

COMMITTEE OF THE WHOLE JUNE 23, 2009

**ZONING BY-LAW AMENDMENT FILE Z.08.049
DRAFT PLAN OF SUBDIVISION FILE 19T-08V07
CHIDLEY GLEN BUILDING CORPORATION LTD.
WARD 2**

Recommendation

The Commissioner of Planning recommends:

1. THAT Zoning By-law Amendment File Z.08.049 (Chidley Glen Building Corporation Ltd.) BE APPROVED, to amend Zoning By-law 1-88, specifically to rezone the subject lands shown on Attachments #2 and #3 from A Agricultural Zone to R1 Residential Zone and OS1 Open Space Conservation Zone, together with the following zoning exceptions to implement the proposed plan of subdivision consisting of 34 lots as shown on Attachments #4 and #5:
 - a) permit a minimum front yard setback of 6.0m, whereas 7.5 m is required;
 - b) permit a maximum lot coverage of 40%, whereas 35% is permitted; and,
 - c) permit a minimum interior side yard setback of 1.2 m, whereas 1.5 m is required.
2. THAT Draft Plan of Subdivision File 19T-08V07 (Chidley Glen Building Corporation Ltd.) as shown on Attachment #4, BE APPROVED, subject to the conditions set out in Attachment #1.
3. THAT Council pass the following resolution with respect to the allocation of sewage and water servicing capacity:

"IT IS HEREBY RESOLVED THAT Draft Plan of Subdivision Application 19T-08V07 is allocated sewage capacity from the York-Durham Servicing Scheme and water supply capacity from the York Water Supply System for a total of 34 single family residential units."
4. THAT the subdivision agreement shall contain a provision requiring the Owner to pay Vaughan by way of certified cheque, cash-in-lieu of the dedication of parkland equivalent to 5% of the value of the subject lands, prior to the issuance of a Building Permit, in accordance with the Planning Act and the City's Cash-in-lieu Policy. The Owner shall submit an appraisal of the subject lands, in accordance with Section 42 of the Planning Act, prepared by an accredited appraiser for approval by the Vaughan Legal Department, Real Estate Division, and the approved appraisal shall form the basis of the cash-in-lieu payment.

Contribution to Sustainability

The applicant has advised that the following sustainable features, but not limited to, will be included within the subdivision design to create a healthy community:

- i) preservation of existing trees to the greatest extent possible;
- ii) planting of native species within the buffer area; and,
- iii) energy efficient street lighting in accordance with Vaughan Engineering protocol.

Economic Impact

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

Communications Plan

On September 12, 2008, a Notice of Public Hearing was circulated to all property owners within 120 m of the subject lands, and to Mrs. Franca Stirpe and the Friends of the Village Group. Several residents within the area expressed concern with respect to technical matters of the proposal at the October 6, 2008 Public Hearing and through correspondence provided to the Development Planning Department. The residents concerns will be discussed in greater detail later in this report. The recommendation of the Committee of the Whole to receive the Public Hearing Report of October 6, 2008, and to forward a comprehensive report to a future Committee of the Whole Meeting was ratified by Council on October 27, 2008.

Purpose

The Owner has submitted the following applications on the subject lands shown on Attachments #2 and #3:

1. An application to amend the Zoning By-law (File Z.08.049), specifically to rezone the subject lands from A Agricultural Zone to R1 Residential Zone (minimum 18 m frontages) with the following zoning exceptions to implement the proposed residential draft plan of subdivision, as shown on Attachments #4 and #5:

<u>Zoning Requirement</u>	<u>By-law 1-88</u>	<u>Proposed</u>
Minimum Front Yard Setback	7.5m	6.0m
Minimum Interior Side Yard Setback	1.5m	1.2m
Maximum Lot Coverage	35%	40%

The landscaped buffer (Block 39) adjacent to Islington Avenue will be rezoned from A Agricultural Zone to OS1 Open Space Conservation Zone, and conveyed to the City.

2. A Draft Plan of Subdivision Application (File 19T-08V07) to facilitate a residential plan of subdivision as shown on Attachment #4, consisting of the following:
 - 34 lots for detached dwellings (18.3 m – 24.8 m frontages) 3.136 ha
 - Road 0.749 ha
 - Landscape Buffer 0.092 ha
 - 0.3 reserves 0.001 ha
 - Total Site Area 3.978 ha

Background - Analysis and Options

The subject lands shown on Attachments #2 and #3 are located on the west side of Islington Avenue, north of Langstaff Road, municipally known as 8700 Islington Avenue, in Part of Lot 12, Concession 7, City of Vaughan. The Reeves Florist and Nursery currently operates on the subject lands (since 1969). The surrounding land uses are shown on Attachment #3.

Official Plan

The subject lands are designated "Low Density Residential" with a small portion designated "General Commercial" by OPA #240 (Woodbridge Community Plan). The Agricultural Zone permits the existing retail nursery use on the subject lands. Also, the site-specific zoning exception permits the retail sale of frozen yogurt products. However, as the sale of this product does not exist at the Reeves site, the "Low Density Residential" designation would apply to the entire property, and the proposed residential subdivision would conform to the Official Plan.

The "Low Density Residential" designation permits the proposed detached dwelling units at a maximum gross density of 8.6 units/ha. Based on the property size of 3.978 ha, a total of 34 units would be permitted, and are proposed. The proposed draft plan of subdivision conforms to the Official Plan.

Zoning

The subject lands are zoned A Agricultural Zone by By-law 1-88, subject to Exception 9(169). To facilitate the proposed draft plan of subdivision as shown on Attachment #4, a zoning by-law amendment is required to rezone the property from A Agricultural Zone to R1 Residential Zone and the landscape buffer block abutting Islington Avenue to OS1 Open Space Conservation Zone, as shown on Attachment #5.

The following site-specific zoning exceptions are required to facilitate the proposed draft plan of subdivision:

- a) a minimum front yard setback of 6.0 m, whereas 7.5 m is required;
- b) a maximum lot coverage of 40%, whereas 35% is permitted; and,
- c) a minimum interior side yard setback of 1.2 m, whereas 1.5 m is required.

The proposed exceptions will contribute to creating a development that is consistent with good urban design principles. The subdivision design has been prepared with an underlying "eyes on the street" design principle of Crime Prevention Through Environmental Design (CPTED) for safety and security. In addition, the proposed setbacks will maximize the rear yards and provide for additional private space on each lot. Furthermore, one of the principles of the subdivision design was to maximize the preservation of existing and mature trees to the greatest extent possible.

The Development Planning Department has no objections to the above-noted exceptions to By-law 1-88, which will facilitate an appropriate subdivision design.

Subdivision Design

The proposed draft plan of subdivision shown on Attachment #4 is comprised of 34 lots for single family dwelling units, which is both consistent with and provides an extension of the existing community to the west, as shown on Attachment #4. The proposal would extend Charmaine Road into a crescent pattern with proposed lots frontages of 18.3m-28.4m. The proposed road allowance has a width of 20.0m.

Residents Concerns

Although the residents are generally in support of the proposed land use, some of the residents in the area have expressed the following concerns with respect to the applications:

- i) orientation of the corner lots;
- ii) preservation of trees;
- iii) traffic;
- iv) safety;
- v) construction access;
- vi) location of mail delivery boxes; and
- vii) lack of sidewalks.

The applicant has attempted to discuss the proposal with surrounding residents throughout the development approvals process. The Development Planning Department understands that the applicant has met with the Local Councillor and the residents on at least three occasions being September 24, 2008, September 30, 2008 and February 9, 2009. The draft plan has been

revised since the October 6, 2008 Public Hearing and better addresses some of the above concerns of the residents.

i) and ii) Orientation of corner lots and preservation of trees

Lots 1 and 2 as shown on Attachments #4 and #5 have been re-oriented in a north/south direction (previously was east/west) and are consistent with the lotting fabric on the west side of Charmaine Road. Lots 20 and 21 remain as originally proposed, but, are consistent with the abutting lotting fabric to the south (along east side of Charmaine Road). Maintaining proposed Lots 20 and 21 as shown also allows greater flexibility in preserving existing trees. The applicant has submitted a preliminary Tree Preservation Plan which the Development Planning Department finds to be acceptable. Formal approval of the Tree Study will occur as conditions of subdivision approval are cleared, prior to the registration of the subdivision plan.

iii) and iv) Traffic and Safety

The Owner has also submitted a Traffic Impact Study which was reviewed and is acceptable to the Vaughan Engineering Department. Formal review and approval of any traffic stops at the Charmaine Road intersections will occur at the detailed design stage during the subdivision registration process. The revised draft plan also shows an increased right-of-way width of 20 m for the proposed road, whereas it was originally proposed as 17.5m at the Public Hearing.

v) Construction access

The Region of York has included conditions of draft approval (as provided on Attachment #1) with respect to construction access from Islington Avenue and minimizing access onto Kiloran Avenue as follows:

"The Owner shall agree, that construction access for the purposes of site demolition, site servicing and grading, construction of the subdivision roads and utilities, basement excavation, construction of foundations and footings, shall be via the existing site access to Islington Avenue. Upon completion of this work the existing Islington Avenue access to the lands shall be closed and the Islington Avenue right-of-way restored to match the adjacent conditions."

"The Owner shall agree that construction access for the purposes of home construction within the plan of subdivision shall be via Kiloran Avenue and Charmaine Road. Construction access for this purpose will not be permitted from Islington Avenue, except for the purpose and timeframe noted in the condition above."

vi) Location of mail delivery boxes

Canada Post has no objection to the approval of the draft plan of subdivision, subject to the conditions provided on Attachment #1. This condition includes a clause requiring the Owner to consult with Canada Post to determine the most suitable location for the community mail delivery boxes.

vii) Lack of sidewalks

The City's Sidewalk Policy does not require sidewalks within a subdivision of less than 40 units. On February 24, 2009, Vaughan Council adopted the following resolution put forward by the applicant respecting the proposed plan of subdivision:

"Recognizing that our proposal complies with the current City standard regarding the provision of sidewalks, and in the interest of advancing this project, we feel

that the decision to install or not install a sidewalk should realistically be left to the future residents of the new homes to be built within the proposed development. In this context, we would be prepared to post with the City, a Letter of Credit for the value of the sidewalk construction, for a period of five (5) years from the date of registration of the plan of subdivision.”

The Owner is amenable to the above referenced resolution and further notes that the increased right-of-way (i.e. 20.0m) will contribute to greater consistency with the surrounding community.

Energy Star

On November 12, 2007, Vaughan Council adopted Energy Star Conditions to be included in all Draft Plan of Subdivision approvals. The subdivision plan will be subject to the Energy Star requirements, and the conditions of approval are included on Attachment #1.

Vaughan Engineering Department

The Vaughan Engineering Department provides the following comments:

a) Environmental Site Assessment

The Owner has submitted a Phase I and II Environmental Site Assessment report which the City has reviewed and found to be acceptable. Prior to the final registration of the plan of subdivision, or prior to the demolition of any structure, whichever comes first, a Designated Substance Survey (DSS) Report is to be submitted to the Development/Transportation Engineering Department for review and approval.

b) Sewage and Water Allocation

In accordance with the City's Servicing Capacity Distribution Protocol as adopted by Council on April 14, 2009, formal allocation of Servicing Capacity is required for this development. The subdivision application is listed on the Reservation Schedule, and provides a reservation of servicing capacity for a total of 34 units. A formal allocation resolution is included in the recommendation of this report.

c) Water Supply

The draft plan is located within the service area of Pressure District 5 of the York Region Water Supply System. The Plan is located within City of Vaughan Pressure District 5. A watermain loop for fire protection and water quality assurance shall be provided. Connections shall be to the existing 200mm diameter watermain on Charmaine Road at the north and south ends of Street "A". An existing 200mm diameter stub will be utilized at the north end of Street "A" and an existing 150mm diameter stub will be upgraded to 200mm at the south end of Street "A".

d) Storm Drainage

The majority of stormwater will be conveyed from the proposed development to the existing 1050mm and 1200mm diameter storm sewers on Charmaine Road at the north and south ends of Street "A", respectively. An existing 375mm diameter sewer will be utilized at the north end of Street "A" and an existing 600mm diameter sewer will be utilized at the south end of Street "A". Approximately 0.86ha of rear yard drainage from the lots that back onto Islington Avenue and the south property line will continue to drain to two existing culverts that are located within the proposed landscape buffer along Islington Avenue. These culverts outlet on the east side of Islington Avenue and will be connected to proposed rear lot catchbasins within the development.

Prior to final approval of the plan, the Owner shall provide a storm water management report for the review and approval of the City.

e) Sanitary Servicing

The draft plan can be serviced by connecting to the existing 250mm diameter sanitary sewer on Charmaine Road at the north and south ends of Street "A". An existing 250mm diameter sewer will be utilized at the south end of Street "A" and a new 250mm diameter sewer will be added at the north end of Street "A".

f) Noise Attenuation

Due to the proximity of the proposed draft plan of subdivision to Islington Avenue, the Owner is required to submit a noise report for review and approval by the City as part of the detailed engineering submission. Despite the preliminary recommendations in the noise report, the City requires all dwelling units that abut or face an arterial road such as Islington Avenue to be constructed with mandatory central air-conditioning.

g) Streetlighting

The streetlighting design shall meet the City criteria within the proposed draft plan of subdivision.

Vaughan Cultural Services Division

The Vaughan Cultural Services Division has no objection to the approval of this draft plan of subdivision, subject to the conditions of approval on Attachment #1.

Vaughan Parks Development Department

The Vaughan Parks Development Department has no objections to the approval of the subject applications. The applicant is to provide cash-in-lieu of parkland dedication in accordance with the requirements of the Planning Act. Open space and stormwater pond areas shall not form part of the cash-in-lieu of parkland dedication calculation.

Toronto and Region Conservation Authority (TRCA)

The TRCA has reviewed the proposed draft plan of subdivision and related zoning application and supports the approval of the applications, subject to the conditions of subdivision approval provided on Attachment #1. The TRCA notes that it appears that Lots 14 and 15 are situated within the TRCA's Regulated area. Accordingly, any submission related to the placing of fill and/or site grading will require approvals from the TRCA under Ontario Regulation 166/06.

Canada Post

Canada Post has no objection to the approval of the draft plan of subdivision and zoning application, subject to the conditions provided on Attachment #1.

Relationship to Vaughan Vision 2020/Strategic Plan

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 no objection to the approval of the draft plan, provided water and sewer servicing capacity has been allocated, and subject to the conditions outlined on Attachment #1.

Conclusion

The Development Planning Department has reviewed the Draft Plan of Subdivision and Zoning By-law Amendment Applications to permit a 34 lot subdivision. The proposal conforms with the policies of the Official Plan and is consistent with the existing land use in the surrounding area. The proposed zoning categories and exceptions to By-law 1-88 are considered to be appropriate. Accordingly, the Development Planning Department recommends that the applications be approved, subject to the conditions provided in Attachment #1.

Attachments

1. Conditions of Draft Plan Approval
2. Context Location Map
3. Location Map
4. Draft Plan of Subdivision 19T-08V07
5. Proposed Zoning

Report prepared by:

Clement Messere, Planner, ext. 8409
Carmela Marrelli, Senior Planner, ext. 8791

Respectfully submitted,

JOHN ZIPAY
Commissioner of Planning

GRANT UYEVAMA
Director of Development Planning

/CM

ATTACHMENT NO. 1

CONDITIONS OF DRAFT APPROVAL

DRAFT PLAN OF SUBDIVISION 19T-08V07 CHIDLEY GLEN BUILDING CORPORATION LTD. PART OF LOT 12, 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-08V07, ARE AS FOLLOWS:

Conditions of Approval

City of Vaughan Conditions

1. The Plan shall relate to the draft plan of subdivision, prepared by Weston Consulting Group Inc., drawing #D2, dated March 17, 2009.
2. The lands within this Plan shall be appropriately zoned by a zoning by-law which has come into effect in accordance with the provisions of The Planning Act. Particular zoning categories to be applied are as follows:
 - a) rezone Lots 1-34 from A Agricultural Zone to R1 Residential Zone;
 - b) rezone Block 39 from A Agricultural Zone to OS1 Open Space Conservation Zone; and
 - c) include zoning exceptions to permit front yard setbacks of 6.0m; a maximum lot coverage of 40%; and a minimum interior side yard of 1.2m.
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 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.
6. The 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 within the Plan shall be designed in accordance with the City's engineering standards and shall be dedicated to the City free of all charge and encumbrances. The streets, lots and blocks shall be designed to coincide with the development pattern on adjacent properties.
8. Any dead end or open side of a road allowance within the Plan shall be terminated in a 0.3m reserve, to be conveyed to the City free of all charge and encumbrances, until required for a future road allowance or development of adjacent lands.

9. Final engineering design(s) may result in minor variations to the Plan (eg., in the configuration of road allowances and lotting, number of lots etc.), which may be reflected in the final plan to the satisfaction of the City.
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 to the City for review and approval, and the Owner shall agree to implement the recommendations of such report, as approved by the City. 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.
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 all lots or blocks to be left vacant shall be graded, seeded, maintained and signed to prohibit dumping and trespassing.
14. The Owner shall agree in the subdivision agreement that no building permits will be applied for or issued until the City is satisfied that adequate road access, municipal water supply, sanitary sewers, and storm drainage facilities are available to service the proposed development.
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 Director of Development Planning, prior to issuance of a building permit.
16.
 - a) Prior to the initiation of grading or stripping of topsoil and prior to final approval, the Owner shall submit an environmental site assessment report(s) in accordance with the "Ministry of Environment and Energy's Guidelines for Use at Contaminated Sites in Ontario, June 1996", as amended, and shall reimburse the City for the cost of peer review of the reports.
 - b) Should site remediation be required to meet the applicable soil and ground water criteria set out in the above Guidelines, the Owner shall submit to the City, prior to final approval, a copy of the Record of Site Condition acknowledged by a Provincial Officer of the Ministry of the Environment.
 - c) The Owner shall provide a certificate by a qualified professional that all lands within the Plan and any lands and easements external to the Plan to be dedicated to the City, meet the applicable soil and ground water criteria noted above.
17.
 - a) 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 for approval by the City, a detailed engineering report(s) that describes the storm drainage system for the proposed development, which 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;
 - ii) the location and description of all outlets and other facilities;

- 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; and
 - vi) stormwater management practices 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.
 - b) The Owner shall agree in the subdivision agreement to carry out, or cause to carry out, the recommendations set out in any and all of the aforementioned report(s) to the satisfaction of the City.
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., 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 and/or vibration study, prepared by a qualified consultant for approval by both the City and the Region of York. 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 implement the approved abatement measures.
21. The Owner shall convey the following lands to the City, where appropriate, free of all charge and encumbrances:
- a) Block 39 for landscaping purposes.
22. The Owner shall agree in the subdivision agreement to design, purchase material and install a street lighting system in the Plan in accordance with City Standards and specifications. This Plan shall be provided with decorative streetlighting to the satisfaction of the City.
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 an Urban Design and Architectural Design Guidelines.

24. Prior to final approval, the Owner shall submit a tree assessment/tree 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 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.
26.
 - 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.
27. The Owner shall agree to the ENERGY STAR[®] conditions as follows:
 - a) 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 (Version 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.
 - b) 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 (EGNH) 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.
 - c) 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[®] for New Homes program, including signing an ENERGY STAR[®] Participant Administrative Agreement for Builders of ENERGY STAR[®] Qualified New Houses.
 - d) Prior to the issuance of an occupancy permit (provisional occupancy certificate), the Owner shall provide testing verification for each dwelling unit to the City to ensure that all homes have been ENERGY STAR[®] qualified at the completion of construction. ENERGY STAR[®] labeling shall be affixed to the home.

28. The Owner shall cause the following warning clauses to be included in a schedule to all Offers of Purchase and Sale, or Lease for all lots/blocks:

a) within the entire subdivision plan:

- "Purchasers and/or tenants are advised that despite the inclusion of noise control features within both the development area and the individual building units, noise levels, including from construction activities, may be of concern and occasionally interfere with some activities of the dwelling occupants."
- "Purchasers and/or tenants are advised that the proposed finished lot and/or block grading may not meet City of Vaughan lot grading criteria in certain areas, to facilitate preservation of existing vegetation and to maintain existing adjacent topographical conditions."
- "Purchasers and/or tenants are advised that traffic-calming measures may have been incorporated into the road allowances."
- "Purchasers and/or tenants are advised that the planting of trees on City boulevards in front of residential units is a requirement of the City and a conceptual location Plan is included in the subdivision agreement. While every attempt will be made to plant trees as shown, the City reserves the right to relocate or delete any boulevard tree without further notice."
- "Purchasers and/or tenants are advised that the City has not imposed a "tree fee", or any other fee, which may be charged as a condition of purchase, for the planting of trees. Any "tree fee" paid by a purchaser for boulevard trees does not guarantee that a tree will be planted on the boulevard adjacent to their residential dwelling."
- "Purchasers and/or tenants are advised that mail delivery will be from a designated community mailbox, the location of which will be identified by the Owner prior to any home closings."
- "Purchasers and/or tenants are advised that any roads ending in a dead end or cul-de-sac may be extended in the future to facilitate development of adjacent lands, without further notice."
- "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."

29. 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 Plan for the broader area, showing surrounding land uses, arterials/highways, railways and hydro lines, etc.
- the location of street utilities, community mailboxes, entrance features, fencing and noise attenuation features, together with the sidewalk plan approved in conjunction with draft plan approval.

- the location of parks, open space, stormwater management facilities and trails.
- the location of institutional uses, including schools, places of worship, community facilities.
- the location and type of commercial sites.
- colour-coded residential for singles, semis, multiples, and apartment units.
- the following notes in BOLD CAPITAL TYPE on the map:

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

"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."

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

30. Where the Owner proposes to proceed with the construction of a model home(s) prior to registration of the Plan, the Owner shall enter into an agreement with the City, setting out the conditions, and shall fulfill relevant conditions of that agreement prior to issuance of a building permit.
31. 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.
32. 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.
33. Prior to final approval of the Plan, the Owner shall make the necessary arrangements at the expense of the Owner for the relocation of any utilities required by the development of the Plan to the satisfaction of the City.
34. The Owner acknowledges that the final engineering design(s) may result in amendments to the Plan (e.g., in the configuration of road allowances and lotting, number of lots, Block configuration and size, etc.), which may be reflected in the final plan to the satisfaction of the City.

35. The Owner shall maintain adequate chlorine residuals in the watermains within the Plan, from the time the watermains are connected to the municipal system until such time as the City issues Completion Approval. In order to maintain adequate chlorine residuals, the Owner may be required to either install automatic flushing devices or retain City Staff or a qualified consultant to carry out manual flushing to the satisfaction of the City. City staff will conduct the monitoring and testing for chlorine residual. The Owner shall be responsible for the costs associated with the monitoring, testing and flushing of the watermain system including water used in the program.

In the event that water quality test results do not meet Ontario Drinking Water Quality Standards, at the request of the City, the Owner shall immediately prepare and submit a Water Quality Analysis Report to the satisfaction of the City. The report shall identify all remedial action required, including the need and frequency of a flushing program, in order to continuously maintain minimum required drinking water quality standards throughout the construction occupancy phasing of the Plan.

Where a flushing program is required, the Water Quality Analysis Report shall estimate the total volume of water required to facilitate the proposed flushing program. Supporting calculations shall be included within the report based on actual system operating pressures (as monitored in the field) and based on as-constructed network details.

Based on the results of the Water Quality Analysis Report, the City shall charge the Owner at current retail water and sewer rates for the total volume of water consumed throughout the duration of the program.

36. Prior to final approval, an environmental noise study, prepared by a qualified consultant, at the Owner's expense shall be submitted to the City for review and approval. The preparation of the noise report shall include the ultimate traffic volumes associated with the surrounding road network according to the Ministry of Environment and Energy Guidelines. The Owner shall agree in the subdivision agreement to carry out, or cause to carry out, the recommendation set out in the approved noise/vibration report, to the satisfaction of the City.

37. 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 Region of York Transportation Services Department. Construction access to the Plan shall be from Islington Avenue, as shown on the Construction Drawings, and may remain open until the basements are excavated and the foundations and footings are constructed.

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.

The Owner shall remove the construction access when directed by the City to do so.

38. Prior to final approval, the Owner shall prepare a landscape master plan, the plan shall address but not be limited to the following issues:
- Co-ordination of the urban design/streetscape elements as they relate to the approved urban design guidelines; and,
 - Edge treatment along Islington Avenue including walls and fencing; typical cross-sections are required to determine appropriate locations for buffer landscaping.

Region of York Conditions

39. 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.
40. The Owner shall agree in the subdivision agreement that the Owner shall save harmless the area municipality and York Region from any claim or action as a result of water or sanitary sewer service not being available when anticipated.
41. The Owner shall agree in the subdivision agreement, in wording satisfactory to the Transportation Services Department, to be responsible to decommission any existing well on the Owner's lands in accordance with all applicable provincial legislation and guidelines and to the satisfaction of the area municipality.
42. Prior to final approval, the Owner shall provide drawings for the proposed servicing of 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 York Region Transportation Services Department, Attention: Mrs. Eva Pulnicki, P.Eng.
43. Prior to final approval and concurrent with the submission of the subdivision servicing application (MOE) to the area municipality, the Owner shall provide a set of engineering drawings, for any works to be constructed on or adjacent to the York Region road, to the Roads Branch, Attention: Manager, Development Approvals, that includes the following drawings:
 - a) Plan and Profile for the York Region road and intersections;
 - b) Grading and Servicing;
 - c) Intersection/Road Improvements, including the recommendations of the Traffic Report;
 - d) Construction Access Design;
 - e) Utility and underground services Location Plans;
 - f) Signalization and Illumination Designs;
 - g) Line Painting;
 - h) Traffic Control/Management Plans;
 - i) Erosion and Siltation Control Plans;
 - j) Landscaping Plans, including tree preservation, relocation and removals;
 - k) Requirements of York Region Transit/Viva
44. Prior to final approval, the location and design of the construction access for the subdivision work shall be completed to the satisfaction of the Transportation Services Department and illustrated on the Engineering Drawings.
45. Prior to final approval, the Owner shall demonstrate, to the satisfaction of the Transportation Services Department, that all existing driveway(s) along the Regional road frontage of this subdivision will be removed as part of the subdivision work, at no cost to York Region.
46. The Owner shall agree, that construction access for the purposes of site demolition, site servicing and grading, construction of the subdivision roads and utilities, basement excavation, construction of foundations and footings, shall be via the existing site access to Islington Avenue. Upon completion of this work the existing Islington Avenue access to the lands shall be closed and the Islington Avenue right-of-way restored to match the adjacent conditions.

47. The Owner shall agree that construction access for the purposes of home construction within the plan of subdivision shall be via Kiloran Avenue and Charmaine Road. Construction access for this purpose will not be permitted from Islington Avenue, except for the purpose and timeframe noted in Condition 46, above.
48. Prior to final approval, the Owner shall demonstrate to the Transportation Services Department that elevations along Islington Avenue shall meet the grades specified by the Transportation Services Department.
49. Prior to final approval, the Owner shall submit drawings depicting the following to the satisfaction of York Region staff:
 - a) All existing woody vegetation within the York Region road right-of-way;
 - b) Tree protection measures to be implemented on and off the York Region road right-of-way to protect right-of-way vegetation identified for preservation;
 - c) Any woody vegetation within the York Region road right-of-way that is proposed to be removed or relocated. However, it is to be noted that tree removal within York Region road right-of-ways shall be avoided to the extent possible/practical. Financial or other compensation may be sought based on the value of trees proposed for removal; and,
 - d) A planting plan for all new and relocated vegetation to be planted within the York Region road right of way, based on the following general guideline:

Tree planting shall be undertaken in accordance with York Region standards as articulated in Streetscaping Policy and using species from the Regional Street Tree Planting List. These documents may be obtained from the Forestry Section. If any landscaping or features other than tree planting (e.g. flower beds, shrubs) are required, as a condition of approval set out by the City of Vaughan, it is our explicit understanding that the City of Vaughan will assume responsibility for the maintenance for the enhanced landscaping.
50. Prior to final approval, the Owner shall engage the services of a consultant to prepare and submit for review and approval, a noise study to the satisfaction of the Transportation Services Department recommending noise attenuation features.
51. The Owner shall agree in the subdivision agreement, in wording satisfactory to the Transportation Services Department, to implement the noise attenuation features as recommended by the noise study and to the satisfaction of the Transportation Services Department.
52. The Owner shall agree in the subdivision agreement, in wording satisfactory to the Transportation Services Department, that where a noise berm, noise wall, window and/or oversized forced air mechanical systems are required, these features shall be certified by a professional engineer to have been installed as specified by the approved Noise Study and in conformance with the Ministry of Environment guidelines and the York Region Noise Policy.
53. The following warning clause shall be included in a registered portion of the subdivision agreement with respect to the lots or blocks affected:

"Purchasers are advised that despite the inclusion of noise attenuation features within the development area and within the individual building units, noise levels will continue to increase, occasionally interfering with some activities of the building's occupants".
54. Where noise attenuation features will abut a York Region right-of-way, the Owner shall agree in the subdivision agreement, in wording satisfactory to the Transportation Services Department, as follows:
 - a) that no part of any noise attenuation feature shall be constructed on or within the York Region right-of-way and/or 0.3 metre reserve as applicable;

- b) that noise fences adjacent to York Region roads shall be constructed on the private side of the buffer block and 0.3 metre reserve and may be a maximum 2.5 metres in height, subject to the area municipality's concurrence;
 - c) that maintenance of the noise barriers and fences bordering on York Region right-of-ways shall not be the responsibility of York Region; and
 - d) that landscaping provided on the Regional right-of-way by the Owner or the area municipality for aesthetic purposes must be approved by the Transportation Services Department and shall be maintained by the area municipality with the exception of the usual grass maintenance.
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 below. This includes current and potential transit routes, bus stops and shelter location. This can be achieved through distribution of information/marketing materials at sales offices and appropriate notification clauses in purchase agreements.

Existing YRT/Viva transit services operate on the following roadways in the vicinity of the subject lands:

- a) Islington Avenue;
 - b) Langstaff Road; and
 - c) Wycliffe Avenue.
56. Prior to final approval, the Owner shall demonstrate, to the satisfaction of the Transportation Services Department, that all local underground services will be installed within the area of the development lands and not within York Region's road allowance. If a buffer or easement is needed to accommodate the local services adjacent to York Region's right-of-way, then the Owner shall provide a satisfactory buffer or easement to the area municipality, at no cost to the Region.
57. The Owner shall agree in the subdivision agreement, in wording satisfactory to the Transportation Services Department that the Owner will be responsible for determining the location of all utility plants within the York Region right-of-way and for the cost of relocating, replacing, repairing and restoring any appurtenances damaged during construction of the proposed site works. The Owner must review, or ensure that any consultants retained by the Owner, review, at an early stage, the applicable authority's minimum vertical clearances for aerial cable systems and their minimum spacing and cover requirements. The Owner shall be entirely responsible for making any adjustments or relocations, if necessary, prior to the commencement of any construction.
58. Prior to final approval, the Owner shall provide a copy of the subdivision agreement to the Transportation Services Department, outlining all requirements of the Transportation Services Department.
59. 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-0007-2007-040.

TRCA

60. Prior to any grading taking place on the land, the applicant successfully obtain permit approval pursuant to Ontario Regulation 166/06 for the lands.

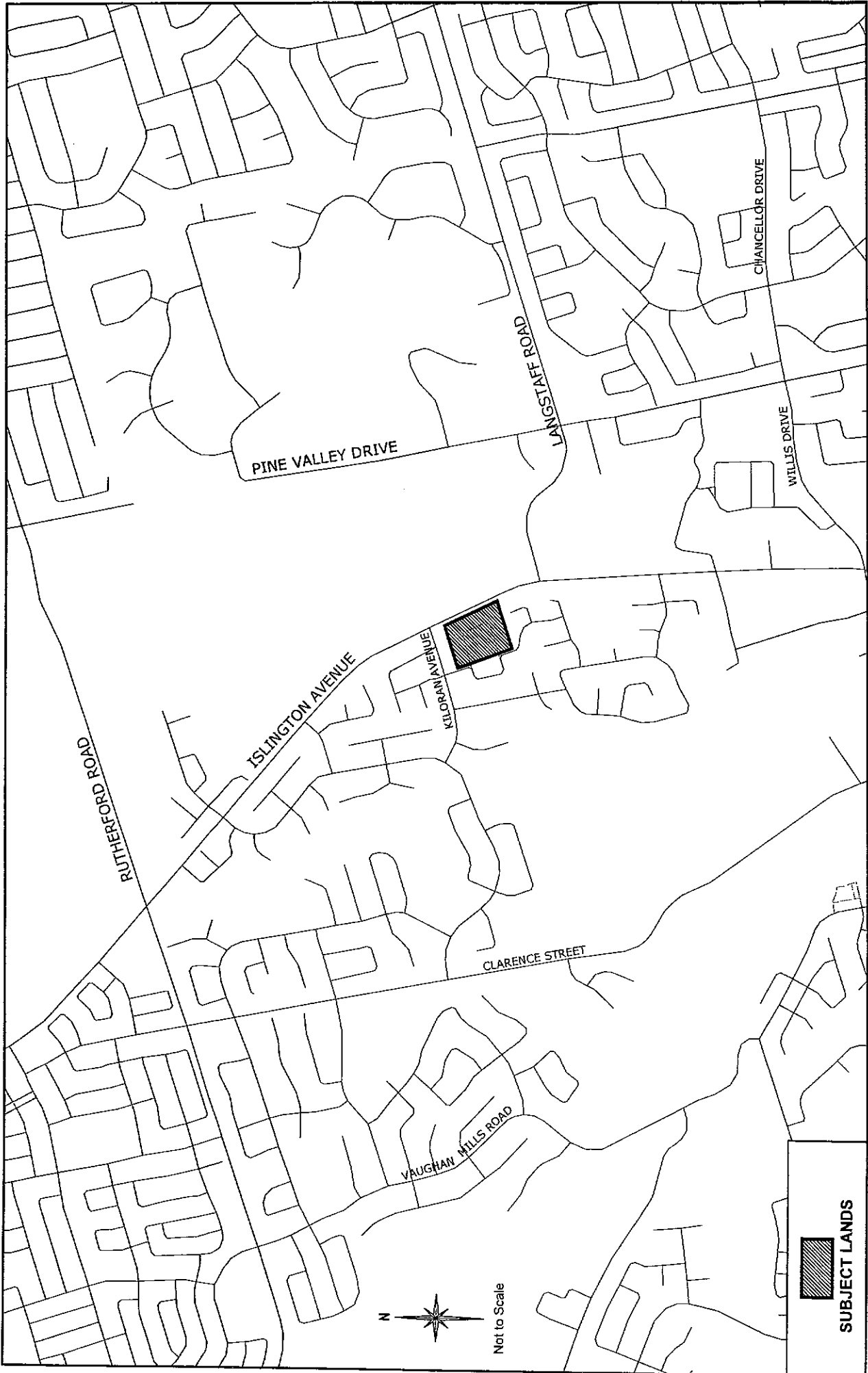
Canada Post

61. The Owner shall agree to:

- a) provide the following for each community mailbox site, as shown on the servicing plans:
 - i) a sidewalk section (concrete pad) as per municipal standards, to place the Community Mailboxes on;
 - ii) any required walkway across the boulevard, as per municipal standards; and,
 - iii) any required curb depressions for wheelchair access.
- b) provide a suitable temporary community mailbox(s) location until the curbs, sidewalks and final grading have been completed at the permanent location(s);
- c) include in all offers of purchase and sale, a statement which advises the prospective purchaser that mail delivery will be from a designated Community Mailbox;
- d) notify the purchaser of the exact Community Mailbox locations prior to the closing of any home sale; and,
- e) consult with Canada Post Corporation to determine suitable locations for the placement of Community Mailboxes and to include these locations on the appropriate servicing plans.

Other Conditions

- 62. 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 61 inclusive, for each phase proposed for registration; furthermore, the required clearances may relate to lands not located within the phase sought to be registered.
- 63. The City shall advise that Conditions 1 to 38 inclusive, have been satisfied; the clearance letter shall include a brief statement detailing how each condition has been met.
- 64. The Region of York shall advise that Conditions 39 to 59 inclusive, have been satisfied; the clearance letter shall include a brief statement detailing how each condition has been met.
- 65. The Toronto and Region Conservation Authority shall advise that Condition 60 has been satisfied; the clearance letter shall include a brief statement detailing how the condition has been met.
- 66. Canada Post shall advise that Condition 61 has been satisfied; the clearance letter shall include a brief statement detailing how the condition has been met.

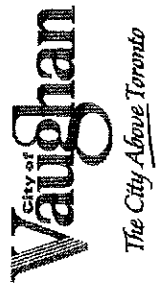


 SUBJECT LANDS

Context Location Map

Part of Lot 12,
Concession 7

Applicant:
CHIDLEY GLEN BUILDING CORPORATION LTD.
N:\DPT\1 ATTACHMENTS\15\151-08-07-05-049c.dwg



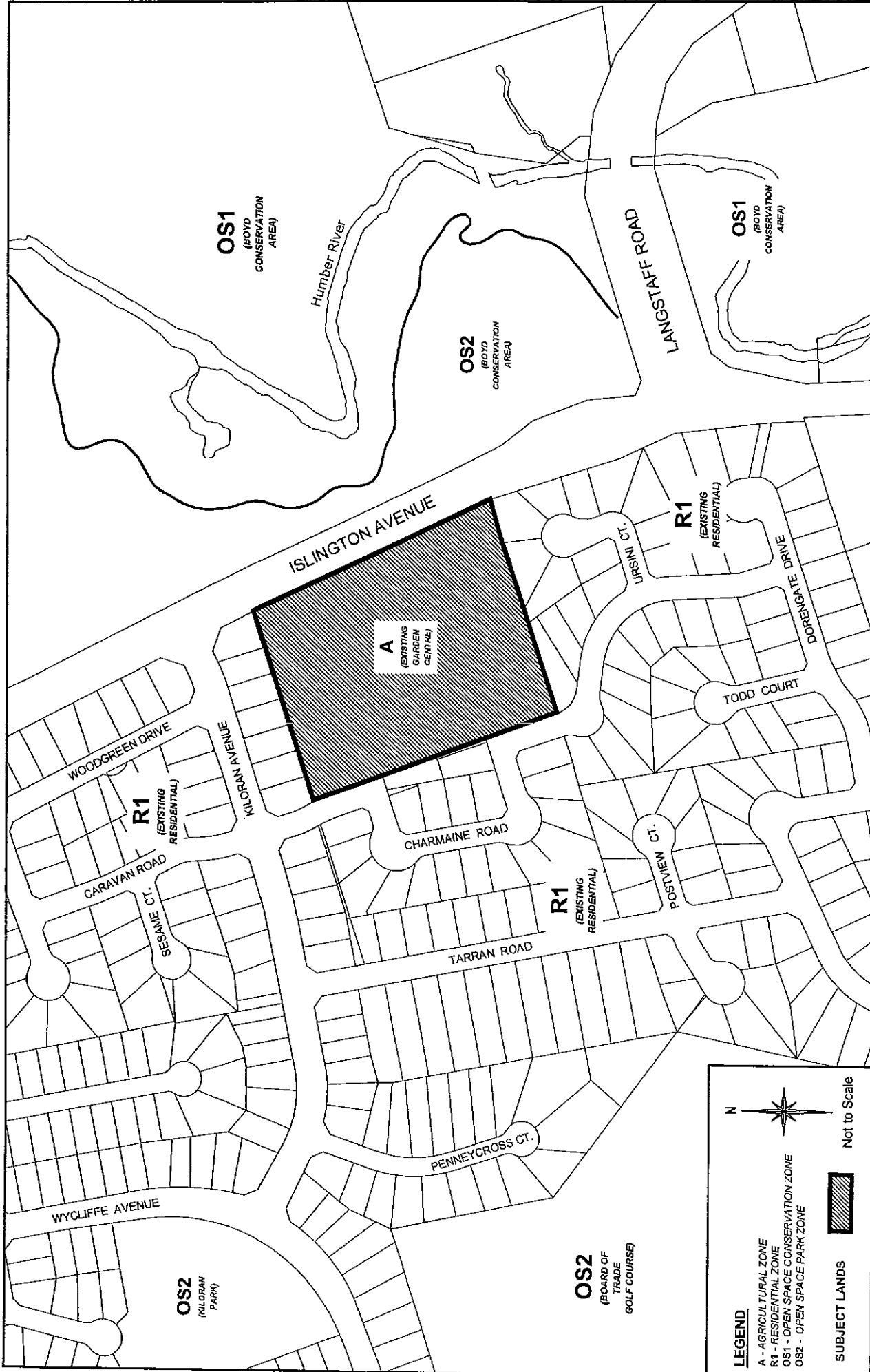
Development Planning Department

Attachment

File: 19T-08V07
& Z.08.049

Date:
May 21, 2009

2

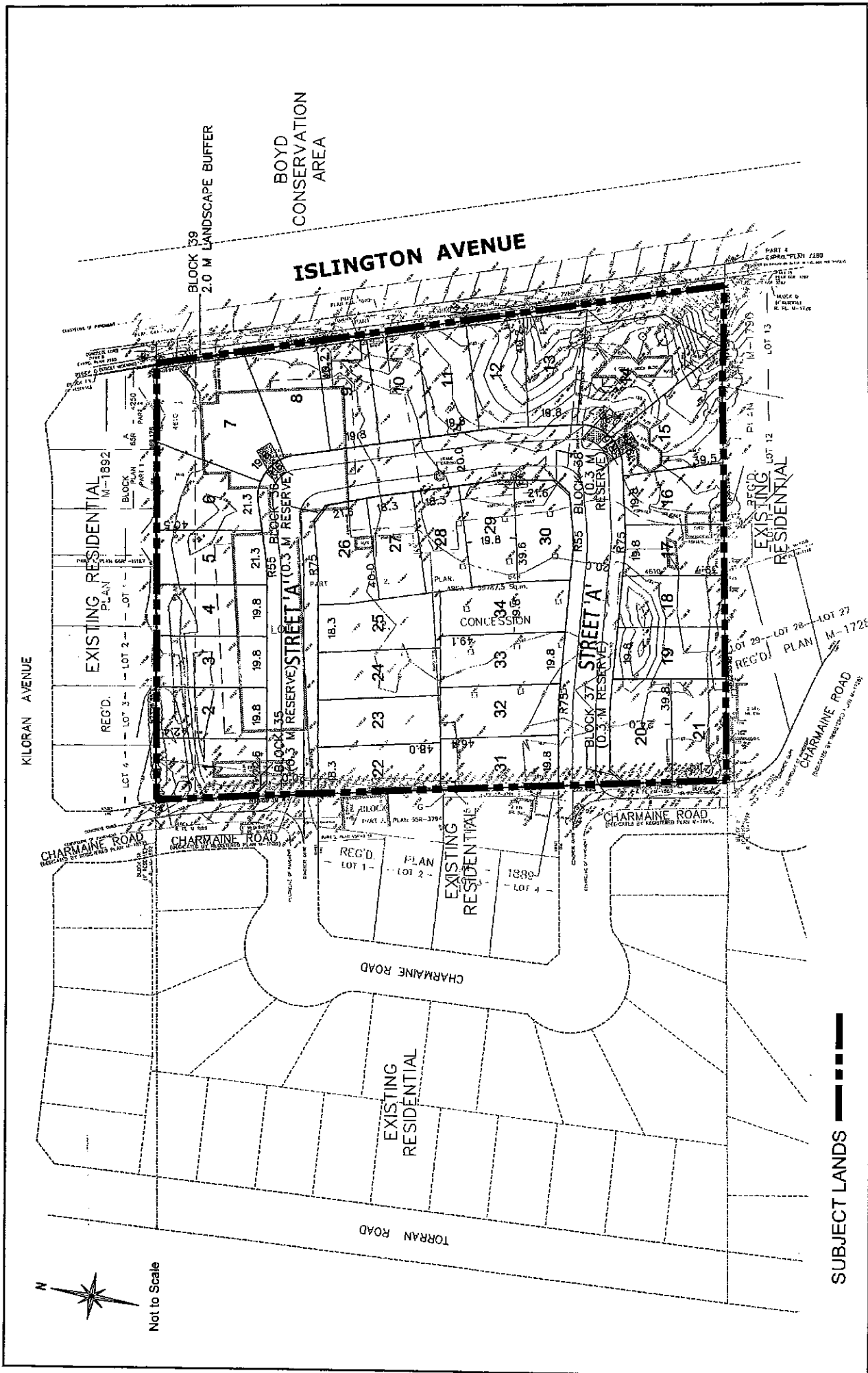


Development Planning Department

Location Map

Part of Lot 12,
 Concession 7

Applicant:
 CHIDLEY GLEN BUILDING CORPORATION LTD.
 \NA\B\1 ATTACHMENTS\19\19T-08V07.Z08.049.dwg

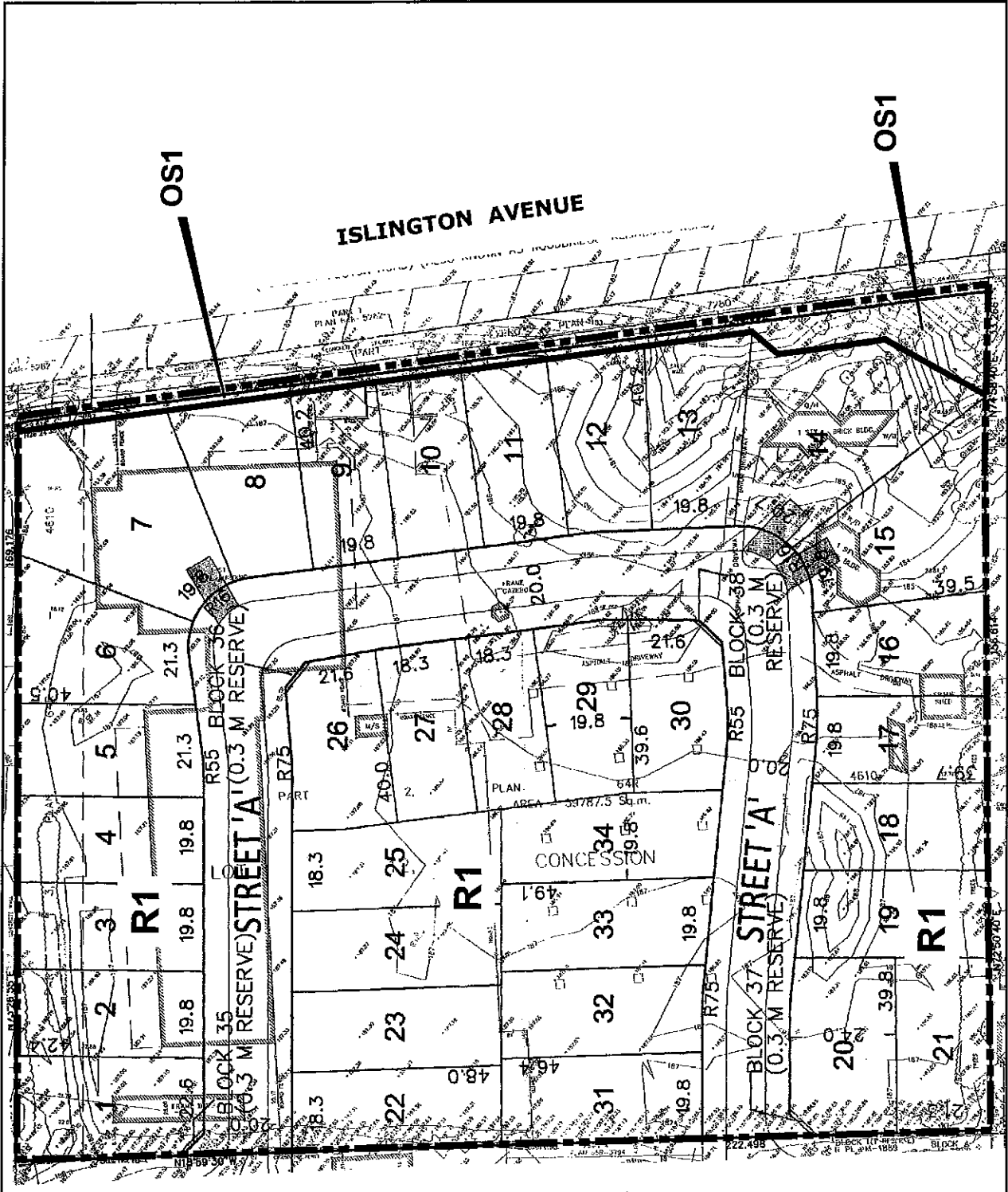


City of Vaughan
The City Above Toronto
 Development Planning Department

Draft Plan of Subdivision
19T - 08V07

Applicant:
CHIDLEY GLEN BUILDING CORPORATION LTD.
 Part of Lot 12,
 Concession 7

M:\OPT\1 ATTACHMENTS\19\19T-08V07\Z.08.049.dwg



Not to Scale

ZONING AMENDMENT APPLICATION

REZONE THE SUBJECT LANDS FROM 'A' AGRICULTURAL ZONE TO 'R1' RESIDENTIAL ZONE AND 'OS1' OPEN SPACE CONSERVATION ZONE

SUBJECT LANDS

Proposed Zoning

Part of Lot 12,
Concession 7

Applicant:
CHIDLEY GLEN BUILDING CORPORATION LTD.
N:\97\1 ATTACHMENTS\19\19-08-07z.08.049a.dwg



Development Planning Department

Attachment

File: 19T-08V07
& Z.08.049

Date:
May 21, 2009

5