

COMMITTEE OF THE WHOLE (1) – FEBRUARY 28, 2023

COMMUNICATIONS

Distributed February 24, 2023

Item No.

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| C1. | Memorandum from the Deputy City Manager, Planning and Growth Management, dated February 24, 2023. | 3 |
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Please note there may be further Communications.

DATE: February 24, 2023
TO: Mayor and Members of Council
FROM: Haiqing Xu, Deputy City Manager, Planning and Growth Management
**RE: COMMUNICATION – Committee of the Whole (1), February 28, 2023
ITEM #3, REPORT #11**

**3911 TESTON ROAD INC.
OFFICIAL PLAN AMENDMENT OP.21.005
ZONING BY-LAW AMENDMENT FILE Z.21.008
DRAFT PLAN OF SUBDIVISION FILE 19T-21V002
WARD 3 - VICINITY OF TESTON ROAD AND WESTON ROAD**

Recommendation

The Deputy City Manager, Planning and Growth Management recommends:

1. THAT Recommendations #4 and #6 be deleted;
2. THAT reference to Section 45(1.3) of the *Planning Act*, being the two-year moratorium for Minor Variance Applications be deleted;
3. THAT Attachment 1 respecting Conditions of Approval for Draft Plan of Subdivision File 19T-21V002, be replaced, as red-lined, with the attached to correct an error as identified by the applicant in their letter dated June 20, 2022 and to add a condition as identified by Development Engineering staff.

Background

The Committee of the Whole, on June 21, 2022, and September 13, 2022, considered a comprehensive technical report for the above-noted Applications. The Development Planning Department recommended approval of the Applications, subject to modifications.

On June 20, 2022, and September 2, 2022, the Development Planning Department received a letter from the Owner's agent, Humphries Planning Group Inc., requesting deferral of the Applications. The requests for deferral were ratified by Vaughan Council on June 28, 2022 and September 28, 2022.

The Development Planning Department recommends deletion of Recommendation #4 and relevant sections regarding Section 45(1.3) of the *Planning Act*, being the two-year moratorium for Minor Variance Applications, as recent changes to the *Planning Act* through Bill 23 deleted the moratorium requirement. Therefore, this recommendation is no longer required.

Humphries Planning Group Inc., in their letter dated June 20, 2022 (Communication C12), identifies an error in Attachment 1, with respect to who the draft plan of subdivision was prepared by. The Development Planning Department inadvertently referred to the surveyor as the preparer of the plan, whereas Humphries Planning Group Inc. was the preparer of the plan. Attachment 1, as red-lined and attached hereto to this Communication, corrects this error.

The Development Engineering Department recently identified a city-wide capacity issue as it concerns the allocation of water and sewage servicing capacity. As such, the Development Engineering Department has requested that Recommendation #6 be removed from the report and the allocation of water and sewage servicing capacity to be allocated at the Site Development stage of the Applications, should they be approved by Vaughan Council.

The Development Engineering Department has identified an additional condition of approval for Subdivision File 19T-21V002 to ensure that the City is able to recoup the Owner's proportionate share of the cost of any external municipal services within York Region's Road allowance, designed and built by others to accommodate the Plan. Attachment 1, as redlined and attached hereto to this Communication, provides the additional condition.

Conclusion

The Communication provides further clarification for the Committee regarding the Applications and includes recommendations to delete Recommendation #4 and #6 of Item 3, Report No. 11. It also includes revisions to Attachment 1, as red-lined and attached hereto to this Communication, to rectify a reference error and provide an additional condition.

For more information, contact Rebecca Roach, Planner, Development Planning Department, ext. 8626.

Respectfully submitted,



Haiqing Xu, Deputy City Manager,
Planning and Growth Management

ATTACHMENT NO. 1

CONDITIONS OF DRAFT PLAN OF SUBDIVISION APPROVAL

**DRAFT PLAN OF SUBDIVISION FILE 19T-21V002 (THE 'PLAN')
3911 TESTON ROAD INC.
PART OF LOT 25, CONCESSION 6, 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 FILE 19T-21V002 (THE 'PLAN'), ARE AS FOLLOWS:

The Owner shall satisfy the following Conditions of Approval:

1. The Conditions of Approval of the City of Vaughan as set out on Attachment No. 1a).
2. The Conditions of Approval of York Region as set out on Attachment No. 1b) and dated May 24, 2022.
3. The Condition of Approval of the Toronto and Region Conservation Authority as set out on Attachment No. 1c) and dated May 12, 2022.
4. The Conditions of Approval of Alectra Utilities Corporation as set out on Attachment No. 1d) and dated July 7, 2021.
5. The Conditions of Approval of Enbridge Gas Inc. as set out on Attachment No. 1e) and dated April 6, 2021.
6. The Conditions of Approval of Bell Canada as set out on Attachment No. 1f) and dated February 12, 2021.
7. The Conditions of Approval of Canada Post as set out on Attachment No. 1g) and dated March 26, 2021.

Clearances

1. The City of Vaughan shall advise that the Conditions on Attachment No. 1a) have been satisfied and the clearance letter shall include a brief statement detailing how each condition has been met.
2. York Region shall advise that the Conditions on Attachment No. 1b) have been satisfied and the clearance letter shall include a brief statement detailing how each condition has been met.
3. The Toronto and Region Conservation Authority shall advise that the Condition on Attachment No. 1c) has been satisfied and the clearance letter shall include a

brief statement detailing how the condition has been met.

4. Alectra Utilities shall advise that the Conditions on Attachment No. 1d) have been satisfied and the clearance letter shall include a brief statement detailing how each condition has been met.
5. Enbridge Gas Inc. shall advise that the Conditions on Attachment No. 1e) have been satisfied and the clearance letter shall include a brief statement detailing how each condition has been met.
6. Bell Canada shall advise that the Conditions on Attachment No. 1f) have been satisfied and the clearance letter shall include a brief statement detailing how each condition has been met.
7. Canada Post shall advise that the Conditions on Attachment No. 1g) have been satisfied and the clearance letter shall include a brief statement detailing how each condition has been met.

ATTACHMENT NO. 1 a)

CITY OF VAUGHAN CONDITIONS

1. The Plan shall relate to the Draft Plan of Subdivision, prepared by **Humphries Planning Group Inc.**, dated December 16, 2020 and revised December 7, 2021 (the 'Plan').
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 enter into a subdivision agreement or development agreement with the City of Vaughan to satisfy all conditions, financial or otherwise of the City, with regard to such matters as the City may consider necessary, including payments of development levies, the provisions of municipal services, landscaping and fencing. The said agreement shall be registered against the lands to which it applies.
4. The pay any and all outstanding application fees to the Development Planning Department, in accordance with the in-effect Tariff of Fees By-law.
5. Prior to final approval of the Plan, the private road allowances included within the Plan shall be named, if required, to the satisfaction of the City of Vaughan and York Region Planning Departments.
6. Prior to final approval of the Plan, the Owner shall agree that construction access shall be provided only in a location approved by the City of Vaughan and the Region of York.
7. The Owner acknowledges that the final engineering design(s) may result in minor variations to the Plan (e.g. 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 of Vaughan.
8. The Owner shall agree to remove any driveways and building 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.
9. Prior to final approval of the Plan, the Owner shall not remove any vegetation or topsoil or start any grading of the lands, without a Fill Permit issued by the City of Vaughan, and a Development Agreement, if necessary.
10. Prior to final approval of the Plan, the Owner shall provide easements as may be required for utility, drainage or construction purposes which shall be granted to the appropriate authority(ies), free of all charge and encumbrances.

11. Prior to final approval of the Plan, the Owner shall coordinate a shared access to the development with the abutting lands to the west, municipally known as 3979 Teston Road.
12. Prior to final approval of the Plan, a soils report prepared at the Owner's expense shall be submitted to the City of Vaughan for review and approval. The Owner shall agree in the subdivision agreement, if required, 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 of Vaughan Development Engineering Department.
13. Prior to the initiation of grading, and prior to the registration of this Plan or any phase thereof, the Owner shall submit to the City of Vaughan Development Engineering Department for review and approval of the following:

A detailed engineering report that describes the storm drainage system for the proposed development within this Plan, which report shall include:

- a) plans illustrating how this drainage system will tie into surrounding drainage systems, and indicating whether it is part of an overall drainage scheme, how external flows will be accommodated, and the design capacity of the receiving system
- b) the location and description of all outlets and other facilities
- c) storm water management techniques which may be required to control minor or major flows, and
- d) proposed methods of controlling or minimizing erosion and siltation onsite and in downstream areas during and after construction.

The Owner shall agree in to carry out, or cause to carry out, the recommendations set out in any and all of the aforementioned reports to the satisfaction of the City of Vaughan Development Engineering Department.

14. The Owner shall agree 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. Prior to final approval of the Plan, the Owner shall pay its proportionate share of the cost of any external municipal services, temporary and/or permanent built or proposed, that have been designed and oversized by others to accommodate the development of the Plan.

16. 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 of Vaughan.
17. The Owner shall agree in the subdivision agreement to maintain adequate chlorine residuals in the watermains within the Plan after successful testing and connection to the potable municipal water system and continue until such time as determined by the City. In order to maintain adequate chlorine residuals, the Owner will be required to retain a licensed water operator to flush the water system and sample for chlorine residuals on a regular basis determined by the City. The Owner shall be responsible for the costs associated with these activities including the metered consumption of water used in the program.
18. 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.
19. The Owner shall cause the following warning clauses to be included in a schedule to all offers of purchase and sale, or lease for all lots/blocks within the entire Plan:
 - a) "Purchasers and/or tenants are advised that this development will function as a common element condominium and all details and associated costs shall be presented in the sales office, and through marketing material, etc."
 - b) "Purchasers and/or tenants are advised that proper grading of all lots in conformity with the Subdivision Grading Plans is a requirement of the subdivision agreement.

The City of Vaughan has taken a letter of Credit from the Owner (Subdivision Developer) for the security to ensure all municipal services including, but not limited to lot grading, are constructed to the satisfaction of the City of Vaughan. Direct cash deposit from the Purchasers to the City of Vaughan and/or Owner, for lot grading purposes, is NOT a requirement. The City of Vaughan does not control the return of such deposits and purchasers/tenants must direct inquiries regarding this return to their vendor/landlord."

- c) "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 the 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"
- d) "Purchasers and/or tenants are advised that driveway widths and curb cut

widths are governed by City of Vaughan By-law 1-88, as amended, as follows:

- a) The maximum width of a driveway shall be 6 metres measured at the street curb, provided circular driveways shall have a maximum combined width of 9 m measured at the street curb
- b) Driveway in either front or exterior side yards shall be constructed in accordance with the following requirements:

Lot Frontage	Maximum Width of Driveway
6.0 - 6.99m ¹	3.5m

¹The Lot Frontage for Lots between 6.0 – 11.99m shall be comprised of a Minimum of 33% Landscaped Front or Exterior side yard and a minimum sixty percent (60%) of the Minimum Landscaped Front or Exterior side yard shall be soft landscaping in accordance with Paragraph 4.1.2 of Zoning By-law 1-88

- e) “Purchasers and/or tenants are advised that mail delivery will be from a designated community mailbox as per requirements dictated by Canada Post. The location of the mailbox shall be shown on the community plan provided by the Owner in its Sales Office”.
- f) “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 building occupants”.
- g) “Purchasers and/or tenants are advised that fencing and/or noise attenuation features along the lot lines of lots and blocks abutting public lands, including public highway, laneway, walkway or other similar public space, is a requirement and that all required fencing and barriers shall be constructed with all fencing materials, including foundations, completely on private lands and totally clear of any 0.3 m reserve as shown on the Construction Drawings”.
- h) “Purchasers and/or tenants are advised that fencing along the lot lines of Lots and Blocks abutting public lands is a requirement of the subdivision agreement and that all required fencing, noise attenuation feature and barriers shall be constructed with all fencing materials, including foundations, completely on private lands and totally clear of ay 0.3 m reserve, as shown on the Construction Drawings.

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

- i) “Purchasers and/or tenants are advised that this plan of subdivision is designed to include rear lot catchbasins. The rear lot catchbasin is designed to receive and carry only clean stormwater. It is the homeowner’s responsibility to maintain the rear lot catchbasin in proper working condition by ensuring that the grate is kept clear of ice, leaves and other debris that would prevent stormwater from entering the catchbasin. The rear lot catchbasins are shown on the Construction Drawings and the location is subject to change without notice”.
- j) “Purchasers and/or tenants are advised that their rear yard lot area has been designed to incorporate an infiltration trench system to achieve groundwater balance. It is the responsibility of the homeowner to maintain the infiltration trench systems in good operating condition, which may include periodic cleaning of the rear yard catch basin, as per the Environmental Compliance Approval (ECA) as issued by the Ministry of the Environment, Conservation and Parks (MECP)”.

Any additional warning clauses in the Noise Report as noted in the subdivision agreement shall be included in all Offers of Purchase and Sale or Lease for all Lots and/or Blocks within the Plan to the satisfaction of the City.

- 20. Prior to final approval of the Plan, the Owner shall provide a detailed tree preservation study to the satisfaction of the City. The study shall include an inventory of all existing trees, assessment of significant trees to be preserved and proposed methods of tree preservation based on the arborist report recommendations.
 - In addition, the study shall quantify the value of three tree replacements using the Urban Design Tree Replacement Valuation outlined in the City’s Tree Protection Protocol.
 - The Owner shall not remove trees without written approval by the City.
 - The Owner shall enter into a tree protection agreement in accordance with City Council enacted Tree By-law 052-2018, which will form a condition of the draft plan approval.
- 21. The warning clause council approved September 29th, 1997 with respect to “Tree Fees” shall be included in the subdivision agreement:
 - *“The City has not imposed an amount of 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 purchasers for boulevard trees does not guarantee that a tree will be planted on the boulevard in front or on the side of a residential dwelling”.

22. Prior to final approval of the Plan, the Owner shall prepare an urban design brief. The document must articulate how the design and concept is consistent with the performance standards outline in the Vaughan City-wide Urban Design Guidelines and Vaughan City-Wide Official Plan (VOP 2010) Urban Design Policies. The document shall address but not be limited to the following issues:
 - Landscape master plan; coordination of the urban design/streetscape elements including built form, fencing treatments, and street tree planting
 - The appropriate community edge treatment and landscaping along Teston Road with low-maintenance plant material
 - The appropriate landscaping within the stormwater management pond
 - Edge restoration along the open space lands
 - Architectural control design guidelines, including appropriate flankage elevations along Teston Road
 - Sustainability design practices/guidelines
 - Document shall also reference the existing Block 40/47 Pine Height Community Landscape Master Plan prepared by NAK Design Strategies
 - Document shall also reference the existing Block 40/47 Pine Heights Community Architectural Design Guidelines prepared by John G. Williams Architect Ltd.
23. Prior to final approval of the Plan, the Owner shall agree that all development shall proceed in accordance with the City of Vaughan Sustainability Metrics program.
24. The Owner shall agree in the subdivision agreement to convey the buffer block (Block 2) and the portions of Block 3 that are proposed to be rezoned to “OS1 Open Space Conservation Zone” to the TRCA, free of all encumbrances. The Owner is advised that an R-Plan may be required to be submitted to the TRCA to determine the staked limits of development abutting Weston Road.
25. Prior to final approval of the Plan, the Owner shall prepare a detailed edge management plan study for the perimeter of the open space lands. The study shall include an inventory of all existing trees within an 8 m zone inside the staked edges, and areas where the open space edges are disturbed, assessment of significant trees to be preserved and proposed methods of edge management and/or remedial planting shall be included. The Owner shall not remove any vegetation without written approval by the City.
 - The Owner shall provide a report for a 20 m zone within all staked open space edges to the satisfaction of the TRCA and City, which identifies liability and issues of public safety and recommends woodlot/forestry management practices and removal of hazardous and all other trees as identified to be removed.

26. The Owner shall agree in the subdivision agreement to erect permanent wood fence treatments for flanking residential blocks; to be co-ordinated with the environmental noise report and architectural design guidelines.
27. The Owner shall agree in the subdivision agreement to erect a permanent 1.5 m high black vinyl chain-link fence or approved equal along the limits of the residential blocks that abut open space lands and associated buffer blocks.
28. The Owner shall agree to notify both the Ministry of Tourism, Culture and Sport, and the City of Vaughan Development Planning Department immediately in the event that:
 - a) archaeological resources are found on the property during grading or construction activities, to which the proponent must cease all grading or construction activities; and
 - b) where human remains are encountered during grading or construction activities, the proponent must cease all grading or construction activities. The Owner shall contact York Region Police, the Regional Coroner and the Registrar of the Cemeteries Regulation Unit of the Ministry of Consumer and Business Services.
29. The Owner shall obtain a permit from the Toronto and Region Conservation Authority pursuant to Ontario Regulation 166/06
30. The Owner shall agree to provide an updated Block 40/47 Plan to the satisfaction of the City.
31. The Owner shall cause the following to be displayed on the interior wall of the sales office, information approved by the City of Vaughan, prior to offering any units for sale, to be monitored periodically by the City. No Building Permit(s) shall be issued for a sales office or model home, or a residential unit until such information is approved by the City of Vaughan:
 - the block plan 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, buffer blocks, stormwater management facilities and trails
 - the location of institutional uses, including schools, places of worship, and community facilities
 - the location and type of commercial sites
 - colour-coded residential for singles, semis, multiples, and apartment units,

and the following notes in BOLD CAPITAL TYPE on the map:

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

“For detailed grading and berming information, please call the developer’s engineering consultant, (TMIG) at 905-738-5700”.

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

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

32. Prior to final approval of the Plan, the Owner shall provide the City with a letter from the Trustee of the Block 40/47 Landowner’s Group to confirm that the Owner has entered into a Cost-Sharing Agreement and fulfilled all obligations (i.e. financial, parkland dedication, etc.) of this Agreement.
33. Prior to final approval of the Plan, the City and York Region shall confirm that adequate water supply and sewage treatment capacity are available and have been allocated to accommodate the Plan.
34. 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 m reserves.
35. 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 the lot and block areas, frontages and depths for all the lots and blocks within the Plan.
36. Notwithstanding the provisions, the City may issue model home Building Permit(s) provided that the land is zoned to the satisfaction of the City.
37. 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(s).
38. Prior to the initiation of grading or stripping of topsoil and prior to final approval of the Plan, the Owner shall prepare and implement a detailed erosion and sedimentation control plan(s) addressing all phases of the construction of the municipal services and house building program including stabilization methods, topsoil storage locations and control measures to the satisfaction of the City. The

Owner shall prepare the erosion and sediment control plan(s) for each stage of construction (pre-stripping/earthworks, pre-servicing, post-servicing) in accordance with the Toronto and Region Conservation Authority ('TRCA') Erosion and Sediment Control Guidelines for Urban Construction, dated December 2006 and implement a monitoring and reporting program to the satisfaction of the City.

39. Prior to the initiation of the grading or stripping of topsoil and prior to final approval of the Plan, the Owner shall submit a top soil storage plan detailing the location, size, slopes stabilization methods and time period, for approval by the City. Top soil storage shall be limited to the amount required for final grading, with the excess removed from the site, and shall not occur on either the park, open space and/or buffer block(s).
40. Prior to final approval of the Plan and/or commencement of construction within the Plan, the Owner shall submit a detailed hydrogeological impact study that identifies, if any, local wells that may be influenced by construction and if necessary, outline a monitoring program to be undertaken before, during and after construction of the subdivision.
41. Prior to final approval of the Plan, an engineering report for an in-situ percolation test to confirm soil infiltration rates prepared at the Owner's expense shall be submitted to the City for review and approval.
42. The Owner shall agree in the Subdivision Agreement to decommission any existing wells and driveways on the Plan in accordance with all applicable provincial legislation and guidelines and to the satisfaction of the City.
43. Prior to final approval of the Plan, a Water Supply Analysis Report shall be submitted to the satisfaction of the City, which shall include a comprehensive water network analysis of the water distribution system and shall demonstrate that adequate water supply for the fire flow demands is available for the Plan and each phase thereof.
44. The Owner shall agree to provide the following for the purpose of fire safety and firefighting operations:
 - a) hydrants for firefighting, municipal or private, as identified in the plans and code requirements to be installed
 - b) hydrants shall be unobstructed and ready for use at all times
 - c) access roadways shall be maintained and suitable for large heavy vehicles, and
 - d) temporary municipal address to be posted and visible for responding

emergency vehicles satisfactory to the City.

45. 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.
46. Prior to final approval, the Owner shall satisfy all technical, financial and other requirements of Alectra Utilities (formerly 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 Alectra Utilities. which addresses the foregoing requirements.

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 Alectra Utilities and the City.

47. Prior to final approval of the Plan, the Owner shall pay its proportionate share as determined by the City and York Region for the cost of any external municipal services within York Region's Road Allowance, permanently built or proposed, that have been designed and oversized by others to accommodate the development of the Plan.