

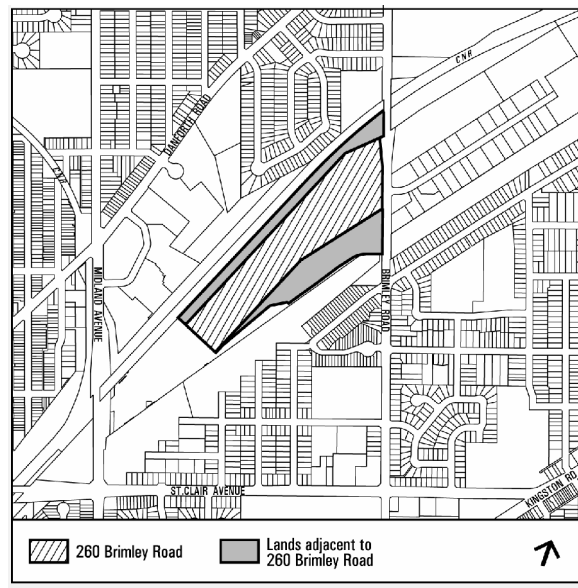
260 Brimley Road and adjacent lands on the west side of Brimley Road – Official Plan, Zoning and Subdivision Applications – Final Report

Date:	November 13, 2007
To:	Scarborough Community Council
From:	Director, Community Planning, Scarborough District
Wards:	Ward 36 – Scarborough Southwest
Reference Number:	06 106761 ESC 36 OZ and 06 103047 ESC 36 SB

SUMMARY

The subject lands include 260 Brimley Road and adjacent lands on the west side of Brimley Road. Chilocco Building Corporation is seeking amendments to the Official Plan and zoning by-law and draft plan of subdivision approval to permit residential and open space uses at 260 Brimley Road which is currently designated and zoned to permit employment uses. There is currently a warehouse and distribution centre operated by Nike at 260 Brimley Road. The applications propose 332 residential units, including 45 single-detached dwellings, 92 semi-detached dwellings, and 195 townhouse dwellings and a 0.64 hectare (1.5 acre) open space block for a storm water management facility. To coordinate the development at 260 Brimley Road with adjacent lands, the applicant is proposing amendments to the existing residential and park zoning on adjacent lands owned by Monarch Corporation and the City.

These lands are situated within the area of the former Phase 3 Scarborough Transportation Corridor (STC) land use study, completed in 2004. The vision for this area established through the STC study was to build a complete neighbourhood



with the necessary components to make it successful and healthy. The proposed applications contribute to achieving this vision.

The applications propose a mix of housing types and forms to meet a range of housing needs. The road, services and infrastructure are coordinated with the developments approved on adjacent lands. Section 37 community benefits for parkland improvements are proposed. The applications are consistent with the findings of the STC land use review that provided for the development of a residential community within this area over the longer term.

There is currently a warehouse and distribution centre operating at 260 Brimley Road. Although the ultimate use of the lands for residential and open space purposes is desirable, until such time as this industrial use has ceased the residential and open space uses proposed could not be developed. As a result, it would be appropriate to apply holding provisions to the area. This would allow for the continued use of the property as a warehouse and distribution centre as an interim use and ensure the orderly redevelopment of the area over time.

Staff recommends that Council approve the applications to amend the Official Plan and zoning by-law including the use of holding provisions. This report also advises that the Chief Planner may approve the draft plan of subdivision.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council amend the Official Plan substantially in accordance with the draft official plan amendment attached as Attachment No. 7.
2. City Council amend the zoning by-law for 260 Brimley Road and adjacent lands on the west side of Brimley Road substantially in accordance with the draft zoning by-law amendments attached as Attachment Nos. 8 and 9.
3. City Council authorize the City Solicitor to make such stylistic and technical changes to the draft official plan amendment and draft zoning by-law amendments as may be required.
4. Before introducing the necessary Bills to City Council for enactment, require the owner to enter into an agreement pursuant to Section 37 of the Planning Act, the community benefit recommended to be secured in the Section 37 agreement is as follows:
 - a) the payment of \$400,000.00 to the City of Toronto with \$200,000.00 to be provided prior to the enactment of the zoning by-law and \$200,000.00 to be provided at the issuance of the first building permit, to be used for

parkland improvements within the proposed park in the Midland/St. Clair Community.

5. City Council enact a site plan control by-law to designate 260 Brimley Road as an area subject to site plan control, substantially in accordance with the draft site plan control by-law in Attachment 6.
6. City Council authorize the City Solicitor to make such stylistic and technical changes to the draft site plan control by-law as many be required.
7. City Council recommend to the Chief Planner that the draft plan of subdivision be approved, generally as illustrated on Attachment 2, subject to:
 - a) the conditions as generally listed in Attachment 10, which except as otherwise noted, must be fulfilled prior to the release of the plan of subdivision for registration; and
 - b) such revisions to the proposed plan of subdivision or additional or modified conditions as the Chief Planner may deem to be appropriate to address matters arising from the on-going technical review of the development.

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

The subject lands include 260 Brimley Road and adjacent lands on the west side of Brimley Road (Attachment 1). These lands are situated within the area of the Phase 3 Scarborough Transportation Corridor (STC) land use study. In 2004 Council approved amendments to the Official Plan and zoning by-law that provided for residential, park and open space uses on vacant lands owned by the City, Monarch Corporation and other private landowners in the STC area between Midland Avenue and Brimley Road, north of St. Clair Avenue and south the CN rail line. Council also adopted urban design guidelines for the STC area. Draft plans of subdivision were approved in October 2006 on the lands owned by Monarch and in September of 2007 on the City lands through an application by the Toronto Economic Development Corporation (TEDCO).

The lands at 260 Brimley Road were not included in the Official Plan and zoning by-law amendment approved by Council in 2004 for the STC area. The concept plans for residential development at 260 Brimley Road, proposed by the owner at that time had not been fully reviewed through the working group process undertaken for the other lands within the study area. As a result, staff had recommended that the applicant pursue individual development applications. The applicant then submitted applications for draft plan of subdivision and official plan and zoning by-law amendments in January and February of 2006.

A preliminary report on the applications was considered by Council in September 2006. Council directed that staff hold community information meetings with notice to all residents and landowners within 120 metres of the property and that staff hold further meetings with the STC working group.

ISSUE BACKGROUND

Proposal

The applications include official plan amendment, zoning by-law amendment and residential plan of subdivision applications for 260 Brimley Road where employment uses are currently permitted. The proposed subdivision includes 332 residential units, and a 0.64 hectare (1.5 acre) open space block for storm water management facilities (Attachments 2 and 3). The residential uses proposed in the subdivision include lots for 45 single-detached dwellings, 92 semi-detached dwellings, and 195 townhouses. The plan has been revised since the initial submission. The applications initially proposed 374 residential units (51 single-detached, 92 semi-detached, and 231 townhouse dwellings) and a 0.3 hectare (0.74 acre) open space block for storm water management purposes. All of the residential units are proposed to have frontage on public streets ranging in right-of-way widths from 16 to 18.5 metres (52 to 60 feet). The plan also proposes residential reserve blocks along the south property boundary. These residential reserves provide for single-detached dwellings lots in association with the development of abutting lands.

To co-ordinate the proposed development of 260 Brimley Road with surrounding lands, amendments to the existing residential and park zones are proposed on adjacent lands owned by Monarch and the City. Changes are proposed to the existing townhouse residential zoning to permit lane townhouses with a frontage of 4.5 metres (14.7 feet) along the rail line and Brimley Road in areas where townhouse blocks cross property boundaries. In these areas the current zoning provides for street townhouses with minimum frontages of 6 metres (19.6 feet). On the Chilocco lands, the street pattern is primarily oriented in a north/south direction. In order to coordinate the development proposed on the Chilocco lands with the adjacent property, changes are proposed to the street layout on the Monarch lands to ensure that lots and roads align as they cross property boundaries. Zoning amendments are proposed to adjust the orientation of the single and semi-detached lots and the park zone boundaries on the Monarch lands so that the lots and park align with the reoriented streets. The proposed zoning amendment on the Monarch lands would provide for 11 additional residential lots.

Site and Surrounding Area

The property at 260 Brimley is approximately 9.8 hectares (24.3 acres) in size, and is situated on the west side of Brimley Road south of the CN rail line. The site has a frontage of about 210 metres (689 feet) on Brimley Road and a depth of about 750 metres (2,460 feet). The property is relatively flat with no substantial natural vegetation, and is developed with two warehouses. The smaller of the two warehouses is situated on the west portion of the property and is vacant. Nike is a tenant in a portion of the larger warehouse and operates a packaging and distribution centre.

The lands owned by Monarch are vacant and are approximately 5.7 hectares (14 acres). They abut the north, south and west boundaries of 260 Brimley Road. A plan of subdivision proposing 132 residential units including, townhouses, single and semi-detached dwellings, parkland and open space was approved in 2006 on the lands owned by Monarch. The areas of the proposed zoning amendment on the Monarch lands are adjacent to the north and south of 260 Brimley Road (Attachment 1). The lands owned by the City are further south. A plan of subdivision by TEDCO on the City lands was draft approved in September 2007 and proposes single-detached dwellings and townhouses (115 residential units). The area of the proposed zoning amendment on the City lands is a small portion of a townhouse block (0.03 hectares) adjacent to Brimley Road that is shared with Monarch and Chilocco (Attachment 1).

There is also an existing residential neighbourhood to the south of the subject lands developed mostly with single and semi-detached dwellings. There are industrial uses and a place of worship opposite the site on the east side of Brimley Road. Apartments, single family homes and industrial uses are located on the north side of the CN rail line.

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 PPS provides that the city promote economic development by protecting and preserving employment uses. A comprehensive review is required prior to the conversion of employment lands to other uses.

A comprehensive review of the employment lands policies for the City was undertaken through the preparation of the City's new Official Plan. This review identified Employment Districts as a part of the longer term growth management strategy for the City. The lands at 260 Brimley Road are not situated in an Employment District. A land use review was also undertaken for the STC Phase 3 area west of Midland Avenue, east of Brimley Road, south of the CN rail line and north of St. Clair Avenue. The findings of this land use review provided for the conversion of employment lands from Midland Avenue to Brimley Road to residential, park and open space uses in 2004, and contemplated the conversion of the remaining employment lands in this area at 260 Brimley Road over the longer term. Planning staff find that the proposal is consistent with the PPS.

Official Plan

The lands at 260 Brimley Road are designated Employment Areas in the Official Plan (Attachment 4). The Employment Areas designation provides for uses that support business and economic activity such as offices, manufacturing, warehousing, distribution, research and development facilities, utilities, media facilities, parks, hotels, ancillary retail uses, and restaurants and small scale stores and services that serve area businesses

and workers. The Official Plan establishes a framework for structuring growth in the City. This framework includes the establishment of Employment Districts throughout the City that are intended to be the focus of the City's economic development strategy. The lands at 260 Brimley Road are not situated within an Employment District in the Official Plan.

The lands owned by Monarch and the City are designated Neighbourhoods and Parks and Open Space Areas in the Official Plan and are subject to an area specific policy (Policy 273). The Neighbourhoods designation provides for a variety of lower scale residential uses such as single and semi-detached dwellings, townhouses and walk-up apartments. The Parks designation provides for recreational uses. Public uses including storm water management facilities are permitted in the Open Space Areas designation. The site specific policy includes provisions that limit the type of residential uses in this area to single and semi-detached dwellings and townhouses. The site specific policy also requires that new development be reviewed in the context of the Midland/St. Clair urban design guidelines.

Zoning

The lands at 260 Brimley Road are zoned General Industrial (MG) in the Knob Hill Employment District Zoning By-law (Attachment 5). A range of industrial uses are permitted in this zone, including open storage uses. Residential uses are not permitted. The lands owned by Monarch are zoned for single-detached dwellings, semi-detached dwellings, townhouse dwellings, park and open space uses. A holding zone applies to portions of the residential zones where lots or blocks cross boundaries with 260 Brimley Road. Residential development on the lands subject to the holding zones cannot occur until the lands have been consolidated and access and services are available to these areas in association with the development of the adjacent property. The land owned by the City is zoned to permit townhouses.

Site Plan Control

The lands at 260 Brimley Road are subject to site plan control approval. The lands owned by Monarch and the City are subject to site plan control approval for townhouses only. Single and semi-detached dwellings are not typically subject to site plan control approval. Planning staff recommend that the site plan control by-law for 260 Brimley Road be amended to exempt single and semi-detached dwellings from site plan control approval on the site. Ongoing industrial uses and future townhouses would 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 townhouse blocks, prior to the creation of individual townhouse lots. A draft of the site plan control area by-law is included as Attachment 6.

Reasons for Application

Official plan and zoning by-law amendments are proposed for 260 Brimley Road as residential uses are not permitted in the Employment Areas in the Official Plan or within the General Industrial (MG) zone. A zoning amendment is proposed for the adjacent lands to permit lane townhouses having a frontage of 4.5 metres (14.7 feet), and to adjust

the boundaries of the single and semi-detached residential and park zone categories to provide for a new street pattern in this area. A subdivision application is proposed to provide for the division of the lands at 260 Brimley Road into individual residential lots, the construction of public streets and servicing of the lands.

Community Consultation

In 2004 and 2005, prior to the submission of the development applications, the applicant met with the STC working group that includes area residents, landowners and the local Councillor, to review residential development concepts for 260 Brimley Road. The applications were submitted in 2006 and further working group meetings were held. A variety of development options were explored by the group. The mix of housing types, the design of the dwellings and layout of the plan were reviewed. A community consultation meeting with the larger community was held in April 2007. There were about 25 participants at the meeting. Participants raised issues concerning the potential for increased traffic on Brimley Road, the capacity of local schools, and commented that there were too many townhouses proposed in the development. The applicant made changes to the plan in response to comments received from working group members and the community resulting in a reduction of 42 residential units, 36 of these were townhouse units.

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 of subdivision approval.

COMMENTS

Change in Use from Employment to Neighbourhoods & Open Space

The applications propose an amendment to the Official Plan to redesignate the lands at 260 Brimley Road from Employment Areas to Neighbourhoods and Open Space Uses.

Employment Areas and the Official Plan

A comprehensive review of the employment lands policies for the City was undertaken through the preparation of the City's new Official Plan. The Official Plan review considered the City's long term growth prospects, assessed alternative directions for growth management, integrated growth with infrastructure planning, and considered cross-jurisdictional issues. The employment lands policies identified Employment Districts as a part of the longer term growth management strategy for the City, and these are identified on Map 2 in the Official Plan. The lands at 260 Brimley Road are situated in the Knob-Hill Employment area. This employment area is not one of the Employment Districts, included on Map 2 in the new Official Plan, that were identified as needed to accommodate in part the additional jobs that are forecast to grow in the City by the year 2031 and that are needed to ensure the long-term fiscal health of the City.

STC Phase 3 Land Use Study and Employment Uses

A land use review for the local area was also undertaken through the STC Phase 3 study for the area from west of Midland Avenue, east of Brimley Road, north of St. Clair Avenue and south of the CN rail line that includes the lands at 260 Brimley Road. The Phase 3 STC study was initiated in 1996 to determine the appropriate uses of lands that were located on or near the route of the proposed Scarborough expressway. In this area the expressway was intended to extend from west of Midland Avenue to Brimley Road between St. Clair Avenue and the CN railway, north of the existing residential neighbourhood in this precinct. Lands adjacent to the north and west of the residential neighbourhood were zoned and designated for industrial uses to provide for the expressway and industrial development. The lands were included in the Knob Hill Employment Area that also includes industrial lands on the east side of Brimley Road and the north side of the rail line.

Prior to the plans for the expressway, a residential neighbourhood was planned within this precinct. Plans of subdivision were laid out establishing a grid pattern of streets that were intended to extend over the larger area. A portion of the residential neighbourhood was built and the intended pattern of development for the rest of the area is evident in the street layout and the remaining unopened road allowances found throughout the precinct.

Options for development of the lands within the precinct were explored through the STC study. Plans for the development of this precinct for industrial purposes had not been fully realized and in the absence of the expressway the area was not considered viable for the development of new industrial uses. As well, lands zoned for industrial uses, including open storage, were adjacent to single family homes. Options were considered to provide for compatible uses with the residential area, and to provide for community amenities such as a park that had never been provided in this neighbourhood.

The findings of the study provided for the development of a residential neighbourhood within this precinct over the longer term including the lands at 260 Brimley Road. The study provided for a coordinated approach to planning for the roads, services, infrastructure and amenities for the larger area and established the framework for considering change on the Chilocco lands at 260 Brimley Road.

In 2004, Council approved official plan and zoning amendments to permit residential, park and open space uses on the lands owned by the City, Monarch and other private landowners within the STC study area. Holding zones were introduced along the boundary of the Monarch lands adjacent to 260 Brimley Road to ensure the orderly development of the area for residential uses over the longer term.

These land use changes were then implemented through plans of subdivision. In 2006, Council approved a plan of subdivision on the lands owned by Monarch (132 residential units, park and open space) that are adjacent to the north, south and west of 260 Brimley Road. There are portions of single and semi-detached dwelling lots, townhouse blocks, roads and a storm water management facility in the plan of subdivision that must be consolidated with lands at 260 Brimley Road in order for the land to be developed.

These areas of the plan of subdivision are subject to holding zones. In June of 2007, Council approved a plan of subdivision by TEDCO (115 residential units) on the City lands. There is a portion of a townhouse block along Brimley Road in the TEDCO plan that is shared with both the Monarch and Chilocco lands.

Staff from the Economic Development Division expressed concerns respecting the proposed conversion of the employment lands at 260 Brimley Road to other uses. They advise that the site is suitable for industrial and other employment uses and is not vacant as Nike operates a large warehouse and distribution centre from the site with 250 employees. They are also concerned that the change in use would set a precedent for the future conversion of additional employment lands in the area. Economic Development staff recommend that should the site be redesignated for residential uses that the owner be required to retain or replicate at least the current employment space on the site under a no net loss approach.

The warehouse and distribution centre operated by Nike on the Chilocco site has been an active employment use in this section of the Knob Hill Employment area for many years. The subject property is separated from the rest of the Knob Hill employment area by Brimley Road, a major arterial road, and the rail line, and is adjacent to lands now designated and zoned for residential use. Should the lands be redesignated for residential and open space uses, the arterial road and the rail line in this area would establish a clear boundary between the residential and employment areas.

Planning staff support the conversion of the lands from employment to residential and open space uses. An amendment to the Official Plan was anticipated for 260 Brimley Road to provide for a change in use from employment to residential uses when the official plan and zoning amendments and plans of subdivision were approved on the surrounding lands. The change in land use completes the neighbourhood.

It would be appropriate to use holding provisions for the Chilocco lands as there is an existing warehouse and distribution centre operating on the property. Although the ultimate use of the lands for residential and open space purposes is desirable, until such time as this industrial use has ceased and land consolidation has occurred, the residential and open space uses proposed on the property should not be developed.

Housing Mix and Affordable Housing

The housing policies of the Official Plan encourage a mix of housing in terms of types and affordability. On sites generally greater than 5 hectares the Official Plan provides that a minimum of 30% of new housing units will be in forms other than single-detached and semi-detached houses. The proposal meets this objective as 57% of the proposed housing units are townhouses.

The Official Plan also provides that in accordance with and subject to the height and/or density incentive provisions of the plan, where an increase in height and/or density is sought, the first priority community benefit will be the provision of 20% of the additional residential units as affordable housing. The proposed development would result in an

increase in density and as a result, there is opportunity to secure Section 37 public benefits.

The STC study provided for a comprehensive approach to considering land use options for the entire study area extending from west of Midland Avenue to Brimley Road. The City owns a 1.5 hectare (3.7 acres) vacant property on the northwest corner of Midland Avenue and St. Clair Avenue. This site was included in the STC review and was identified for affordable housing under the City's Housing First Policy during the study. Options for residential uses on this property were explored. It was anticipated that the site could accommodate about 150 residential units, representing 25% of the approximately 600 residential units that staff anticipated could be developed in the study area east of Midland Avenue. This site was previously designated and zoned for industrial uses in the Birchmount Employment area. The site is now designated in the new Official Plan as Neighbourhoods.

A substantial amount of the new development approved or proposed within the STC area will achieve the City's objectives to provide a mix of housing types. With the applications at 260 Brimley Road approximately 590 new residential units would be introduced into the STC area east of Midland Avenue. This level of intensification is close to what was contemplated when the land use study was completed in 2004. The City property on the northwest corner of Midland Avenue and St. Clair Avenue continues to provide a future opportunity for affordable housing in this area, representing approximately 25% of the overall units anticipated in the study area.

Community Benefits

The Section 37 public benefit policies of the Official Plan provide that community benefits will be selected on the basis of local community needs, intensification issues in the area, the nature of the development application and the strategic objectives and policies of the Plan. Priority will be given to on-site or local community benefits.

The STC land use study provided for a comprehensive approach to considering land use options for the study area. One of the main principles of the STC study for new residential development in the area was the provision of a park as a focus for this community. There is an existing neighbourhood of about 650 residential units in this precinct but there are no community services or facilities. The neighbourhood is bounded by arterial roads and the CN main line, which makes it challenging for residents to access parks or school in other neighbourhoods. The STC study was an opportunity to provide a park in this area for the existing neighbourhood and for new residents.

The community building policies of the Official Plan provide that new neighbourhoods will be planned comprehensively, including a strategy for providing for parkland, and will be viable as communities with a community focal point within easy walking distance and high quality parks. About 4.8 hectares (12 acres) of land within the STC study area was designated and zoned for a park by Council in 2004. This included about 3.8 hectares (9.5 acres) of City-owned land and 0.93 hectares (2.3 acres) of land owned by Monarch. The proposed park is adjacent to the south boundary of 260 Brimley Road.

The frontage along the north boundary of the park is proposed on the Chilocco lands. The development of this parkland is an important priority for this area to meet the needs of existing and future residents and ensure that a viable and healthy community is developed in this area in keeping with the community building objectives of the Official Plan.

It would be appropriate to direct Section 37 community benefits to the improvement of the parkland in this area to ensure that the community building objectives of the Official Plan are achieved given the level of intensification anticipated on the Chilocco lands and in the larger area. Improvements to the parkland would provide a direct local community benefit for the existing and proposed residential community, consistent with the policies of the Official Plan concerning Section 37 community benefits. As a result, planning staff recommend that the \$400,000 secured through Section 37 be directed to park improvements for this area.

Consistency with STC Study Development Principles

The proposal was reviewed in the context of the development principles prepared for the STC area. These principles included, among other things, that a park be established as the focus of this community, that development be compatible with the existing community including the pattern of roads, that a transition be provided in lot size and housing types from the existing community to new areas, and that the larger STC area be treated in a coordinated fashion despite separate property ownerships.

The proposal is consistent with these principles. When the applications were submitted most of the local streets on the Chilocco lands were proposed to be 16 metre (52.4 feet) wide. Staff requested that the road widths for local streets with development proposed on both sides be increased to 18.5 metres (60.6 feet) consistent with the streets in the other developments approved in the area, and to provide adequate space for sidewalks and landscaping. The applicant revised the proposal and increased the width of these local streets.

The subdivision is designed to provide for extensive street frontage for the park that is proposed on the adjacent lands to the south. Local streets lead to the park and a walkway has been provided to improve connections to the park. Lots are oriented so that houses will face the park and driveways are proposed from side streets on corner lots and on some interior lots opposite the park to provide for an enhanced streetscape along the park.

There is a transition in housing form and lots sizes from the existing residential areas with single and semi-detached dwellings in the southern area closer to the existing residential area and townhouses in the northeast quadrant along the rail line and Brimley Road. Landowners within the area have been working cooperatively and changes are proposed to the street pattern on the lands owned by Monarch to ensure that the residential lots and blocks, and roads and services are coordinated across property boundaries.

Midland/St. Clair Urban Design Guidelines

In 2004 Council adopted the Midland/St. Clair urban design guidelines to assess future development in this area. The components of the guidelines address site organization, built form, streetscapes, landscaping and the Brimley Road and Midland Avenue frontages. The proposed streets and lot patterns, the range of housing types and the location of the storm water management facility are consistent with these guidelines.

The built form provisions of the guidelines promote high quality design for the dwellings. The guidelines encourage recessed garages, front porches, enhanced architectural treatment along both elevations on corner lots, and window and door treatments to highlight entrances to the dwellings rather than garages. The applicant is proposing that most of the proposed townhouses be lane townhouses (175 units). Staff support the proposed design of these townhouse where garages are located to the rear of the dwellings with access from a lane. Driveways will be located behind the units creating attractive and pedestrian oriented streetscapes with opportunities for increased landscaping in the boulevards and in front yards. In order to ensure that these design elements are achieved, staff propose as a condition of draft plan approval that the owner be required to submit house siting and architectural drawings for review prior to release of the plan of subdivision for registration. As well, site plan control is proposed for all townhouses within the area. This will ensure that issues such as access, landscaping and fencing are considered comprehensively for the townhouse blocks before the individual townhouse lots are created.

The guidelines also provide that storm water management facilities be designed as open space amenities for the community. A large storm water management facility is proposed in the northeast area of the site to be developed jointly with lands adjacent to the north in the Monarch subdivision. In reviewing the design of the facility, staff requested that its size be increased to provide for gentler slopes for safety and to provide area for trails, benches and landscaping. As a result, the open space block was increased to 0.6 hectares (1.5 acres). This will provide for a combined storm water management facility of 1.2 hectares (3 acres), a significant open space amenity for the area. The proposed location of the facility will enhance the Brimley Road streetscape and serve as a gateway feature into this area.

Zoning By-law Amendment and Holding Zones

The Midland/St. Clair Community Zoning By-law adopted by Council in 2004 established park, open space and residential zone categories with performance standards for lands owned by the City, Monarch, and other private landowners within the STC area, but did not include the lands at 260 Brimley Road. The residential zone categories in the Midland/St. Clair Community By-law permit single-detached dwellings with minimum frontages of 9 metres (29.5 feet), semi-detached dwellings within minimum frontages of 7.5 metres (24.6 feet), and townhouse dwellings with minimum frontages of 6 metres (19.6 feet).

The zoning amendment application proposes to rezone the lands at 260 Brimley Road from general industrial to permit single-detached residential, semi-detached residential,

townhouse residential and open space uses. The single and semi-detached and street townhouse dwelling lots proposed in the plan of subdivision are similar to those currently permitted in the Midland/St. Clair Zoning By-law, with frontages of 9 metres, 7.5 metres and 6 metres respectively. The Midland/St. Clair Zoning By-law performance standards with minor changes could be applied to these uses.

The application proposes that seven blocks within the plan of subdivision be zoned to permit lane townhouses (175 units). This includes four blocks along the rail line, one block fronting Brimley Road and two larger blocks in the northeast area of the site. All of these lane townhouses are proposed to front on public streets with access to garages from a private lane. Proposed frontages range from 4.5 to 6 metres (14.7 to 19.6 feet). The townhouses along the rail line and Brimley Road are proposed to have attached garages at the back of the units with amenity space for these units provided on a deck above the garage. A mix of townhouse styles are proposed for the two large blocks, (Blocks 106 and 107) in the northeast area of the site. A total of 120 townhouse units are proposed for these blocks. Detached garages and back yard amenity areas are proposed for 41 of these units. Attached garages with amenity space on a deck above the garage are proposed for the remaining units.

The number and design of the lane townhouses proposed in the development were important issues for both residents and staff in reviewing the applications. The principles for development of the STC area included ensuring that new development is compatible with the existing community and that there is a transition in lots sizes and housing types from the existing community to new areas. The lands at 260 Brimley Road are situated in the northern portion of the larger STC study area. Viewed in the context of the larger area, the lands at 260 Brimley Road provide the best opportunity for more intensive residential development and a wider variety of dwelling types including street and lane townhouses.

Initially, the applications proposed 374 residential units on the Chilocco lands, and 231 of these were townhouses. Urban Design staff reviewed the proposal to ensure consistency with the urban design guidelines and the other residential developments approved in the STC area. Staff recommended changes to the design of the townhouse blocks and units to provide for increased setbacks from streets, increased separations between blocks, reduced building heights, and the placement of detached garages in rear yards. As a result of this review the plans were revised and 36 townhouses were removed. Staff are satisfied with the revised plan. The number of residential units proposed is not excessive or out of keeping with the area, and the proposed locations of the townhouse units in the north and east areas of the site provide for a suitable transition from the existing and proposed residential uses to the south.

Zoning amendments are also proposed on the lands adjacent to 260 Brimley Road owned by Monarch and the City that are currently zoned for residential uses and a park. When the plan of subdivision on the Monarch lands was approved by Council in 2006, draft plan approval conditions were included to provide for phasing the plan of subdivision. This phasing was required in order to enable a further review of the plan to address

adjacency issues that might arise through the review of the applications on the Chilocco lands. The zoning amendment proposed on the Phase 2 Monarch lands would provide for lane townhouses along the rail line and Brimley Road on townhouse blocks that are shared with Chilocco. The amendment also proposes an adjustment to the boundaries of the single-detached and semi-detached residential and park zones in the Phase 2 area to align the lots and park with a new street pattern proposed in this area. The proposed changes in zoning would provide for an additional 11 units on the Monarch lands. Monarch has submitted a red-line revision to Phase 2 of the draft approved plan of subdivision and this is currently under review by City staff and agencies.

A minor change in the zoning is also proposed on a portion of the townhouse block along Brimley Road that is City-owned. This block was identified as a residential reserve block in the plan of subdivision by TEDCO approved by Council in 2007 and is currently zoned for street townhouses. The proposed zoning amendment would permit lane townhouses. No additional units are proposed as the small size of the block provides for only a part of a dwelling unit. Staff support the proposed amendments to address adjacency issues in these areas.

Holding Zones

There are currently holding symbols on the Phase 2 Monarch lands in areas where residential lots and blocks and roads cross property boundaries. Development cannot occur on these lands until the lands have been consolidated and access and services are available to these areas in association with the development of 260 Brimley Road. It would be appropriate to continue to apply holding zones to the Monarch lands along the interface with Chilocco where residential lots and blocks or roads are shared between property owners. This would require an adjustment to the boundaries of the current holding zone.

It would also be appropriate to apply the holding zones to 260 Brimley Road. Residential lots and blocks, roads and the proposed storm water management facility are shared with the adjacent property. Development cannot occur on the lands until lands have been consolidated and access and services are available to the site.

Nike currently leases a portion of the warehouse on the Chilocco lands. The use of a holding zone on this property would also protect for the continued use of the property for a warehouse and distribution centre as an interim use, and allow for the orderly redevelopment of the land over time. Staff recommend that holding provisions be included in the zoning amendments to permit a warehouse and distribution centre as the permitted use while the holding symbol is in place. Staff recommend that other industrial uses be removed from the zoning by-law including open storage uses. The removal of the holding symbol would be required to enable the development of 260 Brimley Road for residential and open space uses and this would require a further zoning amendment application for Council approval.

Community Comments

The main issues raised at the community meeting concerned the capacity of schools, traffic and the number of townhouse units proposed by the applications.

The applications were circulated to the Toronto District School Board (TDSB) and the Toronto Catholic District School Board (TCDSB) for review and comments. No comments were received from the TCDSB. The TDSB advised that there is insufficient space in local schools to accommodate students anticipated from the development. The TDSB requested that as a condition of subdivision approval the owner be required to enter into an agreement with the TDSB that requires the owner to place signs on the property advising of the status of local schools in the area. In addition, the Board requested that the owner be required to include warning clauses in all offers of purchase and sale or lease to advise prospective purchasers that space may not be available in local schools and that bussing may be required. Staff recommend that these conditions be included as conditions of draft approval.

The internal street system is based on a modified grid system, designed to be integrated with the streets planned on the adjacent lands. An access is proposed to Brimley Road opposite Skagway Avenue. The applications have been reviewed by City Transportation Services staff. Staff have requested that as a condition of subdivision approval the applicant be required to undertake a traffic operations assessment to address such matters as turning lane requirements, and the need for intersection controls such as stop signs and signals, including a warrant analysis for a new signal at Skagway Avenue and Brimley Road.

The applicant has responded to the concerns raised by residents concerning the number of townhouse units, by revising the plan to reduce the number of townhouse units.

Atlantic Packaging operates a manufacturing facility at 255 Brimley Road, on the east side of Brimley Road opposite the storm water management facility proposed in the northeast corner of the site. They have requested that warning clauses be included in future offers of purchase and sale advising of the facility. Warning clauses with respect to the Atlantic Packaging facility were included as conditions of draft approval for the subdivisions by Monarch and TEDCO and these conditions are proposed to be included in the subdivision for the Chilocco lands.

Toronto Green Development Standard

The City's green development standard encourages the use 'green' development techniques with an aim to promote sustainable development. The proposed development includes a storm water management facility designed to retain and treat stormwater on-site consistent with the green development standard.

Section 37 Implementation

Pursuant to Section 37 of the Planning Act, a zoning by-law may be enacted to permit increased height and/or density than is otherwise permitted by the zoning in exchange for the provision of community benefits. The applications propose an increase in density that

would be subject to Section 37 of the Planning Act. The current industrial zoning on the site does not permit residential uses. The proposed amendment would introduce 349 new residential units (Chilocco and Monarch). A Section 37 community benefit in exchange for this increase in density is considered appropriate.

As a result of negotiations between the City and local Councillor and the applicant, the applicant has agreed to provide Section 37 financial benefits to the City for parkland improvements to the proposed park in the Midland/St. Clair community in the amount of \$400,000.00, with \$200,000.00 to be provided prior to the enactment of the zoning by-law and \$200,000.00 to be provided at the issuance of the first building permit. The monies will be directed towards phase 1 development of the park to enable base park improvements and a playground. Staff recommends that these benefits be secured through a Section 37 agreement.

Proposed Official Plan Amendment

Staff recommend that the official plan amendment application be approved. A draft of the recommended official plan amendment is included as Attachment 7. The recommended official plan amendment would:

- Redesignate the lands at 260 Brimley Road from Employment Areas to Neighbourhood and Parks and Other Open Space Areas.
- Add the Area and Site Specific Policy 273 introduced into the Official Plan through the Phase 3 STC study to the lands at 260 Brimley Road.
- Introduce additional holding zone provisions to area specific policy 273 for 260 Brimley Road.
- Identify park improvements as a priority community benefit for 260 Brimley Road.

Proposed Zoning By-law Amendment

Staff recommend that the zoning by-law amendment application be approved. There are two zoning by-laws that apply to the lands. The Knob Hill Employment District Zoning By-law applies to the lands at 260 Brimley Road and the adjacent lands are situated within the Midland/St. Clair Zoning By-law. It is recommended that the lands at 260 Brimley Road be removed from the Knob Hill Employment By-law and added to the Midland/St. Clair Community By-law. Recommended draft amendments to the existing by-laws are included as Attachments 8 and 9.

- i) Attachment 8 – Amendment to the Knob Hill Employment Area By-law.
This amendment would remove the lands at 260 Brimley Road from the Knob Hill Employment Area.
- ii) Attachment 9 – Amendment to the Midland/St. Clair Community By-law
This amendment would:
 - Add the lands at 260 Brimley Road to the Midland/St. Clair Community Zoning By-law.

- Zone the lands at 260 Brimley Road to permit Single-detached residential (S), Semi-detached residential (SD), Townhouse Residential (TH) and Open Space (OS) uses with associated performance standards and subject to Holding Symbols.
- Introduce an Exception at 260 Brimley Road to permit the interim use of the lands for a warehouse and distribution centre including ancillary uses while the Holding Symbol is in place and to retain the performance standards from the Knob Hill Employment Area Zoning By-law for the interim use.
- Introduce an Exception at 260 Brimley Road to establish conditions for the removal of the Holding symbol.
- Introduce an Exception at 260 Brimley Road that details the Section 37 public benefits for parkland improvements.
- Rezone the lands adjacent to 260 Brimley Road to permit lane townhouses with associated performance standards and subject to Holding Symbols (H).
- Adjust the boundaries of the Single-detached Residential (S) and Semi-detached (SD) and Park (P) zone categories on the lands adjacent to 260 Brimley Road and the Holding Symbols (H).

Proposed Conditions of Draft Plan of Subdivision Approval

The proposed plan of subdivision at 260 Brimley Road is consistent with the principles for development established for the STC study area that provided for a new residential neighbourhood to be developed in this area over the longer term. The implementation of the proposed plan of subdivision requires a coordinated approach between landowners in the larger STC area with respect to the construction of roads, services and storm water management facilities and the sharing of costs for these facilities. Proposed draft plan approval conditions are included in Attachment 10. The proposed draft plan of subdivision approval conditions address the technical requirements of the development including among other matters, the construction of streets, services, and storm water management facilities, street tree planting, urban design, noise and safety issues and schools. Staff recommend that Council support the draft plan of subdivision and recommend to the Chief Planner that the draft plan of subdivision be approved.

Development Charges

It is estimated that the development charges for this project will be \$3,043,000.00. This is an estimate. The actual charge is assessed and collected upon issuance of the building permit.

CONTACT

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 Tel. No. (416) 396-7721
 Fax No. (416) 396-4265
 E-mail: smcalpin@toronto.ca

SIGNATURE

Allen Appleby, Director
Community Planning, Scarborough District

ATTACHMENTS

Attachment 1: Subject Lands
Attachment 2: Subdivision Plan
Attachment 3: Application Data Sheet
Attachment 4: Official Plan
Attachment 5: Zoning
Attachment 6: Draft Site Plan Control By-law
Attachment 7 Recommended Official Plan Amendment
Attachment 8: Recommended Zoning By-law Amendment
Attachment 9: Recommended Zoning By-law Amendment
Attachment 10: Proposed Conditions of Draft Plan Approval

Attachment 2: Proposed Draft Subdivision Plan



260 Brimley Road

Draft Plan of Subdivision
 Applicant's Submitted Drawing

File# 06-106761 **CZ**

Nat to Scale **↗**
 11/06/07

Attachment 4: Official Plan



TORONTO Urban Development Services
Official Plan

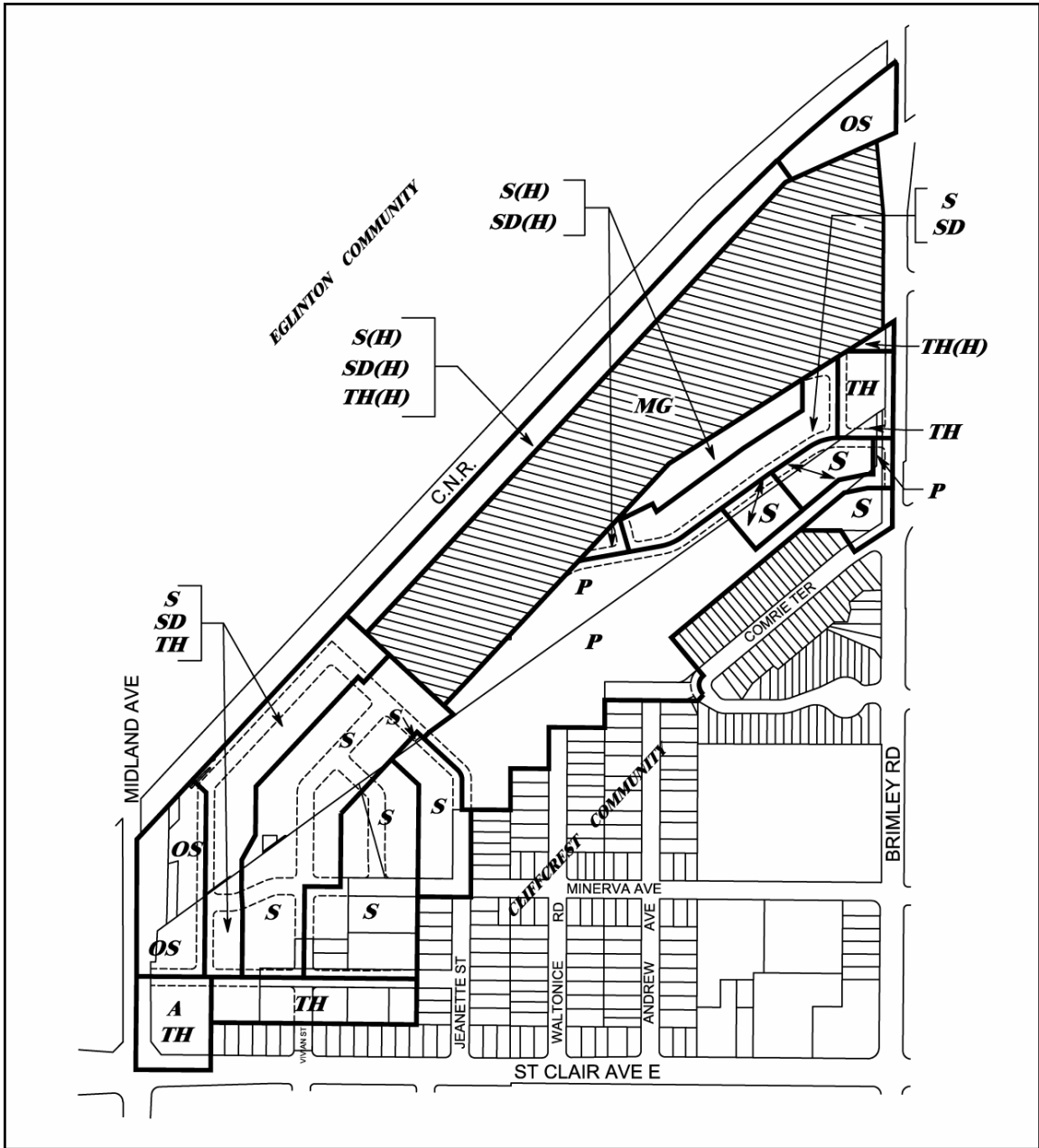
260 Brimley Road
 File # 06-106761 OZ

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



Not to Scale
 08/24/06

Attachment 5: Zoning



Toronto City Planning
Division
Zoning

260 Brimley Road

File # 06-106761 OZ

Location of Application

S Single-Detached Zone
SD Semi-Detached Zone
TH Townhouse Residential Zone
A Apartment Residential Zone

OS Open Space Zone
P Park Zone
(H) Holding Provision
MG General Industrial Zone

Midland/St. Clair Community By-law
Not to Scale
08/25/06



Attachment 6: Draft Site Plan Control 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 is 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'



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

260 Brimley Road
File # 06-106761 OZ

 Area Affected By This By-Law

Knob Hill Emp. District, Midland/St. Clair Comm. Bylaws
Not to Scale
07/19/07



Attachment 7 – Draft Official Plan 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 adopt an amendment to the Official Plan
for the City of Toronto
respecting the lands municipally known as,
260 Brimley Rd**

WHEREAS authority is given to Council under 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. The attached Amendment No. 34 to the Official Plan is hereby adopted pursuant
to the *Planning Act*, as amended.

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

DAVID R. MILLER,
Mayor

ULLI S. WATKISS,
City Clerk

(Corporate Seal)

AMENDMENT NO. 34 TO THE OFFICIAL PLAN

LANDS MUNICIPALLY KNOWN IN THE YEAR 2007 AS 260 BRIMLEY ROAD

The Official Plan of the City of Toronto is amended as follows:

1. Map 20, Land Use Plan, is amended by re-designating Employment Areas to Neighbourhoods and Parks and Other Open Space Areas (Other Open Space Areas) in accordance with Schedule '1' attached hereto.
2. Chapter 7, Site and Area Specific Policies, is amended by extending Site and Area Specific Policy 273 to the lands known as 260 Brimley Road and identified as Parcel 'A', on Schedule '2' attached hereto.
3. Chapter 7, Site and Area Specific Policies, is amended by adding Section g (iv) and Section h to Site and Area Specific Policy No. 273 for the lands known as 260 Brimley Road and identified as Parcel 'A' on Schedule '2' attached hereto, as follows:

g (iv) In addition to the matters included in Section (g) (i), (ii) and (iii), the Holding (H) provisions in the Zoning By-law may also be used for development on Parcel 'A' to:

- ensure that industrial uses on the lands have ceased
- ensure that necessary agreements such as subdivision or site plan have been entered into pursuant to Sections 41, 51 or 53 of the Planning Act.

h In addition to Sections (a) to (g) above, development on Parcel 'A' will proceed in accordance with the following additional policies:

- (i) Parcel 'A' is situated within the area of the Phase 3 Scarborough Transportation Corridor Land Use Study for lands east of Midland Avenue west of Brimley Road, north of St. Clair Avenue and south of the CN rail line. This land use study established the Midland/St. Clair community and the subject lands will become part of the Midland/St. Clair community.
- (ii) A centrally located park is the focus of the Midland/St. Clair community and of the existing surrounding neighbourhoods. The development of community services and facilities in this park is of primary importance to support new development and enhance the liveability of this residential area. Accordingly, in considering development approvals Council may determine that this priority

takes precedence over achievement of other community services and facilities and housing objectives of this Plan.

- (iii) In order to ensure a liveable residential community, consideration will be given to accepting appropriate public benefits pursuant to Section 37 of the *Planning Act* to help the City achieve the objective of developing community services and facilities in the park within the Midland/St. Clair community.
 - (iv) A maximum of 340 dwelling units are permitted.
4. Chapter 7, Site and Area Specific Policies, Map 31 is amended by adding the lands known as 260 Brimley Road, and identified as Parcel 'A' on Schedule '2' attached hereto.

Schedule '1'



TORONTO City Planning
Official Plan

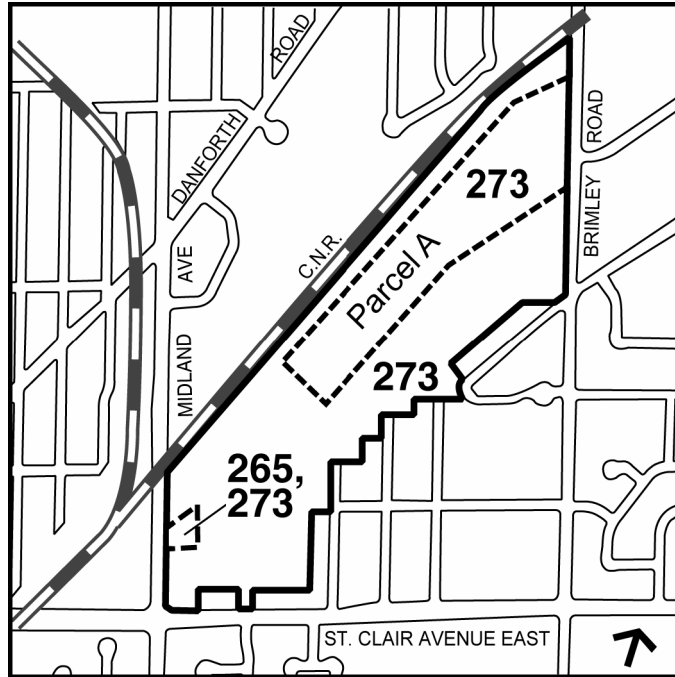
260 Brimley Road

File # 06-106761 0Z




 Not to Scale
 07/26/07

Schedule '2'



Attachment 8: 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 Scarborough Zoning By-law No. 24982, as amended, with respect to the
Employment District By-law (Knob Hill)**

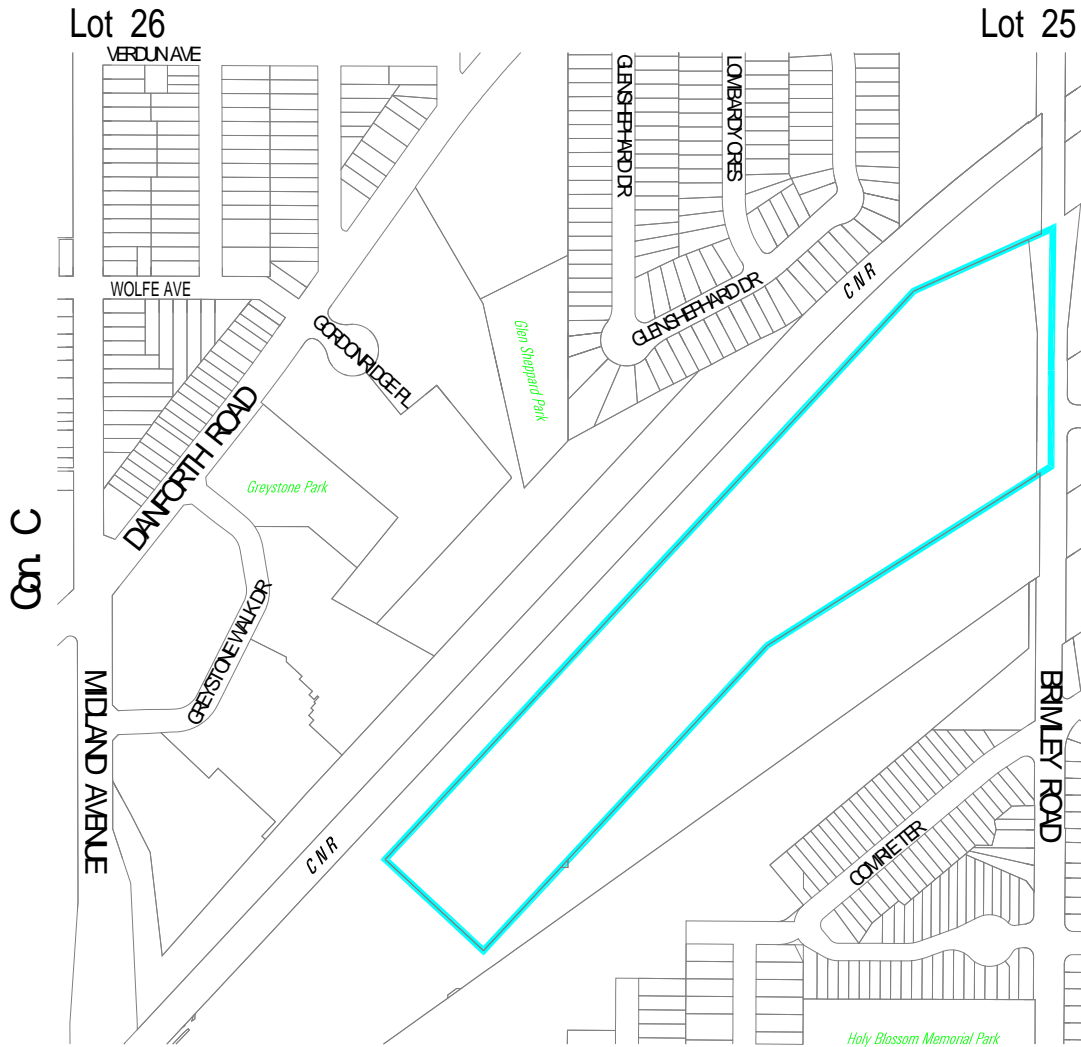
WHEREAS authority is given to Council by Section 34 of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended, to pass this By-law; and

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

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

1. Schedule 'A' of the Employment District By-law (Knob Hill) is amended by deleting lands from the Employment District Zoning By-law (Knob Hill) as outlined on Schedule '1'.
2. The provisions of By-law 24982 shall not apply to the lands outlined on the attached Schedule '1'.
3. This By-law shall not take full force and effect until such time as By-law No.2007, that amends the Midland/St. Clair Zoning By-law takes full force and effect.

Schedule '1'



Toronto City Planning Division
Zoning By-Law Amendment

 Area Affected By This By-Law

260 Brimley Road

File # 06-106761 OZ

Knob Hill Employment District Bylaw
Not to Scale
07/19/07



Attachment 9: Draft Zoning By-law Amendment

Authority: Scarborough Community Council 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 Scarborough Zoning By-law No. 842-2004 for the Midland/St.Clair Community, as amended, with respect to 260 Brimley Road and adjacent lands west of Brimley Road

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

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

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

1. Schedule 'A' **MIDLAND/ST. CLAIR COMMUNITY MAP** of the Midland/St. Clair Community By-law 842-2004 is amended by deleting the current zoning and performance standards for lands on the west side of Brimley Road and replacing them with new zoning and performance standards and adding lands on the west side of Brimley Road known municipally as 260 Brimley Road with zoning and performance standards as shown on attached Schedule '1' so that the amended zoning shall read as follows on Schedule 'A':

S(H) - 13 - 15 - 24 - 30 - 31 - 34 - 50 - 90 - 160 - 350 - 393

S - 13 - 15 - 24 - 30 - 31 - 34 - 50 - 90 - 160 - 350 - 393

SD(H) - 13 - 16 - 24 - 29 - 30 - 31 - 34 - 51 - 90 - 160 - 393

SD - 13 - 16 - 24 - 29 - 30 - 31 - 34 - 51 - 90 - 160 - 393

TH(H) - 13 - 16 - 20 - 23 - 27 - 29 - 30 - 31 - 34 - 52 - 90 - 161-392

TH(H) - 20 - 23 - 53 - 240 - 310- 351 - 352 - 356 - 390 - 392 - 394 - 395 - 397

TH(H) - 20 - 23 - 53 - 240 - 310 - 351 - 355 - 356 - 390 - 391 - 392 - 395 - 396

TH(H) - 23 - 53 - 240 - 310 - 351 - 353 - 356 - 390 - 391 - 392 - 395 - 396

TH(H) - 54 - 240 - 241 - 280 – 310 - 351 - 354 – 356 - 390 - 392 – 395 – 397 - 398

OS(H)

OS

P

2. Schedule 'B', **PERFORMANCE STANDARDS CHART**, is amended by added the following Performance Standards:

INTENSITY OF USE

50. One **single-detached dwelling** per **lot** having a minimum frontage of 9.0 metres on a public **street** and a minimum lot area of 250 m².
51. One semi-detached dwelling unit per parcel having a minimum **front lot line** of 15.0 metres and a minimum area of 420 m² and each **dwelling unit** shall have a minimum **front lot line of 7.5 metres** and a minimum parcel area of 210 m².
52. One townhouse dwelling unit per 6.0 metres of street frontage and per 165m² of lot area.
53. One townhouse dwelling unit 4.5 metres of street frontage and per 80 m² of lot area.
54. One townhouse dwelling unit per 6.0 metres of street frontage and per 105 m² of lot area.

FRONT YARD SETBACKS

90. Minimum **front yard setback** of 3 metres from the street line except the portion of the **main wall** containing the vehicular access shall be **setback** a minimum of 5.7 metres.

SIDE YARD SETBACKS

160. Minimum Setbacks for Buildings Erected on Corner Lots

Minimum **setback** of 2 metres from a side wall to a street line, except the portion of the **main wall** containing the vehicular access shall be **setback** a minimum of 5.7 metres.

161. Minimum Setbacks for Buildings Erected on Corner Lots

Minimum **setback** of 3 metres from a side wall to a street line, except the portion of the **main wall** containing the vehicular access shall be **setback** a minimum of 5.7 metres.

SETBACKS FROM STREETS

240. Minimum **building setback** of 3 metres from the street line.
241. Private lanes shall be situated not less than 3 metres from the Brimley Road street line.

COVERAGE

280. Maximum **building coverage** of 65% of the **lot area**.

HEIGHT

310. Notwithstanding the definition of **Height** in **CLAUSE V – INTERPRETATION, Section (g) Definitions, Height** shall mean the vertical distance measured from the average grade at the front wall of the dwelling unit to the highest point of the building excluding chimneys, skylights, vents, antennae, elevator machine rooms and parapet walls. The front wall of the dwelling unit shall mean the main wall containing the principle pedestrian entrance to the dwelling. A maximum height of 12.6 metres and 3 storeys is permitted.

PARKING

350. An attached or detached garage is required with each **dwelling unit**.
351. Access to driveways and **parking spaces** shall be provided from a private lane, such lane having a minimum width of 6 metres.
352. A minimum of 2 **parking spaces** are required for 50% of the **dwelling units** in each **townhouse dwelling** and a minimum of 1 **parking space** is required for the remaining **dwelling units**. All required **parking spaces** shall be in an attached garage. Notwithstanding anything else in the by-law the minimum dimensions for each enclosed parking space in a two vehicle garage shall be 2.7 metres width by 6.0 metres length and the minimum dimensions for each enclosed parking space in a single-vehicle garage shall be 3 metres width by 6 metres length.

353. Parking shall be provided as follows:

- A minimum of 2 **parking spaces** are required for each **dwelling unit** with a minimum of one of the required **parking spaces** in a detached or attached garage.
- Minimum separation between the side walls of adjacent detached garages shall be 1.2 metres and 0 metres along the common wall between garages.
- A maximum of 3 detached garages may be joined together.
- The minimum dimensions for each enclosed parking space in a two-vehicle garage shall be 2.7 metres width by 6.0 metres length and the minimum dimensions for each enclosed parking space in a single-vehicle garage shall be 3 metres width by 6 metres length

354. A minimum of 2 **parking spaces** are required for each **dwelling unit** except for the end **dwelling units** on each **townhouse dwelling** where a minimum of 1 **parking space** is required. Required **parking spaces** shall be in an attached garage. Notwithstanding anything else in the by-law the minimum dimensions for each enclosed parking space in a two-vehicle garage shall be 2.7 metres width by 6.0 metres length and the minimum dimensions for each enclosed parking space in a single-vehicle garage shall be 3 metres width by 6 metres length.

355. Parking shall be provided as follows:

- A minimum of 2 **parking spaces** are required for 30% of the **dwelling units** with a minimum of 1 of the two required **parking spaces** to be located in a detached or attached garage.
- A minimum of 1 **parking space** in an attached garage is required for the remaining **dwelling units**.
- Minimum separation between the side walls of adjacent detached garages shall be 5.0 metres and 0 metres along the common wall between garages.
- A maximum of 3 detached garages may be joined together
- Notwithstanding anything else in the by-law the minimum dimensions for each enclosed parking space in a two-vehicle garage shall be 2.7 metres width by 6.0 metres length and the minimum dimensions for each enclosed parking space in a single-vehicle garage shall be 3 metres width by 6 metres length.

356. Notwithstanding the definition of **driveway** contained in **CLAUSE V-INTERPRETATION Section (g) Definitions** a **driveway** means the portion of a lot which is intended to provide vehicular access between a street or private lane and a parking space or loading space.

MISCELLANEOUS

390. Buildings shall be situated not less than 0.5 m from a private lane, except for an end wall which shall be situated not less than 0.9 metres from a private lane.
391. Minimum separation between townhouse and/or semi-detached dwellings shall be as follows:
- Minimum separation between the side walls of adjacent townhouse and/or semi-detached dwellings shall be 2 metres, and 0 metres along the common wall between **dwelling units**.
 - Minimum separation between the rear walls, above the first story, of opposing townhouses and/or semi-detached **dwelling units** shall be 15 metres
 - Minimum separation between a side wall and a rear wall on opposing townhouse and/or semi-detached **dwelling units** shall be 7.5 metres.
392. The provisions of this by-law for **Performance Standards** for **Intensity of Use** and **Coverage** shall apply collectively to the lands despite the division of the lands into two or more parcels.
393. For **lots** with frontage on more than one street, the minimum frontage shall be measured along the **front lot line**.
394. A minimum 1.5 metre wide strip immediately abutting “S” or “SD” zones shall be used only for landscaping.
395. A balcony or terrace having a minimum area of 9 square metres shall be provided above each attached garage.
396. In addition to the permitted uses in **CLAUSE VIII- ZONE PROVISIONS Section 3, Townhouse Residential (TH) Zone**, one **semi-detached dwelling** may be permitted.
397. Minimum separation between townhouse dwellings as follows:
- Minimum separation between the side walls of adjacent townhouse dwellings shall be 2.4 metres, and 0 metres along the common wall between **dwelling units**.
 - Minimum separation between the rear walls, above the first story, of opposing townhouses and/or semi-detached **dwelling units** shall be 14.5 metres
 - Minimum separation between a side wall and a rear wall on opposing townhouse **dwelling units** shall be 7.5 metres.

398. Where a 0.3 metre reserve exists, the lands shall be deemed to abut the street.
3. Schedule 'C', **EXCEPTIONS LIST**, is amended by deleting Exception No. 2 from lands on the west side of Brimley Road as shown on the accompanying Schedule "2" map.
 4. Schedule 'C', **EXCEPTIONS LIST** is amended by adding Exception No. 2 to lands on the west side of Brimley Road, and by adding Exception No. 4 to lands on the west side of Brimley Road known municipally as 260 Brimley Road as shown on the accompanying Schedule "3" map.
 5. On the lands identified as Exception 2 on the accompanying Schedule '3' map, the following provisions shall apply, provided that all other provisions of the by-law, as amended, not inconsistent with this Exception, shall continue to apply:
 - 2.1 Only the following uses are permitted prior to the removal of the Holding Provision (H)
 - Open Space Uses
 - 2.2 The Holding Provision (H) used in conjunction with the **Single-Detached Residential (S)**, **Semi-Detached Residential (SD)**, and **Townhouse Residential (TH)** zones shall be removed in whole or in part by amending By-law, when Council is satisfied:
 - i) that the owner has submitted a subdivision application to the satisfaction of Council, that addresses the development principles and guidelines of the Midland/St. Clair Urban Design Guidelines.
 - ii) that an appropriate level of land consolidation has occurred to provide for the orderly development of the lands.
 - iii) as to the availability of the infrastructure and servicing which are necessary to accommodate the proposed use(s).
 - iv) that environmental studies to confirm that the soil conditions and other matters relating to environmental quality meet the relevant Ministry of the Environment guidelines for the proposed use have been submitted to the satisfaction of the City of Toronto.
 - v) that the necessary transportation improvements are in place or will be available to provide for the orderly development of the lands.
 - 2.3 The provisions of **CLAUSE VII- GENERAL PARKING REGULATIONS FOR ALL ZONES, Section 2.1.4 Garages, Carports and Accessory Buildings Sub-sections (c), (d) (i) (ii) (iii) and (e)(ii)** shall not apply within a **Townhouse Residential (TH)** zone.

Instead the following shall apply:

- (i) Detached garages, carports or other **accessory buildings** shall be setback a minimum of 3 metres from a street.
- (ii) Detached garages, carports or other **accessory buildings** shall be situated not less than 0.9 metres from a private lane.
- (iii) Detached garages, carports or other **accessory buildings** shall be situated not less than 1.8 metres from a **dwelling**.

5. On the lands identified as Exception 4 on the accompanying Schedule “3” map, the following provisions shall apply, provided that all other provisions of the by-law, as amended, not inconsistent with this Exception, shall continue to apply:

4.1 On those lands identified as Exception No. 4 on the accompanying Schedule ‘C’ map, the following provisions shall apply:

(a) A maximum of 340 residential units are permitted on the lands encompassed by Exception 4.

(b) Except for **Semi-Detached Dwellings** in a **Townhouse Residential (TH)** zone where **Performance Standard 310** applies, the provisions of **CLAUSE VI, PROVISIONS FOR ALL ZONES**, Section 11 **Regulations for Single-Detached and Semi-Detached Dwellings**, Subsection 11.1 Maximum Height shall not apply to the lands encompassed by Exception 4. Instead the Maximum Height provision shall be replaced with the following:

Maximum Height 10.5 m.

(c) The following provisions concerning Model Homes shall apply to the lands encompassed by Exception 4.

(i) **Model Home** shall mean a finished building intended to be a **Dwelling** used for temporary display to the public prior to occupancy for residential purposes.

(ii) **Model Homes** shall be permitted on the lands encompassed by Exception 4, except that in areas subject to a Holding Provision (H), **Model Homes** shall not be permitted until such time as the Holding Provision (H) has been removed.

(iii) Each **Model Home** shall be of the permitted **Dwelling Unit** type within the zone category and shall comply with the provisions of the **Performance Standards Chart, Schedule “B”** for the **dwelling unit** type, and the **Exceptions List, Schedule “C”**.

- (iv) The maximum number of **Model Homes** shall be as follows:
 - 3 **Single-Detached Dwellings**
 - 1 **Semi-Detached Dwelling**
 - 1 **Townhouse Dwelling**

- (d) The provisions of **CLAUSE VII- GENERAL PARKING REGULATIONS FOR ALL ZONES, Section 2.1.4 Garages, Carports and Accessory Buildings Sub-sections (d) (i) (ii)** shall not apply to detached garages on **lots** that have frontage on more than one **street** in the **Single-Detached Residential (S) Zone**, and instead the following provisions shall apply to detached garages:
 - (i) Detached garages in the **rear yard** shall be **setback** a minimum of 450 mm from the **rear lot line** or a **side lot line** except a street line.
 - (ii) A detached garage shall be **setback** a minimum of 3.0 m from a street line.
 - (iii) Notwithstanding anything in this by-law, semi-detached garages may be centred on a lot line.

- (e) The provisions of **CLAUSE VII- GENERAL PARKING REGULATIONS FOR ALL ZONES, Section 2.1.4 Garages, Carports and Accessory Buildings Sub-sections (c), (d) (i), (ii) (iii) and (e) (ii)** shall not apply within a **Townhouse Residential (TH) zone**.

Instead the following shall apply:

- (i) Detached garages, carports or other **accessory buildings** shall be setback a minimum of 3 metres from a street.
 - (ii) Detached garages, carports or other **accessory buildings** shall be situated not less than 0.9 metres from a private lane.
 - (iii) Detached garages, carports or other **accessory buildings** shall situated not less than 1.8 metres from a **dwelling**.
- (f) The following provisions shall apply to all buildings or structures on the lands encompassed by Exception 4, except for **Model Homes** where a model home agreement or subdivision agreement has been executed:

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

- (i) all new public roads have been constructed to a minimum of base curb and base asphalt and are connected to an existing public highway, and
 - (ii) all water mains and sanitary sewers, and appropriate appurtenances, have been installed and are operational.
- (g) Matters to be provided pursuant to Section 37 of the *Planning Act (R.S.O), 1990 c.P13*, as amended in order to permit the increased density authorized by Exception No. 4:
- (i) The owner of the lands shall enter into one or more agreements with the City of Toronto pursuant to Section 37 of the Planning Act, to secure the facilities, services and matters referred to below, which agreements or agreements may be registered against the title of the lands to which Exception 4 of this By-law applies in the manner and to the extent specified in such agreements. The owner of the subject lands, at the owner's expense and in accordance with, and subject to above, shall provide or fund the following facilities and/or matters:

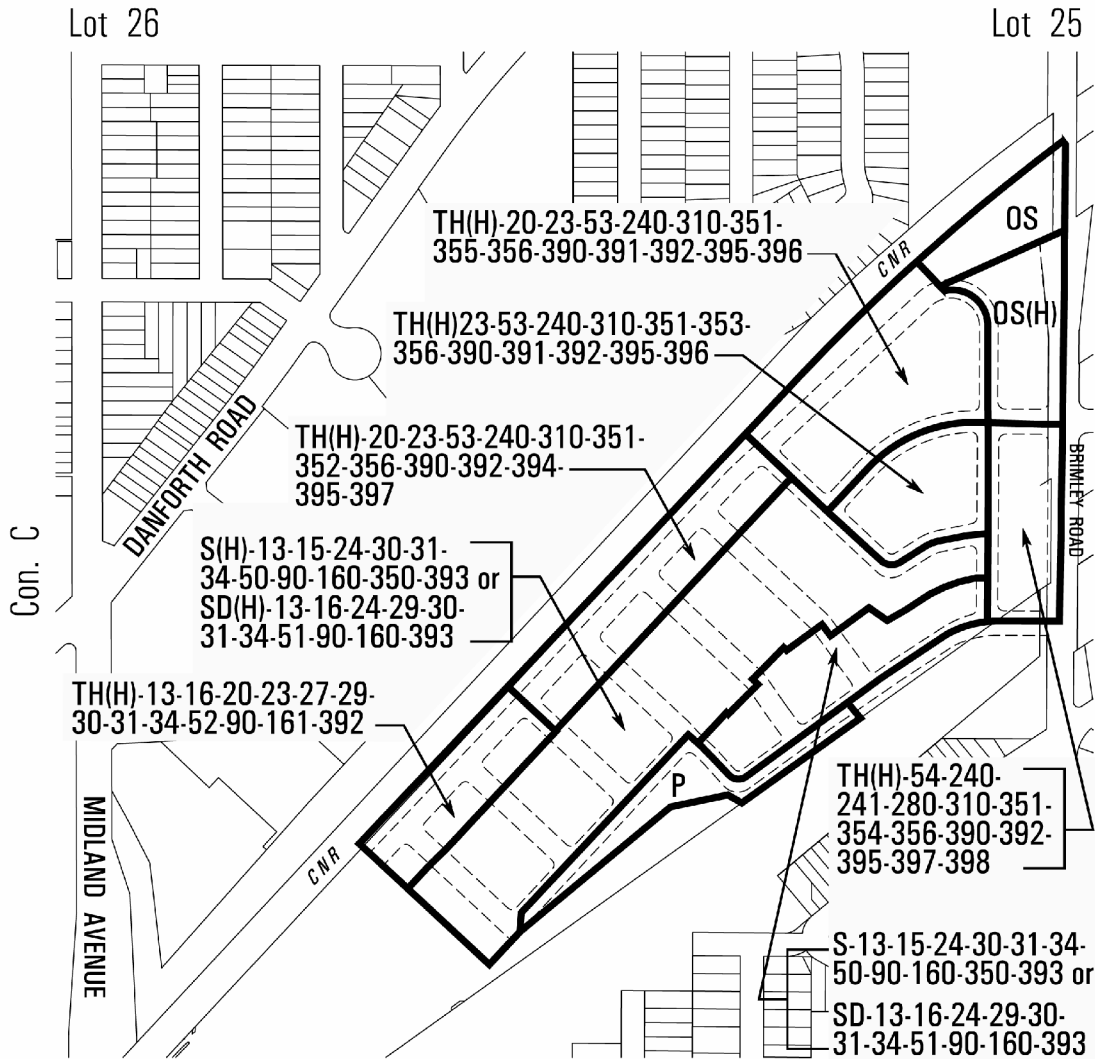
The community benefits to be secured in the Section 37 agreement are as follows:

- (a) Prior to the enactment of the Zoning By-law with respect to the lands to which Exception 4 of this By-law applies, the owner shall pay to the City by certified cheque the amount of \$200,000.00 as indexed to the Consumer Price Index from the date of the Section 37 Agreement, such amount to be used for improvements to the park proposed in the Midland/St. Clair Community.
- (b) Prior to the issuance of any building permit with respect to the lands to which Exception 4 of this By-law applies, the owner shall pay to the City by certified cheque in the amount of \$200,000.00 as indexed to the Consumer Price index from the date of the Section 37 Agreement, such amount to be used for improvements to the park proposed in the Midland/St. Clair Community.

- 4.2 The following permitted uses and provisions shall apply to the lands encompassed by Exception 4, prior to the removal of the Holding Provision (H)

- (a) Only the following uses are permitted prior to the removal of the Holding Provision (H).
- Warehouse and distribution centre and associated ancillary uses.
- (b) The provisions of Employment Districts Zoning By-law No. 24982 (Knob Hill Employment District) shall apply to the lands encompassed by Exception 4, prior to the removal of the Holding symbol (H) with the following performance standards
- 357 - 913 - 991 - 1067
- (c) The Holding Provision (H) used in conjunction with the **Single-Detached Residential (S)**, **Semi-Detached Residential (SD)**, **Townhouse Residential (TH)** and **Open Space (OS)** zones shall be removed in whole or in part by amending By-law, when Council is satisfied:
- i) that the industrial use has ceased.
 - ii) that an appropriate level of land consolidation has occurred to provide for the orderly development of the lands.
 - iii) as to the availability of the infrastructure and servicing which are necessary to accommodate the proposed use(s).
 - iv) that environmental studies to confirm that the soil conditions and other matters relating to environmental quality meet the relevant Ministry of the Environment guidelines for the proposed use have been submitted to the satisfaction of the City of Toronto.
 - v) that the necessary transportation improvements are in place or will be available to provide for the orderly development of the lands.
 - vi) that the owner has submitted a subdivision application to the satisfaction of Council, that addresses the development principles and guidelines of the Midland/St. Clair Urban Design Guidelines.

Schedule '1'



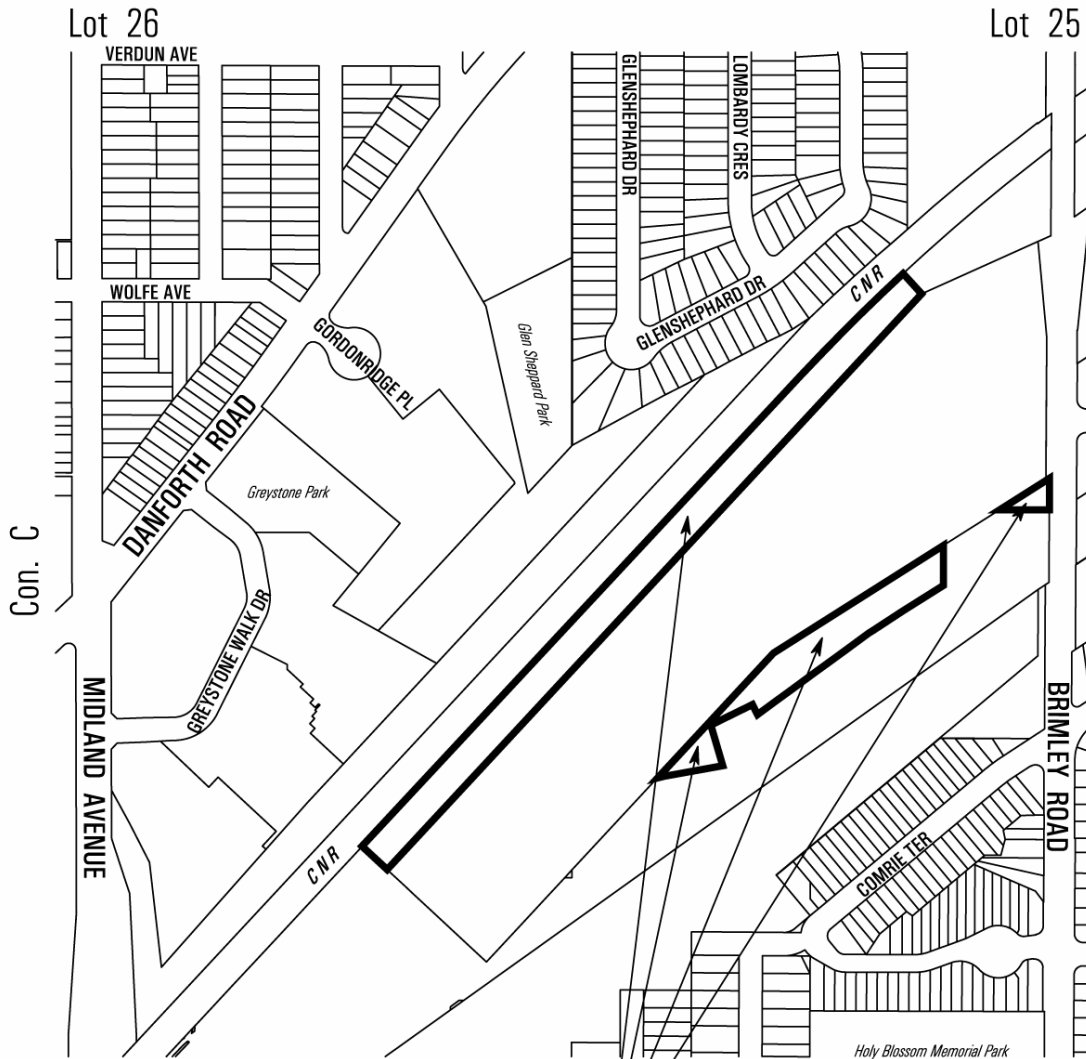
TORONTO City Planning Division
Zoning By-Law Amendment

260 Brimley Road
 File # 06-106761 OZ

 Area Affected By This By-Law

Knob Hill Emp. District & Midland/St.Clair Community Bylaw
 Not to Scale
 ↑
 11/12/07

Schedule '2'



Exception No.2



Zoning By-Law Amendment

260 Brimley Road and adjacent lands west of Brimley Road

File # 06-106761 OZ

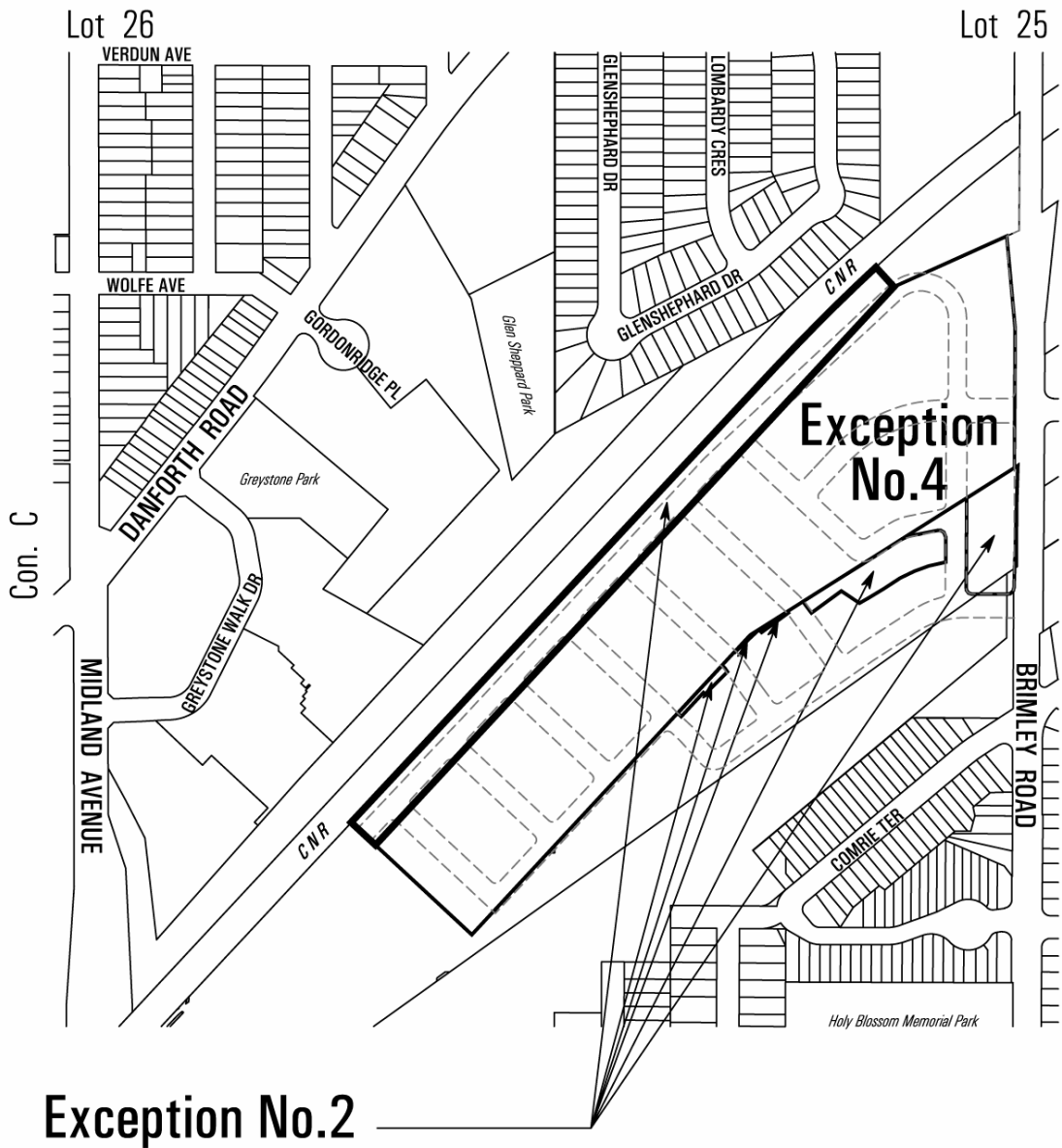


Area Affected By This By-Law

Midland/St.Clair Community Bylaw
Not to Scale
10/01/07



Schedule '3'



Zoning By-Law Amendment

260 Brimley Road and adjacent lands west of Brimley Road

File # 06-106761 OZ

 Area Affected By This By-Law

Midland/St.Clair Community Bylaw
Not to Scale
10/01/07



Attachment 10: Proposed Conditions of Draft Plan of Subdivision 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 Subdivision for 260 Brimley Road, Part of Lot 25, Concession C, prepared by Ophir Dzaldov, Surveyor, Schaeffer & Dzaldov Ltd. dated August 2005, revised September 24, 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 of Technical Services and 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 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 further lands for park purposes or pay monies in lieu thereof in accordance with Official Plan policies and the Planning Act.
4. 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 Parks, Forestry and Recreation.
5. The Owner agrees to include in all Offers of Purchase and Sale and/or Rental Agreements to the satisfaction 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 and 1.2 metres black vinyl chain link fence 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.
6. 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.

WALKWAY BLOCK 109

7. Prior to the registration of the plan of subdivision, the Owner agrees to convey Block 109, free and clear of all encumbrances, to the City for walkway purposes. At the time of conveyance of Block 109 to the City the Owner agrees to provide a cash-in-lieu payment equal to 100% of the value of pavement of the walkway in concrete to the full width of the walkway Block. The Owner agrees to construct prior to the occupancy of the dwellings on Lot 84 and Block 102 a 1.8 metre high, black vinyl coated chain link fence, without gates, along the boundaries of Lot 84 and Block 102 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 Technical Services.
8. Prior to the registration of the plan of subdivision the Owner will ensure that the grading and drainage for Lots 84 and Block 102 is compatible with the grade of the adjacent Walkway Block 109. The lot grading and drainage plans shall be to the satisfaction of Technical Services and Parks, Forestry and Recreation.
9. 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 on the north and south sides of Walkway Block 109 equal to 100% of the value of the fencing to the satisfaction of Technical Services. The Owner agrees and acknowledges that there will be two-year maintenance period, with an annual inspection by Technical Services 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.
10. 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.

CONSTRUCTION OF STREETS WITHIN THE PLAN OF SUBDIVISION

11. Prior to the registration of the plan of subdivision the Owner shall construct, at no cost to the City, Street A, Street B, Street C, Street D, Street E, Street F, Street G, Street H, Street J, and Street K, in the plan of subdivision, and these streets shall be fully serviced to the satisfaction of Technical Services.
12. The Owner agrees to convey to the City for nominal consideration all public roads within the plan of subdivision to the satisfaction of Technical Services. The Owner shall be responsible for all costs associated with the conveyance of roads.

ROADS AND SERVICES EXTERNAL TO THE PLAN OF SUBDIVISION

13. The Owner acknowledges and agrees that roads and services must be extended over lands external to the plan of subdivision to provide access and services for the subdivision. In the event that these roads and services have been constructed or secured through a subdivision agreement(s) on lands external to the plan of subdivision then the Owner shall not be required to provide for these external roads and services. However, should a subdivision agreement(s) in respect of such external lands require that applicant to install roads and services which benefit this Owner, this Owner agrees to pay its reasonable proportion of the costs of the roads and services, provided that applicant established to the satisfaction of the City Solicitor that cost sharing for the roads and services had been agreed to by the Owner.
14. In the event external roads and services that provide access and service to the plan of subdivision have not been constructed or secured in a subdivision agreement(s) on external lands then prior to the registration of the plan of subdivision the Owner shall make satisfactory arrangements with the owner(s) of adjacent lands to the north and south for the construction and conveyance to the City of fully serviced roads shown outside the limits of the plan of subdivision entitled Draft Plan of Subdivision for 260 Brimley Road, Part of Lot 25, Concession C, prepared by Ophir Dzaldov, Surveyor, Schaeffer & Dzaldov Ltd. dated August 2005, revised September 24, 2007 as follows:
 - i) 2.4 to 2.8 (approx) metres from Block 93 to Street A, generally shown as Street B (partial right of way) south of the limits of the subdivision
 - ii) 16.5, then 18.5 then 21 metres from Block 98 generally shown as Street A south of the limits of the subdivision to Brimley Road.

- iii) 18.5 metres, south of Blocks 99 and 100, generally shown as Street H south of the limits of the plan of subdivision
- iv) 18.5 metres south of Blocks 101 and 102 generally shown as street G south of the limits of the plan of subdivision
- v) 18.5 metres from Street F east to Street D, generally shown as Street F south of the limits of the plan of subdivision
- vi) 18.5 metres from Block 108, generally shown as Street D south of the limits of the plan of subdivision
- vii) 16.0 metres from Block 92, generally shown as Street C north of the limits of the plan of subdivision

The Owner shall provide the required reference plans for the external road connections to the satisfaction of Technical Services. The Owner will be responsible for all costs associated with the preparation and registration of the reference plans.

0.3 METRE RESERVES

- 15. Prior to the registration of the plan of subdivision, the Owner shall make satisfactory arrangements with the City to dedicate 0.3 metres reserves to provide for the extension of roads external to the plan of subdivision needed for access to the plan of subdivision to the satisfaction of Technical Services. The Owner shall be responsible for all costs associated with dedicating 0.3 metre reserves.

SERVICES

- 16. 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 Technical Services.
- 17. 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
- 18. 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.
- 19. 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.

20. The Owner agrees to provide such easements as are deemed necessary by the Technical Services for utilities, drainage, and servicing purposes to the appropriate authorities in order to service this plan of subdivision.
21. The Owner agrees to satisfy requirements for coordination and approval by Technical Services for work by Utility Companies related to the development.
22. The Owner agrees to construct sidewalks and utilities throughout the development to the satisfaction of Technical Services.

STORM WATER MANAGEMENT

23. 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 Technical Services.
24. The Owner agrees to convey Block 110 to the City for a Stormwater Management Facility at such time as is set out in the subdivision agreement to the satisfaction of Technical Services.
25. 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, at no cost to the City, of the Stormwater Management Facility on Block 110 and adjacent lands to the north of Block 110 that form part of the Stormwater Management Facility to the satisfaction 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.
26. Prior to the registration of the plan of subdivision, and in conjunction with engineering drawing approvals, the Owner shall make satisfactory arrangements with the owner of adjacent land to the north to provide a landscape plan for the Stormwater Management Facility on Block 109 and adjacent lands to the north of Block 110 that form part of the Stormwater Management Facility and the implementation of this landscape plan at no cost to the City, to the satisfaction of Technical Services, Parks, Forestry and Recreation and City Planning. 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.
27. 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 110 for the conveyance, at no cost, to the City, of the adjacent lands to the north of Block 110 that form part of the Stormwater Management Facility at such time as is set out in the subdivision agreement to the satisfaction of Technical Services.

28. In the event that the Stormwater Management Facility on Block 110 and on lands adjacent to Block 110 that form part of the Stormwater Management Facility has been constructed or secured through a subdivision agreement on lands external to the plan of subdivision, the Owner will not be required to provide for the Stormwater Management Facility as noted in Conditions 25, 26, and 27. 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.

WARNING CLAUSE – REAR YARD CATCHBASINS

29. 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.

NAMING OF STREETS

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

TRAFFIC OPERATIONS ASSESSMENT

31. 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.

ENVIRONMENTAL REVIEW

32. 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 park blocks. Such reports shall be peer reviewed to the satisfaction of 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 Technical Services. The Owner agrees that should additional costs be associated with the peer review, as determined by Technical Services, that the Owner will be responsible for the additional costs associated with the peer review.

33. 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 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.

34. 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 Technical Services.

MIDLAND/ST. CLAIR URBAN DESIGN GUIDELINES

35. 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 City Planning.

STREET LIGHTING PLAN

36. Prior to the registration of the plan of subdivision the Owner shall provide a street lighting plan to the satisfaction of City Planning, and 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

37. The Owner acknowledges and agrees that residential reserve Blocks 92, 93, 94, 95 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, and 108 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 Technical Services and City Planning.

TREE PROTECTION AND REMOVAL - PRIVATE TREES

38. Prior to the registration of the plan of subdivision, the Owner shall provide a Tree Protection Plan to the satisfaction of Parks, Forestry and Recreation.

STREET TREES

39. 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 Parks, Forestry and Recreation and Technical Services.
40. 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 Parks, Forestry and Recreation.
41. 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, 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.
42. 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

43. 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.

44. 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.

SCHOOLS

45. 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.”

46. 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

47. 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

48. 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.
49. 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

50. 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 City Planning. The arrangements or Model Home Agreement if necessary shall include among other matters the following:

- i) Provision 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.

CN RAIL NOISE MITIGATION AND SAFETY MEASURES

51. The Owner agrees to engage a qualified consultant to update the reports “Road and Rail Noise Analysis – 260 Brimley Road” prepared by Valcoustics Canada Ltd, dated January 20, 2006 and “Railway Vibration Analysis – 260 Brimley Road”, prepared by Valcoustics Canada Ltd., dated June 8, 2006, with a detailed analysis of noise and vibration that reflects the final lot numbering/layout and grading, in order to confirm the abatement measures necessary to achieve the maximum level limits set by the Ministry of the Environment and CN. Upon review and approval of the reports, the Owner agrees that all recommendations provided in these report(s) shall be included in the Subdivision Agreement.
52. The Owner agrees to install air conditioners in all future dwelling units on Blocks 92, 94, 95, 96, 97, 104, 105, and 106 and to make provision for the installation of air conditioners in all other future dwelling units in the draft plan of subdivision.
53. The Owner agrees to include warning clauses in all Offers of Purchase and Sale, and/or Rental Agreements for each dwelling unit. Provisions must be included in the Subdivision Agreement to ensure that the following warning clauses survive the release of the Owner’s obligations under the Subdivision Agreement and remain on title:
 - a) All Blocks and Lots:

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

- b) Lots 1 to 84, and Blocks 93, 98, 99, 100, 101, 102, 103, 107 and 108

“This dwelling unit has been fitted with a forced air heating system and the ducting etc. was sized to accommodate central air conditioning. Installation of central air conditioning will allow windows and exterior doors to remain closed, thereby ensuring that the indoor sound levels are within the Ministry of the Environment’s noise criteria. (Note: The location and installation of the outdoor air conditioning device should be done so as to minimize the noise impacts and comply with Ministry of Environment” Publication NPC-216, “Residential Air Conditioning Devices”.

- c) Blocks 92, 94, 95, 96, 97, 104, 105 and 106

“This dwelling unit has been supplied with a central air conditioning system which will allow windows and exterior doors to remain closed, thereby ensuring that the indoor sound levels are within the Municipality’s and the Ministry of the Environment’s noise criteria”

“Purchasers/tenants are advised that despite the inclusion of noise control features in the development and within the building units, sound levels due to increasing road and rail traffic, may occasionally interfere with some activities of the dwelling occupants as the sound level exceeds the City’s and the Ministry of the Environment’s noise criteria.”

54. The Owner agrees to install noise barriers on Blocks 92, 94, 95, 96, 97, 104, 105 and 106 in accordance with the report, “Road and Rail Noise Analysis – 260 Brimley Road” prepared by Valcoustics Canada Ltd, dated January 20, 2006.
55. The Owner agrees to provide a fencing plan including the proposed noise barriers, to the satisfaction of City Planning in consultation with CN Rail.
56. In the event that a 1.83 metre high chain link fence has not been installed or secured in a subdivision agreement on lands north of and external to the plan of subdivision, then prior to the registration of the plan of subdivision, the Owner shall install a 1.83 metre high chain link fence along the north limit of Future Development Block 88 as shown on Draft Approved plan of subdivision entitled “Draft Plan of Proposed Subdivision for Part of Lot 25, Concession C, prepared by Bousfields Inc., dated July 13, 2004, and revised May 16, 2006” and the property line with the CN Rail property, to the satisfaction of CN Rail.
57. The Owner agrees to enter into restrictive covenants to be registered on title to the satisfaction of CN Rail and include clauses in all Offers of Purchase and Sale, and/or Rental Agreements, to provide notice to the public that the safety berm, chain link fencing, and noise and vibration mitigation measures are not to be

- tampered with or altered and that the Owner will be responsible for maintaining any lot-specific mitigation measures and the City will be responsible for maintaining any mitigation measures located on City land.
58. Prior to the registration of the plan of subdivision, the Owner shall convey to CN Rail, at no cost to CN Rail, an easement for operational noise and vibration emissions to the satisfaction of CN Rail. The easement shall not apply to lands to be conveyed or dedicated to the City.
 59. Prior to the registration of the plan of subdivision, the Owner shall make satisfactory arrangements with the owner of lands adjacent to the north of the plan of subdivision to provide for the design and construction of a safety berm on lands external to the plan of subdivision within Future Development Block 88 as shown on Draft Approved plan of subdivision entitled “Draft Plan of Proposed Subdivision for Part of Lot 25, Concession C, prepared by Bousfields Inc., dated July 13, 2004, and revised May 16, 2006”. The Owner must demonstrate to the satisfaction of the City Solicitor that such arrangements with respect to the design and construction of the safety berm have been made with the Owner of adjacent lands to the north. The Owner agrees to revise the report entitled “Road and Rail Noise Analysis – 260 Brimley Road” prepared by Valcoustics Canada Ltd, dated January 20, 2006 to include the details of the design of the safety berm.
 60. Prior to the registration of the plan of subdivision the Owner shall provide a plan for the safety berm (Safety Berm Plan) referred to in condition 59 above, including landscaping, to the satisfaction of Technical Services and Parks, Recreation and Forestry in consultation with CN Rail. The owner agrees that the safety berm will be a minimum of 2.5 metres above-grade at the property line, having side slopes not steeper than 2.5 to 1, adjoining and parallel to the rail-way right-of-way, and will include landscaping to visually screen the rail-line. The Owner agrees to construct the safety berm in accordance with the approved safety berm plan at no cost to the City or CN Rail. The Owner agrees that the safety berm shall be constructed prior to the occupancy of any dwelling units within the plan of subdivision.
 61. In the event that the safety berm has been constructed or secured through a subdivision agreement on lands external to the plan of subdivision then the Owner shall not be required to provide for the safety berm. However, should a subdivision agreement in respect of such external lands require that applicant to design and construct a safety berm which benefit this Owner, this Owner agrees to pay its reasonable proportion of the costs of the design and construction of the safety berm provided that applicant established to the satisfaction of the City Solicitor that cost sharing for safety berm had been agreed to by the Owner.
 62. The Owner agrees that any proposed alteration to the existing drainage affecting CN Rail property will be subject to the review and approval of CN Rail. The

Owner agrees to submit the final grading and drainage plans to CN Rail for the review and approval.

63. Prior to the registration of the plan of subdivision, the Owner shall enter into an agreement with CN, stipulating how CN's concerns will be resolved and will pay CN's reasonable costs in preparing and negotiating the agreement.

LETTER OF CREDIT FOR NOISE, VIBRATION & SAFETY MITIGATION MEASURES

64. Prior to the registration of the plan of subdivision, the Owner shall post a Letter of Credit as security for the construction and installation of all berms and acoustic fences for 120% of the value of the safety berm and acoustic fences to the satisfaction of Technical Services.

TAX PAYMENT

65. 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

66. 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

67. 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 Technical Services.

ENDEAVOUR TO COLLECT FOR ROADS AND SERVICES

68. 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 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

69. 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

70. 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.
71. 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.
72. 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.