

Attachment 7 – Conditions of Site Plan Approval (City of Vaughan)

Site Development File DA.20.060 (Dulcina Investments Inc.)

Conditions of Approval:

- 1) THAT prior to the execution of the Site Plan Agreement:
 - a) The Development Planning Department shall approve the final site plan, landscape plan and cost estimate, building elevations, and lighting plan;
 - b) The Owner shall satisfy all requirements from Alectra Utilities Corporation, Enbridge Distribution Inc., Rogers, Bell Canada and Canada Post.
 - c) The Owner shall obtain necessary easements/agreements/approvals where the fire line, domestic water line, sanitary and storm sewers cross other properties.
 - d) The Owner shall obtain necessary reciprocal access easement agreements where the private roads and underground parking will be accessible for vehicles/pedestrians of other properties.
 - e) The Owner shall obtain necessary easement agreements where the private utilities, water, storm and sanitary services cross boundary limits of other properties.
 - f) The Owner shall enter into a development or any other agreement for the installation of any proposed service connections and agree to design and construct – at no cost to the City – any improvements to the municipal infrastructure regarding the site servicing assessment, should it be determined that upgrades/improvements are required to the infrastructure to support this development, all to the satisfaction of the City. The site servicing assessment shall include all finding and recommendations provided in a final Inflow & Infiltration (I&I) report as described in this report.
 - g) The Owner shall agree in the development or any other agreement to complete two- year of post repair/rehabilitation flow monitoring to ensure the targets defined in the Inflow & Infiltration (I&I) report were achieved. If the targets defined in the Inflow & Infiltration (I&I) report were not achieved, the Owner shall agree to design and construct – at no cost to the City – further improvements to the municipal infrastructure to support this development, to the satisfaction of the City.

- h) The Development Engineering Department shall approve the final Inflow & Infiltration (I&I) report/study, site servicing and grading plans, erosion control plan, functional servicing and storm water management reports and drawings, site illumination plan, utility coordination plan, geotechnical and hydrogeological assessment, and traffic impact study and transportation demand management.
- i) The Owner shall agree to design and construct the private east-west street connecting the Phase 1B and Phase 2C site with Fishermens Way as part of the Phase 1B development to the satisfaction of Development Engineering. The Owner will be required to submit a functional plan in advance of the engineering drawings for review and approval by Development Engineering.
- j) The Owner shall provide an appropriate confirmation that an agreement exists or that access will be permitted to Fishermens Way as to construct the east-west private street connecting Phase 1B and Phase 2C to Fishermens Way.
- k) The Owner shall submit an updated Parking Plan that considers both the subject site (Phase 1B) and the neighbouring Phase 2C site to confirm that the overall parking supply and applicable requirements will be satisfied for both sites to the satisfaction of Development Engineering.
- l) The Owner shall submit an updated site plan and parking plan to address site design matters including parking layout, active transportation facilities, and pavement marking and signage to the satisfaction of Development Engineering.
- m) The Owner shall pay the applicable fees pursuant to the current Fees and Charges By-law including water consumption during building construction.

The Owner shall satisfy all requirements of the Environmental Services Department, Solid Waste Management Division. The Owner shall also agree in the Site Plan Agreement that the development will have private waste collection services.

- n) The Owner shall:
 1. Apply for any temporary and permanent dewatering system that is required for the development and enter into an agreement and/or permit to discharge groundwater as required by the City.
 2. The Owner shall install all works to carry out the Private Groundwater Discharge (“Discharge and Related Works”) in accordance with the

terms and conditions of the Discharge Approval, all to Vaughan's satisfaction. Furthermore, the Owner shall ensure that all Discharge and Related Works are in good standing with the Discharge Approval.

3. Prior to registration of the condominium on the Lands, the Owner shall ensure that the Discharge Approval is in full force and effect and that the Discharge and Related Works are in good standing in accordance with the terms and conditions of the Discharge Approval and operating to Vaughan's satisfaction.
 4. Upon registration of the condominium on the Lands, the Owner (which shall then be the condominium corporation) shall apply for and obtain a renewal of the Discharge Approval within thirty (30) days of registration or prior to the expiry date on the Discharge Approval, whichever occurs first, such that the Owner (condominium corporation) shall assume and become responsible for the Discharge Approval and the Discharge Related Works.
 5. Fees related to Discharge Approval renewals shall apply in accordance with the City's Sewer Use By-law 130-2022, as amended.
 6. Upon the Owner's application to renew the Discharge Approval in accordance with the above Item 4, the Owner shall provide a report prepared and sealed by a licensed professional geoscientist, in the province of Ontario, attesting that all Private Groundwater Discharge comply with the requirements of the Discharge Approval issued by Vaughan.
 7. Apply for an excavation and shoring permit that is required for the development and enter into an agreement and/or permit with the City and the surrounded landowners, including an encroachment agreement/permit and payment of the associated fees.
- o) City standard environmental conditions shall be made prior to conveyance of the east-west public road and future park lands:
1. The Owner shall submit a sworn statutory declaration by the Owner confirming the environmental condition prior to any lands being conveyed to the City;
 2. The Owner shall submit a limited Phase Two Environmental Site Assessment (ESA) report in accordance or generally meeting the intent of Ontario Regulation (O. Reg.) 153/04 (as amended) for all parks, open spaces, landscape buffers, and storm water management pond block(s) that are being conveyed to the City. The sampling and analysis plan prepared as part of the limited Phase Two ESA should assess the fill for applicable contaminants of concern and be developed in consultation with the City. The implementation of the sampling and analysis plan shall

be completed to the satisfaction of the City and shall only be undertaken following certification of rough grading but prior to placement of topsoil placement. Reliance on the ESA report(s) from the Owner's environmental consultant shall be provided to the City.

- 2) THAT the Site Plan Agreement shall include the following conditions and warning clauses, to the satisfaction of the City:

Conditions

- a) The Owner must pay all applicable development charges in accordance with the development charges by-laws of the City of Vaughan, York Region, York Region District School Board and York Catholic District School Board.
- b) The Owner shall agree to implement the noise mitigation measures and recommendations outlined in the final detailed noise report into the design and construction of the buildings on the lands and include all necessary warning statements on all agreements of purchase and sale or lease of individual units, all to the satisfaction of the City.
 - a. Purchases/tenants are advised that despite the inclusion of noise control features in the development and within the building units, sound levels due to increasing road traffic may on occasions interfere with some activities of the dwelling occupants as the sound levels exceed the sound level limits of the Municipality and the Ministry of the Environment, Conservation and Parks.
 - b. "This dwelling has been supplied with a central air conditioning system which will allow windows and exterior doors to remain closed, thereby ensuring that the indoor sound levels are within the sound level limits of the Municipality and the Ministry of the Environment, Conservation and Parks."
 - c. "Purchasers/tenants are advised that due to the proximity to the existing commercial/industrial developments and the CN MacMillan Rail Yard, sound from these facilities may, at times, be audible."
- c) The Owner shall agree, as part of the future phases, to resubmit an updated Transportation Impact Study. The Study shall demonstrate, amongst other things, adequate road capacity to facilitate any future development(s), including reanalyzing the intersection of Jane Street and the local east-west street to determine whether signalization is required as part of future developments. However, until such time this intersection will remain in an unsignalized right-in/right-out configuration.

- d) The Owner shall implement all Transportation Demand Management (TDM) measures as identified in the Final Traffic Impact Study & Transportation Demand Management Plan (*to be confirmed name of consultant and date of final report*). The TDM measures include provision of short-term and long-term bicycle parking, bicycle repair station and pedestrian/cycling connections to transit facilities.
- e) Prior to occupancy of each unit, a noise consultant shall certify that the building plans are in accordance with the noise control features recommended by the approved final detailed Noise Report. Where wall, window and/or oversized forced air mechanical systems are required by the Noise Report, these features be certified by a Professional Engineer at the City's request. The Engineer's certificate must refer to the final Noise Report and be submitted to the City's Chief Building Official and the Director of Development Engineering.
- f) The Owner shall agree to include the necessary warning clauses in agreements of Offer of Purchase and Sale, lease/rental agreements and condominium declarations including but not limited to the following:
- "Purchasers/tenants are advised that despite the inclusion of noise control features in the development and within the individual dwelling units, sound levels from increasing road traffic and adjacent employment/industrial uses may on occasion interfere with some activities of the dwelling occupants as the sound level may exceed the Ministry of Environment and Climate Change's environmental noise guidelines NPC-300."
- g) Prior to occupancy of each dwelling unit, the Owner shall submit to the City satisfactory evidence that the appropriate warning clauses have been included in the Offer of Purchase and Sale, lease/rental agreements and condominium declarations.
- h) Prior to registration of the Plan of Condominium for each building block, the proponent shall provide the following:
1. A copy of reciprocal cost-sharing and easement agreement for maintenance, operation, repair and replacement of the shared sanitary and storm servicing among/between Phase 2 Block C, Phase 1 Blocks A and B.
 2. A copy of reciprocal cost-sharing and easement agreement for access, utilization, maintenance, operation, repair and replacement of the common elements (which include shared driveway accesses, underground parking,

- vehicular and pedestrian accesses) and shared utilities (which include fire suppression system, fire supply municipal connections, and water utilities billing) between Buildings B and C.
3. A copy of the proposed Condominium Declaration of each building, i.e. Phase 1 Block A, Phase 1 Block B and Phase 2 Block C, with the relevant section(s) highlighted, which shall disclose corresponding obligations of the Owner(s) in respect to cost-sharing and sharing of common accesses, utilities, services and/or other elements as prescribed in relevant schedules of the reciprocal cost-sharing and easement agreement(s); as well as corresponding rights of the Owner(s) to access/utilize the respective common accesses, utilities, services and/or other elements.
 4. Attach reduced legal size (8.5 x 11 inches) copy of the Reference Plan(s) showing existing registered sewers easement registered on title in corresponding Schedules of the reciprocal cost sharing and easement agreement(s).
 5. Attach reduced legal size (8.5 x 11 inches) copy of the Reference Plan(s) or Draft/Final of Condominium Plan(s) showing shared common elements, including driveway accesses, vehicular/pedestrian accesses and shared underground parking.
 6. Attach a sketch for each sanitary and storm systems named "Shared Sanitary/Storm Servicing Schematic" in corresponding Schedules of the reciprocal cost sharing and easement agreement. The sketch shall clearly show adjacent local/regional municipal roads and private roads, existing/proposed building footprints, label each existing/proposed building/structure, each building service connection stub (of Phase 1 Blocks A and B and Phase 2 Block C), each leg of private sewer collector, its size and length (e.g. 100 m - 250 mm Private Sanitary/Storm) up to the service connection at the receiving municipal sewer(s);
 7. Attach a sketch of the shared fire supply connections named "Shared Water Service Connections Schematic" in corresponding Schedules of the reciprocal cost sharing and easement agreement. The sketch shall show adjacent municipal and private roads, existing/proposed building footprints, label each existing/proposed building/structure, each building connection stub to existing municipal watermain on Fishermen Way.

Warning Clauses

- "Should archaeological resources be found on the Subject Lands during construction activities, the Owner must immediately cease all construction activities and immediately notify the Ontario Ministry of Tourism, Culture and

Sport and the Development Planning Department, Urban Design and Cultural Heritage Division.”

- “In the event that human remains are encountered during construction activities, the Owner must immediately cease all construction activities. The Owner shall contact the York Regional Police Department, the Regional Coroner, the Registrar of the Cemeteries and Crematoriums Regulation Unit of the Ministry of Government and Consumer Services, and the City of Vaughan Development Planning Department, Urban Design and Cultural Heritage Division.”