

COMMITTEE OF THE WHOLE FEBRUARY 23, 2010

**ZONING BY-LAW AMENDMENT FILE Z.08.020
SITE DEVELOPMENT FILE DA.08.015
DRAFT PLAN OF CONDOMINIUM FILE 19CDM-08V02
ORLANDO SILVESTRI AND ANNA SILVESTRI
WARD 2**

Recommendation

The Commissioner of Planning recommends:

1. THAT Zoning By-law Amendment File Z.08.020 (Orlando Silvestri and Anna Silvestri) BE APPROVED, specifically to permit up to four (4) detached residential dwellings on the subject lands shown on Attachment #2 in the RR Rural Residential Zone in By-law 1-88, to facilitate a proposed development consisting of three freehold detached dwellings and an existing freehold dwelling on a common element private road as shown on Attachment #4.
2. THAT the implementing zoning By-law include the following:
 - i) the zoning exceptions to the RR Rural Residential Zone identified in Table 1 of this report, with the exception to the lot coverage, which shall be a maximum of 20% for Lots 1 and 4; and,
 - ii) prohibit any buildings and/or structures for human habitation within a minimum of 30 m of the CP Railway right-of-way.
3. THAT Site Development File DA.08.015 (Orlando Silvestri and Anna Silvestri) BE APPROVED, subject to the following conditions:
 - a) that prior to the execution of the Site Plan Letter of Undertaking:
 - i) the final site plan, building elevations and landscaping plan shall be approved by the Vaughan Development Planning Department;
 - ii) the final site grading, servicing, stormwater management and lighting plans, noise report and designated substance survey shall be approved by the Vaughan Engineering Department;
 - iii) the Owner shall decommission the monitoring wells in accordance with the requirements of the Ministry of the Environment and submit the certification of the decommissioned wells to the satisfaction of the Vaughan Engineering Department;
 - iv) the Owner shall enter into a Development Agreement pursuant to Subsection 51(25) of the Planning Act with the City of Vaughan, to satisfy all conditions, financial or otherwise, of the City of Vaughan with regard to such matters the municipality may consider necessary including payment of the development levies, the provision of roads and municipal services, landscaping and fencing. The said Agreement shall be registered against the lands to which it applies, to the satisfaction of the Vaughan Engineering Department;
 - v) the Owner shall satisfy the requirements of CP Rail (Railway), including registering a restriction on title to address the following:

- a) a clause shall be inserted in all offers of purchase and sale or lease and in the title deed or lease of each dwelling within 300 m of the railway right-of-way, warning prospective purchasers or tenants of the existence of the Railway's operating right-of-way, the possibility of alterations including the possibility that the Railway may extend its operations, which expansion may affect the living environment of the residents notwithstanding the inclusion of noise and vibration attenuation measures in the design of the subdivision and individual units, and that the Railway will not be responsible for complaints or claims arising from the use of its facilities and/or operations;
 - b) a clause shall be inserted in all offers of purchase and sale or lease, and to be registered on title or included in the lease for each dwelling affected by any noise and vibration attenuation measures, advising that any berm, fencing, or vibration isolation features implemented are not to be tampered with or altered, and further, that the Owner shall have the sole responsibility for and shall maintain these features; and,
 - c) a 1.83 m high chain link security fence shall be constructed and maintained along the common property line of the railway and the development by the developer at his expense, and the developer is made aware of the necessity of including a covenant running with the lands, in all deeds, obliging the purchasers of the land to maintain the fence in a satisfactory condition at their expense.
- vi) the Owner shall satisfy the requirements of Canada Post;
 - vii) a Consent Application to create the proposed lots shall be approved by the Committee of Adjustment and the decision shall be final and binding.
4. THAT the Owner shall pay cash-in-lieu of the dedication of parkland equivalent to 5% or 1 ha per 300 units of the value of the subject lands to Vaughan, prior to the issuance of a Building Permit, in accordance with the Planning Act and the City's approved "Cash-in-Lieu of Parkland Policy". The Owner shall submit an approved 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.
5. THAT Draft Plan of Condominium (Common Elements) File 19CDM-08V02 (Orlando Silvestri and Anna Silvestri) as red-lined (February 23, 2010) and shown on Attachment #6, BE APPROVED, subject to the conditions set out in Attachment #1.

Contribution to Sustainability

The Owner advises the following sustainable features will be included for the proposed development:

- i) double-paned windows and doors that meet or exceed the applicable Building Code requirements with respect to energy efficiency and performance;
- ii) gas forced air furnaces of 95% efficiency;
- iii) high efficiency tank-less on demand gas water heating systems;
- iv) high efficiency Energy Star air conditioning units;
- v) Energy Star appliances - washers, dryers (natural gas), fridges, stoves and microwaves;
- vi) low flow toilet system; and,
- vii) compact fluorescent light bulbs, where possible.

Economic Impact

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

Communications Plan

On April 25, 2008, a Notice of Public Hearing was circulated to all property owners within 120 m of the subject lands, and to the Kleinburg and Area Ratepayers Association. As of February 12, 2010, two letters of objection dated October 17, 2008 and May 21, 2008 were received from Eduard Krasnokutsky of 88 Simmons Street, the adjacent landowner to the north of the subject lands shown on Attachment #3.

Mr. Krasnokutsky's concerns were with respect to the increased density in a rural area and the proximity of the proposed lots and dwellings to his property thereby minimizing sufficient yard area to manage stormwater drainage from infiltrating onto his lands. Mr. Krasnokutsky advised that he approached the Owner and proposed a merging of the lots, whereby the road would be shared between 70 and 88 Simmons Street for a total of 9 lots for detached dwelling units.

In September 2009, Development Planning Department Staff met with Mr. Krasnokutsky and demonstrated how his lands could be developed without consolidating his lands with the subject property. Staff also advised that a minimum 4.5 m side yard setback to his property line will be provided in accordance with the zoning requirements for the RR Rural Residential Zone and that the subject lands are to be graded for stormwater to be directed into the infiltration trench and drainage swales at the south portion of the subject lands to address his concerns.

The recommendation of the Committee of the Whole to receive the Public Hearing report on May 20, 2008, and to forward a comprehensive report to a future Committee of the Whole meeting, was ratified by Council on May 26, 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.08.020) on the subject lands, to amend By-law 1-88, specifically the RR Rural Residential Zone provisions to facilitate the development of four (4) residential dwellings on a common element private road as shown on Attachment #4, with the required zoning exceptions as shown on Table 1 of this report.
2. An Application for Site Development Approval (File DA.08.015) on the subject lands shown on Attachment #3, to facilitate the development of 3 new detached dwelling units and the maintenance of the existing detached dwelling unit. The site statistics are as follows:

Lot Number	Lot Area (m²)	Lot Frontage (m²)	Ground Floor Area (m²)	Lot Coverage (%)
1 (Retained)	1,355	22	95.2	7
2 (Severed)	2,387	28	227.3	9.6
3 (Severed)	2,137	25	227.3	9.6
4 (Severed)	1,444	25	275.3	19.1

3. An Application for Draft Plan of Condominium approval (File 19CDM-08V02) on the subject lands shown on Attachment #3, to facilitate a common element condominium

road (cul-de-sac) as shown on Attachment #6 and consisting of the following land use statistics:

4 Residential Lots (for freehold dwellings – 3 new dwellings and 1 existing dwelling)	7,323.34 m ²
Common Element Condominium Private Road (Cul-de-sac)	1,039.00 m ²
Total Site Area	8,362.34 m ²

Background - Analysis and Options

Location

The subject lands shown on Attachments #2 and #3 are located on the west side of Simmons Street, being south of Rutherford Road and west of Regional Road 27, known municipally as 70 Simmons Street, in Part of Lot 15, Concession 9, City of Vaughan. The subject lands have a total area of 8,362.34 m², with 55.32 m of frontage along Simmons Street and a depth of 139.8 m. The surrounding land uses are shown on Attachment #3.

Supporting Documents

The Owner, in support of the applications, has submitted the following documents:

- i) *Site Servicing and Stormwater Management Plan for 70 Simmons Street, City of Vaughan*, dated March 18, 2008, as revised on September 23, 2009 by Calder Engineering Ltd.;
- ii) *A Soil Investigation for Proposed Residential Development, 70 Simmons Street, City of Vaughan*, dated April 2007 by Soil Engineers Ltd.;
- iii) *Phase I Environmental Site Assessment, 70 Simmons Street, City of Vaughan, Ontario*, dated December 28, 2007 by TiL TorontoInspection Ltd.;
- iv) *Phase II Environmental Site Assessment, 70 Simmons Street, City of Vaughan, Ontario*, dated February 18, 2009, as revised on August 17, 2009 by TiL TorontoInspection Ltd.;
- v) *Noise & Vibration Feasibility Study, 70 Simmons Street Land Severance, Woodbridge, Ontario*, dated March 11, 2008 by Howe Gastmeier Chapnik Limited; and,
- vi) *Arborist Report for Simmons Street*, dated March 20, 2008 by D. Andrew White, M.Sc.

Official Plan

The subject lands are designated "Hamlet (Elder Mills)" by OPA #600, which permits primarily residential uses, where limited development of an infilling nature is permitted. In the Hamlet, any development is to be serviced by private well or septic system, and is to be of the scale where the development shall not place a significant demand on City or Regional services. The proposal to permit three new detached dwellings and to maintain the existing dwelling, all on a private common element road, on private septic systems and on municipal water systems, conforms to the Official Plan.

Zoning

The subject lands are zoned RR Rural Residential Zone by By-law 1-88, which permits one single detached dwelling on the lot, which fronts onto a public road (Simmons Street). The RR Zone does not permit four detached dwelling units on a common element private road. The following are the current RR Zone standards in By-law 1-88:

- Minimum Lot Frontage: 45 m
- Minimum Lot Area: 4000 m²
- Minimum Front Yard: 15 m
- Minimum Rear Yard: 15 m
- Minimum Interior Side Yard: 4.5 m
- Minimum Exterior Side Yard: 9 m
- Maximum Lot Coverage: 10%
- Maximum Building Height: 9.5 m

In order to facilitate the proposed development as shown on Attachment #4, the following zoning exceptions to the RR Rural Residential Zone standards of By-law 1-88 are required:

Table 1: Proposed Zoning Exceptions

	By-law Standard	By-law 1-88 Requirements for the RR Rural Residential Zone	Proposed Exceptions to the RR Rural Residential Zone
a)	Definition for a Lot	Means a parcel of land that fronts onto a street	Means a parcel of land that also fronts onto a common element road
b)	Definition for a Corner Lot	Means a lot situated at the intersection of and abutting upon two or more streets	Means a parcel of land or lot at the intersection of and abutting upon two or more streets including a common element road
c)	Definition for Front Lot Line	Means the street line	Include a common element road as a street line
d)	Definition for Exterior Lot Line	Means the lot line, on a corner lot, which is the street line and which is not the front lot line	Include the lot line, on a corner parcel of land or lot abutting a common element road as a street line
e)	Frontage on a Public Street	The lot upon which a building or structure is to be erected fronts onto a public street	Permit a lot which a building is erected to front on a common element private road (for Lots 3 and 4)
f)	Permitted Use in the RR Rural Residential Zone	One Detached Dwelling Unit	Four detached Dwelling Units on a common element road
g)	Minimum Lot Frontage	45 m	Lot 1 - 22 m Lot 2 - 28 m Lot 3 - 25 m Lot 4 - 25 m

	By-law Standard	By-law 1-88 Requirements for the RR Rural Residential Zone	Proposed Exceptions to the RR Rural Residential Zone
h)	Minimum Lot Area	4000 m ²	Lot 1 - 1300 m ² Lot 2 - 2300 m ² Lot 3 - 2100 m ² Lot 4 - 1400 m ²
i)	Minimum Front Yard	15 m	Lot 2 - 10 m Lot 3 - 10 m Lot 4 - 9 m
j)	Minimum Interior Yard	4.5 m	North Yard: Lot 3 - 1.5 m
			South Yard: Lot 2 - 1.5 m Lot 3 - 3.5 m Lot 4 - 4.2 m
k)	Minimum Exterior Yard	9 m	Lot 1 - 2.4 m Lot 4 - 4.8 m
l)	Maximum Lot Coverage	10%	20%

By-law 1-88 does not provide specific zoning requirements for detached dwelling units developed on a common element road, thereby resulting in the proposed exceptions to By-law 1-88 to facilitate the proposed development.

The common element private road right-of-way is required to be 8 m in width, which includes a 6 m wide paved road and 2 m wide utility corridor and gutter, in order to meet the requirements of the Ontario Building and Fire Codes. In addition, the provision of the berm and acoustic barriers to address noise mitigation from the abutting CP rail line and the provision of the drain basin inlet between the lot lines of Lots 3 and 4, and a grassed swale along the south lot lines of Lots 3 and 4, as shown on Attachment #5, were used to establish the zoning requirements proposed for the future residential development. Further, the interior yard to the abutting property located at 88 Simmons Street (Mr. Krasnokutsky) is 4.5 m in order to address the adjacent property owner's concerns with respect to stormwater management as discussed earlier in this report.

The Development Planning Department is satisfied that the requested additional uses and exceptions to the RR Rural Residential Zone are appropriate for the development of the subject lands, with the exception of the maximum lot coverage, which is discussed in the next section of this report.

Site Plan Approval

Site Plan Approval is required for the development of the subject lands shown on Attachment #4. The site statistics for the proposed site plan are as follows:

a) Site Plan

Land Use	Area
Residential Land Area	7,323.34 m ²
Common Element Private Road (Proposed Condominium) (Cul-de-sac)	1,039.00 m ²
Total Site Area	8,362.34 m ²

The subject lands currently consist of one existing detached dwelling located on the northeast portion of the subject lands (Lot 1) which has access from Simmons Street, and a metal-clad shed at the south portion of the site. The site plan proposes four (4) lots on an 8 m wide common element private road (cul-de-sac) from Simmons Street, traversing the property in an east-west direction as shown on Attachment #4. Each lot is proposed to be freehold. Lots 1 and 4 will have frontage onto Simmons Street and Lots 3 and 4 will have frontage onto the common element road (cul-de-sac).

The proposed site plan also includes an earthen berm along the rear of the property upon which a 3 m high acoustic fence is proposed. The acoustic fence extends along the rear portion of proposed Lots 2 and 3, at a height of 2.5 m. The berm and fence are proposed for noise mitigation purposes as the site abuts the CP Rail line along its west limit.

The Owner has proposed buildings for 2 of the lots (Lots 2 and 3), along with the existing Lot 1, where the lot coverage is under 10%. The lot coverage proposed for Lot 4 is under 20%. The Owner has requested a maximum lot coverage of 20% to allow for flexibility in housing design for each lot. The following are the site statistics for the proposed lots:

Lot Number	Lot Area (m ²)	Lot Frontage (m ²)	Ground Floor Area (m ²)	Lot Coverage (%)
1 (Retained)	1,355	22	95.2	7
2 (Severed)	2,387	28	227.3	9.6
3 (Severed)	2,137	25	227.3	9.6
4 (Severed)	1,444	25	275.3	19.1

The Development Planning Department recommends that a maximum lot coverage of 20% be approved for Lots 1 and 4 only, which have a smaller lot area and that a maximum 10% lot coverage be maintained for Lots 2 and 3. This will result in dwellings that are similar in mass and scale, particularly if the existing dwelling on Lot 1 is demolished in the future to resemble similar development on Lot 4. A condition in this respect is included in the recommendation.

b) Urban Design/Landscaping

The Development Planning Department has reviewed the proposal, including the *Arborist Report for Simmons Street*, dated March 20, 2008 by D. Andrew White, M.Sc. The Owner will be retaining a small spruce tree woodlot at the west portion of Lot 2 shown on Attachment #5. A portion of the woodlot will have to be removed to facilitate the grassed berm and acoustic fencing in the west portion of Lots 2 and 3, in order to address noise attenuation requirements due to the

railway shown on Attachment #4. Trees will be planted to the east of the berm and a 3 m high acoustic barrier/fencing will be erected along the berm. The Owner will be also removing several trees, which are in the location of the proposed grassed swale and drain basin inlet, along the south limits of Lots 3 and 4 and in the location of the common element road of the subject lands shown on Attachment #5.

The Development Planning Department is satisfied with the proposal, and the final plans must be approved to the satisfaction of the Development Planning Department.

Draft Plan of Condominium

The draft plan of condominium, shown on Attachment #6, is comprised of a common element private road (cul-de-sac) with the following details:

Common Element Road (Cul-de-sac)	
Area	1,039.00 m ²
Length	80 m
Road Allowance Width	8 m
Radius	14 m

The common element road, which will be a private cul-de-sac with no sidewalks, would provide access to Simmons Street. A portion of the road is proposed to be used for snow storage. The 8m wide right-of-way is to facilitate emergency vehicles (in accordance with the Ontario Building and Fire Codes (6 m wide road) and services (2 m wide utility corridor and gutter). A fire hydrant is proposed at the west end of the cul-de-sac in front of Lot 2. The Vaughan Engineering Department has reviewed the proposal and requires the following red-lined revision to the proposed draft plan of condominium, as shown on Attachment #6:

- i) the common element road be designed to meet the Vaughan Engineering Standards for the "Local to Local" road basic intersections design.

The Condominium Corporation shall be responsible for the removal and clearing of snow, and the pick-up of garbage and recycling. These requirements have been included as conditions of draft approval (Attachment #1). The Development Planning Department is satisfied with the proposed common element private road design, subject to the red-lined revision, included in the recommendation of this report and in the conditions of condominium approval in Attachment #1.

Consent Application

The Owner is required to submit Consent applications to the Vaughan Committee of Adjustment for the subject lands to create 3 lots (Lots 2, 3 and 4), with Lot 1 being retained. The implementing Zoning By-law must be in effect prior to the consents being final and binding. The consents must also be final and binding prior to the execution of the Site Plan Letter of Undertaking.

Vaughan Engineering Department

The Vaughan Engineering Department has no objections to the proposal and provides the following comments:

- a) Environmental Site Assessment (ESA)

The following reports were reviewed by the Engineering Department and were found to be acceptable:

- i) *Phase I Environmental Site Assessment, 70 Simmons Street, City of Vaughan, Ontario, dated December 28, 2007 by TiL TorontoInspection Ltd.;*
- ii) *Phase II Environmental Site Assessment, 70 Simmons Street, City of Vaughan, Ontario, dated February 18, 2009 and revised to August 17, 2009 by TiL TorontoInspection Ltd.;*
- iii) Record of Site Condition; and,
- iv) Acknowledgement from the Ministry of the Environment, dated June 12, 2009.

The Owner will need to certify, to the satisfaction of the City, that the underground monitoring wells as identified in the *Phase II Environmental Site Assessment, 70 Simmons Street, City of Vaughan, Ontario*, report, are to be decommissioned in accordance with requirements of the Ministry of Environment. These monitoring wells were required for the sampling and testing of soil and ground water conditions, which are no longer required. Prior to the demolition of any building and/or structure on the subject lands, a Designated Substance Survey must be conducted and the corresponding report submitted to the Vaughan Engineering Department for review and approval.

b) Development/Transportation

The Vaughan Engineering Department has reviewed the proposal and requires that the revised site plan, grading, servicing, stormwater management, noise and traffic/transportation plans and reports be submitted for approval to the satisfaction of the Engineering Department, prior to the execution of the Site Plan Letter of Undertaking. The Owner is required to enter into a Development Agreement to satisfy all conditions, financial or otherwise, of the City including payment of development levies, the provision of roads and municipal services, landscaping and fencing to the satisfaction of the Vaughan Engineering Department. The said agreement shall be registered against the subject lands. A recommendation to this effect has been included in this report.

c) Water Supply and Sanitary Services

Water supply capacity is to be allocated at the time of consent to create the 3 new lots. Sewage servicing capacity is to be provided by private septic systems for the existing and proposed lots. The Vaughan Engineering Department requires further information respecting stormwater quality control measures proposed for the subject lands, which must be submitted and approved prior to the execution of the Site Plan Letter of Undertaking.

Vaughan Real Estate Division

The Vaughan Real Estate Division has advised that the Owner shall pay cash-in-lieu of the dedication of parkland equivalent to 5% or 1 ha per 300 units of the value of the subject lands to Vaughan, prior to the issuance of a Building Permit, in accordance with the Planning Act and the City's approved "Cash-in-Lieu of Parkland Policy". A condition to this effect has been included in the recommendation of this report.

CP Rail

CP Rail has reviewed the proposal and is satisfied that the development incorporates the required mitigation measures such as the 3 m high acoustic berm and noise attenuation barriers/fences, subject to the a restriction on title which addresses the following:

- a) a clause shall be inserted in all offers of purchase and sale or lease and in the title deed or lease of each dwelling within 300 m of the railway right-of-way, warning prospective purchasers or tenants of the existence of the Railway's operating right-of-way, the

possibility of alterations including the possibility that the Railway may extend its operations, which expansion may affect the living environment of the residents notwithstanding the inclusion of noise and vibration attenuation measures in the design of the subdivision and individual units, and that the Railway will not be responsible for complaints or claims arising from the use of its facilities and/or operations;

- b) a clause shall be inserted in all offers of purchase and sale or lease, and to be registered on title or included in the lease for each dwelling affected by any noise and vibration attenuation measures, advising that any berm, fencing, or vibration isolation features implemented are not to be tampered with or altered, and further, that the Owner shall have the sole responsibility for and shall maintain these features; and,
- c) a 1.83 m high chain link security fence shall be constructed and maintained along the common property line of the railway and the development by the developer at his expense, and the developer is made aware of the necessity of including a covenant running with the lands, in all deeds, obliging the purchasers of the land to maintain the fence in a satisfactory condition at their expense.

CP has also requested that a 30 m setback be provided from the rail line right-of-way to any habitable building, which will be included as a requirement of the implementing zoning by-law.

A condition of approval is included in the recommendations to address CP's requirements.

Canada Post Conditions

Canada Post has no objections to the proposal subject to the Owner installing and maintaining mail facilities and equipment to the satisfaction of Canada Post. A recommendation to this effect has been included in this report.

Planning Considerations

The Development Planning Department has reviewed the Zoning By-law Amendment, Draft Plan of Condominium and Site Development Applications. The zoning exceptions required to implement the proposed site plan are considered to be acceptable as many of the exceptions are a result of the proposed development being located on a common element private road, of which By-law 1-88 does not include zoning standards to implement this form of development. The balance of the zoning exceptions would result in development that will not have an impact on adjacent lands, and development that is compatible with the surrounding land uses and conforms to the Official Plan. The proposed common element condominium road with 4 lots conforms to the Official plan and is similar to an existing development on Di Benedetto Lane which runs west from Simmons Street just north of the subject lands as shown on Attachment #3. The dwellings being proposed under the Site Development Application are also considered appropriate from a design perspective and compatible with the surrounding land uses. The Fire Department has reviewed the applications and advised they are satisfied with the proposal. The applications have also been reviewed by the required City Departments and external public agencies and have been supported, subject to the conditions included in this report. On this basis, the Development Planning Department can support the approval of the development applications, subject to the comments and recommendations in this report.

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".

Region Implications

The Region of York has reviewed the proposal and advised that the Region has no comments or objections to the proposed development.

Conclusion

Zoning By-law Amendment File Z.08.020 (Orlando Silvestri and Anna Silvestri), Draft Plan of Condominium File 19CDM-08V02 (Orlando Silvestri and Anna Silvestri) and Site Development File DA.08.015 (Orlando Silvestri and Anna Silvestri) have been reviewed in accordance with the policies of OPA #600, the requirements of Zoning By-law 1-88, comments from City Departments and external public agencies, and the area context. The applications will facilitate the development of 3 new freehold detached dwelling units and the maintenance of an existing dwelling on a common element private condominium road (cul-de-sac) with an 8 m wide right-of-way and access from Simmons Street. The Development Planning Department is satisfied that the proposal can be developed in a manner that is appropriate and compatible with the existing community, subject to the recommendations in this report.

Attachments

1. Conditions of Draft Approval
2. Context Location Map
3. Location Map
4. Site Plan
5. Landscape Plan/Service Plan
6. Proposed Draft Plan of Condominium - Red-line Revised

Report prepared by:

Judy Jeffers, Planner, ext. 8645
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Respectfully submitted,

JOHN ZIPAY
Commissioner of Planning

GRANT UYEVAMA
Director of Development Planning

/LG

ATTACHMENT NO. 1

CONDITIONS OF DRAFT APPROVAL

DRAFT PLAN OF CONDOMINIUM 19CDM-08V02 (COMMON ELEMENTS) ORLANDO SILVESTRI AND ANNA SILVESTRI PART OF LOT 15, CONCESSION 9, 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 CONDOMINIUM 19CDM-08V02, ARE AS FOLLOWS:

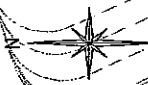
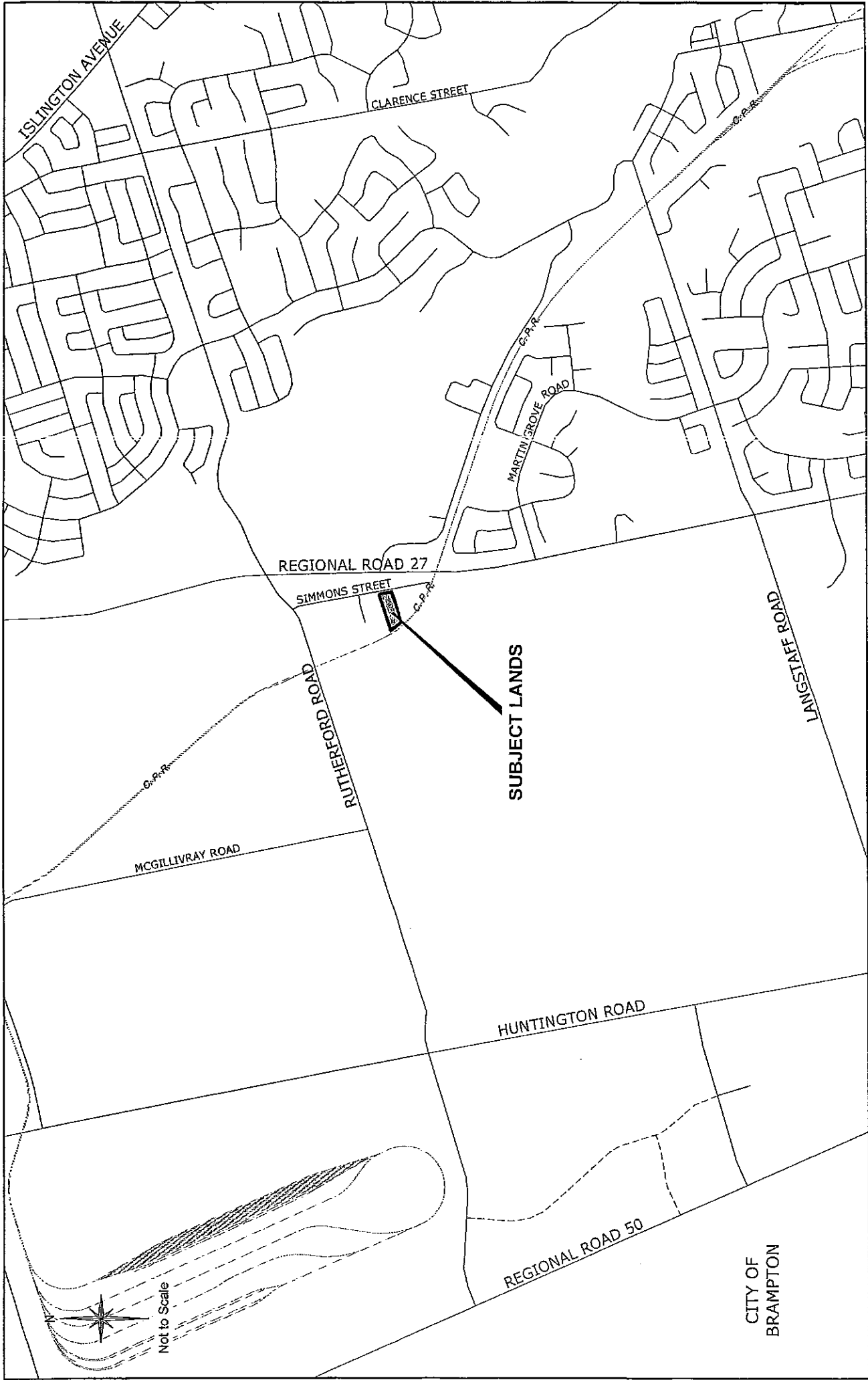
City of Vaughan Conditions

1. The Plan shall relate to a draft plan of condominium, prepared by The Biglieri Group Ltd., drawing #DP-1, dated March 12, 2008 and revised June 17, 2009, incorporating the red-line revision as follows:
 - i) the common element road be designed to meet the Vaughan Engineering Standards for "Local to Local" Basic Intersections design.
2. Prior to the execution of the condominium agreement, the Owner shall submit a pre-registered plan of condominium to the Vaughan Development Planning Department.
3. The Owner shall enter into a condominium agreement with the City of Vaughan, and shall agree to satisfy any outstanding conditions with respect to such matters as landscaping and site development and any other matters that the City may consider necessary with regard to Site Development File DA.08.015 (Orlando Silvestri and Anna Silvestri).
4. The following provisions shall be included in the condominium agreement:
 - a) the Condominium Corporation shall be responsible to regularly clean and maintain all driveway catch basins;
 - b) the Owner shall supply and install, and the Condominium Corporation shall maintain mail facilities and equipment to the satisfaction of Canada Post;
 - c) the removal and clearing of snow on the common element road shall be the responsibility of the Condominium Corporation; and,
 - d) the pick-up of garbage and recycling shall be the responsibility of the Condominium Corporation.
5. The following provisions of CP Rail shall be included in the condominium agreement, and the Owner shall satisfy the requirements of CP Rail, including registering a restriction on title to address the following, prior to the registration of the final condominium plan:
 - a) a clause shall be inserted in all offers of purchase and sale or lease and in the title deed or lease of each dwelling within 300 m of the railway right-of-way, warning prospective purchasers or tenants of the existence of the Railway's operating right-of-way, the possibility of alterations including the possibility that the Railway may extend its operations, which expansion may affect the living environment of the residents notwithstanding the inclusion of noise and vibration attenuation measures in the design of the subdivision and individual units, and that the Railway will not be responsible for complaints or claims arising from the use of its facilities and/or operations;

- b) a clause shall be inserted in all offers of purchase and sale or lease, and to be registered on title or included in the lease for each dwelling affected by any noise and vibration attenuation measures, advising that any berm, fencing, or vibration isolation features implemented are not to be tampered with or altered, and further, that the Owner shall have the sole responsibility for and shall maintain these features; and,
- c) a 1.83 m high chain link security fence shall be constructed and maintained along the common property line of the railway and the development by the developer at his expense, and the developer is made aware of the necessity of including a covenant running with the lands, in all deeds, obliging the purchasers of the land to maintain the fence in a satisfactory condition at their expense.

Prior to final approval, the Owner shall confirm to the Vaughan Development Planning Department that the above-noted requirements of CP Rail have been addressed.

- 6. The condominium agreement shall be registered on title against the lands to which it applies, at the cost of the Owner.
- 7. Prior to final approval, the Owner shall submit an "as-built" survey of the common elements to the satisfaction of the Vaughan Building Standards Department and/or Vaughan Engineering Department.
- 8. Prior to final approval, the Owner shall confirm to the Vaughan Development Planning Department that all required easements and rights-of-way for utilities, drainage and construction purposes have been granted to the appropriate authorities.
- 9. Prior to final approval, the Owner shall confirm to the Vaughan Development Planning Department that they have paid all outstanding taxes, development charges and levies, as may be required by the Vaughan Finance Department.
- 10. The City (Vaughan Development Planning Department) shall advise that Conditions 1 to 9 have been satisfied.



Not to Scale

Context Location Map

Location: Part of Lot 15,
Concession 9

Applicant:
Orlando & Anna Silvestri

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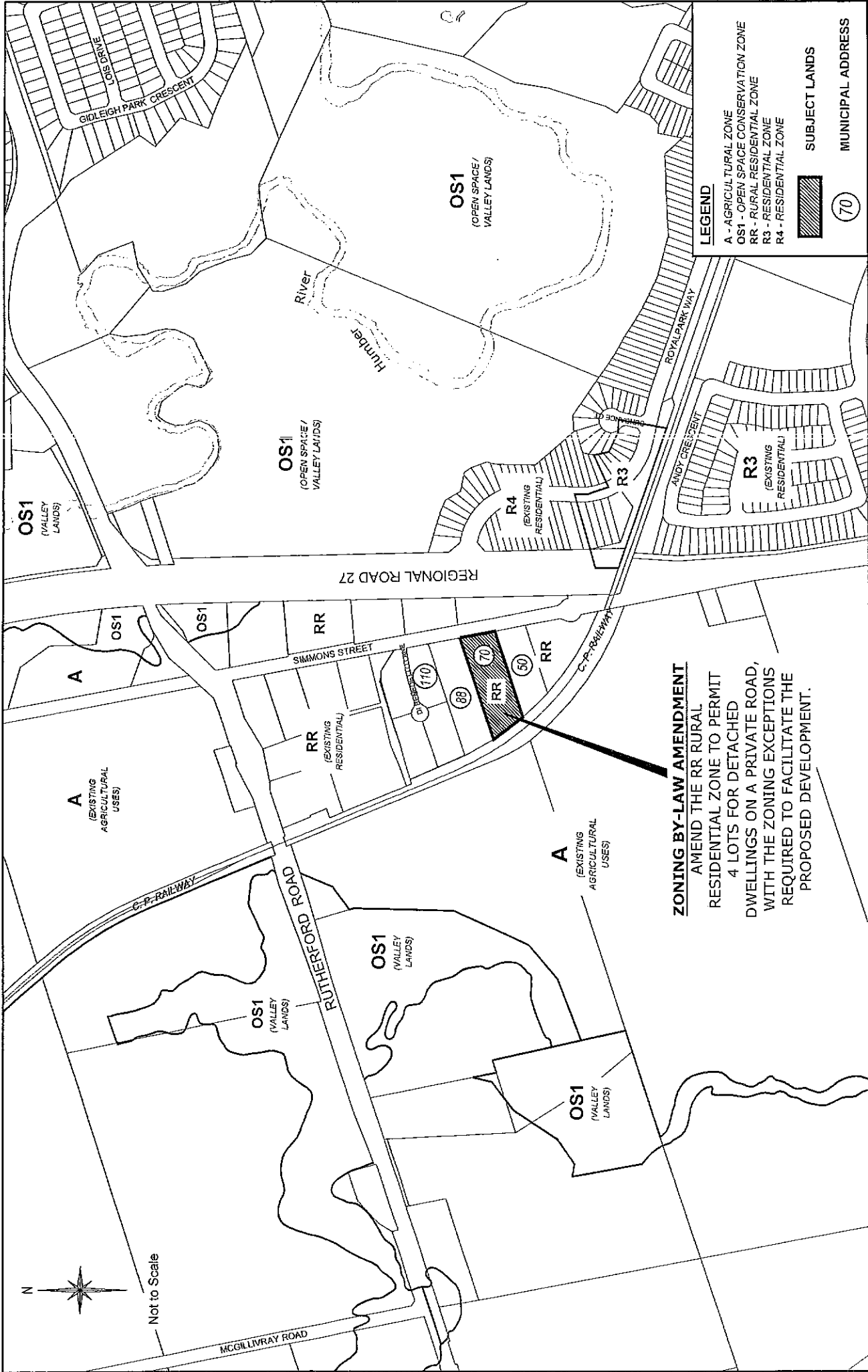
Development Planning Department

Attachment

Files: Z.08.020,
19CDM-08V02 & DA.08.015

Date:
January 19, 2010

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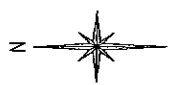
ZONING BY-LAW AMENDMENT
 AMEND THE RR RURAL RESIDENTIAL ZONE TO PERMIT 4 LOTS FOR DETACHED DWELLINGS ON A PRIVATE ROAD, WITH THE ZONING EXCEPTIONS REQUIRED TO FACILITATE THE PROPOSED DEVELOPMENT.

LEGEND

- A - AGRICULTURAL ZONE
- OS1 - OPEN SPACE CONSERVATION ZONE
- RR - RURAL RESIDENTIAL ZONE
- R3 - RESIDENTIAL ZONE
- R4 - RESIDENTIAL ZONE

SUBJECT LANDS (hatched pattern)

MUNICIPAL ADDRESS (70)

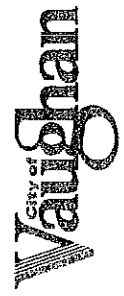


Not to Scale

Location Map

Location: Part of Lot 15,
Concession 9

Applicant:
Orlando & Anna Silvestri



The City Above Toronto
 Development Planning Department

Attachment

Files: Z.08.020,
19CDM-08V02 & DA.08.015

Date:
January 19, 2010

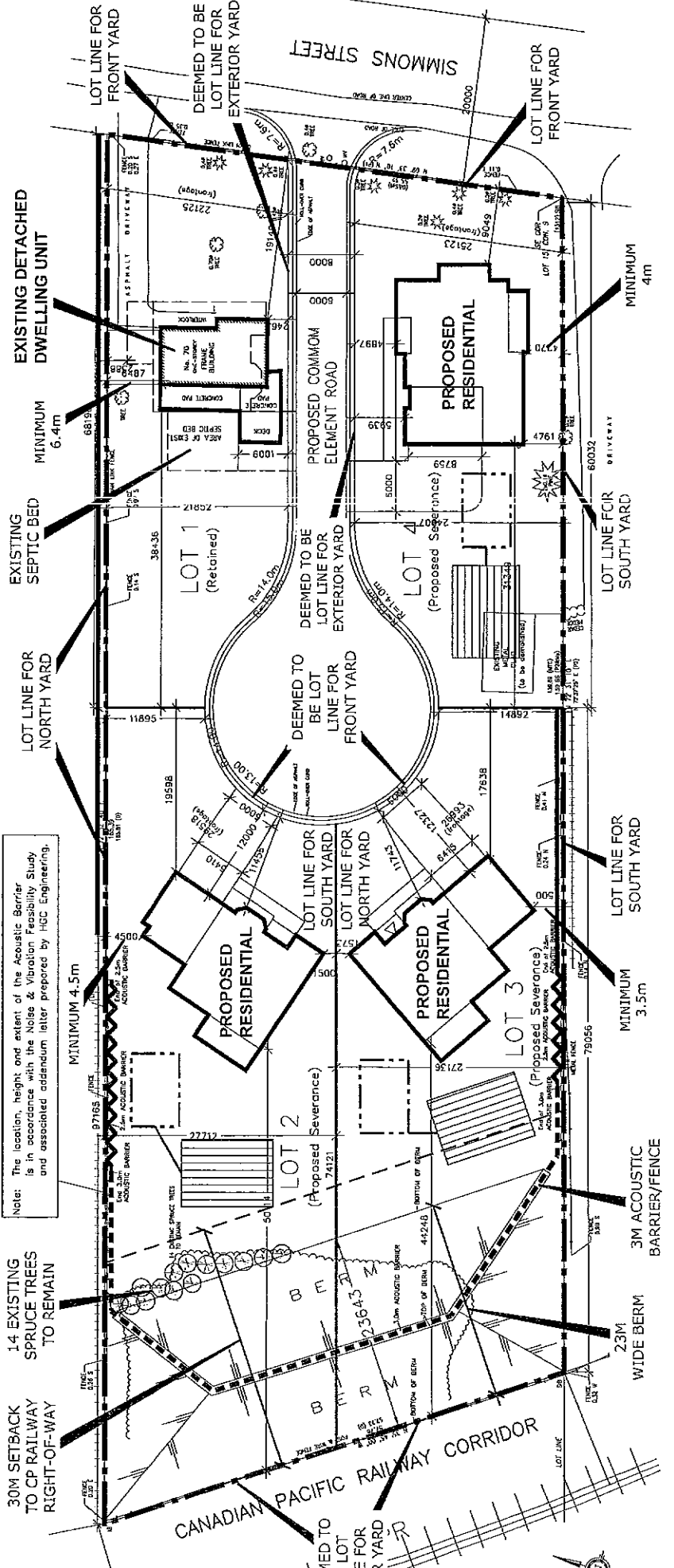
3

i) EXCEPTIONS TO THE RR RURAL RESIDENTIAL ZONE TO PERMIT 4 DETACHED DWELLINGS ON A COMMON ELEMENT ROAD WITH THE FOLLOWING ZONING REQUIREMENTS:

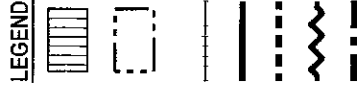
EXISTING LOT 1: PROPOSED LOT 2: PROPOSED LOT 3: PROPOSED LOT 4:	LOT FRONTAGE	LOT AREA	COVERAGE	MINIMUM YARD SETBACKS		SETBACK TO CP RAILWAY RIGHT-OF-WAY
				FRONT	REAR	
	22m	1300m ²	20%	N/A	2.4m *	N/A
	28m	2300m ²	20%	10m *	1.5m	30m
	25m	2100m ²	20%	10m *	3.5m	30m
	25m	1400m ²	20%	9m	4.2m	N/A

N/A - Exception to zoning requirement not applicable
 * - from Common Element Road
 ^ - from Simmons Street

ii) EXCEPTION TO THE RR RURAL RESIDENTIAL ZONE REQUIRING THAT NO BUILDINGS OR STRUCTURES FOR HUMAN HABITATION SHALL BE WITHIN 30m OF THE CP RAILWAY RIGHT-OF-WAY



Not to Scale



SITE STATISTICS

ZONING: Rural Residential
 GROSS SITE AREA: 8362.34 sq. metres
 SITE AREA: 7323.34 sq. metres;
 COMMON ELEMENT ROAD: 1339 sq. metres
 FRONTAGE: 55.321 m on Simmons Street
 DEPTH: 152.517 metres (average)
 LANDSCAPED OPEN SPACE: 5983 sq. metres (71.55%)
 PAVED AREA: 1311 sq. metres (15.68%)

Site Plan

Location: Part of Lot 15, Concession 9

Applicant: Orlando & Anna Silvestri



The City Above Toronto
 Development Planning Department

Attachment

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