

25 Herron Avenue – Subdivision Application – Final Report

Date:	August 17, 2007
To:	Scarborough Community Council
From:	Director, Community Planning, Scarborough District
Wards:	Ward No. 35 – Scarborough Southwest
Reference Number:	File No. 07 145186 ESC 35 SB

SUMMARY

This application was made on or after January 1, 2007 and is subject to the new provisions of the Planning Act and the City of Toronto Act, 2006.

This application proposes the subdivision of the property at 25 Herron Avenue to create 10 single-detached residential lots, a new public cul-de-sac street, and two blocks of land adjacent to the Taylor-Massey Creek ravine (Warden Woods Park) for dedication to the City of Toronto.

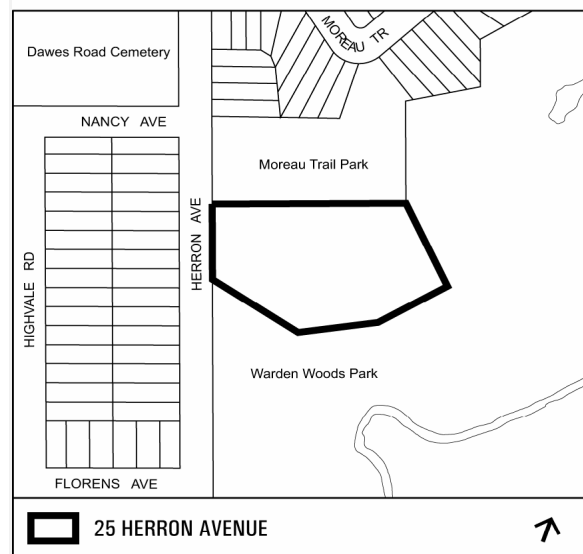
The proposal represents good planning and will make a positive and desirable addition to this established and stable neighbourhood.

This report reviews and recommends approval of the proposed Draft Plan of Subdivision.

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 No. 1, subject to:

- (a) the conditions as generally listed in Attachment No. 6 which, except as otherwise noted, must be satisfied or secured through the subdivision agreement before final approval;
- (b) such revisions to the proposed subdivision plan or such additional or modified conditions as the Chief Planner may deem to be appropriate to address matters arising from the ongoing technical review of this development.

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

On July 6, 2004, Scarborough Community Council considered a Preliminary Report from the Director, Community Planning, Scarborough District dated May 25, 2004 on an application by the previous owner of this property, Herron Gardens Inc., to amend the Scarborough Official Plan and zoning by-law (file no. 04 126266 ESC 35 OZ). Herron Gardens had proposed the redevelopment of this property with 94 stacked-townhouse units in four buildings of 4 storeys with underground parking. Community Council directed that the application be processed 'having particular regard to the natural environment, and natural heritage concerns, a form and intensity of development more compatible with the neighbourhood and with the natural heritage features on/near the site, and opportunities for the Toronto and Region Conservation Authority (TRCA) to acquire some/all of the property'.

Report

<http://www.toronto.ca/legdocs/2004/agendas/committees/te/te040706/it016.pdf>

On September 13, 2006, Scarborough Community Council considered a Request for Direction Report from the Director, Community Planning, Scarborough District dated August 22, 2006. The report addressed an appeal to the Ontario Municipal Board (OMB) by Herron Gardens of its official plan amendment and rezoning application (as then amended to 33 grade-related condominium townhouses). City Council on September 25, 26 and 27, 2006 directed that:

- 1) the City Solicitor oppose the application, as amended, at the OMB;
- 2) staff to continue negotiations with the owner to achieve a reduced development density more consistent with the form of development contemplated by the Scarborough and Toronto Official Plans which consists of a maximum of 14 single-detached, semi-detached and/or townhouse dwelling units accessed by a new public street on the site; and

- 3) the Director, Community Planning, Scarborough District report to Scarborough Community Council in January 2007 on the status of negotiations with the applicant.

Report

<http://www.toronto.ca/legdocs/2006/agendas/council/cc060925/sc7rpt/cl023.pdf>

With respect to 3) above, Scarborough Community Council at its meeting on January 16, 2007 received a report for information from the Director, Community Planning dated December 20, 2006. The report advised that:

- 1) the City Solicitor, in consultation with Planning staff, had been unsuccessful over the previous months in initiating discussions through the solicitor for Herron Gardens to achieve a reduced development form; and
- 2) the subject property was then also up for sale, with a number of development inquiries about the property from other parties having been received by Planning staff.

Report

http://www.toronto.ca/legdocs/mmis/2007/sc/bgrd/2007-sc2-29_412.pdf

On June 26, 2007, Scarborough Community Council considered a Request for Direction Report from the Director, Community Planning, Scarborough District dated June 11, 2007. The report advised that Cal-Ward Developments Inc. (Caliber Homes) had purchased the property, had assumed the earlier Herron Gardens appeal at the OMB, and was now proposing site redevelopment consisting of 10 single-detached dwellings on a new public street. On July 16 and 17, 2007, City Council directed that:

- 1) the City Solicitor support the rezoning application as amended by Cal-Ward at the Ontario Municipal Board consistent with the draft zoning by-law amendment attached to the report (included as Attachment No. 4 to this report); and
- 2) the City Solicitor request that the Ontario Municipal Board withhold its final Order to adopt this zoning by-law amendment until:
 - a) the City of Toronto advises the Board that the parties have executed a subdivision agreement for the proposed development; and
 - b) the owner withdraws its appeal related to the new Toronto Official Plan.

Report

<http://www.toronto.ca/legdocs/mmis/2007/sc/bgrd/backgroundfile-4700.pdf>

ISSUE BACKGROUND

Proposal

Cal-Ward is proposing a subdivision of 10 single-detached residential lots on a new 14.5 m (47.6 ft.) wide public street, representing an increase of three dwelling units over the current zoning permission. The proposed new lots and house sitings are indicated on Attachment No. 1. The proposed lots have varying configurations, with lot sizes ranging from approximately 349 to 515 m² (3,757 to 5,540 sq.ft.). The proposed new homes will range from approximately 249 to 351 m² (2,680 to 3,780 sq.ft.) in size.

The new cul-de-sac street would be 'single-loaded', having development on one side only with the north side of the new street adjacent to Moreau Trail Park. The current proposal provides for the continued protection and public dedication of the same 37% portion the site area adjacent to the Taylor-Massey Creek ravine as did the previous Herron Gardens proposal. All of the proposed lots would directly abut these ravine lands.

An official plan amendment is no longer required with respect to this revised development concept for the site. A draft zoning by-law amendment (Attachment No. 4) with appropriate development standards to reflect the proposed house sitings illustrated on Attachment No. 1 has been approved by City Council for submission to the OMB in settlement of the current zoning appeal. The subject subdivision application is not eligible for appeal until early October 2007 and remains within the City's jurisdiction to consider.

The application data sheet (Attachment No. 5) provides additional details on the proposed development.

Site and Surrounding Area

The site comprises 0.95 hectares of land on the east side of Herron Avenue, south of St.Clair Avenue East and west of Warden Avenue. A vacant 1½-storey brick house is presently located on the site, for which the issuance of a demolition permit by the City is pending TRCA approval.

The subject site abuts the Taylor-Massey Creek ravine (Warden Woods Park) on the east and south sides. The easterly and southerly portions of the subject site are below the top of the bank and are therefore ravine lands. There is significant tree coverage on these portions of the site. Moreau Trail Park abuts the subject property to the north, beyond which is the largely single and semi-detached Moreau Trail subdivision built in 1998. Street townhousing having dual street frontage along the south side of St. Clair Avenue, north side of Georgina Gate, was also developed during the same period. A cemetery is located to the northwest of the site and the remainder of the surrounding area is developed mainly with single-detached houses.

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.

Toronto Official Plan

The subject property is designated 'Neighbourhoods' in the new Official Plan (Attachment No. 2). Neighbourhoods are considered physically stable areas made up of residential uses in lower scale buildings such as detached houses, semi-detached houses, duplexes, tri-plexes and townhouses, as well as interspersed walk-up apartments that are no higher than four storeys. Parks, low-scale local institutions, home occupations, cultural and recreational facilities and small-scale retail, service and office uses are also provided for in Neighbourhoods. (As noted below, this designation is not yet in effect on the subject property.)

A key objective of the Plan is that new development respect and reinforce the general physical patterns in a Neighbourhood in order to maintain stable neighbourhoods. Physical changes must be 'sensitive, gradual and generally "fit" the existing physical character'. Specific considerations identified in Policy 4.1.5. include (in part):

- a) patterns of streets, blocks and lanes, parks and public building sites;
- b) size and configuration of blocks;
- c) heights, massing, scale and dwelling type of nearby residential properties;
- d) prevailing building types;
- e) setbacks of buildings from the street; and,
- f) prevailing pattern of rear and side yard setbacks and landscaped open space.

The entire subject property, together with the Moreau Trail Park and portions of the recent subdivision to the north are contained within the City's Natural Heritage System as shown on Map 9 of the new Plan. Development is generally not permitted within the natural heritage system, but where the underlying land use designation does provide for development (as with the Neighbourhoods designation of the subject lands in this case), the development will:

- a) recognize natural heritage values and potential impacts on the natural ecosystem as much as is reasonable in the context of other objectives for the area;
- b) minimize adverse impacts and when possible, restore and enhance the natural heritage system;

- c) be set back at least 10 m from the top-of-bank of ravines and valleys; and not rely on land below the top-of bank for zoned density permission.

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

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

In April 2003, the previous owner, Herron Gardens, appealed the new Official Plan in its entirety to the OMB. This appeal has also been assumed by Cal-Ward, and the City Solicitor has been instructed by City Council to request that the OMB withhold its final Order to adopt the proposed zoning by-law amendment until this appeal has been withdrawn.

Scarborough Official Plan

The former Scarborough Official Plan (Clairlea Community Secondary Plan, Attachment No. 3) provides that within the Low Density Residential designation of this neighbourhood, single-detached, semi-detached, duplex, convertible and street townhouse dwellings are permitted on parcels having individual frontage on a public street, to a maximum height of 3 storeys and to a maximum net site density of 36 units per hectare (14.6 units per acre). On this basis and excluding the lands proposed for public dedication, approximately 14 such units on a public street could be developed on this site.

By virtue of the previous owner's appeal of the new Toronto Official Plan, the Scarborough Official Plan continues to govern this property. The earlier Herron Gardens townhouse proposal required an amendment to the Scarborough Official Plan with respect to the residential density, building heights and lack of public street frontage for the individual dwellings. The current Cal-Ward proposal for 10 two-storey units on a new public street would now comply with the Scarborough Official Plan without the necessity of further amendment.

Zoning

The subject property is currently zoned Single-Family Residential (S) which permits one single-family dwelling per parcel having a minimum 15 m (49.2 ft.) of frontage on a public street and a minimum area of 557 m² (5,996 sq.ft.). This zoning was established in 1962. With the limited lot frontage on Herron Avenue of 48 m (158 ft.), three dwellings

would be permitted on the site at this time. With the introduction of a new public street such as that indicated on Attachment No. 1, however, seven dwelling units could be achieved on the proposed development site (i.e. excluding that portion of the site proposed for public dedication) under existing zoning.

The maximum height of any single-detached or semi-detached dwelling unit in this neighbourhood is limited to 9 m (29.5 ft.) and 2 storeys.

The proposed Cal-Ward development can now be considered on the basis of a zoning by-law amendment only without the necessity of an official plan amendment. The proposed subdivision will comply with the draft zoning by-law amendment (Attachment No. 4) which City Council has endorsed for submission to the Board in this regard.

Site Plan Control

The site is subject to site plan control by virtue of its ravine-edge location. An application in this regard has not yet been filed. The owner indicates that the application will be submitted subsequent to the public meeting to consider this proposed draft plan of subdivision.

Reasons for Application

A plan of subdivision is required to divide the lands appropriately, establish a new public street to provide frontage and access for the new residential lots, and to provide for creation of the necessary public infrastructure.

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 conditions of draft plan approval.

COMMENTS

Provincial Policy Statement (PPS) and Provincial Plans

The proposal is consistent with the PPS. It will provide for an efficient development pattern and use of land, adequately address environmental issues associated with adjacent ravine lands, and utilize cost-effective development standards to minimize land consumption and servicing costs. It will add to the City's supply and diversity of housing opportunities, and will utilize public infrastructure and services efficiently.

For these same reasons, the proposal conforms and does not conflict with the Growth Plan for the Greater Golden Horseshoe.

Land Use

The current proposal for low density single-detached residential development serviced by a new public street complies with both the Toronto Official Plan and the former City of Scarborough Official Plan without the necessity of any further amendment.

Servicing

No servicing concerns have been identified with respect to the proposed subdivision. A provision in the draft zoning by-law amendment currently before the OMB (Attachment No. 4) will require that the new public street is constructed to minimum base standards, and that all water mains and sanitary sewers are installed and operational, prior to construction of the new homes. All other usual City servicing requirements are identified in the proposed conditions of draft plan approval (Attachment No. 6).

Traffic Impact

No operational traffic concerns have been identified with respect to the proposed subdivision.

Open Space/Parkland

A significant portion of the property adjacent to the Taylor-Massey Creek ravine indicated as Blocks 11 and 12 on Attachment No. 1, approximately 37% (3 600 m², or 0.9 ac.) of the site, is proposed by the owner for dedication to the City of Toronto in a natural, undeveloped condition to expand Warden Woods Park and for related environmental purposes. Accordingly, these lands would be zoned for open space uses in the proposed draft zoning by-law amendment currently before the OMB (Attachment No. 4). Parks staff advise that the proposed dedication would more than satisfy the City's usual 5% parkland dedication requirements for this development.

Ravine Protection

Urban Forestry – Ravine Planning advises it has no objection to the draft plan of subdivision in principle. A large portion of the proposed development site, however, is subject to provisions of the City of Toronto Municipal Code Chapter 658 - Ravine Protection, which requires a permit to injure/destroy trees, place or dump fill and/or alter the grade of land in defined areas. In this area the TRCA has authority with respect to excavation, dumping or alteration of the grade of land, and Urban Forestry defers to the TRCA's authority in this respect.

Urban Forestry has identified a number of further technical requirements that are currently being addressed by the owner. These matters can be finalized through the further site plan application that is required for the proposed development to proceed.

The TRCA has requested a condition of draft plan of subdivision approval that the owner submit a Ravine Stewardship and Enhancement Plan to address the protection of the Taylor-Massey Creek ravine. The owner has agreed to do so, and a condition in this regard is included in the proposed conditions of draft plan approval (Attachment No. 6).

Development Infrastructure Policy and Standards (DIPS) Issues

The future public street will comply fully with DIPS standards for local residential streets. The proposed 14.5 m (47.6 ft.) wide road allowance is acceptable as it is 'single-loaded' (i.e., having a City park on one side with development on the other side only), and would not be a through street. The proposed turning circle radius of 15.25 m (50 ft.)

also satisfies City standards. The road cross section is sufficient to provide for an 8 m (26 ft.) wide paved roadway with adequate boulevard space for underground utilities, the provision of street trees and a sidewalk on the south side.

Toronto Green Development Standard

Council has adopted the Toronto Green Development Standard, and staff will pursue the implementation of the standard further through the future site plan approval application. The proposed public dedication of 37% of the site in particular will ensure that urban forest adjacent to the development site is retained for wildlife habitat and tree canopy to provide shade, privacy and air quality benefits.

Archaeological Clearance

Heritage Preservation Services staff advise that in view of the archaeological assessment submitted by the owner, the property can be considered free of archaeological concerns. Standard draft plan of subdivision conditions regarding any archaeological or human remains encountered during construction are recommended (as contained in Attachment No. 6).

Subdivision Design/Context

The average size of the proposed lots, approximately 416 m² (4,484 sq.ft.), compares favourably with the minimum required lot size west of Herron Avenue of 371 m² (4,000 sq.ft.). The frontage of 7.6 m (24.8 ft.) for the smallest proposed lot compares favourably with the smallest lot frontage in the Moreau Trail subdivision to the north of 7.4 m (24.3 ft.) as well. Given the proposed lot configurations and designs for the various new dwellings, the average building coverage overall of approximately 41% would also be less than the maximum 45% permitted for the Moreau Trail subdivision to the north of the site. Other development standards related to building setbacks, parking and landscaping proposed in the new zoning for the site are comparable to, and in some cases are more stringent than, those applying to the remainder of the neighbourhood.

The proposed subdivision design makes efficient use of the lands, will establish a new public street and provides for well-integrated low density residential in-fill development within the interior of this neighbourhood. On this basis Planning staff conclude that the proposed subdivision adequately satisfies the City's planning objectives and policies, represents good planning and will make an appropriate addition to the Clairlea community.

Implementation

Subdivision approval authority has been delegated by City Council to the Chief Planner and Executive Director by By-law 229-2000.

The draft zoning by-law amendment (Attachment No. 4) authorized by City Council for submission to the OMB for approval includes regulations for the proposed single-detached dwellings addressing land use, building setbacks, building height and landscaping. Also included is a regulation requiring availability of municipal services.

The lands proposed for conveyance to the City of Toronto would be zoned for open space purposes only.

The conditions of draft plan of subdivision approval, included as Attachment No. 6, are in addition to the conditions which will be contained in the main body of the subdivision agreement, and address detailed technical requirements to ensure the orderly development of the lands including, among other matters, the construction of the new public road, servicing, utility co-ordination, street tree planting, and conveyance of lands to the City.

Public Notice

A notice sign was posted on the property by the owner shortly after submission of this application. In accordance with Planning Act requirements, Notice of the Public Meeting to consider this application has also been provided by the City Clerk within 120 m (400 ft.) of the subject property. To date, Planning staff have received no responses to the Public Notice.

Development Charges

It is estimated that the development charges for this project will be \$104,150.00. This is an estimate. The actual charge is assessed and collected upon issuance of the building permit.

CONTACT

Rod Hines, Principal Planner
Tel. No. (416) 396-7020
Fax No. (416) 396-4265
E-mail: hines@toronto.ca

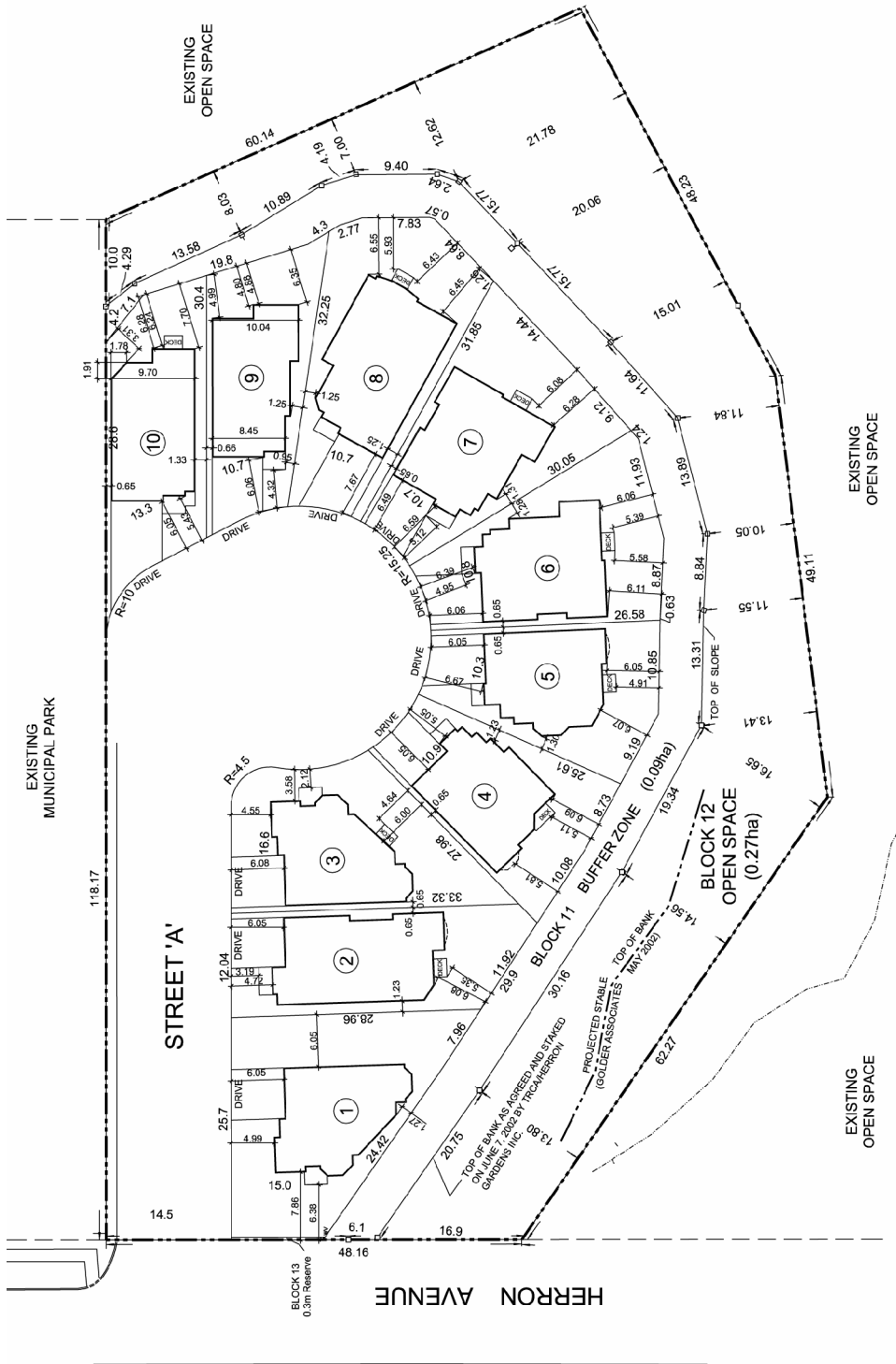
SIGNATURE

Allen Appleby, Director
Community Planning, Scarborough District

ATTACHMENTS

Attachment 1: Proposed Draft Plan of Subdivision and House Siting Plan
Attachment 2: Toronto Official Plan
Attachment 3: Scarborough Official Plan (Clairlea Community Secondary Plan)
Attachment 4: Draft Zoning By-law Amendment
Attachment 5: Application Data Sheet
Attachment 6: Proposed Conditions of Draft Plan of Subdivision Approval

**Attachment 1: Proposed Draft Plan of Subdivision
and House Siting Plan**

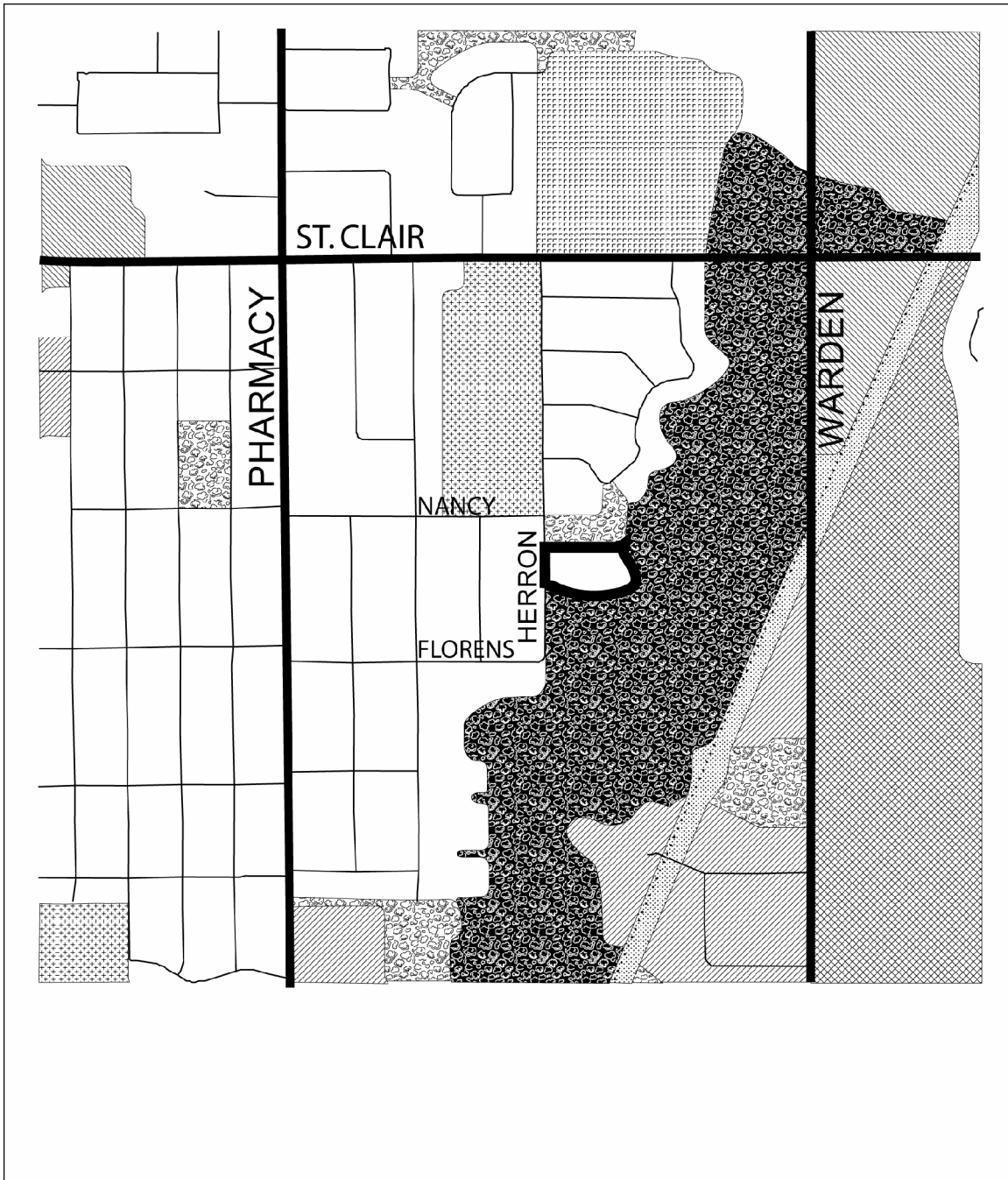





Proposed Draft Plan of Subdivision and House Siting Plan 25 Herron Avenue
 Applicant's Submitted Drawing

File # 07-145186 SB and 04-126266 0Z

Not to Scale
 6/1/07

Attachment 2: Toronto Official Plan

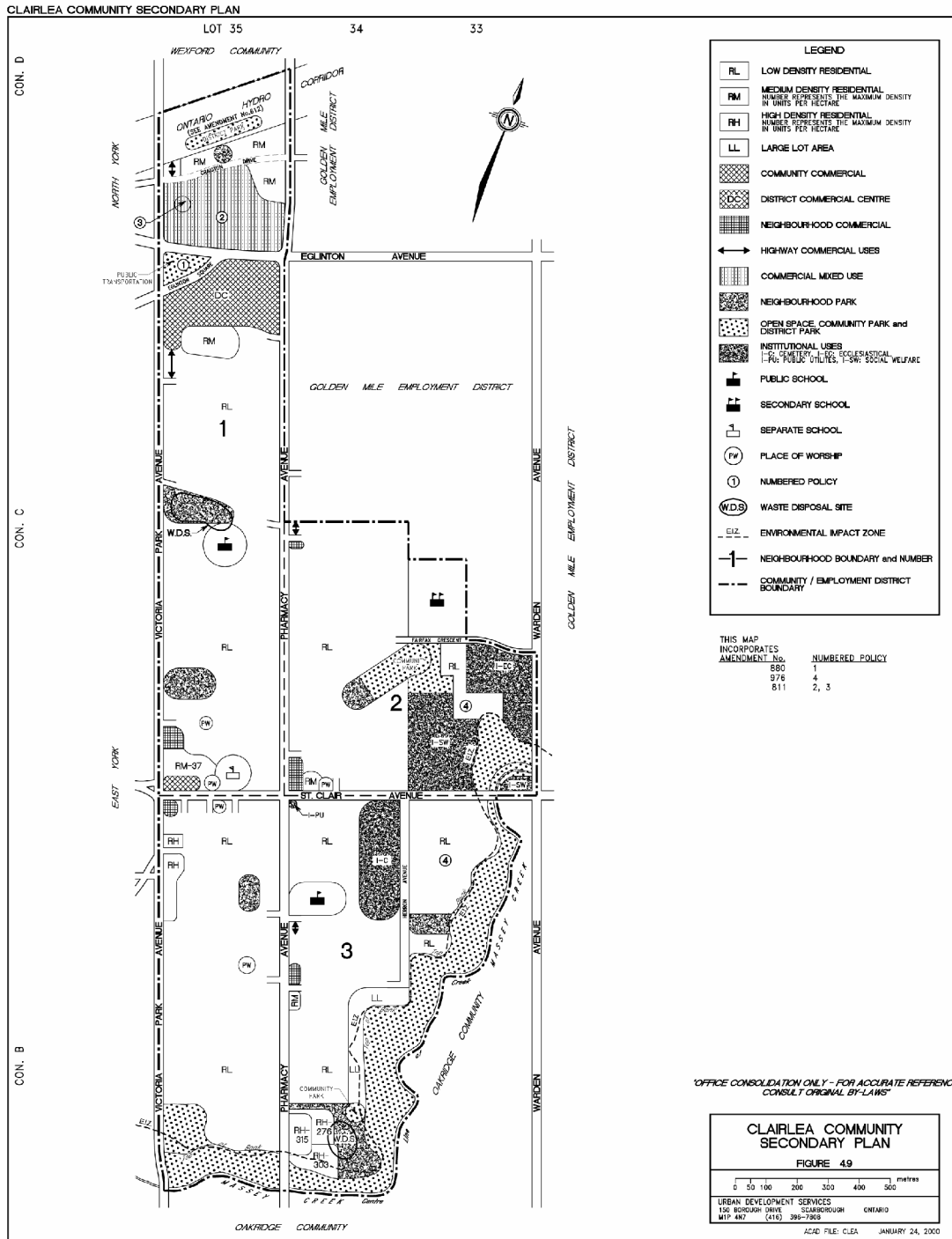


- | | | |
|--|--|---|
|  Site Location |  Natural Areas |  Institutional Areas |
|  Neighbourhoods |  Parks |  Employment Areas |
|  Apartment Neighbourhoods |  Other Open Space Areas |  Utility Corridors |
|  Mixed Use Areas | | |



Not to Scale
07/28/06

Attachment 3: Scarborough Official Plan (Clairlea Community Secondary Plan)



Attachment 4: Draft Zoning By-law Amendment

CITY OF TORONTO

BY-LAW No. --2007 (OMB)

To amend By-law No. 8978, the Clairlea Community Zoning By-law, as amended, with respect to the lands known as 25 Herron Avenue

WHEREAS the Ontario Municipal Board, pursuant to its Order No. -- issued on --, 2007, upon hearing the appeal of the owner under Section 34(7) of the *Planning Act*, determined to amend By-law No. 8978 with respect to the Clairlea Community:

1. Schedule "A" of the Clairlea Community Zoning By-law No. 8978 is amended by deleting the current zoning for the lands at 25 Herron Avenue, and substituting new zoning on the subject lands as shown on Schedule '1' attached hereto and forming part of this By-law, together with the following letters and numerals:

(S) – 21 – 38 – 59 – 89 – 121 – 123 – 124 – 129 – 135 – 208

(S) – 22 – 38 – 57 – 89 – 121 – 123 – 125 – 126 – 127 – 129 – 135 – 208

(S) – 21 – 38 – 58 – 89 – 121 – 123 – 124 – 126 – 128 – 129 – 135 – 208

(S) – 21 – 38 – 59 – 89 – 121 – 123 – 124 – 129 – 138 – 208

O

2. Schedule "B" of the Clairlea Community Zoning By-law No. 8978, **Performance Standards Chart**, is amended by adding the following Performance Standards:

SIDE YARD

57. Minimum 4.5 m from the side **main wall** to the street line for buildings erected on corner lots, and minimum 1.2 m on the other side.
58. Minimum 3 m from the side **main wall** to the street line for buildings erected on corner lots, and minimum 0.6 m on the other side.
59. Minimum 1.2 m one side and 0.6 m on the other.

MISCELLANEOUS

123. Maximum building **height** 10.5 m.
124. A minimum of 35% of the front yard shall be maintained as landscaping.
125. A minimum of 100% of the front yard shall be maintained as landscaping.

126. A minimum of 50% of the **side yard** abutting a street shall be maintained as landscaping.
127. A minimum of 100% of the **rear yard** within 4.5 m of a street line shall be maintained as landscaping.
128. A minimum of 100% of the **rear yard** within 3 m of a street line shall be maintained as landscaping.
129. No person shall use any land or erect or use any building or structure unless the following municipal services are provided to the lot line and the following provisions are complied with:
 - (a) all new public roads have been constructed to a minimum of base curb and base asphalt and are connected to an existing public highway, and
 - (b) all water mains and sanitary sewers, and appropriate appurtenances, have been installed and are operational.

MINIMUM BUILDING SETBACKS

138. Minimum building setback 4.75 m from the **rear lot line**, as measured to the mid-point of the rear **main wall**. No portion of the rear **main wall** shall be setback less than 3.25 m from the **rear lot line**.

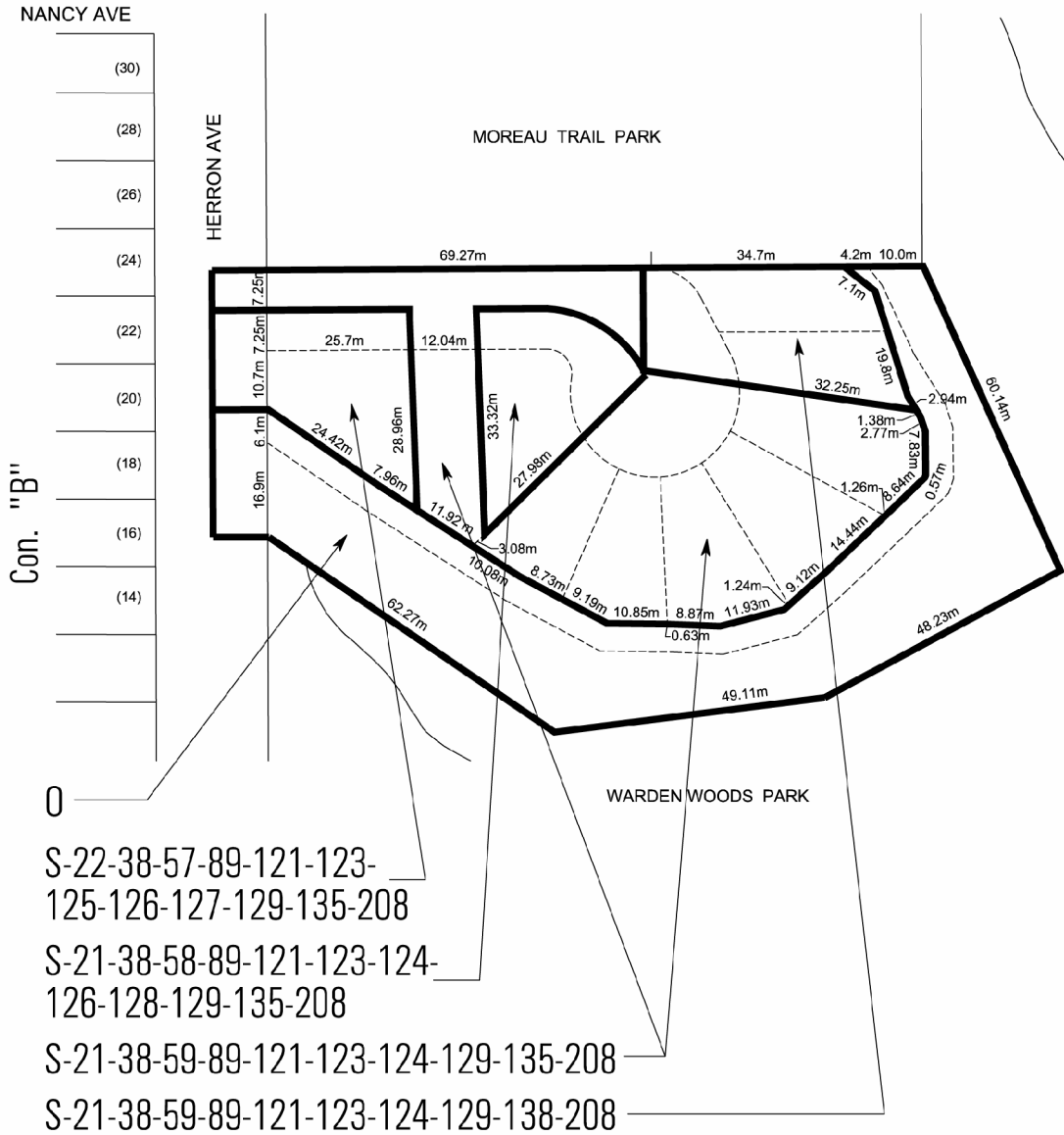
INTENSITY OF USE

208. One **Single-family dwelling** per parcel having a minimum area of 345 m² and a minimum lot width of 10 m measured along a straight line perpendicular to a line representing the **lot depth** at a point equivalent to the minimum required front building setback.
3. Schedule "C" of the Clairlea Community Zoning By-law No. 8978, **Exceptions Chart**, is amended by adding the following Exception No. 16 to the subject lands as shown on Schedule '2':
 16. On those lands identified as Exception Number 16 on the accompanying Schedule "C" map, the following provisions shall apply:
 - a) The subject lot shall be deemed to be a corner lot.

PURSUANT TO ORDER/DECISION NO. ~ OF THE ONTARIO MUNICIPAL BOARD ISSUED ON ~, 2007 IN BOARD CASE NO. PL060477

Schedule '1'

Lot 33



TORONTO City Planning Division
Zoning By-Law Amendment

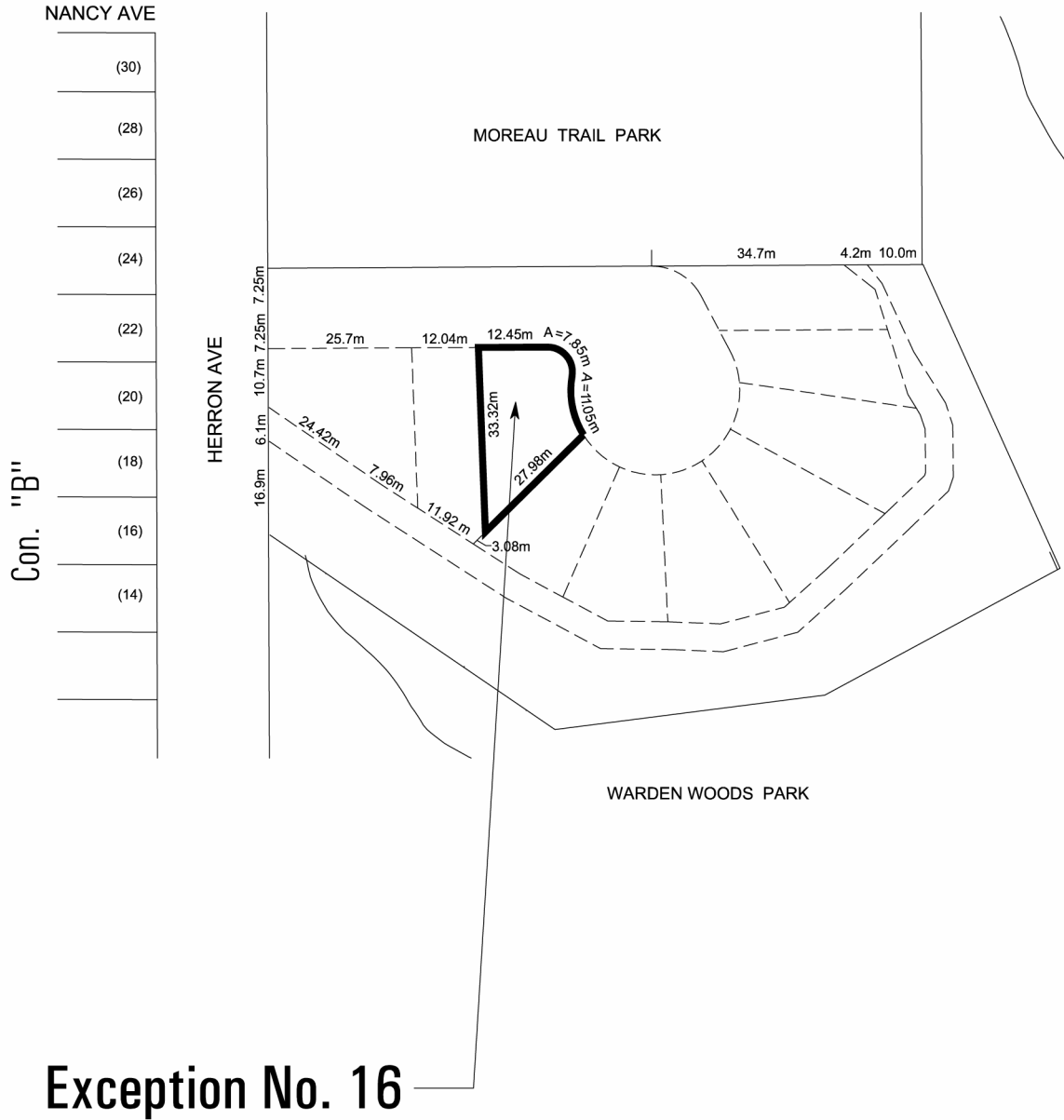
25 Herron Avenue
 File # 07-145186 SB & 04-126266 OZ

 Area Affected By This By-Law

Clairlea Community By-law
 Not to Scale
 6/1/07

Schedule '2'

Lot 33



Exception No. 16

TORONTO City Planning Division
Zoning By-Law Amendment

25 Herron Avenue
 File # 07-145186 SB & 04-126266 OZ

 Area Affected By This By-Law

Clairlea Community By-law
 Not to Scale
 6/1/07



Attachment 5: Application Data Sheet

Application Type	Subdivision Approval	Application Number:	07 145186 ESC 35 SB
Details		Application Date:	April 10, 2007
Municipal Address:	25 HERRON AVE, TORONTO ON M1L 3V8		
Location Description:	CON B PT LOT 33 **GRID E3506		
Project Description:	10 single-detached residential parcels on a new public street		

Applicant:	Agent:	Architect:	Owner:
DILLON CONSULTING LTD			CAL-WARD DEVELOPMENTS INC.

PLANNING CONTROLS

Official Plan Designation:	Low Density Residential (Scarborough Official Plan)	Site Specific Provision:	n/a
Zoning:	Single Family Residential (S)	Historical Status:	n/a
Height Limit (m):	2-storeys, 9 m.	Site Plan Control Area:	Yes

PROJECT INFORMATION

Site Area (sq. m):	9454.1	Height:	Storeys:	2	
Frontage (m):	48.16		Metres:	10.5	
Depth (m):	129				
Total Ground Floor Area (sq. m):	0				Total
Total Residential GFA (sq. m):	0		Parking Spaces:	0	
Total Non-Residential GFA (sq. m):	0		Loading Docks	0	
Total GFA (sq. m):	0				
Lot Coverage Ratio (%):	0				
Floor Space Index:	0				

DWELLING UNITS

FLOOR AREA BREAKDOWN (upon project completion)

Tenure Type:	Freehold Ownership		Above Grade	Below Grade
Rooms:	0	Residential GFA (sq. m):	0	0
Bachelor:	0	Retail GFA (sq. m):	0	0
1 Bedroom:	0	Office GFA (sq. m):	0	0
2 Bedroom:	0	Industrial GFA (sq. m):	0	0
3 + Bedroom:	0	Institutional/Other GFA (sq. m):	0	0
Total Units:	10			

CONTACT:	PLANNER NAME:	Rod Hines, Principal Planner
	TELEPHONE:	(416) 396-7020

Attachment 6: Proposed Conditions of Draft Plan of Subdivision Approval

SUBDIVISION APPLICATION 07 145186 ESC 35 SB PART OF LOT 33, CONCESSION B CITY OF TORONTO (FORMER CITY OF SCARBOROUGH) CAL-WARD DEVELOPMENTS INC.

STANDARD CONDITIONS

Subdivision Agreement

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

Tax Payment

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

Zoning

3. Prior to the registration of the plan of subdivision, the subject land is to be zoned in accordance with the uses proposed on the draft plan to the satisfaction of the Chief Planner and Executive Director, City Planning.

Approval Period

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

SERVICES

Easement Requirements

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

Street Lighting

6. The Owner agrees to provide street lighting, at no cost to the City. Such street lighting shall be installed prior to the first residential occupancy to the satisfaction of Toronto Hydro, in consultation with City Planning.

ROADS

7. The Owner agrees to construct the new public cul-de-sac street to City of Toronto standards and to the satisfaction of the Executive Director, Technical Services, including:
 - a) a minimum 14.5 m municipal right-of-way;
 - b) the turning circle having a minimum radius of 15.25 m and a minimum curb radius of 12.5 m; and
 - c) 6 m corner roundings (street line radius) on both corners of the new public street intersection with Herron Avenue, with 8 m curb radii.
8. The Owner agrees that the proposed public street, including corner roundings and 0.3 m reserves, will be conveyed to the City for a nominal sum, free and clear of all encumbrances, and dedicated as public highway to the satisfaction of the Executive Director, Technical Services.
9. The Owner agrees to make satisfactory arrangements with the Executive Director, Technical Services for the lifting of a 0.3 m (1 ft.) reserve along the Herron Avenue frontage of this property.
10. The owner shall submit to the Executive Director, Technical Services, for review and deposit in the Land Registry Office, a draft Reference Plan of Survey in metric units and integrated into the Ontario Co-ordinate System with co-ordinate values shown on the plan, and delineating thereon by separate PARTS the lands to be conveyed to the City, the remainder of the site, and any appurtenant easements. The applicant must contact the Supervisor of Property Records at (416-392-8338) in this regard. All registered costs and costs to prepare the referenced plan(s) shall be paid by the owner.

Street Signage

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

Transportation Related Red-line Changes

12. The Owner will make any necessary red-line changes to the plan of subdivision regarding rights-of-way, turning facilities, 0.3 m (1 foot) reserves, corner

roundings, and sight lines to the satisfaction of the Executive Director, Technical Services.

ADDITIONAL FINANCIAL REQUIREMENTS

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

DRIVEWAYS

14. The Owner agrees that all lot layouts shall create street frontages such that no driveway entrance shall overlap with the adjacent driveway approach within the boulevard. All driveway entrances shall be designed and constructed in accordance with Ontario Provincial Standard Drawing no. OPSD -351.010 to the satisfaction of the Executive Director, Technical Services.

SIDEWALKS

15. The Owner agrees to provide, along the entire south frontage of the proposed public roadway from Herron Avenue to the east limit of Lot 3, a 2 m municipal sidewalk if adjacent to the curb or a 1.7 m municipal sidewalk if located 1 m from the property line, which shall be completed prior to occupancy of any dwellings, to the satisfaction of the Executive Director, Technical Services.
16. The Owner agrees to extend the existing municipal sidewalk along the entire Herron Avenue frontage of this site, or to provide cash-in-lieu thereof, to the satisfaction of the Executive Director, Technical Services.

WINDROW AND SIDEWALK SNOW CLEARING

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

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

REAR YARD CATCHBASINS

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

“Purchasers are advised that they are responsible for the upkeep and maintenance of rear yard catchbasins, drainage swales, and catchbasin leads (i.e. connections) located on private property.”

STORMWATER MANAGEMENT

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

ENVIRONMENTAL ASSESSMENT

Environmental Assessment Reports and Remedial Action Plan

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

SCHOOLS

School Boards - Signs

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

Warning Clauses – School Accommodation

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

“Despite the best efforts of the Toronto District School Board, sufficient accommodation may not be locally available for all students anticipated from the development area and that students may be accommodated in facilities outside the area, and further, that students may later be transferred.

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

and

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

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

PARKLAND DEDICATION

24. In full satisfaction of the City’s parkland dedication requirements, the Owner agrees to convey, through a reference plan, Blocks 11 and 12 indicated on the proposed draft plan, to the City of Toronto at no cost prior to the registration of the subdivision.

RAVINES

25. The Owner agrees to apply for and receive a permit under Ontario Regulation 166/06 from the Toronto and Region Conservation Authority prior to any development on the subject property.
26. The owner agrees to submit a Ravine Stewardship and Enhancement Plan to address the protection of the Taylor-Massey Creek ravine, satisfactory to the General Manager, Parks, Forestry and Recreation (Urban Forestry, Ravine Planning) in consultation with the Toronto and Region Conservation Authority.

STREET TREES

Street Tree Planting Plan

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

Composite Utility Plan

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

Street Tree Planting – Letter of Credit

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

Street Tree Planting and Replacement Requirements

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

Warning Clause – Street Tree Planting

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

Street Tree Planting – Cash-in-Lieu

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

PRIVATE TREES

33. The Owner agrees to apply for and receive all necessary permits under the City of Toronto Private Tree By-law to injure or remove private trees on the property, as may be determined to be required by General Manager, Parks, Forestry & Recreation. The Owner further agrees to provide all replacement tree plantings on the subject property or in such other manner as may be required through conditions of approval of such permits, satisfactory to the General Manager, Parks, Forestry & Recreation.

UTILITIES

34. A minimum clearance of 1 m must be provided and maintained from any utility fixtures in public road allowance. If this is not possible, such fixtures must be relocated at the Owner's expense. The reinstatement of any existing curb cuts/utilities is to be completed at the Owner's expense.

SERVICE CONNECTIONS

35. Each dwelling unit is to have a separate sanitary and water service connection as per the Sewer Use By-law. The storm water from eavestroughs is to drain over the ground to recharge the groundwater, and no direct connections to the storm sewer pipes are to be made.

ENCROACHMENTS

36. There is to be no encroachment into the right-of-way with any structure or landscaping from the private properties. This includes but is not limited to steps, porches, pillars, sprinkler systems, flower beds, rocks etc. The developer will be responsible to remove any of these encroachments prior to the acceptance of the subdivision.

FENCING

Fencing Plan

37. Prior to the registration of the plan of subdivision, the Owner shall prepare a detailed fencing plan, and agrees to install any required privacy, decorative or park and ravine fencing, to the satisfaction of the Chief Planner and Executive

Director, City Planning in consultation with the General Manager, Parks, Forestry & Recreation.

Fencing Plan – Letter of Credit

38. Prior to the registration of the plan of subdivision, the Owner shall post a Letter of Credit as security for the installation of any required privacy, decorative or park and ravine fencing equal to 120% of the value of the fencing, to the satisfaction of the Chief Planner and Executive Director, City Planning in consultation with the General Manager, Parks, Forestry & Recreation.

COMMUNITY MAIL BOXES

39. The Owner agrees to include in all Offers of Purchase and Sale a statement that advises the prospective purchaser that mail delivery will be from a designated Community Mailbox, and will be responsible for notifying the purchaser of the exact Community Mailbox locations prior to the closing of any sale.
40. The owner shall consult with Canada Post Corporation to determine suitable locations for the placement of a Community Mailbox and agrees to provide the following, all to the satisfaction of Executive Director, Technical Services:
 - a) an appropriately sized sidewalk section (concrete pad) to municipal standards on which to place the Community Mailbox;
 - b) any required walkway across the boulevard to municipal standards;
 - c) a curb depression for wheelchair access to the Community Mailbox to municipal standards; and
 - d) a suitable temporary Community Mailbox location for use by Canada Post until the curbs, sidewalks and final grading have been completed to the permanent Community Mailbox location.

ARCHAEOLOGICAL ASSESSMENT

41. The Owner agrees that in the event that deeply buried archaeological remains are encountered on the property during construction activities, the Owner shall immediately notify both the Heritage Operations Unit of the Ministry of Culture at (416) 314-7146 and the City of Toronto Heritage Preservation Services Unit at (416) 338-1096.
42. The Owner agrees that in the event that human remains are encountered during construction, the Owner shall immediately notify both the Ministry of Culture and the Registrar or Deputy Registrar of Cemeteries at the Cemeteries Regulation Unit, Ministry of Government Services at (416) 326-8404.

DEMOLITION OF BUILDINGS AND STRUCTURES

43. Prior to the registration of the plan of subdivision, the Owner shall make arrangements to demolish any existing buildings and structures to the satisfaction of the Chief Building Official and the Toronto and Region Conservation Authority.

SITE PLAN CONTROL

44. The Owner acknowledges that the property is subject to site plan control and that the City will require a registered site plan control agreement for all proposed developments within the boundaries of the plan of subdivision.

COMPLETION AND COMPLIANCE

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

WARNING CLAUSES - SOLICITORS CONFIRMATION

46. Prior to the registration of the plan of subdivision, the Owner shall provide its Solicitor's confirmation to the City advising that the warning clauses set out above have been included in all Offers of Purchase and Sale and/or Rental Agreements.