

105 Scarboro Avenue – Zoning and Plan of Subdivision Applications - Request for Direction Report

Date:	August 14, 2007
To:	Scarborough Community Council
From:	Director, Community Planning, Scarborough District
Wards:	Ward No. 44 – Scarborough East
Reference Number:	File Nos. 06 101631 ESC 44 OZ; 06 101643 ESC 44 SB

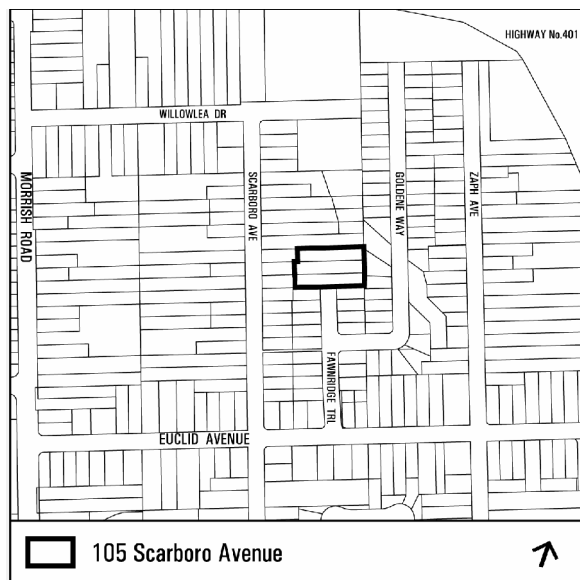
SUMMARY

The purpose of this report is to seek City Council’s direction for the Ontario Municipal Board hearing commencing October 16, 2007 on appealed zoning by-law amendment and draft plan of subdivision applications for a proposed 5-lot residential plan of subdivision on consolidated lands located north of Euclid Avenue between Scarboro Avenue and Goldene Way in the Highland Creek Community.

The subject lands may potentially be located in the regulatory floodplain. The applicant is currently undertaking discussions with Toronto and Region Conservation Authority (TRCA) and City staff in an attempt to satisfactorily address this issue. In accordance with Official Plan policies City staff cannot support any new development within the regulatory floodplain.

Planning staff would support the proposal provided outstanding issues as outlined in this report are resolved, including the location of the floodplain in relation to the subject lands.

As part of the development of the lands, the applicant has agreed to dedicate a portion of the lands as Open Space to the City.



RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council direct the City Solicitor and appropriate staff to attend the Ontario Municipal Board hearing to oppose the applications as the applicant has not fully addressed the concerns of TRCA, and the City's requirements for tree preservation.
2. City Council direct staff to continue to negotiate with the applicant in an attempt to resolve any outstanding matters as outlined in this report including the location of the regulatory floodplains, and developing a tree preservation plan to protect as many trees as possible.
3. In the event the applicant addresses the issues raised in this report, City Council authorize the City Solicitor to settle the appeal in consultation with the Director of Community Planning, Scarborough District, on the basis of the attached draft zoning by-law amendment (Attachment 7), draft plan of subdivision (Attachment 1), and draft plan of subdivision conditions (Attachment 8), subject to any further revisions necessary as a result of the continued review of the plans.

Financial Impact

There are no financial implications resulting from the adoption of this report.

DECISION HISTORY

Consent applications to assemble the lands for the creation of a residential plan of subdivision were approved by the Committee of Adjustment on October 11, 2005.

Scarborough Community Council adopted the staff recommendations in the Preliminary Report for the subject applications on April 4, 2006. In addition, Council directed that Planning staff work with the applicant towards ensuring that every effort be made by the developer to protect the existing trees on the site, and that the Environmental Protection Zone be fully protected throughout the construction process.

ISSUE BACKGROUND

Proposal

The original proposal submitted in January of 2006 proposed 6 new single family residential lots fronting onto an extension of Fawnridge Trail. The proposed lots had frontages of approximately 15.7 metres (51.5 feet), and lot areas ranging from 471 square metres (5,070 square feet) to 531 square metres (5,716 square feet) (Attachment 5).

The applicant appealed the zoning by-law amendment and draft plan of subdivision applications to the Ontario Municipal Board on January 16, 2007, on the basis that

Council failed to make a decision within the required statutory time period. The Ontario Municipal Board has scheduled a hearing date of October 16, 2007 for a 4-day hearing.

On May 22, 2007 the applicant formally revised their applications. In response to issues raised in the Preliminary Report and at the community consultation meeting, the proposal was revised to a 5-lot plan of subdivision, including a 485 square metres (5,221 square feet) parcel of land, to be designated “Open Space” and dedicated to the City, free of charge. The proposed lots would have frontages ranging from 15.8 metres (52 feet) to 26.7 metres (88 feet), and lot areas ranging from 477 square metres (5,130 square feet) to 555 square metres (5,978 square feet).

Relevant project data is outlined on the Application Data Sheet (Attachment 6).

Site and Surrounding Area

The 0.4 hectare (0.98 acre) site is located north of Euclid Avenue, east of Scarborough Avenue in the Highland Creek Community. The proposed subdivision is an infill development which proposes to extend Fawnridge Trail northerly by approximately 47 metres (154 feet). The subject site is surrounded by single-family residential dwellings and contains numerous trees on site and within close proximity of the subject lands. Centennial Creek, a tributary of Highland Creek, is located northeast of the site.

Provincial Policy Statement

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.

Official Plan

The site is designated Neighbourhoods in the Official Plan (Attachment 3). Neighbourhoods are considered physically stable areas made up of a variety of lower-scale residential uses. Policies and development criteria aim to ensure that physical changes to established Neighbourhoods must be sensitive, gradual and generally “fit” the existing physical character. New development will respect and reinforce the general physical patterns and character of established Neighbourhoods, with particular regard to the size and configuration of lots, heights, prevailing building types and patterns of front, side, and rear yard setbacks, and landscaped open space.

The subject lands are near the Natural Heritage System identified in the new Official Plan, and located northeast of the site. The natural heritage system is made up of areas where protecting, restoring and enhancing the natural features and functions should have a high priority in City building decisions.

The existing Highland Creek Community Secondary Plan has been incorporated into the new Official Plan. The Neighbourhood designation includes only single detached

dwellings, on lots having a minimum lot area of 450 square metres (4,844 square feet). In anticipation of infill development, the Tertiary Plan shows these lands as a possible infill area.

The Official Plan policies provide that development is prohibited within the floodplain, except for buildings and structures in Special Policy Areas, which must be protected from flooding to at least the 350-year flood level.

The Official Plan also provides for policies on hazardous lands. Hazard Lands are areas which because of their susceptibility to flooding or unstable slopes or soils, will be hazardous to life and property if developed. To implement the general direction of prohibiting development to protect hazard lands, the floodplain and the top-of-bank have to be identified in different situations and locations across the City.

Zoning

The subject lands are zoned Single-Family Residential (S) (Attachment 2), permitting one single-family dwelling per parcel of land with a minimum frontage of 15 metres (49 feet) and a minimum lot area of 696 square metres (7,492 square feet).

Reasons for Application

Single-family dwellings are permitted. This is an infill development and the rezoning application is required in order to implement the necessary zoning standards that will regulate the new development. The plan of subdivision application is necessary to create the proposed new lots and public streets.

Community Consultation

A Community Consultation Meeting was held on June 1, 2006. There were approximately 20 residents that attended the meeting along with the Ward Councillor, City Staff and members of the applicant's team. There was a presentation of the original 6-lot plan made by the applicant's planning consultant.

Concerns were raised about retaining existing trees and the ravine area. Residents were also concerned if the proposed lots can be properly serviced without having impacts such as water runoff onto neighbouring lots.

Agency Circulation

The application was circulated to all appropriate agencies and City Divisions. Responses received have been used to assist in evaluating the application and to formulate appropriate by-law standards and conditions of draft plan approval.

COMMENTS

Regulatory Flood Level

In the Preliminary Report adopted by Community Council, staff identified a number of issues to be addressed including the impact of the proposed development on the ravine, and natural heritage system.

A portion of the Fawnridge Trail public road extension and the north easterly lot on the proposed plan of subdivision potentially are located within the floodplain. TRCA policy prohibits new development from occurring in the floodplain. Furthermore new development and/or new lots should be setback a minimum of 10 metres from the regulatory floodplain.

Policies of Section 3 in the Official Plan specify areas within the floodplain may only be used for activities that retain existing topography; protect, restore or improve existing natural features and functions; do not result in unacceptable risks to life or property; and minimize the need to mitigate and remediate floods, erosion and damage to the natural ecosystem.

The applicant has submitted to the TRCA a detailed review of the regulatory flood levels for Centennial Creek in the vicinity of Fawnridge Trail. It is the opinion of their consultant that the regulatory flood elevation along Centennial Creek in the vicinity of Fawnridge Trail, as established by TRCA, has been overestimated due to a combination of the model used, and an over estimation of flood discharges along this section of the Creek.

TRCA is currently working together with the applicant to review the details of the regulatory flood elevation. If the applicant fails to satisfy TRCA and the City with satisfactory floodplain analysis that would locate the regulatory flood zone outside the proposed lots, it is the City's position that the proposal doesn't meet the policies of the Official Plan and, therefore, cannot be supported in its current form. However, should this issue and others identified below be addressed by the applicant, the proposal can be supported by planning staff.

Trees

An Arborist Report was submitted in January of 2006 for the original 6-lot plan. The Arborist Report indicates 24 trees on private property that qualify for protection under the Private Tree By-law. Nine trees are proposed for retention, eight of which are located on adjacent properties. A revised grading plan is required that must accurately identify the existing trees as identified in the Arborist Report as well as the tree protection zones, and indicate no change of grade or swale within the tree protection zones.

The plan of subdivision was revised in May of 2007 to a 5-lot plan. The revised proposal includes a 484.9 square metres (5,220 square feet) Block of land that would be rezoned to Major Open Spaces (O) which will allow for more trees to be protected within the subject lands. Staff will pursue opportunities to preserve and replace trees. A revised arborist

and tree preservation plan has been requested by staff to illustrate the proposed 5-lot subdivision plan, however, it has not been revised by the applicant to date.

Ravine Protection

The presence of Centennial Creek – Upper Reach to the northeast of the site results in a portion of the subject lands being subject to the provisions of the City of Toronto Municipal Code Chapter 658 – Ravine Protection. If healthy trees within the area subject to the Ravine Protection By-law are to be destroyed or injured or there are proposed changes/alterations to the grade of the protected area, a ravine permit application must be submitted to Urban Forestry – Ravine Planning.

Following discussions with staff, the owner has agreed to the preservation and dedication to the City of a 484.9 square metres (5,220 square feet) Block of lands for “Open Space”, which would allow the preservation of several existing trees and the ravine feature of the site (See Block 6 on Attachment 1). In order to ensure the protection of this natural area, City staff is recommending this Block be zoned as ‘Major Open Spaces (O)’ should this proposal be supported at the Ontario Municipal Board by the City. A ravine stewardship/edge management plan is required for the portion of the ravine feature that is to remain. This plan will address selected removal of invasive trees and replacement with native trees/shrubs. Block 6 will be left undeveloped and will be dedicated to the City, after the ravine stewardship plan has been implemented. Under Section 42 of the Planning Act, the owner will also be required to provide 5% cash-in-lieu of parkland payment to the City.

Should the application be approved at the Board, Planning staff will request standard draft plan of subdivision approval conditions be included with regards to tree and ravine protection (Attachment 8).

Plan Configuration and Compatibility

The proposed lots would all have frontages and areas which are in keeping with the surrounding neighbourhood. All of the proposed lots would have frontages greater than 15m (49 feet) and lot areas that meet the minimum Official Plan requirement of 450 square metres (4,844 square feet).

The dwelling units in the proposed subdivision would have a maximum floor area of 0.65 times the area of the lot, which are in keeping with recent subdivision approvals in the immediate neighbourhood.

The proposed front yard building setback of 6 metres (20 feet) would be in keeping with the existing dwellings on Fawnridge Trail. However, due to the irregular shape of proposed Lot 1, the front yard building setback would be 3m (10 feet) for the portion of the building not containing vehicular access. The front yard building setback requirement of 3 metres (10 feet) for a portion of the dwelling on Lot 1 will not have a negative impact on the streetscape of Fawnridge Trail. It is not anticipated that there will be further development on the east side of any extension of Fawnridge Trail. Thus, the reduced front yard setback of 3 metres (10 feet) is appropriate. This will also allow for

more existing natural heritage lands to be protected and dedicated to the City, and would provide for more outdoor amenity space for the proposed lot.

The proposed subdivision is consistent with the road and lotting pattern of the Tertiary Plan. The Tertiary Plan (Attachment 4) illustrates potential residential infill development to ensure continuity of roads and to provide for a compatible lotting pattern.

Should the application be approved by the Board, Planning staff will request the attached Draft Zoning By-law Amendment (Attachment 7) be included with regards to implementing the necessary zoning standards that will regulate the new development.

Toronto Green Development Standard

City Council approved a set of recommendations that work towards the implementation of the Toronto Green Development Standard. The use of the term ‘Green’ is intended to be associated with the concept of ‘sustainability’ or ‘sustainable development’. Staff have discussed these voluntary standards with the applicant, and based on the applicant’s submission, the proposed development is intended to achieve the following targets: Urban Forest and Natural Heritage.

Aside from the functional value of preserving and enhancing the urban forest and natural habitat through the retention of Block 6 as Open Space, there is an aesthetic value to the residents of the proposed dwellings and surrounding dwellings which would provide for shading and privacy.

Servicing

Technical Services have reviewed the development proposal to ensure appropriate municipal services, sanitary and storm sewers, and storm water management can be provided to accommodate the proposed development. Grading is to conform to the City of Toronto lot grading design criteria and to maintain the existing grades at the perimeter of the site and adjacent properties.

The appropriate municipal servicing for the proposed development can be constructed and can be fully serviced in accordance with the City of Toronto’s standards. Should the floodplain issue be resolved and the application be approved at the Board, Planning staff will request standard draft plan of subdivision approval conditions (Attachment 8) be included with regards to required municipal infrastructure.

Archaeological Assessment

Heritage Preservation Services has determined that any development of this property has the potential for causing impacts to archaeological resources. Should the application be approved at the Board, Planning staff will request standard draft plan of subdivision approval conditions (Attachment 8) be included with regards to any archaeological findings.

Development Charges

It is estimated that the development charges for this project will be \$52,075. This is an estimate. The actual charge is assessed and collected upon issuance of the building permit.

CONTACT

Frank Stirpe, Planner
Tel. No. 416-396-7658
Fax No. 416-396-4265
E-mail: fstirpe@toronto.ca

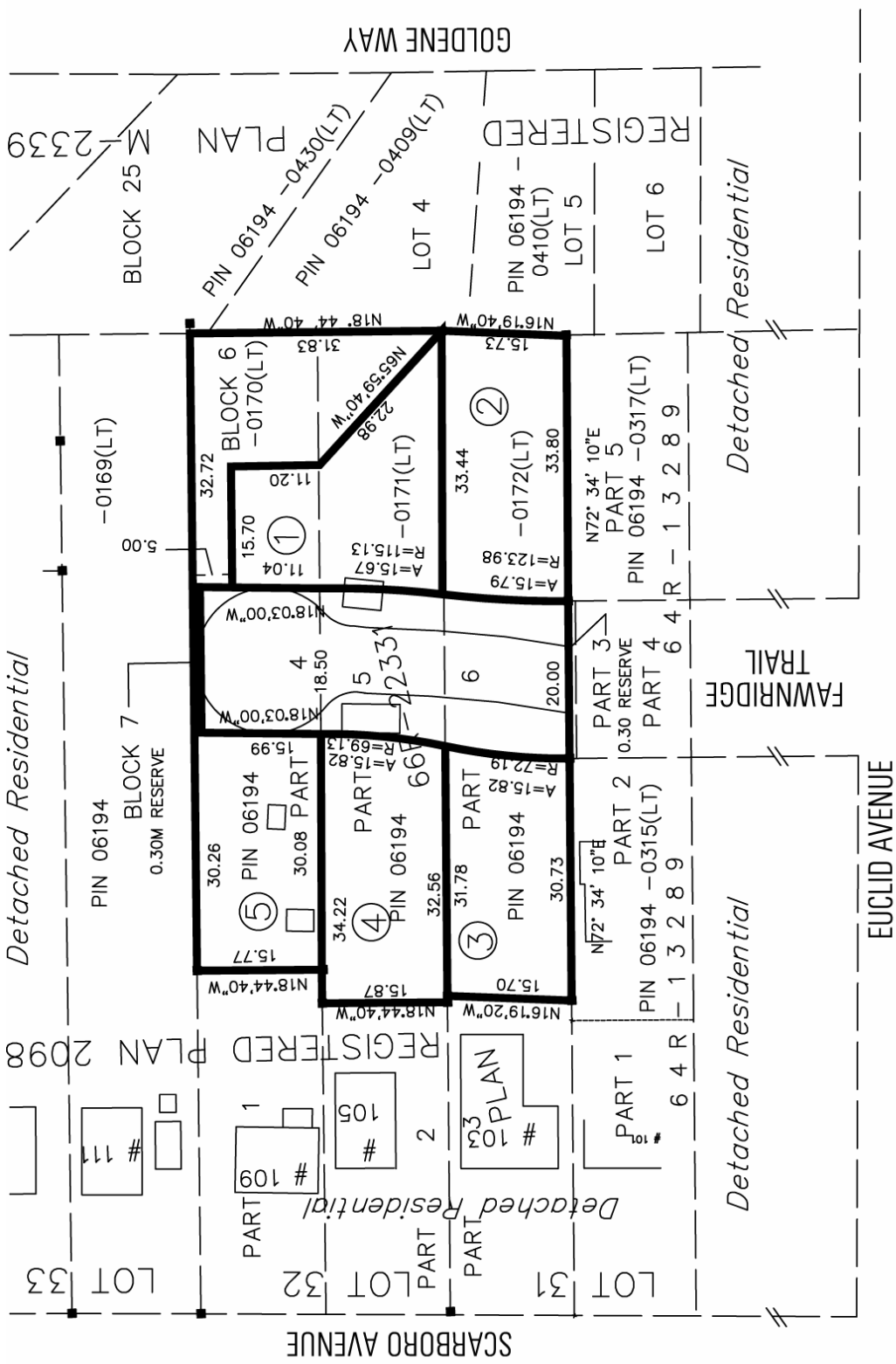
SIGNATURE

Allen Appleby, Director
Community Planning, Scarborough District

ATTACHMENTS

Attachment 1: Subdivision Plan
Attachment 2: Zoning Map
Attachment 3: Official Plan Map
Attachment 4: Tertiary Plan
Attachment 5: Previous Subdivision Plan
Attachment 6: Application Data Sheet
Attachment 7: Draft Zoning By-law Amendment
Attachment 8: Draft Plan of Subdivision Conditions

Attachment 1: Subdivision Plan



105 Scarboro Avenue

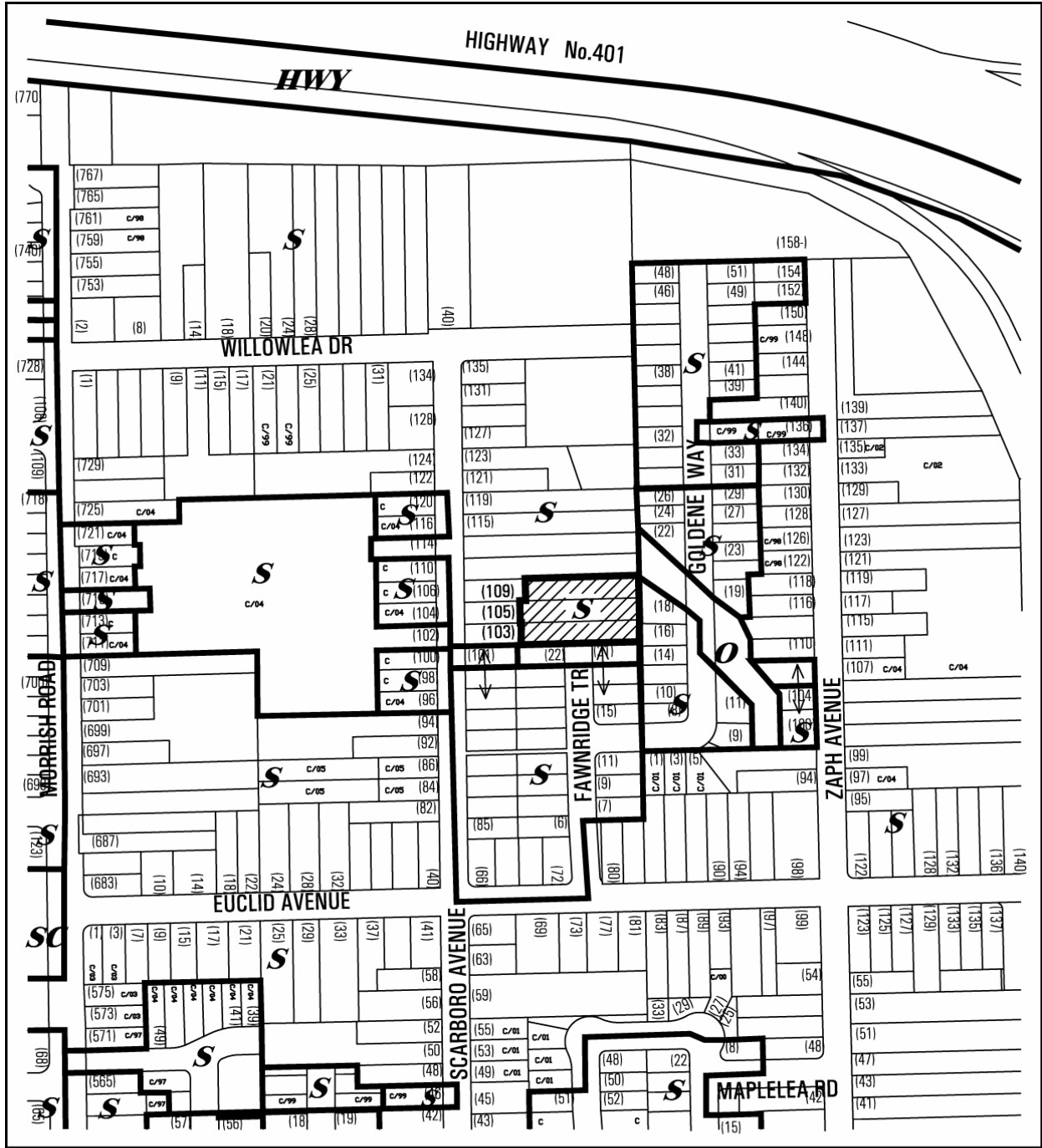
Plan of Subdivision

Applicant's Submitted Drawing

Not to Scale
08/16/07

File # 06-101631 0Z

Attachment 2: Zoning Map



105 Scarboro Avenue
File # 06-101631 OZ

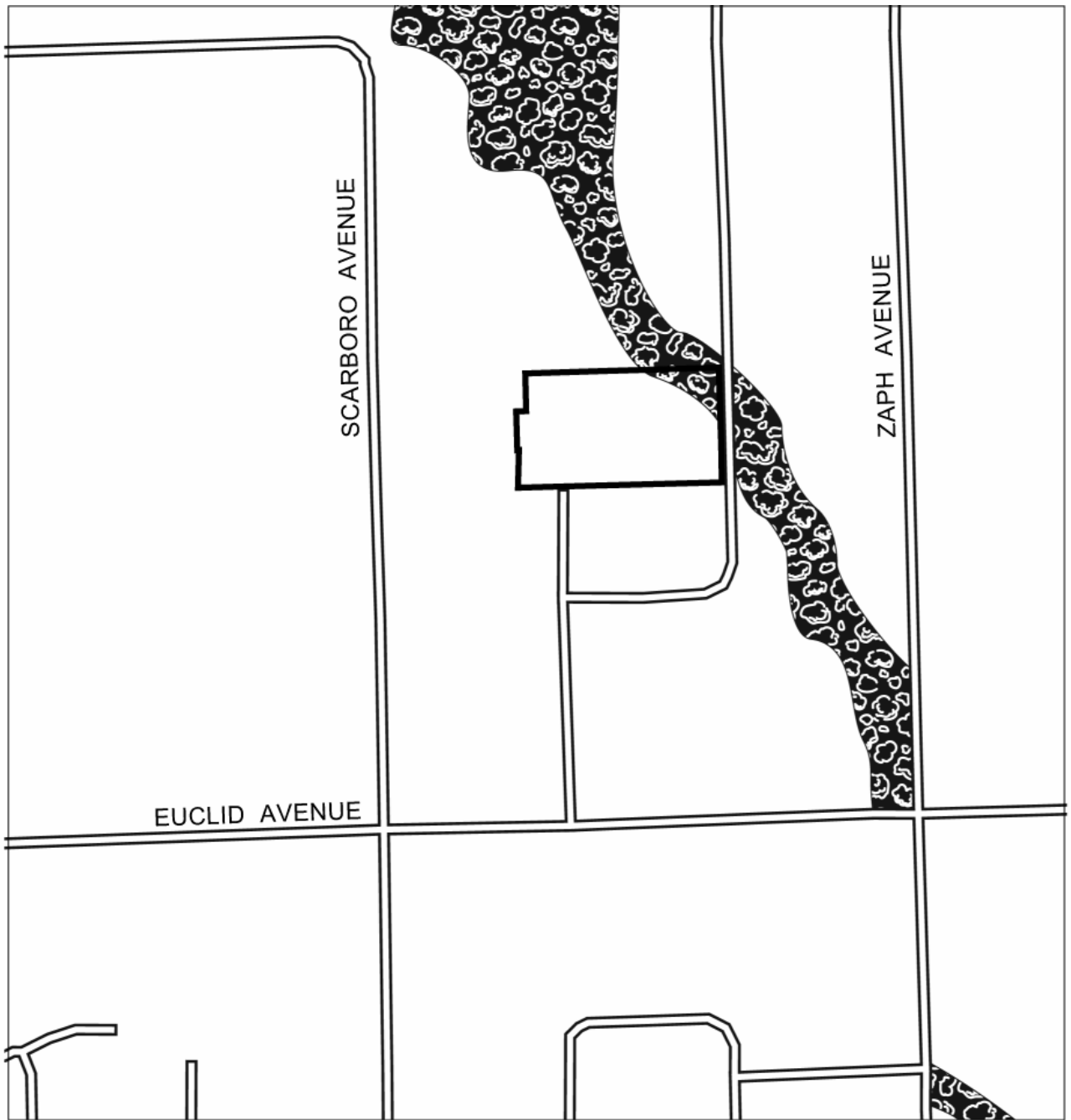
S Single-Family Residential
SC School

O Major Open Spaces
HWY Highway

Highland Creek Community Bylaw
Not to Scale
08/15/07



Attachment 3: Official Plan Map



TORONTO City Planning
Official Plan

105 Scarboro Avenue

File # 06-101631 0Z

-  Site Location
-  Neighbourhoods
-  Parks & Open Space Areas
-  Natural Areas

↑
 Not to Scale
 08/17/07

Attachment 4: Tertiary Plan



**Highland Creek Secondary Plan -
Tertiary Plan**

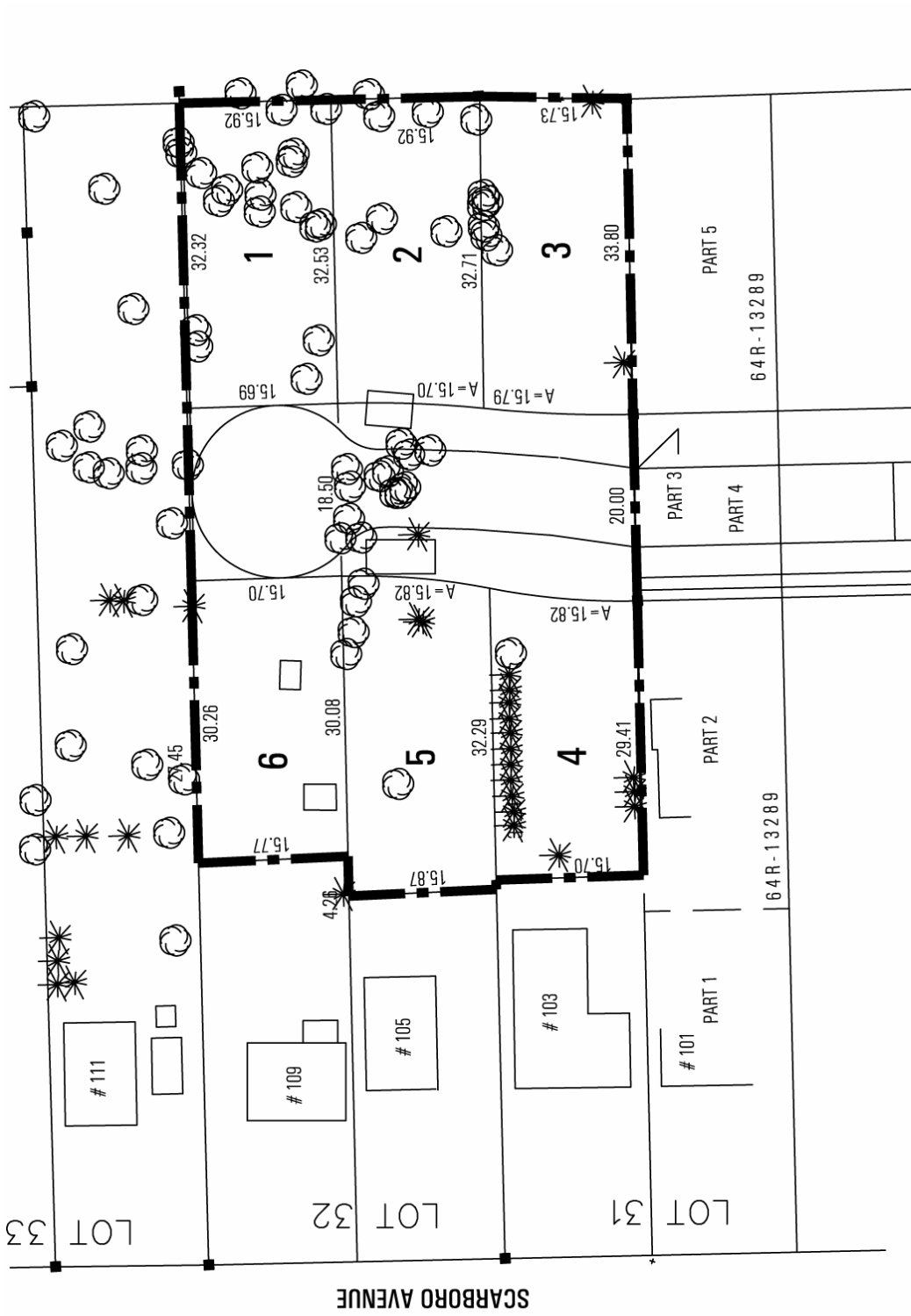
105 Scarboro Avenue

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File # 06-101631 0Z

Attachment 5: Previous Subdivision Plan



105 Scarborough Avenue

Previous Plan of Subdivision

Applicant's Submitted Drawing

Not to Scale
08/15/07

File # 06-101631 OZ

Attachment 6: Application Data Sheet

Application Type	Rezoning; Draft Plan of Subdivision	Application Number:	06 101631 ESC 44 OZ; 06 101643 ESC 44 SB
Details		Application Date:	January 10, 2006

Municipal Address: 105 SCARBORO AVENUE
 Location Description: PL 2098 PT LT31 **GRID E4403
 Project Description: 5 new single-family residential lots fronting onto an extension of Fawnridge Trail, with lands being dedicated to the City and rezoned Open Space.

Applicant:	Agent:	Architect:	Owner:
Lorelei Jones & Associates			Various Owners

PLANNING CONTROLS

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

PROJECT INFORMATION

Site Area (sq. m):	3969	Height:	Storeys:	2	
Frontage (m):	15.9		Metres:	10	
Depth (m):	86				
Total Ground Floor Area (sq. m):	0				Total
Total Residential GFA (sq. m):	0		Parking Spaces:	10	
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

Tenure Type:	Freehold
Rooms:	0
Bachelor:	0
1 Bedroom:	0
2 Bedroom:	0
3 + Bedroom:	5
Total Units:	5

FLOOR AREA BREAKDOWN (upon project completion)

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

CONTACT:	PLANNER NAME:	Frank Stirpe, Planner
	TELEPHONE:	(416) 396-7658

Attachment 7: Draft Zoning By-law Amendment

Authority: Scarborough Community Council Item ~ [or Report No. ~, Clause No. ~]
as adopted by City of Toronto Council on ~, 2007
Enacted by Council: ~, 2007

CITY OF TORONTO

Bill No. ~

BY-LAW No. ~-2007

To amend former City of Scarborough Zoning By-law No. 10827, as amended, with respect to the lands municipally known as 105 Scarboro Avenue

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

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

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

1. **SCHEDULE 'A'** of the Highland Creek Community Zoning By-law is amended for the lands outlined on the attached Schedule '1' by deleting the existing Single-Family Residential (S) Zone, and replacing it with Single-Family Residential (S) and Major Open Spaces (O) Zones, so that the amended zoning reads as follows as shown on Schedule '1':

S – 1 – 31 – 60A – 95A – 118 – 304
S – 1 – 40F – 95A – 99B – 118 – 129 – 304
S – 31 – 45 – 50 – 66 - 373
O

2. **SCHEDULE 'B' PERFORMANCE STANDARD CHART**, is amended by adding Performance Standards 40F, 99B, and 129 as follows:

FRONT YARD

40F Minimum **Front yard** building setback of 3 metres from the street line except the portion of the **main wall** containing the vehicular access shall be setback 6 metres from the street line.

MISCELLANEOUS

99B Maximum building **coverage** of 42%.

BUILDING SETBACK FROM LOT LINES OTHER THAN STREET LINES

129 Minimum building setback of 6.5 metres from the north lot line, 0.9 metres from the south lot line, and a minimum setback of 3 metres to the **rear lot line** and all other lot lines.

3. **SCHEDULE 'C' EXCEPTIONS MAP**, is amended by adding Exception Number 46 as shown on Schedule '2'.

4. **SCHEDULE 'C' EXCEPTIONS LIST**, is amended by adding Exception Number 46 as follows:

46 Minimum **rear yard** setback of 8 metres.

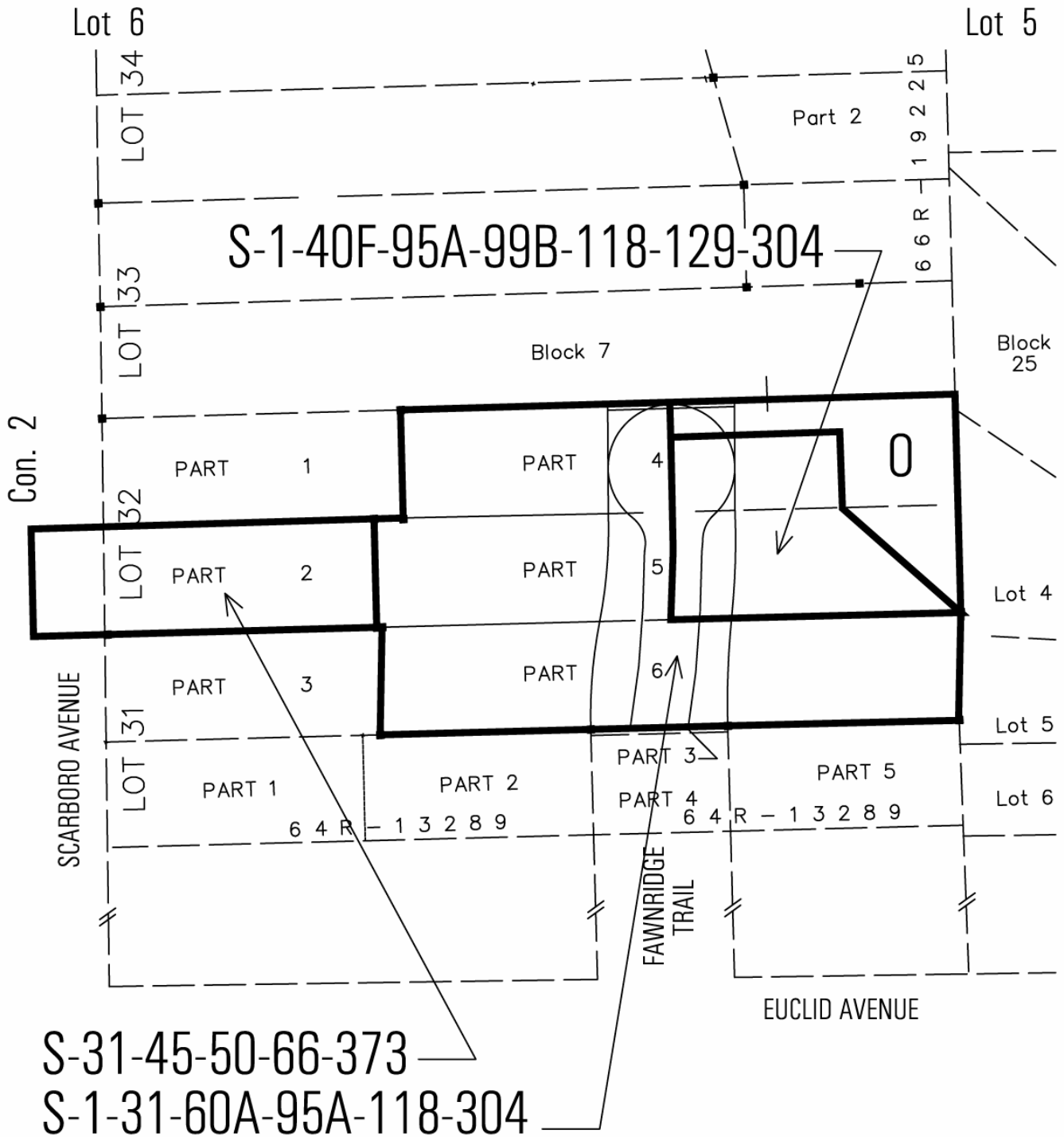
ENACTED AND PASSED this ~ day of ~, A.D. 2007.

DAVID R. MILLER,
Mayor

ULLI S. WATKISS,
City Clerk

(Corporate Seal)

Schedule '1'



Zoning By-Law Amendment

105 Scarborough Avenue

File # 06-101631 OZ



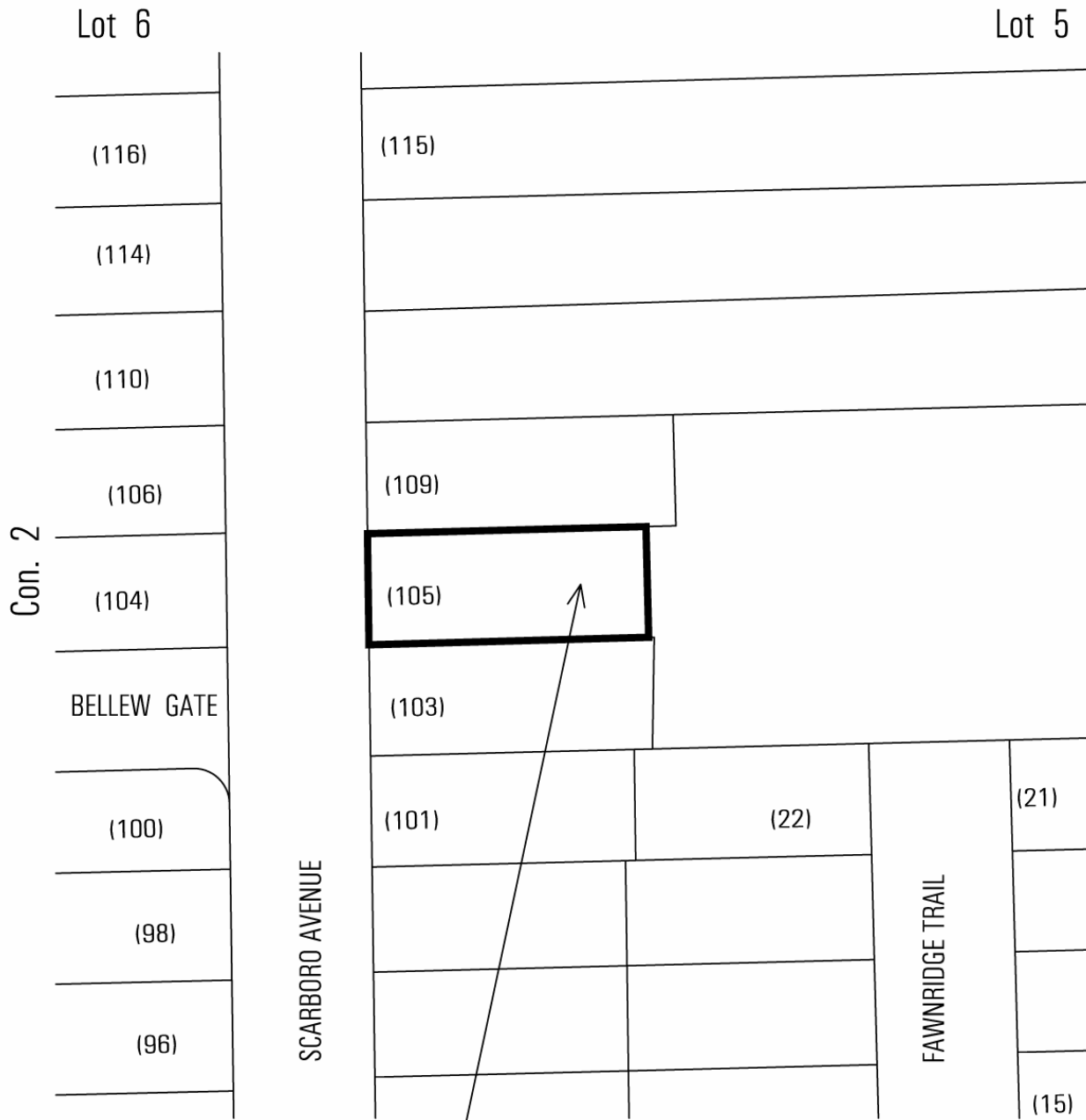
Area Affected By This By-Law

Staff report for action – Request for Direction – 105 Scarborough Avenue

Highland Creek Community Bylaw
Not to Scale
08/21/07



Schedule '2'



Exception No.46



Zoning By-Law Amendment

105 Scarboro Avenue

File # 06-101631 OZ

 Area Affected By This By-Law

Highland Creek Community Bylaw
Not to Scale
08/15/07



Attachment 8: Draft Plan of Subdivision Conditions

CITY OF TORONTO CONDITIONS OF DRAFT PLAN OF SUBDIVISION APPROVAL

SUBDIVISION APPLICATION 06 101643 ESC 44 SB DRAFT PLAN OF SUBDIVISION PREPARED BY OMARI MWINYI SURVEYING LIMITED, DATED MAY 22, 2007

105 SCARBORO AVENUE

1. The Owner shall enter into the City's standard residential Subdivision Agreement in a form and content to the satisfaction of the City Solicitor.

ZONING

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

PARKLAND DEDICATION

3. The Owner agrees to pay a five percent (5%) cash-in-lieu of parkland dedication immediately following registration of the draft plan of subdivision, or in any case not after issuance of building permits, to the satisfaction of the General Manager of Parks, Forestry and Recreation.

BLOCK 6 OPEN SPACE

4. Prior to the registration of the draft plan of subdivision, the Owner shall dedicate Block 6 as shown on the draft plan of subdivision, Project No. 04-024-DP as prepared by Omari Mwinyi Surveying Limited, dated May 22, 2007, to the City as open space. The General Manager of Parks, Forestry and Recreation will determine the final design, development and programming of the open space to be conveyed to the City of Toronto. A ravine stewardship plan/edge management plan must be implemented by the owner to the satisfaction of the General Manager of Parks, Forestry and Recreation before the lands are dedicated to the City.
5. The Owner is to pay for the costs of the dedication of the open space (Block 6), including the preparation and registration of all relevant documents. Prior to the registration of the plan of subdivision, the Owner shall provide to the satisfaction of the City Solicitor all legal descriptions and applicable reference plans of survey required for the completion of the dedication.

6. The Owner agrees to ensure, to the satisfaction of the City Solicitor, that the lands to be dedicated as open space (Block 6) to the City will be free and clear, above and below grade, of all easements, encumbrances and encroachments, including surface and subsurface easements, except those existing on the lands that are for the benefit of the City.
7. Prior to the registration of the draft plan of subdivision, the Owner shall be responsible for an environmental assessment of the lands to be dedicated as open space (Block 6) to the City and any associated costs or remediation works required as a result of that assessment. Such assessment or remediation shall ensure that the open space dedication lands, at the time of dedication, will meet all applicable laws, regulations and guidelines respecting sites to be used for public park purposes, including City Council policies respecting soil remediation of sites to be acquired by the City. A qualified environmental consultant acceptable to Technical Services, Development Engineering Division shall prepare the environmental assessment. Prior to transferring the Open Space to the City, the environmental assessment may be peer reviewed by an environmental consultant retained by the City at the Owner's expense (the "Peer Reviewer"), and the conveyance of the Open Space to the City shall be conditional upon the Peer Reviewer concurring with the Owner's environmental consultant that the Open Space meets all applicable laws, regulations and guidelines for public park purposes. The Technical Services section of the Development Engineering Division shall advise the General Manager of Parks, Forestry and Recreation of the findings of the environmental review.

ROADS

8. Prior to the earlier of the release for construction of services or registration of the plan of subdivision, the Owner shall provide to the City's Technical Services Division a copy of an accepted Record of Site Condition (RSC) satisfactory to the Ministry of the Environment.
9. The Owner shall agree in the subdivision agreement, to construct all sidewalk(s), roads, and utilities throughout the subdivision to the satisfaction of the Executive Director of Technical Services.
10. Prior to the registration of the Subdivision Agreement, the Owner shall agree in the subdivision agreement to the construction of the proposed public street within the subdivision as a fully serviced public rights-of-way, to City of Toronto specification and to the satisfaction of the Executive Director of Technical Services.
11. The Owner shall agree in the subdivision agreement, that a municipal sidewalk must be provided on one side of the proposed public street, to the satisfaction of the Executive Director of Technical Services.
12. The Owner shall agree in the subdivision agreement, to pay for all costs associated with the installation/alteration of all municipal street signage requirements to

accommodate the subdivision, to the satisfaction of the Executive Director of Technical Services.

SERVICING

13. The Owner shall agree in the subdivision agreement, to construct all external services needed to the development lands at their sole cost, to the satisfaction of the Executive Director of Technical Services.
14. The Owner shall prepare an overall utility distribution plan to the satisfaction of Enbridge Gas Distribution.
15. The Owner shall agree in the subdivision agreement to grade all streets to final elevation prior to the installation of the gas lines and provide the necessary field survey information required for the installation of the gas lines, all to the satisfaction of Enbridge Gas Distribution.
16. The Owner agrees to provide and maintain a minimum clearance of 1 metre from any hydro street light/poles. All costs of alteration, including any poles relocated and reinstatement of any other existing utilities are the responsibility of the owner and at no cost to the City.
17. Prior to registration of the draft plan of subdivision, the Owner shall submit 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 installation proposals within the public right-of-ways. This same consulting engineer shall provide a composite utility plan, indicating the utility company's installations of services within the municipal road allowances created and/or extended to service this development. Such plan shall be prepared to the satisfaction of the Executive Director, Technical Services.
18. The Owner agrees to satisfy requirements for coordination and approval by the Executive Director, Technical Services for work by utility companies related to the development.
19. The Owner shall make satisfactory arrangements, financial and otherwise (including providing easements), with a hydroelectric provider regarding the installation of an underground hydro and street lighting system.
20. The Owner shall make satisfactory arrangements, financial and otherwise (including providing easements), with a telecommunications provider satisfactory for the delivery of telecommunication services to the plan of subdivision.
21. 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.

22. Prior to the registration of the plan of subdivision, the Owner shall agree to provide a street lighting plan to the satisfaction of the Executive Director of Technical Services.
23. The Owner shall agree in the subdivision agreement to provide street lighting and appurtenances in accordance with a street lighting plan to the satisfaction of the Executive Director of Technical Services.
24. Prior to the registration of the plan of subdivision, the Owner agrees to include the following warning clauses in all agreements of purchase and sale and/or lease agreements and registered on title to the satisfaction of the City Solicitor:
- “Purchasers are advised that the homeowner is responsible for the upkeep and maintenance of rear yard catchbasins, drainage swales and catchbasin lead (i.e. connections) located on private property”
25. Prior to the registration of the plan of subdivision, the Owner agrees to pay to the City the following:
- a) \$300.00 per hydrant for fire hydrant maintenance
 - b) \$40.00 per lot for geodetic surveys and aerial mapping; and
 - c) \$10.00 per lot for traffic signs

PARKS

26. Prior to the registration of the draft plan of subdivision, the Owner will submit a grading and lot drainage plan for review and approval by the Executive Director of Technical Services in consultation with and to the satisfaction of the General Manager of Parks, Forestry and Recreation. The Grading and Lot Drainage Plan will ensure that grading and lot drainage will be compatible with the Open Space Block 6.
27. The Owner shall agree in the subdivision agreement that stockpiling of any soils, materials, construction vehicles and machinery, or the use of the Open Space (Block 6) is strictly prohibited, unless otherwise authorized by the General Manager of Parks, Forestry and Recreation.
28. Prior to any site work, the Owner will install a permanent 1.8 metre (6 foot) black vinyl chain link fence, without gates, along the boundaries of Block 6, to the satisfaction of the General Manager of Parks, Forestry and Recreation.
29. Prior to construction, the Owner is required to install and maintain sediment control fencing covered with filter fabric during construction, to the satisfaction of the General Manager of Parks, Forestry and Recreation. The bottom of the filter fabric must be held firmly to the ground with clear stone to prevent migration of sediments from the development site onto Block 6.

30. Prior to the registration of the plan of subdivision, the Owner is to provide the City with a Letter of Credit as security for the construction and installation of the required sediment control fencing equal to 120% of the value of the fencing to the satisfaction of the General Manager of Parks, Recreation and Forestry. Once the residential development is completed, and the sediment control fencing/filter fabric is removed, the Owner will provide certification from their landscape architect that all work has been completed as per the approved plans. At that time, the submitted letters of credit for the fencing will be released, subject to the satisfaction of the General Manager of Parks, Forestry and Recreation, save and except for 20%, which will be held for two years as a performance guarantee.

STREET TREES

31. Prior to the registration of the plan of subdivision, the Owner shall provide a composite 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, streetlines and utilities. The street tree planting plan shall be to the satisfaction of the General Manager, Parks, Forestry and Recreation and the Executive Director, Technical Services.
32. 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.
33. The Owner agrees to plant the street trees as per the approved tree preservation, street tree plan and landscape plans, to the satisfaction of the General Manager of Parks, Forestry and Recreation. 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.
34. The Owner shall agree in the subdivision agreement to ensure that there shall be no wording in any Agreement 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 one street tree in front of each residential lot, to the satisfaction of the General Manager of Parks, Forestry and Recreation.
35. Prior to the registration of the plan of subdivision, the Owner must provide a tree protection security deposit to secure the protection of existing City owned trees and the planting of new trees on city property, to the satisfaction of the General Manager of Parks, Forestry and Recreation.

TREES

36. Prior to the registration of the plan of subdivision, the Owner shall provide a tree preservation plan that indicates all City owned trees and private trees requiring protection which must be accurately plotted. Location of tree protection barriers for those trees being retained must also be included. The tree preservation plan shall be to the satisfaction of the General Manager, Parks, Forestry and Recreation.
37. The Owner shall revise plans to show the exact location of the protected ravine limit to the satisfaction of Urban Forestry – Ravine Protection.
38. The Owner shall add the Ravine By-law note to all site and construction drawings, to advise contractors of the regulated area, and all penalties associated with unauthorized activities to the satisfaction of Urban Forestry – Ravine Protection.
39. The Owner shall submit a sediment control plan to the satisfaction of Urban Forestry – Ravine Protection.
40. Prior to the registration of the plan of subdivision, the Owner agrees to provide a landscape/ravine stewardship plan for the portion of the ravine feature that is to remain (Block 6). The landscape/ravine stewardship plan shall be to the satisfaction of Urban Forestry – Ravine Protection.
41. The Owner shall provide the City with a Letter of Credit equivalent to the value for implementing the landscape/ravine stewardship plan to the satisfaction of Urban Forestry – Ravine Protection. The letter of credit shall be for 120% of the estimated cost of preparing and implementing the plan to the satisfaction of Urban Forestry – Ravine Protection.
42. The Owner shall agree in the subdivision agreement that prior to any site work, the Owner agrees to install tree protection barriers and signage to the satisfaction of the General Manager of Parks, Forestry and Recreation, and to maintain barriers in good repair until removal has been authorized by the General Manager of Parks, Forestry and Recreation.
43. Prior to the registration of the plan of subdivision, the Owner agrees to submit a revised Arborist Report prepared by a Certified or Registered Arborist or Registered Forester, and a Tree Protection 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, and Ravine By-law, Toronto Municipal Code Chapter 658 Ravine Protection to be prepared to the satisfaction of the General Manager of Parks, Forestry and Recreation.

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

- a) be prepared in conjunction with the Subdivision Grading and Building Siting Control Plan which indicates above and below ground services. This plan must show trees proposed for removal, trees to be preserved and tree protection zones;
- b) be prepared by a qualified arborist or other tree professional satisfactory to the General Manager of Parks, Forestry and Recreation;
- c) indicate the surveyed location of all City owned street trees, and private trees having a diameter of 30cm or greater, species, size and condition of the trees identified and shown on the approved draft plan;
- d) 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 subdivision, as well as identify and evaluate trees proposed for removal and the reasons for their removal; and
- e) include a continuous plywood tree protection barrier, as well as sediment control along the entire property boundary at the south limit of the proposed development site, to the satisfaction of the General Manager of Parks, Forestry and Recreation.

ARCHEOLOGICAL ASSESSMENT

44. The Owner shall retain a consultant archaeologist, licensed by the Ministry of Culture under the provisions of the Ontario Heritage Act (R.S.O 1990 as amended) to carry out an archaeological assessment of the entire development property and mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found.
45. The Consultant archaeologist shall submit a copy of the relevant assessment report(s) to the Heritage Preservation Services Unit in both hard copy format and as an Acrobat PDF file to the satisfaction of Heritage Preservation Services.
46. No demolition, construction, grading or other soil disturbances shall take place on the subject property prior to Heritage Preservation Services and the Ministry of Culture (Heritage Operations Unit) confirming in writing that all archaeological licensing and technical review requirements have been satisfied.

CONSTRUCTION MANAGEMENT PLAN

47. Prior to registration of the plan of subdivision or prior to commencement of any construction activities, the Owner agrees to submit a Construction Management Plan for review and acceptance, to the satisfaction of the Executive Director of Technical Services. The construction management plan shall include the following:
 - i. Dust/mud/sediment control on and off-site;
 - ii. Location of truck loading points and trailer parking;
 - iii. Location and height of temporary storage areas;
 - iv. Access/truck routing;

- v. Provision of hoarding and temporary fencing;
- vi. Details of piling and shoring activities;
- vii. Estimated period of construction;
- viii. Control of storm run-off, including any siltation control devices which may be required;
- ix. Parking management plan for employee/construction vehicle parking; and
- x. Provisions for the removal of debris in a timely manner.

OTHER

- 48.** The Owner shall agree in the subdivision agreement to complete or comply with any other requirements by the City acting reasonably that results from the City's examination and review of all requisite plans, drawings, reports and submissions required by the City to facilitate this development.