

ATTACHMENT NO. 10

CONDITIONS OF APPROVAL

**DRAFT PLAN OF SUBDIVISION FILE 19T-22V002 (THE 'PLAN')
AVENUE 7 DEVELOPMENTS LTD. (THE 'OWNER')
2267 HIGHWAY 7 AND 7700 KEELE STREET
PART OF LOTS 5 & 6, CONCESSION 4 (THE 'LANDS')
CITY OF VAUGHAN (THE 'CITY')**

THE CONDITIONS OF THE COUNCIL OF THE CITY THAT SHALL BE SATISFIED PRIOR TO THE RELEASE FOR REGISTRATION OF PLAN OF SUBDIVISION FILE 19T-22V002 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 in Attachment No. 10 a).
2. The Conditions of Approval of York Region as set out in Attachment No. 10 b) and dated November 29, 2023.
3. The Conditions of Approval of the Toronto and Region Conservation Authority as set out in Attachment No. 10 c) and dated April 1, 2024.
4. The Conditions of Approval of Alectra Utilities Corporation as set out in Attachment No. 10 d) and dated May 11, 2020.
5. The Conditions of Approval of Bell Canada as set out in Attachment No. 10 e) and dated July 7, 2022.
6. The Conditions of Approval of Enbridge Gas Inc. as set out in Attachment No. 10 f) and dated July 7 2022.
7. The Conditions of Approval of Canada Post as set out in Attachment No. 10 g) and dated July 6, 2022.
8. The Conditions of Approval of the CN Railway as set out in Attachment No.10 h) and dated April 29, 2024

Clearances

1. The City shall advise in writing that Conditions in Attachment No. 10 a) have been satisfied; the clearance letter shall include a brief statement detailing how each condition has been met.
2. York Region shall advise in writing that the Conditions in Attachment No. 10 b) have been satisfied; the clearance letter shall include a brief statement detailing how each condition has been met.
3. The Toronto and Region Conservation Authority shall advise in writing that the Conditions in Attachment No. 10 c) have been satisfied; the clearance letter shall include a brief statement detailing how each condition has been met.
4. Alectra Utilities Corporation shall advise in writing that the Conditions in Attachment No. 10 d) have been satisfied; the clearance letter shall include a brief statement detailing how each condition has been met.
5. Bell Canada shall advise in writing that the Conditions in Attachment No. 10 e) have been satisfied; the clearance letter shall include a brief statement detailing how each condition has been met.
6. Enbridge Gas Inc. shall advise in writing that the Conditions in Attachment No. 10 f) have been satisfied; the clearance letter shall include a brief statement detailing how each condition has been met.
7. Canada Post shall advise in writing that the Conditions in Attachment No. 10 g) have been satisfied; the clearance letter shall include a brief statement detailing how each condition has been met.
8. CN Rail shall advise in writing that the Conditions in Attachment No. 10 h) have been satisfied; the clearance letter shall include a brief statement detailing how each condition has been met.

ATTACHMENT No. 10 a)

CITY OF VAUGHAN CONDITIONS:

Development Planning Department conditions:

1. The Plan shall relate to the Draft Plan of Subdivision, prepared by KLM Planning Partners Inc, dated November 29, 2023 (the 'Plan') relating to City File No. 19T-22V002.
2. If approval of the Plan is not given within 3 years after the date upon which approval of Draft Plan of Subdivision File No. 19T-22V002 was given, then the draft plan approval shall lapse unless the Owner applies to the City for an extension and approval is granted for said extension prior to the lapsing date.
3. 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*.
4. The Owner shall provide the final georeferenced AutoCAD drawings of the plan of subdivision, the associated Excel translation files and individually layered pdfs for all drawings to the satisfaction of the GIS section of the Development Planning Department. If the files meet requirements, an email from gisplanning@vaughan.ca confirming the final submission has been approved will be provided.
5. The Owner shall pay any and all outstanding application fees to the Development Planning and Development Engineering Departments, in accordance with the in effect Tariff of Fees By-law.
6. The Owner shall pay any and all outstanding street numbering fees in accordance with the in-effect Fees and Charges By-law.
7. The Plan shall be updated to include the approved street names to the satisfaction of the Development Planning Department.
8. The Owner shall enter into a Subdivision Agreement, or other agreement satisfactory to the City, with the City 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 roads and municipal services, landscaping, and fencing. The said agreement shall be registered against the lands to which it applies.
9. The Owner shall agree in the Subdivision Agreement that all development shall proceed in accordance with the City's Sustainability Metrics program. The program shall present a set of metrics to quantify the sustainability performance of new development projects.

10. The Owner acknowledges and agrees that the draft plan of subdivision and associated conditions of draft approval may require revisions, to the satisfaction of the City, to implement or integrate any recommendations resulting from studies or submissions required as a condition of draft approval.
11. Prior to the execution of the Subdivision Agreement, the Owner will be required to enter into a Tree Protection Agreement with the City.
12. The Owner agrees that should previously undocumented archaeological resources be found on the property during construction activities, the Owner must immediately cease all construction activities and notify the Ministry of Citizenship and Multiculturalism (or its successor), and the Development Planning Department, Urban Design and Cultural Heritage Division at the City.

If 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 at the Bereavement Authority of Ontario (BAO) and the City's Development Planning Department, Urban Design and Cultural Heritage Division.

Urban Design Conditions:

13. Prior to final approval, the owner shall prepare urban design guidelines. The document must articulate how the design and concept is consistent with the performance standards outlined in the Vaughan City-Wide Urban Design Guidelines and Vaughan City-Wide Official Plan (VOP 2010) Urban Design Policies.
14. The Owner agrees to provide an art feature on the facade or an artistically designed elevation for the buildings with above-grade parking within the podium along Highway 7 subject to the review and approval by Urban Design staff during the future site plan application stage.
15. Prior to final approval, the Owner shall prepare a Phasing Plan clearly demonstrating the limits of each phase below and above ground to the satisfaction of the City.
16. Prior to the final approval of the Subdivision Plan, the owner shall prepare a Landscape Master Plan. The Plan shall address but not be limited to the following issues:
 - a. Fencing treatments, street tree planting, park land, vista lands, POPS, and open space lands;
 - b. The appropriate edge treatment along Highway 7; including the appropriate landscaping/Streetscaping.
 - c. The appropriate edge treatment along Keele Street; in accordance with Concord West Urban Design Framework and Streetscape Plan
 - d. The appropriate buffer edge treatment along the west and south property lines;

- including the appropriate landscaping with low maintenance plant material.
 - e. The pedestrian urban connections between streets, built forms, park lands, POPS, vista lands, etc.
 - f. Sustainability design practices/guidelines
- 17. Components of the Keele Street streetscape urbanization are included in the 2018 Development Charges By-Law 083-2018 as required to service growth within the Concord Secondary Plan Area. In accordance with this Section, the Owner may be entitled to a Development Charge reimbursement for a portion of its costs related to the design and construction of the Keele Street Streetscape Works when funds for the Keele Street Streetscape Works are available and included in an approved capital project.
- 18. Prior to the landscape plan review by Urban Design staff, a fee shall be provided by the owner to the Development Planning Department in accordance with recent council approved fee by-laws (commencing January 1, 2024); i.e. Tariff of Fees for Vaughan Planning Applications – Landscape Plan Review.
 - a. This fee will include staff's review and approval of proposed streetscaping/landscaping within the development (including but not limited to urban design guidelines, landscape master plan, architectural design guidelines, perfect submission landscape architectural drawings, stormwater management pond planting plans, natural feature edge restoration/management plans), and tree inventory/preservation/removals plans.
 - b. In addition, a fee will be applied for each subsequent inspection for the start of the guaranteed maintenance period and assumption of the development by the City of Vaughan.
- 19. The Owner shall design and construct the streetscape along the roads Street N-S and Street E-W in accordance with City standards, the "City-wide Streetscape Implementation Manual" and "Vaughan Complete Streets Guide" to the satisfaction of the City.
- 20. When the construction of the Streetscape Works has been substantially completed to the satisfaction of the City, the Owner shall provide the City with the following information:
 - a. a certification from a registered consulting engineer and a registered landscape architect that confirms the Streetscape Works have been constructed in accordance with the approved Construction Drawings, City standards and specifications, sound engineering practices, and the Streetscape Guidelines
 - b. a complete set of "As-Constructed" Construction Drawings, in PDF and Georeferenced CAD format, for the Streetscape Works, to the satisfaction of the City
 - c. copies of all final executed construction contracts, approved contract extras and change orders related to the construction of the Streetscape Works, to the

- satisfaction of the City
- d. copies of all quality assurance test results, supplementary geotechnical reports and construction related reports.
21. Prior to the final approval of the Subdivision Plan, the Owner shall prepare detailed streetscape drawings as part of the subdivision plan drawing package, to the satisfaction of the City. Revised streetscape cost estimates shall be submitted to the satisfaction of the City. Securities will be taken based on the full cost of the works.
 22. Prior to final approval of the Plan, the Owner shall submit an analysis of tree soil volumes demonstrating that each tree planted has met the minimum requirement of 20 m³ of growing medium in a shared tree pit or 30 m³ of growing medium in a stand-alone tree pit to encourage the growth of large caliper shade trees, to the satisfaction of the City.
 23. Prior to final approval, 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.
 - a) In addition, the study shall quantify the value of the tree replacements using the Urban Design Tree Replacement Valuation outlined in the City's Tree Protection Protocol.
 - b) The owner shall not remove trees without written approval by the City.
 - c) 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.
 24. Prior to registration, the Owner is required to enter into a "Tree Protection Agreement" which includes a security for trees to be preserved and protected in accordance with the approved Tree Preservation Study. The value of the security associated with the City's Tree Protection Agreement is determined through the following:
 - a. Tree compensation formula provided in the Arborist Report based on the City Tree Replacement Requirement.
 - b. The costs associated with tree protection measures (i.e. tree protection fencing, silt barriers etc.)
 - c. The costs associated with actual tree removals.
 25. Prior to final approval, the owner shall agree in the subdivision agreement that all development shall proceed in accordance with the City of Vaughan Sustainability Metrics program. The program shall present a set of metrics to quantify the sustainability performance of new development projects.
 26. The warning clause council approved September 29th, 1997 with respect to "Tree Fees" shall be included in the subdivision agreement:
 - a. "Purchasers are advised that the planting of trees on City boulevards in front of

residential units is a requirement of the subdivision agreement. A drawing depicting the conceptual location for boulevard trees is included as a schedule in this subdivision agreement. This is a conceptual plan only and 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.”

- b. “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 the 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.”

Policy Planning and Special Programs Department condition:

27. The Owner shall agree in the Subdivision Agreement that the City has Species at Risk within its jurisdiction which are protected under the *Endangered Species Act, 2007*, S.O.2007. The Owner is required to comply with Ministry of Environment, Conservation and Parks regulations and guidelines to protect these species at risk and their habitat. The Owner acknowledges that, notwithstanding any approvals made or provided by the City in respect to the Plan Agreement, they must comply with the provisions of the Act.

Development Engineering Department conditions:

28. The Owner shall enter into a subdivision 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 roads and municipal services, landscaping and fencing. The said agreement shall be registered against the lands to which it applies.

29. Any dead ends or open sides of road allowances created by this draft plan of subdivision shall be terminated in 0.3 metre reserves, to be conveyed to the City without monetary consideration and free of all encumbrances, to be held by the City until required for future road allowances or development of adjacent lands.

30. The Owner shall agree in the subdivision agreement that construction access shall be provided only in a location approved by the City and the Region of York.

31. Prior to final approval of the Plan, the Owner shall provide easements and land dedication as may be required for access, utility servicing, drainage, construction purposes, or other municipal requirements shall be granted to the appropriate authority(ies), to their satisfaction free of all charge and encumbrance.

32. Prior to final approval, a geotechnical report prepared at the Owner's expense shall be submitted to the City for review and approval. The Owner shall agree in the subdivision agreement to carry out, or cause to carry out, the recommendations including pavement design structure for ideal and non-ideal conditions to the

satisfaction of the City.

33. The Owner shall agree in the subdivision agreement to ensure that the grading at the boundaries of the Plan match with the grading for the surrounding lands and working easements to be obtained.
34. Prior to the initiation of grading, and prior to the registration of this draft plan of subdivision or any phase thereof, the owner shall submit to the City for review and approval the following:
35. A detailed engineering report that describes the storm drainage system for the proposed development within this draft 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 and major flows; and
 - d) proposed methods of controlling or minimizing erosion and siltation onsite and in downstream areas during and after construction.
36. Prior to final approval of the Plan or any phase thereof, the Owner may be required to revise or update the technical reports related to the development where such reports may not reflect existing conditions or where they no longer meet City Standards. Such reports may include Stormwater Management, Traffic Impact Study, Hydrogeological Study and Noise Study.
37. 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 reports to the satisfaction of the City.
38. 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.
39. Prior to final approval of the Plan, the Owner shall design and construct, at no cost to the City, any external municipal services, temporary and/or permanent built or proposed, that have been designed and oversized to accommodate the development of the Plan.

40. 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.
41. The Owner shall agree in the subdivision agreement to design, purchase material and install a streetlighting 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.
42. 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.
43. 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 or until assumption of the Plan. 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.
44. 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:
- (b) "Purchasers and/or tenants are advised that proper grading of all lots in conformity with the Subdivision Grading Plans is a requirement of this subdivision agreement.
- security to ensure all municipal services including, but not limited to lot grading, are constructed to the satisfaction of the City. Direct cash deposit from the Purchasers to the City and/or Owner, for lot grading purposes, is NOT a requirement of this subdivision agreement. 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 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 metres measured at the street curb.
- (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 of this subdivision agreement 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 0.3m reserve, as shown on the Construction Drawings.
- (h) “The City has taken a Letter of Credit from the Owner for security to ensure all fencing including, but not limited to privacy fencing, chain link fencing and acoustic fencing, are constructed to the satisfaction of the City. Direct cash deposit from the Purchasers to the City and/or Owner, for fencing, is not a requirement of this subdivision agreement.”
- (i) “Purchasers and/or tenants are advised that fencing along the lot lines of Lots and Blocks abutting public lands is a requirement of this 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 any 0.3 metre reserve, as shown on the Construction Drawings.

The City has taken a Letter of Credit from the Owner (Subdivision Developer) for the security to ensure all fencing including, but not limited to privacy fencing, chain link fencing and acoustic fencing, are constructed to the satisfaction of the City. Direct cash deposit from the Purchasers to the City and/or Owner, for fencing, is NOT a requirement of this subdivision agreement.

The maintenance of the noise attenuation feature or fencing shall not be the responsibility of the City, or the Region of York and shall be maintained by the Owner until assumption of the services of the Plan. Thereafter the maintenance of the noise attenuation feature or fencing shall be the sole

responsibility of the lot owner. Landscaping provided on Regional Road right-of-ways by the Owner or the City for aesthetic purposes shall be approved by the Region and maintained by the City with the exception of the usual grass maintenance.”

- (j) “Purchasers and/or tenants are advised that this plan of subdivision is designed to include catchbasins. The catchbasin is designed to receive and carry only clean stormwater. It is the tenant’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 catchbasins are shown on the Construction Drawings and the location is subject to change without notice.”
- (k) “Purchasers and/or tenants are advised that the Owner (Subdivision Developer) has made a contribution towards recycling containers for each unit as a requirement of this subdivision agreement. The City has taken this contribution from the Owner to off-set the cost for the recycling containers, therefore, direct cash deposit from the Purchasers to the Owner for recycling containers purposes is not a requirement of the City of Vaughan. The intent of this initiative is to encourage the home Purchasers to participate in the City’s waste diversion programs and obtain their recycling containers from the Joint Operation Centre (JOC), 2800 Rutherford Road, Vaughan, Ontario, L4K 2N9, (905) 832-8562; the JOC is located on the north side of Rutherford Road just west of Melville Avenue.”

45. That the Owner undertake the following to the satisfaction of the City:

- a. Provide notice to prospective purchasers in agreements of purchase and sale that the dwellings are located in a Class 4 Area and that agreements respecting noise mitigation may exist, and if so, to be registered on title;
- b. Registration of warning clauses on title to the satisfaction of the City; and
- c. Submission of a copy of the registered plan of survey (i.e. R-Plan) showing the boundaries of the lands used for the designation of the Class 4 Area, to the satisfaction of the City

46. Any additional warning clause 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.

47. The Owner shall agree in the subdivision agreement to convey any lands and/or easements, free of all costs and encumbrances, to the City that are necessary to construct the municipal services for the Plan, which may include any required easements and/or additional lands within and/or external to the draft plan, to the satisfaction of the City.

48. The Owner contributes their share of the cost of infrastructure works and/or undertakes the necessary improvement works and enters into a Development Agreement (if required) with the City, for the works associated with implementing the municipal servicing improvements for the ultimate build-out of the ultimate condition. The Owner's contributions are to be based on the conclusions and recommendations of the on-going Integrated Urban Water Master Plan Environmental Assessment and latest Functional Servicing Strategy Report, as required to the satisfaction of the City.
49. The Owner shall front-end finance and implement or contribute to required infrastructure improvements based on the conclusions and recommendations of the City's Integrated Urban Water Master Plan Class EA, specifically the Concord Go Centre / MTSA Functional Servicing Strategy Report, as appropriate and to the satisfaction of the City.
50. Prior to final approval of the Plan, the Owner shall coordinate any telephone or telecommunications service provider to locate its plant in a common trench on future Street(s) to service the proposed Development Block(s) 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 able to install its plant so as to permit connection to individual units within the subdivision, at no cost to the City.
51. The Owner shall agree in the subdivision agreement to design and construct at no cost to the City all applicable external municipal infrastructure required that are necessary to benefit the Plan to the satisfaction of the City.
52. The Owner shall agree in the Subdivision Agreement with the City to pay its financial contribution towards any Special Area Charges related to implementation of the interim and ultimate servicing strategies identified through the Master Environmental Servicing Plan and/or the current Functional Servicing Report to service the Subject Lands.
53. Prior to final approval of the Plan, the Owner shall ensure all necessary approvals to facilitate the road network in accordance with the Traffic Impact Study (TIS), to the satisfaction of the City. The traffic study is to analyze proposed road network and its impact to existing roadways that are also subject to approval by the Region of York.
54. Prior to final approval of the Plan, the Owner shall retain the services of a qualified Transportation Consultant to provide an updated transportation report/plan outlining the required Regional and City road improvements. The report/plan submitted to the City and Region for review and approval, shall demonstrate that adequate road capacity is available for the proposed development, and shall explain all transportation issues and recommend mitigative measures for these issues. An updated transportation report shall include a traffic management/roadway detour plan for the proposed roadway improvements. The Owner shall agree in the subdivision agreement to implement the recommendations of the updated transportation

report/Plan and TMP, to the satisfaction of the City.

55. Prior to final approval of the Plan, the Owner shall conduct comprehensive storm sewer study including, but not limited to, conveyance capacity analysis of proposed sewers, downstream storm sewer design sheets, hydraulic grade line analysis and related design drawings to demonstrate that the subject lands can be adequately serviced as proposed and conform to the City's comments on the sewer design. The stormwater analysis shall be completed to the satisfaction of the City as these lands are proposed to be serviced by an underground storage tank within the park lands. The Owner shall agree in the subdivision agreement to design and construct, at no cost to the City, all applicable works that are necessary to service the proposed lands to the satisfaction of the City. The Owner shall agree to provide a financial security or direct financial contribution for operation and maintenance considerations for the proposed municipal Oil Grit Separators and Underground Storm Water Management Tank proposed to service the development to the City.
56. The Owner shall include following warning clause for all purchasers and/or tenants within the Plan:
- a) abutting or in proximity of any parkland or walkway:
 - "Purchasers and/or tenants are advised that the lot abuts a "Neighbourhood Park" of which noise and lighting may be of concern due to the nature of the park for active recreation."
57. Prior to final approval of the Plan and/or commencement of construction within the Plan, the Owner shall submit detailed engineering design plans for the proposed roads within and external to the Subject Lands including, but not limited to, the intersection design with existing municipal and Regional roads, lane widths, lane configurations, curb radii, turning lanes with storage/ taper length, retaining wall details and sidewalk details to the satisfaction of the City and Region.
58. Prior to final approval of the Plan, the Owner shall submit an environmental noise and/or vibration report to the City for review and approval. The preparation of the noise/vibration report shall include the ultimate traffic volumes associated with the surrounding road network and railway to according to the Ministry of Environment Guidelines. The Owner shall agree in the subdivision agreement to carry out, or cause to carry out, the recommendations set out in the approved noise/vibration report to the satisfaction of the City.
59. Prior to final approval of the Plan, the Owner shall obtain confirmation from the City and Region of York that adequate water supply and sewage treatment capacity are available and have been allocated to accommodate the proposed development.
60. Prior to 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 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.

61. 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 the City.
62. The Owner shall provide a one-time cost contribution in present value for non-conventional stormwater management infrastructure to compensate for any increase in costs when compared to conventional stormwater management infrastructure, based on operation, maintenance, rehabilitation, and replacement costs as necessary to the satisfaction of Development Engineering.
63. The Owner shall submit an updated Transportation Impact Study (TIS), to the satisfaction of the City. The updated TIS is to address all outstanding City comments and to analyze the proposed road network and its impact to existing roadways that are also subject to approval by the Region of York, to the satisfaction of the City.
64. The Owner shall provide updated functional design drawings followed by detailed engineering drawings of New Street 1 and New Street 2, their intersections with Keele Street and Highway 7 and any affected access' to the satisfaction of the City.
65. The Owner shall provide evidence that the Owner of the subject lands and the neighboring landowner at 7622 Keele Street have entered into an agreement regarding relocating the existing access to 7622 Keele Street to the collector road proposed on the Draft Plan of Subdivision labelled New Street 2, to the satisfaction of the City.
66. The Owner shall obtain, as applicable, all necessary approvals/permits from Regional Municipality of York and to their sole satisfaction, as the Subject Lands and external improvements are regulated by the respective agency.
67. The Owner shall agree within the subdivision agreement that New Street 1 and New Street 2 shall be constructed within Phase 1 of the development, including but not limited to roadways, curbs, sidewalks, municipal services, and street lighting, in accordance with the approved subdivision plan and engineering drawings.
68. Prior to final approval of the Plan, the Owner shall address and satisfy all comments supplied by the Development Engineering Department, to the satisfaction of the City.

Real Estate Department conditions:

69. For high-density residential development, the Owner shall, prior to the issuance of a Building Permit, convey land at the rate of 1 ha per 600 net residential units and/or pay to Vaughan by way of certified cheque, cash-in-lieu of the dedication of parkland at the rate of 1 ha per 1000 net residential units, or at a fixed unit rate, at Vaughan's discretion, in accordance with the Planning Act and the City of Vaughan Parkland Dedication By-law. Notwithstanding the above, such parkland contribution—whether in the form of parkland conveyance or cash-in-lieu as determined by the City—shall be subject to a cap of (i) 10% of the Lands or value of the Lands if the Lands are 5 ha or less; or (ii) 15% of the Lands or value of the Lands if the Lands are greater than 5 ha.”
70. Prior to the issuance of a Building Permit, the Owner shall pay to the City of Vaughan by way of certified cheque a community benefits charge equivalent to 4% of the value of the subject lands in accordance with Section 37 of the *Planning Act* and the City's Community Benefits Charge By-law. The Owner shall submit an appraisal of the subject lands, pursuant to City's Community Benefits Charge By-law, prepared by an accredited appraiser for approval by the Vaughan Real Estate Department, and the approved appraisal shall form the basis of the calculation of the community benefits charge payment.

Parks Infrastructure Planning conditions:

71. Prior to registration, the Owner shall convey Block 2 to the City free and clear of all charges encumbrances with exception of the public underground storm water tank, if required by the City, to the City's satisfaction. The total area of the Park Block 2 shall be approximately 0.56 Ha and centrally located abutting the south public road of the development site for park development.
72. To meet dedication requirements under the Planning Act, the Vaughan Official Plan (VOP) 2010 (Section 7.3.3 Parkland Dedication) and in-effect parkland dedication by-law and amendments, payment-in-lieu of parkland may be applicable, discounting any public parkland dedicated to the City. Real Estate Services staff shall review and provide comments as required;
73. Ensure the park design, location, typology, and size conforms to and be consistent with the Vaughan Official Plan (VOP 2010) Section 7.3.2 Parks and Open Space Design and to the Active Together Master Plan (ATMP);
74. All parkland conveyed to the City shall be conveyed in a physical condition satisfactory to the City and in accordance with the policies, practices, and guidelines of the City.
75. The Owner shall, at its sole cost and expense, complete the following to the satisfaction of the City; Proposed public park block(s) grading must not negatively

impact adjacent properties with overland flow routes. The public park block(s) cannot be encumbered by overland flow routes from adjacent properties.

76. The public park block(s) shall not be encumbered by any easements for utility services, transformer boxes, temporary or permanent building structural elements, building overhangs, Canada Post mailboxes and/or access, buffers, railway and pipeline safety buffers and zones, Natural Heritage Network core features and associated buffers, with the exception of cross easements for servicing, utilities, maintenance and access, unless otherwise agreed to between the parties.
77. A storm water management brief and grading plan for all required stormwater services is required to ensure that proposed grading works have been designed to accommodate stormwater flows in accordance with the Engineering Department Design Manual at interim and final phases of the public park block(s) development to the satisfaction of the City.
78. A Facility Fit Plan to the City's standard level of service shall be prepared and include the following information:
- a) Provide boundaries of any proposed parkland dedication and the total size of individual blocks;
 - b) Layout plan illustrating the proposed park program requirements and level of service to meet the projected population and demographics, per the recommendations of the 2018 ATMP, or its successor document. Locations of park facilities should be informed by submitted Pedestrian Level Wind and Sun/Shadow studies. The park facilities shall have a comfortable microclimate, including maximizing sunlight access and wind conditions suitable for the intended use (the location, orientation, and layout of elements);
 - c) Dimensions of park facilities, separation distance between park facilities, and setbacks to property lines;
 - d) Identify ground floor programming and show the interface between the public park and the private development to ensure consideration for the built form and entry/exit locations, compatibility of adjacent uses, pedestrian and bicycle circulation, connections, and desire lines;
 - e) Provide existing and proposed grading, surface drainage patterns and sub-surface stormwater (SWM) servicing requirements (show any proposed SWM infrastructure, including maintenance and monitoring ports and required maintenance access, and sections illustrating the depth of cover);
 - f) Coordinate with the servicing plans, showing at grade (CB, light standards, telecommunications/transformer box location), underground (servicing lines), and above ground infrastructure utilities (hydro lines);
 - g) Show the limits of underground parking structure, if any;
 - h) Show any existing vegetation (species, age, size and condition of trees) to be preserved or removed and proposed plantings;
 - i) Provide a preliminary construction cost estimate (required for letter of credit to be included in the Subdivision Agreement or prior to final Site

Development Approval);

- j) The plans are to be completed by a registered Landscape Architect and are required to provide sufficient information to confirm facility and program requirements to the satisfaction of the City. Plan should be to scale and include a bar scale.

79. A geotechnical investigation and Phase 2 Environmental Site Assessment shall be conducted by a qualified Professional Engineer in accordance with O.Reg. 153/04 (as amended) assessing all public park block(s) in the Plan for conformity with the applicable MOECC Site Condition Standards for parkland use to the satisfaction of the City. A minimum of number of boreholes to be determined at draft plan of subdivision or development agreement are required within the parks blocks. Boreholes are to be taken at regular intervals along the full length of the proposed public park block(s). Borehole reports will indicate soil type, water content, and density (general compaction). All samples are to be tested in a laboratory to determine their physical properties, including levels of various chemical elements and contaminants. Should additional fill be placed to meet required grading levels, the results of the Phase Two Investigation shall be supplemented with a letter report addressed to the City by the Owner's environmental consultant that includes: confirmation of the area where fill has been placed and details regarding dates, sources, volumes, and certification that the placed fill material meets the applicable MOECC Site Condition Standards referenced above and compacted to the standard referenced below.

80. Adequately sized servicing connections are required along the main public park frontage and shall include a water chamber manhole, complete with a curb stop, sanitary manhole and a storm water manhole. All structures are to be located a minimum of 5 meters from adjacent property lines.

81. The approved electrical distribution plan will include a 120/240 volt, single phase, three wire power supply to the public park block(s). The power supply drop will consist of a 3 conductor #3/0 aluminum underground cable drop located one metre from the street line and one metre from the property line inside the block(s). The cable feed will originate from the closest (within 75 metre cable length) single phase pad mounted transformer and will be left coiled and attached to a 2"x4" wood stake, visible above grade.

82. Public Park block(s) grading shall be completed using clean engineered fill compacted to 95% Standard Proctor Dry Density (SPDD) inclusive of any civil work required such as retaining structures, rip rap, swales, and the like to meet grading levels as determined by the City approved grading plan. The park block shall generally be graded to meet and match surrounding levels and allow for a minimum 2% and no greater than 5% gradient over 75% of the total block area.

83. No fill shall be placed on existing topsoil and the stockpiling of topsoil is prohibited on the public park block(s). Topsoil for fine grading shall be fertile and friable, natural loam soil with two percent (2%) minimum organic matter for sandy loams and four

percent (4%) minimum organic matter for clay loams. Acidity of topsoil shall range from 6.0pH to 7.5pH and shall be capable of sustaining vigorous plant growth. The owner shall complete all necessary chemical analysis and topsoil fertility tests by a qualified testing laboratory to the satisfaction of the City, and results of testing provided to the City for review and approval. Topsoil shall be placed to a minimum depth of 300mm over the entire public park block(s). Prior to placement of topsoil, the owner shall add all amendments as required to amend the existing soils to meet the recommendations of the fertility testing and demonstrate that these standards have been met.

84. All temporary sediment control management measures are to be removed prior to rough grading.
85. The public park block(s) shall be sodded, as approved by the City.
86. The Owner shall be responsible to maintain the public park block(s) until such time as the public park is assumed to the City. Maintenance shall entail maintaining sufficient grades to prevent standing water, cutting the grass/vegetation a minimum of twice summer, erosion repairs, cleaning of catch basins, and removal of any debris that is dumped on the site, to the satisfaction of the City.
87. Prior to the execution of the subdivision agreement, the Owner shall provide the City with Letter of Credit (LC) totaling the complete cost to construct the public parkland to base conditions as per Park Base Conditions and Requirements, based on the approved plans and cost estimate. The LC shall be held for the estimated construction costs for the proposed site works, which shall include but is not limited to all required grading, landscape restoration, additional fill to meet approved grades, risk of contamination, removal of existing infrastructure/structures, temporary drainage structures servicing, and fencing. The Owner is responsible for the total cost of the construction of parkland base as per Park Base Conditions and Requirements, including but not limited to any works of a temporary nature.
88. The conveyance of a public park with an underground Non-Conventional SWMF encroaching upon it shall be in accordance with *Parkland Dedication By-law 168-2022* and the City's current interim non-conventional stormwater infrastructure approval process led by the Development Engineering department which establishes a framework for the City to consider accepting public parkland where Non-Conventional SWMF's are proposed below grade, and the City's Engineering Design Criteria & Standard Drawings, subject to meeting certain conditions. In addition, the Owner shall acknowledge and agree to the following:
 - a) The Owner shall enter into a developer build agreement with the City requiring the Owner to provide securities and complete the design and construction of the public park to the Ultimate Condition, at its sole cost, in accordance with the City Developer Build Parks Policy, No. 07.2.05.;
 - b) The public park will be accepted as full parkland credit towards satisfying

parkland dedication, if the proposed underground non-conventional SWMF is designed to ensure that all existing City of Vaughan Park's Design Criteria for park grading, landscaping, drainage, servicing, programming, and facility requirements to the City's satisfaction are met. The City shall approve the area, depth of soils, configuration, facilities, access, and boundaries of the proposed park over the stormwater management facility;

- c) In addition to constructing and installing the underground non-conventional SWMF and public park to the Ultimate Condition, the Owner, at its sole cost and expense, shall construct and install the public park to an enhancement condition above and beyond the City's standard level of service for a neighbourhood park to the City's satisfaction. The enhancement condition is required in return for the loss of naturalized open space that would otherwise be provided to the community through a conventional stormwater management pond, and the City's loss of flexibility for programming of the park.
 - i. The enhancement condition may be comprised of:
 - High quality entry features and signage that ties in with the surrounding context;
 - High quality site furnishings, shade elements, games tables and pedestrian lighting; and/or
 - Urbanized playground equipment and safety surfacing.
 - ii. The Owner shall construct and install the enhancement condition at its sole cost and expense up to a maximum of \$150,000;
 - iii. The specifics of the enhancement condition will be determined in consultation with the City and to the City's sole discretion and satisfaction;
- d) Vertical and horizontal easements may be required adjacent to the public park (underground parking etc.) to allow public park related services such as storm water drainage, sub drainage, access or other required services and utilities;
- e) A copy of the park(s) master plan shall be posted in the sales pavilion. This master plan shall be signed by the City and indicate that it is a draft and is subject to change. Approval to open the sales pavilion shall be subject to approval of the park master plan;
- f) It is the intent of the City that development of the public park block(s) shall be coordinated with residential development in order to provide park facilities to the local residents in a timely manner, to the satisfaction of the City. Unless otherwise agreed upon with City staff, development and construction of the public parkland block shall commence by no later than twelve months from the issuance of first occupancy certificate of the first phase of development;
- g) Upon completion of the construction of the public park, the Owner shall provide record drawings sealed by the Engineer of Record and a certificate prepared by a qualified landscape architect to certify the works have been installed in accordance with the approved public park design and As-Built Drawings of the stormwater tank.

89. The Owner will be required to grant permanent easement(s) to the City over

privately-owned vehicular and pedestrian areas connecting to and surrounding proposed public park(s), POPS, and/or open spaces for the purposes of public access and/or maintenance. Exact limits and type of required easements are to be determined at the Site Development (Site Plan) application stage.

90. Prior to or upon conveyance of the Park Block to the City, the City and Owner shall enter into an Access Agreement for the Park Block. The Access Agreement shall include terms satisfactory to the Owner and the City respecting the granting of easements, licenses or other access rights as reasonably required to allow the Owner to complete construction of the park, associated structures and development of the Development Site, including, without limitation, rights for crane-swing, staging, installation of tie-backs and shoring, temporary storage, the erection of temporary hoarding and fencing, a temporary construction office, and such provisions (including indemnity) as may be reasonably required by the City to ensure that the lands are not damaged or contaminated by such activities and rights of access.
91. The following warning clauses are to be included in all Agreements of Purchase and Sale or Lease for the proposed development and specifically those blocks/units adjacent/abutting the municipal park where appropriate:
- a) "Purchasers and/or tenants are advised that the lot abuts a municipal park and that lighting and noise should be expected from the use of the park and/or pathway for recreation purposes."
 - b) "Purchasers and/or tenants are advised that any encroachments and/or dumping from the lot to the municipal park are prohibited."
 - c) "Purchasers and/or tenants are advised that the municipal park may not be fully developed at the time of occupancy. The timing of development, phasing and programming of parkland is at the discretion of the City."
 - d) In conjunction with the above, additional warning clauses may be provided when appropriate as conditions of Draft Plan approval.
92. The public park block shall be zoned "OS2" under Zoning By-law 1-88 or "OS1" under Zoning By-law 01-2021.

Schedule of Clauses/Conditions
SUBP.22.V.0022 (19T-22V002)
2267 Highway 7 and 7700 Keele Street
(Avenue 7 Developments Ltd.)
City of Vaughan

Re: KLM Planning Partners Inc., Project No. P-3036, dated November 29, 2023

Clauses to be Included in the Subdivision Agreement

1. The Owner shall save harmless the City of Vaughan and York Region from any claim or action as a result of water or sanitary sewer service not being available when anticipated.
2. The Owner shall advise all potential purchasers of the existing and future introduction of transit services. The Owner/consultant is to contact YRT Contact Centre (tel. 1-866-668-3978) for route maps and the future plan maps.
3. The Owner shall provide direct shared pedestrian/cycling facilities and connections from the proposed development to boundary roadways to support active transportation and public transit, where appropriate.
4. The Owner shall implement all recommendations, including TDM measures, as recommended in the Transportation Impact Study, prepared by BA Group, dated June 2023, to the satisfaction of the Region.
5. The Owner shall agree that no development works will be undertaken on Blocks 1 and 2 without appropriate site plan and/or engineering approval from the Region.

Conditions to be Satisfied Prior to Final Approval

6. The road allowances included within the draft plan of subdivision shall be named to the satisfaction of the City of Vaughan and York Region.
7. The Owner shall provide to the Region the following documentation to confirm that water and wastewater services are available to the subject development and have been allocated by the City of Vaughan:
 - a) A copy of the Council resolution confirming that the City of Vaughan has allocated servicing capacity, specifying the specific source of the capacity, to the development proposed within this draft plan, or any phase thereof, and

- b) A copy of an email confirmation by a City of Vaughan staff member stating that the allocation to the subject development remains valid at the time of the request for regional clearance of this condition.
8. The Owner shall provide an electronic set of the final engineering drawings showing the watermains and sewers for the proposed development to Development Services and Infrastructure Asset Management for record.
9. The Owner shall submit a Master Functional Servicing Report and Servicing Plan to the satisfaction of the City of Vaughan and York Region.
10. Rockview Gardens at the Keele Street intersection shall be restricted to right-in/right-out movements only. This shall be implemented at the same time as the installation of the new Keele Street signal. The Region will require written acknowledgement from the City of Vaughan in support of the development, which includes the need to restrict the Rockview Gardens access to right-in/right-out movements only.
11. The Owner shall provide a preliminary design and cost estimates to implement the northbound dual left-turn lanes for the Highway 7/Keele Street intersection. A full assessment shall be completed as the intersection needs to be built to Regional standards, which could include upgraded signal heads, signal controller cabinets as well as modifications to the median and other travel lanes on both sides of the roadway.
12. The Owner shall address all comments provided on the Transportation Impact Study, prepared by BA Group, dated June 2023, to the satisfaction of the Region.
13. 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 Regional road, to Development Engineering, Attention: Manager, Development Engineering, that includes the following drawings:
 - a) Transportation Impact Study,
 - b) Intersection civil and electrical designs for Street "1" at Highway 7 and Street "2" at Keele Street,
 - c) Pavement Marking Plans,
 - d) Tree Inventory Protection Plans,
 - e) Arborist Report,
 - f) Traffic Management Reports,
 - g) Plan and Profile of Street "1" and Street "2" showing proposed sewers and watermains and appurtenances, including manholes, watermains, valves, hydrants, etc.,
 - h) Erosion and Siltation Control Plans,
 - i) Sidewalk locations, concrete pedestrian access to existing and future transit services and transit stop locations as required by York Region Transit/Viva,

- j) Functional Servicing Report (water, sanitary and storm services),
 - k) Water supply and distribution report, and
 - l) Engineering drawings showing plan and profile views of proposed sewers and watermains and appurtenances, including manholes, watermains, valves, hydrants, etc. proposed within the subdivision.
14. The Owner shall provide written acknowledgement that the existing access onto Keele Street for the adjacent property to the south shall be removed, and a new connection from the southern property shall be created for the future east-west road so that it has direct access to the proposed new traffic signal onto Keele Street. The proposed development shall demonstrate that the location and the design of the connection can accommodate the largest truck size that currently using the site, to the satisfaction of the Region. It is the responsibility of the Owner to coordinate and work with the property to the south.
15. Upon registration of the plan, the Owner shall convey the following lands to York Region for public highway purposes, free of all costs and encumbrances, to the satisfaction of the Regional Solicitor:
- a) A widening across the full frontage of the site where it abuts Keele Street of sufficient width to provide a minimum of 21.5 metres from the centreline of construction of Keele Street,
 - b) Any additional widenings that may be required to maintain a minimum 10 metre by 10 metre daylight trapezoid at the intersection of Street "2" and Keele Street,
 - c) Any additional widenings that may be required to maintain a minimum 10 metre by 10 metre daylight trapezoid at the intersection of Street "1" and Highway 7, and
 - d) Any additional widenings that may be required to maintain a minimum 15 metre by 15 metre daylight triangle at the north-east corner of the site.
16. The Owner shall provide a solicitor's certificate of title in a form satisfactory to York Region Solicitor, at no cost to York Region with respect to the conveyance of the above noted lands to York Region.
17. The Region requires the Owner submit a Phase One Environmental Site Assessment ("ESA") in general accordance with the requirements of the *Environmental Protection Act* and O. Reg. 153/04 Records of Site Condition, as amended ("O. Reg. 153/04"). The Phase One ESA must be for the Owner's property that is the subject of the application and include the lands to be conveyed to the Region (the "Conveyance Lands"). The Phase One ESA cannot be more than two (2) years old at: (a) the date of submission to the Region; and (b) the date title to the Conveyance Lands is transferred to the Region. If the originally submitted Phase One ESA is or would be more than two (2) years old at the actual date title of the Conveyance Lands is transferred to the Region, the Phase One ESA will need to be either

updated or a new Phase One ESA submitted by the Owner. Any update or new Phase One ESA must be prepared to the satisfaction of the Region and in general accordance with the requirements of O. Reg. 153/04. The Region, at its discretion, may require further study, investigation, assessment, delineation and preparation of reports to determine whether any action is required regardless of the findings or conclusions of the submitted Phase One ESA. The further study, investigation, assessment, delineation and subsequent reports or documentation must be prepared to the satisfaction of the Region and in general accordance with the requirements of O. Reg. 153/04. Reliance on the Phase One ESA and any subsequent reports or documentation must be provided to the Region in the Region's standard format and/or contain terms and conditions satisfactory to the Region.

The Region requires a certified written statement from the Owner that, as of the date title to the Conveyance Lands is transferred to the Region: (i) there are no contaminants of concern, within the meaning of O. Reg. 153/04, which are present at, in, on, or under the property, or emanating or migrating from the property to the Conveyance Lands at levels that exceed the MOECC full depth site condition standards applicable to the property; (ii) no pollutant, waste of any nature, hazardous substance, toxic substance, dangerous goods, or other substance or material defined or regulated under applicable environmental laws is present at, in, on or under the Conveyance Lands; and (iii) there are no underground or aboveground tanks, related piping, equipment and appurtenances located at, in, on or under the Conveyance Lands.

The Owner shall be responsible for all costs associated with the preparation and delivery of the Phase One ESA, any subsequent environmental work, reports or other documentation, reliance and the Owner's certified written statement.

18. The Owner shall provide a copy of the Subdivision Agreement to the Regional Corporate Services Department, outlining all requirements of the Corporate Services Department.
19. For any applications (Site Plan or Zoning By-law Amendment) deemed complete after January 1, 2020, the Owner shall enter into a Development Charge Rate Freezing Agreement with York Region to freeze/lock in the Development Charge rate at the time the site plan application or Zoning By-law Amendment is deemed complete submission, satisfy all conditions, financial and otherwise, and confirm the date at which Regional development charge rates are frozen; Regional Development Charges are payable in accordance with Regional Development Charges By-law in effect at the time that Regional development charges, or any part thereof, are payable. Please contact Fabrizio Filippazzo, Manager, Development Financing Administration to initiate a Development Charge Agreement with York Region.
20. The Regional Corporate Services Department shall advise that Conditions 1 to 19 inclusive, have been satisfied.



April 1, 2024

CFN 67377

SENT BY E-MAIL (christina.ciccione@vaughan.ca)

Christina Ciccone
Senior Planner
Development Planning Department
City of Vaughan
2141 Major Mackenzie Drive
Vaughan, Ontario L6A 1T1

Dear Christina Ciccone:

**Re: 3rd Submission
Draft Plan of Subdivision 19T-22V002
Official Plan Amendment Application OP.22.008
Zoning By-Law Amendment Application Z.22.015
Part Lot 5, Concession 4
2267 Highway 7 & 7700 Keele Street
City of Vaughan
Avenue 7 Developments Ltd. (Agent: KLM Planning Partners Inc.)**

Further to our previous letter dated August 4, 2023, this letter acknowledges receipt of a re-circulation for the above noted applications. A digital copy of the circulation was received by the Toronto and Region Conservation Authority (TRCA) on February 12, 2024. A list of the documents reviewed by TRCA can be found in Appendix 'A' of this letter.

Application Specific Comments

Based on a review of the submission materials noted in Appendix 'A', detailed comments have been included in Appendix 'C' of this letter. The remaining outstanding comments are related to the stormwater management strategy. It is the expectation of TRCA that the noted comments will be addressed as a part of the detailed design/permit process for the project.

Recommendations

TRCA staff have no objection to the approval of Draft Plan of Subdivision 19T-22V002, Official Plan Amendment OP.22.008 and Zoning By-Law Amendment Z.22.015, subject to the conditions listed in Appendix 'B'.

Please provide the Notice of Decision for both the Draft Plan of Subdivision, Zoning By-Law and Official Plan Amendment once they are approved.

We trust these comments are of assistance. Should you have any questions, please contact me at extension 5743 or at stephen.bohan@trca.ca.

Sincerely,

A handwritten signature in black ink that reads "Stephen Bohan". The signature is written in a cursive style with a large initial 'S'.

Stephen Bohan
Senior Planner

Development Planning and Permits | Development and Engineering Services

Appendix 'A': Materials Reviewed by TRCA

The following materials were received by TRCA on February 12, 2024

- *Response Matrix – Second Submission, prepared by Proponent, dated February 5, 2024.*
- *Draft Zoning By-law Amendment, prepared by Proponent, dated February 2, 2024.*
- *Drawing No. – 23:4, Draft Plan of Subdivision, prepared by KLM Planning Partners Inc., dated November 29, 2023.*
- *Master Functional Servicing Report, prepared by Schaeffers Consulting Engineers, revised dated February 2024.*

Appendix 'B' – TRCA's Conditions of Draft Plan Approval

TRCA's Conditions of Draft Plan Approval

- TRCA staff have no objection to the approval of Drawing No. – 23:4, Draft Plan of Subdivision, prepared by KLM Planning Partners Inc., dated November 29, 2023, subject to the following conditions:

Red-line Revisions

1. That this draft plan of subdivision be subject to red-line revision(s) in order to meet the requirements of TRCA's conditions of draft plan approval, if necessary, to the satisfaction of TRCA.
2. Prior to the registration of the Plan of Subdivision, the Owner shall provide an M-Plan showing the lot/block lines and any required revisions to the satisfaction of the City of Vaughan and TRCA.

Prior to Works Commencing

3. That prior to any development or site alteration and prior to the registration of this plan or any phase thereof, the Owner shall submit a Functional Servicing Report (FSR) and detailed engineering reports (e.g., Stormwater Management, Site Level Water Balance) that describes in detail the applicable stormwater management criteria, how the proposed storm drainage system will be designed to meet stormwater management criteria, and how it will comply to TRCA requirements. These reports shall include, but not limited to:
 - i. A description of the storm drainage system and appropriate stormwater management techniques including minor and major flow controls for the proposed development of the subject land and how it will comply with all related TRCA requirements for quantity, water balance and erosion control.
 - ii. Plans illustrating how this drainage system will tie into surrounding drainage systems, i.e., identifying if it is part of an overall drainage scheme, how external flows will be accommodated, the design capacity of the receiving system.
 - iii. Appropriate Stormwater Management Practices (SWMPs) to be used to treat stormwater, to mitigate the impacts of development on the quality and quantity of ground and surface water resources as it relates to the natural heritage system, both aquatic and terrestrial.
 - iv. Detailed plans indicating location, orientation, size and description of all stormwater management features, including outlet structures, and all other proposed servicing facilities (e.g., infiltration trenches, etc.), grading, site alterations, development, and infrastructure, which are required to service or facilitate the development of the subject lands, which may require a permit pursuant to the *Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation* (Ontario Regulation 166/06), as may be amended.
 - v. Design of flow dispersal measures and treatments associated with stormwater management outlets to reduce potential erosion, impacts to the natural system, and maximization of potential infiltration, to the satisfaction of the TRCA.

- vi. Detailed plans and calculations for the proposed lot-level, conveyance and end-of-pipe controls to be implemented on the site.
 - vii. The integration of Low Impact Development (LID) measures and the employment of source and conveyance controls to: mimic pre-development site hydrology, overall site water balance, and feature-based water balance to the satisfaction of the TRCA.
 - viii. A subsurface investigation (including assessment of groundwater levels) for the final design of foundations, site grading and stormwater management infrastructure. The recommendations of the subsurface assessment will be used to inform the final design and construction plans. All underground construction and infrastructure should be designed to not require permanent dewatering, and any potential impacts to the groundwater system that may result from the development must be assessed and mitigated.
 - ix. An evaluation that addresses the need for groundwater dewatering during construction, including but not limited to details for its disposal, potential impacts to natural features due to groundwater withdrawal, mitigation measures, and any permitting requirements.
 - x. Grading plans for the subject lands demonstrating that the site will be graded to achieve a 0.3 metre freeboard above the flood plain spill elevation as outlined in the modeling and accompanying report titled “Don River Tributary at Keele and Highway 7 – Coupled 1D-2D Model – Impact of Development for 7700 Keele” prepared by Schaeffer Consulting Engineers, dated November 24, 2023. The proponent will need to provide all modelling files to demonstrate that there will be no negative off-site impacts (i.e., causing increased flood depths, velocity) due to the development and the remediation works.
 - xi. An erosion and sediment control report and plans for the subject lands that includes proposed measures for controlling or minimizing erosion and siltation on-site and/or in downstream areas during and after construction.
4. That prior to the registration of this plan or any phase thereof, the Owner obtain all necessary permits from TRCA pursuant to the *Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation* (Ontario Regulation 166/06), as may be amended, to the satisfaction of TRCA.

Administrative

5. That the Owner agrees in the subdivision agreement, in wording acceptable to TRCA which is standard, normal and consistent with applications and approvals for development of this kind:
- i. To carry out, or cause to be carried out, to the satisfaction of TRCA, the recommendations of the reports/strategies and details of the plans referenced in TRCA’s conditions of draft plan approval.
 - ii. To install and maintain all stormwater management and erosion and sedimentation control structures operating and in good repair during the construction period, in a manner satisfactory to TRCA.

- iii. To obtain all necessary permits from TRCA pursuant to the *Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation* (Ontario Regulation 166/06), as may be amended, to the satisfaction of TRCA.
 - iv. To comply with the permits approved under Ontario Regulation 166/06, as may be amended, including the approved plans, reports and conditions to the satisfaction of TRCA.
6. That the Owner provide a copy of the fully executed subdivision agreement and pay TRCA the required draft plan of subdivision planning review fees, clearances fees and permit fees (topsoil stripping, grading, servicing, etc.)

Appendix 'C': Application Specific Comments

	TRCA Comments June 20, 2022	TRCA Comments August 4, 2023	April 1, 2024
	<p>As noted above, TRCA staff have had extensive consultation with the proponent's engineering consultant related to the flood plain conditions on, and surrounding, the subject lands. Through discussions and review of preliminary analysis, it was agreed in principle that the site is being impacted be a Regional Storm flood plain spill area.</p> <p>A flood plain spill area is defined as an area where flood waters are not physically contained within the valley and stream corridor and exits to surrounding lands outside of the boundaries of TRCA's current modeling. Consequently, the limit and depth of flooding are difficult to determine. TRCA has specific policies related to the treatment of properties within a spill area and the potential for flood remediation/mitigation.</p> <p>For properties that are located within a flood plain spill area, it is TRCA's typical practice to require the proponent to retain a qualified water resource engineering consultant to undertake a site-specific hydraulic analysis to assess the characteristics of the flood hazard and develop a suitable strategy to demonstrate how the flood plain spill condition can be permanently remediated in such a way that there will be no increased flood impacts on adjacent lands.</p> <p>To continue review of the flood plain analysis component of this project, the following items will need to be addressed:</p>	<p>See Below Comments</p>	<p>Comment addressed per below.</p>
<p>1.</p>	<p>As previously discussed with TRCA staff and conveyed via email on May 16, 2022, the spill flow calculation line on the map will need to be provided to help TRCA confirm spill volume and provide the flood risk maps to confirm safe access. Furthermore, water surface elevation maps for existing and proposed conditions will need to be provided to help TRCA confirm no negative flood plain impacts to adjacent properties due to the proposed development.</p>	<p>As per the February 9, 2023, email with Alwish Gnanaraj, the MIKE Flood modelling needs to be updated to ensure adequate floodproofing for the site, safe access, and to confirm no negative impacts to adjacent properties.</p> <p>In the MIKE FLOOD model, the bathymetry of the proposed grades surrounding the subject site does not seem to match the proposed grades seen on the grading plan within the FSR (i.e., P241/241). Please review and revise accordingly and update the proposed model's bathymetry to be consistent with the proposed site.</p> <p>Please update the existing/proposed models to provide a coupled 1D/2D model (i.e., modelling the watercourse component as 1D, consistent with TRCA's currently approved model). Also, staff are unclear of the origin of the downstream boundary condition rating curve. As per the February 9, 2023, email with Alwish Gnanaraj, please update the downstream boundary conditions of the existing and proposed models to incorporate water surface elevations from TRCA's currently approved hydraulic model and increase the extents of the project to better capture the flood plain / flood spill in the area.</p> <p>As per the February 9, 2023, email with Alwish Gnanaraj, please update the existing and proposed models to be steady-state and to incorporate the peak flows from TRCA's currently approved hydraulic model.</p>	<p>This comment is considered addressed for this stage. TRCA received flood plain analysis materials (model & report) that were prepared by Schaeffers Consulting Engineers, on November 25, 2023. TRCA reviewed the materials and provided confirmation, via email dated February 8, 2024, to Schaeffers Consulting Engineering, that the materials adequately addressed the outstanding flood plain spill area issue.</p> <p>A condition related to the required flood mitigation works (i.e., grading of the subject lands above the flood spill elevation) has been included in TRCA's draft plan conditions, as noted above in Appendix 'B'.</p>

Appendix 'C': Application Specific Comments

	TRCA Comments June 20, 2022	TRCA Comments August 4, 2023	April 1, 2024
		<p>The watercourse culverts in the existing and proposed models appear to differ (e.g., opening dimensions, shape, inverts, length, roughness, loss coefficients, etc.) from the culverts in TRCA's currently approved hydraulic model. Please update the existing and proposed models to incorporate culvert information from TRCA's currently approved hydraulic model or provide the associated field data related to these changes for review.</p> <p>For the production of flood maps please provide separate maps illustrating a) depth, b) water surface elevation, c) velocity, and d) risk. Each of these maps would be produced for each of the following conditions: existing, updated existing (as applicable), proposed (for each scenario), and comparison maps between the existing/updated existing condition and each of the proposed scenarios. For the preferred scenario, the maps, in conjunction with the report and modelling, should demonstrate adequate floodproofing for the site, safe access, and no negative impact to the Regional Storm flood plain.</p> <p>Please note that other modelling configurations are noted in the FSR's appendices (e.g., culvert improvements, etc.), but the associated digital modelling could not be found in the formal submission. Please note that technical staff have only provided comments on those configurations for which digital modelling has been provided.</p>	
2.	Furthermore, please provide the respective digital 2D models to help TRCA verify that there are no negative flood plain impacts to the adjacent properties.	To be addressed under Comment #1, see above.	Comment Addressed per comment 1 above.
3.	Please note that the site should be floodproofed to the Regional Storm flood plain elevation + 0.3 m vertical freeboard/buffer.	To be addressed under Comment #1, see above.	Comment Addressed per comment 1 above.
4.	Please provide the digital VO model for further review. TRCA may comment on the quantity control storage volume analysis after reviewing the digital VO model.	<p>Please provide additional background information on the existing site's SWM strategy and allowable peak flow rates for all storm events (i.e., 2, 5, 10, 25, 50, 100-year events). Please update Section 4.5 and Table 4-2 of the breakdown of the post-development allowable release rates to include all storm events (i.e., 2 to 100-year) and update the VO modelling accordingly.</p> <p>The FSR and VO model indicate that the 0.37ha and 0.34 ha adjacent to Highway 7 drain to the proposed park SWM facility, however sewers/catchbasins are not seen on the drawings for these areas. Please provide clarity if a proposed sewer connection is required or if the proposed flow is intended to drain across the proposed ROW, and revise figures/drawings as required.</p>	<p>Please provide the digital VO model for further review. TRCA may have further comments on the quantity control analysis after reviewing the digital VO model.</p> <p>For Section 4.5.2, please assess pre-development release rates within VO to provide consistent methodologies between pre-development and post-development conditions.</p> <p>Please confirm the duration of the AES storm events to be 12 hours, as the hardcopy of the VO modelling in Appendix E appears to suggest a roughly 8-hour duration.</p> <p>The FSR and VO model indicate that the 0.37ha and 0.34 ha adjacent to Highway 7 drain to the proposed park SWM facility, however sewers/catchbasins are not seen on the drawings for these areas. Please provide clarity if a proposed sewer connection is required or if the proposed flow is intended to drain across the proposed ROW, and revise figures/drawings as required.</p>

Appendix 'C': Application Specific Comments

	TRCA Comments June 20, 2022	TRCA Comments August 4, 2023	April 1, 2024
5.	Please provide more details such as approximate sizing and footprint (in the plan drawing) about the proposed control and detention storage structures for water quantity control to aid TRCA's evaluation of the feasibility of the proposal.	Comment addressed for this stage.	Comment addressed for this stage.
6.	Please provide more detail such as approximate sizing and footprint (in the plan drawing) on the proposed infiltration / onsite retention facilities to aid TRCA's evaluation of the feasibility of the proposal to meet 5 mm onsite retention criteria. At this stage, TRCA is only looking for approximate estimations of infiltration rate and groundwater level to ensure feasibility.	<p>Please provide the calculations for the 30mm extended detention noted for the park block related to p 93/241 of the FSR.</p> <p>Drawings show outfall invert of park storage at 199.33masl. Please demonstrate that the retention storage volume below this elevation is sufficient to provide retention of the 5mm event.</p> <p>Water balance demand calculations (i.e., irrigation, reuse, etc.) for the retained water can be provided at detailed design.</p>	Comment addressed for this stage.
7.	Please be advised that TRCA Hydrogeology staff have feasibility concerns regarding the third level of the underground parking structure. TRCA generally does not support active permanent dewatering (e.g., sumps in underfloor drainage system) of the Oak Ridges Aquifer Complex. Dewatering estimates utilized an assumed static water level of 199.2 masl (1 m higher than observed level at MW101-21 March 2022). However, geotechnical report table 2 notes water levels between 200 and 202 masl at MW106-22 to MW114-22. Please clarify why these measurements were not used in the dewatering estimate and zone of influence calculations and update if applicable.	No further comment.	No further comment.



Revised: May 11, 2020

Date: June 22nd , 2022

Attention: **Nicholas Del Prete**

RE: Request for Comments

File No.: **OP.22.008, Z.22.0015 & 19T-22V002**

Applicant: Dani Cohen, Avenue 7 Developments Ltd.

Location 2267 Highway 7 & 7700 Keele Street

Revised: May 11, 2020

COMMENTS:

- We have reviewed the Proposal and have no comments or objections to its approval.
- We have reviewed the proposal and have no objections to its approval, subject to the following comments (attached below).
- We are unable to respond within the allotted time for the following reasons (attached) you can expect our comments by _____.
- We have reviewed the proposal and have the following concerns (attached below)
- We have reviewed the proposal and our previous comments to the Town/City, dated _____, are still valid.

Alectra Utilities has received and reviewed the submitted plan proposal. This review, however, does not imply any approval of the project or plan.

The owner(s), or his/her/their agent, for this plan is/are required to contact Alectra Utilities to obtain a subdivision application form (SAF) and to discuss all aspects of the above project. The information on the SAF must be accurate to reduce unnecessary customer costs, and to provide a realistic in-service date. The information from the SAF is also used to allocate/order materials, to assign a technician to the project, and to place the project in the appropriate queue. A subdivision application form is enclosed with this request for comments.

Alectra Utilities will prepare the electrical distribution system (EDS) design for the subdivision. The subdivision project will be assigned to an Alectra Utilities design staff upon receipt of a completed SAF. The design of the subdivision can only commence upon receiving a design prepayment and the required information outlined on the SAF.

Alectra Utilities will obtain the developer(s) approval of the EDS design, and obtain the required approvals from local government agencies for EDS installed outside of the subdivision limit. Alectra Utilities will provide the developer(s) with an Offer to Connect (OTC) agreement which will specify the responsibilities of each party and an Economic Evaluation Model outlining the cost sharing arrangement of the EDS installation between both parties. The OTC agreement must be executed by both parties and all payments, letter of credits and easements received in full before Alectra Utilities can issue the design for construction.

Town Home/Semi Detached municipal and/or private developments require a minimum set back of 3.40M from the street line to any structure such as foundations, outdoor stairs, porches, columns etc..... to accommodate standard secondary service connections.

Revised: May 11, 2020

All proposed buildings, billboards, signs, and other structures associated with the development must maintain minimum clearances to the existing overhead or underground electrical distribution system as specified by the Ontario Electrical Safety Code and the Occupational Health and Safety Act.

All communication, street light or other pedestal(s) or equipment(s) must not be installed near Alectra Utilities transformers and/or switchgears. Enclosed with this request for comments are Alectra Utilities clearance standards.

Existing Alectra Utilities plant in conflict due to driveway locations or clearances to the existing overhead or underground distribution system will have to be relocated by Alectra at the Developer's cost.

We trust this information is adequate for your files.

Regards,

Mitchell Penner

Supervisor, Distribution Design-Subdivisions

Phone: 416-302-6215

E-mail: Mitchell.Penner@alecrautilities.com

Subdivision Application Information Form is available by emailing Mitchell.Penner@alecrautilities.com



7/10/2023

Christina Ciccone

Vaughan

Vaughan (City)

Attention: Christina Ciccone

Re: Draft Plan of Subdivision (19T-22V002), ZBLA (Z.22.015), and OPA (OP.22.008); 2267 Hwy 7 and 7700 Keele St., Vaughan; Your File No. 19T-22V002,Z.22.015,OP.22.008

Our File No. DTS: 34879 / Circ: 37206

Dear Sir/Madam,

We have reviewed the circulation regarding the above noted application. The following paragraphs are to be included as a condition of approval:

Bell Canada Condition(s) of Approval

1) The Owner acknowledges and agrees to convey any easement(s) as deemed necessary by Bell Canada to service this new development. The Owner further agrees and acknowledges to convey such easements at no cost to Bell Canada.

2) The Owner agrees that should any conflict arise with existing Bell Canada facilities where a current and valid easement exists within the subject area, the Owner shall be responsible for the relocation of any such facilities or easements at their own cost.

Upon receipt of this comment letter, the Owner is to provide Bell Canada with servicing plans/CUP at their earliest convenience to planninganddevelopment@bell.ca to confirm the provision of communication/telecommunication infrastructure needed to service the development.

It shall be noted that it is the responsibility of the Owner to provide entrance/service duct(s) from Bell Canada's existing network infrastructure to service this development. In the event that no such network infrastructure exists, in accordance with the Bell Canada Act, the Owner may be required to pay for the extension of such network infrastructure.

If the Owner elects not to pay for the above noted connection, Bell Canada may decide not to provide service to this development.

Concluding Remarks:

To ensure that we are able to continue to actively participate in the planning process and provide detailed provisioning comments, we note that we would be pleased to receive circulations on all applications received by the Municipality and/or recirculations.

If you believe that these comments have been sent to you in error or have questions regarding Bell's protocols for responding to municipal circulations and enquiries, please contact

planninganddevelopment@bell.ca directly.

We note that WSP operates Bell Canada's development tracking system, which includes the intake and processing of municipal circulations. **However, all responses to circulations and requests for information, such as requests for clearance, will come directly from Bell Canada, and not from WSP.** WSP is not responsible for Bell's responses and for any of the content herein.

Should you have any questions, please contact the undersigned.

Yours Truly,

A rectangular box with a thin black border, containing a small blue square icon with a white question mark inside, indicating a redacted signature.

Juan Corvalan

Senior Manager - Municipal Liaison

Email: planninganddevelopment@bell.ca.



Enbridge Gas Inc.
500 Consumers Road
North York, Ontario M2J 1P8
Canada

July 7, 2022

Christina Ciccone
Senior Planner
Development Planning Department
City of Vaughan
2141 Major Mackenzie Drive
Vaughan, ON L6A 1T1

Dear Christina,

Re: Draft Plan of Subdivision, Official Plan Amendment, Zoning By-law Amendment
Avenue 7 Developments Ltd.
2267 Highway 7 & 7700 Keele Street
City of Vaughan
File No.: 19T-22V002, OP-22-008, Z-22-0015

Enbridge Gas Inc. does not object to the proposed application(s) however, we reserve the right to amend or remove development conditions.

This response does not constitute a pipe locate, clearance for construction or availability of gas.

The applicant shall contact Enbridge Gas Inc.'s Customer Connections department by emailing SalesArea30@Enbridge.com to determine gas availability, service and meter installation details and to ensure all gas piping is installed prior to the commencement of site landscaping (including, but not limited to: tree planting, silva cells, and/or soil trenches) and/or asphalt paving.

If the gas main needs to be relocated as a result of changes in the alignment or grade of the future road allowances or for temporary gas pipe installations pertaining to phased construction, all costs are the responsibility of the applicant.

In the event that easement(s) are required to service this development, and any future adjacent developments, the applicant will provide the easement(s) to Enbridge Gas Inc. at no cost.

The applicant will contact Enbridge Gas Inc.'s Customer Connections department by emailing SalesArea30@Enbridge.com prior to any site construction activities to determine if existing piping facilities need to be relocated or abandoned.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jasleen Kaur'.

Jasleen Kaur
Municipal Planning Coordinator
Engineering

ENBRIDGE
TEL: 437-929-8083
500 Consumers Rd, North York, ON M2J1P8
enbridge.com
Safety. Integrity. Respect. Inclusion.



DELIVERY PLANNING
 200 – 5210 BRADCO BLVD
 MISSISSAUGA, ON L4W 2G7
 416-262-2394
CANADAPOST.CA

July 6, 2022

City of Vaughan – Planning Department

To: **Christina Ciccone**, Senior Planner, Development Planning Department

Reference: Files: **OP.22.008, Z.22.015 & 19T-22V002** Related Files: **N/A**
 2267 Highway 7 & 7700 Keele Street
 Ward 4

Canada Post Corporation appreciates the opportunity to comment on the above noted application and it is requested that the developer be notified of the following:

In order to provide mail service to the 8 mix use buildings/towers with retail, office and community space at grade for a total of 3000 residential units, Canada Post requests that the owner/developer comply with the following conditions:

- ⇒ The owner/developer will provide the building with its own centralized mail receiving facility. This lock-box assembly must be **rear-loaded**, adjacent to the main entrance and maintained by the owner/developer in order for Canada Post to provide mail service to the tenants/residents of this project. **For any building where there are more than 100 units, a secure, rear-fed mailroom must be provided.**
- ⇒ The owner/developer agrees to provide Canada Post with access to any locked doors between the street and the lock-boxes via the Canada Post Crown lock and key system. This encompasses, if applicable, the installation of a Canada Post lock in the building's lobby intercom and the purchase of a deadbolt for the mailroom door that is a model which can be retro-fitted with a Canada Post deadbolt cylinder.

As per our National Delivery Policy, **non residential – retail, office and community space will also receive mail delivery at centralized locations, not directly to their door.**

For example: If there is a common indoor entrance or connection extra mail compartments can be provided to accommodate these units in the main mailbox panel. If these units are not part of the building then a separate centralized mail receiving facility/box can be set up by the developer at an alternative location.

The specifications can be found in our Delivery Standards Manual, which can be downloaded from this link: https://www.canadapost.ca/cpo/mc/assets/pdf/business/standardsmanual_en.pdf

As the project nears completion, it is requested that the Developer contact me directly for Postal Code(s) as existing postal coding will not apply and new postal codes will be issued for this development. I am also requesting the developer/owner contact me during the design stage of the above project, to discuss a suitable mailbox/mailroom location.

Canada Post further requests the owner/developer be notified of the following:

1. There will be no more than one mail delivery point to each unique address assigned by the Municipality.
2. Any existing postal coding may not apply, the owner/developer should contact Canada Post to verify postal codes for the project.
3. The complete guide to Canada Post's Delivery Standards can be found at:

https://www.canadapost.ca/cpo/mc/assets/pdf/business/standardsmanual_en.pdf

Should you require further information, please do not hesitate to contact me at the above telephone number or mailing address.

Regards,

Lorraine Farquharson

Lorraine Farquharson

Delivery Services Officer | Delivery Planning – GTA

From: John-Baptiste, Chad
Sent: Monday, April 29, 2024 1:19 PM
To: Christina Ciccone <Christina.Ciccone@vaughan.ca>; Hall, Kristopher <Kristopher.Hall@wsp.com>
Cc: Proximity <proximity@cn.ca>
Subject: RE: [External] FW: 2022-07-06_Final Draft Development Viability Assessment_2267 Highway 7 & 7700 Keele Street, Vaughan ON

Good Afternoon,

On behalf of CN Rail, in response to the request of the City of Vaughan, please find below requested official plan policies, zoning regulations and draft plan conditions.

Note that at the present time, per our comments on April 10, 2024, amongst other matters, CN continues to have concerns with respect to the noise study and how it addresses rail operations and potential mitigation in the area. In addition, CN continues to have broad concerns related to the encroachment of sensitive land uses within the proximity of MacMillan Yard. Those concerns have not been addressed at the present time based on the materials provided to CN. As such, CN's position is that the proposed development is premature until all issues of land compatibility have been addressed to CN's satisfaction.

The suggested policy, zoning and draft plan condition language must be considered within that context and is provided as guidance to the City of Vaughan in consideration should the City choose to support the approval of the proposed development at the Ontario Land Tribunal. These comments should not be viewed as CN's support for the proposed development, and they are being provided without prejudice to any position that CN may take at the hearing of the appeals. In addition, note that while warning clauses are helpful, they are not a mitigation measure.

Official Plan Policy

1. Based on the review of the Noise Study to date, the subject site is expected to be designated as Class 4 per NPC-300. Land use policies that outline the site as a Class 4 site will be required. This should include reference that Class 4 does not provide federally regulated industries like CN any additional statutory protection. As such, even if a Class 4 designation is approved, additional mitigation measures are required to minimize noise impacts on sensitive land uses.
2. A policy that states that an application for the removal of an Enclosed Noise Buffer or other mitigation measures cannot proceed by way of minor variance and does not constitute a minor variance.
3. A policy that requires a development agreement and easement agreement with CN to ensure mitigation related to rail operations from noise, odour and other emissions.
4. A policy that requires that warning clauses be registered on title, as part of a CN development agreement, regarding emissions from railway operations.
5. A policy that states that, should noise and odour mitigation from adverse effects not be demonstrated and appropriately secured to the satisfaction of CN, that the portion of the site where noise and odour mitigation has not been demonstrated shall not be permitted sensitive land uses.
6. A policy that notes that the development approvals shall take into account mitigation measures from industrial sources in the vicinity of the subject site, this includes consideration for mitigation during the phasing of construction.

Zoning By-law

1. The Zoning By-law for the subject site should not be adopted (i.e. the bylaw should be withheld) until such time as a CN development agreement and environmental easement have been registered on title.
2. Should the City of Vaughan choose to bring forward the zoning bylaw, the zoning by-law must include a holding provision regarding the CN development agreement and environmental easement. Prior to the lifting of the hold, the only permitted uses should be the uses that existed on site the date of the adoption of the bylaw.
3. Based on a review of the Noise Study to date, it is likely, but not confirmed that Enclosed Noise Buffers will be a component of the noise mitigation. As such, the zoning bylaw must include a requirement that Enclosed Noise Buffers are required for the appropriate units. Given the concerns with respect to the Noise Study we cannot at present advise on the specific locations of said Enclosed Noise Buffers. Additional information is needed from the developer's acoustical engineer.
4. Based on a review of the Noise Study to date, it is anticipated that additional mitigation measures may be required beyond Enclosed Noise Buffers (such as improved window construction beyond the Ontario Building Code requirements). Due to the limitations regarding site plan control, either a development agreement will be needed to secure these upgrades or zoning bylaw provisions will be required to secure this mitigation.
5. The Zoning Bylaw should restrict the location of sensitive uses where mitigation from adverse effects has not been demonstrated.
6. The zoning by-law should also enforce other mitigation measures as needed based on the final odour study in the absence of a development agreement.

Draft Plan Conditions

1. A draft plan condition related to a CN development agreement and environmental easement with CN Rail. Suggested language is as follows:
 - a. The Owner shall be required to enter into a CN development agreement with CN to address and secure mitigation measures from noise, odour and other emissions from railway operations. This CN development agreement shall be registered on title. The Owner agrees that all subsequent development approvals, such as site plan approvals and building permits, shall be based upon the mitigation measures in the CN development agreement. Note that CN Rail operates on a fee recovery basis for the development agreement.
 - b. The Owner shall be required to register an environmental easement to address emissions from railway operations.
2. A draft plan condition that requires that warning clauses be registered on title, as part of the CN development agreement, for future residents and business of the subject site regarding emissions from railway operations to CN's satisfaction. These warning clauses shall be included in future Plans of Condominium, where applicable.

- 3. A draft plan condition that requires warning clauses related to mitigation measures and the need to maintain mitigation measures including acknowledgement of the site's designation of Class 4 (if required) under NPC-300 to CN's satisfaction. These warning clauses shall be included in future Plans of Condominium, where applicable.
- 4. A draft plan condition that states that the conditions related to railway operations and mitigation cannot be modified without the concurrence of CN.

Regards,
Chad



Chad B. John-Baptiste, MCIP, RPP
Senior Principal, Urban and Community Planning - Ontario

T+ 1 289-982-4013
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