

**55 Mac Frost Way – Zoning Amendment and Draft Plan of Subdivision Applications – Final Report**

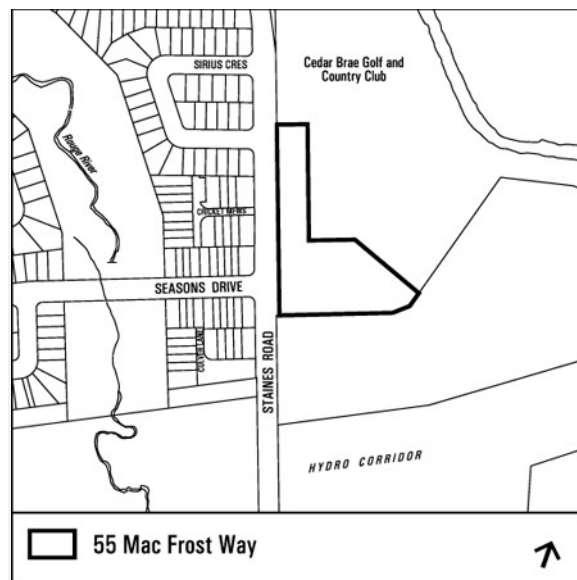
<b>Date:</b>	September 14, 2012
<b>To:</b>	Scarborough Community Council
<b>From:</b>	Director, Community Planning, Scarborough District
<b>Wards:</b>	Ward 42 – Scarborough-Rouge River
<b>Reference Number:</b>	12 117140 ESC 42 OZ and 12 117151 ESC 42 SB

**SUMMARY**

The applications for rezoning and draft plan of subdivision would facilitate a proposed residential development consisting of 9 single detached dwellings fronting onto Staines Road and 28 freehold townhouses fronting onto a new public road. The subject parcel of land is part of the larger land holding of Cedar Brae Golf and Country Club and is collectively known as 55 Mac Frost Way.

The proposed residential use is consistent with the Morningside Heights Secondary Plan. Access to the proposed single detached dwellings would be from Staines Road while the proposed public road would provide access and municipal services to support the proposed townhouses.

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



**RECOMMENDATIONS**

**The City Planning Division recommends that:**

1. City Council amend the Morningside Heights Zoning By-

- law for the lands at the southerly portion of land known as 55 Mac Frost Way, substantially in accordance with the draft zoning by-law amendment attached as Attachment No. 6 to report (September 14, 2012) from the Director, Community Planning, Scarborough District.
2. City Council authorize the City Solicitor to make such stylistic and technical changes to the draft zoning by-law amendment as may be required.
  3. In accordance with the delegated approval under By-law 229-2000, as amended, City Council be advised that the Chief Planner intends to approve the draft plan of subdivision as generally illustrated on Attachment 2 to report (September 14, 2012) from the Director, Community Planning, Scarborough District, subject to:
    - a. the conditions as generally listed in Attachment 7 to report (September 14, 2012) from the Director, Community Planning, Scarborough District, which except as otherwise noted must be fulfilled prior to the release of the plan of subdivision for registration; and
    - b. any such revisions to the proposed subdivision plan or any such additional modified conditions as the Chief Planner may deem to be appropriate to address matters arising from the on-going technical review of this development.

### **Financial Impact**

The recommendations in this report have no financial impact.

### **DECISION HISTORY**

The Ontario Municipal Board approved the Morningside Heights Secondary Plan in 2000 and the Morningside Heights Community Zoning By-law in 2002. The subject lands are identified within the Morningside Heights Secondary Plan.

### **ISSUE BACKGROUND**

#### **Proposal**

The proposal contemplates a 37-unit residential development consisting of 9 detached dwellings and 28 street townhouses on 1.14 hectares. All dwellings would be 2 storeys and would contain integral garages, with the detached dwellings having double-car garages. The proposed detached dwellings would be on lots having minimum 12.5 metre frontages on Staines Road and minimum lot areas of 375 square metres. The proposed townhouses would be on lots having minimum 6.2 metre frontages on a new 16.5 metre public road which terminates with a cul-de-sac.

The draft plan of subdivision would create the proposed 9 lots containing the detached dwellings, the 5 townhouse blocks and the new public road with a 16.5 metre right-of-

way. The 5 townhouse blocks would be subject to further planning applications to create the 28 individual ownerships.

The subject proposal is located on the existing third fairway of the Cedar Brae golf course and as such, part of the fairway and green will need to be shifted to the east in order to accommodate the proposed development. The proposed development is illustrated on Attachment 1, Site Plan and Attachment 3, Elevations. Specific details for the subject proposal are contained in Attachment 5, Application Data Sheet.

### **Site and Surrounding Area**

The subject lands are located on the east side of Staines Road, and are at the southerly limits of the existing Cedar Brae Golf and Country Club which partly contain an existing fairway and green. The subject lands are relatively flat and contain a number of trees, including those of an old apple orchard. The lands, relative to Staines Road, are for the most part at a lower grade elevation. Located within and adjacent to the Staines Road right-of-way in proximity to the subject lands are approximately 55 trees. These trees include a hedgerow of mature spruce trees at the northern flankage of the subject lands and a mix of smaller sized boulevard trees progressing southward.

As mentioned, the subject lands are located within the golf course lands. The golf course lands north and east of the subject proposal site are partly located within the Rouge Valley. Adjacent to the south side of the golf course is parkland with a hydro corridor beyond. Located on the west side of Staines Road are residential uses consisting of two-storey townhouses and detached dwellings.

### **Provincial Policy Statement and Provincial Plans**

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. The PPS sets the policy foundation for regulating the development and use of land. The key objectives include: building strong communities; wise use and management of resources; and, protecting public health and safety. City Council's planning decisions are required to be consistent with the PPS.

The Growth Plan for the Greater Golden Horseshoe provides a framework for managing growth in the Greater Golden Horseshoe including: directions for where and how to grow; the provision of infrastructure to support growth; and protecting natural systems and cultivating a culture of conservation.

City Council's planning decisions are required by the Planning Act, to conform, or not conflict, with the Growth Plan for the Greater Golden Horseshoe.

### **Official Plan**

The subject property is designated as Parks and Open Spaces - Other Open Space Areas which allows uses primarily for golf courses, cemeteries and open spaces associated with utilities and other specialized uses and facilities. Within the Morningside Heights Secondary Plan, the subject property is designated Neighbourhoods which allows for

detached, semi-detached and street townhouse dwellings, all of which will have lots having individual frontage on a public street. The subject lands are also within Neighbourhood Area 'A' which allows for block townhouses and similar low-scale housing forms at a maximum height of 4 storeys and a maximum density of 100 units per hectare.

The secondary plan provides guidance for the implementation of urban design principles that govern development within Morningside Heights that are based on having regard for the natural environment and the established context of the surrounding lands and uses.

The official plan includes public realm policies which state that new streets should be public streets. Public streets will be designed to, among other matters, provide connections with adjacent neighbourhoods; divide larger sites into smaller development blocks; provide access and addresses for new developments; allow the public to freely enter without obstruction; create adequate space for matters such as pedestrians, bicycles, landscaping and utilities and utility maintenance; and, provide access for emergency vehicles.

## **Zoning**

The portion of the golf course lands subject to the proposed development fall outside of the 2 community zoning by-laws that zone the surrounding lands and are unzoned.

## **Site Plan Control**

City Council at its June 6, 7 and 8, 2012 meeting, adopted a new City-wide site plan control by-law. In so doing, the proposed townhouses are now subject to site plan control. A site plan control application will be required.

## **Reasons for Application**

In order to permit the proposed residential development, the subject lands would be required to be zoned Single-Family Residential (S) Zone for the proposed single detached dwellings and Street Townhouse Residential (ST) Zone for the proposed townhouses. The rezoning would also establish appropriate development standards for the proposal.

The draft plan of subdivision would create the proposed 9 lots containing the detached dwellings, the 5 townhouse blocks and the public road extending easterly from Staines Road, and would provide for the necessary municipal services to support the development.

## **Community Consultation**

A community consultation meeting was held on May 16, 2012. Expanded notification for this meeting was given to 263 area residents and the meeting was attended by approximately 13 people. Issues raised at the meeting included: loss of view over to the golf course lands; having good design for the townhouses; traffic on Staines Road, including through-traffic emanating from outside the community; and, whether additional development was contemplated on the golf course lands in the future.

## **Agency Circulation**

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

## **COMMENTS**

### **Provincial Policy Statement and Provincial Plans**

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

The proposal conforms and does not conflict with the Growth Plan for the Greater Golden Horseshoe. The proposal supports intensification and provides a mix of housing.

### **Land Use**

The official plan provides for residential uses such as those being proposed on the subject lands. Some residents residing across from the subject property were concerned with the loss of views to the golf course. The Morningside Heights Secondary Plan contemplates some form of residential development on this portion of the golf course lands. In this case, the proposed dwellings are 2 storeys and will be similar in height as dwellings existing across from the subject lands.

The subject lands are currently within an active golf course and a partial relocation of an existing fairway and green is required in order to accommodate the proposed development. To ensure that the future residents would not be adversely affected by errant balls, a report by an expert in golf course design was submitted for review. The report indicates that the proposed redesign of the fairway and the proposed relocation of existing mature trees and additional planting on the golf course lands itself would further minimize potential impact of errant balls on the proposed development. Staff propose to include a condition in the subdivision approval requiring warning clauses in purchase and sale agreements regarding the potential of errant balls to the future owners of the new residential development.

### **Traffic**

Some of the residents at the community consultation meeting raised concern with traffic. Transportation Services staff were consulted and they advised that a stop sign would be installed at the future intersection of the new street and Staines Road. The proposed development would not generate sufficient traffic to warrant traffic signals in this location. A condition of the draft plan of subdivision condition would secure the required road infrastructure matters.

The installation of speed humps was also raised, especially as there is through-traffic along Staines Road from vehicles travelling to and from Highway 401 to areas outside of the City. Transportation staff indicated that speed humps would not be feasible as there

is a TTC bus route on Staines Road and traffic calming measures in these circumstances are not permitted under City policy.

Staff will be requiring, as a condition of the draft plan of subdivision, a road widening from the north end of Cedar Brae Golf and Country Club's lands along Steeles Avenue East. In so doing, the 36 metre right-of-way width requirement in the official plan for Steeles Avenue East would be secured, facilitating future area road improvements to occur along Steeles Avenue East.

### **Open Space/Parkland**

The official plan contains policies to ensure that Toronto's system of parks and open spaces are maintained, enhanced and expanded. The site is in a parkland priority area, as per the City-Wide Parkland Dedication By-law No. 1020-2010.

The applicant is proposing to rezone the subject site to permit a residential development containing 9 single dwellings and 28 townhouses for a total of 37 dwelling units within a site area of 0.943 hectares (9,430 square metres). At the alternative rate of 0.4 hectares per 300 units specified in By-law No. 1020-2010, the parkland dedication would be 0.0493 hectares (493 square metres), which equates to 5.2% of the site.

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

### **Streetscape/Environment**

Staff identified an opportunity for a landscape island within the proposed road to provide a visual amenity for the future residents. In consulting with Transportation staff, however, it was determined that the landscape island would not be feasible. As an alternative, the owner has agreed to replant existing trees and plant new trees within the golf course in proximity to the end of the proposed cul-de-sac. As tree permits would be required for the tree relocations, Forestry staff will ensure that the tree locations on the golf course would include tree planting in proximity to the end of the cul-de-sac.

A resident at the community consultation meeting wanted to ensure that the proposal would have good design. The Morningside Heights Design Guidelines apply to developments within the community in order to provide an attractive and distinctive community character of reduced building setbacks and porches. The proposed building setbacks are similar to those existing within Morningside Heights. The proposed townhouses will be subject to site plan control to further enable detailed review of building design features.

### **Toronto Green Standard**

On October 27, 2009 City Council adopted the two-tiered Toronto Green Standard (TGS). The TGS is a set of performance measures for green development. Tier 1 is

required for new development. Tier 2 is a voluntary, higher level of performance with financial incentives. Achieving the Toronto Green Standard will improve air and water quality, reduce green house gas emissions and enhance the natural environment.

The applicant is required to meet Tier 1 of the TGS.

Performance measures for the Tier 1 development features will be secured through the subdivision approval process such as encouraging tree growth to restore and enhance the natural heritage system, and stormwater retention and water quality measures through the requirement for an acceptable stormwater management report.

Other applicable TGS performance measures will be secured through the site plan approval process such as for the storage of recyclables and organic waste to reduce solid waste, and reducing the urban heat island by roofing and pavement materials to reduce ambient surface temperatures.

## **Conclusion**

The proposed rezoning and draft plan of subdivision applications provide for the development of 37 residential dwelling units that is compatible with the surrounding residential development within the Morningside Heights Community. The proposed zoning by-law incorporates appropriate development standards for the development that are consistent with similar developments in the Community. The proposed conditions for draft plan approval incorporate agency comments and requirements.

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

## **CONTACT**

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

## **SIGNATURE**

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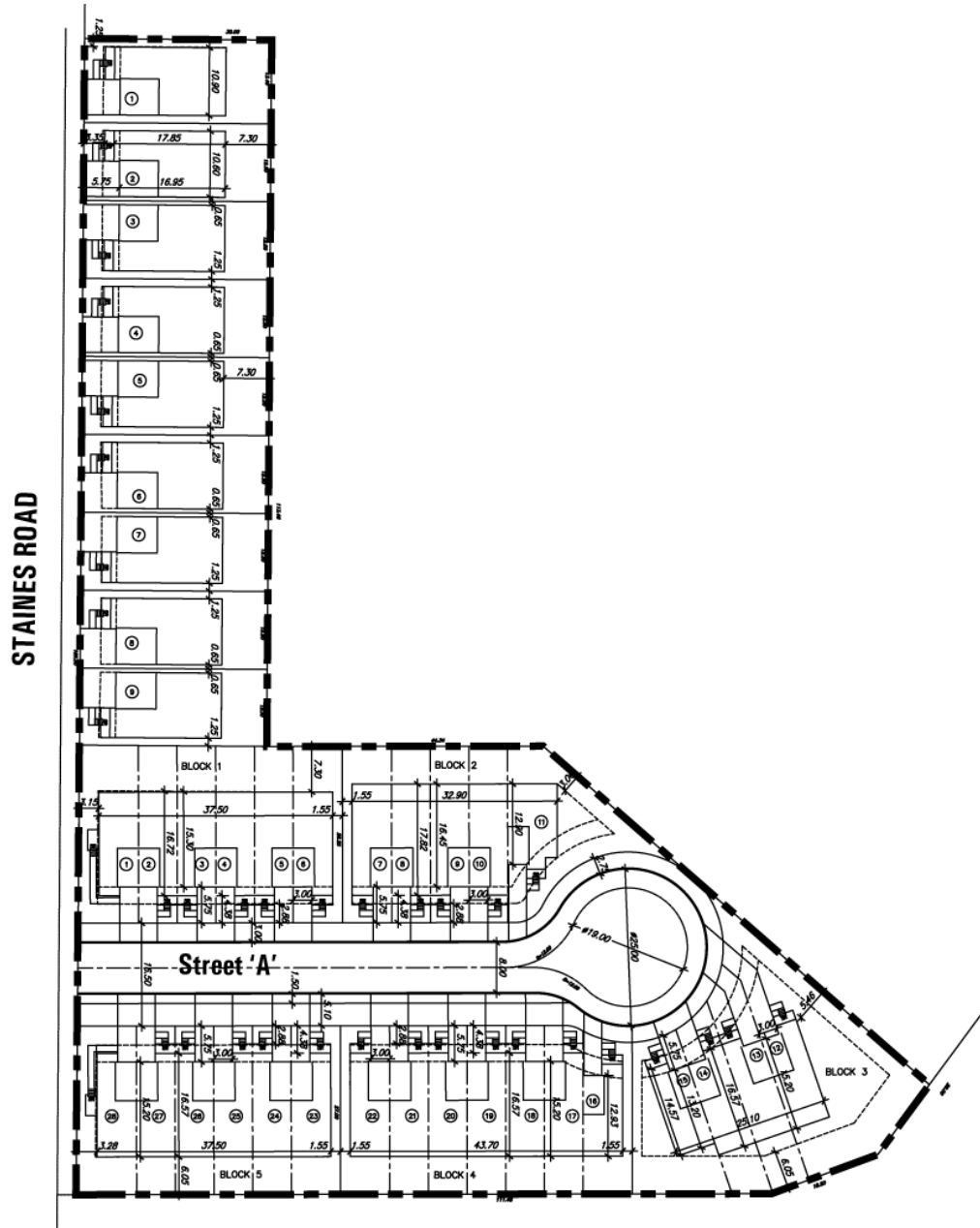
Raymond David, Director  
Community Planning, Scarborough District

## **ATTACHMENTS**

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



# Attachment 1: Site Plan



## Site Plan

Applicant's Submitted Drawing

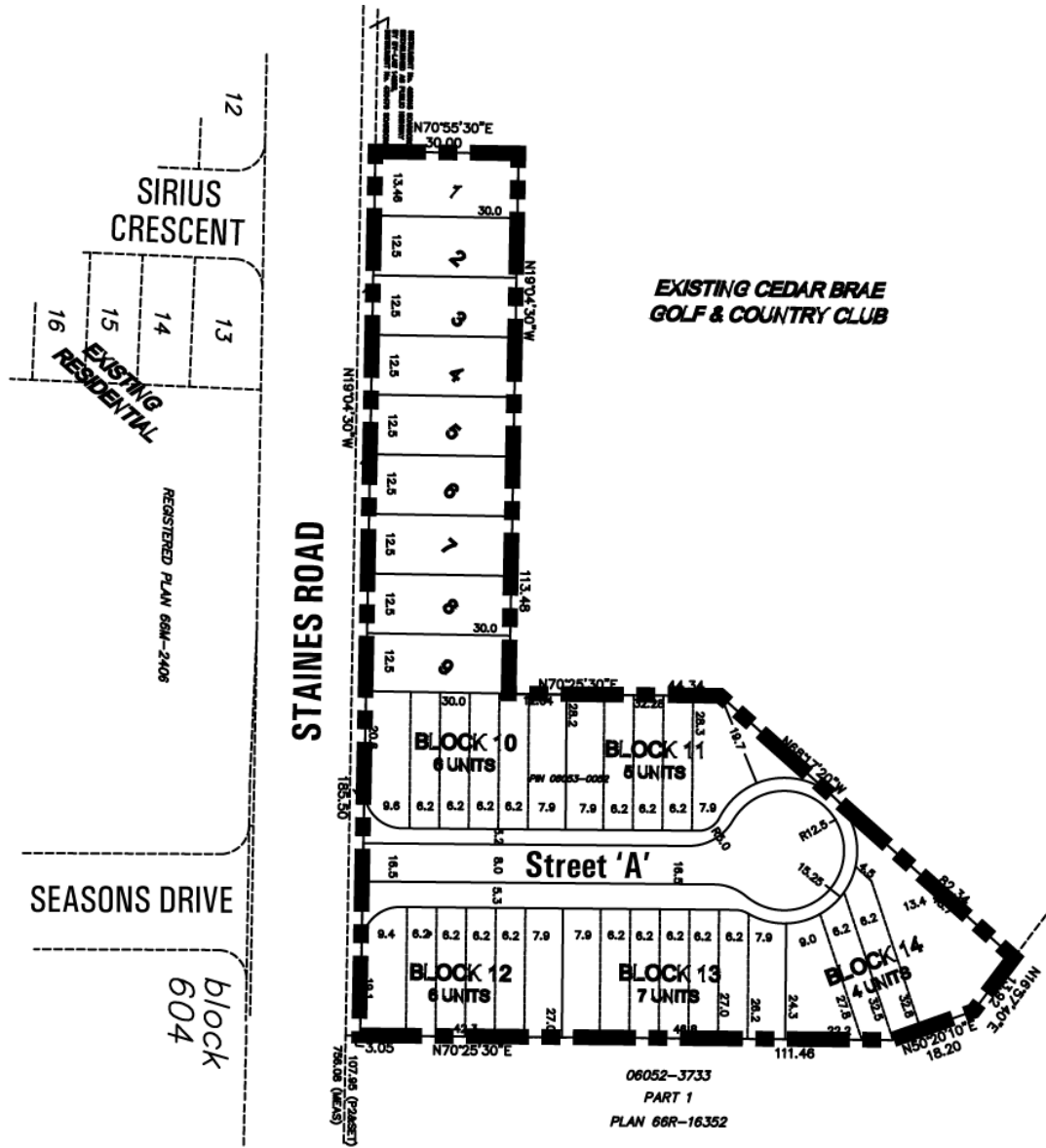
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## 55 Mac Frost Way

File # 12 117140 ESC 42 OZ

Attachment 2: Draft Plan of Subdivision



Plan of Subdivision

Applicant's Submitted Drawing

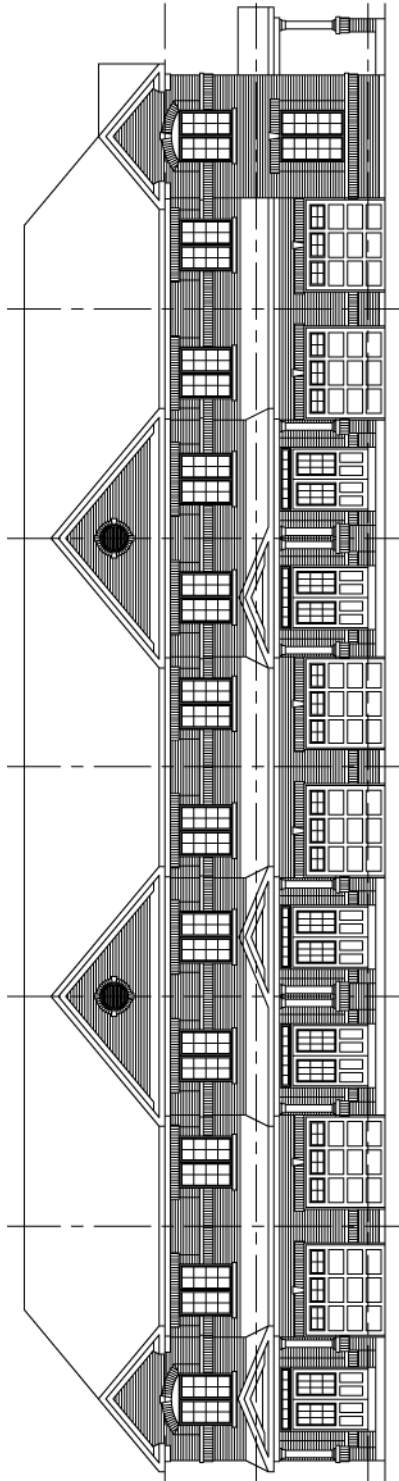
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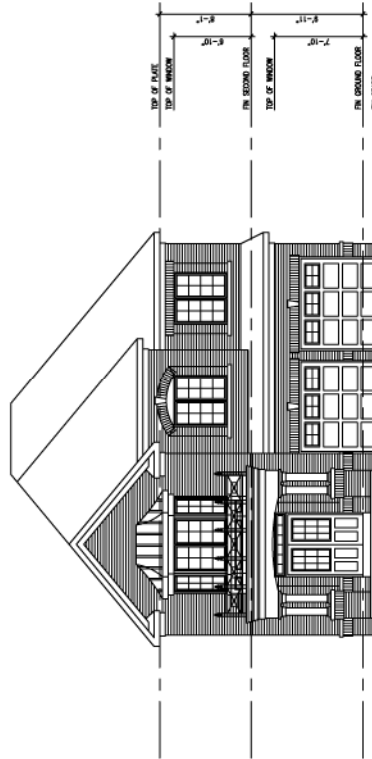
55 Mac Frost Way

File # 12 117151 ESC 42 SB

Attachment 3: Elevations



Front Elevation (Typical Townhouse)



Front Elevation (Typical Single)

Elevations

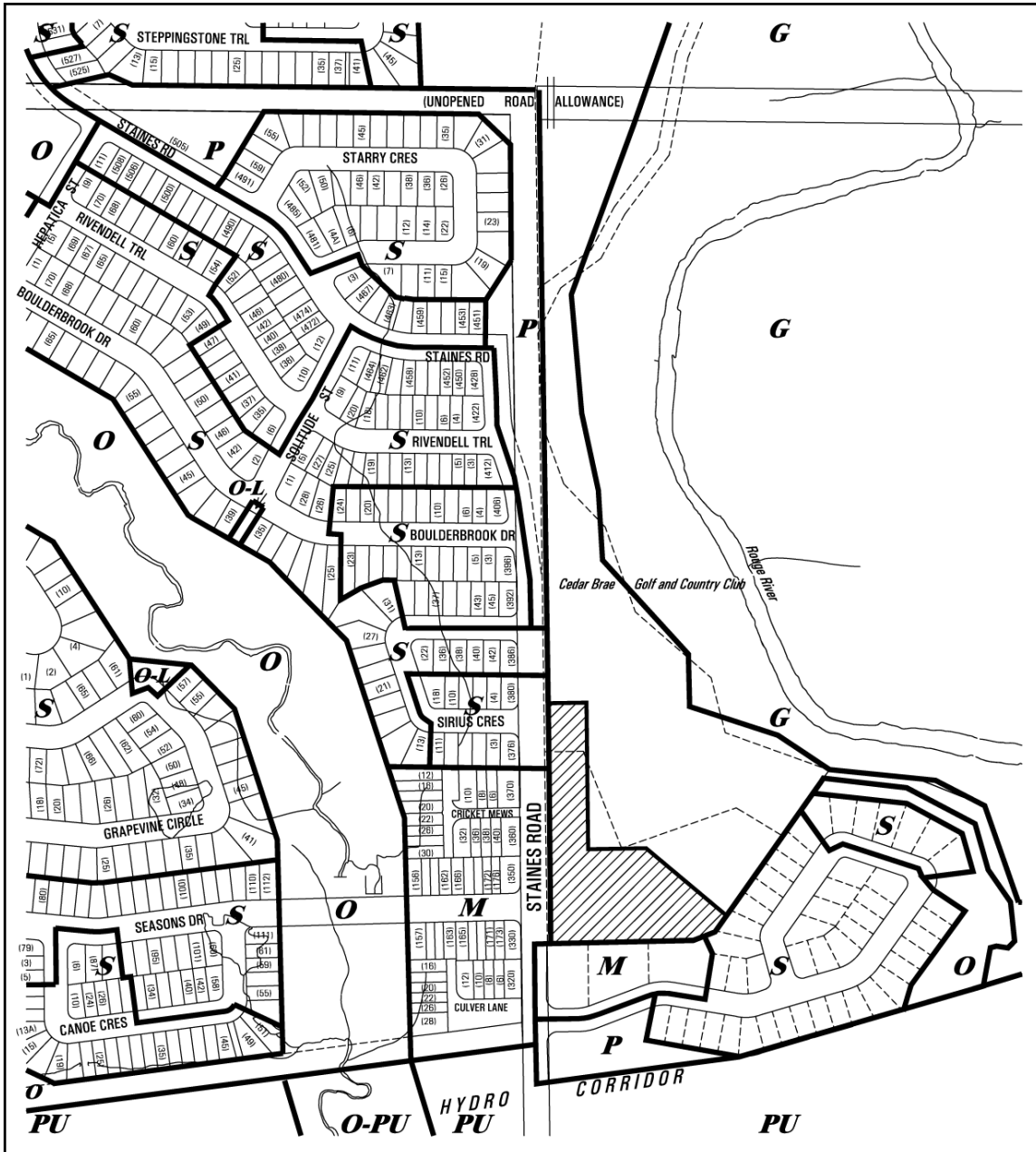
Applicant's Submitted Drawing

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02/29/12

55 Mac Frost Way

File # 12 117140 ESC 42 0Z

# Attachment 4: Zoning



**TORONTO** City Planning

**Zoning** Morningside Heights and Upper Rouge-Hillside Communities File # 12 117140 ESC 42 OZ

Location of Application

**S** Single-Family Residential  
**M** Multiple Family Residential

**PU** Public Utility  
**G** Golf Course Zone

**O** Open Space  
**O-L** Open Space - Linkage

**P** Park

Not to Scale  
02/14/12

## Attachment 5: Application Data Sheet

Application Type                      Rezoning & Draft Plan of Subdivision                      Application Number:                      12 117140 ESC 42 OZ & 12 117151 ESC 42 SB

Details                                      Rezoning, Standard                      Application Date:                      February 3, 2012

Municipal Address:                      55 MAC FROST WAY

Location Description:                      \*\*GRID E4202

Project Description:                      Proposed rezoning to permit a residential development comprised of 9 detached dwellings and 28 townhouses. The draft plan of subdivision would create the individual lots and blocks, and the proposed public road.

<b>Applicant:</b>	<b>Agent:</b>	<b>Architect:</b>	<b>Owner:</b>
MURRAY EVANS PLANNING			CEDAR BRAE GOLF & COUNTRY CLUB

### PLANNING CONTROLS

Official Plan Designation:	Other Open Space Areas	Site Specific Provision:	Neighbourhood Area 'A'
Zoning:	Unzoned	Historical Status:	
Height Limit (m):		Site Plan Control Area:	yes

### PROJECT INFORMATION

Site Area (sq. m):	11370	Height:	Storeys:	2	
Frontage (m):	185.5		Metres:	0	
Depth (m):	111.46				
Total Ground Floor Area (sq. m):	3539.68				<b>Total</b>
Total Residential GFA (sq. m):	6885.57		Parking Spaces:	46	
Total Non-Residential GFA (sq. m):	0		Loading Docks	0	
Total GFA (sq. m):	6885.57				
Lot Coverage Ratio (%):	31				
Floor Space Index:	0.6				

### DWELLING UNITS

### FLOOR AREA BREAKDOWN (upon project completion)

	Freehold		Above Grade	Below Grade
Tenure Type:	Freehold			
Rooms:	0	Residential GFA (sq. m):	6885.57	0
Bachelor:	0	Retail GFA (sq. m):	0	0
1 Bedroom:	0	Office GFA (sq. m):	0	0
2 Bedroom:	0	Industrial GFA (sq. m):	0	0
3 + Bedroom:	37	Institutional/Other GFA (sq. m):	0	0
Total Units:	37			

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

**Attachment 6: Draft Zoning By-law Amendment**

**CITY OF TORONTO**

**Bill No. ~**

**BY-LAW No. ~-2012**

**To amend the Morningside Heights Zoning By-law,  
approved by the Ontario Municipal Board on June 17, 2002, as amended,  
with respect to the southerly portion of lands municipally known as  
55 Mac Frost Way**

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

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

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

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

S – 1 - 20 - 21 - 22 - 50 - 60 - 64  
ST – 4 - 20 - 21 - 23 - 41 - 50 - 60 - 64  
ST – 5 - 20 - 21 - 23 - 41 - 50 - 60 - 64  
ST – 6 - 20 - 21 - 23 - 41 - 50 - 60 - 64  
ST – 6 - 20 - 21 - 23 - 50 - 60 - 64  
ST – 7 - 20 - 21 - 23 - 41 - 50 - 60 - 64

- 2. SCHEDULE “B” PERFORMANCE STANDARD CHART**, is amended by adding Performance Standard No.’s 41 and 64 as follows:

**BUILDING SETBACKS**

41. Minimum **rear yard** building **setback** is 6.0 m.

**MISCELLANEOUS**

64. Notwithstanding the provisions of **CLAUSE V – GENERAL PROVISIONS FOR ALL ZONES**, Section 29.1 Front Yard Landscaping, Sub-Clause (b), a minimum of 35% of the front yard shall be maintained as landscaping.

3. **SCHEDULE “C” EXCEPTIONS LIST**, is amended by adding Exception 4 within the lands as shown on Schedule ‘2’.

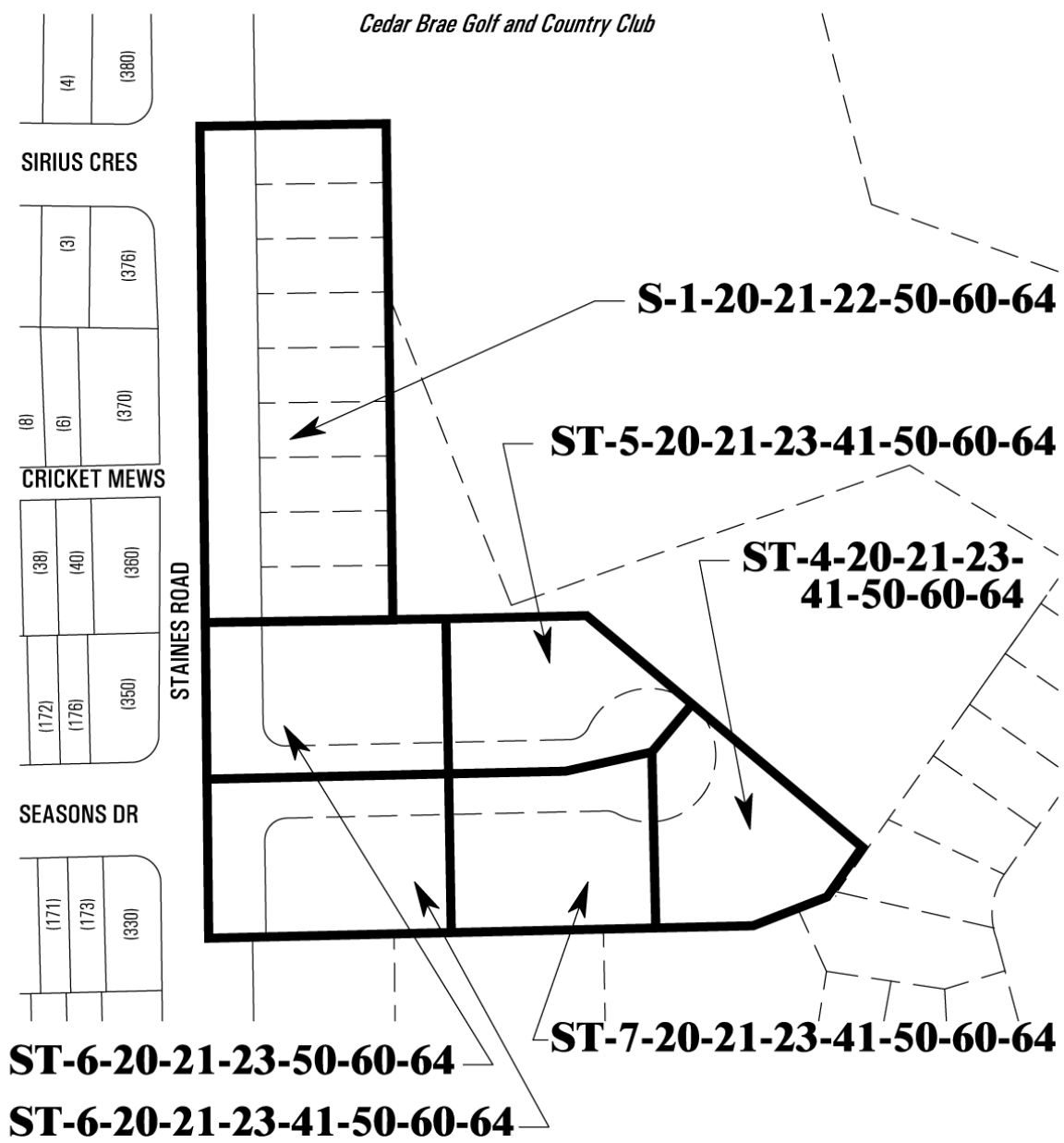
ENACTED AND PASSED this ~ day of ~, A.D. 2012.

ROB FORD,  
Mayor

ULLI S. WATKISS,  
City Clerk

(Corporate Seal)

# Schedule '1'



**Toronto** City Planning Division  
**Zoning By-Law Amendment**

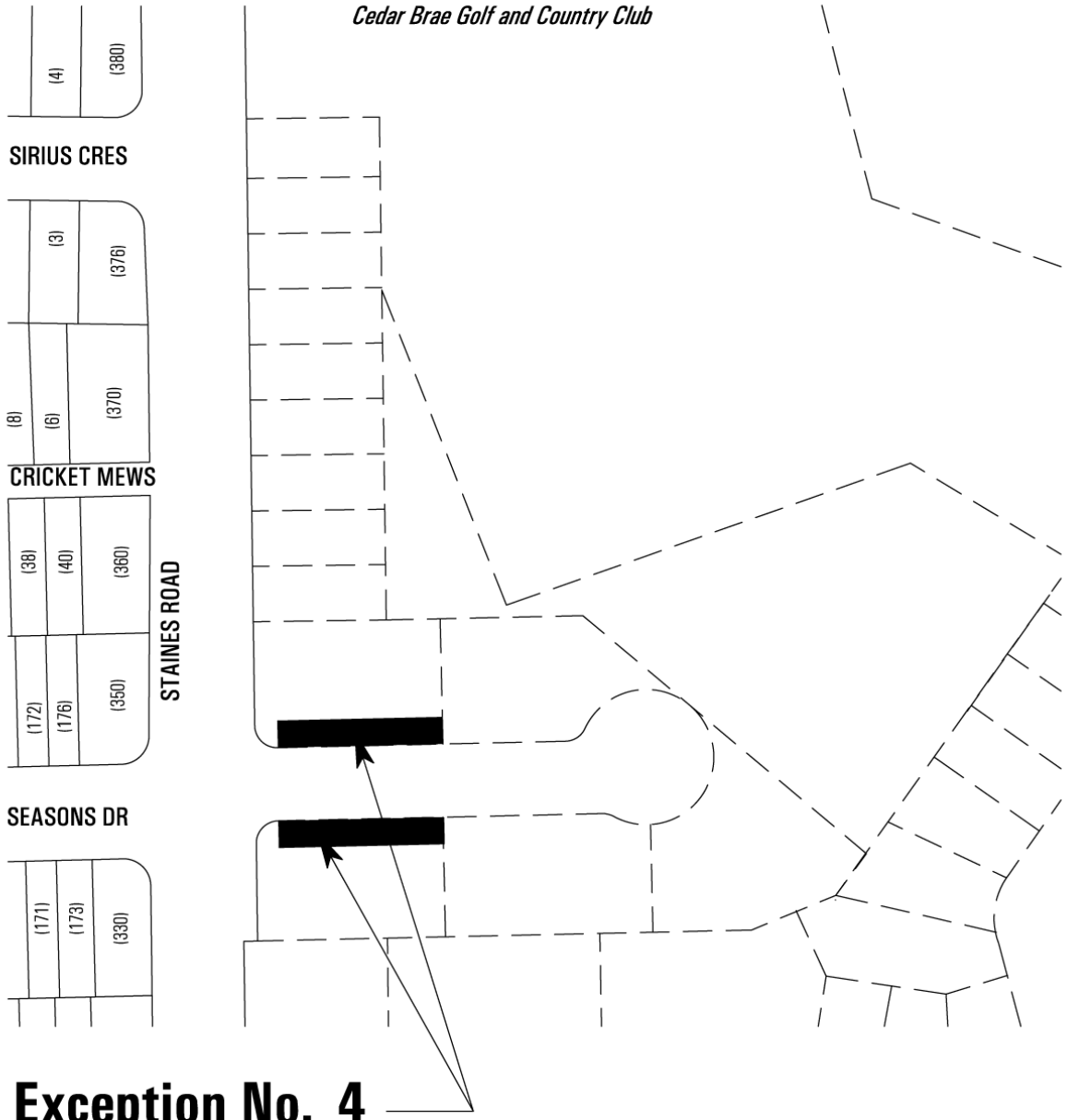
55 Mac Frost Way  
 File # 12 117140 ESC 42 0Z

 Area Affected By This By-Law

Morningside Heights Community Bylaw  
 Not to Scale  
 09/06/12



# Schedule '2'



**TORONTO** City Planning Division  
**Zoning By-Law Amendment**

**55 Mac Frost Way**  
 File # 12 117140 ESC 42 0Z

 Area Affected By This By-Law

Morningside Heights Community Bylaw  
 Not to Scale  
 09/06/12

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

**SUBDIVISION APPLICATION 12 117 151 ESC 42 SB  
DRAFT PLAN OF SUBDIVISION BY EVANS PLANNING  
DATED JANUARY 14, 2012**

**55 MAC FROST WAY (Southern End)  
PART OF LOT 12, CONCESSION 4  
CITY OF TORONTO (former City of Scarborough)  
CEDAR BRAE GOLF AND COUNTRY CLUB**

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**STANDARD CONDITIONS**

1. The Owner shall execute the City's standard subdivision agreement, and shall satisfy all the pre-registration conditions contained therein.
2. The Owner shall provide to the Director of Community Planning, Scarborough District, confirmation that the taxes have been paid in full. (statement of account or Tax Clearance Certificate).
3. If the subdivision is not registered within 5 years of the date of draft plan approval, then this approval shall be null and void and the plans and drawings must be resubmitted to the City of Toronto for approval.
4. The Owner shall construct and maintain the development in accordance with Tier 1 performance measures of the Toronto Green Standard, as adopted by Toronto City Council at its meeting held on October 26 and 27, 2009 through the adoption of PG32.3 of the Planning and Growth Committee.

**MORNINGSIDE HEIGHTS CORE SERVICE AGREEMENT**

5. Prior to registration of the plan of subdivision, the Owner shall submit written confirmation to the City that satisfactory arrangements have been made with the Morningside Heights Land Owners Group for the proportionate construction cost for the capacity of the storm and sanitary sewers that the proposed subdivision will use within the CORE services constructed for the Morningside Heights Community.

**UTILITIES**

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

7. Prior to the registration of the plan of subdivision, the Owner shall make satisfactory arrangements, financial or otherwise, with a hydroelectric provider including, amongst other matters, the installation of an underground hydro and street lighting system to the to the satisfaction of the Executive Director, Technical Services.
8. Prior to the registration of the plan of subdivision, the Owner shall make satisfactory arrangements, financial or otherwise, with a communication/telecommunication provider(s). The Owner shall agree in the Subdivision Agreement to grant the communication/telecommunication provider(s) any easements that may be required.

### **TRAFFIC ASSESSMENT**

9. The Owner shall submit a Traffic Operations Assessment for review and acceptance to the Executive Director of Technical Services.

### **STORMWATER MANAGEMENT, GRADING AND SITE SERVICING**

10. The Owner shall submit a Stormwater Management Report, prepared by a Registered Professional Engineer qualified in municipal engineering/stormwater management to the Executive Director, Technical Services for review and approval. The Stormwater Management Report must adhere to the City's Wet Weather Flow Management (WWFM) Guidelines. The submission must include reports, plans, computer modeling results and design calculations relating to how storm runoff is to be managed and any applicable maintenance requirements.
11. The Owner shall secure approvals from the adjacent land owners should any proposed works involve lands beyond the plan of subdivision lands, to the satisfaction of the Executive Director, Technical Services.
12. The Owner shall submit to the Executive Director, Technical Services for review and acceptance a servicing plan, a grading plan, and landscape plan.

### **STREET LIGHTING**

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

## **STREETS, DRIVEWAYS AND CORNER ROUNDINGS**

15. The Owner shall design and construct Street A per City standard's as a 16.5 metre right-of-way with an 8.0 metre pavement width, 1.7 metre sidewalk(s) adjacent to the curb and corner roundings of 5 metres at Staines Road, to the satisfaction of the Executive Director, Technical Services.
16. The Owner shall construct a 1.7 metre sidewalk along the entire Staines Road frontage, to the satisfaction of the Executive Director, Technical Services.
17. The Owner shall illustrate, convey and dedicate the proposed Street A, the turning circles, corner roundings, walkways and 0.3 metre reserves to the City, all to the satisfaction of the Executive Director of Technical Services.
18. The Owner shall provide functional drawings and pavement marking plans for Street A, to the satisfaction of the Executive Director of Technical Services.
19. The Owner shall prepare all documents to convey Street A lands in fee simple and easement interests to the City for nominal consideration, such lands to be free and clear of all physical and title encumbrances, and subject to a right-of-way for access in favour of the Grantor until such time as the said lands have dedicated as a public highway, all to the satisfaction of the Executive Director of Technical Services and the City Solicitor.
20. The Owner shall submit a draft M-Plan to the Executive Director of Technical Services, for review and approval, prior to depositing it in the Land Registry Office. The plan should:
  - (i) be in metric units and integrated to the 1983 North American Datum (Canadian Spatial Reference System) and the 3 degree Modified Transverse Mercator Projection);
  - (ii) delineate by separate PARTS the lands to be conveyed to the City, the remainder of the site and any appurtenant rights-of-way and easements; and
  - (iii) show the co-ordinate values of the main corners of the subject lands in a schedule on the face of the plan.
21. 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 (minimum width of 3 metres) to the satisfaction of the Executive Director, Technical Services.
22. The Owner shall make satisfactory arrangements for all costs associated with the re-location, removal, storage and reinstallation of the existing transit shelter, connecting sidewalks and passenger loading platform on the Staines Road frontage of the property to an alternative location, if required by the Toronto Transit Commission, to the satisfaction of the Executive Director, Technical

- Services. The Owner shall agree to provide 14 days (minimum) notice for the removal of the said shelter to the Executive Director, Technical Services.
23. The Owner shall agree to accept the costs to provide all municipal street signage hardware and pavement markings required for the development, to the satisfaction of the Executive Director of Technical Services.
  24. The Owner shall agree to convey to the City additional land of varying width along the entire section fronting Steeles Avenue East for right-of-way purposes. The land shall be for a nominal sum and free and be clear of all encumbrances. The owner shall submit to the Executive Director of Technical Services, for review and deposit in the Land Registry Office, a draft Reference Plan of Survey in metric units and integrated into the Ontario Co-ordinate System with co-ordinate values shown on the face of the plan, and delineating thereon by separate PARTS the lands to be conveyed to the City, the remainder of the site, and any appurtenant easements.
  25. The Owner shall agree to pay for all registration costs and costs to prepare the above reference plans.

#### **ENVIRONMENTAL ASSESSMENT**

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

#### **SNOW REMOVAL AND BOULEVARD PARKING**

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

"Purchasers are advised that where sidewalks are located adjacent to the curbs or where the right-of-way width is less than 18.5 metres, sidewalk snow clearing and driveway windrow clearing will not be carried out by the City."

"Purchasers are advised that any modification to the driveway or to the adjacent landscaping located within the City's Right-of-Way is subject to approval by the City of Toronto."

"There is a City by-law that prohibits the use of the public boulevard for a required parking space in this Ward. Casual parking (not required parking) is permitted within the confines of that portion of the boulevard within a private driveway, provided that no motor vehicle may be parked in the driveway less than 0.3 metres from the back edge of the sidewalk, or where no sidewalk exists, not less than 2.0 metres from the face of the curb or edge of the roadway. Additional vehicle parking that might otherwise be available on public streets will be subject to approval and regulations pursuant to applicable By-laws of the City of Toronto".

28. 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 and the City's snow clearing practices.

### **CEDAR BRAE GOLF & COUNTRY CLUB**

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

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

30. Prior to final registration of the plan of subdivision, the Owner agrees to provide its Solicitor's confirmation to the City advising that the clause set out above has been included in applicable offers of purchase and sale and/or lease agreements to ensure that future occupants are aware of errant golf balls.

### **FENCING**

31. Prior to the registration of the plan of subdivision, the Owner shall agree to provide the City with a detailed fencing plan for a 1.8 metre black vinyl chainlink fence along the south property limits and along the easterly property limits adjacent the proposed road right-of-way that abuts the Cedar Brae Golf and Country Club property, and for 1.8 metre privacy fencing or other suitable fencing along the property limits of the lots and blocks that abut the Cedar Brae Golf and Country Club property, and to make satisfactory arrangements to install the required fencing to the satisfaction of the Executive Director of Technical Services.

32. Prior to the registration of the plan of subdivision, the Owner agrees to provide the City with a Letter of Credit as security for the installation of any required fencing equal to 120% of the value of the fencing to the satisfaction of the Executive Director and the Executive Director, Technical Services.

### **SCHOOL ACCOMMODATION**

33. The Owner agrees to make satisfactory arrangements with the Toronto District School Board to erect and maintain signs, at points of egress and ingress of the development site, advising that the Toronto District School Board makes every effort to accommodate students at local schools however, due to residential growth, sufficient accommodation may not be available. As such, students may be accommodated in schools outside the area until space in local schools becomes available. These signs shall be to the specifications of the School Boards and erected prior to registration of the plan of subdivision.
34. The Owner agrees to include in all offers of purchase and sale or lease the following warning clauses prior to the registration of the subdivision plan and for a period of 10 years after registration of the subdivision plan:

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

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

### **NOISE WARNING**

35. The Owner agrees to include in all offers of purchase and sale or lease the following warning clause prior to the registration of the subdivision plan, to the satisfaction of the City Solicitor:

"Purchasers/tenants are advised that despite the inclusion of noise control features within this development and within the dwelling units, sound levels from increasing road traffic on Staines Road may continue to be of concern, occasionally interfering with some activities of the dwelling occupants as the sound level exceeds the Municipality's and the Ministry of Environment's noise criteria."

## **TREE PRESERVATION AND PLANTING**

36. Prior to the registration of the plan of subdivision, the Owner agrees to submit an Arborist Report, Tree Preservation Plan and Tree Replacement Plan to the satisfaction of the General Manager of Parks, Forestry and Recreation.
37. 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.
38. 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.
39. The Owner shall agree in the subdivision agreement that the Owner agrees to submit an application and pay the required application fees, and to provide 70 mm diameter caliper replacement trees for the removal of 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. The ratio of replacement trees will be determined by Urban Forestry. Replacement trees will be planted on site in accordance with Urban Forestry Services requirements, or if no suitable location on site can be provided, the Owner may submit cash-in-lieu of planting, all to the satisfaction of the General Manager of Parks, Forestry and Recreation.
40. The Owner shall agree in the subdivision agreement that the Owner agrees to install tree protection barriers and signage in accordance with the approved Arborist Report and Tree Preservation Plan 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.
41. The Owner shall agree in the subdivision agreement, to the satisfaction of the General Manager of 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.
42. The Owner shall agree in the subdivision agreement to submit an application and pay the required application fees, tree value and contractor's service agreement for the removal of tree that are subject to the City's Street Tree By-law and associated regulations in effect on the date of Draft Approval of the Plan of Subdivision.



43. Prior to the registration of the plan of subdivision, the Owner shall provide a street tree planting plan, in conjunction with a composite utility plan that indicates the species, size, and location of all proposed street trees, as these relate to the location of any roads, sidewalks, driveways, street lines and utilities. The street tree planting plan shall be satisfactory to the General Manager of Parks, Forestry and Recreation.
44. Prior to the acceptance of engineering drawings by Technical Services, the Owner agrees to provide a composite utility plan, indicating the location of all underground and above ground utilities, as well as proposed tree planting locations, to the satisfaction of Parks, Forestry and Recreation, and Technical Services.
45. Prior to the registration of the plan of subdivision, the Owner shall post a Letter of Credit equal to 120% of the value of the street trees, to guarantee the planting and maintenance by the Owner of the new street trees for a period of two years after the planting date, to the satisfaction of the General Manager of Parks, Forestry and Recreation.
46. Prior to the registration of the plan of subdivision, the Owner agrees to contact the Supervisor of Urban Forestry, Tree Protection and Plan Review or his/her designate prior to commencement of street tree planting. The Owner further agrees to plant the street trees as per the approved street tree planting and composite utility plans, to the satisfaction of the General Manager of Parks, Forestry and Recreation. There shall be a two-year maintenance period, with an annual inspection involving Urban Forestry and the Owner (and their agents). At the end of the two-year maintenance period, if the street trees are in good condition, the General Manager of Parks, Forestry and Recreation shall accept maintenance responsibilities, and return the Letter of Credit. The Owner acknowledges that any trees requiring removal will be replaced, maintained and guaranteed by the Owners for an additional two-year period.
47. Prior to the registration of the plan of subdivision, the Owner agrees to 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 planting strategy within the community. This booklet will be prepared to the satisfaction of Parks, Forestry and Recreation and will be distributed to all homeowners for all dwellings within the Subdivision.
48. The Owner agrees that the following clause will be included in all agreements of purchase and sale and/or rental/lease agreements for any lands within the proposed plan of subdivision:  
  
“The Purchaser(s) and/or Tenant(s) are hereby advised that they may not receive a street tree in front of their property.”

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

### **COMMUNITY MAILBOXES**

50. Prior to the registration of the plan of subdivision, the Owner shall make satisfactory arrangements with Canada Post concerning the location of the community mailbox, both temporary, if required, and permanent location. The Owner shall agree to incorporate the location of the mailbox on applicable servicing and engineering plans, to the satisfaction of the Executive Director, Technical Services.
51. The Owner agrees to include in all offers of purchase and sale or lease, a warning clause advising that mail delivery will be from a designated Community Mailbox.

### **NOTES TO DRAFT APPROVAL:**

1. Where any provision of the draft plan of subdivision conditions of approval makes reference to the Owner, it is understood that any rights and/or obligations accruing to the Owner are attributable to its successors and assigns.
2. Where any provision of the draft plan of subdivision conditions of approval makes reference to the draft plan, it is understood that such reference is made to the draft plan prepared by Evans Planning, dated January 14, 2012.
3. Where any provision of these draft plan of subdivision conditions of approval makes reference to a condition to be satisfied or work undertaken by the parties to the agreement, those parties agree to pursue the resolution of such condition or work in a timely, reasonable and cooperative manner.

4. Heritage Preservation Services Advisory Comment:

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

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