

922 – 930 Port Union Road – Zoning and Draft Plan of Subdivision Applications – Final Report

Date:	March 12, 2007
To:	Scarborough Community Council
From:	Director, Community Planning, Scarborough District
Wards:	Ward No. 44 – Scarborough East
Reference Number:	File Nos. 05 212373 ESC 44 OZ & 05 212378 ESC 44 SB

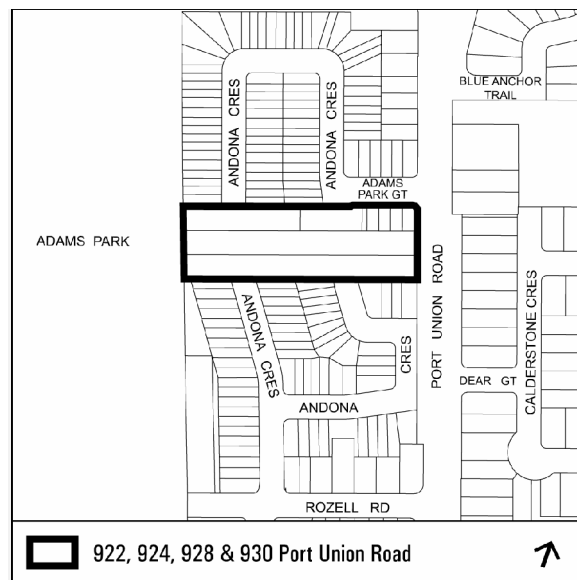
SUMMARY

Applications have been submitted for a zoning by-law amendment and draft plan of subdivision approval to permit 32 lots for single-detached dwellings on a 1.07 hectare (2.6 acre) property at 922-930 Port Union Road located on the west side of Port Union Road south of Highway 401.

The lot sizes and performance standards are compatible with existing residential development to the north and south. The proposed plan of subdivision promotes the orderly development of the land in keeping with plans of subdivision in the neighbourhood.

This report reviews and recommends approval of the application to amend the Centennial Community By-law in accordance with the draft zoning by-law amendment attached as Attachment 4.

Proposed conditions of draft plan approval are included in Attachment 5 that address requirements for roads, services, tree protection, street tree planting and other technical issues. Staff recommend draft approval of the draft plan of subdivision subject to the conditions included in Attachment 5.



RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council amend the zoning by-law for the Centennial Community substantially in accordance with the draft zoning by-law amendment attached as Attachment No. 4;
2. City Council authorize the City Solicitor to make such stylistic and technical changes to the draft zoning by-law amendment as may be required; and
3. City Council recommend to the Chief Planner that the draft plan of subdivision be approved, generally as illustrated on Attachment 1, subject to:
 - a. the conditions as generally listed in Attachment 5, which except as otherwise noted, must be fulfilled prior to the release of the plan of subdivision for registration; and
 - b. such revisions to the proposed plan of subdivision or additional or modified conditions as the Chief Planner may deem to be appropriate to address matters arising from the on-going technical review of the development.

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

A preliminary report was considered by Scarborough Community Council on April 4, 2006. The report recommendations were approved recommending the scheduling of a community meeting, that notice be given to land owners and residents within 120 metres of the site and that notice for the public meeting under the Planning Act be given.

ISSUE BACKGROUND

Proposal

The rezoning and draft plan of subdivision applications are to allow the development of a residential infill subdivision with 26 single family residential lots on a public road extension completing Andona Crescent. The plan of subdivision also proposes 6 blocks to be consolidated with existing corresponding blocks under the same ownership in the subdivision abutting to the north and will be combined to create an additional 6 lots for a total of 32 single family lots. The 26 lots would front on Andona Crescent with lot widths between 7.5 metres (25 ft.) and 8.9 metres (29 ft.) and lot depths ranging from 31.5 metres (103 ft.) to 53 metres (174 ft.). The new lots on Adams Park Gate would

have lot widths between 9.8 metres (31 ft.) and 12.9 metres (42 ft.) and lot depths of 28 metres (91 ft.).

The owner also owns vacant lands to the north and south of the subject lands.

Site and Surrounding Area

The site is approximately 1.07 hectares (2.6 acres) in size with 60 metres (198 ft.) of frontage on Port Union Road. The site is generally flat and irregular in shape. A number of mature trees are located on the site.

North: single family detached residential

South: single family detached residential

East: single family detached residential on the east side of Port Union Road

West: open space consisting of Adams Park

Official Plan

The property is designated Neighbourhoods in the Official Plan. Neighbourhoods are considered physically stable areas made up of residential uses in lower scale buildings such as single and semi-detached dwellings, triplexes, townhouses and walk-up apartments.

Zoning

The land is zoned Single Family Residential (S) and Street Townhouse Residential (ST) in the Centennial Community Zoning By-law Number 12077 (Attachment 2).

Reasons for Application

The proposed development site is a collection of remnant pieces of subdivided properties each with individual residual zoning. An amendment to the zoning by-law is required to permit appropriate performance standards to regulate the proposed single family dwellings, including setbacks, lot sizes and minimum frontage. A plan of subdivision is needed to divide the land into individual residential lots and to construct the public streets and services.

Community Consultation

A community consultation meeting was held on May 29, 2006. Eight people were in attendance including the Ward Councillor and Planning staff.

Two main issues were raised during the meeting. Residents were concerned about the safety of the intersections located at the corners of Adams Park Gate and Port Union Road and at Rozell Road and Port Union Road. Concern about the slope of Port Union Road at these intersections was highlighted. The second issue concerned the preservation and/or replacement of trees located on the site.

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

Compatible Development

The site is situated in an established single family residential neighbourhood. The site consists of remnant pieces of lots zoned through previous rezoning amendments and plans of subdivision. The subdivisions to the north and south were developed in the mid 1990's. The proposed development of the subject lands is compatible with the development to the north and south with consistent lot frontages ranging from 7.5 metres (25 ft.) to 12.9 metres (42 ft.). Lot areas are compatible with those to the north and south ranging from 258 square metres (2585 square feet) to over 400 square metres (4305 square feet) backing onto Port Union Road. The proposed 2-storey single family dwellings are consistent with the single family dwellings to the north and south. Lots located on the east side of Port Union Road are larger than those proposed but are separated from the development by an arterial road that forms a transition between these distinct neighbourhoods.

The proposed development will complete and complement the type of development that has occurred on adjacent sites to the north and south, and is consistent with the policies of the Official Plan.

Transportation

Concern was raised at the community meeting as to the safety of the intersections at Adams Park Gate and Port Union Road and Rozell Road and Port Union Road. During the meeting, in response to questions raised, the applicant offered to submit a traffic impact analysis for these two intersections. The analysis was submitted to the City in July 2006 for review. The analysis concluded that the proposed development of this site would not necessitate any changes to the intersections and that signalization of either intersection was not required. Transportation Planning and Technical Services staff concur with the conclusions of the traffic impact analysis.

TRCA

The site is located outside of any lands designated by the Toronto and Region Conservation Authority (TRCA) as lands of interest. After a review of the site it was determined by the TRCA that the recess located on the south edge of the site, which contains the remnants of a watercourse, was not able to support a fish habitat. To compensate for the loss of this feature, the applicant has provided funds to TRCA for off-site replanting/restoration work to occur elsewhere in the Adams Creek Watershed.

Tree Protection and Planting

The site is subject to the City's Private Tree Protection By-law. An arborist report and tree preservation plan were submitted with the application. Residents living in the developments to the north and south requested that the development preserve or replant trees on-site. Urban Forestry staff met with the applicant on-site and the applicant has agreed to revise the tree preservation plan as a condition of subdivision approval to the satisfaction of Urban Forestry staff. A total of 17 trees protected under the City's Private Tree Protection By-law are proposed to be removed from the site. A notice of application was posted in connection with the application to remove these trees and the notice has now expired. Four trees are proposed to be removed in the adjacent Adams Park in the vicinity of the site to the satisfaction of Urban Forestry staff. A total of 41 replacement trees are proposed. The replacement trees will be planted in the backyards throughout the proposed development as well as in Adams Park, immediately to the rear of the proposed homes bordering the park.

Thirty (30) street trees are also proposed along the frontages of the dwelling units. A house siting plan will be required as a condition of subdivision approval to illustrate proposed building footprints and driveways in relation to the proposed street trees. A composite utility plan will also be required, indicating all above ground and below ground utilities and services to the units to ensure the street trees are properly located.

Toronto School Boards

The Toronto District School Board has sufficient space at the local schools to accommodate students from this proposed development.

The Toronto District Catholic School Board did not respond to the circulation.

Dedication of Walkway

The applicant has proposed the dedication of Block 28 to the City for a walkway connecting the subdivision to Adams Park. Parks, Forestry and Recreation provided a set of conditions to be included in the conditions of draft plan of subdivision approval.

Recommended Conditions of Draft Plan of Subdivision Approval

Draft plan of subdivision approval conditions are included in Attachment 5 that address the technical requirements of the development including among other matters, the construction of the streets and services, tree protection and tree planting.

Zoning

The draft by-law amendment attached as Attachment 4 includes regulations for the proposed subdivision addressing minimum lot frontage and area, building setbacks, and maximum floor areas consistent with the adjacent subdivisions to the north and south, together with a provision requiring the availability of municipal services.

Development Charges

It is estimated that the development charges for this project will be \$333,280.00. This is an estimate. The actual charge is assessed and collected upon issuance of the building permit.

CONTACT

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Fax No. 416-394-6063
E-mail: lberg@toronto.ca

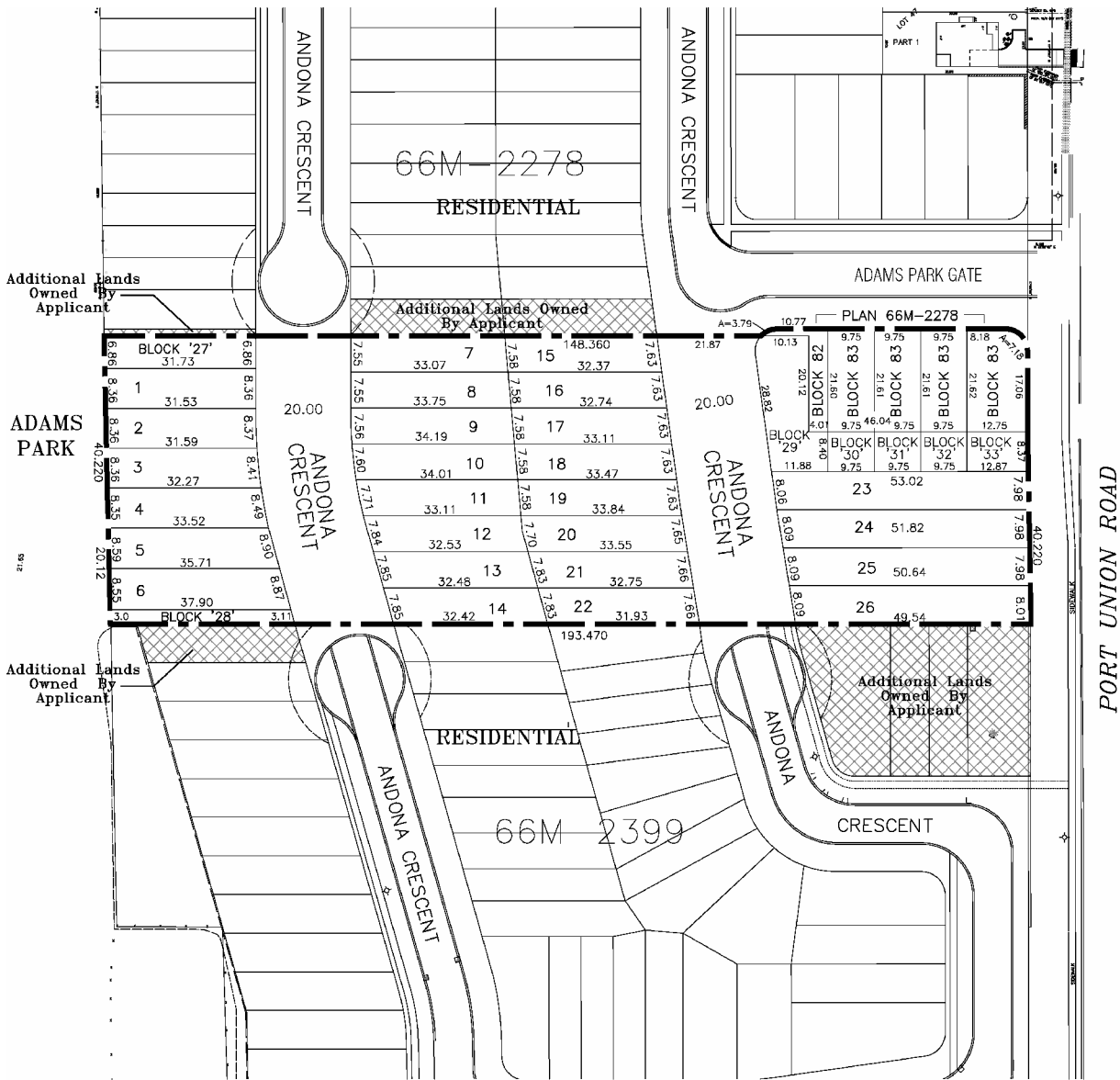
SIGNATURE

Allen Appleby, Director
Community Planning, Scarborough District

ATTACHMENTS

Attachment 1: Draft Plan of Subdivision
Attachment 2: Zoning
Attachment 3: Application Data Sheet
Attachment 4: Draft Zoning By-law Amendment
Attachment 5: Proposed Conditions of Draft Plan Approval

Attachment 1: Draft Plan of Subdivision



Draft Plan of Subdivision

922-930 Port Union Road

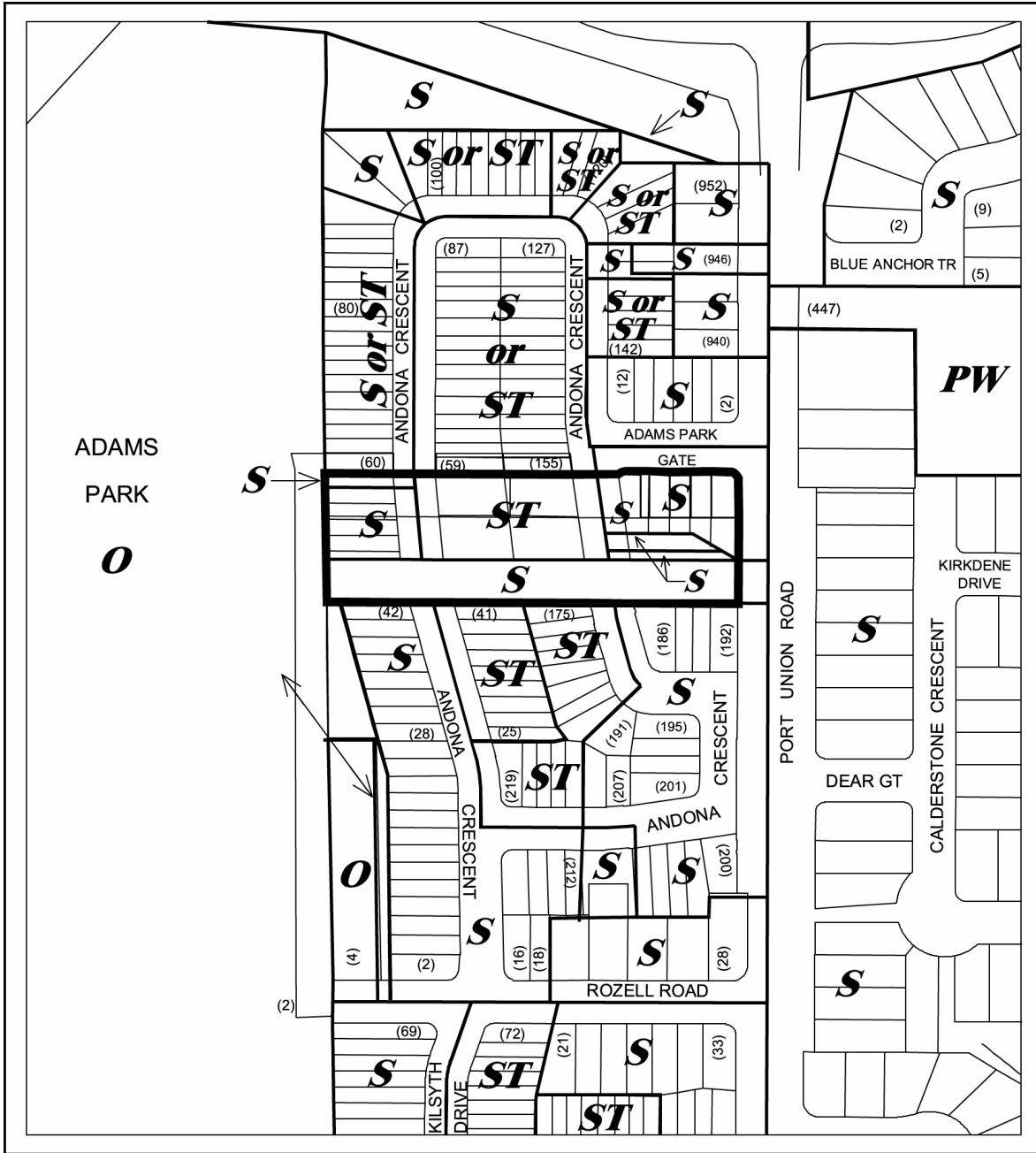
Applicant's Submitted Drawing

Not to Scale
3/2/07



File # 05-212378 SB & 05-212373 OZ

Attachment 2: Zoning



TORONTO City Planning Division
Zoning

922-930 Port Union Road
 File # 05-212378 SB & 05-212373 OZ

S Single-Family Residential
ST Street Townhouse Residential
O Major Open Spaces
PW Placel(s) of Worship

Centennial Community By-law
 Not to Scale
 01/25/06



Attachment 3: Application Data Sheet

Application Type	Rezoning, Subdivision	Application Number:	05 212373 ESC 44 OZ 05 212378 ESC 44 SB
Details	Rezoning, Standard	Application Date:	December 29, 2005

Municipal Address: 922 PORT UNION RD, TORONTO ON M1C 2L9
 Location Description: PL 3489 PT LT11 INCL ROW OVER LT10 SUBJ TO ROW LT12,13 **GRID E4407
 Project Description: RESIDENTIAL DETACHED DWELLINGS ON 922, 924, 928, 930 PORT UNION RD

Applicant:	Agent:	Architect:	Owner:
MHBC PLANNING			2057243 ONTARIO INC. 1449314 ONTARIO INC

PLANNING CONTROLS

Official Plan Designation:	Neighbourhoods	Site Specific Provision:
Zoning:	S (Single Family Residential) & ST(Street Townhouse Residential)	Historical Status:
Height Limit (m):		Site Plan Control Area:

PROJECT INFORMATION

Site Area (sq. m):	10788	Height:	Storeys:	0
Frontage (m):	60		Metres:	0
Depth (m):	193.6			
Total Ground Floor Area (sq. m):	not available			Total
Total Residential GFA (sq. m):	not available		Parking Spaces:	0
Total Non-Residential GFA (sq. m):	not available		Loading Docks	0
Total GFA (sq. m):	not available			
Lot Coverage Ratio (%):	not available			
Floor Space Index:	not available			

DWELLING UNITS

FLOOR AREA BREAKDOWN (upon project completion)

		Above Grade	Below Grade
Tenure Type:			
Rooms:	0	Residential GFA (sq. m):	0
Bachelor:	0	Retail GFA (sq. m):	0
1 Bedroom:	0	Office GFA (sq. m):	0
2 Bedroom:	0	Industrial GFA (sq. m):	0
3 + Bedroom:	0	Institutional/Other GFA (sq. m):	0
Total Units:	26		

CONTACT:	PLANNER NAME:	Lorne Berg, Planner
	TELEPHONE:	(416) 394-8246

Attachment 4: 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 the former City of Scarborough Zoning By-law No. 12077, as amended,
With respect to the lands municipally known as,
922-930 Port Union Rd**

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 Centennial Community Zoning By-law is amended for the lands outlined on the attached Schedule “1” by deleting the existing Single Family Residential (S) and Street Townhouse Residential (ST) zoning and replacing them with the following Single Family Residential (S) zoning, so that the amended zoning reads as follows:

S-40J-123-132-138-228-303-350-351

S-40J-123-132-231-303-350-351

S-40J-123-132-213-303-350-351-352

S-40J-123-132-232-303-350-351

2. **Schedule “B”, PERFORMANCE STANDARD CHART**, is amended by adding Performance Standards 231 and 232 as follows

INTENSITY OF USE

231. One single-family dwelling per parcel of land with a minimum frontage of 7.5 m at the building setback line and a minimum lot area of 240 m².

232. One single-family dwelling per parcel of land with a minimum frontage of 8 m at the building setback line and a minimum lot area of 400 m².

3. **Schedule “C”, EXCEPTIONS LIST**, is amended by adding the following Exception No. 36 to the lands on the west side of Port Union Road, south of Highway 401, as shown on Schedule ‘2’:

36. 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:

- (i) 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
- (ii) all water mains and sanitary sewers, and appropriate appurtenances, have been installed and are operational.

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

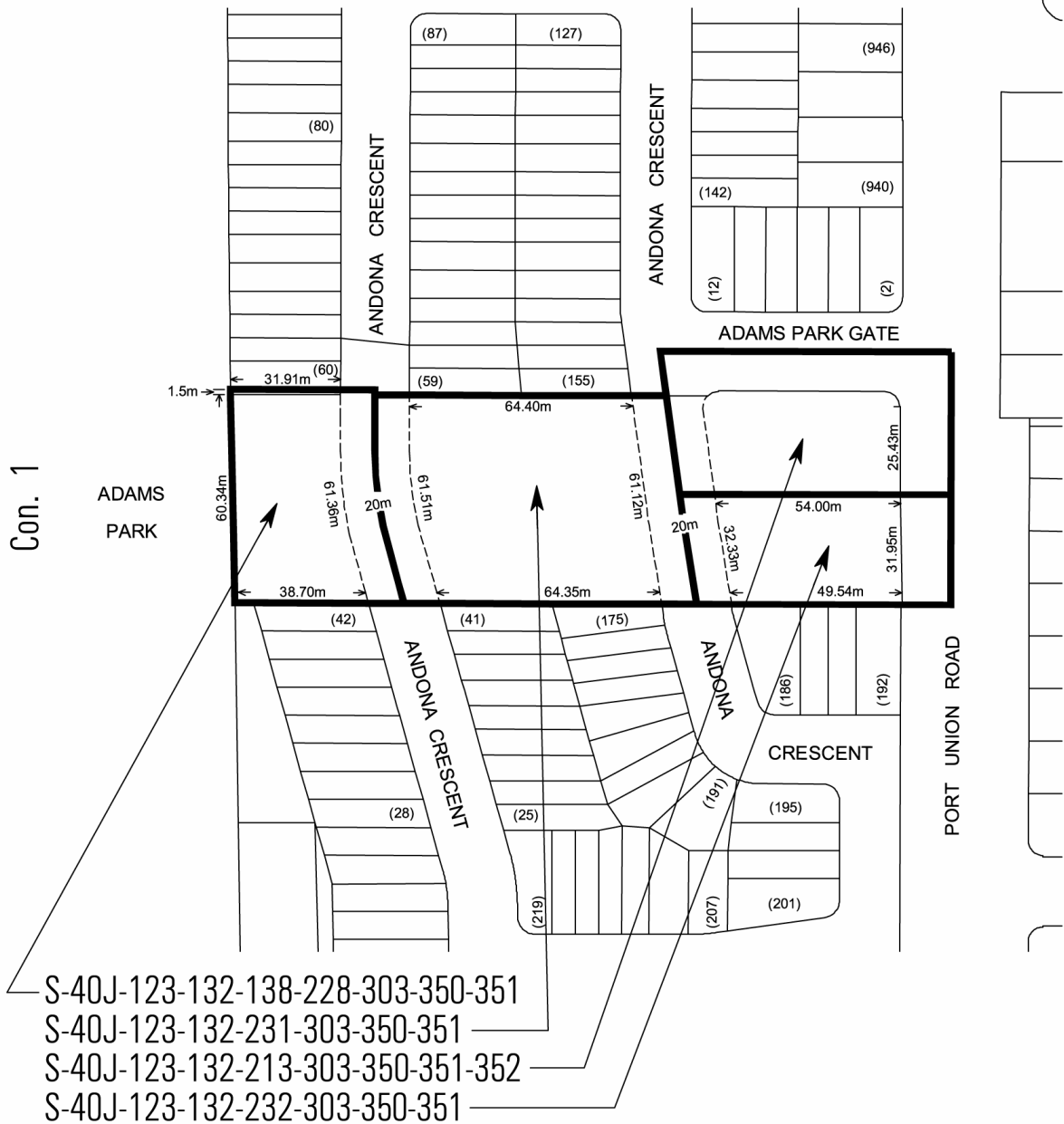
DAVID R. MILLER,
Mayor

ULLI S. WATKISS,
City Clerk

(Corporate Seal)

Schedule '1'

Lot 1



Toronto City Planning Division
Zoning By-Law Amendment

922-930 Port Union Road
 File # 05-212378 SB & 05-212373 OZ

 Area Affected By This By-Law

Centennial Community By-law
 Not to Scale
 3/6/07



Schedule '2'

Lot 1



Exception No. 36

TORONTO City Planning Division
Zoning By-Law Amendment

922-930 Port Union Road
 File # 05-212378 SB & 05-212373 OZ

 Area Affected By This By-Law

Centennial Community By-law
 Not to Scale
 3/6/07


Attachment 5: Proposed Conditions of Draft Plan of Subdivision Approval

**Subdivision Application 05 212378 ESC 44 SB
Draft Plan of Subdivision prepared by MHBC Planning
Dated December 21, 2005
Lots 10 & 11 and Part Lot 9, Registered Plan 3489
1449314 Ontario Inc. / 2057243 Ontario Inc.**

THE FOLLOWING CONDITIONS MUST BE FULFILLED PRIOR TO THE REGISTRATION OF THE PLAN OF SUBDIVISION OR ANY PHASE THEREOF FOR REGISTRATION

SUBDIVISION AGREEMENT

1. The owner shall enter into a standard residential Subdivision Agreement with the City of Toronto in a form and content to the satisfaction of the City Solicitor and shall provide such security for the obligations of the agreement as the City may reasonably require.

PARKS

2. Prior to the registration of the plan of subdivision, the Owner agrees to pay a five percent (5%) cash-in-lieu of parkland dedication to the satisfaction of the General Manager of Parks, Forestry and Recreation.

OPEN SPACE DEDICATION

3. Prior to registration of the plan of subdivision, the Owner shall dedicate Block 28 as shown on the draft plan of subdivision dated December 21, 2005 as prepared by MHBC to the City as open space/walkway to the satisfaction of the General Manager of Parks, Forestry and Recreation. The Owner acknowledges this conveyance will not be considered part of the statutory parkland dedication requirement.
4. The Owner shall pay for the costs of such dedication, including the preparation and registration of all relevant documents. Prior to the open space dedication, the Owner shall provide, satisfactory to the City Solicitor, all legal descriptions and applicable reference plans of survey for the parkland dedication lands.
5. The Owner shall ensure that lands to be dedicated as parkland to the City of Toronto shall be free and clear, above and below grade, of all easements, encumbrances and encroachments except those existing already on the lands that are for the benefit of the City of Toronto.

6. Prior to conveyance of the parkland to the City, the Owner shall be responsible for an environmental assessment of the lands to be dedicated as parkland to the City and any associated costs or remediation works required as a result of that assessment. Such assessment or remediation shall ensure that the parkland dedication lands, at the time of dedication, will meet all applicable laws, regulations and guidelines respecting sites to be used for public park purposes, including City Council policies respecting soil remediation of sites to be acquired by the City. A qualified environmental consultant acceptable to Technical Services, Development Engineering Division shall prepare the environmental assessment. Prior to transferring the Parkland to the City, the environmental assessment may be peer reviewed by an environmental consultant retained by the City at the Owner's expense (the "Peer Reviewer"), and the conveyance of the Parkland to the City shall be conditional upon the Peer Reviewer concurring with the Owner's environmental consultant that the Parkland meets all applicable laws, regulations and guidelines for public park purposes. The Technical Service section of the Development Engineering Division shall advise the General Manager of Parks, Forestry and Recreation of the findings of the environmental review.
7. The Owner shall be responsible for the construction and installation of Base Park Improvements to Block 28 to the satisfaction of the General Manager of Parks, Forestry and Recreation including the following:
 - a) Grading (inclusive of 150 mm topsoil supply and placement);
 - b) Sodding;
 - c) A 1.8 metre black vinyl chain link fence, along the rear lot lines of Lots 1 to 6, inclusive, and Block 27, as well as on the side lot lines of Block 28. The fence along the north and south lot lines of Block 28 is to be tapered down to 1.2 metres in front of the dwelling on Lot 6 and any proposed/existing house on the additional land owned by the applicant to the south;
 - d) All necessary drainage systems; and
 - e) Electrical and water connections to the street line where deemed necessary

Details of when such work is to be completed are to be finalized prior to registration of the draft plan of subdivision and shall be to the Satisfaction of the General Manager of Parks, Forestry and Recreation. No credit shall be given towards the Parks and Recreation component of the Development Charges for the costs associated with the above noted base park improvements.

8. Prior to construction, the Owner agrees to construct a 1.8 metre high, black vinyl coated chain link fence, without gates, along all boundaries to Adams Park, to the satisfaction of the General Manager of Parks, Forestry and Recreation. In addition, the Owner is required to install and maintain sediment control fencing covered with filter fabric during construction, to the satisfaction of the General Manager of Parks, Forestry and Recreation. The bottom of the filter fabric must

be held firmly to the ground with clear stone to prevent migration of sediments from the development site onto Adams Park.

9. Prior to the registration of the Draft Plan of Subdivision, the Owner will post a Letter of Credit as security for the installation of the Base park improvements of Block 28 and, the fencing equal to 120% of the value of the Base park improvements and fencing to the satisfaction of the General Manager of Parks, Recreation and Forestry.

Grading of Lots Against Park

10. The Owner shall ensure that the grading and lot drainage for Lots 1-6 and Blocks 27 and 28 are compatible with the grades and drainage for Adams Park, satisfactory to the Executive Director of Technical Services and the General Manager of Parks, Forestry and Recreation.

Stockpiling

11. The Owner acknowledges and agrees that stockpiling of any soils or materials on Adams Park or access to the site by any construction vehicles is prohibited, unless otherwise authorized by the General Manager of Parks, Forestry and Recreation.

CONSTRUCTION OF STREETS

12. Prior to the registration of the plan of subdivision the Owner shall make satisfactory arrangements with the City to construct, at no cost to the City, the extension of Andona Crescent and this street shall be fully serviced to the satisfaction of the Executive Director of Technical Services. The following design elements must be included in construction of Andona Crescent:
 - a) Andona Crescent must be designed and constructed in accordance to City Standards with a 20 metre right-of-way and provide for a pedestrian sidewalk on both sides.
 - b) All proposed public streets including street line radius (corner rounding) must be dedicated to the City of Toronto as a Public Highway to the satisfaction of the Executive Director, Technical Services.
 - c) The applicant must provide a 5 metre corner rounding (street line radius) at the south east side of the “T” intersection of Andona Crescent.
 - d) The pedestrian sidewalk must be 1.7 metres wide or 2.0 metres wide if adjacent to curb.

SERVICES AND UTILITIES

13. Prior to the registration of the plan of subdivision, the Owner shall make satisfactory arrangements with the Executive Director of Technical Services with

- respect to servicing the plan of subdivision.
14. Prior to the registration of the plan of subdivision, the Owner shall provide a Composite Utility Plan, prepared by a licensed municipal servicing engineer, who shall co-ordinate on behalf of the City and to City standards, all utility company installations proposed within municipal road allowances created and/or extended to service the development to the satisfaction of the Executive Director, Technical Services.
 15. Prior to the registration of the plan of subdivision, the Owner shall make satisfactory arrangements financial and otherwise (including providing easements), with Toronto Hydro, regarding the installation of the electrical distribution system for the subdivision including a street lighting system.
 16. Prior to the registration of the plan of subdivision, the Owner shall make satisfactory arrangements, financial and otherwise (including providing easements), with a telecommunications provider for the delivery of telecommunications services to the plan of subdivision.
 17. Prior to the registration of the plan of subdivision, the Owner shall make satisfactory arrangements, financial and otherwise (including providing easements), with a natural gas provider for the delivery of gas services to the plan of subdivision.
 18. Prior to the registration of the plan of subdivision, the Owner will pay the following to the City:
 - a) \$300.00 per hydrant for fire hydrant maintenance
 - b) \$40.00 per unit for geodetic survey and aerial mapping
 - c) \$10.00 per unit for traffic signs
 19. The Owner agrees to provide such easements as are deemed necessary by the Executive Director of Technical Services for utilities, drainage, and servicing purposes to the appropriate authorities in order to service this plan of subdivision.
 20. The Owner agrees to satisfy requirements for coordination and approval by the Executive Director of Technical Services for work by Utility Companies related to the development.
 21. The Owner agrees to construct sidewalks and utilities throughout the development to the satisfaction of the Executive Director of Technical Services.

ENVIRONMENTAL REVIEW

22. Prior to the earlier of the release for construction of services or registration of the plan of subdivision, the Owner shall provide satisfactory Environmental Assessment Reports and any associated Remedial Action Plan prepared by a

- Qualified Person, in accordance with the Record of Site Condition Regulation (O.Reg. 153/04) describing the current conditions of the lands to be conveyed to the City, in fee simple and as easement interest both internal and external to the subdivision lands. Such reports shall be peer reviewed to the satisfaction of the Executive Director Technical Services. The Owner shall pay all costs associated with the City retaining a third-party peer reviewer including a 7% administrative cost to the City, and submit a certified cheque payable to the City of Toronto in the amount of \$5,000.00, as a initial deposit towards the cost of the peer review to the Executive Director of Technical Services. The Owner agrees that should additional costs be associated with the peer review, as determined by the Executive Director of Technical Services, that the Owner will be responsible for the additional costs associated with the peer review.
23. Prior to the registration of the plan of subdivision the Owner agrees that at the completion of the site remediation process, the Owner will submit a Statement from the Qualified Person, to the Executive Director, Technical Services, for peer review and concurrence, that, based on all necessary supporting environmental documents:
- i) The land to be conveyed to the City meets the Site Condition Standards of the intended land use OR the most environmentally sensitive adjacent land use, whichever is more stringent; and,
 - ii) It is unlikely that there is any off-site contamination resulting from past land uses on or in the vicinity of the development site, that has migrated on to the adjacent rights-of-way, that would exceed the applicable Site Condition Standards.
24. Prior to the registration of the plan of subdivision, the Owner agrees to file the Record of Site Condition (RSC) on Ontario's Environmental Site Registry and submit the Ministry of the Environment's Letter of Acknowledgement of Filing of the Record of Site Condition (RSC) confirming that the RSC has been prepared and filed in accordance with O. Reg. 153/04, or that the RSC has passed an MOE audit, to the Executive Director, Technical Services.

ARCHAEOLOGICAL ASSESSMENT

25. The Owner agrees that in the event that deeply buried archaeological remains are encountered on the property during construction activities, the Heritage Operations Unit of the Ministry of Culture be notified immediately at (416) 314-7146 as well as the City of Toronto Heritage Preservation Services Unit at (416) 338-1096 by the Owner.
26. The Owner agrees that in the event that human remains are encountered during construction, the Owner shall notify immediately 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.

TREE PROTECTION AND REMOVAL

27. The Owner agrees, prior to any site works, to submit with the first engineering submission, a Tree Preservation Plan to the satisfaction of the General Manager of Parks, Forestry and Recreation in consultation with Technical Services. The Owner agrees to protect all trees until the Tree Preservation Plan has been approved by the General Manager of Parks, Forestry and Recreation. It is understood and agreed that the “Tree Preservation Plan” will:
- i) be prepared in conjunction with the subdivision grading and house siting plans, which indicate above and below grade services and show trees proposed for removal, trees to be preserved and tree protection measures including tree protection barriers which clearly illustrate tree protection zones;
 - ii) be prepared by a qualified arborist or other tree professional satisfactory to the General Manager of Parks, Forestry, and Recreation;
 - iii) indicate the location, species, size and condition of the trees identified and shown on the approved plan; and
 - iv) identify and evaluate which trees are to be preserved and the methods to be implemented to protect the trees during construction activities associated with the subdivisions, as well as identify and evaluate trees proposed for removal and the reasons for their removal.
28. The Owner agrees to protect all existing trees which are situated on the lands to be conveyed or dedicated to the City as road allowances or parkland and which are identified for protection in the Tree Preservation Plan approved by Parks, Forestry, and Recreation. The Owner further agrees not to injure or destroy any trees which are to be preserved and to protect these trees from physical damage to trunks, limbs or roots during construction in accordance with the Tree Preservation Plan.
29. During the course of developing the Subdivision, the Owner agrees to obtain any approvals necessary to comply with the City’s Tree By-law, as amended from time to time. The Owner further agrees:
- (a) to preserve the trees identified in the Tree Preservation Plan;
 - (b) to instruct a qualified arborist or other tree professional satisfactory to Parks, Forestry and Recreation to monitor tree preservation in accordance with the Tree Preservation Plan, until submission of the Site Certificate of Compliance; and

- (c) to notify all builders, contractors and agents of all requirements of this clause where any part of the development will be carried out by them on behalf of the Owner.
30. The owner agrees to install tree protection barriers to the satisfaction of the General Manager of Parks, Forestry and Recreation and to maintain the barriers in good condition until all construction has been completed and removal has been authorized by the General Manager of Parks, Forestry and Recreation.

REPLACEMENT TREE PLANTING PLAN

31. Prior to the registration of the draft plan of subdivision, the Owner shall provide a Replacement Planting Plan for private property to the satisfaction of the General Manager of Parks, Forestry and Recreation. The Owner agrees that once all site works are complete, including sodding, planting will be implemented and completed in accordance with the approved replacement planting plan, to the satisfaction of the General Manager of Parks, Forestry and Recreation. The Replacement Planting Plan shall also include planting on the adjacent public park to the satisfaction of the General Manager of Parks, Forestry and Recreation.
32. Prior to any tree work within City parkland, the Owner agrees to submit a Park Access Agreement and performance bond in association with tree work to be performed within the limits of City parkland to the satisfaction of the General Manager of Parks, Forestry and Recreation. The Owner agrees to notify the Parks Supervisor or his designate two weeks prior to performing tree work within the limits of the City parkland.

STREET TREES

33. Prior to Registration of the Plan of Subdivision, the Owner agrees to submit a detailed landscape plan of street tree planting in conjunction with a composite utility plan indicating the location, species, size and condition of all trees proposed to be planted within the road allowance, as these relate to the location of any roads, sidewalks, driveways, streetlines and utilities to the satisfaction of the General Manager of Parks, Forestry and Recreation and the Executive Director of Technical Services. 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 and Recreation.
34. Prior to 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 and Recreation.

35. The Owner agrees to plant the street trees in accordance with the approved landscape plan. Upon written request from the Owner, Parks, Forestry and 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 and 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.
36. Prior to registration of the plan of subdivision, the Owner shall provide confirmation from its solicitor that there will be no wording in any Offer of Purchase and Sale and/or Rental Agreement for any lands within the plan of subdivision that states or creates an expectation that there will be a tree in front of each residential lot.

ONE FOOT RESERVES

37. The Owner shall make satisfactory arrangements with the Executive Director of Technical Services and the City Solicitor with regards to the lifting of one foot (1ft) reserves.
38. The Owner shall dedicate to the City, free of charge, a one foot (1ft) reserve along the Port Union Road property line to the satisfaction of the Executive Director of Technical Services and the City Solicitor.

TAX PAYMENT

39. Prior to the registration of the plan of subdivision, the Owner shall pay the City in full all taxes on lands included in the plan of subdivision for the current taxation year. The required taxes shall be estimated by the City if required, and where such taxes have been estimated, they shall be subject to adjustment upon final determination thereof.

REGISTRATION & TERMS OF CONVEYANCE OF LANDS TO THE CITY

40. The Owner shall ensure that land to be conveyed to the City be free and clear, above and below grade, of all easements, encumbrances and encroachments except those existing already on the lands that are for the benefit of the City or those required by the City as a condition of subdivision approval. All registration and conveyances required in this Agreement shall be made at the expense of the Owner in a form satisfactory to the City Solicitor.

PREPARATION OF THE FINAL PLAN OF SUBDIVISION

41. The Owner shall prepare the final plan of subdivision in metric units related to the Ontario Co-ordinate System and submit a digital copy of the plan to the Executive Director of Technical Services.

GENERAL REQUIREMENTS

42. 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.
43. Where any provision of the Subdivision Agreement makes reference to a particular City Official, and that City Official is unable or is unavailable to exercise the function or functions of the Subdivision Agreement, Council for the City may exercise the function or functions directly or may by resolution or bylaw designate the function or functions to another City Official.
44. Draft approval of this subdivision is in effect for a period of 5 years from the date draft approval is issued. Without otherwise fettering its authority or jurisdiction, at its discretion, the City may after the 5 years have lapsed, elect to modify some or all of the conditions of draft approval or revoke the draft approval.

BLOCKS 27, 29-33

45. The Owner acknowledges and agrees that residential reserve Blocks 27, and 29 to 33 on the draft plan of subdivision are deferred from development until such time as they are joined with abutting Blocks 81-86 in the adjacent subdivision plan M-2278 to the north to form six (6) whole building lots and municipal services and roads crossing their frontages have been completed to the satisfaction of the Executive Director of Technical Services.

FENCING ALONG PORT UNION ROAD

46. The Owner agrees to provide fencing along the Port Union Road property line to the satisfaction of the Director of Community Planning, East District in consultation with the Executive Director of Technical Services.

CONSTRUCTION MANAGEMENT PLAN

47. Prior to registration of the plan of subdivision or prior to commencement of any construction activities, the Owner agrees to submit a Construction Management Plan for review and acceptance, to the satisfaction of the Executive Director of Technical Services. The construction management plan shall include the following:

- i) Dust/mud/sediment control on and off-site;
- ii) Location of truck loading points and trailer parking;
- iii) Location and height of temporary storage areas;
- iv) Access/truck routing;
- v) Provision of hoarding and temporary fencing;
- vi) Details of piling and shoring activities;
- vii) Estimated period of construction;
- viii) Control of storm run-off, including any siltation control devices which may be required;
- ix) Parking management plan for employee/construction vehicle parking; and
- x) Provisions for the removal of debris in a timely manner.