

COMMITTEE OF THE WHOLE JANUARY 17, 2005

**ZONING BY-LAW AMENDMENT FILE Z.04.017
DRAFT PLAN OF SUBDIVISION FILE 19T-89080
HYATT HOMES (WIGSTON INC.)
REPORT # P.2004.70**

Recommendation

The Commissioner of Planning recommends:

1. THAT Zoning By-law Amendment Application Z.04.017 (Hyatt Homes (Wigston Inc.) BE APPROVED, to rezone the subject tablelands shown on Attachment #3 from R1V Old Village Residential Zone to R1 Residential Zone with an exception requiring a minimum lot frontage of 17.3 m.
2. That revised Draft Plan of Subdivision 19T-89080 (Hyatt Homes (Wigston Inc.) prepared by Vladimir Krcmar, dated April 20, 2004, BE DRAFT APPROVED, and that the conditions of approval associated with draft plan of subdivision 19T-89080, approved by Vaughan Council on April 8, 1990, be repealed and replaced with the conditions of approval set out in Attachment No.1.
3. For the purposes of notice, the Subdivision Agreement shall contain a provision requiring the Owner to pay to Vaughan by way of certified cheque, cash-in-lieu of the dedication of parkland equivalent to 5% of the value of the subject lands, prior to the issuance of a Building permit, in accordance with the Planning Act and the City's Cash-In-Lieu Policy. The Owner shall submit an appraisal of the subject lands, in accordance with Section 42 of the Planning Act, prepared by an accredited appraiser for approval by the Vaughan Legal Department, Real Estate Division, and the approved appraisal shall form the basis of the cash-in-lieu payment.
4. That Council pass the following resolution with respect to allocation of sewage and water servicing capacity:

“NOW THEREFORE BE AND IT IS HEREBY RESOLVED THAT the proposed Draft Plan of Subdivision Application 19T-89080 {Hyatt Homes (Wigston Inc.)} is allocated sewage capacity from the York/Durham Servicing Scheme via the North Don Collector on an interim basis and ultimately via the Bathurst Trunk Sanitary Sewer once constructed, and water supply capacity from Pressure Districts No. 6 and No.7 of the York Water Supply System for a total of 7 residential units.”

Purpose

The Owner has submitted an application to revise the approved draft plan of subdivision 19T-89080, by proposing 7 single detached residential lots, having frontages of 17.3 m on one lot, and 17.5 m on the other 6 lots, as shown on Attachment #3. The current approved draft plan permits 4 single detached residential lots, having 33.1 m frontage on one lot, and 30 m frontages on the other 3 lots.

Background - Analysis and Options

The subject lands are located east of Bathurst Street and south of Highway 407, on the north side of Wigston Place, in Part of Lot 34, Concession 1, City of Vaughan, as shown on Attachment #2. The entire 0.961 ha site consists of 0.66 ha of tableland and 0.3 ha of open space valley. The

original draft plan of subdivision was approved by Vaughan Council on April 8, 1990, and permitted 4 single detached residential lots.

The subject lands are designated "Low Density Residential" by OPA No. 210 (Thornhill-Vaughan Community Plan), and zoned R1V Old Village Residential Zone by By-law 1-88 subject to Exception 9(832). The surrounding land uses are:

North – open space (OS1 Zone); existing vacant office and hydro corridor (PB1(S) Zone)
South – Wigston Place; future residential (R1 Zone)
East – existing residential (R1V Zone), open space (OS1 Zone)
West – existing private right-of-way (Agricultural Zone); Bathurst Street

On May 14, 2004, a notice of public hearing was circulated to all property owners within 120 m of the subject lands. To date, no written comments have been received. The recommendation of the Committee of the Whole at the Public Hearing on June 7, 2004, to receive the public hearing report and forward a technical report to a future Committee meeting was ratified by Council on June 14, 2004.

Official Plan

The subject lands are designated "Low Density Residential" by OPA No. 210 (Thornhill-Vaughan Community Plan), which permits single detached dwellings at a maximum net density of 22 units/ha. The proposed draft plan of subdivision conforms to the Official Plan, as the subject lands could provide for a maximum of 15 units (0.66 ha x 22 units/ha).

Zoning

The subject lands are zoned R1V Old Village Residential Zone by By-law 1-88, subject to site-specific Exception 9(832), which permits single detached dwellings having minimum lot frontages of 30 m.

To facilitate the proposal for 7 lots, a by-law amendment is required to rezone Lots 1 to 7 on Attachment #3 from R1V Zone to R1 Residential Zone, with an exception to permit a minimum lot frontage of 17.3 m. It is noted that the minimum lot frontage in the R1 Zone is 18 m, which necessitates the exception. The open space valley (Block 8) is to remain zoned as OS1 Open Space Conservation Zone.

Subdivision Design

The draft plan shown on Attachment #3 proposes a total of 7 residential lots fronting on the north side of Wigston Place. Lots 2-7 have frontages of 17.5 m, and Lot 1 is slightly narrower with a frontage of 17.3 m. The lot depths range between 38.2 m to 69.7 m. The infill draft plan of subdivision has no access to Bathurst Street as Wigston Place is closed to through traffic.

The draft plan also includes a 0.3 ha open space valley block (Block 8) located north of the proposed residential lots. This block will be conveyed to the Toronto and Region Conservation Authority, and is to remain in a natural state.

Vaughan Engineering Department

The Vaughan Engineering Department has provided the following comments:

a) Environmental Site Assessment (ESA)

An ESA Phase 1 report is not required on this property as there is no land being dedicated to the City. The property is also not suspected of being contaminated as a result of its past uses.

Furthermore, the use of the lands are remaining residential, and not being rezoned to a more sensitive use.

b) Engineering Servicing

The proposed plan of subdivision depends on municipal services (sanitary, storm and watermain) that were constructed in Registered Plan 65M-3195, located directly to the south. If there is insufficient infrastructure to accommodate this plan, the necessary remedial works shall be constructed as external works in conjunction with this plan.

c) Sanitary Servicing

The proposed plan of subdivision will be serviced through the southerly Registered Plan 65M-3195. Allocation as well as a connection to the existing 250 mm sanitary sewer on Wigston Place located at the south boundary of the proposed plan of subdivision is required. Council reserved allocation for this plan on October 12, 2004, and said allocation should be granted to the plan upon approval of the draft plan of subdivision.

d) Storm Drainage

A storm sewer connection is required to the existing storm sewer located within Wigston Place at the south boundary of the proposed plan of subdivision. The minor and major flows will be conveyed primarily through the Wigston Place road allowance and will ultimately drain into the creek via the storm sewer on Glenforest Drive located within Registered Plan 65M-3161 to the east.

e) Water Supply

The subject lands are located within service area Pressure District No. 6 of the York Water Supply System. The water supply to this draft plan shall be from the existing 150 mm diameter watermain within Wigston Place at the south boundary of the proposed plan of subdivision. Council reserved allocation for this plan on October 12, 2004, and said allocation should be granted to the plan upon approval of the draft plan of subdivision.

Toronto and Region Conservation Authority (TRCA)

The TRCA has reviewed the proposed draft plan of subdivision, and has no objection to the proposal, subject to the conditions in Attachment #1.

Relationship to Vaughan Vision 2007

This staff report is consistent with Vaughan Vision 2007, which encourages managed growth through the implementation of OPA #210.

Conclusion

Staff have reviewed the proposed applications to amend the Zoning By-law and to revise the Approved Draft Plan of Subdivision 19T-89080, in accordance with the policies in the Official Plan and requirements of By-law 1-88. Staff is of the opinion that the revised draft plan of subdivision consisting of 7 single detached lots with minimum 17.3 m frontages is an appropriate form of development for the lands, and conforms to the density policies in OPA No. 210 (Thornhill-Vaughan Community Plan). On this basis, Staff can also support the proposed rezoning of the tableland to facilitate the residential lots from R1V Old Village Residential Zone to R1 Residential Zone, with an exception to require a minimum lot frontage of 17.3 m. The valleylands would remain as OS1 Zone, and be conveyed to the Toronto and Region Conservation Authority.

For these reasons, Staff can support the approval of the zoning by-law amendment and the revised draft plan of subdivision application. Should the Committee concur, the recommendations in this report can be adopted.

Attachments

1. Conditions of Approval
2. Location Map
3. Draft Plan of Subdivision

Report prepared by:

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Respectfully submitted,

JOHN ZIPAY
Commissioner of Planning

MARCO RAMUNNO
Director of Development Planning

ATTACHMENT NO. 1

CONDITIONS OF DRAFT APPROVAL

DRAFT PLAN OF SUBDIVISION 19T-89080 HYATT HOMES (WIGSTON INC.) PART OF LOT 34, CONCESSION 1, CITY OF VAUGHAN

THE CONDITIONS OF THE COUNCIL OF THE CITY OF VAUGHAN THAT SHALL BE SATISFIED PRIOR TO THE RELEASE FOR REGISTRATION OF PLAN OF SUBDIVISION 19T-89080, ARE AS FOLLOWS:

City of Vaughan Conditions

1. The Plan shall relate to the draft plan of subdivision, prepared by Vladimir Krcmar Ontario Land Surveyor, Drawing B, dated April 20, 2004.
2. The lands within this Plan shall be appropriately zoned by a zoning by-law, which has come into effect in accordance with the provisions of The Planning Act. Particular zoning categories to be applied are as follows:
 - a) Lots 1-7 inclusive shall be rezoned to R1 Residential Zone.
3. The Owner shall pay any and all outstanding application fees to the Development Planning Department, in accordance with Tariff of Fees By-law 406-2003.
4. The Owner shall enter into a subdivision agreement with the City to satisfy all financial and other conditions, with regard to such matters as the City may consider necessary, including payment of development levies, the provision of roads and municipal services, landscaping and fencing. The said agreement shall be registered against the lands to which it applies.
5. The Owner shall agree to create easements for maintenance purposes for all lots providing less than 1.2 m sideyards, or having roof encroachments, prior to transfer of land.
6. Prior to final approval, easements required for utility, drainage and construction purposes shall be created and granted to the appropriate authority(ies), free of all charge and encumbrances.
7. 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.
8. Prior to final approval of the plan of subdivision, and prior to the initiation of any grading to any lands included in the plan of subdivision, a preliminary archaeological evaluation of the entire area within the proposed plan of subdivision shall be carried out at the Owner's expense, and the same report shall identify any significant archaeological sites found as a result of the assessment. The archaeological assessment report shall be carried out by a licenced archaeologist and prepared according to the Ministry of Citizenship, Culture and Recreation (Heritage Operations Unit) approved Archaeological Assessment Technical Guidelines, dated 1993. The archaeological assessment shall be submitted to the municipality and the Ministry for review and approval.

Prior to final approval or registration of the development application or plan of subdivision, the Owner by way of development application or subdivision agreement, shall agree that no development or grading shall occur on any site identified as being archaeologically significant as a result of the archaeological evaluation carried out on the property, until such time as a protective and mitigative measures of all significant archaeological sites have been fulfilled to the satisfaction of the Ministry of Citizenship, Culture and Recreation (Archaeological Unit) and the municipality.

Warning Clauses

9. 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 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 the proposed finished lot and/or block grading may not meet City of Vaughan lot grading criteria in certain areas, to facilitate preservation of existing vegetation and to maintain existing adjacent topographical conditions."
- "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 the planting of trees on City boulevards in front of residential units is a requirement of the City and a conceptual location plan is included in the subdivision agreement. While every attempt will be made to plant trees as shown, the City reserves the right to relocate or delete any boulevard tree without further notice."
- "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 mail delivery will be from a designated community mailbox, the location of which will be identified by the Owner prior to any home closings."
- "Purchasers and/or tenants are advised that any roads ending in a dead end or cul-de-sac may be extended in the future to facilitate development of adjacent lands, without further notice."

b) abutting any open space, woodlot or stormwater facility:

- "Purchasers and/or tenants are advised that the adjacent open space, woodlot or stormwater management facility may be left in a naturally vegetated condition and receive minimal maintenance."

10. The Owner shall cause the following to be displayed on the interior wall of the sales office, information approved by the City of Vaughan, prior to offering any units for sale, to be monitored periodically by the City. No building permit shall be issued for a sales office or model home, or a residential unit until such information is approved by the City of Vaughan:

- the Block Plan or similar plan for the broader area, showing surrounding land uses, arterials/highways, railways and hydro lines etc.
- the location of street utilities, community mailboxes, entrance features, fencing and noise attenuation features, together with the sidewalk plan approved in conjunction with draft plan approval.
- the location of parks, open space, stormwater management facilities and trails.
- the location of institutional uses, including schools, places of worship, community facilities.
- the location and type of commercial sites.
- colour-coded residential for singles, semis, multiples, and apartment units.
- the following notes in BOLD CAPITAL TYPE on the map:

"For further information, on proposed and existing land uses, please call or visit the City of Vaughan Development Planning Department, at 2141 Major Mackenzie Drive, (905)832-8565."

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

[In such circumstances, the Owner is responsible for updating the map and forwarding it to the City for verification.]

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

11. Where the Owner proposes to proceed with the construction of a model home(s) prior to registration of the Plan, the Owner shall enter into an agreement with the City, setting out the conditions, and shall fulfill relevant conditions of that agreement prior to issuance of a building permit.

12. The Owner shall permit any telephone or telecommunications service provider to locate its plant in a common trench within the proposed Plan of Subdivision prior to release of the plan for registration, provided such service provider has executed a Municipal Access Agreement with the City. The Owner shall ensure that any such service provider will be permitted to install its plant

so as to permit connection to individual dwelling units within the subdivision as and when each dwelling unit is constructed.

Engineering Department (General Conditions)

13. 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.
14. 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.
15. 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.
16. The Owner shall agree in the subdivision agreement that construction access shall be provided only in a location approved by the City.
17. Easements as may be required for utility, drainage or construction purposes shall be granted to the appropriate authority(ies), free of all charge and encumbrance.
18. Prior to final approval, a soils report prepared at the Owner's expense shall be submitted to the City for review and approval. The Owner shall agree in the subdivision agreement to carry out, or cause to carry out, the recommendations including pavement design structure for ideal and non-ideal conditions to the satisfaction of the City.
19. Prior to the initiation of grading, and prior to the registration of this draft plan of subdivision or any phase thereof, the Owner shall submit to the City for review and approval the following:

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

- a) plans illustrating how this drainage system will tie 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;
- b) the location and description of all outlets and other facilities;
- c) storm water management techniques which may be required to control minor or major flows; and
- d) proposed methods of controlling or minimizing erosion and siltation onsite and in downstream areas during and after construction.

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.

20. 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.
21. Prior to final approval of the Plan, the Owner shall pay its proportionate share of the cost any external municipal services that have been designed and oversized by others to accommodate the development of the plan.
22. 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.

Engineering Department (Specific Conditions)

23. Prior to final approval of the Plan or commencement of construction within the Plan, whichever comes first, the Owner shall submit a detailed hydrogeological impact study that identifies 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. The Owner shall agree in the subdivision agreement to reinstate a suitable potable water supply to any resident whose well is adversely impacted by development, to the satisfaction of the City as well as connect any existing residences which remain in place after development to the municipal system.
24. Prior to final approval of the plan, the Owner shall provide a revised Water Supply Analysis, Stormwater Management Plan and Sanitary Sewer Capacity Analysis for review and approval by the Engineering Department.
25. Prior to final approval, or prior to the initiation of grading or stripping of topsoil, whichever comes first, the Owner shall submit an Erosion and Sedimentation Control Plan including topsoil storage plan detailing the location, size, sideslopes, 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.
26. Prior to final approval of the plan, the Owner shall ensure that the buffer and edge management zones for all environmental features shall be addressed prior to defining the limits of development to the satisfaction of the Engineering Department and TRCA.
27. Prior to final approval of the plan, the Owner shall pay the proportionate share of the cost of any external municipal services, temporary and/or permanent built or proposed, that have been designed and oversized by others to accommodate the plan.
28. The following warning clause shall be included in all Offers of Purchase and Sale or Lease for all Lots and Blocks on the Plan:

“Purchasers and/or tenants are advised that despite the inclusion of noise abatement features within the development area and within the building units, noise levels from increasing traffic on Bathurst Street may be of concern, occasionally interfering with some activities of the dwelling occupants.”

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

“Purchasers and/or tenants are 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.”

30. The following warning clause shall be included in all Offers of Purchase and Sale or Lease for all lots and/or blocks within the plan:

“Purchasers and/or tenants are advised that the adjacent open space is designed for renaturalization and therefore shall receive minimal maintenance.”

31. The following warning clause shall be included in all Offers of Purchase and Sale or Lease for Lots and Blocks identified as having rear yard grade differential of 0.6 m:

“Purchasers and/or tenants are advised that the proposed finished lot grading may not meet the City of Vaughan lot grading criteria in the rear yard in order to maintain existing topographical conditions.”

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

“Purchasers and/or tenants are advised that this plan of subdivision is designed to include rear lot catchbasins. The rear lot catchbasin is designed to receive and carry only clean stormwater. It is the homeowner’s responsibility to maintain the rear lot catchbasin in proper working condition by ensuring that the grate is kept clear of ice, leaves and other debris that would prevent stormwater from entering the catchbasin. The rear lot catchbasins are shown on the Construction Drawings and the location is subject to change without notice.”

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

“Purchasers and/or tenants are advised that fencing along the side and/or rear 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 metre 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.”

34. The Owner shall agree that all disturbed lands within the draft plan 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.

Development Planning Department

35. Prior to final approval, the Owner shall prepare a streetscape and open space landscape master plan, which shall address but not be limited to the following issues:

- Co-ordination of the urban design/streetscape elements as they relate to the adjacent existing residential development, including fencing and community buffer treatment along Bathurst Street.
- Valleylands edge management rehabilitation planting, trails, bridge crossings, erosion repair sites and pedestrian access points into the valley.
- The appropriate integration of a trail system along the 7.5 metre setback from the established top of bank limit including the connection onto Bathurst Street.
- The pedestrian connections from Bathurst Street into the neighbourhood through the proposed cul-de-sac.

36. The Owner shall provide the installation of visual screening between Bathurst Street and Wigston Place. The screening shall consist of decorative metal fencing in combination with planting to the satisfaction of the City and York Region Transportation and Works Department.

37. 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.

38. Prior to final approval of the plan, the Owner shall prepare a detailed edge management plan study for the perimeter of the valley/open space blocks and tableland woodlot. The study shall include an inventory of all existing trees within an 8 metre zone inside the staked edges, and areas where the woodlot/open space edges are disturbed, assessment of significant trees to be preserved and proposed methods of edge management and/or remedial planting shall be included. The Owner shall not remove any vegetation without written approval by the City.

The Owner shall provide a report for a 20 metre zone within all staked woodlot and open space/valley edges to the satisfaction of the TRCA and City, which identifies liability and issues of public safety and recommends woodlot/forestry management practices and removal of hazardous and all other trees identified to be removed prior to assumption of the subdivision.

39. The Owner shall agree in the subdivision agreement to erect a permanent 1.5 metre high black vinyl chain link fence or approved equal along the limits of the residential lots that abut the open space/ valley (Block 8).

Region of York

40. The Region shall confirm that adequate water supply capacity and sewage treatment capacity are available and have been allocated by the City of Vaughan for the development proposed within this draft plan of subdivision or any phase thereof.
41. The Owner shall submit detailed engineering drawings, to the Regional Transportation and Works Department for review that include the subdivision storm drainage system, site grading and servicing, plan and profile drawings for the proposed intersections, construction access and mud mat design, utility location plans, pavement markings, intersection signalization and illumination design, traffic control/construction staging plans and landscape plans.

The Owner shall convey the following lands to the Regional Municipality of York, free of all costs and encumbrances, to the satisfaction of The Regional Municipality of York Solicitor:

- i. a 0.3 metre reserve across the full frontage of the site along Bathurst Street shall be conveyed to the Regional Municipality of York for public highway purposes, free of all costs and encumbrances.
42. The location and design of the construction access for the subdivision work shall be obtained through the internal road network.
43. Provisions shall be made by the Owner at no cost to the Region to close the access to/from Bathurst Street via Wigston Place to vehicular through traffic.
44. Direct vehicle access from the proposed dwellings to Bathurst Street will not be permitted. Access must be obtained through the internal road network.
45. Any existing driveway(s) along the Regional road frontage of this subdivision must be removed as part of the subdivision work, at no cost to the Region.
46. The Owner shall engage the services of a consultant to prepare and submit for review a noise study to the Regional Transportation and Works Department recommending noise attenuation features and the Owner shall agree to implement these noise attenuation features to the satisfaction of the Regional Transportation and Works Department.
47. 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.”
48. The noise attenuation features will abut a Regional right-of-way, the Owner shall agree in the subdivision agreement, in wording satisfactory to the Regional Transportation and Works Department, as follows:
 - i) that no part of any noise attenuation feature shall be constructed on or within the Regional right-of-way;

- ii) the noise fences adjacent to Regional roads may be constructed on the private side of the 0.3 metre reserve and may be maximum 2.5 metres in height, subject to the area municipality's concurrence;
 - iii) that maintenance of the noise barriers and fences bordering on Regional right-of-ways shall not be the responsibility of the Regional Municipality of York; and
 - iv) that any landscaping provided on the Regional right-of-way by the Owner or the area municipality for aesthetic purposes must be approved by the Regional Transportation and Works Department and shall be maintained by the area municipality with the exception of the usual grass maintenance.
49. The cu-de-sac representing Wigston Place will require provision of an appropriate concrete pedestrian walkway, subject to design approval by the local municipality and the Region of York, to facilitate pedestrian access to/from existing transit services on Bathurst Street. The walkway is to be provided at no cost to the Region of York concurrent with construction of any necessary sidewalks.
50. The Owner shall agree in the subdivision agreement to advise all potential purchasers of the planned introduction of transit service in/around the subject lands, as per above, and that the placement of any necessary bus-stops and/or passenger amenities will be placed accordingly to the satisfaction of York Region Transit and the City of Vaughan, as applicable. This would include potential transit routes, bus stops and shelter locations, as necessary. Notification should be achieved through sales office, marketing materials, and appropriate notification clauses in purchase agreements.
51. Prior to final approval, the Owner shall provide a signed copy of the subdivision agreement to the Regional Transportation and Works Department, outlining all requirements of the Regional Transportation and Works Department.
52. The Owner shall provide a solicitor's certificates of title to the Region's Corporate and Legal Services Department, to the satisfaction of the Regional Solicitor, at no cost to the Region, with respect to the conveyance of lands to The Regional Municipality of York.
53. The Owner shall enter into an agreement with the Region of York, 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-0005-2003-050.

Toronto and Region Conservation Authority (TRCA)

54. The Owner shall submit a detailed engineering report for the review and approval of the TRCA that describes the storm drainage system (quantity and Quality) for the proposed development of the subject lands. This report shall include:
- plans illustrating how this drainage system will tie into surrounding drainage systems i.e., is it part of an overall drainage scheme? How will external flows be accommodated? What is the design capacity of the receiving system?;
 - stormwater management techniques which may be required to control minor or major flows;

- appropriate Stormwater Management Practices (SWMPs) to be used to treat stormwater, to mitigate the impacts of development on the quality and quantity of ground and surface water resources as it relates to fish and their habitat;
 - proposed method for controlling or minimizing erosion and siltation on-site and/or in downstream areas during and after construction;
 - location and description of all outlets and other facilities which may require a permit pursuant to Ontario Regulation 158, the Authority's Fill, Construction and Alteration to Waterways Regulation;
 - overall grading plans for the subject lands.
55. That this draft plan of subdivision be subject to red-line revision in order to meet the requirements of Condition 54, if necessary.
56. That the valley and stream corridor (Block 8) be set aside for acquisition or dedication to either the TRCA, or the City of Vaughan, free of all charges and encumbrances.
57. That the Owner agree in the subdivision agreement, in wording acceptable to the TRCA:
- a. to carry out, or cause to be carried out, to the satisfaction of the TRCA, the recommendations of the technical report referenced in Condition 54;
 - b. to maintain all stormwater management and erosion and sediment control structures operating and in good repair during the construction period, in a manner satisfactory to the TRCA;
 - c. to obtain all necessary permits pursuant to Ontario Regulation 158 from the TRCA;
 - d. to erect a permanent fence to the satisfaction of the TRCA, along the rear property line for Lots 1 to 7 inclusive.

Canada Post

58. The Developer shall agree to ensure that all new home buyers will be officially notified of the exact Community Mail Box locations prior to any house sales. Also that the builder will post in clear sight, a copy of the plan indicating the Community Mail Box sites at the sales office. This plan is requested to be completed and approved prior to the start of the house sales for the subdivision.
59. The Owner/developer shall agree to include in all offers of purchase and sale, a statement which advises the prospective purchaser that mail delivery will be from a designated Community Mailbox.
60. The Owner/developer shall be responsible for officially notifying the purchasers of the exact Community Mailbox locations prior to the closing of any home sales with specific clauses in the Purchase offer on which the homeowners does a sign-off.

61. The Owner/developer shall consult with Canada Post Corporation to determine suitable locations for the placement of Community Mailboxes and to indicate these locations on appropriate servicing plans.
62. The Owner/developer shall provide the following for each Community Mailbox site and include these requirements on appropriate servicing plans:
 - a) an appropriately sized sidewalk section (concrete pad), as per municipal and Canada Post standards, to place the Community Mailboxes on (a copy of the Standards will be provided upon Request). The developer further agrees to provide these cement pads during sidewalk pouring and will notify Canada Post of the locations as they are completed.
 - b) Any required walkway across the boulevard, as per municipal standards.
 - c) Any required curb depressions for wheelchair access.
 - d) Multiple Blocks will have the appropriate Canada Post Delivery Policy applied as the required information becomes available and it is requested that information be provided to Canada Post by the Developer.
63. The Owner/developer further agrees to determine, provide and fit up a suitable temporary Community Mailbox location(s) which may be utilized by Canada Post until the permanent mailbox pads, curbs, sidewalks and final grading have been completed at the permanent CMB site locations (a gravel area with a single row of patio stones – spec to be provided). This will enable Canada Post to provide mail service to new residences as soon as homes are occupied. The developer further agrees to fit up the temporary area 30 to 60 days prior to the first occupancy and notify Canada Post of the first occupancies at this time.

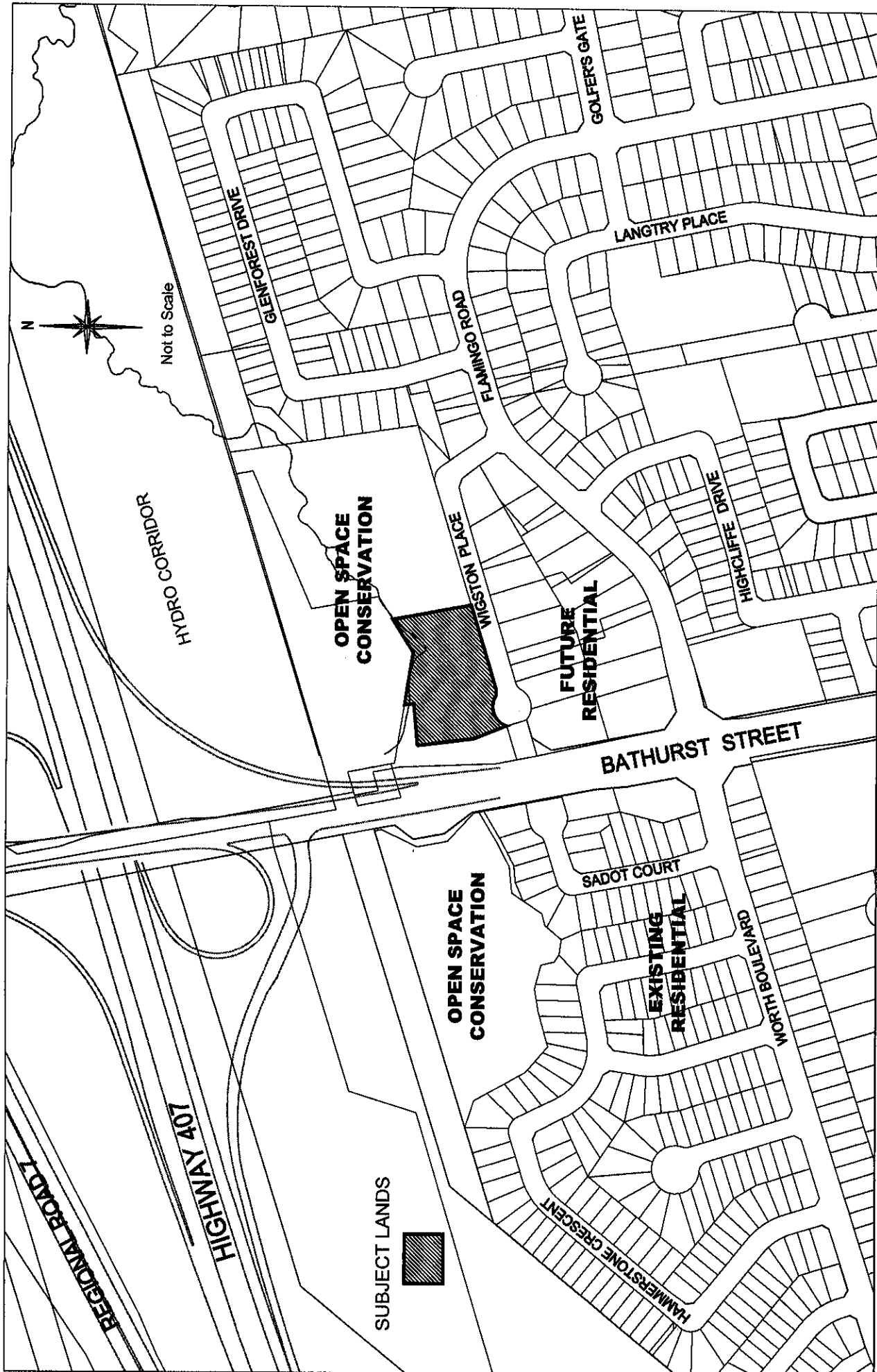
Bell Canada

64. The Owner shall be requested to enter into an agreement (Letter of Understanding) with Bell Canada complying with any underground servicing conditions imposed by the municipality, and if no such conditions are imposed, the Owner shall advise the municipality of the arrangements made for such servicing.
65. Bell Canada requires one or more conduit or conduits of sufficient size from each unit to the electrical room and one or more conduits from the electrical room to the street line.

Clearances

66. Final approval for registration shall be issued in accordance with the draft plan of subdivision prepared by Vladimir Krčmar Ontario Land Surveyor, dated April 20, 2004, and to the satisfaction of the City, subject to all applicable fees provided that:
 - a) All government agencies agree to registration and provide clearances, as required in Conditions 67 to 69 inclusive, for each phase proposed for registration; furthermore, the required clearances may relate to lands not located within the phase sought to be registered.

- b) Allocation being provided within the appropriate capacity assigned by the Region, as approved by the City, in consultation with the Region of York.
- 67. The City shall advise that Conditions 1 to 39 inclusive and 58 to 66 inclusive, have been satisfied; the clearance letter shall include a brief statement detailing how each condition has been met.
- 68. The Region of York shall advise that Conditions 40 to 53 inclusive and 66, have been satisfied; the clearance letter shall include a brief statement detailing how each condition has been met.
- 69. The Toronto and Region Conservation Authority shall advise that Conditions 54 to 57 inclusive, have been satisfied; the clearance letter shall include a brief statement detailing how each condition has been met.



Location Map

Part of Lot 34,
Concession 1
 APPLICANT:
 HYATT HOMES (WIGSTON INC.)
 N:\DFT\1 ATTACHMENTS\19\19-89080

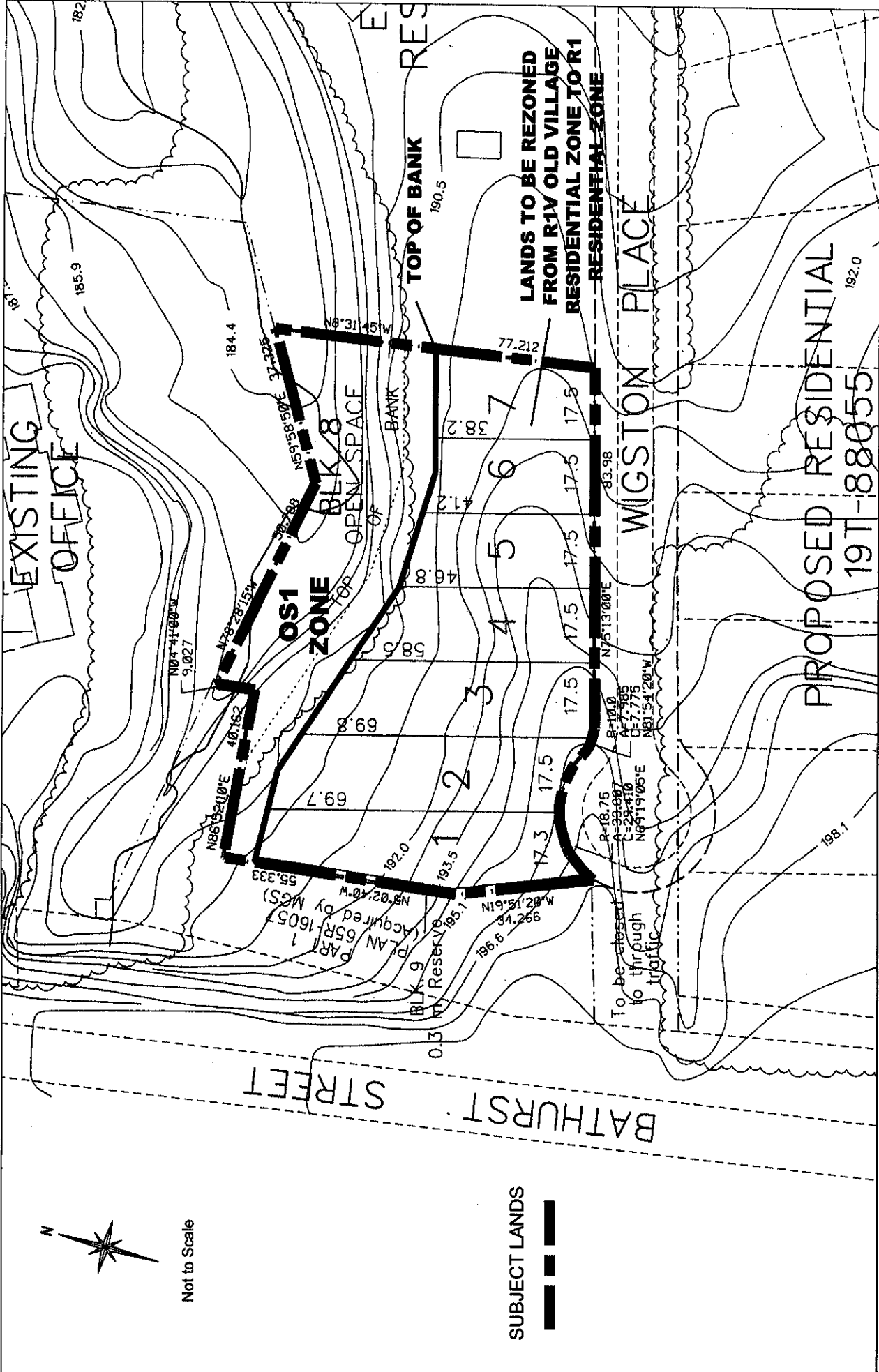


Development Planning Department

Attachment

2

FILE No.:
 19T - 89080
 RELATED FILE:
 Z.04.017
 December 22, 2004



Draft Plan of Subdivision

Part of Lot 34,
Concession 1

APPLICANT:
HYATT HOMES (WIGSTON INC.)

N:\DFT\1 ATTACHMENTS\19\194-89080



Development Planning Department

Attachment

3

FILE No.:
19T - 89080
RELATED FILE:
Z.04.017

December 22, 2004