

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

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Final Report
Rezoning Application 04 175530 ESC 35 OZ
Draft Plan of Subdivision Application 04 175559 ESC 35 SB
Mattamy (Warden) Limited (Architect: Quadra Design Studios Inc.)
725 Warden Avenue - Golden Mile 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:

- (1) adopt the staff recommendations in the Recommendations Section of the report (January 4, 2006) from the Director, Community Planning, Scarborough District, subject to adding the following new Recommendation (5):
 - “(5) that City Council determine that any cash-in-lieu of parkland amount payable with respect to this development (in excess of 5 percent of the site area) be allocated to park improvements or acquisition within the Warden Woods Community or the Danforth Gardens Park, to be determined at the direction of the General Manager, Parks, Forestry and Recreation in consultation with the local Councillor, in accordance with the alternative parkland policies of the Toronto Official Plan.”;
- (2) request the Executive Director, Technical Services, to consider naming the streets within this subdivision in honour of local war veterans who gave their lives in the line of duty; and
- (3) request the Chief Planner and Executive Director, City Planning, in consultation with the City Solicitor, to ensure that the warning clauses on offers to purchase and on title with respect to proximity of industrial uses be amended to include reference to the fact that the existing industrial uses may have rights under the current zoning to expand or change in the future.

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 approval of a Draft Plan of Subdivision for residential development at 725 Warden Avenue with a total of 617 dwelling units comprised of 246 apartment units, 321 townhouse units, and 50 semi-detached dwellings.

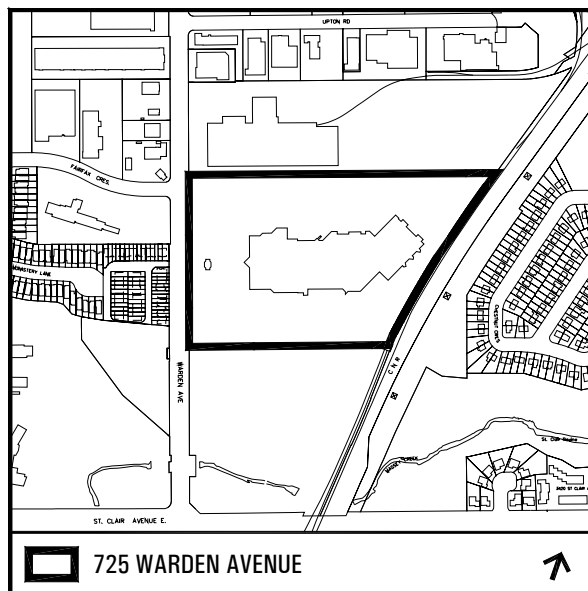
Financial Implications and Impact Statement:

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 No. 24982, substantially in accordance with the draft Zoning By-law Amendment attached as Attachment 16;
- (2) authorize the City Solicitor to make such stylistic and technical changes to the draft Zoning By-law Amendment as may be required, including confirmation of, and necessary adjustments to, the limits of the lands subject to holding provisions in proximity to the TTC subway alignment, in consultation with the TTC and the Executive Director of Technical Services;
- (3) before introducing the necessary Zoning By-law Amendment to City Council for enactment, require the owner to:
 - (i) enter into an agreement, pursuant to Section 37 of the Planning Act securing:
 - (a) 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 617 units), to be used as a contribution towards a community centre to serve the Warden Woods Community;
 - (b) 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%);



- (c) construction of Street Z to provide access to the development lands and the proposed park and community centre, to be constructed on the City lands south of 725 Warden Avenue; and
 - (d) the design and construction of a pedestrian walkway from 725 Warden Avenue to General Brock Public School; and
- (ii) 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
 - (iii) submit correspondence from the owner's solicitor, satisfactory to the City Solicitor, indicating that the appeal of the new Toronto Official Plan, as it affects the subject lands, will be settled upon modifications to the new Toronto Official Plan to reflect the designations in the Warden Woods Community Secondary Plan, and the Zoning By-law Amendment, coming into full force and effect; 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:
- (i) the conditions as generally listed in Attachment 17, which except as otherwise noted must be fulfilled prior to the release of the plan of subdivision for registration of any phase thereof;
 - (ii) such revisions to the proposed subdivision plan or such additional or modified conditions as the Chief Planner may deem to be appropriate to address matters arising from the on-going technical review of this development; and
 - (iii) 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 No. 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 Mattamy Homes and others), and, therefore is not in effect. OPA No. 1145 is described later in this report. Mattamy's individual Official Plan Amendment application has, in effect, been incorporated in OPA No. 1145, and the Mattamy rezoning application can be dealt with within the policy context established by OPA No. 1145.

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 former Warden Power Centre shopping centre with 617 residential units including 246 condominium apartments in four 5-storey buildings on the Warden Avenue frontage, as well as 114 condominium back-to-back townhouses, 207 freehold townhouses (comprised of 94 back-to-back units and 113 front garage units), and 50 semi-detached dwellings, all 3-storeys in height. A public park of 0.74 hectares (1.82 acres) is proposed. It is proposed that this parkland will be added to additional parkland on City lands to the south, currently occupied by the TTC Warden North commuter parking lot.

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 applications as originally submitted were proposed to be served by two public roads and a system of private streets. In response to the City's Development Infrastructure Policy and Standards (DIPS) Review, the applications have been revised to include all public roads, with an access to Warden Avenue at the existing signalized intersection with Fairfax Crescent and connections to future roads on the City lands, with another vehicular access to Warden Avenue opposite the driveway for the apartment building at 684 Warden Avenue. The apartment and townhouse block abutting Warden Avenue is proposed to include an internal private condominium driveway to be signed for use as a fire route and for service vehicles and drop-off purposes only.

Additional project information is provided in the Application Data Sheet (Attachment 7).

Site and Surrounding Area

The site is located on the east side of Warden Avenue, north of St. Clair Avenue East, has a frontage of approximately 246 metres on Warden Avenue, is approximately 8.8 hectares (21.7 acres) in size, and slopes toward the TTC parking lot to the south. The Warden Power Centre shopping mall was demolished in 2005, and the site is vacant with the exception of a free-standing Tim Hortons drive-through coffee shop located near Warden Avenue. Mattamy

intends to relocate the Tim Hortons to the property it has purchased at the northwest corner of Warden Avenue and Fairfax Crescent (720-726 Warden Avenue).

Rexton Developments, the owner of the abutting former CNR lands, has filed Consent Application B089/05SC to sever the southern portion of the former rail spur for conveyance to Mattamy, which would add approximately 1.52 hectares (3.76 acres) of land to the property at 725 Warden Avenue. The possible future residential development of these adjacent lands will be the subject of separate applications. It should be noted that the subdivision application for 725 Warden Avenue proposes a road system which would create road access opportunities for these adjacent lands.

The surrounding uses include:

North: Samuel Strapping and other industrial uses in the Golden Mile Employment District.

South: TTC Warden North commuter parking lot, subway line, Massey Creek ravine.

East: subway line, former CNR rail spur, Ontario Hydro corridor, Birchmount Park Community.

West: St. Clair Pointe 4-storey apartment building at 684 Warden Avenue, townhouses and single-detached dwellings, La Salle Residence, Providence Health Centre, and industrial/commercial uses north of Fairfax Crescent.

The active development applications in the Warden Woods Community are shown on Attachment 12.

Scarborough Official Plan

Warden Woods Community Secondary Plan (OPA No. 1145)

City Council adopted Official Plan Amendment No. 1145 to the Scarborough Official Plan on October 28, 2005. Seven appeals of OPA No. 1145 were filed, including Mattamy's appeal as it pertains to 725 Warden Avenue.

OPA No. 1145 removes the subject site from the Golden Mile Employment District Secondary Plan, and designates the property as a combination of Mixed Use, Neighbourhoods and Parks in the new Warden Woods Community Secondary Plan (Attachment 9). The plan establishes a policy framework for considering rezoning applications to permit residential uses. Accordingly, no further Official Plan Amendment pursuant to Application No. 04 175530 ESC 35 OZ is proposed for this site. OPA No. 1145 also amends the Golden Mile Employment District Secondary plan to exclude the southerly extension of Sinnott Road into the Warden Woods Community.

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 10). The connection objectives include street connections to Warden Avenue at Fairfax Crescent and opposite the driveway of 684 Warden Avenue, public street linkages between neighbourhoods on the subject site and the City lands, and pedestrian linkages leading from the site, across the former CNR rail spur, to a north-south green pedestrian corridor in the Ontario Hydro Corridor. 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 at the former Warden Power Centre.

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.

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, and the proposed central public park north of St. Clair Avenue, including a community centre facing Warden Avenue, with both the park and the centre located partially on the subject site and partially on the City lands (Attachment 11). The general layout of the proposed development of 725 Warden Avenue complies with the intent of the Conceptual Master Plan.

New Toronto Official Plan

At its meeting of November 26-28, 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 Land Use Planning 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 “Mixed Use” to “Mixed Use” along the Warden Avenue frontage, “Neighbourhoods” to the east of Warden Avenue, and “Parks” in the centre of the site. The area along the Warden Avenue frontage will remain “Mixed Use”.

Mattamy appealed the new Official Plan as it relates to a number of properties including the subject site at 725 Warden Avenue. A condition of approval of this development is that the appeal of the new Official Plan will be settled as it pertains to this site, and the designations in the Warden Woods Community Secondary Plan appropriately reflected in modifications to the land use maps in the new Plan.

Zoning

The site is currently zoned District Commercial (DC) by the Employment Districts Zoning By-law No. 24982 (Golden Mile), as illustrated on Attachment 13. The DC zone permits commercial uses including financial institutions, places of entertainment, restaurants and retail stores, service studios and vehicle sales operations, and vehicle service garages.

City Council adopted Warden Woods Community Zoning By-law No. 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 No. 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. Mattamy has appealed By-law No. 950-2005 to the Ontario Municipal Board.

Site Plan Control

The site is subject to site plan control pursuant to By-law No. 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.

Site Plan Approval Application 05 200121 ESC 35 SA has been submitted for the approval of the component of the development adjacent to Warden Avenue. This is proposed to include four 5-storey apartment buildings with a total of 246 units and 114 back-to-back townhouses. It is anticipated that this will be a condominium development. Through the Site Plan Control process for this portion of the development, a waste management plan will be required to ensure that convenient garbage collection arrangements with appropriate separation of materials will be achieved.

Additional site plan approval applications will be required for the other townhouse units proposed on the site.

The owner has also submitted Site Plan Approval Application 05 114027 ESC 35 SA for a temporary sales pavilion adjacent to the Warden Avenue frontage, south of the Tim Hortons.

Ravine Control

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

Tree Preservation

Urban Forestry Services issued a permit on September 22, 2005, allowing the removal of eight private trees identified in the Arborist Report. One tree is to be protected during construction. Upon completion of construction, replacement tree planting on private property must be implemented to the satisfaction of Urban Forestry Services. A letter of credit to guarantee replanting will be required as a condition of draft plan of subdivision approval.

Reasons for the Applications

A rezoning is required as residential uses are not permitted in the DC 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 Land Use Planning 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.

The Mattamy application had been modified on February 16, 2005, to increase the number of proposed units from the original 520 to 658 (24 semi-detached dwellings, 370 townhouses and 264 apartments in 4-storey buildings), and included a 0.44 hectare (1.08 acre) park located in the southeast corner of the site adjacent to the subway line. The development was proposed to be served by two public roads: an east-west road connected to Warden Avenue opposite Fairfax Crescent, and a north-south road bisecting the site, to be connected to a future public road on the City lands. The remainder of the street system was proposed to be private. Issues raised at the community consultation meeting and in written submissions, specific to the proposal for 725 Warden Avenue included:

- the park should be doubled in size;
- there are too many units and the units are too small; there should be a mix of unit types including single family dwellings, semi-detached dwellings, and apartments;
- this is an opportunity to own a home in a location convenient for commuting by TTC;
- the proposed private streets are narrow which will have implications for visitor parking, and policing; car lined streets don't make for a safe environment for children or pedestrians;
- where will residents store their snow;
- traffic from the development will use Fairfax Crescent to avoid Warden & Eglinton;
- there are chemical industries located to the north of this property and it would be wrong to introduce more residential development too close to this type of industry.

It should be noted that the Warden Corridor Land Use Planning Study included an extensive community consultation program. Following submission of their OPA & Rezoning Application in September of 2004, Mattamy Homes participated fully in this consultation program. Issues

affecting their application such as location and size of the park and community centre, trails and connections, school accommodation and interface with industry were considered and discussed.

Agency Circulation

The applications were 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 proposal includes 5-storey mid-rise residential buildings along Warden Avenue. The proposed park is centrally located in accordance with the schematic Parks designation on Map 1 Land Use of the Secondary Plan. The Neighbourhoods designation on the balance of the site would permit the proposed semi-detached dwellings and townhouses.

The proposal does not at this time include ground floor commercial uses in the buildings proposed along Warden Avenue, however, the recommended Zoning By-law Amendment zones this portion of the site as Commercial-Residential (CR) in order to provide for construction of mixed use buildings. The By-law will require more generous ground floor ceiling heights facing Warden Avenue to provide opportunities for commercial use (subject, of course, to parking and site plan considerations). Appropriate street relationships and access to grade will be secured as part of the site plan review process.

The proposed residential use of the property conforms to the Warden Woods Community Secondary Plan as adopted by Council, and can be supported.

Interface with Industrial Uses

Economic Development staff and some of the industries in the Golden Mile Employment District to the north, in particular Crompton at 36 Upton Road and D. A. Stuart at 43 Upton Road, have expressed concern with the introduction of residential uses on the northern portion of the subject site. Throughout the processing of the application, consideration has been given to the relationship between the Mattamy proposal and Samuel Strapping at 743 Warden Avenue, the industry immediately to the north. A number of alternatives to address the interface between the two properties were discussed.

Much of the discussion which has taken place regarding compatibility of the proposed residential uses with the industry to the north has centred on the Ministry of Environment Land Use Compatibility Guidelines. These guidelines were established by the Ontario Ministry of Environment in 1996 to guide municipalities in their land use approval responsibilities, when dealing with land use compatibility issues. The guidelines were taken into account in the formulation of policies in the Warden Woods Community Secondary Plan to address the issues pertaining to the interface between industrial uses and more sensitive uses such as residential.

Section 2.7.2 of the Warden Woods Community Secondary Plan addresses industrial uses and their relationship to other uses and states that attenuation measures such as buffering and screening where industrial uses in the neighbouring employment areas will be in close proximity to new sensitive uses such as residential, and warning clauses may be required. As noted, the proposal includes a 7.25 metre rear yard setback for the units along the northern boundary of the eastern half of the site. Along the western half of the site Street A (which varies from more than 20 metres in width, down to 18.5 metres in width) will function as a buffer. In addition, in July of 2005, Mattamy entered into an agreement with Samuel Strapping at 743 Warden Avenue, immediately north of the site, which specifies the construction of a noise barrier on the Mattamy lands, and retrofitting of the Samuel's building with noise remediation alterations, as well as noise warning and home-buyer acknowledgement in agreements for sale of residential units within 400 feet of the boundary of the Samuel lands. Consideration can be given to reviewing the appropriateness of including Mattamy's obligations under such private agreements as conditions of Draft Plan of Subdivision or Site Plan approval.

It should be noted that the Birchmount Park Community, including General Brock Public Elementary School, is located immediately to the south-east of the industrial area containing the industries which have expressed concerns about the Mattamy development. The proposed Mattamy development will increase the number of residents living in proximity to these industries and this is the basis for the concerns raised. In general, the proximity of the Mattamy development to industrial development will not be closer than many of the current separation distance relationships with the Birchmount Park Community. The key exception to this is Samuel Strapping which will abut a portion of the Mattamy development. As noted, however, Samuel Strapping has signed a mitigation agreement with Mattamy. (The applicant has provided a map of separation distances, which is attached as Attachment 14).

It should also be noted that the Employment Districts Zoning By-law establishes a 60 metre buffer zone at the southern limit of the Golden Mile Employment District (adjacent to 725 Warden) which permits only the lightest and most limited range of industrial uses. Furthermore, all industrial uses are subject to General Provision 12 which specifies that: "Notwithstanding any other provision of this By-law, any use which is offensive by reason of the transmission of noise or vibration, or the emission of gas, fumes, heat, radiation, dust or odour, is prohibited".

Planning staff are satisfied that the intent of the MOE Guidelines and the corresponding policies of the Warden Woods Community Secondary Plan have been met. Further, the proposal meets the objectives of Section 2.7.4 of the Warden Woods Community Secondary Plan that land uses, streets and blocks at the northern boundary of the community be arranged to preclude future expansion of the residential area in order to protect the stable industrial area to the north. The draft plan of subdivision includes lots backing onto the Samuel Strapping property and a 0.3 metre public reserve along the north side of Street A.

City staff have encouraged discussions between Mattamy Homes and the concerned industries. These discussions are on-going. If additional agreements can be reached regarding specific mitigation measures, specific obligations can also be considered for inclusion in the draft plan of subdivision or site plan conditions.

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% of new housing units will be in forms other than single-detached and semi-detached houses, with approximately 92% of the units proposed to be townhouses and apartments.

Affordable Housing and Community Centre

The subject site is greater than 5 hectares in size and generally would be required to meet the City's large site policies for the provision of 20% affordable housing in both the new Toronto Official Plan and the Warden Woods Community Secondary Plan.

As noted, the Warden Woods Community Secondary Plan recognizes 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.

Section 37 of the Planning Act allows a municipality to secure community benefits in return for Official Plan or Zoning amendments providing for increases in height or density. The applicant has agreed to enter into a Section 37 agreement that would result in the provision of funds at the time of zoning approval for the construction of a community centre. On the basis of the up-front provision of funds for a community facility which meets one of the primary objectives of the new Secondary Plan, planning staff believe that the intent of the community services and housing policies contained in the Warden Woods Community Secondary Plan have been met.

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% 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 project has fluctuated as the design has been refined over the course of the review of the application, and is currently 617 residential units. The Parks, Forestry and Recreation Division advises that the proposed location, size and configuration of the proposed parkland dedication of 0.74 hectares is acceptable in partial fulfillment of the parkland requirement, based on the alternative rate of 0.4 hectares per 300 dwelling units. The shortfall, based on the proposed unit count, or any additional units, will be achieved through a cash-in-lieu of parkland dedication payment to the City, payable prior to the issuance of the building permit for the 579th dwelling unit on the site. Any additional cash-in-lieu will be used for improvements to the conveyed parkland and for park and facility improvements in the Warden Woods Community Secondary Plan area. The proposed parkland represents the first phase in the Secondary Plan objective of achieving a 2.0 – 2.5 hectare park north of St. Clair Avenue. The City anticipates future additions to the park when some or all of the TTC Warden North commuter parking lot is declared surplus.

The Section 37 agreement should provide for the provision and delivery of a cash payment equal to \$1,300 per residential unit (for a minimum of 617 units) to be used as a contribution towards a community centre to serve Warden Woods. This represents a total contribution of at least \$802,100. The agreement should also secure the 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%), 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.
Schools and Walkway to General Brock Public School

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 based on the existing pedestrian rights-of-way, the nearest elementary schools are beyond the walking distance permitted for junior school age children, and without changes to the existing routes, the children will have to be bused on a permanent basis regardless of whether space is available at General Brock Public School, the nearest school. Currently, there is not sufficient space available for the children anticipated from this development. The TDSB 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. A pedestrian connection providing safe access from the new community to the General Brock Public School is strongly recommended by the TDSB.

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.

The TDSB submitted additional comments in October 2005 requesting further conditions including: (1) Mattamy provide a public connection to the eastern limits of the lands if there are modifications to the road and sidewalk locations on the eastern portion of the site; (2) if Mattamy acquires the Rexton lands, an undertaking be provided to the TDSB advising that any development of these lands will make provision for a public connection; and (3) Mattamy cooperate with the TDSB and the City in providing for a walkway connection between their lands and General Brock Public School.

A pedestrian link between 725 Warden Avenue and General Brock Public School via the Hydro Corridor would be consistent with the Warden Woods Community Secondary Plan and Conceptual Master Plan. Mattamy has approached Hydro One with respect to the construction of a walkway crossing its property, and has prepared a preliminary plan for pedestrian walkways to General Brock Public School from the north and south ends of its site (Attachment 15), which appear to be acceptable at a conceptual design level. Only the direct "Phase 1" pedestrian link to

the school is necessary in connection with the proposed development of the Mattamy site. The “Phase 2” pedestrian link should be considered when the City (TTC) lands to the south are developed. All pedestrian links in the area should be designed and constructed to accommodate shared pedestrian/cycling use, taking into account the Toronto Bike Plan, and the City’s initiatives concerning Trail Opportunities in Rail and Hydro Corridors.

Mattamy should prepare a detailed design package for submission to Hydro One addressing the specific location of the walkway relative to Hydro’s structures, grading changes, and lighting. Discussions will continue with all of the affected parties, including Rexton and the TDSB, as soon as possible. The Section 37 agreement should provide for arrangements for the design and construction of a pedestrian walkway from 725 Warden Avenue to General Brock Public School to the satisfaction of the City, in consultation with Hydro One and the TDSB, recognizing that such a connection can only be completed if rights-of-way or other arrangements can be made with respect to intervening properties not in the control of either Mattamy or the City (i.e. the Rexton lands and the Hydro Corridor).

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 a combination of public and private streets, which the applicant has revised to a full public road system. The proposed public roads include 18.5 metre intermediate roads (Streets A, B and C), with the remainder being 16.5 metres minor streets. Street Z, to be constructed by the applicant on the City-owned lands to the south will be 20 metres in width.

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.

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

The proposed front garage townhouses and semi-detached dwellings in the eastern portion of the proposed subdivision, beyond Street B are designed with reduced front yard setbacks, which would result in the “casual” (not required) parking in the driveways in front of the garage not being able to be fully accommodated on private property. Typically full-sized vehicles parked in front of the garage would extend between 1.5 to 3 metres 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.

Urban Design Issues

Street Townhouses Frontages and Setbacks

To ensure adequate light, view and privacy, a minimum rear yard setback of 7.5 metres is normally required, which results in a minimum of 15 metre back-to-back distance between adjacent buildings. In order to minimize the impact of the garage and to promote a more prominent front entrance, grade-related living space, healthy street tree growth, on street visitors' parking, and a better streetscape in general, a 6 metre minimum frontage is recommended.

The applicant is proposing to provide a rear yard of 7.25 metres for most of the townhouse and semi-detached units, which is acceptable. The proposed 6.0 metre rear yard setback for the southernmost row of townhouses abutting the City-owned lands (TTC Warden North parking lot)

does not conform to the minimum setback. However, it is considered acceptable in the context of the overall development and the anticipated form of future development on the City lands immediately south of the subject site.

The applicant is proposing a number of street townhouses with front garages on 4.7 metre (15 ft) wide lots. These are significantly narrower than normally recommended unit widths. This raises a number of issues, particularly the dominance of garages and driveways, and reduced opportunities for street tree planting and on-street parking. The issue of street trees is addressed in more detail in the next section. Garages will be recessed into the building face appropriately so they do not dominate the streetscape. Site plan control will be applied to the townhouses to ensure architectural treatments which create attractive building faces. The subdivision has been redesigned to alternate the blocks of narrow townhouses with semi-detached units to ensure that on-street parking opportunities are well distributed, and to promote a more varied and interesting streetscape.

Alternative Townhouse Forms

Mattamy's proposed development includes 6.4 metre (21 ft) back-to-back street townhouses and 3.35 metre (11ft) condominium back-to-back townhouses with underground parking. Each is intended to appeal to homeowners with a distinct set of priorities and needs.

The 6.4 metre back-to-back street townhouses are three storey homes with integral garages and private amenity decks above the garage. Each unit has its own front door oriented to the street, its own generous balcony, its own enclosed parking space and casual parking space in the driveway for visitors, but without the demands of an extensive rear yard garden to maintain.

The 3.35 metre back-to-back townhouses are associated with the proposed apartments along Warden Avenue. These units will be quite narrow. Minimum unit dimensions are established through Building Code regulations, and, in the absence of integral garages and driveways, these are not matters to be dealt with in the zoning by-law. A combined underground parking garage will serve the apartments and the townhouses. It will have provision for both resident and visitor parking spaces. The townhouses will have individual grade level entrances, either along the street or from the interior courtyard. Property maintenance will be the responsibility of the condominium corporation.

The block of these townhouses located immediately north of the park will share the underground parking garage on the block to the west of Street B. Visitors to this block of townhouses are expected to park on-street as the block is almost entirely surrounded by public streets with no driveways interrupting the potential of on-street parking. This block was designed in this fashion to address the City's objective of creating a more pedestrian friendly public realm around the park.

Street Tree Planting and Utilities Coordination

In the detailed design of the subdivision streets, opportunities to provide a substantial number of street trees will be secured. Given the narrower rights of way and proposed narrow lot frontages

with reduced building setbacks in much of the development, particular attention will need to be paid to construction techniques and soil specifications for the roads, driveways and front yards.

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. Specific requirements pertaining to tree planting will be identified and ensured through 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 residential redevelopment will generate less traffic than the former retail uses, with the exception of the morning outbound peak hour traffic. The Technical Services Division advises that the owner is required to convey land to the City for the widening of Warden Avenue. Further, the applicant is responsible for the extension of the existing bus lay-by on the east side of Warden Avenue which would provide a northbound right-turn lane/bus bay at the proposed Street A.

Concern has been raised by some residents that increased traffic resulting from this proposed development may infiltrate through the existing Clairlea Community located to the west along Fairfax Crescent. Transportation Planning staff have advised that the applicant should be required to conduct a monitoring study six months following build-out of the project, to the satisfaction of City staff, and to fund any necessary signage and physical restrictions deemed necessary. The Technical Services Division requires the applicant to submit securities to install through traffic prohibitions at the Warden Avenue/Fairfax Crescent/Street A intersection, if required after the completion and occupancy of the development. It should be noted that while movement restrictions of this nature would be effective in reducing traffic volumes from the new development cutting through the existing neighbourhood to the west, they would also make it more difficult for the existing neighbourhood to access the proposed new community centre and park.

Servicing

The applicant submitted a Functional Servicing and Stormwater Management Report which concluded that the site is fully serviced with the full range of municipal services and utilities immediately available on Warden Avenue, and sufficient capacity is available in the existing municipal sanitary and storm sewers, and that there will be a reduction in stormwater flow from the site with the conversion from commercial to residential use.

Technical Services confirms that the existing sanitary and storm sewers, and water mains, on Warden Avenue have the capacity to service this subdivision. A Stage II stormwater

management report will be required for review by Technical Services. The TRCA has no objection to the application, subject to a condition of draft plan of subdivision requiring a stormwater management plan for each of the blocks.

TTC and CNR Issues

The applicant submitted an Air Emissions Assessment, an Environmental Noise and Vibration Feasibility Study, Supplementary Environmental Noise Feasibility Study, and Subway Vibration Analysis. These studies address the potential impacts of existing and proposed TTC facilities on the proposed residential development.

The TTC has requested a number of conditions of zoning and subdivision approval, including a warning clause for future purchasers concerning potential effects of the TTC facilities. These include holding provisions in the zoning applying to the future roads proposed to be developed over and immediately adjacent to the subway structure, which will remain in effect until the TTC's technical review process is completed. Associated residential blocks which will be used for or impacted by the interim roadway connections required prior to implementation of the road above the subway are also to be held, both in the zoning by-law and the conditions of draft plan of subdivision approval. The applicant has provided a plan for a temporary street layout, indicating the approximate location of the TTC easement and the lots to be held pending the technical review (Attachment 3). The lots which should be subject to the holding provisions have not been confirmed by the TTC. Accordingly, this report recommends that the City Solicitor be authorized to such stylistic and technical changes to the draft Zoning By-law Amendment as may be required, including confirmation of, and necessary adjustments to, the limits of the lands subject to holding provisions in proximity to the TTC subway alignment, in consultation with the TTC and the Executive Director of Technical Services.

CN has requested a warning clause concerning its rail facilities to the north, which has been included in the conditions of draft plan of subdivision approval, and a setback of 15 metres in the northeast corner of the site, which has been addressed in the draft Zoning By-law Amendment by including issues pertaining to the railway in the matters to be addressed prior to lifting of the holding provision.

Environmental Clearances

The Phase I and II Environmental Assessments submitted by the applicant found no evidence to indicate that the present or past activities on the site constitute an adverse effect on the environment or on human health, and that no remedial work is required.

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.

Archaeological Clearance

The applicant submitted a letter from an archaeologist advising that due to the extensively disturbed nature of the soils, an archeological assessment of the site is unnecessary. Heritage Preservation Services has reviewed the application and agrees that there is no potential for the recovery of archeological resources.

Implementation

The draft Zoning By-law Amendment attached as Attachment 16 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 17, address detailed implementation issues to ensure the orderly development of the lands such as the construction of the new public roads, conveyance of walkways, 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 \$4.1 million. This is an estimate only, based on the current proposed unit count, 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, and with respect to the location, size and configuration of the park. Mitigation measures and warning clauses to address the interface with industrial uses to the north will be implemented.

The redevelopment of the former Warden Power Centre with the proposed 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 recommended zoning includes permission for ground floor commercial uses along the Warden Avenue frontage. Staff should continue to work with the applicant through the processing of the Site Plan Approval application to seek opportunities to introduce commercial uses to provide convenience commercial amenities to serve the new neighbourhood.

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, Mattamy 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 3-15, 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.)

The Scarborough Community Council also considered the following communications:

- (a) (January 13, 2006) from Mary Flynn-Guglietti, Solicitor, McMillan Binch Mendelsohn, on behalf of D. A. Stuart Inc., owner and operator of a metal-working lubricant manufacturing operation which has continued at 43 Upton Road since 1955, expressing concerns about the rezoning application; and
- (b) (January 16, 2006) from Ian James Lord, Solicitor, Weir Foulds LLP, representing owners of an Industrial (Class 3) Chemical batching facility located at 36 Upton Road, in opposition to the application.

The following persons addressed the Community Council in connection with the foregoing matter:

- John Dawson, Solicitor, McCarthy Tetrault, on behalf of the applicant;
- James Beckman;
- Frisca Ozorio, Chair, Santamonica-Birchmount Neighbourhood Association;
- Stephen Da Cambra, Santamonica-Birchmount Neighbourhood Association;
- Ed Wilson;
- William McDonald;
- Michael Kilpatrick, rep. Scarborough Community Association; and
- Isabel Mitchell, Land Use Planner, McMillan Binch Mendelsohn LLP; representing D.A. Stuart Inc.

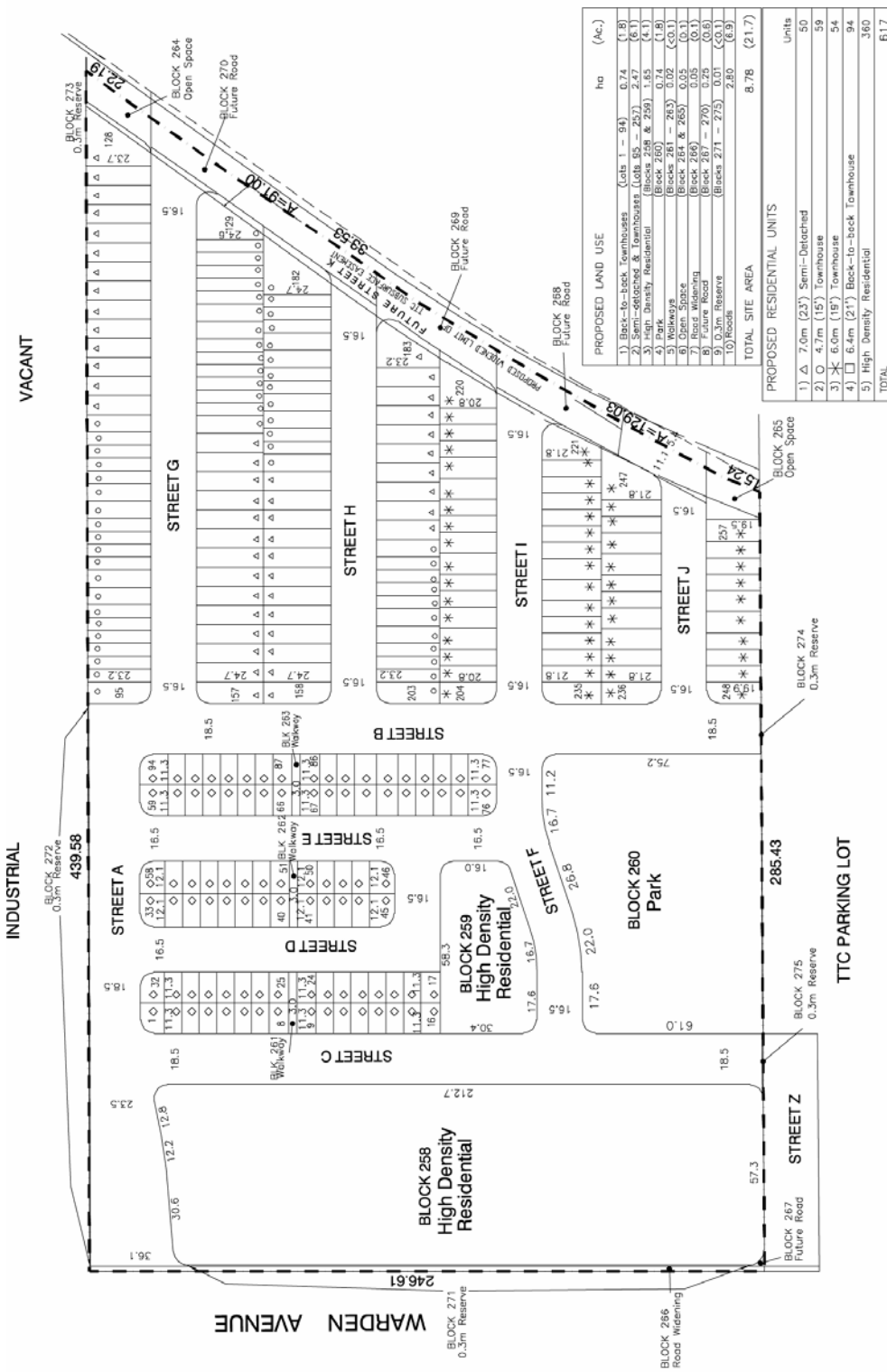
Recorded vote to adopt the staff recommendations, as amended:

FOR: Councillors Altobello, Ashton, Cho, Cowbourne, De Baeremaeker, Del Grande, Kelly, Soknacki, Thompson -9

AGAINST: Nil

Attachment 2

Draft Plan of Subdivision



725 Warden Avenue

Draft Plan of Subdivision

Applicant's Submitted Drawing

Not to Scale
1/22/1/05

File # 04-175530 OZ and 04-175559 SB

Attachment 16

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 (Golden Mile Employment District), as amended, with respect to 725 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 (Golden Mile) is amended by deleting the zoning applying to the lands at 725 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:

SD – 12 – 41 – 63 – 81 – 125 – 147 – 148 – 160 – 206 – 207

SD (H) – 12 – 41 – 63 – 81 – 125 – 147 – 148 – 160 – 206 – 207

TH – 10 – 41 – 63 – 81 – 125 – 147 – 148 – 160 – 206 – 207

TH (H) – 10 – 41 – 63 – 81 – 125 – 147 – 148 – 160 – 206 – 207

TH – 13 – 41 – 63 – 81 – 125 – 147 – 148 – 160 – 206 – 207

TH (H) – 13 – 41 – 63 – 81 – 125 – 147 – 148 – 160 – 206 – 207

TH – 13 – 40 – 63 – 81 – 125 – 147 – 148 – 160 – 206 – 207

TH (H) – 13 – 40 – 63 – 81 – 125 – 147 – 148 – 160 – 206 – 207

TH – 11 – 63 – 81 – 104 – 124 – 147 – 148 – 160 – 206 – 207

TH – 82 – 125 – 147 – 148 – 202 – 204 – 206 – 207

CR – 83 – 126 – 145 – 146 – 148 – 165 – 202 – 203 – 205 – 206 – 207 – 208 – 209

P

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

10. One **townhouse dwelling unit** per parcel having a minimum **lot frontage** of 4.7 m and a minimum **lot** area of 100 m² per **dwelling unit**.
11. One **townhouse dwelling unit** per parcel having a minimum **lot frontage** of 6.4 m and a minimum **lot** area of 70 m² per **dwelling unit**.
12. One **semi-detached dwelling unit** (comprising part of a **semi-detached dwelling**) per parcel having a minimum **lot frontage** of 7 m and a minimum lot area of 155 m² per **dwelling unit**.
13. One **townhouse dwelling unit** per parcel having a minimum **lot frontage** of 6.0 m and a minimum **lot** area of 114 m² per **dwelling unit**.

STREET YARD SETBACK

81. Minimum 1.5 m, except that:
- (i) the **main wall** containing the vehicular access to a garage shall be **setback** a minimum as follows:
 - (a) Where a municipal sidewalk is provided for within the adjoining public boulevard: 3.0 m.
 - (b) Where a municipal sidewalk is not provided for within the adjoining public boulevard: 4.5 m, recessed not more than 1.5 m behind the front **main wall** of the **building**.
82. Minimum 2.5 m, except that the **main wall** containing the vehicular access to a garage shall be **setback** a minimum as follows:
- (i) Where a municipal sidewalk is provided for within the adjoining public boulevard: 3.0 m.

- (ii) Where a municipal sidewalk is not provided for within the adjoining public boulevard: 4.5 m, recessed not more than 1.5 m behind the front **main wall** of the **building**.
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 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

104. Minimum 0.5 m from a block containing a walkway, including all building projections except that chimneys, roof overhangs and eaves only may project a maximum of 0.4 m into this required **setback**.

COVERAGE

124. Maximum building **coverage** of 95 % of the lot area.
125. Maximum building **coverage** of 65 % of the lot area.
126. Maximum building **coverage** of 60 % of the **lot** area.

HEIGHT

145. Minimum 4 **storeys** and maximum 8 **storeys** for **apartment buildings**. Maximum 13 m and 3 **storeys** for **townhouse dwellings**, as measured from the average finished grade along the **main wall** of the **dwelling unit** facing any **street** line.
146. The first **storey** of an **apartment building** that is directly accessible from the exterior facing Warden Avenue shall have a minimum floor-to-ceiling height of 3.2 m, except that the first **storey** of an **apartment building** located within 285 m from the centreline of the original road allowance of St. Clair Avenue East shall have a minimum floor-to-ceiling height of 3.6 m.
147. Maximum 13 m and 3 **storeys**, as measured from the average finished grade along the **main wall** of the **dwelling unit** facing any **street** line.
148. Maximum **basement height**: 1.8 m.

PARKING

165. Minimum 1.2 spaces per **dwelling unit**, provided at a minimum rate of:

- (a) Resident – 1.0 spaces per unit
- (b) Visitor – 0.2 spaces per unit

MISCELLANEOUS

203. Parking structures constructed above or below **established grade** shall be **setback** a minimum of 1.5 m from any **lot** line.

204. Maximum 32 **dwelling units**.

205. Maximum 340 **dwelling units**.

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 front yard, rear yard or a side yard abutting a street :	1.55 m
First storey enclosed apartment building entry vestibule within the street yard adjacent to Warden Avenue:	2.4 m
Balconies, decks and unenclosed porches projecting into an interior side yard :	0.3 m
Exterior steps:	No Limit
First storey cantilevered bay, bow or dormer windows projecting into a front yard, rear yard or a side yard abutting a street :	1 m, except 0.65 m where the required building setback is

1.5 m or less

Cantilevered bay, bow or dormer
windows above first **storey**: 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 of Warden Avenue adjacent to 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 No. 3:
3. On those lands identified as Exception No. 3 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 to be used as a contribution towards a community centre to serve the Warden Woods Community.
- (2) Design and construction of a new public **street** over the City of Toronto lands to the south of the site connecting from Warden Avenue to the new park.
- (3) Design and construction of a new public pedestrian walkway from the development to General Brock Public School, or submission of a suitable financial contribution to the City of Toronto in-lieu thereof to the satisfaction of the Chief Planner and Executive Director.

- (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 (i) 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 No. 950-2005, **EXCEPTIONS LIST**, is further amended by adding the following Exception No. 4:

4. On those lands identified as Exception No. 4 on the accompanying Schedule 'C' map (Schedule '2'), the following provisions shall apply:

- (a) Permitted uses prior to the removal of the Holding Provision (H) from the zoning for the lands shall be restricted to public **streets** and **Open Space** uses.
- (b) The Holding Provision (H) used in conjunction with the **Semi-Detached Residential (SD) Zone** and/or the **Townhouse Residential (TH) Zone** shall be removed in whole or in part by amending By-law 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 Toronto Transit Commission that the development of the affected lands will not adversely impact the Commission's existing and planned facilities and operations in the vicinity; and
 - (ii) The owner demonstrating to the satisfaction of the Canadian National Railway Company (CN Rail) that the development of the affected lands will not adversely impact CN Rail's existing or planned facilities and operations in the vicinity.
 - (iii) The owner demonstrating to the satisfaction of the Executive Director, Transportation Services that the necessary road improvements will be implemented.

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

5. On those lands identified as Exception No. 5 on the accompanying Schedule 'C' map (Schedule '2'), the following provisions shall apply:

- (a) Permitted uses prior to the removal of the Holding Provision (H) from the zoning for the lands shall be restricted to public **streets** and **Open Space** uses.

- (b) The Holding Provision (H) used in conjunction with the **Semi-Detached Residential (SD) Zone** and/or the **Townhouse Residential (TH) Zone** shall be removed in whole or in part by amending By-law 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 Toronto Transit Commission that the development of the affected lands will not adversely impact the Commission's existing and planned facilities and operations in the vicinity.
 - (ii) The owner demonstrating to the satisfaction of the Executive Director, Transportation Services that the necessary road improvements will be implemented.

- 8. Schedule 'C' of the Warden Woods Community Zoning By-law No. 950-2005, **EXCEPTIONS LIST**, is further amended by adding the following Exception No. 6:
 - 6. On those lands identified as Exception No. 6, Areas (a) and (b) on the accompanying Schedule 'C' map (Schedule '2'), the following provisions shall apply:
 - (a) Where not provided for on-site, parking required to serve Area (a) shall be permitted and provided only within Area (b).
 - (b) In addition to minimum parking requirements applying to development within Area (b), an additional parking space shall be provided and maintained within Area (b) for exclusive individual use by each **dwelling unit** permitted within Area (a) for which an on-site parking space has not otherwise already been provided within Area (a).

- 9. Schedule 'C' of the Warden Woods Community Zoning By-law No. 950-2005, **EXCEPTIONS LIST**, is further amended by adding the following Exception No. 7:
 - 7. On those lands identified as Exception No. 7 on the accompanying Schedule 'C' map (Schedule '2'), the following provisions shall apply:
 - (a) A maximum 82 **townhouse dwellings** are also permitted.

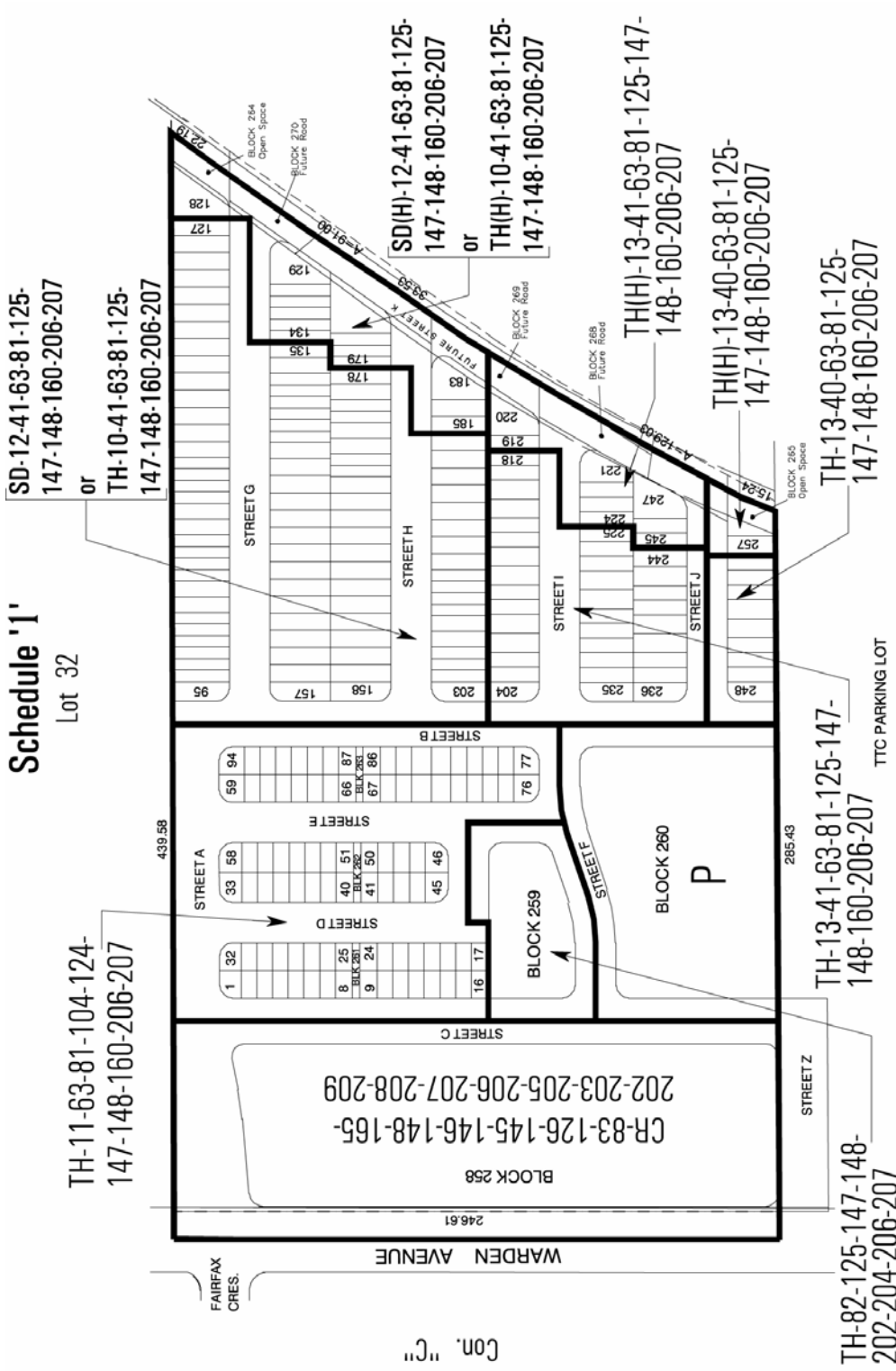
ENACTED AND PASSED this ~ day of ~ , A.D. 2006.

DAVID R. MILLER,
Mayor

ULLI S. WATKISS
City Clerk

(Corporate Seal)

SCHEDULE '1'



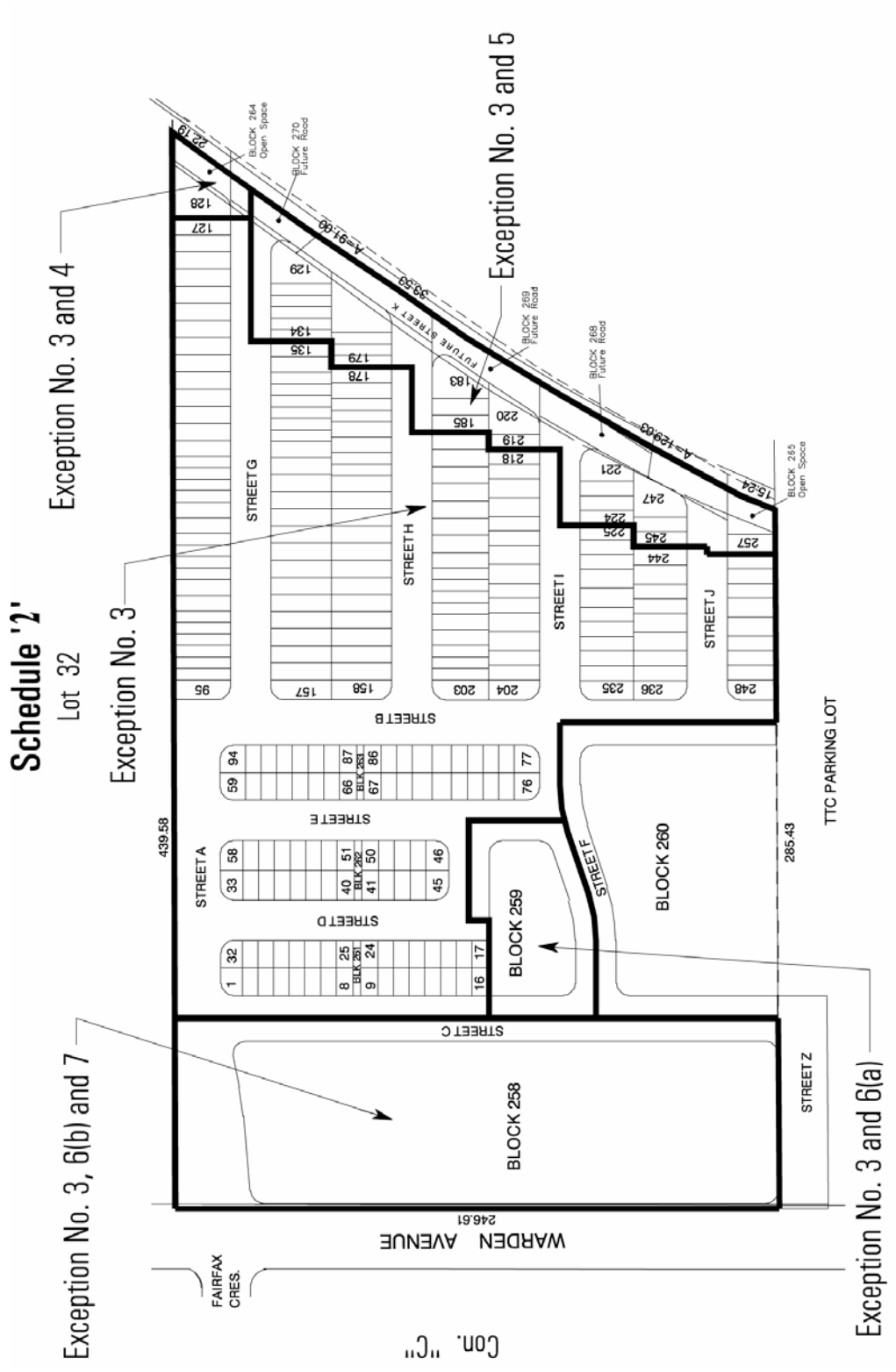
Toronto City Planning Division
Zoning By-Law Amendment

725 Warden Avenue
File # 04-175530 OZ and 04-175559 SB

Area Affected By This By-Law

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

SCHEDULE 'C'



TORONTO City Planning Division
Zoning By-Law Amendment

725 Warden Avenue
File # 04-175530 OZ and 04-175559 SB

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

Area Affected By This By-Law

Attachment 17

Conditions of Draft Plan of Subdivision Approval

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

January 4, 2006

**SUBDIVISION APPLICATION 04 175559 ESC 35 SB
DRAFT PLAN OF SUBDIVISION PREPARED BY
WALKER, NOTT, DRAGICEVIC ASSOCIATES LIMITED
DRAWING FILE NO. WW-DP-051216.dwg, DATED DECEMBER 16, 2005**

**PARTS OF LOTS 31 AND 32, CONCESSION C
725 WARDEN AVENUE
CITY OF TORONTO (FORMER CITY OF SCARBOROUGH)
MATTAMY (WARDEN) LIMITED**

Subdivision Agreement

1. The Owner shall enter into a Subdivision Agreement in a form and content satisfactory to the City Solicitor. 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.

Future Road Reserve Blocks for Street K (Blocks 268, 269 and 270)

10. Prior to the registration of the plan of subdivision, the Owner shall agree to reserve Blocks 268, 269 and 270 for the purposes of a future road, subject to the completion of the Toronto Transit Commission technical review process to confirm the final location of the road to connect Street G, Street H, Street I and Street J. In the event the road cannot be constructed in the location shown as Future Street K on the draft plan of subdivision, a road connecting Streets G to H and I to J must be identified (either in a temporary or permanent location) prior to the registration of the draft plan of subdivision or the registration of that portion of the draft plan of subdivision east of Street B. The final location of the road will be determined to the satisfaction of the Executive Director, Technical Services in consultation with the Toronto Transit Commission.

Construction of Right-of-Ways

11. 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 A,B,C,D,E,F,G,H, I and J to the satisfaction of the Executive Director, Technical Services.

Street K - Construction

12. In the event the Executive Director, Technical Services deems that the Future Street K is required for connectivity between Street G, H, I and J, the Owner shall construct, at no cost to the City, the Future Street K in a location determined by the Executive Director, Technical Services in consultation with the Toronto Transit Commission. Arrangements for construction of Street K shall occur prior to the registration of the draft plan of subdivision or the registration of that portion of the draft plan of subdivision east of Street B.

Street K – Letter of Credit

13. In the event the Executive Director, Technical Services deems that the Future Street K is required for connectivity between Street G, H, I and J, the Owner shall post a letter of credit for the construction of Street K to the satisfaction of the Executive Director, Technical Services.

Street Z – Construction

14. Prior to the registration of the plan of subdivision, the Owner shall make arrangements satisfactory to the Executive Director, Technical Services, to construct and service a 20 metre municipal right-of-way (Street Z) for the purposes of access to the subject property in accordance with an agreement with the City, financial or otherwise including the provision for a license or lease right for the Owner to construct this road on City property.

Street Z – Letter of Credit

15. The Owner shall post a letter of credit for the construction of Street Z to the satisfaction of the Executive Director, Technical Services.

Phasing of Plan of Subdivision

16. The Owner and City shall acknowledge in the plan of subdivision agreement that the Owner may register the plan of subdivision in phases provided that the boundary of each phase is subject to approval by the Executive Director, Technical Services and the Chief Planner and Executive Director prior to the release of each phase of registration.

Private Driveways

17. In the event the Owner elects to provide and construct the temporary turning circles, the Owner shall agree to provide a letter of credit to the satisfaction of the Executive Director, Technical Services for the future removal of the temporary turning circles. Removal of the temporary turning circles will be determined to the satisfaction of the Executive Director, Technical Services

Walkways - Conveyance

18. At the time of registration of the plan of subdivision, the Owner shall convey to the City, Blocks 261, 262, 263 for walkway purposes and shall agree to construct at no cost to the City, walkways within Blocks 261, 262 and 263 which shall be constructed within 3 months of occupancy for the first of Lots 8, 9, 40, 41, 50, 51, 66, 67, 86 and 87 to the satisfaction of the Executive Director, Technical Services and the Chief Planner and Executive Director.

Walkways – Letter of Credit

19. Prior to the registration of the plan of subdivision, the Owner shall post a letter of credit to the satisfaction of the Executive Director, Technical Services for the construction of the walkways within Blocks 261, 262 and 263.

Warning Clause – Windrow and Sidewalk Snow Clearing

20. 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

21. 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.

Loading Assessment

22. The Owner shall agree in the subdivision agreement, to submit as part of a site plan control application for Blocks 258 (High Density Residential) and Block 259 (High Density Residential) a loading assessment for review and approval by the Executive Director, Technical Services.

Naming of Streets

23. 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

24. 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

25. 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

26. The Owner shall agree to provide municipal concrete sidewalks from within the boundaries of the plan of subdivision along Streets A, B, C, D, E, F, G, H and I 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.

Pavement Marking Plan

27. Prior to the registration of the plan of subdivision, the Owner shall provide a detailed pavement-marking plan and provide securities for these works, in an amount determined upon receipt of an acceptable pavement marking plan, to the satisfaction of the Executive Director, Technical Services.

Accesses Required to Warden Avenue

28. Prior to the registration of the plan of subdivision, the Owner shall agree to pay for and construct two accesses to Warden Avenue to the satisfaction of the Executive Director, Technical Services. One access shall be provided by Street A. The second access will allow for a connection of Street C to a future or existing public road (Street Z) continuing from the southerly terminus of Street C to Warden Avenue. The Owner shall agree that there will be no additional access permitted to Warden Avenue as part of this plan of subdivision. However, the City acknowledges that the existing accesses from Warden Avenue will remain as required to access existing retail facilities and may function as a temporary second access to the satisfaction of the Executive Director, Technical Services.

Road Improvements

29. Prior to the registration of the plan of subdivision, the Owner shall make satisfactory arrangements with the City regarding intersection and/or road improvements as deemed necessary by the Executive Director, Technical Services to service the plan of subdivision. Such improvements will be determined on the basis of detailed technical studies, including, but not limited to traffic studies, submitted by the Owner. The improvements would be provided at no cost to the City and include, but may not be limited to the following improvements:
- (i) the implementation of intersection and/or traffic control improvements at Street A/Warden Avenue/Fairfax Crescent;
 - (ii) the extension of the bus lay-by northerly to Fairfax Crescent to provide a northbound right turn/bus bay at Street A and Warden Avenue which location shall be determined by the Executive Director, Technical Services in consultation with the Toronto Transit Commission;
 - (iii) a certified cheque in the amount of \$4,000 payable to the Treasurer, City of Toronto, for securities to enact future traffic prohibitions at the intersection of Warden Avenue and Fairfax Crescent; and
 - (iv) the reinstallation of a 2 metre sidewalk on the east side of Warden Avenue, south of Fairfax Crescent to the southerly limit of the right turn lane/bus bay location.

Corner Roundings

30. The Owner shall convey 6 metre corner roundings (street line radius) on both sides of Street A and on the north side of Street “Z” 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.

Warning Clause – Parking for All Dwelling Units Except Those Within Blocks 258 and 259

31. 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 single family, semi-detached and townhouse dwelling units (not having access from a lane), 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 and that additional vehicle parking that might otherwise be available on public streets will be subject to approval and regulations pursuant to applicable By-laws of the City of Toronto."

Warning Clause – Solicitor Confirmation – Parking for Dwelling Units Except Those Within Blocks 258 and 259

32. 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.

Warning Clause - Parking Arrangements for Block 258 and 259

33. Prior to the final registration of the plan of subdivision, the Owner shall include in all offers of purchase and sale agreements and/or lease agreements for all apartment and townhouse dwelling units on Blocks 258 and 259, the following warning clause:

"Warning: Purchasers are advised that the City of Toronto Zoning By-law for Block 259 requires parking to be provided at a rate of 1.0 space per dwelling unit and that parking for the units on Block 259 may be located on Block 258.

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

Warning Clause – Solicitor Confirmation – Parking Arrangements for Blocks 258 and 259

34. 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.

Stage II Storm Water Management Plan

35. 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

36. 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.

Record of Site Condition and Remedial Action Plan

37. 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

38. 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

39. 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:
- (i) underground civil and electrical system for the development;
 - (ii) the provision of adequate space within the development for transformers, tap boxes and any other hydro equipment of the local distribution company, and;
 - (iii) any existing electrical feeds to any existing or demolished buildings on the property must be removed at the developer's expense.

Telecommunications

40. 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

41. 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

42. 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.

Hydro One – Lot Grading and Drainage Plan

43. Prior to the registration of the plan of subdivision, the Owner shall submit a copy of the lot grading and drainage plan, illustrating existing and final grades to Hydro One Networks Inc. (HONI) for review and comment. The Owner agrees that drainage must be controlled and directed away from the HONI transmission corridor to the satisfaction of the Executive Director, Technical Services in consultation with HONI.

Hydro One – Transmission Corridor Use

44. Prior to the registration of the plan of subdivision, the Owner shall agree that the HONI transmission corridor is not to be used without the express written permission of HONI on behalf of Ontario Realty Corporation (ORC). The Owner shall further agree not to store materials or mounding of earth or other debris on the transmission corridor. The Owner shall be responsible for the restoration of any damage to the transmission corridor or HONI facilities thereon resulting from construction of the subdivision.

Hydro One – Road Crossings

45. Should approval for a road crossing be granted, the Owner shall then make satisfactory arrangements with HONI for the dedication of the proposed road allowance to the City of Toronto. Access to, and road construction on the HONI transmission corridor is not to occur until the legal transfer(s) of lands or interests are completed to the satisfaction of HONI and the City Solicitor.

Hydro One – Relocation or Revisions to Facilities

46. Prior to the registration of the plan of subdivision, the Owner shall make satisfactory arrangements for costs related to any relocations or revisions to HONI facilities that are necessary to accommodate this subdivision to the satisfaction of HONI and ORC.

Public Connections East of Plan of Subdivision

47. The Owner shall agree that in the event the Owner acquires the adjacent lands to the east, the Owner shall provide an undertaking to the Toronto District School Board, advising that any development of these lands will make provision for a public connection (either a sidewalk within a municipal right of way or a walkway 3 metres in width) to the eastern limit of the lands to the satisfaction of the Toronto District School Board.

Pedestrian Walkway Connection – Arrangements

48. Prior to the registration of the plan of subdivision, the Owner shall make satisfactory arrangements with the City, in consultation with the Toronto District School Board, to provide for a pedestrian walkway connection between the easterly limits of the plan of subdivision and General Brock Public School.

Pedestrian Walkway Connection – Letter of Credit

49. Prior to the registration of the plan of subdivision, the Owner shall provide a letter of credit for the construction of the walkway connection to the satisfaction of the City, in consultation with the Toronto District School Board.

School Board - Signs

50. 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

51. 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

52. Prior to the registration of the draft plan of subdivision, the Owner will to convey Block 260 (Park) on the proposed plan of subdivision for parkland purposes to the City. The City hereby acknowledges that the location and configuration of these lands on the plan of subdivision are in partial fulfillment of the alternative parkland dedication rate of 0.4 hectares per 300 dwelling units based on the unit count of 617 dwelling units as identified in the above plan. The Owner agrees that the shortfall will be addressed through a cash-in-lieu of parkland dedication payment to the City, based on the above noted alternative rate, payable prior to the issuance of a building permit for the 579th dwelling unit.

Parkland Dedication – Cash-in-Lieu of Parkland Contributions

53. The City agrees that any cash in lieu of parkland payments resulting from the above noted shortfall will be used for improvements to the conveyed parklands and for park and facility improvements in the Warden Woods Secondary Plan area. Such improvements shall be at the discretion of the General Manager, Parks, Forestry and Recreation in consultation with the local Councillor.

Parkland Dedication - Legal Description, Reference Plans, Etc.

54. Prior to the registration of the draft plan of subdivision, the Owner shall provide, satisfactory to the City Solicitor, all legal descriptions and applicable reference plans of survey for the parkland dedication lands.

Parkland Dedication - Costs

55. Prior to the registration of the plan of subdivision, the Owner shall agree to pay for the costs of such dedication and the preparation and registration of all relevant documents.

Parkland Conveyance Requirements

56. Prior to the registration of the plan of subdivision, the Owner shall ensure that lands to be dedicated as parkland 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, unless otherwise authorized by the General Manager of Parks, Forestry and Recreation.

Prohibition on Parkland

57. Prior to the registration of the plan of subdivision, the Owner shall agree that all transformers, switching boxes, or other utility boxes are prohibited on Block 260 (Park) and on the boulevards surrounding the Block 260 (Park) to the satisfaction of the General Manager, Parks, Forestry, and Recreation.

Community Mail Boxes

58. Prior to the registration of the plan of subdivision, the Owner shall agree that any community mail boxes are prohibited on Block 260 (Park) or on the boulevard surrounding Block 260 (Park) to the satisfaction of the General Manager, Parks, Forestry and Recreation.

Parkland Conveyance Requirements – Environmental Assessment

59. Prior to conveyance of the Block 260 (Park) to the City, the Owner shall be responsible for an environmental assessment of the lands to be dedicated as parkland to the City and any associated costs or remediation works required as a result of that assessment. Such assessment or remediation shall ensure that the parkland dedication lands, at the time of dedication, will meet all applicable laws, regulations and guidelines respecting sites to be used for public park purposes, including City Council policies respecting soil remediation of sites to be acquired by the City. A qualified environmental consultant acceptable to Technical Services, Development Engineering Division shall prepare the environmental assessment. Prior to transferring the Parkland to the City, the environmental assessment may be peer reviewed by an environmental consultant retained by the City at the Owner's expense (the "Peer Reviewer"), and the conveyance of the Parkland to the City shall be

conditional upon the Peer Reviewer concurring with the Owner's environmental consultant that the Parkland meets all applicable laws, regulations and guidelines for public park purposes. The Technical Service section of the Development Engineering Division shall advise the General Manager of Parks, Forestry and Recreation of the findings of the environmental review.

Temporary Fencing for Park

60. Prior to conveyance of the Block 260 (Park), the Owner shall be responsible for the installation and maintenance of temporary fencing, to the satisfaction of the General Manager of Parks, Forestry and Recreation around Block 260 (Park) until such time as the development of Block 260 (Park) occurs.

Base Park Improvements Details

61. The Owner will be responsible for the construction and installation of Base Park Improvements to Block 260 (Park), the dedicated parkland, to the satisfaction of the General Manager of Parks, Forestry and Recreation including the following:
 - (i) Grading (inclusive of 150 mm topsoil supply and placement);
 - (ii) City standard fencing, where deemed necessary;
 - (iii) Buffering/screening between the park and adjacent employment uses;
 - (iv) All necessary drainage systems;
 - (v) Electrical and water connections to the street line where deemed necessary; and
 - (vi) Street trees along all public road allowances, which abut City owned parkland.

Details of when such work is to be completed are to be finalized prior to the registration of the draft plan of subdivision and shall be to the satisfaction of the General Manager, Parks, Forestry and Recreation. No credit shall be given towards the Parks and Recreation component of the Development Charges for the costs associated with the above noted base park improvements.

Base Park Improvements - Letter of Credit

62. Prior to the registration of the Draft Plan of Subdivision, the Owner will post a Letter of Credit as security for the installation of the base park improvements, and the fencing equal to 120% of the value of the base park improvements and fencing on the dedicated parkland to the satisfaction of the General Manager, Parks, Recreation and Forestry.

Completion of Parkland Development

63. The Owner agrees that they will be responsible for the development of the parkland to base park condition and for the design and installation of the parkland improvements above and beyond base park condition on Block 260 (Park). The Owner shall attempt to complete development of the parkland on or about the date of occupancy of the dwelling units closest to the parkland. 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.

Certification of Completion of Parkland Development

64. At the time the parkland has been developed, the Owner will provide certification from their landscape architect certifying all work has been completed. At that time, that portion of the submitted letters of credit attributed to park improvements completed will be released subject to the satisfaction of the General Manager of Parks, Forestry and Recreation, less 20% of the total value which will be retained for a two year period as a performance guarantee. Any remaining funds will be directed by the City to parkland improvements within the Warden Woods Secondary Plan area.

Base Park Improvements - Cash-in-Lieu

65. At the time of conveyance, the Owner shall agree that the General Manager, Parks, Forestry and Recreation may elect to receive cash-in-lieu of some or all of the elements of Base Park improvements.

Park Final Design and Programming

66. Prior to the registration of the plan of subdivision, the Owner shall agree that the final design and programming of the conveyed parkland to the City shall be at the discretion of the General Manager, Parks, Forestry and Recreation.

Park Development Component of Development Charges – Letter of Credit

67. Prior to the registration of the plan of subdivision, the Owner will provide a certified cheque equal to 100% the value of the Park Development Component (5.34%), to the satisfaction of the General Manager, Parks, Forestry and Recreation of the Development Charges to be used for the development of the “Warden North Park”. The City agrees that, in exchange, the City will provide the Owner with an equal credit towards Development Charges for the development of 725 Warden Avenue.

Park - Final Grading Plan and Drainage Plan

68. Prior to the registration of the plan of subdivision, for Parkland Improvements above and beyond Base Park improvements, the Owner will undertake a landscape plan for the parkland to be conveyed to the City as well as the future park to be secured on the existing TORONTO TRANSIT COMMISSION property if that land has been jurisdictionally transferred to Parks Forestry and Recreation Division prior to the registration of the Plan of subdivision. The landscape design shall be approved by and be to the satisfaction of the General Manager of Parks, Forestry and Recreation. The landscape plan should give particular attention to the edge treatment on the south side of the park and have consideration for the potential future development of a community center on part of Block 260 (Park). The Owner's total obligation with respect to the design and installation of Parkland Improvements will not exceed the aggregate amount of the Park Development Component (5.34%) of the Development Charges for all dwellings in the subdivision, notwithstanding the approved budget.

Park - Prohibition on Stockpiling

69. Prior to the registration of the plan of subdivision, the Owner shall agree that stockpiling of any soils or materials on Block 260 (Park), the dedicated parkland, is prohibited, unless otherwise authorized by the General Manager of Parks, Forestry and Recreation.

Park – Possible Interim Construction Staging Area

70. Prior to the occupancy of the first residential dwelling unit in the vicinity of Block 260 (Park), the Owner may be permitted to utilize the parkland site as an interim construction staging area, subject to the terms and conditions of a Parkland Occupation Permit, to the satisfaction of the General Manager, Parks, Forestry and Recreation.. The permit will outline the details of the park occupancy, restoration and associated fees. The terms of the permit shall be to the satisfaction of the General Manager of Parks, Forestry and Recreation.

Warning Clause – Winter Maintenance of Public Lands

71. Prior to the registration of the plan of subdivision, the Owner shall ensure that all applicable 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, advising that the City will not be responsible for any winter maintenance of walkways in the parkland or adjacent storm water management pond lands.

Warning Clause – Solicitor Confirmation - Winter Maintenance of Public Lands

72. 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 in this paragraph have been included in applicable Offers of Purchase and Sale and/or Rental Agreements to ensure that future occupants are aware of winter maintenance practices in this park.

Warning Clause – Possible Future Parkland Expansion

73. The Owner agrees to ensure that all applicable 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, that:
- (i) part or all of Block 260 (Park) may be developed with a Community Centre in the future;
 - (ii) Block 260 (Park) may be enlarged to the south as identified in the Warden Woods Community Secondary Plan and be a community focus park; and
 - (iii) access to Block 260 (Park) may be restricted during the construction of the above noted (a) and / or (b).

Warning Clause - Solicitor's Confirmation – Possible Future Parkland Expansion

74. 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 in this paragraph have been included in applicable Offers of Purchase and Sale and/or Rental Agreements to ensure that future occupants are aware of the park expansion and development of a community center on these lands by the City. Such confirmation shall be to the satisfaction of the General Manager, Parks, Forestry and Recreation.

Letters of Credit – Terms and Conditions

75. The Owner shall agree that all Letters of Credit to be held by Parks, Forestry and Recreation (Policy & Development) that are to be provided by the Owner, unless determined otherwise by the General Manager of Parks, Forestry and 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 less than the minimal amount as set out in that agreement.

Tree Replacement Plan

76. 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

77. 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

78. 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

79. 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

80. 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

81. 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

82. Prior to registration of the draft plan of subdivision, the Owner shall make arrangements for a composite utility plan, prepared by a licensed municipal servicing engineer, who shall co-ordinate, on behalf of the City and to City standards, all utility company installation proposals within the public right-of-ways. This same consulting engineer shall provide a composite utility plan, indicating the utility company's installations of services within the municipal road allowances created and/or extended to service this

development. Such plan shall be prepared to the satisfaction of the Executive Director, Technical Services.

Street Tree Planting Plan

83. Prior to the registration of the plan of subdivision, the Owner shall provide a street tree planting plan, in conjunction with a composite utility plan that indicates the species, size, and location of all proposed 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

84. Prior to the registration of the plan of subdivision, the Owner shall post a Letter of Credit as security for the installation of the street trees equal to 120% of the value of the street trees to the satisfaction of the General Manager, Parks, Forestry and Recreation. Prior to any site work, the Owner shall also submit a Letter of Credit in the amount of \$20,580.00 to guarantee the planting of replacement trees, which is to be held to the satisfaction of the General Manager, Parks, Forestry and Recreation.

Street Tree Planting Requirements

85. Prior to the registration of the plan of subdivision, the Owner shall agree to 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.

Tree Planting Strategy Information Booklet

86. 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 to all homeowners for all dwellings within the limits of this plan of subdivision.

Warning Clause – Street Tree Planting

87. 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

88. 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.

Warning Clause – Industrial Operations

89. The Owner shall ensure that agreements for sale or lease of all residential units within the northerly portion of the site (all units within 125m of the north boundary) contain the following warning clause:

“The Purchaser acknowledges that this residential development is located adjacent to on-going multi-shift industrial operations on the adjacent lands to the north that may continue to operate indefinitely and create noise, dust and emissions. The Purchaser covenants that it will not object to such industrial operations and this covenant shall operate as an estoppel for any such objection so long as such industrial operations continue.”

Warning Clause – Solicitor Confirmation – Industrial Operations

90. 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 on-going industrial operations on adjacent lands.

Conveyance of Land to City of Toronto

91. 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

92. 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

93. 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% of the value of the fencing to the satisfaction of the Chief Planner and Executive Director.

Archaeological Assessment

94. Prior to the registration of the plan of subdivision, the Owner shall obtain approval from the Ministry of Culture and/or the City of Toronto as appropriate, 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/or 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

95. 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

96. 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

97. 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

98. The Owner shall agree in the subdivision agreement to implement and bear all costs associated with the recommendations including, but not limited to, 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 the 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

99. 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, at-source mitigation measures (on-site and off-site) for 120% 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

100. 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

101. Prior to the registration of the plan of subdivision, the Owner shall make arrangements to 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

102. 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.

Warning Clause – Canadian National Railway Operations

103. The following warning clause shall be included in the Subdivision Agreement and inserted in all Agreements of Purchase and Sale or Lease for each dwelling unit. Provisions must be included in the Subdivision Agreement to ensure that the warning clause survives the release of the Owner's obligations under the Subdivision Agreement and remain on title.

“Warning: Canadian National Railway Company or its assigns or successors in interest has or have a right-of-way within 300 metres from the land the subject hereof. There may be alterations to or expansion of the rail facilities on such right-of-way in the future including the possibility that the railway or its assigns or successors as aforesaid may expand its operations, which expansion may affect the living environment of the residents in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development and individual dwelling(s). CN will not be responsible for any complaints or claims arising from use of such facilities and/or operations on, over or under the aforesaid right-of-way.”

Toronto Transit Commission - Fire Ventilation System

104. The Owner shall acknowledge and agree that it has been advised that the Toronto Transit Commission may, in future, construct and install below and above-grade fire ventilation structures and facilities (the "Fire Ventilation System") to be located at the Bloor-Danforth Subway Chestnut portal, including an electrical room and emergency exit building at the south-east corner of the property known as 725 Warden Avenue (the "725 Warden Lands"). The Owner also acknowledges and agrees that the Toronto Transit Commission has advised of the possible impact of the fire ventilation structures and equipment on its property, and that the Fire Ventilation System will be approximately 20 metres in length from the portal opening, may extend as much as 6 meters above grade, with a minimum width of 15 metres, including the area above the subway structure and extending to the property to the east.

Toronto Transit Commission – Easement Requirements

105. Prior to the registration of the plan of subdivision, the Owner shall convey to the City, at no cost to the City or the Toronto Transit Commission, an easement comprised of subsurface, surface and air-rights for the future construction and installation of a Fire Ventilation System at Toronto Transit Commission's Chestnut Portal located near the south-east boundary of the subdivision. The easement shall extend approximately 20 metres northward from the Chestnut portal, and span from the west limits of the subway structure to the eastern limits of 725 Warden Lands to the satisfaction of the Toronto Transit Commission, in consultation with the Executive Director, Technical Services. The easement shall be maintained by the owner and its successors in open green space until such time as it is required for construction of the ESB and fire ventilation installation. The Owner shall acknowledge in the subdivision agreement that the lands required by the Toronto Transit Commission for this installation will extend eastward into the adjacent property and only a portion of the installation is planned for construction on the 725 Warden Lands. The Owner shall convey to the City, at no cost to the City or the Toronto Transit Commission, an easement sufficient to provide 3 metres of clearance above and on either side of the Toronto Transit Commission's subway structures located on the 725 Warden Lands for the purpose of inspecting, maintaining and upgrading the subway structures as necessary. The exact amount of land to be conveyed to the City will be confirmed through detailed technical review prior to the registration of the plan of subdivision.

Toronto Transit Commission – Fill Placement

106. Prior to the registration of the plan of subdivision, the Owner shall agree that any placement of fill material, roads or utilities over or immediately adjacent to the Toronto Transit Commission's structures and facilities must be approved in writing by the Toronto Transit Commission.

Toronto Transit Commission – Fencing, Barrier, Protective Requirements

107. The Owner shall install fencing, concrete barriers and other protective measures at the Toronto Transit Commission's Chestnut Portal at the south-eastern corner of the proposed development, to prevent people, objects and/or debris from falling onto the subway tracks, to the satisfaction of the Toronto Transit Commission.

Toronto Transit Commission – Building Permit Drawings

108. The Owner shall agree in the subdivision agreement to provide the Toronto Transit Commission with three sets of the final approved building permit drawings at the completion of the permitting process.

Toronto Transit Commission – As-Built Drawings

109. Prior to the registration of the plan of subdivision, the Owner shall provide as-built drawings of any and all structures and installation, including utilities on Blocks 264, Block 265 and Blocks 268 to 270, all inclusive, no later than 3 months following construction completion, as defined by substantial performance of the work.

Toronto Transit Commission – Survey

110. Prior to the registration of the plan of subdivision, the Owner shall provide a survey to the satisfaction of the Toronto Transit Commission, locating any and all structures both horizontally and vertically located on top of, over, or immediately adjacent to the Toronto Transit Commission structure no later than 3 months following construction completion, as defined by substantial performance of the work.

Toronto Transit Commission – Dispersion Analysis

111. Prior to the registration of the plan of subdivision, the Owner shall make arrangements to the satisfaction of the Toronto Transit Commission, providing for the following matters based on the dispersion analysis dated October 12, 2005 prepared by Ortech Environmental (as may be amended to the satisfaction of the Toronto Transit Commission): (a) the Toronto Transit Commission will require all bedrooms within an area to be determined through the dispersion analysis of the future Fire Ventilation System, to be equipped with a smoke detector connected to the unit's fire alarm system, to the satisfaction of the Toronto Transit Commission; and; (b) all fresh air intakes of buildings above 3 storeys in height to be equipped with smoke detectors, linked to dampers located at the fresh air supply intake which will register an alarm and automatically shut-off the outside air supply if smoke is detected in the fresh air intakes.

Toronto Transit Commission - Conveyance of Block 264 (Open Space) and Block 265 (Open Space)

112. Prior to the registration of the plan of subdivision, the Owner may be required to convey to the City of Toronto, at no cost to the City, Block 264 (Open Space) and Block 265

(Open Space). Should such conveyance be required, the Owner shall ensure that Block 264 and Block 265 (Open Space) 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. The need for this conveyance shall be confirmed prior to registration, by the Chief Planner and Executive Director.

Warning Clause – Toronto Transit Commission Transit Operations

113. Prior to the registration of the plan of subdivision, the Owner shall agree to include in the subdivision agreement and inserted in all agreements of purchase and sale or Lease for each dwelling unit. The following provisions must be included in the subdivision agreement to ensure that the warning clause survives the release of the Owner's obligations under the Subdivision Agreement and remain on title that:

- (i) the proximity of the proposed development of the lands municipally known as 725 Warden Avenue (the "Development") to the Toronto Transit Commission's transit operations, may result in smoke and particulate matter, noise, vibration, EMI and stray current transmissions ("Interferences") to the Development;
- (ii) the City of Toronto and the Toronto Transit Commission ("Commission") will not accept responsibility for any such Interferences effects on the Development, and/or its occupants;
- (iii) it has been advised by the Commission to apply reasonable attenuation measures with respect to the level of the Interferences on and within the Development; and
- (iv) to insert a Toronto Transit Commission interferences warning clause as provided below into any lease or sales agreement, and condominium declaration as applicable; and that this requirement shall be binding not only on the parties but also their respective successors and assigns and will run with title to the property:

"The Purchaser and/or Lessee specifically acknowledges and agrees that the development of the lands municipally known as 725 Warden Avenue (the "Development") will be developed in accordance with any requirements that may be imposed from time to time by any Governmental Authorities and that the proximity of the Development to TORONTO TRANSIT COMMISSION transit operations may result in smoke and particulate matter, noise, vibration, EMI and stray current transmissions (collectively referred to as "Interferences") to the Development and despite the inclusion of control features within the Development, Interferences from transit operations may continue to be of concern, occasionally interfering with some activities of the occupants in the Development. The Purchaser and/or Lessee agrees to make no complaint or claim against the City of Toronto and the Toronto Transit Commission resulting from any and all Interferences. Furthermore, the Purchaser and/or Lessee acknowledges and agrees that an Interferences warning clause similar to the one contained herein shall be inserted into any succeeding lease, sublease or sales

agreement, and that this requirement shall be binding not only on the parties hereto but also their respective successors and assigns and shall not die with the closing of the transaction.”

The Owner shall submit an excerpt from the applicable document(s), for TORONTO TRANSIT COMMISSION’s review, reference and approval.

Deferred Development

114. Prior to the registration of the plan of subdivision, the Owner shall agree to defer development on lots required for and in proximity to the required temporary road connections, to be determined by the Executive Director, Technical Services in consultation with the TTC, until such time as the Executive Director, Technical Services and the Toronto Transit Commission are satisfied that Future Street K has been constructed or will be in place when required to provide roadway connections between Streets G, H, I and J.

Site Plan Control

115. 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, save and except semi-detached or single family dwellings.

Model Homes

116. 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:
 - (i) ensures that financial security and insurance have been posted with the City to the satisfaction of the City Solicitor;
 - (ii) 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;
 - (iii) agrees to assume all risks as a result of construction of the model home(s) prior to registration of the plan of subdivision.

NOTES TO DRAFT APPROVAL:

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 Walker, Nott, Dragicevic Associates Limited, Drawing/File Number WW-DP-051216.dwg, dated December 16, 2005.
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.
5. The transmission lines abutting this subdivision operate at 500,000, 230,000, or 115,000 volts. Section 186 – Proximity-of the Regulations for Construction Projects in the Occupational Health and Safety Act, require that no object be brought closer than 6 metres (20 feet) to an energized 500 kV conductor. The distance for 230 kV conductors is 4.5 metres (15 feet), and for 115 kV conductors it is 3 metres (10 feet). It is the Owner's responsibility to be aware, and to make all personnel on site aware, that all equipment and personnel must come no closer than the distance specified in the Act. They should also be aware that the conductors can raise and lower without warning, depending on the electrical demand placed on the line.