

COMMITTEE OF THE WHOLE JANUARY 22, 2007

**ZONING BY-LAW AMENDMENT FILE Z.05.053
DRAFT PLAN OF SUBDIVISION FILE 19T-05V09
SHELLSIMON CONSTRUCTION LTD.
REPORT #P.2005.2**

Recommendation

The Commissioner of Planning recommends:

1. THAT Zoning By-law Amendment File Z.05.053 (Shellsimon Construction Ltd.) BE APPROVED, to amend Zoning By-law 1-88, specifically Exception 9(1193), to rezone part of the subject lands from RM1 Multiple Residential Zone to R5 Residential Zone in the manner shown on Attachment #4, in order to permit semi-detached dwelling units in addition to the permitted street townhouse dwelling units in the RM1 Multiple Residential Zone, subject to the site-specific zoning standards as identified in the staff report.
2. THAT Draft Plan of Subdivision File 19T-05V09 (Shellsimon Construction Ltd.) shown on Attachment #3, BE APPROVED, subject to the conditions set out in Attachment #1.
3. THAT Council pass the following resolution with respect to the allocation of sewage capacity from the York-Durham Servicing Scheme and water supply capacity from the York Water Supply System:

"IT IS HEREBY RESOLVED THAT Draft Plan of Subdivision File 19T-05V09 (Shellsimon Construction Ltd.) is allocated sewage capacity from the York-Durham Servicing Scheme and water supply capacity from the York Water Supply System for a total of 76 residential units."

4. THAT 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.

Economic Impact

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

Purpose

The Owner has submitted the following applications:

1. A Zoning By-law Amendment Application (File Z.05.053) to amend By-law 1-88, specifically Exception 9(1193) for the subject lands shown on Attachment #2, to rezone part of the subject lands from RM1 Multiple Residential Zone to R5 Residential Zone, as shown on Attachment #4, to permit semi-detached dwelling units in addition to street townhouse dwelling units and to provide the necessary zoning standards required to implement the proposed development; and

2. An application for Draft Plan of Subdivision approval (File 19T-05V09) to facilitate a total of 76 residential units on the subject lands shown on Attachment #3 consisting of the following:
- a) 68 lots for semi-detached dwelling units with frontages ranging from 7.1m to 7.5m, and lot areas ranging from 182m² to 417m²;
 - b) 2 blocks for 8 street townhouse units with frontages ranging from 6.0m to 9.8m, and lot areas ranging from 157m² to 336m²;
 - c) 0.04 ha for two 4m wide buffer blocks; and
 - d) 0.74 ha for roads.

Background - Analysis and Options

The subject lands are located on the south side of Teston Road, west of Keele Street, being Part of Lot 25, Concession 5, City of Vaughan, as shown on Attachment #2. The 2.57ha parcel of land represents an extension of the existing subdivision to the west. The proposed extension of D'Amato Crescent is to be completed on the subject lands and Isaac Murray Avenue is also proposed to be extended and terminate in a cul-de-sac at Teston Road. The surrounding land uses are:

- North - Teston Road, vacant lands (A Agricultural Zone)
- South - existing York Region Reservoir (A Agricultural Zone)
- East - vacant land (C4 Neighbourhood Commercial Zone)
- West - existing residential uses (R4 and R5 Residential Zones)

On December 23, 2005, a Notice of Public Hearing was circulated to all property owners within 120m of the subject lands and to the Gates of Maple Ratepayers Association. Comments were received from area residents and people in attendance at the Public Hearing meeting, primarily expressing their concerns with vehicular access to the proposed subdivision through the existing neighbourhood, providing more single-detached dwellings, and the reorientation of certain lots abutting existing residential development.

The recommendation of the Committee of the Whole on January 16, 2006 to receive the Public Hearing report and to forward a technical report to a future Committee of the Whole meeting was ratified by Council on January 23, 2006.

Official Plan

The subject lands are designated "Medium Density Residential" in OPA #350 (Maple Community Plan). The official plan designation permits townhouse dwellings and other building forms, which do not exceed the permitted densities. The proposed zoning by-law amendment to rezone part of the subject lands from RM1 Multiple Residential Zone to R5 Residential Zone, in the manner shown on Attachment #4 to permit semi-detached dwelling units within the proposed subdivision, conforms to the Official Plan. A discussion of the density is provided later in this report.

Zoning

The subject lands are zoned RM1 Multiple Residential Zone by By-law 1-88, subject to Exception 9(1139), which permits street townhouse units. An amendment to the Zoning By-law is required to rezone part of the subject lands from RM1 Multiple Residential Zone, as shown on Attachment #4, to R5 Residential Zone to permit semi-detached dwelling units and to provide general development standards to facilitate the proposed draft plan of subdivision. Exceptions to the

RM1 Zone will also be required to facilitate the street townhouse units. The zoning exceptions for both the semi and townhouse units are discussed later in this report.

Subdivision Design

The draft plan of subdivision shown on Attachment #3, has an area of 2.57ha and frontage of 175.43m along Teston Road, and is to be an extension of the existing residential subdivision to the west. The extension of D'Amato Crescent is proposed on the subject lands, and Isaac Murray Avenue is also proposed to be extended and terminate in a cul-de-sac at Teston Road. In response to the surrounding landowners' concerns considered at the January 16, 2006 Public Hearing, two semi-detached lots being Lots 6 and 7, as shown at the northwest corner of the plan on Attachment #3, have been amended by the Owner so that 2 semi-lots will now face north rather than east, which will provide a better lotting transition from the existing single detached lots to the west.

Blocks 35 and 36 will have a combined total of 8 townhouse units. As a result of the existing constraints of the subject lands and connections to the existing road pattern, Block 35 will have a reduced rear yard of 6.0m, (from required 7.5m), which will be addressed in the implementing site-specific zoning by-law. The remainder of the lots will be semi-detached lots. Lots 6, 7, 32, 33, and 34 will also have shallow depths ranging from 24.2m to 29.9m which will be addressed in the implementing site-specific zoning by-law. All exterior lots will have a minimum exterior side yard setback of 3.5m, with the exception of Lots 8, 19, and 20, which about a 4m buffer, and will have a minimum 0.9m side yard setback. A 4m wide landscape buffer (Blocks 37 and 38) totaling 0.04ha in area is provided along Teston Road and will be conveyed to the City for landscaping purposes, to the satisfaction of the Development Planning Department.

Respecting street angles and driveway locations, in particular Lot 7, all driveways shall be clear of the 0.3 metre reserve and returns to the satisfaction of the Engineering Department.

Density

The official plan designation permits townhouse dwellings and other building forms, which do not exceed the permitted densities. The Official Plan requires that the net density shall be a minimum of 30 units/ha and a maximum of 60 units/ha. The proposed density is based on the following:

$$76 \text{ units} \times 2.53\text{ha (excluding the 0.4ha buffer lands)} = 30.0 \text{ units/ha}$$

The Official Plan policy stipulates that a minimum density of 30 unit/ha is to be provided and that other building forms are permitted, but should not exceed the permitted densities. The proposed density proposed by the subject application meets the required minimum density of the Official Plan.

Zoning Exceptions

The subject lands are zoned RM1 Multiple Residential Zone, subject to Exception 9(1139), which permits street townhouse dwelling units on lots with a minimum 6m frontage. The Owner is proposing to rezone part of the subject lands from RM1 Multiple Residential Zone to R5 Residential Zone, in the manner shown on Attachment #4, in order to permit semi-detached dwelling units, which will broaden the variety of housing types on the subject lands.

The following zoning exceptions to the proposed R5 Residential Zone will be required to implement the draft plan of subdivision, as shown on Attachment #3:

a)	Minimum Lot Frontage	7.0m/unit
	Minimum Lot Area	200m ² /unit
	Minimum Interior Side Yard	1.2m ⁽¹⁾

Minimum Exterior Side Yard	3.5m ⁽³⁾
Minimum Lot Depth	30.0m ⁽²⁾
Maximum Building Height	2-storeys/11.0m
Minimum Number of Parking Spaces/Unit	2

1. The minimum interior side yard setback on one side may be reduced to 0.9m, where it abuts a minimum yard of 0.9m, except where it abuts a non-residential use.
 2. Except for Lots 6, 7, 32, 33, and 34 where the minimum lot depth shall be 24.2m.
 3. Except for Lots 8, 19 and 20, where the exterior side yard shall be 0.9m on the side that directly abuts a 4.0m wide landscape buffer.
- b) Include any other zoning exceptions as may be required to implement the Draft Plan of Subdivision.

Site-specific zoning exceptions to the current RM1 Multiple Residential Zone standards will also be required to facilitate the street townhouse lots, as follows:

- a) permit a minimum rear yard setback of 6m, whereas 7.5m is currently required;
- b) permit a minimum garage setback of 6m to the front lot line for the dwellings on Block 35, whereas 6.4m is currently required;
- c) permit a minimum lot area of 157m²/unit for Block 35, whereas 180m²/unit is currently required;
- d) permit a maximum lot coverage of 52.5% on Block 36, whereas 50% is currently permitted; and,
- e) include any other zoning exceptions as may be required to implement the Draft Plan of Subdivision.

The proposed development standards will result in a development form that is compatible with the existing residential area to the west. In addition, some of the zoning exceptions are a result of irregular shaped lots and the location of Isaac Murray Avenue relative to the south property line, which results in a number of smaller lots particularly for townhouse Block 35.

The Development Planning Department can support the approval of the Draft Plan of Subdivision Application and Zoning By-law Amendment Application to rezone part of the subject lands, in the manner shown on Attachment #4, from RM1 Multiple Residential Zone to R5 Residential Zone to permit semi-detached dwelling units as a permitted use in addition to the street townhouse use in the existing RM1 Multiple Residential Zone, subject to the site-specific development standards identified above.

Engineering Department

i) Environmental Site Assessment (ESA)

A Phase 1 Environmental Site Assessment (ESA) Report has been approved to the satisfaction of the Engineering Department. The Record of Site Condition, under Registration Number 3442, has been filed with the Ontario Ministry of the Environment.

ii) Servicing

In accordance with the City's Servicing Capacity Distribution Protocol, servicing allocation capacity for Draft Plan of Subdivision File 19T-05V09 has been reserved for a total of 76 units. The Engineering Department will require a minimum 200mm diameter watermain to service the proposed subdivision along with 25mm water service connections to each lot. The Owner agrees to install the watermain within the proposed 4.0m landscape buffer. This will provide a loop between D'Amato Crescent and Isaac Murray Avenue ensuring that adequate water pressure for the subdivision is maintained. A valve in chamber is to be installed at either end of the landscape buffer between Lots 8 and 19. The Engineering Department has consulted with the Public Works Department and Development Planning Department regarding the installation of the watermain within the landscape buffer, and there are no objections. Final approval for this proposal is required from both departments based on the servicing and landscape submission.

A 4m by 4m easement for telephone service for the lots and blocks in the plan of subdivision will be required. The location of the easement shall be to the satisfaction of the Engineering Department. Any underground servicing conditions shall be in compliance with the standards of the Engineering Department, subject to the conditions of draft plan of subdivision approval provided in Attachment #1.

Region of York

The Region of York, has no objections to the proposed draft plan of subdivision, subject to the conditions provided in Attachment #1.

School Boards

The York Region District School Board, York Catholic District School Board, and Conseil Scolaire de District Catholique Centre-Sud, do not object to the proposed draft plan of subdivision.

Canada Post

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

Relationship to Vaughan Vision 2007

This report is consistent with the priorities set forth in Vaughan Vision 2007, particularly 'A-5', "Plan and Manage Growth".

Conclusion

The Development Planning Department has reviewed the applications for Draft Plan of Subdivision and Zoning By-law Amendment to facilitate the approval of 76 residential lots and to accommodate changes to the Zoning By-law to provide exceptions to implement the proposed development, in the context of the applicable Official Plan policies, By-law 1-88, and the existing and planned land uses in the surrounding neighbourhood. The Development Planning Department is satisfied that the draft plan of subdivision, as shown on Attachment #3, and the implementing site-specific zoning exceptions are appropriate to facilitate the proposed 76 unit residential subdivision consisting of semi (R5 Residential Zone) and street townhouse lots (RM1 Multiple Residential Zone).

For these reasons, the Development Planning Department recommends approval of the Draft Plan of Subdivision and Zoning By-law Amendment applications, with the conditions of approval for the subdivision provided in Attachment #1.

Attachments

1. Conditions of Draft Approval
2. Location Map
3. Draft Plan of Subdivision 19T-05V09
4. Proposed Zone Boundaries

Report prepared by:

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Respectfully submitted,

JOHN ZIPAY
Commissioner of Planning

MARCO RAMUNNO
Director of Development Planning

/LG

ATTACHMENT NO. 1

CONDITIONS OF APPROVAL

DRAFT PLAN OF SUBDIVISION 19T-05V09 SHELLSIMON CONSTRUCTION LTD. PART OF LOT 25, CONCESSION 4, CITY OF VAUGHAN

City of Vaughan Conditions

1. The Plan shall relate to the Draft Plan of Subdivision, prepared by Becker & Starcevic Ltd., Ontario Land Surveyors, dated July 25, 2006.
2. The lands within this Plan shall be appropriately zoned by a site-specific zoning by-law (Zoning By-law Amendment Application Z.05.053), which shall come into effect in accordance with the provisions of The Planning Act. The zoning category to be applied is as follows:
 - a) RM1 Multiple Residential Zone and R5 Residential Zone, including site-specific exceptions to facilitate the related Draft Plan of Subdivision Application (File 19T-05V09).
3. The Owner shall pay any and all outstanding application fees to the Development Planning Department, in accordance with Tariff of Fees By-law 89-2006.
4. The Owner shall enter into a subdivision agreement with the City of Vaughan to satisfy all conditions, financial or otherwise of the City, with regard to such matters as the City may consider necessary, including payments of development levies, the provision of roads and municipal services, landscaping and fencing. The said agreement shall be registered against the lands to which it applies.
5. Prior to final approval, easements required for utility, drainage and/or construction purposes shall be created and granted to the appropriate authority(ies), free of all charge and encumbrances. The Owner shall advise 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.
6. Prior to final approval of the Plan, the City and Region of York Transportation and Works Department, Water and Wastewater Branch, shall confirm that adequate water supply and sewage treatment capacity are available to accommodate the proposed development.
7. The Owner shall agree in the subdivision agreement that construction access shall be provided only in a location approved by the City and the Region of York Transportation and Works Department.
8. The Owner shall agree in the subdivision agreement that no building permits will be 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.
9. Prior to final approval of the plan, any and all appropriate revisions, as required, shall be made to the Municipal Services Report and all associated reports to the satisfaction of the City.
10. a) Prior to final approval, the Owner shall satisfy all technical, financial and other requirements of PowerStream Inc. (former Hydro Vaughan Distribution Inc.). its successors and assigns, regarding the design, installation, connection and/or expansion of electric distribution services, or any other related matters; the Owner shall enter into

development agreement with PowerStream Inc. which addresses the foregoing requirements.

- b) The Owner shall agree to design, purchase materials, and install a buried hydro distribution system, compatible with the existing and/or proposed systems in surrounding Plans, all in accordance with the latest standards and specifications of PowerStream Inc. (former Hydro Vaughan Distribution Inc.) and the City.
11. Prior to final approval, the Owner shall submit to the satisfaction of the City, a listing prepared by an Ontario Land Surveyor of the Block and Lot areas, Lot Frontage and Lot Depth in accordance with the approved Zoning By-law for the Block and Lots within the Plan.
 12. The Owner shall agree to design, purchase materials and install a street lighting system along Teston Road, Isaac Murray Avenue and D'Amato Crescent, compatible with the existing and/or proposed systems in surrounding plans, all in accordance with City standards and specifications.
 13. Notwithstanding the general provisions (Subsection 5.1) that are typically included in 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 appropriate conditions (Subsection 5.18) of the Subdivision Agreement are fulfilled.
 14.
 - a) 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 licensed 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.
 - b) 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 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.
 15. Prior to final approval, the Owner shall not remove any vegetation or topsoil or start any grading of the lands, without a fill permit issued by the City, and a development agreement, if necessary.
 16. That the following warning clauses that Council approved on September 29, 1997, with respect to "Tree Fees" shall be included in the subdivision agreement as follows:
 - "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 the planting of trees in City boulevards in front of residential units is a requirement of the subdivision agreement. A drawing depicting conceptual location for boulevard trees shall be provided by the Owner and shall be included as a schedule in this subdivision agreement. This is only a conceptual plan and 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."

17. The following warning clauses shall be included in all Offers of Purchase and Sale or Lease for the Lots and Blocks on the Plan:
- "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 temporary turn around may be extended in the future to facilitate development of the adjacent lands, without further notice."
18. The following warning clause shall be included in all Offers of Purchase and Sale or Lease for all Lots and 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 despite the inclusion of noise control features in the development and within the building units, sound levels due to increasing road traffic, on Teston Road and Keele Street may occasionally interfere with some activities of the dwelling occupants and the outdoor sound level may exceed the Municipality's and the Ministry of the Environment's noise criteria."
 - "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."
19. The Owner shall, if required, agree in the subdivision agreement to erect a permanent 1.8m high acoustic fence barrier or approved equivalent along the limits of the property to the south.
20. The following warning clause shall be included in all Offers of Purchase and Sale or Lease:
- "The Owner shall inform the public and all purchasers and tenants that this development will function as a subdivision and all details and associated costs shall be presented in the sales office, and through marketing material, etc."
21. 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, and 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 Neighbourhood 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 townhouses and units permitting business and professional office uses;
- 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 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.]

22. 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.
23. 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.
24. The Owner shall permit any telephone or telecommunications service provider to locate its plan 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 plan so as to permit connection to individual dwelling units within the subdivision as and when each dwelling unit is constructed.
25. Prior to final approval of the Plan, the Owner shall covenant and certify to the City that they were not aware of any soil, groundwater or sediment contamination on or within lands to be conveyed to the municipality which could interfere with its intended use.
26. A Record of Site Condition (RCS) shall be filed with the Environmental Site Registry and acknowledged by an Officer of the Ministry of Environment prior to final approval of this plan of subdivision, as stipulated in the Environmental Protection Act, amended by the Bownfields Statute Law Amendment Act, 2001.
27. A minimum 200mm diameter watermain is required to service the proposed subdivision along with 25mm water service connections to each lot. The Owner agrees to install the watermain within the proposed 4.0m landscape buffer. This still provides a loop between D'Amato Crescent and Isaac Murray Avenue ensuring that adequate water pressure for the subdivision is maintained. A valve in chamber is to be installed at either end of the landscape buffer between Lots 8 and 19, as per City of Vaughan Standard Drawing H-1. The Engineering Department has consulted with the Public Works Department and the Development Planning Department regarding the installation of the watermain within the landscape buffer and no objections have been provided. Final approval for this proposal is required from both Department's based on the servicing and landscape submission.

28. The road allowances included within this draft plan of subdivision shall be dedicated as public highways without monetary consideration and free of all encumbrances.
29. The road allowances included within this draft plan of subdivision shall be named to the satisfaction of the City and the Regional Planning Department.
30. The road allowances included in the Plan shall be designed in accordance with the City's standards for road and intersection design, temporary turning circles, day lighting 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.
31. 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.
32. 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.
33. 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) Stormwater 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.

34. 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 and oversized by others to accommodate the development of the plan.
35. 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.

36. The Owner shall agree in the subdivision agreement that the engineering design(s) of Alternative Design Standards for road design and traffic calming measures may result in variation to the road, lotting pattern and the number of lots, to the satisfaction of the City.
37. Prior to final approval of the Plan or prior to initiation of any grading or stripping of topsoil to any lands included in the Plan, whichever comes first, the Owner shall submit an Erosion and Sedimentation Control Plan including topsoil storage plan detailing the location, size, side-slopes, stabilization methods and time period, for approval by the City, topsoil storage shall be limited to the amount required for final grading, with the excess removed from the site, and shall not occur on either park or school blocks.
38. Prior to final approval of the Plan, the Owner's Consultant shall certify that the internal roads within this plan have been designed to coincide and correspond with the pattern and layout of the existing and/or proposed adjacent plans of subdivision.
39. Prior to transfer of residential lots abutting the water reservoir land, the Owner shall erect a permanent 1.5m high black vinyl chain link fence along the limits of residential lots where they abut the water reservoir land to the satisfaction of the City.
40. Prior to transfer of residential lots abutting commercial blocks, the Owner shall erect a permanent minimum 1.8m high acoustic wood fence along the limits of residential lots where they abut the commercial blocks to the satisfaction of the City.
41. The Owner shall agree in the subdivision agreement that construction access shall be provided only in a location approved by the City.
42. The Owner shall agree in the subdivision agreement that the sound barrier requirements may result in revisions to the lotting pattern and/or the number of lots, and buffer blocks abutting Teston Road to the satisfaction of the City.
43. The Owner shall agree in the subdivision agreement to include the following warning clause in all Offers of Purchase and Sale or Lease for all Lots, Blocks and/or Dwelling Units within the Plan:

"Purchasers and/or Tenants are advised that the roads within the Plan may have been constructed using Alternative Development Standards. In April 1995, the Ministry of Housing and the Ministry of Municipal Affairs published the Alternative Development Standards as a guideline to municipalities. The Province of Ontario has been promoting the use of these guidelines, which provide for reduced pavement widths that are narrower than City standards. Traffic calming measures have also been incorporated in the road design."
44. The Owner shall agree in the subdivision agreement to include the following warning clause in all Offers of Purchase and Sale or Lease for Lots 20 to 26 inclusive within the Plan in proximity of future commercial development:

"Purchasers and/or tenants are advised due to the proximity of the adjacent proposed future commercial developments, sound levels from these facilities may at times be audible."
45. The Owner shall agree in the subdivision agreement to include the following warning clause in all Offers of Purchase of Sale or Lease for all Lots, Blocks within the Plan abutting the water reservoir:

"Purchasers and/or Tenants are advised that the adjacent water reservoir facility is designed for re-naturalization and therefore shall receive minimal maintenance."
46. The Owner shall agree in the subdivision agreement to include the following warning clause in all Offers of Purchase of Sale or Lease:

"Purchasers and/or tenants are advised that the City of Toronto owned and operated a landfill within 4 kilometres of the property and that the facility is now closed and will be redeveloped into a park."

47. 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 fulfil relevant conditions to that agreement prior to the issuance of a building permit.

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

"Purchasers and/or tenants are advised that public transit routes have not been determined for the area within the Plan, however, Teston Road and Keele Street may be subject to public transit bus traffic."

49. The Owner shall agree in the subdivision agreement to include the following warning clause in all Offers of Purchase of Sale or Lease for Lots 8, 19 and 20:

"Purchasers are advised that this dwelling unit was fitted with a central air conditioning system in order to permit closing of windows for noise control. (Note: locate air cooled condenser unit in a noise insensitive area and ensure that unit has a maximum ARI rating of 7.6 bels)."

Region of York Conditions

50. The road allowances included within the draft plan of subdivision shall be named to the satisfaction of the area municipality and the Regional Planning and Development Services Department.

51. York 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.

52. The Owner shall have prepared, by a qualified professional transportation consultant, a functional transportation report/plan outlining the required Regional Road improvements for this subdivision. The report/plan, submitted to the Regional Transportation and Works Department for review and approval, shall explain all transportation issues and recommend mitigative measures for these issues.

53. The Owner shall agree in the subdivision agreement, in wording satisfactory to The Regional Transportation and Works Department, to implement the recommendations of the functional transportation report/plan as approved by the Regional Transportation and Works Department.

54. The Owner shall submit detailed engineering drawings to the Regional Transportation and Works Department for review and approval, that incorporate the recommendations of the functional transportation report/plan as approved by the Regional Transportation and Works Department. Additionally, the engineering drawings shall include the subdivision storm drainage system, erosion and siltation control plans, site grading and servicing, construction access and mud mat design, utility and underground servicing location plans and landscape plans.

55. The following lands shall be conveyed to York Region for public highway purposes, free of all costs and encumbrances:

a) a widening across the full frontage of the site where it abuts Teston Road of sufficient width to provide a minimum of 18 metres from the centreline of construction of Teston Road; and,

- b) a 0.3 metre reserve across the full frontage of the site where it abuts Teston Road.
56. The Owner is required to submit a draft reference plan, illustrating all property dedications and reserves, to the satisfaction of the Regional Transportation and Works Department.
57. The Owner shall provide a solicitor's certificate of title in a form satisfactory to the Regional Solicitor, at no cost to the Region, with respect to the conveyance of lands to York Region.
58. Direct vehicle access to Teston Side Road from Lots 8, 19 and 20 will not be permitted. Access must be obtained through the internal road network.
59. Any existing driveway(s) along Regional Road frontage of this subdivision must be removed as part of the subdivision work, at no cost to York Region.
60. The location and design of the construction access for the subdivision work shall be completed to the satisfaction of the Regional Transportation and Works Department and illustrated on the Engineering Drawings.
61. The Owner shall agree in the subdivision agreement, in wording satisfactory to the Regional Transportation and Works Department, to provide for the installation of visual screening between Teston Road and Streets "A" and "B," consisting of either a screening fence or a combination of a berm and planting, to a maximum of 1.8 metres in height, to be located within the right-of-way of local streets. The Owner shall submit to the Regional Transportation and Works Department for review and approval, landscape plans showing the proposed planting for headlight screening purposes.
62. The Owner shall submit drawings depicting the following to the satisfaction of York Region staff:
- a) All existing woody vegetation within the Regional Road right-of-way;
 - b) Tree protection measures to be implemented on and off the Regional Road right-of-way respecting vegetation identified for preservation;
 - c) Any woody vegetation within the Regional Road right-of-way that is proposed to be removed or relocated. However, it is to be noted that tree removal within Regional Road rights-of-way shall be avoided to the extent possible. Financial or other compensation may be sought based on the value of trees proposed for removal;
 - d) A planting plan for all new and relocated vegetation to be planted within the Regional Road right-of-way, based on the following general guideline:

Tree planting shall be undertaken in accordance with York Region standards as articulated in the York Region 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 proposed, they will require the approval of the local municipality and be supported by a maintenance agreement between the municipality and York Region for area municipal maintenance of these features. In addition, the agreement should indicate that where the area municipality does not maintain the feature to the Region's satisfaction, the area municipality will be responsible for the cost of maintenance or removal undertaken by the Region.
63. 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 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.

64. The Owner shall agree in the subdivision agreement, in wording satisfactory to the Regional Transportation and Works Department, that prior to the release of any security held by York Region in relation to this plan of subdivision, and 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.
65. 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."
66. Where 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:
- a) that no part of any noise attenuation feature shall be constructed on or within the Regional right-of-way;
 - b) that noise fences adjacent to Regional 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 the Regional Road right-of-way shall not be the responsibility of York Region; and,
 - d) that any landscaping provided on the Regional Road 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.
67. The Owner shall agree in the subdivision agreement to submit to the Region a certificate from the Owner's qualified consultant, identifying the source of any fill material that will be used on and/or adjacent to the Region's existing and proposed right-of-way, including a soil testing certificate of analysis indicating that the fill material is free of any contamination and in accordance with all applicable Ontario standards, guidelines and regulations. If during the course of construction the source of fill is to be changed, then the Owner hereby agrees to ensure that the above certification is submitted to the Region for any new source of fill.
68. The Owner shall agree in the subdivision agreement to construct a concrete sidewalk along the entire frontage of the subject property where it abuts Teston Road, subject to the specifications and approval of the City and York Region Transit (YRT).
- Note: YRT services currently operate in the vicinity of the subject property along Teston Road and Keele Street. Providing pedestrian connections along and within developments adjacent to transit services is essential for providing convenient access to transit.*
69. The Owner shall agree in the subdivision agreement to construct concrete sidewalk connections between the subject property and Teston Road along "Street A" and "Street B," if not already provided.

70. Concrete sidewalks required under Conditions 68 and 69 shall be provided at no cost to York Region and shall be constructed concurrently with the roadway. Sidewalks and concrete pedestrian access shall be provided in accordance with OPSD 310.010, 310.020, 310.030 and should be provided "at grade" (i.e. without stairs, inclines, etc.).
71. The Owner shall submit drawings showing the sidewalk location(s), concrete pedestrian access, passenger standing area(s) and shelter pad(s) to the Regional Transportation and Works Department for review and approval.
72. The Owner shall agree in the subdivision agreement to advise all potential purchasers of existing and future transit services within and/or adjacent to this development as identified in Condition 68. This includes potential transit routes, bus-stop and shelter locations. This can be achieved through the distribution of information/marketing materials (YRT route maps, Future Plan maps, and/or 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.
73. Prior to final approval, the Owner shall provide a duly executed copy of the subdivision agreement to the Regional Transportation and Works Department, outlining all requirements of the Regional Transportation and Works Department.
74. 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-0005-2003-050.

Canada Post Conditions

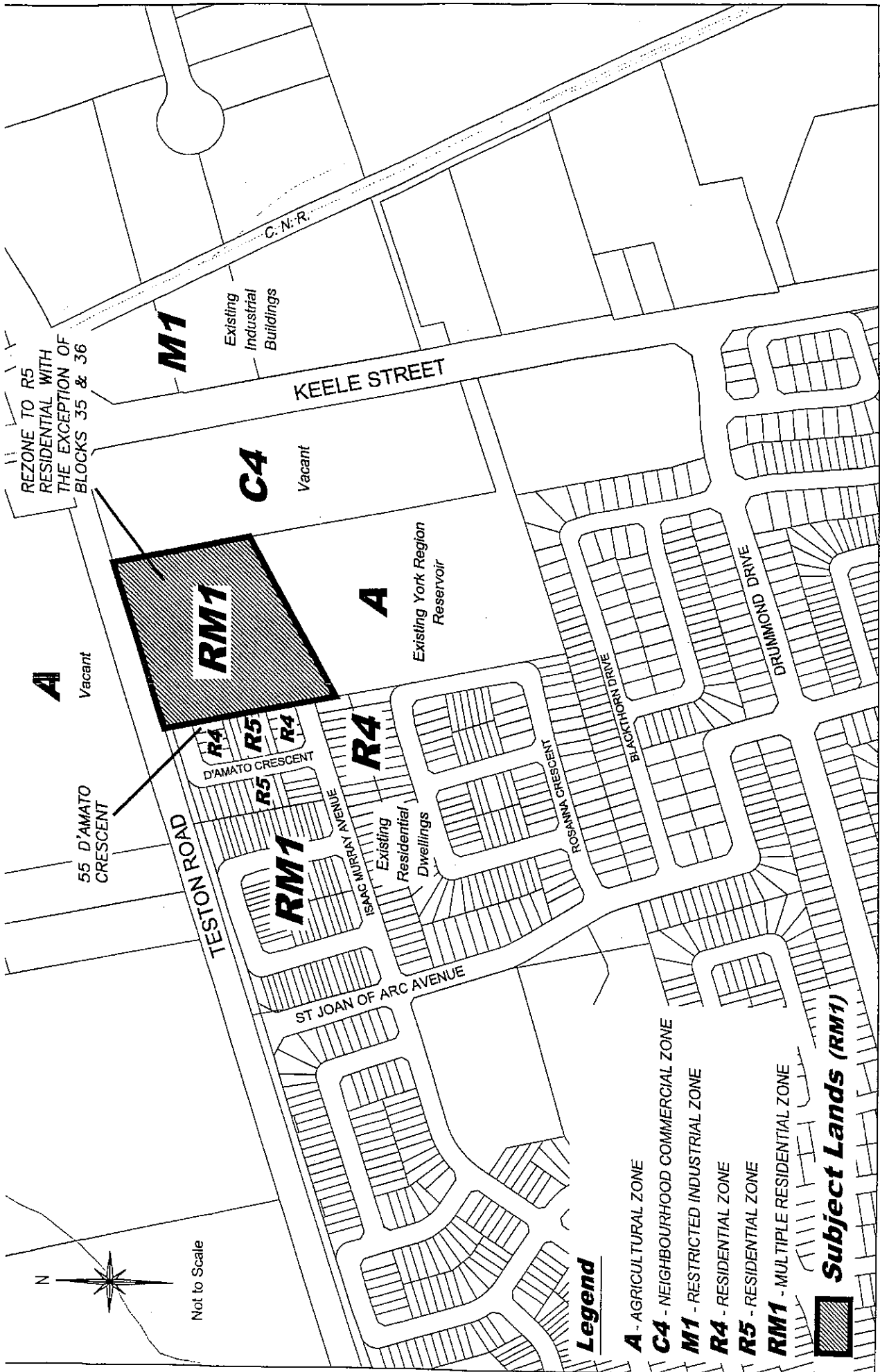
75. The Owner agrees:
 - a) to include in all Offers of Purchase and Sale, a statement that advises the prospective purchaser that mail delivery will be from a designated Community Mailbox. Further, the Owner/developer will be responsible for officially notifying the purchasers of the exact Community Mailbox locations prior to the closing of any home sales. Canada Post requests that the Owner/developer consult with Canada Post to determine suitable locations for the placement of Community Mailboxes and to indicate these locations on appropriate servicing plans. The Owner/developer will be responsible for locating temporary Community Mailbox locations, which may be utilized by Canada Post until the permanent mailbox pads, curbs, sidewalks and final grading have been completed at the permanent Community Mailbox site location(s). This will enable Canada Post to provide mail service to new residences as soon as homes are occupied. The Owner/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 that time;
 - b) to provide the following for each Community Mailbox site, as shown on the servicing plan:
 - 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) to provide a suitable temporary Community Mailbox location(s) until the curbs, sidewalks and final grading have been completed to the permanent location(s); and
 - d) to provide a copy of the executed subdivision agreement to Canada Post.

Bell Conditions

76. The Owner shall agree, in words satisfactory to Bell Canada, to grant to Bell Canada any easements that may be required for final servicing decisions. Easements may be required subject to final servicing decisions. In the event of any conflict with existing Bell Canada facilities or easements, the Owner/developer shall be responsible for the relocation of such facilities or easements.
77. Bell Canada requires one or more conduit or conduits of sufficient size from each unit to the room(s) in which the telecommunication facilities are situated and one or more conduits from the room(s) in which the telecommunication facilities are located to the street line.

Clearances

78. 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 79 to 82 inclusive, for each phase proposed for registration; furthermore, the required clearances may relate to lands not located within the phase sought to be registered.
79. The City shall advise that Conditions 1 to 49 inclusive, have been satisfied; the clearance letter shall include a brief statement detailing how each condition has been met.
80. The Regional Municipality of York shall advise that Conditions 50 to 74 inclusive, have been satisfied; the clearance letter shall include a brief statement detailing how each condition has been met.
81. Canada Post shall advise that Condition 75 has been satisfied; the clearance letter shall include a brief statement of how this condition has been met.
82. Bell Canada shall advise that Conditions 76 and 77 have been satisfied; the clearance letter shall include a brief statement of how these conditions have been met



Not to Scale

Legend

- A** - AGRICULTURAL ZONE
- C4** - NEIGHBOURHOOD COMMERCIAL ZONE
- M1** - RESTRICTED INDUSTRIAL ZONE
- R4** - RESIDENTIAL ZONE
- R5** - RESIDENTIAL ZONE
- RM1** - MULTIPLE RESIDENTIAL ZONE

Subject Lands (RM1)

Location Map

Part Lot 25,
Concession 4

APPLICANT:
SHELLSIMON CONSTRUCTION LTD.

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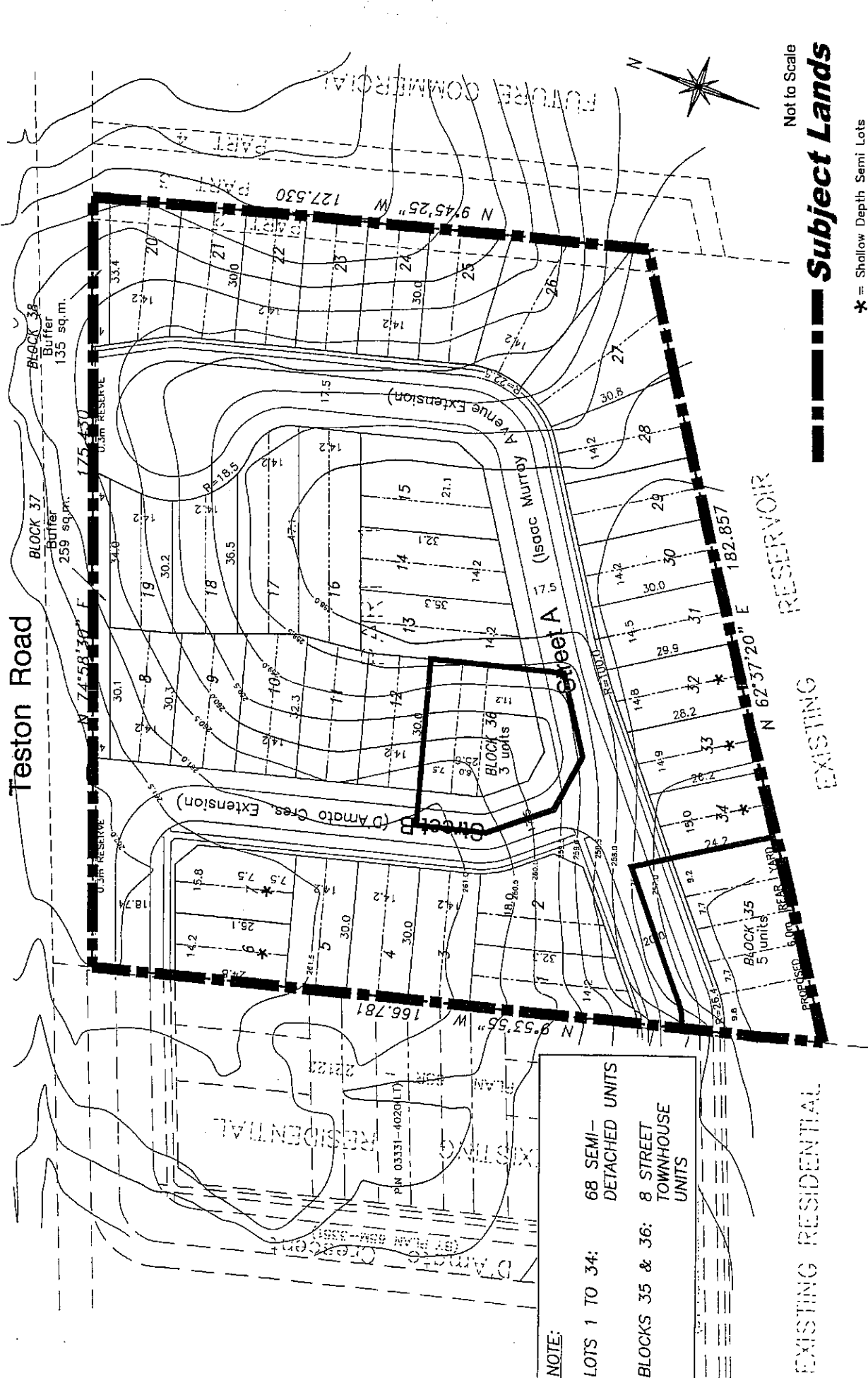
Development Planning Department

Attachment

2

FILE No.:
191-05V09
& Z.05.053

January 08, 2007



Not to Scale
Subject Lands

* = Shallow Depth Semi Lots

NOTE:
 LOTS 1 TO 34: 68 SEMI-DETACHED UNITS
 BLOCKS 35 & 36: 8 STREET TOWNHOUSE UNITS

EXISTING RESIDENTIAL

Draft Plan of Subdivision

19T-05V09



Development Planning Department

FILE No.:
 19T-05V09
 & Z.05.053

Part Lot 25,
 Concession 4

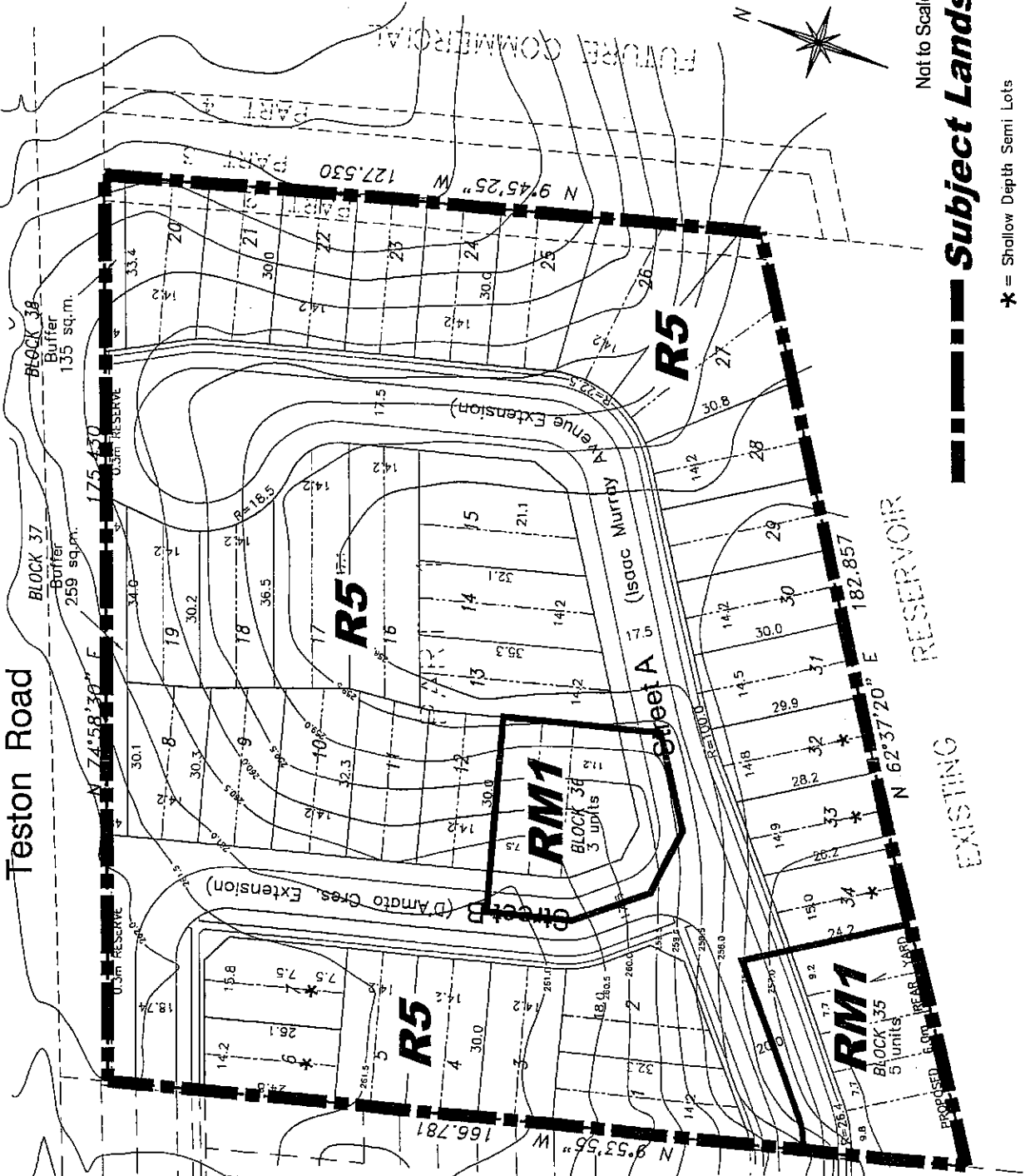
APPLICANT:
 SHELLSIMON CONSTRUCTION LTD.

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January 08, 2007

Attachment 3

Teston Road



Nat to Scale

--- Subject Lands

* = Shallow Depth Semi Lots

NOTE:

LOTS 1 TO 34: 68 SEMI-DETACHED UNITS

BLOCKS 35 & 36: 8 STREET TOWNHOUSE UNITS

LEGEND:

R5 Residential Zone: LOTS 1 TO 34

RM1 Multiple Residential Zone: BLOCKS 35 & 36

EXISTING RESIDENTIAL

Proposed Zoning of Draft Plan 19T-05V09

APPLICANT: SHELLSIMON CONSTRUCTION LTD.
Part Lot 25, Concession 4

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Development Planning Department

Attachment 4

FILE No.: 19T-05V09 & Z.05.053

January 08, 2007