

Attachment 10
Conditions Approval
Site Development File DA.17.071
(2081447 Ontario Inc.)

1. THAT prior to the execution of the Site Plan Agreement:
 - a) The Development and Parks Planning Department shall approve the final site plan including revising the plan to indicate commercial parking for parking spaces six and seven, landscape plan and details, landscape cost estimate, building elevations and details, architectural materials, signage, photometrics plan, lighting plan, Arborist Report, and Tree Inventory and Preservation Plan.
 - b) The Development Engineering Department shall approve the final site plan, site servicing and grading plan, erosion and sediment control plan, Functional Servicing Report, Environmental Noise Report, Parking Justification and Access Study, Passenger Vehicle Swept Path Plan, and Waste Collection Swept Path Plan.
 - c) The Development Engineering Department shall approve the final water servicing strategy, sanitary servicing strategy and stormwater management strategy.
 - d) The Owner shall coordinate the Development's landscaping with the City of Vaughan's Kleinburg Islington Streetscape Improvement Plan, and provide updated site plan and landscaping drawings and details, and any other required drawing and details to address the landscaping and pay for any costs that are beyond the costs in the Kleinburg Islington Streetscape Improvement Plan to the satisfaction of the Development and Parks Planning Department, prior to the issuance of a Heritage Permit.
 - e) The Owner shall be required to execute a new Encroachment Permit/ Agreement for the stairs and porch with the City of Vaughan and shall be responsible for all costs to the satisfaction of the City of Vaughan.
 - f) The Owner shall enter into a Development Agreement with the City of Vaughan for all external works within municipal lands required to support the Development including the proposed storm sewer extension and service connection along Kellam Street and anything else deemed necessary to the satisfaction of the Development Engineering Department.
 - g) The Owner shall enter into a Cash-in-lieu of Parking Agreement with the City of Vaughan for two parking spaces. The Owner shall prepare an Appraisal Report, for review and approval by the City of Vaughan, to establish the appraised value of the Subject Lands to determine the required cash-in-lieu of parking. The agreement will include the conditions requiring that only parking for the commercial use shall be permitted in the

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refuse/recycling loading area. be approved. The Owner shall pay the required cash-in-lieu of parking to the City, prior to the issuance of any Building Permit, to the satisfaction of the City of Vaughan.

- h) The Owner shall apply for and enter into a Private Property Tree Removal and Protection Permit (Construction/Infill) for the removal/injury to trees (over 20 centimetres Diameter at Breast Height) on the Subject Lands and trees located within six metres of the Subject Lands, as per the Tree Protection By-Law 052-2018, as amended, to the satisfaction of the Parks, Forestry and Horticulture Operations Department and Development and Parks Planning Department, prior to the issuance of the Heritage Permit.
- i) The Owner shall pay the applicable fees or charges for multi-residential waste diversion containers (recycling bag/container and organics kitchen container) in accordance with By-law 171-2013, as amended.
- j) The Owner shall be responsible for financing and implementing and/or contributing to sanitary system improvements in the Kleinburg-Nashville service area based on the conclusions and recommendations of the City of Vaughan's Interim Servicing Strategy for Vaughan's New Community Areas study to the satisfaction of the City of Vaughan.
- k) The Owner shall abide by the *Endangered Species Act (2007)* regulated by the Ministry of the Environment, Conservation and Parks and complete an information request form and submit it to the Ministry of the Environment, Conservation and Parks for confirmation of any potential Species at Risk on the Subject Lands.
- l) The Owner/developer shall and enter into a legal binding Offer to Connect Agreement with Alectra Utilities which outline roles and responsibilities pertaining to the design, installation, energization and servicing of the Electrical Distribution System for the Development. Design and installation of the Electrical Distribution System can only commence once all monies, securities, easements and executed Offer to Connect Agreement have been received by Alectra Utilities. The Owner/developer is responsible to provide proof of the executed Offer to Connect Agreement to the municipality to have this condition met.
- m) The Owner shall satisfy all requirements from York Region, Canada Post, Toronto and Region Conservation Authority, Hydro One, Alectra Utilities, Enbridge Gas Inc., Bell Canada and Rogers Communications.

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2. THAT the Site Plan Agreement shall include the following provisions and/or warning clauses, to the satisfaction of the City of Vaughan:
- a) “That the Owner submits Building Permit stage architectural drawings and building material specifications to the satisfaction of the Vaughan Development and Parks Planning Department, Urban Design and Cultural Heritage Division.”
 - b) “The Owner shall pay the required cash-in-lieu of parking to the City of Vaughan, prior to the issuance of any Building Permit, to the satisfaction of the City of Vaughan.”
 - c) “The Owner shall have the refuse/recycling collection be privately administered/picked-up as the refuse/recycling is in a combined room for both the residential and commercial use.”
 - d) “The Owner shall agree to implement the recommendations of the final Environmental Noise Report into the design and construction of the buildings on the Subject Lands.”
 - e) “A noise consultant shall certify that the building plans are in accordance with the noise control features recommended by the final Environmental Noise Report. Where mitigation measures such as wall, window and/or oversized forced air mechanical systems are required, these features shall be certified by a Professional Engineer at the City’s request. The Engineer’s certificate must refer to the final Environmental Noise Report and be submitted to the City of Vaughan’s Chief Building Official and the Director of Development Engineering.”
 - f) “The following warning clauses shall be included in Offers of purchase and sale/tenancy agreements for all units where the sound levels due to road traffic will exceed the Ministry of the Environment, Conservation and Parks limits notifying future residents and tenants of the noise excess above the Ministry of the Environment, Conservation and Parks’ noise criteria as a result of the traffic noise:
 - Purchasers/tenants are advised that sound levels due to increasing road traffic may occasionally interfere with some activities of the dwelling occupants as the sound levels exceed the Municipality’s and the Ministry of the Environment, Conservation and Parks’ noise criteria.
 - Purchasers/tenants are advised that this dwelling unit has been supplied with a central air conditioning system which allows windows and exterior doors to remain closed, thereby ensuring that the indoor

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sound levels are within the noise criteria of the Municipality and the Ministry of the Environment, Conservation and Parks' noise criteria."

- g) "The Owner shall, prior to the issuance of a Building Permit, cash-in-lieu of the dedication of parkland at the rate of one ha per 1000 net residential units, or at a fixed unit rate, at the City of Vaughan's discretion, in accordance with the *Planning Act* and the City of Vaughan Parkland Dedication By-law for the residential component. Notwithstanding, such parkland contribution, the cash-in-lieu as determined by the City of Vaughan, shall be subject to a cap of (i) 10 percent of the Subject Lands or value of the Lands if the Lands are five hectares or less; or (ii) 15 percent of the Subject Lands or value of the Lands if the Lands are greater than five hectares."
- h) "The Owner shall agree that erosion and sediment control mitigation measures shall be implemented during construction to minimize silt laden runoff discharge from the Subject Lands in accordance with the Erosion and Sediment Control Guidelines for Urban Construction (December 2006)."
- i) "The Owner shall agree to the removal of any trees in accordance with the Tree Protection Protocol and Tree Protection By-law 52-2018 through and to the satisfaction of the Parks, Forestry and Horticulture Operations Department."
- j) "The Owner shall agree to notify both the Ministry of Tourism, Culture and Sport and the Development and Parks Planning Department immediately in the event that:
 - i) archaeological resources are found on the property during grading or construction activities, to which the Owner must cease all grading or construction activities; and
 - ii) where human remains are encountered during grading or construction activities, the Owner must cease all grading or construction activities. The Owner shall contact York Region Police, the Regional Coroner and the Registrar of the Cemeteries Regulation Unit of the Ministry of Consumer and Business Services."
- k) "The Owner shall abide by the requirements of the *Endangered Species Act* (2007) and the *Migratory Birds Convention Act* (1994) prior to the removal of any tree."