

Staines Road and Steeles Avenue – Zoning and Subdivision Applications – Final Report

Date:	November 13, 2007
To:	Scarborough Community Council
From:	Director, Community Planning, Scarborough District
Wards:	Ward No. 42– Scarborough Rouge River
Reference Number:	File No: 06 180719 ESC 42 OZ and 06 180725 ESC 42 SB

SUMMARY

The applications propose the development of 54 street townhouse dwellings on new public streets and 2 single detached dwellings on Staines Road. The applications are for rezoning and approval of a plan of subdivision to permit development of the land.

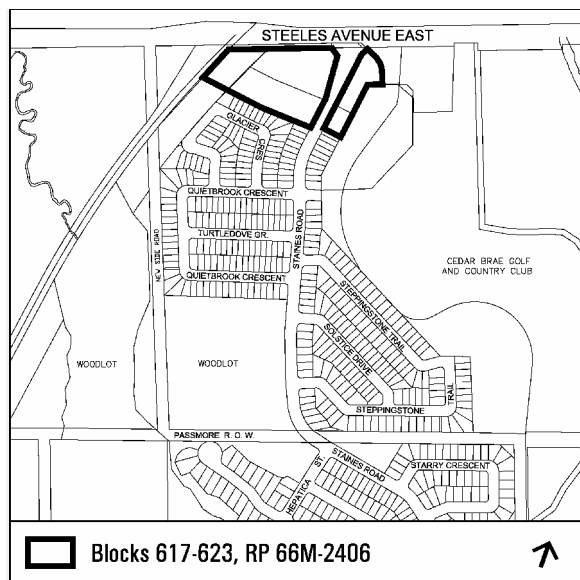
The proposed uses comply with the Morningside Heights Secondary Plan. Approval of this project will advance the completion of this part of the Morningside Heights community.

This report reviews and recommends approval of the application to amend the zoning by-law and support of the draft plan of subdivision.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council amend the zoning by-law for the Morningside Heights Community substantially in accordance with the draft zoning by-law amendment attached as Attachment No. 6.



2. City Council recommend to the Chief Planner that the draft plan of subdivision be approved, generally as illustrated on Attachment 1, subject to:
 - (a) the conditions of approval as generally listed in Attachment 8, 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.
3. City Council amend Site Plan Control By-law No. 21319, attached as Attachment No.7, to extend site plan control to those parts of the subject lands not now under site plan control.
4. City Council authorize the City Solicitor to make such stylistic and technical changes to the draft zoning by-law amendment and site plan control amendment as may be required.
5. City Council advise the applicant of the need to apply for a common element condominium application for the development of the remainder of the owner's land on the east side of Staines Road, and direct staff to make the extending of access and services to the Frost house from the condominium a condition of approval.

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

The Ontario Municipal Board approved the Morningside Heights Secondary Plan in 2000 and the Morningside Heights Community Zoning By-law in 2002. A draft plan of subdivision for the former Brookside Golf Course, including the subject lands, was also approved by the OMB. The subject lands are within Registered Plan 66M-2406, dated October 3, 2003. Most of the site is divided into large blocks, with the objective of developing condominium townhouses, in accord with the existing multiple family zoning.

The registered plan does not create the two proposed lots on Staines Road; this part of the site is shown within a block for street townhouse development. Notwithstanding, this part of the site is zoned for detached residential units.

At its meeting of July 16 and 17, 2007, Council lifted the Holding Provision (H) from that part of the owner's lands abutting the east side of the Canadian Pacific Railway (CPR). This enabled the owner to divide that part of his property abutting Glacier Crescent into single detached lots by way of consent; these lands are no longer part of the subject applications.

ISSUE BACKGROUND

Proposal

The proposal is for 54 street townhouses and 2 single detached dwellings.

The single lots on Staines Road would have frontages of 11 metres and 13.6 metres (36 feet and 45 feet).

The street townhouse lots would have a minimum frontage of 6.1 metres (20 feet). The townhouses fronting the west side of Staines Road north of the proposed Street A will have garages accessed in the rear of the lots, accessing Street B. Staines Road has a 0.3 metre (1 foot) reserve on both sides, preventing driveway access to the road.

That part of the site on the east side of Staines Road, north of the two single detached lots, is shown for future development. It will be the subject of future applications for part lot control exemption and for condominium (Common Elements). The building form of the townhouses on the east side of Staines Road will mirror those on the west side.

A widening for the Steeles Avenue right-of-way west of Staines Road will provide for a future underpass of Steeles Avenue below the CPR.

Site and Surrounding Area

The site is 2.4 hectares (6.0 acres) in size. The site is generally level. Its lowest section, in the centre, is drained by a minor south-flowing watercourse. Tree cover is limited to a conifer plantation along the CPR line. Dirt is piled in this area.

There is a sales office for new homes located on the east side of Staines Road.

The property is bisected by Staines Road and bounded on the north by Steeles Avenue. The lands to the north of Steeles Avenue, in the Town of Markham, are agricultural and golf course. To the south is existing residential development. The CPR line forms the west boundary of the subject lands. The tennis courts and clubhouse parking lot of the golf club are to the east. There is a private dwelling to the north of the parking lot, the Frost house, which is presently accessed from the Cedar Brae driveway.

Provincial Policy Statement and Provincial Plans

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

The Growth Plan for the Greater Golden Horseshoe provides a framework for managing growth in the Greater Golden Horseshoe including: directions for where and how to grow; the provision of infrastructure to support growth; and protecting natural systems and cultivating a culture of conservation.

The Greenbelt Plan identifies the Greenbelt of the Greater Golden Horseshoe as an area where urbanization should not occur in order to provide permanent protection to the agricultural land base and the ecological functions and features occurring in this landscape. In particular, it restricts development and land use in the Rouge River Watershed and the Rouge Park area in Toronto.

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

Official Plan

The site is designated Neighbourhoods, providing for lower scale residential uses such as detached and semi-detached houses, duplexes, triplexes and townhouses, as well as interspersed apartments that are four storeys and less.

The site is within the Morningside Heights Secondary Plan, which makes it subject to both a special designation and to site specific policies. The part of the site adjacent to the CPR line, is designated Buffer Reserve, to a maximum width of 56 metres (184 feet). The designation applies to developable tableland and provides an area within which suitable mitigation measures are to be provided between the railway and industrial uses to the west and the residential uses within Morningside Heights to the east. Detailed studies of noise, dust, odours and other potential environmental impacts are required in order to achieve a compatible transition of land uses.

Should the Buffer Reserve be shown not to be required for these purposes, then the lands can be used according to the adjacent Neighbourhoods land use designation, without any need to amend the Official Plan.

Zoning

The subject lands are zoned for multiple family residential dwellings, except for two lots on the east side of Staines Road which are zoned for single detached dwellings.

Site Plan Control

The greater part of the lands are subject to site plan control, with the exception of the part abutting the CPR and the two single detached lots. No site plan application has been submitted. The applicant has indicated that he would prefer not to file a site plan application prior to a builder being selected.

The submission of a site plan application will be made a condition of draft plan approval, as has been done previously with other applications in Morningside Heights.

Reasons for Applications

The existing zoning of the subject lands reflects the owner's original intention to develop on the basis of condominium tenure. The rezoning application and draft plan of subdivision will provide for townhouses on public streets. The rezoning will also permit a height increase for the units. The parcel on the east side of Staines Road, north of the detached lots, will become a block within the plan of subdivision and will remain zoned for multiple family dwellings.

Community Consultation

A community consultation meeting on the rezoning and draft plan of subdivision was held on February 28, 2007, attended by Councillor Cho, the owner's representatives, and staff and 9 members of the public, including a representative of the Morningside Heights Residents Association.

Questions ranged from the timing of retail facilities to serve the area, the need for a community centre and children's parks, the poor street lighting on Steeles Avenue, the possibility of a service road abutting Steeles Avenue to increase the separation distance of the houses from the road, the future development plans of the golf course and the City's policy for snow clearing. One resident said he purchased his lot relying on a sales person's assurance that there would be no townhouses in the area. Staff replied that the type of housing had been determined as part of the original planning approvals for the community. Staff attempted to address the questions which were pertinent to the applications.

There was some discussion about entrance features (possibly gateposts) shown on the original sales video. Staff encouraged the residents association to write the City regarding these features and to request that a suitable location be found for them. Subsequently staff consulted Transportation Uses staff and were advised of potential problems inherent in the maintenance of such features.

Agency Circulation

The application was circulated to all appropriate agencies and City divisions. Responses received have been used to assist in evaluating the application and to formulate appropriate by-law standards.

COMMENTS

Condominium Street Townhouses – Private Driveway, east side of Staines Road

The part of the site east of Staines Road and north of the proposed single lots is indicated on the draft plan for development in the future. The proposed form of development for this parcel is Condominium (Common Elements) street townhouses with garages at the back of each lot having access to a private lane at the rear. A conventional arrangement of residential driveways to Staines Road would not be possible because of the substantial

difference in grade that will occur between the units and the road at this point. Staines Road is to be lowered in order to match the future elevation of Steeles Avenue, which is planned to be rebuilt to pass below the CPR line to the west.

A private driveway with a pavement width of 6 metres (20 feet) from Staines Road would extend east from the Staines Road at the south end of the condominium block and then north, along the east boundary of the block. Services are proposed to be located beneath the pavement. The driveway would also provide vehicular access to the Frost house, an existing single dwelling located to the east of the subject property.

Because the units in this block would front on Staines Road, the maximum driveway length of 45 metres and maximum number of 10 units on a private lane, set out in the City's Development Infrastructure Policy and Standards (DIPS), would not apply.

Open Space/Parkland

The 5% park dedication for this property was satisfied at the original draft plan approval stage.

Zoning

The zoning amendment (Attachment 6) addresses the proposed change from condominium tenure to freehold ownership and public streets for most of the site. An additional change is the increase in maximum height from 12.5 metres (41 feet) to 14.5 metres (47.6 feet), with a maximum of 3 storeys. The 14.5 metre height limit is typical for areas zoned for street townhousing in Morningside Heights, and has also been applied to single and semi-detached units. Staff believe that the increased height would be appropriate at this location, being the north entrance to the community. At this time the applicant does not have specific unit designs, but has requested the increased height limit to permit greater design flexibility.

In 2003 the Ontario Municipal Board approved a zoning amendment affecting this and other multiple family sites in the community. This exception made the definition of front lot line not applicable: an unintended result was the invalidation of other important provisions of the zoning by-law which relied on the definition. The proposed zoning by-law corrects this by deleting the exception for the subject lands.

Site Plan Control

The Site Plan Control By-law (Attachment 7) will extend site plan control to all of the site which is to be developed for townhousing, both street and condominium. This will ensure appropriate design review of the townhouse development.

Noise

Consultant's noise and vibration reports were submitted in support of the application.

The principal present and future noise and vibration sources for the site were identified as Steeles Avenue, the future Morningside Extension, and the CPR line.

For lots backing or flanking onto the CP Rail line, a 4.0 m high sound barrier (a combination of a 2.0 m high safety berm and 2.0 m high acoustic fence) will be required to achieve an acceptable noise level within rear yards. This sound barrier will need to have a return tapering down to a 2.0 m high acoustic fence, to the side wall of the westernmost unit at the end of Street A. Masonry exterior wall construction is recommended for all units.

A 1.0 m berm and 2.0 m fence will be required along much of the north lot lines of lots flanking the Steeles Avenue right-of-way. Acoustical barriers of 2.4 m and 2.0 m will be required at various other points in the subdivision to protect outdoor amenity areas.

The draft plan conditions relating to acoustical mitigation are set out in the proposed draft plan conditions. (Attachment 8: Draft Conditions of Draft Plan Approval.)

Transit Service

The Toronto Transit Commission has requested a contribution of \$50,000 towards the purchase and construction of a bus loop in the vicinity of Steeles Avenue and Staines Road. The TTC announced in April 2007, that the 53 Steeles East bus route will be extended to Staines Road on a trial basis during peak week-day periods, starting at the end of June.

Until a suitable bus loop can be located and built, buses will temporarily loop south on Staines and run counter-clockwise on Quietbrook Crescent.

The TTC previously considered that bus service would not be extended north of Seasons Drive. However, based on a reassessment of the density of development, the TTC has reconsidered bus service to this part of the community.

Staff support the extension of bus service to this part of the community. However, the subject applications will not increase in residential density from what was originally approved by the OMB.

Conclusion

The rezoning and subdivision approval for the development of 54 street townhouses on the subject lands should proceed as currently applied for. The recommended draft zoning by-law and subdivision conditions have been prepared on this basis.

It is recommended that the lands on the east side of Staines Road, except for the two single lots, continue to be shown on the draft plan as a block for future development. The applicant intends to apply for approval of part lot control exemption and for condominium (Common Elements) applications. The resulting density of development on this block will be approximately the same as in the balance of the development. Approval of the future condominium will require that the condominium enter into an agreement to allow vehicular access to Staines Road over its private lane to be available to the Frost house.

Approval of the subject applications will provide for substantial completion of the north entranceway to the Morningside Heights community.

CONTACT

David Beasley, Principal Planner

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Fax No. 416-396-4265

E-mail: dbeasle@toronto.ca

SIGNATURE

Allen Appleby, Director
Community Planning, Scarborough District

ATTACHMENTS

Attachment 1: Subdivision Plan

Attachment 2: Zoning

Attachment 3: Official Plan

Attachment 4: Morningside Heights Secondary Plan

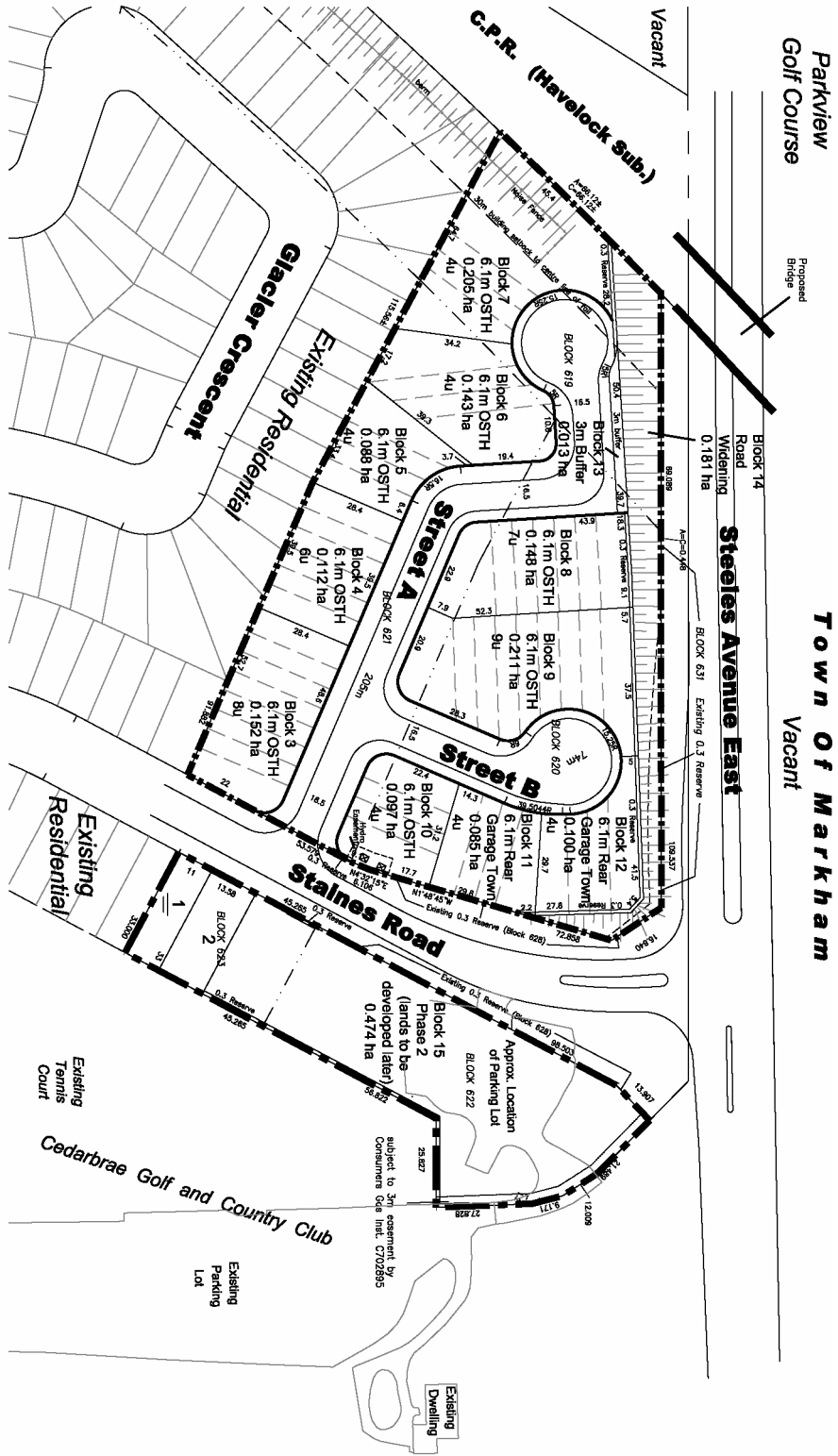
Attachment 5: Application Data Sheet

Attachment 6: Draft Zoning By-law Amendment

Attachment 7: Draft Site Plan Control By-law

Attachment 8: Draft Conditions of Draft Plan Approval

Attachment 1: Subdivision Plan



Subdivision Plan

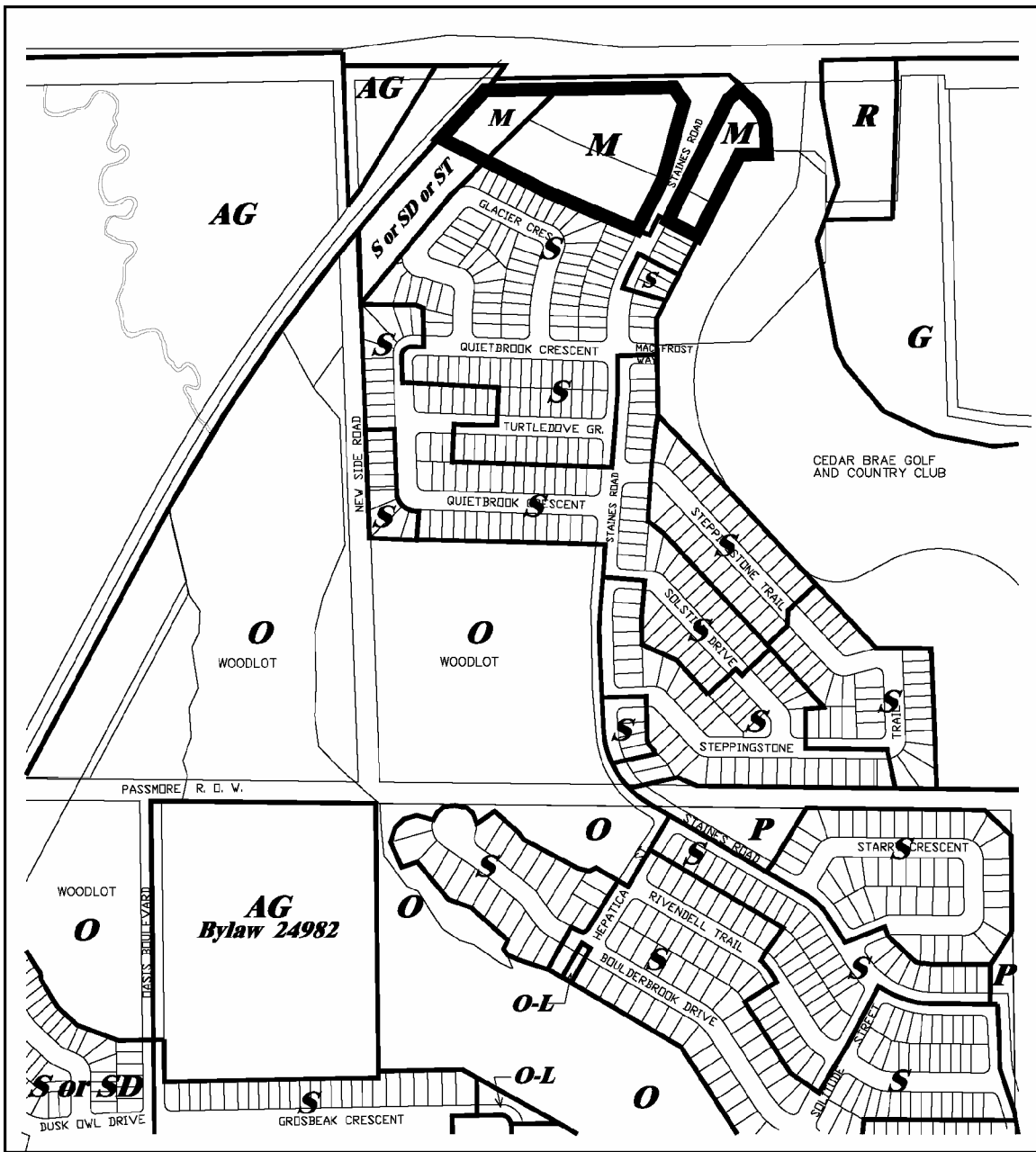
Applicant's Submitted Drawing

Not to Scale
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Staines Avenue at Steeles Avenue

File # 06-180719 0Z

Attachment 2: Zoning



TORONTO City Planning
Division
Zoning

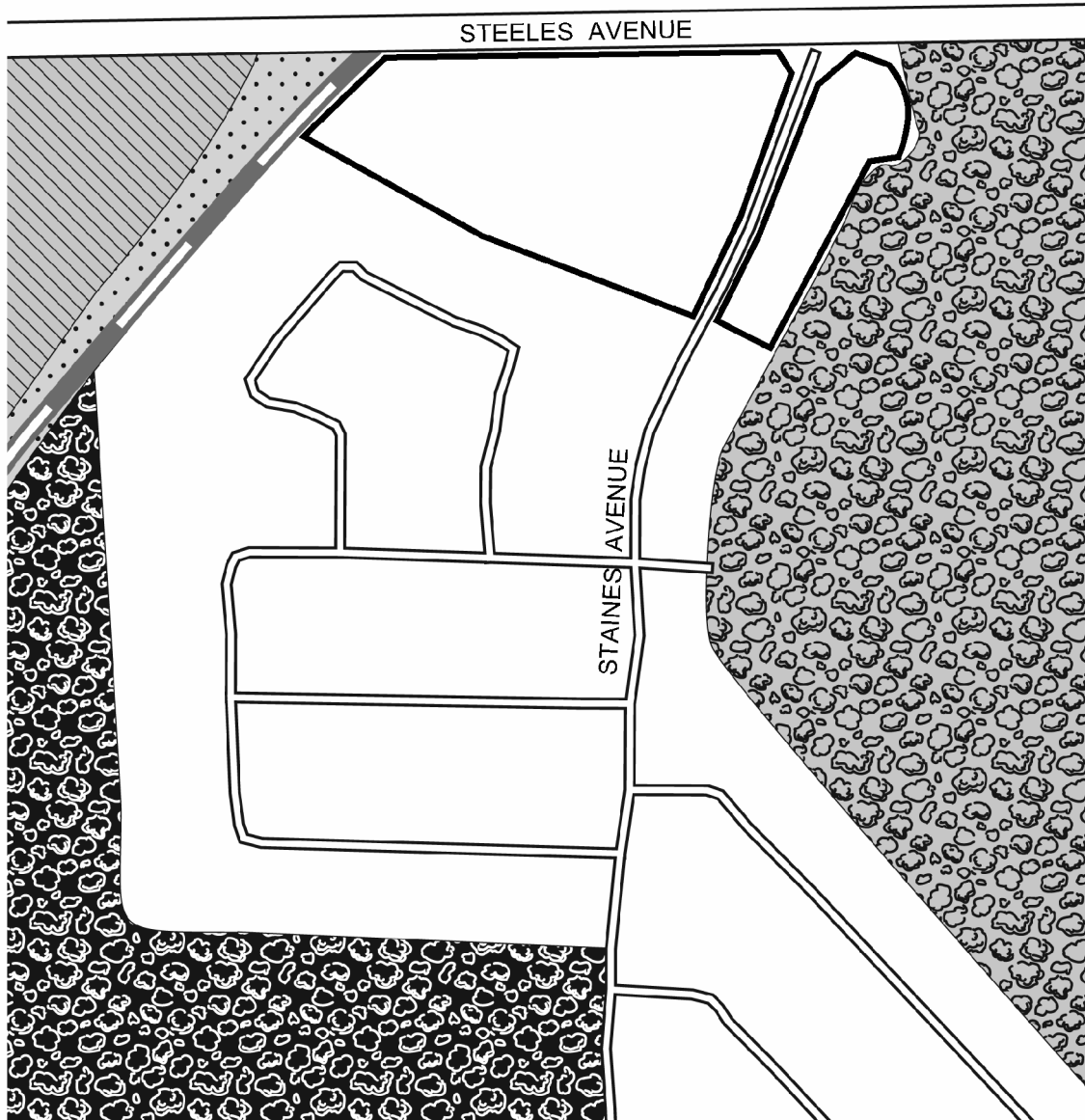
Staines Avenue at Steeles Avenue
File # 06-180719 OZ, 06-180725 SB

- | | |
|--|-------------------------------|
| S Single-Family Residential | R Rural Residential |
| SD Semi-Detached Residential | O Open Space |
| ST Street Townhouse Residential | O-L Open Space-Linkage |
| M Multiple Family Residential | P Park |
| AG Agricultural | G Golf Course |
| | (H) Holding |

Morningside Heights Community Bylaw
Not to Scale
10/3/07



Attachment 3: Official Plan



TORONTO City Planning
Official Plan

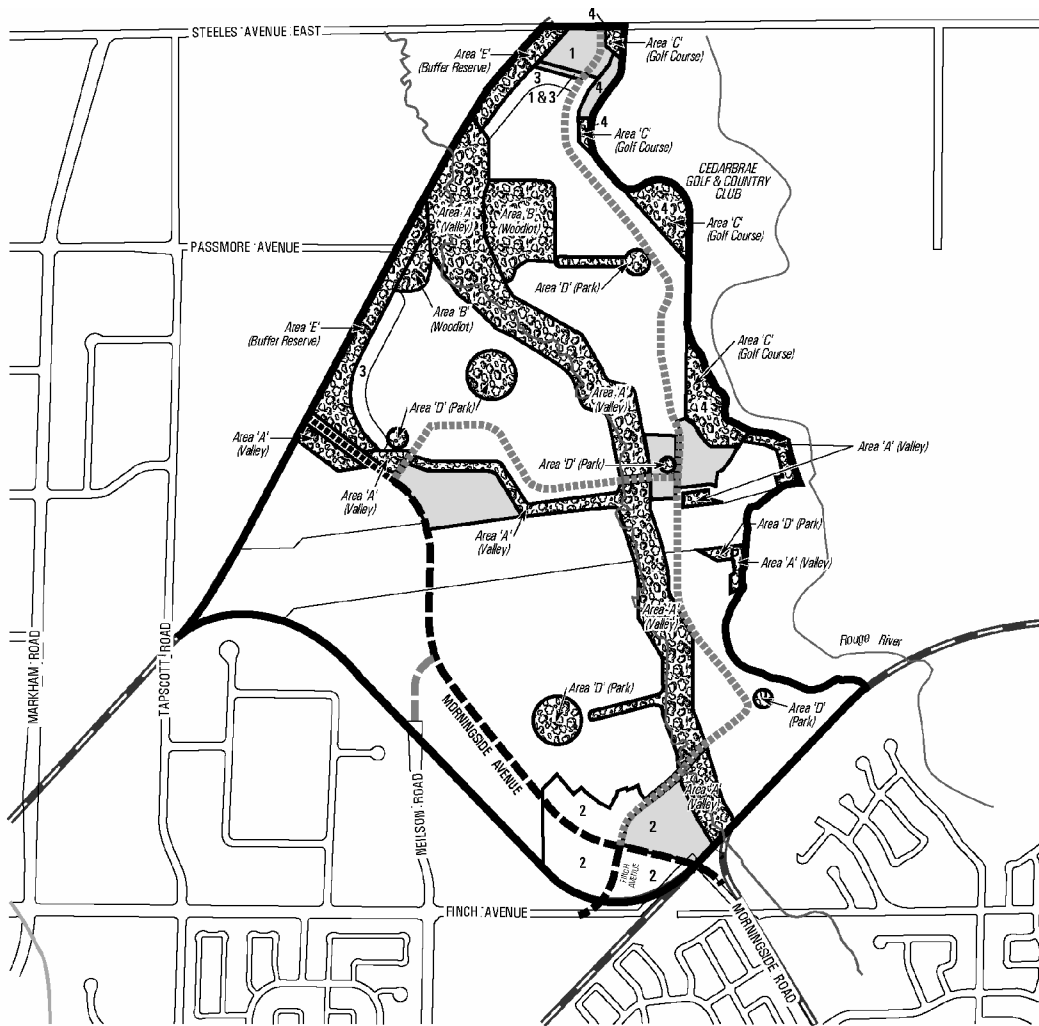
Staines Avenue at Steeles Avenue

File # 06_180719 02

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

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 Not to Scale
 10/03/07

Attachment 4: Morningside Heights Secondary Plan



Morningside Heights Secondary Plan

MAP 3-1 Land Use Plan

Secondary Plan Boundary	Road Reserve	Railway
Site and Area Specific Policies	Major Arterial	Hydro Corridor
Parks and Open Space Areas	Minor Arterial	
Neighbourhood Area 'A'	Collector	

June 2006

Attachment 5: Application Data Sheet

Application Type	Rezoning, Plan of subdivision	Application Number:	06 180719 ESC 42 OZ
Details	Rezoning, Standard	Application Date:	06 180725 ESC 42 SB October 2, 2006

Municipal Address: 0 STAINES RD W/S
 Location Description: PLAN 66M2406 BLK 620 **GRID E4202
 Project Description: 54 street townhouse units and two single detached units.

Applicant:	Agent:	Architect:	Owner:
BOUSFIELDS INC. R CUTLER			554056 ONTARIO LIMITED

PLANNING CONTROLS

Official Plan Designation:	NEIGHBOURHOOD	Site Specific Provision:	
Zoning:	Multi-family Residential	Historical Status:	
Height Limit (m):	12.5 metres	Site Plan Control Area:	Most of the site is under site plan control

PROJECT INFORMATION

Site Area (sq. m):	26100	Height:	Storeys:	2 or 3 storeys
Frontage (m):	0		Metres:	Maximum 14.5 metres
Depth (m):	0			
Total Ground Floor Area (sq. m):	0			Total
Total Residential GFA (sq. m):	0		Parking Spaces:	0
Total Non-Residential GFA (sq. m):	0		Loading Docks	0
Total GFA (sq. m):	0			
Lot Coverage Ratio (%):	0			
Floor Space Index:	0			

DWELLING UNITS

Tenure Type:	Freehold
Rooms:	0
Bachelor:	0
1 Bedroom:	0
2 Bedroom:	0
3 + Bedroom:	0
Total Units:	56

FLOOR AREA BREAKDOWN (upon project completion)

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

CONTACT: PLANNER NAME: David Beasley, Principal Planner, Telephone (416) 396-7026

Attachment 6: Draft Zoning By-law Amendment

Authority: Scarborough Community Council Item ~ [or Report No. ~, Clause No. ~]
as adopted by City of Toronto Council on ~, 20~
Enacted by Council: ~, 200~

CITY OF TORONTO

Bill No. ~

BY-LAW No. ~-200~

**To amend the Morningside Heights Zoning By-law, approved by the Ontario
Municipal Board on June 17, 2002, as amended,
with respect to the lands east and west of Staines Road, south of Steeles Avenue**

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

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

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

1. SCHEDULE 'A' of the Morningside Heights Zoning By-law, is amended by deleting the existing zoning and replacing it with the following, so that the amended zoning shall read as follows as shown on Schedule "1":

ST-4-20-21-23-34-52-60

ST-4-20-21-23-52-60

ST-6-20-21-23-52-60

ST-7-20-21-23-52-60

ST-8-20-21-23-52-60

ST-9-20-21-23-52-60

M-18-20-21-23-52-60

2. SCHEDULE 'B' of the Morningside Heights Zoning By-law, **Performance Standards Chart**, is amended by adding the following **Performance Standards**:

INTENSITY OF USE

18. Maximum 17 **dwelling units**.

HEIGHT

52. **Height of dwellings** shall not exceed 14.5 m and 3 **storeys**, not including **basements**.

MISCELLANEOUS

60. Within the lands shown on Schedule "1" attached to this By-law, no person shall use any land or erect or use any building or structure unless the following municipal services are provided to the lot line and the following provisions are complied with:

- (a) all new public roads have been constructed to a minimum of base curb and base asphalt and are connected to an existing public highway; and
- (b) all water mains and sanitary sewers, and appropriate appurtenances, have been installed and are operational.

3. **SCHEDULE 'B'** is further amended by revising **Performance Standard 34** so that it shall read as follows:

BUILDING SETBACKS

34. Minimum setback of 15.0 m from the property limit of the CPR Havelock line right-of-way and 30.0 m from the property limit of all other rail line rights-of-way.

4. **SCHEDULE 'C'** of the Morningside Heights Zoning By-law, **Exceptions Map**, is amended by deleting Exception 5 and substituting Exception 4 within the lands shown on Schedule "2" attached to this by-law, and the front lot lines are deemed to be as shown on Schedule "2".

ENACTED AND PASSED this ~ day of ~, A.D. 20~.

DAVID R. MILLER,
Mayor

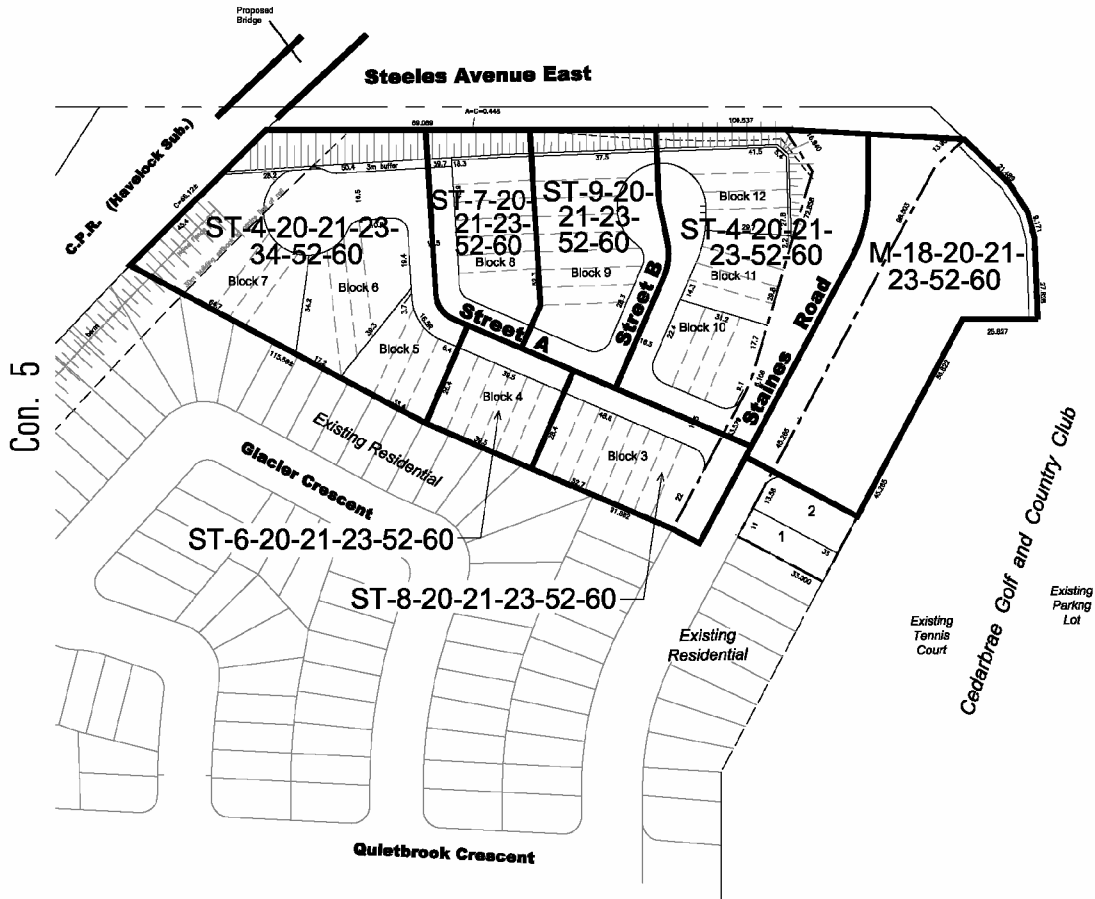
ULLI S. WATKISS,
City Clerk

(Corporate Seal)

Schedule '1'

Lot 14

Town Of Markham
Vacant



Zoning By-Law Amendment

Staines Avenue at Steeles Avenue East

File # 06-180719 OZ



Area Affected By This By-Law

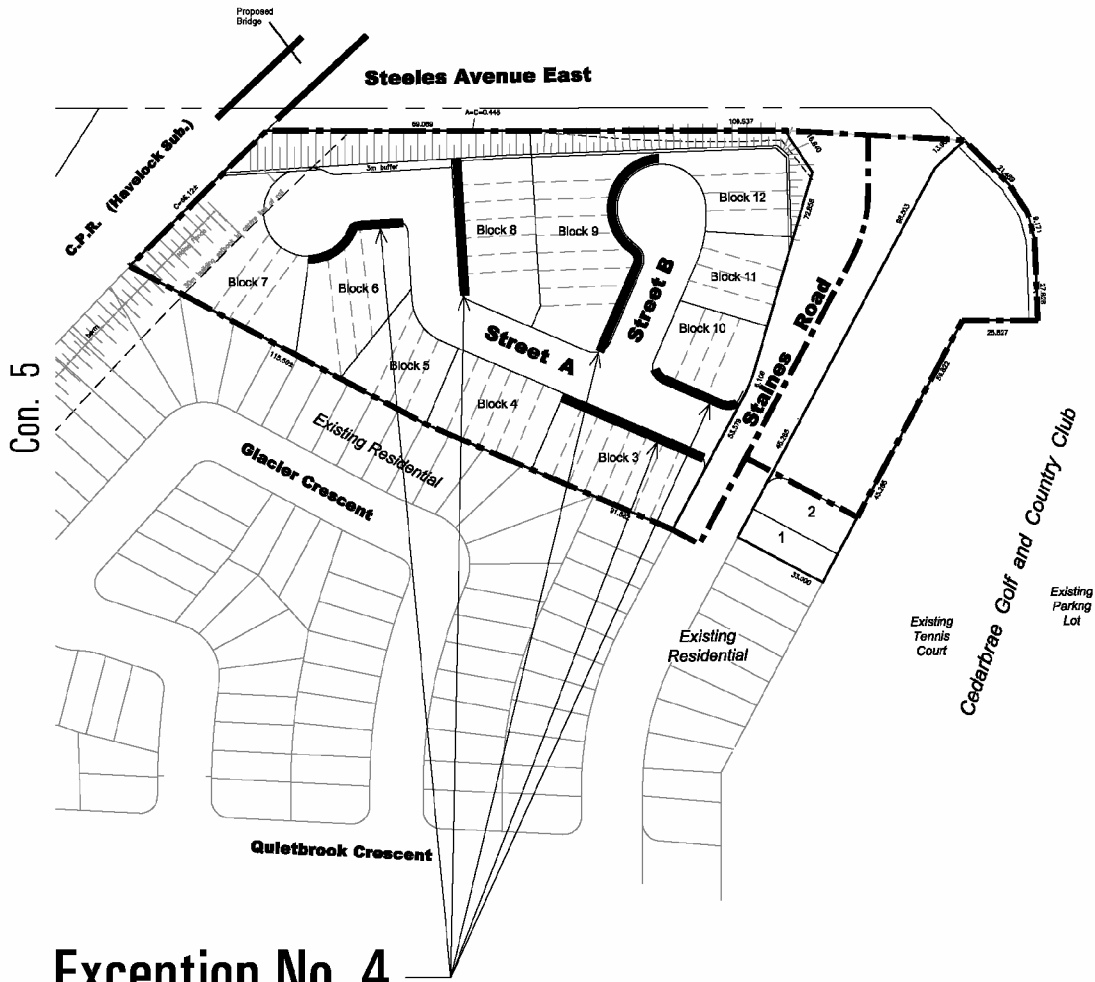
Morningside Heights Community Bylaw
Not to Scale
11/07/07



Schedule '2'

Lot 14

Town Of Markham
Vacant



Exception No. 4



Zoning By-Law Amendment

Staines Avenue at Steeles Avenue East

File # 06-180719 0Z

 Area Affected By This By-Law

Morningside Heights Community Bylaw
Not to Scale
10/30/07


Attachment 7: Draft Site Plan Control By-law

Authority: Scarborough Community Council Report No. ~, Clause No. ~
as adopted by City of Toronto Council on ~, 200
Enacted by Council: ~, 200

CITY OF TORONTO

Bill No. ~

BY-LAW No. ~2007

To amend Site Plan Control By-law No. 21319, as amended, of the former City of Scarborough, to designate a Site Plan Control Area, with respect to lands south of Steeles Avenue East, abutting and to the east of the CPR Havelock rail line.

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.

ENACTED AND PASSED this ~ day of ~, A.D. 200.

DAVID R. MILLER,
Mayor

ULLI S. WATKISS
City Clerk

(Corporate Seal)

Schedule '1'

Lot 14



Site Plan Control Amendment

Staines Avenue at Steeles Avenue East

File # 06-180719 OZ, 06-180725 SB



Area Affected By This By-Law

Morningside Heights Community Bylaw
Not to Scale
11/08/07



Attachment 8: Draft Conditions of Draft Plan Approval

**BROOKSIDE NORTH (544066 ONTARIO LIMITED) SUBDIVISION
CONDITIONS-NOV 2, 2007**

**CITY OF TORONTO
CONDITIONS OF DRAFT PLAN OF SUBDIVISION APPROVAL
SUBDIVISION APPLICATION 06 180725 ESC 42 SB
DRAFT PLAN PREPARED BY BOUSFIELDS INC
FOR BLOCKS 617-623 inclusive,
REGISTERED PLAN 66M-2406
CITY OF TORONTO**

1. This approval shall relate to the above-noted plan by Bousfields Inc. dated October 24, 2007, certified by Ophir N. Dzaldov, Ontario Land Surveyor.
2. The Owner shall execute the City's standard subdivision agreement, and shall satisfy all of the pre-registration conditions contained therein.
3. The approval of this plan of subdivision will lapse if the subdivision is not registered within 5 years of the date of draft plan approval.
4. The Official Plan land use designations and zoning implementing the Official Plan are in full force and effect.
5. The Owner shall provide to the Director of Community Planning, Scarborough District, a Statement of Account from Revenue Services Division, Finance Department, confirming payment of all outstanding and current taxes.
6. Prior to the registration of the plan of subdivision, the Owner shall ensure that land to be conveyed to the City of Toronto shall be free and clear, above and below grade, of all easements, encumbrances and encroachments except those existing already on the lands that are for the benefit of the City of Toronto or those required by the City of Toronto as part of this plan of subdivision.
7. Prior to the registration of the plan of subdivision, or following the registration of that plan, as the City in its sole discretion decides, the Owner shall agree to provide such easements to the City as deemed necessary by the Executive Director, Technical Services Division for utilities, drainage and servicing purposes to the appropriate authorities in order to service this plan of subdivision.
8. Prior to the registration of the plan of subdivision, the Owner shall make any necessary red-line changes to the plan of subdivision regarding rights-of-way, 0.3

- metre (1 foot) reserves, corner roundings, sight lines and these shall be provided satisfactory to the Executive Director, Technical Services.
9. The Owner shall prepare the final plan of subdivision in metric units related to the Ontario Co-ordinate System and shall submit a digital copy of the plan to the Executive Director, Technical Services.
 10. The Owner shall provide an environmental report and Record of Site Condition for the land to be transferred to the City. The report must present the soil condition and confirm compliance with the current criteria of the Ministry of Environment's guidelines for use at contaminated sites in Ontario.
 11. The Owner is to provide a Storm Water Management analysis that calculates storm water storage volumes and/or structures which have to be constructed for both the Major and Minor Storm Events. A Stage 2 Report setting out actual service design will be required, to the satisfaction of the Executive Director of Technical Services and the Toronto and Region Conservation Authority.
 12. The Owner is to provide a standard right-of-way width of 18.5 metres in width for Street A between Staines Road and Street B with a 2 metre wide sidewalk along one side of the road pavement, to the satisfaction of the Executive Director of Technical Services.
 13. The Owner is to provide a standard right-of-way width of 16.5 metres for Street A and Street B from the intersection of Streets A and B to their ends, with a 2 metre wide sidewalk along one side of the road pavement, to the satisfaction of the Executive Director of Technical Services.
 14. The Owner is to remove the corner radius to Lot 2, to bring the north property line of Lot 2 directly to the Staines Road right-of-way.
 15. The Owner is to maintain the existing vehicular access to Staines Road across Block 15 in favour of the existing residential property lying to the east of Block 15, known as the Frost property, to the satisfaction of the Executive Director of Technical Services.
 16. The Owner agrees that, prior to the development of Block 15, it will grant and provide an easement through Block 15 to allow for vehicular access to the Frost property, to the satisfaction of the Executive Director of Technical Services.
 17. The Owner shall agree that no individual driveway access shall be permitted to Staines Road for the units fronting Staines Road within Blocks 10, 11, 12 and 15.
 18. The Owner shall agree that a notice shall be registered against the title of units fronting Staines Road within Blocks 10, 11, 12 and 15. This clause shall advise occupants the future Steeles Avenue grade separation with the Canadian Pacific

Rail Havelock Line may cause Staines Road to be lowered by several metres between Steeles Avenue and the proposed Street A.

19. Prior to the registration of the plan of subdivision the Owner shall obtain from Canadian Pacific Rail a letter regarding a suitable berm and fencing for the protection of residential properties created by this development abutting the Canadian Pacific Rail Havelock Line, and the Owner shall agree to construct said protection measures, to the satisfaction of the Executive Director of Technical Services.
20. Prior to the registration of the plan of subdivision the Owner shall agree to provide all municipal street signage hardware required for the subdivision and shall agree to install upgraded street lighting fixtures, similar to those installed in previous phases of development within the community, to the satisfaction of the Toronto Hydro.
21. The Owner shall provide a right-of-way widening along the Steeles Avenue frontage of the property, from the CPR line east to Staines Road, and along part of the west side of Staines Road, to facilitate the Steeles Avenue grade separation with the CPR rail line, to the satisfaction of the Executive Director of Technical Services.
22. The Owner shall provide a 4.0 metre high sound barrier, consisting of a 2.0 metre high berm and 2.0 metre high acoustic fence mid-way along the western edge of part of Block 7, abutting the east property line of the CPR line. This sound barrier is to return to the side wall of the easternmost unit on Block 7, tapering down from 4.0 metres to 2.0 metres in height.
23. The Owner shall provide a 3.0 to 3.5 metre high sound barrier, consisting of a 1.0 to 1.5 metre high berm and a 2.0 metre high acoustic fence, along the north lot lines of Blocks 8, 9 and 12, with returns (fences only) to the side walls of the northernmost units on Blocks 8 and 12, respectively.
24. The Owner shall provide a 2.0 metre high acoustic fence on the south property line of the easternmost unit of Block 16, extending along most of the east property line of Block 16 and with a return (fence only) to the side wall of the easternmost unit.
25. The Owner shall provide a 2.0 metre high acoustic fence to provide sound mitigation to the rear and side yards of the easternmost unit on Block 10, going around the existing hydro vaults on the Staines Road.
26. The Owner shall agree that exterior walls for all units shall be of brick veneer or acoustically equivalent construction.
27. The Owner shall agree to provide a Noise Control Certificate of Completion to the Chief Building Official which certifies that in the opinion of the Noise Control

consultant the noise measures required to be incorporated into the site development have been completed and are in conformance with the building permit application drawings bearing the Noise Control Consultant's Noise Control conformance certificate.

28. The following warning clauses are to be included in a registerable portion of the subdivision agreement and to be included in offers of purchase and/or lease agreement on all designated lots:
- a) "Purchasers are advised that despite the inclusion of noise control features in this development area and within the building units, noise levels from increasing traffic on the Morningside Avenue Extension, Steeles Avenue East, Staines Road and/or the CP Rail Havelock Subdivision may continue to be a concern, occasionally interfering with the activities of the occupants as the sound levels may exceed the Municipality's and the Ministry of the Environment's noise criteria."
 - b) "Purchasers are advised that this dwelling unit was fitted with a central air conditioning system in order to permit closing of windows for noise control. (Note: locate air cooled condenser unit in compliance with NPC-216 as required by the City of Toronto By-Law.)"
 - c) "Purchasers are advised the acoustical berm and/or barrier as installed must be maintained, repaired or replaced, as necessary, by the owner. Any maintenance repair or replacement shall be with the same material, to the same standards, and having the same colour and appearance of the original."
 - d) "Purchasers are advised that this development is in proximity to existing industrial facilities and industrially zoned lands whose activities may at times be audible."
 - e) "Warning: Canadian Pacific Railway Company or its assigns or successors in interest has or have a right-of-way within 300m from the land and subject hereof. There may be alternations to or expansions of the rail facilities on such right-of-way in the future including the possibility that the railway or its assigns or successors as aforesaid may expand its operations, which expansion may effect the living environment of the residents in the vicinity, notwithstanding the inclusion of any noise vibration attenuating measures in the design of the development and individual dwelling(s). CP Rail will not be responsible for any complaints or claims arising from use of such facilities and/or operations on, over or under the aforesaid right-of-way".

29. The Owner shall agree that prior to the issuance of building permits, the acoustical requirements should be reviewed by an acoustical consultant to ensure compliance with the applicable guidelines.
30. The Owner shall agree that prior to occupancy of the residential units, an acoustical consultant shall confirm that the acoustical requirements are in compliance with the noise report.
31. Purchasers are advised that the City of Toronto Zoning by-law for these lands requires parking to be provided at a rate of 1.0 spaces per dwelling unit and that all units have at least one space within a garage which meets these requirements. In addition to the Zoning By-Law requirements, the Owner must provide a hard surface where applicable which may be partially located within the City owned ROW leading to the parking space within the garage.
32. The Owner shall agree to include in all offers of purchase and sale or lease the following warning clause prior to registration of the plan and for a period of 10 years after the registration of the subdivision plan:

“The Individual Environmental Assessment Study for Transportation Improvements in the Markham Bypass Corridor South of Highway 407 has concluded that Morningside Avenue should be extended to Highway 407 with a bridge over the CPR and retaining walls both north and south of the bridge. The Environmental Assessment has identified a road alignment that is elevated with a retaining wall, abutting the CPR line.”
33. Prior to release for construction and/or registration of the plan of subdivision, the Owner shall make arrangements to prepare a composite utility plan, prepared by a licensed municipal servicing engineer, who shall co-ordinate, on behalf of the City and to City standards, all utility company installation proposals within the public right-of-ways. This same consulting engineer shall provide a composite utility plan, indicating the utility company’s installations of services within the municipal road allowances created and /or extended to service this development. Such plan shall be prepared to the satisfaction of the Executive Director, Technical Services.
34. Prior to release for construction and/or 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 boulevard trees, as these relate to the location of any roads, sidewalks, driveways, street lines and utilities. The street tree planting plan shall be satisfactory to the Executive Director, Technical Services and the General Manager, Parks, Forestry and Recreation.
35. The Owner agrees to submit a two year renewable guarantee in the form of a letter of credit or certified cheque to Urban Forestry for each tree to be planted on

- City road allowances prior to planting, for a total of \$583.00 for each new tree, to the satisfaction of the General Manager, Parks, Forestry and Recreation.
36. 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 further agrees to plant the street trees as per the approved street tree planting and composite utility plans, to the satisfaction of the General Manager of Parks, Forestry and Recreation and the Executive Director, Technical Services Division. Upon written request from the Owner, Parks, Forestry and Recreation agrees to inspect the newly planted trees and will advise the Owner if the trees are satisfactory. The owner acknowledges and agrees to maintain the trees for a period of two (2) years after being advised in writing that Parks, Forestry and Recreation is satisfied with the newly planted trees. The Owner acknowledges that, should any newly planted tree require replacement during this guarantee period, the tree shall be replaced and shall have an additional two (2) year maintenance period placed on this new planting. At the end of that period, upon acceptance, the City shall accept maintenance responsibilities and return the Letter of Credit.
 37. The Owner agrees that there will be no wording in any Offer of Purchase and Sale and/or Rental Agreement for any lands within the proposed plan of subdivision that states or creates an expectation that there will be a tree in front of each residential lot.
 38. Prior to the registration of the plan of subdivision, the Owner agrees to provide its solicitor's confirmation to the City advising that the above clause has been included in all Offers of Purchase and Sale and/or Rental Agreements within the plan of subdivision to ensure that future occupants are aware that they may not receive a street tree in front of their property.
 39. Prior to the registration of the plan of subdivision, the Owner shall make satisfactory arrangements, financial and otherwise, with a hydroelectric provider including, amongst other matters the installation of an underground hydro and street lighting system to the satisfaction of the Executive Director, Technical Services.
 30. Prior to the registration of the plan of subdivision, the Owner shall make satisfactory arrangements, financial and otherwise with telecommunications provider all to the satisfaction of the Executive Director, Technical Services. The Owner shall agree in the Subdivision Agreement to grant the telecommunications provider any easements that may be required for telecommunications services. Easements may be required subject to final servicing decisions.
 31. Prior to the registration of the plan of subdivision, the Owner shall make satisfactory arrangements, financial and otherwise (including providing easements),

with a natural gas provider for the delivery of gas services to the plan of subdivision to the satisfaction of the Executive Director, Technical Services.

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

The Toronto District School Board sign shall advise 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.”

The Toronto Catholic School Board sign shall advise that:

“The Toronto Catholic District Board has plans to provide for the accommodation of all students from this development area. The accommodation may not be in the local development area at this time. Student accommodation, if not in this area, will be in the existing facilities located in adjacent areas.

For information regarding Catholic Schools servicing this development, please call the Planning Department at (416) 222-8282 ext. 2277.”

33. Prior to the registration of the plan of subdivision, the Owner shall agree to include in all offers of purchase and sale or lease the following warning clause prior to registration of the plan and for a period of 10 years after registration of the subdivision plan:

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

and

“Despite the best efforts of the Toronto Catholic 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 that students may later be transferred”; and

“The Purchaser(s) or Tenant(s) agree for the purpose of transportation to school, if bussing is provided by the Toronto Catholic District School Board, that children will not be bussed from home to school and/or from school to home, but will meet the bus at designated locations in or outside of the area. ”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.

34. The Owner shall agree to provide street lighting to the City Standards, at no cost to the City, and appurtenances in accordance with the approved street lighting plan, to the satisfaction of Toronto Hydro.

NOTES TO DRAFT APPROVAL

1. Where any provision of these draft plan of subdivision conditions of approval makes reference to the Owner, it is understood that any rights and/or obligations accruing to the Owner and attributable to its successors and assigns.
2. Where any provisions of these draft plan of subdivision conditions of approval makes reference to a condition to be satisfied or work undertaken by the parties to this agreement, those parties agree to pursue the resolution of such conditions or work in a timely, reasonable and cooperative manner.
3. Hydro One Networks Inc. has requested that the following paragraph be included as a note to draft approval:

An electrical distribution line operating at below 50,000 volts might be located within the area affected by this development or abutting this development. Section 186 - Proximity - of the Regulations for Construction Projects in the *Occupational Health and Safety Act*, requires that no object be brought closer than 3 metres (10 feet) to the energized conductor. It is the proponent’s responsibility to be aware, and to make all personnel on site aware, that all equipment and personnel must come no closer than the distance specified in the Act. They should also be aware that the electrical conductors can raise and lower without warning, depending on the electrical demand placed on the line. Warning signs should be posted on the wood poles supporting the conductors stating

DANGER - Overhead Electrical Wires in all locations where personnel and construction vehicles might come in close proximity to the conductors.