

Southeast corner of Staines Road and Steeles Avenue East & 2-34 Palk Lane – Rezoning and Draft Plan of Subdivision Applications – Final Report

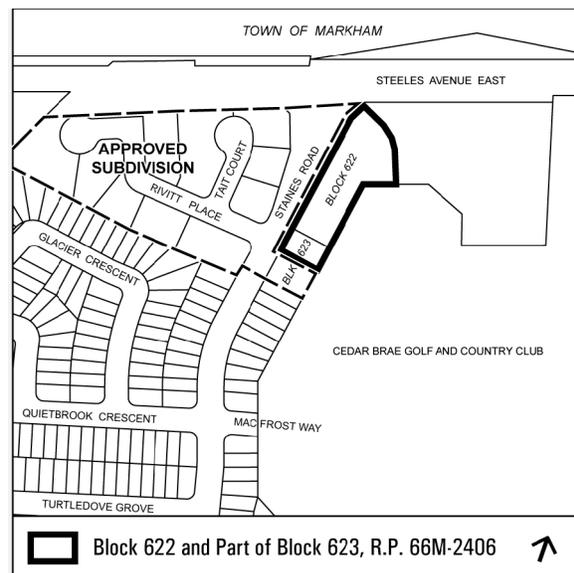
Date:	July 27, 2010
To:	Scarborough Community Council
From:	Director, Community Planning, Scarborough District
Wards:	Ward 42 – Scarborough-Rouge River
Reference Number:	09 159673 ESC 42 OZ and 09 159697 ESC 42 SB

SUMMARY

These applications were made on or after January 1, 2007 and are subject to the new provisions of the Planning Act and the City of Toronto Act, 2006.

The applications are for a rezoning and approval of a plan of subdivision in order to permit a development of 16 townhouses that will have frontages on Staines Road and vehicular access from a rear public lane (Palk Lane). The lands are located on the east side of Staines Road, immediately south of Steeles Avenue East.

The subject property represents one of the remaining properties within the Morningside Heights Community to be developed for residential uses and brings the Community closer to completion. The proposed townhouse use is consistent with the Morningside Heights Secondary Plan. The proposed public lane within the development scheme provides access to the individual townhouses but also provides access to the existing single family residence immediately to the east (Frost residence).



This report reviews and recommends approval of the application to amend the zoning by-law. This report also advises that the Chief Planner may approve the draft plan of subdivision.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council amend the Morningside Heights Zoning By-law for the lands at the southeast corner of Staines Road and Steeles Avenue East, and 2-34 Palk Lane, substantially in accordance with the draft zoning by-law amendment attached as Attachment No. 6.
2. City Council authorize the City Solicitor to make such stylistic and technical changes to the draft zoning by-law amendment as may be required.
3. That in accordance with the delegated approval under by-law 229-2000, City Council be advised that the Chief Planner may approve the draft plan of subdivision, generally as illustrated on Attachment 3, subject to:
 - a. the appropriate conditions, generally as listed in Attachment 7, which must be fulfilled prior to the release of the plan of subdivision for registration;
 - b. any such revisions to the proposed subdivision plan 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; and,
 - c. draft plan approval not being issued until the necessary zoning by-law Bill is in full force and effect.

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

The subject lands are one of the remaining undeveloped parcels within the Morningside Heights Community for residential development. The subject lands are within a larger plan of subdivision that was approved by the Ontario Municipal Board (OMB) in 2002 and which was registered in 2003 as plan 66M-2406. This plan of subdivision established the alignment of Staines Road where it currently intersects Steeles Avenue East, which for safety issues, related to the future widening of Steeles Avenue and a future grade separation of the railway line to the west of the intersection.

More recently, the subject lands were included in further planning applications: rezoning application (06 180719 ESC 42 OZ) and draft plan of subdivision application (06 180725

ESC 42 SB) that applied on both sides of Staines Road, immediately south of Steeles Avenue East. The subject lands, which at that time contemplated 17 freehold townhouses with a common elements condominium driveway, were subsequently excluded from the proposal in order to address specific access and servicing issues. Specifically, the access issue related to providing access from Staines Road to the adjacent residential property (Frost residence) to the east. The Frost property is not within Morningside Heights Community. Access to the Frost residence had been from Steeles Avenue East, however, in the design and construction of the Staines and Steeles Avenue intersection as part of the development of the Morningside Heights Community, access to the Frost property from Steeles Avenue was removed. Access to Steeles Avenue from the Frost property is no longer viable.

City Council, on December 11, 12, and 13, 2007, amended the zoning by-law for only the lands on the west side of Staines Road, deferred consideration of the rezoning of the subject lands and supported the draft plan of subdivision, excluding the subject lands. City Council also directed staff to meet with Ms. Frost and the Morningside Heights landowners for a resolution on the access issue to the Frost property.

In February 2008, the draft plan of subdivision for the lands excluding the subject lands (06 180725 ESC 42 SB) was appealed by Cedar Brae Golf and Country Club, an adjacent landowner to the east. The OMB approved the draft plan and modified the draft plan conditions to include a warning clause to the future residents on 2 residential lots that abut the golf course lands regarding errant golf balls and to require a security fence along the rear lot lines of these 2 residential lots. In the Minutes of Settlement attached to the Board's decision, there was an obligation for the same warning clause to apply to the subject lands.

ISSUE BACKGROUND

Proposal

The applicant is proposing to rezone the subject lands to provide for a 16-unit townhouse development within three blocks. Access to the development is contemplated from a short 16.5 metre public right-of-way from Staines Road which becomes an 8.3 metre public lane right-of-way that would terminate in a cul-de-sac. The right-of-way would contain a 6.0 metre pavement width. A 0.3 metre reserve is proposed along the easterly side of the lane.

Each 2-storey townhouse would contain an integral garage that would be accessed from the rear public lane. No vehicular access is proposed from Staines Road. The proposed rear public lane would also provide access to the existing adjacent property to the east containing a single-family dwelling (Frost residence).

The proposed development is illustrated on Attachment 1, Site Plan. Specific details for the subject proposal are contained in Attachment 5, Application Data Sheet.

Site and Surrounding Area

The subject 0.48 hectares (1.1 acres) are located at the southeast corner of Staines Road and Steeles Avenue East. Steeles Avenue East in this location is a 2-lane arterial road. The lands are occupied by a sales pavilion, parking area and construction trailer and materials. Access to Staines Road from the adjacent Frost residential property to the east is currently accommodated through the subject property. A gas easement is located along the north-easterly limits of the lands, extending from Steeles Avenue East. A service easement also exists along the northern property limits.

Located on the north side of Steeles Avenue in the Town of Markham, is agricultural land. To the east of the subject property are located a single-family dwelling (Frost property) and the Cedar Brae Golf and Country Club. Immediately to the south of the subject property are single-family dwellings fronting Staines Road. A residential townhouse development that is currently under construction and the CPR line are located to the west.

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 property is designated as Neighbourhoods. Within the Morningside Heights Secondary Plan, this designation provides for lower scale residential uses limited to detached, semi-detached and street townhouse dwellings, with all lots having individual frontage on a public street. In certain locations, block townhouses and similar low scale housing forms to a maximum height of four storeys and a maximum density of 100 units per hectare are allowed.

The Secondary Plan requires provision of satisfactory noise and air quality conditions for all residential developments and provides guidance for the implementation of urban design principles that govern development within Morningside Heights.

The Secondary Plan's Site and Area Specific Policy No. 1 applying to the subject lands requires developments to make provision for the future road widening and grading to accommodate the reconstruction of Steeles Avenue in accordance with the Environmental Assessment.

The Official Plan includes Public Realm policies which state that new streets should be public streets. Public streets will be designed to, among other matters: provide connections with adjacent neighbourhoods and promote a connected grid of streets that offers travel options; provide access and addresses for new developments; allow the public to freely enter without obstruction; create adequate space for matters such as utilities and utility maintenance; and, provide access for emergency vehicles. The design standards for new public local streets including public rear lanes, are contained in the Council approved Development Infrastructure Policy and Standards (DIPS).

Zoning

The subject lands are zoned Multiple-Family Residential (M) Zone which permits single and semi-detached dwellings, townhouses and street townhouse dwellings, multiple-family dwellings, day nurseries, group homes and correctional group homes.

Site Plan Control

The subject lands are not subject to site plan control. However, appropriate development standards will be established in the zoning by-law and draft plan of subdivision conditions to ensure appropriate development.

Reasons for Application

The applicant is seeking to rezone these lands from Multiple-Family Residential (M) Zone to Street Townhouse-Lane Residential (ST-L) Zone and to establish appropriate development standards for the proposal. The draft plan of subdivision would create three townhouse blocks and the public roadway which includes a rear public lane, and provide for the necessary services to accommodate the proposed development. The townhouse block would be subject to a future planning application to create the individual ownerships.

Community Consultation

A community consultation meeting was held on December 14, 2010. Expanded notification of the meeting was given and 6 members of the public attended. Issues raised at the meeting included traffic on Staines Road and, with respect to the adjacent Frost property, access to their property and the level of public services provided from the proposed lane.

Agency Circulation

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

COMMENTS

Provincial Policy Statement and Provincial Plans

The proposal is consistent with the Provincial Policy Statement. The proposal will utilize existing infrastructure and public service facilities to promote an efficient land use pattern that provides for a range or mix in residential uses in the immediate area.

The proposal conforms and does not conflict with the Growth Plan for the Greater Golden Horseshoe. The proposal represents a compact urban form to promote intensification in the area.

Land Use

The current zoning applying to the subject lands is Multiple-Family Residential (M) which permits residential uses such as single and semi-detached dwellings, townhouses and street townhouse dwellings, multiple-family dwellings. The proposed 16, 2-storey rear lane townhouses are similar to the permitted residential uses in the zoning by-law and are compatible with the residential uses existing in the area, including the 2-storey street townhouses nearing completion on the west side of Staines Road, across from the subject lands. The Street Townhouse – Lane Residential (ST-L) Zone is appropriate as access to the proposed townhouses would occur from Palk Lane. Direct vehicular access from Staines Road is not feasible as Steeles Avenue will be lowered in the future under the railway line occurring to the west which in turn results in the Staines Road and Steeles Avenue intersection being substantially lower in grade than the townhouse lands.

As the proposed rear lane townhouses have two street frontages, the draft zoning by-law (Attachment 6) establishes the front yards for the development as the yards fronting on Staines Road. Appropriate building setbacks from both Staines Road and Palk Lane are established to ensure that the front yards remain landscaped and that the proposed setback for the integral garages facing Palk Lane is sufficient to accommodate a vehicle on the driveway as parking within the Palk Lane would not be permitted. The proposed zoning by-law also imposes minimum driveway dimensions to accommodate the proposed rear lane townhouses and which are similar to the other residential properties in the Morningside Heights Community.

Development Infrastructure and Standards (DIPS)

On December 5, 6 and 7, 2005, City Council adopted a set of harmonized public street design standards to meet the objectives of the Official Plan policy of requiring public streets in order for the City to provide municipal services. For new townhouse developments and subdivisions, these design standards enable City services such as: curbside garbage collection; snow removal; street repair and maintenance; water and sewer maintenance; and, Fire Services. The DIPS design standards for the smallest public streets are those for rear lanes which function to provide vehicular access to rear parking garages or parking areas located at the rear of a dwelling, and to accommodate street lighting and drainage. No other municipal infrastructure is permitted and no sidewalks or boulevards are accommodated. Rear public lanes provide limited City

services. In some exceptional circumstances, City garbage collection may be provided. Public lanes are designed to contain a pavement width of 6.0 metres and structures such as street lighting, require a minimum setback of 0.5 metres beyond the 6.0 metre pavement.

The subject development proposes access from Staines Road by a 16.5 metre right-of-way which becomes an 8.3 metre right-of-way (Palk Lane) that terminates with a cul-de-sac. The storm and sanitary stub sewer outlets from Staines Road were constructed under the previous subdivision plan that was registered in 2003 as plan 66M-2406. These sewer outlets were designed as part of the servicing design for the Morningside Heights Community and exist within the subject lands along the entry point of Palk Lane.

Palk Lane is proposed with a 6.0 metre pavement and a 0.3 metre reserve along the east side of Palk Lane. Provision for street lighting and drainage details, among other matters, would be secured in the draft plan of subdivision conditions. Both storm and sanitary sewers are proposed to be extended through the 8.3 metre public lane from their existing terminus locations within the subject lands at the entrance of the public lane. While City Standards for rear public lanes accommodate storm sewers, it does not accommodate sanitary sewers. Deviation from these City Standards requires approval from Technical Services and they have agreed to allow the extension of the sanitary sewer within Palk Lane.

City garbage collection in certain circumstances may be provided from rear lanes. In this case, the City will provide curbside door-to-door garbage collection from the townhouse driveways along the lane. Garbage collection from Staines Road would be problematic, especially for the three northerly townhouses given the lot configuration and proximity to the intersection. For these 3 lots, garbage bins would need to be placed in front of the adjacent southerly townhouse for collection. In the future, garbage collection from Staines Road may become more of an issue or challenge with the reconstruction and lowering of Steeles Avenue and the Staines Road intersection. Garbage collection from the rear public lane, in this case, is considered appropriate.

The current proposal conforms to DIPS for public rear lane developments except for the accommodation of the sanitary sewer. In this case, Technical Services have agreed to permit this deviation to DIPS as the sewer outlet exists within the subject lands.

Servicing

Site servicing for the subject lands remained unresolved when the subject lands were within the previous draft plan of subdivision application which included the lands on the west side of Staines Road. The applicant, in attempting to resolve the servicing issue for the subject property, has requested that provision be made for sanitary sewers to be extended within the public lane. As previously indicated, Technical Services have agreed to the extension of the sanitary sewer within Palk Lane as a deviation to DIPS. No additional servicing requirements have been identified for this development.

Access and Public Services

One of the issues raised by the adjacent landowner to the east during the previous 2006 planning applications was access to their property. Staff, as directed by City Council in December 2007, did convene meetings with the affected landowners, being the representatives of both the Frost family and the Morningside Heights landowners.

The previous development scheme had proposed access to the Frost property through a common elements condominium driveway. Access could not be provided by a full width public road as there is insufficient land area within the subject lands to accommodate a road. The current townhouse proposal contemplates access to the Frost property by way of the public lane rather than through a privately-owned condominium driveway. The public lane would be maintained by the City. A 6.0 metre access point directly to the Frost property would be provided along the east side of Palk Lane. The 6.0 metre access point would be addressed through a draft plan of subdivision condition.

Although the Frost residence is tenanted, representatives of the Frost family raised concerns with the level of service that would be provided from the public lane such as emergency services (fire and police), garbage collection and snow removal. Palk Lane would be accessible to fire and police services similar to most private internal roadways/drive aisles within a residential development. The lane pavement width and cul-de-sac have been designed to City standards (DIPS) and sufficiently accommodate required vehicular movements, including fire and garbage trucks. The lane would contain “no parking” prohibition signage on both sides in order to maintain 2-way traffic movement.

The City’s winter maintenance service level for public lanes, as confirmed by City Council in January 2009, is road salting within 24 hours of the last snowfall. The challenge with snow ploughing lanes is the lack of space for snow storage. However, where snow accumulation exceeds 30 centimetres, snow removal in lanes can begin. The current City winter maintenance level is proposed to be maintained for Palk Lane.

The Frost property currently is not receiving City garbage collection and there are no records indicating that the owners possess City issued garbage bins. The Frost property would be eligible to receive City garbage collection from the new public lane subject to making an application to Solid Waste Management.

Traffic

Some of the residents at the community consultation meeting raised concern with traffic. These included the provision of a stop sign at the intersection of Palk Lane and Staines Road and for speed humps on Staines Road. Transportation Services were consulted on these matters and they advised that a stop sign would be installed at the future intersection of Palk Lane at Staines Road and would be secured through the draft plan of subdivision conditions. Speed humps, however, would not be feasible as there is a TTC bus route on Staines Road. Traffic calming measures in these circumstances are not permitted under City policy.

Urban Design and Streetscape

Staff have reviewed streetscape elevation plans which propose a similar building design to that on the west side of Staines Road which contain front entrance features to address the Staines Road frontage. Staff proposed to secure a low decorative fence along the Staines Road frontage that defines the street edge and separates the activities of the street from the landscaped front yards. The Morningside Heights Design Guidelines contain provision for an entrance feature at the Steeles Avenue and Staines Road intersection. Staff will explore the possibility of incorporating such a feature in conjunction with the proposed development and secure the decorative fence through draft plan of subdivision conditions.

Toronto Green Standard

The Toronto Green Standard contains a set of voluntary performance measures that promote sustainable development. The applicant was encouraged to pursue the inclusion of Green Standards within the development. As a result, a number of these measures will be included such as: the use of local and reused building materials; the use of native and retained soil; implementation of dust control methods; stormwater run-off and erosion mitigation methods during construction; the use of low-emitting materials to minimize air contamination; and, the provision of energy-efficient fixtures, appliances, windows and doors.

Development Charges

It is estimated that the development charges for this project will be \$149,440.00. This is an estimate. The actual charge is assessed and collected upon issuance of the building permit.

Conclusion

The proposed rezoning and draft plan of subdivision which provides for the development of 16 townhouses is compatible with the surrounding residential area and will complete the northern portion of development within the Morningside Heights Community. The proposed zoning by-law incorporates appropriate development standards for the townhouse development. The proposed conditions for draft plan approval incorporate agency comments and implements an earlier OMB decision regarding warning clauses for errant golf balls. The proposed subdivision plan addresses the issue of access to the adjacent Frost property by providing a public lane maintained by the City, from Staines Road to the Frost property.

It is recommended that City Council approve the draft zoning by-law and advise the Chief Planner to approve the draft plan of subdivision.

CONTACT

Sylvia Mullaste, Planner
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Fax No. (416) 396-4265
E-mail: Mullaste@toronto.ca

SIGNATURE

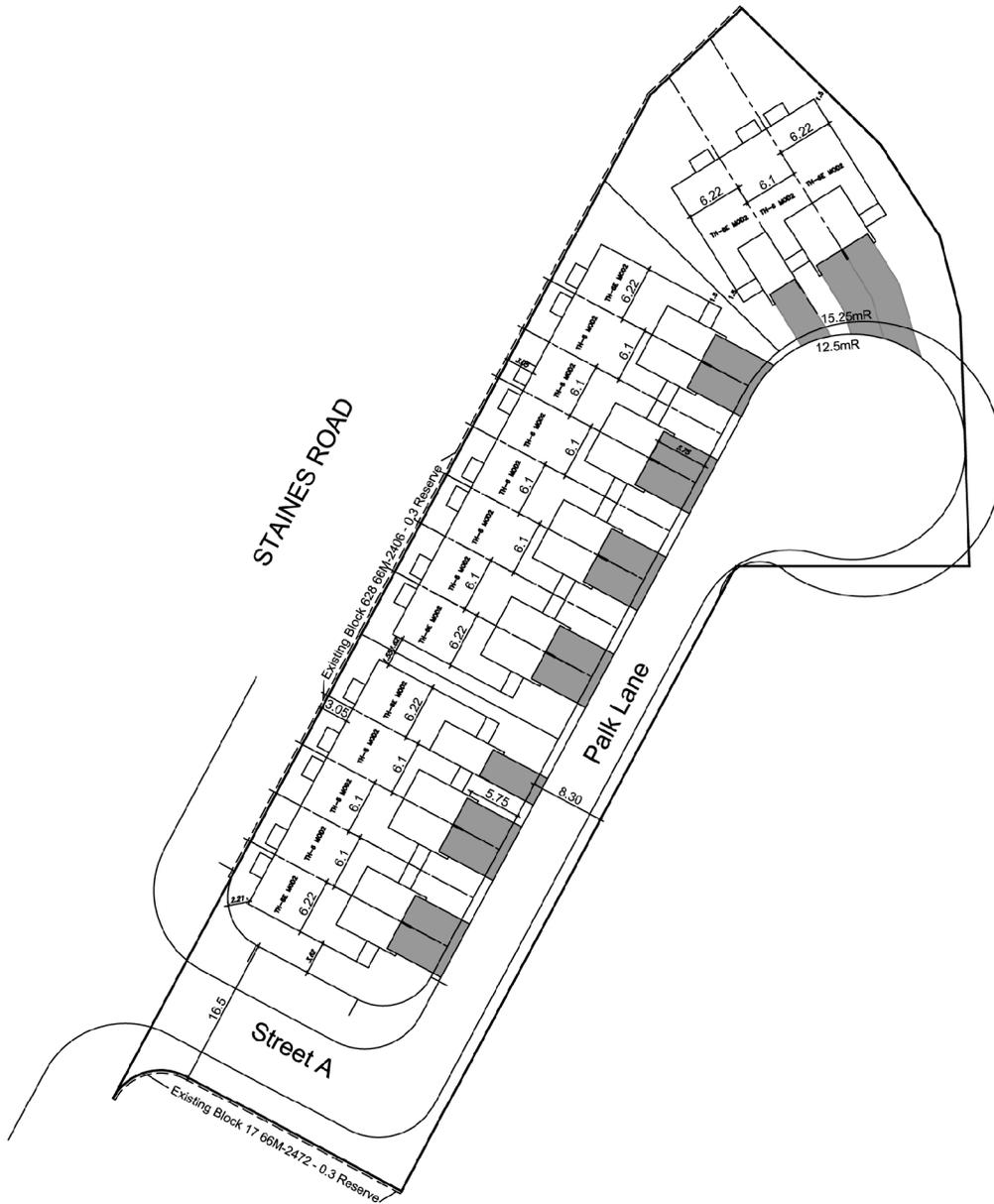
Allen Appleby, Director
Community Planning, Scarborough District

ATTACHMENTS

- Attachment 1: Site Plan
- Attachment 2: Elevations
- Attachment 3: Draft Plan of Subdivision
- Attachment 4: Zoning
- Attachment 5: Application Data Sheet
- Attachment 6: Draft Zoning By-law Amendment
- Attachment 7: Draft Plan of Subdivision Conditions

Attachment 1: Site Plan

STEELES AVENUE EAST



Site Plan

Block 622 and Part of Block 623, R.P. 66M-2406

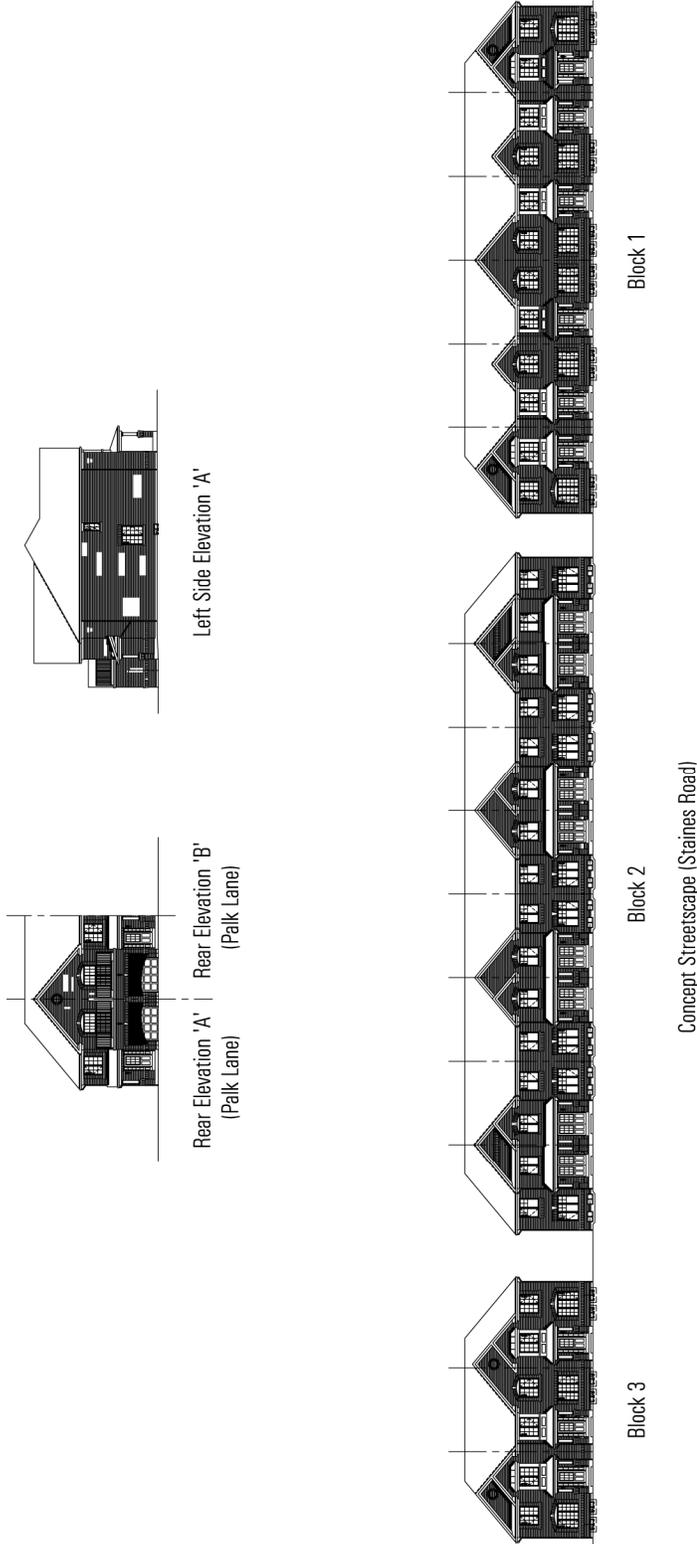
Applicant's Submitted Drawing

Not to Scale
6/15/10



File # 09-159673 OZ

Attachment 2: Elevations



Elevation Plans

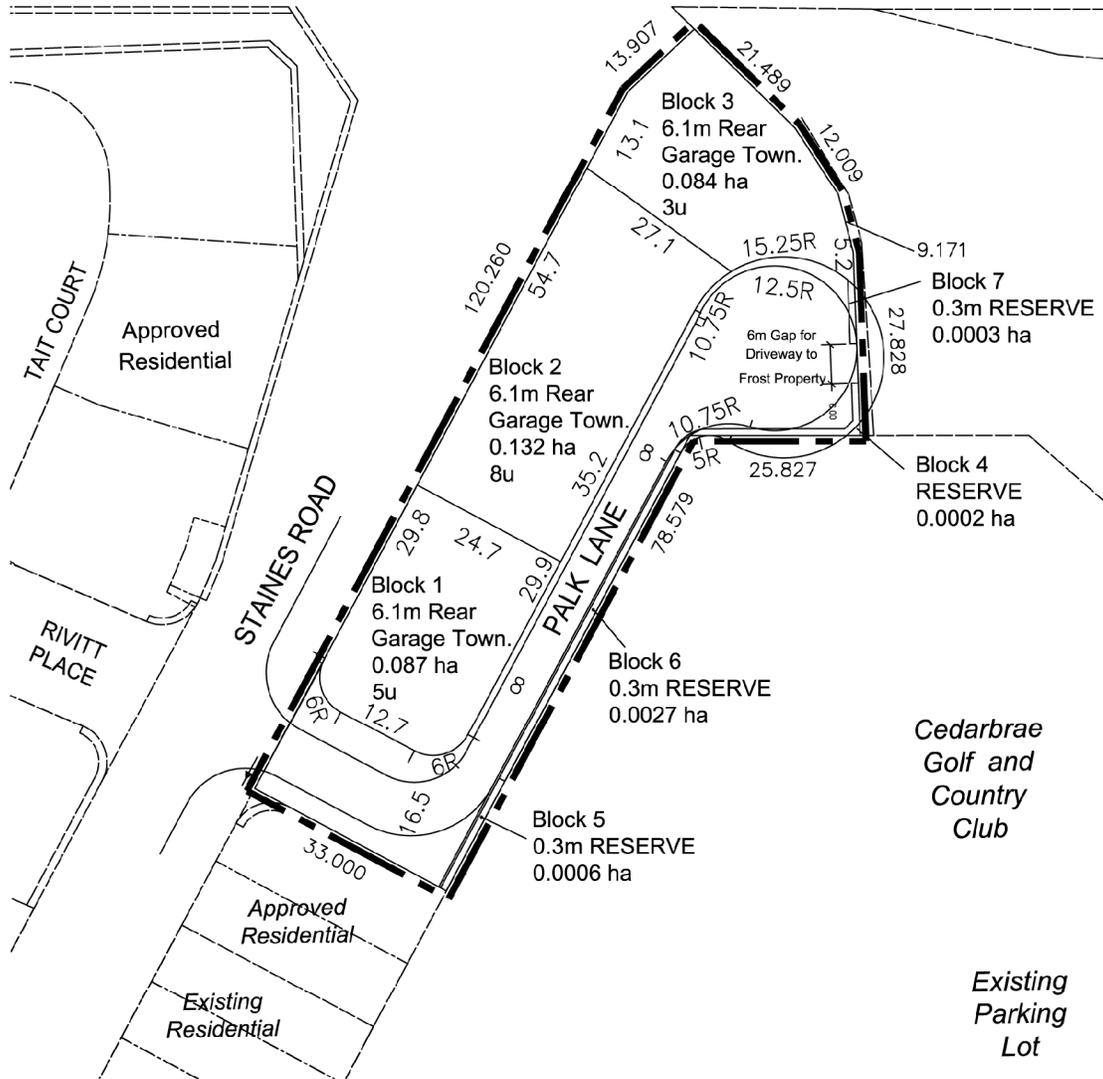
Applicant's Submitted Drawing

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File # 09-159673 0Z

Attachment 3: Draft Plan of Subdivision

STEELES AVENUE EAST



Draft Plan of Subdivision

Block 622 and Part of Block 623, R.P. 66M-2406

Applicant's Submitted Drawing

Not to Scale
6/15/10

File # 09-159697 SB

Attachment 5: Application Data Sheet

Application Type	Rezoning & Subdivision	Application Number:	09 159673 ESC 42 OZ
Details	Rezoning, Standard	Application Date:	09 159697 ESC 42SB August 19, 2009

Municipal Address: 0 STAINES RD – 2-34 PALK LANE E/S
 Location Description: PLAN 66M2406 BLK 622 **GRID E4202
 Project Description: Rezoning to amend the existing townhouse provisions to permit 3 blocks containing 16 street townhouses with rear access from a public lane.

Applicant:	Agent:	Architect:	Owner:
BOUSFIELDS INC			554056 ONTARIO LIMITED

PLANNING CONTROLS

Official Plan Designation:	Neighbourhoods	Site Specific Provision:	No. 1
Zoning:	Multiple Family	Historical Status:	
Height Limit (m):		Site Plan Control Area:	N

PROJECT INFORMATION

Site Area (sq. m):	4770	Height:	Storeys:	2
Frontage (m):	144		Metres:	14.5
Depth (m):	33			
Total Ground Floor Area (sq. m):	1280			Total
Total Residential GFA (sq. m):	2640		Parking Spaces:	16
Total Non-Residential GFA (sq. m):	0		Loading Docks	0
Total GFA (sq. m):	2640			
Lot Coverage Ratio (%):	26.83			
Floor Space Index:	0.55			

DWELLING UNITS

FLOOR AREA BREAKDOWN (upon project completion)

		Above Grade	Below Grade
Tenure Type:			
Rooms:	0	Residential GFA (sq. m):	2640
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:	16	Institutional/Other GFA (sq. m):	0
Total Units:	16		

CONTACT:	PLANNER NAME:	Sylvia Mullaste, Planner
	TELEPHONE:	(416) 396-5244

Attachment 6: Draft Zoning By-law Amendment

Authority: Scarborough Community Council Item ~ as adopted by City of Toronto
Council on ~, 20~
Enacted by Council: ~, 20~

CITY OF TORONTO

Bill No. ~

BY-LAW No. ~-20~

**To amend the Morningside Heights Zoning By-law,
approved by the Ontario Municipal Board on June 17, 2002, as amended,
with respect to the lands municipally known in the year 2009 as
0 Staines Road and 2 - 34 Palk Lane**

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

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

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

1. **SCHEDULE “A”** is amended by replacing the current zoning applying to the lands shown outlined on Schedule ‘1’ as follows:

ST-L – 3 - 20 - 21 - 23 - 51 - 60 - 61 - 62 - 63

ST-L – 5 - 20 - 21 - 23 - 39 - 40 - 51 - 60 - 61 - 62 - 63

ST-L – 8 - 20 - 21 - 23 - 51 - 60 - 61 - 62 - 63

2. **SCHEDULE “B” PERFORMANCE STANDARD CHART**, is amended by adding Performance Standard No.’s 39, 40, 61, 62, 63 as follows:

BUILDING SETBACKS

39. Minimum **exterior side yard** building **setback** is 1.9 m.

40. Minimum **rear yard** building **setback** is 6.2 m.

MISCELLANEOUS

61. The **front yard** shall be maintained for landscaping. Landscaping shall mean trees, shrubs, grass, flowers, vegetables, and other vegetation, decorative stonework, walkways, patios, screening or other horticultural or landscape-architectural elements, or any combination of these.

62. **CLAUSE VI – GENERAL PARKING REGULATIONS FOR ALL ZONES, Sub-Clause 1, General Parking Requirements, Section 1.3 (a) Parking Space and Driveway Dimensions, Sub-Section 1.3.2.2, and Sub-Clause 2, Residential Parking Regulations, Section 2.2 Regulations for Single-Family Dwellings and Semi-Detached Dwellings and Street Townhouse Dwellings shall apply to Street Townhouse – Lane Dwellings.**
63. An attached garage shall be erected with each **dwelling unit**.
3. **SCHEDULE “C” EXCEPTIONS LIST**, is amended by adding Exception 4 within the lands as shown on Schedule ‘2’.

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

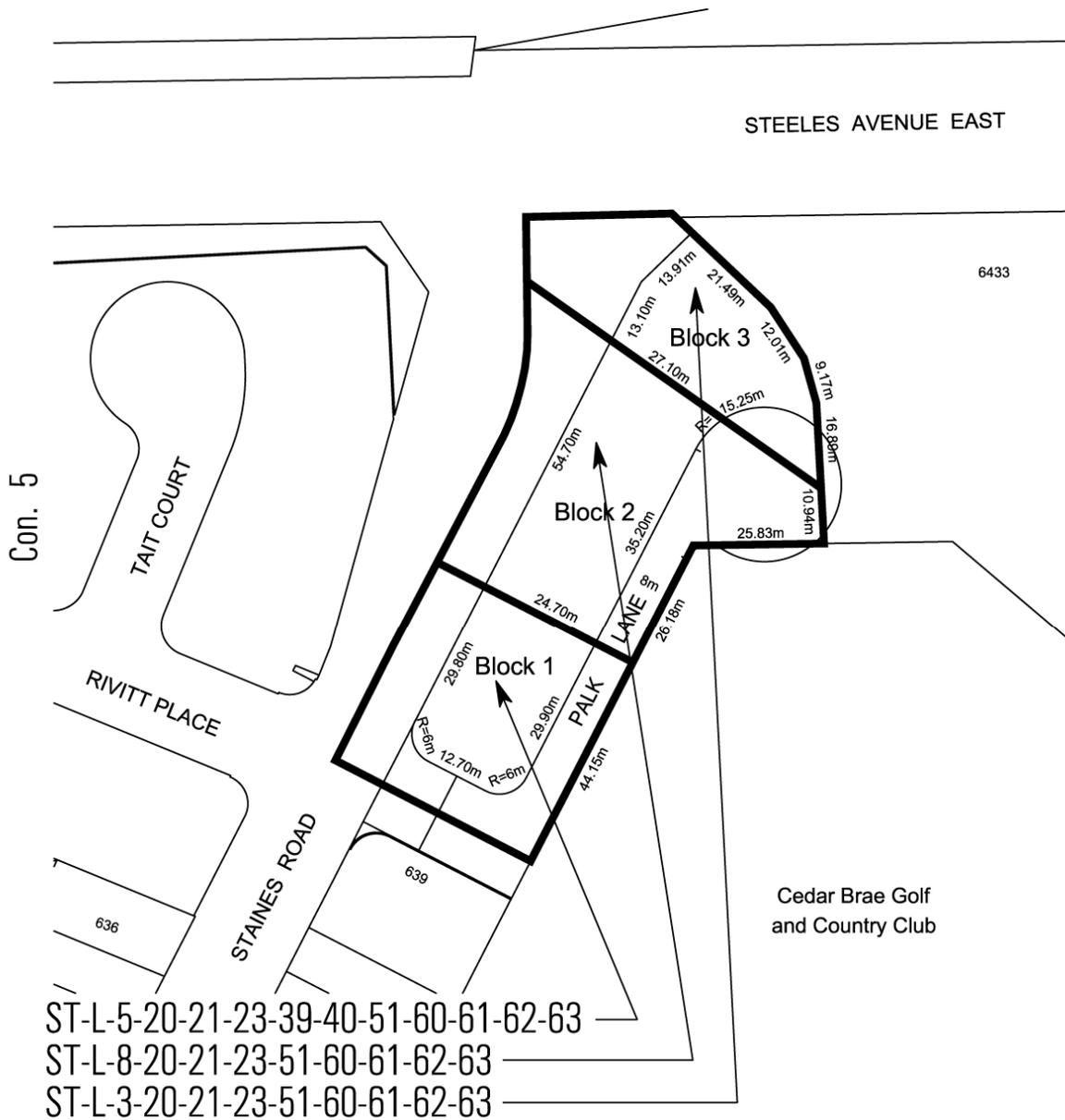
DAVID R. MILLER,
Mayor

ULLI S. WATKISS,
City Clerk

(Corporate Seal)

Schedule '1'

Lot 13



Zoning By-Law Amendment

Block 622 and Part of Block 623, R.P. 66M-2406

File # 09-159673 0Z

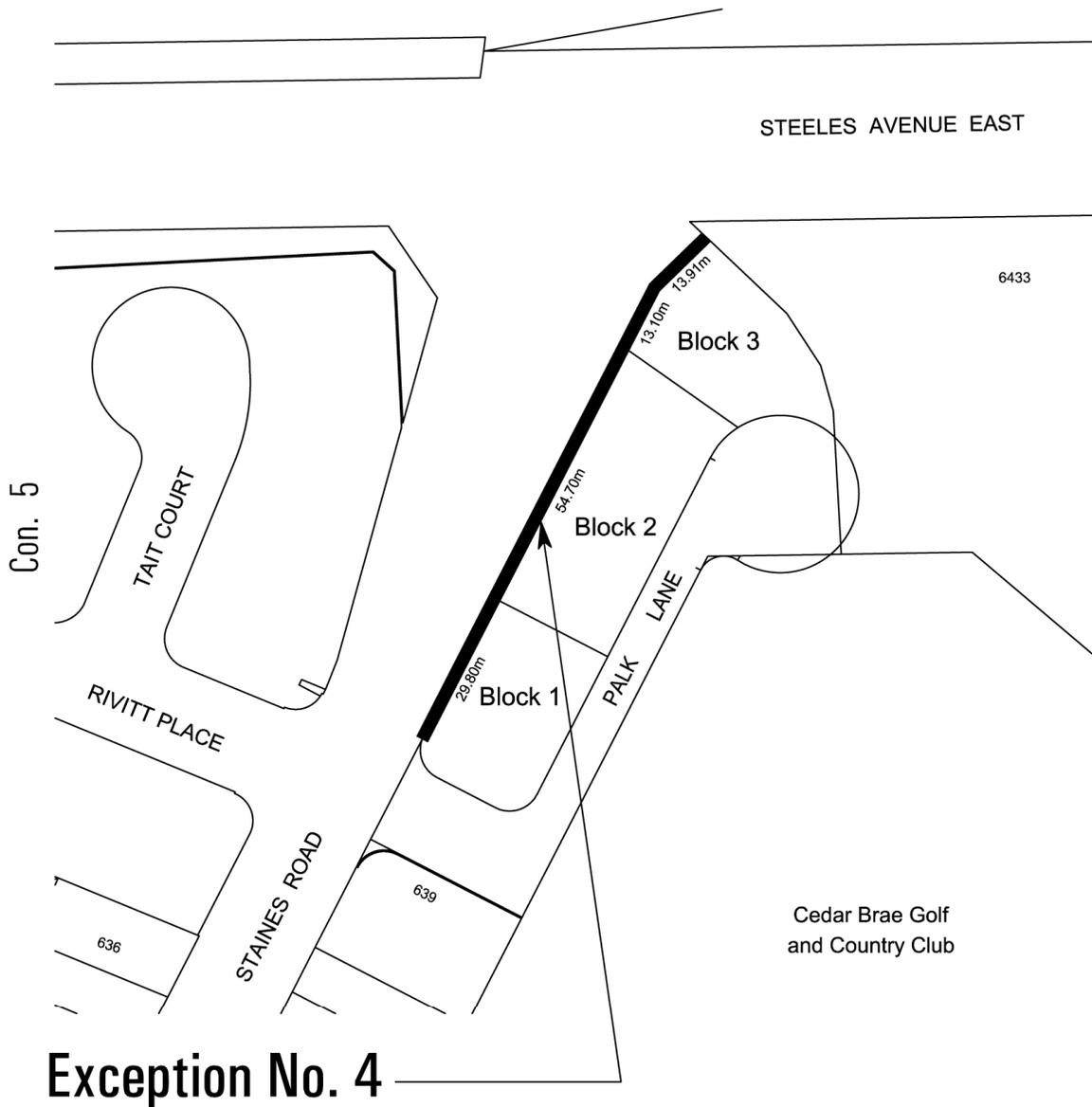
 Area Affected By This By-Law

Morningside Heights Community By-law
Not to Scale
07/20/10



Schedule '2'

Lot 13



TORONTO City Planning Division
Zoning By-Law Amendment

Block 622 and Part of Block 623, R.P. 66M-2406

File # 09-159673 OZ

█ Area Affected By This By-Law

Morningside Heights Community By-law
Not to Scale
6/18/10



Attachment 7: Draft Subdivision Conditions

**SUBDIVISION APPLICATION 09 159697 ESC 42 SB
DRAFT PLAN OF SUBDIVISION BY BOUSFIELDS INC.
DRAWING NO. 8231 2Esk, DATED JANUARY 15, 2010**

**0 STAINES ROAD, 2 – 34 PALK LANE
BLOCK 622 AND PART BLOCK 623, REGISTERED PLAN 66M-2406
CITY OF TORONTO (FORMERLY CITY OF SCARBOROUGH)
554056 ONTARIO LIMITED**

STANDARD CONDITION

1. The Owner shall execute the City's standard subdivision agreement, and shall satisfy all the pre-registration conditions contained therein.

URBAN DESIGN

4. Prior to the registration of the plan of subdivision, the Owner shall submit details for decorative fencing along the Staines Road frontage and of the walkways connecting to the public sidewalk from each dwelling unit for the review and approval of the Chief Planner and Executive Director. The decorative fencing and sidewalk shall be reviewed and approved in consultation with the Executive Director, Technical Services.
5. Prior to the registration of the plan of subdivision, the Owner shall submit details for a community entrance feature at the southeast corner of Staines Road and Steeles Avenue, to the satisfaction of the Director, Community Planning, Scarborough District and the Executive Director, Technical Services.

CORE SERVICES

6. Prior to registration of the plan of subdivision, the Owner shall submit written confirmation to the City that the subject lands have been included within the Morningside Heights Land Owners Group, Community Cost Sharing Agreement for the CORE Services constructed to service the Community.

SERVICES

7. Prior to the registration of the plan of subdivision, the Owner shall make satisfactory arrangements, financial or otherwise (providing easements), with a natural gas provider for the delivery of gas services to the plan of subdivision to the satisfaction of the Executive Director, Technical Services.

8. Prior to the registration of the plan of subdivision, the Owner shall make satisfactory arrangements with Enbridge to remove and relocate their existing easement located within the subdivision lands to an alternate location satisfactory to the Executive Director, Technical Services.
9. Prior to the registration of the plan of subdivision, the Owner shall make satisfactory arrangements, financial or otherwise, with a hydroelectric provider including, amongst other matters, the installation of an underground hydro and street lighting system to the to the satisfaction of the Executive Director, Technical Services.
10. Prior to the registration of the plan of subdivision, the Owner shall make satisfactory arrangements with Toronto Hydro to remove or relocate the service connection existing along the north limit of the subdivision lands that serves the Cedar Brae Golf and Country Club, to the satisfaction of the Executive Director, Technical Services.
11. Prior to the registration of the plan of subdivision, the Owner shall make satisfactory arrangements, financial or otherwise, with a communication/telecommunication provider(s) to the satisfaction of the Executive Director, Technical Services. The Owner shall agree in the Subdivision Agreement to grant the communication/telecommunication provider(s) any easements that may be required for the communication/telecommunication services.

STREET LIGHTING

12. Prior to the registration of the plan of subdivision, the Owner shall agree to install upgraded street lighting fixtures, similar to those installed in the previous phases of the development within the Morningside Heights Community, to the satisfaction of Toronto Hydro.
13. The Owner shall provide the approved street lighting proposal from Toronto Hydro and submit to the City the required financial security in a letter of Credit, all to the satisfaction of the Executive Director, Technical Services.

STREETS, DRIVEWAYS AND CORNER ROUNDINGS

14. The Owner shall construct Palk Lane to the satisfaction of the Manager, Development Engineering, Scarborough District.
15. The Owner shall illustrate, convey and dedicate all proposed public roads, turning circles, corner roundings, walkways and 0.3 metre reserves to the City, all to the satisfaction of the Executive Director of Technical Services.
16. The Owner shall agree to accept the cost to provide all municipal street signage

hardware required for the development, to the satisfaction of the Executive Director of Technical Services.

ACCESS TO FROST PROPERTY

17. Prior to registration of the plan of subdivision, the Owner shall illustrate on the draft plan, vehicular access to the property lying to the east of the Palk Lane, known as the Frost property, to the satisfaction of the Executive Director of Technical Services. The vehicular access shall be a maximum of 6 metres wide.

CEDAR BRAE GOLF & COUNTRY CLUB

18. The Owner agrees to include the following warning clause in all agreements of purchase and sale agreements and/or lease agreements, to the satisfaction of the City Solicitor:

“Warning: Purchasers are advised of and acknowledge the existence of the Cedar Brae Golf and Country Club, and acknowledge that the operations of the golf course, now or in the future, including possible redevelopment of a portion or portions of the Club lands could impact upon the Purchaser’s enjoyment of his or her property, which impact may include golf balls landing upon the property, which may cause damage or injury.”

FENCING

19. Prior to the registration of the plan of subdivision, the Owner shall agree to provide the City with a detailed fencing plan for a 1.8 metre chainlink fence along the east property limits where the public lane (Palk Lane) abuts the Cedar Brae Golf and Country Club property, and to make satisfactory arrangements to install any required fencing to the satisfaction of the Executive Director of Technical Services.
20. Prior to the registration of the plan of subdivision, the Owner agrees to provide the City with a Letter of Credit as security for the installation of any required fencing equal to 120% of the value of the fencing to the satisfaction of the Chief Planner and Executive Director and the Executive Director, Technical Services.

ENVIRONMENTAL ASSESSMENT

21. The Owner shall provide an environmental report and Record of Site Condition (RSC) for the lands being transferred to the City. The report must present the soil condition and confirm compliance with the current criteria of the Ministry of the Environment’s guidelines for use of contaminated sites in Ontario, all to the satisfaction of the Executive Director, Technical Services.

FUTURE GRADE SEAPARATION

22. Prior to the registration of the plan of subdivision, the Owner shall provide its solicitor's confirmation to the City advising that the following clause has been included in all agreements of purchase and sale and/or lease:

“Purchasers are advised of a possible future grade separation at the Steeles Avenue East level road crossing with the Canadian Pacific Railway line, due to an increase in future traffic demands along Steeles Avenue. A grade separation could result in a rise or fall in the elevation of Steeles Avenue East and Staines Road. In the even that an underpass is constructed on Steeles Avenue East at the Canadian Pacific Railway line, the current Steeles Avenue and Staines Road intersection elevation could drop by several metres. Therefore, no direct driveway access for the properties abutting Staines Road will be permitted.”

SCHOOL ACCOMMODATION

23. The Owner agrees to make satisfactory arrangements with the Toronto District School Board and the Toronto Catholic District School Board to erect and maintain signs, at points of egress and ingress of the development site, advising that sufficient accommodation may not exist at local schools, and as such, alternative accommodation will be made. These signs shall be to the specifications of the School Boards and erected prior to registration of the plan of subdivision.
24. The Owner agrees to include in all offers of purchase and sale or lease the following warning clauses prior to the registration of the subdivision plan and for a period of 10 years after registration of the subdivision plan:

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

Purchasers agree for the purpose of transportation to school, if bussing is provided by the Toronto District School Board, that students will not be bussed home to school and/or from school to home, but will meet the bus at designated locations in or outside of the area.”

and

“Despite the best efforts of the Toronto Catholic District School Board, sufficient accommodation may not be available in local Catholic schools for students from the development area and students may need to be accommodated in school facilities outside the area.

The purchaser or tenant acknowledges that school bus service for students, if required, will be from designated school bus stops located within or outside the development area.”

UTILITIES

25. Prior to the acceptance of engineering drawings by the Executive Director, Technical Services, the Owner shall provide a Composite Utility Plan, indicating the location of all underground and above ground utilities that is acceptable to the utility companies. The Composite Utility Plan must also indicate the locations of all proposed and existing tree locations and community mailboxes, to the satisfaction of the General Manager of Parks, Forestry and Recreation, and the Executive Director, Technical Services.

TREE PRESERVATION AND PLANTING

26. Prior to any site work and the registration of the plan of subdivision, the Owner agrees to protect all existing trees associated with the development for which approval to remove or injure has not been granted in accordance with the approved Arborist Report and Tree Preservation Plan to the satisfaction of the General Manager, Parks, Forestry and Recreation.
27. Prior to any site work, the Owner agrees to install tree protection barriers and signage for existing trees that are to be retained as identified in the approved Arborist Report and the City of Toronto Tree Protection Policy and Specifications for Construction Near Trees, to the satisfaction of the General Manager of Parks, Forestry and Recreation, and to maintain barriers in good repair until removal has been authorized by the General Manager, Parks, Forestry and Recreation.
28. Prior to the registration of the plan of subdivision, the Owner agrees to notify all builders, contractors and agents of all tree protection requirements where any part of the development will be carried out by them on behalf of the Owner to the satisfaction of the General Manager, Parks, Forestry and Recreation.
29. Prior to the earlier release for construction of services or the registration of the plan of subdivision, the Owner shall provide a street tree planting plan, in conjunction with a Composite Utility Plan, that indicates the species, size, and location of all proposed street trees, as these relate to the location of any roads, sidewalks, driveways, street lines, utilities (underground and above ground), community mailboxes and servicing to the dwelling units. The street tree planting plan shall be satisfactory to the General Manager of Parks, Forestry and Recreation, in consultation with the Executive Director, Technical Services.
30. Prior to the earlier release for construction of services or the registration of the plan of subdivision, the Owner shall provide a tree planting security deposit for

street tree planting, to the satisfaction of the General Manager, Parks, Forestry and Recreation.

31. Prior to the registration of the plan of subdivision, the Owner shall provide its solicitor's confirmation to the City advising that the following clause has been included in all agreements of purchase and sale agreements and/or lease:

“Future occupants are advised that they may not receive a street tree in front of their property.”

32. The Owner agrees that trees will be planted by a qualified arborist or nursery person, who will 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.
33. The Owner shall submit, prior to tree planting, a watering schedule for newly planted trees during the guarantee period, acceptable to Parks, Forestry and Recreation.
34. The Owner shall contact Parks, Forestry and Recreation one week prior to tree planting, and once the trees have been planted, in order to establish the anniversary date.
35. Upon written requests 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.

COMMUNITY MAILBOXES

36. Prior to the registration of the plan of subdivision, the Owner shall make satisfactory arrangements with Canada Post concerning the location of the community mailbox, both temporary, if required, and permanent locations. The Owner shall agree to incorporate the location(s) of the mailbox on applicable servicing and engineering plans, to the satisfaction of the Executive Director, Technical Services.

NOTES TO DRAFT APPROVAL:

1. Where any provision of the draft plan of subdivision conditions of approval makes reference to the Owner, it is understood that any rights and/or obligations accruing to the Owner are attributable to its successors and assigns.
2. Where any provision of the draft plan of subdivision conditions of approval makes reference to the draft plan, it is understood that such reference is made to the draft plan prepared by Bousfields Inc. and dated January 15, 2010, being drawing No. 8231 2Esk.
3. Where any provision of these draft plan of subdivision conditions of approval makes reference to a condition to be satisfied or work undertaken by the parties to the agreement, those parties agree to pursue the resolution of such condition or work in a timely, reasonable and cooperative manner.
4. Heritage Preservation Services Advisory Comment:

In the event that deeply buried archaeological remains are encountered on the subdivision lands during construction activities, the Heritage Operations Unit of the Ministry of Culture be notified immediately at (416) 314-7149 as well as the City of Toronto, Heritage Preservation Services Unit (416) 338-1096.

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