

**Former CN Rail Spur North of St. Clair Avenue East
between Warden Avenue and Birchmount Road –
Official Plan Appeal and Zoning / Subdivision
Applications – Request for Direction and Final Report**

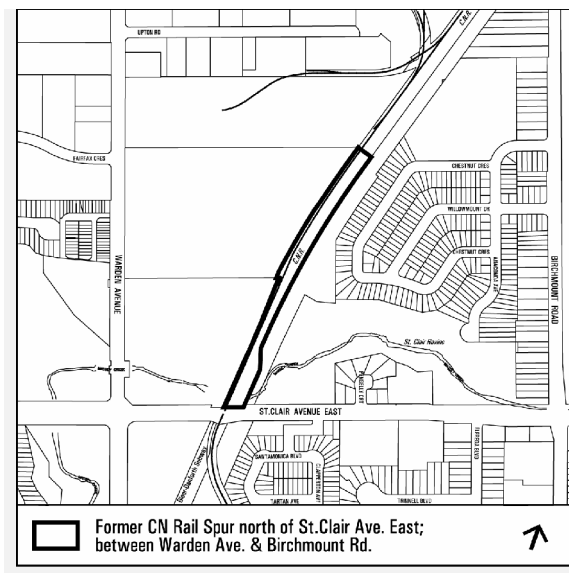
Date:	March 9, 2007
To:	Scarborough Community Council
From:	Director, Community Planning, Scarborough District
Wards:	Ward No. 35 – Scarborough Southwest
Reference Numbers:	File Nos. 06 154086 ESC 35 OZ & 06 154102 ESC 35 SB

SUMMARY

Applications have been submitted to amend the zoning by-law and for a draft plan of subdivision to permit 43 street townhouses on a section of the former CN rail spur north of St. Clair Avenue East between Warden Avenue and Birchmount Road.

This property is located adjacent to the residential development site at 725 Warden Avenue. Its use as an extension of that new neighbourhood represents good planning, now that the technical issues associated with the intervening Toronto Transit Commission (TTC) subway and its constraints upon servicing of the lands have been resolved.

This report reviews and recommends approval of the applications to amend the zoning by-law and for a draft plan of subdivision, subject to conditions including the contribution of appropriate community benefits. In addition, the report recommends that the City Solicitor be instructed to settle the Ontario Municipal Board (OMB) appeal of the Warden Woods



Community Secondary Plan with respect to this site by agreeing to the establishment of a Neighbourhoods designation for the north portion of the lands.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council authorize the City Solicitor to attend the OMB prehearing and hearing on the owner's appeals of Official Plan Amendment No. 1145 (Warden Woods Community Secondary Plan) and Zoning By-law No. 950-2005 (Warden Woods Community Zoning By-law) to support a modification to the Warden Woods Community Secondary Plan (OPA 1145) to designate the north portion of the lands as Neighbourhoods, as illustrated in Attachment 9, subject to Rexton Developments Ltd. withdrawing its appeal of Zoning By-law No. 950-2005.
2. City Council amend the Warden Woods Community Zoning By-law No. 950-2005, and the Employment Districts Zoning By-law No. 24982 (Golden Mile Employment District) substantially in accordance with the draft zoning by-law amendment attached as Attachment No. 10;
3. City Council authorize the City Solicitor to make such stylistic and technical changes to the draft zoning by-law amendment as may be required;
4. before introducing the necessary zoning by-law amendment to City Council for enactment the owner be required to enter into an agreement, pursuant to Section 37 of the Planning Act securing community benefits and/or cash contributions including, but not limited to:
 - (a) a cash payment prior to the enactment of the zoning by-law amendment, of \$1,300.00 per residential unit (for a minimum of 43 units), in a form satisfactory to the Chief Financial Officer and City Treasurer, to be used as a contribution towards a community centre to serve the Warden Woods Community;
 - (b) pre-payment prior to the enactment of the zoning by-law amendment, in a form satisfactory to the Chief Financial Officer and City Treasurer, of the indoor recreation facilities portion of the Parks and Recreation component of the City's development charges, to be used as a contribution towards a community centre to serve the Warden Woods Community;
 - (c) arrangements for the conveyance to the City of appropriate land and/or easements on the lands to the south shown as Part 1 and/or Part 3, Plan 66R-19316, and the former CN rail bridge over St. Clair Avenue East abutting Part 1 and/or Part 3, Plan 66R-19316, to implement a pedestrian/cycling trail system for the subject lands as generally set out in the Toronto Bike Plan and the Warden Woods Community Secondary

Plan, to the satisfaction of the General Manager of Transportation Services;

- (d) an easement on Part 1 and/or Part 3, Plan 66R-19316 for that portion of the existing trail which leads from St. Clair Ravine Park to St. Clair Avenue East to facilitate continued public access to the parkland, to the satisfaction of the General Manager of Parks, Forestry & Recreation and no credit will be given towards the parkland dedication requirement in return for such easement;
5. before introducing the necessary zoning by-law amendment to City Council for enactment:
- (a) the owner be required to make arrangements, satisfactory to the Executive Director, Technical Services, and if necessary, Hydro One Networks Inc., with respect to stormwater drainage for the subject lands;
 - (b) the owner be required to make arrangements satisfactory to the TTC with respect to all required conveyances of land and/or easements for TTC purposes;
 - (c) the City Solicitor ensure that the appropriate modifications to the Warden Woods Community Secondary Plan, providing for the proposed development, have been approved by the Ontario Municipal Board and are in effect;
 - (d) the City Solicitor ensure that the owner's appeal of Warden Woods Community Zoning By-law No. 950-2005 has been resolved, and the by-law is in effect for the subject lands;
6. City Council recommend to the Chief Planner that the draft plan of subdivision be approved, generally as illustrated on Attachment 2, subject to:
- (a) the conditions as generally listed in Attachment 11, which except as otherwise noted, must be satisfied or secured through the subdivision agreement before final approval;
 - (b) such revisions to the proposed subdivision plan or such additional or modified conditions as the Chief Planner may deem to be appropriate to address matters arising from the on-going technical review of this development;
7. City Council authorize the appropriate City officials to accept the conveyance, through a reference plan, of the portion of the future Street "K" located on the lands owned by Rexton Developments Ltd., plus any lands and/or easements required by the TTC, in advance of registration of the plan of subdivision, subject

to the owner submitting an environmental assessment report and a remedial action plan, and receiving the City's peer review concurrence.

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

Consent application B089/05SC was approved by the Committee of Adjustment on January 30, 2006. This consent application proposed to sever the former CN Rail spur lands adjacent to the 725 Warden Avenue lands from the former CN Rail spur lands to the north, for addition to the 725 Warden Avenue lands. The Committee's approval was subject to a number of conditions, including both the removal of an easement in favour of CN rail and the conveyance of several easements to the City of Toronto for use by the TTC, and an easement in favour of the City for pedestrian walkway purposes between 725 Warden Avenue and the Ontario Hydro corridor to facilitate access to General Brock Public School.

The decision to approve the consent was appealed by Chemtura Canada Company, a chemical manufacturing industry at 36-40 Upton Road, which expressed concern regarding the introduction of additional residential uses in proximity to their manufacturing facility. In its Order 2459 issued on August 30, 2006, the Ontario Municipal Board adjourned the severance appeal in Case PL060728 sine die, returnable on 14 days notice by either party.

The consent is no longer necessary as the draft plan of subdivision will divide the land.

ISSUE BACKGROUND

Proposal

The applicant has submitted both a zoning by-law amendment application and an associated draft plan of subdivision application to permit development on the subject property. The applications propose to rezone approximately 1.6 hectares (4 acres) of the former CN Rail spur lands adjacent to the 725 Warden Avenue to Townhouse Residential (TH) and Open Space (O) zones, and to create lots and blocks on a draft plan of subdivision for the development of 43 townhouses in six blocks on a public road (see Attachment 1 – Site Plan and Attachment 2 – Draft Plan of Subdivision). The majority of the townhouse lots would have a street frontage of 5.5 metres, while thirteen of the lots are proposed to have a street frontage of 7.2 metres.

The proposed public road, known as Street "K", would be located partly on the adjacent Mattamy subdivision at 725 Warden Avenue. The proposal includes a 3-metre wide pedestrian walkway connecting to the hydro corridor at the north end of the site (Block 9). Mattamy, as a condition of approval of its residential subdivision at 725 Warden Avenue, will be constructing a pedestrian walkway in the hydro corridor, connecting Block 9 on the Rexton lands to General Brock Public School. Hydro One has advised that it will grant an easement to the City for the walkway in its transmission corridor.

Rexton Developments is proposing to retain two blocks of lands at the north end (Block 8) and the south end (Block 7) of the site. A 0.3-metre reserve block at the north limit of the site will be required to be conveyed to the City as a condition of subdivision approval.

Additional project information is provided in the application data sheet – Attachment 4.

Site and Surrounding Area

The site is a portion of a former CN Rail spur, approximately 31 metres (100 feet) in width, extending from St. Clair Avenue East, east of Warden Avenue, through to Birchmount Road, a distance of approximately 540 metres (1800 feet). The rezoning and subdivision applications apply only to the section of the former rail spur between St. Clair Avenue East and the north limit of the adjacent property at 725 Warden Avenue. The site is no longer used for rail transportation purposes and the railway tracks have been removed. At its south limit, the site is connected to the rail bridge structure crossing above St. Clair Avenue. There is also a pedestrian path from the street which crosses the Rexton lands, the Hydro lands, and continues northeast along the St. Clair Ravine on the north side of Massey Creek. The former CN rail bridge and rail spur lands are used informally as a pathway connecting the areas north and south of St. Clair Avenue.

The site's context can be described as follows:

- North: the former CN spur line property continuing north and east to Birchmount Road, and industrial lands within the Golden Mile Employment District.
- South: St. Clair Avenue East, former CN rail bridge, TTC Warden Subway Station, Bloor-Danforth subway line, Ontario Hydro corridor, and Birchmount Park Community (low density residential neighbourhood).
- East: Ontario Hydro corridor, Birchmount Park Community, General Brock Public School and St. Clair Ravine/Massey Creek.
- West: 725 Warden Avenue (former Warden Power Centre) – proposed Mattamy Homes “Summerside” residential subdivision, Bloor-Danforth subway line, TTC Warden North Commuter Parking Lot lands and St. Clair Ravine/Massey Creek.

Official Plan

Warden Woods Community Secondary Plan (Official Plan Amendment No. 1145)

City Council adopted Official Plan Amendment (OPA) No. 1145 to the Scarborough Official Plan, the Warden Woods Community Secondary Plan, on October 28, 2005. It was subsequently appealed to the Ontario Municipal Board. The OMB has approved OPA No. 1145 with the exception of two remaining deferrals. The remaining appeals of OPA No. 1145 include those of Loblaw Properties Limited with respect to 683-685 Warden Avenue, and Rexton Developments Ltd. with respect to the former CNR right-

of-way north of St. Clair Avenue East (the subject lands). A second prehearing on the Rexton appeals will take place on April 4, 2007, and a hearing has been scheduled for the week of May 14, 2007.

The Warden Woods Community Secondary Plan designates the site as Utility Corridors on Map 1 (see Attachment 5).

The Warden Woods Community Secondary Plan also addresses linkages and connections including connections to arterial roads, linkages between neighbourhoods within Warden Woods, and to natural and open spaces, and pedestrian and bicycle routes, which are illustrated on Map 2 (see Attachment 6).

The Warden Woods Secondary Plan sets out that the connection objectives include, amongst others, “a continuous north-south green pedestrian corridor extending from Danforth Road to the north end of the Secondary Plan area. The green pedestrian corridor will consist of open spaces with walkways and/or trails, sidewalks along public streets, and other necessary elements. Appropriate landscaping and public amenities such as lighting and seating will be provided in the green pedestrian corridor, and public safety will be a key consideration. The green pedestrian corridor should be designed to be as direct as possible to encourage pedestrian movement in the area. The former Canadian National GECO spur rail bridge over St. Clair Avenue East should be considered for re-use to link the lands north of St. Clair Avenue with the Warden subway station, associated mixed use development on the southeast corner of Warden and St. Clair Avenues, and the community to the south of the station.”

Warden Woods Conceptual Master Plan

The Warden Woods Community Urban Design Guidelines appended to the Secondary Plan include a Conceptual Master Plan illustrating key physical components of the new community, including street and block patterns, potential development, and proposed parks north and south of St. Clair Avenue. The Conceptual Master Plan contemplates the green pedestrian corridor crossing the site just north of St. Clair Avenue and continuing northward in the hydro corridor. East-west pedestrian linkages/easements are also shown connecting development north of St. Clair Avenue to the green pedestrian corridor.

Toronto Official Plan

On July 6, 2006, the Ontario Municipal Board issued Order No. 1928 bringing the majority of the new Official Plan into force and effect (amended by Orders 2154 and 3534). Most of the policies of the 7 Official Plans that were previously in effect have been repealed. The Plan has not been brought into force for those matters that are currently before the Board for a hearing or for those matters that remain to be adjudicated as part of the new Official Plan hearing process or those matters that are currently before the Board for a hearing; this includes the Warden Woods Community Secondary Plan.

Zoning

City Council enacted Warden Woods Community Zoning By-law No. 950-2005 on October 28, 2005, which includes all of the lands in the new community, including the subject site. By-law No. 950-2005 is a “parent” zoning by-law, which provides the framework to which implementing zoning by-laws for the various development applications in the new Warden Woods Community are being added as they are enacted. Zoning By-law No. 950-2005 is in force and effect with the exception of the subject lands.

The subject property is primarily zoned Institutional-Public Transit (I-PT) in Employment Districts Zoning By-law No. 24982 (Golden Mile Employment District). A narrow strip on the west side of the site adjacent to the former Warden Power Centre site at 725 Warden Avenue is zoned as District Commercial (DC). A small portion of land at the south end of the site, adjacent to St. Clair Avenue East, has dual zoning, both Institutional-Public Transit (I-PT) in Zoning By-law No. 24982 and Public Utilities (PU) in the Birchmount Park Community Zoning By-law No. 9174.

The I-PT zone permits commuter parking facilities, public transportation corridors and subway and surface transit stations. The DC zone permits commercial uses including financial institutions, places of entertainment, restaurants, retail stores, and service studios, as well as vehicle sales operations, service garages and service stations. The PU zone permits horticulture, pipeline and public library uses.

Site Plan Control

The site is subject to site plan control. The applicant has not filed a site plan control application(s), but such application(s) will be required for the proposed townhouses.

Reasons for Applications

The current zoning does not permit residential uses, and a plan of subdivision is required to divide the lands appropriately, and to provide for creation of the necessary public infrastructure.

Community Consultation

A community consultation meeting was held on February 12, 2007, in accordance with Council’s direction, with the Ward Councillor, applicant, and owner. Six members of the public attended. Most of the concerns raised related to the walkway to be constructed in the hydro corridor connecting the Mattamy development and General Brock Public School, including the responsibility for long-term maintenance of the walkway, storm flooding in the hydro corridor, and the safety and security of the school children. The residents were also seeking assurances that the proposed townhouses would be served by a public road and full municipal services.

Agency Circulation

The application was circulated to all appropriate agencies and City divisions. Responses received have been used to assist in evaluating the application and to formulate appropriate by-law standards.

COMMENTS

Issues that were raised in the preliminary report, as well as through the circulation, community consultation, and analysis of the proposal are addressed in the following section.

Land Use

In its appeal of the Warden Woods Community Secondary Plan, Rexton Developments proposed that the Utility Corridors designation of its lands be amended to Neighbourhoods. Provided that the City's objectives are adequately addressed, staff can support the extension of the Neighbourhoods designation only to the north part of the Rexton lands, which is appropriate for residential use. The owner should be required to convey Block 9 to the City for walkway purposes. The draft plan of subdivision should be amended to include a 0.3 metre reserve block across the north boundary of the lands, also to be conveyed to the City. Rexton Developments Ltd. is not proposing the redesignation of the remainder of the former CN rail spur extending to Birchmount Road, which still has tracks used by CN. These lands are designated as Utility Corridors in the Toronto Official Plan, and directly abut lands designated Employment Areas.

The southern part of the lands comprised of Blocks 7 and 10 should remain designated as Utility Corridors in the Warden Woods Community Secondary Plan. Minor adjustments to the configuration of these blocks may be required resulting from ongoing review by the TTC.

Servicing

The applicant has submitted a functional engineering report which notes that the stormwater for the front half of the Rexton lots drains to Street "K" and is included in the design for the Mattamy "Summerside" subdivision. However, the rear half of the roof areas, the backyards, and part of the side yards will drain easterly into the Hydro One lands via connection to existing culverts. The report concludes that the proposed drainage for the rear half of the Rexton lots can be accommodated by the existing storm drainage system. The Technical Services Division advises that the applicant must obtain Hydro One Networks Inc. approval to allow storm drainage onto its transmission corridor.

The functional engineering report notes that because of the existing TTC subway tunnel below and along the proposed Street "K", the sanitary sewer could not be designed within the limits of the roadway. The sanitary sewer must be placed in a municipal easement on private property within the front yards of the proposed lots. A watermain is proposed in Street "K".

Street K Conveyance

Mattamy and Rexton have entered into a cost sharing agreement to provide for the shared provision of all municipal services to develop the Rexton property, including the future Street “K”, which is intended to serve both the Mattamy subdivision at 725 Warden Avenue and the subject lands. Mattamy is obligated by this agreement, as well as the subdivision conditions for 725 Warden Avenue, to secure for and construct Street “K”.

It is Mattamy’s objective to register its plan of subdivision for 725 Warden Avenue by mid-2007, and the west half of Street “K” on the Mattamy lands will be conveyed to the City at the time of registration. Rexton is proposing to convey the east half of Street “K” located on its lands to the City through a reference plan, subject to the appropriate environmental clearances, thereby making the land available for construction of Street “K” by Mattamy in advance of registration of the Rexton plan of subdivision. The recommendations of this report will enable the early conveyance of the Rexton portion of Street “K”.

Traffic Impact

The applicant submitted a traffic analysis and addendum in support of the applications. The study concludes that the Mattamy development at 725 Warden Avenue can be supported by the proposed road system which provides access to Warden Avenue at Fairfax Crescent, and a new intersection identified as Street Z, and that the additional units proposed on the Rexton lands will result in no change in conditions at the access points on Warden Avenue.

Development Infrastructure Policy and Standards (DIPS) Issues

Public Road Right-of-Ways

The new Toronto Official Plan recognizes the diverse roles of City streets, and states that new streets should be public. New streets are to be designed to:

- a) provide connections with adjacent neighbourhoods, and promote a connected grid of streets that offers travel options and extends sight lines;
- b) divide larger sites into smaller development blocks;
- c) provide access and addresses for new development;
- d) allow the public to enter without obstruction;
- e) create adequate space for pedestrians, bicycles and landscaping as well as transit, vehicles, utilities and utility maintenance;
- f) improve the visibility, access and prominence of unique natural and human-made features, and
- g) provide access for emergency vehicles.

The future public road, Street “K” will comply fully with DIPS standards for local residential streets.

The Technical Services Division advises that this narrower public street will mean that the operating divisions will have some difficulty pertaining to driveway windrow clearing and sidewalk snow clearing. Technical Services advises that a warning clause must be included in the purchase and sale agreement and registered on title indicating that driveway windrow clearing and sidewalk snow clearing will not be provided by the City for streets with sidewalks adjacent to the curb.

Turning Facility

The Technical Services Division has advised that a turning facility will be required at the north end of Street “K”, at the northerly limit of Block 1. The layout illustrated in Attachment 2 has not been accepted by Technical Services, and further design modifications may be required as the details of the proposed plan of subdivision and associated conditions of approval are refined and finalized.

TTC, Hydro One, and CN Issues

The TTC has requested a number of conditions of subdivision approval, including the conveyance of Block 10 to the City, and a warning clause for future purchasers concerning potential effects of TTC facilities. The TTC has concerns with the proposed configuration of Block 10. In addition, the applicant wishes to retain an easement across Block 10 for the purpose of maintaining Block 7. The TTC does not agree with granting this easement. Discussions will have to continue between the applicant, the City and the TTC regarding the TTC’s requirements, to resolve the outstanding issues. The recommendations of this report provide the necessary flexibility to allow the Chief Planner to adjust the draft plan of subdivision and the associated conditions of approval as required. This may result in a reduction in the number of residential units. As the resolution of this issue may result in changes to the draft zoning by-law amendment, staff are recommending that the enactment of the by-law be withheld until the TTC is satisfied with respect to all required conveyances of land and/or easements for TTC purposes.

Hydro One Networks has requested a number of conditions of subdivision approval including a condition that drainage must be controlled and directed away from the ORC/HONI transmission corridor. As noted in the servicing section above, this is an issue which needs to be resolved. Enactment of the zoning by-law will be withheld until satisfactory arrangements have been made with respect to stormwater management for the proposed development.

The draft plan of subdivision indicates a railway “stopper” at the north end of the site which restricts development on Blocks 8 and 9. CN has requested a warning clause concerning its rail facilities to the north which has been included in the conditions of draft plan of subdivision approval.

Ravine Protection

Townhouse Blocks 5 and 6 on the draft plan of subdivision are adjacent to an area that is subject to the Ravine Protection By-law, Chapter 658 of the City of Toronto Municipal Code. Urban Forestry - Ravine Planning has provided preliminary site plan approval

requirements to protect the area subject to the Ravine Protection By-law. The exact location of the protected ravine limit must be shown on the plans. A 1.8 metre high black chain link fence will be required along the east property line, and a temporary sediment control fence must be installed prior to any construction taking place. These conditions will be applied to the future site plan approval application(s).

Urban Design Issues

Issues to be addressed at the time of site plan approval include the design of the buildings and coordination with the adjacent Mattamy development at 725 Warden Avenue. Most of the townhouses in the Mattamy subdivision will have entrances at grade with no more than three exterior steps. This grade-related character is encouraged and should be carried onto the subject site. The number of exterior steps proposed by the applicant should be reduced, and the entrances should be located close to grade. Articulated elevations with windows and side entrances should be provided for the end townhouse units, which will be adjacent to pedestrian walkways. Colours and materials should be coordinated with the Mattamy development.

Pedestrian/Cycling Connections

Pedestrian connections and linkages are required to be provided throughout the Warden Woods Secondary Plan area, to existing communities, schools, bus and subway stations, stops, and terminals, existing natural areas and open spaces, and proposed new parks, open spaces and community facilities. Pedestrian and trail connections relevant to this site and meeting the objectives of the Warden Woods Community Secondary Plan and the Warden Woods Community Conceptual Master Plan are of primary importance and need to be identified and secured.

The applicant is proposing to convey Block 9 to the City for walkway purposes. This property will provide a vital link in the walkway Mattamy is required to design and construct between its lands and General Brock Public School.

The TTC has requested that Block 10 be conveyed to the City. A pedestrian walkway should be provided in Block 10 connecting the sidewalk on Street “J” in the 725 Warden Avenue development and the future walkway in the hydro corridor, at the owner’s expense. In addition the owner should be required to convey easements to the City for trail purposes on the southern part of their lands adjacent to the subway line and hydro corridor (Block 7) to facilitate pedestrian and bicycle connections shown on the Potential Linkages and Connections map of the Warden Woods Community Secondary Plan (Attachment 6) and Conceptual Master Plan (Attachment 7), and the Toronto Bike Plan. The southern part of Block 7 is encumbered by the hydro lines that cross the Rexton lands before continuing in the hydro corridor. The easements to be granted to the City should include the existing footpath from St. Clair Avenue in order to maintain the current access to the St. Clair ravine.

The former CN Rail bridge over St. Clair Avenue is owned by CN Rail and is used informally as a pedestrian connection between the areas north and south of St. Clair Avenue. The applicant has indicated that their purchase arrangement with CN provides

them with the opportunity to make the rail bridge available to the City, if the City wishes to secure it as part of a trail system, subject to fair and agreeable terms and conditions. This opportunity needs to be considered within the context of the pedestrian system objectives of the Warden Woods Community Secondary Plan and the Toronto Bike Plan. In particular, the Warden Woods Community Secondary Plan specifies that "the former Canadian National GECO Spur rail bridge over St Clair Avenue East should be considered for re-use to link the lands north of St. Clair Avenue with the Warden subway station, associated mixed use development on the southeast corner of Warden and St. Clair Avenues, and the community to the south of the station". The opportunity to secure the CN bridge over St. Clair Avenue as part of the trail system in Warden Woods in conjunction with these applications should be pursued, and is addressed in the recommendations of this report.

Section 37

The Warden Woods Community Secondary Plan outlines policies with respect to Section 37. Section 37 will apply to increases in height and density as set out in the zoning by-law. Agreements pursuant to Section 37 of the Planning Act may be used to secure facilities and matters relating to community benefits. Section 37 community benefits will be selected on the basis of local community needs, the nature of the development application, any implementing guidelines or plans adopted by Council and the strategic objectives and policies of the Warden Woods Community Secondary Plan.

The Section 37 agreement should secure the provision and delivery of a cash payment equal to \$1,300 per residential unit (for a minimum of 43 units) to be used as a contribution towards a community centre to serve Warden Woods. This represents a total contribution of at least \$55,900. The agreement should also secure the pre-payment of the indoor recreation facilities portion of the Parks and Recreation component of the development charges, also to be used towards the community centre. The owner will be given a credit towards the development charges for the development in exchange for the pre-payment.

The Section 37 agreement should also provide for enhanced pedestrian connections by securing the conveyance of appropriate land and/or easements on the owner's retained lands and the former CN rail bridge over St. Clair Avenue East to implement the pedestrian/cycling trail system set out in the Toronto Bike Plan and the Warden Woods Community Secondary Plan. In addition, the Section 37 agreement should provide for an easement over the owner's lands for that portion of the existing trail which leads from St. Clair Ravine Park to St. Clair Avenue East to facilitate continued public access to the parkland.

Toronto Green Development Standard

Council has adopted the Toronto Green Development Standard, and staff will pursue the implementation of the standard through the future site plan approval application(s).

Environmental Clearances

The applicant submitted the Phase I Environmental Site Assessment of the GECO Branch Spur, prepared for CNR in 2001, which found evidence of herbicide applications on the site. However, the report notes that herbicide applications have not occurred since 1999, and represent a low environmental concern.

Effective October 1, 2005, the Ministry of the Environment (MOE) assumed full responsibility for environmental clearances in Ontario. Accordingly, no building permit for residential development will be issued by the City until appropriate clearances have been issued by the MOE.

Archaeological Clearance

Heritage Preservation Services advises that it has determined that there was prior soil disturbance on the property and the probability of archaeological deposits being found intact is extremely low, and therefore an archaeological assessment is not recommended. However, standard archaeological conditions related to construction activities on the site are recommended, and are included in the draft plan of subdivision conditions.

Implementation

The draft zoning by-law amendment, attached as Attachment 10, includes regulations for the proposed townhouses addressing land use, building height, and setbacks. Also included is a regulation requiring availability of municipal services. The existing zoning would continue to apply to the Block 7 and 8 lands to be retained by the owner, as well as the Block 10 lands to be conveyed to the City. Appropriate adjustments to the by-law schedules may also be required to address the TTC's concerns and requirements with respect to the current configuration of Block 10 on the draft plan of subdivision.

The conditions of draft plan of subdivision approval, included as Attachment 11, are in addition to the conditions which will be contained in the main body of the subdivision agreement, and address detailed technical requirements to ensure the orderly development of the lands including, amongst other matters, the construction of the new public road, servicing, utility coordination, street tree planting, conveyance of walkways, lands, and easements to the City, and the requirements of the TTC, Hydro One, and CN, including the appropriate warning clauses in agreements of purchase and sale, etc.

Development Charges

It is estimated that the development charges for this project will be \$356,384. This is an estimate. The actual charge is assessed and collected upon issuance of the building permit.

CONTACT

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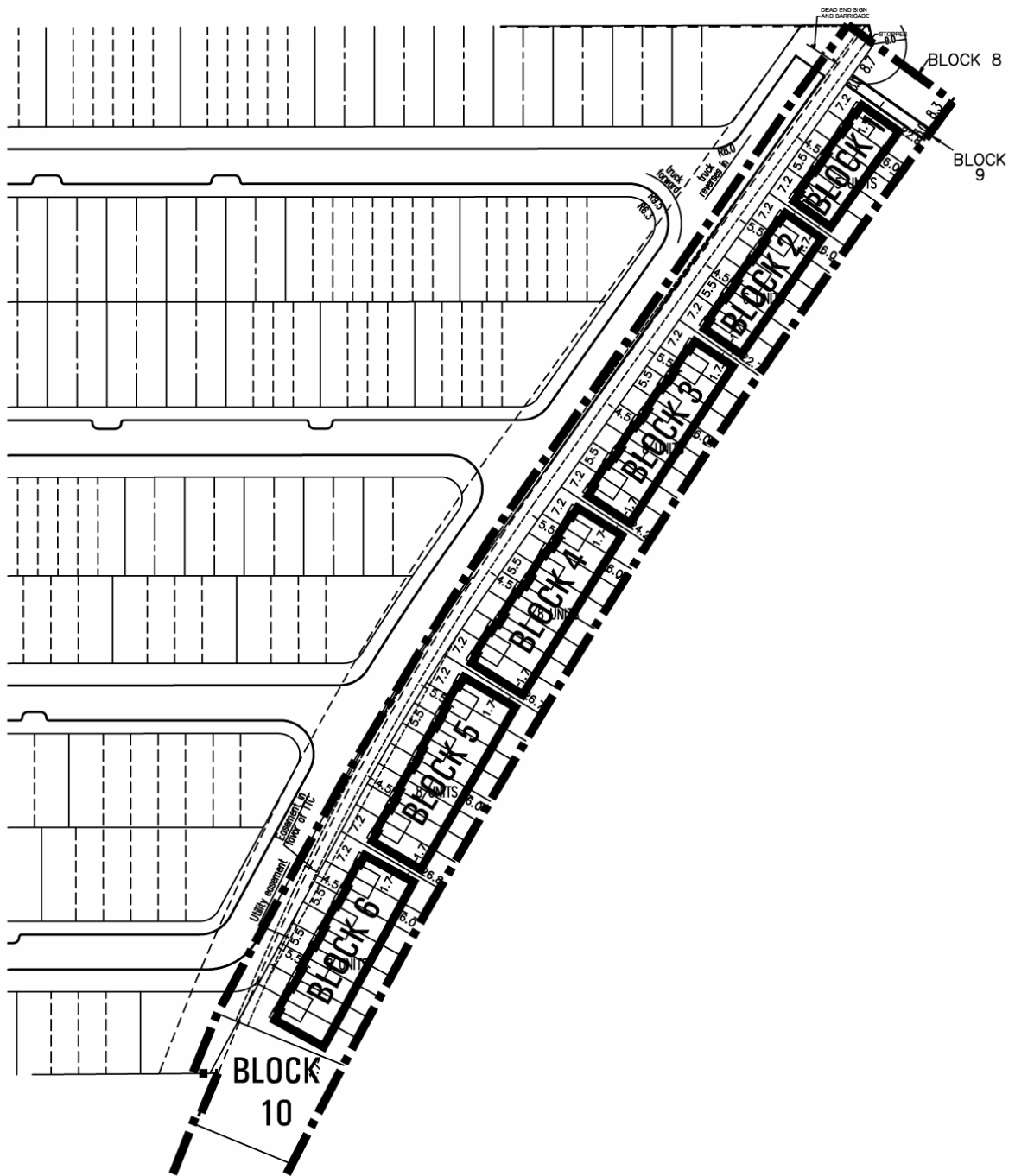
SIGNATURE

Allen Appleby, Director
Community Planning, Scarborough District

ATTACHMENTS

Attachment 1: Site Plan
Attachment 2: Draft Plan of Subdivision
Attachment 3: Typical Block Elevation Plan
Attachment 4: Application Data Sheet
Attachment 5: Official Plan (Warden Woods Community Secondary Plan – Map 1)
Attachment 6: Official Plan (Warden Woods Community Secondary Plan – Map 2)
Attachment 7: Warden Woods Community Conceptual Master Plan
Attachment 8: Zoning
Attachment 9: Proposed Modification - Warden Woods Community Secondary Plan
Attachment 10: Draft Zoning By-law Amendment
Attachment 11: Proposed Conditions of Draft Plan of Subdivision Approval

Attachment 1: Site Plan



Site Plan

Applicant's Submitted Drawing

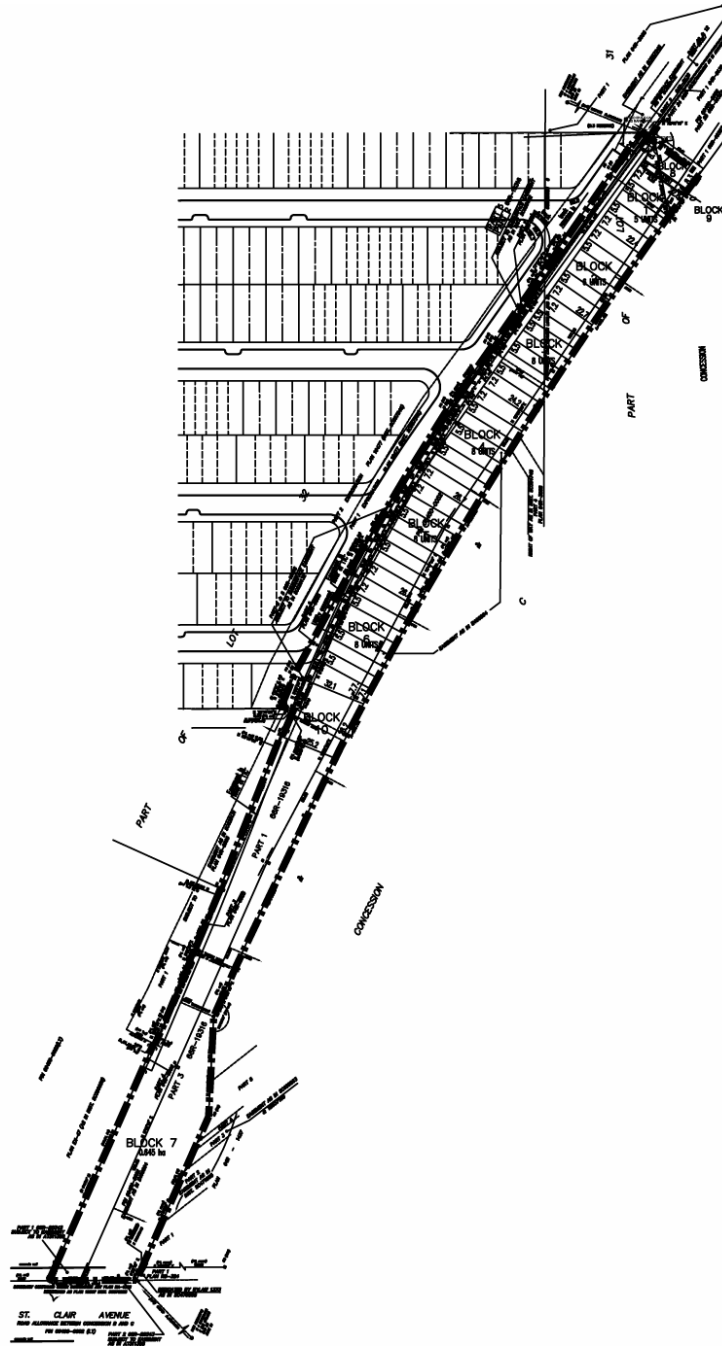
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Former CN Rail Spur north of St.Clair Ave. East;
between Warden Ave. & Birchmount Rd.

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Attachment 2: Draft Plan of Subdivision



Plan of Subdivision

Applicant's Submitted Drawing

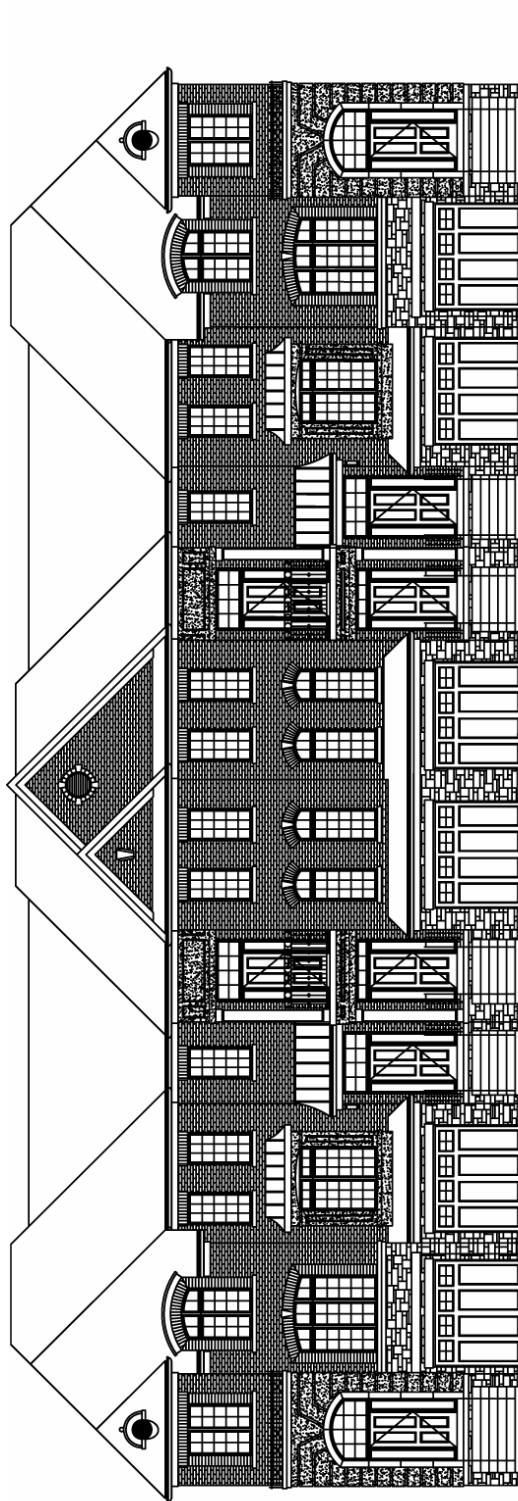
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Former CN Rail Spur north of St.Clair Ave. East;
between Warden Ave. & Birchmount Rd.

File # 06-154086 OZ; 06-154102 SB

Attachment 3: Typical Block Elevation Plan



Typical Block Elevation Plan

Applicant's Submitted Drawing

Not to Scale
02/21/07

Former CN Rail Spur north of St. Clair Ave. East;
between Warden Ave. & Birchmount Rd.

File # 06-154086 OZ; 06-154102 SB

Attachment 4: Application Data Sheet

Application Type	Rezoning	Application Number:	06 154086 ESC 35 OZ
Details	Rezoning, Standard	Application Date:	July 7, 2006

Municipal Address: 0 HYMUS RD S/S, TORONTO ON
 Location Description: FORMER CN RAIL SPUR, 0 HYMUS **GRID E3502
 Project Description: Rezoning Application to permit 43 street townhouses on a public road and a walkway connection to the Hydro Corridor. Subdivision Approval Application 154102 ESC 35 SB has also been submitted.

Applicant:	Agent:	Architect:	Owner:
WESTON CONSULTING GROUP INC. PETER SMITH	WESTON CONSULTING GROUP INC., TED CYMBALY		REXTON DEVELOPMENTS LTD.

PLANNING CONTROLS

Official Plan Designation:	Utility Corridors	Site Specific Provision:	
Zoning:	DC, I-PT and I-PT & PU	Historical Status:	
Height Limit (m):		Site Plan Control Area:	Y

PROJECT INFORMATION

Site Area (sq. m):	15689.9	Height:	Storeys:	3
Frontage (m):	0		Metres:	13
Depth (m):	0			
Total Ground Floor Area (sq. m):	0			Total
Total Residential GFA (sq. m):	8399		Parking Spaces:	0
Total Non-Residential GFA (sq. m):	0		Loading Docks	0
Total GFA (sq. m):	8399			
Lot Coverage Ratio (%):	0			
Floor Space Index:	0.54			

DWELLING UNITS

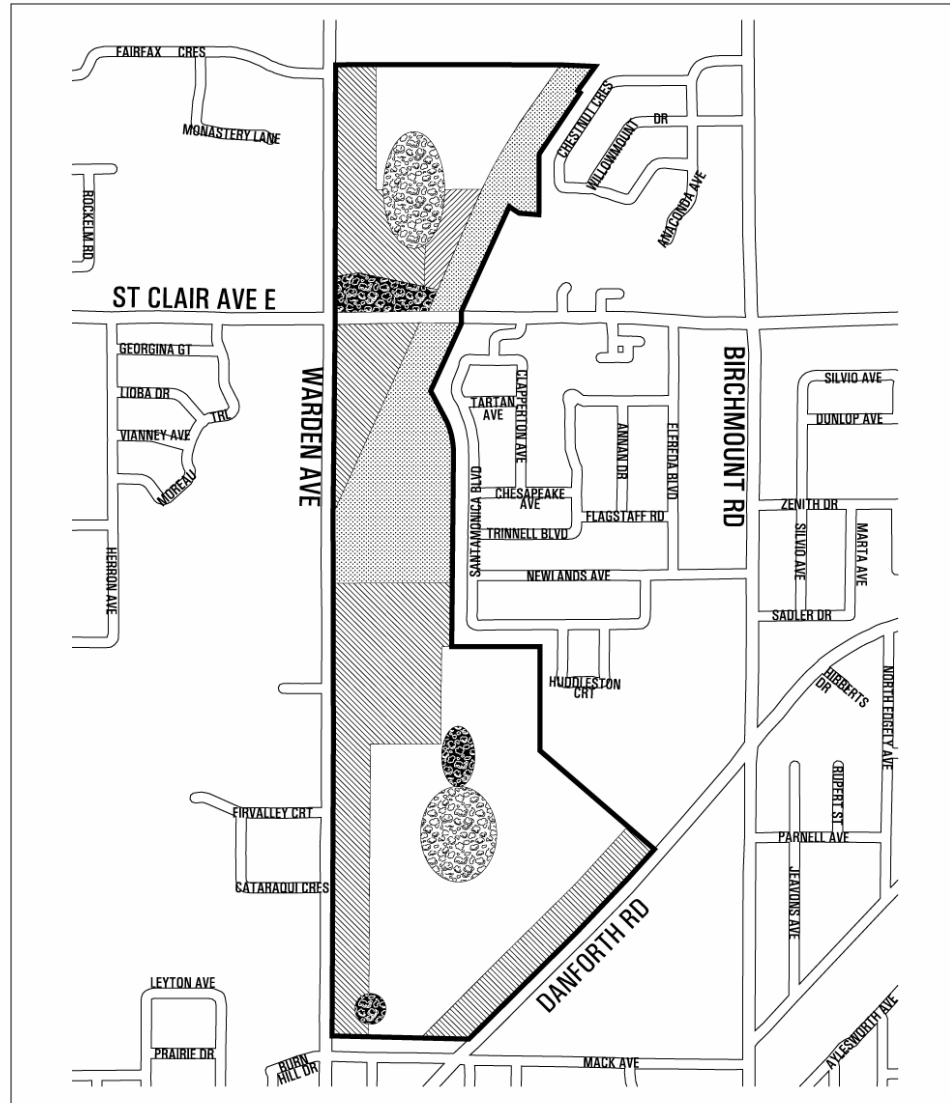
Tenure Type:	Freehold
Rooms:	0
Bachelor:	0
1 Bedroom:	0
2 Bedroom:	0
3 + Bedroom:	0
Total Units:	43

FLOOR AREA BREAKDOWN (upon project completion)

	Above Grade	Below Grade
Residential GFA (sq. m):	8399	0
Retail GFA (sq. m):	0	0
Office GFA (sq. m):	0	0
Industrial GFA (sq. m):	0	0
Institutional/Other GFA (sq. m):	0	0

CONTACT:	PLANNER NAME:	Ruth Lambe, Senior Planner
	TELEPHONE:	(416) 396-7037

Attachment 5: Official Plan (Warden Woods Community Secondary Plan – Map 1)



Warden Woods Community Secondary Plan

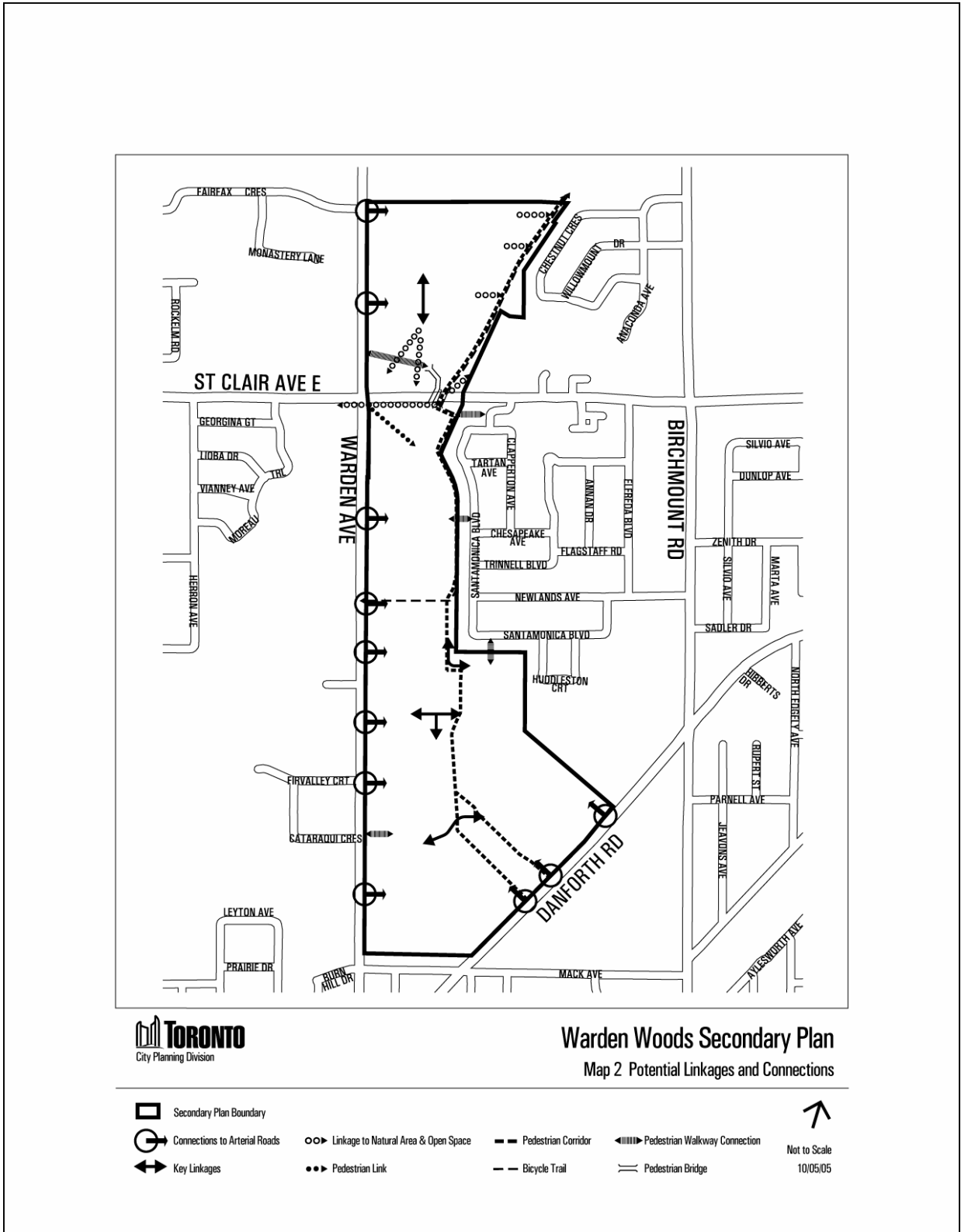
Map 1 Land Use

- Secondary Plan Boundary
- Neighbourhoods
- Apartment Neighbourhoods
- Mixed Use Areas
- Natural Areas
- Parks
- Utility Corridors

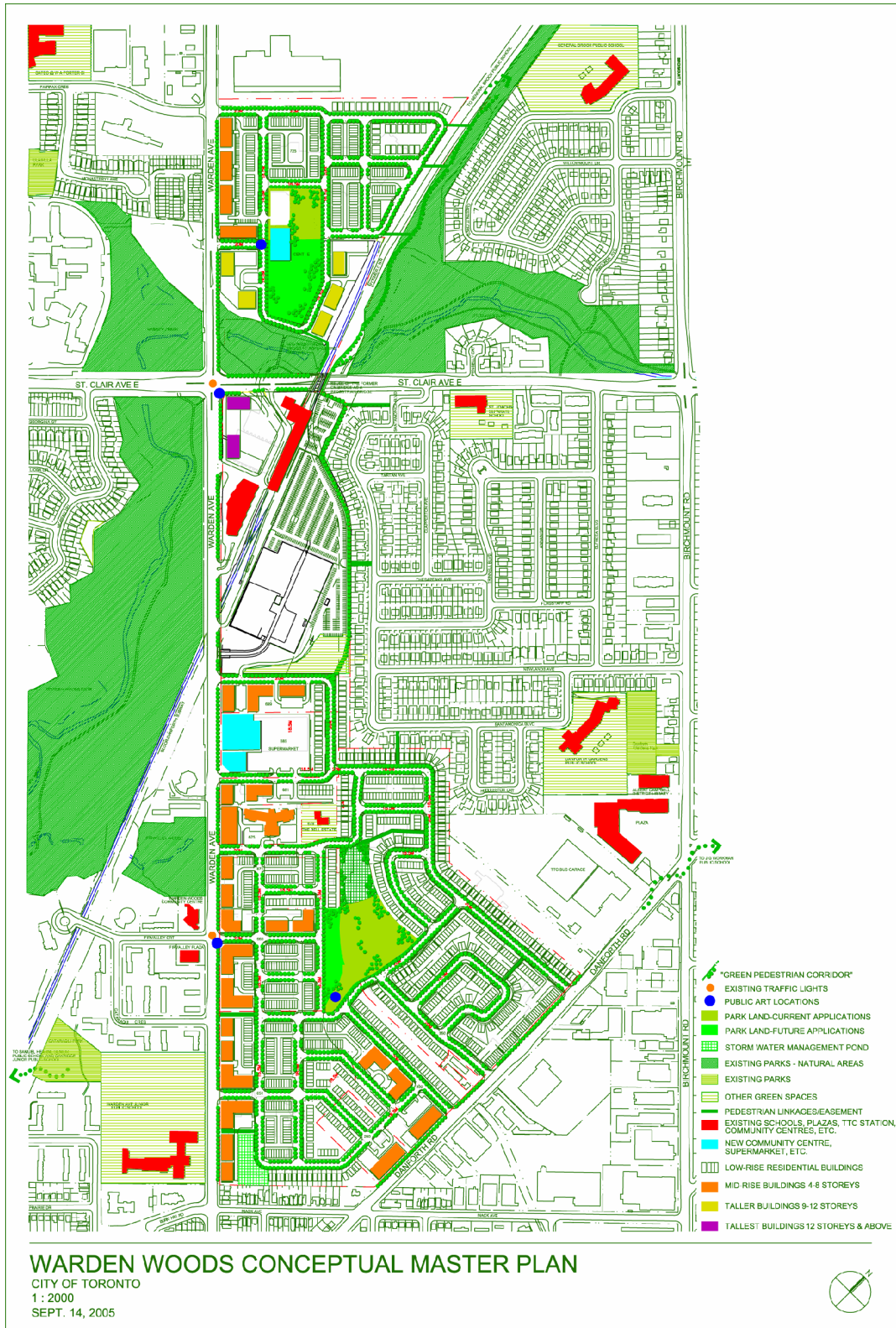


Not to Scale
10/05/05

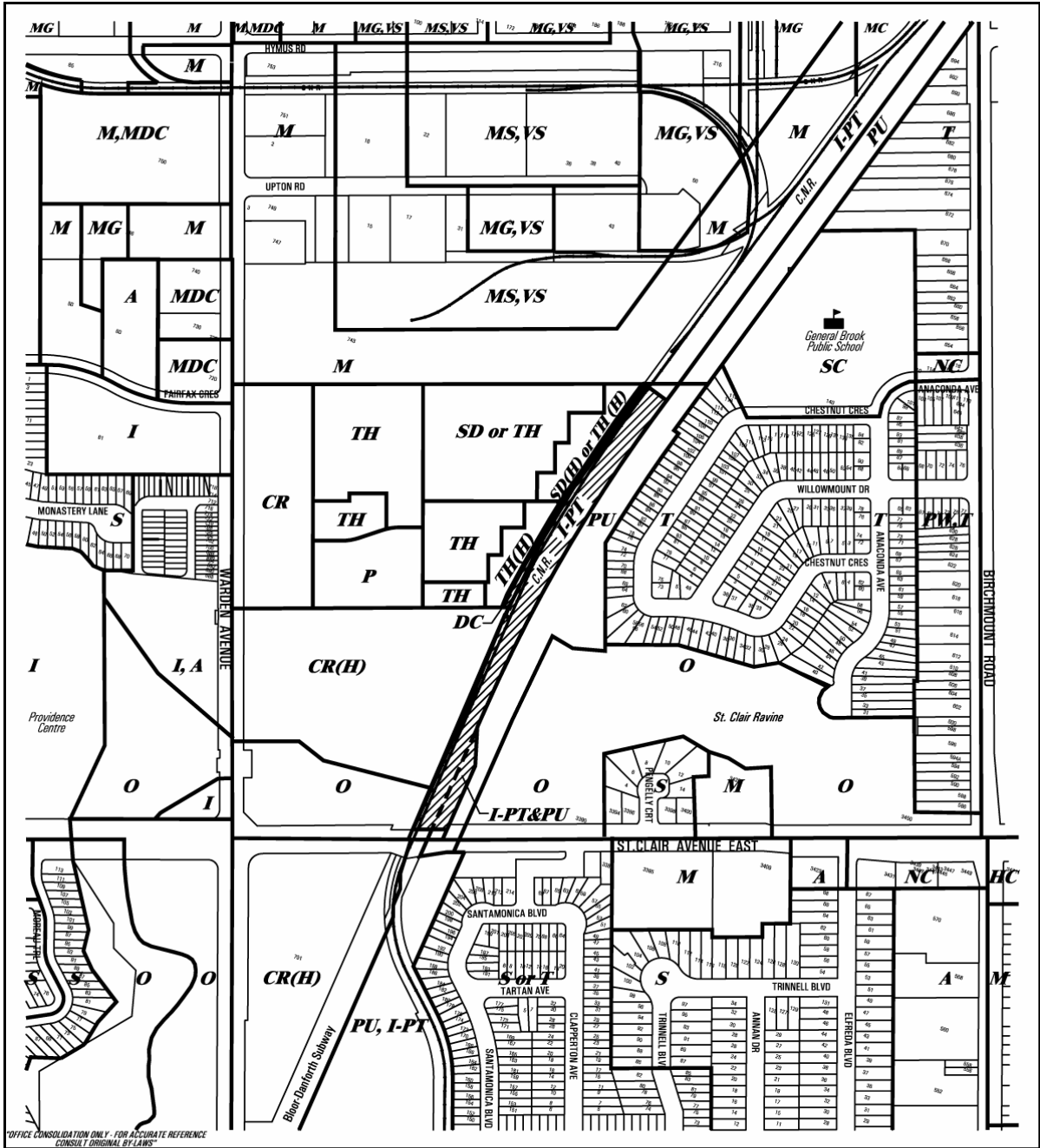
Attachment 6: Official Plan (Warden Woods Community Secondary Plan – Map 2)



Attachment 7: Warden Woods Community Conceptual Master Plan



Attachment 8: Zoning



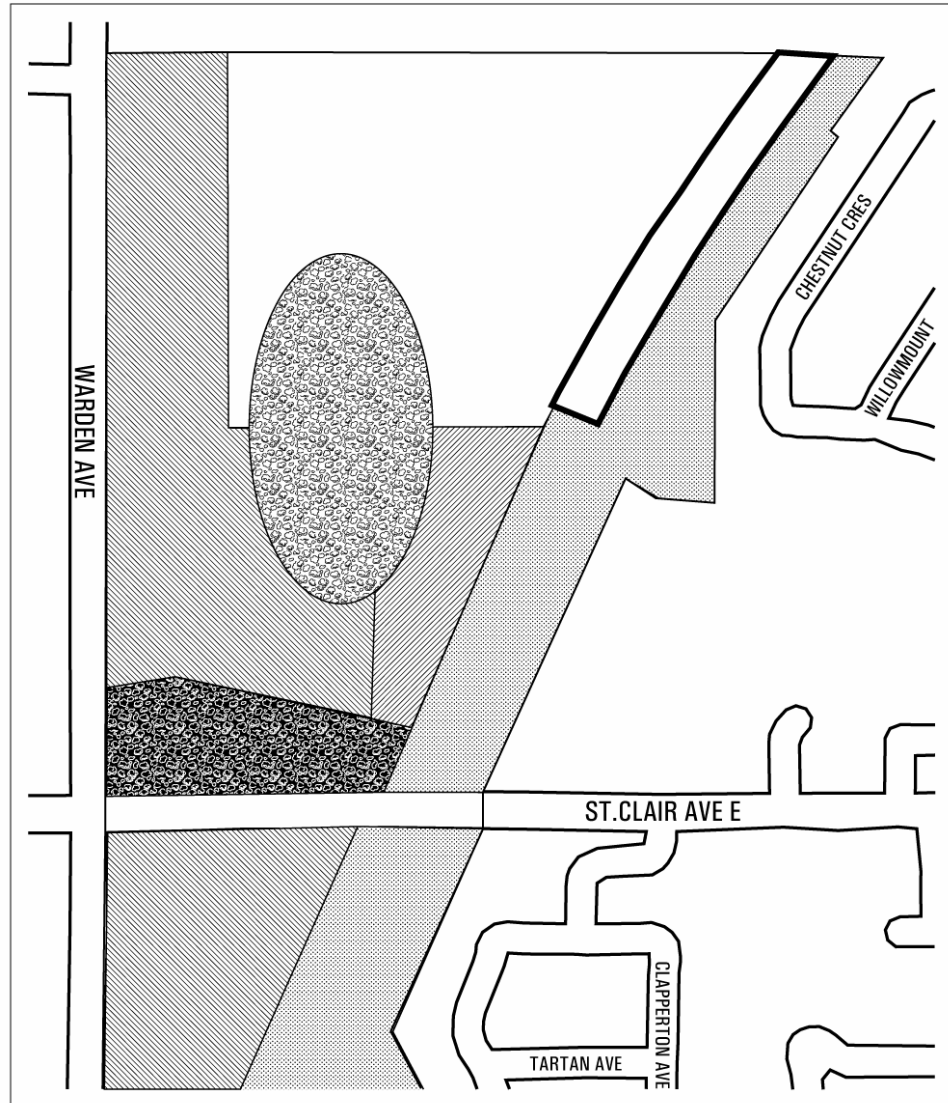
OFFICE CONSOLIDATION ONLY - FOR ACCURATE REFERENCE CONSULT ORIGINAL BY-LAWS



Former CN Rail Spur north of St. Clair Ave. East;
between Warden Ave. & Birchmount Rd.
File #'s 06-154086 OZ; 06-154102 SB

S Single-Family Residential	CR Commercial / Residential Zone	M Industrial Zone	Warden Woods, Birchmount Park & Clairlea Com. Bylaws Golden Mile & Oakridge Emp. Bylaws
SD Semi-Detached Residential Zone	NC Neighbourhood Commercial	MC Industrial Commercial Zone	
T Two-Family Residential	HC Highway Commercial	MDC Industrial District Commercial Zone	Not to Scale 03/05/07
MF Multiple-Family Residential	DC District Commercial Zone	MG General Industrialzone	
TH Townhouse Residential Zone	PU Public Utilities	MS Special Industrial Zone	↑
A Apartment Residential	I-PT Institutional-Public Transit Zone	VS Vehicle Service Zone	
SC School	P Park	(H) Holding Provision	
PW Place(s) of Worship	O Major Open Spaces		

Attachment 9: Proposed Modification - Warden Woods Community Secondary Plan



Warden Woods Community Secondary Plan

Map 1 Land Use

- | | |
|--------------------------|-------------------|
| Proposed Modification | Natural Areas |
| Neighbourhoods | Parks |
| Apartment Neighbourhoods | Utility Corridors |
| Mixed Use Areas | |



Not to Scale
03/09/07

Attachment 10: Draft Zoning By-law Amendment

Authority: Scarborough Community Council Item ~ as adopted by City of Toronto Council on ~, 2007
Enacted by Council: ~, 2007

CITY OF TORONTO

Bill No. ~

BY-LAW No. ~-2007

To amend former City of Scarborough Zoning By-law No. 950-2005, the Warden Woods Community Zoning By-law, as amended, and the Scarborough Employment Districts Zoning By-law No. 24982 (Golden Mile Employment District), as amended, with respect to the lands municipally known as the Former CN Rail Spur North of St. Clair Avenue East between Warden Avenue and Birchmount Road

WHEREAS authority is given to Council by Section 34 of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended, to pass this By-law; and

WHEREAS Council of the City of Toronto has provided adequate information to the public and has held at least one public meeting in accordance with the *Planning Act*;

The Council of the City of Toronto HEREBY ENACTS as follows:

1. Schedule “A” of the Employment Districts Zoning By-law No. 24982 (Golden Mile) is amended by deleting the zoning applying to the portion of the lands known as the former CN Rail Spur North of St. Clair Avenue East between Warden Avenue and Birchmount Road, shown outlined on Schedule ‘1’.
2. Schedule “A” of the Warden Woods Community Zoning By-law No. 950-2005 is further amended by substituting new zoning on the subject lands as shown on Schedule ‘1’ attached hereto and forming part of this By-law, together with the following letters and numerals:

TH-19F-23-40-63-125-147-148-160-206-207-218

3. **SCHEDULE “B”, PERFORMANCE STANDARD CHART**, of the Warden Woods Community Zoning By-law No. 950-2005, is amended by adding the following Performance Standards:

INTENSITY OF USE

- 19F. One **townhouse dwelling** per 5.5 m of **lot frontage** and a minimum **lot area** of 120 m² per **dwelling unit**.

FRONT YARD SETBACK

23. Minimum 4.5 metres, except that the **main wall** containing the vehicular access to a garage shall be **setback** a minimum of 5.5 metres.

MISCELLANEOUS

218. No person shall use any land or erect or use any **building** or structure unless the following municipal services are provided to the **lot** line and the following provisions are complied with:

- (a) all new public roads have been constructed to a minimum of base curb and base asphalt and are connected to an existing public highway, and
- (b) all water mains and sanitary sewers, and appropriate appurtenances, have been installed and are operational.

4. **SCHEDULE “C”, EXCEPTIONS LIST**, of the Warden Woods Community Zoning By-law No. 950-2005, is further amended by adding the following Exception No. 15:

15. On those lands identified as Exception No. 15 on the accompanying Schedule “C” map (Schedule ‘2’), the following provisions shall apply:

- (a) Matters to be provided pursuant to Section 37 of the *Planning Act*:
 - (i) The owner of the lands at its expense and in accordance with, and subject to, the agreements referred to in Section (ii) herein shall provide the following facilities, services and matters as follows:
 - (1) Financial contribution to the City of Toronto in the amount of \$1,300.00 **per dwelling unit** to be used as a contribution towards a community centre to serve the Warden Woods Community.
 - (2) Arrangements for the conveyance to the City of appropriate land and/or easements on the lands to the south shown as Part 1 and/or Part 3, Plan 66R-19316, and the former CN rail bridge over St. Clair Avenue East abutting Part 1 and/or Part 3, Plan 66R-19316, to implement a pedestrian/cycling trail system for the subject lands as generally set out in the Toronto Bike Plan and the Warden Woods

Community Secondary Plan, to the satisfaction of the General Manager of Transportation Services.

- (3) An easement on Part 1 and/or Part 3, Plan 66R-19316 for that portion of the existing trail which leads from St. Clair Ravine Park to St. Clair Avenue East to facilitate continued public access to the parkland, to the satisfaction of the General Manager of Parks, Forestry & Recreation.
- (ii) The owner of the lands shall enter into one or more agreements with the City of Toronto pursuant to Section 37 of the Planning Act, to secure the facilities, services and matters referred to in Section (i) herein and which shall be registered on title to the lands to which this By-law applies.

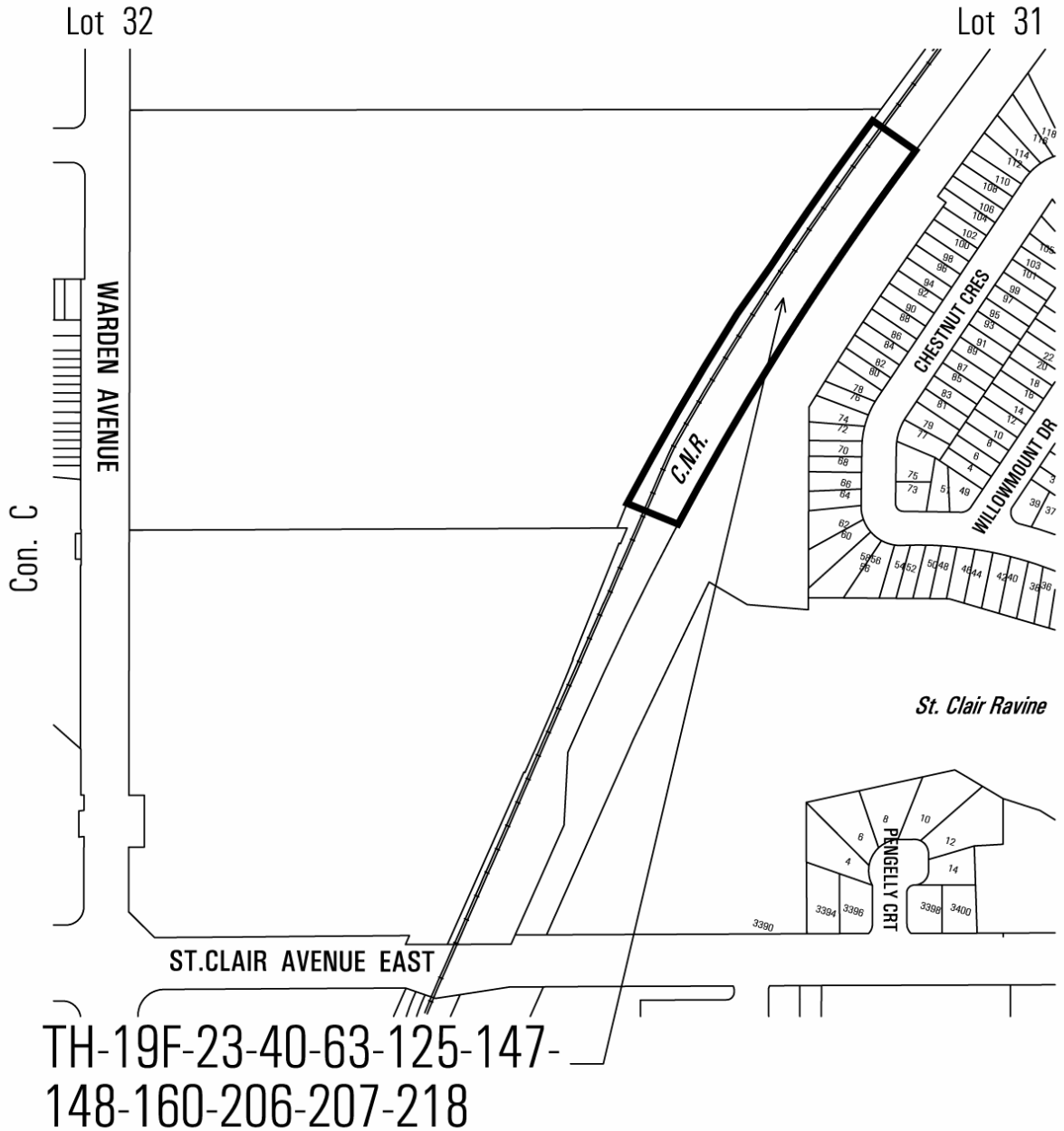
ENACTED AND PASSED this ~ day of ~, A.D. 2007.

DAVID R. MILLER,
Mayor

ULLI S. WATKISS,
City Clerk

(Corporate Seal)

Schedule '1'



TORONTO City Planning
Division
Zoning By-Law Amendment

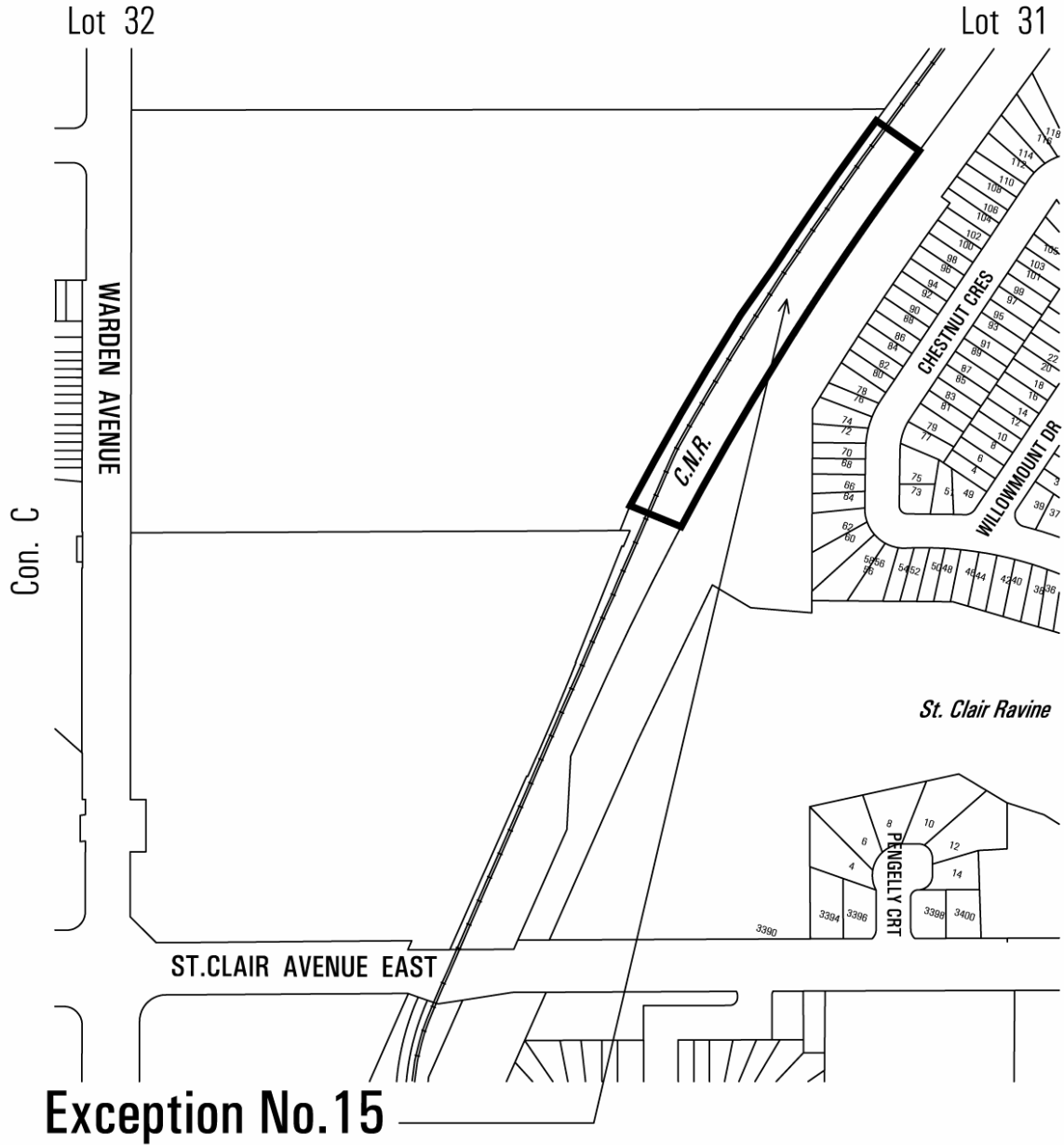
Former CN Rail Spur north of St. Clair Ave. East;
between Warden Ave. & Birchmount Rd.
File #'s 06-154086 OZ; 06-154102 SB

 Area Affected By This By-Law

Warden Woods Community & Golden Mile Emp. District Bylaws
Not to Scale
03/09/07



Schedule '2'



TORONTO City Planning Division
Zoning By-Law Amendment

Former CN Rail Spur north of St.Clair Ave. East;
 between Warden Ave. & Birchmount Rd.
 File #'s 06-154086 OZ; 06-154102 SB

 Area Affected By This By-Law

Warden Woods Community & Golden Mile Emp. District Bylaws
 Not to Scale
 03/09/07



Attachment 11: Proposed Conditions of Draft Plan of Subdivision Approval

**SUBDIVISION APPLICATION 06 154102 ESC 35 SB
PART OF LOTS 31 AND 32, CONCESSION C
CITY OF TORONTO (FORMER CITY OF SCARBOROUGH)
REXTON DEVELOPMENTS LTD.**

STANDARD CONDITIONS

Subdivision Agreement

1. The Owner shall execute the City's standard subdivision agreement, and shall satisfy all of the pre-registration conditions contained therein.

Tax Payment

2. The Owner shall provide to the Director, Community Planning, Scarborough District, confirmation that the taxes have been paid in full (statement of account or Tax Clearance Certificate).

Official Plan and Zoning

3. Draft plan approval will not be issued until appropriate Official Plan land use designations and zoning implementing the Official Plan are in full force and effect.

Approval Period

4. The approval of this plan of subdivision will lapse if the subdivision is not registered within 5 years of the date of draft plan approval.

SERVICES

Easement Requirements

5. Prior to the registration of the draft plan of subdivision, the Owner agrees to provide any easements deemed necessary by Technical Services for utilities, drainage and servicing purposes to the appropriate authorities in order to service the subdivision.

Street Lighting

6. The Owner agrees to provide upgraded street lighting, at no cost to the City. Such street lighting shall be consistent with the street lighting for the adjacent property at 725 Warden Avenue and shall be installed prior to occupancy to the satisfaction of Toronto Hydro, in consultation with City Planning.

Transportation Related Red-line Changes

7. The Owner will make any necessary red-line changes to the plan of subdivision regarding rights-of-way, turning facilities, 0.3 metre (1 foot) reserves, corner roundings, and sight lines to the satisfaction of Technical Services.

Warning Clause – Rear Yard Catchbasins, Etc.

8. Prior to the registration of the plan of subdivision, the Owner agrees to include in all Offers of Purchase and Sale, a warning clause, to be registered on title to the satisfaction of the City Solicitor, advising purchasers that they are responsible for the upkeep and maintenance of rear yard catchbasins, drainage swales, and catchbasin leads (i.e. connections) located on private property.

ROADS

Additional Land for St. Clair Avenue Right-of-Way

9. Prior to registration of the plan of subdivision, the Owner agrees to convey to the City for right-of-way purposes, land of approximately 5.18 metres in perpendicular width along the entire St. Clair Avenue frontage for a nominal sum, free and clear of all encumbrances.

Turning Facility

10. The Owner agrees to construct a turning facility at the north end of Street “K” to the satisfaction of Technical Services.

Agreement of Adjacent Land Owners

11. The Owner agrees to provide written confirmation, in conjunction with the adjacent land owners to the west, indicating that both parties are in agreement with the construction of the proposed public roadway and underground services fronting Blocks 1 to 6, to the satisfaction of Technical Services.

Conveyance and Construction of Roadway (Street “K”)

12. The Owner agrees that the proposed public roadway (Street “K”) will be conveyed to the City and dedicated as public highway, and must be constructed to City standards to the satisfaction of Technical Services.

Street Signage

13. The Owner agrees to be responsible for all costs associated with the installation/alteration of municipal street signage required by this subdivision, to the satisfaction of Technical Services.

ADDITIONAL FINANCIAL REQUIREMENTS

14. In addition to the amounts otherwise set out in the Subdivision Agreement, the Owner will also pay the following amounts to the City:
 - a) \$40.00 per unit for geodetic surveys and aerial mapping.
 - b) \$10.00 per unit for traffic signs.

WALKWAYS

Block 9 Walkway

15. At the time of registration of the plan of subdivision, the Owner shall convey Block 9 to the City for walkway purposes, to the satisfaction of Technical Services and City Planning.

Block 10 Walkway

16. Prior to the registration of the plan of subdivision, the Owner shall provide a letter of credit for the construction of a walkway connection in Block 10, to the satisfaction of the City.

DRIVEWAYS

17. The Owner shall agree that all lot layouts shall create street frontages such that no driveway entrance shall overlap with the adjacent driveway approach within the boulevard. All driveway entrances shall be constructed (minimum width of 3 metres) to the satisfaction of Technical Services.

SIDEWALKS

18. The Owner shall agree to provide a municipal sidewalk along the entire frontage of the proposed public roadway with a 2 metre municipal sidewalk if adjacent to the curb or a 1.7 metre municipal sidewalk if located 1 metre from the property

line, which shall be completed prior to occupancy of any dwellings, to the satisfaction of Technical Services.

WARNING CLAUSE – WINDROW AND SIDEWALK SNOW CLEARING

19. Prior to the registration of the plan of subdivision, the Owner agrees to include the following warning clause in all agreements of purchase and sale and registered on title to the satisfaction of the City Solicitor:

“Purchasers are advised that private driveway windrow clearing and sidewalk snow clearing will not be provided by the City for streets with less than 18.5 metre rights-of-way and/or with sidewalks adjacent to the curb.”

WARNING CLAUSE - PARKING

20. Prior to the registration of the plan of subdivision, the Owner shall include in all Offers of Purchase and Sale agreements and/or lease agreements for all dwelling units the following warning clause:

“Warning: Purchasers are advised that the City of Toronto Zoning By-law for these lands requires parking to be provided at a rate of 1.0 space per dwelling unit and that all units have at least one space in a garage which meets these requirements. In addition to the Zoning By-law requirements, the Owner has provided hard surfaces, where applicable, which may be partially located within the City owned right-of-way leading to the parking space within the garage.

The purchaser is further advised that any modification to the driveway or to the adjacent landscaping located within the City’s right-of-way is subject to the approval of the City of Toronto and that additional vehicle parking that might otherwise be available on public streets will be subject to approval and regulations pursuant to applicable By-laws of the City of Toronto.”

STORMWATER MANAGEMENT

21. Prior to the registration of the plan of subdivision, the Owner is required to submit a Stage II Stormwater Management Report addressing storm water quality and quantity, with the first submission of engineering drawings, to the satisfaction of Technical Services. The use of storm water infiltration techniques must be supported by adequate geotechnical and hydrogeological assessment and must be designed and sealed by a Professional Engineer or Hydrogeologist with expertise in this field.

ENVIRONMENTAL ASSESSMENT

Environmental Assessment Reports and Remedial Action Plan

22. Prior to the earlier of the release for construction of services, conveyance to the City, or registration of the plan of subdivision, the Owner agrees to submit Environmental Assessment Reports and a Remedial Action Plan to the City, and further receive the City's peer review concurrence pertaining to all lands conveyed to the City, in fee simple and as easement interest both internal and external to the subdivision lands. The Owner agrees to pay all costs associated with the City retaining a third-party peer reviewer, and to submit a certified cheque payable to the City of Toronto in the amount of Five Thousand Dollars (\$5,000.00) as a deposit towards the cost of the peer review, and to make further deposits in the specified amount as required by the City from time to time, all to the satisfaction of Technical Services.

Record of Site Condition

23. Prior to the earlier of the release for construction of services or registration of the plan of subdivision, the Owner agrees to file the Record of Site Condition (RSC) on Ontario's Environmental Site Registry and to submit the Ministry of Environment's Letter of Acknowledgement of Filing of the RSC confirming that the RSC has been prepared and filed in accordance with O/Regulation 153/04, or that the RSC has passed an MOE audit, to Technical Services.

SCHOOLS

School Boards - Signs

24. The Owner agrees to make satisfactory arrangements with the Toronto District School Board and the Toronto Catholic District School Board to erect and maintain signs, at points of egress and ingress of the development site, advising that sufficient accommodation may not exist at local schools, and as such, alternative accommodation will be made. These signs shall be to the specifications of the School Boards and erected prior to registration of the plan of subdivision.

Warning Clauses – School Accommodation

25. The Owner agrees to include in all Offers of Purchase and Sale or lease the following warning clauses for a period of 10 years after registration of the subdivision plan:

“Despite the best efforts of the Toronto District School Board, sufficient accommodation may not be locally available for all students anticipated from the

development area and that students may be accommodated in facilities outside the area, and further, that students may later be transferred.

Purchasers agree, for the purpose of transportation to school, if bussing is provided by the Toronto District School Board, that students will not be bussed home to school and/or from school to home, but will meet the bus at designated locations in or outside of the area.”

and

“Despite the best efforts of the Toronto Catholic District School Board, sufficient accommodation may not be available in local Catholic schools for students from the development area and students may need to be accommodated in school facilities outside the area.

The purchaser or tenant acknowledges that school bus service for students, if required, will be from designated school bus stops within or outside the development area.”

CASH-IN-LIEU OF PARKLAND DEDICATION

26. The Owner acknowledges and agrees to pay a five (5%) cash-in-lieu of parkland dedication immediately following registration of the draft plan of subdivision, or in any case prior to the issuance of building permits, to the satisfaction of Parks, Forestry & Recreation.

STREET TREES

Street Tree Planting Plan

27. Prior to the acceptance of engineering drawings by Technical Services, the Owner agrees to submit a detailed landscape plan of street tree planting, indicating the location, species, size and condition of all trees proposed to be planted within the road allowance, for the approval of Parks, Forestry & Recreation, and Technical Services.

Composite Utility Plan

28. Prior the acceptance of engineering drawings by Technical Services, the Owner agrees to provide a composite utility plan, indicating the location of all underground and aboveground utilities, as well as proposed tree planting locations, to the satisfaction of Parks, Forestry & Recreation, and Technical Services.

Street Tree Planting – Letter of Credit

29. Prior to the registration of the plan of subdivision, the Owner agrees to post a Letter of Credit, in the form and from an institution acceptable to the City Treasurer, equivalent to One Hundred and Twenty Percent (120%) of the value of the street trees and other plantings, as a Financial Security, to guarantee the planting including the maintenance of the street trees for a minimum period of two (2) years, to the satisfaction of Parks, Forestry & Recreation.

Street Tree Planting and Replacement Requirements

30. The Owner agrees to plant trees in accordance with the approved landscape plan. Upon written request from the Owner, Parks, Forestry & Recreation agrees to inspect the newly planted trees and will advise the Owner if the trees are satisfactory. The Owner acknowledges and agrees to maintain the trees for a period of two (2) years after being advised in writing that Parks, Forestry & Recreation is satisfied with the newly planted trees. The Owner acknowledges that, should any newly planted tree require replacement during this guarantee period, the tree shall be replaced immediately and shall have an additional two (2) year maintenance period placed on this new planting.

Warning Clause – Street Tree Planting

31. The Owner agrees that no wording will be included in any agreement of purchase and sale that states or creates an expectation that there will be a tree in front of each property.

Street Tree Planting – Cash-in-Lieu

32. Where tree planting is not possible, the Owner agrees to make a cash contribution to the City in lieu thereof in an amount to be determined by Parks, Forestry & Recreation.

FENCING

Fencing Plan

33. Prior to the registration of the plan of subdivision, the Owner shall prepare a detailed fencing plan, and agrees to install any required privacy or decorative fencing, to the satisfaction of City Planning.

Fencing Plan – Letter of Credit

34. Prior to the registration of the plan of subdivision, the Owner shall post a Letter of Credit as security for the installation of any required privacy or decorative fencing equal to 120% of the value of the fencing, to the satisfaction of City Planning.

COMMUNITY MAIL BOXES

35. The Owner agrees to include in all Offers of Purchase and Sale a statement that advises the prospective purchaser that mail delivery will be from a designated Community Mailbox, and will be responsible for notifying the purchaser of the exact Community Mailbox locations prior to the closing of any sale.

NOISE AND VIBRATION MITIGATION

Noise and Vibration Study

36. Prior to registration of the plan of subdivision, the Owner shall submit a noise and vibration study prepared by a certified acoustical engineer to the satisfaction of City Planning.

Implementation of Noise and Vibration Study Requirements

37. The Owner shall agree in the Subdivision Agreement to implement and bear all costs associated with the recommendations including, but not limited to, at-source mitigation measures (on-site and off-site) and registration of appropriate warning clauses of the noise and vibration study required and accepted by City Planning.

Noise and Vibration Mitigation – Letter of Credit

38. Prior to the registration of the plan of subdivision, the Owner shall post a Letter of Credit as security for the installation of any required mitigation measures including, but not limited to, at-source mitigation measures (on-site and off-site) for 120% of the value of such items to the satisfaction of City Planning.

Location of Noise Attenuation Requirements on Tree Planting and Landscape Plans

39. Prior to the registration of the plan of subdivision, the Owner agrees to illustrate the location of any sound barrier/noise attenuation fence on all tree planting and tree preservation/protection plans and landscape plans, to the satisfaction of the City Planning.

TORONTO TRANSIT COMMISSION

Transit Operations Warning Clause

40. The Owner hereby acknowledges and agrees:
 - a) It has been advised that the Toronto Transit Commission may, in future, construct and install below and above-grade ventilation structures and facilities (the “Fire Ventilation System”) to be located at the Bloor-Danforth Subway Chestnut Portal,

- including an electrical room and emergency exit building on Block 10 of the draft plan of subdivision for Part of Lot 31 and 32 Concession C, City of Toronto (the “Rexton Lands”). The Owner also acknowledges that the Toronto Transit Commission has advised it of the possible impact of the fire ventilation structures and equipment on its property, and that the Fire Ventilation System will be approximately 20 meters in length from the portal opening and may extend as much as 6 meters above grade, with a minimum width of 15 meters including the area above the subway structure and extending to the property to the west;
- b) The proximity of the proposed development of the “Rexton Lands” to the Toronto Transit Commission’s transit operations, may result in noise, vibration, electromagnetic interferences, stray current, smoke and particulate matter transmissions (collectively referred to as “Interferences”) to the development;
 - c) The City of Toronto and the Toronto Transit Commission will not accept responsibility for any such Interferences effects on the Rexton Lands and/or its occupants;
 - d) It has been advised by the Commission to apply reasonable attenuation measures with respect to the level of the Interferences on and within the Rexton Lands; and
 - e) Prior to the start of sales of units within the subdivision and prior to registration of the plan of subdivision, to include the following warning clause in all applicable Offers of Purchase and Sale and/or Rental Agreements and/or Condominium Declaration, and to register said warning clause on title to the satisfaction of the Executive Director, Technical Services and the Toronto Transit Commission such that this requirement shall survive the release of the Owner’s obligations under this subdivision agreement, and be binding not only on the parties but also their respective successors and assigns:

“The Purchaser and/or Lessee specifically acknowledges and agrees that the development of Part of Lot 31 and 32 Concession C, City of Toronto (the “Rexton Lands”) will be developed in accordance with any requirements that may be imposed from time to time by any government authorities and that the proximity of the Rexton Lands to Toronto Transit Commission transit operations may result in noise, vibration, electromagnetic interferences, stray current transmissions, smoke and particulate matter (collectively referred to as “Interferences”) to the Rexton Lands and despite the inclusion of control features within the Rexton Lands, Interferences from transit operations may continue to be of concern, occasionally interfering with some activities of the occupants in the Rexton Lands. The Purchaser and/or Lessee agrees to make no complaint or claim against the City of Toronto and the Toronto Transit Commission resulting from any and all Interferences. Furthermore, the Purchaser and/or Lessee acknowledges and agrees that an Interferences warning clause similar to the one contained herein shall be inserted into any succeeding lease, sublease or

sales agreement, and that this requirements shall be binding not only on the parties hereto but also their respective successors and assigns and shall not die with the closing of the transaction.”

- f) Prior to registration of the plan of subdivision, to provide its Solicitor’s confirmation to Technical Services and the Toronto Transit Commission, to the satisfaction of the Toronto Transit Commission. advising that the warning clause set out above, has been included in the applicable Offers of Purchase and Sale or Rental Agreements to ensure that future occupants are aware of the possible transit Interferences; and undertake to have the warning clause set out above placed on the title of each unit as it is transferred upon closing of the transactions.

Removal of CNR Easement

- 41. Prior to registration of the plan of subdivision the Owner shall remove an easement in favor of the Canadian National Railway Limited, PIN 06450-0022, from the lands to the satisfaction of the Executive Director, Technical Services and the Toronto Transit Commission.

Conveyance of Land

- 42. Prior to the registration of the plan of subdivision, the Owner shall convey land to the City of Toronto in fee simple for the portion of the lands where a retaining wall supporting the Bloor-Danforth encroaches onto the lands, free and clear of all encumbrances and encroachments except those already existing on the lands that are for the benefit of the City of Toronto or required by the City of Toronto as a result of this plan of subdivision. The Owner shall provide at its sole cost all legal descriptions and applicable reference plans of survey and undertake the preparation and registration of all relevant documents for this conveyance to the satisfaction of the Executive Director, Technical Services and the Toronto Transit Commission.

Easement Requirements

- 43. Prior to the registration of the plan of subdivision, the Owner shall convey to the City of Toronto, at no cost to the City of Toronto or the Toronto Transit Commission, an easement sufficient to provide 3 meters of clearance above and to the east side of the Bloor-Danforth subway structure located along west side of the Rexton Lands for the purpose of inspecting, maintaining, adding to and upgrading the subway structure as necessary. The exact amount of land to be conveyed to the City will be confirmed through a Toronto Transit Commission technical review prior to the registration of the plan of subdivision and shall be to the satisfaction of the Toronto Transit Commission. The Owner shall provide all legal descriptions and applicable reference plans of survey and undertake the preparation and registration of all relevant documents for this conveyance to the satisfaction of the Executive Director, Technical Services and the Toronto Transit Commission.

Conveyance of Block 10

44. Prior to the registration of the plan of subdivision, the Owner shall convey Block 10, in a configuration satisfactory to the TTC and the City of Toronto, to the City of Toronto in fee simple for the construction and operation of a Fire Ventilation System, free and clear of all encumbrances and encroachments except those already existing on the lands that are for the benefit of the City of Toronto or required by the City of Toronto as a result of this plan of subdivision. The Owner shall provide at its sole cost all legal descriptions and applicable reference plans of survey and undertake the preparation and registration of all relevant documents for this conveyance to the satisfaction of Technical Services and the Toronto Transit Commission.

Dispersion Analysis

45. The Owner hereby agrees that further to recommendations arising from a dispersion analysis report for the proposed Fire Ventilation System, prior to the occupancy of each dwelling unit, it shall, for buildings three storeys and less in height, equip all bedrooms with smoke detectors and alarms.

Protection at Chestnut Portal

46. The Owner hereby agrees that prior to conveying Block 10 to the City of Toronto, it shall install fencing, concrete barriers and other protective measures at the Toronto Transit Commission's Chestnut Portal to prevent people, objects and/or debris from falling onto the subway tracks, to the satisfaction of the Toronto Transit Commission.
47. Prior to the registration of the plan of subdivision, the Owner shall post a Letter of Credit as security for the installation of the protective fencing equal to 120% of the value of the fencing to the satisfaction of Technical Services and the Toronto Transit Commission.

Conditions Precedent to Registration of the Plan of Subdivision and Construction in Close Proximity to Subway Structure

48. The Owner hereby agrees that prior to the registration of the plan of subdivision on the Rexton Lands, it shall:
 - a) Complete a Toronto Transit Commission Technical Review of the development to the satisfaction of the Toronto Transit Commission and obtain the Toronto Transit Commission's written acknowledgement that the Owner has satisfied all of the conditions arising out the review;
 - b) Complete a pre-construction condition survey of the subway structure that runs the length of the Rexton Lands plus adjoining subway box units at each end illustrating

- the then existing condition of the subway structure to the satisfaction of the Toronto Transit Commission;
- c) Obtain and maintain during the performance of any and all of the construction work on, over or under the Rexton Lands, comprehensive general liability insurance against all claims for bodily injury (including death) and property damage in the amount of not less than \$10,000,000.00 per occurrence. Such insurance shall name the City of Toronto and the Toronto Transit Commission as additional insureds. Such Insurance shall provide for cross-liability so that each insured has the same rights under the policy as if the policy had been issued in respect to each insured and shall contain a clause providing that the insurer will not cancel or refuse to renew the said insurance without first giving each insured thirty (30) days' prior written notice thereof and shall otherwise be in form and substance satisfactory to each insured. The Owner shall deliver certificates evidencing such insurance to the Toronto Transit Commission and the City of Toronto prior to the commencement of any work which are, in all respects, to the satisfaction of the Toronto Transit Commission and the City of Toronto's Chief Financial Officer and Treasurer, acting reasonably; and
 - d) Enter into a Monitoring Agreement with the Toronto Transit Commission for monitoring and stop work provisions relating to construction over or adjacent to the subway structure, to the satisfaction of the Toronto Transit Commission.

Survey Requirements

- 49. The Owner agrees to provide the Toronto Transit Commission at its sole cost, the following reports and surveys of the subway structure that runs the length of the Rexton Lands plus adjoining subway box units at each end:
 - a) A pre-construction condition survey as noted above to be performed prior to any construction adjacent to and/or over the subway structure by an Engineer registered to practice in the Province of Ontario, illustrating the then existing condition of the subway structure to the satisfaction of the Toronto Transit Commission;
 - b) A post-construction condition survey of the subway structure that runs the length of the Rexton Lands plus adjoining subway box units at each end, to be performed within 1 month of the established maintenance date for the subdivision, by an Engineer registered to practice in the Province of Ontario, illustrating the then existing condition of the subway structure to the satisfaction of the Toronto Transit Commission; and
 - c) A survey to be performed prior to the established start of maintenance date for the subdivision locating any and all structures, water lines, storm and sanitary sewer lines, gas lines and other utilities, both horizontally and vertically, running on top of, over, or immediately adjacent to the subway structure to the satisfaction of Technical Services and the Toronto Transit Commission.

Water, Sanitary Sewer, Storm Sewer and Gas Lines

50. Prior to the start of construction of municipal services, the Owner shall implement a durable pipe system design (minimum of 100 years) which shall include extra lining or jacketing for gas main, storm sewers, sanitary sewers and water-main lines that will be placed in, on or under the lands to the satisfaction of Technical Services and the Toronto Transit Commission.

Fill Placement

51. The Owner hereby agrees that prior to the start of construction, it shall obtain in writing, Toronto Transit Commission's approval for placement of fill material; roads; water, storm and sanitary sewer lines; gas lines and other utilities; and for stockpiling of materials over or immediately adjacent to the Toronto Transit Commission's facilities.

Building Permit Drawings

52. The Owner hereby agrees that prior to start of construction of any residential dwellings it shall provide the Toronto Transit Commission with three sets of the final approved building permit drawings for the construction of their development on the Rexton Lands.

As-Constructed Drawings

53. The Owner hereby agrees that it shall provide the Toronto Transit Commission with one set of the as-constructed drawings of water, storm and sanitary sewer lines on the lands prior to the established start of maintenance date for the subdivision.

HYDRO ONE NETWORKS INC.

Hydro One – Lot Grading and Drainage Plan

54. Prior to the registration of the plan of subdivision, the Owner shall submit a copy of the lot grading and drainage plan, illustrating existing and final grades to Hydro One Networks Inc. (HONI) for review and approval. The Owner agrees that drainage must be controlled and directed away from the ORC/HONI transmission corridor unless otherwise specifically agreed to by HONI. In any event, all drainage and grading must be to the satisfaction of the Technical Services in consultation with HONI.

Hydro One – Fencing

55. The Owner agrees to install, at its expense, temporary fencing along the edge of the ORC/HONI transmission corridor prior to the start of construction. The

Owner agrees to install, at its expense, permanent fencing after construction is completed along the ORC/HONI transmission corridor. The fencing shall provide for walkway connections to the satisfaction of City Planning.

Hydro One – Transmission Corridor Use

56. The Owner agrees that the ORC/HONI transmission corridor is not to be used without the express written permission of HONI on behalf of Ontario Realty Corporation (ORC). The Owner agrees that during construction there will be no storage of materials or mounding of earth or other debris on the transmission corridor. The Owner shall be responsible for the restoration of any damage to the transmission corridor or HONI facilities thereon resulting from construction of the subdivision.

Hydro One – Relocation or Revisions to Facilities

57. The Owner agrees to bear the costs of any relocations or revisions to HONI facilities that are necessary to accommodate this subdivision to the satisfaction of HONI and ORC.

WARNING CLAUSE – CANADIAN NATIONAL RAILWAY OPERATIONS

58. The following warning clause shall be included in the Subdivision Agreement and inserted in all Agreements of Purchase and Sale or Lease for each dwelling unit. Provisions must be included in the Subdivision Agreement to ensure that the warning clause survives the release of the Owner's obligations under the Subdivision Agreement and remain on title:

“Warning: Canadian National Railway Company or its assigns or successors in interest has or have a right-of-way within 300 metres from the land the subject hereof. There may be alterations to or expansion of the rail facilities on such right-of-way in the future including the possibility that the railway or its assigns or successors as aforesaid may expand its operations, which expansion may affect the living environment of the residents in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development and individual dwelling(s). CN will not be responsible for any complaints or claims arising from use of such facilities and/or operations on, over or under the aforesaid right-of-way.”

ARCHAEOLOGICAL ASSESSMENT

59. The Owner agrees that in the event that deeply buried archaeological remains are encountered on the property during construction activities, the Owner shall immediately notify both the Heritage Operations Unit of the Ministry of Culture at (416) 314-7146 and the City of Toronto Heritage Preservation Services Unit at (416) 338-1096.

60. The Owner agrees that in the event that human remains are encountered during construction, the Owner shall immediately notify both the Ministry of Culture and the Registrar or Deputy Registrar of Cemeteries at the Cemeteries Regulation Unit, Ministry of Government Services at (416) 326-8404.

DEMOLITION OF BUILDINGS AND STRUCTURES

61. Prior to the registration of the plan of subdivision, the Owner shall make arrangements to demolish any existing buildings and structures to the satisfaction of Technical Services and the Chief Building Official.

WARDEN WOODS COMMUNITY URBAN DESIGN GUIDELINES & CONCEPTUAL MASTER PLAN

62. The Owner agrees that all works and/or construction will be substantially in accordance with the Warden Woods Community Urban Design Guidelines and Conceptual Master Plan, prepared by City Planning.

SITE PLAN CONTROL

63. The Owner acknowledges that the property is subject to site plan control and that the City will require future site plan control applications for all proposed developments within the boundaries of the plan of subdivision, save and except semi-detached or single family dwellings.

COMPLETION AND COMPLIANCE

64. The Owner acknowledges and agrees to complete or comply with any other requirements by the City acting reasonably that result from the City's examination and review of all requisite plans, drawings, reports, and submissions required by the City to facilitate the development.

WARNING CLAUSE SOLICITORS CONFIRMATION

65. Prior to the registration of the plan of subdivision, the Owner shall provide its Solicitor's confirmation to the City advising that the warning clauses set out in Sections 8, 19, 20, 25, 31, 35, 40 e) and 58, have been included in all Offers of Purchase and Sale and/or Rental Agreements.

NOTE TO DRAFT PLAN APPROVAL:

Hydro One Networks Inc. has requested the following paragraph be included as a note to draft plan approval:

1. The transmission lines abutting this subdivision operate at 500,000, 230,000, or 115,000 volts. Section 186 – Proximity-of the Regulations for Construction Projects in the *Occupational Health and Safety Act*, requires that no object be brought closer than 6 metres (20 feet) to an energized 500 kV conductor. The distance for 230 kV conductors is 4.5 metres (15 feet), and for 115 kV conductors it is 3 metres (10 feet). It is the Owner’s responsibility to be aware, and to make all personnel on site aware, that all equipment and personnel must come no closer than the distance specified in the Act. They should also be aware that the conductors can raise and lower without warning, depending on the electrical demand placed on the line.