avenue)
b.	Minimum Exterior Side Yard To the Dwelling	4.5 m	8248 Kipling Avenue 1.0 m 8238 Kipling Avenue 2.0 m 8228 Kipling Avenue - 2.0 m

	By-law Standard	By-law 1-88, R3 Residential Zone Requirements	Proposed Exceptions to the R3 Residential Zone (Lot 1 and Block 3 – Existing Detached Dwellings as shown on Attachment #5)
c.	Minimum Rear Yard Setback (Dwelling)	7.5 m	4.5 m (8228 Kipling Avenue) 5.0m (8248 Kipling Avenue) 0 m to deck (8248 Kipling Avenue) 1 m to deck/patio (8238 Kipling Avenue)
d.	Minimum Rear Yard (Garage)	7.5 m	8228 and 8238 Kipling Avenue = 0.5 m
e.	Minimum Distance Between A Detached Garage in the Rear Yard and the Nearest Wall of the Dwelling	6.0 m	4.5 m (8238 Kipling Avenue) 1.0 m (8228 Kipling Avenue)
f.	Minimum Parking Required	3 spaces for lots greater than 11 m and 2 spaces for lots 11 m or less	2.0 spaces for a residential lot with a frontage greater than 11 m (8228, 8238 and 8248 Kipling Avenue)
g.	Minimum Interior Side Yard to Garage	1.2 m	0.0m for garages (8238 and 8228 Kipling Avenue)
h.	Minimum Lot Area per unit	360 m ² /unit	325 m ² /unit
	By-law Standard	By-law 1-88, R4 Residential Zone Requirements	Proposed Exceptions to the R4 Residential Zone (Block 3 – Semi-Detached unit as shown on Attachment #5)
a.	Minimum Lot Area Per Unit	270 m ² /unit	250 m ² /semi-detached unit
b.	Minimum Rear Yard	7.5 m	5.0 m (dwelling) and 0.35 m (garage)

c.	Minimum Distance Between a Detached Garage in the Rear Yard and the Nearest Wall of the Dwelling	6.0 m	1.1 m
d.	Minimum Parking Requirement	3 spaces for lots greater than 11 m and 2 spaces for lots 11 m or less	2.0 spaces for a residential lot with a frontage greater than 11 m
e.	Minimum Interior Side Yard (Garage)	1.2 m	0.0 m
f.	Minimum Front Yard Setback	4.5 m	1.5 m to porch and 3m to dwelling

The proposed zoning exceptions would facilitate a development that is compatible with the existing and planned residential built form in the area. The reduction to the minimum setback from a garage from 6.4 m to 6.0 m, the reduced landscape strip around the outdoor parking area from 3 m to 1.2 m, the reduction of 1 visitor parking space from 15 spaces to 14 spaces and the minimum lot area per unit from 230 m² to 110 m² for the townhouse development are considered minor in nature, and consistent with other approvals in the area, and will not adversely impact the development of adjacent properties. The reduction in the minimum lot area per unit for both the detached and semi detached units applies to interior lots and for the existing heritage structures. The reduced lot area is similar to other condominium townhouse developments in the area and other parts of the City. The remainder of the zoning exceptions including setbacks and parking reductions relate to the R3 and R4 zoned lands and the preservation of the existing and contributing heritage dwellings. Exceptions respecting the definition of a lot and location of the accessory structures will facilitate future development of the site as a common element condominium.

The Development Planning Department can support the proposed rezoning of the property and the required site-specific exceptions to By-law 1-88, in order to implement the proposed development.

Subdivision Design

The proposed development is intended to function as a common element condominium block, and through the Draft Plan of Subdivision, the Owner is proposing to create 4 residential blocks and 1 residential lot under a Registered Plan of Subdivision (Attachment #5). The registered plan will facilitate a future Part Lot Control application for the creation of a development block comprised of 56 freehold townhouse units and 1 detached dwelling, and amenity and visitor parking areas served by a private common element condominium road. A Lot and 3 Blocks will also be created to facilitate the semi-detached unit, the heritage dwelling, and the two heritage contributing dwellings. The Development Planning Department has no objection on the design of the Draft Plan of Subdivision as shown on Attachment #5, subject to the conditions of draft approval shown on Attachment #1.

Proposed Site Plan

The proposed site plan shown on Attachment #4 includes 2 access points from Kipling Avenue into the site to serve the townhouse units and one detached dwelling located at the southeast corner of the property, which is required to obtain driveway access from the private internal road rather than from Kipling Avenue for traffic safety reasons. One heritage dwelling, two heritage contributing dwellings, and a semi-detached unit, each with private driveway access from Kipling Avenue, are also proposed.

The subject lands are bounded by an existing Industrial use to the west and south (Woodbridge Foam), and by low rise residential detached dwellings to the north and east. The site plan includes 9 residential townhouse blocks served by a private internal road with access to Kipling Avenue. A total of 56 townhouse units are proposed utilizing a traditional design with rear yard amenity areas. The visitor parking area is organized within the interior of the site abutting the industrial lands to the west and not visible from Kipling Avenue.

At the Public Hearing, certain residents indicated that the developer should save two significant trees and a garage located behind 8248 Kipling Avenue. Townhouse Block 2 has been sited in a manner that would require the removal of two significant trees and the garage. The residents at the Public Hearing indicated that these trees were over 100 years old and in good condition and should therefore be saved. The applicant provided an Arborist report prepared by a certified Arborist to assess the condition of the two trees (Silver Maple and English Walnut trees) to determine whether the preservation of these trees is warranted. The report concluded that both the Silver Maple tree and an English Walnut tree were in poor condition and that preservation is not warranted. City Staff has reviewed the report and concur with this recommendation.

The Development Planning Department is satisfied with the proposed site plan design, but will continue to work with the applicant to perfect the plan through the Site Plan Approval process.

a) Building Elevations

The Owner is proposing typical 3-storey townhouse designs for the 9 residential blocks, each with a different architectural treatment as shown on Attachment #8. The townhouse units are proposed to be constructed using brick as the main building façade with a corresponding colour scheme for each model. The building elevations have been reviewed by the Cultural Services Division and the Development Planning Department and are generally acceptable. However, a detailed review of the proposed townhouse building elevations will be undertaken through the Site Plan Approval process.

b) Urban Design Comments

The applicant will be required to provide outdoor furniture, such as seating, bicycle rings and a waste and recycling bin for the proposed amenity area. The applicant should also preserve as much existing vegetation as possible, specifically larger caliper trees. No trees on neighbouring properties should be removed. The applicant is also advised to enhance the architectural quality of the side and rear elevations to the level of the front façade in terms of materials and articulation.

Vaughan Development/Transportation Engineering Department

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

i) Servicing Capacity Allocation

In accordance with the City's Servicing Capacity Distribution Protocol, which was adopted by Vaughan Council on June 26, 2012, servicing allocation capacity for the proposed development has not been reserved nor assigned potential future capacity at this time. Therefore, servicing allocation capacity is currently not available to support the proposed development. The City intends to undertake an annual review of the status of the available and unused servicing capacity affecting the Distribution Protocol. The availability of servicing allocation capacity for this application may be revisited at this time based on the status of the subject development applications.

ii) Storm Water Management

The Functional Servicing Report (FSR) submitted by the applicant dated August 2012, as prepared by C.F. Crozier and Associates Inc., indicates that the proposed development will be connected to an existing 375 mm diameter storm sewer on Kipling Avenue via a new storm sewer. A 1200 mm diameter concrete storm sewer is proposed to service the development via a connection at the south leg of the proposed driveway/access to the existing storm sewer. The storm sewer will provide storage and will release flows based on pre-development flows via an orifice tube. Stormwater quality will be treated on-site with an oil-grit separator located prior to the control manhole. The internal storm drainage system for the site will consist of private underground storm water sewers. All site drainage shall be self-contained and all drainage controlled.

iii) Sanitary Servicing

According to the FSR, the proposed development will connect to the existing 200 mm diameter sanitary sewer on Kipling Avenue via a new sanitary manhole. A 200 mm diameter PVC sanitary sewer is proposed to service the development via a connection at the south leg of the proposed driveway/access to the existing sanitary sewer. In order to provide gravity flow from the development, approximately 21 metres of new pipe is proposed to replace an existing sanitary sewer at a lower elevation, within the Kipling Avenue right-of-way, from the new manhole running south to an existing manhole on the north side of the future Rainbow Creek Drive. The internal sanitary drainage system for the site will consist of private underground sanitary sewers.

The sanitary servicing scheme will be analyzed in detail as per the City's city-wide servicing master plan updates, and the FSR revised accordingly.

iv) Road Network

Access to the units will be from a proposed common element condominium driveway with two full movement accesses to Kipling Avenue.

Kipling Avenue could be classified as a Minor Collector Road and as per City Standards, a 5 m x 5 m daylight triangle is required at the intersection of a Local Road with a Minor Collector Road. In accordance with OPA #695, a future right-of-way of 26 m for Kipling Avenue is required with wider boulevards on both sides supporting a 5 m x 5 m daylight triangle.

v) Water Servicing

The proposed development is part of Pressure District 4. The existing watermain system consists of a piped municipal system with a 150 mm diameter watermain on the east side of Kipling Avenue. The FSR proposes a 150 mm diameter PVC watermain to service the development and connect to the municipal system at the south leg of the proposed driveway/access. The developer shall provide a secondary connection in order to loop the system at the north leg. The Public Works Department will be conducting a verification of the watermain on Kipling Avenue.

vi) Environmental

A Phase 1 Environmental Evaluation (March 1, 2013), and a "Geotechnical Investigation", (February 25, 2013), as prepared by Bruce A. Brown Associates Limited, for the proposed residential redevelopment were reviewed and found to be acceptable by the Development/Transportation Engineering Department. No further environmental requirements are noted at this time.

vii) Environmental Noise Impact

The Owner has provided a preliminary Environmental Noise Assessment and a Railway Vibration Analysis both dated September 27, 2012, prepared by Valcoustics Canada Ltd. that identify noise sources that will impact the development as railway noise from the CP railway and roadway noise from Kipling Avenue. The reports provide recommendations that include typical measures to develop the proposed units and mitigate the noise sources such as acoustic barriers, air conditioning, warning clauses and upgraded building components and foundations.

The applicant is required to submit final noise and railway vibration reports for review and approval by the City as part of the detailed engineering submission when grading design is typically established. The City requires all dwelling units that abut or face a railway and/or arterial roads such as Kipling Avenue shall be constructed with mandatory central air-conditioning. All required acoustic barriers abutting public lands shall be constructed with all berming and/or fencing material, including foundations, completely on private lands and totally clear of any 0.3m road reserve.

viii) Lot Grading (Topography)

The proposed grading of the site and lot grading shall satisfy the City's current lot grading criteria.

ix) Street Lighting

The street-lighting design shall meet the City criteria.

x) Municipal Servicing Agreement

An agreement is required for the provision of the municipal services.

Vaughan Parks Development Department

The Vaughan Parks Development Department has reviewed the conceptual site plan and Draft Plan of Subdivision shown as Attachments #4 and #5, respectively, and is supportive of the proposed residential development.

Vaughan Real Estate Division

The Vaughan Legal Services Department, Real Estate Division, has indicated that the Owner shall pay to 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. A recommendation to this effect is provided in the report.

Vaughan Cultural Services Division/Heritage Vaughan Committee

The Vaughan Cultural Services Division has no objection to the applications, subject to the inclusion of the standard archaeological resources conditions requiring notification should archaeological resources and/or human remains be found on the property during grading or construction activities, and the Owner ceasing all grading or construction activities.

The applicant has submitted a Cultural Heritage Impact Assessment report prepared by Landplan Collaborative Ltd. which includes a review of the condition of the garages on Kipling Avenue, including the garage behind 8248 Kipling Avenue. The condition of the garages was reviewed by staff and included in a report to Heritage Vaughan at their meeting of March 20, 2013, at which time Heritage Vaughan approved the elevation drawings for the development and had no objection to the demolition of the garage structures, subject to a number of conditions including requiring the submission of final detailed architectural drawings for Cultural Services Division review and approval of the new semi-detached and detached dwelling units, that the applicant work with staff to finalize the design of the proposed garages and gable ends, and that material samples be submitted for Cultural Services Division approval. Many of the conditions outlined in Heritage Vaughan's recommendations can be addressed at the Site Plan approval stage.

Toronto and Region Conservation Authority (TRCA)

The Toronto and Region Conservation Authority (TRCA) has reviewed the applications and have indicated that the subject property is located within the Humber River watershed but does not appear to contain any natural features regulated under Ontario Regulation 166/06 (Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation). A Permit is not required from the TRCA for the proposed works. TRCA Staff have no objections to the applications subject to their Conditions of Subdivision Approval in Attachment #1.

Enbridge Gas Distribution

Enbridge Gas Distribution has reviewed the proposal and has no objections to the applications. Enbridge advises that at this time, there is not a commitment by Enbridge Gas Distribution to service this site, or to service this site by a given date or that there will be costs for servicing this site. The Owner is to contact the Enbridge Customer Connection Department at their earliest convenience to discuss the installation and clearance requirements for service and metering facilities. This requirement is included in the conditions of approval in Attachment #1.

Canada Post

Canada Post has no objections to the proposal subject to the Owner installing mail facilities and equipment to the satisfaction of Canada Post, which are subject to the Conditions of Approval in Attachment #1.

School Boards

The York Region District (Public) School Board, the York Region Catholic District School Board and the Conseil Scolaire de District Catholique Centre-Sud have advised that they have no objection to the proposal.

Canadian Pacific Railway Company (CP Railway)

CP Rail has reviewed the applications and have no objections subject to the Conditions of Subdivision Approval included in Attachment #1.

Relationship to Vaughan Vision 2020

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

Preserve Our Heritage and Support Diversity, Arts and Culture

The Owner is proposing to maintain one heritage dwelling (8228 Kipling Avenue) and two heritage contributing structures (8236 and 8248 Kipling Avenue) in the Kipling Heritage Conservation District.

Enhance and Ensure Community Safety/Health and Wellness

The proposed development is designed using Crime Prevention Through Environmental Design (CPTED) method. CPTED is based on the proper design and effective use of the built environment, leading to a reduction in the incidence of crime as well as an improvement in quality of life.

Plan and Manage Growth & Economic Vitality

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

Regional Implications

In a letter dated November 23, 2012, the Region of York Transportation and Community Planning Department indicated that the Official Plan Amendment application is exempt from approval by Regional Planning Committee and Council. This allows the Amendment to come into effect following its adoption by the City of Vaughan and the expiration of the required appeal period, if approved by Vaughan.

The Region of York has no objection to the approval of the Draft Plan of Subdivision application, subject to their conditions of approval included in Attachment #1.

Conclusion

The Vaughan Development Planning Department has reviewed the Official Plan and Zoning By-law Amendment and Draft Plan of Subdivision applications 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 residential development comprised of 56 freehold townhouse units and 1 detached dwelling unit on a private common element condominium road, a semi-detached unit and the maintenance of one heritage dwelling and two heritage contributing dwellings on the subject lands that is compatible with the surrounding existing and planned land uses.

On this basis, the Development Planning Department can support the approval of the Official Plan and 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 Site Plan and Zoning
5. Draft Plan of Subdivision File 19T-12V010
6. Schedule 3.0 (Land Use) to OPA #695
7. Kipling Streetscape
8. Proposed Typical Elevations

Report prepared by:

Eugene Fera, Planner, ext. 8064
Carmela Marrelli, Senior Planner, ext. 8791
Mauro Peverini, Manager of Development Planning, ext 8407

Respectfully submitted,

JOHN MACKENIZE
Commissioner of Planning

GRANT UYEYAMA
Director of Development Planning

/CM

ATTACHMENT NO. 1

CONDITIONS OF DRAFT APPROVAL

**DRAFT PLAN OF SUBDIVISION 19T-12V010
KIPCO LANDS DEVELOPMENTS LTD.
PART OF LOT 9, CONCESSION 8, 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 FILE 19T-12V010, ARE AS FOLLOWS:

Pre-conditions of Approval

City of Vaughan and Region of York Pre-Conditions

1. Prior to or concurrent with draft plan approval, the Owner shall enter into an agreement with the City of Vaughan, which agreement shall be registered on title, committing the Owner to:
 - A. 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. 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; and,
 - ii. The Council of the City of Vaughan has allocated, within the limit of the Regional capacity assignment, adequate available water supply and sewage servicing capacity to 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.
- AND
- B. 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.
2. Prior to draft plan approval, the Owner shall enter into an indemnity agreement with York Region, which 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-12V010 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.

(*) the term 'end users' for the purpose of the above noted pre-conditions is defined as the eventual home Owner who is purchasing an individual lot containing a dwelling for the purpose of occupancy.

Conditions of Draft Approval

City of Vaughan Conditions

1. The Plan shall relate to the draft plan of subdivision, prepared by Rady-Pentek and Edwards Surveyors Ltd., dated April 8, 2013.
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. Particular zoning categories to be applied are as follows:
 - R3 Residential Zone;
 - RM2(H) Multiple Residential Zone and R4(H) Residential Zone each with the Holding Symbol "(H)"; and,
 - each Zone is subject to site-specific zoning exceptions to Zoning By-law 1-88.
3. The Owner shall pay any and all outstanding application fees to the Development Planning Department, in accordance with the in-effect Tariff of Fees By-law.
4. The Owner shall enter into a Subdivision Agreement with the City of Vaughan to satisfy all conditions, financial or otherwise of the City, with regard to such matters as the City may consider necessary, including payments of development levies, the provisions of roads and municipal services, landscaping and fencing. The said Agreement shall be registered against the lands to which it applies.
5. The private road allowance included within this Draft Plan of Subdivision shall be named to the satisfaction of the City Planning Department and Regional Transportation and Community Planning Department.
6. The Owner shall agree in the Subdivision Agreement that construction access shall be provided only in a location approved by the City.
7. Prior to final approval of the Plan, the Owner shall provide easements as may be required for utility, drainage or construction purposes, which shall be granted to the appropriate authority(ies), free of all charge and encumbrance.
8. 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.
9. Prior to the initiation of grading, and prior to the registration of this Draft Plan of Subdivision or any phase thereof, the Owner shall submit to the City for review and approval, the following:

A detailed engineering report that describes the storm drainage system for the proposed development within this Draft Plan, which report shall include:

- i) plans illustrating how this drainage system will be tied into surrounding drainage systems, and indicating whether it is part of an overall drainage scheme, how external flows will be accommodated, and the design capacity of the receiving system;
- ii) stormwater management techniques which may be required to control minor or major flows;
- iii) appropriate Stormwater Management Practices (SWMPs) to be used to treat stormwater, to ensure no negative impact on the quality and quantity of ground and surface water resources at it relates to fish and their habitat;
- iv) the location and description of all outlets and other facilities which may require permits under Ontario Regulation 166/06 and/or the Lakes and Rivers Improvement Act;
- v) proposed methods of controlling and preventing erosion and siltation on-site and in downstream areas during and after construction;
- vi) retain an environmental monitor and report on the implementation and on-going maintenance of erosion and sediment controls; and,
- vii) overall grading plans for the Plan.

The Owner shall agree in the Subdivision Agreement to carry out, or cause to carry out, the recommendations set out in any and all of the aforementioned reports to the satisfaction of the City.

- 10. The Owner shall agree in the Subdivision Agreement that no Building Permits will be applied for or issued until the City is satisfied that adequate road access, municipal water supply, sanitary sewers, and storm drainage facilities are available to service the proposed development.
- 11. Prior to final approval of the Plan, the Owner shall pay its proportionate share of the cost of any external municipal services that have been designed, oversized and built temporarily or permanent by others to accommodate the development of the Plan.
- 12. Prior to final approval of the Plan, the Owner shall make the necessary arrangements at the expense of the Owner for the relocation of any utilities required by the development of the Plan to the satisfaction of the City.
- 13. The Owner shall agree in the Subdivision Agreement to design, purchase material and install a buried hydro distribution system in accordance with City standards and specifications.
- 14. The Owner shall agree that all Lots or Blocks to be left vacant shall be graded, seeded, maintained and signed to prohibit dumping and trespassing.
- 15. The Owner shall agree in the Subdivision Agreement to maintain adequate chlorine residuals in the water mains within the Plan after successful testing and connection to the potable municipal water system and continue until such time as determined by the City or until assumption of the Plan. In order to maintain adequate chlorine residuals, the Owner will be required to retain a licensed water operator to flush the water system and sample for chlorine residuals on a regular basis determined by the City. The Owner shall be responsible for the costs associated with these activities including the metered consumption of water used in the program.

The Owner shall provide the City with a report showing the chlorine residual results on a weekly basis. If at any time the water quality test results do not comply with the Safe Drinking Water Act,

the Owner shall notify the City immediately and take corrective action as directed by the City and prepare a report of all actions taken.

The City will charge the Owner the current retail water and sewer rates for the water consumed in this program. The Owner's licensed water operator will meter the consumption of water for each flush and report the readings to the City on a monthly basis. The City will audit the consumption reports and inspect the flushing points periodically to ensure that the water consumption reported accurately reflects the program.

16. Prior to final approval of Plan, the final Site Grading and Servicing Plan, Stormwater Management Report, Environmental Noise and Vibration Report, and Kipling Avenue Works and Downstream Sanitary Sewer Analysis shall be submitted for review and approval, to the satisfaction of the Development/Transportation Engineering Department.
17. 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 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 MOE and a signed copy of the RSC by a Qualified Person, which must be submitted to the Development/Transportation Engineering Department for review and approval; and,
 - d) reimburse the City for the cost of peer review of the above reports.
18. The Owner shall agree in the Subdivision Agreement to include the following warning statements, in wording satisfactory to the City, in all Agreements of Purchase and Sale/or Lease for all Lots/Blocks within the entire Subdivision Plan:
 - a) "Purchasers and/or tenants are advised that this development will function as a common element condominium and all details and associated costs shall be presented in the sales office, and through marketing material, etc."
 - b) "Purchasers and/or tenants are advised that the south access to the site may be restricted to a right-in, right-out configuration upon the future signalization of Kipling Avenue and Meeting House Road/Rainbow Creek Drive or if warranted in the future, without further notice."

- c) "Purchasers and/or tenants are hereby advised that Canadian Pacific Railway Company(s), or its assigns or successors in interest, has a right-of-way within 300 metres of the subject lands, and there may be future alterations or expansions to the rail facilities or operations which may affect the living environment of the residents in the vicinity, notwithstanding any noise and vibration attenuating measures included in the development and individual dwelling(s); CPR will not be responsible for any complaints or claims arising from use of such facilities and/or operations on, over or under the aforesaid right-of-way."
 - d) "Purchasers and/or tenants are advised that dwelling units within this plan are in proximity to an industrial manufacturing facility whose activities may at times be audible."
19. Servicing allocation capacity for the above noted development application has not been reserved nor assigned potential future capacity in conjunction with the last annual servicing capacity report that was approved by Vaughan Council on June 26, 2012. Therefore, servicing allocation capacity is not available for this Draft Plan at this time. If the Draft Plan proceeds to Council for approval, then the Holding Symbol "(H)" shall be placed on the zoning of the lands, and the Owner shall be required to enter into No-Sale Agreements with the City of Vaughan.
 20. The Owner shall agree in the Subdivision Agreement to pay its proportionate share of the cost of downstream sanitary sewer system improvements that are required to service the Kipling Avenue Corridor development area including the subject Plan.
 21. Any dead end or open side of a road allowance created by this Draft Plan of Subdivision shall be terminated in a 0.3 m reserve, to be conveyed to the City without monetary consideration and free of all encumbrances, to be held by the City until required for a future road allowance or development of adjacent lands.
 22. 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.
 23. 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.
 24.
 - a) Prior to the initiation of grading or stripping of topsoil and prior to final approval, the Owner shall submit an environmental site assessment report(s) in accordance with the "Ministry of Environment and Energy's Guidelines for Use at Contaminated Sites in Ontario, June 1996", as amended, and shall reimburse the City for the cost of peer review of the reports;
 - b) Should site remediation be required to meet the applicable soil and ground water criteria set out in the above Guidelines, the Owner shall submit to the City prior to final approval, a copy of the Record of Site Condition acknowledged by a Provincial Officer of the Ministry of the Environment.
 - c) The Owner shall 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, meet the applicable soil and ground water criteria noted above; and,
 - d) Where lands are being conveyed to the municipality for parkland purposes, the Owner shall agree that prior to issuance of any Building Permits, the Owner shall submit a Phase 2 environmental site assessment report(s) addressing all park blocks in the plan, in accordance with the Ministry of Environment Guideline for Use at Contaminated Sites in Ontario (June 1996 as amended), to the satisfaction of the City. On-site sampling contained in the reports shall be conducted following completion and certification of the

rough grading of the park block(s). Testing may include but not be limited to surface and subsurface soil, ground water, soil vapour, plant and aquatic species sampling and testing of building materials. The Owner shall reimburse the City for the cost of peer review of said report(s).

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.
 - a) Prior to final approval, the Owner shall satisfy all technical, financial and other requirements of PowerStream Inc., its successors and assign 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.
27. Prior to final approval, the Owner shall submit a noise and/or vibration study, prepared by a qualified consultant for approval by both the City and the Region of York. The preparation of the noise report shall include the ultimate traffic volumes associated with the surrounding road network and the number of trips related to the CP Railway. The Owner shall agree in the subdivision agreement to implement the approved abatement measures.
28. The Owner shall convey the following lands to the City free of all charge and encumbrances:
 - a) Block 4 for a 3 m road widening and daylight triangle purposes along Kipling Avenue; and,
 - b) Block 5 for a 0.3 m reserve adjacent to the Kipling daylight triangle.
29. The Owner shall agree to erect fencing in the locations and of the types as shown on the approved construction drawing and as required by the City.
30. Prior to final approval, the Owner shall provide a Tree Preservation Study, if required, to the satisfaction of the City. The study shall include an inventory of all existing trees, assessment of significant trees to be preserved and proposed methods of tree preservation. The Owner shall not remove trees without written approval by the City.
31. 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.
32. The Owner shall agree to notify both the Ministry of Tourism and Culture and the City of Vaughan Recreation and Culture Department (Cultural Services Division) and Vaughan Policy and Development Planning Departments immediately in the event that:
 - a) archaeological resources are found on the property during grading or construction activities, to which the proponent must cease all grading or construction activities; and,

- b) where human remains are encountered during grading or construction activities, the proponent must cease all grading or 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.
33. 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; and,
 - 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.]
34. 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.
35. 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.

36. Prior to final approval of the Plan, the Owner shall provide confirmation that satisfactory arrangements have been made with a suitable telecommunications provider to provide their services underground at the approved locations and to the satisfaction of the City. The Owner shall provide a copy of the fully executed Subdivision Agreement to the appropriate telecommunications provider.
37. Prior to final approval of the Plan or prior to initiation of any grading or stripping of topsoil to any lands included in the Plan, whichever comes first, the Owner shall submit an Erosion and Sedimentation Control Plan including 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.
38. Prior to the issuance of a Building Permit for any lot or block, the Owner's consulting engineer shall certify, to the satisfaction of the Vaughan Development/Transportation Engineering Department and the Vaughan Building Standards Department that the lot grading complies with the 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 or block conforms in terms of location and geometry (i.e., width, etc.) with the approved or amended and subsequently approved Construction Drawings.
39. 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 Offers of Purchase and Sale or Lease for such Lot or Block.
40. No Building Permit shall be issued until the Owner has provided proof that a restriction has been registered that prevents the transfer of the lot or block without the consent of the City where such transfer is to be restricted by any other provision of the Subdivision Agreement.
41. No part of any noise attenuation feature or any other fence shall be constructed partly on or within any public highway, park or open space. Fences adjacent to public lands shall be constructed entirely on private lands. The maintenance of noise attenuation features or fencing shall not be the responsibility of the City or the Region of York and shall be maintained by the Owner and/or the Condominium Corporation until assumption of the services in the Plan. Thereafter, the maintenance by the noise attenuation fence shall be the sole responsibility of the Condominium Corporation/Lot Owner. Landscaping provided on the 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.
42. 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:
- a) within the entire Subdivision Plan:
- "Purchasers and/or tenants are advised that 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."
 - "Purchasers and/or tenants are advised that the collector and primary roads within the development area are expected to support more traffic than local roads and, if demand warrants, transit routes in the future."

- “Purchasers and/or tenants are advised that the planting of trees on City boulevards in front of residential units is a requirement of the Subdivision Agreement. A drawing depicting conceptual locations for boulevard trees is included as a schedule in this subdivision agreement. This is a conceptual plan only and while every attempt will be made to plant trees as shown, the City reserves the right to relocate or delete the boulevard tree without further notice.”
- “Purchasers and/or tenants are advised that the City has not imposed 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 a purchaser for boulevard trees does not guarantee that a tree will be planted on the boulevard adjacent to their residential dwelling.”
- “Purchasers and/or tenants are advised that proper grading of all Lots/Blocks 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 for 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.”

- “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.”
- ““Purchasers and/or tenants are advised that mail delivery will be from a designated community mailbox, the location of which will be identified by the Owner prior to any home closings.”

b) abutting or in proximity of either a primary roadway, collector roadway, or arterial roadway:

- “Purchasers and/or tenants are advised that despite the inclusion of noise control features within both the development area and the individual building units, noise levels, may be of concern and occasionally interfere with some activities of the dwelling occupants.”

c) abutting or in proximity of any open space or noise berm/landscape buffer:

- “Purchasers and/or tenants are advised that the adjacent open space or noise berm/landscape buffer may be left in a naturally vegetated condition and receive minimal maintenance.”

d) abutting a public highway, open space, noise berm/landscape buffer or other similar public space:

- “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 and barriers shall be constructed with all fencing

materials, including foundations, completely on private lands and totally clear of any 0.3 m reserve, as shown on the Construction Drawings.

The City has taken a Letter of Credit from the Owner 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."

- e) "Purchasers and/or tenants are advised that any roads ending in a dead end or cul-de-sac may be extended in the future to facilitate development of adjacent lands, without further notice."
 - f) abutting a park block:
 - "Purchasers and/or tenants are advised that the lot abuts a "Neighbourhood Park/Parkette/Public Square", and that noise and lighting should be expected from the designed active use of the park."
43. Prior to final approval of the Plan, the Owner shall provide an updated Traffic Impact Study for review and approval, to the satisfaction of the Development/Transportation Engineering Department.
44. a) Prior to final approval of the Plan, the Owner shall prepare/or enter into a Developers' Group Agreement for the Rainbow Creek Neighbourhood to the satisfaction of the City. The agreement shall be regarding, but not limited to, all cost sharing for the particular phase of development, for the provision of parks, cash-in-lieu of parkland, roads and municipal services within the development area. This agreement shall include a provision for additional developers to participate in the Developers' Group Agreement when they wish to develop their lands by way of Draft Plan of Subdivision/Draft Plan of Condominium and Site Development plans.
- b) Prior to final approval the Trustee for the Rainbow Creek Neighbourhood shall provide the City with a letter indicating that the Owner has fulfilled all cost sharing and other obligations of the Rainbow Creek Neighbourhood Landowners Cost Sharing Agreement.

Region of York Conditions

45. The road allowances included within the Draft Plan of Subdivision shall be named to the satisfaction of the area municipality and the Regional Transportation and Community Planning Department.
46. York Region shall confirm that adequate water supply and sewage 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.
47. 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.
48. Prior to final approval, a Functional Servicing Report (FSR) which includes water and wastewater servicing and drainage plans, shall be submitted to York Region for review. The wastewater servicing plan shall clearly identify any external areas serviced by the subdivision and the water servicing plan shall clearly identify any pressure-reducing valves, if required.

49. The Owner shall agree in the Subdivision Agreement that any direct connection to a York Region water or wastewater system requires Regional approval prior to construction. Engineering drawings showing details of the connection shall be submitted for approval.
50. For all lands, the Holding Symbol “(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 Symbol “(H)” is removed in accordance with the provisions of the Ontario Planning Act. The Zoning By-law shall specify the terms under which Council may consider the removal of the Holding Symbol “(H)”. 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.
51. Prior to final approval, the Owner shall agree in the Subdivision Agreement to provide direct pedestrian and cycling connections to boundary roadways and adjacent developments, as well as facilities on the site. 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.
52. Prior to final approval, the Owner shall agree in the Subdivision Agreement to provide drawings to show the proposed on-site and off-site pedestrian and cycling facilities to ensure pedestrian and cycling network continuity and accessibility to the nearest public transit facilities which may include but are not limited to:
- carefully planned, safe, illuminated and convenient pedestrian walkways and sidewalks linking the development to bus stops and transit stations and/or terminals;
 - adequate signage for pedestrians, including directions to nearest transit stops and terminals; and,
 - high quality pedestrian amenities such as benches and garbage receptacles.
53. Prior to final approval, the Owner shall satisfy the Regional Municipality of York Transportation and Community Planning Department and the City of Vaughan that the services to be installed by the Owner within or in conjunction with the Plan will provide a concrete pedestrian access connection as follows:
- From the “Internal Roadway” to Kipling Avenue.
- The concrete pedestrian access connection shall meet the local municipality’s standards for sidewalks and shall be owned and maintained by the area municipality.
54. The Owner shall agree in the Subdivision Agreement to convey lands to the local municipality to provide for such pedestrian access connection referred to on Condition 53 above.
55. Prior to final approval, the Owner shall submit drawings showing, as applicable, the sidewalk locations and concrete pedestrian access to the satisfaction of York Region Transportation and Community Planning Department.
56. 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 City of Vaughan design standards along all streets which will have transit services, sidewalks, pedestrian access and bus stop location.

57. 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.
58. 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.

York Region School Boards

59. Prior to final approval, the City shall be advised by the School Board(s) that satisfactory arrangements regarding the adequate provision and distribution of educational facilities have been made between the Owner and the School Board(s).

Canadian Pacific Railway

60. The Owner shall agree to:

- a) berm, or combination berm and noise attenuation fence, having extensions or returns at the ends, to be erected on adjoining property, parallel to the railway right-of-way with construction according to the following:
 - i) Minimum total height 5.5 metres above top-of-rail;
 - ii) Berm minimum height 2.5 metres and side slopes not steeper than 2.5 to 1.
 - iii) Fence, or wall, to be constructed without openings and of a durable material weighing not less than 20 kg. per square metre (4 lb/sq.ft.) of surface area;

No part of the berm/noise barrier is to be constructed on railway property.

A clause shall be inserted in all Offers of Purchase and Sale or Lease, and be registered on title or included in the lease for each dwelling affected by any noise and vibration attenuation measures, advising that any berm, fencing, or vibration isolation features implemented are not to be tampered with or altered, and further that the Owner shall have the sole responsibility for and shall maintain these features.

Dwellings must be constructed such that the interior noise levels meet the criteria of the appropriate Ministry. A noise study should be carried out by a professional noise consultant to determine what impact, if any, railway noise would have on residents of the proposed subdivision and to recommend mitigation measures, if required. The Railway may consider other measures recommended by the study;

- b) setback of dwellings from the railway right-of-way to be a minimum of 30 metres. While no dwelling should be closer to the right-of-way than the specified setback, an unoccupied building, such as a garage, may be built closer. The 2.5 metre high earth berm adjacent to the right-of-way must be provided in all instances;
- c) ground vibration transmission to be estimated through site tests. If in excess of the acceptable levels, all dwellings within 75 metres of the nearest track should be protected. The measures employed may be:
 - i) support the building on rubber pads between the foundation and the occupied structure so that the maximum vertical natural frequency of the structure on the pads is 12 Hz;

- ii) insulate the building from the vibration originating at the railway tracks by an intervening discontinuity or by installing adequate insulation outside the building, protected from the compaction that would reduce its effectiveness so that vibration in the building became unacceptable; or
 - iii) other suitable measures that will retain their effectiveness over time;
- d) a clause shall be inserted in all Offers of Purchase and Sale or Lease and in the title deed or lease of each dwelling within 300 m of the railway right-of-way, warning prospective purchasers or tenants of the existence of the Railway's operating right-of-way; the possibility of alterations including the possibility that the Railway may expand its operations, which expansion may affect the living environment of the residents notwithstanding the inclusion of noise and vibration attenuating measures in the design of the subdivision and individual units, and that the Railway will not be responsible for complaints or claims arising from the use of its facilities and/or operations;
- e) any proposed alterations to the existing drainage pattern affecting railway property must receive prior concurrence from the Railway, and be substantiated by a drainage report to be reviewed by the Railway;
- f) a 1.83 metre high chain link security fence be constructed and maintained along the common property line of the Railway and the development by the developer at his expense, and the developer is made aware of the necessity of including a covenant running with the lands, in all deeds, obliging the purchasers of the land to maintain the fence in a satisfactory condition at their expense;
- g) any proposed utilities under or over railway property to serve the development must be approved prior to their installation and be covered by the Railway's standard agreement; and,
- h) the Owner, if required, should incorporate as landscaping a berm or retaining wall with a 3:1 downward slope to match grades along the interior road to the satisfaction of the CPR.

Canada Post Conditions

61. The Owner shall agree to:

- a) consult with Canada Post to determine the locations of the community mailboxes and indicate the community mailbox locations on the appropriate servicing plans and provide Canada Post with 2 copies of the utility co-ordination plan for use in identifying the community mailbox location;
- b) 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; and,
 - iii) any required curb depressions;
- c) provide a suitable temporary community mailbox location(s) until the curbs, sidewalks and final grading have been completed at the permanent location(s);

- d) include in all Offers of Purchase and Sale, or Lease for all Lots/Blocks that mail delivery shall be from a designated community mailbox, and notify the purchasers and/or tenants of the exact community mailbox locations prior to the closings of any dwelling unit; and,
- e) provide a copy of the executed subdivision agreement to Canada Post.

Enbridge Gas Distribution Conditions

62. Prior to final approval of the Plan, the Owner shall agree to:

- a) discuss installation and clearance requirements for service and metering facilities with the Enbridge Customer Connections Department;
- b) prepare a composite utility plan that allows for the safe installation of all utilities, including required separation between utilities;
- c) construct streets in accordance with composite utility plans previously submitted and approved by all utilities;
- d) grade all streets to final elevation prior to the installation of the gas lines and provide Enbridge Gas Distribution Inc. with the necessary field survey information required for the installation of the gas lines;
- e) current City approved road cross-sections showing all utilities in the configuration proposed for all of the street widths within the development. The gas location must be a minimum of 0.6 m from the street line;
- f) arrange for the installation of a gas plant prior to the commencement of the asphalt paving or landscaping; and,
- g) provide any easements required to service this development at no cost to Enbridge Gas Distribution.

Toronto and Region Conservation Authority (TRCA)

63. Prior to final approval, the Owner shall agree to:

- a) Provide a Site Servicing Plan and a revised Functional Servicing Report including supporting discussion, documentation and calculations addressing TRCA concerns and comments to the satisfaction of the TRCA.

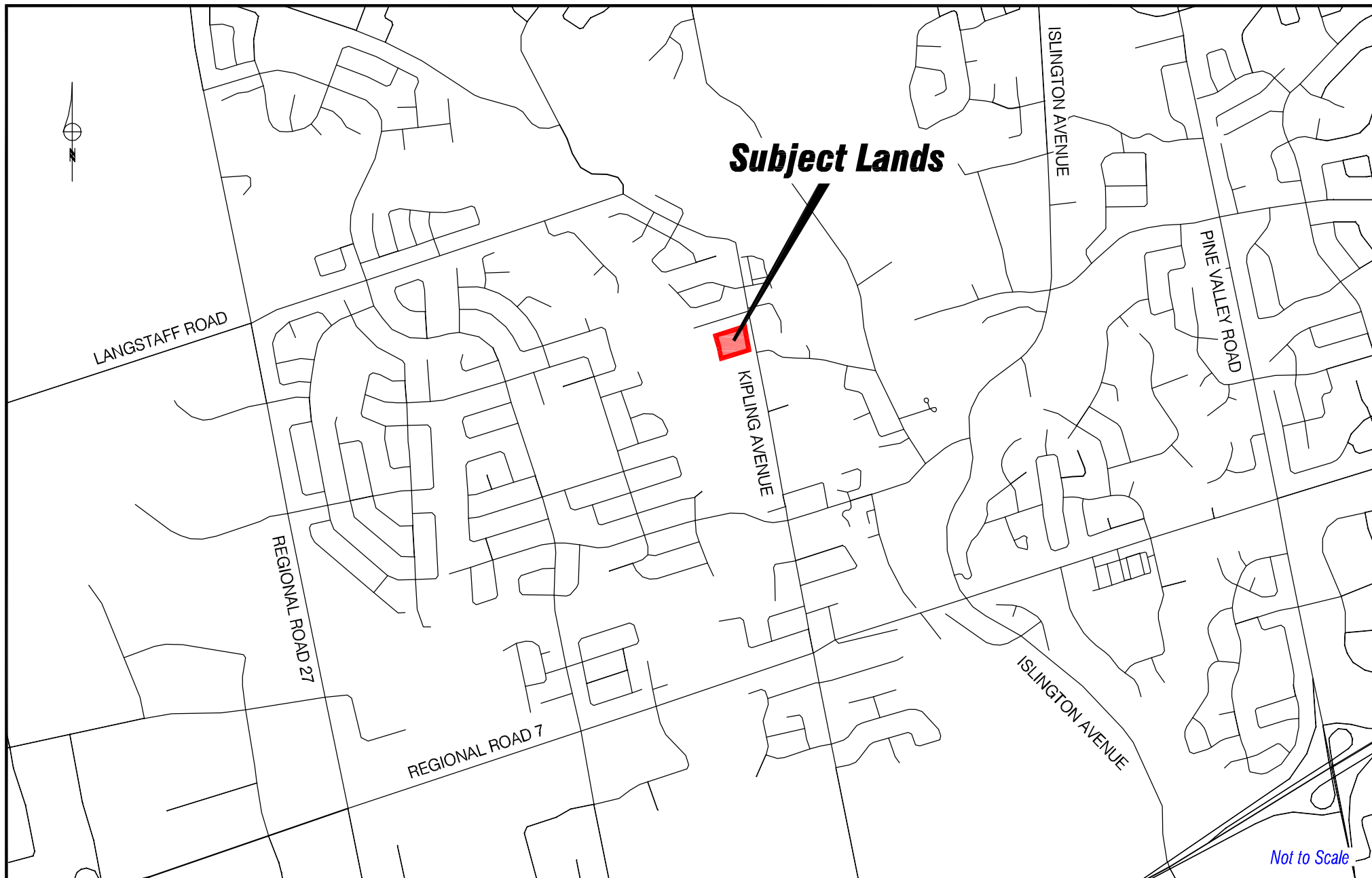
Other Conditions

64. 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 64 inclusive, for each phase proposed for registration; furthermore, the required clearances may relate to lands not located within the phase sought to be registered.

65. The City shall advise that Conditions 1 to 44 inclusive, have been satisfied; the clearance letter shall include a brief statement detailing how each condition has been met.

66. The Region of York shall advise that Conditions 45 to 58 inclusive, have been satisfied; the clearance letter shall include a brief statement detailing how each condition has been met.
67. The York Region District School Board, the York Catholic District School Board, and the Conseil Scolaire de District Catholique Centre shall each advise that Condition 59, has been satisfied; the respective clearance letters shall include a brief statement detailing how this condition has been met.
68. Canadian Pacific Railway shall advise that Condition 60, has been satisfied; the clearance letter shall include a brief statement detailing how this condition has been met.
69. Canada Post shall advise that Condition 61 has been satisfied; the clearance letter shall include a brief statement detailing how this condition has been met.
70. Enbridge Gas Distribution shall advise that Condition 62 has been satisfied; the clearance letter shall include a brief statement detailing how this condition has been met.
71. Toronto and Region Conservation Authority shall advise that Condition 63 has been satisfied; the clearance letter shall include a brief statement detailing how this condition has been met.



Context Location Map

LOCATION:
Part of Lot 9, Concession 8

APPLICANT:
Kipco Lands Developments Ltd.

N:\DFT\1 ATTACHMENTS\OP\op.12.017z.12.038a.dwg

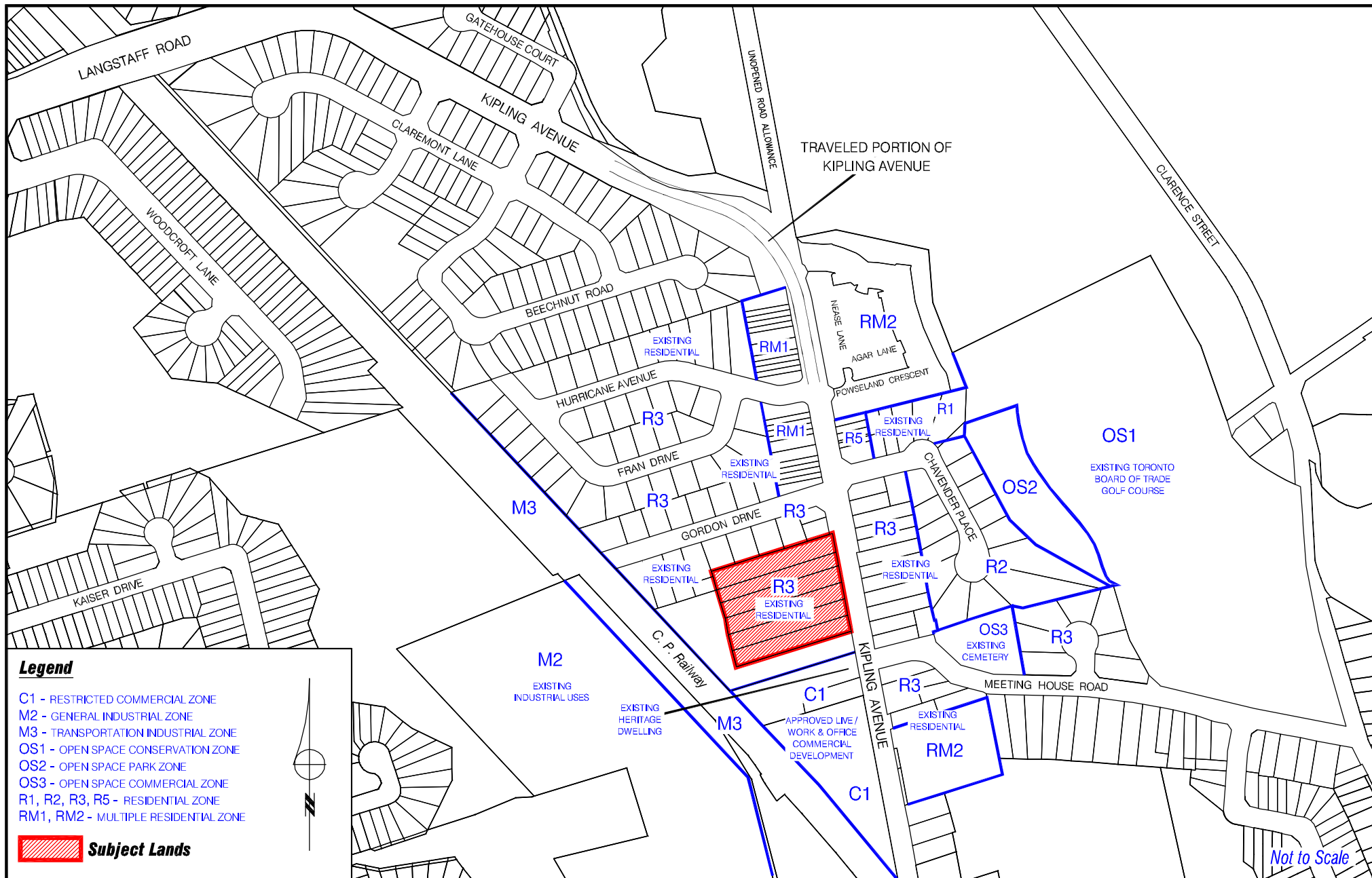


Attachment

FILES:
OP.12.017, Z.12.038, 19T-12V010

DATE:
April 3, 2013

2



Location Map

LOCATION:
Part of Lot 9, Concession 8

APPLICANT:
Kipco Lands Developments Ltd.

N:\DFT\1 ATTACHMENTS\OP\op.12.017z.12.038a.dwg



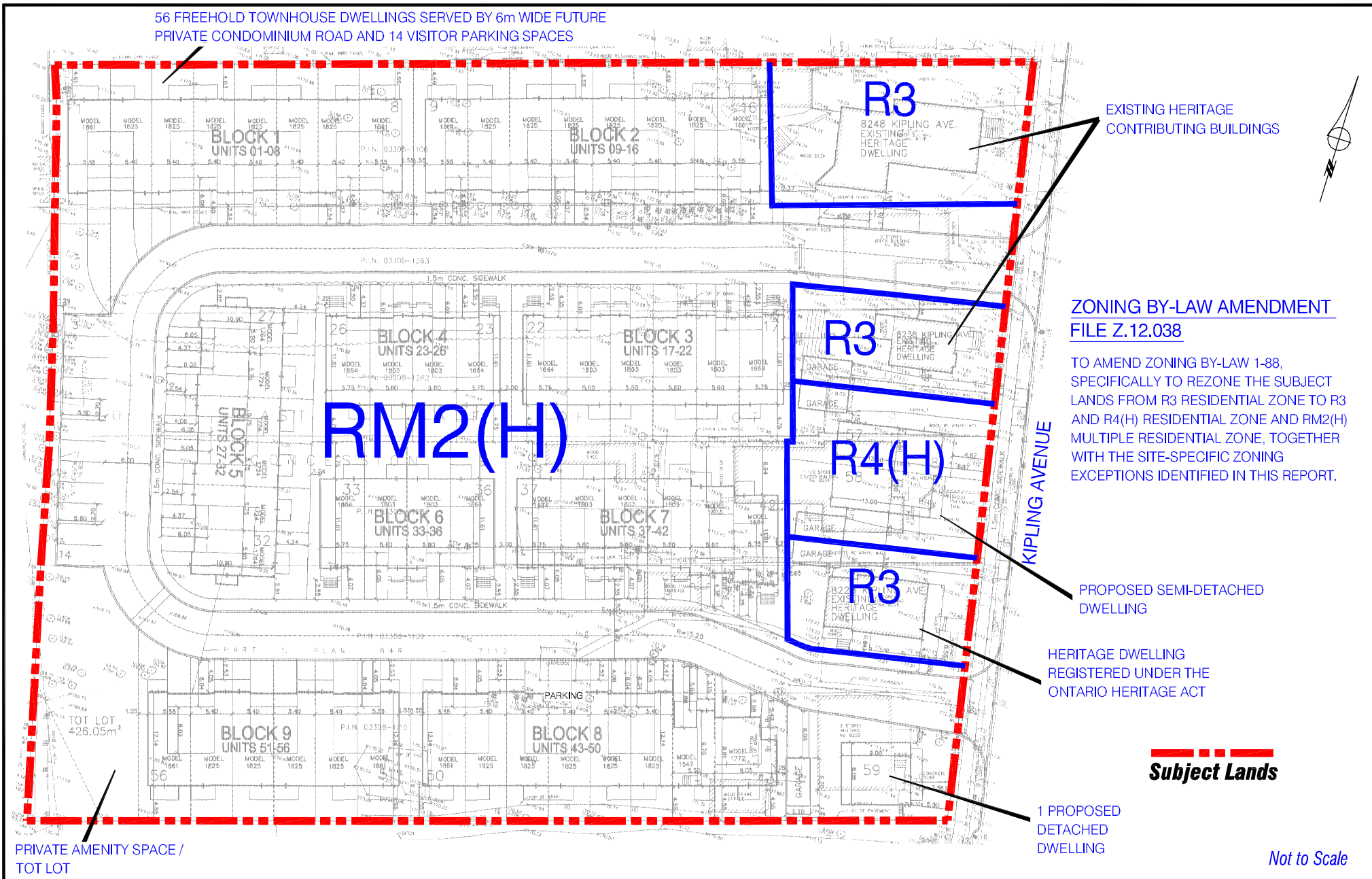
Attachment

FILES:
OP.12.017, Z.12.038, 19T-12V010

DATE:
April 3, 2013

3

56 FREEHOLD TOWNHOUSE DWELLINGS SERVED BY 6m WIDE FUTURE
PRIVATE CONDOMINIUM ROAD AND 14 VISITOR PARKING SPACES



Site Plan and Proposed Zoning

LOCATION:
Part of Lot 9, Concession 8

APPLICANT:
Kipco Lands Developments Ltd.

N:\DFT\1 ATTACHMENTS\OP\op.12.017z.12.038a.dwg

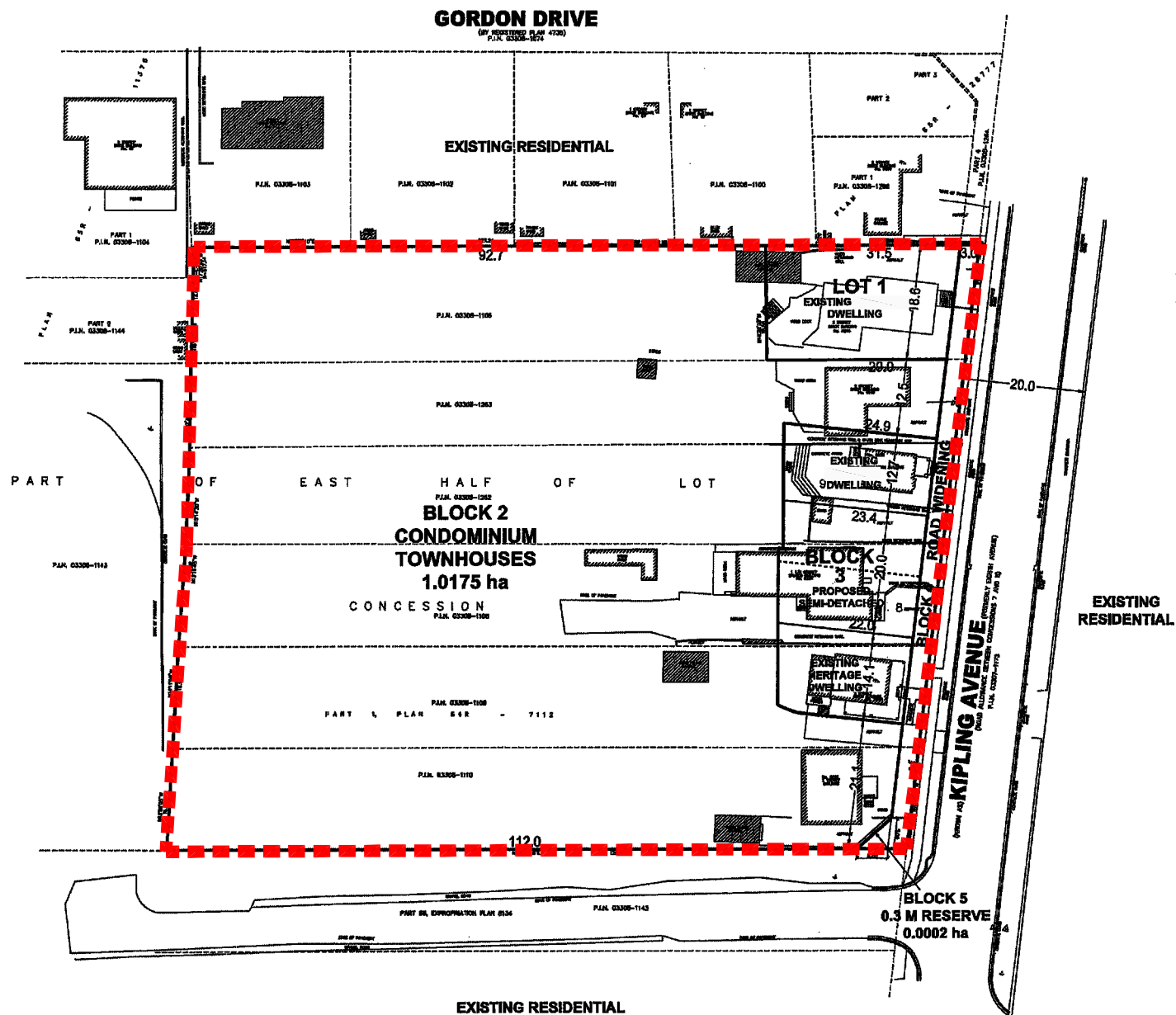


Attachment

FILES:
OP.12.017, Z.12.038, 19T-12V010

DATE:
April 3, 2013

4



Subject Lands

Not to Scale

Draft Plan of Subdivision

File 19T-12V010

LOCATION:
Part of Lot 9, Concession 8

APPLICANT:
Kipco Lands Developments Ltd.



Attachment

FILES:
OP.12.017, Z.12.038, 19T-12V010

DATE:
April 3, 2013

5

OFFICIAL PLAN AMENDMENT FILE OP.12.017

TO AMEND OPA 695 (LAND USE) SPECIFICALLY TO REDESIGNATE THE SUBJECT LANDS FROM 'MID DENSITY MIXED USE' AND 'PARKETTE' TO 'MID DENSITY MIXED USE'.

Legend

1	High Density Residential Neighbourhood
2	High Density Mixed Use
3	Mid Density Residential Neighbourhood
4	Mid Density Mixed Use
5	Low Density Residential Neighbourhood
6	Low Density Residential
7	Institutional
8	Neighbourhood Parks
9	Fairgrounds
10	Parkettes
11	Public Squares
12	High Density Residential
13	Deferral Area
	Flood Plain

----- Subject Lands

Subject Lands

OPA 676

OPA 636

Meeting House Road

OPA 679

OPA 520

Porter Ave. West

Industrial Ave.

OPA 644

Woodbridge Avenue

OPA 636

Deferral Area

Not to Scale

Schedule 3.0 (Land Use) to OPA 695

LOCATION:
Part of Lot 9, Concession 8

APPLICANT:
Kipco Lands Developments Ltd.

N:\DFT\1 ATTACHMENTS\OP\op.12.017z.12.038_attach3.dwg

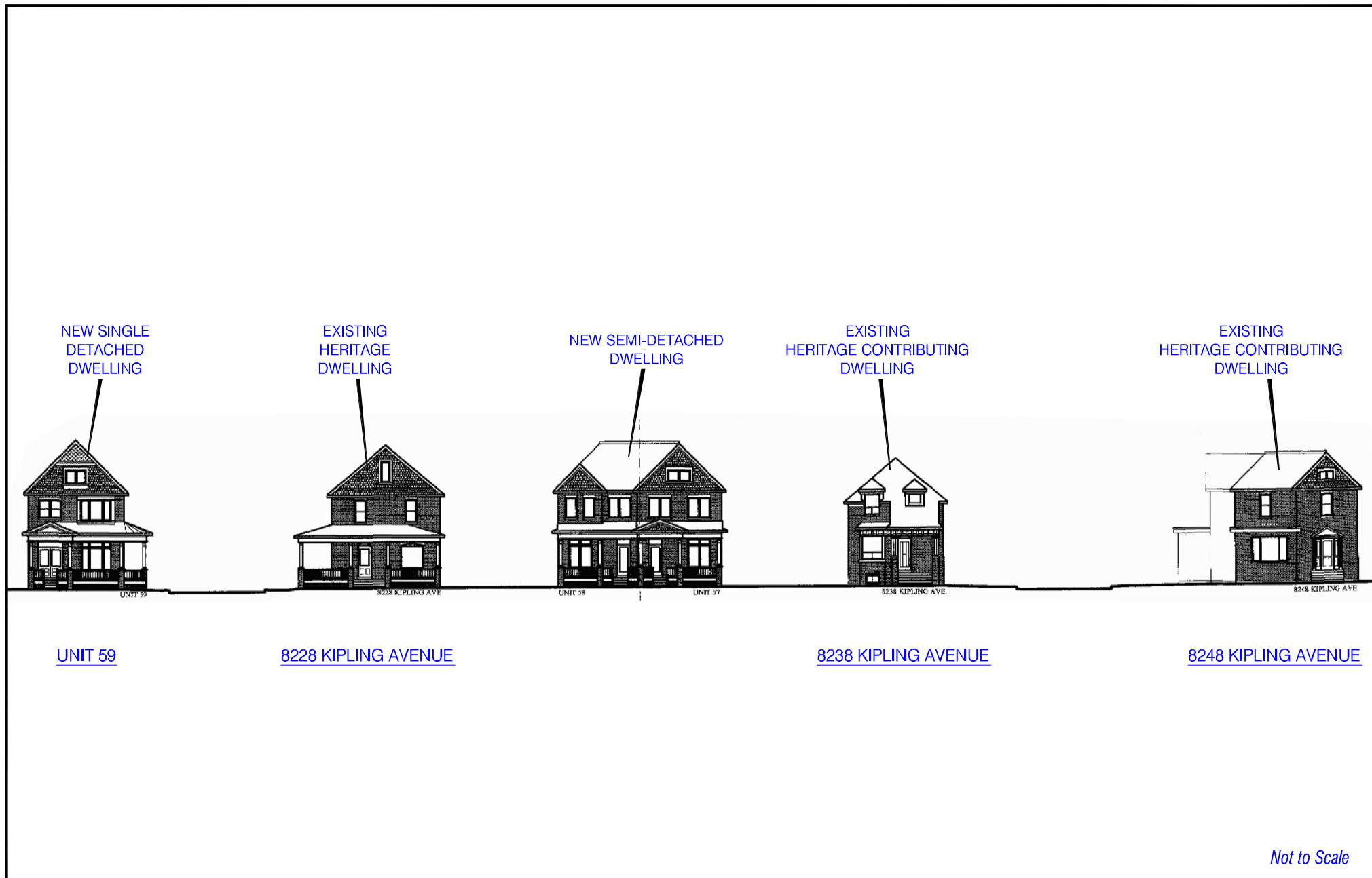


Attachment

FILES:
OP.12.017, Z.12.038, 19T-12V010

DATE:
April 3, 2013

6



Kipling Streetscape

LOCATION:
Part of Lot 9, Concession 8

APPLICANT:
Kipco Lands Developments Ltd.

N:\DFT\1 ATTACHMENTS\OP\op.12.017z.12.038.dwg



Attachment

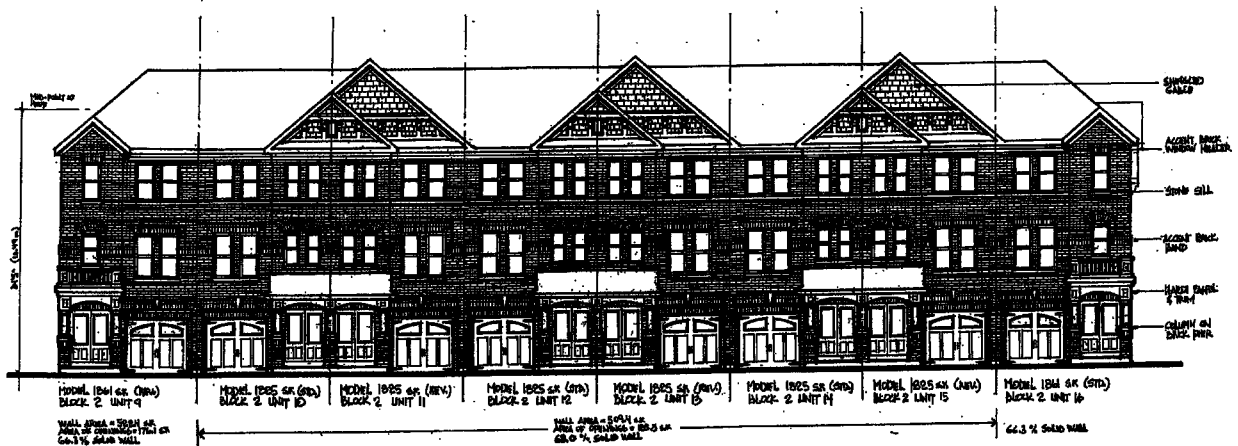
FILES:
OP.12.017, Z.12.038, 19T-12V010

DATE:
April 11, 2013

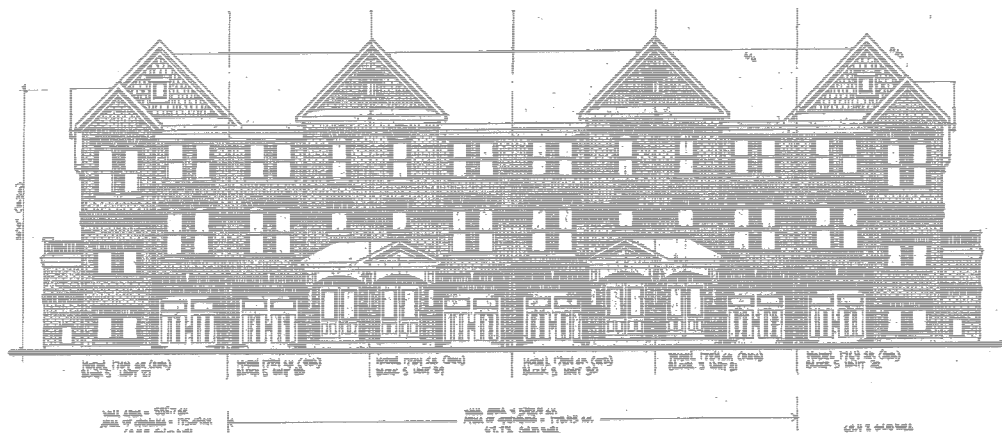
7



**BLOCK 1
FRONT ELEVATION**



**BLOCK 2
FRONT ELEVATION**



**BLOCK 5
FRONT ELEVATION**

Not to Scale

Proposed Typical Elevations

LOCATION:
Part of Lot 9, Concession 8

APPLICANT:
Kipco Lands Developments Ltd.

N:\DFT\1 ATTACHMENTS\OP\op.12.017z.12.038.dwg



Attachment

FILES:
OP.12.017, Z.12.038, 19T-12V010

DATE:
APRIL 11, 2013

8