

## **COMMITTEE OF THE WHOLE MARCH 25, 2008**

### **DRAFT PLAN OF SUBDIVISION FILE 19T-06V03 1463291 ONTARIO INC., C/O DUNPAR HOMES REPORT #P.2006.62**

#### **Recommendation**

The Commissioner of Planning recommends:

1. THAT Draft Plan of Subdivision File 19T-06V03 (1463291 Ontario Inc., c/o Dunpar Homes) as shown on Attachment #3, BE APPROVED, subject to the conditions in Attachment #1.
2. THAT the subdivision agreement shall contain a provision requiring the Owner to pay to the City of Vaughan by way of certified cheque, cash-in-lieu of the dedication of parkland equivalent to 1 ha per 300 units of the value of the subject lands, prior to the issuance of a building permit, in accordance with the Planning Act and the City's Cash-in-lieu Policy. The Owner shall submit an appraisal of the subject lands, in accordance with Section 42 of the Planning Act, prepared by an accredited appraiser for approval by the Vaughan Legal Department, Real Estate Division, and the approved appraisal shall form the basis of the cash-in-lieu payment.
3. THAT Council adopt the following resolution with respect to the allocation of sewage and water servicing capacity:

"IT IS HEREBY RESOLVED THAT Subdivision Application 19T-06V03 (1463291 Ontario Inc., c/o Dunpar Homes) is allocated sewage capacity from the York-Durham Servicing Scheme and water supply capacity from the York Water Supply System for a total of 114 residential units."

4. THAT the subdivision agreement contain a condition requiring the Owner to enter into a Site Development Agreement or Letter of Undertaking, whichever is in effect, and any other agreements(s) with Vaughan that are necessary to carry out the ultimate development of the site to address among other matters, municipal services, fencing, noise, road widening, grading, and maintenance easements, etc., to the satisfaction of Vaughan.
5. THAT the Owner shall enter into a "No Pre-Sale" Agreement with the City of Vaughan prior to the City issuing a Notice of Decision of Draft Plan of Subdivision Approval, as set out in the Region of York Conditions on Attachment #1.

#### **Economic Impact**

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

#### **Communications Plan**

##### **Public Hearing**

On August 25, 2006, a Notice of Public Hearing was mailed to all property owners within 120 m of the subject lands, and to the Kipling Avenue Ratepayers Association and West Woodbridge Homeowners Association. At the Public Hearing on September 18, 2006, Council considered related applications to amend the Official Plan and Zoning By-law, and the subject Draft Plan of Subdivision. At the meeting, several residents spoke in opposition to the proposed development expressing concerns with the proposed intensification, built form, traffic and consideration of the

applications prior to the completion of the Kipling Avenue Corridor Study. The recommendation of the Committee of the Whole, to receive the Public Hearing report and to forward a technical report to a future Committee meeting, was ratified by Council on September 25, 2006.

On September 26, 2006, a petition in support of the proposed development with 7 names on it was submitted to the City. The petition expressed support for the proposed development and its consideration prior to the completion of the Kipling Avenue Corridor Study.

On June 25, 2007, Council approved the related Official Plan and Zoning By-law Amendment Applications (Files OP.06.008 and Z.06.022), and also adopted Official Plan Amendment #676 and enacted Zoning By-law 231-2007, to facilitate the proposed townhouse development.

On March 14, 2008, a Notice was sent to all individuals requesting notification of this Committee of the Whole meeting.

### **Purpose**

The Owner has submitted a Draft Plan of Subdivision Application (File 19T-06V03) to create seven separate blocks as shown on Attachment #3, under a single Registered 65M-Plan. Block 1 will accommodate the lands for 116 residential townhouse units with lot frontage ranging between 4.2m to 5.03 m, and common element roads, amenity space and parking areas as shown on the proposed site plan on Attachment #4. An open space buffer area identified as Block 2, and road widenings (including reserves) identified as Blocks 3 to 7 as shown on Attachment #3, will be dedicated to the Toronto and Region Conservation Authority and City of Vaughan, respectively.

### **Background - Analysis and Options**

The subject lands shown on Attachment #1 represent an assembly of 2 properties (8299 and 8355 Kipling Avenue) into one 2.18 ha parcel. The subject lands are located on the east side of Kipling Avenue, south of Langstaff Road, in Lots 9 and 10, Concession 7, City of Vaughan.

The subject lands are irregular in shape and relatively flat with heavily vegetated croppings comprised of trees and shrubbery scattered throughout the property. Mature trees and a significant tree stand are located along the north and east property lines abutting the Board of Trade Golf Course and along the south lot line. There are two structures and a tennis court located on the parcel, which are to be demolished to facilitate the proposed development. The surrounding land uses are shown on Attachment #2.

### **Land Use Status**

#### **Official Plan**

OPA #240 (Woodbridge Community Plan), as amended by site-specific OPA #676, designates the subject lands "Medium Density Residential", and permits a maximum of 116 residential freehold block townhouse units served by a common element private driveway system, visitor parking, landscaped areas, and an 18 m buffer area that also includes a 10 m ecological buffer, on the subject lands. The proposed draft plan of subdivision would facilitate the creation of the appropriate Blocks to implement the intended residential development and open space areas contemplated by OPA #676, and therefore conforms to the Official Plan.

## Zoning

On June 25, 2007, Council enacted By-law 231-2007 to rezone the subject lands from R1 Residential Zone to RM2(H) Multiple Residential Zone with the Holding Symbol (H) for the tablelands and OS1 Open Space Conservation Zone for the valleylands/open space buffer areas, all under By-law 1-88, subject to Exception 9(1289). Servicing capacity was unavailable for the proposed development, and therefore, the lands were zoned with the Holding Symbol "(H)". Since the enactment of the Zoning By-law, the Vaughan Engineering Department has confirmed that water and sanitary sewer servicing capacity is available for all 116 units within this development. A resolution has been included in the recommendation of this report to provide servicing allocation to 114 units (the application is credited with 2 residential units for the two existing service connections). The Holding Symbol "(H)" will remain on the subject lands until a Site Development Application is approved by Council at a future meeting.

The review of the related Site Development Application (File DA.07.066) is almost complete, with the site plan and elevations being generally acceptable as far as building siting, design, and materials are concerned. The applicant is proposing to construct 12 model home units. The approval of the model home units will be through the site plan process, upon confirming the final site design and building elevation details for the entire townhouse development.

## Planning Considerations

### Subdivision Design

The draft plan of subdivision shown on Attachment #3, proposes the division of the subject lands into 7 separate blocks under one single Registered 65M Plan. This will enable the residential block (Block 1) to be developed through a separate related Site Development Application (File DA.07.066) with the individual freehold lots to be created through the lifting of Part Lot Control as shown on Attachment #4. The subdivision will also facilitate the conveyance and dedication of Block 2 to the Toronto and Region Conservation Authority as an open space buffer area, and Blocks 3, 4, 5, 6 and 7, for roads and reserves to the City of Vaughan.

The common element areas including the private amenity areas, visitor parking, and driveways will be created through the subsequent Draft Plan of Condominium process. The site will be developed as a condominium complex with a private driveway system, therefore, snow removal and garbage and recycling pick-up will be privately administered and the responsibility of the condominium corporation.

### Parkland Dedication

The Parks Development and Real Estate Departments have reviewed the draft plan of subdivision proposal and have indicated that cash-in-lieu of parkland at a rate of 1ha/300 units will be applicable and equivalent to a total Parkland Dedication of 0.387 ha. Parkland is not being provided in the draft plan, and therefore, cash-in lieu of parkland will be required to be paid prior to the issuance of a building permit, in accordance with the City's Cash-in lieu Policy.

### Preliminary Site Plan

The Owner has submitted a Site Development Application (File DA.07.066), as shown on Attachment #4. The plan proposes 116 residential townhouse units distributed over 16 residential blocks. The proposed townhouse units have lot frontages ranging from approximately 4.2 m to 5.03 m in width, all accessed by a common element private driveway. The interior of the site is designed with the more urban oriented 4.2 m frontage lots with rear laneway access and amenity patio area located above the garage of the townhouse units. The periphery of the site includes the 5.03 m frontage lots, with units having a front door and individual parking area located in the front yard and with the amenity area in the rear yard.

The site is accessed by a crescent/ring driveway that provides two access points onto Kipling Avenue and to several laneways, all of which are common elements to the residential units. Parking areas dedicated for visitor parking are proposed primarily in two locations, as shown on Attachment #4. A landscaped amenity area is centrally located on the subject lands.

The Development Planning Department is generally satisfied with the preliminary site plan. However, certain design issues as discussed earlier, will need to be reviewed in more detail through the site plan process stage.

#### Buffer Block

The applicant proposes to dedicate an open space buffer block (Block 2) as shown on Attachment #3 to the Toronto and Region and Conservation Authority (TRCA).

The 4,470.43 m<sup>2</sup> open space buffer block is located along the north and easterly lot lines, and has a width of 18 m taken from the stable slope of the natural/physical top of bank, and includes a 10 m wide ecological buffer area.

The Buffer Block will be dedicated to the TRCA through the approval of this Draft Plan of Subdivision.

#### Energy Star

On November 12, 2007, Vaughan Council adopted Energy Star Conditions to be included in all residential Draft Plan of Subdivision approvals. The Subdivision Plan will be subject to the Energy Star requirements, and the conditions of approval are provided on Attachment #1. The approval of the townhouse dwellings will be forthcoming in a separate report for the related site development application.

#### Engineering

##### i) Servicing Allocation

The Vaughan Engineering Department has confirmed that the proposed development has water and sewer servicing allocation available for 114 residential units from the future residential unit assignment held by Council on February 26, 2007, which will be distributed at Council's discretion. The subject application proposes a total of 116 townhouse units and will proceed as a common element condominium townhouse development. The application is credited 2 residential units for the existing service connections at 8299 and 8355 Kipling Avenue resulting in the allocation requirement of only 114 residential units.

##### ii) Environmental Site Assessment (ESA)

Prior to the registration of the plan of subdivision, or approval of any Site Development Application or building permit application, whichever comes first, Water and Earth Science Associates Ltd. (WESA) must certify, to the satisfaction of the City, the following:

- the septic system at 8299 and 8355 Kipling Avenue are properly decommissioned in accordance with the appropriate standards and regulations; and
- all the above ground storage tanks and the underground storage tanks are properly removed and disposed from the site.

iii) Engineering Servicing

This Plan of Subdivision is serviced by storm sewers, sanitary sewers and watermain that connect to existing services on Kipling Avenue. The sanitary sewer within the Kipling Avenue right-of-way is proposed to be extended north, from the intersection of Kipling Avenue and Chavender Place, to the subject lands, to facilitate the servicing of the site. A Servicing Agreement will be required prior to construction of these services.

iv) Noise Attenuation

The Owner shall provide a Noise Report to the satisfaction of the City, and it is recommended that all noise control measures as required by the report be implemented in the Plan.

v) Other

Any/all telecommunications and hydro utility buildings/easements are to be identified on the draft plan.

The City Engineering Department has no objection to the proposed draft plan of subdivision, subject to the Conditions of Draft Approval set out in Attachment #1.

Toronto and Region Conservation Department

The Toronto and Region Conservation Authority (TRCA) has reviewed the proposed development as shown on Attachments #3 and #4 and all relevant supporting material. The TRCA has advised that issues with respect to Water Balance, Water Quality and Sedimentation and Erosion Control, Tree Preservation and Fencing can be satisfactorily addressed through the development process to their satisfaction. Accordingly, the TRCA recommends approval of Draft Plan of Subdivision 19T-06V03 subject to Conditions of Draft Approval set out in Attachment #1.

Bell Canada/Canada Post

Bell Canada and Canada Post have no objections to the proposed draft plan of subdivision, subject to the Conditions of Draft Approval set out in 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 approval of the proposed draft plan of subdivision.

Relationship to Vaughan Vision 2020

This report is consistent with Vaughan Vision 2020, specifically to "Plan and Manage Growth and Economic Vitality".

Regional Implications

In accordance with York Region's servicing protocol respecting draft plans receiving approval prior to servicing allocation being available, the Region is requesting that all residential lands be subject to various restrictions to ensure that the water and sewer servicing are available prior to occupancy including:

- the Owner not enter into any agreement of purchase and sale with end-users and non end-users until such servicing allocation is available;

- the Owner enters into an Indemnity Agreement with the Regional Municipality of York; and
- the use of the Holding Symbol "(H)" provisions in the Zoning By-law.

A Condition of Approval is included in the recommendation section of this report requiring the Owner to enter into a No-Pre Sale Agreement, prior to the issuance of the Notice of Decision for the proposed draft plan of subdivision, if approved. This will ensure that no units are offered for sale prior to allocation for servicing being confirmed by the Region and City.

In addition York Region requests that the City of Vaughan apply a lapsing provision to the draft plan, pursuant to Section 51(32) of the Ontario Planning Act, and the Region be provided an opportunity to comment on any proposed extensions of draft plan of subdivision approval. The Region of York has no objections to the proposed draft plan of subdivision, subject to the conditions of Draft Approval set out in Attachment #1.

### **Conclusion**

The Development Planning Department has reviewed the proposed Draft Plan of Subdivision in the context of the Official Plan, By-law 1-88, and the existing and proposed development in the vicinity of the subject lands. The Development Planning Department has no objection to the approval of the proposed draft plan of subdivision as it would consolidate the parcel and bring it under a single registered 65M-Plan, facilitating the development of a residential townhouse block through a future site plan application consistent with the policies of the Official Plan.

On this basis, the Development Planning Department can recommend approval of the Draft Plan of Subdivision, subject to the recommendations in this report and the conditions of approval set out in Attachment #1

### **Attachments**

1. Conditions of Draft Approval
2. Location Map
3. Draft Plan of Subdivision 19T-96V03
4. Proposed Site Plan

### **Report prepared by:**

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Respectfully submitted,

JOHN ZIPAY  
Commissioner of Planning

GRANT UYEHAMA  
Manager of Development Planning

/CM

## **ATTACHMENT NO. 1**

### **CONDITIONS OF DRAFT APPROVAL**

#### **DRAFT PLAN OF SUBDIVISION 19T-06V03 1463291 ONTARIO INC., C/O DUNPAR HOMES LOTS 9 AND 10, CONCESSION 7, CITY OF VAUGHAN**

**THE CONDITIONS OF THE COUNCIL OF THE CITY OF VAUGHAN THAT SHALL BE SATISFIED PRIOR TO THE RELEASE FOR REGISTRATION OF PLAN OF SUBDIVISION 19T-06V03, ARE AS FOLLOWS:**

##### **City of Vaughan Conditions**

1. The Plan shall relate to the draft plan of subdivision, prepared by Rabideau and Czerwinski Ontario Land Surveyors, drawing #RC6900B2, dated November 6, 2007.
2. 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.
3. The Owner shall enter into a subdivision agreement with the City to satisfy all financial and other conditions, with regard to such matters as the City may consider necessary, including payment of development levies, the provision of roads and municipal services, landscaping and fencing. The said agreement shall be registered against the lands to which it applies.
4. The Owner shall agree to create easements for maintenance purposes for all lots providing less than 1.2 m side yards, or having roof encroachments, prior to transfer of land.
5. Prior to final approval, easements required for utility, drainage and construction purposes shall be created and granted to the appropriate authority(ies), free of all charge and encumbrances. The Owner shall advise that satisfactory arrangements have been made with the land Owner to the south to provide easements for service connections at the approved locations, to the satisfaction of the City.
6. Prior to application for building permit, site plan approval will be required in accordance with the City's Site Plan Control By-law, for the draft approved Block 1.
7. The private road allowances within this Plan shall be named to the satisfaction of the City, in consultation with the Regional Planning and Development Services Department; proposed street names shall be submitted by the Owner for approval by Council and shall be included on the first engineering drawings.
8. Prior to final approval of the Plan, the City and Region of York Environmental Services Department shall confirm that adequate water supply and sewage treatment capacity are available to accommodate the proposed development.
9. 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.
10. The Owner shall agree in the subdivision agreement that the location and design of the construction access shall be approved by the City and/or the appropriate authority.
11. Prior to final approval, the Owner shall submit a soils report, and the Owner shall agree to implement the recommendations of such report, as approved by the City.

12. The Owner shall agree to remove any driveways and buildings on site, which are not approved to be maintained as part of the plan; any modification to off-site driveways required to accommodate this Plan shall be co-ordinated and completed at the cost of the Owner.
13. The Owner shall agree that Block 1 shall only be developed, once servicing has been allocated and a Site Development Application has been approved by Council and that in the interim, Block 1 will be subject to the Holding Symbol "(H)" provision.
14. The Owner shall agree that all lots or blocks to be left vacant (Block 2) shall be signed to prohibit dumping.
15. The Owner shall agree that on lots with flankages on a collector or primary road, as identified by the Architectural Design Guidelines and the City, a front elevation featuring a main entrance or in some cases, an upgraded elevation, shall face the flankage. The flankage elevation for such lots shall be approved by the Control Architect, and the Director of Development Planning, or his designate, prior to issuance of a building permit.
16. Prior to final approval, and prior to initiation of grading or top soil stripping, the Environmental Site Assessment Phase 1 Report prepared by Water Earth and Science Associates Ltd. (WESA) shall be approved, and if required, Phase 2 Report and Remedial Action Plan for the lands within the Plan, in accordance with the Ontario Regulation 153/04 "Soil, Ground Water and Sediment Standards" for use Under Part XV.1 of the Environmental Protection Act, and shall reimburse the City for the cost of peer review of reports; and,
  - a) should site remediation be required to meet the applicable soil and ground water criteria set out in the above noted regulations, the Owner shall submit the above-noted environmental reports to the City prior to final approval of a phase or prior to initiation of grading, or topsoil stripping of the phase or skeleton servicing works;
  - b) 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 be dedicated to the City, and meet the applicable soil and ground water criteria noted above;
  - c) submit documented proof of satisfactory registration of the Record of Site Condition (RSC) at the Environmental Site Registry (ESR) of the Ministry of Environment (MOE).
17.
  - a) Prior to final approval and prior to any works commencing on the site, the Owner shall submit for approval by the City and the Toronto and Region Conservation Authority (TRCA), a detailed engineering report(s) that describes the storm drainage system for the proposed development, which shall include:
    - i) plans illustrating the manner how this drainage system will be tied into the surrounding drainage systems, the approved Municipal Services Report, 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;
    - ii) the location and description of all outlets and other facilities which may require permits from the TRCA;
    - iii) stormwater management techniques which may be required to control minor and major flows;
    - iv) proposed methods of controlling or minimizing erosion and siltation on-site and in downstream areas during and after construction;
    - v) overall grading plans for the subject lands;



- vi) appropriate stormwater management practices (SWMP's) to be used to treat stormwater, to mitigate the impacts of development on the quality and quantity of ground and surface water resources as it relates to fish and their habitat; and
    - vii) proposed on-site control techniques that will provide a reduction in run-off volume from the site and promote infiltration.
  - b) The Owner shall agree to implement the recommendations set out in the aforementioned report(s) to the satisfaction of the City and TRCA.
  - c) That this draft plan of subdivision be subject to red-lined revision(s) in order to meet the requirements of Condition#17, if necessary, to the satisfaction of the Toronto and Region Conservation Authority.
18. The Owner shall agree:
- a) to obtain all necessary permits pursuant to Ontario Regulation 158 and the Lakes and Rivers Improvement Act from the Toronto and Region Conservation Authority;
  - b) to maintain all stormwater management and erosion and sedimentation control structures operating and in good repair during the construction period; and
  - c) to provide a copy of the executed subdivision agreement to the Toronto and Region Conservation Authority.
- 19.
- 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 a development agreement with PowerStream Inc., which addresses the foregoing requirements.
  - b) The Owner shall agree to design, purchase materials, and install a buried hydro distribution system, compatible with the existing and/or proposed systems in surrounding Plans, all in accordance with the latest standards and specifications of PowerStream Inc. and the City.
20. Prior to final approval, the Owner shall submit a Noise Report, prepared by a qualified consultant for approval by the City. The Owner shall satisfy all requirements with respect to noise attenuation measures within the Plan and include the necessary warning clauses in the Offers of Purchase and Sale for those lots affected. The warning clauses pertain to noise levels from traffic and construction and building activities.
21. The Owner shall convey the following lands to the City or the TRCA, where appropriate, free of all charge and encumbrances:
- a) Blocks 3, 4, 5, 6 and 7, to the City of Vaughan for road widening (and reserves) purposes; and
  - b) Block 2, to TRCA for open space buffer purposes.
22. The Owner shall agree to design, purchase materials and install a street lighting system, compatible with the existing and/or proposed systems in surrounding plans, all in accordance with City standards and specifications.

23. The Owner shall agree to erect fencing in the locations and of the types as shown on the approved construction drawing and as required by the City, in accordance with the Urban Design and Architectural Design Guidelines to be approved by the City. The Owner shall agree in the subdivision agreement to erect a permanent 1.5 m high black vinyl chain link fence or approved equal along the limits of the residential lots that abut an open space block (Block 2).
24. Prior to final approval, the Owner shall submit a tree assessment/preservation study, including an inventory of all existing trees, assessment of significant trees to be preserved, and proposed methods of tree preservation/or remedial planting; the Owner shall agree to undertake the measures identified in the City-approved assessment. The Owner shall not remove trees, without written approval by the City.
25. Prior to final approval, the Owner shall prepare urban design and architectural design guidelines, and a streetscape and open space landscape master plan, to the satisfaction of the City; the plan shall address but not be limited to the following issues:
- community edge treatments along Kipling Avenue;
  - co-ordination of the urban design/streetscape elements as they relate to the "Kipling Avenue Corridor Study" guidelines including entrance features, parkettes, trail heads and medians and fencing;
  - an overall consideration to the urban design policies outlined in the "Kipling Avenue Corridor Study";
  - valley lands edge management rehabilitation planting, trail, bridge crossings, erosion repair sites and pedestrian access points into the valley; and,
  - the appropriate pedestrian urban connections between streets, within the neighbourhood and access connections to Kipling Avenue for public transit.
26. Prior to final approval of the plan, the Owner shall prepare a detailed edge management plan study for the perimeter of the valley/open space blocks and tableland woodlot. The study shall include an inventory of all existing trees within an 8 m zone inside the staked edges, and areas where the woodlot/open space edges are disturbed, assessment of significant trees to be preserved and proposed methods of edge management and/or remedial planting shall be included. The Owner shall not remove any vegetation without written approval by the City.
27. The Owner shall provide a report for a 20 m zone within all staked woodlot and open space/valley edges to the satisfaction of the TRCA and City, which identifies liability and issues of public safety and recommends woodlot/forestry management practices and removal of hazardous and all other trees as identified to be removed prior to assumption of the subdivision.
28. 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.
29. a) Prior to final approval and prior to commencement of any work on the site, the proponent shall carry out an archaeological assessment of the subject property to the satisfaction of the City and the Ministry of Culture; and the proponent shall agree to mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found. No grading or other soil disturbances shall take place on the subject property prior to the approval authority and the Ministry of Culture confirming that all archaeological resource concerns have met licensing and resource conservation requirements.

- b) Prior to final approval and prior to the commencement of any work on site, the proponent shall deliver to the City (Cultural Services Division) two copies of the Archaeological Assessment.
  - c) Prior to the commencement of any archaeological fieldwork, a copy of the contract information sheet, which was submitted to the Ministry of Culture, shall have been forwarded to the City; licensed consultants are urged to review the Archaeological Master Plan Study for the City of Vaughan prior to commencing any fieldwork.
30. The Owner shall cause the following warning clauses to be included in a schedule to all Offers of Purchase and Sale, or Lease for all lots/blocks:
- a) within the entire subdivision plan:
    - "Purchasers and/or tenants are advised that despite the inclusion of noise control features within both the development area and the individual building units, noise levels, including from construction activities, may be of concern and occasionally interfere with some activities of the dwelling occupants."
    - "Purchasers and/or tenants are advised that the proposed finished lot and/or block grading may not meet City of Vaughan lot grading criteria in certain areas, to facilitate preservation of existing vegetation and to maintain existing adjacent topographical conditions."
    - "The Owner shall inform the public and all purchasers and tenants that this development will function as a common element condominium and all details and associated costs shall be presented in the sales office, and through marketing material, etc."
    - "Purchasers and/or tenants are advised that traffic-calming measures may have been incorporated into the road allowances."
    - "Purchasers and/or tenants are advised that the planting of trees on City boulevards along Kipling Avenue in front of residential units is a requirement of the Subdivision Agreement. A drawing depicting conceptual location for boulevard trees is included as a schedule in this subdivision agreement. This is a conceptual plan only and while every attempt will be made to plant trees as shown, the City reserves the right to relocate or delete any boulevard tree without further notice."
    - Purchasers and/or tenants are advised that the City has not imposed a "Tree Fee", or any other fee, which may be charged as a condition of purchase, for the planting of trees. Any "Tree Fee" paid by a purchaser for boulevard trees does not guarantee that a tree will be planted on the boulevard adjacent to their residential dwelling."
  - b) abutting any open space, woodlot or stormwater facility:
    - "Purchasers and/or tenants are advised that the adjacent open space, woodlot or stormwater management facility may be left in a naturally vegetated condition and receive minimal maintenance."

- c) along a potential transit route:
- "Purchasers and/or tenants are advised that the following street may be used as transit routes in the future: Kipling Avenue."
  - "Purchasers and/or tenants are advised that the following street Kipling Avenue may be widened in accordance with the Official Plan requirement and that there is on-street parking."
31. The Owner shall cause the following to be displayed on the interior wall of the sales office, information approved by the City of Vaughan, prior to offering any units for sale, to be monitored periodically by the City. No building permit shall be issued for a sales office or model home, or a residential unit until such information is approved by the City of Vaughan:
- the Block Plan/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 singles, semis, multiples, and apartment units; and,
  - the following notes in BOLD CAPITAL TYPE on the map:
 

"For further information, on proposed and existing land uses, please call or visit the City of Vaughan, Development Planning Department, at 2141 Major Mackenzie Drive, L6A 1T1; (905)832-8585."

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

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

*[In such circumstances, the Owner is responsible for updating the map and forwarding it to the City for verification.]*
32. Notwithstanding the general provision (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 appropriate conditions (Subsection 5.18) of the Subdivision Agreement are fulfilled. 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 the agreement prior to issuance of a building permit.
33. Prior to the initiation of grading or stripping of topsoil and prior to final approval, the Owner shall submit a 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.

34. The Owner shall permit any telephone or telecommunications service provider to locate its plant in a common trench within the proposed Plan of Subdivision prior to release of the plan for registration, provided such service provider has executed a Municipal Access Agreement with the City. The Owner shall ensure that any such service provider will be permitted to install its plant so as to permit connection to individual dwelling units within the subdivision as and when each dwelling unit is constructed.
35. 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 Area, Lot Frontage and Lot Depth in accordance with the approved Zoning By-law for the Block within the Plan.
36. The Owner shall agree to enter into a Site Development Agreement or Letter of Undertaking, whichever is in effect, to the satisfaction of the City.

The Site Development Agreement/Letter of Undertaking deals with matters including, but not limited to, the following: engineering matters such as municipal services; road widening; construction and reconstruction; signals; grading; fencing; noise mitigation, and warning clauses. Financial issues, such as cash contributions, levies (development charges); land dedications or reserves; securities, or letters of credit. Planning matters such as residential reserve blocks, buffer blocks, site plan and landscape plan approvals, and conservation heritage matters.

In addition, any condition(s) or report(s) required as part of draft plan approval, which duplicates its function may be carried forward and dealt with through conditions of Site Plan Agreement approval (ie. Noise Report, fencing, etc.) to the discretion of the Vaughan Engineering Department.

#### Energy Star Draft Plan Conditions

37. The Owner agrees that wording will be included in the subdivision agreement requiring all residential units to be built to ENERGY STAR for New Homes Technical Specifications (Versions 2.0 or most current) standards, and agrees to comply with the Energy Star for New Homes Administrative Procedures (September 2006 or most current) process requirements for design, inspection and certification.
38. Prior to the issuance of a building permit, the Owner/builder shall have prepared, by a Certified Energy Evaluator an Energy Star for New Homes "Building Option Package" or develop a custom package using EnerGuide for New Houses (ENGH) software with respect to housing design and construction techniques and implementation methods to ensure that all the residential units within the draft plan are ENERGY STAR qualified. Such package shall be prepared at the Owner's expense and submitted to the Chief Building Official for information.
39. Prior to the issuance of a building permit, the developer and/or builder and/or applicant for the building permit is to provide the Chief Building Official with verification that the proposed homes have been enrolled with EnerQuality Corporation in the ENERGY STAR Participant Administrative Agreement for Builders of ENERGY STAR Qualified New Houses.
40. The following notes shall be included in Bold Capital Type on the map to be displayed on the interior wall of the sales office (Condition #31), as approved by the City of Vaughan, prior to offering any units for sale:
  - "All the residential units within this plan will be built to ENERGY STAR standards, and shall be ENERGY STAR qualified prior to the issuance of an occupancy

permit (provisional occupancy certificate). The design, inspection, and certification for the ENERGY STAR program are the responsibility of the developer and/or builder.”

41. The Owner shall cause the following warning clause to be included in a schedule to all Offers of Purchase and Sale, or Lease for all lots/blocks:
- a) within the entire Subdivision Plan:
- “Purchasers and/or tenants are advised that all of the residential units within this Plan will be built to ENERGY STAR standards and shall be ENERGY STAR qualified prior to the issuance of an occupancy permit (provisional occupancy certificate). The design, inspection, and certification process for the ENERGY STAR program is the responsibility of the developer and/or builder.”
42. Prior to the issuance of a building permit for a sales office or model home, the Owner/Builder shall enter into an agreement which contains a condition that the Owner/builder provide proof that the proposed sales office or model homes are ENERGY STAR qualified.

Toronto and Region Conservation Authority (TRCA)

43. That landscape, edge management and tree preservation plans be prepared by the Owner to the satisfaction of the TRCA.
44. That the Owner provide an easement in favour of either the TRCA or the City of Vaughan through the submission of a draft plan of condominium for a common element condominium to the satisfaction of the TRCA. The easement should be provided along the northern most street from Kipling Avenue to Block 2 and should be six metres wide minimum, to allow for access to the open space lands for periodic maintenance and other purposes.
45. That the Owner agrees in the subdivision agreement, in wording acceptable to the TRCA:
- a) to carry out, or cause to be carried out, to the satisfaction of the TRCA, the recommendations of the technical report referenced in Condition #17;
- b) maintain all stormwater management and erosion and sedimentation control structures operating and in good repair during the construction period, in a manner satisfactory to the TRCA;
- c) to obtain all necessary permits from the TRCA;
- d) to erect a permanent fence between Blocks 1 and 2 and to extend the fence along the lot line in the northwest corner, as noted in the TRCA’s letter dated December 21, 2007, to the satisfaction of the TRCA;
- e) to provide a lockable gate in the chain link fence at the end of the northern most street in order to allow the TRCA or City of Vaughan access to Block 2, to the satisfaction of the TRCA.

#### Region of York Conditions

46. Prior to or concurrent with draft plan approval, the Owner shall enter into an agreement with the City of Vaughan, which agreement shall be registered on title, committing the Owner to:
- A. Not enter into any agreements of purchase and sale with end users (\*) for the subject lands until such time as:
    - a) i. York Region has advised in writing that it is no earlier than twelve (12) months prior to the expected completion of the Duffin Creek Water Pollution Control Plant expansion project and the YDSS Flow Control Structures project or the Southeast Collector if applicable; and,
    - ii. The Council of the City of Vaughan has allocated adequate available water supply and sewage servicing capacity to the subject development; or,
    - b) the City of Vaughan approves a transfer of servicing allocation to this development that is not dependent upon the construction of infrastructure; or,
    - c) the Regional Commissioner of Environmental Services confirms servicing capacity for this development by a suitable alternative method and the City of Vaughan allocates the capacity to this development.
- AND
- B. Not enter into any agreements of purchase and sale with non end users for the subject lands unless the agreement of purchase and sale contains a condition that requires the purchaser and any subsequent purchasers to enter into a separate agreement with the City of Vaughan, which agreement shall be registered on title, committing the Owner to the same terms as set out in Item A above.
47. Prior to draft plan approval, the Owner shall enter into an indemnity agreement with York Region, which agreement shall be registered on title, agreeing to save harmless York Region from any claim or action as a result of York Region granting draft approval of Plan of Subdivision 19T-06V03, or any phase thereof, including, but not limited to claims or actions resulting from, water or sanitary sewer service not being available when anticipated. The agreement shall include a provision that requires all subsequent purchasers of the subject lands, who are not end-users, to enter into a separate agreement with York Region as a condition of the agreement of purchase and sale, agreeing to indemnify York Region on the same terms and conditions as the Owner.
- (\*) the term 'end users' for the purpose of the above noted pre-conditions is defined as the eventual homeowner who is purchasing an individual lot containing a dwelling for the purpose of occupancy.
48. 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.
49. Prior to final approval, York Region shall confirm that adequate water supply and sewage servicing capacity are available and have been allocated by the City of Vaughan for the development proposed within this 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.
50. The Owner shall agree in the subdivision agreement that the Owner shall save harmless the City of Vaughan and York Region from any claim or action as a result of water or sanitary sewer service not being available when anticipated.

51. Prior to 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 Duffin Creek Water Pollution Control Plant expansion project and the YDSS Flow Control Structures project or the Southeast Collector if applicable; or,
  - the City of Vaughan approves a transfer of servicing allocation to this development that is not dependent upon the completion of infrastructure; or,
  - the Regional Commissioner of Environmental Services confirms servicing allocation for this development by a suitable alternative method and the City of Vaughan allocates the capacity to this development.
52. For all lands, the Holding Symbol "(H)" provisions of Section 36 of the Ontario Planning Act shall be used in conjunction with all residential zone categories in order to ensure that development of these lands does not occur until such time as the Holding Symbol "(H)" is removed in accordance with the provisions of the Ontario Planning Act. The Zoning By-law shall specify the terms under which Council may consider the removal of the Holding Symbol "(H)". Said terms shall include a minimum of the following:
- York Region advises in writing that it is no earlier than six (6) months prior to the expected completion of the Duffin Creek Water Pollution Control Plant expansion project and the YDSS Flow Control Structures project or the Southeast Collector if applicable; or,
  - the City of Vaughan approves a transfer of servicing allocation to this development that is not dependent upon the construction of infrastructure; or,
  - the Regional Commissioner of Environmental Services confirms servicing allocation for this development by a suitable alternative method and the City of Vaughan allocates the capacity to this development.
53. The Owner shall agree in the subdivision agreement that all unused wells shall be decommissioned according to Ontario Regulation 903 prior to any construction works occurring on the site.
54. Prior to final approval, the Owner shall satisfy Transportation Services that the services to be installed within or in conjunction with the Plan will provide for sidewalks on both sides of the roadway listed below, unless only one side of the street lies within the limits of the subject lands. The sidewalks shall meet the local municipality's standards, and be provided by the Owner along the subject lands' frontage onto the roadways that have transit services.
- Existing YRT/Viva transit services operate on the following roadways in the vicinity of the subject lands:
- Kipling Avenue
55. 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 54. 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 & 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.



56. Prior to final approval, the Owner shall satisfy Transportation Services and the area municipality that the services to be installed by the Owner within or in conjunction with the Plan will provide a concrete pedestrian access connection as follows:
- Connecting the site with the required sidewalk on the east side of Kipling Avenue
- The concrete pedestrian access connection shall meet the local municipality's standards for sidewalks and shall be owned and maintained by the area municipality.
57. The Owner shall agree in the subdivision agreement to convey lands to the local municipality to provide for such pedestrian access connection referred to in Condition 56 above.
58. The Owner shall satisfy Transportation Services that the services to be installed within or in conjunction with the Plan will include illumination in accordance with the local municipality's design standards along all streets[s] which have or will have transit services, sidewalks, pedestrian access and/or bus stop location(s).
59. Prior to final approval, the Owner shall submit engineering or site plan drawings to Transportation Services for York Region's approval that identify on the plans the requirements of York Region Transit.
60. Prior to final approval, the Owner shall provide a signed copy of the subdivision agreement to the Regional Transportation Services, outlining all requirements of the Regional Transportation Services.
61. 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.

#### York Region School Boards

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

#### Bell Canada

63. The Owner shall agree in the Subdivision Agreement, in words satisfactory to Bell Canada, to grant to Bell Canada any easements that may be required for telecommunication services. 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.
64. 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.

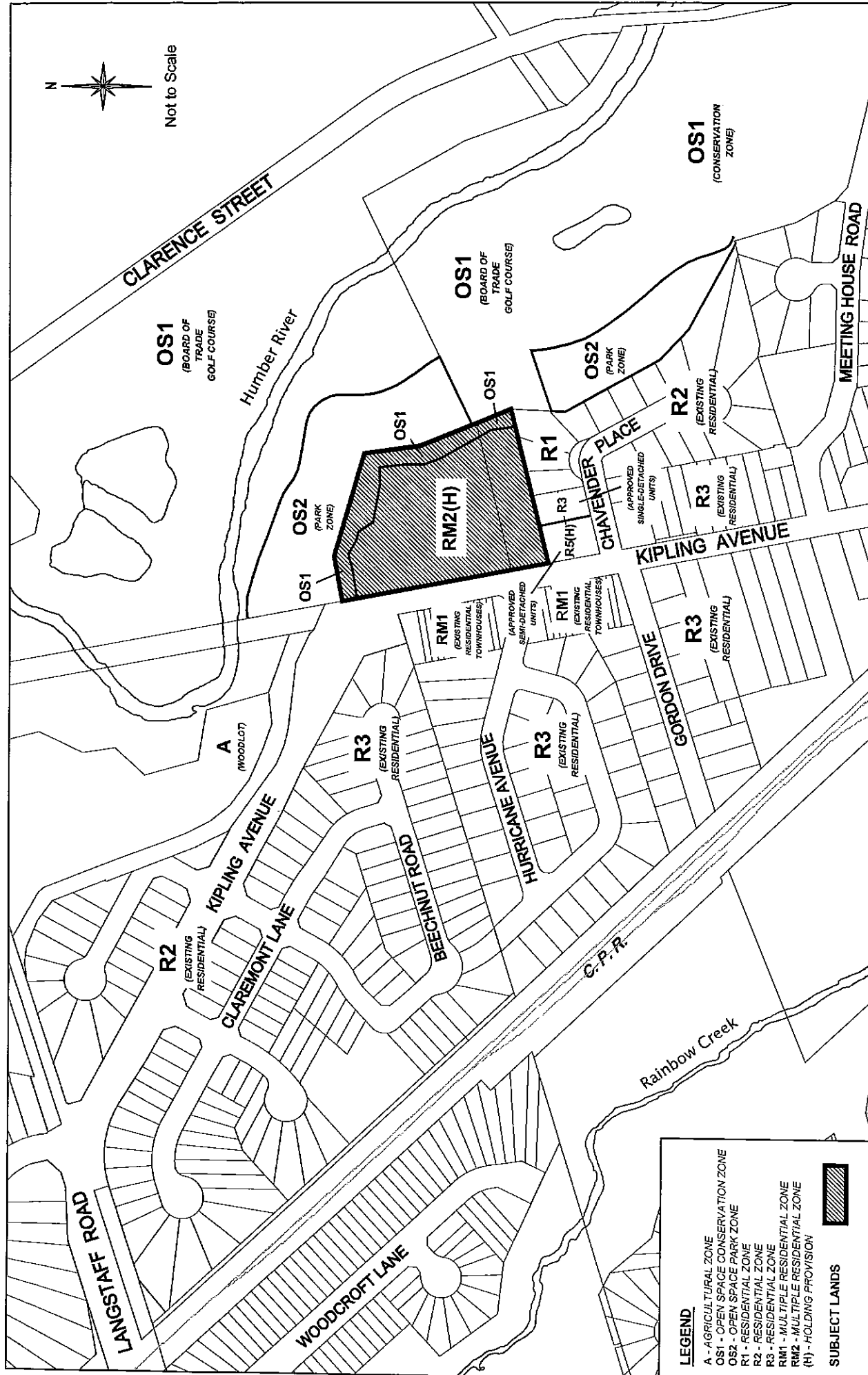
#### Canada Post

65. The Consulting Engineers will send Canada Post 2 copies of the utility co-ordination plan/site plan, for use in identifying our Community Mailbox location and agrees to include in all offers of purchase/rental agreement (if applicable) and sale, a statement which advises the prospective purchaser that mail delivery will be from a designated Community Mailbox.

66. The Owner/Developer will consult with Canada Post Corporation to determine suitable locations for the placement of Community Mailboxes and to notify purchasers/renters of these locations on the appropriate servicing plan, prior to a home closing.
67. The Owner/Developer will provide the following for each Community Mailbox site and include these requirements on the appropriate servicing plans:
- any required walkway across the boulevard, and appropriately sized sidewalk section (concrete pad) as per municipal standards; and
  - any required curb depression for wheelchair access.
68. The Owner/Developer further agrees to determine and provide a suitable temporary Community Mailbox location(s), which may be utilized by Canada Post until the curbs, sidewalks and final grading have been completed at the permanent Community Mailbox locations. This will enable Canada Post to provide mail delivery to new residences as soon as the homes are occupied.

#### Other Conditions


69. 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 68 inclusive, for each phase proposed for registration; furthermore, the required clearances may relate to lands not located within the phase sought to be registered.
70. The City shall advise that Conditions 1 to 42 inclusive, have been satisfied; the clearance letter shall include a brief statement detailing how each condition has been met.
71. The Toronto and Region Conservation Authority shall advise that Conditions 43 to 45 inclusive, have been satisfied; the clearance letter shall include a brief statement detailing how each condition has been met.
72. The Region of York shall advise that Conditions 46 to 61 inclusive, have been satisfied; the clearance letter shall include a brief statement detailing how each condition has been met.
73. The York Region School Boards shall advise that Condition 62, has been satisfied; the clearance letter shall include a brief statement detailing how this condition has been met.
74. Bell Canada shall advise that Conditions 63 and 64 have been satisfied; the clearance letter shall include a brief statement detailing how each condition has been met.
75. Canada Post shall advise that Conditions 65 to 68 inclusive, have been satisfied; the clearance letter shall include a brief statement detailing how each condition has been met.



**LEGEND**

- A - AGRICULTURAL ZONE
- OS1 - OPEN SPACE CONSERVATION ZONE
- OS2 - OPEN SPACE PARK ZONE
- R1 - RESIDENTIAL ZONE
- R2 - RESIDENTIAL ZONE
- R3 - RESIDENTIAL ZONE
- RM1 - MULTIPLE RESIDENTIAL ZONE
- RM2 - MULTIPLE RESIDENTIAL ZONE
- (H) - HOLDING PROVISION

**SUBJECT LANDS**



## Location Map

Part of Lots 9 & 10,  
Concession 7  
APPLICANT: 1463291 ONTARIO INC. C/O  
DUNIPAR HOMES



*The City Above Toronto*

Development Planning Department

## Attachment 2

FILE No.:  
19T-06V03  
RELATED FILES:  
OP.06.008, Z.06.022 &  
DA.07.066  
February 25, 2008

ALL ROAD  
WIDENINGS &  
RESERVES TO BE  
DEDICATED TO  
THE CITY OF  
VAUGHAN

**BLOCK 3**  
(ROAD WIDENING)

**BLOCK 3**  
(ROAD WIDENING)

**BLOCK 4**  
(ROAD WIDENING)

**BLOCK 4**

**BLOCK 5**  
0.30 RESERVE  
AREA = 8.8 m

**BLOCK 6**  
0.30 RESERVE  
AREA = 21.2 m

**BLOCK 7**  
0.30 RESERVE  
AREA = 8.8 m

**BLOCK 1**  
(116 UNIT RESIDENTIAL  
TOWNHOUSE CONDOMINIUM  
DEVELOPMENT INCLUDING  
COMMON ELEMENT ROADS,  
PARKETTE & PARKING AREAS  
AS SHOWN ON ATTACHMENT #4)

**BLOCK 2**  
(TO BE DEDICATED  
TO THE TORONTO &  
REGION  
CONSERVATION  
AUTHORITY)

**BLOCK 2**  
(BUFFER ZONE)

**SUBJECT LANDS**



Not to Scale

# Draft Plan of Subdivision 19T-06V03

APPLICANT: 1463291 ONTARIO  
INC. C/O DUNPAR HOMES

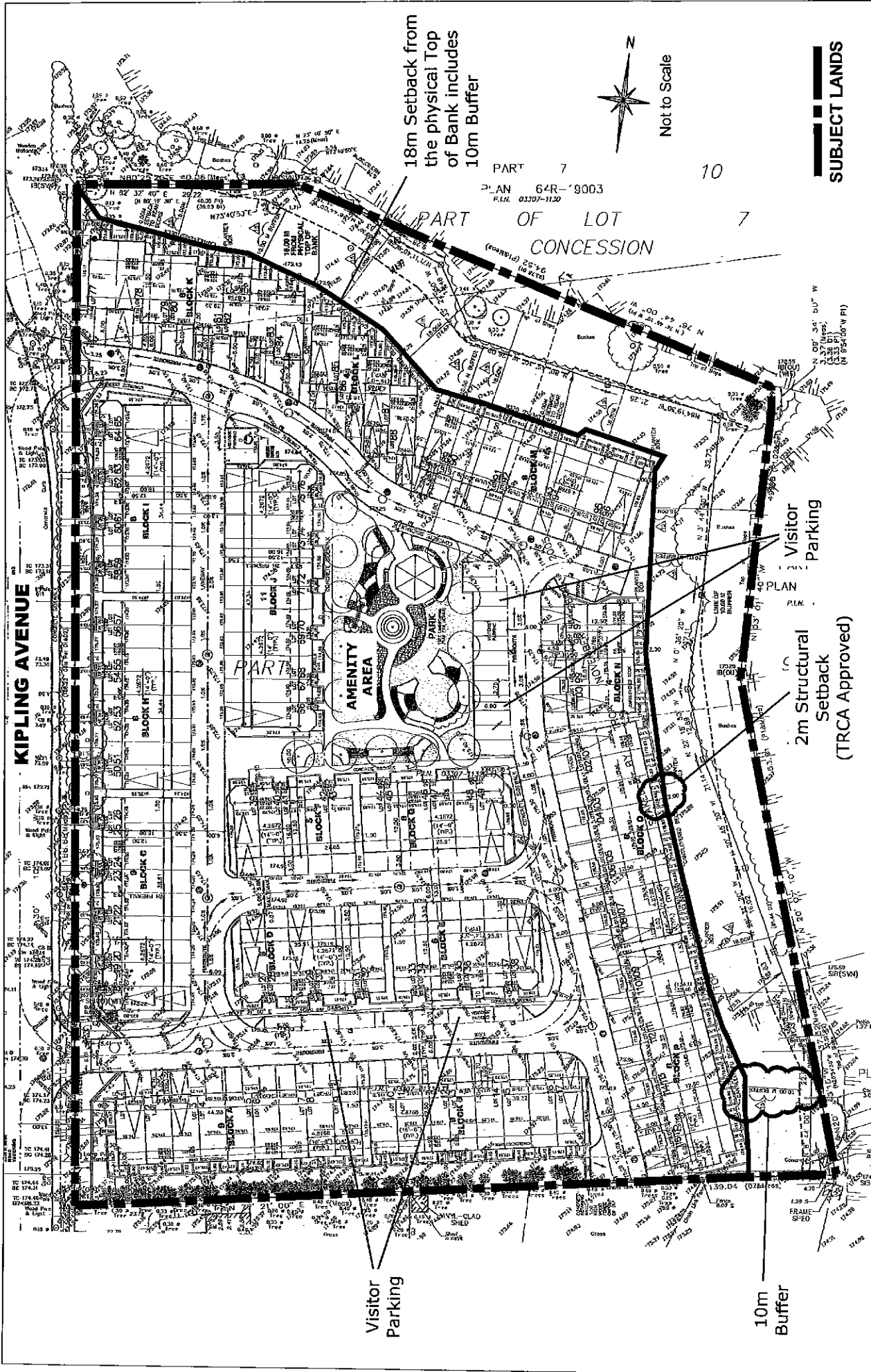
Part of Lots 9 & 10,  
Concession 7



Development Planning Department

# Attachment 3

FILE No.:  
19T-06V03  
RELATED FILES:  
OP.06.008, Z.06.022 &  
DA.07.066  
February 25, 2008



# Proposed Site Plan

Part of Lots 9 & 10,  
Concession 7  
APPLICANT: 1463291 ONTARIO INC. C/O  
DUNPAR DEVELOPMENTS INC.



Development Planning Department

# Attachment

FILE No.:  
19T-06V03  
RELATED FILES:  
Z.06.022, OP.06.008 &  
DA.07.066  
February 25, 2008

# 4