

**COMMITTEE OF THE WHOLE SEPTEMBER 2, 2008**

**OFFICIAL PLAN AMENDMENT FILE OP.06.024  
ZONING BY-LAW AMENDMENT FILE Z.06.054  
DRAFT PLAN OF SUBDIVISION FILE 19T-06V09  
INVAR (FRESHWAY) LIMITED  
REPORT #P.2006.72**

**Recommendation**

The Commissioner of Planning recommends:

1. THAT The Ontario Municipal Board be advised that the City of Vaughan Council endorses Official Plan Amendment File OP.06.024 (Invar Freshway Limited), specifically to amend OPA #450 (Employment Area Plan) as follows:
  - a) add the lands shown as "Area B" on Attachment #2 to the City's Employment Area Plan (OPA #450), which were removed by the Ministry of Municipal Affairs and Housing from the Provincial Parkway Belt West Plan on May 14, 2007 via Amendment No. 185 (MMAH File No. 19-PBA-028-185) by redesignating the lands shown as "Area B" from "General Complementary Use Area" (Provincial Parkway Belt West Plan) to "Employment Area General" (City Employment Area Plan, OPA #450);
  - b) include site-specific policies for the lands shown as "Area B" on Attachment #2, to facilitate compatible development of the subject lands for employment uses that require outside storage with or without buildings, from the adjacent cemetery use, which shall address but not be limited to matters pertaining to landscape buffering and berming, distance separation from land uses, and appropriate uses;
  - c) include the following provision for the lands shown as "Area A" on Attachment #2, in accordance with the MMAH File No. 19-PBA-028-185 and approved Amendment No. 185 dated May 14, 2007:

"The subject lands are designated Inter-Urban Transitway in the Public Use Area, in the City of Vaughan, and further described as Part 2 on RP 65R-29892, in Lot 3, Concession 4, City of Vaughan. Notwithstanding the designation of the subject lands as Inter-Urban Transitway in the Public Use Area of the Parkway Belt West Plan, interim outside storage uses are permitted subject to the satisfaction of the following conditions:

    - a) no permanent buildings or structures are erected, and
    - b) interim outside storage uses are only permitted until such time as the subject lands are required for the purposes of an Inter-Urban Transitway Corridor, or other infrastructure related uses as contemplated by the Parkway Belt West Plan."; and,
  - d) include the following provision in accordance with the Region of York conditions of approval:

"Prior to development, a Forested Area Compensation Plan shall be prepared and submitted to the satisfaction of York Region and the Toronto and Region Conservation Authority. Such plan will include a strategy for the planting,

maintenance, and monitoring of the forest including the endangered Butternut (*Juglans cinerea*)."

2. THAT The Ontario Municipal Board be advised that the City of Vaughan Council endorses Zoning By-law Amendment File Z.06.054 (Invar Freshway Limited), specifically to amend By-law 1-88, to rezone the lands shown as "Area B" on Attachment #2 from PB2 Parkway Belt Complementary Use Zone to EM2(H) General Employment Area Zone with Holding Symbol "H" and OS1 Open Space Conservation Zone in the manner shown on Attachment #3, and to maintain the PB1(S) Parkway Belt Linear Facilities Zone for the lands shown as "Area A" on Attachment #2, subject to the inclusion of the following exceptions:

- a) the "H" Holding provision for the lands zoned EM2(H) General Employment Area Zone shall be removed in whole or in part at such time when a site plan is approved by Council pursuant to Section 41 of the Planning Act;
- b) the following provisions shall apply to the lands zoned PB1(S):
  - i) interim outside storage by public or private users shall be permitted within the PB1(S) Zone and shall include only the following uses until such time as the lands are acquired by the Province of Ontario for a future transitway corridor, whereas By-law 1-88 permits only public uses and no outside storage:
    - New or used trucks and trailers road worthy and awaiting trans-shipment or used as part of a business
    - New or used cars roadworthy and awaiting trans-shipment
    - Empty waste disposal bins
    - Construction machinery, vehicles and equipment
    - Non-waste shipping containers
    - Wooden pallets
    - New construction material and products
    - Uses involving the recycling or processing of any goods, products or materials shall be prohibited in the PB1(S) Zone;
  - ii) no public or private buildings or structures shall be permitted, whereas the PB1(S) Zone permits only buildings or structures for public uses;
  - iii) no maximum lot coverage for outside storage, whereas the PB1(S) Zone does not permit outside storage;
  - iii) outside storage shall be setback a minimum of 1m from any yard, whereas there are no requirements for outside storage in the PB1(S) Zone;
  - iv) outside storage within a distance of 50m or less from the westerly limit of the subject lands shall not exceed a height of 5m and shall be screened by an opaque wood fence with a minimum height of 3m, whereas there are no requirements for outside storage in the PB1(S) Zone;
  - v) outside storage located at a distance greater than 50m from the westerly limit of the subject lands shall not exceed a height of 6m, whereas there are no requirements for outside storage in the PB1(S) Zone;
  - vi) a temporary or permanent asphalt plant; concrete plant; aggregate recycling; aggregate crushing, screening, or sorting shall be prohibited,

thereby confirming uses that are already prohibited in By-law 1-88;

c) The following provisions shall apply to the lands zoned EM2(H):

i) only the following uses shall be permitted within the EM2(H) Zone:

- the site-specific outside storage uses permitted in the PB1(S) Zone
- clean aggregate material that has been mined and processed off-site and transported to the site for storage and distribution to off-site users and/or for compaction and repairs on-site
- products distribution centre
- general products manufacturing, assembly and warehousing
- woodworking shop
- metal fabrication shop excluding metal stamping
- kitchen manufacturing shop
- automotive repair shop including trucks and heavy equipment
- manufacture indoors and storage outside of pre-cast concrete products

All manufacturing and assembly processes associated with the permitted uses listed above shall occur only within an enclosed building;

A temporary or permanent asphalt plant; concrete plant; aggregate recycling; or aggregate crushing, screening, or sorting shall be prohibited, thereby confirming uses that are already prohibited in By-law 1-88;

- ii) outside storage shall be permitted with or without a building being constructed and no minimum gross floor area shall be required for a building, whereas By-law 1-88 does not permit outside storage on a lot unless there is an existing building with a gross floor area of at least 550m<sup>2</sup>;
- iii) buildings if constructed shall be designed so that drive-in, loading or maintenance doors do not face in a westerly direction;
- iv) no maximum lot coverage for outside storage, whereas By-law 1-88 permits a maximum of 30%;
- v) outside storage within 50m or less from the westerly limit of the subject lands shall not exceed a height of 5m;
- vi) outside storage located at a distance greater than 50m from the westerly limit of the subject lands shall not exceed a height of 6m;
- vii) buildings or structures shall not exceed a height of 9m as measured to the midpoint of a sloping roof or to the highest point of a flat roof structure and including parapets and roof-top equipment and any mechanical and environmental control equipment and appurtenances related to the industrial operation, whereas By-law 1-88 permits a maximum building height of 15m;
- viii) the minimum interior side yard and rear yard setback of buildings, structures and outside storage shall be 1m, whereas By-law 1-88

requires a minimum of 6m and 12 m, respectively;

- ix) the minimum front yard and exterior side yard setback of buildings, structures and outside storage from the private road shall be 3m, whereas By-law 1-88 requires a minimum yard setback of 6m, respectively;
  - x) notwithstanding viii) above, buildings and structures shall be setback a minimum of 14m from lands zoned PB1(S), as required by the Ministry of Transportation;
  - xi) buildings and structures shall be set back a minimum of 36m from the west limit of the subject lands and this requirement shall not serve to reduce the minimum 3m setback from the private road;
  - xii) notwithstanding viii) above, the minimum setback shall be 0m for outside storage abutting lands zoned PB1(S);
- d) The following provisions shall apply to lands zoned OS1:
- i) only the following uses shall be permitted in the OS1 Zone:
    - Landscaping consisting of an earthen berm, plant material and opaque fencing
    - Stormwater management facility
    - Private road and piped services and utilities
    - Employee and visitor parking and related driveways and aisles
    - Outside storage of roadworthy passenger cars and trucks and serviceable machinery and equipment
    - Outside display of products offered for sale

Outside storage and display shall not exceed a height of 5m, whereas By-law 1-88 permits only buildings or structures for conservation or flood control projects and no outside storage;
  - ii) a minimum 10m wide landscape strip shall be located within the OS1 Zone abutting the west boundary of the subject lands. The landscape strip shall contain an earthen berm, plant material and a board-on-board solid wood screening fence. The east face of the berm may include a retaining wall;
  - iii) the earthen berm, plant material and wooden screening fence shall have a combined minimum height of 5m, of which a minimum 2m shall be the height of the earthen berm;
  - iv) a 1.8m high black chain link fence shall be constructed along the entire western property line.

3. THAT The Ontario Municipal Board be advised that the City of Vaughan Council endorses Draft Plan of Subdivision File 19T-06V09 (Invar Freshway Limited) dated August 18, 2006 and shown on Attachment #3, subject to the conditions set out in Attachment #1 to this report.
4. THAT the implementing subdivision agreement for Draft Plan of Subdivision 19T-06V09 (Invar Freshway Limited) shall contain the following provision:

"The Owner shall pay to the City of Vaughan by way of certified cheque, cash-in-lieu of the dedication of parkland equivalent to 2% of the value of the subject lands, in accordance with Section 51 of the Planning Act and City of Vaughan Policy. The Owner shall submit an appraisal of the subject lands 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."

5. THAT the City's Site Plan Control By-law 228-2005, as amended, be further amended to add the following Footnote No. 9 to Schedule "1":

"Site Plan Control shall be required for development on a block(s) for outside storage with or without the requirement for a building for Blocks 1-16 inclusive on Draft Plan of Subdivision 19T-06V09."

6. THAT City Staff and City Solicitor be directed to attend the Ontario Municipal Board Hearing in support of the following applications: OP.06.024, Z.06.054 and 19T-06V09 (Invar Freshway Limited).

### **Economic Impact**

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

### **Communications Plan**

On August 27, 2008, the Development Planning Department provided notice by email or telephone to those who requested notification of the subject Committee of the Whole meeting as follows: Len Star Welding (10 Costa Road); A.R.G. Group (111 Creditstone Road); Antonio DiBenedetto (Toronto); Robert Dragicevic of Walker, Nott, Dragicevic Associates Limited on behalf of the Mount Pleasant Group of Cemeteries (Beechwood Cemetery); Templeton Planning (agent); and Invar (applicant).

### **Purpose**

The Owner has submitted the following applications:

1. An application to amend the Official Plan to redesignate the lands shown as "Area B" on Attachment #2 from "General Complementary Use Area" (Provincial Parkway Belt West Plan) to "Employment Area General" (City Employment Area Plan, OPA #450) and to provide development and site plan control policies for the lands to facilitate the development of the subject lands for employment uses that require outside storage.
2. An application to amend the Zoning By-law, specifically By-law 1-88, to rezone the lands shown as "Area B" on Attachment #2 from PB2 Parkway Belt Complementary Use Zone to EM2(H) General Employment Area Zone with Holding Symbol "H" and OS1 Open Space Conservation Zone, and to maintain the PB1(S) Parkway Belt Linear Facilities Zone for the lands shown as "Area A" on Attachment #2, subject to the inclusion of the necessary exceptions to implement the draft plan of subdivision shown on Attachment #3 and the site-specific policies to be contained in the official plan.
3. An application for Draft Plan of Subdivision approval for the subject lands shown on Attachment #3, to facilitate an industrial plan of subdivision on 10.11 ha of land. The development details are as follows:

Blocks 1-16 inclusive – Industrial (EM2(H))	7.24ha
Block 17 – Sewer Easement (OS1)	0.03ha
Block 18 – Stormwater Management Pond (OS1)	0.66ha

Block 19 – Landscape Buffer (OS1)	0.51ha
Block 20 – Private Road (OS1/EM2(H))	0.93ha
Block 21 – Future Transitway (PB1(S))	0.74ha
<b>TOTAL</b>	<b>10.11ha</b>

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

The 10.11 ha vacant site is located east of Jane Street, on the south side of Highway #407, and west of the Canadian National Railway Classification Yard, in Part of Lots 2 and 3, Concession 4, City of Vaughan, as shown on Attachment #2.

The subject lands (Areas "A" and "B") were sold to the applicant by the Mount Pleasant Group of Cemeteries (MPGC). The subject lands were formerly part of the MPGC property to the west (Beechwood Cemetery), however, were never used as a cemetery and are no longer licensed for cemetery purposes.

The subject lands are designated "Road-Public Use Area" and "General Complementary Use Area" by the Provincial Parkway Belt West Plan and zoned PB1(S) Parkway Belt Linear Facilities Zone and PB2 Parkway Belt Complementary Use Zone by By-law 1-88, subject to Exception 9(553). The surrounding land uses are shown on Attachment #2.

On May 14, 2007, the Ministry of Municipal Affairs and Housing (MMAH) approved Amendment No. 185 (via MMAH File No. 19-PBA-028-185) to permit interim outside storage uses on the lands shown as "Area A" on Attachment #2, which will remain designated Road-Public Use Area and zoned PB1(S), and deleted the lands shown as "Area B" on Attachment #2 from the Provincial Parkway Belt West Plan, to be redesignated to an urban designation within the City's Official Plan.

### **Public Hearing**

On November 17, 2006, a Notice of Public Hearing for the December 6, 2006 meeting was circulated to all property owners within 120m of the subject lands, and to the Concord West Ratepayers Association. A letter of objection was received by A.R.G. Group Inc. (111 Creditstone Road) concerning increased truck traffic on Freshway Boulevard. A.R.G.'s concerns were addressed by a traffic study prepared Poulos & Chung and submitted by the applicant, which concluded that the Regional Road 7 and Creditstone Road intersection and Freshway Drive can accommodate the proposed development traffic. The Vaughan Engineering Department supported these conclusions and approved the traffic analysis.

A second letter of objection was received by the Mount Pleasant Group of Cemeteries (7241 Jane Street), which is located immediately west of the subject lands. The MPGC sold the subject lands to the applicant and therefore, does not oppose the development proposal in principle. However, MPGC has concerns related to the implementation of development standards, such as, but not limited to: the landscape treatment along the mutual property line; requirements for fencing and screening; and limitations to building heights and areas of outside storage. The applicant and MPGC have continued to work together to resolve these concerns. The proposed zoning boundaries, exceptions, and official plan policies in this report, reflect these on-going negotiations. Recently, the MPGC was granted party status by the Ontario Municipal Board to ensure these and any other concerns are addressed in a reasonable manner.

### **Ontario Municipal Board**

On April 17, 2008, the applicant appealed their Official Plan Amendment Application (OP.06.024), Zoning By-law Amendment Application (Z.06.054) and Draft Plan of Subdivision Application (19T-06V09) (Invar Freshway Limited) to the Ontario Municipal Board (OMB), pursuant to subsections 34(11), 22(7) and 51 (34) of the *Planning Act*, with respect to Council's failure to approve the

rezoning application within 120 days and the related official plan and subdivision applications within 180 days, after their submission to the City of Vaughan on August 24, 2006. The OMB has scheduled an eight day hearing for these appeals on October 2, 3, 8, 10 and 14-17 inclusive, 2008.

### **Land Use Policies/Planning Considerations**

The Development Planning Department has reviewed the Official Plan Amendment application to redesignate the lands shown as "Area B" on Attachment #2 to "Employment Area General", and to maintain the "Road-Public Use Area" designation on the lands shown as "Part A" on Attachment #2 but with site-specific provisions, in light of the following land use policies:

#### **a) Provincial Policy Statement and Places to Grow**

The Provincial Policy Statement (PPS) provides policy direction on matters of Provincial interest related to land use planning and development. The following policies of the PPS manage and direct land use to achieve efficient development and land use patterns within employment areas:

"1.3.1 Planning Authorities shall promote economic development and competitiveness by (in part):

- a) providing for an appropriate mix and range of employment (including industrial, commercial and institutional uses) to meet long term needs;
- b) providing opportunities for a diversified economic base, including maintaining a range and choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses, and take into account the needs of existing and future businesses;
- c) planning for, protecting and preserving employment area for current and future uses."

In addition to the policies of the PPS, the Province's *Places to Grow: The Growth Plan for the Greater Golden Horseshoe (GGH)*, which outlines the framework for implementing the Provincial vision for building stronger, prosperous communities by better managing growth to 2031 contains the PPS policies noted above and states the following:

"2.2.6.1 An adequate supply of lands providing locations for a variety of appropriate employment uses will be maintained to accommodate the growth forecasts in the GGH Plan."

The proposal to redesignate the subject lands (Part B) to "Employment Area General" will facilitate the development of a 16 lot industrial plan of subdivision, as shown on Attachment #3. The proposal is in keeping with the employment area policies of the PPS and *Places to Grow*. The development will add new employment lands to the City's Employment Area Plan (OPA #450) and provide opportunities for employment and industrial uses that require outside storage.

#### **b) Provincial Parkway Belt West Plan and City Official Plan Amendment #450**

The subject lands shown as "Area A" on Attachment #2 are designated "Road-Public Use Area" and the lands shown as "Area B" are designated "General Complementary Use Area" by the Provincial Parkway Belt West Plan (PBWP). The former designation permits only public uses and encourages inter-regional linear facilities to locate in these areas. The latter designation, permits low intensity private uses that are compatible with the PBWP, such as but not limited to: agricultural, institutional, recreational and public uses.

On May 14, 2007, the Ministry of Municipal Affairs and Housing (MMAH) approved Amendment No. 185 (via MMAH File No. 19-PBA-028-185) to permit interim outside storage uses on the lands shown as "Area A" (Attachment #2), subject to the following conditions:

- i) no permanent buildings or structures are erected, and
- ii) interim outside storage uses are only permitted until such time as the subject lands are required for the purposes of an Inter-Urban Transitway Corridor, or other infrastructure related uses as contemplated by the Parkway Belt West Plan.

The lands shown as "Area A" (Attachment #2) will remain designated Road-Public Use Area. The designation along with the above-noted interim permission (which will be included in the implementing official plan amendment) is consistent with the Ministry of Transportation's requirement to protect for a 30m wide right-of-way, adjacent to the south side of Highway 407 for a future Transitway Corridor (Attachment #2).

The MMAH Amendment No. 185 also deleted the lands shown as "Area B" on Attachment #2 from the Provincial Parkway Belt West Plan. The proposal to redesignate these lands to "Employment Area General" (Attachment #5) is consistent with the administration policies of the City's Employment Area Plan (OPA #450) that upon deletion of the lands from the Provincial Parkway Belt West Plan, the said lands shall be subject to the policies and designations of OPA #450 (ss.3.4.3 c).

The "Employment Area General" designation accommodates uses that do not require higher profile locations; provides locational opportunities for industrial development which may require outside storage or be undertaken outdoors; and permits a full range of processing, warehousing and storage operation uses. The proposal to redesignate the lands shown as "Area B" to "Employment Area General", to facilitate the development of industrial/employment uses that require outside storage, is consistent with the objectives and development policies of OPA #450.

The Development Planning Department has reviewed a Planning Justification Report prepared by Templeton Planning Limited in support of the subject application and concurs with its findings that the proposed redesignation conforms to Provincial and Regional policy and meets the intent of the City's OPA #450.

The implementing Official Plan Amendment will include site-specific policies for the lands shown as "Area B", to facilitate compatible development of the subject lands for employment uses that require outside storage with or without buildings, from the adjacent cemetery use, which shall address but not limited to matters permitting to landscape buffering and berming, distance separation from sensitive land uses, and appropriate uses, and be implemented by way of a site-specific zoning by-law.

c) Region of York Official Plan

The Region of York has indicated the presence of a woodlot on the subject lands containing an endangered tree species, ie Butternut (*Juglans cinerea*). The protection of endangered species falls under the *Planning Act*, *Provincial Policy Statement*, and the pending *Species at Risk* legislation. The Region has no objection to the proposed official plan amendment application to redesignate the subject lands to "Employment Area General", subject to the following condition, which will be included in the implementing official plan amendment and listed as a condition of draft plan approval in Attachment #1:

"Prior to development, a Forested Area Compensation Plan shall be prepared and submitted to the satisfaction of York Region and the Toronto and Region Conservation Authority. Such will include a strategy for the planting, maintenance, and monitoring of the forest including the endangered Butternut (*Juglans cinerea*)."



Additional discussion respecting the Butternut Tree and Forested Area Compensation Plan is provided later in this report under "Ministry of Natural Resources".

### Zoning

The applicant is proposing to rezone the lands shown as "Area B" on Attachment #2 from PB2 Parkway Belt Complementary Use Zone to EM2(H) General Employment Area Zone with Holding Symbol "H" and OS1 Open Space Conservation Zone in the manner shown on Attachment #3. The proposal will implement the proposed redesignation of the lands from "General Complementary Use Area" to "Employment Area General", and the proposed industrial draft plan of subdivision.

The site-specific uses proposed for the EM2(H) Zone and listed in the recommendation of this report are specific types of employment uses, which are more restrictive than the general permitted uses in the EM2 Zone category of By-law 1-88, which would permit any uses defined as an employment use. Therefore, the Development Planning Department does not oppose the said uses. The exceptions for outside storage uses with or without a building, the reduced yard setbacks, and no maximum lot coverage for outside storage are acceptable, as the EM2(H) development lots will be screened from view of the cemetery, being the most sensitive neighbouring land use. The proposed outside storage is consistent and compatible with the existing neighbouring industrial uses, namely the asphalt plant to the immediate east and the Canadian National Railway Classification Yard further east and CNR railway operations to the south.

The proposed OS1 Zone will include a 10 m wide landscape buffer shown on Attachment #4, which will be designed with a berm, various types of planting and fencing, and will screen the proposed outside storage uses from the view of the cemetery.

In addition, the proposal to limit the height of outside storage uses and the requirements for maximum fencing height to screen the said uses; the 36m minimum structural setback from the westerly property line; the maximum 9m building height, if buildings are constructed; the requirement that loading not face in a westerly direction, also reflect on-going negotiations between the applicant and the neighbouring MPGC in a effort to mitigate the impact and screen the industrial uses and outside storage uses from view of the cemetery.

The lands shown as "Area A" on Attachment #2 will remain zoned PB1(S) Parkway Belt Linear Facilities Zone, in order to protect these lands for the future Transitway Corridor. The request to permit limited types of outside storage on the lands zoned PB1(S), prohibit buildings or structures, and not restrict the maximum lot coverage for outside storage uses or the setback of said uses is consistent with the interim permissions granted by the Ministry of Municipal Affairs and Housing through their approval of Amendment No. 185. Should the Ministry acquire these lands in the future, the request for a 14m structural setback from the southern limit of the PB1(S) Zone is consistent with the Ministry of Transportation's setback requirements along all Provincial Highways.

The proposal to specifically prohibit a temporary or permanent asphalt plant; concrete plant; aggregate recycling; and aggregate crushing, screening, or sorting plant, within the PB1(S) Zone and EM2(H) Zone is consistent with the requirements of By-law 1-88, which currently prohibits the said use City wide.

### Site Plan Control and Holding Symbol (H)

The Holding Symbol 'H' is being placed on the EM2(H) lands in the manner shown on Attachment #3, to ensure development of structures or the use of the subject lands for outside storage purposes is designed in accordance with the implementing zoning by-law, official plan

policies, and with the requirements of the external agencies noted in this report. The Holding Symbol shall be removed in whole or in part at such time when a site plan is approved by Vaughan Council pursuant to Section 41 of the Planning Act.

The City's Site Plan Control By-law will be amended to indicate that site plan control shall be required for the development of a block(s) for outside storage with or without the requirements for a building for Blocks 1-16 inclusive on Plan of Subdivision 19T-06V09. Site plan approval will ensure orderly development should the site develop as one large block or as multiple individual blocks, particularly as the site is located adjacent to the Beechwood Cemetery.

#### Subdivision Design

The 10.11ha draft plan of subdivision shown on Attachment #3 is comprised of the following:

- i) a total of 16 blocks (7.24ha) for industrial uses for outside storage with or without a building;
- ii) 1 landscape buffer block (0.51ha); 1 open space block (0.66ha) for a stormwater management facility; and 1 block (0.03ha) for an easement;
- iii) 1 block for a private road (0.93ha) and 1 block (0.74ha) for a right-of-way for the future Ministry of Transportation Transitway Corridor.

The private road is a north-south and east-west traversing road, which is designed to connect to Freshway Drive to the north, via an easement over the lands to the east (also owned by the applicant) and a private north-south right-of-way owned by Canadian National Railway (Attachment #2).

The draft plan of subdivision provides for 16 industrial blocks for outside storage with or without a building, as shown on Attachment #3, of which four (4) blocks are located on the north side of the private road and fourteen (14) blocks on the south and east sides. The industrial blocks will include a 3m wide landscape strip along the frontage of the private road, which shall only be used for landscaping.

The remaining blocks are for non-industrial uses, with Block 19 being a 10 m wide landscape buffer between the neighbouring cemetery use to the west, which has been designed in consultation with MPGC to ensure that the proposed berm, planting and fencing shown on Attachment #4 will screen the industrial uses from view of the cemetery. Block 18 will serve as a stormwater management facility and Block 21 is designed to protect for the Ministry of Transportation's future Transitway Corridor. However, interim outside storage is permitted by both the Ministries of Transportation and Municipal Affairs and Housing.

The Development Planning Department is satisfied with the proposed subdivision design subject to the comments in this report and the conditions of approval set out in Attachment #1.

#### Vaughan Engineering Department

The Engineering Department has reviewed the proposed draft plan of subdivision and provides the following comments:

##### a) Environmental Site Assessment (ESA)

Prior to final approval, the Owner is required to submit an ESA Phase1 report for peer review and approval by the City. If contamination is suspected then an ESA Phase 2 must be completed, peer reviewed and approved by the City prior to final approval. If testing reveals that contamination is present and that its level exceeds the MOE guideline as laid out in the Guideline

for Use at Contaminated Sites in Ontario as revised February 1997, an ESA Phase 3 remedial plan must be presented to the City prior to final approval. The document proof of the satisfactory registration of the Record of Site Condition (RSC) with the Environmental Site Registry (ESR) of the Ministry of Environment (MOE), which includes the acknowledgement from the MOE and signed copy of the RSC by a Qualified Person, must be submitted to the Development/Transportation Engineering Department for review and approval.

b) Roads

Vehicular access to the site is proposed via a private driveway which connects to the eastern terminus of Freshway Drive. Construction access to the subject lands will be from Freshway Drive.

c) Engineering Servicing

The municipal services for the development shall be in accordance with the approved functional servicing report. The original feasibility report prepared by EMC Group Limited is dated July 26, 2006. As well, the applicant is to refer to the Engineering Planning and Studies memorandum dated July 23, 2008.

d) Sanitary Servicing

The subject site will be serviced by private sanitary sewer from the connection at Freshway Drive. The Owner is required to provide detailed sanitary sewer analysis to ensure the existing sanitary sewer main on Freshway Drive is sized to accept the additional flows from this draft plan. In accordance with the Site Servicing Feasibility Report, a private pumping station is proposed to service this development. The applicant is advised that the proposed pumping station shall remain a private pumping station built on private lands and will not be operated or maintained by the City of Vaughan.

e) Storm Drainage

The subject site will be serviced by storm sewers on the private road that discharges to the Private Storm Water Management Pond which is located at the south end of the subject site.

f) Water Supply

The Owner shall ensure that the watermain on Freshway Drive is sized to accommodate the proposed development all in accordance with the current City of Vaughan Design Criteria and Standards and Specifications. The Owner shall confirm that the watermain is looped to ensure water quality and proper pressures are achieved in case of a fire (Fire Flow Demand Plus the Maximum day demand or the Peak Hour Demand, whichever is greater). A water supply analysis shall be submitted based on hydrant pressure/flow tests at the existing watermain on Freshway Drive.

g) Grading

The Owner shall provide an overview of the on-site grading and any additional grading requirements the proposed development may impose on abutting lands. Details must also be provided for any required retaining walls and/or sloping etc. that will not conform to the City's criteria.

Parkland/Cash-in-Lieu

The parkland dedication for the draft plan of subdivision shall be dedicated and/or cash-in-lieu of the dedication of parkland paid, in accordance with the Planning Act and the City's approved

Cash-in-Lieu of Parkland Policy. The subdivision does not include a park within the subject lands. Therefore, cash-in-lieu of the dedication of parkland will be required for the subject lands.

#### Canadian National Railway (CNR)

The subject lands have no frontage onto a public road, however, access to the site is via an access easement, shown on Attachment #2, over the lands to the east (also owned by the applicant) and a private north-south right-of-way owned by CNR to Freshway Drive.

Canadian National Railway has reviewed the proposed subdivision and has no objection to the proposal or to the applicant using their private right-of-way to access the subject lands. Should the City require improvements to the right-of-way, in accordance with City standards, CNR will not object, however, all costs related to the improvements shall be paid by the applicant.

#### Ministry of Transportation (MTO)

The 30 m wide lands shown as "Area A" on Attachment #2, abut Highway 407 and will remain within the Provincial Parkway Belt West Plan and will remain zoned PB1(S) Parkway Belt Linear Facilities Zone to protect these lands for the Ministry's future east-west Transitway Corridor. MTO has approved the interim use of these lands (Area A) for outside storage purposes, until said lands are required for the Transitway Corridor, at which time, the Owner shall remove all stored materials in a timely manner and at their expense. The Ministry requires that any new buildings/structures (including internal roads) above and below ground (including detention ponds) shall be setback a minimum distance of 14m from the southern PB1(S) Zone boundary line as shown on Attachment #3. In addition, MTO Permits are required for all buildings located within 46m of the Highway 407 property line prior to any construction taking place.

The Ministry of Transportation has no objection to the proposed applications, subject to the conditions noted above and the conditions of draft plan approval, set out in Attachment #1.

#### Toronto and Region Conservation Authority (TRCA)

The western boundary of the subject lands is traversed by a tributary of the Humber River. The applicant has agreed to construct a berm to separate their lands from the existing cemetery and to improve the conditions of the existing watercourse that traverses the two properties. The existing watercourse has been highly altered by previous construction, therefore, a new channel design has been proposed, which will enhance the aquatic habitat and convey flood flows. The new channel will be realigned entirely along the eastern property line of MPMC lands, as shown on Attachment #4. These works require approval and Permits from the TRCA pursuant to the *Development, Interference with Wetlands and Alterations to Shorelines and Watercourse Regulation* (Ontario Regulation 166/06). The Permits for said work were conditionally approved by the TRCA on October 12, 2007, subject to minor revisions to the plans.

The TRCA has reviewed the proposal and advised that there are outstanding issues that need to be addressed in the technical reports that have been submitted to date. The Owner will be required to provide a revised technical documents package, including stormwater management report; erosion and sediment control plans and reports; water balance report; and landscape and planting plans/details. The proposal must be in accordance with the requirements of the TRCA and address the conditions of draft plan approval, set out in Attachment #1.

#### Ministry of Natural Resources (MNR)

The MNR has conducted several site visits to the subject lands over the past two years. The most recent site visit, on June 12, 2008, concluded that the condition of the woodlot containing the endangered Butternut Tree has experienced a significant decline. The MNR notes that little recovery habitat exists in the vicinity for the butternut population due to the nature of the existing

surrounding land uses. Therefore, the MNR concluded, that the Butternut at this location do not contribute to the long term survival or recovery of Butternut species in any substantive manner.

The Region of York has also indicated the presence of a woodlot on the subject lands containing the endangered tree, Butternut (*Juglans cinerea*). The protection of endangered species falls under the *Planning Act*, *Provincial Policy Statement* and the pending *Species at Risk* legislation. Given the MNR's findings and as a condition of approval, a Forested Area Compensation Plan shall be prepared that is consistent with the recommendations of the Vegetation Assessment Plan and Report and the Environmental Impact Study, prepared by the Owner. The plan shall outline specific measures to provide a sustainable forest environment for the Butternut trees, including but not limited to, a listing that includes the quantity, species, height and caliper of the trees to be planted and or/relocated. The plan shall identify the implementation and phasing of site preparation and planting activities.

The TRCA recognizes that the long term protection of the woodlot and its functions is highly dependent on the appropriate management and that an intense level of management is required on this site, which may not be practical. As such, the TRCA supports the approach put forward by the Region, which requires the preparation of a Forested Area Compensation Plan.

#### Agency Comments

PowerStream, Vaughan Fire and Rescue, and Canada Post have advised that they have no objection to the proposal, subject to the conditions of approval, set out in Attachment #1.

#### Relationship to Vaughan Vision 2020

This report is consistent with the priorities set forth in Vaughan Vision 2020, particularly "Plan & Manage Growth & Economic Vitality".

#### Regional Implications

The Region of York has reviewed the proposed subdivision and has no objection to the proposal. Conditions of draft plan approval respecting the Region's requirements have been included in Attachment #1.

#### Conclusion

The Development Planning Department has reviewed the proposed applications to amend the Official Plan to redesignate a portion of the subject lands from "Complementary Use Area" (PPWBP) to "Employment Area General" (OPA #450), a Zoning By-law to rezone a portion of the subject lands to OS1 Open Space Conservation Zone and EM2(H) General Employment Area Zone with Holding provision with zoning exceptions to facilitate the development of an industrial Draft Plan of Subdivision and the details negotiated between the applicant and neighbouring landowner Mount Pleasant Group of Cemeteries (Beechwood Cemetery) to the west, in accordance with the applicable policies of the Province, Region of York, Toronto and Region Conservation Authority, and the City's Official Plan and requirements of the Zoning By-law, and the area context. The proposed applications are consistent with Provincial policy, are supported by the Region of York and Toronto and Region Conservation Authority and would result in development that is appropriate and compatible within the industrial context of the surrounding area, which includes an asphalt plant and CN Rail yard to the east and appropriate buffering with the cemetery to the west.

The subject lands are subject to a number of conditions, which are to be addressed prior to the enactment of a by-law, the lifting of any Holding Symbol (H), and final approval of any part of the draft plan of subdivision. The Development Planning Department can support the endorsement of the applications to amend the Official Plan, Zoning By-law and Draft Plan of Subdivision, subject

to the recommendations in this report and the conditions of approval as set out in Attachment #1. The applications are scheduled to proceed to the Ontario Municipal Board on October 2, 3, 8, 10 and 14 to 17, 2008.

**Attachments**

1. Conditions of Approval
2. Location Map
3. Proposed Subdivision and Zoning
4. Proposed Landscape Buffer and Boulevard Plan
5. Land Use Schedule OPA #450 (Employment Area Plan)

**Report prepared by:**

Christina Napoli, Planner, ext. 8483  
Arto Tikiryan, Senior Planner, ext. 8212

Respectfully submitted,

JOHN ZIPAY  
Commissioner of Planning

GRANT UYEYAMA  
Senior Manager of Development Planning

/LG

## **ATTACHMENT NO. 1**

### **CONDITIONS OF DRAFT APPROVAL**

#### **DRAFT PLAN OF SUBDIVISION 19T-06V09 INVAR (FRESHWAY) LIMITED LOTS 2 AND 3, CONCESSION 4, 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-06V09, ARE AS FOLLOWS:**

##### City of Vaughan Conditions

1. The Plan shall relate to the draft plan of subdivision, prepared by J.D. Barnes drawing #05-21-451-00 dated August 14, 2008.
2. The lands within this Plan shall be appropriately zoned by a zoning by-law which has come into effect in accordance with the provisions of The Planning Act.
3. 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 to satisfy all financial and other conditions, with regard to such matters as the City may consider necessary, including payment of development levies and the woodlot development charge, 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 application for building permit, site plan approval shall be required for development under the City's Site Plan Control By-law, for draft approved Blocks 1-16 inclusive.
6. The private road allowances within this Plan shall be named to the satisfaction of the City, in consultation with the Regional Planning Department; proposed street names shall be submitted by the Owner for approval by Council and shall be included on the first engineering drawings.
7. 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. The Owner acknowledges that the road allowances included within this draft plan of subdivision are designed as private roads and be operated and maintained under private ownership.
8. The pattern of streets and the layout of blocks shall be designed to correspond and coincide with the pattern and layout of abutting developments.
9. Easements as may be required for utility, drainage or construction purposes shall be granted to the appropriate authorities, free of all charge and encumbrances.
10. 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 the City standards and specifications.

11. The Owner shall agree to remove any driveways and buildings on site, which are not approved to be maintained as part of the plan; any modification to off-site driveways required to accommodate this Plan shall be coordinated and completed at the cost of the Owner.
12. Prior to final approval of the Plan, the Owner shall provide 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. The Owner shall provide a copy of the fully executed subdivision agreement to the appropriate telecommunication provider.
13. Prior to final approval of the Plan, 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.
14. Prior to final approval, a soils report prepared at the Owner's expense shall be submitted to the City for review and approval. The Owner shall agree in the subdivision agreement to carry out, or cause to carry out, the recommendations including pavement design structure for ideal and non-ideal conditions to the satisfaction of the City.
15. Prior to 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, 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.
16. 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.



17. Prior to final approval of the Plan, the Owner shall submit, to the satisfaction of the City, a listing prepared by an Ontario Land Surveyor of all Block areas and Lot frontages and depths in accordance with the approved Zoning By-law for all Blocks within the Plan.
18. 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.
19. The Owner shall agree in the subdivision agreement that the servicing works to be carried out are consistent with the concepts outlined in the Functional Servicing Report.
20. The Owner shall not apply for building permits and the City shall not issue building permits until the City is satisfied that adequate road access, municipal water supply, sanitary sewers, and storm drainage works are available to service the Plan or that arrangements have been made for their completion to the satisfaction of the City.
21. Prior to the issuance of a building permit for any block, 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 block, conforms in terms of location and geometry (i.e. width, etc.) with the approved, or the amended and subsequently approved, Construction Drawings.
22. Prior to the transfer of any Block on the Plan, the Owner shall submit to the City satisfactory evidence that the appropriate warning clauses have been included in the Offer of Purchase and Sale or Lease for such Block, to the satisfaction of the Engineering Department.
23. Prior to the transfer of any Blocks, the Owner shall construct a 1.8 metre high maintenance free acoustic barrier along the private side of the lot lines of the subject blocks 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.
24. Prior to the transfer of Blocks, the Owner shall erect a permanent 1.5 metre high black vinyl chain link fence along the limits of the aforementioned Lots and Blocks that abut a park, an open space block, school and/or a woodlot. The Owner's consulting engineer shall certify to the Building Standards Department that the above-noted fences are constructed in accordance with this requirement, all to the satisfaction of the Engineering Department.
25. 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 blocks:

Within the entire subdivision plan:

- a) "Purchasers and/or tenants are advised that all the services (roads, street lighting, water supply, sanitary sewer, sanitary pumping station, storm sewer and storm water management pond) are private and are operated and maintained by the Owner. The City of Vaughan is not responsible for any of these services."
  - 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."
26. 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 Services Department. Construction access to the Plan shall be from Freshway Drive through the Private Driveway.

- 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.
27. Prior to initiation of any grading, removal of any vegetation or topsoil, the Owner shall obtain a fill permit from the City.
28. 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 park or school blocks) to the satisfaction of the City.
29. Prior to final approval, the Functional Servicing Report, shall be finalized to the satisfaction of the City.
30. Prior to final approval, the detailed design for the Storm Servicing which shall conform to the final recommendation and conclusions of the City's on-going Black Creek Optimization Study shall be finalized to the satisfaction of the City.
31. Financial contribution shall be required in accordance with the final recommendations and conclusions of the City's on-going Black Creek Optimization Study to the satisfaction of the City.
32. Upon registration of the Plan, and prior to the approval of the first site plan application within the subdivision, the Owner shall have constructed the 10 m wide landscape buffer in accordance with the approved landscape plan to the satisfaction of York Region, Toronto and Region Conservation Authority and Vaughan Development Planning Department.
33. The Owner shall agree in the subdivision agreement to the following:
- a) Permeable paving surfaces are required within all future site plan applications. Paving surfaces must meet TRCA criteria with respect to infiltration rates and sustainability requirements. A list of permeable material are to be included.
  - b) Landscape Buffer Restoration works are to be itemized in the cost schedule as follows:
    - i) buffer landscaping and ii) channel restoration landscaping.
34. The Owner shall provide a 3 m wide landscape strip along the private road and frontage of all proposed industrial blocks. Said strip shall only be used for the purpose of landscaping.
35. Prior to final approval, the Owner shall satisfy all technical, financial and other requirements of PowerStream 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.
36. 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 Distribution Inc. and the City.

#### Region of York Conditions

37. The Owner shall provide drawings for the proposed servicing for the site to be reviewed by the Engineering Department of the area municipality. Three (3) sets of engineering drawings (stamped and signed by a Professional Engineer), and MOE forms together with any supporting information, shall be submitted to The Regional Municipality of York Transportation Services Department, Attention: Mrs. Eva Pulnicki, P. Eng.
38. A portion of the Draft Plan of Subdivision is located within the Designated Highway 407 Transitway, as such the application must be circulated to the Ministry of Transportation for comment. Otherwise, the Region requests that Block 21 be dedicated to the Ministry of Transportation for the purposes of a future Transitway as defined in the Transitway Corridor Protection Study, December 1998.
39. Prior to final approval, the Owner shall provide a copy of the subdivision agreement to York Region Transportation Services Department, outlining all requirements of York Region Transportation Services Department.
40. The Owner shall enter into an agreement with York Region, agreeing to satisfy all conditions, financial and otherwise, of the Regional Corporation; Regional Development Charges are payable prior to final approval in accordance with By-law DC-0005-2003-050.
41. The Owner shall submit, to the satisfaction of York Region and the Toronto and Region Conservation Authority, a Forested Area Compensation Plan that shows in sufficient detail the implementation, establishment and management measures.
42. The Owner shall develop with and to the satisfaction of York Region Forestry Services and the Toronto and Region Conservation Authority, a monitoring plan to ensure the full implementation and maintenance of the Forested Area Compensation Plan described in the condition noted above. The monitoring plan shall include a report, showing an inventory and health status of the forest, which shall be submitted to York Region at two and five year intervals following the initial planting. The Region reserves the right as a condition of draft plan approval, to collect securities with respect to the implementation of Forested Area Compensation Plan and related works.

#### Toronto and Region Conservation Authority

43. That prior to the initiation of grading and prior to the registration of this plan or any phase thereof, the Owner shall submit for the review and approval of the Toronto and Region Conservation Authority (TRCA) a detailed engineering report that describes the storm drainage system (quantity and quality) for the proposed development of the subject lands, in accordance with the Functional Servicing Report for this site. This report should include:
  - plans illustrating how this drainage system will tie into surrounding drainage systems, i.e., Is it part of an overall drainage scheme? How will external flows be accommodated? What is the design capacity of the receiving system?;
  - appropriate stormwater management techniques which may be required to control minor or major flows;
  - appropriate Stormwater Management Practices (SWMPs) to be used to treat stormwater, to mitigate the impacts of development on the quality and quantity of ground and surface water resources as it relates to fish and their habitat;
  - proposed measures to promote infiltration and maintain water balance for the draft plan area;

- the location and description of all outlets and other facilities which may require permits from the TRCA pursuant to the *Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation* (Ontario Regulation 166/06);
  - grading plans for the subject lands;
  - erosion and sediment control plans for the subject lands, prepared in accordance with the *Erosion and Sediment Control Guidelines for Urban Construction* (December 2006), that include proposed measures for controlling or minimizing erosion and siltation on-site and/or in downstream areas during and after construction.
44. That the stream realignment works outlined in TRCA Permit Nos. C-07768 and C-07767 be completed prior to the registration of this draft plan and/or any phase thereof.
  45. That the implementing zoning by-law recognize the realigned stream corridor on the subject property (the natural feature and hazards plus the requisite buffer) in an open space, or other suitable zoning category, which has the effect of prohibiting development, to the satisfaction of the TRCA.
  46. That a planting plan be prepared to the satisfaction of the TRCA for the open space lands, which includes the realigned stream corridor, stormwater management pond and landscape buffer.
  47. That the Owner submit for the review and approval of the TRCA a final copy of the Forested Area Compensation Plan.
  48. That the removal of the woodlot on the property not occur until confirmation is received from the City of Vaughan, the Regional Municipality of York and the TRCA, in consultation with the MNR, that the final Forested Area Compensation Plan is satisfactory.
  49. That the Owner submit a phasing plan to the satisfaction of the TRCA as it relates to the realignment of the stream corridor, the removal of the woodlot, the planting of the site, and the development works.
  50. That the Owner successfully obtain all necessary permits from the TRCA pursuant to the *Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation* (Ontario Regulation 166/06) prior to the start of the development.
  51. 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 43;
    - b) to carry out, or cause to be carried out, to the satisfaction of the TRCA, the works associated with the stream realignment referenced in Condition 44;
    - c) to carry out, or cause to be carried out, to the satisfaction of the TRCA, the recommendations and details of the Forested Area Compensation Plan referenced in Condition 47;
    - d) to refrain from removing the woodlot on the subject property until confirmation is received from the City of Vaughan, the Regional Municipality of York and the TRCA, in consultation with the MNR, that the final Forested Area Compensation Plan is satisfactory;
    - e) to install and 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;
    - f) to obtain all necessary permits from the TRCA pursuant to the *Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation* (Ontario Regulation 166/06);

- g) to erect a permanent fence along the entire western boundary of the property to the satisfaction of the TRCA.
- 52. That this draft plan of subdivision be subject to red-line revision(s) in order to meet the requirements of Conditions 43 through 54, if necessary.
- 53. That a copy of the fully executed subdivision agreement be provided to the TRCA when available, in order to expedite the clearance of conditions of draft approval.
- 54. Prior to final approval, the Owner shall address the following conditions to the satisfaction of the TRCA:
  - a) That the respective purchase and sale or lease agreements include a clause advising purchasers or leasees that the rear portion of the blocks and/or site must maintain a pervious surface at all times in order to ensure appropriate water balance of the blocks and/or site, or that other infiltration measures be incorporated on the blocks and/or site to ensure appropriate water balance is maintained (e.g., infiltration trenches), in conformity with the technical report referenced in Condition 43 and approved by the TRCA (as per the TRCA's letter dated July 24, 2008);
  - b) That it be registered on title, as a condition of site plan approval, that the rear portion of the blocks and/or site must maintain a pervious surface at all times in order to ensure appropriate water balance of the blocks and/or site, or that other infiltration measures be incorporated on the blocks and/or site to ensure appropriate water balance is maintained (e.g., infiltration trenches), in conformity with the technical report referenced in Condition 43 and approved by the TRCA (as per the TRCA's letter dated July 24, 2008); and
  - c) That the implementing zoning by-law recognize that the rear portion of the blocks and/or site must be maintained as a pervious surface at all times in order to ensure appropriate water balance of the blocks and/or site, or that other infiltration measures be incorporated on the blocks and/or site to ensure appropriate water balance is maintained (e.g., infiltration trenches), in conformity with the technical report referenced in Condition 43 and approved by the TRCA (as per the TRCA's letter dated July 24, 2008).

#### Ministry of Transportation

- 55. Prior to final approval, the Owner shall submit to the Ministry of Transportation for review and approval a copy of the Stormwater Management Plan, Site Grading and Servicing Plan, addressing the intended treatment of the calculated runoff.
- 56. Prior to final approval, the Owner shall submit to the Ministry of Transportation for review and approval a copy of a detailed calculation and illumination plan.

#### Canada Post

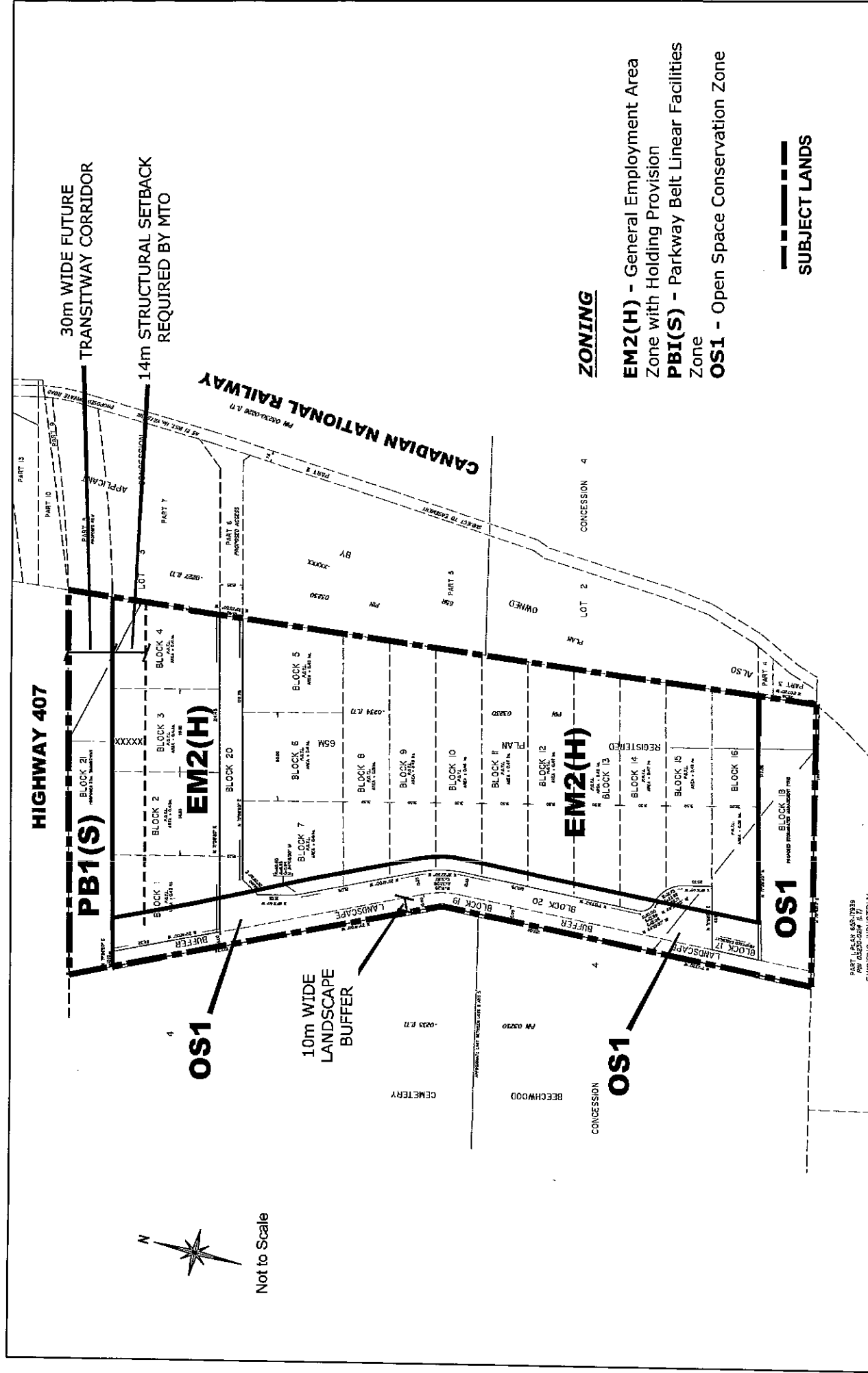
- 57. Prior to final approval, and if any of the buildings consist of more than two adjoining units sharing a common entrance, the Owner shall supply, install and maintain a centralized mailbox facility to Canada Post specifications. The Owner shall contact Canada Post well in advance of the construction start date, to discuss a mutual suitable mailbox/mailroom location.

#### Other Conditions

- 58. 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, and other essential services; and
  - b) all government agencies agree to registration by phases and provide clearances, as required in Conditions 58 to 63 inclusive, for each phase proposed for registration; furthermore, the required clearances may relate to lands not located within the phase sought to be registered.
- 59. The City shall advise that Conditions 1 to 36 inclusive, have been satisfied; the clearance letter shall include a brief statement detailing how each condition has been met.
  - 60. The Region of York shall advise that Conditions 37 to 42 inclusive, have been satisfied; the clearance letter shall include a brief statement detailing how each condition has been met.
  - 61. The Toronto and Region Conservation Authority shall advise that Conditions 43 to 54 inclusive, have been satisfied; the clearance letter shall include a brief statement detailing how each condition has been met.
  - 62. The Ministry of Transportation shall advise that Conditions 55 to 56 inclusive, have been satisfied; the clearance letter shall include a brief statement detailing how each condition has been met.
  - 63. Canada Post shall advise that Condition 57 has been satisfied; the clearance letter shall include a brief statement detailing how this condition has been met.





# Proposed Subdivision & Zoning

APPLICANT:  
INVAR (FRESHWAY) LIMITED  
Concession 4

Part of Lots 2 & 3,  
Concession 4



Development Planning Department

## Attachment

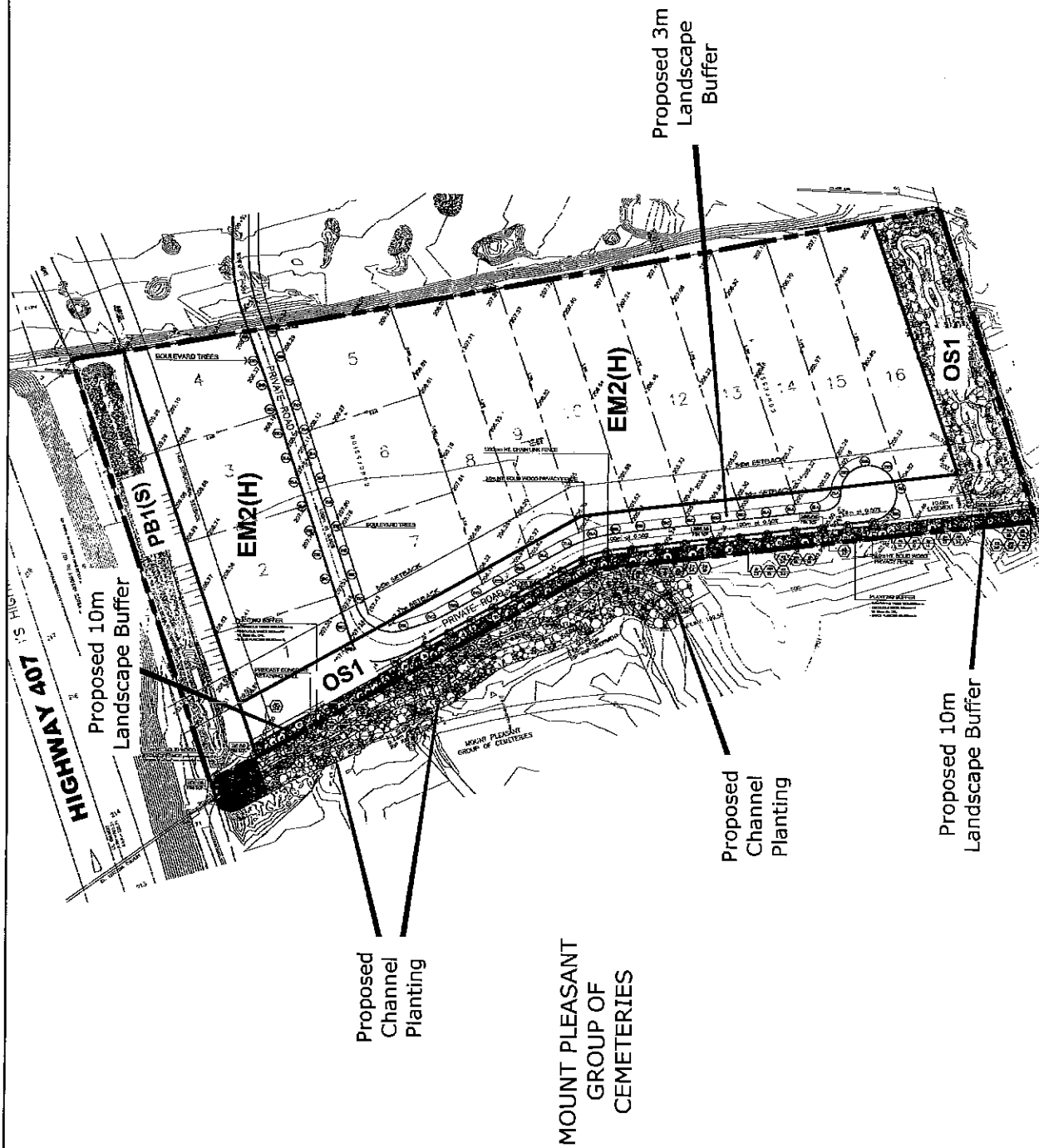
FILE No.:  
19T-06V09  
RELATED FILES:  
Z.06.054 & OP.06.024  
August 21, 2008

### ZONING

- EM2(H) - General Employment Area  
Zone with Holding Provision
- PB1(S) - Parkway Belt Linear Facilities  
Zone
- OS1 - Open Space Conservation Zone

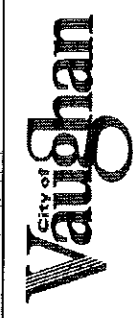
--- SUBJECT LANDS





# Proposed Landscape Buffer & Boulevard Plan

APPLICANT: INVAR (FRESHWAY) LIMITED  
 Part of Lots 2 & 3, Concession 4



Development Planning Department

# EMPLOYMENT AREA (EAST) STRUCTURAL PLAN

THIS IS SCHEDULE '2C'  
TO AMENDMENT NO. 450

ADOPTED THE 3RD DAY OF OCTOBER, 1994

L.D. JACKSON








MAYOR

J.D. LEACH

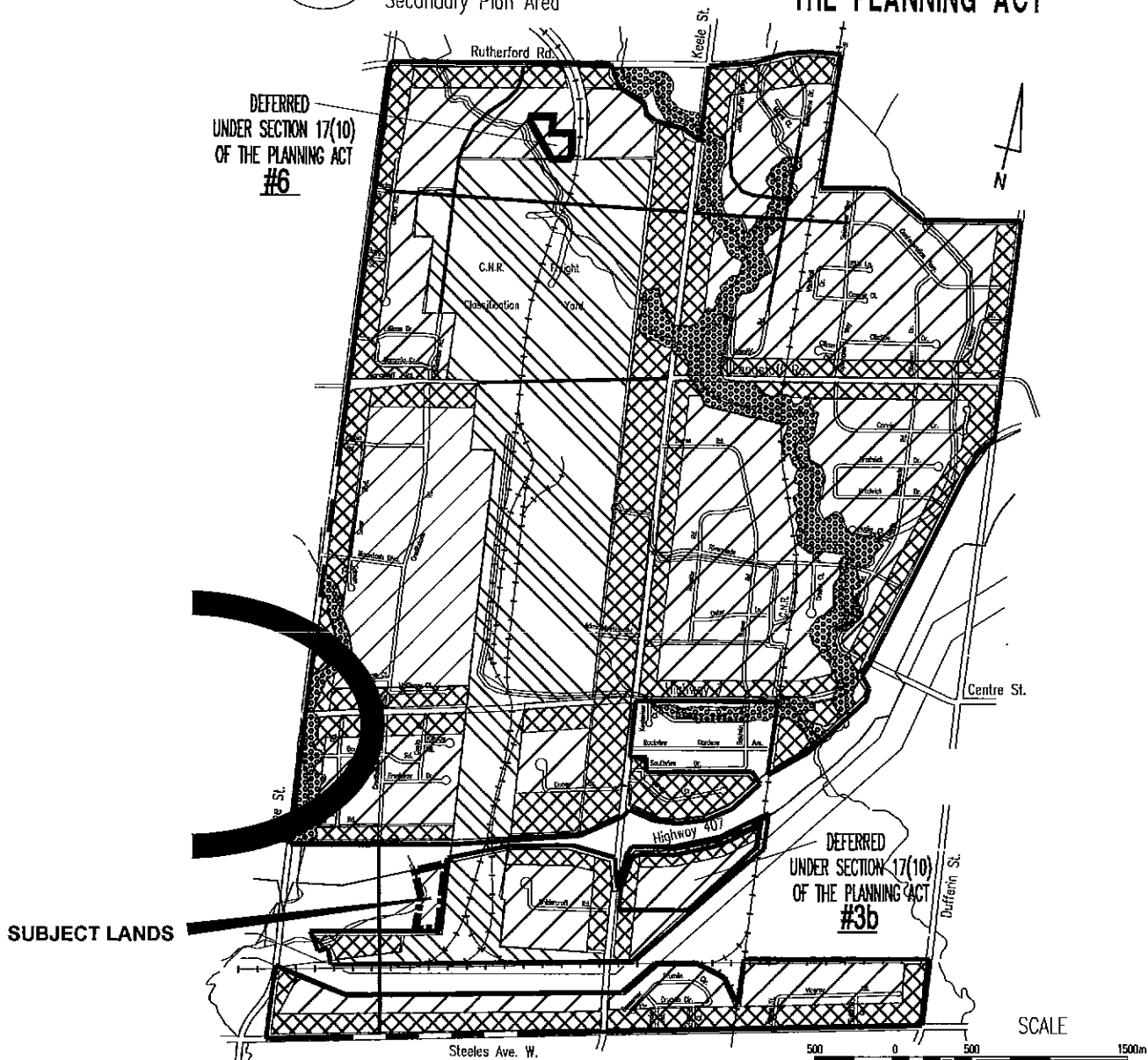
CLERK

AND MARCH 25, 1996

REVISED FEBRUARY 26, 1996

-  Amendment Area
-  Prestige Area
-  Employment Area General
-  Rail Facilities
-  Valley Lands (Valley Corridors)
-  Stream Corridors
-  Vaughan Corporate Centre  
Secondary Plan Area

MODIFICATION  
No. 31  
UNDER SECTION 17(9) OF  
THE PLANNING ACT



**Land Use Schedule '2C'**  
**OPA #450**  
**(Employment Area Plan)**

APPLICANT:  
INVAR (FRESHWAY) LIMITED

Part of Lots 2 & 3,  
Concession 4

**City of**  
**Vaughan**

*The City Above Toronto*

Development Planning Department

**Attachment**

FILE No.:  
19T-06V09  
RELATED FILES:  
Z.06.054 & OP.06.024

August 21, 2008

**5**

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