

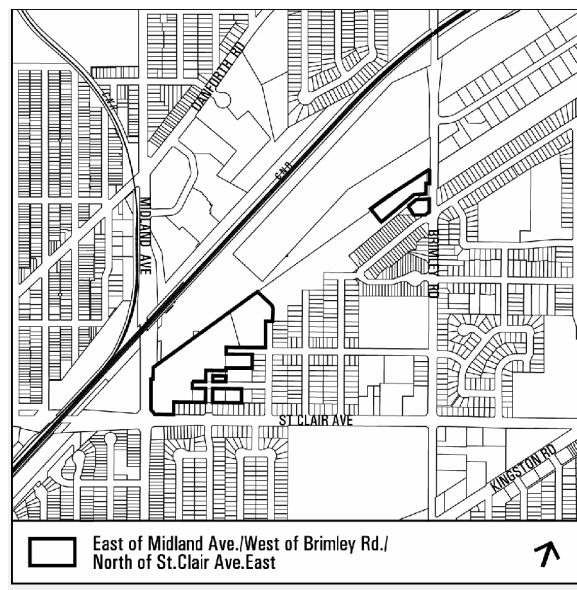
East of Midland Avenue, west of Brimley Road, and north of St. Clair Avenue East – Subdivision Application – Final Report

Date:	May 15, 2007
To:	Scarborough Community Council
From:	Director, Community Planning, Scarborough District
Wards:	Ward No. 36 – Scarborough Southwest
Reference Number:	File No. 06 191756 ESC 36 SB

SUMMARY

An application has been submitted for draft plan of subdivision approval on a 6.8 hectare (16.7 acres) site east of Midland Avenue, west of Brimley Road, north of St. Clair Avenue East. The plan of subdivision proposes lots for 83 single-detached dwellings, 32 townhouse dwellings, a 0.48 hectare (1.18 acre) apartment/townhouse block and a 0.25 hectare (0.61 acre) open space block for storm water management purposes. The site is in the area of the former Phase 3 Scarborough Transportation Corridor (STC) land use study. The proposed plan of subdivision is consistent with the results of the STC study that provided for the development of residential uses on the lands and the coordination of development within the larger STC area. The proposed subdivision promotes the orderly development of the land in keeping with the Official Plan.

Proposed conditions of draft plan approval are included in Attachment 7 that address requirements for roads, services, tree protection, street tree planting, urban design and the coordination of the construction of roads and services with adjacent land owners. Planning staff recommend draft approval of the plan of



subdivision subject to the conditions included in Attachment 7.

RECOMMENDATIONS

The City Planning Division recommends that:

1. 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 7, 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.
2. City Council enact a site plan control by-law pursuant to Section 41 of the Planning Act to designate the lands east of Midland Avenue west of Brimley Road, and north of St. Clair Avenue East (subject lands) as an area subject to site plan control, substantially in accordance with the draft site plan control by-law in Attachment 6;
3. City Council authorize the City Solicitor to make such stylistic and technical changes to the draft site plan control by-law as may be required.

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

The subject lands are owned by the City. At its meeting on January 31, February 1 and 2, 2006 Council approved the transfer of the subject lands to the Toronto Economic Development Corporation (TEDCO). The lands are in the process of being transferred to TEDCO.

The lands are also in the area of the former Phase 3 Scarborough Transportation Corridor (STC) Land Use Study. The STC study included lands extending from Midland Avenue to Brimley Road north of St. Clair Avenue and south of the CN rail line owned by the City, Monarch Corporation and other private landowners. The STC study was approved by Council in September and October 2004 with amendments to the official plan and the zoning by-law to permit residential, park and open space uses in this area. Urban Design Guidelines for future development in the area were also approved by Council.

ISSUE BACKGROUND

Proposal

The plan of subdivision includes lots for 83 single-detached dwellings, 32 townhouse dwellings, a 0.482 hectare (1.19 acre) block on the northeast corner of Midland Avenue and St. Clair Avenue for townhouses or apartments, and a 0.25 hectares (0.62 acre) open space block for storm water management purposes. The proposed lot frontages for the single-detached dwelling lots range from 9 to 12 metres (29.5 to 39.3 feet) and range from 6 to 6.7 metres (19.6 to 21.9 feet) for the townhouse dwellings. There are also residential reserve blocks at the boundaries of the plan of subdivision. Development of the residential reserve blocks would be deferred until they are joined with abutting lands to form whole lots or blocks (Attachments 1, 2, 3 and 4).

Site and Surrounding Area

The subject lands are 6.8 hectares (16.7 acres) and are situated east of Midland Avenue, west of Brimley Road and north of St. Clair Avenue east. The lands are relatively flat and are vacant. There are vacant lands adjacent to the north owned by Monarch Corporation where a draft plan of subdivision was approved in October of 2006 for residential, park and open space uses. There is an existing residential neighbourhood to the south developed with single and semi-detached dwellings. There are apartments and a mix of commercial uses along the north side of St. Clair Avenue adjacent to the subject lands. There are vacant City owned lands on the west side of Midland Avenue and open space lands owned by the City on the east side of Brimley Road.

Provincial Policy Statement and Provincial Plans

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. The PPS sets the policy foundation for regulating the development and use of land. The key objectives include: building strong communities; wise use and management of resources; and, protecting public health and safety. City Council's planning decisions are required to be consistent with the PPS.

The Growth Plan for the Greater Golden Horseshoe provides a framework for managing growth in the Greater Golden Horseshoe including: directions for where and how to grow; the provision of infrastructure to support growth; and protecting natural systems and cultivating a culture of conservation. City Council's planning decisions are required by the Planning Act, to conform, or not conflict, with the Growth Plan for the Greater Golden Horseshoe.

The proposal is consistent with the PPS. The proposal conforms and does not conflict with the Growth Plan for the Greater Golden Horseshoe.

Official Plan

The site is designated Neighbourhoods, Mixed Uses Areas, and Other Open Space Areas and is subject to an area specific policy in the Official Plan. Neighbourhoods are

considered physically stable areas made up of a variety of lower scale residential uses. The area specific policy limits the uses in the Neighbourhood designation in this area to single-detached, semi-detached and townhouse dwellings. The area specific policy limits the uses in the Mixed Use Areas designation on the northeast corner of Midland Avenue and St. Clair Avenue to apartments to a maximum height of four storeys and townhouses and permits ground floor retail within an apartment or townhouse to provide for a live-work opportunity. The Open Space Areas designation provides for open space uses and public utilities. The proposed plan of subdivision is consistent with the policies of the Official Plan.

Zoning

The lands are zoned to permit single-detached dwellings on lots with minimum frontages ranging from 9 to 12 metres (29.5 to 39.3 feet), semi-detached dwellings on lots with minimum frontages of 7.5 metres (24.6 feet) and townhouses on lots with minimum frontages ranging from 6 to 6.7 metres (19.6 to 21.9 feet). Apartments or townhouses are permitted on the northeast corner of Midland Avenue and St. Clair Avenue, as well as ground floor retail uses. Block 97, proposed for a storm water management facility is zoned Open Space. The lot frontages and areas in the proposed plan of subdivision conform to the zoning by-law (Attachment 5).

Site Plan Control

The current site plan control area by-law for the lands was enacted prior to the STC Phase 3 Study, when the area was zoned for industrial uses and requires that all development be subject to site plan control approval. When the STC study was finalized much of the area was zoned for single and semi-detached dwellings which are not typically subject to site plan control approval. Planning staff recommend that the site plan control by-law be amended to provide that only the townhouse and apartment blocks in the plan be subject to site plan control approval. The site plan control process provides a mechanism to ensure that issues such as landscaping, access and fencing are addressed comprehensively for the apartment block and for the townhouse blocks prior to the creation of the individual townhouse lots through the part lot control process. A draft of the site plan control area by-law is included in Attachment 6.

Reasons for Application

A plan of subdivision is needed to divide the land into individual residential lots (single and semi-detached dwelling lots), townhouse and open space blocks and to construct public roads and 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 draft plan approval conditions.

COMMENTS

STC Phase 3 Land Use Study – Compatible Development

The proposed plan of subdivision implements the official plan and zoning by-law amendments approved by Council in 2004 for the STC Phase 3 Study area. The policies of the official plan promote compatible development by providing for a transition in housing types and lot sizes from the existing community to the new areas. The plan of subdivision proposes a transition in lot types and sizes from the existing community with single detached dwellings generally near the existing residential area, and townhouses at the periphery north of St. Clair Avenue, and along Midland Avenue and Brimley Road consistent with the official plan and zoning by-law. The proposed plan of subdivision provides for compatible development consistent with the results of the Phase 3 STC Land Use Study.

Midland/St. Clair Urban Design Guidelines

When the Phase 3 STC study was completed in 2004, Council approved urban design guidelines for the area to be used to assess future development. The guidelines address site organization, built form, streetscapes and landscaping. The layout of the plan of subdivision is consistent with the guidelines. To ensure that design objectives are achieved with respect to built form, streetscapes and landscaping, planning staff recommend that the owner be required to submit house siting plans, building elevations, and street tree planting plans for review and approval as conditions of draft plan approval.

Coordination of Access and Services

The development of the STC Phase 3 area requires coordination between landowners with respect to the construction of roads, services and storm water management facilities for the larger area. There are unopened road allowances adjacent to the plan of subdivision that need to be constructed to provide access and services to the lands. Block 979 is proposed to form part of a larger storm water management facility that will also be situated on lands adjacent to the north. There are residential reserve blocks within the plan of subdivision that cannot be developed until they are joined with abutting lands to form whole lots or blocks. Draft plan approval conditions are proposed to ensure the coordination of the construction of roads, services and the storm water management facilities and provide that the costs of the roads and services are shared amongst the landowners within the larger area. As well, there are draft plan conditions proposed to defer development on residential reserve blocks until such time as they are joined with abutting lands. This will ensure that whole lots or blocks have been created prior to the development of the residential reserves.

Recommended Conditions of Draft Plan of Subdivision Approval

Draft plan of subdivision approval conditions are included in Attachment 7 that address the technical requirements of the development including among other matters, the construction of streets and services, storm water management, street tree planting, and urban design. The draft plan conditions also require that the owner enter into the

standard subdivision agreement with the City. The lands are currently City-owned and are in the process of being transferred to TEDCO. As a result, the subdivision agreement would not be finalized until such time as the transfer of the lands to TEDCO is complete.

Development Charges

It is estimated that the development charges for this project will be \$1,300,000.00. This is an estimate. The actual charge is assessed and collected upon issuance of the building permit.

CONTACT

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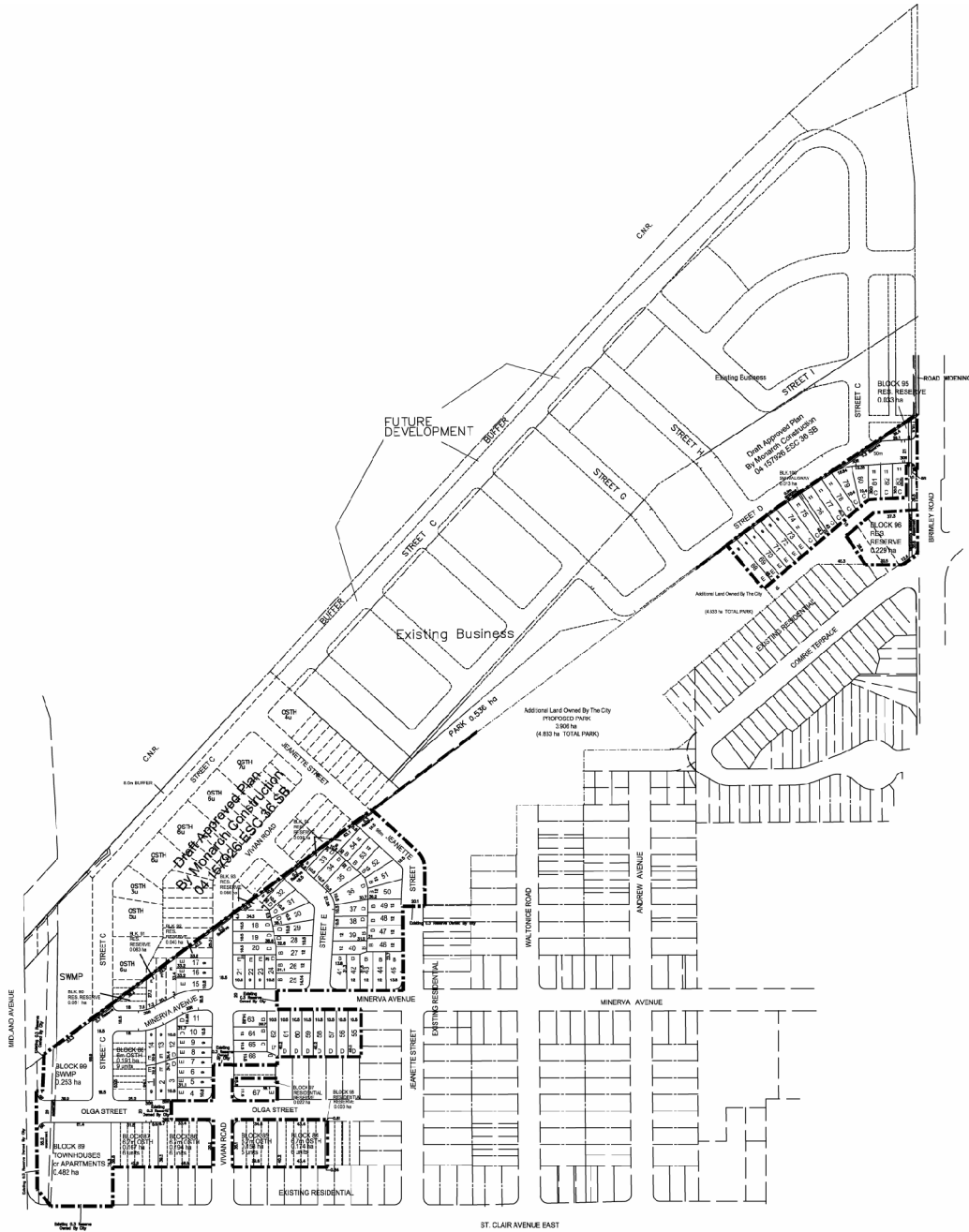
SIGNATURE

Allen Appleby, Director
Community Planning, Scarborough District

ATTACHMENTS

Attachment 1: Draft Plan of Subdivision
Attachment 2: Draft Plan of Subdivision - West Side
Attachment 3: Draft Plan of Subdivision – East Side
Attachment 4: Application Data Sheet
Attachment 5: Zoning
Attachment 6: Draft Site Plan Control Area By-law
Attachment 7: Proposed conditions of draft plan of subdivision approval

Attachment 1: Draft Plan of Subdivision



Proposed Draft Plan of Subdivision

Applicant's Submitted Drawing

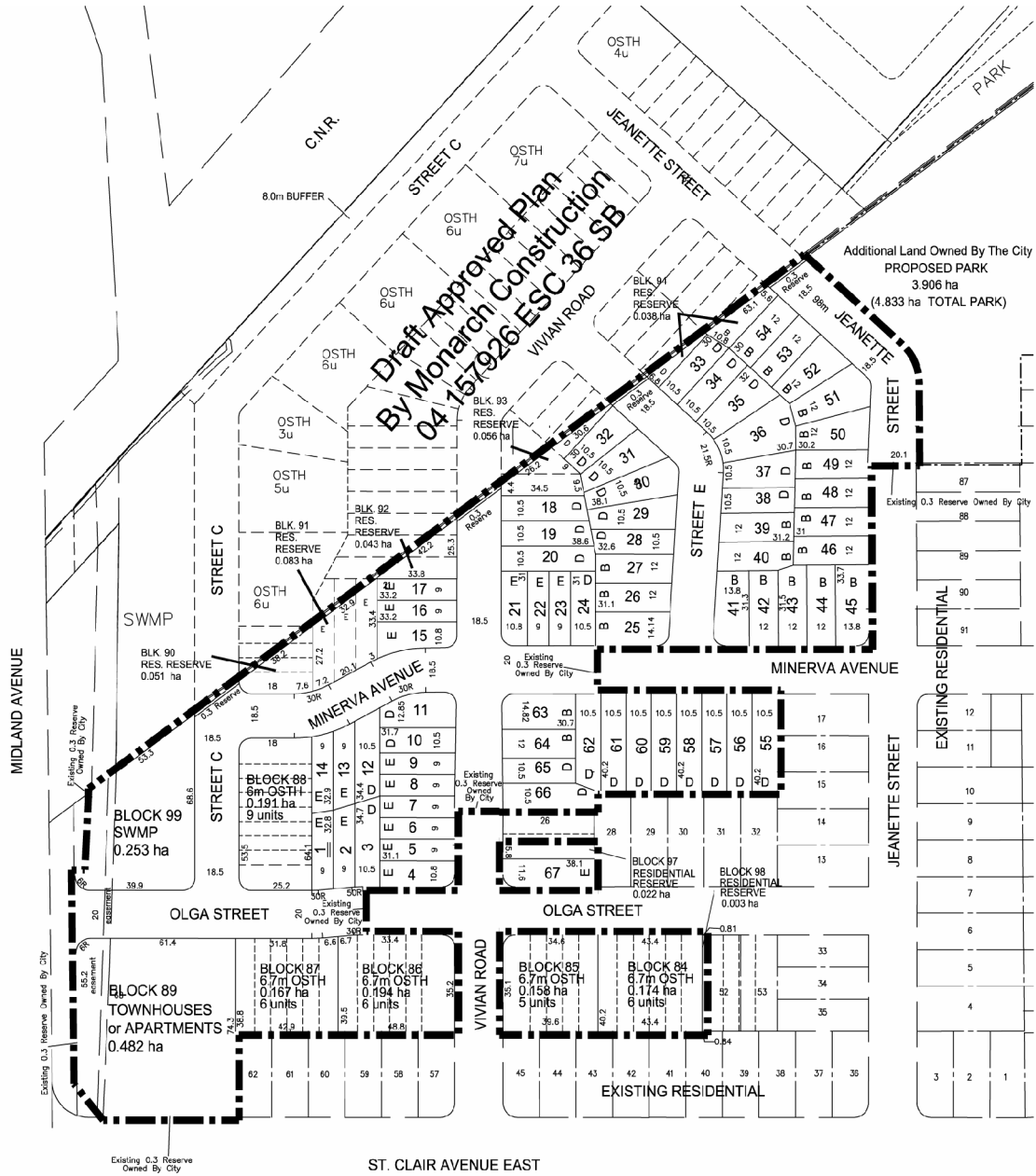
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5/14/07



East of Midland Ave./
West of Brimley Rd./ North of St. Clair Ave. East

File # 06-191756 SB

Attachment 2: Draft Plan of Subdivision – West Side



Proposed Draft Plan of Subdivision (West Half)

Applicant's Submitted Drawing

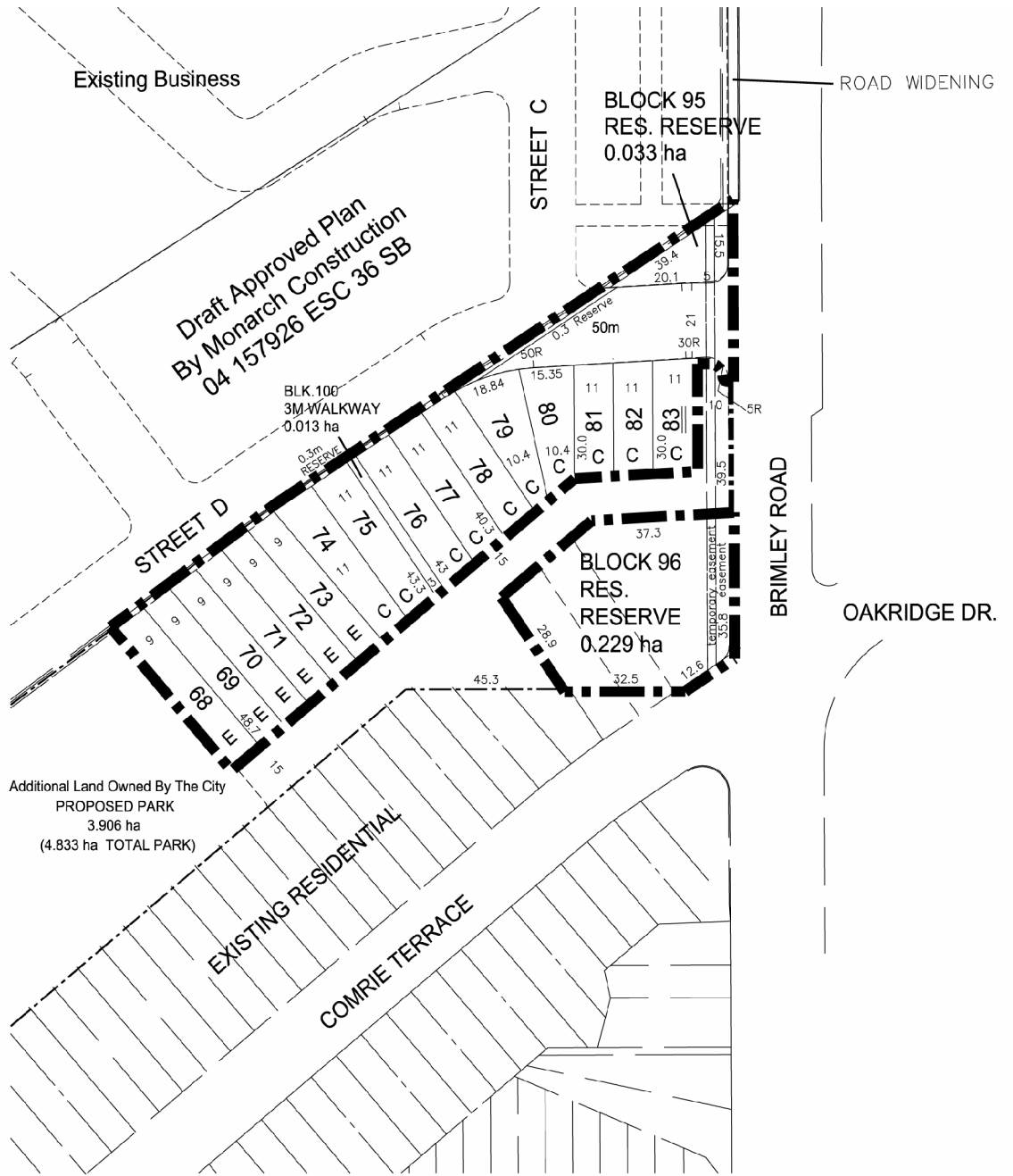
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East of Midland Ave./

West of Brimley Rd./ North of St. Clair Ave. East

File # 06-191756 SB

Attachment 3 – Draft Plan of Subdivision – East Side



Proposed Draft Plan of Subdivision (East Half)

Applicant's Submitted Drawing

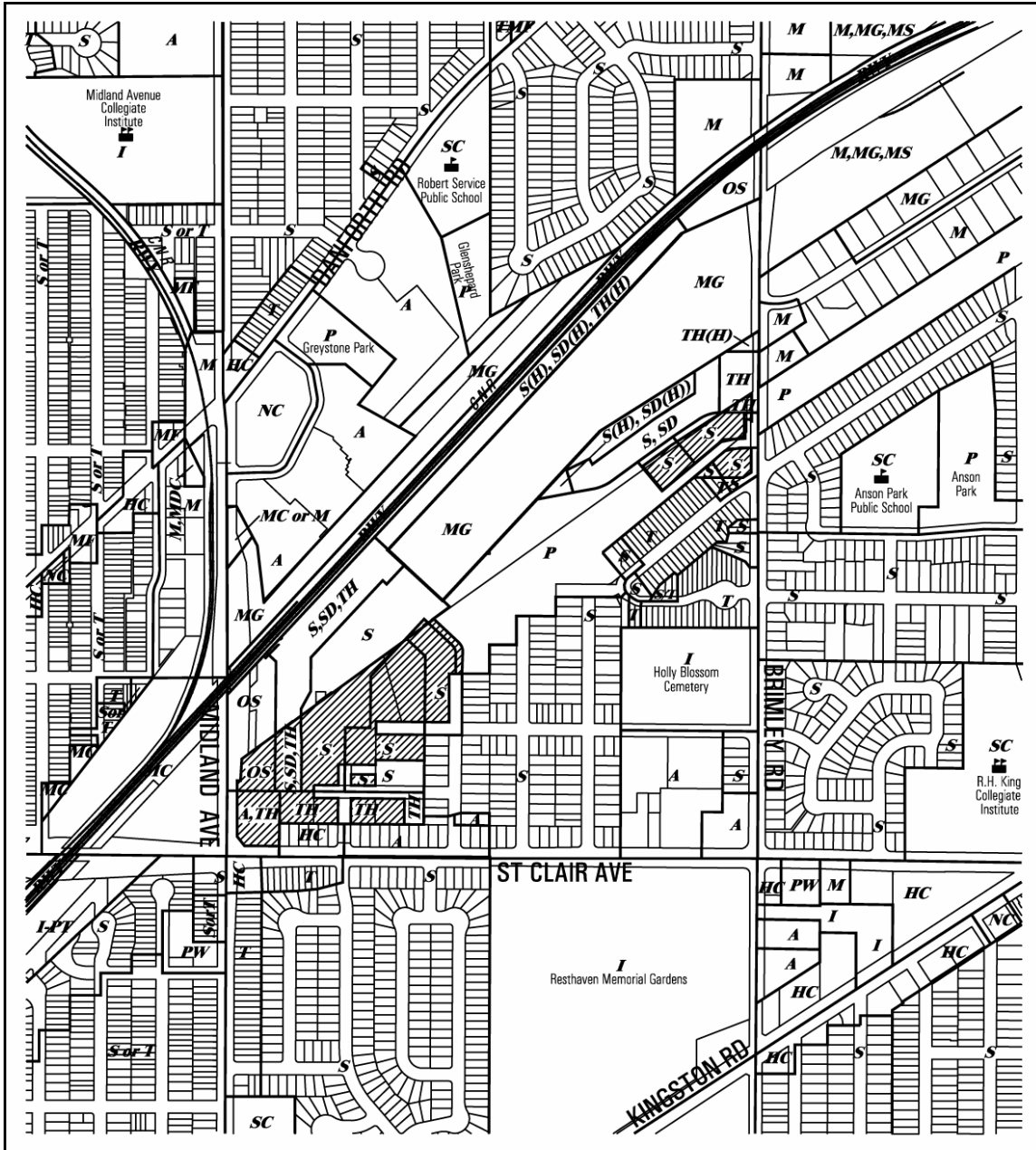
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East of Midland Ave./
West of Brimley Rd./ North of St.Clair Ave. East

File # 06-191756 SB

Attachment 5: Zoning



Toronto City Planning Division
Zoning

East of Midland Ave./West of Brimley Rd./North of St.Clair Ave. East
 File # 06-191756 SB

<p>S Single-Detached Residential SD Semi-detached Residential TH Townhouse Residential T Two Family Residential A Apartment Residential MF Multiple Family Residential Zone (H) Holding Provision</p>	<p>NC Neighbourhood Commercial HC Highway Commercial MDC Industrial District Commercial Zone MC Industrial Commercial Zone MG General Industrial Zone MS Special Industrial Zone</p>	<p>P Park OS Open Space SC School I Institutional Uses I-PT Institutional Uses- Public Transit PW Place(s) Of Worship RWY Railway Zone</p>
<p>Midland/St.Clair, Cliffcrest, Cliffside, Eglinton & Kennedy Park Community Bylaws; Birchmount Park & Knob Hill Park Employment District Bylaws Not to Scale 01/03/07</p>		

Attachment 6: Draft Site Plan Control Area By-law

CITY OF TORONTO

Bill No. ~

BY-LAW No. ~

To designate a Site Plan Control Area

WHEREAS authority is given to Council by Section 41 of the Planning Act, R.S.O. 1990, c.P. 13, as amended, to designate the whole or any part of the area covered by an Official Plan as a Site Plan Control Area;

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

1. By-law No. 21319 and By-law No. 19923 are amended by designating the land shown outlined by a heavy black line on Schedule '1' of this By-law as a Site Plan Control Area.
2. For the lands shown on the attached Schedule '1' residential units consisting of single-detached dwellings and semi-detached dwellings are exempt from Site Plan Control.

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

DAVID R. MILLER,
Mayor

ULLI S. WATKISS
City Clerk

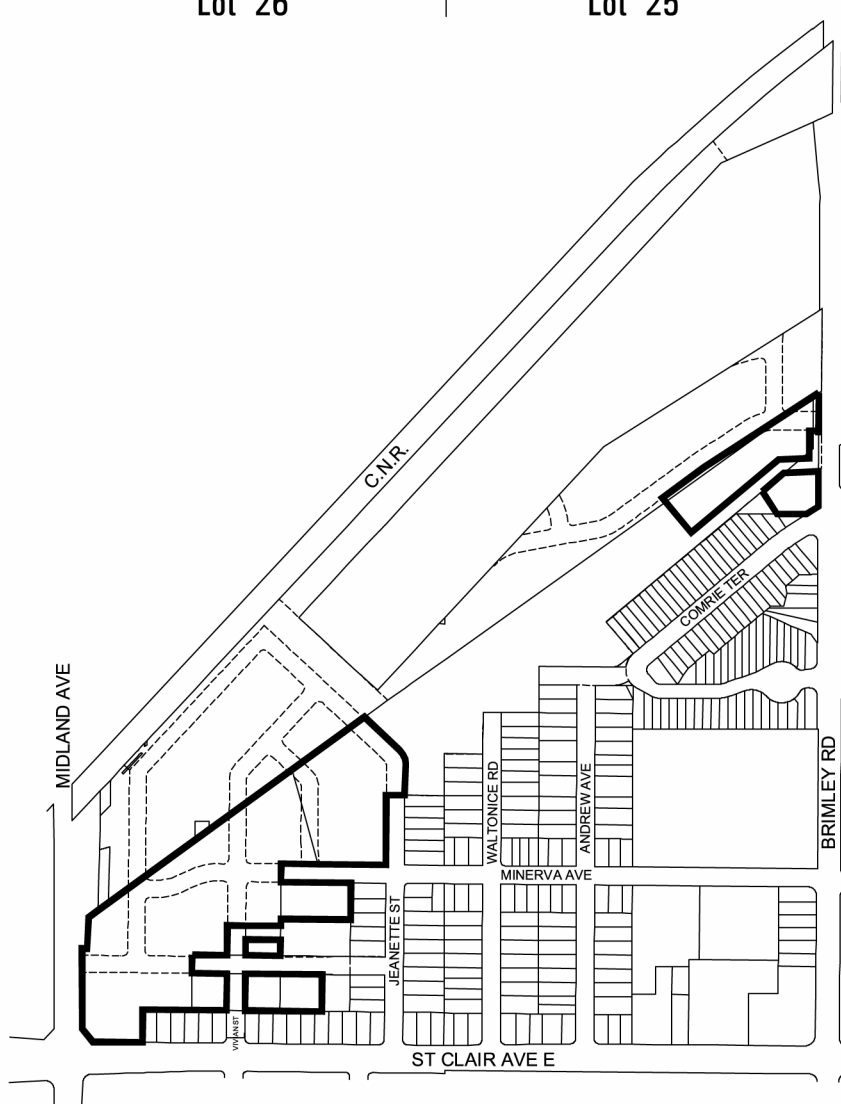
(Corporate Seal)

Schedule '1'

Lot 26

Lot 25

Con. C



 **TORONTO** City Planning Division
Site Plan Control Amendment

Midland Ave./Brimley Rd. north of St. Clair Ave. E

File # 06-191756 SD

 Area Affected By This By-Law

Midland / St. Clair Community B-law
Not to Scale
5/9/07


Attachment 7 – Proposed Conditions of Draft Plan Approval

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 following conditions of draft plan approval relate to a plan entitled Draft Plan of Proposed Subdivision for Part of Lot 25, Concession C, prepared by Bousfields Inc., dated May 9, 2007. 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. The Owner shall forward the executed subdivision agreement to CN Rail, and the Toronto District School Board for reference and information.

PHASING OF THE PLAN OF SUBDIVISION

2. The Owner and City shall acknowledge in the Subdivision Agreement that the Owner may register the plan of subdivision in phases provided that the boundary of each phase and the conditions specific to each phase are subject to the approval by the Executive Director, Technical Services and the Chief Planner and Executive Director of City Planning prior to the release of each phase for registration.

PARKS

3. 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. Should the Owner of the lands apply for and receive permission to develop residential or commercial densities in excess of those approved by this application, the Owner then may, respecting those increased densities, and as a condition of receiving such densities, be required to transfer lands for park purposes or pay monies in lieu thereof in accordance with Official Plan policies and the Planning Act.
4. Prior to the registration of the plan of subdivision, the Owner agrees to convey Block 100, free and clear of all encumbrances, to the City for walkway purposes. The Owner agrees that the walkway is to be paved at the Owner's expense, in concrete to the full width of the walkway Block. The Owner agrees to construct prior to the occupancy of the dwellings on Lot 75 and Lot 76 a 1.8 metre high, black vinyl coated chain link fence, without gates, along the boundaries of Lot 75 and 76 that are adjacent to the Walkway, with the fencing to be tapered down to

1.2 metres from the front wall of the dwellings to the street line, to the satisfaction of the General Manager of Parks, Forestry and Recreation.

5. Prior to the registration of the plan of subdivision the Owner will ensure that the grading and drainage for Lots 68 to 83, Lots 75 and 76, and Block 96 is compatible with the grade of the adjacent City owned lands to the east, west, north and south that are proposed to form a Park, Trail and Walkway. The lot grading and drainage plans shall be to the satisfaction of the Executive Director of Technical Services and the General Manager of Parks, Forestry and Recreation.
6. Prior to the registration of the plan of subdivision the Owner agrees to install and maintain a temporary fence which includes sediment control filter fabric firmly held to the ground with clear stone, along:
 - i) the west limit of Lot 68
 - ii) the south limits of Lots 68 through 83
 - iii) the east limit of Lot 83
 - iv) the north and west limits of Block 96
 - v) in the event that the Owner constructs Jeanette Street then the temporary fence is also required along the northeast side of Jeanette Street on the City lands from the north limit of 37 Jeanette Street to the south limit of Lot 29 in Draft approved plan by Monarch Corporation File No. 04 157926 ESC 36 SB.

The fencing must not interfere with or cause damage to any trees requiring protection and be to the satisfaction of the General Manager of Parks, Forestry and Recreation. The Owner agrees that the temporary fencing shall be maintained until such time as the development of the park and trail and that the Owner will remove the temporary fencing at that time to the satisfaction of the General Manager of Parks, Forestry and Recreation.

7. The Owner agrees to construct prior to the occupancy of the dwellings on Lots 68 to 83, and Block 96, a 1.8 metre high, black vinyl coated chain link fence, without gates, along all boundaries of Lots 68 to 83, and Block 96 that are adjacent to City parkland, and/or trail, to the satisfaction of the General Manager of Parks, Forestry and Recreation with the fencing to be tapered down to 1.2 metres from the front wall of the dwellings on Lot 68, Lot 83 to the street line. In addition, the Owner is required to install and maintain sediment control filter fabric during construction along this fence, 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 subdivision onto adjacent parkland.
8. Prior to the registration of the draft plan of subdivision, the Owner shall post a Letter of Credit as security for the installation of the chain link fencing referred to in Condition 7, equal to 120% of the value of the fencing to the satisfaction of the

General Manager of Parks, Forestry and Recreation. The Owner agrees and acknowledges that there will be a two-year maintenance period, with an annual inspection by the General Manager of Parks, Forestry and Recreation together with the Owner or its agents. At the end of the two year maintenance period, the City upon satisfactory inspection will return the Letter of Credit provided to secure the chain link fencing.

9. All Letters of Credit that are to be provided by the Owner, unless determined otherwise by the City of Toronto, are intended to be in current dollars and accordingly, shall be adjusted either upwards or downwards, annually, on the anniversary date of the execution of the associated subdivision agreement, in accordance with the change in the Statistics Canada Construction Price Index, or other index to the satisfaction of the City, during such one year period, provided that in no case shall the amount, payable by the Owner, at any time be less than the minimal amount set out in that agreement.
10. The Owner acknowledges and agrees that the adjacent City owned parkland will not be occupied or disturbed during construction. Stockpiling of any soils or materials on City owned parkland or the use of these lands for any other purpose is prohibited, unless otherwise authorized by the General Manager of Parks, Forestry and Recreation.
11. The Owner agrees to include in all Offers of Purchase and Sale and/or Rental Agreements to the satisfaction of the General Manager of Parks, Forestry and Recreation clauses that advise:
 - i) Lots abutting City owned parklands, open space or valley lands maintained by the City will prohibit the installation of any form of screening or fencing along the abutting property lines other than the 1.8 metre black vinyl chain link fence or 1.2 metre black vinyl chain link fence as required by the City;
 - ii) Lots abutting City owned parkland, open space or valley lands maintained by the City will prohibit gates or private access onto parkland, open space or valley lands; and
 - iii) Lots abutting City owned parkland, open space or valley lands maintained by the City will include a warning clause that there may be a trail in the abutting parkland, open space or valley lands.

The Owner agrees to provide its Solicitor's confirmation to the City advising that the clauses set out above have been included in applicable Offers of Purchase and Sale and/or Rental Agreements to ensure that future occupants are aware of the restrictions on lands abutting parkland, open space or valley lands maintained by the City.

TEMPORARY TURNING CIRCLES

12. Prior to the registration of the plan of subdivision the Owner shall make satisfactory arrangements with the owner of the adjacent lands to the north to secure temporary easements in favour of the City for temporary turning circles at the northerly limits of Street C, Vivian Road, Street E, and Jeanette Street, or shall revise the plan of subdivision to provide for temporary turning circles on the subdivision lands, to the satisfaction of the Executive Director of Technical Services.

DEDICATION OF 0.3 METRE RESERVES

13. Prior to the registration of the plan of subdivision, the Owner shall make satisfactory arrangements with the City to dedicate 0.3 metre reserves on unopened road allowances external to the plan of subdivision to provide for the extension of the roads external to the plan of subdivision that are needed to provide access to the plan of subdivision to the satisfaction of the Executive Director of Technical Services. The Owner shall be responsible for all costs associated with dedicating the 0.3 metre reserves.

TRAFFIC OPERATIONS ASSESSMENT

14. Prior to the registration of the plan of subdivision the Owner shall provide a Traffic Operations Assessment to the satisfaction of the General Manager of Transportation Services.

CONSTRUCTION OF STREETS WITHIN THE PLAN OF SUBDIVISION

15. Prior to the registration of the plan of subdivision the Owner shall construct, at no cost to the City, Olga Street, Street C, Minerva Avenue, Vivian Road, Jeanette Street and Street A in the plan of subdivision, and these streets shall be fully serviced to the satisfaction of the Executive Director of Technical Services.
16. The Owner agrees to convey to the City for nominal consideration all public roads within the plan of subdivision including Olga Street, Street C, Minerva Avenue, Vivian Road, Jeanette Street and Street A, to the satisfaction of the Executive Director of Technical Services. The Owner shall be responsible for all costs associated with the conveyance of roads.

CONSTRUCTION OF STREETS IN UNOPENED ROAD ALLOWANCES

17. Prior to the registration of the plan, the Owner shall make satisfactory arrangements with the City regarding the construction of roads within unopened City road allowances as follows:

- i) Olga Street having a width of 20 metres, from the east limit of the plan of subdivision to Jeanette Street
- ii) Vivian Road having a width of 20 metres, from the south limit in the plan of subdivision to St. Clair Avenue East
- iii) Minerva Avenue having a width of 20 metres, from the east limit of the plan of subdivision to Jeanette Street.

These streets shall be constructed at no cost to the City and shall be fully serviced to the satisfaction of the Executive Director of Technical Services.

NAMING OF STREETS

18. Prior to the registration of the plan of subdivision, the Owner shall agree to name road allowances to the satisfaction of the Executive Director, Technical Services.

ROAD AND SERVICES WITHIN THE PLAN OF SUBDIVISION OR ON UNOPENED ROAD ALLOWANCES CONSTRUCTED BY OTHERS

19. In the event that any portion of the roads and services required for access and services for the plan of subdivision and referred to in Conditions 15, 16 and 17 have been secured in a subdivision agreement by others and constructed by others to service lands external to the plan of subdivision, then the Owner shall not be required to provide for those portions of the roads and services that have already been constructed. However, should the subdivision agreement in respect to lands external to the plan of subdivision require that Owner to install such roads and services and the constructed roads and services benefit this Owner, this Owner agrees to pay its reasonable proportion of the costs associated with the roads and services. This Owner must demonstrate to the satisfaction of the City Solicitor that satisfactory arrangements have been made with the Owner who constructed such roads and services with respect to cost sharing for the construction of roads and services that benefited this Owner.

REVISIONS TO THE SERVICING REPORT

20. Prior to the registration of the plan of subdivision, the Owner shall revise the Servicing Report to the satisfaction of the Executive Director of Technical Services to address both interim and final storm water management for the East Lands in the plan of subdivision.

STORM WATER MANAGEMENT

21. Prior to the registration of the plan of subdivision, the Owner shall provide a Stage II stormwater management report including providing Level 1 treatment for all storm water to the satisfaction of the Executive Director of Technical Services.

22. Prior to the registration of the plan of subdivision, the Owner shall make satisfactory arrangements with the owner of adjacent lands to the north regarding the design and construction of the Stormwater Management Facility on Block 99 and adjacent lands to the north of Block 99 that form part of the stormwater management facility to the satisfaction of the Executive Director of Technical Services. The Owner shall provide the City with confirmation, to the satisfaction of the City Solicitor that these arrangements have been made with the owner of adjacent lands.
23. Prior to the registration of the plan of subdivision, and in conjunction with engineering drawing approvals, the Owner shall make satisfactory arrangements with the adjacent land owner to provide a landscape plan for the Stormwater Management Facility on Block 99 and on the adjacent lands to the north of Block 99 external to the plan that form a part of the stormwater management facility and the implementation of this landscape plan at no cost to the City, to the satisfaction of the Executive Director of Technical Services and the General Manager of Parks, Forestry and Recreation. The Owner shall provide the City with confirmation, to the satisfaction of the City Solicitor that these arrangements have been made with the owner of adjacent lands.
24. The Owner agrees to convey Block 99 to the City for a stormwater management facility at such time as is set out in the subdivision agreement to the satisfaction of the Executive Director of Technical Services.
25. Prior to the registration of the plan of subdivision, the Owner agrees to make satisfactory arrangements with the Owner of adjacent lands to the north of Block 99 for the conveyance, at no cost, to the City, of the adjacent lands to the north of Block 99 that form a part of the stormwater management facility at such time as is set out in the subdivision agreement to the satisfaction of the Executive Director of Technical Services.
26. In the event that the Stormwater Management Facility on Block 99 has been secured through a subdivision agreement on lands external to the plan of subdivision and has been constructed, the Owner will not be required to provide for the stormwater management facility as noted in Conditions 22, 23, 24, and 25. However, should the subdivision agreement in respect to lands external to the plan of subdivision require that Owner to install such Stormwater Management Facility and the Stormwater Management Facility benefits this Owner, this Owner agrees to pay its reasonable proportion of the costs associated with the Stormwater Management Facility. This Owner must demonstrate to the satisfaction of the City Solicitor that satisfactory arrangements have been made with the Owner who constructed the Stormwater Management Facility with respect to cost sharing for the construction of Stormwater Management Facility that benefited this Owner.

27. Prior to the registration of the plan of subdivision, the Owner agrees to make satisfactory arrangements with the Owners of lands to the north of Lots 68 to 83, Block 96 and Street A (East Lands) for the treatment of the stormwater generated from the East Lands within a proposed Stormwater Management Facility on lands external to and north of the plan of subdivision in Draft Approved Plan of Subdivision 04 157926 ESC 36 SB by Monarch Corporation and proposed Plan of Subdivision 06 103047 ESC 36 SB by Chilocco Building Corporation. The Owner must demonstrate to the satisfaction of the City Solicitor that satisfactory arrangements have been made with the Owners of adjacent lands with respect to stormwater management for the plan of subdivision in a Stormwater Management Facility on lands external to the plan of subdivision.

SERVICES AND UTILITIES

28. 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.
29. 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.
30. 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.
31. 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.
32. Prior to the registration of the plan of subdivision, the Owner will pay to the City \$40.00 per unit for geodetic survey and aerial mapping
33. 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.
34. 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.

35. The Owner agrees to construct sidewalks and utilities throughout the development to the satisfaction of the Executive Director of Technical Services.

WARNING CLAUSE – REAR YARD CATCHBASINS

36. Prior to the registration of the plan of subdivision, the Owner agrees to include the following warning clause in all Offers of Purchase and Sale and/or Lease Agreements, and registered on title to the satisfaction of the City Solicitor:

“Purchasers are advised that the maintenance, repair or replacement of the rear yard catchbasins, drainage swales and catchbasin leads on private property will not be provided by the City and are the responsibility of the private landowners.”

The Owner agrees to provide its Solicitor’s confirmation to the City advising that the clause set out above has been included in applicable Offers of Purchase and Sale and/or Lease Agreements.

RELEASE OF EASEMENT FOR ACCESS

37. Prior to the registration of the plan of subdivision, the Owner shall make satisfactory arrangements with the owner of adjacent lands to the north for the release of the existing access easement to the satisfaction of the Executive Director of Technical Services. The Owner shall be responsible for all costs associated with the release of this easement.

RELEASE OF EASEMENTS FOR PRAXAIR PIPELINES

38. Prior to the registration of the Plan, the Owner shall make satisfactory arrangements for the release of the Praxair easement to the satisfaction of the Executive Director of Technical Services. The easement(s) shall be released for all lands that are proposed to be conveyed to the City. The Owner shall be responsible for all costs associated with the release of this easement(s).

ENVIRONMENTAL REVIEW

39. Prior to the 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, including the walkway. 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.
40. 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.
41. 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.

MIDLAND/ST. CLAIR URBAN DESIGN GUIDELINES

42. Prior to the registration of the plan of subdivision, the Owner shall provide house siting plans and elevation plans for dwellings, to be reviewed for compliance with the Midland/St. Clair Urban Design Guidelines to the satisfaction of the Chief Planner and General Manager of City Planning.

STREET LIGHTING PLAN

43. Prior to the registration of the plan of subdivision the Owner shall provide a street lighting plan to the satisfaction of the Chief Planner and Executive Director of City Planning, and the Executive Director of Technical Services. The Owner agrees to install at no cost to the City the street lighting in accordance with the approved street lighting plan.

DEFERRED DEVELOPMENT

44. The Owner acknowledges and agrees that residential reserve Blocks 90, 91, 92, 93, 94, 95, 96, 97, and 98 on the plan of subdivision are deferred from

development until such time as they are joined with abutting lands to form whole building lots or townhouse blocks, and municipal services and roads crossing their frontages have been completed to the satisfaction of the Executive Director of Technical Services.

45. The Owner acknowledges and agrees that Lots 68 to 83 are deferred from development until such time as municipal services and roads crossing their frontages have been completed to the satisfaction of the Executive Director of Technical Services.

TREE PROTECTION AND REMOVAL - PRIVATE TREES

46. Prior to the registration of the plan of subdivision, the Owner shall provide an Arborist Report prepared by a Certified or Registered Arborist or Registered Forester, and a Tree Inventory Plan which indicates the location of existing trees that meet the criteria of the Private Tree By-law, Toronto Municipal Code Chapter 813 Trees Article III, to be prepared to the satisfaction of the General Manager of Parks, Forestry and Recreation.

It is understood and agreed that the Arborist Report and Tree Preservation Plan:

- i) be prepared in conjunction with the subdivision grading and house siting control plans which indicate above and below grade services. This plan must show trees proposed for removal, trees to be preserved and tree protection zones;
 - ii) be prepared by a qualified arborist or other tree professional satisfactory to the General Manager of Parks, Recreation and Forestry;
 - iii) indicate the location, species, size and condition of the trees identified and shown on the approved draft 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.
47. The Owner agrees to make applications to the City, under the Private Tree By-law, Toronto Municipal Code Chapter 813 Trees Article III, for any trees proposed to be removed as outlined in the Arborist Report. Such applications shall include house siting plans.
 48. The Owner agrees that privately owned trees, that are the subject of an application made under the Private Tree By-law, Toronto Municipal Code Chapter 813 Trees Article III, will not be removed until permitted construction activities commence which warrant the removal of the trees.

49. The Owner agrees to protect all existing trees associated with the development for which approval to remove or injure has not been granted, in accordance with the Arborist Report and Tree Preservation Plan.
50. 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.
51. The Owner agrees:
 - i) to instruct a qualified Arborist or other tree professional satisfactory to the General Manager of Parks, Forestry and Recreation, to monitor tree preservation in accordance with the Arborist Report and Tree Preservation Plan until submission of the Site Certificate of Compliance.
 - ii) 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.
 - iii) to provide brief status reports to Urban Forestry Services at specified times as a condition of approval to remove trees under Toronto Municipal Code Chapter 813 Article III and Chapter 658.

REPLACEMENT TREE PLANTING PLAN - PRIVATE PROPERTY

52. 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 Manger 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.

STREET TREES

53. Prior to the registration of the plan of subdivision, the Owner shall provide a street tree planting plan in conjunction with a composite utility plan that indicates the species, size and location of all proposed street trees, as these relate to the location of any roads, sidewalks, driveways, street lines and utilities to the satisfaction of the General Manager of Parks, Forestry and Recreation and the Executive Director of Technical Services.
54. Prior to the registration of the plan of subdivision, the Owner shall post a Letter of Credit equal to 120% of the value of the street trees to guarantee the planting and maintenance by the Owner of the new street trees for a period of two years after

the planting date, to the satisfaction of the General Manager Parks, Forestry and Recreation.

55. The Owner agrees to contact the Supervisor of Urban Forestry, Tree Protection and Plan Review or his/her designate prior to commencement of street tree planting. The Owner agrees to plant the street trees in accordance with the approved street tree planting and composite utility plans. There shall be a two-year maintenance period, with an annual inspection involving Urban Forestry and the Owner (and their agents). At the end of the two year maintenance period, if the street trees are in good condition, the General Manager of Parks, Forestry and Recreation shall accept maintenance responsibilities, and return the Letter of Credit. The Owner acknowledges that any trees requiring removal will be replaced, maintained and guaranteed by the Owner for an additional two year period.
56. 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.

WARNING CLAUSE – INDUSTRIAL OPERATIONS

57. The Owner shall ensure that agreements for sale or lease shall include the following warning clause:

“The Purchaser acknowledges that this residential development is located in proximity of the Atlantic Packaging Products Ltd. (“Atlantic”) manufacturing plant (the “Plant”) located at 255 Brimley Road, which operates 24 hours a day, 7 days a week. Various processes may operate continuously at the Plant. Operations may include the transport, loading, unloading of large tractor trailers, the venting of plant exhaust, air and odours, the treatment of water used in industrial processes, diesel exhaust odours and the operation of various manufacturing processes for the production of poly products. There may be alterations and/or expansions to the Plant operations at this plant in the future by Atlantic, its successors or assigns which may require approvals from various authorities including, but not limited to, the Ministry of Environment and the City of Toronto.

Purchasers are advised that from time to time odours from the Plant could be unpleasant and could affect the living environment of the residents in the development. Atlantic advises that it will not be responsible for any complaints or claims arising from any of the activities at or relating to the Plant, property or operations thereon. Atlantic warrants that the emissions emanating from the Plant do not exceed concentrations for human health-based limits specified within the

General Air Pollution Regulations under the Ontario Environmental Protections Act at the property.

58. Prior to the final registration of the plan of subdivision, the Owner agrees to provide its Solicitor's confirmation to the City advising that the clauses set out above have been included in applicable Offers of Purchase and Sale and/or Rental Agreements to ensure that future occupants are aware of on-going industrial operations at 255 Brimley Road.

RELEASE OF CN EASEMENT AND NEW EASEMENT FOR CN

59. Prior to the registration of the plan of subdivision, the Owner shall make satisfactory arrangements with CN Rail for the release of the existing CN easement across the subject lands and over the lands adjacent to the north in the event that the CN easement has not been released on the lands adjacent to the north. The Owner shall provide for a new easement for access for CN from Midland Avenue to the CN Rail property across the subject lands and across the land adjacent to the north in the event that a new easement has not been secured over the lands to the north, to the satisfaction of CN Rail and the Executive Director of Technical Services.

PLAN OF INTERIM & FINAL ACCESS FOR CN RAIL FROM MIDLAND AVE.

60. Prior to the registration of the plan of subdivision, the Owner shall provide a plan showing the proposed access for CN Rail from Midland Avenue to the CN main line, during construction (Interim CN Access) and the proposed access for CN Rail from Midland Avenue to the CN main line following construction (Final CN Access), to the satisfaction of CN Rail and the Executive Director of Technical Services. The Owner agrees to implement the access plan at no cost to the City or CN Rail, to the satisfaction of CN Rail and the Executive Director of Technical Services.

SCHOOLS

61. The Owner agrees to include in all Offers of Purchase and Sale and/or Rental Agreement of residential units prior to the registration of the plan and for a period of ten years following registration, that:

“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 in accordance with the Board's policy, that

students will not be bussed home to school, but will meet the bus at designated locations in or outside of the area.”

62. Prior to the registration of the plan of subdivision, the Owner will enter into an agreement with the Toronto District School Board to erect and maintain signs, at points of ingress and egress to the development site, the specifications for such signs and the agreement to be to the satisfaction of the Toronto District School Board and advising that;

“The Toronto District School Board makes every effort to accommodate students locally. However, due to residential growth, sufficient accommodation may not be available in this area for all students. Students may be accommodated in facilities outside the area until adequate funding or space becomes available. For information regarding designated school(s), please call (416) 394-7526”

SITE PLAN CONTROL

63. Prior to the registration of the plan of subdivision, the Owner shall acknowledge that the property is under site plan control and that the City will require future site plan control applications for all proposed development within the boundaries of the plan of subdivision, save and except single-detached and semi-detached dwellings.

ARCHAEOLOGICAL ASSESSMENT

64. 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.
65. 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.

MODEL HOMES

66. Prior to the registration of the plan of subdivision, the Owner may be permitted to construct model homes provided the model homes are permitted in the zoning by-law and the Owner makes satisfactory arrangements with the City including entering into a Model Home Agreement if necessary to the satisfaction of the Chief Planner and Executive Director of City Planning. The arrangements or Model Home Agreement if necessary shall include among other matters the following:

- i) Provisions to ensure that financial securities and insurance have been provided by the Owner to the City to the satisfaction of the City Solicitor;
- ii) Provisions that require that the Owner provide a Letter of Credit for each model home to be held as security for the costs of demolition and removal of the model home(s) and to rectify any unsafe site conditions and non-compliance with zoning, with the amount of the Letter of Credit to be determined to the satisfaction of the City Solicitor; and,
- iii) Provisions that require that the Owner assume all risks as a result of construction of the model home(s) prior to the registration of the plan of subdivision.

TAX PAYMENT

67. 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.

REGISTRATIONS & TERMS OF CONVEYANCE OF LANDS TO THE CITY

68. 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

69. 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.

ENDEAVOUR TO COLLECT FOR ROADS AND SERVICES

70. The City acknowledges that the Owner may be required to construct roads and municipal services external to the plan of subdivision for access and to service the subject lands and that these roads and services may provide benefit to adjacent lands to the plan of subdivision. The City may as a condition of approval for development on adjacent lands to the plan of subdivision require that the proportionate share of the cost of roads and municipal services be paid by the owner(s) of adjacent lands which benefit from the aforesaid roads and municipal services. The determination of the roads and municipal services that may provide a benefit to adjacent lands to the plan of subdivision and the determination of the

proportional share of the costs associated with such benefits shall be to the satisfaction of the Executive Director of Technical Services. The City makes no representation, warranties or guarantees that the condition will be imposed nor that the funds will be collected at such time as the adjacent lands are proposed for development.

ZONING

71. Prior the registration of the plan of subdivision, the lands must be zoned in accordance with the uses proposed on the draft plan of subdivision.

GENERAL REQUIREMENTS

72. 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.
73. 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 by-law designate the function or functions to another City Official.
74. 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.