

980 Lansdowne Avenue (Davenport Village Secondary Plan Area) – Draft Plan of Subdivision Application – Final Report

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| Date: | May 22, 2009 |
| To: | Etobicoke York Community Council |
| From: | Director, Community Planning, Etobicoke York District |
| Wards: | Ward 17 – Davenport |
| Reference Number: | 08 215535 WET 17 SB |

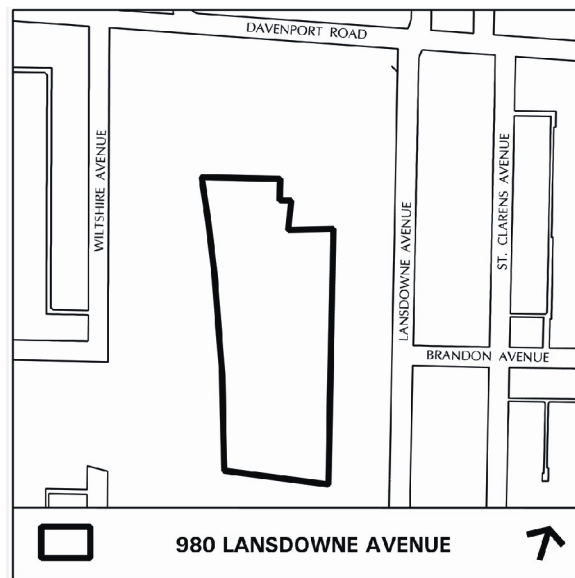
SUMMARY

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

This application proposes to create a plan of subdivision for the property at 940, 980 and 1100 Lansdowne Ave also referred to as the Davenport Village Secondary Plan area.

This report reviews and recommends approval of a Draft Plan of Subdivision development for the above property. It also advises that the Chief Planner intends to approve the Draft Plan of Subdivision under delegated authority pursuant to By-law 229-2000.

The proposal complies with the policies of the Davenport Village Secondary Plan and implementing Zoning By-law 728-2006. Prior to final approval and registration of the Plan the applicant will be required to fulfill the conditions listed in Attachment 4 which includes entering into a subdivision agreement.



RECOMMENDATIONS

The City Planning Division recommends that:

1. Council receive for information the following:
 - a. In accordance with the delegated approval under By-law 229-2000, City Council be advised that the Chief Planner intends to approve the draft plan of subdivision, as generally illustrated on Attachment 3, subject to:
 - i. the conditions as generally listed in Attachment 4, which except as otherwise noted must be satisfied or secured through the subdivision agreement prior to the release of the plan of subdivision for registration; and
 - ii. such revisions to the proposed subdivision plan or such additional or modified conditions as the Chief Planner may deem to be appropriate to address matters arising from the ongoing technical review of this development.

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

The proposed subdivision application is part of the larger and former General Electric site located at the southwest corner of Davenport Road and Lansdowne Avenue and has an area of 7.68 hectare (19 acre). Between 1904 and 1981, GE Canada used the site to manufacture a range of electrical components and transformers. It was sold in 1985 to be redeveloped over a number of years. Currently, GE Canada leases a portion of the site and carries out various environmental remediation programmes.

The entire site is to be developed in 7 phases (Attachments 1 and 2). Phase 1 of the development was approved on January 27, 2005, by the Ontario Municipal Board. The approvals included amendments to the former City of Toronto Official Plan and Zoning By-law to permit the development of 212 stacked condominium townhouse units and the conversion of an existing building (Building 15) to office uses. The Phase 1 lands are located on the northerly 4.9 acre portion of the site.

As part of the Phase 2 development of the site, City Council approved on December 7, 2005 an Official Plan Amendment and Zoning By-law Amendment to permit the conversion of the existing building located at the northeast corner of the site, known as Building 13, to 104 dwelling and/or live-work units,. The Phase 2 development was permitted, prior to resolution of the Secondary Plan, as it was determined that approval of Phase 2 would not impact the development on the overall site and was considered to be an extension of the Phase 1 development. Both Phase 1 and 2 are now complete.

On July 27, 2006, City Council approved the Davenport Village Secondary Plan and adopted site-specific Zoning By-law 728-2006 for the remainder of the site. The purpose of the Secondary Plan was to set out a vision for the future development of the site that would permit a long term phased development consisting of a mix of residential, live-work and commercial uses, new roads and a new park. Copies of the by-laws can be found at: <http://www.toronto.ca/legdocs/bylaws/2006/law0727.pdf> and <http://www.toronto.ca/legdocs/bylaws/2006/law0728.pdf>

ISSUE BACKGROUND

Proposal

An application for subdivision approval as required by the Davenport Village Secondary Plan has been submitted in order to divide the site into smaller blocks of land. The creation of these blocks will allow the site to be developed in phases as identified in the Secondary Plan. This application applies to only Phases 3 to 6 of the overall proposed 7-phase development of the site. Phases 1 and 2 are complete and where not subject to subdivision approval.

The lands within the plan of subdivision (Phases 3 to 6) are proposed to be used for the following: a public road, public park and private open space, townhouses and/or stacked townhouses, apartment buildings and mixed-use buildings consisting of dwelling units, live-work units, institutional uses, and retail and offices uses.

Related Applications

Applications have been received for the Phase 3 lands to permit an 84 unit stacked townhouse development and public park. Both a site plan application and an application to amend zoning By-law 728-2006 to remove the “H” Holding symbol have been received in order to proceed with the development on the Phase 3 lands. In addition a Minor Variance application to the Committee of Adjustment has also been submitted for relief with respect to various setbacks.

Site and Surrounding Area

The proposed subdivision application is part of the larger and former General Electric site located at the southwest corner of Davenport Road and Lansdowne Avenue. The entire 7.68 hectare (19 acre) site has been commonly referred to as 940, 980 and 1100 Lansdowne Avenue and is surrounded by the following land uses:

- North: a Hydro One utility corridor, Davenport Road and Earls court Park.
- South: Canadian Pacific Railway’s North Toronto Subdivision and the former Royce Works building at the northwest corner of Dupont Street and Lansdowne Avenue.
- East: Lansdowne Avenue, residential dwellings on former GE Canada lands, and GE Canada’s 1025 Lansdowne Avenue operation.

West: Canadian National Railway's Newmarket Subdivision, mixed uses and the Wiltshire Hydro Substation.

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.

The proposal is consistent with both the Provincial Policy Statement and conforms to and does not conflict with the Growth Plan for the Greater Golden Horseshoe.

Official Plan

The Toronto Official Plan designates the land within the draft plan of subdivision as Neighbourhoods, Parks and Apartment Neighbourhoods as identified on Map 17 – Land Use Plan.

The site is also subject to the policies of the Davenport Village Secondary Plan which sets out a vision for the future development of the site. It permits the site to be developed in phases and allows for up to 1400 dwelling units. The Secondary Plan encourages a mix of uses including a park, new roads, residential units, live-work units and commercial uses. Section 12 of the Secondary Plan also contains policies to provide for the orderly development, appropriate infrastructure and servicing of the site. It specifies that, in order for development to proceed a number of conditions must be satisfied such as receiving draft plan of subdivision approval including entering into a subdivision agreement.

Zoning

The area located in the draft plan of Subdivision is subject to the former City of Toronto Zoning By-law 438-86 and site-specific zoning By-law 728-2006. The site-specific by-law lists permitted uses by blocks in accordance with the policies of the Secondary Plan. Generally, the permitted uses include, a public park and private open space in Block 2, which is zoned Parks District "G (h)". Rowplexes and parking garages are permitted in Block 3, which are zoned Residential District 2 "R2(h)". Apartment buildings and/or rowplexes are permitted in Block 5, which is zoned R4(h). Dwelling units and/or live

work units and/or a parking garage or mixed-use buildings consisting of dwelling units, live-work units, private academic, philanthropic or religious school, retail store, office, office of a professional person/ administrative office would be permitted on Block 4, zoned R4(h). Accessory uses for each of the permitted uses are also permitted.

Each block and phase contains a holding provision (H) which restricts the use of the land until such time as a number of conditions are fulfilled. Approval of a plan of subdivision is one of the requirements to be fulfilled prior to removing the holding symbol. An application has been submitted to remove the holding provision for the Phase 3 lands. Removal of the holding provision is required prior to the issuance of a building permit.

The site-specific by-law also permits certain Industrial (I1 and IC) uses on the lands until the “H” has been removed and the lands have been redeveloped.

Site Plan Control

The entire site is to be developed in 7 phases. Each phase of the development requires Site Plan approval prior to the issuance of building permits. The development of Phase 1 and 2 is complete. A site plan application has been submitted for Phase 3 which includes the development of 84 stacked townhouse units and a public park.

Reasons for Application

An application for subdivision approval has been submitted in order to divide the site into smaller blocks of land so that the property can be developed in phases as identified in the Davenport Secondary Plan. Approval of a plan of subdivision including entering into a subdivision agreement is a required as a condition to removing the holding symbol and to facilitate development on the site.

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 draft plan approval conditions.

COMMENTS

Section 51 of the *Planning Act* grants the City the authority to regulate the division of land through Plans of Subdivision. Plans of Subdivision are used to divide larger parcels of land into a significant number of smaller lots and/or blocks. They are a legal document that shows: the exact surveyed boundaries and dimensions of lots, the location, width and names of streets and the sites of any schools or parks.

The purpose of the proposed Plan of Subdivision is to create smaller parcels of land that will correspond to the individual phases of the development as well as to set out the location of a future public street and park as identified in the Davenport Village Secondary Plan. The registered plan will create 8 new, separate blocks of land that can be developed in phases and legally used for the sale of individual lots/units.

The proposal complies with the policies of the Davenport Village Secondary Plan and implementing Zoning By-law 728-2006. The subdivision application was circulated to various Departments and Agencies for comment. The conditions to approval will be addressed and secured by a subdivision agreement and will be required to be fulfilled prior to the registration of the plan of subdivision.

Open Space/Parkland

The proposed development of the site is to include a park and open space that is to be provided as part of Phase 3 and future Phase 4.

Comments from Parks staff noted that the site is in the highest quintile of current provision of parkland, as per Map 8B/C of the Official Plan. The site is in a parkland priority area, as per Alternative Parkland Dedication Rate By-law 1420-2007. Additional comments included the following:

1. The overall development proposes up to 1400 residential units on a site of 7.6 hectares. The proposed development falls within the Davenport Village Secondary Plan/ Former City of Toronto Parkland Alternative Rate. The parkland alternative rate of 0.6 hectares per 830 units is applicable.
2. The owner proposes to dedicate the 0.6 hectares (6360 square metres) of parkland in Phase 3 of this development. The location of the parkland was approved by City Council in 2005. The proposed park is located within a parkland priority area. It is also within an older established area of the city where there are few opportunities to acquire additional lands for park purposes. The ability to develop a new park with above base park improvements is a rare opportunity in this ward and will fulfill an immediate need while contributing to creating a successful new neighbourhood established by the proposed development.
3. Additional parkland will be conveyed during Phase 4. In the event of a parkland shortfall during Phase 4, the value of the cash-in-lieu will be used towards parkland improvements.
4. The lands to be conveyed as Parkland to the City shall have a minimum area of 0.6 hectares (6360 square metres), which represents Parts 2, 3 and 4 of Plan 66R-23231 (received and deposited date August 8, 2007, prepared by Holding Jones Vanderveen Inc.). The lands are to be free and clear, above and below grade, of all physical obstructions and easements, encumbrances and encroachments, including surface and subsurface easements, unless otherwise approved by the General Manager of Parks, Forestry and Recreation (PFR). The final location, grading, configuration and development of the parklands to be conveyed will be subject to the approval of the General Manager of Parks, Forestry and Recreation and in consultation with the local Councillor.
5. Prior to dedication of the parkland, the owner shall be responsible for an environmental assessment of the lands to be dedicated as parkland to the City and

any associated costs or remediation works required as a result of that assessment. Such assessment or remediation shall ensure the parkland dedication lands, at the time of dedication, will meet all applicable laws, regulations and guidelines respecting sites to be used for public park purposes, including City Council policies respecting soil remediation of sites to be acquired by the City. A qualified environmental consultant that is acceptable to the Executive Director of Technical Services shall prepare the environmental assessment. Prior to transferring the Parkland to the City, the environmental assessment shall 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 to the City shall be conditional upon the Peer Reviewer concurring with the owner's environmental consultant that the Parkland meets all applicable laws, regulations and guidelines for public park purposes. The Executive Director of Technical Services shall advise the General Manager of Parks, Forestry and Recreation of the findings of the environmental assessment review.

6. The owner is to pay for the costs of such dedication, including the preparation and registration of all relevant documents. Prior to the dedication, the owner shall provide to the satisfaction of the City Solicitor all legal descriptions and applicable reference plans of survey for the parkland dedication lands.

The comments provide a number of conditions related to the development of the park. These conditions are listed in Attachment 4 and will be included in the subdivision agreement.

Heritage Preservation

There are a number of former industrial buildings on the property that have been listed in the City's Inventory of Heritage Properties. The Davenport Village Secondary Plan includes specific policies relating to heritage buildings on the site.

On July 22, 2004, Buildings No. 10, 13 and 15 were listed on the City's Inventory of Heritage Properties. A Heritage Easement Agreement was secured on Building # 13 (Phase 2) to ensure its preservation during phase 2 of the development, which is now complete. The subdivision land includes two listed heritage properties known as Buildings No.10 and 15. These buildings are located within Phase 5 of the development.

The Davenport Village Secondary Plan includes policies to ensure the protection and preservation of the heritage buildings on the site. As part of the Secondary Plan, the City requires the owner to enter into a Heritage Easement Agreement, provide a Heritage Impact Statement, Conservation Plan and Letter of Credit, and states that new development adjacent to the heritage structures must be compatible and complimentary to the heritage buildings. These requirements will be included in a subdivision agreement.

The subdivision plan respects the two heritage buildings by maintaining vistas of the heritage buildings from the Lansdowne entrance to the site and by maintaining open

space adjacent to the heritage buildings through the creation of the adjacent public park to the west.

Phase 7

Currently the Phase 7 lands have not been included as part of the draft plan of subdivision. The owner will be required to revise the draft plan to incorporate these lands. While its redevelopment or partial redevelopment may not be realized in the short term due to the contamination issues and the long term clean-up program being managed by GE Canada for this portion of the site, the Secondary Plan requires that these lands to be included as part of a plan of subdivision.

Although these lands could be considered at a future date it is best that they be dealt with as part of this application as the Phase 7 lands provide the remaining link to connect the proposed public road within the site to Lansdowne Avenue. Conditions will be included as part of the draft plan of subdivision approval to require modifications to the draft plan including provisions related to the future road link.

Development Charges

The estimated Development Charges cannot be specifically determined at this time, as the specific make-up of the developments by unit type, have yet to been confirmed for each phase. In accordance with the current development charges, an average unit type might yield approximately \$8,000,000.00, based on the additional 1,076 dwelling units that the applicant has noted will be constructed on the site. The actual charge is assessed and collected upon issuance of the building permit.

CONTACT

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E-mail: lgalli@toronto.ca

SIGNATURE

Gregg Lintern, MCIP, RPP
Director, Community Planning
Etobicoke York District

ATTACHMENTS

Attachment 1: Concept Plan

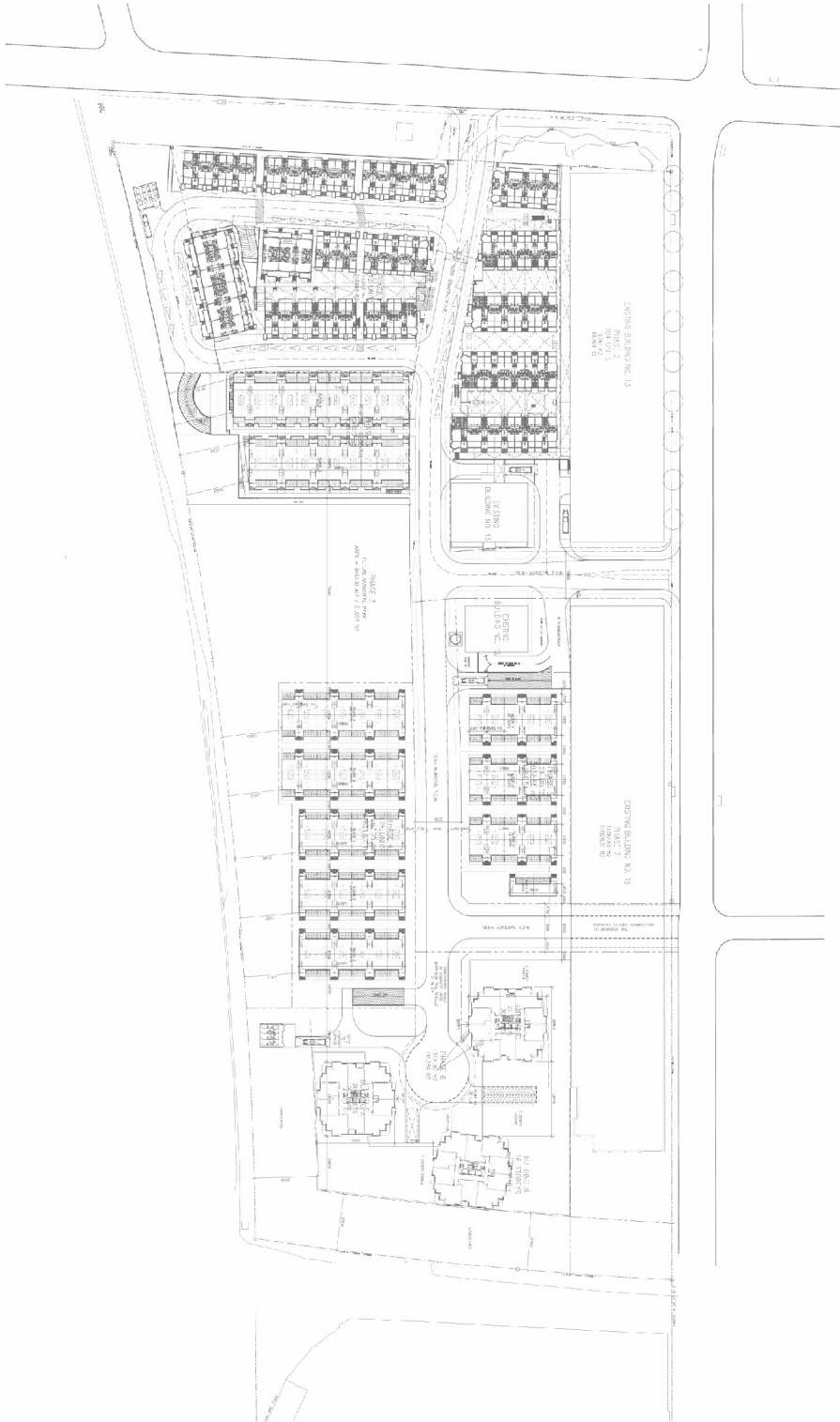
Attachment 2: Phasing Plan – Davenport Village Secondary Plan

Attachment 3: Draft Plan of Subdivision

Attachment 4: Draft Plan of Subdivision Approval Conditions

Attachment 5: Application Data Sheet

Attachment 1: Concept Plan



980 Lansdowne Avenue

Concept Plan

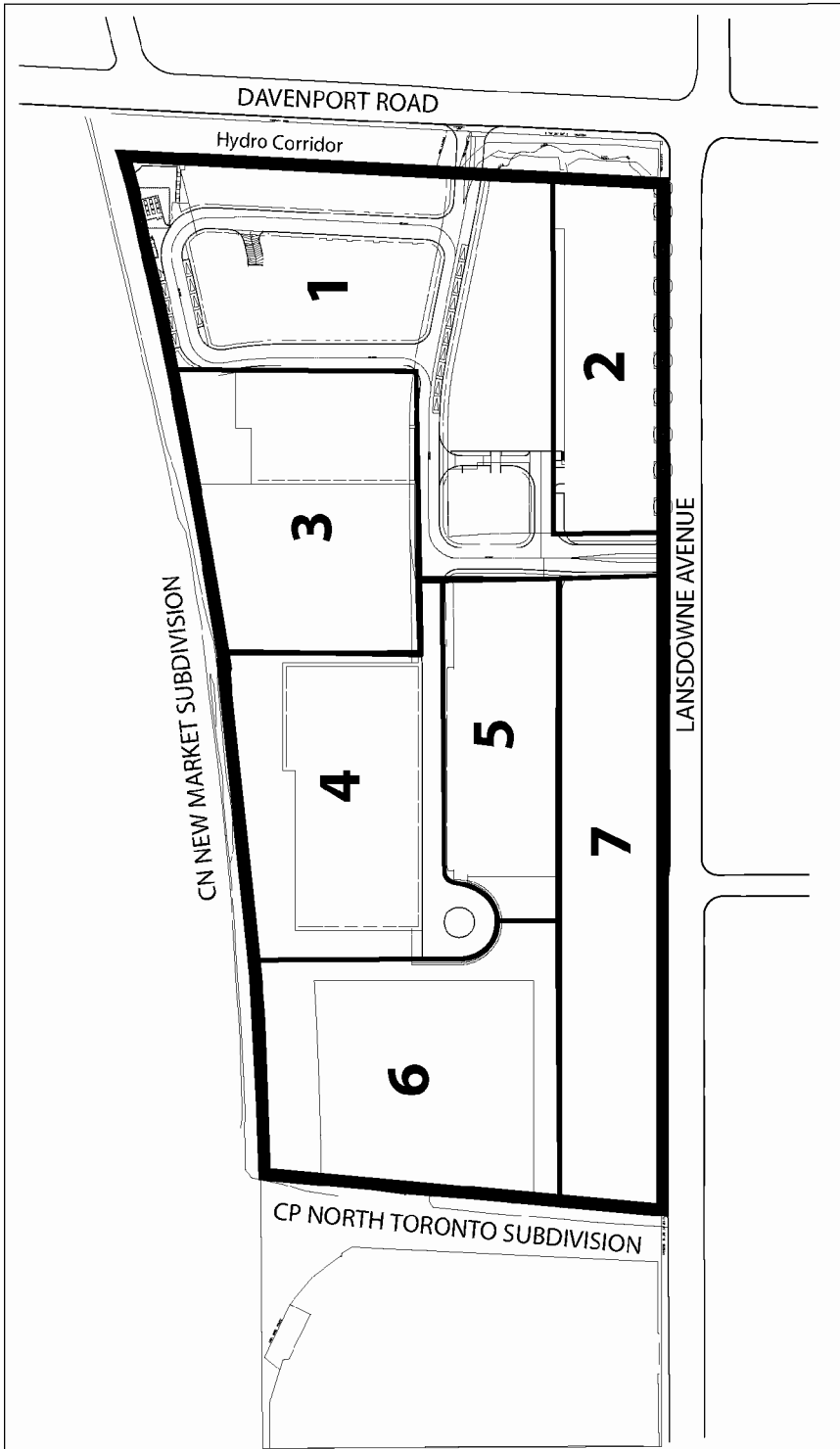
Applicant's Submitted Drawing

Not to Scale
05/19/09



File # 08_215535

Attachment 2: Phasing Plan – Davenport Village Secondary Plan



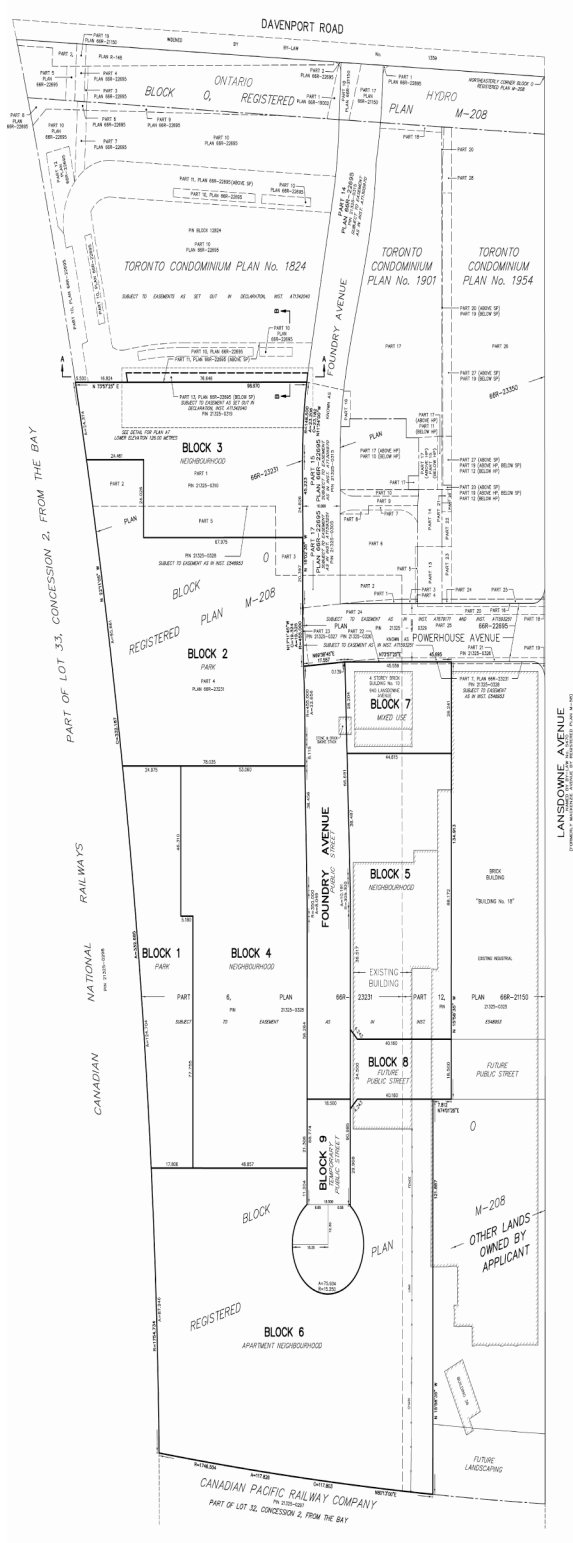
Davenport Village Secondary Plan

TORONTO City Planning
Map 3 - Phasing Plan



Secondary Plan Area Boundary
 Phasing Area

Attachment 3: Draft Plan of Subdivision



980 Lansdowne Avenue

Plan of Subdivision

Applicant's Submitted Drawing

Not to Scale
05/19/09

File # 08_215535

Attachment 4: Draft Plan of Subdivision Approval Conditions

Draft Plan of Subdivision CONDITIONS

The Chief Planner's approval as set out in the Notice of Decision letter dated [date], applies to Draft Plan of Subdivision of Parts of Block O Registered Plan M-208, City of Toronto, prepared by Gary B. Vanderveen, Holding Jones Vanderveen, Ontario Land Surveyors, and dated July 6, 2008.

GENERAL

1. The owner shall enter into the City's Standard subdivision agreement and satisfy all pre-registration conditions contained herein.
2. The approval of this Draft Plan of Subdivision will lapse if the subdivision is not registered within 5 years of the date of draft plan approval.
3. Prior to final approval and registration of the plan of subdivision, the following conditions shall be fulfilled to the satisfaction of the Director of Community Planning, Etobicoke York District (contact Luisa Galli at 416-394-6007):
 - (1) The Owner shall provide confirmation that the taxes have been paid in full (statement of account or Tax Clearance Certificate).
 - (2) The Owner shall forward a copy of the executed subdivision agreement to CN Rail and the Toronto District School Board for reference and information and shall provide written confirmation to the Director Community Planning, Etobicoke York District that this has been completed. (Contact Luisa Galli at 416-394-6007)
 - (3) The owner shall provide confirmation from Canadian National Railways Inc. and Go Transit that any necessary agreements or arrangements between the owner and Canadian National Railways Inc. and/or Go Transit, have been made.
 - (4) The Owner shall provide confirmation from the Toronto District School Board, that the Owner has entered into an agreement or made arrangements with School Board to erect and maintain signs, at the points of egress and ingress of the development site advising:

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

For information regarding designated school(s), please call (416) 397-2833.”

4. Prior to the approval of the plan of subdivision, the following revisions and additional information shall be provided to the satisfaction of the Director of Community Planning, Etobicoke York District (contact Luisa Galli at 416-394-6007):

- (1) Include the lands (Phase 7) abutting Lansdowne Avenue south of Powerhouse Avenue as a block of blocks within the draft plan; and
- (2) Identify as a block, the lands within the above noted parcel, for the connection between Block 8 and Lansdowne Avenue as a future public road.

5. Prior to the approval of the plan of subdivision, the following revisions and additional information shall be provided to the satisfaction of the Executive Director of Technical Services (contact Malcolm Light at 416-396-7690):

- (1) Preliminary Municipal Servicing and Stormwater Management report by JSW, Johnson Sustronk Weinstein and Associates shall:

- (a) Indicate the sanitary service for the apartment block on Block 6 is to connect into the 675mm sanitary sewer on Lansdowne Ave.
- (b) Confirm or clarify (page 5 of report) that the sewer has space capacity of 538 l/s including the 46.03 l/s from Phases 1 to 5 and building 13.
- (c) Confirm and indicate that where the existing sanitary service for Building 18 is located and if there is capacity for the proposed future 140 units.

- (2) Draft Plan of Subdivision, Part of Block O, Registered Plan M-208, City of Toronto

- (a) The applicant is required to design and construct Foundry Avenue according to the requirements of the City’s Development Infrastructure Policy and Standards with an 18.5m right-of-way cross-section with a 8.5m pavement width, as illustrated in City of Toronto Drawing No. UD-DIPS-2B;
- (b) the applicant must provide minimum 5.0m right-of-way radius rounding at the north-west corner of Block 7;
- (c) The applicant must redesign the future east – west street at the south end of the site on Block 8, to align, centerline to centerline, with the existing Brandon Avenue on the east side of Lansdowne Avenue.

Block 8 is required to have a width of 18.5 metres.

- (d) The south terminus of Foundry Avenue must be constructed as a proper cul-de-sac. The applicant must provide minimum 12.5m radius turning bulb illustrated in City of Toronto Design Drawing No. DIPS-5 and modified to skew towards Lansdowne Avenue.

SUBDIVISION AGREEMENT

6. The subdivision agreement shall include, among other matters the following provisions and obligations of the owner worded to the satisfaction of the City Solicitor:

Servicing and Public Roads

- (1) The owner shall construct all municipal services required to service this subdivision and post adequate securities for this servicing, all to the satisfaction of the Executive Director of Technical Services.
- (2) The owner shall provide funding for the future public street over Block 8, the future road connection between Block 8 and Lansdowne Avenue and also for any modifications required to the cul-de-sac to make the road connection to Block 8, all to the satisfaction of the Executive Director of Technical Services.
- (3) Further to the holding provisions of the Section 37, Davenport Village Secondary Plan Area, the owner shall agree that site plan approval for Block 6 will be withheld until such time as a sanitary outlet for Block 6 is secured to the sanitary sewer on Lansdowne Avenue, all to the satisfaction of the Executive Director of Technical Services.
- (4) The owner shall prepare all documents to convey lands in fee simple and easement interests to the City for nominal consideration, such lands to be free and clear of all physical and title encumbrances to the satisfaction of the Executive Director of Technical Services in consultation with the City Solicitor.
- (5) The owner shall submit a draft Reference Plan of Survey, in metric units and integrated with the Ontario Co-ordinate System, showing as separate PARTS thereof the lands to be conveyed to the City to the Executive Director of Technical Services, for review and approval, prior to depositing it in the Land Registry Office.
- (6) The owner shall pay all costs for preparation and registration of reference plan(s).

- (7) The owner shall apply storm water management techniques in the development of this subdivision to the satisfaction of Technical Services.
- (8) The owner shall conduct an environmental site assessment for lands to be conveyed to the City in accordance with the terms and conditions of the standard subdivision agreement, including providing payment for a peer reviewer and submission of a letter of acknowledgement of filing of a Record of Site Condition (RSC).
- (9) The owner shall pay engineering and inspection fees in accordance with the terms and conditions of the standard subdivision agreement.
- (10) The owner shall submit financial security in accordance with the terms of the standard subdivision agreement.

Heritage Preservation and Resources

- (11) Prior to issuance of site plan approval for Phase 5 being Blocks 5, 7 & 8 as shown on the approved Plan of Subdivision, the owner shall enter into a Heritage Easement Agreement with the City for Buildings 10 and 15.
- (12) The owner shall agree to the designation of Buildings 10 and 15 under Part IV of the Ontario Heritage Act.
- (13) Prior to issuance of site plan approval for Phase 5 being Blocks 5, 7 & 8 as shown on the approved Plan of Subdivision, the owner shall complete a Heritage Impact Assessment for Buildings 10 and 15 prepared by a qualified heritage conservation consultant containing an evaluation of how the proposal conserves the heritage resources, describes the physical condition of the buildings and the potential restoration and reuse of the heritage buildings to the satisfaction of the Manager of Heritage Preservation Services;
- (14) Prior to issuance of site plan approval for Phase 5 being Blocks 5, 7 & 8 as shown on the approved Plan of Subdivision, the owner shall provide a detailed Conservation Plan for Buildings 10 & 15, prepared by a qualified heritage consultant, and a Letter of Credit to secure all work included in the Conservation Plan in a form and an amount to the satisfaction of the Manager, Heritage Preservation Services;
- (15) The owner shall provide building permit drawings for the new buildings adjacent to the heritage buildings to the satisfaction of the Manager, Heritage Preservation Services to ensure their compatibility with the heritage buildings.
- (16) In the event that deeply buried archaeological remains are encountered on the property during construction activities, the Owner shall notify the Heritage Operations Unit of the Ministry of Culture immediately at (416) 314-7146 as

well as the City of Toronto, Heritage Preservation Services Unit (416) 338-1096.

- (17) In the event that human remains are encountered during construction, the Owner shall immediately contact both the Ministry of Culture, and the Registrar or Deputy Registrar of Cemeteries at the Cemeteries Regulation Unit, Ministry of Government Services at (416) 326-8404.

Noise and Vibration Abatement

- (18) For each phase of the development, the Owner shall carry out or cause to be carried out and shall maintain the noise abatement measures recommended in any Noise Control Study as may be required by the City for the abatement of noise.
- (19) For each phase of the development and prior to the first occupancy of any building and/or units within that phase, the owner shall provide to the Deputy Chief Building Official Etobicoke York District and to the Director Community Planning certification from the Noise Control Consulting Engineer that the Noise abatement and control measures for the development and any such measures associated with the building and/or units to be occupied have been implemented and installed in accordance with the accepted Noise Control Study.
- (20) For each phase of the development, the Owner shall carry out or cause to be carried out and shall maintain vibration isolation mitigation measures recommended in any Vibration Impact Study as may be required by the City.
- (21) For each phase of the development and prior to the first occupancy of any building and/or units within that phase, the owner shall provide to the Deputy Chief Building Official Etobicoke York District and to the Director Community Planning certification from the Vibration Control Consulting Engineer that the vibration isolation mitigation measures for the development and any such measures associated with the building and/or units to be occupied have been implemented and installed in accordance with the accepted Vibration Impact Study.

Parks

- (22) The applicant shall dedicate the 0.6 hectares (6360 square metres) of parkland in Phase 3 of this development.
- (23) The owner shall convey additional parkland during Phase 4. In the event of a parkland shortfall during Phase 4, the value of the cash-in-lieu will be used towards parkland improvements.

- (24) The owner agrees that the lands to be conveyed as Parkland to the City shall have a minimum area of 0.6 ha (6360 square metres), which represents Parts 2, 3 and 4 of Plan 66R-23231 (received and deposited date August 8, 2007, prepared by Holding Jones Vanderveen Inc.). The lands are to be free and clear, above and below grade, of all physical obstructions and easements, encumbrances and encroachments, including surface and subsurface easements, unless otherwise approved by the General Manager of Parks, Forestry and Recreation (PFR). The final location, grading, configuration and development of the parklands to be conveyed will be subject to the approval of the General Manager of Parks, Forestry and Recreation and in consultation with the local Councillor.
- (25) Prior to dedication of the parkland, the owner shall be responsible for an environmental assessment of the lands to be dedicated as parkland to the City and any associated costs or remediation works required as a result of that assessment. Such assessment or remediation shall ensure the parkland dedication lands, at the time of dedication, will meet all applicable laws, regulations and guidelines respecting sites to be used for public park purposes, including City Council policies respecting soil remediation of sites to be acquired by the City. A qualified environmental consultant that is acceptable to the Executive Director of Technical Services shall prepare the environmental assessment. Prior to transferring the Parkland to the City, the environmental assessment shall 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 to the City shall be conditional upon the Peer Reviewer concurring with the owner's environmental consultant that the Parkland meets all applicable laws, regulations and guidelines for public park purposes. The Executive Director of Technical Services shall advise the General Manager of Parks, Forestry and Recreation of the findings of the environmental assessment review.
- (26) The owner is to pay for the costs of such dedication, including the preparation and registration of all relevant documents. Prior to the dedication, the owner shall provide to the satisfaction of the City Solicitor all legal descriptions and applicable reference plans of survey for the parkland dedication lands.
- (27) The owner shall submit a Draft Reference Plan of Survey showing the parkland as separate PARTS. The R-plan will be required prior to final site plan and will be subject to the approval of the General Manager of Parks, Forestry and Recreation and City Legal.
- (28) The owner shall be responsible for the base park construction at their own expense. The Base Park Improvements shall include the following where deemed necessary:

1. Grading (inclusive of topsoil supply and placement, minimum of 150 mm depth);
 2. Sodding (#1 nursery grade);
 3. Fencing (1.8m, black-vinyl chain-link, commercial-industrial quality, with top and bottom rail);
 4. Drainage systems, including connections to the municipal service as required.
 5. Electrical and water connections (minimum 50 mm) to the street line; and
 6. Street trees along all public road allowances, which abut City owned parkland.
- (29) The owner shall complete all work to the satisfaction of the General Manager of Parks, Forestry and Recreation and where required, in consultation with Executive Director of Technical Services.
- (30) The owner shall agree to build the park in Phase 3 and as well as the Above Base Park Improvements to the satisfaction of the General Manager of Parks, Forestry and Recreation, for which a credit will be given against the Parks and Recreation portion of the owner's Development Charges.
- (31) The owner shall post a Letter of Credit for the installation of the Above Base Park Improvements to the satisfaction of the General Manager of Parks, Forestry and Recreation prior to site plan approval of Phase 3.
- (32) Prior to the Final Site Plan approval for Phase 3, the owner shall submit to the General Manager of Parks, Forestry and Recreation a composite utility plan, site servicing plan, cost estimate, landscape plan and park grading plan showing the details of the park improvements. The cost estimate, landscape plan and grading plan shall be approved by the General Manager of Parks, Forestry and Recreation and where required, in consultation with Technical Services.
- (33) Prior to the Final Site Plan approval for Phase 3, the owner shall post a Letter of Credit as security for the installation of base park improvements equal to 120% of the value of the Base Park Improvements.
- (34) The owner, upon satisfactory completion of the construction and installation of the Base Park and Above Base Park Improvements shall guarantee such work and associated materials. The owner will provide certification from their Landscape Architect certifying all work has been completed. As-built drawings will be submitted to this Division. At that time, the submitted letters of credit for park related development will be released, less 20% which shall be retained for a two-year period as a performance guarantee.
- (35) Prior to Final Site Plan approval for Phase 3, the owner shall enter into an agreement to the satisfaction of the City to provide for the ownership and

maintenance of the a strip of land abutting the railway property sufficient to construct a railway barrier wall and acoustical wall or fence. The maintenance of this land and facilities by the owner shall be to the satisfaction of the Manager Parks, Forestry and Recreation. The City will grant a permit, subject to applicable terms and fees, to provide the owner with access across abutting park land in order to maintain the land and railway barrier wall and acoustical wall or fence.

Schools

- (36) The owner acknowledges that the property is subject to the following warning clauses and the owner shall insert the following clauses in all offers of purchase and sale or lease of residential units for a period of ten years following registration of the plan that:

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

Purchasers agree for the purpose of transportation to school, if busing 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.”

Visitor Parking

- (37) The Owner acknowledges and shall prohibit the use of the visitor and disabled parking stalls for resident parking purposes.

Warning Clauses

- (38) The Owner acknowledges that the property is subject to warning clauses.
- (39) The following warning clause shall be inserted in all development agreements, offers to purchase, and agreements of Purchase and Sale or Lease of each dwelling unit within 300m of the railway right-of-way.

“Warning: The Greater Toronto Transit Authority, carrying on business as GO Transit, and its assigns and successors in interest has or have a right-of-way within 300 metres from the land the subject hereof. There may be alterations to or expansions of the rail facilities on such right-of-way in the future including the possibility that GO Transit or any railway entering into an agreement with GO Transit to use the right-of-way or their assigns or successors as aforesaid may expand their operations, which expansion may affect the living environment of the residents in the vicinity, notwithstanding

the inclusion of any noise and vibration attenuating measures in the design of the development and individual dwelling(s). GO Transit 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.”

“Warning: Canadian National Railway Company or its assigns and successors in interest has or have a right-of-way within 300 metres from the land the subject hereof. There may be alterations to or expansions of the rail facilities on such right-of-way in the future including the possibility that GO Transit or any railway entering into an agreement with GO Transit to use the right-of-way or their assigns or successors as aforesaid may expand their operations, which expansion may affect the living environment of the residents in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development and individual dwelling(s). CNR 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.”

- (40) The owner shall insert the following clauses regarding noise in all Offers to Purchase and agreements of Purchase and Sale or Lease and, as applicable, in any Condominium declarations associated with the lands such clauses, as applicable, shall remain on title for each Block.

“Purchasers/tenants are advised that despite the inclusion of noise control features in the development and within building units, sound levels due to increasing rail traffic may on occasion interfere with some of the activities of the dwelling occupants as the sound levels exceed City’s and Ministry of Environment’s Noise criteria. This dwelling unit has been fitted with a forced air heating system and ducting etc. which was sized to accommodate central air conditioning. Installation of central air conditioning by the occupant will allow windows and exterior doors to remain closed, thereby ensuring that the indoor sound levels are within the City’s and the Ministry of Environment’s noise criteria (Note: The location and installation of the outdoor air conditioning device should be done so as to comply with noise criteria of MOE publication NPC-216, Residential Air conditioning Devices and thus minimize the noise impacts both on and in the immediate vicinity of the subject property.)”

ADVISORY NOTES

The owner acknowledges the following advisory notes:

- a) Bell has requested that the following be included as a note to draft approval:
 - (i) Bell advises 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. 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. If the Developer elects not to pay for such connection to and/or extension of the existing 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.
 - (ii) The Owner shall agree in words satisfactory to Bell Canada, to grant to Bell Canada any easements that may be required for the telecommunication 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.
 - (iii) Bell Canada requires one or more conduit (s) of sufficient size from each unit to the room(s) in which the telecommunication facilities are situated and one or more conduits for the room(s) in which the telecommunication facilities are located to the street line.
- b) Enbridge has requested that the following be included as a note to draft approval:
 - (i) The developer shall prepare composite plan that allows for the safe installation of all utilities, including required separation between utilities.
 - (ii) Streets are to be constructed in accordance with composite utility plans previously submitted and approved by all utilities.
 - (iii) The developer shall grade all streets to final elevation prior to the installation of the gas lines and provide Enbridge Gas Distribution Inc. with the necessary field survey information for the installation of the gas lines.
 - (iv) It is understood that the natural gas distribution system will be installed within the proposed road allowance. In the event that this is not possible, the owner

shall provide easements at no cost to Enbridge Gas Distribution Inc.

- c) Hydro One Networks Inc. has requested that the following paragraph be included as a note to draft approval:

Warning: 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 5: Application Data Sheet

| | | | |
|-----------------------|--|---------------------|---------------------|
| Application Type | SubDivision Approval | Application Number: | 08 215535 WET 17 SB |
| Details | | Application Date: | October 23, 2008 |
| Municipal Address: | 980 LANSDOWNE AVE | | |
| Location Description: | PLAN M208 PT BLK O RP 66R21150 PARTS 10 AND 11 **GRID W1706 | | |
| Project Description: | Subdivision Approval for the former GE industrial site to permit a phased development comprised of residential and mixed uses including row housings, high rise structures and a public park with dedicated public streets. The application applies to phase 3 to 6 of the proposed overall 7-phase development. | | |

| | | | |
|-------------------------|---------------|-------------------|--------------------|
| Applicant: | Agent: | Architect: | Owner: |
| DONALD ROSS MCKERRON | | | EMSATEC CANADA INC |

PLANNING CONTROLS

| | | | |
|----------------------------|----------------|--------------------------|--------------------------|
| Official Plan Designation: | Neighbourhoods | Site Specific Provision: | Davenport Secondary Plan |
| Zoning: | BL 728-2006 | Historical Status: | |
| Height Limit (m): | | Site Plan Control Area: | yes |

PROJECT INFORMATION

| | | | | |
|------------------------------------|---------|---------|-----------------|--------------|
| Site Area (sq. m): | 38973 | Height: | Storeys: | 0 |
| Frontage (m): | 258.85 | | Metres: | 0 |
| Depth (m): | 173.15 | | | |
| Total Ground Floor Area (sq. m): | 8493.75 | | | Total |
| Total Residential GFA (sq. m): | 130401 | | Parking Spaces: | 917 |
| Total Non-Residential GFA (sq. m): | 0 | | Loading Docks | 0 |
| Total GFA (sq. m): | 125835 | | | |
| Lot Coverage Ratio (%): | 21.7 | | | |
| Floor Space Index: | 3.2 | | | |

DWELLING UNITS

| | |
|----------------------------|-------|
| Tenure Type: | Condo |
| Rooms: | 0 |
| Bachelor: | 0 |
| 1 Bedroom: | 0 |
| 2 Bedroom: | 476 |
| 3 + Bedroom: | 600 |
| Total Units (Subdivision): | 1076 |
| Total Units (Sec. Plan): | 1400 |

FLOOR AREA BREAKDOWN (upon project completion)

| | Above Grade | Below Grade |
|----------------------------------|-------------|-------------|
| Residential GFA (sq. m): | 130401 | 0 |
| Retail GFA (sq. m): | 0 | 0 |
| Office GFA (sq. m): | 0 | 0 |
| Industrial GFA (sq. m): | 0 | 0 |
| Institutional/Other GFA (sq. m): | 0 | 0 |

| | | |
|-----------------|----------------------|-----------------------------|
| CONTACT: | PLANNER NAME: | Luisa Galli, Planner |
| | TELEPHONE: | (416) 394-6007 |