

COMMITTEE OF THE WHOLE JUNE 18, 2007

**ZONING BY-LAW AMENDMENT FILE Z.06.060
DRAFT PLAN OF SUBDIVISION FILE 19T-06V11
ARGLEN ESTATE LIMITED
REPORT #P.2006.71**

Recommendation

The Commissioner of Planning recommends:

1. THAT Zoning By-law Amendment File Z.06.060 (Arglen Estate Limited) BE APPROVED, to amend Zoning By-law 1-88 to rezone the subject lands shown on Attachment #2 from A Agricultural Zone to RD3 Residential Detached Zone Three, RD4 Residential Detached Zone Four, RS1 Residential Semi-Detached Zone, and RT1 Residential Townhouse Zone as shown on Attachment #3.
2. THAT Draft Plan of Subdivision File 19T-06V11 (Arglen Estate Limited) as 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 and water servicing capacity:

"IT IS HEREBY RESOLVED THAT proposed Draft Plan of Subdivision Application 19T-06V11, Phase 2, is allocated sewage capacity from the York-Durham Servicing Scheme via the North Don Collector on an interim basis and ultimately via the Bathurst Street Trunk sewer once constructed, and water supply capacity from Pressure District No. 7 of the York Water Supply System for a total of 15.5 residential units, following the execution of a subdivision agreement to the satisfaction of the City."

4. THAT prior to final approval of the Plan, the Owner shall enter into a Developers' Group Agreement with the other participating landowners within Block 18 to the satisfaction of the City. The agreement shall be regarding, but not limited to, all cost sharing for the provision of parks, cash-in-lieu of parkland, roads and municipal services within Block 18. This agreement shall also provide a provision for additional developers to participate in the Developers' Group Agreement when they wish to develop their lands. The Owner acknowledges that cash-in-lieu of parkland shall be paid in accordance with Section 42 of the Planning Act and conform to the City's "Cash-in-lieu of Parkland Policy". If required, non-participating owners shall be required to pay additional cash-in-lieu to the City.

Economic Impact

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

Communications Plan

N/A

Purpose

The Owner has submitted the following applications:

1. A Zoning By-law Amendment Application (File Z.06.060) to amend By-law 1-88 to rezone the subject lands shown on Attachment #2 from the A Agricultural Zone to RD3

Residential Detached Zone Three, RD4 Residential Detached Zone Four, RS1 Residential Semi-Detached Zone, and RT1 Residential Townhouse Zone, as shown on Attachment #3; and

2. An application for Draft Plan of Subdivision approval (File 19T-06V11) on the subject lands shown on Attachment #3, consisting of 3 full lots and 15 part blocks to be combined with the adjacent approved blocks (in approved Plans of Subdivision 19T-00V14 and 19T-00V19), that will result in a total of 27 residential lots, as follows:

13 single detached residential units (Lots 1-2, Blocks 8-18)	0.414 ha
8 semi-detached residential units (Lot 3, Blocks 4-6)	0.182 ha
6 street townhouse units (Block 7)	0.112 ha
1 greenway block (Block 19) and 1 day lighting block (Block 20)	<u>0.048 ha</u>
TOTAL	0.756 ha

Background - Analysis and Options

The subject lands are located on the west side of Dufferin Street, between Major Mackenzie Drive and Rutherford Road, in Part of Lot 19, Concession 3, within Planning Block 18, City of Vaughan, as shown on Attachment #2. The 0.756 ha parcel of land is for a residential draft plan of subdivision that ultimately will be combined with the approved subdivisions to the north and west, being Ivy Glen Developments Inc. (Plan of Subdivision File 19T-00V14) and the approved subdivision to the south, being Arband Investments Inc. (Plan of Subdivision File 19T-00V19), as shown on Attachment #2. The surrounding land uses are:

- North - approved Plan of Subdivision 19T-00V14 – future residential; Ivy Glen Drive (RD3(H) – Residential Detached Zone Three with the Holding Symbol “H”)
- South - approved Plan of Subdivision 19T-00V19 – future residential; Sir Sanford Fleming Way (RS1(H) and RT1(H) – Residential Semi-Detached Zone)
- East - Dufferin Street; open space in Planning Block 11 (OS5 Open Space Environmental Protection Zone)
- West - approved Plan of Subdivision 19T-00V14 – future residential; Sir Sanford Fleming Way (RD3(H) and RD4(H) – Residential Detached Zone Three and Four each with the Holding Symbol “H”)

On November 17, 2006, a Notice of Public Hearing was circulated to all property owners within 120 m of the subject lands and to the Maplewood Ravines Community Association. As of June 14, 2007, no comments have been received by the Development Planning Department. The recommendation of the Committee of the Whole on December 11, 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 December 18, 2006.

Official Plan

The subject lands are designated “Medium Density Residential/Commercial” by OPA #600 and further designated “Settlement Area” by OPA #604 (Oak Ridges Moraine Conformity Plan). The Official Plan designation permits a range of housing forms, including detached, semi-detached, and street townhouses. The draft plan of subdivision conforms to the Official Plan.

Zoning

The subject lands are zoned A Agricultural Zone by By-law 1-88. An amendment to the Zoning By-law is required to rezone the subject lands from A Agricultural Zone to RD3 Residential Detached Zone Three, RD4 Residential Detached Zone Four, RS1 Residential Semi-Detached Zone, and RT1 Residential Townhouse Zone, to facilitate the proposed draft plan of subdivision, and to ensure consistent zoning with the existing surrounding zoning on the adjacent subdivision plans, in the manner shown on Attachment #3.

Both Ivy Glen Developments and Arband Investments have filed Zoning Amendment applications to remove the Holding Symbol "H" from their respective lands (Files Z.07.020 and Z.07.021), as Block 18 moves forward with Phase 2 registrations.

Subdivision Design

The draft plan of subdivision shown on Attachment #3, has an area of 0.756 ha and frontage of 54.93 m along Dufferin Street, and is for a residential development that ultimately will be combined with the approved draft plan of subdivisions to the north and west, being Ivy Glen Developments Inc. (Plan of Subdivision File 19T-00V14) and to the south, being Arband Investments Inc. (Plan of Subdivision File 19T-00V19). Below is a summary of the proposed lots and part lots and the resulting unit count:

Lot / Block	Housing Type	Unit Allocation	Total Lots
Lots 1 and 2	Single Detached	2	2
Lot 3	Semi-Detached	2	2
Blocks 4, 5, and 6	Semi-Detached	3	6
Block 7	Townhouses	3	6
Blocks 8 to 16	Single Detached	4.5	9
Blocks 17 and 18	Single Detached	1	2
Blocks 19 and 20	Sight Triangle / Buffer Block	n/a	n/a
Total		15.5	27

The proposed plan of subdivision consists of three full lots of which Lots 1 and 2 are for two detached dwelling units and Lot 3 will be for a semi-detached dwelling. The remainder of the plan of subdivision consists of blocks to be merged with the approved blocks to the north, west, and south for a total of 27 lots. The lots will have access onto Sir Sanford Fleming Way and Ivy Glen Drive. For the purposes of servicing allocation, a total of 15.5 units are required, which will be discussed in detail later in this report.

City 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 16304, has been filed with the Ontario Ministry of the Environment.

ii) Servicing

In accordance with the City's Servicing Capacity Distribution Protocol as adopted by Council on February 26, 2007 and pursuant to the Region of York's Bathurst Trunk In-line Control System

approval letter dated April 30, 2007 allowing presales of Phase 2 units in Blocks 11, 12 and 18 (East portion), and the Region of York's Maple Collector Interim Capacity approval letters dated March 1, 2007 and May 25, 2007 allowing presales of Phase 2 units in Block 18 (west portion), and updated unit distribution letter dated March 25, 2007, formal allocation of servicing allocation capacity may be recommended for approval by Council. Based on the information received from the Block 18 Trustee, the total allocated units noted above shall be distributed as follows:

- Arglen Estates Limited (Plan of Subdivision File 19T-06V11) = 15.5 residential units.

The proposed residential subdivision will ultimately be combined with the approved subdivision to the north and west (6.5 units - Ivy Glen Developments Inc. - Plan of Subdivision File 19T-00V14) and the approved subdivision to the south (9 units - Arband Investments Inc. - Plan of Subdivision File 19T-00V19).

Region of York

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

School Boards

The York Region District School Board, York Catholic District School Board, and Conseil Scolaire de District Catholique Centre-Sud, have no objections to the 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 on 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".

Regional Implications

The Region of York has provided conditions of subdivision approval, which will need to be satisfied, as a condition of registration of the final subdivision plans.

Conclusion

The Development Planning Department has reviewed the applications for Draft Plan of Subdivision and Zoning By-law Amendment to facilitate the approval of 3 full lots and 15 part blocks to be combined with the adjacent approved blocks (in approved Plans of Subdivision 19T-00V14 and 19T-00V19), that will result in a total of 27 residential lots, in the context of the applicable Official Plan policies, By-law 1-88, the existing and planned land uses in the surrounding neighbourhood, the City's Servicing Capacity Distribution Protocol, and the Region of York's Maple Collector Interim Capacity approval letters.

The Development Planning Department is satisfied that the draft plan of subdivision, as shown on Attachment #3, and the Zoning Amendment Application to rezone the subject lands from A Agricultural Zone to RD3 Residential Detached Zone Three, RD4 Residential Detached Zone Four, RS1 Residential Semi-Detached Zone, and RT1 Residential Townhouse Zone, are appropriate to facilitate the draft plan of subdivision and to bring into conformity the zoning of the subject lands with the existing surrounding zoning.

The Development Planning Department can support the approval of the Draft Plan of Subdivision (File 19T-06V11) and Zoning By-law Amendment (File Z.06.060) applications, subject to the conditions and recommendations in this report.

Attachments

1. Conditions of Draft Approval
2. Location Map
3. Draft Plan of Subdivision 19T-06V11 with Proposed Zoning

Report prepared by:

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Respectfully submitted,

JOHN ZIPAY
Commissioner of Planning

MARCO RAMUNNO
Director of Development Planning

/CM

ATTACHMENT NO. 1

CONDITIONS OF APPROVAL

DRAFT PLAN OF SUBDIVISION 19T-06V11 ARGLEN ESTATE LIMITED PART OF LOT 19, CONCESSION 3 (PLANNING BLOCK 18), CITY OF VAUGHAN

City of Vaughan Conditions

1. The Plan shall relate to the Draft Plan of Subdivision, prepared by KLM Planning Partners Inc., dated July 4, 2006.
2. The lands within this Plan shall be appropriately zoned by a zoning by-law (Zoning By-law Amendment Application Z.06.060), which shall come into effect in accordance with the provisions of The Planning Act. Particular zoning categories to be applied are as follows:
 - a) The implementing zoning by-law shall zone the subject lands utilizing the following zone categories to facilitate the related Draft Plan of Subdivision Application (File 19T-06V11):

RD3 – Residential Detached Zone Three
RD4 – Residential Detached Zone Four
RS1 – Residential Semi-Detached Zone
RT1 – Residential Townhouse 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 135-2007.
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, or that arrangements have been made for their completion to the satisfaction of the City.
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 Ivy Glen Drive, Sir Sanford Fleming Way, and Dufferin Street, 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 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 Dufferin Street and Ivy Glen Drive 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 1.8 m high acoustic fence barrier or approved equivalent along the limits of the property to the east.
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.

Development/Transportation Engineering Department

26. 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, daylighting triangles, and 0.3 metre reserves.
27. 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.
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. Any dead end or open side of a road allowance within the Plan shall be terminated in a 0.3m reserve, to be conveyed to the City free of all charge and encumbrances, until required for a future road allowance or development of adjacent lands.
30. The Owner shall agree to remove any driveways and buildings on site, which are not approved to be maintained as part of the plan; any modification to off-site driveways required to accommodate this Plan shall be coordinated and completed at the cost of the Owner.
31. The Owner's Consultant shall certify that the internal roads within this Plan have been designed to comply with the internal roads of the approved Block Plan.
32. 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.
33. Prior to final approval of the Plan, the Owner shall provide confirmation that satisfactory arrangements have been made with a suitable telecommunication provider to provide their services underground at the approved locations and to the satisfaction of the City.
 - (a) The Owner shall provide a copy of the fully executed subdivision agreement to the appropriate telecommunication provider.
34. 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.
35. Prior to final approval of the plan or 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 of the following:
 - (a) A detailed engineering report that describes the storm drainage system for the proposed development within this draft plan. The report shall include:
 - i) plans illustrating how this drainage system will be tied into the surrounding drainage systems and indicating whether it is part of an overall drainage scheme, the design capacity of the receiving system and how external flows will be accommodated and how it conforms with the approved MESP;
 - ii) appropriate Stormwater Management Practices (SWMPs) to be used to treat stormwater, to ensure no negative impact on the quality and quantity of ground and surface water resources as it relates to fish and their habitat;
 - iii) proposed methods of controlling or minimizing erosion and siltation on-site and downstream areas during and after construction;
 - iv) stormwater management techniques which may be required to control minor or major flow; and
 - v) the location and description of all outlets and other facilities.
 - (b) overall grading and landscaping plans for the subject lands.
 - (c) The Owner shall implement the recommendations of the items in section 14 (a) to the satisfaction of the City.
36. Prior to final approval, the Owner shall submit an environmental noise impact study, prepared by a qualified consultant at the owner's cost for approval by the City. 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 carryout or cause to carryout the recommendation set out in the approved noise study report to the satisfaction of the City.
37. Prior to final approval of the Plan, the City shall confirm that adequate water supply and sewage treatment capacity are available to accommodate the proposed development.
 38. Prior to final approval of the Plan, the Owner shall provide a revised Water Supply Analysis for review and approval by the City.
 39. Prior to final approval of the Plan, the road allowances included within this plan shall be named to the satisfaction of the City.
 40. Prior to final approval of the Plan, the Owner shall certify to the City that they are not aware of any soil, groundwater or sediment contamination on or within lands to be conveyed to the municipality which could interfere with its intended use.
 41. The Owner shall agree in the subdivision agreement that the servicing works to be carried out be consistent with the concepts outlined in the Master Environmental Servicing Plan Report.
 42. Prior to final approval of the Plan, the Owner shall:
 - (a) enter into a Developers' Group Agreement with the other participating landowners within Block 18 to the satisfaction of the City. The agreement shall be regarding but not limited to all cost sharing for the provision of parks, cash-in-lieu of parkland, roads and municipal services within Block 18. This agreement shall also include a provision for additional developers to participate with the Developers' Group Agreement when they wish to develop their lands.
 - (b) the Trustee for Block 18 shall provide the City with a letter indicating that the Owner has fulfilled all cost sharing and other obligations of the Block 18 Landowners Cost Sharing Agreement.
 43. The Owner shall acknowledge that parkland shall be dedicated and/or cash-in-lieu paid in accordance with Section 42 of the Planning Act and conform to the City's "Cash-in-lieu of Parkland Policy". If required, non-participating Owners shall be required, to pay additional cash-in lieu to the City.
 44. Prior to final approval of Plan, the Owner shall prepare a Traffic Management Plan that details the location of traffic signals, traffic calming measures, transit routes, school and park zone treatment etc. that reflects latest road network if required to the satisfaction of the City. The Owner shall implement the requirements of the traffic Management Plan to the satisfaction of the City.
 45. Prior to final approval of the Plan, any and all appropriate revisions, as required shall be made to the Block Plan and all associated reports to the satisfaction of the City.
 46. 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.
 47. Prior to final approval of the Plan or prior to the initiation of grading or stripping of topsoil, the Owner shall:
 - a) submit environmental site assessment Phase 1 report and if required, Phase 2 report and the remedial plan for the lands within the Plan in accordance with the Ontario Regulations

153/04 (formally known as Ministry of Environment and Energy's Guidelines for Use at Contaminated Sites in Ontario, June 1996) and shall reimburse the City for the cost of peer review of the reports.

- b) should site remediation be required to meet the applicable soil and ground water criteria set out in the above Guidelines, the Owner shall submit to the City;
 - (i) a copy of the Record of Site Condition acknowledged by a Provincial Officer of the Ministry of the Environment.
 - (ii) The Owner shall provide a certificate by a qualified professional that all lands within the Plan and any lands and easements external to the Plan to be dedicated to the City, meet the applicable soil and ground water criteria noted above.
- 48. Prior to the issuance of a building permit for any lot, the Owner's consulting engineer shall certify, to the satisfaction of the Engineering Department and the Building Standards Department that lot grading complies with City of Vaughan lot grading criteria and the driveway as shown on the plan submitted for the construction of the building on that particular lot, conforms in terms of location and geometry (i.e. width etc.) with the approved, or the amended and subsequently approved, Construction Drawings.
- 49. The Owner agrees that all part Blocks within the Plan should only be developed in conjunction with abutting part Blocks of adjacent draft plans.
- 50. Prior to the transfer of any Lot or Block on the Plan, the Owner shall submit to the City satisfactory evidence that the appropriate warning clauses required by this agreement have been included in the Offer of Purchase and Sale or Lease for such Lot or Block.
- 51. Prior to the transfer of any Lots or Blocks, the Owner shall construct a 2.4 metre high maintenance free acoustic barrier along the private side of the easterly units on Blocks 7 and 8 as required in the approved noise report and in compliance with City's noise policy. The noise consultant shall certify that the acoustic barrier complies with the requirements of the noise report prior to transfer.
- 52. The Owner shall cause the following warning clauses to be included in a schedule to all offers of purchase and sale, or lease for all lots/blocks:
within the entire subdivision plan:
 - (a) "Purchasers and/or tenants are advised that proper grading of all lots in conformity with the Subdivision Grading Plans is a requirement of this subdivision agreement.

The City has taken a Letter of Credit from the Owner for the security to ensure all municipal services including, but not limited to lot grading, are constructed to the satisfaction of the City. Direct cash deposit from the Purchasers to the City and/or Owner, for lot grading purposes, is not a requirement of this subdivision agreement."
 - (b) "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."
 - (c) "Purchasers and/or tenants are advised that driveway widths and curb cut widths are governed by City of Vaughan By-Law 1-88, as amended, as follows:

The maximum width of a driveway shall be 6.0 metres measured at the street curb, provided circular driveways shall have a maximum combined width of 9.0 metres measured at the street curb.

Driveway in either front or exterior side yards shall be constructed in accordance with the following requirements:

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

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

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

- (d) “Purchasers and/or tenants are advised that fencing along the lot lines of Lots and Blocks abutting public lands is a requirement of this subdivision agreement and that all required fencing and barriers shall be constructed with all fencing materials, including foundations, completely on private lands and totally clear of any 0.3 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.

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

- (e) “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.”
- (f) “Purchasers and/or tenants are advised that despite the inclusion of noise control features within this development area and within the building units, sound levels from increasing road traffic on Dufferin Street and Ivy Glen Drive may continue to be of

concern, occasionally interfering with some activities of the dwelling occupants as the sound level exceeds the City's and the Ministry of Environment's noise criteria."

- (g) "Purchasers and/or tenants are advised that public transit routes have not been determined for the area within the Plan, however, Peter Rupert Avenue, Dufferin Street, Grand Trunk Avenue and Maurier Boulevard may be subject to public transit bus traffic, and that necessary bus stops and passenger amenities will be placed accordingly."
 - (h) "Purchasers and/or tenants are advised that the City of Toronto owned and operated a landfill within 4 kilometres of the property and the facility is now closed and will be redeveloped into a passive park"
53. Prior to the initiation of construction within the Plan, the Owner shall provide construction access to the Plan to the satisfaction of the City and the Regional Transportation and works Department. Construction access to the Plan shall be from Dufferin Street.
- (a) No other access to the Plan shall be used for construction unless authorized in writing by the City. If another access is used without approval, the City may refuse to issue further building permits within the Plan or subsequent future phases until such use ceases.
 - (b) The Owner shall remove the construction access when directed by the City to do so.
54. Prior to initiation of any grading, removal of any vegetation or topsoil, the Owner shall obtain a fill permit from the City.
55. Prior to initiation of grading or stripping of topsoil, the Owner shall prepare for review and approval a topsoil storage plan detailing location, size, side slopes, stabilization methods and time period. The 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 the park or school blocks to the satisfaction of the City.
56. The Owner shall agree that he/she shall save harmless the City from any claim or action as a result of water or sewer service not being available when anticipated.
57. The Owner shall agree in the subdivision agreement that the engineering design(s) for alternative design standards for road design, traffic calming measures and designated transit route(s) may result in variation to the road, lotting pattern and the number of lots to the satisfaction of the City.
58. The Owner acknowledges that the servicing capacity available is subject to the following limitations:
- a) Water supply capacity has been reserved for Phase 2 of Block 18 for 600 persons;
 - b) Sewage servicing capacity has been reserved for Block 18 for a total of 600 persons;
 - c) Allocation of both water and sewage servicing capacity to Phase 2 of Block 18 shall not exceed 600 persons and will be allocated by the City prior to registration; and
 - d) Each individual draft plan shall identify a phasing limit to address the individual breakdown of the Phase 2 servicing capacity of 600 persons. The phasing for each plan shall be approved by the City prior to draft plan approval.

Region of York Conditions

59. Prior to final approval, York Region shall confirm that adequate water supply and sewage servicing capacity are available and have been allocated by the local municipality for the development

proposed within this draft plan of subdivision or any phase thereof. Registration of the plan of subdivision shall occur in phases based on the availability of water supply and sewage servicing allocation.

60. Prior to the final approval of any residential lands the following shall occur:
 - York Region has advised in writing that it is no earlier than six (6) months prior to the expected completion of the Bathurst Langstaff Trunk Sewer or,
 - the local municipality approves a transfer of servicing allocation to this development that is not dependent upon the completion of infrastructure; or,
 - the Regional Commissioner of Transportation and Works confirms servicing allocation for this development by a suitable alternative method and the City allocates sufficient capacity to this development.
61. The Owner shall agree in the subdivision agreement that the Owner shall save harmless the local municipality and York Region from any claim or action as a result of water or sanitary sewer service not being available when anticipated.
62. Prior to Final Approval, the Owner shall have prepared, by a qualified professional transportation consultant, a functional transportation report/plan outlining the required York Region road improvements for this subdivision. The report/plan, submitted to York Region Transportation and Works Department for review and approval, shall explain all transportation issues and shall recommend mitigative measures for these issues.
63. Prior to Final Approval, the Owner shall provide a written undertaking, to the satisfaction of York Region Transportation and Works Department, that the Owner agrees to implement the recommendations of the functional transportation report/plan as approved by York Region Transportation and Works Department.
64. Prior to Final Approval, the Owner shall submit detailed engineering drawings, to York Region Transportation and Works Department for review and approval, that incorporate the recommendations of the functional transportation report/plan as approved by York Region Transportation and Works Department. Additionally, the engineering drawings shall include the subdivision storm drainage system, erosion and siltation control plans, site grading and servicing, plan and profile drawings for the proposed intersections, construction access and mud mat design, utility and underground servicing location plans, pavement markings, electrical drawings for intersection signalization and illumination design, traffic control/construction staging plans and landscape plans.
65. Prior to Final Approval, the Owner shall provide a set of engineering drawings, approved by the area municipality, which indicates the storm drainage system, the overall grading plans and all proposed accesses onto York Region roads, for all lands within this plan of subdivision, to York Region Transportation and Works Department for verification that all York Region's concerns have been satisfied.
66. Prior to final approval, the Owner shall agree that the following lands will be conveyed to York Region for public highway purposes, free of all costs and encumbrances, to the satisfaction of York Region Solicitor:
 - a widening across the full frontage of the site where it abuts Dufferin Street of sufficient width to provide a minimum of 18 metres from the centreline of construction of Dufferin Street;

- a 15.0 metre by 15.0 metre daylight triangle at the southwest corner of Ivy Glen Boulevard and Dufferin Street; and,
 - a 0.30 metre reserve across the full frontage of the site where it abuts Dufferin Street and adjacent to the above noted widenings.
67. Prior to Final Approval, the location and design of the construction access for the subdivision work shall be completed to the satisfaction of York Region Transportation and Works Department and illustrated on the Engineering Drawings.
68. Prior to Final Approval, the Owner shall demonstrate, to the satisfaction of York Region Transportation and Works Department, that all existing driveway(s) along York Region road frontage of this subdivision will be removed as part of the subdivision work, at no cost to York Region.
69. Prior to Final Approval, the Owner shall demonstrate, to the satisfaction of York Region Transportation and Works Department, that elevations along the streetline shall be 0.3 metres above the centreline elevations of the York Region roadway.
70. Prior to final approval, the Owner shall submit drawings depicting the following to the satisfaction of York Region staff:
- a) all existing woody vegetation within the York Region Road right of way;
 - b) tree protection measures to be implemented on and off the York Region right-of-way to protect vegetation within right-of-way;
 - c) any woody vegetation within the York Region Road right of way that is proposed to be removed or relocated. However, it is to be noted that tree removal within York Region Road right's of way shall be avoided to the extent possible/practical. Financial or other compensation may be sought based on the value of trees proposed for removal; and,
 - d) a planting plan for all new and relocated vegetation to be planted within the York Region Road right of way, based on the following general guideline:

Tree planting shall be undertaken in accordance with York Region standards as articulated in Streetscaping Policy and using species from the York Region 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 and included in the subdivision agreement, they will require the approval of the Town and be supported by a Maintenance Agreement between the Town and the Region for Town maintenance of these features; any such Maintenance Agreement should indicate that where the area municipality does not maintain the feature to York Region's satisfaction, the area municipality will be responsible for the cost of maintenance or removal undertaken by the Region.

71. Prior to final approval, the Owner shall engage the services of a consultant to prepare and submit for review and approval, a noise study to the satisfaction of York Region Transportation and Works Department recommending noise attenuation features.
72. The Owner shall agree in the subdivision agreement, in wording satisfactory to the York Region Transportation and Works Department, to implement the noise attenuation features as recommended by the noise study and to the satisfaction of York Region's Transportation and Works Department.
73. The Owner shall agree in the subdivision agreement, in wording satisfactory to the York Region Transportation and Works Department, that where berm, noise wall, window and/or oversized forced air mechanical systems are required, these features shall be certified by a professional engineer to have been installed as specified by the approved Noise Study and in conformance with the Ministry of Environment guidelines and the York Region Noise Policy.

74. 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".

75. Where noise attenuation features will abut a York Region right-of-way, the Owner shall agree in the subdivision agreement, in wording satisfactory to York Region's Transportation and Works Department, as follows:

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

76. Prior to final approval, York Region requires the Owner to submit to it, in accordance with the requirements of the *Environmental Protection Act* and O. Reg. 153/04 *Records of Site Condition Part XV.1 of the Act* (as amended), a Phase I environmental site assessment prepared and signed by a qualified professional, of the Owner's lands and more specifically of the lands to be conveyed to York Region (the "Assessment"). Based on the findings and results of the Assessment, York Region may require further study, investigation, assessment and delineation to determine whether any remedial or other action is required. The Assessment and any subsequent environmental reports or other documentation prepared in respect of the environmental condition of the lands to be conveyed must to be addressed to York Region, contain wording to the effect that York Region shall be entitled to rely on such reports or documentation in their entirety, and such reports or documentation shall be satisfactory to York Region.

77. Prior to Final Approval, the Owner shall certify, in wording satisfactory to the York Region Transportation and Works Department, that no contaminant, pollutant, waste of any nature, hazardous substance, toxic substance, dangerous good, or other substance or material defined or regulated under applicable environmental laws is present at, on, in or under all lands to be conveyed to York Region (including soils, substrata, surface water and groundwater, as applicable): (i) at a level or concentration that exceeds the *Environmental Protection Act* O. Reg. 153/04 full depth generic site condition standards applicable to the intended use that such lands will be put by York Region at the time of conveyance or any other remediation standards published or administered by governmental authorities applicable to the intended land use; and (ii) in such a manner, condition or emanating from such lands in such a way, that would result in liability under applicable environmental laws. The Assessment, any subsequent environmental reports or other documentation and the Owner's certification shall be done at no cost to York Region.

78. Direct vehicle access from the proposed dwellings to Dufferin Street will not be permitted. Access must be obtained through the internal road network.

79. The Owner shall satisfy the Regional Municipality of York Transportation and Works Department that the services to be installed within or in conjunction with the Plan will provide for sidewalks which meet Town standards along the subject lands' frontage onto roadways that have/will have transit services.

Future YRT/Viva transit services are planned for the following roadway(s) or sections of:Dufferin Street

80. Prior to site plan execution, the Owner shall submit drawings showing the sidewalk location(s), to the satisfaction of York Region.
81. The Owner shall agree in the Subdivision Agreement to advise all potential purchasers of the existing and future introduction of transit services in this development as identified in Condition 22. This includes potential transit routes, bus-stops and shelter locations. This shall be achieved through distribution of information/marketing materials (YRT route maps, Future Plan maps and providing YRT website contact information) at sales offices and appropriate notification clauses in purchase agreements. The YRT route maps and the Future Plan maps are available from YRT upon request.
82. The Owner shall provide a solicitor's certificate 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.
83. Prior to final approval the Owner shall provide a copy of the subdivision agreement to The Regional Municipality of York Transportation and Works Department, outlining all requirements of the Transportation and Works Department.
84. 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-laws DC-0005-2003-050 and DC-0005(a)-2005-060.
85. The Region of York Planning and Development Services Department shall advise that Conditions 1 to 26 inclusive, have been satisfied.

Canada Post Conditions

86. 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.

Clearances

- 87. Final approval for registration may be issued in phases to the satisfaction of the City; subject to all applicable fees provided that:
 - a) Phasing is proposed in an orderly progression, in consideration of such matters as the timing of road improvements, infrastructure, schools and other essential services; and
 - b) All government agencies agree to registration by phases and provide clearances, as required in Conditions 1 to 86 inclusive, for each phase proposed for registration; furthermore, the required clearances may relate to lands not located within the phase sought to be registered.
- 88. The City shall advise that Conditions 1 to 58 inclusive, have been satisfied; the clearance letter shall include a brief statement detailing how each condition has been met.
- 89. The Regional Municipality of York shall advise that Conditions 59 to 85 inclusive, have been satisfied; the clearance letter shall include a brief statement detailing how each condition has been met.
- 90. Canada Post shall advise that Condition 86 has been satisfied; the clearance letter shall include a brief statement of how this condition has been met.



Legend

- A - AGRICULTURAL ZONE
- C3 - LOCAL COMMERCIAL ZONE
- OS1 - OPEN SPACE ENVIRONMENTAL PROTECTION ZONE
- RD3 - RESIDENTIAL DETACHED ZONE THREE
- RD4 - RESIDENTIAL DETACHED ZONE FOUR
- RS1 - RESIDENTIAL SEMI-DETACHED ZONE ONE
- RT1 - RESIDENTIAL TOWNHOUSE ZONE

Subject Lands

Not to Scale

Location Map

Part of Lot 19,
Concession 3
APPLICANT:
ARGLEN ESTATE LIMITED
MAP0711 ATTACHMENT3\RAIK 06\11z.06.060.dwg



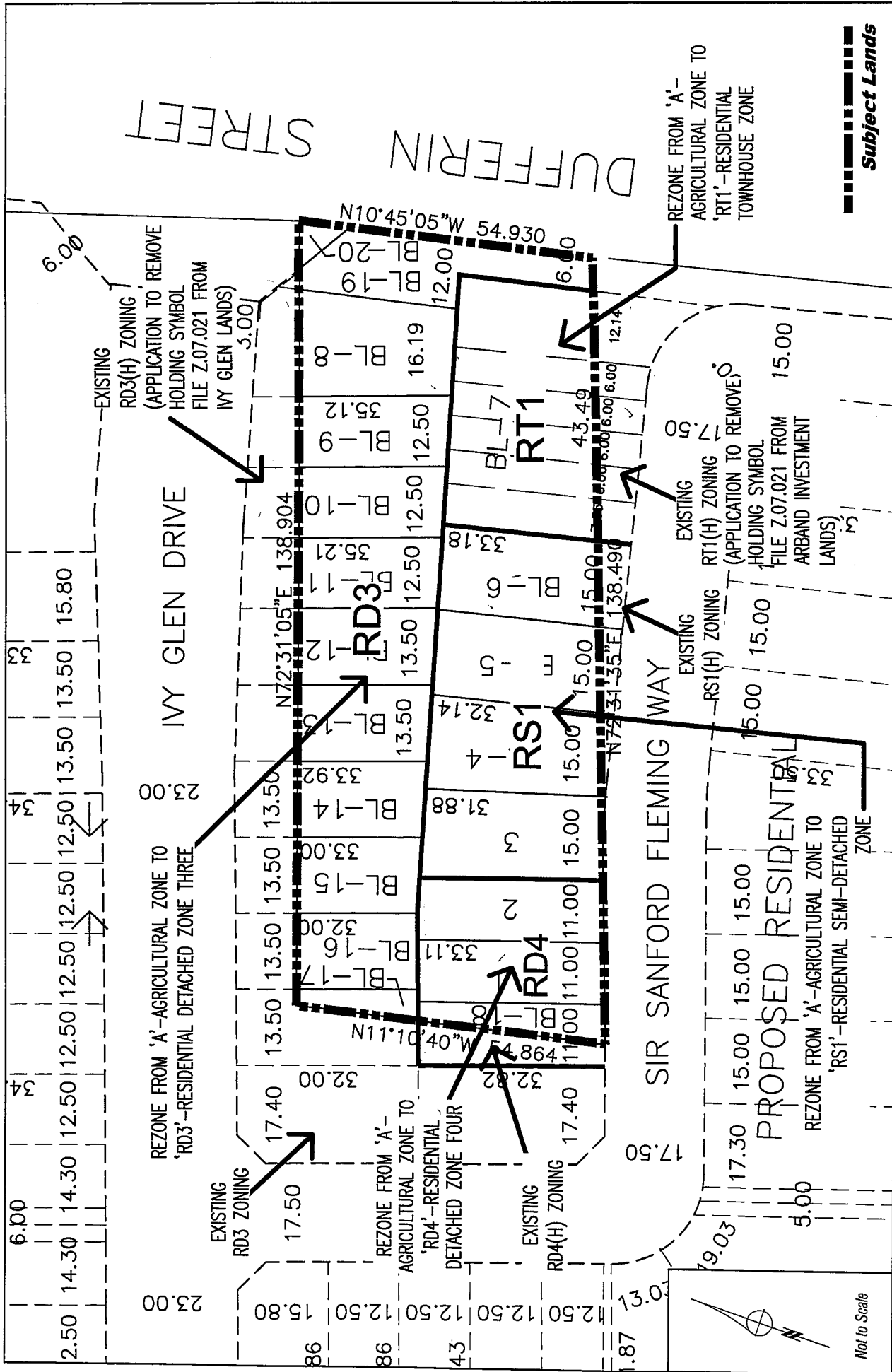
Development Planning Department

Attachment

FILE No.'s:
19T-06V11 &
Z.06.060

June 13, 2007

2



Draft Plan of Subdivision 19T-06V11 With Proposed Zoning

APPLICANT:
ARGLEN ESTATE LIMITED
Part of Lot 19,
Concession 3
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Development Planning Department

Attachment 3

FILE No.'s:
19T-06V11 &
Z.06.060

June 13, 2007