

Consolidated Clause in Scarborough Community Council Report 1, which was considered by City Council on January 31, February 1 and 2, 2006.

17

**Final Report**  
**Rezoning Application 04 196831 ESC 35 OZ**  
**Draft Plan of Subdivision Application 05 192790 ESC 35 SB**  
**Stafford Homes Limited (Kohn Architects Inc.)**  
**671 Warden Avenue - Oakridge Employment District**  
**(Ward 35 - Scarborough Southwest)**

*City Council on January 31, February 1 and 2, 2006, adopted this Clause without amendment.*

---

**The Scarborough Community Council recommends that City Council adopt the staff recommendations in the Recommendations Section of the report (January 4, 2006) from the Director, Community Planning, Scarborough District.**

The Scarborough Community Council held a statutory public meeting on January 17, 2006, and notice was given in accordance with the *Planning Act*.

**The Scarborough Community Council submits the report (January 4, 2006) from the Director, Community Planning, Scarborough District.**

Purpose:

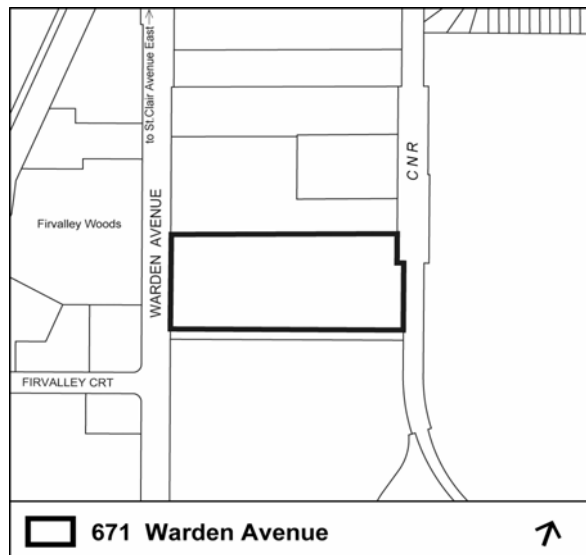
This report reviews and recommends approval of an application to amend the Zoning By-law, and a Draft Plan of Subdivision for a residential development at 671 Warden Avenue comprised of 174 townhouse units.

Financial Implications and Impact Statement:

There are no financial implications resulting from the adoption of this report.

Recommendations:

It is recommended that City Council:



- (1) amend Warden Woods Community Zoning By-law No. 950-2005 and Employment Districts Zoning By-law 24982, substantially in accordance with the draft Zoning By-law Amendment, attached as Attachment 11;
- (2) 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 Zoning By-law Amendment to City Council for enactment, require the owner to:
  - (a) enter into an agreement, pursuant to Section 37 of the Planning Act securing:
    - (i) a cash contribution at the time of rezoning, in a form satisfactory to the Chief Financial Officer and City Treasurer, of \$1,300.00 per residential unit (for a minimum of 140 units), to be used as a contribution towards a community centre to serve the Warden Woods Community;
    - (ii) pre-payment, in a form satisfactory to the Chief Financial Officer and City Treasurer, of the Indoor Recreation Facilities Portion of the Parks and Recreation Component of the City's Development Charges (payable as of July 1, 2005, plus 10%);
    - (iii) arrangements satisfactory to the Manager of Heritage Preservation Services for the commemoration of the former Beckers Dairy; and
  - (b) submit a letter, satisfactory to the City Solicitor, withdrawing their appeals of Official Plan Amendment No. 1145 (Warden Woods Community Secondary Plan) and Zoning By-law No. 950-2005 (Warden Woods Community Zoning By-law); and
- (4) recommend to the Chief Planner that the draft plan of subdivision, be approved generally as illustrated on Attachment 2, Draft Plan of Subdivision, subject to:
  - (a) the conditions as generally listed in Attachment 12, which except as otherwise noted, must be fulfilled prior to the release of the plan of subdivision for registration of any phase thereof;
  - (b) such revisions to the proposed subdivision plan or such additional or modified conditions as the Chief Planner may deem to be appropriate to address matters arising from the on-going technical review of this development, and
  - (c) draft plan approval not being issued until appropriate Official Plan land use designations and zoning implementing the Official Plan are in full force and effect.

Background:

## Warden Corridor Land Use Planning Study

This proposal has been reviewed and evaluated in conjunction with the Warden Corridor Land Use Planning Study. At its meeting on October 28, 2005, City Council implemented the results of the Land Use Study by enacting OPA 1145 to the Scarborough Official Plan which sets out a planning framework for the new Warden Woods Community Secondary Plan area. OPA 1145 is currently under appeal (by Stafford Homes and others), and, therefore is not in effect. OPA 1145 is described later in this report. Stafford Homes' individual Official Plan Amendment application has, in effect, been incorporated in OPA 1145, and the Stafford Homes rezoning application can be dealt with within the policy context established by OPA 1145.

## Goldman Group Lands

Stafford Homes owns the whole former Becker's site, which includes the former dairy on the subject site at 671 Warden Avenue, the lands at 675 Warden Avenue which are to be sold to Ina Grafton Gage for its new long term care facility, and the historic Bell Estate at 679 Warden Avenue, which is the subject of a Heritage Easement Agreement with the City protecting the main house.

Stafford Homes is connected through the applicant, the Goldman Group, to Goldman Centennial Developments Limited, the owners of the former Centennial College site at 651 Warden Avenue, and 2BRNOT2B Holdings, the owners of the vacant AFG Glass factory lands at 350 Danforth Road, both of which are currently pursuing redevelopment approvals on their subject lands.

## Subdivision Approval

Subdivision approval authority has been delegated to the Chief Planner. The Planning Act requires, however, that a public meeting be held to provide adequate information to the public and to allow them to make their views known. The public meeting for this application has been combined with the public meeting for the proposed zoning by-law amendment. Following the public meeting, the Chief Planner will issue Draft Plan of Subdivision approval, including conditions of approval, in accordance with Council's recommendations regarding this application. Once the conditions of approval have been satisfied, the Chief Planner will approve the Subdivision. In granting draft plan approval and subdivision approval the Chief Planner has the authority to consider minor adjustments to the subdivision layout without giving further notice, and the authority to amend or add to the conditions of approval, generally within the intent of Council's recommendation.

## Proposal

The applications propose an amendment to the Employment Districts Zoning By-law No. 24982, as well as a Draft Plan of Subdivision, to permit the redevelopment of the south part of the former Becker's Milk dairy with up to 174 residential units and an expansion of the stormwater management pond to be constructed as part of the future residential subdivision at 350 Danforth Road, which was approved by the Ontario Municipal Board in its order issued on November 10, 2005.

The application as originally submitted was to be served by an internal common element private road. The private road looped through the site and had two connections to the proposed municipal road on the north side of the site, intended to provide public road frontage to the future Ina Grafton Gage long term care facility at 675 Warden Avenue and the existing Bell Estate at 679 Warden Avenue, as well as a connection to the proposed residential subdivision at 350 Danforth Road.

At its meeting of February 16, 2005, City Council adopted the recommendations of Scarborough Community Council on the Preliminary Report dated January 31, 2005, subject to staff being directed to work with the applicant to ensure the provision of commercial uses along the Warden Avenue frontage; and to look at public roads as a priority over private roads in applications.

In response to issues raised by Council and the Community and the technical review of the application by City Divisions and agencies, there have been a number of revisions to the applications. The private road has been replaced with three north-south public roads with 16.5 metre rights-of-way, which are designed to be connected to possible future roads on the Tradition Fine Foods property to the south if it is redeveloped in the future. (Consent Application B012/04SC was approved on June 2, 2004, to permit the owner of that property to sever the vacant northern portion of the site of approximately 1.4 hectares (3.5 acres) for future development. At the time of preparation of this report, the conditions of approval have not been fulfilled and the consent has not been registered).

The plans submitted by the applicant include 166 stacked condominium townhouse units, 4 storeys in height, in three blocks, with parking spaces accessible via internal driveways. The proposal also includes 8 freehold street townhouse units, potentially also 4 storeys in height, which would back onto the future stormwater management pond at 350 Danforth Road. To satisfy the City's parking requirements for parking in excess of 1 space per unit for the stacked townhouse units, the applicant proposes to create an off-site parking area to be operated by either the Condominium Corporation or the Toronto Parking Authority. Alternatively, during review of the detailed Site Plan, the stacked townhouse blocks could be revised to reduce the number of dwelling units and accommodate the additional parking on-site, and the block originally allocated to parking could accommodate some additional street townhouse units backing onto the stormwater management pond. The draft Zoning By-law Amendment (Attachment 11) provides appropriate regulations to ensure that the required amount of parking is provided while providing flexibility to allow the alternative layouts described above.

The Goldman Group has indicated that it is considering an alternative mix of housing forms for the development which would include stacked condominium townhouses adjacent to Warden Avenue, and street and laneway townhouses fronting on the proposed internal streets. This alternative would substantially reduce the overall unit count, perhaps as low as 120 units. The applicant is therefore seeking zoning permissions for the site to permit stacked, street and laneway townhouse forms. The draft Zoning By-law Amendment (Attachment 11) provides the range of flexibility requested, and the Draft Plan of Subdivision (Attachment 2), creates five development blocks which are suitable to be developed in a variety of ways. Detailed design of the development will be reviewed by way of Site Plan Control application(s), and will require future Condominium or Part Lot Control Exemption applications.

Additional project information is provided in the Application Data Sheet (Attachment 4).

### Site History

The Becker's lands at 671-679 Warden Avenue have been the subject of several consent applications. The most recent Consent Application B027/05SC, approved on June 1, 2005, severed Becker's lands into five parts, and maintained and created easements, including shared access. The parts included the proposed municipal road, three parcels of land on the north side of the road (a 0.27 hectare lot for future development abutting Warden Avenue, a 0.74 hectare lot for the future Ina Grafton Gage long term facility, and a 0.39 hectare lot for the Bell Estate), and one lot south of the road (the subject site at 671 Warden Avenue).

At its meeting of February 16, 2005, City Council authorized staff to negotiate and enter into a standard financially secured Servicing Agreement with the Goldman Group to provide the municipal road to service 671-679 Warden Avenue subject to the submission of a draft reference plan and engineering drawings acceptable to City staff. Development of this road is required to support the development of the Ina Grafton Gage Site, and to maintain access to the Bell Estate. As well, municipal services to serve the 350 Danforth Road site to the east will be installed in this roadway.

### Site and Surrounding Area

The site is located on the east side of Warden Avenue, midway between St. Clair Avenue East and Danforth Road, and has a frontage of approximately 91 metres on Warden Avenue. The property is essentially rectangular in shape, with a depth varying between approximately 205 and 211 metres from Warden Avenue, and is approximately 2.0 hectares (4.9 acres) in size. The 1 and 2 storey former Becker's Dairy, and a 1-storey brick garage, remain on the site.

A portion of a City municipal storm sewer easement is located on a small area at the northeast corner of the site. The applicant has requested that the City release the easement as services will be provided in the future Street G. This issue will be addressed in the conditions of draft plan of subdivision approval.

The surrounding uses include:

North: proposed public road connecting to Warden Avenue and the future subdivision at 350 Danforth Road (Street G), north part of former Becker's lands (future development site abutting Warden Avenue, vacant site for the future Ina Grafton Gage long term care facility at 675 Warden Avenue which is the subject of Site Plan Approval Application 04 166027 ESC 35 SA, and the Bell Estate at 679 Warden Avenue), Advantage Self-Storage at 681 Warden Avenue, Sealy Mattress at 683-685 Warden Avenue.

South: Tradition Fine Foods at 663 Warden Avenue, other sites also the subject of applications for residential development including the former Centennial College site at 651 Warden Avenue (applications 04 204283 ESC 35 OZ and 04 204285 ESC 35 SB), and Ranka

Enterprises at 300 Danforth Road (applications 05 110455 ESC 35 OZ, 05 188717 ESC 35 SB and 05 110441 ESC 35 SA).

East: stormwater management pond and park for the future residential subdivision at 350 Danforth Road.

West: Toronto Community Housing including 15-storey apartment building at 682 Warden Avenue and townhouses, Firvalley Park, Warden Woods Church and Community Centre, Firvalley Plaza.

The active development applications in the Warden Woods Community are shown on Attachment 9.

### Scarborough Official Plan

#### Warden Woods Community Secondary Plan (OPA 1145)

City Council adopted Official Plan Amendment 145 to the Scarborough Official Plan on October 28, 2005. Seven appeals of OPA 1145 were filed, including an appeal by Stafford Homes as it pertains to 671 Warden Avenue.

OPA 1145 removes the subject site from the Oakridge Employment District Secondary Plan, and designates the frontage of the property as Mixed Use, and the balance of the site as Neighbourhoods, in the new Warden Woods Community Secondary Plan (Attachment 6). The plan establishes a policy framework for considering rezoning applications to permit residential uses. Accordingly, no further Official Plan Amendment pursuant to Application 04 196831 ESC 35 OZ is proposed for this site.

The Warden Woods Community Secondary Plan also addresses linkages and connections including connections to arterial roads, linkages between neighbourhoods within Warden Woods and to natural and open spaces, and pedestrian and bicycle routes, which are illustrated on Map 2 (Attachment 7). The connection objectives include a street connection to Warden Avenue opposite Firvalley Park leading to the Bell Estate, public street linkages between the neighbourhoods abutting Warden Avenue and those abutting Danforth Road, and a continuous north-south green corridor extending from Danforth Road to north of St. Clair Avenue. These potential connections are also outlined in the Urban Design Guidelines appended to the Secondary Plan.

The Urban Design Guidelines encourage mid-rise mixed use buildings of 4-8 storeys along Warden Avenue and Danforth Road. The priority locations for mid-rise development include the Warden Avenue frontage south of the Hydro Corridor.

The Warden Woods Community Secondary Plan pays particular attention to the timely provision of community services and facilities, in highly visible and accessible locations, to serve new and existing residents. The priorities identified for Warden Woods include a community centre, community health centre, and child care. The Secondary Plan recognizes that there is an existing shortfall of community recreation facilities, and that the early provision of a community centre is

of primary importance, which Council may determine takes precedence over achievement of other community services and facilities and housing objectives. A Community Service Strategy was adopted by Council at the same time as the Secondary Plan.

The Warden Woods Community Secondary Plan also deals with adjacency issues to industry within and abutting the secondary plan area.

Policy 2.2.15 of the Secondary Plan indicates that:

“Where appropriate, development in the Secondary Plan Area will incorporate elements representing the heritage and history of the area, through:

- (a) Incorporating heritage elements, themes or commemoration into building design;
- (b) Incorporating heritage elements, themes or commemoration into the design of view corridors and open spaces;
- (c) Installing public art;
- (d) Creating historic markers and plaques; and
- (e) Introducing historically relevant names for new streets, the community centre, and other public places in the Warden Woods community.”

#### Warden Woods Conceptual Master Plan

The Urban Design Guidelines include a Conceptual Master Plan illustrating key physical components of the new community, including street and block patterns, potential development, the stormwater management pond location, and the proposed central public park south of St. Clair Avenue to be provided with parkland contributions from other area developments (Attachment 8). The general layout of the proposed development of 671 Warden Avenue complies with the intent of the Conceptual Master Plan.

#### New Toronto Official Plan

At its meeting of November 26, 2002, City Council adopted the new Official Plan for the City of Toronto. The Minister of Municipal Affairs and Housing approved the new plan, in part, with modifications. The Minister's decision has been appealed in its entirety. The Official Plan is now before the Ontario Municipal Board. The hearing commenced on June 13, 2005, and will continue on January 25, 2006.

The Plan encourages a full range of housing in terms of form, tenure and affordability, across the City and within neighbourhoods, to meet the current and future needs of residents. New housing supply is encouraged through intensification and infill consistent with the Plan.

At its meeting of October 26-31, 2005, City Council adopted as amended, the staff recommendations on the Phase 3 Final Report of the Warden Corridor Study, including that the

City Solicitor be directed to request the Ontario Municipal Board to modify the new Toronto Official Plan to implement the new Warden Woods Community Secondary Plan as approved. This will have the effect of revising the land use designation for these lands from “Employment Uses” to “Mixed Use” along the Warden Avenue frontage, “Neighbourhoods” to the east of Warden Avenue, and “Natural Areas” at the eastern limit of the site.

### Zoning

The site is currently zoned Industrial (M), and General-Industrial, Special Industrial (MG, MS) in the Employment Districts Zoning By-law 24982 (Attachment 10). These zones permit industrial uses, offices (excluding dental and medical), educational and training facility uses, recreational uses, and day nurseries, as well as places of worship on sites abutting certain arterial roads. Residential uses are not permitted in the M, MG or MS zones.

City Council adopted Warden Woods Community Zoning By-law 950-2005 on October 28, 2005, which includes all of the lands in the new community, including the subject site, but only applies new zoning provisions to the City-owned lands north and south of St. Clair Avenue. By-law 950-2005 is a “parent” zoning by-law, which provides the framework to which implementing zoning by-laws for the various development applications can be added as they are enacted. Stafford Homes also appealed By-law 950-2005 to the Ontario Municipal Board.

Council also adopted Zoning By-law No. 951-2005, amending the Employment Districts Zoning By-law 24982 (Oakridge Employment District), by rezoning the MG and MS lands between the Ontario Hydro Corridor and Danforth Road to M, including the rear portion of 671 Warden Avenue. The purpose of By-law 951-2005 is to remove the permissions for special industrial uses and open storage which are considered to be incompatible with residential uses. Stafford Homes did not appeal By-law 951-2005, however, it was appealed by three other parties, including 2BRNOT2B Holdings Inc and Rexton Developments concerning portions of the former CNR rail spur north and south of St. Clair Avenue, and Loblaw Properties concerning 683-685 Warden Avenue.

### Site Plan Control

The site is subject to site plan control pursuant to By-law 1047-2005, enacted by City Council on December 7, 2005 which designates all of the lands in the Warden Woods Community as being under site plan control, and exempts single and semi-detached dwellings from site plan control. The applicant has filed Site Plan Approval Application 04 196850 ESC 35 SA.

### Ravine Control

The site is not subject to the Ravine Control By-law.

### Tree Preservation

The applicant submitted a tree inventory in November 2004 for the full Becker’s lands at 671-679 Warden Avenue, indicating a significant number of existing trees on the Bell Estate property and the eastern part of the Ina Grafton Gage site. Urban Forestry Services has advised

that there are no trees on the property at 671 Warden Avenue that qualify for protection under the Private Tree By-law. However, the construction of the proposed public road will impact trees located on the Bell Estate property, and a detailed arborist report and tree protection plan are required to be submitted for review.

### Reasons for the Applications

A rezoning is required as residential uses are not permitted in the M zone. A plan of subdivision is necessary to create the proposed blocks, lots and public streets.

### Community Consultation

A combined community consultation meeting on the applications for 651, 671 and 725 Warden Avenue and 350 Danforth Road was held on February 17, 2005, which was attended by approximately 250 members of the public, the Ward Councillor, City staff, and the applicants. In accordance with Scarborough Community Council's direction, the notification area was expanded to include the properties bounded by Eglinton Avenue East to the north, Birchmount Road to the east, Victoria Park Avenue to the west and Danforth Avenue to the south.

Councillor Altobello made introductory remarks concerning the Warden Corridor Study, the need for community facilities, and input received from the school boards indicating that they would not require school sites in the Warden Corridor. Planning staff explained the planning process, and presentations on the applications were made by representatives of Mattamy and the Goldman Group.

The following is a summary of the issues concerning the four development applications and redevelopment in the Warden Corridor in general, which were raised by area residents at the meeting and in written submissions:

- services should match the proposed intensification; there should be community based planning that encompasses the issues of safety, employment, childcare, healthcare, and local retail; social infrastructure should be a pre-condition to development;
- the area needs a community centre (facilities for seniors and youth), parks, recreation facilities, dog park, cycling paths, medical and dental offices, shopping (Firvalley residents have to take a taxi to a grocery store), outdoor cafes and restaurants;
- the densities are too high;
- additional population, as schools and hospitals are already overcrowded;
- it is not acceptable that children will have to be bused to TDSB schools that have capacity; a public school should be provided in the area;
- the area has its fair share of rental housing;
- increased traffic may result in infiltration into quiet residential areas;

- construction traffic and pollution are concerns;
- can additional subway riders be accommodated;
- these properties should be restored to industrial and commercial businesses, reduce crime by restoring lost jobs.

#### 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 of subdivision approval.

#### Comments:

##### Land Use and Form of Development

The proposed residential use of the property conforms to the Warden Woods Community Secondary Plan as adopted by Council, and can be supported in principle. The Secondary Plan proposed to designate the frontage of Warden Avenue as Mixed Use development, and the balance of the site as Neighbourhoods. Both of these designations would permit townhouses.

Scarborough Community Council, in its approval of the Preliminary Report regarding these applications directed staff to ensure the provision of commercial uses along the Warden frontage. While the Goldman Group's intentions with respect to this project do not include any commercial uses, the Goldman Group also owns the vacant property on Warden Avenue in front of the future Ina Grafton Gage facility, and advise that they intend to apply, in the near future, to construct a commercial development, including a bank, on that site. Staff are also in discussions with Loblaw's which is pursuing an option to construct a food store at 685 Warden (the Sealy Mattress property). Furthermore, the proposed redevelopment of 300 Danforth Road includes a seniors apartment building with 2 floors of commercial uses. Accordingly, it is staff's opinion that an acceptable range of commercial uses to support this new community can be achieved, and it is not necessary to reserve the frontage of the 671 Warden Avenue site for commercial uses.

##### Interface with Industrial Uses

The Warden Woods Community Secondary Plan notes that existing industrial uses both within and outside the area are an important asset to the community, providing jobs within walking distance of area residents, and tax assessment for the City. New land uses must be planned to provide a comfortable interface with existing employment uses.

The City's Economic Development staff have indicated that they understand the changing nature of the surrounding area. Nevertheless, the interests of the remaining industry nearby deserve to be respected and protected. The subject site is bordered on the south by Tradition Fine Foods at 663 Warden Avenue, an industrial food processor (bakery). In accordance with Policies 2.7.2 and 2.7.3 of the Secondary Plan, regarding mitigating impacts between industrial and

sensitive land uses such as residential, the owner of 671 Warden Avenue will have to mitigate the impacts of industrial uses on the residential uses proposed. These mitigation measures may include, but are not limited to buffers, screening, berming and/or other attenuation measures. These measures will be implemented based on studies and analysis to be conducted by the developers of the sensitive uses, to the satisfaction of the City. In addition, warning clauses will be required in the conditions of draft plan of subdivision approval and in agreements of purchase and sale to inform new residents of the potential land use conflicts.

### Housing Mix

The proposal meets the objectives of the new Toronto Official Plan and the Warden Woods Community Secondary Plan that a minimum of 30 percent of new housing units will be in forms other than single-detached and semi-detached houses, with 100 percent of the units proposed to be townhouses.

### Parkland and Community Centre

The Warden Woods Community Secondary Plan provides for an alternative parkland rate of 0.4 hectares per 300 dwelling units, or 5 percent of the land area, whichever is greater. The alternative rate may be taken as a cash payment in lieu of a land dedication. Alternative Parkland Rate By-law No. 952-2005 provides for the alternative parkland rate of 0.4 hectares per 300 dwelling units.

The proposed unit count for this development is approximately 174 units. The Policy and Development Section of the Parks, Forestry and Recreation Division advises that the City will be accepting the parkland dedication for 671 Warden Avenue on the Goldman Group development site at 350 Danforth Road (as approved by the Ontario Municipal Board on November 10, 2005). The dedication on the 350 Danforth Road lands represents a consolidated parkland dedication for the development proposals at 350 Danforth Road, 651 Warden Avenue and 671 Warden Avenue. Based on the alternative rate of 0.4 hectares per 300 dwelling units, the required park dedication requirement for 174 units at 671 Warden Avenue is approximately 0.232 hectares.

The Section 37 agreement should provide for the provision and delivery of a cash payment equal to \$1,300 per residential unit, to be used as a contribution toward a community centre to serve Warden Woods. As discussed earlier in this report, the applicant is considering a variety of housing forms on this site, and the actual unit count achieved may, in the end, be in the range of 120 units. The applicant has agreed, however, to a contribution based on a minimum of 140 units, plus the requirement for additional contributions (at a rate of \$1,300 per residential unit) as a pre-condition of future planning approvals for dwelling units in excess of 140. This represents a total contribution of at least \$182,000.

The Section 37 agreement should also secure pre-payment of the Indoor Recreation Facilities Portion of the Parks and Recreation Component of the Development Charges (as of July 1, 2005 plus 10 percent), also to be used towards the community centre. The owner will be given a credit towards the Development Charges for the development in exchange for the pre-payment.

### Commemoration of the Beckers Dairy

The site has a long history as a dairy, dating back to the original Bell's Scarboro Dairy (established in 1931), which was later acquired by Donland's, followed by the Beckers Milk Company (circa 1965). The former Beckers buildings will be demolished to accommodate the proposed residential development. The contribution of the Beckers Dairy to the industrial heritage of this area should be commemorated in accordance with policy 2.2.15 (d) of the Warden Woods Community Secondary Plan which states that: "Where appropriate, development in the Secondary Plan Area will incorporate elements representing the heritage and history of the area, through:... Creating historic markers and plaques." The Toronto Historical Board produces bronze plaques to commemorate heritage features, and this would be an appropriate feature for incorporation at an appropriate location, such as the future stormwater management pond at 350 Danforth Road, or at the Bell Estate. The Section 37 agreement should require the applicant to commemorate the former Beckers Dairy to the satisfaction of Heritage Preservation Services.

### Schools

The Toronto Catholic District School Board has advised that the anticipated pupil yield for the current development applications in the Warden Corridor can be accommodated in existing TCDSB school facilities, although possibly not in permanent facilities as additional portables may be required depending on the phasing of any new residential development. A new school site will not be required.

The Toronto District School Board has advised that there is insufficient space at the local schools to accommodate students from this development and others in the area, and has requested warning clauses in all offers of purchase and sale, and site signs advising that local school accommodation may not be available until adequate space or funding becomes available, and of the potential for busing. At the same time, as noted, the TDSB has advised that it does not require an additional school site in Warden Woods. The nearby Warden Avenue Junior Public School at 644 Warden Avenue in the Oakridge Community is approximately 4.2 hectares (10.5 acres) in size, whereas a standard elementary school site is only 2 hectares (5 acres) in size. The potential exists to create an additional school, or additional school capacity on this site, should either of the School Boards estimates prove to have been conservative.

### Development Infrastructure Policy and Standards (DIPS) Issues

#### Public Road Right-of-Ways

The new Toronto Official Plan recognizes the diverse roles of City streets, and states that new streets should be public. New streets are to be designed to:

- (a) provide connections with adjacent neighbourhoods, and promote a connected grid of streets that offers travel options and extends sight lines;
- (b) divide larger sites into smaller development blocks;
- (c) provide access and addresses for new development;

- (d) allow the public to enter without obstruction;
- (e) create adequate space for pedestrians, bicycles and landscaping as well as transit, vehicles, utilities and utility maintenance;
- (f) improve the visibility, access and prominence of unique natural and human-made features; and
- (g) provide access for emergency vehicles.

As noted, the proposal was originally designed with private streets, which the applicant has revised to a full public road system with 16.5 metre right-of-ways.

The Development Infrastructure Policy and Standards (DIPS) Phase 2 Report, dated November 16, 2005, containing staff's recommendations for a set of design standards for public local residential streets and criteria for their use, including two options for both 18.5 metre and 16.5 metre rights-of-way, was adopted by City Council at its meeting of December 5-7, 2005. A further report regarding pedestrian issues was requested.

The Technical Services Division advises that it will be more difficult for operating divisions to provide City services on the narrower 16.5 metre public streets. This difficulty pertains to driveway windrow clearing and sidewalk snow clearing. Technical Services advises that a warning clause must be included in the purchase and sale agreement and registered on title indicating that driveway windrow clearing and sidewalk snow clearing will not be provided by the City for streets with less than an 18.5 metre right-of-way and/or with sidewalks adjacent to the curb.

In order to accommodate snow clearance and garbage collection, Technical Services requires the applicant to provide either temporary turning circles, or a temporary roadway connecting these Streets B, C and D to allow garbage and snow-clearing vehicles to service the development. These connections would be temporary only, as they are not required in the long term. Technical Services, has advised that for purposes of regulation and enforcement, these connections would need to be publicly owned. Accordingly, these connections would need to be conveyed to the City, and a condition in the Subdivision agreement would provide for reconveyance to the owner for a nominal sum at such time as they are no longer required.

Technical Services has agreed to consider a 10 metre road allowance. (The DIPS public laneway of 6.0 metres would not be adequate in this case, since this does not provide for winter maintenance or the temporary services required). The applicant has raised concerns respecting this requirement, and is in discussions with Technical Services concerning a narrower right-of-way, as these linkages would be temporary, have no permanent services, no driveways, no front doors, and are not intended to accommodate parking. This circumstance is an unusual case, not specifically contemplated by DIPS, and staff are confident that a satisfactory arrangement can be worked out between the applicant and Technical Services. Accordingly, it is proposed to provide for the required road features through a condition of Draft Plan of Subdivision with the flexibility to work out a solution satisfactory to the Executive Director of Technical Services.

The proposed street pattern was evaluated against the Warden Woods Conceptual Master Plan. The Master Plan contemplates two north-south streets, and one east-west street serving the site, whereas the proposed Draft Plan of Subdivision includes three north-south public roads. Although both road patterns are workable, the draft plan of subdivision conditions provide for alternative arrangements to the satisfaction of the Executive Director of Technical Services in consultation with the Director of Community Planning, which may include options such as the reorientation of Street C from north-south to east-west, which would more closely reflect the road pattern shown on the Master Plan.

#### “Casual” Parking Partially Within the Public Right-of Way

The proposed street townhouses are designed with reduced front yard setbacks, which would result in the “casual” (not required) parking in the driveways typically encroaching into the public boulevard of the proposed 16.5 metre public roads.

Transportation Services has recently recommended revisions to the Toronto Municipal Code to harmonize all of the previous boulevard parking by-law regulations of the former municipalities, and the repeal of same, including the Scarborough by-law. The proposed Toronto Municipal Code would allow casual parking of vehicles within the portion of the driveway within the public right-of-way, provided no vehicle is parked within 0.3 metres of the sidewalk or 2.0 metres of the curb or edge of the roadway where there is no sidewalk. These revisions to the Municipal Code have not yet been considered by City Council. While not permitted by the current Scarborough by-law, Scarborough residents routinely park within the public right-of-way, particularly where there is no sidewalk. Accordingly, staff are satisfied that it is reasonable to approve the development in its proposed form.

#### Parking Supply

The applicant is proposing to provide 1 space per stacked townhouse unit, as well as a 41 space visitor parking lot on the eastern edge of the property. The provision of 1 parking space per unit meets the Zoning By-law standard for residential uses. Most condominium townhouse projects in Scarborough, however, have site specific parking requirements which require the provision of additional off-street parking for residents and visitors. Consideration of the appropriate level of parking supply for this project has taken into account its location in proximity to the Warden Subway Station, and the City’s objectives to promote transit use and reduce dependence on the private automobile, and the fact that since there are no driveways out to the public streets, a significant amount of on-street visitor parking will be available. Accordingly, it has been determined that a minimum of 1.2 tenant parking spaces per unit should be provided.

The draft Zoning By-law Amendment includes a performance standard permitting any required parking beyond a minimum of 1 space per unit to be provided on the area shown as Block 6 (the proposed parking lot). The By-law also applies a holding (H) provision to Block 6 stating that prior to the lifting of the hold the lands can only be used to provide required parking for the townhouses. If the proposal were to be constructed as street townhouses, additional tenant car parking beyond 1 space per unit and casual visitor parking could be accommodated in the

driveways. In that case, the additional parking spaces in the lot would not be required, and the H could be lifted, allowing Block 6 to be developed with street townhouses.

### Urban Design Issues

All of the buildings in this development are subject to site plan control. Building massing, and streetscape and landscape details will be reviewed against the Warden Woods Community Urban Design Guidelines. The Guidelines provide that in order to ensure privacy, minimize the impact of traffic noise, promote a pleasant streetscape, and an animated and safe public realm, below-grade entrances and patios are discouraged, especially along Warden Avenue and other arterial roads. One particular concern discussed during the processing of these applications was the applicant's proposal to construct stacked townhouses with below-grade entrances and private amenity areas. While this could be argued to be a design detail which could be left to the future Site Plan Control stage, planning staff were particularly concerned that this form of development would detract from the City's design objectives for Warden Avenue. Planning staff have worked with the applicant to resolve this issue, and have identified several potential design alternatives. The applicant has agreed to delete these below grade entrances from the proposed stacked townhouses fronting on Warden Avenue. Accordingly, the draft Zoning By-law Amendment (Attachment 11) includes regulations which will preclude retaining walls and patios within the Warden Avenue frontage street yard.

While below-grade entrances and patios may be considered along the interior residential streets, the applicant is proposing to provide a 0 metre setback from the retaining walls of the below grade patios to the property line. This causes a concern with respect to privacy for the residents, and potential impacts on street tree growth. Accordingly, the proposed zoning by-law will require a 1.5 metre landscape setback.

In addition, the back-to-back distance between the blocks of stacked townhouses is proposed to be approximately 9.3 metres at the second floor level, which is significantly lower than the 15 metres recommended in the Warden Woods Urban Design Guidelines. The spacing between the building blocks should be increased, or the internal layout should be adjusted to bring this distance closer to the guideline. The draft Zoning By-law Amendment (Attachment 11) addresses this issue by requiring a minimum building spacing of 14.5 metres.

Other issues related to the design of the stacked townhouses along the interior residential streets, such as the frequency, size and depth of the below-grade patios; building massing; access to the garages, etc, that require further examination, can be addressed through Site Plan Control.

The proposed rear yard of 6.0 metres for the townhouse units backing onto the future stormwater management pond at 350 Danforth Road is less than the rear yard setbacks normally required. As these units would back onto the stormwater management pond, the rear yard setback is not as critical, as there will be no other buildings located to the rear. Issues of light, view and privacy are less of a concern in this case. Therefore, the draft Zoning By-law Amendment allows for the 6.0 metre rear yard setback requested by the applicant.

### Street Tree Planting and Utilities Coordination

To date the applicant has only provided a Landscape Concept Plan. Urban Forestry requires the applicant to provide a composite utility plan in conjunction with a landscape plan, indicating all existing and proposed utilities such as hydro, light standards and fire hydrants for review and approval. This will allow coordination of street tree planting with utility installation and ensure that an acceptable quantity and quality of street trees can be provided in a manner which will permit them to grow and thrive. Street tree planting will be addressed in the conditions of draft plan of subdivision approval.

#### Traffic Impact

Phase 2 of the Warden Corridor Land Use Planning Study included a transportation review. It concluded that the development levels proposed for the Warden Corridor could be accommodated by the existing transportation system, with a few local operational improvements.

The applicant submitted a Traffic Impact Study in support of the applications which concluded that the area road network can support the proposed development. As recommended in the Traffic Impact Study, the Technical Services Division advises that the applicant will be responsible for the installation of a southbound left turn lane on Warden Avenue at the proposed new public road (Street G), and further must also install a westbound left turn lane along the new road.

#### Servicing

The applicant submitted a Site Servicing Assessment, which has been accepted by Technical Services, noting that a new sanitary sewer and watermain are to be constructed within the proposed municipal roadway through the former Beckers property linking Warden Avenue to 350 Danforth Road, and can also be used to serve the development at 671 Warden Avenue. The servicing report concluded that the proposed development can be serviced utilizing the existing municipal infrastructure in the vicinity of the site without any adverse impacts.

Technical Services advises that a Stage II Stormwater Management Report will be required with the first submission of engineering drawings addressing water quantity and quality. The TRCA has no objection to the OPA & Rezoning application, and has also requested that the applicant submit a detailed stormwater management report for review.

#### Environmental Clearances

The applicant submitted an Environmental Investigation and Addendum concluding that the organic-containing soil on the site is not impacted by contaminants.

Effective October 1, 2005, the Ministry of Environment (MOE) assumed full responsibility for environmental clearances in Ontario. Accordingly, no building permit for residential development will be issued until appropriate clearances have been issued by the MOE. In addition, MOE clearance will be made a condition of Draft Plan of Subdivision approval to ensure that the subdivision is not registered until the suitability of the site for residential purposes has been verified.

## Implementation

The draft Zoning By-law Amendment attached as Attachment 11 includes regulations addressing land use, intensity of use, building height, parking requirements, landscaping, etc. The conditions of draft plan of subdivision approval, attached as Attachment 12, address detailed implementation issues to ensure the orderly development of the lands such as the construction of the new public roads, street lighting, road improvements, environmental safeguards, parkland conveyance and improvements, tree planting, fencing, appropriate warning clauses in agreements of purchase and sale, etc.

## Development Charges

It is estimated that the total Development Charges for this project will be approximately \$1.2 million. This is an estimate only, based on 174 townhouse units, and the actual charges will be assessed upon issuance of building permits.

## Conclusions:

The applicant has participated fully in the Warden Corridor Land Use Planning Study, and through these efforts, significant progress has been made. A series of revisions have been made to the proposal to address issues raised by the City and the community. Agreement has been reached for a public road system to serve the site. Mitigation measures and warning clauses to address the interface with the industrial use to the south will be implemented.

The proposal to redevelop the south part of the former Beckers dairy with a residential subdivision will help to achieve the land use, parkland, and community service objectives of the Warden Woods Community Secondary Plan. The proposed development is consistent with the Warden Woods Conceptual Master Plan and contributes in large measure to its implementation.

The Rezoning and Draft Plan of Subdivision applications are supportable. However, the recommended draft Zoning By-law Amendment cannot come into effect until the Warden Woods Community Secondary Plan and Zoning By-law No. 950-2005 are both in force and effect. Prior to the Zoning By-law Amendment being enacted by Council, Stafford Homes should be required to withdraw its appeals of the Secondary Plan and Zoning By-law, and enter into a Section 37 agreement with the City to secure the community benefits identified in this report.

## Contact:

Ruth Lambe, Senior Planner  
Ph: (416) 396-7037  
Fax: (416) 396-4265  
Email: rlambe@toronto.ca

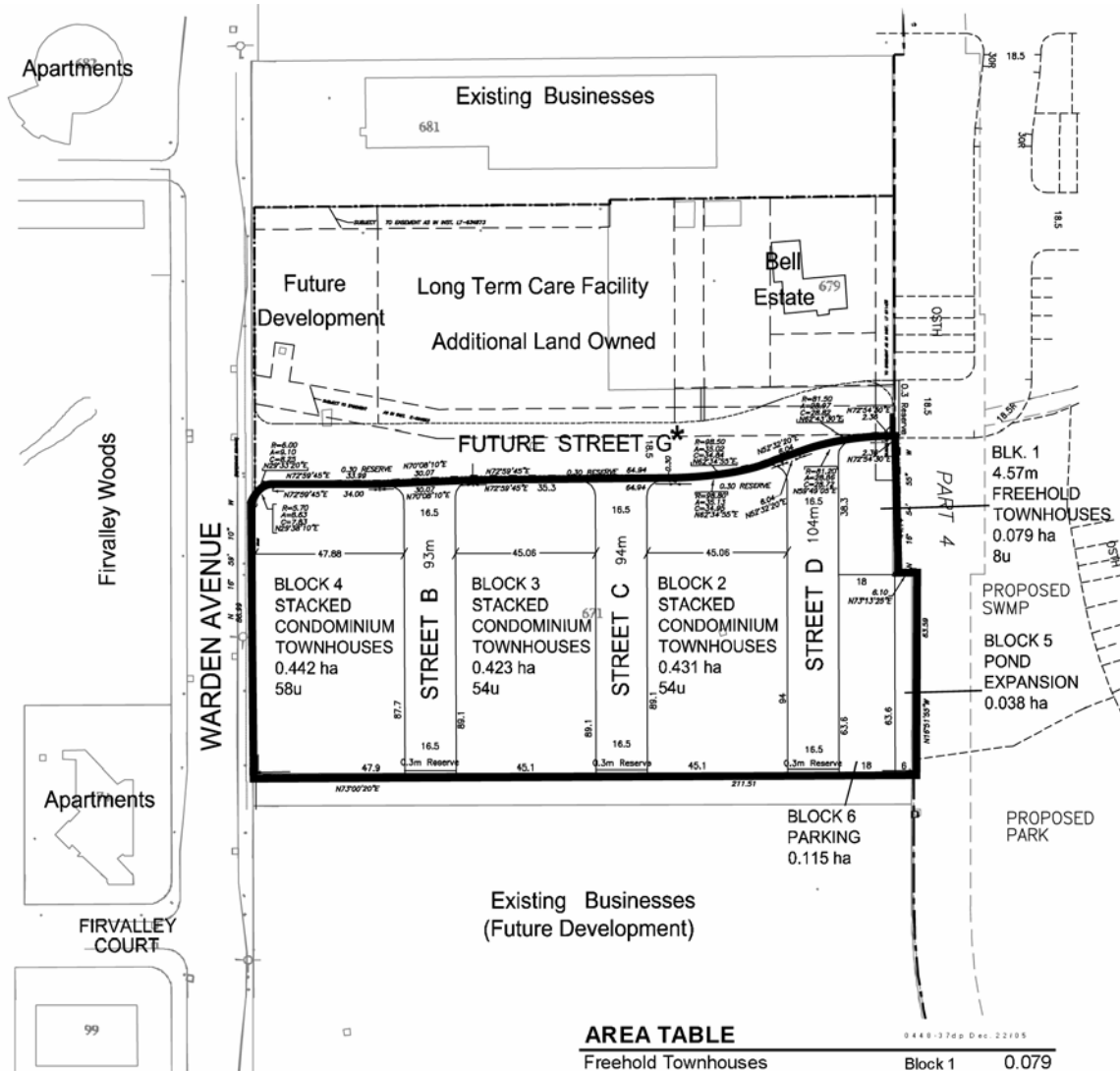
(A copy of Attachments 1 and 3-10, referred to in the foregoing report were forwarded to all Members of Council with the January 17, 2006 agenda of the Scarborough Community Council,

and copies thereof are also on file in the Office of the City Clerk at the Scarborough Civic Centre.)

\_\_\_\_\_

Jason Park, Solicitor, Solicitor, Goodman and Carr, on behalf of the owner applicant, addressed the Community Council in connection with the foregoing matter.

Attachment 2  
Draft Plan of Subdivision



**AREA TABLE**

Freehold Townhouses	Block 1	0.079
Stacked Condominium Townhouses	Blocks 2-4	1.296
Pond Expansion	Block 5	0.038
Parking	Block 6	0.115
16.5m Roads	291m	0.484
<b>TOTAL</b>		<b>2.012 ha</b>

**UNITS**

4.57m Freehold Townhouses	8
Stacked Condominium Townhouses	166
<b>TOTAL</b>	<b>174 units</b>

Draft Plan of Subdivision

671 Warden Avenue

Applicant's Submitted Drawing

Not to Scale  
12/23/05

File # 04-196831 OZ and 05-192790 SB

Attachment 11

Draft Zoning By-law Amendment

Authority: Scarborough Community Council Report No. ~, Clause No. ~,  
as adopted by City of Toronto Council on ~, 2006  
Enacted by Council: ~, 2006

**CITY OF TORONTO**

**Bill No. ~**

**BY-LAW No. ~-2006**

**To amend Zoning By-law No. 950-2005, the Warden Woods Community Zoning By-law, as amended, and the Scarborough Employment Districts Zoning By-law No. 24982 (Oakridge Employment District), as amended, with respect to 671 Warden Avenue**

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

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

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

1. Schedule "A" of the Employment Districts Zoning By-law No. 24982 (Oakridge) is amended by deleting the zoning applying to the lands at 671 Warden Avenue shown outlined on Schedule '1'.
2. Schedule "A" of the Warden Woods Community Zoning By-law No. 950-2005 is further amended by substituting new zoning on the subject lands as shown on Schedule '1' attached hereto and forming part of this By-law, together with the following letters and numerals:

TH – 18 or 19 – 22 – 46 – 63 – 64 – 149 – 160 – 206 – 207

TH – 19 – 22 – 40 – 63 – 64 – 149 – 160 – 206 – 207

TH (H) – 19 – 22 – 40 – 63 – 64 – 149 – 160 – 206 - 207

A – 16 – 83 – 102 – 105 – 150 – 163 – 166 – 202 – 207 – 208 – 209

A – 17 – 102 – 150 – 163 – 202 – 207

O

3. **Clause V – INTERPRETATION, (f) – Definitions** is amended by adding the following definitions:

**Lot Frontage**

shall mean the horizontal distance between **side lot lines** or the projection of the **side**

**lot lines**, measured along a straight line drawn perpendicular to a line joining the midpoints of the **front** and **rear lot lines** at a point equivalent to the minimum front **setback** applying to the **lot**.

4. Schedule "B", **Performance Standards Chart**, is amended by adding the following Performance Standards:

**INTENSITY OF USE**

16. One suite (individual **dwelling unit**) per 78 m<sup>2</sup> of lot area, to a maximum of 30 units.
17. One suite (individual **dwelling unit**) per 78 m<sup>2</sup> of lot area.
18. One **townhouse dwelling** per 4.2 m of **lot frontage** and a minimum **lot** area of 82 m<sup>2</sup> per **dwelling unit**, where also serviced by a rear **lane**;
19. One **townhouse dwelling** per 5.5 m of **lot frontage** and a minimum **lot** area of 99 m<sup>2</sup> per **dwelling unit**.

**REAR YARD SETBACK**

46. For the rear **main wall** of the **dwelling unit**:
- (i) Where serviced by a rear **lane**, a minimum 2.0 metres from a **lane** having a minimum width of 10.5 metres, or in the case of a **lane** having a lesser width, a minimum rear **main wall** setback for the **dwelling unit** of 2.0 metres from the **lane** plus 50% of the **lane** width less than 10.5 metres. Notwithstanding the foregoing, an attached garage incorporating full roof-top balcony amenity space for the occupants (which may include any limited roof-top mechanical equipment serving the **dwelling unit**) may have a minimum setback from such a **lane** of 1.0 metre. The **main wall** projections provisions of **CLAUSE V1 – PROVISIONS FOR ALL ZONES, Section 16, Permitted Encroachments into Required Yards** shall not apply to the rear wall of such attached garage extensions with the exception that roof overhangs (i.e. eaves) may project a maximum of 0.5 metres from the **main wall** of the garage facing the **lane**; or
- (ii) Where there is no rear **lane**, minimum 7.25 m.

**STREET YARD SETBACK**

83. Minimum 3 m and a maximum of 5 m from the **street** line of Warden Avenue, except that the **main wall** behind an exterior balcony may be **setback** a maximum of 7 m from the **street** line. The required minimum and maximum **setbacks** shall be measured to the **street** line of Warden Avenue only, notwithstanding the establishment of any 0.3 m reserve adjacent to the **street**. For all other **street yards**,

minimum 2.0 m except that the **main wall** containing the vehicular access to a garage shall be **setback** a minimum of 3.0 m.

### **BUILDING SETBACK FROM LOT LINES OTHER THAN STREET LINES**

105. Maximum setback of the easterly **main wall** from the **street** line of Warden Avenue: 15 metres.

### **HEIGHT**

149. Maximum 12 m and 3 **storeys**, as measured from the average finished grade along the **main wall** of the **dwelling unit** facing any **street** line.
150. Minimum 4 **storeys** and maximum 8 **storeys** for **apartment buildings**.

### **PARKING**

166. Visitor parking required for an individual **dwelling unit** may be provided in tandem on the driveway leading to the required resident **parking space** serving that **dwelling unit** only. Such additional visitor parking provided for a **dwelling unit** shall not be applied to meet the cumulative visitor parking requirements for other **dwelling units**.

### **MISCELLANEOUS**

206. Notwithstanding **Clause VI – PROVISIONS FOR ALL ZONES, 16 - Permitted Encroachments into Required Yards**, the following projections and their supporting structural members, to the maximum distances shown below and in no case closer than 0.3 m to a street line, shall not be considered part of the **main wall** and may extend into required **front, rear** or **side yards**, including required **main wall** separation distances, except as otherwise specified:

Chimneys, pilasters and projecting columns	0.5 m
Roof overhang, cantilevered elements, Canopies, eaves, porticoes	1 m (rear and side yards) and 0.5 m (front yard)
Balconies, decks and unenclosed porches projecting into a <b>front yard, rear yard</b> or a <b>side yard</b> abutting a <b>street</b> :	1.55 m, except shall not be within 0.3 m of street line
First <b>storey</b> enclosed <b>apartment building</b> entry vestibule within the <b>street yard</b>	

adjacent to Warden Avenue:	2.4 m
Balconies, decks and unenclosed porches projecting into an <b>interior side yard</b> :	0.3 m
Exterior steps:	No Limit
First <b>storey</b> cantilevered bay, bow or dormer windows projecting into a <b>front yard, rear yard</b> or a <b>side yard</b> abutting a <b>street</b> :	1 m, except 0.65 m where the required <b>building</b> setback is 1.5 m or less
Cantilevered bay, bow or dormer windows above first <b>storey</b> :	0.5 m
Decks into a rear yard:	2 m

- 207. A minimum 1.5 m strip of land abutting the **street** line shall only be used for **landscaping**, which includes permitted projections and may include driveways but does not include patios.
- 208. The threshold of building entrances facing Warden shall not be lower than the finished grade of the pedestrian walkway at the **street** line leading to the entrance.
- 209. The **street** yard adjacent to Warden Avenue facing any residential use in the first **storey** shall only be used for **landscaping**, which includes permitted projections but does not include patios.

5. Schedule 'C' of the Warden Woods Community Zoning By-law No. 950-2005, **EXCEPTIONS LIST**, is further amended by adding the following Exception 9:

- 9. On those lands identified as Exception 9 on the accompanying Schedule 'C' map (Schedule '2'), the following provisions shall apply:
  - (a) Matters to be provided pursuant to Section 37 of the *Planning Act*:
    - (i) The owner of the lands at its expense and in accordance with, and subject to, the agreements referred to in Section (ii) herein shall provide the following facilities, services and matters as follows:
      - (1) Financial contribution to the City of Toronto in the amount of \$1,300.00 per **dwelling unit**, for a minimum of 140 units, towards provision of a community centre to serve the Warden Woods Community.

- (2) Arrangements satisfactory to the Manager of Heritage Preservation Services for the commemoration of the former Bell/Donland's/Becker's Dairy.
  - (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*, to secure the facilities, services and matters referred to in Section (1)(a) herein and which shall be registered on title to the lands to which this By-law applies.
6. Schedule 'C' of the Warden Woods Community Zoning By-law 950-2005, **EXCEPTIONS LIST**, is further amended by adding the following Exception 10:
10. On those lands identified as Exception 10 on the accompanying Schedule 'C' map (Schedule '2'), the following provisions shall apply:
- (a) Permitted uses within Area (a) prior to the removal of the Holding Provision (H) from the zoning for the lands shall be restricted to a parking lot as the sole use providing visitor parking required for **dwelling units** in an **apartment building** within Area (b).
  - (b) The Holding Provision (H) shall be removed in whole or in part by amending By-law to enable residential development to proceed when Council, in accordance with the Warden Woods Community Secondary Plan and having regard to established Urban Design Guidelines, is satisfied as to:
    - (i) The owner demonstrating to the satisfaction of the Chief Planner and Executive Director, that sufficient parking will be available to satisfy visitor parking requirements for existing and any future development within Area (b).

ENACTED AND PASSED this ~ day of ~ , A.D. 2006.

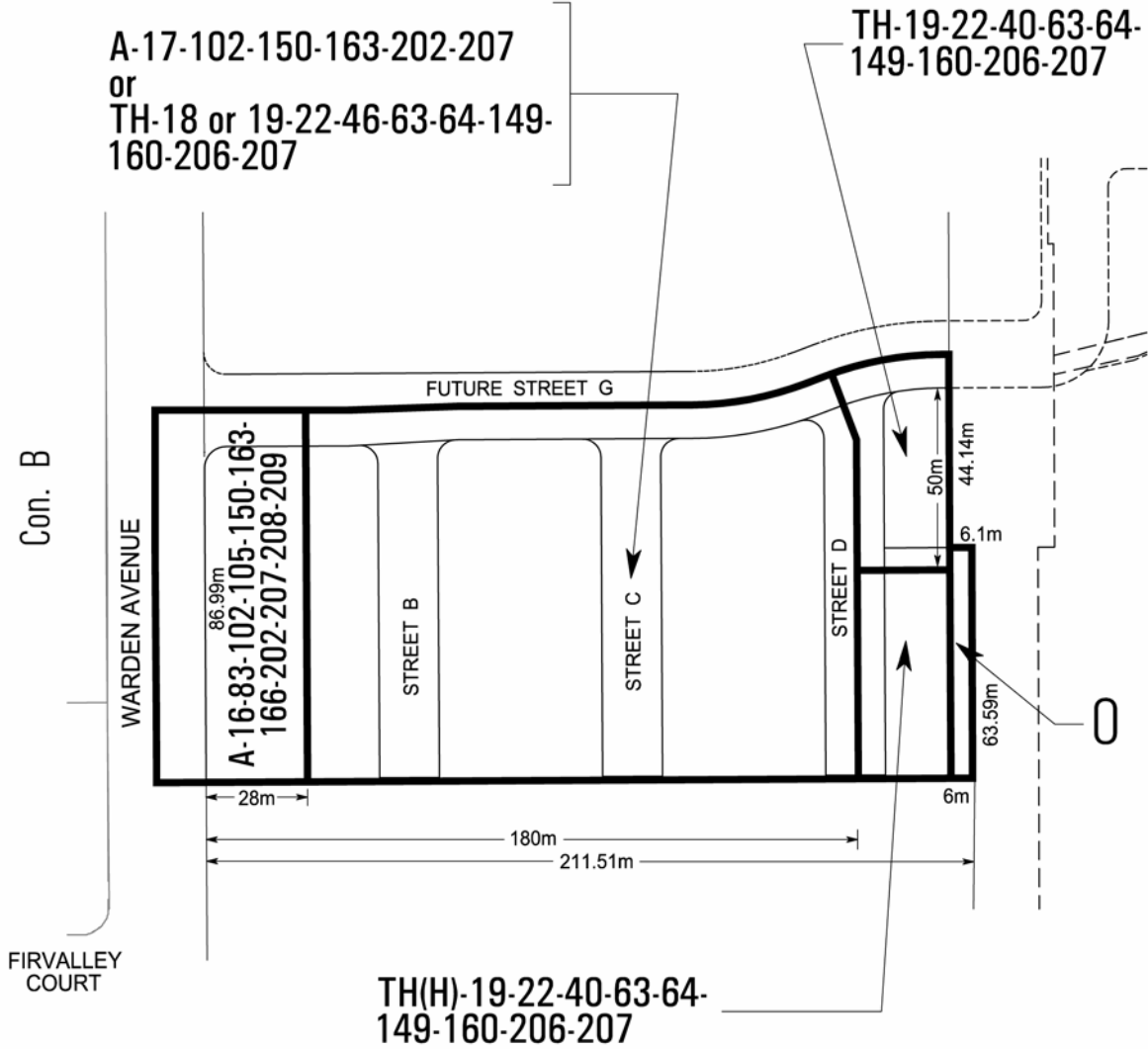
DAVID R. MILLER,  
Mayor

ULLI S. WATKISS  
City Clerk

(Corporate Seal)

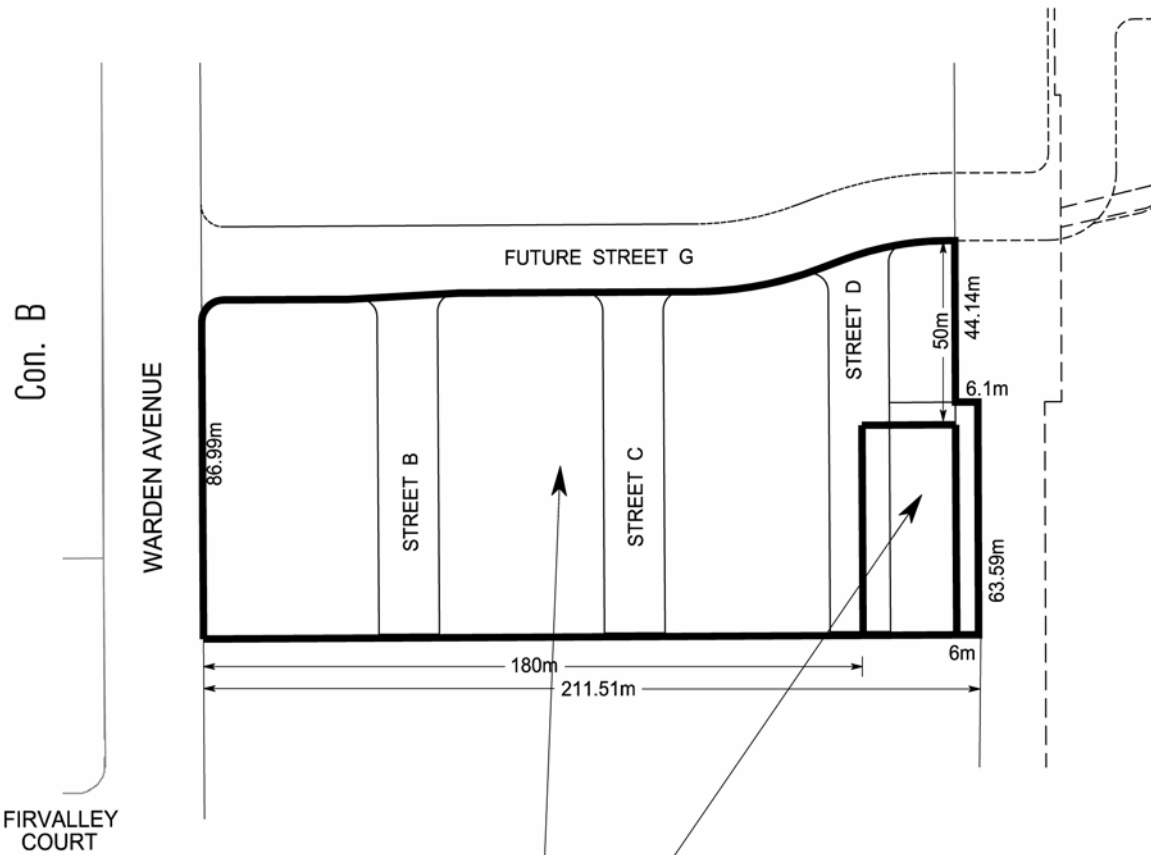
### Schedule '1'

Lot 32



### Schedule '2'

Lot 32



**Exception 9 and 10(b)**  
**Exception 9 and 10(a)**



**Zoning By-Law Amendment**

671 Warden Avenue

File # 04-196831 OZ and 05-192790 SB



Area Affected By This By-Law

Golden Mile Employment District By-law  
Not to Scale  
01/03/06



Attachment 12

Conditions of Draft Plan of Subdivision Approval

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

**January 4, 2006**

**SUBDIVISION APPLICATION 05 192790 ESC 35 SB  
DRAFT PLAN OF SUBDIVISION PREPARED BY BOUSFIELDS INC.  
DRAWING NO. 0448-41dp, DATED DECEMBER 23, 2005**

**671 WARDEN AVENUE  
PART OF LOT 32, CONCESSION B  
CITY OF TORONTO (FORMER CITY OF SCARBOROUGH)  
STAFFORD HOMES LTD.**

---

Subdivision Agreement

1. The Owner shall enter into a Subdivision Agreement in a form and content satisfactory to the City of Toronto. The Owner shall forward the executed Subdivision Agreement to the Toronto and Region Conservation Authority, the Toronto District School Board, the Toronto Catholic District School Board, and the Toronto Transit Commission for reference and information.

Section 37

2. Prior to registration of the plan of subdivision, the Owner shall enter into a Section 37 Agreement with the City of Toronto. Final registration of the plan of subdivision shall not be permitted until the Owner has executed said Agreement, subsequently registered to the satisfaction of the City Solicitor.

Zoning

3. Prior to the registration of the plan of subdivision, the subject land is to be zoned in accordance with the uses proposed on the draft plan to the satisfaction of the Chief Planner and Executive Director.

Tax Payment

4. Prior to the registration of the plan of subdivision, the Owner shall pay the City in full all taxes on all lands included in the said plan of subdivision for the current taxation year, which taxes shall be estimated by the City, if required and where such taxes have been estimated, they shall be subject to readjustment upon final determination thereof.

Easement Requirements

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

Surveys, Mapping, Road Widening, Street Tree Planning, Upgraded Lighting, Etc.

6. Prior to the registration of the plan of subdivision, the Owner shall agree to pay the cost of all geodetic surveys, aerial mapping, conveyance of road widenings, street tree planting, boulevard plantings, upgraded street lighting and fire hydrant maintenance within the plan of subdivision satisfactory to the Executive Director, Technical Services.

Intersection and/or Road Improvements

7. Prior to the registration of the plan of subdivision, the Owner shall make satisfactory arrangements with the City of Toronto regarding intersection and/or road improvements as deemed necessary by the Executive Director, Technical Services to service the plan of subdivision.

Transportation Related Red-line Changes

8. Prior to the registration of the plan of subdivision, the Owner shall make any necessary red-line changes to the plan of subdivision regarding rights-of-way, 0.3 metre (1 foot) reserves, corner roundings, sight lines and these shall be provided satisfactory to the Executive Director, Technical Services.

Preparation of Final Plan of Subdivision

9. The Owner shall prepare the final plan of subdivision in metric units related to the Ontario Co-ordinate System and shall submit a digital copy of the plan to the Executive Director, Technical Services.

Construction of Right-of-Ways

10. Prior to the registration of the plan of subdivision, the Owner shall agree to construct and dedicate as public right-of-ways, at no cost to the City, Streets B, C and D to the satisfaction of the Executive Director, Technical Services as follows:

- (a) Streets B, C and D shall be constructed within 16.5 metre road allowances.

Connector Road OR Temporary Turning Circles

11. Prior to the registration of the plan of subdivision, the Owner shall provide and construct temporary turning circles with a curb radius of 9.5 metres and a street line radius of 15 metres at the southerly limits of Street B, Street C and Street D to the satisfaction of the Executive Director, Technical Services, OR provide and construct temporary road

connections between Street B and Street C and Street D to the satisfaction of the Executive Director, Technical Services. This latter option may consist of a 16.5 metre road allowance with an 8.0 metre pavement width or such other dimensions as may be acceptable to the Executive Director, Technical Services. When no longer required, the temporary road allowance will be reconveyed to the Owner for a nominal sum.

#### Deferred Development – Temporary Turning Circles

12. In the event the Owner elects to provide and construct temporary turning circles, the Owner shall agree to defer residential development on portions of Blocks 2, 3 and 4 (all inclusive) until the Owner has demonstrated to the satisfaction of the Executive Director, Technical Services, in consultation with the Chief Planner and Executive Director, that planned future road connections to the south have been secured and that any temporary turning circle easements on the subject lands can be accommodated or are no longer required.

#### Functional Access Plan – Lot 9 and Lot 10

13. Prior to the registration of the plan of subdivision, the Owner shall make satisfactory arrangements with the Executive Director, Technical Services regarding the submission of a functional access plan illustrating access to Lot 9 and Lot 10 to the satisfaction of the Executive Director, Technical Services.

#### Warning Clause – Windrow and Sidewalk Snow Clearing

14. 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 registered on title to the satisfaction of the City Solicitor:

“Purchasers are advised that private driveway windrow clearing and sidewalk snow clearing will not be provided by the City for streets with less than 18.5 metre rights-of-way and/or with sidewalks adjacent to the curb.”

#### Warning Clause – Solicitor Confirmation – Windrow and Sidewalk Snow Clearing

15. Prior to final registration of the plan of subdivision, the Owner agrees to provide its Solicitor’s confirmation to the City advising that the clauses set out above have been included in applicable Offers of Purchase and Sale and/or Rental Agreements to ensure that future occupants are aware of the City’s snow clearing practices.

#### Naming of Streets

16. Prior to the registration of the plan of subdivision, the Owner shall agree to name road allowances to the satisfaction of the Executive Director, Technical Services.

#### Street Lighting

17. The Owner shall agree to provide upgraded street lighting, at no cost to the City, within the plan of subdivision and external to the plan of subdivision including street lighting along Warden Avenue, should adjustments be required along Warden Avenue. Such street lighting shall be installed prior to occupancy to the satisfaction of the Executive Director, Technical Services, in consultation with the Chief Planner and Executive Director.

#### Driveways

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

#### Sidewalks

19. The Owner shall agree to provide municipal concrete sidewalks from within the boundaries of the plan of subdivision along Streets B, C and D and along the east side of Warden Avenue, and shall be completed prior to occupancy of any dwellings, to the satisfaction of the Executive Director, Technical Services.

#### Southbound Turn Lane on Warden Avenue – Functional Drawing

20. Prior to the registration of the plan of subdivision, the Owner shall provide a detailed functional drawing of the required southbound left turn lane on Warden Avenue at the proposed new public road, immediately north of the subject property to the satisfaction of the Executive Director, Technical Services. The aforementioned south bound left turn lane shall provide a minimum storage length of 25 metres with a minimum taper of 50 metres.

#### Southbound Turn Lane on Warden Avenue – Costs of Installation

21. The Owner shall agree to pay for and install the south bound 3.5 metre left turn lane on Warden Avenue at the proposed new public road immediately north of the subject property to the satisfaction of the Executive Director, Technical Services.

#### Pavement Marking Plan

22. Prior to the registration of the plan of subdivision, the Owner shall pay for and provide a detailed pavement-marking plan to the satisfaction of the Executive Director, Technical Services.

### Corner Roundings

23. The Owner shall convey 6 metre corner roundings (street line radius) on both sides of Street A intersecting Warden Avenue and a 5 metre corner rounding (street line radius) at all internal intersections of streets to the satisfaction of the Executive Director, Technical Services.

### Future Street G – Immediately North of Property

24. Prior to the registration of the plan of subdivision, the Owner shall construct, service and convey an 18.5 metre municipal right-of-way (illustrated as Street G and as shown outside the northern limits of the plan of subdivision) for the purposes of access to the subject property in accordance to the executed and registered Development Agreement as authorized by City Council (Scarborough Community Council, Report 2, Clause 1 considered on February 16, 2005). Such right-of-way shall be constructed, serviced and conveyed to the satisfaction of the Executive Director, Technical Services.

### Warning Clause – Parking For Single-Family, Semi-Detached and Non-Lane Townhouse Units

25. Prior to the registration of the plan of subdivision, the Owner shall include in all offers of purchase and sale agreements and/or lease agreements for all dwelling units, the following warning clause:

“Warning: Purchasers are advised that the City of Toronto Zoning By-law for these lands requires parking to be provided at a rate of 1.0 space per dwelling unit and that all units have at least one space in a garage which meets these requirements. In addition to the Zoning By-law requirements, the Owner has provided hard surfaces, where applicable, which may be partially located within the City owned right-of-way leading to the parking space within the garage. The purchaser is further advised that any modification to the driveway or to the adjacent landscaping located within the City’s right-of-way is subject to the approval of the City of Toronto.”

### Warning Clause – Solicitor Confirmation – Parking For Single-Family, Semi-Detached and Non-Lane Townhouse Units

26. Prior to final registration of the plan of subdivision, the Owner agrees to provide its Solicitor’s confirmation to the City advising that the clauses set out above have been included in applicable offers of purchase and sale and/or lease agreements to ensure that future occupants are aware of the parking restrictions on these lands.

### Block 6 (Parking)

27. Prior to the registration of the plan of subdivision, the Owner agrees to either convey Block 6 (Parking), at no cost, to the Toronto Parking Authority as a parking lot OR agree that Block 6 (Parking) shall be subject of a future plan of condominium application incorporating Block 6 and nearby residential development and that Block 6 is to be used as a parking lot to meet the parking needs of the overall residential condominium

development. In the event that the Chief Planner and Executive Director determines that parking on Block 6 is not required, Block 6 may be developed for residential purposes, subject to lifting of holding provisions in the zoning by-law.

#### Stage II Storm Water Management Plan

28. Prior to the registration of the plan of subdivision and in conjunction with engineering drawing approvals, the Owner is required to submit a Stage II Stormwater Management Report with the first submission of engineering drawings addressing how storm water quality and quantity targets will be met to the satisfaction of the Executive Director, Technical Services in consultation with the Toronto and Region Conservation Authority.

#### Servicing

29. Prior to the earlier of the release for construction of services or registration of the plan of subdivision, the Owner shall construct all necessary watermain, storm and sewer service improvements necessary to service the plan of subdivision to the satisfaction of the Executive Director, Technical Services.

#### Quit Claim Easement Requirement

30. Prior to the registration of the plan of subdivision, the Owner shall make satisfactory arrangements to quit claim portions of a storm water sewer easement, registered as Instrument Number LT 611436, in favour of the City of Toronto. The portions of the easement are on Parts 18, 19, 20, 26, 27, 28, 29, 30, 33, 34 & 35 of Registered Plan 66R-21877. Such arrangements, financial and otherwise to quit claim portions of this easement shall be to the satisfaction of the Executive Director, Technical Services.

#### Block 5 (Storm Water Management Pond Expansion) – Conveyance Requirement

31. The Owner shall agree to convey Block 5 (Storm Water Management Pond) to the City of Toronto at such time as is satisfactory to the Executive Director, Technical Services.

#### Block 5 (Storm Water Management Pond Expansion) – Conveyance Costs

32. The Owner shall pay for the costs of the conveyance of Block 5 (Storm Water Pond Expansion) including any Land Transfer Tax and the preparation and registration of all relevant documents to the satisfaction of the City Solicitor.

#### Block 5 (Storm Water Pond Expansion) – Landscape Plan

33. Prior to the registration of the plan of subdivision and in conjunction with engineering drawing approvals, the Owner must submit a Landscape Plan for Block 5 (Storm Water Pond Expansion) all to the satisfaction of the Executive Director, Technical Services, the Toronto Region Conservation Authority and the General Manager of Parks, Forestry and Recreation.

### Block 5 (Storm Water Pond Expansion) – Implementation of Landscape Plan

34. The Owner shall agree to implement the approved Landscape Plan for Block 5 (Storm Water Pond Expansion) to the satisfaction of the Executive Director, Technical Services, the Toronto Region Conservation Authority and the General Manager of Parks, Forestry and Recreation.

### Record of Site Condition and Remedial Action Plan

35. The Owner shall agree that, prior to the earlier of the release for construction of services or registration of the plan of subdivision, the Owner shall undertake to complete any necessary remediation work in accordance with an accepted Remedial Action Plan and to provide to the City a Record of Site Condition (RSC) satisfactory to the Ministry of the Environment.

### Environmental Site Assessment – Lands to Be Conveyed

36. Prior to the earlier of the release for construction of services or registration of the plan of subdivision, the Owner agrees to submit Environmental Assessment Reports and a Remedial Action Plan to the City, and further receive the City's peer review concurrence pertaining to all lands conveyed to the City, in fee simple and as easement interest both internal and external to the subdivision lands, all to the satisfaction of the Executive Director, Technical Services. The costs of the peer review shall be borne by the Owner.

### Hydroelectric

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

### Telecommunications

38. Prior to the registration of the plan of subdivision, the Owner shall make satisfactory arrangements, financial and otherwise with Bell Canada or any other telecommunications provider all to the satisfaction of the Executive Director, Technical Services. The Owner shall agree in the Subdivision Agreement to grant Bell Canada any easements that may be required for telecommunications services. Easements may be required subject to final servicing decisions. In the event of any conflict with existing Bell Canada facilities or easements, the Owner shall be responsible for the relocation of such facilities or easements.

### Gas - Arrangements

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

### Gas - Grading

40. Prior to the registration of the plan of subdivision, the Owner shall agree to grade all streets to final elevation approved by the City prior to the installation of the gas lines and to provide the necessary field information required for the installation of the gas lines, all to the satisfaction of Enbridge Gas Distribution or such other gas provider.

### Gas - Installation

41. The Owner shall agree that all of the natural gas distribution systems will be installed within the proposed road allowance to the satisfaction of Enbridge Gas Distribution or such other gas provider.

### School Board - Signs

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

The Toronto District School Board sign shall advise that:

“The Toronto District School Board makes every effort to accommodate students locally. However, due to residential growth, sufficient accommodation may not be available in this area for all students. Students may be accommodated in facilities outside the area

until adequate funding or space becomes available. For information regarding designated school(s), please call (416) 394-7526.”

The Toronto Catholic School Board sign shall advise that:

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

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

#### Warning Clause – School Accommodation

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

“Despite the best efforts of the Toronto District School Board, sufficient accommodation may not be locally available for all students anticipated from the development area and that students may be accommodated in facilities outside the area, and further, that students may later be transferred; and Purchasers agree for the purpose of transportation to school, if bussing is provided by the Toronto District School Board in accordance with the Board’s policy, that students will not be bussed home to school, but will meet the bus at designated locations in or outside of the area.”

and

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

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

#### Parkland Dedication - Conveyance

44. The City acknowledges and agrees that the 1.21 ha park dedication at 350 Danforth Road, identified as Block 138 (Park) as shown on the draft plan of subdivision referenced as No. 0265-1-25dp, prepared by Bousfields Inc., revised dated June 6, 2005, is in fulfilment of the alternative parkland dedication rate of 0.4 ha per 300 units for 671 Warden Avenue. The Owner acknowledges and agrees that if the above noted park dedication has not been conveyed to the City prior to the registration of the draft plan of subdivision for 671 Warden Avenue, the Owner will provide the City with a cash in lieu of parkland

payment in the form of a letter of credit, equal to an alternative parkland dedication rate of 0.4 ha per 300 units at 671 Warden Avenue, prior to the registration of the draft plan of subdivision for 671 Warden Avenue.

#### Parkland Dedication – Cash-in-Lieu

45. In the event future modifications to the plan of subdivision for 671 Warden Avenue results in a shortfall to the consolidated parkland dedication requirement with 350 Danforth Road and 651 Warden Avenue, the Owner agrees that such shortfall will be achieved through a cash-in-lieu of parkland dedication payment to the City, payable prior to the registration of the plan of subdivision.

#### Parkland Dedication – Cost Sharing Agreement

46. Prior to the registration of the plan of subdivision, the Owner agrees to provide the City with assurances that satisfactory arrangements have been established between the Owners of 651 Warden Avenue, 671 Warden Avenue and 350 Danforth Road regarding cost sharing, the development of the parkland dedication to base park condition and the above base park improvements. Such assurances shall be provided by the Owner's solicitor to the satisfaction of the General Manager, Parks, Forestry and Recreation.

#### Base Park Improvements – Letter of Credit

47. Prior to the registration of the plan of subdivision, a letter of credit representing the base park improvements in its entirety through the subdivision agreement for 350 Danforth Road. The letter of credit shall be secured to the satisfaction of the General Manager, Parks, Forestry and Recreation. The Owners are asked to clarify any cost sharing arrangements with the Owners of 350 Danforth Road and 651 Warden Avenue, prior to the registration of the draft plan of subdivision for 671 Warden Avenue.

#### Base Park Improvements – Development Charges

48. Prior to the registration of the plan of subdivision, the Owner's total obligation with respect to the design and installation of the Parkland Improvements will not exceed the aggregate amount of the Park Development Portion (5.34%) of the Development Charges for all dwellings in the 671 Warden Avenue subdivision.

#### Park Development Component of Development Charges – Letter of Credit

49. Prior to the registration of the plan of subdivision, the Owner agrees to provide a Letter of Credit equal to 120% the value of the Parks and Recreation Service (Park Development Portion, 5.34%) component of the development charges for the improvements above and beyond Base Park development. The Owner shall receive a credit against the Parks and Recreation Service (Park Development Portion, 5.34%) component of the development charges for the cost of the parkland improvements provided over and above the Base Park Improvements.

#### Park Development Funding

50. Prior to the registration of the plan of subdivision, the Owner shall acknowledge and agree, to the satisfaction of the General Manager, Parks, Recreation and Forestry that should additional funding for the park development be made available through abutting developments, at the City's discretion; the Owner will incorporate these funds into Above Base Improvements on Block 138 – 350 Danforth Road (Park).

#### Certification of Completion of Parkland Development

51. At the time the parkland has been developed, all liens have been cleared and the City is ready to assume the park block, the Owner will provide certification from their landscape architect that all work has been completed as per the approved plans. At that time, the submitted letters of credit for park improvements will be released, subject to the satisfaction of the General Manager of Parks, Forestry and Recreation save and except for 20 percent, which will be held for two years as a performance guarantee after the park block has been assumed by the City.

#### Completion of Parkland Development

52. The Owner shall endeavour to complete development of the parkland on or about the date of occupancy of the dwelling units closest to the parkland (Block 138 – 350 Danforth Road). But in any event, the parkland must be complete and delivered to the City no later than 1 year after the date of issuance of any occupancy permit for any dwelling on the plan of subdivision or at the discretion of the General Manager, Parks, Forestry and Recreation.

#### Park – Prohibition on Stockpiling

53. Prior to the registration of the plan of subdivision, the Owner acknowledges and agrees that stockpiling of any soils or materials on Block 138 – 350 Danforth Road (Park) as shown on the draft plan of subdivision referenced as 0265-1-25dp, prepared by Bousfields In., revise dated June 6, 2005 is prohibited, unless otherwise authorized by the General Manager of Parks, Forestry and Recreation.

#### Warning Clause – Winter Maintenance of Public Lands

54. Prior to the registration of the plan of subdivision, the Owner agrees to include in all Offers of purchase and sale and/or Rental Agreements for the development will include clauses, to the satisfaction of the General Manager of Parks, Forestry and Recreation clauses advising that the City will not be responsible for any winter maintenance walkways in the adjacent storm water management pond lands, parkland or open space owned by the City.

#### Warning Clause – Solicitor Confirmation – Winter Maintenance of Public Lands

55. Prior to formal acceptance by the City, the Owner agrees to provide its Solicitor's confirmation to the City advising that the clauses set out above have been included in applicable offers of purchase and sale and/or rental agreements to ensure that future occupants are aware of the winter maintenance restriction.

#### Letters of Credit – Terms and Conditions

56. Prior to the registration of the plan of subdivision, all Letters of Credit to be held by the Parks, Forestry and Recreation division that are to be provided by the Owner, unless determined otherwise by the General Manager, Parks, Forestry & Recreation, are intended to be in current dollars and, accordingly, shall be adjusted, either upwards or downwards, annually on the anniversary of the date of execution of the associated subdivision agreement, in accordance with the change in the Statistics Canada Quarterly, Capital Expenditure Price Statistics during such one year period. Provided, however, that in no case shall the amount actually payable by the Owner at any time be less than the minimal amount set out in that agreement.

#### Tree Replacement Plan

57. Prior to the registration of the plan of subdivision, the Owner agrees to submit a tree replacement plan to the satisfaction of the General Manager of Parks, Forestry and Recreation.

#### Tree Removal Requirements

58. Prior to the release of tree removal permits, the owner agrees to pay the required permit fees, and to provide 70 mm diameter caliper replacement trees for removed trees that are subject to the City's Private Tree By-law and associated regulations in effect on the date of Draft Approval of the Plan of Subdivision. Replacement trees will be planted on site in accordance with Urban Forestry Services requirements, or may be planted off-site if it is determined that a suitable location on site cannot be provided, all to the satisfaction of the General Manager, Parks, Forestry and Recreation.

#### Tree Planting on Private Property – Notification to City

59. The Owner shall agree in the subdivision agreement, to the satisfaction of the General Manager, Parks, Forestry and Recreation, to contact Urban Forestry Services 48 hours prior to the planting of trees on private property or within common areas, and further agrees to plant the trees in accordance with the approved planting plans.

#### Tree Protection in Accordance with Arborist Report and Tree Preservation Plan

60. Prior to 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.

#### Tree Protection Barriers and Signage

61. Prior to any site work, the Owner agrees to install tree protection barriers and signage 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 of Parks, Forestry and Recreation.

#### Notification of Tree Protection Requirements

62. 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 of Parks, Forestry and Recreation.

#### Composite Utility Plan

63. Prior to registration of the draft plan of subdivision, the Owner shall prepare a composite utility plan, prepared by a licensed municipal servicing engineer, who shall co-ordinate, on behalf of the City and to City standards, all utility company installation proposals within the public right-of-ways. This same consulting engineer shall provide a composite utility plan, indicating the utility company's installations of services within the municipal road allowances created and/or extended to services this development. Such plan shall be prepared to the satisfaction of the Executive Director, Technical Services.

#### Street Tree Planting Plan

64. The Owner shall provide a street tree planting plan, in conjunction with a composite utility plan that indicates the species, size, and location of all proposed boulevard trees, as these relate to the location of any roads, sidewalks, driveways, street lines and utilities. The street tree planting plan shall be satisfactory to the Executive Director, Technical Services and the General Manager, Parks, Forestry and Recreation.

#### Street Tree – Letter of Credit

65. The Owner shall post a Letter of Credit as security for the installation of the street trees equal to 120 percent of the value of the street trees to the satisfaction of the General Manager, Parks, Forestry and Recreation.

#### Street Tree Planting Requirements

66. The Owner shall plant the street tree plantings as per the approved planting plan and composite utility plan to the satisfaction of the General Manager, 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 renewable

guarantee period and if the trees are in good condition, the City will release the letter of credit guaranteeing the street tree planting following an inspection involving the Owner, the company responsible for the planting and a City forestry representative.

#### Warning Clause – Street Tree Planting

67. The Owner shall ensure that there shall be no wording in any agreement of purchase and sale that states that there will be one street tree per lot, or words that are likely to create the expectation that a purchaser will receive a tree in front of their property to the satisfaction of the General Manager, Parks, Forestry and Recreation.

#### Warning Clause – Solicitor Confirmation – Street Tree Planting

68. Prior to final registration of the plan of subdivision, the Owner agrees to provide its Solicitor's confirmation to the City advising that the clauses set out above have been included in applicable Offers of Purchase and Sale and/or Rental Agreements to ensure that future occupants are aware of that they may not receive a street tree in front of their property.

#### Tree Planting Strategy Information Booklet

69. Prior to the registration of the plan of subdivision, the Owner shall prepare an information booklet outlining the tree planting strategy within the community and the ongoing responsibilities of the homeowners and the City in order to achieve a successful urban tree plantings within the community. This booklet will be prepared to the satisfaction of the General Manager, Parks, Forestry and Recreation and will be distributed, prior to closings, for all homeowners of dwellings on Lots 1 to 15 (all inclusive) and for all homeowners of dwellings within Blocks 16 to 4 (all inclusive).

#### Conveyance of Land to City of Toronto

70. The Owner shall ensure that land to be conveyed to the City of Toronto shall be free and clear, above and below grade, of all easements, encumbrances and encroachments except those existing already on the lands that are for the benefit of the City of Toronto or those required by the City of Toronto as part a result of this plan of subdivision.

#### Fencing Plan

71. Prior to the registration of the plan of subdivision, the Owner shall prepare a detailed fencing plan and to install any required privacy or decorative fencing to the satisfaction of the Chief Planner and Executive Director.

### Fencing Plan – Letter of Credit

72. 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 privacy or decorative fencing equal to 120 percent of the value of the fencing to the satisfaction of the Chief Planner and Executive Director.

### Archaeological Assessment

73. Prior to the registration of the plan of subdivision, the Owner shall obtain approval from the Ministry of Culture of an archaeological assessment for lands within the draft plan of subdivision and mitigate, through preservation or resource removal and documentation, adverse impacts on any significant archaeological resources found. Without prior written approval of the Executive Director, Technical Services, no grading or other soil disturbances shall take place within the limits draft plan of subdivision, other than works associated with the completion of the archaeological assessment, until the City of Toronto and the Ministry of Culture confirm that all archaeological resource concerns have been identified and appropriate licensing and resource conservation requirements have been established.

### Other City Requirements

74. The Owner acknowledges and agrees to complete or comply with any other requirements by the City acting reasonably that result from the City's examination and review of all requisite plans, drawings, reports, and submissions required by the City to facilitate the development.

### Upgraded Lighting and Appurtenances

75. Prior to the registration of the plan of subdivision, the Owner shall agree to provide upgraded street lighting and appurtenances in accordance with the approved street lighting plan to the satisfaction of the Executive Director, Technical Services and the Chief Planner and Executive Director.

### Noise and Vibration Study

76. Prior to registration of the plan of subdivision, the Owner shall submit a noise and vibration study prepared by a certified acoustical engineer to the satisfaction of the Chief Planner and Executive Director.

### Implementation of Noise and Vibration Study Requirements

77. The Owner shall agree in the subdivision agreement to implement and bear all costs associated with the recommendations including, but not limited to, the construction and installation of all berms, acoustic fences, at-source mitigation measures (on-site and off-site) and registration of appropriate warning clauses of the noise and vibration study required and accepted by the Chief Planner and Executive Director.

#### Noise and Vibration Mitigation – Letter of Credit

78. 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, acoustic fences, at-source mitigation measures (on-site and off-site) for 120 percent of the value of such items to the satisfaction of the Chief Planner and Executive Director.

#### Location of Noise Attenuation Requirements on Tree Planting and Landscape Plans

79. Prior to the registration of the plan of subdivision, the Owner agrees to illustrate the location of any sound barrier/noise attenuation fence on all tree planting and tree preservation/protection plans and landscape plans, to the satisfaction of the Chief Planner and Executive Director and the Executive Director, Technical Services.

#### Demolition of Buildings and Structures

80. Prior to the registration of the plan of subdivision, the Owner shall demolish any existing buildings and structures to the satisfaction of the Executive Director, Technical Services and the Chief Building Official.

#### Warden Woods Urban Design Guidelines and Master Plan

81. Prior to the registration of the plan of subdivision, the Owner shall covenant and agree in the subdivision agreement to implement the Warden Woods Urban Design Guidelines and Master Plan, prepared by the City of Toronto, City Planning, Urban Design.

#### Site Plan Control

82. Prior to the registration of the plan of subdivision, the Owner shall acknowledge that the property is under site plan control and that the City will require future site plan control applications for all proposed developments within the boundaries of the plan of subdivision.

#### Model Homes

83. Prior to the registration of the plan of subdivision, the Owner may be permitted to construct model homes, to the satisfaction of the Chief Planner and Executive Director provided that the Owner agrees to enter into a Model Home Agreement to secure the following, amongst other matters:
- (a) ensures that financial security and insurance have been posted with the City to the satisfaction of the City Solicitor;
  - (b) agrees to provide a letter of credit (which amount to be determined to the satisfaction of the City Solicitor) for each model home proposed to be held as a

security for the costs of demolition and removal of the model home(s) and to rectify any unsafe site conditions and non-compliance with zoning and;

- (c) agrees to assume all risks as a result of construction of the model home(s) prior to registration of the plan of subdivision.

#### Modifications to Draft Plan of Subdivision

84. Prior to the registration of the plan of subdivision, the Owner shall be required to modify the draft plan of subdivision as follows:

- (a) the provision and construction of a 16.5 metre road allowance with an 8.0 metre pavement width connecting Street B and Street C and Street D to the satisfaction of the Executive Director, Technical Services

OR

- (b) the provision and construct temporary turning circles with a curb radius of 9.5 metres and a street line radius of 15 metres at the southerly limits of Street B, Street C and Street D.

#### NOTES:

1. Draft approval of this subdivision is in effect for a period of 5 years from the date draft approval was issued. At its direction, the City, may after the 5 years have lapsed, elect to modify some or all of the conditions of draft approval or revoke the draft approval.
2. Where any provision of these draft plan of subdivision conditions of approval makes reference to the Owner, it is understood that any rights and/or obligations accruing to the Owner are attributable to its successors and assigns.
3. Where any provision of these 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 December 23, 2005 being drawing No. 0448-41dp.
4. 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 this agreement, those parties agree to pursue the resolution of such condition or work in a timely, reasonable and cooperative manner.

