

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF DECEMBER 11, 2012

Item 12, Report No. 48, of the Committee of the Whole, which was adopted, as amended, by the Council of the City of Vaughan December 11, 2012, as follows:

By deleting clause 3 of the recommendation contained in the report of the Commissioner of Planning, dated November 27, 2012 and replacing it with the following in accordance with Communication C3 from the Commissioner of Planning, dated December 5, 2012:

3. ***That prior to final approval, or any part thereof of Draft Plan of Subdivision File 19T-11V003 (Millwick Acquisition Corporation), the Owner shall obtain written confirmation from the Trustee for Block 33 West Properties Inc. that satisfactory arrangements have been made with Millwick Acquisition Corporation regarding its' obligations under the Block 33 West Cost Sharing Agreement."***

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**ZONING BY-LAW AMENDMENT FILE Z.11.005
DRAFT PLAN OF SUBDIVISION FILE 19T-11V003
MILLWICK ACQUISITION CORPORATION
WARD 3 – VICINITY OF CANADA DRIVE AND WESTON ROAD**

The Committee of the Whole recommends:

- 1) That the recommendation contained in the following report of the Commissioner of Planning, dated November 27, 2012, be approved; and
- 2) That Communication C8, from Mr. Millken Heisey, Papazian Heisey Myers, King Street West, Toronto, dated November 27, 2012, be received.

Recommendation

The Commissioner of Planning recommends:

1. THAT Zoning By-law Amendment File Z.11.005 (Millwick Acquisition Corporation) BE APPROVED, specifically to amend Zoning By-law 1-88, to:
 - a) rezone the subject lands shown on Attachments #2 and #3 from C4 Neighbourhood Commercial Zone to RD4 Residential Detached Zone Four, RS1 Residential Semi-Detached Zone, RT1 Residential Street Townhouse Zone, and OS2 Open Space Park Zone, in the manner shown on Attachment #4; and,
 - b) permit the site-specific zoning exceptions identified in Table 2, but not the encroachment of a fire place in a front yard, as identified in the Staff report.
2. THAT Draft Plan of Subdivision File 19T-11V003 (Millwick Acquisition Corporation), as red-line revised (November 27, 2012), and shown on Attachment #5, BE APPROVED, subject to the conditions set out in Attachment #1 to this report.
3. THAT prior to final approval, or any part thereof of Draft Plan of Subdivision File 19T-11V003 (Millwick Acquisition Corporation), the Owner shall enter into the Developer's Group Agreement for the Block 33 West Plan.

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4. THAT Council adopt the following resolution with respect to the allocation of water and sewage servicing capacity:

“NOW THEREFORE BE AND IT IS HEREBY RESOLVED THAT Draft Plan of Subdivision File 19T-11V003 (Millwick Acquisition Corporation) be allocated sewage capacity from the York - Durham Servicing Scheme and water supply capacity from the York Water Supply System for a total of 72 residential units.”

5. THAT the Owner shall be required to pay 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 approved “Cash-in-Lieu of Parkland Policy”. The Owner shall submit an appraisal report by an accredited appraiser for approval by the Vaughan Legal Department, Real Estate Division, and the approved appraisal shall form the basis of the cash-in-lieu payment.

Contribution to Sustainability

The following sustainable dwelling construction features are proposed to be provided in the development of the subject lands:

- i) Exterior Wall Construction: 2 x 6 Exterior Stud Partition, R-22 Batt Insulation and R-4 Exterior Insulsheathing Board (BP). This assembly uses low-heat-loss high density insulation on the inside, while wrapping the outside with insulation;
- ii) Windows: Low E Double-glazed Windows throughout (including basement) that are rated specifically for the climate zone of the subject lands and engineered to minimize condensation;
- iii) Insulation:
 - a) R-50 Recycled Cellulose Attic Insulation blown in to fill the whole space.
 - b) R-31 Foam Insulation for Exposed Floors and Critical Areas such as rooms above a garage; and,
 - c) R-12 Near Full-Height Basement Insulation;
- iv) Lighting: Energy Star Rated Compact Fluorescent Bulbs (CFL) throughout. According to Hydro One, these bulbs use approximately 75% less energy than standard incandescent bulbs and last up to 10 times longer.
- v) Decorating, Paints & Stains: Low Volatile Organic Compounds (VOC) Paint, Stains, and Primer. Low-VOC finishes ensures indoor air is clean and is safe from chemical emissions.
- vi) Heating and Ventilation:
 - a) Integrated Heating System with Heat Recovery Ventilator (HRV) and Efficient Domestic Hot Water System. The integrated heating system uses one burner to provide space heating for the house and domestic hot water heating providing 50% greater efficiency than a standard domestic hot water tank; and
 - b) Whole House Ventilation. The Heat Recovery Ventilator (HRV) continually provides fresh air with heat recovery from the stale air being exhausted.
- vii) Water Use:
 - a) Energy Star appliances for water efficient dishwasher and clothes washer;
 - b) Low-flow aerators for faucets and showers in kitchens and bathrooms to reduce domestic water use;
 - c) Low-flow shower heads can reduce water use by 20%; and,
 - d) 4.8 Litre per flush High Efficiency Toilet for significant water reduction.

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Economic Impact

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

Communications Plan

On May 20, 2011, a Notice of Public Hearing was circulated to all property owners within 150 m of the subject lands and to the Millwood Woodend Ratepayers' Association. The Public Hearing was held on June 14, 2011, and the recommendation to receive the Public Hearing was ratified by Vaughan Council on June 28, 2011. Through the Public Hearing Notice, five written comments were received with the following comments:

- i) A. Najak and C. Ramsahai, residents on Boticelli Way, dated June 6, 2011, respecting their opposition to the 4-storey dwelling units blocking out the sunlight to their homes and dust from the construction of the dwellings negatively impacting their lives. They indicated that the proposal contravenes the Community Area, Community Infrastructure, and Economic Growth and Diversion policies in City of Vaughan Official Plan 2010 by reducing commercial land thereby reducing the availability of walkable retail areas and employment opportunities and increasing traffic.
- ii) H. A. Mihallidi, Bratty and Partners, solicitor for the Block 33 West Landowners Group, dated June 6, 2011, respecting that as a condition of development, the Owner be required to enter into an agreement with the Block 33 West Landowners Group respecting the sharing of the costs and burdens associated with the community lands and infrastructure in Block 33 West from which the Owner of the subject lands will benefit.
- iii) B. A. Horosko, Bratty and Partners, solicitor for the Block 33 West Landowners Group, dated July 27, 2011, respecting the *Planning Act*, as well as the Ontario Divisional Court, providing the legal authorization for a municipality to impose conditions requiring the payment of costs to a front-ending owner for infrastructure from a benefiting owner.
- iv) J. Visconti, resident, dated June 9, 2011, respecting his objection to the proposal as townhouses and the number of units in a confined area lower the value of property and increase the vehicular traffic resulting in an environment that is not safe for pedestrians, especially children. Further the height of the homes will affect the amount of sunlight on his garden and be detrimental to his enjoyment of the garden.
- v) A. M. Heisey, Papazian Heisey Myers, solicitor for the Owner, dated June 14, 2011, respecting the Owner not having an obligation to pay costs for the servicing or infrastructure to the Block 33 West Landowners Group nor the City having a legal or statutory authority to make the approval of the development contingent upon payment of costs to the Block 33 West Landowners Group.
- vi) A. M. Heisey, Papazian Heisey Myers, solicitor for the Owner, dated September 27, 2010, respecting the Owner, advising the City that there is no applicable law that requires the City to request a clearance letter from the Trustees of the Block 33 West Landowners Group and Downstream prior to the issuance of a building permit for their approved commercial lands shown on Attachment #3.

Purpose

The Owner has submitted the following applications on the subject lands shown on Attachments #2 and #3, to facilitate the development for 72 dwelling units on 1.97 ha:

1. Zoning By-law Amendment File Z.11.005 to amend Zoning By-law 1-88, specifically to:

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- a) rezone the subject lands shown on Attachments #2 and #3 from C4 Neighbourhood Commercial Zone to RD4 Residential Detached Zone Four, RS1 Residential Semi-Detached Zone, RT1 Residential Street Townhouse Zone and OS2 Open Space Park Zone in the manner shown on Attachment #4; and,
 - b) permit the site-specific zoning exceptions identified in Table 2 of this report.
2. Draft Plan of Subdivision File 19T-11V003, to facilitate a residential plan of subdivision consisting of a total of 4 lots and 13 Blocks to facilitate the development of a total of 72 dwelling units on 1.97 ha as shown on Attachment #5. The Draft Plan of Subdivision development statistics are as follows:

| Lots/Blocks | Land Use | Area (ha) | Units |
|--------------------|---------------------------------------|------------------|--------------|
| 1 & 2 | Detached Residential Units | 0.089 | 2 |
| 3 & 4 | Semi-Detached Residential Units | 0.159 | 4 |
| 5 - 16 | Street Townhouse Units | 1.202 | 66 |
| 17 | Road Widening (Weston Road) | 0.014 | |
| 18 & 19 | Landscape Area (Weston Road) | 0.029 | |
| 20 - 24 | 0.3 Metre Reserve | 0.001 | |
| | Street "A" (17.5 m Wide Right-of-Way) | 0.479 | |
| | Total | 1.973 | 72 |

Background - Analysis and Options

Location

The subject lands have 71.9 m of frontage on the east side of Weston Road and 73 m of frontage on the south side Canada Drive, and are generally located southeast of Canada Drive and Weston Road, City of Vaughan, shown as subject lands on Attachments #2 and #3.

Supporting Documents

The following reports were submitted in support of the proposal:

- *Planning Justification Report - Millwick Acquisition Corporation in Block 33 West*, dated January 2011 by Bernatt Architect Ltd., and revised to June 30, 2011;
- *Functional Servicing Report for Residential Subdivision - Millwick Acquisition Corporation*, dated May 2011 by Riaboy Engineering Ltd., and revised to October 31, 2011;
- *Functional Servicing Report for Townhouse Residential Development - Millwick Acquisition Corporation*, dated August 2012 by Cole Engineering;
- *Stormwater Management Brief - Millwick Acquisition Corporation*, dated November 2010 by Cole Engineering; and,
- *Preliminary Noise Review - Proposed Residential Development*, dated May 12, 2012 by Jade Acoustics.

Previous Files

In July 2005, Draft Plan of Subdivision File 19T-00V09 was draft approved for 288 residential units, commercial, high performance employment, school and park uses on 17.83 ha, and included the subject lands. The subject lands, which form part of a larger 2.85 ha commercial block located at the southeast corner of Weston Road and Canada Drive were draft approved for commercial uses and subsequently zoned C4 Neighbourhood Commercial Zone as shown on Attachment #3.

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Site Development File DA.07.089 (Phase 1), shown on Attachment #3, to permit a development consisting of 3 commercial retail buildings on 0.88 ha of the original 2.85 ha commercial block, was approved by Vaughan Council on April 14, 2009. In 2009, the balance of the commercial lands (subject lands) having an area of 1.97 ha (Phase 2) were severed from the original 2.85 ha commercial block for a future residential development, which is the subject of this staff report.

Official Plan - Land Use Designation/Uses/Density

i) Official Plan Amendment #600

The subject lands are designated “Medium Density Residential/Commercial” with a “Neighbourhood Commercial” overlay designation by OPA #600. The “Medium Density Residential/Commercial” designation in OPA #600 permits detached, semi-detached and street townhouse dwelling units at a density ranging between 17 to 40 units per ha. The proposal for 72 units on the subject lands yields a density of 36.5 units per ha, which conforms to the Official Plan.

viii) City of Vaughan Official Plan 2010

The “Low-Rise Mixed-Use” designation in City of Vaughan Official Plan 2010, which was adopted by Vaughan Council on September 7, 2010, (as modified September 27, 2011, March 20, 2012, and April 17, 2012), and requires approval by the Ontario Municipal Board, permits single and semi-detached dwellings, townhouse, and stacked townhouse units, and low-rise buildings on the subject lands. The proposed gross floor area for all of the detached, semi-detached and street townhouse dwellings is 12,750 m², which yields a Floor Space Index of 0.647. VOP 2010 does not contain a density figure for low-rise designations. The proposal conforms to the new Official Plan.

Zoning

The subject lands are currently zoned C4 Neighbourhood Commercial Zone by Zoning By-law 1-88, subject to Exception 9(1313) as shown on Attachment #3, which permits only commercial uses on the subject lands. To facilitate the proposed Draft Plan of Subdivision shown on Attachment #5, an amendment to Exception 9(1313) is required to rezone the subject lands for residential uses. The proposed zone categories for the Lots and Blocks within the Draft Plan of Subdivision are identified as follows and shown on Attachment #4:

Table 1 – Proposed Rezoning

| | Current Zoning | Proposed Rezoning |
|----|----------------------------------|---|
| a. | C4 Neighbourhood Commercial Zone | <ul style="list-style-type: none">i) RD4 Residential Detached Zone Four for 2 detached dwelling units (minimum 9 m frontage and minimum 243 m² lot area);ii) RS1 Residential Semi-Detached Zone for 4 semi-detached dwelling units (minimum 7.5 m frontage and minimum 202 m² lot area);iii) RT1 Residential Townhouse Zone for 66 street townhouse units (minimum 6 m frontage and minimum 180 m² lot area); and,iv) OS2 Open Space Park Zone (buffer blocks). |

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The following zoning exceptions identified in Table 2 are requested to facilitate the proposal as shown on Attachment #5:

Table 2 - Proposed Exceptions

| | By-law Standard | Zoning By-law 1-88 Requirements for RD4, RS1 and RT1 Zones | Proposed Exceptions to Zoning By-law 1-88 requirements, for the RD4, RSI, and RTI Zones |
|----|--|--|--|
| a. | Maximum Permitted Yard Encroachment for a Fireplace | The encroachment standards in By-law 1-88 do not address a fireplace. | Permit a fireplace to project a maximum of 0.5 m into a required yard. |
| b. | Maximum Permitted Yard Encroachment for a Porch Into a Required Front and Exterior Side Yard | Permits the encroachment of a unenclosed porch (covered or uncovered) of 2.5 m into the front and exterior yards only. | In addition to By-law 1-88, permit a covered and unenclosed porch, which is not constructed on footings to extend into a required interior side yard a maximum of 0.3 m and into a rear yard a maximum of 1.8 m. |
| c. | Maximum Permitted Yard Encroachment For a Bay or Box Window | By-law 1-88 does not include a standard to address a bay or box window or similar window projection, which is constructed with or without footings into a required yard. | Permit a bay or box window or similar window projection, which is constructed with or without footings to extend into a required front, exterior side, or rear yard to a maximum distance of 0.6 m. |
| d. | Minimum Rear Yard in a RD4 Zone | 7.5 m | 6.5 m (Lot 2 only) |
| e. | Minimum Exterior Yard in a RD4 Zone | 4.5 m | 1.2 m (Lot 1 only) |
| f. | Minimum Lot Depth in a RD4 Zone | 27 | Lot 2 - 19 m and 25 m for the north and south lot lines respectively. |
| g. | Minimum Rear Yard in a RT1 Zone | 7.5 m | 6.5 m |

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| | | | |
|----|---|------|---|
| h. | Minimum Lot Depth in a RT1 Zone | 27 m | <ul style="list-style-type: none">▪ 26.5 m for the west lot lines of Blocks 7 and 8▪ 25 m for the north lot line of Block 14 only. |
| i. | Minimum Exterior Side Yard Abutting A Sight Triangle | 3 m | 1.5 m (Lot 1 and Blocks 7, 8 and 13 only) |
| j. | Minimum Distance Between an Intersection of Street Lines and a Driveway | 15 m | 4 m |

The zoning exceptions identified in Table 2 respecting encroachments for bay windows, fireplace and porches and the reduced rear yard of 6.5 m for Lot 2 in the RT1 Zone, will allow for an increased range of architectural design options for the dwelling units in accordance with the Block 33 West Vellore Park Architectural Design Guidelines. The reduction to the exterior yard and the lot depth in the RD4 Residential Detached Zone (Lots 1 and 2) is due to accommodating the easterly alignment of the 17.5 m Street "A" right-of-way width which results in irregular shaped lots (Lots 1 and 2) for the proposed detached dwelling units. The reduction to the lot depths for Blocks 7 and 8 are minor. The decrease in the minimum exterior side yard abutting a sight triangle is only for a portion of Lot 1 and Blocks 7, 8, and 13. The Development Planning Department does not support the requested variance to permit a fireplace encroachment into the front yard, however, has no objections to allowing this encroachment in other yards. The Development Planning Department is satisfied that the proposed zoning exceptions are minor in nature and facilitate development that is in keeping with the Architectural Guidelines for Block 33 west and compatible with the surrounding development, subject to the comments in this report.

Subdivision Design

The 1.97 ha Draft Plan of Subdivision is comprised of 2 lots for detached dwelling units, 2 lots for 4 semi-detached dwelling units, and 12 Blocks for 66 street townhouse units, as shown on Attachment #5. The Draft Plan of Subdivision includes a 17.5 m wide road (Street "A"), which connects Weston Road (arterial road) to Canada Drive (primary road).

All development within the Draft Plan of Subdivision is subject to architectural approval in accordance with the Block 33 West Vellore Park Architectural Design Guidelines, prepared by The Planning Partnership with Sterling Finlayson Architects. A condition to this respect is included in Attachment #1.

The development within the Draft Plan is to proceed in accordance with the approved Block 33 West Vellore Park Landscape Plan prepared by Landscape Planning Ltd., which addresses matters such as, but not limited to, the urban design/streetscape elements including entrance features, medians, fencing, community edge treatment, and the incorporation of sustainable design elements into the overall urban fabric. The landscape treatment will include low maintenance plant material in the 6 m wide landscape buffer adjacent to Weston Road. Acoustic fencing, in accordance with the approved Noise Report, will be placed along Weston Road and between the commercial and residential uses. The Draft Plan of Subdivision must be revised to indicate the location of the telecommunication and hydro utility buildings and easements. Conditions to this respect are included in Attachment #1.

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Should the Zoning By-law Amendment and Draft Plan of Subdivision applications be approved, the street townhouse units will be subject to Site Plan approval, at which time the proposed building elevations, landscaping plan, including acoustic and privacy fencing details, site grading and servicing plans will be reviewed.

The Vaughan Development Planning Department has reviewed the proposal and requires the following red-lined revisions to the proposed Draft Plan of Subdivision shown on Attachment #5:

- a) the returns on sight triangles at Weston Road and Street “A” must be extended to the first driveway;
- b) the existing 6 x 6 metre PowerStream easement (Part 5 of Plan 65R-31795) for the transformer and/or switchgear, located in the proposed day-light triangle on the east side of Street “A” must be relocated at the Owner’s expense or modify the lot/block pattern and/or the street alignment to provide appropriate clearances/setbacks;
- c) address the driveways being located within 15 m of the intersection for Blocks 7 and 8 at the Weston Road and Street “A” intersection, and Lot 1 and Block 13 at the Canada Drive and Street “A” intersection;
- d) indicate the location of the 0.3 m reserves; and,
- e) identify telecommunication and hydro buildings and easements.

The Development Planning Department is satisfied with the proposed subdivision design, subject to the comments and red-lined revisions in this report, and the conditions of approval in Attachment #1.

Vaughan Development/Transportation Engineering Department

The Development/Transportation Engineering Department has completed its review of the Draft Plan of Subdivision and provides the following comments regarding the municipal services for this subdivision:

i) Road Network

A 17.5 metre right-of-way (R.O.W.) is proposed connecting Canada Drive to the north and Weston Road. The road shall be designed in accordance with the City’s standards and criteria.

A number of draft plan issues shall be resolved including:

- a) returns on sight triangles at Weston Road and Street “A” shall be extended to the first driveway;
- b) Part 5 of Plan 65R-31795, the existing 6 x 6 metre PowerStream easement for the transformer and/or switchgear, located in the proposed day-light triangle on the east side of Street “A” shall be relocated at the Owner’s expense or the lot and/or street alignment shall be modified to provide appropriate clearances/setbacks; and,
- c) Weston Road shall be subject to Region of York comments and approval.

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ii) Storm Water Management

The minor system can be serviced by street and rear lot catchbasins and storm sewers connecting to an existing 750 mm diameter sewer at the southwest corner of the site. The flows continue to Tiana Court and ultimately to the stormwater management pond on the southeast side of Lormel Gate and Weston Road. For events that exceed the capacity of the minor storm sewer system, overland flow from the site will spill to Weston Road and ultimately to the pond as described above.

The Owner's consultant shall confirm that the stormwater management pond can accept the additional volume from the plan and shall obtain and provide Region of York approval for the flow to Weston Road.

iii) Sanitary System

The plan can be serviced by a proposed 200 mm diameter sanitary sewer connecting to an existing manhole on Tiana Court to the south via an existing easement. The downstream sanitary sewer system shall be analyzed to confirm that there is no surcharging and that there is capacity for the proposed development.

iv) Water Supply

The plan is part of the Pressure District No. 7 of the York Water Supply System. The Plan can be serviced via a looped system with connections to the existing 400 mm watermain on the north side of Canada Drive and to the existing 150 mm watermain on Tiana Court to the south via an existing easement. A flow pressure test shall be performed on the nearest hydrant to the site to assess the existing capacity of the water network and indicate if the existing static and residual pressure can accommodate the proposed development.

v) Servicing Capacity Allocation

On June 26, 2012, Council approved the recommendation to "RESERVE" seventy-one (71) residential units to the development application from the City's available unrestricted capacity. Based on the latest submission, seventy-two (72) residential units are required to complete the Plan. The one (1) additional unit will be reconciled in the City's next yearly update in 2013.

Accordingly, in accordance with the City's Servicing Capacity Distribution Protocol, as adopted by Council on June 26, 2012, formal allocation of servicing capacity is required by Vaughan Council in conjunction with Draft Plan Approval. The recommended wording for allocation to File 19T-11V003 with respect to the allocation of sewage capacity from the York-Durham Servicing Scheme and water supply capacity from the York Water Supply System in accordance with the approved Servicing Capacity Distribution Protocol dated June 26, 2012 is as follows:

"IT IS HEREBY RESOLVED THAT Subdivision Application 19T-11V003 is allocated sewage capacity from the York - Durham Servicing Scheme and water supply capacity from the York Water Supply System for a total of 72 residential units."

vi) Traffic Management

The Owner shall address the following red-line comments:

- a) the location of driveways being within 25 m of the Weston Road and Street "A" intersection;

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b) the intersection details for Canada Drive and Street “A” shall meet all City Standards; and,

c) the distance dimensions from Weston Road to Canada Drive shall be provided.

vii) Municipal Servicing Agreement

The Owner is required to enter into and execute a subdivision agreement with the City.

viii) Noise Attenuation

The Owner is required to submit a revised Environmental Noise Report, which shall:

a) include road traffic data;

b) indicate that the adjacent acoustic fence height along Weston Road shall be matched;

c) indicate that the acoustic fence shall separate commercial and residential uses;

d) indicate that mandatory air conditioning shall be required for all units adjacent to the commercial lands; and,

e) use the ultimate Annual Average Daily Traffic (AADT) measure of 40,000 for Weston Road unless higher volumes are specified by the Region of York.

ix) Environmental

The Environmental Site Assessment (ESA) report submitted in support of the application must be amended using residential criteria and is required for the change in land use from a commercial to residential land use.

x) Relocation of Street Utilities

A 6.0 X 6.0 metre hydro pad/switchgear exists within the proposed Street “A” R.O.W. and Lot 1, described as Part 5 of Plan 65R-31795. The switchgear shall be relocated to an appropriate location to the satisfaction of the City and PowerStream.

xi) Streetlighting

Streetlighting shall match the existing street lighting system in the adjacent developments and in accordance with the City’s standards and design criteria.

xii) Other Comments/Concerns

The manhole and the existing sanitary sewer easement for the adjacent commercial lands, described as Part 6 of Plan 65R-31795, are located within the north most unit of proposed Block 13. The easement shall be maintained and no structures shall be located within the easement.

Lot Grading shall satisfy the City’s Lot Grading Criteria. Retaining wall(s) shall not exceed 1.0 m in height without fencing/barrier, and shall be setback from the property line a distance greater or equal to its height in accordance with Zoning By-law 1-88.

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Developer's Group Agreement

It is a standard condition of Draft Plan of Subdivision approval that the participating owners execute and/or enter into a Developer's Group Agreement which addresses the provision of services and community use lands. A condition of approval is included in this report.

Vaughan Cultural Services Division

The Cultural Services Division has received the Ministry of Citizenship, Culture and Recreation's clearance of archaeological concerns respecting the subject lands as part of Draft Plan of Subdivision File 19T-00V09. As such, the Cultural Services Division has no objection to the approval of the Draft Plan of Subdivision, subject to the inclusion of the standard archaeological resources condition 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, being included in Attachment #1.

Vaughan Real Estate Division

The Vaughan Real Estate Division has advised that the Owner will be required to pay 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 approved "Cash-in-Lieu of Parkland Policy". The Owner shall submit an appraisal report by an accredited appraiser for approval by the Vaughan Legal Department, Real Estate Division, and the approved appraisal shall form the basis of the cash-in-lieu payment. This condition is included in the recommendation of this report.

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.

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 no costs for servicing this site. The Owner is to contact the Enbridge Customer Connections Department at their earliest convenience to discuss the installation and clearance requirements for service and metering facilities. This is included in the conditions of approval in Attachment #1.

School Boards

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

Relationship to Vaughan Vision 2020/Strategic Plan

This staff report is consistent with the priorities set forth in Vaughan Vision 2020, particularly "Manage Growth & Economic Well-being".

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Regional Implications

The Region of York has advised that this development is within the Jane-Rutherford Trunk Service area of the York-Durham Sewage System, and will be serviced from Pressure District No. 7. Infrastructure Planning staff have no concerns with regards to sanitary servicing and water supply for this development.

York Region has no objection to the approval of the plan of subdivision, subject to their conditions of approval included in Attachment #1.

Conclusion

The Zoning By-law Amendment and Draft Plan of Subdivision applications propose to implement a residential development which conforms to Regional and City Official Plan policies for the efficient use of developable land. A total of 72 dwelling units (2 detached, 4 semi-detached and 66 street townhouse dwellings) are proposed on the 1.97 ha subject lands shown on Attachment #2. The proposal for 72 units on the subject lands yields a density of 36.5 units per ha, which conforms to the Official Plan. Should the Zoning By-law Amendment and Draft Plan of Subdivision applications be approved, the street townhouse units will be subject to Site Plan approval.

The Vaughan Development Planning Department is satisfied that the proposed residential development as shown on Attachment #5 is appropriate and compatible with the existing and permitted uses in the surrounding area and can be developed in a manner that is appropriate and compatible with the existing community. The Development Planning Department can support the approval of the Zoning By-law Amendment Application and Draft Plan of Subdivision as red-lined, subject to the recommendations in this report, and the Conditions of Approval set out in Attachment #1.

Attachments

1. Conditions of Approval
2. Context Location Map
3. Location Map
4. Proposed Zoning
5. Plan of Subdivision 19T-11V003 - Red-line Revised November 27, 2012

Report prepared by:

Judy Jeffers, Planner, ext. 8645
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.)

DATE: December 5, 2012
TO: Honourable Mayor & Members of Council
FROM: John MacKenzie, Commissioner of Planning
RE: **COMMUNICATION**
Council Meeting – December 11, 2012

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| C | <u>3</u> |
| Item # | <u>12</u> |
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| <u>Council - December 11/12</u> | |

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Zoning By-law Amendment File Z.11.005
Draft Plan of Subdivision File 19T-11V003
Millwick Acquisition Corporation
Ward 3 – Vicinity of Canada Drive and Weston Road

Recommendation

The Commissioner of Planning recommends:

1. THAT Recommendation #3 in Item #12 of the Committee of the Whole Report dated November 27, 2012, respecting Draft Plan of Subdivision File 19T-11V003 (Millwick Acquisition Corporation) be deleted and replaced with the following:

"THAT prior to final approval, or any part thereof of Draft Plan of Subdivision File 19T-11V003 (Millwick Acquisition Corporation), the Owner shall obtain written confirmation from the Trustee for Block 33 West Properties Inc. that satisfactory arrangements have been made with Millwick Acquisition Corporation regarding its' obligations under the Block 33 West Cost Sharing Agreement."

Background

In the staff report, Recommendation #3 for Item #12 of the Committee of the Whole Report dated November 27, 2012, respecting Draft Plan of Subdivision File 19T-11V003 (Millwick Acquisition Corporation) read as follows:

"THAT prior to final approval, or any part thereof of Draft Plan of Subdivision File 19T-11V003 (Millwick Acquisition Corporation), the Owner shall enter into the Developer's Group Agreement for the Block 33 West Plan."

On December 3, 2012, Mr. Gerry Lynch of Cole Engineering representing Block 33 West Properties Inc. wrote a letter to the Vaughan Development Planning Department recommending that Recommendation #3 could be changed to the following wording:

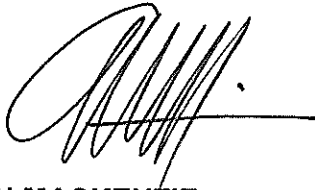
"THAT prior to final approval, or any part thereof of Draft Plan of Subdivision File 19T-11V003 (Millwick Acquisition Corporation), the Owner shall obtain written confirmation from the Trustee for Block 33 West Properties Inc. that satisfactory arrangements have been made with Millwick Acquisition Corporation regarding its' obligations under the Block 33 West Cost Sharing Agreement."

Conclusion

As the change in wording is proposed by the Block 33 West Developer's Group (letter attached), the Vaughan Development Planning Department has no objection to the revised recommendation as provided in this Communication.

Should Council concur, the recommendation in this Communication can be adopted.

Respectfully,

A handwritten signature in black ink, appearing to read 'J. Mackenzie', with a horizontal line extending from the end of the signature.

JOHN MACKENZIE
Commissioner of Planning

GU/

Attachment: Gerry Lynch, Cole Engineering Letter dated December 3, 2012

Copy To: Clayton Harris, City Manager
Jeffrey A. Abrams, City Clerk
Grant Uyeyama, Director of Development Planning
Judy Jeffers, City Planner

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COLE
ENGINEERING

Experience Enhancing Excellence

December 3, 2012
Our Ref: LD12-0265-100

City of Vaughan
2141 Major Mackenzie Drive
Vaughan, ON L6A 1T1

**Attention: Ms. Judy Jeffers
Planner**

Dear Judy:

**Re: Zoning By-Law Amendment File Z.11.005
Draft Plan of Subdivision File 19T-11V003
Ward 3 – Vicinity of Canada Drive and Weston Road**

Further to having reviewed the Committee of the Whole's recommendations dated November 27, 2012, the Block 33 West Group confirms that condition no. 3 of the above-referenced document may be changed to the following:

THAT prior to final approval, or any part thereof of draft Plan of Subdivision File 19T-11V003 (Millwick Acquisition Corporation), the Owner shall obtain written confirmation from the Trustee for Block 33 West Properties Inc. that satisfactory arrangements have been made with Millwick Acquisition Corporation regarding its obligations under the Block 33 West Cost Sharing Agreement.'

We trust that the above will be satisfactory to change the outlined condition. Should the City of Vaughan require further clarification, they may directly contact the undersigned.

Yours truly,

COLE ENGINEERING GROUP LTD.

Gerry Lynch, P.Eng.
Project Manager

LPM:si

c.: John Zipay
Block 33 West Group
Nick Di Lorenzo – Millwick Acquisition Corporation

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Cole Engineering Group Ltd.

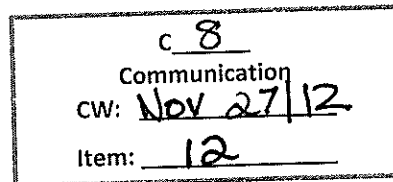
Head Office: 70 Valleywood Drive, Markham, ON L3R 4T5 F: 905.940.2064 T: 905.940.6161
GTA West: 150 Courtneypark Drive West, Unit# C100, Mississauga, ON L5W 1Y6 F: 905.364.6162 T: 905.364.6161



November 27, 2012

Via fax and

Electronically: 905-832-8538/ maurizio.bevilacqua@vaughan.ca



His Worship Mayor Maurizio Bevilacqua and
Members of the Committee of the Whole
City of Vaughan
2285 Major MacKenzie Road
Vaughan, Ontario

Your Worship Mayor Bevilacqua and Members of the Committee

Re: Committee of the Whole November 27, 2012
Re: Draft Plan of Subdivision 19T-11V003
Re: Zoning Application Z11.005

I act for Millwick Acquisition Corporation, the owner applicant in respect of the above referenced matter.

I am writing to express our clients objection to draft subdivision condition 19 proposed in the report.

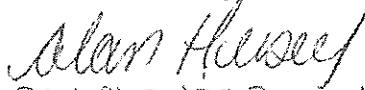
Our client is not a party to the Block 33 Developer's Group Agreement and is therefore not bound by its terms. It is inappropriate and unfair to impose a requirement that requires the Trustee for Block 33 West to clear a condition that our client has fulfilled its obligations under an agreement it is not a party to.

For over 2 years our client has attempted to obtain what it is the Trustee would be seeking from my client in this connection to no avail.

As recently as 2 weeks ago the author of this letter spoke to the solicitor for the Block 33 West Landowners Group and requested details as to their requirements. As before no answer was forthcoming. The City should not confer on a private landowners group the power to decide a municipal condition in these circumstances.

My client is prepared to discuss with the Block 33 Group Trustee a resolution but not in the context of the condition 19 as proposed.

Yours very truly,


per. Chantea Bostock
A. Millken Heisey
AMH/cmb

Signed but not read.

cc: Millwick Acquisition Corp.

COMMITTEE OF THE WHOLE NOVEMBER 27, 2012

**ZONING BY-LAW AMENDMENT FILE Z.11.005
DRAFT PLAN OF SUBDIVISION FILE 19T-11V003
MILLWICK ACQUISITION CORPORATION
WARD 3 – VICINITY OF CANADA DRIVE AND WESTON ROAD**

Recommendation

The Commissioner of Planning recommends:

1. THAT Zoning By-law Amendment File Z.11.005 (Millwick Acquisition Corporation) BE APPROVED, specifically to amend Zoning By-law 1-88, to:
 - a) rezone the subject lands shown on Attachments #2 and #3 from C4 Neighbourhood Commercial Zone to RD4 Residential Detached Zone Four, RS1 Residential Semi-Detached Zone, RT1 Residential Street Townhouse Zone, and OS2 Open Space Park Zone, in the manner shown on Attachment #4; and,
 - b) permit the site-specific zoning exceptions identified in Table 2, but not the encroachment of a fire place in a front yard, as identified in the Staff report.
2. THAT Draft Plan of Subdivision File 19T-11V003 (Millwick Acquisition Corporation), as red-line revised (November 27, 2012), and shown on Attachment #5, BE APPROVED, subject to the conditions set out in Attachment #1 to this report.
3. THAT prior to final approval, or any part thereof of Draft Plan of Subdivision File 19T-11V003 (Millwick Acquisition Corporation), the Owner shall enter into the Developer's Group Agreement for the Block 33 West Plan.
4. THAT Council adopt the following resolution with respect to the allocation of water and sewage servicing capacity:

"NOW THEREFORE BE AND IT IS HEREBY RESOLVED THAT Draft Plan of Subdivision File 19T-11V003 (Millwick Acquisition Corporation) be allocated sewage capacity from the York - Durham Servicing Scheme and water supply capacity from the York Water Supply System for a total of 72 residential units."
5. THAT the Owner shall be required to pay 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 approved "Cash-in-Lieu of Parkland Policy". The Owner shall submit an appraisal report by an accredited appraiser for approval by the Vaughan Legal Department, Real Estate Division, and the approved appraisal shall form the basis of the cash-in-lieu payment.

Contribution to Sustainability

The following sustainable dwelling construction features are proposed to be provided in the development of the subject lands:

- i) Exterior Wall Construction: 2 x 6 Exterior Stud Partition, R-22 Batt Insulation and R-4 Exterior Insulsheathing Board (BP). This assembly uses low-heat-loss high density insulation on the inside, while wrapping the outside with insulation;
- ii) Windows: Low E Double-glazed Windows throughout (including basement) that are rated specifically for the climate zone of the subject lands and engineered to minimize condensation;

- iii) Insulation:
 - a) R-50 Recycled Cellulose Attic Insulation blown in to fill the whole space.
 - b) R-31 Foam Insulation for Exposed Floors and Critical Areas such as rooms above a garage; and,
 - c) R-12 Near Full-Height Basement Insulation;
- iv) Lighting: Energy Star Rated Compact Fluorescent Bulbs (CFL) throughout. According to Hydro One, these bulbs use approximately 75% less energy than standard incandescent bulbs and last up to 10 times longer.
- v) Decorating, Paints & Stains: Low Volatile Organic Compounds (VOC) Paint, Stains, and Primer. Low-VOC finishes ensures indoor air is clean and is safe from chemical emissions.
- vi) Heating and Ventilation:
 - a) Integrated Heating System with Heat Recovery Ventilator (HRV) and Efficient Domestic Hot Water System. The integrated heating system uses one burner to provide space heating for the house and domestic hot water heating providing 50% greater efficiency than a standard domestic hot water tank; and
 - b) Whole House Ventilation. The Heat Recovery Ventilator (HRV) continually provides fresh air with heat recovery from the stale air being exhausted.
- vii) Water Use:
 - a) Energy Star appliances for water efficient dishwasher and clothes washer;
 - b) Low-flow aerators for faucets and showers in kitchens and bathrooms to reduce domestic water use;
 - c) Low-flow shower heads can reduce water use by 20%; and,
 - d) 4.8 Litre per flush High Efficiency Toilet for significant water reduction.

Economic Impact

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

Communications Plan

On May 20, 2011, a Notice of Public Hearing was circulated to all property owners within 150 m of the subject lands and to the Millwood Woodend Ratepayers' Association. The Public Hearing was held on June 14, 2011, and the recommendation to receive the Public Hearing was ratified by Vaughan Council on June 28, 2011. Through the Public Hearing Notice, five written comments were received with the following comments:

- i) A. Najak and C. Ramsahai, residents on Boticelli Way, dated June 6, 2011, respecting their opposition to the 4-storey dwelling units blocking out the sunlight to their homes and dust from the construction of the dwellings negatively impacting their lives. They indicated that the proposal contravenes the Community Area, Community Infrastructure, and Economic Growth and Diversion policies in City of Vaughan Official Plan 2010 by reducing commercial land thereby reducing the availability of walkable retail areas and employment opportunities and increasing traffic.
- ii) H. A. Mihallidi, Bratty and Partners, solicitor for the Block 33 West Landowners Group, dated June 6, 2011, respecting that as a condition of development, the Owner be required to enter into an agreement with the Block 33 West Landowners Group respecting the sharing of the costs and burdens associated with the community lands and infrastructure in Block 33 West from which the Owner of the subject lands will benefit.
- iii) B. A. Horosko, Bratty and Partners, solicitor for the Block 33 West Landowners Group, dated July 27, 2011, respecting the *Planning Act*, as well as the Ontario Divisional Court, providing the legal authorization for a municipality to impose conditions requiring the payment of costs to a front-ending owner for infrastructure from a benefiting owner.

- iv) J. Visconti, resident, dated June 9, 2011, respecting his objection to the proposal as townhouses and the number of units in a confined area lower the value of property and increase the vehicular traffic resulting in an environment that is not safe for pedestrians, especially children. Further the height of the homes will affect the amount of sunlight on his garden and be detrimental to his enjoyment of the garden.
- v) A. M. Heisey, Papazian Heisey Myers, solicitor for the Owner, dated June 14, 2011, respecting the Owner not having an obligation to pay costs for the servicing or infrastructure to the Block 33 West Landowners Group nor the City having a legal or statutory authority to make the approval of the development contingent upon payment of costs to the Block 33 West Landowners Group.
- vi) A. M. Heisey, Papazian Heisey Myers, solicitor for the Owner, dated September 27, 2010, respecting the Owner, advising the City that there is no applicable law that requires the City to request a clearance letter from the Trustees of the Block 33 West Landowners Group and Downstream prior to the issuance of a building permit for their approved commercial lands shown on Attachment #3.

Purpose

The Owner has submitted the following applications on the subject lands shown on Attachments #2 and #3, to facilitate the development for 72 dwelling units on 1.97 ha:

1. Zoning By-law Amendment File Z.11.005 to amend Zoning By-law 1-88, specifically to:
 - a) rezone the subject lands shown on Attachments #2 and #3 from C4 Neighbourhood Commercial Zone to RD4 Residential Detached Zone Four, RS1 Residential Semi-Detached Zone, RT1 Residential Street Townhouse Zone and OS2 Open Space Park Zone in the manner shown on Attachment #4; and,
 - b) permit the site-specific zoning exceptions identified in Table 2 of this report.
2. Draft Plan of Subdivision File 19T-11V003, to facilitate a residential plan of subdivision consisting of a total of 4 lots and 13 Blocks to facilitate the development of a total of 72 dwelling units on 1.97 ha as shown on Attachment #5. The Draft Plan of Subdivision development statistics are as follows:

| Lots/Blocks | Land Use | Area (ha) | Units |
|--------------------|---------------------------------------|------------------|--------------|
| 1 & 2 | Detached Residential Units | 0.089 | 2 |
| 3 & 4 | Semi-Detached Residential Units | 0.159 | 4 |
| 5 - 16 | Street Townhouse Units | 1.202 | 66 |
| 17 | Road Widening (Weston Road) | 0.014 | |
| 18 & 19 | Landscape Area (Weston Road) | 0.029 | |
| 20 -24 | 0.3 Metre Reserve | 0.001 | |
| | Street "A" (17.5 m Wide Right-of-Way) | 0.479 | |
| | Total | 1.973 | 72 |

Background - Analysis and Options

Location

The subject lands have 71.9 m of frontage on the east side of Weston Road and 73 m of frontage on the south side Canada Drive, and are generally located southeast of Canada Drive and Weston Road, City of Vaughan, shown as subject lands on Attachments #2 and #3.

Supporting Documents

The following reports were submitted in support of the proposal:

- *Planning Justification Report - Millwick Acquisition Corporation in Block 33 West*, dated January 2011 by Bernatt Architect Ltd., and revised to June 30, 2011;
- *Functional Servicing Report for Residential Subdivision - Millwick Acquisition Corporation*, dated May 2011 by Riaboy Engineering Ltd., and revised to October 31, 2011;
- *Functional Servicing Report for Townhouse Residential Development - Millwick Acquisition Corporation*, dated August 2012 by Cole Engineering;
- *Stormwater Management Brief - Millwick Acquisition Corporation*, dated November 2010 by Cole Engineering; and,
- *Preliminary Noise Review - Proposed Residential Development*, dated May 12, 2012 by Jade Acoustics.

Previous Files

In July 2005, Draft Plan of Subdivision File 19T-00V09 was draft approved for 288 residential units, commercial, high performance employment, school and park uses on 17.83 ha, and included the subject lands. The subject lands, which form part of a larger 2.85 ha commercial block located at the southeast corner of Weston Road and Canada Drive were draft approved for commercial uses and subsequently zoned C4 Neighbourhood Commercial Zone as shown on Attachment #3.

Site Development File DA.07.089 (Phase 1), shown on Attachment #3, to permit a development consisting of 3 commercial retail buildings on 0.88 ha of the original 2.85 ha commercial block, was approved by Vaughan Council on April 14, 2009. In 2009, the balance of the commercial lands (subject lands) having an area of 1.97 ha (Phase 2) were severed from the original 2.85 ha commercial block for a future residential development, which is the subject of this staff report.

Official Plan - Land Use Designation/Uses/Density

i) Official Plan Amendment #600

The subject lands are designated "Medium Density Residential/Commercial" with a "Neighbourhood Commercial" overlay designation by OPA #600. The "Medium Density Residential/Commercial" designation in OPA #600 permits detached, semi-detached and street townhouse dwelling units at a density ranging between 17 to 40 units per ha. The proposal for 72 units on the subject lands yields a density of 36.5 units per ha, which conforms to the Official Plan.

viii) City of Vaughan Official Plan 2010

The "Low-Rise Mixed-Use" designation in City of Vaughan Official Plan 2010, which was adopted by Vaughan Council on September 7, 2010, (as modified September 27, 2011, March 20, 2012, and April 17, 2012), and requires approval by the Ontario Municipal Board, permits single and semi-detached dwellings, townhouse, and stacked townhouse units, and low-rise buildings on the subject lands. The proposed gross floor area for all of the detached, semi-detached and street townhouse dwellings is 12,750 m², which yields a Floor Space Index of 0.647. VOP 2010 does not contain a density figure for low-rise designations. The proposal conforms to the new Official Plan.

Zoning

The subject lands are currently zoned C4 Neighbourhood Commercial Zone by Zoning By-law 1-88, subject to Exception 9(1313) as shown on Attachment #3, which permits only commercial uses on the subject lands. To facilitate the proposed Draft Plan of Subdivision shown on Attachment #5, an amendment to Exception 9(1313) is required to rezone the subject lands for residential uses. The proposed zone categories for the Lots and Blocks within the Draft Plan of Subdivision are identified as follows and shown on Attachment #4:

Table 1 – Proposed Rezoning

| | Current Zoning | Proposed Rezoning |
|----|----------------------------------|---|
| a. | C4 Neighbourhood Commercial Zone | <ul style="list-style-type: none">i) RD4 Residential Detached Zone Four for 2 detached dwelling units (minimum 9 m frontage and minimum 243 m² lot area);ii) RS1 Residential Semi-Detached Zone for 4 semi-detached dwelling units (minimum 7.5 m frontage and minimum 202 m² lot area);iii) RT1 Residential Townhouse Zone for 66 street townhouse units (minimum 6 m frontage and minimum 180 m² lot area); and,iv) OS2 Open Space Park Zone (buffer blocks). |

The following zoning exceptions identified in Table 2 are requested to facilitate the proposal as shown on Attachment #5:

Table 2 - Proposed Exceptions

| | By-law Standard | Zoning By-law 1-88 Requirements for RD4, RS1 and RT1 Zones | Proposed Exceptions to Zoning By-law 1-88 requirements, for the RD4, RS1, and RT1 Zones |
|----|--|--|--|
| a. | Maximum Permitted Yard Encroachment for a Fireplace | The encroachment standards in By-law 1-88 do not address a fireplace. | Permit a fireplace to project a maximum of 0.5 m into a required yard. |
| b. | Maximum Permitted Yard Encroachment for a Porch Into a Required Front and Exterior Side Yard | Permits the encroachment of a unenclosed porch (covered or uncovered) of 2.5 m into the front and exterior yards only. | In addition to By-law 1-88, permit a covered and unenclosed porch, which is not constructed on footings to extend into a required interior side yard a |

| | By-law Standard | Zoning By-law 1-88 Requirements for RD4, RS1 and RT1 Zones | Proposed Exceptions to Zoning By-law 1-88 requirements, for the RD4, RSI, and RTI Zones |
|----|---|--|---|
| | | | maximum of 0.3 m and into a rear yard a maximum of 1.8 m. |
| c. | Maximum Permitted Yard Encroachment For a Bay or Box Window | By-law 1-88 does not include a standard to address a bay or box window or similar window projection, which is constructed with or without footings into a required yard. | Permit a bay or box window or similar window projection, which is constructed with or without footings to extend into a required front, exterior side, or rear yard to a maximum distance of 0.6 m. |
| d. | Minimum Rear Yard in a RD4 Zone | 7.5 m | 6.5 m (Lot 2 only) |
| e. | Minimum Exterior Yard in a RD4 Zone | 4.5 m | 1.2 m (Lot 1 only) |
| f. | Minimum Lot Depth in a RD4 Zone | 27 | Lot 2 - 19 m and 25 m for the north and south lot lines respectively. |
| g. | Minimum Rear Yard in a RT1 Zone | 7.5 m | 6.5 m |
| h. | Minimum Lot Depth in a RT1 Zone | 27 m | <ul style="list-style-type: none"> ▪ 26.5 m for the west lot lines of Blocks 7 and 8 ▪ 25 m for the north lot line of Block 14 only. |
| i. | Minimum Exterior Side Yard Abutting A Sight Triangle | 3 m | 1.5 m (Lot 1 and Blocks 7, 8 and 13 only) |
| j. | Minimum Distance Between an Intersection of Street Lines and a Driveway | 15 m | 4 m |

The zoning exceptions identified in Table 2 respecting encroachments for bay windows, fireplace and porches and the reduced rear yard of 6.5 m for Lot 2 in the RTI Zone, will allow for an increased range of architectural design options for the dwelling units in accordance with the Block 33 West Vellore Park Architectural Design Guidelines. The reduction to the exterior yard and the lot depth in the RD4 Residential Detached Zone (Lots 1 and 2) is due to accommodating the easterly alignment of the 17.5 m Street "A" right-of-way width which results in irregular shaped lots (Lots 1 and 2) for the proposed detached dwelling units. The reduction to the lot depths for Blocks 7 and 8 are minor. The decrease in the minimum exterior side yard abutting a sight triangle is only for a portion of Lot 1 and Blocks 7, 8, and 13. The Development Planning Department does not support the requested variance to permit a fireplace encroachment into the front yard, however, has no objections to allowing this encroachment in other yards. The Development Planning Department is satisfied that the proposed zoning exceptions are minor in nature and facilitate development that is in keeping with the Architectural Guidelines for Block 33 west and compatible with the surrounding development, subject to the comments in this report.

Subdivision Design

The 1.97 ha Draft Plan of Subdivision is comprised of 2 lots for detached dwelling units, 2 lots for 4 semi-detached dwelling units, and 12 Blocks for 66 street townhouse units, as shown on Attachment #5. The Draft Plan of Subdivision includes a 17.5 m wide road (Street "A"), which connects Weston Road (arterial road) to Canada Drive (primary road).

All development within the Draft Plan of Subdivision is subject to architectural approval in accordance with the Block 33 West Vellore Park Architectural Design Guidelines, prepared by The Planning Partnership with Sterling Finlayson Architects. A condition to this respect is included in Attachment #1.

The development within the Draft Plan is to proceed in accordance with the approved Block 33 West Vellore Park Landscape Plan prepared by Landscape Planning Ltd., which addresses matters such as, but not limited to, the urban design/streetscape elements including entrance features, medians, fencing, community edge treatment, and the incorporation of sustainable design elements into the overall urban fabric. The landscape treatment will include low maintenance plant material in the 6 m wide landscape buffer adjacent to Weston Road. Acoustic fencing, in accordance with the approved Noise Report, will be placed along Weston Road and between the commercial and residential uses. The Draft Plan of Subdivision must be revised to indicate the location of the telecommunication and hydro utility buildings and easements. Conditions to this respect are included in Attachment #1.

Should the Zoning By-law Amendment and Draft Plan of Subdivision applications be approved, the street townhouse units will be subject to Site Plan approval, at which time the proposed building elevations, landscaping plan, including acoustic and privacy fencing details, site grading and servicing plans will be reviewed.

The Vaughan Development Planning Department has reviewed the proposal and requires the following red-lined revisions to the proposed Draft Plan of Subdivision shown on Attachment #5:

- a) the returns on sight triangles at Weston Road and Street "A" must be extended to the first driveway;
- b) the existing 6 x 6 metre PowerStream easement (Part 5 of Plan 65R-31795) for the transformer and/or switchgear, located in the proposed day-light triangle on the east side of Street "A" must be relocated at the Owner's expense or modify the lot/block pattern and/or the street alignment to provide appropriate clearances/setbacks;

- c) address the driveways being located within 15 m of the intersection for Blocks 7 and 8 at the Weston Road and Street "A" intersection, and Lot 1 and Block 13 at the Canada Drive and Street "A" intersection;
- d) indicate the location of the 0.3 m reserves; and,
- e) identify telecommunication and hydro buildings and easements.

The Development Planning Department is satisfied with the proposed subdivision design, subject to the comments and red-lined revisions in this report, and the conditions of approval in Attachment #1.

Vaughan Development/Transportation Engineering Department

The Development/Transportation Engineering Department has completed its review of the Draft Plan of Subdivision and provides the following comments regarding the municipal services for this subdivision:

i) Road Network

A 17.5 metre right-of-way (R.O.W.) is proposed connecting Canada Drive to the north and Weston Road. The road shall be designed in accordance with the City's standards and criteria.

A number of draft plan issues shall be resolved including:

- a) returns on sight triangles at Weston Road and Street "A" shall be extended to the first driveway;
- b) Part 5 of Plan 65R-31795, the existing 6 x 6 metre PowerStream easement for the transformer and/or switchgear, located in the proposed day-light triangle on the east side of Street "A" shall be relocated at the Owner's expense or the lot and/or street alignment shall be modified to provide appropriate clearances/setbacks; and,
- c) Weston Road shall be subject to Region of York comments and approval.

ii) Storm Water Management

The minor system can be serviced by street and rear lot catchbasins and storm sewers connecting to an existing 750 mm diameter sewer at the southwest corner of the site. The flows continue to Tiana Court and ultimately to the stormwater management pond on the southeast side of Lormel Gate and Weston Road. For events that exceed the capacity of the minor storm sewer system, overland flow from the site will spill to Weston Road and ultimately to the pond as described above.

The Owner's consultant shall confirm that the stormwater management pond can accept the additional volume from the plan and shall obtain and provide Region of York approval for the flow to Weston Road.

iii) Sanitary System

The plan can be serviced by a proposed 200 mm diameter sanitary sewer connecting to an existing manhole on Tiana Court to the south via an existing easement. The downstream sanitary sewer system shall be analyzed to confirm that there is no surcharging and that there is capacity for the proposed development.

iv) Water Supply

The plan is part of the Pressure District No. 7 of the York Water Supply System. The Plan can be serviced via a looped system with connections to the existing 400 mm watermain on the north side of Canada Drive and to the existing 150 mm watermain on Tiana Court to the south via an existing easement. A flow pressure test shall be performed on the nearest hydrant to the site to assess the existing capacity of the water network and indicate if the existing static and residual pressure can accommodate the proposed development.

v) Servicing Capacity Allocation

On June 26, 2012, Council approved the recommendation to "RESERVE" seventy-one (71) residential units to the development application from the City's available unrestricted capacity. Based on the latest submission, seventy-two (72) residential units are required to complete the Plan. The one (1) additional unit will be reconciled in the City's next yearly update in 2013.

Accordingly, in accordance with the City's Servicing Capacity Distribution Protocol, as adopted by Council on June 26, 2012, formal allocation of servicing capacity is required by Vaughan Council in conjunction with Draft Plan Approval. The recommended wording for allocation to File 19T-11V003 with respect to the allocation of sewage capacity from the York-Durham Servicing Scheme and water supply capacity from the York Water Supply System in accordance with the approved Servicing Capacity Distribution Protocol dated June 26, 2012 is as follows:

"IT IS HEREBY RESOLVED THAT Subdivision Application 19T-11V003 is allocated sewage capacity from the York - Durham Servicing Scheme and water supply capacity from the York Water Supply System for a total of 72 residential units."

vi) Traffic Management

The Owner shall address the following red-line comments:

- a) the location of driveways being within 25 m of the Weston Road and Street "A" intersection;
- b) the intersection details for Canada Drive and Street "A" shall meet all City Standards; and,
- c) the distance dimensions from Weston Road to Canada Drive shall be provided.

vii) Municipal Servicing Agreement

The Owner is required to enter into and execute a subdivision agreement with the City.

viii) Noise Attenuation

The Owner is required to submit a revised Environmental Noise Report, which shall:

- a) include road traffic data;
- b) indicate that the adjacent acoustic fence height along Weston Road shall be matched;

- c) indicate that the acoustic fence shall separate commercial and residential uses;
- d) indicate that mandatory air conditioning shall be required for all units adjacent to the commercial lands; and,
- e) use the ultimate Annual Average Daily Traffic (AADT) measure of 40,000 for Weston Road unless higher volumes are specified by the Region of York.

ix) Environmental

The Environmental Site Assessment (ESA) report submitted in support of the application must be amended using residential criteria and is required for the change in land use from a commercial to residential land use.

x) Relocation of Street Utilities

A 6.0 X 6.0 metre hydro pad/switchgear exists within the proposed Street "A" R.O.W. and Lot 1, described as Part 5 of Plan 65R-31795. The switchgear shall be relocated to an appropriate location to the satisfaction of the City and PowerStream.

xi) Streetlighting

Streetlighting shall match the existing street lighting system in the adjacent developments and in accordance with the City's standards and design criteria.

xii) Other Comments/Concerns

The manhole and the existing sanitary sewer easement for the adjacent commercial lands, described as Part 6 of Plan 65R-31795, are located within the north most unit of proposed Block 13. The easement shall be maintained and no structures shall be located within the easement.

Lot Grading shall satisfy the City's Lot Grading Criteria. Retaining wall(s) shall not exceed 1.0 m in height without fencing/barrier, and shall be setback from the property line a distance greater or equal to its height in accordance with Zoning By-law 1-88.

Developer's Group Agreement

It is a standard condition of Draft Plan of Subdivision approval that the participating owners execute and/or enter into a Developer's Group Agreement which addresses the provision of services and community use lands. A condition of approval is included in this report.

Vaughan Cultural Services Division

The Cultural Services Division has received the Ministry of Citizenship, Culture and Recreation's clearance of archaeological concerns respecting the subject lands as part of Draft Plan of Subdivision File 19T-00V09. As such, the Cultural Services Division has no objection to the approval of the Draft Plan of Subdivision, subject to the inclusion of the standard archaeological resources condition 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, being included in Attachment #1.

Vaughan Real Estate Division

The Vaughan Real Estate Division has advised that the Owner will be required to pay 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 approved "Cash-in-Lieu of Parkland Policy". The Owner shall submit an appraisal report by an accredited appraiser for approval by the Vaughan Legal Department, Real Estate Division, and the approved appraisal shall form the basis of the cash-in-lieu payment. This condition is included in the recommendation of this report.

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.

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 no costs for servicing this site. The Owner is to contact the Enbridge Customer Connections Department at their earliest convenience to discuss the installation and clearance requirements for service and metering facilities. This is included in the conditions of approval in Attachment #1.

School Boards

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

Relationship to Vaughan Vision 2020/Strategic Plan

This staff report is consistent with the priorities set forth in Vaughan Vision 2020, particularly "Manage Growth & Economic Well-being".

Regional Implications

The Region of York has advised that this development is within the Jane-Rutherford Trunk Service area of the York-Durham Sewage System, and will be serviced from Pressure District No. 7. Infrastructure Planning staff have no concerns with regards to sanitary servicing and water supply for this development.

York Region has no objection to the approval of the plan of subdivision, subject to their conditions of approval included in Attachment #1.

Conclusion

The Zoning By-law Amendment and Draft Plan of Subdivision applications propose to implement a residential development which conforms to Regional and City Official Plan policies for the efficient use of developable land. A total of 72 dwelling units (2 detached, 4 semi-detached and 66 street townhouse dwellings) are proposed on the 1.97 ha subject lands shown on Attachment #2. The proposal for 72 units on the subject lands yields a density of 36.5 units per ha, which conforms to the Official Plan. Should the Zoning By-law Amendment and Draft Plan of Subdivision applications be approved, the street townhouse units will be subject to Site Plan approval.

The Vaughan Development Planning Department is satisfied that the proposed residential development as shown on Attachment #5 is appropriate and compatible with the existing and permitted uses in the surrounding area and can be developed in a manner that is appropriate and compatible with the existing community. The Development Planning Department can support the approval of the Zoning By-law Amendment Application and Draft Plan of Subdivision as red-lined, subject to the recommendations in this report, and the Conditions of Approval set out in Attachment #1.

Attachments

1. Conditions of Approval
2. Context Location Map
3. Location Map
4. Proposed Zoning
5. Plan of Subdivision 19T-11V003 - Red-line Revised November 27, 2012

Report prepared by:

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Respectfully submitted,

JOHN MACKENZIE
Commissioner of Planning

GRANT UYEYAMA
Director of Development Planning

/LG

ATTACHMENT NO. 1

CONDITIONS OF APPROVAL

DRAFT PLAN OF SUBDIVISION 19T-11V003 (AS RED-LINE REVISED, NOVEMBER 27, 2012) MILLWICK ACQUISITION CORPORATION PART OF LOT 23, CONCESSION 5, 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-11V003, ARE AS FOLLOWS:

City of Vaughan Conditions

1. The Plan shall relate to the Draft Plan of Subdivision, prepared by Krcmar Surveyors Ltd., dated March 2012, and revised on November 27, 2012, incorporating the following red-line revisions:
 - a) extend the returns on the daylight triangles at Weston Road and Street "A" to the first driveway;
 - b) relocate the existing 6 x 6 metre PowerStream easement (Part 5 of Plan 65R-31795) for the transformer and/or switchgear that is located in the proposed daylight triangle on the east side of Street "A" at the Owner's expense or modify the lot/block pattern and/or street alignment to provide appropriate clearances/setbacks;
 - c) address the driveways being located within 15 m of the intersection for Blocks 7 and 8 at the Weston Road and Street "A" intersection, and Lot 1 and Block 13 at the Canada Drive and Street "A" intersection;
 - d) indicate the location of the 0.3 m reserves; and,
 - e) identify telecommunication and hydro buildings and easements.
2. The lands within this Plan shall be appropriately zoned by a zoning by-law, which has come into effect in accordance with the provisions of the Planning Act.
3. Prior to final approval of the Plan, the Owner shall submit to the satisfaction of the City, a listing prepared by an Ontario Land Surveyor of all the lot and block areas, frontages and depths in accordance with the approved Zoning By-law for all the lots and blocks within the Plan.
4. The Owner shall pay any and all outstanding application fees to the Vaughan Development Planning Department, in accordance with Tariff of Fees By-law 48-2011 (2012 Fee Schedule).
5. 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.
6. The road allowances included within this Draft Plan of Subdivision shall be dedicated as public highways without monetary consideration and free of all encumbrances.
7. The road allowances within this Draft Plan of Subdivision shall be named to the satisfaction of the City, in consultation with the Region of York Transportation and Community Planning Department.

Proposed street names shall be submitted by the Owner for approval by Council and shall be included on the first engineering drawings.

8. The road allowances included in this Draft Plan of Subdivision shall be designed in accordance with the City's standards for road and intersection design, temporary turning circles, daylighting triangles, and 0.3 metre reserves. The pattern of streets and the layout of lots and blocks shall be designed to correspond and coincide with the pattern and layout of abutting developments.
9. Any dead ends or open sides of road allowances created by this Draft Plan of Subdivision shall be terminated in 0.3 metre reserves, to be conveyed to the City without monetary consideration and free of all encumbrances, to be held by the City until required for future road allowances or development of adjacent lands.
10. The Owner shall agree in a subdivision agreement that the location and design of the construction access shall be approved by the City and the Region of York.
11. 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 coordinated and completed at the cost of the Owner.
12. Prior to final approval of the Plan, the Owner shall provide easements as may be required for utility, drainage or construction purposes and shall be granted to the appropriate authority(ies), free of all charges and encumbrances.
13. 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) 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.
14. 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.
15. 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) 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 as 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.
 - b) 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.
16. Prior to final approval of the Plan, the City and Region of York Environmental Services Department shall confirm that adequate water supply and sewage treatment capacity are available to accommodate the Plan.
17. 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.
18. 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.
19. a) Prior to final approval of the Plan, the Owner shall enter into a Developers' Group Agreement with the other participating landowners within Block 33 West to the satisfaction of the City. The agreement shall be regarding but not limited to all cost sharing for the provision of parks, cash-in-lieu of parkland, roads and municipal services within Block 33 West. This Agreement shall also include a provision for additional developers to participate with the Developers' Group Agreement when they wish to develop their lands.
- The Owner acknowledges that cash-in-lieu of parkland shall be paid in accordance with Section 51 of the Planning Act and conform to the City's "Cash-in-lieu of Parkland Policy". If required, non-participating Owners shall be required to pay additional cash-in-lieu to the City.
- b) Prior to final approval of the Plan, the Trustee for Block 33 West shall provide the City with a letter indicating that the Owner has fulfilled all cost sharing and other obligations of the Block 33 West Landowners Cost Sharing Agreement.
20. 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.
21. The Owner shall relocate the existing switchgear within Lot 1, described as Part 5 of Plan 65R-31795, to an appropriate location to the satisfaction of the City and PowerStream, at the Owner's expense and at no cost to the City.

22. The Owner shall ensure that the final Plan shall depict all telecommunication structure locations and hydro switch gear easements.
23. 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.
24. The Owner shall agree in the subdivision agreement to design, purchase material and install a streetlighting system in the Plan in accordance with City Standards and specifications. This Plan shall be provided with decorative streetlighting to the satisfaction of the City.
25. 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.
26. The Owner shall agree in the subdivision agreement to maintain adequate chlorine residuals in the watermains 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.

27. Prior to final approval of the Plan and/or commencement of construction within the Plan, the Owner shall submit a detailed hydrogeological impact study that identifies, if any, local wells that may be influenced by construction, and if necessary, outline a monitoring program to be undertaken before, during and after construction of the subdivision as follows:
 - a) A base line well condition and monitoring report shall be submitted to the City prior to the pre-servicing or registration of the Plan (whichever occurs first) and shall include as a minimum requirement the following tests:
 - i) Bacteriological Analysis – total coliform and E-coli counts
 - ii) Chemical Analysis – Nitrate Test
 - iii) Water level measurement below existing grade
 - b) In the event that the test results are not within the Ontario Drinking Water Standards, the Owner shall notify in writing, the Purchaser, the Regional Health Department and the City within twenty-four (24) hours of the test results.

- i) Well monitoring shall continue during construction and an interim report shall be submitted to the City for records purposes.
 - ii) Well monitoring shall continue for one year after the completion of construction and a summary report shall be submitted to the City prior to Completion Approval.
- 28. 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 Remedial 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 a Record of Site Condition (RSC) by a Qualified Person, must be submitted to the Development/Transportation Engineering Department for review and approval; and,
 - d) reimburse the City for the costs of peer review of the above reports.
- 29. 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.
- 30. Prior to final approval of the Plan, the Owner shall covenant and certify to the City that they are not aware of any soil, groundwater or sediment contamination on or within lands to be conveyed to the municipality which could interfere with the intended use.
- 31. Prior to final approval, an Environmental Noise Impact Study, prepared at the Owner's expense, shall be submitted to the City for review and approval. The preparation of the noise report shall include the ultimate traffic volumes associated with the surrounding road network. The Owner shall agree in the subdivision agreement to carry out, or cause to carry out, the recommendations set out in the approved noise report to the satisfaction of the City.

32. The Owner agrees that all lots or blocks within the Plan that are left vacant six (6) months following completion of overall grading shall be topsoiled, to a minimum depth of 100mm, seeded, maintained and signed to prohibit dumping and trespassing, to the satisfaction of the City.
33. The Owner shall agree in the subdivision agreement that the 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.
34. Notwithstanding the provisions (Subsection 5.1) generally included within the subdivision agreement, the City may issue model home building permits provided that the land is zoned to the satisfaction of the City and the relevant conditions (Subsection 5.18) of the subdivision agreement are fulfilled.
35. 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.
36. 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.
37. 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.
38. 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 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, 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.]

39. 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 until assumption of the services in the Plan. Thereafter, the maintenance by the noise attenuation fence shall be the sole responsibility of the 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.
40. 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 traffic calming measures may have been incorporated into the road allowances."
 - "Purchasers and/or tenants are advised that public transit routes have not been determined for the area within the Plan, however, internal streets may be subject to public transit bus traffic."
 - "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 a bridge over Highway #400 connecting America Avenue and Canada Drive is proposed in the vicinity of their lots."
 - "Purchasers and/or tenants are advised that the interchange and ramps located at Teston Road/Highway #400/Canada Drive and the 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 despite the inclusion of noise control features within both the development area and the individual building units, noise levels, including from construction activities, may be of concern and occasionally interfere with some activities of the dwelling occupants."
- "Purchasers and/or tenants are advised that driveway widths and curb cut widths are governed by City of Vaughan Zoning By-law 1-88, as amended, as follows:
 - a) The maximum width of a driveway shall be 6 m measured at the street curb, provided circular driveways shall have a maximum combined width of 9 m measured at the street curb.
 - b) Driveway in either front or exterior side yards shall be constructed in accordance with the following requirements:

| Lot Frontage | Maximum Width of Driveway |
|---------------------------------|---------------------------|
| 6.0 – 6.99 m | 3.5 m |
| 7.0 – 8.99 m | 3.75 m |
| 9.0 – 11.99 m ¹ | 6.0 m |
| 12.0 m and greater ² | 9.0 m |

¹The Lot Frontage for Lots between 9.0 – 11.99m shall be comprised of a Minimum of 33% Landscaped Front or Exterior side yard and a minimum sixty percent (60%) of the Minimum Landscaped Front or Exterior side yard shall be soft landscaping in accordance with Paragraph 4.1.2.

²The Lot Frontage for Lots 12.0 m and greater shall be comprised of a Minimum of 50% Landscaped Front or Exterior side yard and a minimum sixty percent (60%) of the Minimum Landscaped Front or Exterior side yard shall be soft landscaping in accordance with Paragraph 4.1.2."

- "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 fencing and/or noise attenuation features along the lot lines of lots and blocks abutting public lands, including public highway, laneway, walkway or other similar public space, 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 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.”

- “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.”

41. The Owner shall agree in the subdivision agreement to the following:

- a) All development shall proceed in accordance with the approved Block 33 West Vellore Park Architectural Design Guidelines prepared by The Planning Partnership with Sterling Finlayson Architects.

42. The Owner shall agree in the subdivision agreement to the following:
- a) All development shall proceed in accordance with the approved Block 33 West Vellore Park Landscape Masterplan prepared by Landscape Planning Ltd.; and,
 - b) Community edge treatment along Weston Road with low-maintenance plant material.
43. Prior to final approval, the Owner shall provide a Tree Preservation Study 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.
44. The Owner shall agree in the subdivision agreement that:
- a) prior to final approval, urban design guidelines shall have been prepared in accordance with Council Policy and approved by Council;
 - b) all development shall proceed in accordance with the Council approved urban design guidelines; and,
 - c) a qualified consultant shall be retained at the cost of the Owner with concurrence of the City to ensure compliance with the urban design guidelines.
45. Prior to final approval, the Owner shall agree in the subdivision agreement to erect permanent wood fence treatments for flanking residential Lot 1, and Blocks 7, 8 and 13, which shall be coordinated with the environmental noise report.
46. Prior to final approval, the Owner shall agree in the subdivision agreement to erect permanent wood fence treatments along the existing commercial development for residential Blocks 8, 9, 10, 11, 12 and 13, which shall be coordinated with the environmental noise report.
47. The Owner shall convey Buffer Blocks 18 and 19 to the City, free of all costs and encumbrances for landscaping purposes.

Region of York Conditions

48. 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.
49. Prior to final approval, York Region shall confirm that adequate water supply and sewage servicing capacity are available and have been allocated by the City of Vaughan for the development proposed within this Plan 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.
50. 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.
51. Prior to approval, the Owner shall agree that additional lands required to provide 18.0 metres (or 36.0 metres right-of-way) from the centreline of construction on Weston Road, and any additional lands required for turn lanes at the access intersections will be conveyed to York Region for public highway purposes, free of all costs and encumbrances, to the satisfaction of the York Region Solicitor.

52. Prior to final approval, the Owner shall agree to provide direct pedestrian and cycling connections, where possible, to adjacent streets and land uses, as well as major community destinations (e.g. school, retail uses, etc.). York Region and the City of Vaughan will not assume any financial responsibility for implementing the provision of the pedestrian and cycling connections.
53. Prior to final approval, the Owner shall provide a set of engineering drawings, approved by the area municipality, which indicates the storm drainage system, the overall grading plans and all proposed accesses onto York Region roads, for all lands within this Plan, to the Regional Transportation Services Department for verification that all York Region's concerns have been satisfied.
54. Prior to final approval and concurrent with the submission of the subdivision servicing application (MOE) to the area municipality, the Owner shall provide a set of engineering drawings, for any works to be constructed on or adjacent to the York Region road, to the Roads Branch, Attention: Manager, Development Approvals, that includes the following drawings:
 - a) Plan and Profile for the York Region road and intersections;
 - b) Grading and Servicing;
 - c) Construction Access Location and Design;
 - d) Utility and underground services Location Plans;
 - e) Line Painting;
 - f) Traffic Control/Management Plans;
 - g) Erosion and Siltation Control Plans;
 - h) Landscaping Plans, including tree preservation, relocation and removals; and,
 - i) Requirements of York Region Transit/Viva.
55. Prior to final approval, the Owner shall provide drawings for the proposed servicing of the site to be reviewed by the Engineering Department of the area municipality. Three (3) sets of engineering drawings (stamped and signed by a professional engineer), and MOE forms together with any supporting information, shall be submitted to the Regional Transportation Services Department, Attention: Mrs. Eva Pulnicki, P.Eng.
56. Prior to final approval, the Owner shall provide a copy of the subdivision agreement to the Regional Transportation Services Department, outlining all requirements of the Regional Transportation Services Department.
57. Prior to final approval, the Owner shall submit drawings depicting the following to the satisfaction of York Region staff:
 - a) all existing woody vegetation within the York Region road right of way;
 - b) tree protection measures to be implemented on and off the York Region road right of way to protect right of way vegetation to be preserved;
 - c) any woody vegetation within the York Region road right of way that is proposed to be removed or relocated. However, it is to be noted that tree removal within York Region

road right's of way shall be avoided to the extent possible/practical. Financial or other compensation may be sought based on the value of trees proposed for removal; and,

- d) a planting plan for all new and relocated vegetation to be planted within the York Region road right of way, based on the following general guideline:

Tree planting shall be undertaken in accordance with York Region standards as articulated in Streetscaping Policy and using species from the Regional Street Tree Planting List. These documents may be obtained from the Forestry Section. If any landscaping or features other than tree planting (e.g., flower beds, shrubs) are required, as a condition of approval set out by the City of Vaughan, it is our explicit understanding that the City of Vaughan will assume responsibility for the maintenance for the enhanced landscaping.

- 58. Prior to final approval, the Owner shall engage the services of a consultant to prepare and submit for review and approval, a noise study to the satisfaction of the Regional Transportation Services Department recommending noise attenuation features.

- 59. The Owner shall agree in the subdivision agreement, in wording satisfactory to the Regional Transportation Services Department, to implement the noise attenuation features as recommended by the noise study and to the satisfaction of the Regional Transportation Services Department.

- 60. The Owner shall agree in the subdivision agreement, in wording satisfactory to the Regional Transportation Services Department, that where berm, noise wall, window and/or oversized forced air mechanical systems are required, these features shall be certified by a professional engineer to have been installed as specified by the approved Noise Study and in conformance with the Ministry of Environment guidelines and the York Region Noise Policy.

- 61. The following warning clause shall be included in a registered portion of the subdivision agreement with respect to the lots or blocks affected:

"Purchasers are advised that despite the inclusion of noise attenuation features within the development area and within the individual building units, noise levels will continue to increase, occasionally interfering with some activities of the building's occupants".

- 62. Where noise attenuation features will abut a York Region right-of-way, the Owner shall agree in the Subdivision Agreement, in wording satisfactory to the Regional Transportation Services Department, as follows:

- a) that no part of any noise attenuation feature shall be constructed on or within the York Region right-of-way;
- b) that noise fences adjacent to York Region roads may be constructed on the private side of the 0.3 metre reserve and may be a maximum 2.5 metres in height, subject to the area municipality's concurrence;
- c) that maintenance of the noise barriers and fences bordering on York Region right-of-ways shall not be the responsibility of York Region; and,
- d) that any landscaping provided on York Region right-of-way by the Owner or the area municipality for aesthetic purposes must be approved by the Regional Transportation Services Department and shall be maintained by the area municipality with the exception of the usual grass maintenance.

63. Prior to final approval, the Owner shall agree that the following lands will be conveyed to York Region for public highway purposes, free of all costs and encumbrances, to the satisfaction of York Region Solicitor:
- a) Block 17 (Street Widening) revised as shown on the Draft Plan of Subdivision
64. Prior to final approval, York Region requires the Owner to submit to it, in accordance with the requirements of the *Environmental Protection Act* and O. Reg. 153/04 *Records of Site Condition Part XV.1 of the Act* (as amended), a Phase I environmental site assessment prepared and signed by a qualified professional, of the Owner's lands and more specifically of the lands to be conveyed to York Region (the "Assessment"). Based on the findings and results of the Assessment, York Region may require further study, investigation, assessment and delineation to determine whether any remedial or other action is required. The Assessment and any subsequent environmental reports or other documentation prepared in respect of the environmental condition of the lands to be conveyed must to be addressed to York Region, contain wording to the effect that York Region shall be entitled to rely on such reports or documentation in their entirety, and such reports or documentation shall be satisfactory to York Region.
65. Prior to final approval, the Owner shall certify, in wording satisfactory to the Regional Transportation Services Department, that no contaminant, pollutant, waste of any nature, hazardous substance, toxic substance, dangerous good, or other substance or material defined or regulated under applicable environmental laws is present at, on, in or under all lands to be conveyed to York Region (including soils, substrata, surface water and groundwater, as applicable): (i) at a level or concentration that exceeds the *Environmental Protection Act* O. Reg. 153/04 full depth generic site condition standards applicable to the intended use that such lands will be put by York Region at the time of conveyance or any other remediation standards published or administered by governmental authorities applicable to the intended land use; and (ii) in such a manner, condition or emanating from such lands in such a way, that would result in liability under applicable environmental laws. The Assessment, any subsequent environmental reports or other documentation and the Owner's certification shall be done at no cost to York Region.
66. The Owner shall agree in the subdivision agreement, in wording satisfactory to the Regional Transportation Services Department, to be responsible to decommission any existing wells on the owner's lands in accordance with all applicable provincial legislation and guidelines and to the satisfaction of the area municipality.
67. Prior to final approval, the Owner shall demonstrate, to the satisfaction of the Regional Transportation Services Department that pedestrian access to Weston Road shall be provided from Street "A".
68. Prior to final approval, the Owner shall demonstrate, to the satisfaction of the Regional Transportation Services Department, that all local underground services will be installed within the area of the development lands and not within York Region's road allowance. If a buffer or easement is needed to accommodate the local services adjacent to York Region's right of way, then the Owner shall provide a satisfactory buffer or easement to the area municipality, at no cost to the Region.
69. The Owner shall agree in the subdivision agreement, in wording satisfactory to the Regional Transportation Services Department that the Owner will be responsible for determining the location of all utility plants within York Region right-of-way and for the cost of relocating, replacing, repairing and restoring any appurtenances damaged during construction of the proposed site works. The Owner must review, or ensure that any consultants retained by the Owner, review, at an early stage, the applicable authority's minimum vertical clearances for aerial cable systems and their minimum spacing and cover requirements. The Owner shall be entirely

responsible for making any adjustments or relocations, if necessary, prior to the commencement of any construction.

70. The Owner shall agree in the subdivision agreement to advise all potential purchasers of the existing and future introduction of transit services. This includes current and potential transit routes, bus stops and shelter locations. This shall be achieved through the distribution of information/marketing materials (YRT route maps, Future Plan maps and providing YRT website contact information) at sales offices and appropriate notification clauses in purchase agreements. The YRT route maps and the Future Plan maps are available from YRT upon request.
71. 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 DC-0007-2007-040, as amended by By-law # 2010-49.

Canada Post Conditions

72. 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.

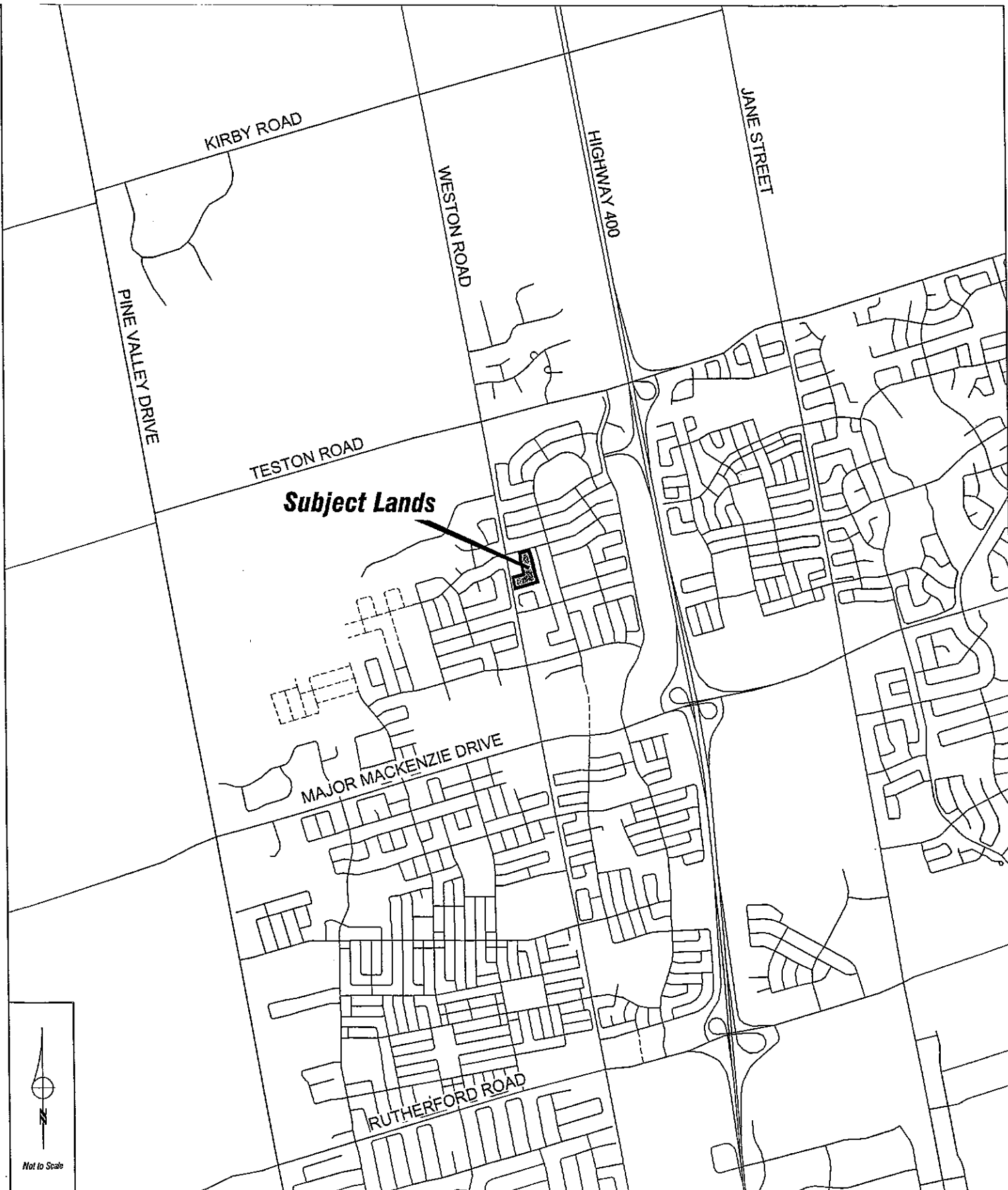
Enbridge Gas Distribution Conditions

73. 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; and,
- e) additional conditions will be placed at the Site Plan review stage.

Clearances

- 74. 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 73 inclusive, for each phase proposed for registration; furthermore, the required clearances may relate to lands not located within the phase sought to be registered.
- 75. The City shall advise that Conditions 1 to 47 inclusive, have been satisfied; the clearance letter shall include a brief statement detailing how each condition has been met.
- 76. The Region of York shall advise that Conditions 48 to 71 inclusive, have been satisfied; the clearance letter shall include a brief statement detailing how each condition has been met.
- 77. Canada Post shall advise that Condition 72 has been satisfied; the clearance letter shall include a brief statement detailing how the condition has been met.
- 78. Enbridge Gas Distribution shall advise that Condition 73 has been satisfied; the clearance letter shall include a brief statement detailing how the condition has been met.



Context Location Map

LOCATION:
Part Lot 23, Concession 5

APPLICANT:
Millwick Acquisition Corporation

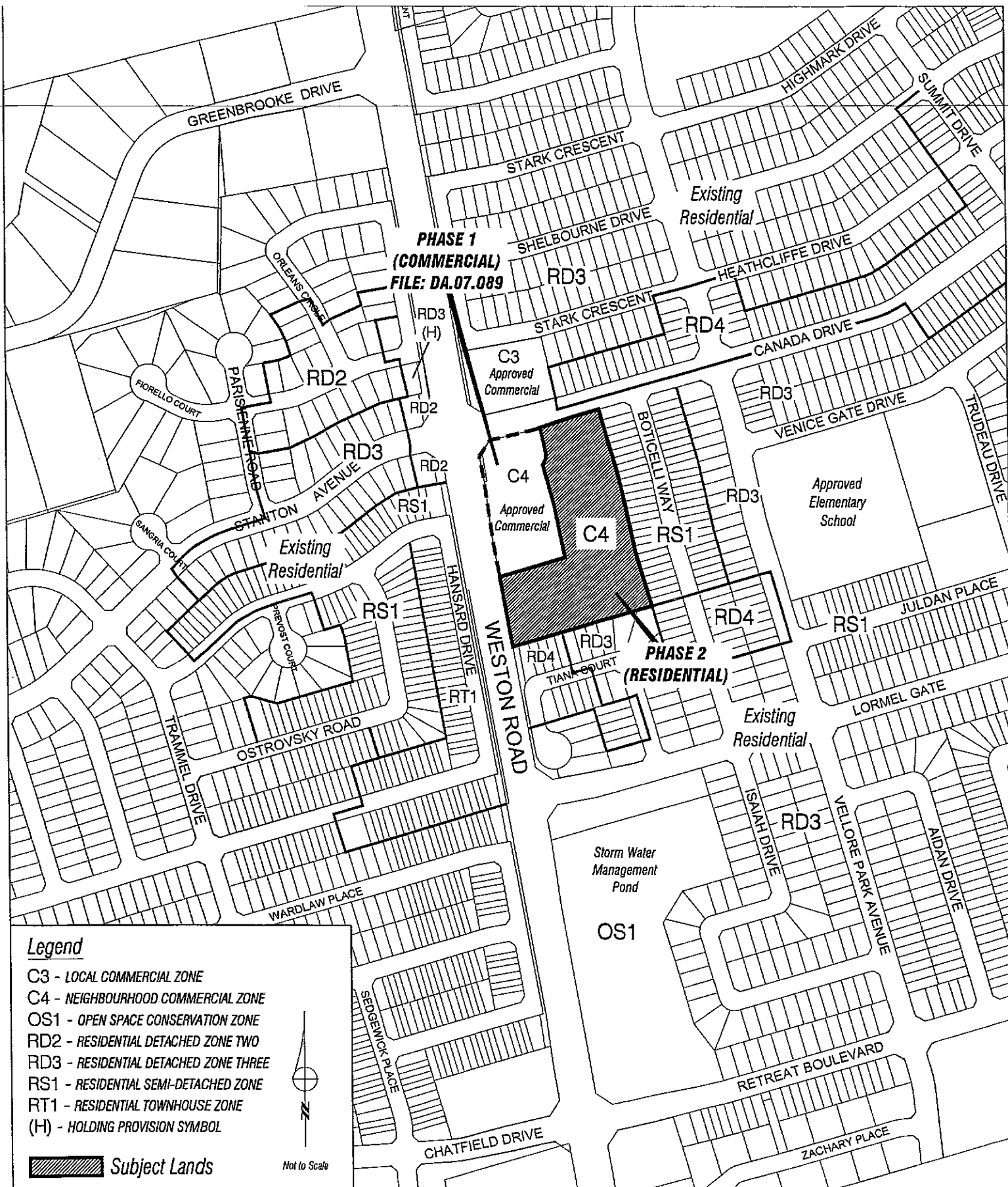
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FILES: 19T-11V003 &
Z.11.005

DATE:
October 30, 2012

2



Location Map

LOCATION:
Part Lot 23, Concession 5

APPLICANT:
Millwick Acquisition Corporation

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Attachment

FILES: 19T-11V003 &
Z.11.005

DATE:
October 30, 2012

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ZONING AMENDMENT APPLICATION

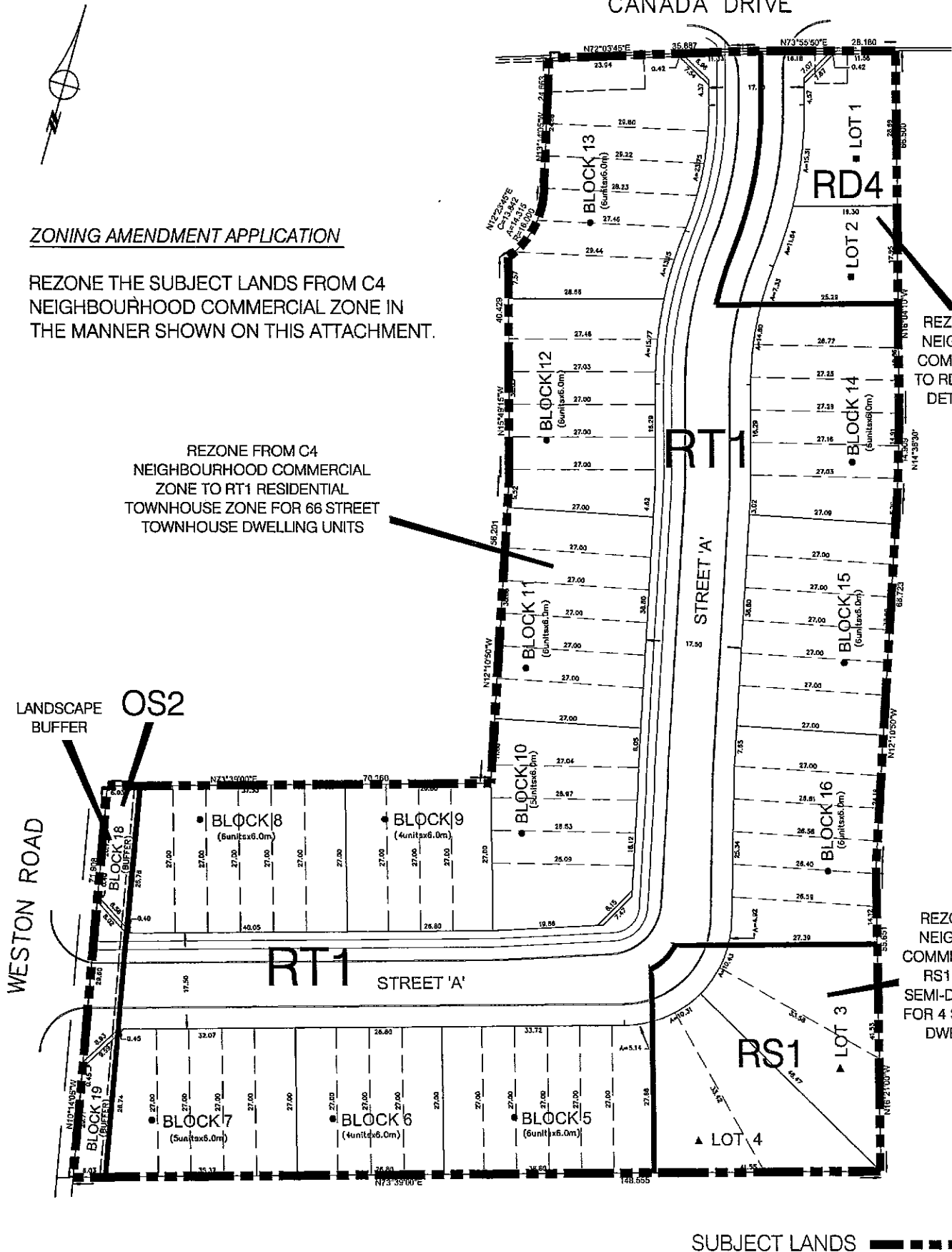
REZONE THE SUBJECT LANDS FROM C4
NEIGHBOURHOOD COMMERCIAL ZONE IN
THE MANNER SHOWN ON THIS ATTACHMENT.

REZONE FROM C4
NEIGHBOURHOOD COMMERCIAL
ZONE TO RT1 RESIDENTIAL
TOWNHOUSE ZONE FOR 66 STREET
TOWNHOUSE DWELLING UNITS

REZONE FROM C4
NEIGHBOURHOOD COMMERCIAL ZONE
TO RD4 RESIDENTIAL
DETACHED ZONE
FOUR

REZONE FROM C4
NEIGHBOURHOOD COMMERCIAL ZONE TO
RS1 RESIDENTIAL
SEMI-DETACHED ZONE
FOR 4 SEMI-DETACHED
DWELLING UNITS

LANDSCAPE
BUFFER
OS2
WESTON ROAD



SUBJECT LANDS

Proposed Zoning

LOCATION:
Part Lot 23, Concession 5

APPLICANT:
Millwick Acquisition Corporation

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Attachment

FILES: 19T-11V003 &
2.11.005

DATE:
October 30, 2012

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