



## STAFF REPORT ACTION REQUIRED

### 1051 Ellesmere Road – Zoning Amendment and Subdivision Applications – Final Report

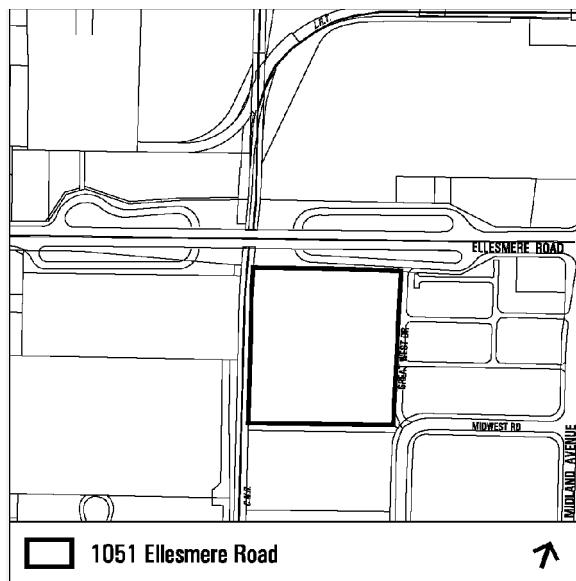
<b>Date:</b>	October 17, 2011
<b>To:</b>	Scarborough Community Council
<b>From:</b>	Director, Community Planning, Scarborough District
<b>Wards:</b>	Ward 37 – Scarborough Centre
<b>Reference Number:</b>	11 141212 ESC 37 OZ and 11 141240 ESC 37 SB

#### SUMMARY

---

These applications propose to rezone the site known municipally as 1051 Ellesmere Road, as well as to put in place a plan of subdivision on the subject lands. The rezoning would change the zone category on this site from the current industrial zoning to an appropriate residential zone category, to allow for a residential townhouse subdivision with 162 three-storey dwelling units. The subdivision application would establish several blocks, as well as a network of new public streets and primarily public laneways and the buffer lands adjacent to the CNR/GO rail line.

The proposal for 1051 Ellesmere Road represents an appropriate redevelopment of the site considering the underlying Mixed Use official plan designation and the site's context. It represents a reasonably intense residential neighbourhood on a site adjacent to transit, while also reflecting the form and type of development which exists at the neighbouring 1075 Ellesmere Road condominium townhouse development. It is appropriately designed to promote an acceptable interface between adjacent active industrial uses and the proposed residential development. Technical review has indicated that traffic, servicing and stormwater can be appropriately managed.



Recommended mitigation measures respecting the CN/GO Rail line and existing industrial and transportation noise sources will be secured through the subdivision agreement.

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 Scarborough Employment Districts Zoning By-law No. 24982 (Dorset Park Employment District), as amended, for the lands at 1051 Ellesmere Road substantially in accordance with the draft zoning by-law amendment attached as Attachment No. 6 to report dated October 17, 2011.
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. Before introducing the necessary Bills to City Council for enactment, require the owner to enter into an agreement pursuant to Section 37 of the Planning Act as follows:
  - a. The community benefits recommended to be secured in the Section 37 agreement are as follows:
    - i. \$200,000 for improvements to the West Birkdale Park prior to the issuance of any building permits.
    - ii. \$200,000 for improvements within the Birkdale Ravine and/or to local park improvements prior to the issuance of any building permits.
    - iii. Each instalment payment set out in (i) and (ii) above shall be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Toronto, calculated from the date of execution of the Section 37 agreement to the date of payment of the funds by the owner to the City.
4. In accordance with the delegated approval under By-law No. 229-2000, as amended, City Council be advised that the Chief Planner intends to approve the draft plan of subdivision as generally illustrated on Attachment No. 2 to report dated October 17, 2011 subject to:

- a. the conditions as generally listed in Attachment No. 7 to report dated October 17, 2011, which except as otherwise noted must be fulfilled prior to the release of the plan of subdivision for registration; and
- b. any such revisions to the proposed subdivision plan or any such additional modified conditions as the Chief Planner may deem to be appropriate to address matters arising from the on-going technical review of this development.

## **Financial Impact**

The recommendations in this report have no financial impact.

## **DECISION HISTORY**

Under the former Scarborough Official Plan, the 1051 Ellesmere Road site was designated "General Industrial Uses" with "High Performance Standards" applicable along the Ellesmere Road frontage. The neighbouring industrial site to the east was redesignated to "High Density Residential" with a parkland dedication requirement in 1994. Approvals were subsequently granted to permit a 135-unit condominium townhouse development with a public park and a small commercial facility.

The Toronto Official Plan, adopted by Council in 2002, designates 1051 Ellesmere Road "Mixed Use Areas". Given the context surrounding the site, the nearby Ellesmere and Midland RT stations, the site's Ellesmere frontage and other factors, the "Mixed Use Area" designation was deemed the most appropriate for this property. The current applications represent the first redevelopment proposal for this site from industrial to other uses.

## **ISSUE BACKGROUND**

### **Proposal**

The proposal is to permit a six-block residential subdivision development consisting of 162 three-storey townhouses. Five of the subdivision blocks containing a total of 125 townhouse units will be freehold and will be accessed by entirely public streets and lanes. The westerly Blocks 6 and 7, extending along the CNR/GO rail corridor, will be developed as a common element condominium with the rear private lane, adjacent buffer lands, and associated safety and noise mitigation infrastructure, to form the common element to which the 37 townhouses on parcels of tied lands (POTLs) will be linked. Parking is to be provided in private garages, many of which are proposed to accommodate two cars. Visitor parking is to occur along the new public streets.

The proposed new network of roads and lanes, as well as the Great West Drive road widening required to be conveyed to the City and the proposed buffer lands, would remove approximately 1.4 hectares (3.5 acres) of land from the initial 3.7 hectare (9.1 acre) development site, resulting in approximately 2.4 hectares (5.9 acres) of developable area.

The proposed density for the townhouse development, using this developable area, is approximately 1.1 times the area of the lot. Further project information and details are contained on the attached plans (Attachment Nos. 1-4) and on the Application Data Sheet (Attachment No. 5).

## **Site and Surrounding Area**

The 3.74 hectare (9.1 acre) site is located on the south side of Ellesmere Road, west of Midland Avenue. It fronts on South Service Road to the north, Great West Drive to the east, the Metrolinx - GO/Canadian National Rail line to the west and existing industrial uses and Midwest Road to the south. The site was previously developed with a single-storey industrial building occupied by Kawneer, a commercial construction supplies company. That building is currently being demolished in accordance with a demolition permit issued in September 2011.

The following uses are located to the north, south, east and west:

- North: South Service Road and the Ellesmere Road overpass. North of the overpass are a City maintenance yard, library facilities and a seniors' residential care facility. Northwest of the site under the Ellesmere Road overpass is the Ellesmere RT station, which has access from South Service Road.
- South: Industrial buildings with surface parking. East of Midwest Road, an industrial plaza.
- East: On the eastern side of Great West Drive, a condominium townhouse development with 135 four-storey units and a public park. At the northwest corner of Midwest Road and Midland Avenue, a single-storey commercial building with a coffee shop.
- West: Rail tracks belonging to Metrolinx – GO/CNR. West of the tracks, industrial uses as well as the above-noted residential care facility north of Ellesmere Road.

## **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 to conform, or not conflict, with the Growth Plan.

The proposal is consistent with the PPS and conforms with the Growth Plan.

## **Official Plan**

The site is designated Mixed Use Areas by the Toronto Official Plan. Mixed Use Areas are made up of a broad range of commercial, residential and institutional uses, in single use or mixed use buildings, as well as parks, open spaces and utilities. Within Mixed Use Areas, the official plan policies indicate that new buildings should be located and massed to frame streets and to provide a comfortable, safe pedestrian environment; that new development should take advantage of nearby transit services; and that new development should provide good access, parking and circulation, among other matters.

Employment District policies in the official plan require the promotion and protection of these areas for economic activity. Where development is proposed adjacent or nearby to an Employment District, it is to be appropriately designed, buffered and/or separated from industries to mitigate adverse effects from industrial operations and to promote safety and security.

The official plan public realm policies state that new streets should be public streets, and should be designed to promote internal and external connectivity; divide larger sites into smaller development blocks; provide access and addresses for new development; allow the public to move freely without obstruction; create adequate space for pedestrians, cyclists and landscaping as well as transit, vehicles and utilities; and provide for emergency vehicles.

The official plan also contains policies respecting built form. These require that new development be located and organized to fit with the existing and/or planned context, by ensuring that massing, building location, building height, building entrances and parking configuration, among other matters, support and frame the surrounding neighbourhood streets, parks and open spaces.

The Toronto Official Plan City Parkland Map 8B indicates that the site is in an area with the lowest percentage of parkland within the City, 0 to 0.42 hectares of local parkland per 1,000 people.

Policies in the official plan respecting Section 37 of the Planning Act permit the enactment of zoning by-laws that would allow additional height and/or density for a use than is otherwise permitted in return for the provision of community benefits. Section 37 benefits may be sought where this additional height and density is deemed to be good planning, consistent with the objectives of the official plan, and compliant with built form and neighbourhood protection policies.

## **Zoning**

The site is zoned Industrial (M) Zone through the Scarborough Employment Districts Zoning By-law No. 24982 (Dorset Park Employment District), as amended. Permitted uses in this zone category include day nurseries, educational and training facilities, industrial uses, offices (excluding medical and dental offices), places of worship and recreational uses, with all uses to be conducted wholly within an enclosed building. The maximum gross floor area permitted on this site, as varied by the Committee of Adjustment through Variance Decision Nos. A58/80 and A72/98, allows for 55% of the area of the lot. See Attachment No. 4 for zoning map excerpts.

## **Site Plan Control**

The lands are subject to site plan control. An application for site plan control was submitted concurrently with the rezoning application, and is under review (File No. 11 141145 ESC 37 SA).

## **Common Element Condominium**

An application to establish a common element condominium over the lands forming Block 7 on Attachment 2 will be submitted. This will encompass the rear private lane serving the Block 6 townhouses, adjacent buffer lands, and associated safety and noise mitigation infrastructure.

## **Reasons for Applications**

The proposed residential townhouse units are permitted through the existing Mixed Use Areas official plan designation that applies to the subject site, but are not permitted by the in-force industrial zoning. The rezoning application is required to change the site's zoning from industrial to one that permits residential development, with appropriate performance standards. The subdivision application is required to create the blocks, public roads and lanes that structure the proposed development.

## **Community Consultation**

A community consultation meeting was held on June 13, 2011, with approximately 15 members of the public in attendance. Attendees raised the following matters as issues: "cut through" access to the proposed development through the neighbouring 1075 Ellesmere Road private condominium development; the need to widen Great West Drive; the affect(s) of the proposed residential redevelopment on industrial lands to the south and west; appropriate management of construction noise; appropriate provision of neighbourhood amenities for new residents; servicing matters such as parking, garbage collection and stormwater management; and crowding on the RT during rush hour.

In addition, the Director of Community Planning, Scarborough District, received a faxed submission respecting a 1075 Ellesmere Road resident's concerns with the proposed development's impact on Great West Drive, servicing capacity, stormwater management and unit density as it affects tree planting opportunities and access to community facilities. Community Planning has also received submissions from the industrial neighbour to the immediate south of the site (490 Midwest Road) respecting the

sufficiency of the environmental noise feasibility study prepared in support of the proposed development.

These matters are addressed in detail in the Comments section below.

## **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**

Staff conclude that the proposal for 1051 Ellesmere Road represents an appropriate redevelopment of the site considering the underlying Mixed Use official plan designation and the site's context. It represents a reasonably intense residential neighbourhood on a site adjacent to transit, while also reflecting the form and type of development which exists at the neighbouring 1075 Ellesmere Road condominium townhouse development. The site's design of rear garages accessed from lanes will result in a welcoming public streetscape with generous landscaping, while also creating a buffer between the existing industrial uses to the south and east and the proposed new residential development on the subject lands. Technical review has indicated that traffic, servicing and stormwater can be appropriately managed. Recommended mitigation measures respecting the CNR/GO Rail line and existing industrial and transportation noise sources will be secured through the subdivision agreement. The below discussion addresses these matters in more detail, as well as addressing concerns received from neighbours and through the community consultation.

## **Land Use**

The Toronto Official Plan designates this site as a Mixed Use Area. This designation permits for a broad range of commercial, residential and institutional uses, in single use or mixed use buildings. This site, the neighbouring 1075 Ellesmere Road site to the east, and the facing lands on the north side of Ellesmere Road, form a Mixed Use node which relates to the adjacent Ellesmere and Midland RT stations. Beyond these parcels that are immediately fronting on Ellesmere Road, the surrounding industrial lands are generally designated Employment Areas.

The applicant's zoning by-law amendment application seeks to permit three-storey residential townhouses on the site with private garages, where currently the in-force industrial zoning does not permit residential uses. Introduction of a residential subdivision on these lands is permitted by the official plan designation, and is reflective of the built form context that has been established at the neighbouring site to the east where four-storey townhouse condominiums are permitted. The proposed organization of these townhouses into six blocks on a new network of public roads and primarily public lanes via a plan of subdivision is appropriate, and reflects the official plan's direction that new development be on public streets.

## Railway Safety Infrastructure

Subsequent to discussions with staff, the applicant has agreed to develop the proposed subdivision with one private common element condominium lane adjacent to the GO/CNR rail corridor, to the west of the site. This lane, along with crash infrastructure, grading infrastructure, noise mitigation infrastructure, landscaping, and associated features (described on the attached draft plan of subdivision at Attachment 2 as Block 7) will be the common element to which townhouse lots within Block 6 will form parcels of tied land. This approach was preferable to City staff, as it ensures that the condominium corporation will be responsible for the maintenance of crash infrastructure in perpetuity.

GO Transit has advised that Metrolinx plans to introduce all-day service on the Stouffville rail corridor, which runs past the subject site, in the near future. It is anticipated that a second track will need to be added abutting the site, likely requiring filling of the existing ditch in which the rail now runs. The crash barrier being designed for the proposed development takes this potential future change into account.

The setback of the proposed dwelling units of 25 metres from the rail corridor, where typically 30 metres is required, is considered acceptable in this instance due to the level of crash protection that is proposed to be provided. Appropriate conditions to protect both the rail use and future residents on the subject lands have been requested by GO Transit and will form part of the future subdivision agreement.

## Density, Massing, Height

The proposed density of the 162 three-storey townhouse units proposed at 1051 Ellesmere of approximately 1.1 times lot area is moderate. This density will introduce a reasonable number of new residents to the area, assisting in supporting the substantial transit investment existing in the nearby Ellesmere and Midland RT stops. At the same time, it will respect the residential context that has been established at the neighbouring 1075 Ellesmere Road, where 135 four-storey dwelling units were constructed in the late 1990s. It will also leave room for 3 metre front yards and 0.9 metre side yards (in addition to the boulevard which accompanies public streets and lanes), on which substantial street tree plantings are proposed. Staff consider the proposed density and massing appropriate.

Through detailed grading analysis prepared in the context of the rail crash barrier design, it has been determined that grades will be higher in the rear yards of Block 6 than in the front. This will result in townhouses which have three storeys visible in the rear yard but a largely exposed basement in the front yard, which the zoning by-law technically therefore considers a "storey". All other blocks will both appear as, and be defined as, three-storey townhouses. Staff consider the proposed height appropriate.

## Compatibility

The 1051 Ellesmere Road site is adjacent to a functioning employment district, and, until recently, was used for industrial purposes itself. It is important that the proposed residential development does not adversely impact the employment uses which are

bordering on it and vis versa. Appropriate mitigation of any adverse effects on the proposed residential development from matters such as noise, vibration and traffic must also be considered.

The official plan's employment districts policies at Section 2.2.4.6 require that, where development is adjacent to an employment district, it be appropriately designed, buffered and/or separated from industries as necessary to mitigate adverse effects from noise, vibration, traffic, odour and other contaminants, and to promote safety and security. The applicant's technical consultants have provided a railway vibration analysis that concludes that train activity adjacent to the site would not be expected to produce vibration in excess of the applicable guideline limits, and that; therefore, vibration mitigation measures are not needed. GO Transit has reviewed this analysis and accepted it, and has provided an appropriate warning clause to be secured in the subdivision agreement which alerts potential purchasers to noise and vibration which may occur as a result of rail operations.

Respecting noise impacts, the applicant's noise consultant reviewed the impact of both transportation (road and rail) and stationary noise sources as will potentially impact the proposed development at 1051 Ellesmere Road. Through requested subsequent addenda to that initial analysis, the noise consultant also specifically addressed:

- the proposed development's compatibility with the Ministry of the Environment D-1 (Land Use Compatibility) and D-6 (Compatibility Between Industrial Facilities and Sensitive Land Uses) Guidelines;
- specific mitigation measures appropriate to address the stationary noise source at 1399 Kennedy Road, namely the Kingsmill Foods Company Limited loading dock; and
- a number of questions and concerns respecting the Environmental Noise Feasibility Study raised by a noise consultant on behalf of the industrial landowner to the immediate south.

The Environmental Noise Feasibility Study submitted in support of the initial applications identified the main transportation sources with potential impacts on the proposed development to be Ellesmere Road, Midland Avenue, Midwest Road and the rail traffic on the TTC Scarborough RT and CNR/GO rail corridor. The stationary sources identified as having potential impacts are industrial/commercial buildings to the west and south which have a variety of rooftop mechanical equipment, and the industrial facility across the tracks to the west (1399 Kennedy Road) which has outdoor truck loading facilities.

The noise consultant recommends a variety of mitigation measures to address both transportation and stationary noise sources, in compliance with MOE standards. For transportation sources, these measures include upgraded windows, mandatory air conditioning and brick veneer exterior wall construction in some circumstances, and provision for installation of air conditioning at a later date in others, depending on the unit's location within the proposed development proximal to noise sources.

For both transportation and stationary noise sources, physical sound barriers are also required. The physical barriers proposed at the subject site include the solid row of garages along the site's western and southern edges, with roof peaks proposed currently to 6.6 metres in height with potentially increased height recommended (7.6 metres) to mitigate 1399 Kennedy Road's stationary noise source; and solid-construction sound barriers and/or earth berms, or a combination of same, in heights ranging from 1.9 metres (between detached garages and townhouse units at the north and south ends of Block 6) to 6.5 metres in height (at the southwesterly corner of the site).

The required noise mitigation measures will form part of the proposed conditions of draft plan of subdivision, and their precise configuration and extent will be refined through the detailed design phase. Appropriate warning clauses are to be included in agreements of purchase and sale, secured through the subdivision.

Respecting the provincial D1 and D6 guidelines, the stated intent of such is to promote, often through the use of buffering separation distance, minimization of adverse effects from the encroachment of incompatible land uses. The detached garages' rear wall for the southern row of townhouses on Block 5 of the subject site are set back over 17 metres from the southerly property line; to the rear wall of the townhouse dwelling units the setback from the southerly property line is approximately 30 metres. The flankage edge of the southerly unit in Block 6 is also approximately 17 metres from the south lot line. The existing industrial building to the south has a brick façade facing northwards, rooftop mechanical equipment, and a loading bay at its north-eastern building corner accessed from Midwest Road. There is also an out-of-use rail spur and existing landscaping separating the subject lands and 490 Midwest Road.

The applicant's noise consultant addressed the D1 and D6 guidelines through an addendum, which provided data on buffering separation distances but also an opinion that the prevailing concern, irrespective of separation distances, is whether the applicable noise guidelines are met. The mitigation measures to be implemented at 1051 Ellesmere Road are intended to ensure that this is the case.

As previously stated, the 1051 Ellesmere Road site is transitional between employment uses to the south and west, and assorted residential, commercial and institutional uses to the north and east. The official plan designation allows a change from industrial uses to a more sensitive use, as lands designated Mixed Use can host a broad range of commercial, residential and institutional uses, in single use or mixed use buildings. Planning is satisfied that the interface between the proposed new residential development will be acceptable, both between the proposed development and existing industrial uses and between the proposed development and neighbouring residential development to the east.

## **Traffic, Access and Parking**

Neighbouring residents in the condominium community to the east of the proposed development were concerned about the Great West Drive pavement width, traffic infiltration and visitor parking at the community consultation meeting held respecting the subject site.

Respecting Great West Drive, transportation engineering staff undertook a detailed review of the proposal. A widening of Great West Drive of approximately 5 metres is required to achieve the required 20-metre right-of-way. The pavement width will increase from 8 metres to 8.5 metres.

In regard to traffic infiltration, the applicant's traffic impact study projected that approximately 65% of site traffic from 1051 Ellesmere Road will travel to and from the west and south via Ellemere Road and Midland Avenue, respectively. It projected that approximately 35% of site traffic from 1051 Ellesmere Road will travel to and from the east and north of the site via the South Service Road. It is the opinion of the applicant's transportation consultant that the private east-west lanes which travel between Great West Drive and Midland Avenue, being unsignalized and narrow, will be less desirable access routes for new residents at 1051 Ellesmere Road and thus little or no impact is projected at the 1075 Ellesmere Road site with regard to traffic infiltration. A security will be required through the subdivision agreement, however, to provide for installation of "No Thru Movements" signage at the intersection of Great West Drive and the private lanes should such be determined to be warranted at the discretion of the General Manager of Transportation Services.

Parking for the proposed development is provided in private garages of a variety of configurations: single garages, double garages, and tandem double garages. In addition, visitor parking will be permitted on one side of the new public streets. This acceptably provides for both resident and visitor parking.

The proposed new network of 16.5 metre wide public streets with double sidewalks, 6 metre wide public lanes, as well as the proposed new 6 metre wide private condominium lane, are of an acceptable width and configuration and correspond with the DIPS standard for new public minor local streets and rear lanes. Pedestrian movements throughout the site and connecting to the neighbouring Ellesmere RT Station will be a series of public sidewalks and streetscape improvements, as a condition of subdivision approval.

Respecting crowding on the RT during rush hour, the Ellesmere and Midland RT stops have the lowest ridership of any stations on the Subway/RT network. Despite this, the RT can be crowded during peak hours. The planned upgrade to the RT system should assist in alleviating this congestion.

## **Urban Design**

The proposed development offers a range of townhouse forms, heights and designs, which together will provide for an interesting and varied streetscape. All garages are accessed by rear lanes, leaving the 3 metre front yards available to frame the new network of public streets. Over 100 new street trees are proposed within these front yards as well as within municipal boulevards along building sides, and of these new trees over 60% are proposed to be native species. The site plan will additionally address the placement of utilities within streetyards to ensure the streetscape remains green and uncluttered.

Upgraded corner treatments of all external units was requested by planning and urban design staff throughout discussions with the applicant. This has been provided for in all attached garage blocks (Blocks 1-4), but requires further attention in Block 5. Upgraded corner treatments that acknowledge both street frontages will be required through the site plan.

There will be a lengthy unbroken line of garages adjacent to proposed Lanes F and G in Blocks 5 and 6. While the garage wall serves a function for noise mitigation respecting the adjacent units, this uninterrupted and inactive face did not create an attractive condition for those using the lane. The applicant has agreed to provide for active space within the double garages in the form of a second-storey workshop or studio space, with windows overlooking the lane area. In addition, upgraded lighting along the garages' exterior will facilitate safety and visibility within the lane, and exploration of articulation of the garage facades to add interest will be pursued at the site plan stage.

## **Servicing and Construction Management**

Solid waste collection for this development will occur in the rear via the lane system. This is an appropriate approach as lanes are intended to serve as "back of house" areas where such matters as parking and solid waste collection will occur. This will also facilitate storage of solid waste bins in the garages of the units, which is desirable from an urban design perspective. Stormwater management will adhere to the City's Wet Weather Flow Management Guidelines, to the satisfaction of Development Engineering. Servicing capacity exists to accommodate the proposed development.

A Construction Management Plan will be required as a condition of subdivision approval, to the satisfaction of Technical Services. This plan will address the management strategy for noise, dust and other "nuisance" elements associated with construction activities on the site. Such are further regulated by the city Municipal Code Chapters 591 (noise) and 743 respecting (use of streets and sidewalks), and the standard conditions for granting a building permit.

## **Open Space/Parkland**

The Toronto Official Plan contains policies to ensure that Toronto's system of parks and open spaces are maintained, enhanced and expanded. Map 8B of the official plan shows the local parkland provisions across the City. The lands which are the subject of this application are in an area with less than 300 people per hectare of local parkland. The site is in a parkland priority area, as per the city-wide Parkland Dedication By-law No. 1020-2010.

The owner has applied to develop the above-noted property with 162 freehold townhouses within a net site area of 2.326 hectares (2,326 square metres). At the alternative rate of 0.4 hectares per 300 units specified in By-law 1420-2007, the parkland dedication would be 0.216 hectares (2,160 square metres), which equates to 9.3% of the site. Therefore, a parkland dedication of 0.216 hectares (2,160 square metres) is required.

The applicant is required to satisfy the parkland dedication through a cash-in-lieu payment. The parkland dedication for the subject site is in close proximity to an existing city park. The actual amount of cash-in-lieu to be paid will be determined at the time of issuance of the building permit. This parkland payment is required under Section 42 of the Planning Act, and is required as a condition of the building permit application process.

## **Community Services and Facilities**

As part of the initial submission, the applicant provided a community services and facilities (CS&F) study. This was reviewed by the appropriate Planning Policy staff. Findings included that, while there is capacity in the Toronto District School Board (TDSB) area schools, the Toronto Catholic District School Board (TCDSB) elementary and secondary schools are enrolled to capacity. Appropriate TDSB and TCDSB warning clauses will be required to be included in agreements of purchase and sale, and signage to the school boards' satisfaction required to be erected on site, warning potential purchasers that students may need to be bused to schools with capacity.

The applicant's CS&F study noted, with respect to child care, that there are over 60 vacant spaces across all age groups for child care facilities within the study area. City staff project that 22 child care spaces will be required, and that there is a substantial wait list for childcare fee subsidy support.

As noted above, the site is in an area of parkland priority acquisition. While additional parkland is not proposed at 1051 Ellesmere Road, through a negotiated Section 37 contribution, upgrades to the neighbouring West Birkdale Park and nearby regional greenspace within the Birkdale Ravine, have been secured.

## **Toronto Green Standard**

On October 27, 2009 City Council adopted the two-tiered Toronto Green Standard (TGS). The TGS is a set of performance measures for green development. Tier 1 is required for new development. Tier 2 is a voluntary, higher level of performance with financial incentives. Achieving the Toronto Green Standard will improve air and water quality, reduce green house gas emissions and enhance the natural environment.

The applicant is required to meet Tier 1 of the TGS. The proposed development includes 100% of available roof space provided as a "cool roof", over 30% of landscaped area planted with water efficient plants, and over 60% of tree plantings in the form of native species. Tier 1 compliance will be further secured through the site plan approval process.

## **Section 37**

The Toronto Official Plan contains provisions pertaining to public benefits in exchange for increased height and density for new development pursuant to Section 37 of the Planning Act. Section 37 of the Planning Act may be used to secure the community benefits, provided the proposal is recommended for approval, having first met the test of good planning.

This application proposes an increase in density on the subject lands, and meets the test of good planning. The community benefits recommended to be secured in the Section 37 agreement are as follows:

1. Prior to the issuance of the first building permit, \$200,000 to improve the Birkdale Ravine, and/or to local park improvements;
2. Prior to the issuance of the first building permit, \$200,000 to improve the West Birkdale Park;

### **Recommended Conditions of Draft Plan of Subdivision Approval**

The proposed draft plan of subdivision approval conditions (Attachment 7) address the technical requirements of the development including, among other matters, the construction of streets, lanes and sidewalks, servicing, stormwater management facilities, street tree planting, noise mitigation and urban design matters. Staff recommends that Council support the draft plan of subdivision and recommend to the Chief Planner that the draft plan of subdivision be approved.

### **Development Charges**

It is estimated that the development charges for this project will be \$1,464,480. This is an estimate. The actual charge is assessed and collected upon issuance of the building permit.

### **CONTACT**

Carly Bowman, Planner  
Tel. No. 416-396-7658  
Fax No. 416-396-4265  
E-mail: cbowman2@toronto.ca

### **SIGNATURE**

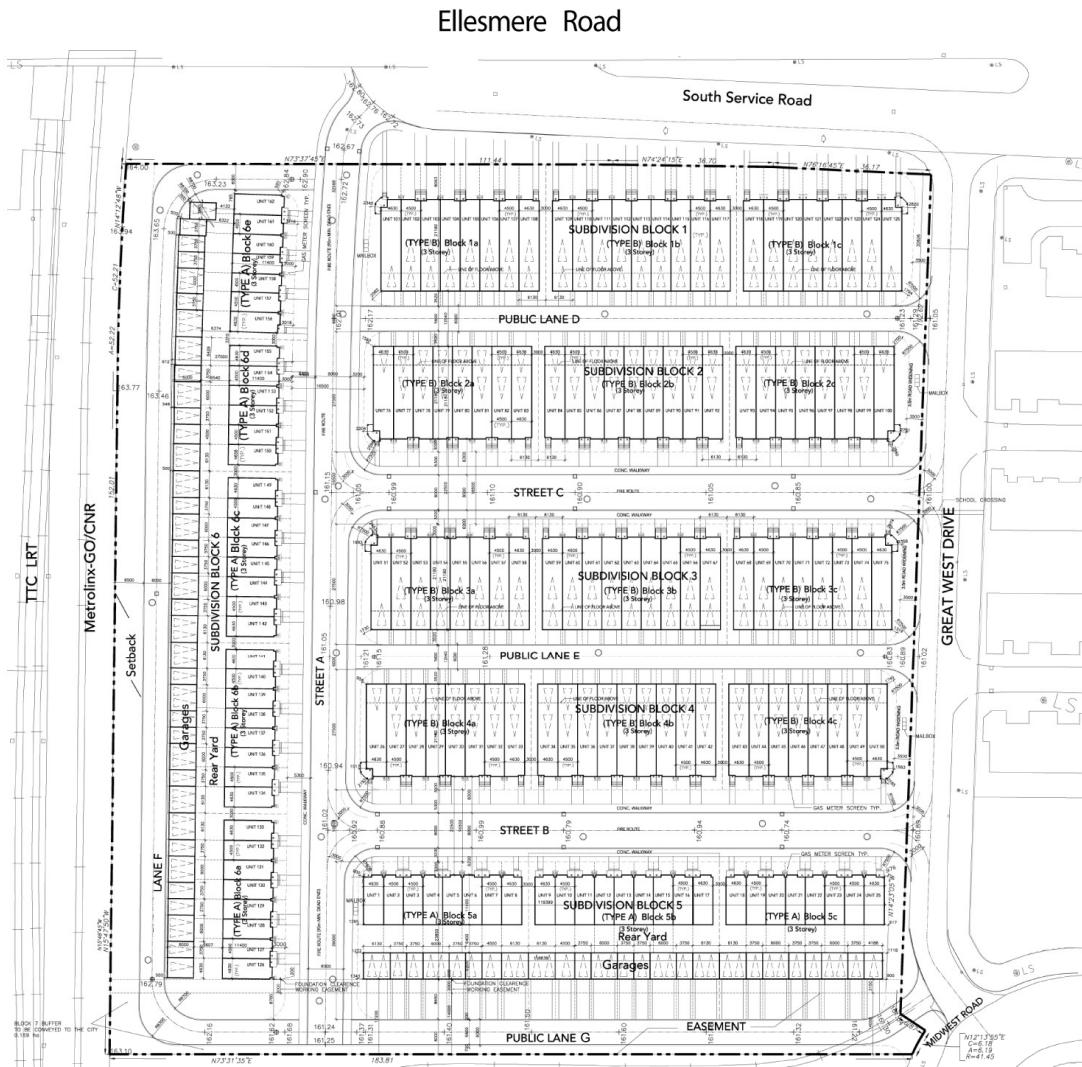
---

Raymond David, Director  
Community Planning, Scarborough District

## **ATTACHMENTS**

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

## Attachment 1: Site Plan



### Site Plan

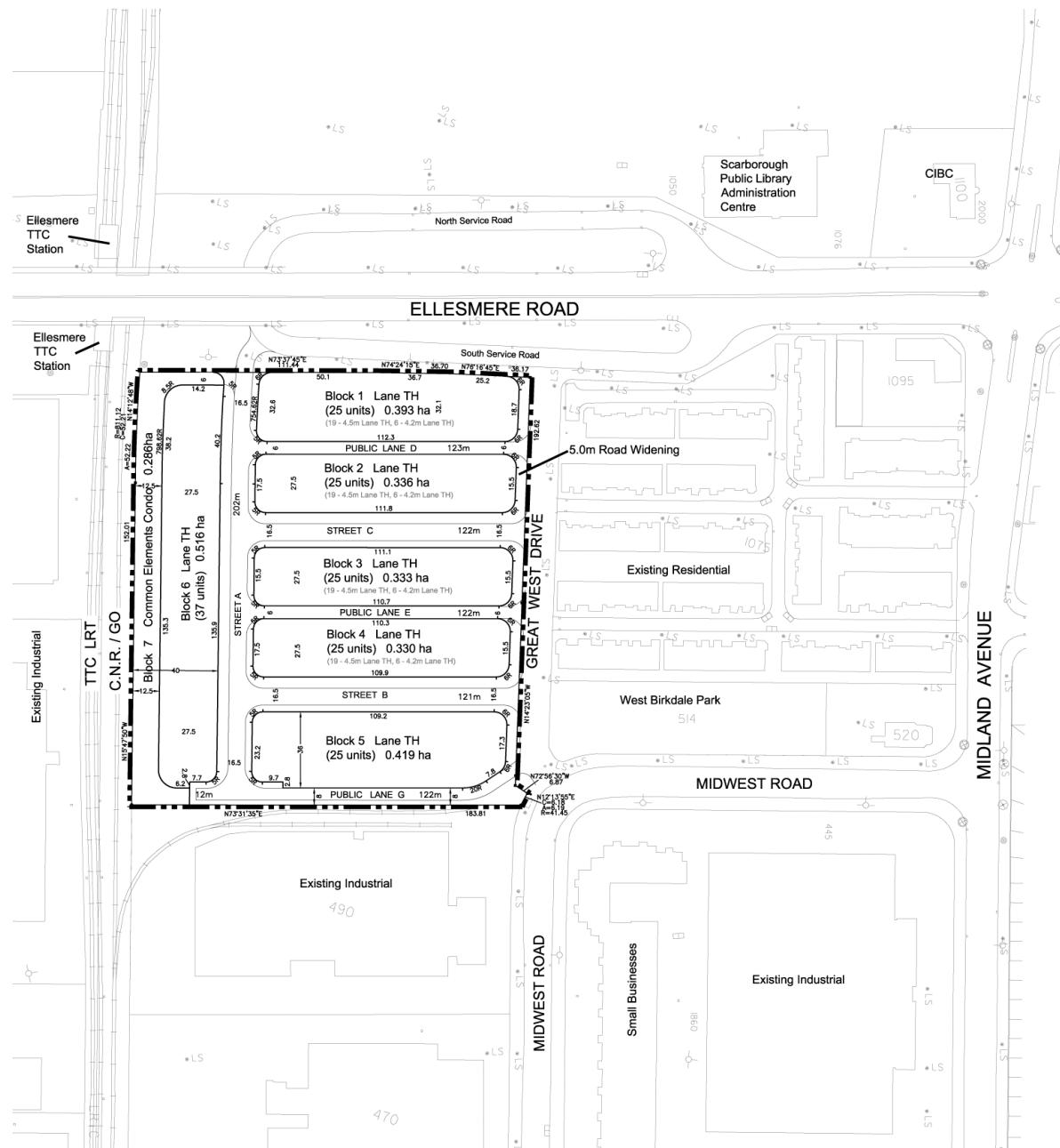
Applicant's Submitted Drawing

NotoScale  
04/19/11

**1051 Ellesmere Road**

File # 11 141212

## Attachment 2: Draft Plan of Subdivision



### Plan of Subdivision

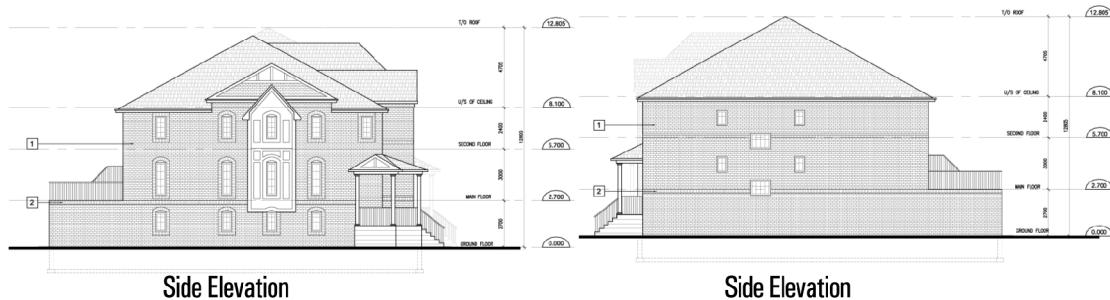
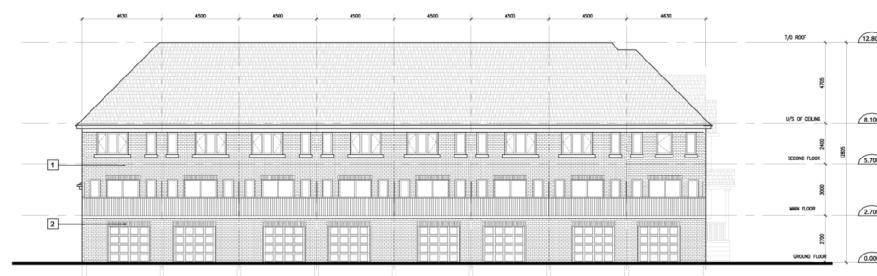
Applicant's Submitted Drawing

NotToScale  
10/11/11

**1051 Ellesmere Road**

File # 11 141212 OZ, 11 141240 SB

### Attachment 3a: Elevations, integral garage



---

### Elevations - Integral Garage

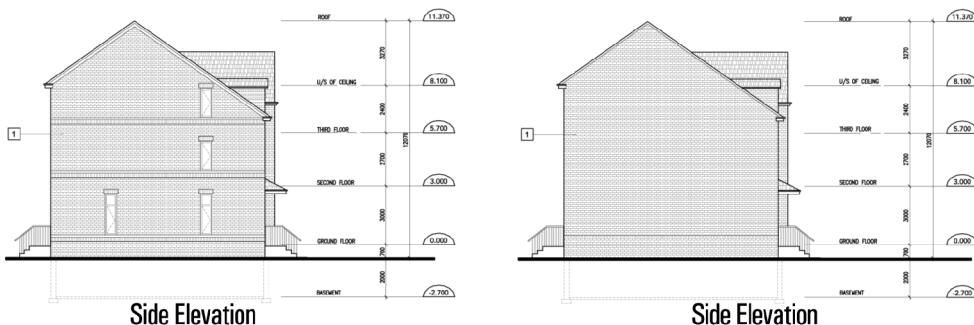
Applicant's Submitted Drawing

Not to Scale  
04/19/11

1051 Ellesmere Road

File # 11 141212

## Attachment 3b: Elevations, detached garage




---

**Elevations - Detached Garage**

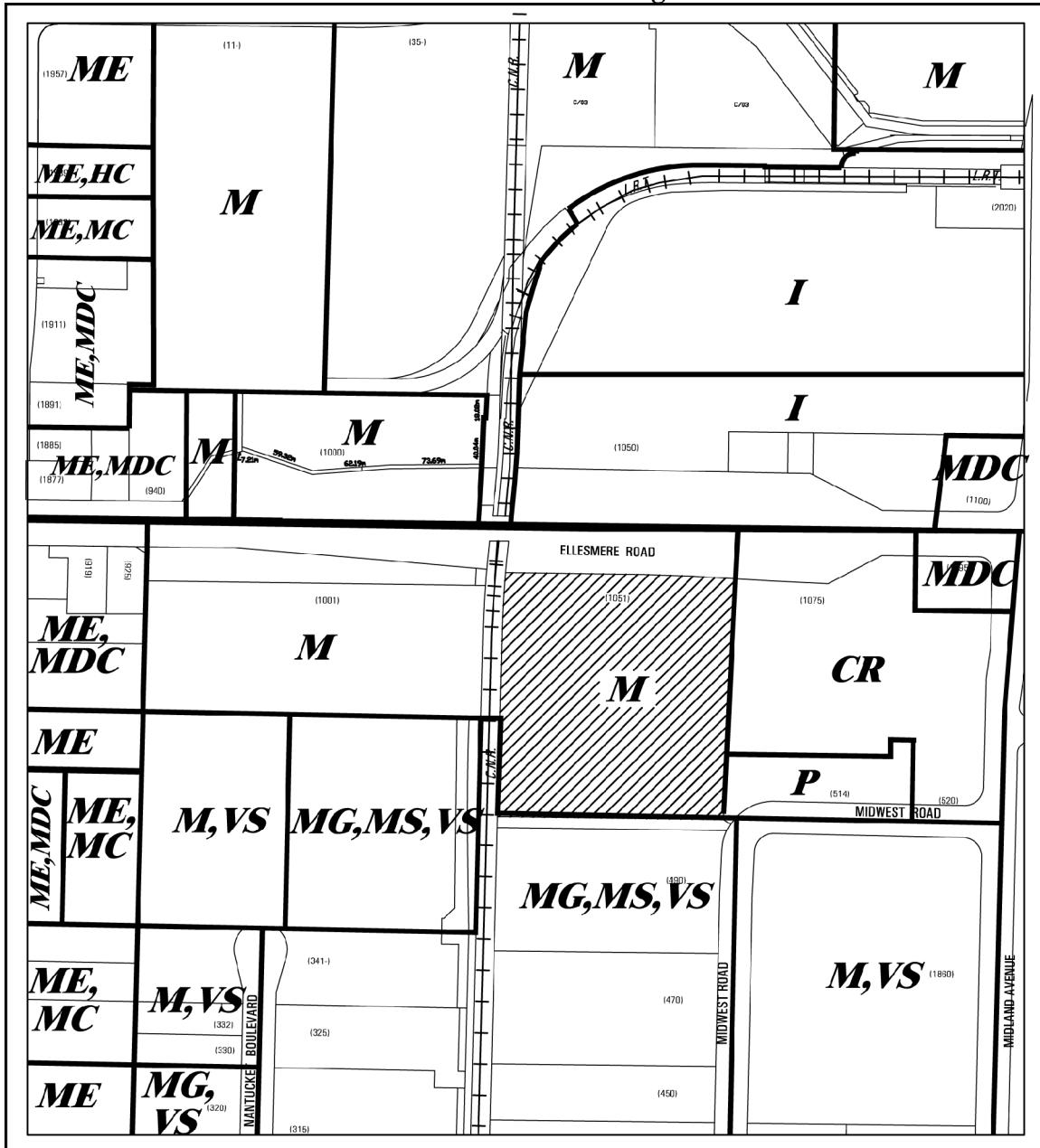
Applicant's Submitted Drawing

Not to Scale  
04/19/11

**1051 Ellesmere Road**

File # 11 141212

## **Attachment 4: Zoning**



**Zoning** Dorset Park Employment District

1051 Ellesmere Road

File # 11141212



### **Location of Application**

**CR** Commercial/Residential Zone  
**HC** Highway Commercial Zone  
**I** Institutional Zone  
**M** Industrial Zone

**MC** Industrial Commercial Zone  
**ME** Mixed Employment Zone  
**MDC** Industrial District Commercial Zone  
**MG** General Industrial Zone

**MS** Special Industrial Zone  
**P** Park Zone  
**VS** Vehicle Service Zone



Not to Scale  
04/19/11

## Attachment 5: Application Data Sheet

Application Types	Rezoning and Subdivision	Application Numbers:	11 141212 ESC 37 OZ &
Details		Application Date:	11 141240 ESC 37 SB March 9, 2011

Municipal Address: 1051 ELLESmere ROAD  
 Location Description: CON 1 PT LOT 27 PLAN 9846 RCP LOT 109  
 Project Description: 162 freehold townhouses with garages

<b>Applicant:</b>	<b>Agent:</b>	<b>Architect:</b>	<b>Owner:</b>
GOLDMAN ELLESmere DEVELOPMENTS INC.			GOLDMAN ELLESmere DEVELOPMENTS INC.

### **PLANNING CONTROLS**

Official Plan Designation:	Mixed Use Areas	Site Specific Provision:
Zoning:	M-Industrial Zone	Historical Status:
Height Limit (m):		Site Plan Control Area: Yes

### **PROJECT INFORMATION**

Site Area (sq. m):	37348	Height:	Storeys: 3
Frontage (m):		Metres:	13-14
Depth (m):			
Total Ground Floor Area (sq. m):			<b>Total</b>
Total Residential GFA (sq. m):	26113	Parking Spaces:	280
Total Non-Residential GFA (sq. m):	0	Loading Docks	0
Total GFA (sq. m):	26113		
Lot Coverage Ratio (%):			
Floor Space Index:	1.11		

### **DWELLING UNITS**

### **FLOOR AREA BREAKDOWN** (upon project completion)

Tenure Type:		Above Grade	Below Grade
Rooms:	0	Residential GFA (sq. m):	26113
Bachelor:	0	Retail GFA (sq. m):	0
1 Bedroom:	0	Office GFA (sq. m):	0
2 Bedroom:	0	Industrial GFA (sq. m):	0
3 + Bedroom:	0	Institutional/Other GFA (sq. m):	0
Total Units:	162		

**CONTACT:**    **PLANNER NAME:** Carly Bowman, Planner  
**TELEPHONE:** 416-396-7658

## **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 Scarborough Employment Districts Zoning By-law No. 24982 (Dorset Park Employment District), as amended, With respect to the lands municipally known as 1051 Ellesmere Road**

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

WHEREAS pursuant to Section 37 of the *Planning Act*, the Council of a municipality may in a By-law under Section 34 of the *Planning Act*, authorize increases in height or density of development beyond those otherwise permitted by the by-law in return for the provision of such facilities, services or matters as are set out in the by-law; and

WHEREAS Subsection 37 (3) of the *Planning Act*, provides that, where an owner of land elects to provide facilities, services or matters in return for an increase in height or density of development, the municipality may require the owner to enter into one or more agreements with the municipality dealing with the facilities, services or matters; and

WHEREAS the owner of the land hereinafter referred to has elected to provide the facilities, services and matters, as hereinafter set forth; and

WHEREAS the increases in the height or density permitted hereunder, beyond those otherwise permitted in the aforesaid lands by By-law No. 24982, as amended, are to be permitted in return for the provision of the facilities, services and matters set out in this By-law and are to be secured by one or more agreements between the owner of such lands and the City of Toronto (hereinafter referred to as the "City"); and

WHEREAS Council has required the owner of the aforesaid lands to enter into one or more agreements dealing with certain facilities, services and matters in return for the increases in height and density in connection with the aforesaid lands as permitted in this By-law; and

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

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

1. Schedule "A" of the employment Districts Zoning By-law No. 24982 (Dorset Park Employment Area) is amended for the lands outlined in the attached Schedule '1' by deleting the existing Industrial (M) zoning and replacing it with the Commercial Residential (CR) Zone, the Performance standards as shown on Schedule '1' and noted Exception 842, so that the amended zoning shall read as follows:

CR – 715 – 1011 – 1012 – 1084 – 1085 – 1086 – 1192 – 1640 – 2029 – 2061 – 2062 – 2706

CR – 716 – 1010 – 1084 – 1085 – 1086 – 1192 – 1640 – 2029 – 2061 – 2705

CR – 717 – 1011 – 1084 – 1085 – 1086 – 1192 – 1640 – 2029 – 2061 – 2705

842

843

2. Schedule "B", PERFORMANCE STANDARDS CHART, is amended by adding the following Performance Standards:

#### INTENSITY OF USE

715. One **townhouse dwelling unit** with a detached garage per **lot** having a minimum **lot frontage** of 4.5m and a minimum **lot area** of 100m<sup>2</sup>.
716. One **townhouse dwelling unit** with an attached garage per **lot** having a minimum **lot frontage** of 4.2m and a minimum **lot area** of 85m<sup>2</sup>.
717. One **townhouse dwelling unit** with a detached garage per **lot** having a minimum **lot frontage** of 4.4m and a minimum **lot area** of 95m<sup>2</sup>.

#### SETBACKS

1010. For a rear **main wall** of the garage attached to the **dwelling unit**:

- (i) Where a **dwelling unit** is serviced by a rear **lane** a minimum of 0.5 m from a lane having a minimum width of 6.0 m.

1011. For the rear **main wall** of the **dwelling unit** and detached garage:

- (i) Where a **dwelling unit** is serviced by a rear **lane** a minimum of 12.0 m from a lane having a minimum width of 6.0 m.
  - (ii) Where a detached garage is serviced by a rear **lane** a minimum of 0.5 m from a **lane** having a minimum width of 6.0 m.

- 1012. Minimum setback from the **lot** line that abuts the CNR/GO Rail Line to the rear main wall of a **dwelling unit**: 25m
- 1084. Minimum **flankage side yard** setback: 0.9m
- 1085. Minimum interior **side yard** setback: 0.8m
- 1086. Minimum separation distance of 1.8m between side **main walls** of adjacent **townhouse dwelling unit** blocks.
- 1192. Minimum **front yard** setback: 3m

#### MISCELLANEOUS

- 2061. **Permitted projections** from the **main wall** of the **dwelling unit** may be allowed into any yard to the maximum distance shown, but in no case shall this projection extend into a public **street** or **lane**.
- 2062. Garages shall not be used for human habitation, but may include a second **storey** with window(s) which may be used for **ancillary** uses to the permitted **dwelling unit**, and which may include separate sanitary conveniences.

#### HEIGHT

- 2705. Maximum 13.5 m and 3 **storeys**, excluding **basements**, as measured from the average finished grade along the **main wall** of the **dwelling unit** facing any **street** line.
- 2706. Maximum 14 m and 4 **storeys**, as measured from the average finished grade along the **main wall** of the **dwelling unit** facing any **street** line.

3. On those lands identified as Exception No. 842 on Schedule '1' hereto, the following provisions shall apply:

- (a) Only the following uses are permitted:

##### Permitted Uses:

- **Day Nurseries**
- **Group Homes**
- **Multiple Family Dwellings**
- **Private Home Day Care**

##### Temporary Use:

- Temporary Sales Trailer for the sales of residential dwelling units

- (b) Maximum 162 **dwelling units**.
- (c) Where garages, accessed from a **lane**, are attached to a **dwelling unit** there shall be a minimum 15m<sup>2</sup> of outdoor amenity area provided on the roof of the attached garage.
- (d) Measurement of required **yard** and building setbacks shall be from the **street** or **lane** line, and shall not be affected by required corner roundings.
- (e) The following definitions shall apply to the lands encompassed by Exception No. 842:

**Lane**

shall mean a public or private right-of-way which is not for general traffic circulation and which may provide an alternate means of access to abutting **lots**.

**Model Home**

shall mean a finished **dwelling unit** for temporary display to the public prior to occupancy for residential purposes.

**Permitted Projections**

The following Projections, to the maximum distance shown below, shall not be considered part of the **main wall**, except that no such projection shall extend into a public **street** or **lane**:

<u>Projections</u>	<u>Distance</u>
<b>Deck, porch, balcony, or similar structure</b>	1.5 m
<b>Decorative or screen wall</b>	1.0 m
<b>Exterior steps or ramps</b>	3.0 m
<b>Bay window, box window or other projecting window</b>	0.6 m
<b>Roof overhang, eave or roof of dormer window</b>	0.6 m provided they are no closer to a lot line than 0.3 m
<b>Chimney, pilaster and projecting columns</b>	0.6 m

**Street**

shall mean a public right-of-way for general traffic circulation and which provides the primary access to abutting **lots**.

**Townhouse Dwelling**

shall mean a **building** containing three or more **dwelling units**, in which **dwelling units** are separated from each other vertically, and each of which has a separate entrance directly from outside.

**Yard, Flankage**

shall mean the space between the exterior side wall of a building and a **side lot line** bounding upon a **street or lane** and extending from the front main wall to the **rear lot line**.

- (f) Matters to be provided pursuant to Section 37 of the Planning Act, R.S.O. 1990, c.P. 13, as amended:
- i) The density of development permitted by this By-law is permitted subject to the owner of the lands, at its expense and in accordance with and subject to the execution and registration of the agreements referred to in Section (ii) herein, providing or funding the following facilities, services and matters, as follows:
    - a. \$200,000 to improve the Birkdale Ravine and/or local park improvements prior to the issuance of any building permits;
    - b. \$200,000 to improve West Birkdale Park prior to the issuance of any building permits;
  - ii) the owner of the lands shall enter into one or more agreements with the City of Toronto pursuant to Section 37 of the Planning Act, R.S.O., 1990, c.P. 13 as amended, to secure the facilities, services and matters referred to in Section (i) herein, which agreement shall be registered as a first priority on title to the lands to which this By-law applies.
  - iii) Each installment payment set out in (i) and (ii) above shall be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Toronto, calculated from the date of execution of the Section 37 Agreement to the date of payment of the funds by the owner to the City.
- (g) **Model Homes** shall be permitted on the lands encompassed by Exception 842. Each **Model Home** shall be of the permitted **dwelling unit** type within the zone category and shall comply with the provisions of the **Performance Standards Chart, Schedule “B”** for the **dwelling unit** type, and the **Exceptions List, Schedule “C”**, as amended by this By-law.

The maximum number of **Model Homes** shall be as follows:

- i) 1 **townhouse dwelling unit** with detached garage
  - ii) 1 **townhouse dwelling unit** with attached garage
4. On those lands identified as Exception No. 843 on Schedule '1' hereto, the following provisions shall apply:
- (a) SETBACKS
- For the rear main wall of the **dwelling unit** and detached garage:
- (i) Where a **dwelling unit** is serviced by a rear **lane** a minimum of 10.5 m from a lane having a minimum width of 6.0 m to the rear **main wall of the dwelling unit**.
  - (ii) Where a detached garage is serviced by a rear **lane** a minimum of 0.5 m from a **lane** having a minimum width of 6.0 m to the rear **main wall** of the garage.

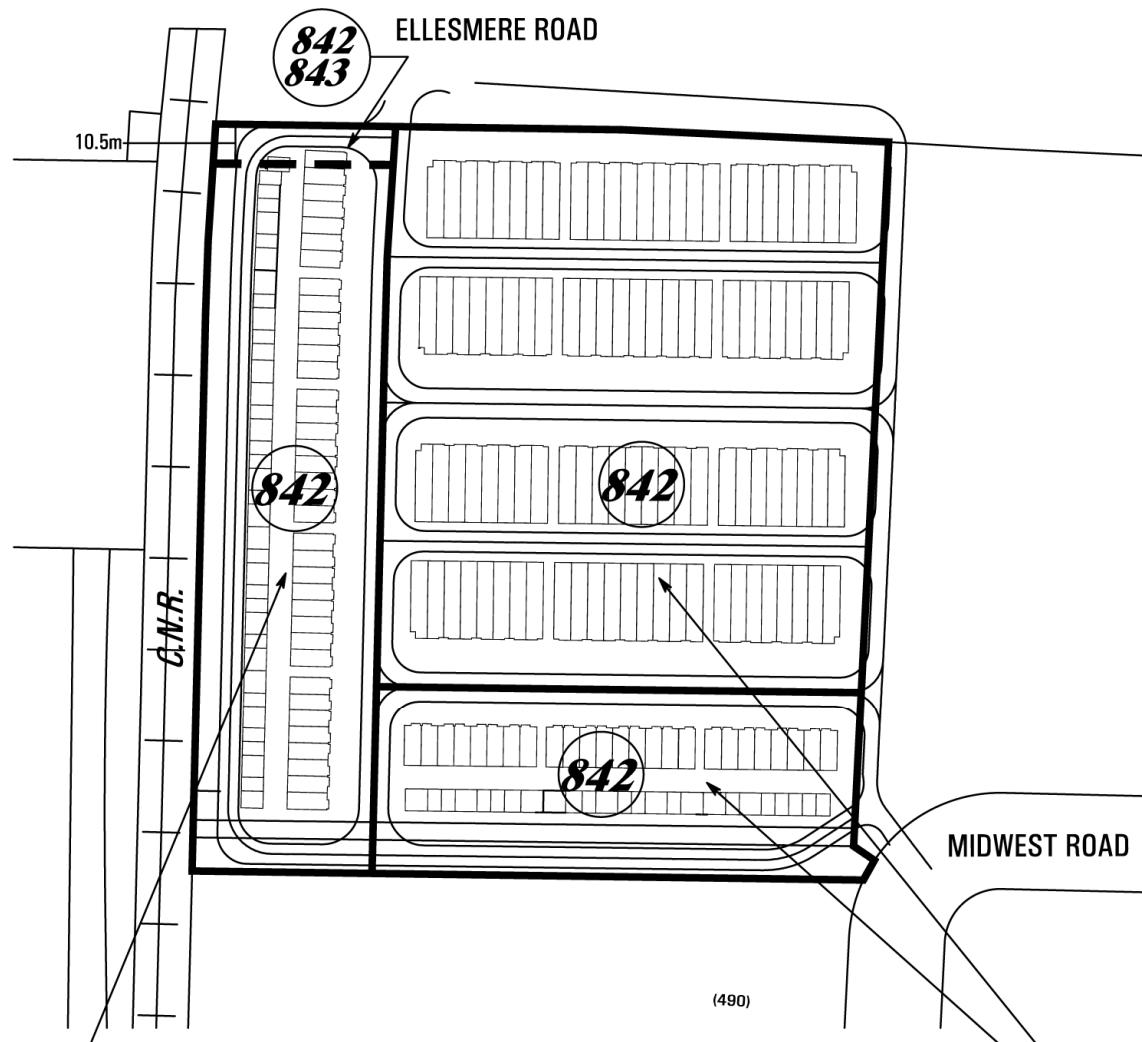
ENACTED AND PASSED this ~ day of ~, A.D. 20~.

ROB FORD,  
Mayor

ULLI S. WATKISS,  
City Clerk

(Corporate Seal)

## Schedule '1'



CR-717-1011-1084-1085-1086-1192-1640-2029-2061-2705

CR-716-1010-1084-1085-1086-1192-1640-2029-2061-2705

CR-715-1011-1012-1084-1085-1086-1192-1640-2029-2061-2062-2706



**Zoning By-Law Amendment**

**1051 Ellesmere Road**

File # 11 141212 OZ, 11 141240 SB



**Area Affected By This By-Law**

Dorset Park Employment District Bylaw

Not to Scale  
10/18/11

## **Attachment 7: Conditions of Draft Plan of Subdivision**

1. The Owner shall enter into the City's standard subdivision agreement and satisfy all pre-registration conditions.
2. The Owner shall provide to the Director of Community Planning, Scarborough District, confirmation that the taxes have been paid in full (statement of account or Tax Clearance Certificate).
3. The Official Plan land use designations and zoning implementing the Official Plan are in full force and effect.
4. The approval of this plan of subdivision will lapse if the subdivision is not registered within 5 years of the date of draft plan approval.
5. Dedicate all roads, corner roundings, and road widenings shown on the plan.
6. Convey to the City all 0.3 metre (one foot) reserves shown on the plan.
7. Convey all necessary easements (*internal and external*) to the City.
8. 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.
9. Submit a draft Reference Plan of Survey to the Executive Director of Technical Services, for review and approval, prior to depositing it in the Land Registry Office. The plan should:
  - i. be in metric units and integrated to the 1983 North American Datum (Canadian Spatial Reference System) and the 3 degree Modified Transverse Mercator Projection;
  - i. delineate by separate PARTS the lands to be conveyed to the City, the remainder of the site and any appurtenant rights-of-way and easements; and
  - ii. show the co-ordinate values of the main corners of the subject lands in a schedule on the face of the plan.
10. Pay all costs for preparation and registration of reference plan(s).
11. Pay engineering and inspection fees in accordance with the terms and conditions of the standard subdivision agreement.
12. Submit financial security in accordance with the terms of standard subdivision agreement.

### **Parkland**

13. Pay a cash in lieu of parkland dedication payment as provided for in the alternative rate by-law, in accordance with the terms of the subdivision agreement, for a parkland dedication equalling 8.5% of the site (0.216 hectares) to the satisfaction of the General Manager of Parks, Forestry and Recreation.

## **Stormwater**

14. Apply stormwater management techniques in the development of this subdivision to the satisfaction of Technical Services.

## **Noise and Vibration**

15. Carry out/implement, and bear all costs associated with, the recommended Noise Mitigation Measures in accordance with the Environmental Noise Feasibility Study and all Addendums thereto required by the Chief Planner and Executive Director.
16. Prior to registration of the plan of subdivision, the Owner shall provide a letter to the Chief Planner and Executive Director from the consultant engineer certifying that the recommended Noise Mitigation Measures have been carried out/implemented.
17. Prior to the registration of the plan of subdivision, the Owner shall post a Letter of Credit as security for the installation of any required mitigation measures including, but not limited to, the construction and installation of all berms and acoustic fences for 120% of the value of such items to the satisfaction of the Chief Planner and Executive Director.

## **Environmental Site Assessment**

18. 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 the submission of a Record of Site Condition (RSC).

## **Warning Clauses – Snow Clearing and Parking**

19. Prior to the registration of the plan of subdivision, the Owner agrees to include the following warning clauses in all agreements of purchase and sale and/or lease agreements and registered on title to the satisfaction of the City Solicitor:

“Purchasers are advised that where sidewalks are located adjacent to the curb, sidewalk snow clearing and driveway windrow clearing will not be provided by the City.”

“There is a City by-law that prohibits the use of the public boulevard to satisfy parking space requirements. Casual parking (not required parking) is permitted within the confines of that portion of the boulevard within a private driveway, provided that no motor vehicle may be parked in the driveway less than 0.3 metres from the back edge of the sidewalk, or where no sidewalk exists, not less than 2.0 metres from the face of the curb or edge of the roadway.

Additional vehicle parking that might otherwise be available on public streets will be subject to approval and regulations pursuant to applicable By-laws of the City of Toronto.”

20. Prior to final registration of the plan of subdivision, the Owner agrees to provide its Solicitor’s confirmation to the City advising that the clauses set out above have

been included in applicable offers of purchase and sale and/or lease agreements to ensure that future occupants are aware of the City's snow clearing practices and the parking restrictions on these lands.

### **Toronto Green Standard**

21. The Owner shall construct and maintain the development in accordance with Tier 1 performance measures of the Toronto Green Standard, as adopted by Toronto City Council at its meeting held on October 26 and 27, 2009 through the adoption of PG32.3 of the Planning and Growth Management Committee.

### **Street Trees**

22. Prior to the registration of the plan of subdivision, the Owner shall provide a street tree planting plan, in conjunction with a composite utility plan that indicates the species, size, and location of all proposed street trees, as these relate to the location of any roads, sidewalks, driveways, street lines and utilities. The street tree planting plan shall be satisfactory to the General Manager of Parks, Forestry and Recreation.
23. Prior to the acceptance of engineering drawings by Technical Services, the Owner agrees to provide a composite utility plan, indicating the location of all underground and above ground utilities, as well as proposed tree planting locations, to the satisfaction of Parks, Forestry and Recreation, and the Executive Director, Technical Services.
24. Prior to the registration of the plan of subdivision, the Owner shall post a Letter of Credit equal to 120% of the value of the street trees, to guarantee the planting and maintenance by the Owner of the new street trees for a period of two years after the planting date, to the satisfaction of the General Manager of Parks, Forestry and Recreation.
25. Prior to the registration of the plan of subdivision, the Owner agrees to contact the Supervisor of Urban Forestry, Tree Protection and Plan Review or his/her designate prior to commencement of street tree planting. The Owner further agrees to plant the street trees as per the approved street tree planting and composite utility plans, to the satisfaction of the General Manager of Parks, Forestry and Recreation. There shall be a two-year maintenance period, with an annual inspection involving Urban Forestry and the Owner (and their agents). At the end of the two-year maintenance period, if the street trees are in good condition, the General Manager of Parks, Forestry and Recreation shall accept maintenance responsibilities, and return the Letter of Credit. The Owner acknowledges that any trees requiring removal will be replaced, maintained and guaranteed by the Owners for an additional two-year period.
26. The Owner agrees that the following clause will be included in all agreements of purchase and sale and/or rental/lease agreements for any lands within the proposed plan of subdivision:

“The Purchaser(s) and/or Tenant(s) are hereby advised that they may not receive a street tree in front of their property.”

27. Prior to the registration of the plan of subdivision, the Owner agrees to provide its Solicitor's confirmation to the City advising that the above clause has been included in all agreements of purchase and sale and/or rental/lease agreements within the plan of subdivision to ensure that future occupants are aware that they may not receive a street tree in front of their property and be registered on title to the satisfaction of the City Solicitor.

### **GO Transit**

28. The Owner shall install and maintain a chain link fence of minimum 1.83 metres in height along the mutual property line with GO Transit.
29. Prior to the registration of the plan of subdivision, the Owner agrees to include the following warning clause in all agreements of purchase and sale and/or lease agreements and registered on title to the satisfaction of the City Solicitor:

**"Warning:** Metrolinx, 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). Metrolinx 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."

30. Prior to the registration of the plan of subdivision, the Owner shall enter into an agreement with Metrolinx to address rail-oriented concerns associated with this project. The agreement will include an environmental easement, to be registered on title for all of the residential units.
31. Prior to the registration of the plan of subdivision, the Owner shall provide certification from a licensed engineer to the Chief Planner and Executive Director, that the safety infrastructure constructed on the subject lands is technically sufficient to protect for both the current rail operating condition and any known future planned improvements to the rail corridor adjacent to the subject lands.

### **Signage**

Prior to the issuance of the first building permit, the Owner shall provide securities in the amount of \$1000.00 for the installation of "No Thru Movements" signs at the intersection(s) of Great West Drive and the adjacent condominium private lanes serving 1075 Ellesmere Road, to be held for a period of five (5) years following full occupation of the development at the subject lands. This signage will be installed if and when required, at the discretion of General Manager of Transportation Services.

### **School Accommodation**

32. 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.
33. 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.”

### **Toronto Transit Commission**

34. Prior to the registration of the plan of subdivision, the Owner agrees to include the following warning clause in all agreements of purchase and sale and/or lease agreements and registered on title to the satisfaction of the City Solicitor:

“The Purchaser and/or Lessee specifically acknowledges and agrees that the proximity of the development of the lands municipally known as 1051 Ellesmere Road (the "Development") to TTC transit operations may result in transmissions of noise, vibration, smoke, particulate matter, electromagnetic interference and stray current (collectively referred to as "Interferences") to the Development and despite the inclusion of control features within the Development, Interferences from transit operations may continue to be of concern, occasionally interfering with some activities of the occupants in the Development. Notwithstanding the above, the Purchaser and/or Lessee agrees

- to release and save harmless the City of Toronto and the Toronto Transit Commission from all claims, losses, judgements or actions arising or resulting from any and all Interferences. Furthermore the Purchaser and/or Lessee acknowledges and agrees that an electromagnetic, stray current and noise-warning clause similar to the one contained herein shall be inserted into any succeeding lease, sublease or sales agreement, and that this requirement shall be binding not only on the parties hereto but also their respective successors and assigns and shall not die with the closing of the transaction.
35. Prior to final registration of the plan of subdivision, the Owner agrees to provide its Solicitor's confirmation to the Toronto Transit Commissions, advising that the Interferences Warning clause requested above has been included in applicable offers of purchase and sale, the Condominium Declaration, and/or lease agreements to ensure that future occupants are aware of the possible Interferences.

### **Urban Design**

36. The Owner shall agree to provide an enhanced pedestrian connection to the Ellesmere RT Station from the subject lands along the South Service Road, to the satisfaction of the Chief Planner and Executive Director.
37. Prior to the registration of the plan of subdivision, the Owner agrees to provide the City with a detailed fencing plan and to make satisfactory arrangements to install any required privacy or decorative fencing to the satisfaction of the Chief Planner and Executive Director.
38. 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 privacy or decorative fencing equal to 120% of the value of the fencing to the satisfaction of the Chief Planner and Executive Director.

### **Gas Distribution**

39. Prior to the registration of the plan of subdivision, the Owner agrees to make satisfactory arrangements, financial and otherwise (including providing easements), with a natural gas provider for the installation and delivery of gas services to the plan of subdivision, to the satisfaction of Enbridge Gas Distribution or such other gas provider.

### **Canada Post**

40. Prior to the registration of the plan of subdivision, the Owner shall make satisfactory arrangements with Canada Post concerning community mail boxes and provide a plan to the City showing the location of all proposed community mailboxes, associated garbage containers and landscaping within the area of the community mailboxes. The plan shall be to the satisfaction of the Chief Planner and Executive Director, the Executive Director of Technical Services, and the General Manager of Parks, Forestry and Recreation.