

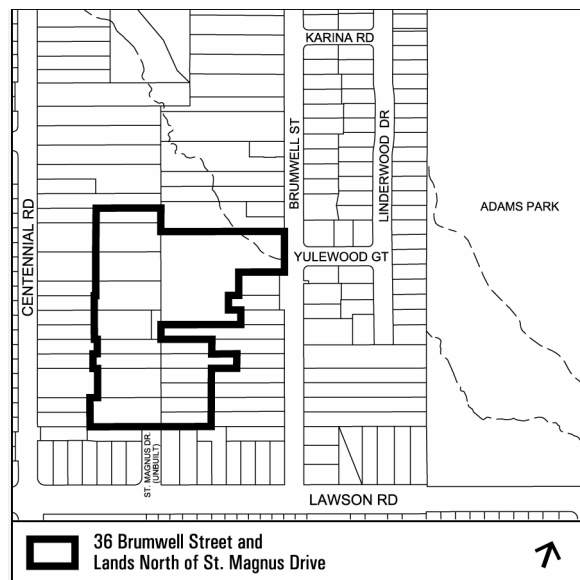
**36 Brumwell Street and Lands North of St. Magnus Drive
Unopened Road Allowance, between Centennial Road
and Brumwell Street – Subdivision Application – Final
Report**

Date:	October 30, 2008
To:	Scarborough Community Council
From:	Director, Community Planning, Scarborough District
Wards:	Ward 44 – Scarborough East
Reference Number:	06 198723 ESC 44 SB

SUMMARY

This application proposes twenty six (26) new single detached lots within a draft plan of subdivision on a new public street. This is an infill subdivision situated between lots fronting onto Centennial Road and Brumwell Street. The proposed road is an extension of an existing but unbuilt road allowance known as St. Magnus Drive, which extends northward from Lawson Road.

The proposed infill subdivision is compatible with the established development pattern and lotting fabric of the neighbourhood in which it is located. The proposed lot sizes comply with existing zoning requirements. The development respects and appropriately mitigates impacts on the adjacent watercourse and Ravine By-law protected lands. It proposes both an open space block and parkland for conveyance to the City, to be used for reforestation purposes. The development is considered appropriate and represents good planning.



This report advises that the Chief Planner may approve the draft plan of subdivision subject to specific conditions of approval, as set out in Attachment 3.

RECOMMENDATIONS

The City Planning Division recommends that:

1. In accordance with the delegated approval under By-law 299-2000, Council recommend that the Chief Planner approve the draft plan of subdivision application 06 198723 ESC 44 SB by Chiavatti Developments Limited, as generally illustrated on Attachment 1, subject to:
 - a. the appropriate conditions of approval as generally listed in Attachment 3, which must be fulfilled, unless otherwise noted, prior to the release of the plan of subdivision for registration; and,
 - b. any such revisions to the proposed plan of subdivision or any such additional or modified conditions as the Chief Planner may deem to be appropriate to address matters arising from the on-going technical review of this development.

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

The lands which comprise the proposed draft plan of subdivision have been assembled through consent applications from the original lots fronting both Centennial Road and Brumwell Street and consolidated with the lands at 36 Brumwell Street, which are owned by the developer and have frontage on an opened road allowance. The proposed plan of subdivision would include the construction and extension of St. Magnus Drive.

St. Magnus Drive is a dedicated but unbuilt road allowance approximately 60 metres in length that was created by Registered Plan M-1942 in 1980. The former City of Scarborough acquired cash-in-lieu of constructing services from Lawson Road to the north limit of said subdivision. This 1980 subdivision created a total of 8 lots, 7 of which fronted onto Lawson Road, between Centennial Road and the unopened St. Magnus Drive road allowance. The eighth lot has frontage on St. Magnus Drive and cannot be developed until all services on the future road allowance abutting the lot have been constructed.

ISSUE BACKGROUND

Proposal

The proposed draft plan of subdivision is comprised of 3.01 hectares (7.4 acres) of land, and proposes the development of 26 single family residential lots, each having lot

frontages of 15.24 metres (50 feet), and lot areas of 696 square metres (7,490 square feet) or greater. The subdivision also proposes an Open Space block, approximately 0.28 hectares (0.69 acres) in size, which includes a portion of an existing tributary of Adams Creek and Ravine By-law protected lands, and a Park block, approximately 0.17 hectares (0.42 acres) in size. The Open Space and Park blocks abut one another and are located at the north-east section of the proposed draft plan and front onto Brumwell Street opposite Yulewood Gate. All lots are proposed to have frontage on a new 20.0 metre public road allowance, St. Magnus Drive. The existing and unbuilt St. Magnus Drive road allowance extends 60 metres from Lawson Road to the southern limit of the proposed draft plan of subdivision. The owner proposes to construct the unbuilt portion of St. Magnus Drive as a fully serviced municipal road. Refer to Attachment No. 4 for project data.

Site and Surrounding Area

The overall land area which comprises this draft plan of subdivision is 3.01 hectares (7.4 acres). The site is relatively flat, is comprised mainly of lawn along with a variety of trees, and is traversed at the north-east section of the lands by a tributary of Adams Creek. An existing dwelling and associated detached garage are located at 36 Brumwell Street.

The lands are located within an established residential community of single detached dwellings on large lots. Abutting land uses include the following:

- North: forested ravine system including a tributary of Adams Creek intersecting the rear portions of adjacent residential lots containing single detached dwellings.
- East: single detached residential dwellings.
- West: single detached residential dwellings.
- South: single detached residential dwellings.

Provincial Policy Statement and Provincial Plans

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

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

City Council's planning decisions are required by the Planning Act, to conform, or not conflict, with the Growth Plan for the Greater Golden Horseshoe.

Official Plan

The subject lands are designated Neighbourhoods with the northeast section designated Parks and Open Space - Natural Areas within the Toronto Official Plan. Neighbourhoods are physically stable areas providing for a variety of lower scale residential uses. Policies and development criteria aim to ensure that physical changes to established neighbourhoods be sensitive, gradual and generally “fit” the existing physical character. Development in established neighbourhoods will respect and reinforce the existing physical character of the neighbourhood, including in particular: size and configuration of lots; setbacks of buildings from the street or streets; prevailing patterns of rear and side yard setbacks and landscaped open space; and continuation of special landscape or built form features that contribute to the unique physical character of a neighbourhood. No changes will be made through rezoning, minor variance, consent or other public action that are out of keeping with the physical character of the neighbourhood.

Within the Parks and Open Space designation, Natural Areas will be maintained primarily in a natural state while allowing for compatible recreational, cultural and educational uses and facilities that minimize adverse impacts on natural features and functions; and, conservation projects, public transit, public works and utilities for which no reasonable alternatives are available, and that are designed to have only minimal adverse impacts on natural features and functions.

The area designated Parks and Open Space – Natural Areas also forms part of the Natural Heritage System (Map 9 of the Official Plan). All proposed development in or near the natural heritage system will be evaluated to assess the development’s impacts on the natural heritage system and identify measures to mitigate negative impact on and/or improve the natural heritage system.

Zoning

The subject lands are zoned Single-Family Residential (S) Zone, and permit single family dwellings, group homes and correctional group homes, and ancillary uses such as domestic or household arts and private home day care. Performance standards applicable to the majority of the site permit one single-family dwelling per parcel of land with a minimum of 15 metres frontage on a public street and a minimum area of 696 square metres. The north-east portion of the site permits one single-family dwelling per lot as shown on the Registered Plan. The proposed plan of subdivision would permit the development in accordance with the provisions of the Zoning By-law.

Site Plan Control

The lands are not subject to site plan control.

Reasons for Application

The plan of subdivision is necessary to create the proposed lots and to create the new public road.

Community Consultation

A community consultation meeting was held by the ward councillor on November 27, 2007. The meeting was organized, advertised and chaired by the Ward Councillor.

The meeting was attended by approximately 30 people. Questions were raised regarding the possibility of extending the road further north, the estimated length of time that construction will take, dust mitigation during construction, and how long until a new road is assumed by the City. Concerns were raised about the boundaries and extent of the Ravine Protection By-law and how it may preclude other landowners from developing the rear portions of their lands because of the ravine traversing their lands.

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 conditions of draft plan approval.

COMMENTS

Provincial Policy Statement and Provincial Plans

The proposal is consistent with the PPS. The PPS contains various policies that address matters such as optimizing use of land resources and public investment in infrastructure and public service facilities by establishing an efficient development pattern. They also seek to minimize undesirable effects of development. In this regard, the applicant has submitted a Natural Heritage Impact Study which reviewed the proposal in the context of the Natural Heritage Policies of the PPS and has found that the development is consistent with those policies. The PPS also seeks to incorporate publicly accessible natural settings for recreation including parkland and open space areas.

The proposal conforms and does not conflict with the Growth Plan for the Greater Golden Horseshoe by directing growth to built up areas through intensification of which infill development is a part.

Compatibility

The single detached dwellings are consistent with the Neighbourhoods policies of the Official Plan, and with the existing Single Family Residential zoning of the land. The size of lots proposed will be compatible with the surrounding community, and the proposed road will extend a 20.0 metre (66 ft) road allowance that was created by plan of subdivision in 1980.

The applicant is proposing 26 lots for single detached dwellings on lots having frontages of 15.24 metres (50 feet) and lot areas ranging from approximately 696 square metres (7,490 square feet) to 1,271 square metres (13,680 square feet). The applicant is also proposing to dedicate two blocks within the draft plan, an open space block, which is consistent with the Ravine Protection By-law area and the other a Park block which falls

within the Neighbourhoods designation and is consistent with the Official Plan which provides for parks.

The proposed development is compatible with the surrounding development and is appropriate for the area.

Traffic and Subdivision Configuration

The proposed road, St. Magnus Drive, was created in part by the registration of Plan M-1942 in 1980. A 60.9 metre portion of St. Magnus Drive exists as a dedicated but unbuilt road allowance northward from Lawson Road to the southern limit of the proposed draft plan of subdivision. The City received monies from the developer of registered plan M-1942 for cash-in-lieu of constructing services from Lawson Road for the unbuilt portion of St. Magnus Drive. These monies would be rebated to the developer who constructs these services.

The proposed draft plan of subdivision seeks to extend St. Magnus Drive by approximately 225 metres (740 feet), terminating in a full 12.5 metre radius, temporary turning circle. The temporary turning circle is proposed to encroach slightly into the northernmost two lots on the proposed plan, Lots 20 and 21. A temporary turning circle agreement and easements will be required for these lots. A temporary turning circle would allow for the potential further extension of the roadway if such an extension is proposed and demonstrated to be appropriate. As a temporary encroachment, the overall lot areas of Lots 20 and 21 will not be diminished. Appropriate conditions of draft approval have been included to address the encroachment.

A condition of draft plan approval will require the owner to construct both the existing portion of St. Magnus Drive and the proposed extension of the street through the proposed subdivision as a fully serviced 20.0 metre right-of-way. The proposed 26 lots will each front onto the proposed extension of the street. There is potential for two additional lots to front onto the street, without further extension to the road. The first lot is Lot 8 of Registered Plan M-1942, which has not been developed and is owned by Chiavatti Developments Limited. It will be able to be developed once services are constructed in front of this lot. The second is for the rear portion of the lands at 22 Brumwell Street which are not part of the proposed subdivision development. A 0.3 metre reserve is proposed between this property and the proposed extension of St. Magnus Drive. Access to the new street will not be permitted without the lifting of the 0.3 metre reserve. The City will endeavour to collect the proportionate share of the cost of construction of services on St. Magnus Drive attributable to this property, if and when the property is severed and access to the proposed St. Magnus Drive extension is sought.

The lands identified east of proposed Lots 13 and 14 on the draft plan within the proposed road right-of-way are City owned lands acquired for road purposes when the lands at 329 Centennial Road were severed in 1984. These lands are shown in the hatched area on Attachment 1, Proposed Draft Plan. These lands are to be incorporated into the proposed extension of St. Magnus Drive. A condition pertaining to this has been

included in the recommended conditions of draft approval, and the City has given authority for the applicant to proceed with the subdivision application on these lands.

A traffic operations assessment was submitted in support of the application. This report finds that the addition of St. Magnus Drive and its connection to Lawson Road will result in no adverse traffic impact or safety concerns, and that no roadway improvements to the existing network are required.

Tree Preservation and Replacement

The applicant has submitted an Arborist report along with a Tree Preservation Plan and Inventory in support of the proposed development. The protection of 50 private trees is proposed, and a tree removal permit is required for 77 trees on private property. The trees proposed for removal are either within the area of the proposed road, or in conflict with the proposed house siting areas on the lots or perimeter grading of the lots. The majority of the trees to be protected are either within the proposed Open Space and Park blocks, or on the edge of the limits of the subdivision. A separate ravine permit is required for a tree located within the Ravine Protected Area. In this case, the removal of a tree is proposed to enable construction of services to Brumwell Street.

A minimum of three replacement trees is required for each tree included in the application to remove/destroy trees. If it is not possible to accommodate all replacement plantings on site, cash-in-lieu is required for each tree that cannot be planted on site. Blocks 29 and 30 (Open Space and Park block) are intended for tree planting. Street tree plantings will also be required. Relevant conditions for forestry matters have been included in the recommended conditions of draft plan approval.

Servicing

The applicant has submitted a Servicing and Stormwater Management Feasibility Study in support of the proposal. The report and associated drawings have been reviewed by relevant divisions, including the Technical Services Division. The proposed development can be supported by existing infrastructure and must be designed in accordance with City of Toronto standards. A servicing easement is proposed through the Park and Open Space blocks for stormwater purposes connecting to Brumwell Street. The location is satisfactory to City staff and to the Toronto and Region Conservation Authority.

The applicant will be required to provide a Stage II Stormwater Management Report for the subject lands addressing water quality and quantity, with the first submission of engineering drawings. A condition to this effect has been included in the recommended conditions of draft plan approval.

Natural Heritage Area and Ravine By-law

The north-east portion of the subject lands are traversed by a tributary of Adams Creek and are subject to the City's Ravine and Natural Feature Protection By-law. A portion of this feature is illustrated on Attachment 1 – Draft Plan of Subdivision. The majority of these lands are designated Parks and Open Space – Natural Areas, and the lands are also identified as being part of the Natural Heritage System (Map 9) in the Official Plan.

Official Plan policies require that all proposed development in or near the natural heritage system will be evaluated to assess the development's impacts on the natural heritage system and identify measures to mitigate negative impact on and/or improve the natural heritage system. The applicant has completed both a Natural Heritage Impact Study (NHIS) and a Flood Study in support of this proposal. The reports have been reviewed by relevant City divisions and the TRCA, and have been found to be satisfactory. The NHIS included several recommendations to be implemented as conditions of draft plan approval regarding disallowing any grading in the natural heritage area, including no stockpiling of materials or use by heavy machinery, barrier fencing to protect trees, barrier fencing from the 10 metre setback from the top of slope, sediment fencing and a construction management plan relating to locations for stockpiling of soils and other materials as well as vehicle refuelling.

Concerns were raised at the community meeting by area landowners regarding the impact of the Ravine By-law and policies of the Official Plan on their own properties and the ability to develop their lands in the future. This matter is, however, separate to consideration of this application as any development proposals on adjacent lands will be evaluated on their own merits based on the policies of the Official Plan and Ravine Protection By-law.

Open Space

The proposed plan of subdivision illustrated in Attachment 1 includes both a proposed open space block (Block 30) and a park block (Block 29), both of which are located at the north-east section of the site and which the owner proposes to convey to the City. The open space block is approximately 0.28 hectares (0.69 acres) in size, and is located within the Ravine By-law protected area of the existing Adams Creek tributary. Immediately adjacent to the south is a park block, 0.17 hectares (0.42 acres) in size.

The City's Urban Forestry Division has reviewed the proposed limits of the 0.28 hectare (0.69 acre) open space block, and is satisfied with the proposed boundaries of this area. The Toronto and Region Conservation Authority (TRCA) has also reviewed the proposal and recommend that the open space block be transferred to City ownership, and further that the area be fenced. They have also requested that as a condition of approval that the existing dwelling on the Open Space block at 36 Brumwell Street be removed from the site, and the lands properly reinstated before the City takes ownership of this land.

Urban Forestry staff recommends the open space block be used for tree planting, and the owner will be required to provide satisfactory tree planting plans for the proposed development. Appropriate conditions of draft plan approval will address these requirements.

Parkland

The Official Plan contains policies to ensure that Toronto's system of parks and open spaces are maintained, enhanced and expanded. Map 8B of the Official Plan identifies

the area as having a local parkland provision of 3.00+ hectares of local parkland per 1,000 people.

The proposed development has a net site area of approximately 3.01 hectares. The required parkland conveyance for this development, based on a 5% statutory parkland dedication, would be 0.15 hectares (1,500m²).

The applicant proposes an overall parkland dedication of 0.157 hectares (1,570m²) which would abut the existing ravine land to the north, shown as Block 29 on the Draft Plan. This total is smaller than the 0.17 hectares shown on the draft plan, because the applicant proposes that the storm sewer connection between St. Magnus Drive extension and Brumwell Street be located along the southerly edge of the proposed parkland conveyance (Block 29). The pipe corridor for this storm sewer connection occupies approximately 130 square metres of the total area of Block 29. Parks, Forestry and Recreation staff advise that they would accept the lands but no credit is given for the portion of the parkland that would be encumbered by the storm sewer and accordingly was not included as part of the 0.157 hectare (1,570m²) parkland conveyance.

Parks staff advise that the proposed Park block is considered too small for active park space and it is recommended that this area be developed as a naturalized area together with the Open Space block, with tree plantings which would increase green space and enhance the tree canopy. The applicant will need to provide appropriate planting plans, satisfactory to the City as a condition of draft plan approval.

Archaeological

The applicant has submitted an Archaeological Phase 1 and 2 Study for review by the City's Heritage Preservation Unit and the Ministry of Culture. Heritage Preservation staff advise that prior to any demolition, construction, grading or other soil disturbances taking place on the subject lands, the owner shall satisfy both City Planning's Heritage Preservation Unit and the Ministry of Culture's Heritage Operations Unit that all archaeological licensing and technical review requirements have been satisfied. A condition to this effect has been included in Attachment 3, Recommended Conditions of Draft Approval.

Toronto Green Development Standard

The City's Green Development Standard encourages the use of "green" development techniques with an aim to promote sustainable development. The proposed development includes a variety of techniques identified in the guideline including the use of local materials including pipe, aggregate and asphalt; pedestrian infrastructure including municipal sidewalks with curb depressions for barrier free access; an erosion and sediment control plan to minimize air emissions and dust control during construction; appropriate measures relating to stormwater management; tree protection, not including invasive species planted on properties adjacent to ravines and natural area parks, retaining native soil on site and not directing lighting towards the sky.

Dust mitigation measures will be addressed through the Construction Management Plan which is a required component of the subdivision agreement.

Development Charges

It is estimated that the development charges for this project will be \$288,132. This is an estimate. The actual charge is assessed and collected upon issuance of the building permit.

CONTACT

Andrea Reaney, Senior Planner

Tel. No. (416) 396-7023

Fax No. (416) 396-4265

E-mail: areaney@toronto.ca

SIGNATURE

Allen Appleby, Director
Community Planning, Scarborough District

ATTACHMENTS

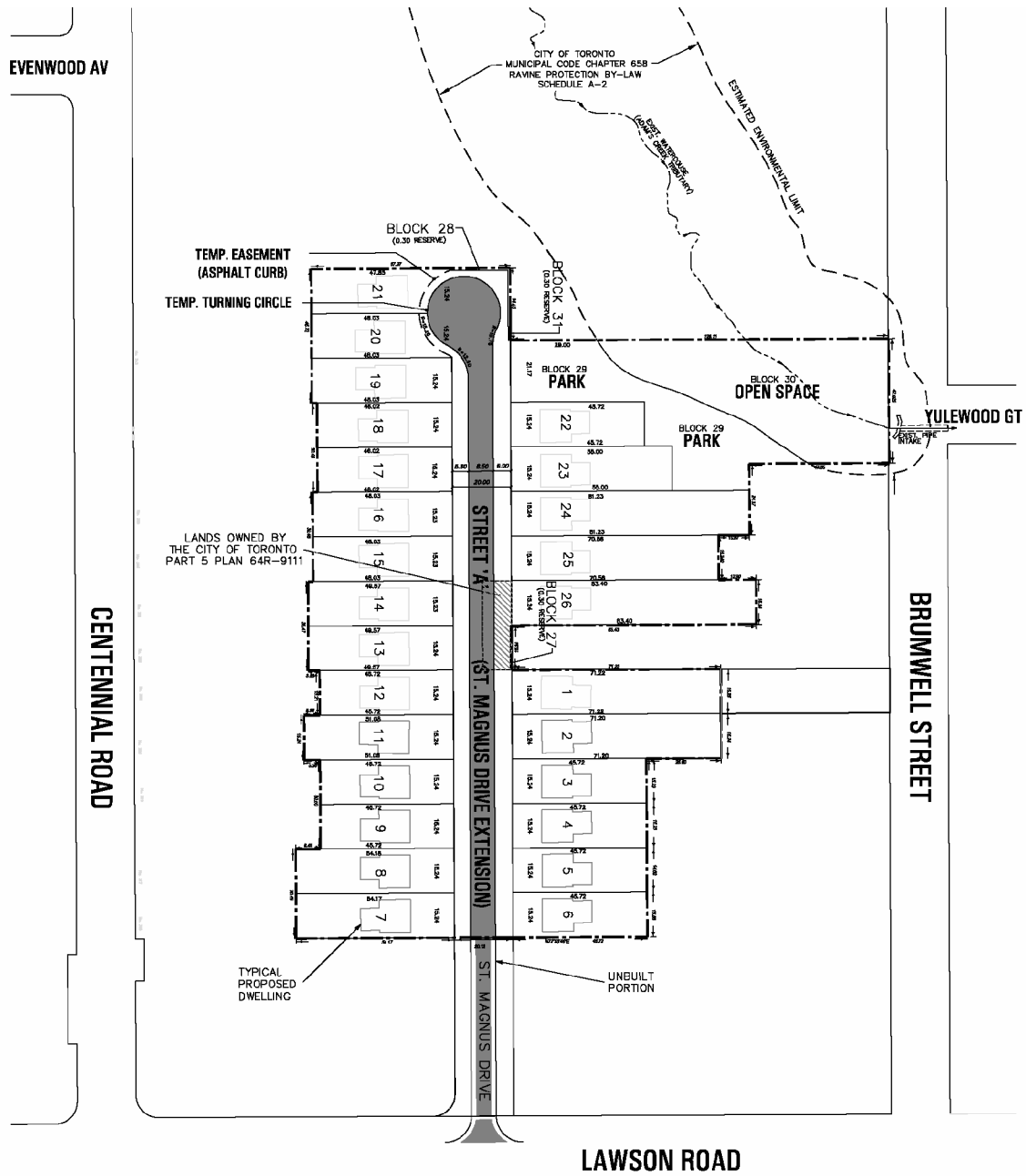
Attachment 1: Draft Plan of Subdivision

Attachment 2: Zoning

Attachment 3: Recommended Conditions of Draft Plan Approval

Attachment 4: Application Data Sheet

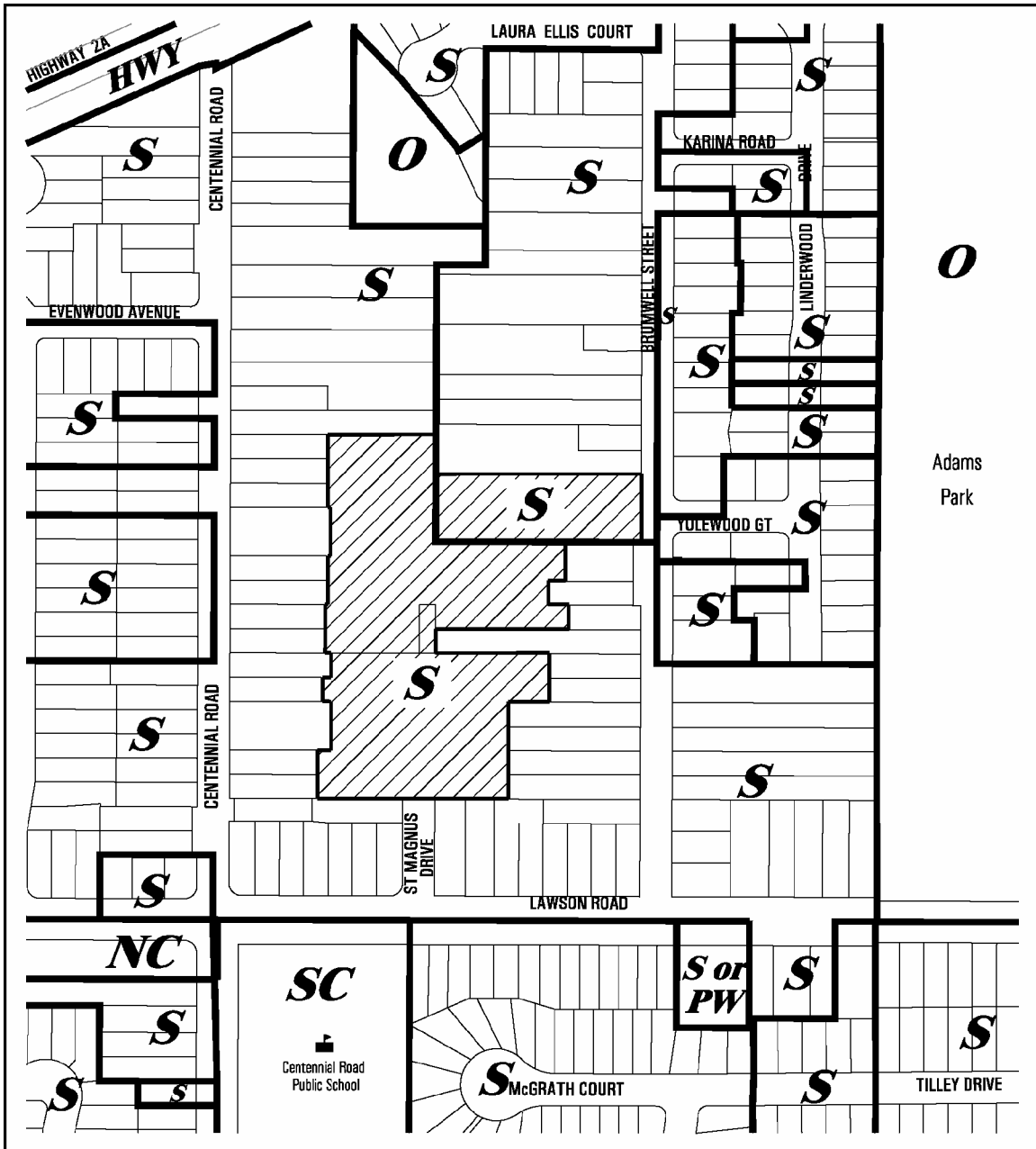
Attachment 1: Draft Plan of Subdivision



Subdivision Plan
 Applicant's Submitted Drawing
 Not to Scale 
 10/17/08

**36 Brumwell St. & Lands
 North of St. Magnus Dr.**
 File # 06-198723 SB

Attachment 2: Zoning



TORONTO City Planning
Division
Zoning

**36 Brumwell St. & Lands
North of St. Magnus Drive
File # 06-198723 SB**

S Single Family Residential
NC Neighbourhood Commercial
O Major Open Spaces
PW Place(s) of Worship

HWY Highway
SC School

Centennial Community Bylaw
Not to Scale
10/22/08
↑

Attachment 3: Conditions of Draft Plan Approval

**CITY OF TORONTO
CONDITIONS OF DRAFT PLAN OF SUBDIVISION APPROVAL**

SUBDIVISION APPLICATION 06 198723 ESC 44 SB

**DRAFT PLAN OF SUBDIVISION PREPARED BY MASONGSONG
ASSOCIATES ENGINEERING LIMITED.
PROJECT NO. 06280 DATED SEPTEMBER 2008, AS REVISED TO
OCTOBER 15, 2008**

**PART OF LOTS 18, 19, 20, 21, 22, 30, 31, 32, 33, 34, 35, 36 & 37 REGISTERED
PLAN 3255 AND LOT 1 REGISTERED PLAN 3460
CITY OF TORONTO (FORMERLY CITY OF SCARBOROUGH)
CHIAVATTI DEVELOPMENTS LIMITED**

**THE FOLLOWING CONDITIONS MUST BE FULFILLED PRIOR TO THE
REGISTRATION OF THE PLAN OF SUBDIVISION OR ANY PHASE
THEREOF FOR REGISTRATION UNLESS OTHERWISE SPECIFIED BELOW**

1. The owner shall execute the City's standard subdivision agreement, and shall satisfy all of the pre-registration conditions contained therein.
2. The owner shall provide to the Director Community Planning, Scarborough District, confirmation that the taxes have been paid in full (statement of account or Tax Clearance Certificate).
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. Prior to any demolition, construction, grading or other soil disturbances taking place on the subject lands, the owner shall satisfy both City Planning's Heritage Preservation Unit and the Ministry of Culture's Heritage Operations Unit that all archaeological licensing and technical review requirements have been satisfied.
5. Prior to the registration of the draft plan of subdivision, the Owner shall enter into an agreement with the City, on terms and conditions satisfactory to the Chief Corporate Officer, and/or the General Manager, Transportation Services and the City Solicitor, regarding the temporary use of the City-owned lands designated as Part 5 on Plan 64R-9111.

6. The lands identified as Part 5, 66R-9111 are to be included as part of the Draft Plan of Subdivision for public road purposes.

SERVICES

Easement Requirements

7. Prior to the registration of the draft plan of subdivision, the Owner shall make satisfactory arrangements to provide such easements to the City as deemed necessary by the Executive Director, Technical Services for utilities, drainage and servicing purposes to the appropriate authorities in order to service this plan of subdivision.

Servicing

8. The Owner shall make satisfactory arrangements with the Executive Director, Technical Services, to construct all external services necessary to service the plan of subdivision, at the owner's sole cost.
9. The owner shall maintain the proposed 6.0 metre wide servicing area through the proposed Park block (Block 29) and Open Space block (Block 30) between the terminus of Street "A" and Brumwell Street, as an easement free and clear of any planting and/or trees or any other encumbrances, to the satisfaction of the General Manager of Parks, Forestry and Recreation and the Executive Director of Technical Services.

Hydroelectric

10. Prior to the registration of the draft plan of subdivision, the Owner shall make satisfactory arrangements, financial and otherwise with a hydroelectric provider including, amongst other matters the following regarding the installation of an underground hydro and street lighting system to the satisfaction of Toronto Hydro:
 - (i) underground civil and electrical system for the development;
 - (ii) the provision of adequate space within the development for transformers, tap boxes and any other hydro equipment of the local distribution company, and;
 - (iii) any existing electrical feeds to any existing or demolished buildings on the property must be removed at the developer's expense.

Surveys, Mapping, Road Widening, Fire Hydrant Maintenance, Etc.

11. Prior to the registration of the draft plan of subdivision, the Owner shall agree to pay the cost of all geodetic surveys, aerial mapping, traffic signs, upgraded street

lighting and fire hydrant maintenance within the plan of subdivision satisfactory to the Executive Director, Technical Services.

Composite Utility Plan

12. Prior to the acceptance of the engineering drawings, the Owner shall 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. This plan shall also identify the location of all existing and proposed underground and aboveground utilities in relation to proposed tree planting locations, at a minimum scale of 1:250. This plan shall be completed to the satisfaction of the utility companies, the General Manager of Parks Forestry and Recreation, the Chief Planner, and the Executive Director of Technical Services.

Preparation of Final Plan of Subdivision

13. 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

STREETS, DRIVEWAYS, SIDEWALKS AND 0.3 METRE RESERVES

14. Requirement of the applicant to convey and dedicate all proposed public road, turning circle, corner roundings, and 0.3 metre reserves to the City of Toronto as a Public Highway, to the satisfaction of the Executive Director of Technical Services.

Construction of Streets

15. The Owner shall make satisfactory arrangements with the Executive Director of Technical Services to construct Street A and the existing section of St. Magnus Drive as a fully serviced road, built as one street from Lawson Road to the northerly limit of the draft plan of subdivision, and dedicate it as a public right-of-way at no cost to the City, free and clear of any encumbrances as follows:
 - (a) Street A shall be constructed with a 20.0 metre road allowance; and ,
 - (b) The temporary turning circle at the northerly limit of Street "A" shall be constructed with a minimum 12.5 metre curb radius and a street line radius of 15.25 metres.

16. The Owner agrees to construct to the satisfaction of the Executive Director of Technical Services, a temporary turning circle at the north limit of St. Magnus Drive, in accordance with the accepted engineering drawings, and to grant easements for such purposes; such temporary turning circle shall be considered as a road under the terms of the Subdivision Agreement.
17. If and/or when future development, prior to the assumption of the subdivision, requires the removal and relocation of the temporary turning circle and reinstating of City lands to the satisfaction of the City; any and/or all such work is to be completed by the developer at its sole cost to the satisfaction of the Executive Director of Technical Services.
18. The Owner is advised that if the proposed Street “A” is not to be extended prior to assumption of this subdivision, the Owner agrees to pay the City of Toronto an amount to be determined by the Executive Director, Technical Services, in his sole discretion to defray the cost of the services that are not completed to the northern limit of the subdivision. The cost shall include the removal of the temporary turning circle and the reconstruction of all required services.

Warning Clauses

19. Prior to the registration of the plan of subdivision, the Owner agrees to include the following warning clauses in all agreements of purchase and sale and/or lease agreements and registered on title to the satisfaction of the City Solicitor:
 - (a) “Purchasers of Lots 20 and 21 are advised that an easement for the provision of a Municipal Right-of-Way is located within these lots, the Owner shall not place any encroachment within the said easement. If and/or when future development is proposed, the removal and relocation of the turning circle and the construction of services will be completed, whereby the Municipal Right-of-Way will be restored and the easement rescinded.”

Driveways

20. The Owner shall agree that all lot layouts shall create street frontages such that no driveway entrance shall overlap with the adjacent driveway approach within the boulevard. All driveway entrances shall be constructed to the satisfaction of the Executive Director, Technical Services.

Sidewalks

21. The Owner shall agree to construct a municipal concrete sidewalk on both sides of Street “A”, in accordance with the approved engineering drawings, which shall be completed prior to the occupancy of any dwelling, to the satisfaction of the Executive Director, Technical Services.

0.3 m Reserves

22. The Owner is required to make satisfactory arrangements with the Executive Director of Technical Services for the lifting of the 0.3 metre reserve known as Block 9, M-1942 in order to obtain legal access to proposed Street “A” and Lawson Road.

Warning Clauses - Parking

23. Prior to the registration of the plan of subdivision, the Owner agrees to include the following warning clauses in all agreements of purchase and sale and/or lease agreements and registered on title to the satisfaction of the City Solicitor:
 - (a) “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 space 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, may be partially located within the City Owned Right-of-Way leading to the parking space within the garage. The purchaser is further advised that any modification to the driveway or to the adjacent landscaping located within the City’s Right-of-Way are subject to the City By-laws #17307 and #21208 (or current versions thereof), which prohibit parking of vehicles and encroachment within the municipal road allowance.”
 - (b) “There is a City by-law that prohibits the use of the public boulevard for a required parking space. Casual parking (not required parking) is permitted within the confines of that portion of the boulevard within a private driveway, provided that no motor vehicle may be parked in the driveway less than 0.3 metres from the back edge of the sidewalk, or where no sidewalk exists, not less than 2.0 metres from the face of the curb or edge of the roadway. Additional vehicle parking that might otherwise be available on public streets will be subject to approval and regulations pursuant to applicable By-laws of the City of Toronto.”
 - (c) Prior to 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 lease agreements to ensure that future occupants are aware of the parking restrictions on these lands.

STORM DRAINAGE

Storm Water Management Report

24. Prior to the registration of the draft plan of subdivision and in conjunction with engineering drawing approvals, the Owner shall submit a Stage II Stormwater Management Report addressing water quality and water quantity, reflecting the draft plan, all to the satisfaction of the Executive Director, Technical Services. If any changes are made to the draft plan of subdivision, the accompanying Stage II Stormwater Management Report must reflect these changes accordingly.
25. The Owner will be required to provide, in the purchase and sale agreement, a warning clause to be registered on title informing the homeowner that they are responsible for the upkeep and maintenance of rear yard catchbasins, drainage swales and catchbasin lead (connections) located on private property.

ENVIRONMENTAL SITE ASSESSMENT

Record of Site Condition

26. Prior to the earlier of the release for construction of services or registration of the draft plan of subdivision, the Owner shall provide an environmental report to be peer reviewed at the Owner's expense and Record of Site Condition for the land to be transferred to the City. The report must present the soil condition and compliance with the current criteria of the Ministry of the Environments Guidelines for use at contaminated sites in Ontario.

PARKLAND and OPEN SPACE

27. Prior to the registration of the draft plan of subdivision, the Owner will convey Block 29 (Park Block), as shown on the draft Plan of Subdivision, to the City of Toronto for parkland purposes. The City hereby acknowledges that the location and configuration of these lands on the plan of subdivision are in fulfillment of the 5% statutory parkland dedication requirement.
28. Prior to the registration of the draft plan of subdivision, the Owner will convey Block 30 (Open Space) to the City of Toronto.
29. Prior to the registration of the Draft Plan of Subdivision, the Owner shall provide, satisfactory to the City Solicitor, all legal descriptions and applicable reference plans of survey for the parkland dedication and open space lands.
30. The Owner shall pay for the costs of such dedication and the preparation and registration of all relevant documents.
31. The Owner shall ensure that lands to be dedicated as parkland and open space to the City of Toronto shall be free and clear, above and below grade, of all

easements, encumbrances and encroachments unless otherwise authorized by the General Manager of Parks, Forestry and Recreation.

32. Prior to conveyance of the parkland to the City, the Owner shall be responsible for an environmental assessment of the lands to be dedicated as parkland and open space to the City and any associated costs or remediation works required as a result of that assessment. Such assessment or remediation shall ensure that the parkland dedication and open space lands, at the time of dedication, will meet all applicable laws, regulations and guidelines respecting sites to be used for public park purposes, including City Council policies respecting soil remediation of sites to be acquired by the City. A qualified environmental consultant acceptable to Technical Services, Development Engineering Division shall prepare the environmental assessment. Prior to transferring the Parkland and Open Space to the City, the environmental assessment may be peer reviewed by an environmental consultant retained by the City at the Owner's expense (the "Peer Reviewer"), and the conveyance of the Parkland and Open Space to the City shall be conditional upon the Peer Reviewer concurring with the Owner's environmental consultant that the Parkland and Open Space meets all applicable laws, regulations and guidelines for public park and open space purposes. The Technical Service section of the Development Engineering Division shall advise the General Manager of Parks, Forestry and Recreation of the findings of the environmental review.
33. Prior to conveyance of the parkland the Owner shall be responsible for the installation and maintenance of temporary fencing along the boundary of the park block that abuts Street 'A' (St. Magnus Drive Extension), to the satisfaction of Parks, Forestry and Recreation.
34. Prior to release for construction of services the Owner shall construct and install a 1.8 metre high, black vinyl coated chain link fence without gates, along all boundaries of lots 22, 23 and 24 and any existing lots fronting on Brumwell Street that abut the park block and at the open space block to the satisfaction of Parks, Forestry and Recreation.
35. Prior to registration of the plan of subdivision, the Owner shall provide the City with a letter of credit as security for the installation of the 1.8 metre high, black vinyl coated chain link fencing equal to 120% of the value of the fencing to the satisfaction of Parks, Forestry and Recreation. The Owner agrees that there will be a two year maintenance period for the fencing, with an annual inspection by Parks, Forestry and Recreation, together with the Owner or its agent. Upon acceptance of the fencing and at the end of the maintenance period, the City will release the letter of credit, subject to the approval of Parks, Forestry and Recreation.
36. Prior to release for construction of services the Owner shall install and maintain sediment control fencing covered with filter fabric, during construction, to the

- satisfaction of Parks, Forestry and Recreation. The bottom of the filter fabric must be held firmly to the ground with clear stone to prevent migration of sediments from the subdivision onto adjacent parkland and the open space block.
37. The Owner is responsible for any site disturbance of the park block due to demolition and removal of existing structures and driveways or any construction activity including the installation of the storm sewer. The Owner will be responsible to restore the park block by grading, 150mm of top soil and native or natural seed mix as approved by the Urban Forestry Division of Parks, Forestry and Recreation.
 38. Prior to registration of the plan of subdivision, the Owner shall provide the City with a letter of credit as security for the restoration of the park block equal to 120% of the value of the restoration to the satisfaction of Parks, Forestry and Recreation. The Owner agrees that there will be a two year maintenance period for the restoration of the park block, with an annual inspection by Parks, Forestry and Recreation, together with the Owner or its agent. Upon acceptance of the restoration of the park block and at the end of the maintenance period, the City will release the letter of credit, subject to the approval of Parks, Forestry and Recreation.
 39. Prior to registration of the plan of subdivision, the Owner is required to provide a tree planting plan for the park block and open space block to the satisfaction of the Urban Forestry Division of Parks Forestry and Recreation.
 40. Prior to the registration of the plan of subdivision, the Owner will ensure that the grading and drainage for the park block is compatible with the abutting lots. The lot grading and drainage plans shall be to the satisfaction of Technical Services and Parks, Forestry and Recreation.
 41. The Owner acknowledges and agrees that stockpiling of any soils, machinery or materials in the park block is prohibited.
 42. The Owner agrees to include the following clauses in all Offers of Purchase and sale and/or Rental Agreements, to the satisfaction of Parks, Forestry & Recreation.

“Lots abutting City owned parklands, open space or valley lands maintained by the City will prohibit the installation of any form of screening or fencing along the abutting property lines other than the 1.8 metre black vinyl chain link fence (or other material as determined by Parks, Forestry & Recreation) required by the City.

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.

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.”

43. The owner agrees that any shortfall in parkland dedication will be made up as cash-in-lieu of parkland.

Natural Heritage Impact Study

44. Prior to the commencement of construction, the owner shall provide temporary construction barrier fencing located on the 10 metre set back from the top of slope. The barrier fencing should be maintained and remain in place until all construction activities are completed, to the satisfaction of the General Manager of Parks, Forestry and Recreation.

TREES

45. Prior to the commencement of any site works the owner must apply for and receive a permit for the destruction or injury of any private trees subject to the Private Tree Protection By-law as may be required.
46. Prior to registration of the draft plan of subdivision, the Owner shall provide detailed grading and servicing plans to the satisfaction of the General Manager of Parks, Forestry and Recreation.
47. The owner agrees that post holes for fences within tree protection zones must be hand dug, or excavated using the hydrovac method of excavation, and that roots larger than 2.5cm in diameter will not be cut. If necessary, post holes should be relocated to ensure significant roots are not cut to the satisfaction of the General Manager of Parks, Forestry and Recreation.
48. The Owner shall provide a Tree Preservation Plan showing a satisfactory tree/ravine protection barrier(s) around the north side of the existing house at 36 Brumwell Street in order that the ravine feature be protected when the house is demolished, to the satisfaction of the General Manager of Parks, Forestry and Recreation.
49. The owner agrees to provide a Tree Planting and Street Tree Planting Plan to the satisfaction of the General Manager of Parks, Forestry and Recreation.
50. The owner agrees that trees will be planted by a qualified arborist or nursery person. They must determine how much settlement, if any, may occur, to ensure

trees are not planted too high, or settle too deeply. Trees are to be planted after final grading, and once the sod has been laid.

51. Prior to tree planting, the owner agrees to submit to Urban Forestry, a watering schedule for newly planted trees during the guarantee period.
52. The owner agrees to contact Urban Forestry one week prior to tree planting, and once the trees have been planted, in order to establish the anniversary dates.
53. 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 immediately 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.

Tree Planting Strategy Information Booklet

54. Prior to the registration of the plan of subdivision, the Owner shall prepare an information booklet outlining the tree planting strategy within the community and the ongoing responsibilities of the homeowners and the City in order to achieve a successful urban tree plantings within the community. This booklet will be prepared to the satisfaction of the General Manager, Parks, Forestry & Recreation and will be distributed to all homeowners for all dwellings within the limits of this plan of subdivision.

Warning Clause – Street Tree Planting

55. The Owner shall ensure that there shall be no wording in any Agreement of Purchase and Sale and/or Rental Agreement for any lands within the plan of subdivision that states or creates an expectation that there will be a tree in front of each residential lot.

Warning Clause – Solicitor Confirmation – Street Tree Planting

56. Prior to 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 that they may not receive a street tree in front of their property. This shall be provided to the satisfaction of the General Manager of Parks, Forestry and Recreation.

57. The applicant/owner must submit a sediment and erosion control plan with an appropriate scale indicating the location of sediment control measures that must be in place during construction, to Urban Forestry – Ravine Protection and to the Toronto and Region Conservation Authority for review and approval. Since much of the site is proposed to be developed or altered for services a sediment control fence must be installed at all locations where storm water could flow from the site. The locations of the sediment control fencing must be shown on the site plans. The sediment control fencing must be installed to a minimum of the Ontario Provincial Standards (OPSD-219.110) and to the satisfaction of Urban Forestry - Ravine Protection on behalf of the General Manager of Parks, Forestry and Recreation and the Toronto and Region Conservation Authority.
58. The applicant/owner must submit a legible grading plan that shows existing grades and proposed grades to the satisfaction of the General Manager of Parks, Forestry and Recreation. Where the development abuts the ravine protected areas the interface should maintain the existing grade. Should there be a difference in grade between the developed area of the site and the edge of the ravine, this must be identified on the grading plan and suitable cross sections shown to provide detail on how the two areas (natural and developed) will interface along the edges. Urban Forestry does not generally support the use of retaining walls within the ravine protected areas. If a retaining wall is required it must be set into the property at least 1 metre from the property line.
59. The applicant/owner must submit a Ravine Stewardship plan for blocks 29 & 30 which is to include the removal of all garbage and potentially hazardous trees as well as a landscape plan of native tree/shrub planting for the ravine protected area where the existing house (#36 Brumwell Street) and driveway will be removed and for the park block (Block 29) to the satisfaction of the General Manager of Parks, Forestry and Recreation. In addition to the area noted above that must be renaturalized, replacement trees will be required for any living trees that are proposed to be removed within the ravine protected area. Within the ravine protected area the trees proposed can be a mix of larger stock (40 mm calliper) and whips. The document “How to Select and Buy Native Plants” is available from our website www.toronto.ca/trees and may be useful for the applicant to obtain as a reference for planning replacement trees.

Note: Where replacement trees are required under the Private Tree By-law, some of these replacement trees may be able to be planted within the ravine protected area, subject to approval by Mike McClellan (Tree Protection & Plan Review: Private Tree By-law).

Once plans are approved a cost estimate to install the landscaping within the ravine protected area will be required and a letter of credit for 120% of the agreed to costs will be required. This shall be provided to the satisfaction of the General Manager of Parks, Forestry and Recreation

60. The applicant must submit this financial security in the form of an Irrevocable Letter of Credit, certified cheque, bank draft or money order payable to Treasurer, City of Toronto, as security for tree/shrub planting within the ravine protected area. The financial security will be based on an approved estimated cost submitted by the applicant or their agent for the ravine improvements and will be for 120% of the agreed to estimate.
61. The applicant/owner must add the Ravine By-law note (below) to all site and construction drawings, to advise contractors of the regulated area, and the penalties associated with unauthorized activities.

Ravine Protection By-law

The Ravine Protection By-law, Chapter 658 of the City of Toronto Municipal Code regulates the injury and destruction of trees, dumping of refuse and changes to grade within protected areas defined in Schedule A.

No grade change, storage of materials or equipment is permitted within the ravine protection zones identified on plans approved under the Ravine Protection By-law.

A person convicted of an offence respecting the regulations in the Ravine Protection By-law are subject to a fine of up to \$50,000 and may be ordered by the court to restore the area to the satisfaction of the City.

62. Prior to the commencement of any site works the applicant/owner must apply for and receive a ravine permit for the destruction or injury of any living ravine trees that may be required. A ravine permit application is available from our website at www.toronto.ca/trees in the section on Ravines.
63. Prior to the commencement of any site works the applicant/owner must install the tree/ravine protection barriers as shown on the approved tree protection plan. Such barriers shall be maintained in good condition and remain in place throughout the period of construction to the satisfaction of the General Manager of Parks, Forestry and Recreation.
64. Prior to the commencement of any site works the applicant/owner must install the sediment control measures as shown on the approved sediment control plan. The sediment control must be maintained in good condition and remain in place throughout the period of construction to the satisfaction of the General Manager of Parks, Forestry and Recreation.
65. The applicant/owner must have a Certified Arborist or other qualified professional acceptable to Urban Forestry make monthly visits to the site for the duration of the project to inspect the hoarding and to ensure the Tree Preservation Plan is being followed. The applicant shall submit a monthly arborist report or update to

- the satisfaction of Urban Forestry regarding the health and the condition of trees on site and neighbouring sites, if applicable, during the entire construction period, including any additional preservation or maintenance recommendations that may be required.
66. Prior to occupancy of any of the housing units the applicant must implement the approved ravine stewardship plan to the satisfaction of the General Manager of Parks, Forestry and Recreation.
 67. The owner shall remove all existing structures and hard surfaces from Blocks 29 and 30 and the disturbed area shall be restored and enhanced with native plantings to the satisfaction of the Toronto and Region Conservation Authority.
 68. The Owner shall provide a restoration plan showing the details relating to driveway restoration for the property at 36 Brumwell Street and the proposed loss of habitat and mature trees on the property to the satisfaction of the General Manager of Parks, Forestry and Recreation and the Toronto and Region Conservation Authority.

FENCING PLAN

69. Prior to the registration of the draft plan of subdivision, the Owner shall provide a fencing plan, to the satisfaction of the Chief Planner, the Executive Director of Technical Services and the General Manager of Parks, Forestry and Recreation.

CONSTRUCTION MANAGEMENT PLAN

70. Prior to registration of the plan of subdivision or prior to commencement of any construction activities, the Owner agrees to submit a Construction Management Plan for review and acceptance, to the satisfaction of the Executive Director of Technical Services. The construction management plan shall include the following:
 - i. Dust/mud/sediment control on and off-site;
 - ii. Location of truck loading points and trailer parking;
 - iii. Location and height of temporary storage areas;
 - iv. Access/truck routing;
 - v. Provision of hoarding and temporary fencing;
 - vi. Details of piling and shoring activities;
 - vii. Estimated period of construction;
 - viii. Control of storm run-off, including any siltation control devices which
 - ix. may be required;

- x. Parking management plan for employee/construction vehicle parking;
- xi. Provisions for the removal of debris in a timely manner;
- xii. Designated locations for vehicle refuelling; and,
- xiii. Procedure to deal with vermin and rodents.

Enbridge:

- 71. (a) The developer is to coordinate the preparation of an overall utility distribution plan to the satisfaction of all utilities.
- (b) Streets are to be constructed in accordance with the municipal standards
- (c) The developer shall grade all streets to final elevation prior to the installation of the gas lines and provide the necessary field survey information required for the installation of the gas lines, all to the satisfaction of Enbridge Gas Distribution.

Bell Canada:

- 72. (a) The Developer is hereby advised that prior to commencing any work within the Plan, the developer must confirm that sufficient wire-line communication/telecommunication infrastructure is currently available within the proposed development to provide communication/telecommunication service to the proposed development. In the event that such infrastructure is not available, the developer is hereby advised that the developer may be required to pay for the connection to and/or extension of the existing communication/telecommunication infrastructure, the developer shall be required to demonstrate to the municipality that sufficient alternative communication/telecommunication facilities are available within the proposed development to enable, at a minimum, the effective delivery of communication/telecommunication services for emergency management services.
- (b) the owner shall agree in the Agreement, in words satisfactory to Bell Canada, to grant to Bell Canada any easements that may be required for telecommunications services. Easements may be required subject to final servicing decisions. In the event of any conflict with existing Bell Canada facilities or easements, the owner/developer shall be responsible for the relocation of such facilities or easements.

Advisory notes

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.

Attachment 4: Application Data Sheet

Application Type	Subdivision Approval	Application Number:	06 198723 ESC 44 SB
Details		Application Date:	December 19, 2006

Municipal Address: 36 BRUMWELL ST AND LAND NORTH OF ST. MAGNUS DRIVE UNOPENED ROAD
 Location Description: ALLOWANCE BETWEEN CENTENNIAL RD AND BRUMWELL ST
 PLAN 3255 PT LOTS 18-22 and 30-37, RP 3460 LT 1
 Project Description: Proposed draft plan of subdivision for a 26 lot residential infill subdivision including the extension of St. Magnus Drive. Lot frontages of 15.24 m are proposed, along with a Park and an Open Space block. This infill subdivision is comprised of the rear portions of lots fronting onto both Centennial Road and Brumwell Street, north of Lawson Road.

Applicant:	Agent:	Architect:	Owner:
MASONGSONG ASSOCIATES ENGINEERING LTD			CHIAVATTI DEVELOPMENTS LIMITED

PLANNING CONTROLS

Official Plan Designation:	Neighbourhoods/Parks & Open Space	Site Specific Provision:
Zoning:	S-Single Family Residential	Historical Status:
Height Limit (m):		Site Plan Control Area: N

PROJECT INFORMATION

Site Area (sq. m):	30,140	Height:	Storeys:	0
Frontage (m):	0		Metres:	0
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

FLOOR AREA BREAKDOWN (upon project completion)

		Above Grade	Below Grade
Tenure Type:			
Rooms:	0	Residential GFA (sq. m):	0
Bachelor:	0	Retail GFA (sq. m):	0
1 Bedroom:	0	Office GFA (sq. m):	0
2 Bedroom:	0	Industrial GFA (sq. m):	0
3 + Bedroom:	0	Institutional/Other GFA (sq. m):	0
Total Units:	26		

CONTACT:	PLANNER NAME:	Andrea Reaney, Senior Planner
	TELEPHONE:	(416) 396-7023