

**4332 to 4340 Lawrence Avenue East - Zoning By-law Amendment and Plan of Subdivision Applications – Final Report**

<b>Date:</b>	May 31, 2013
<b>To:</b>	Scarborough Community Council
<b>From:</b>	Director, Community Planning, Scarborough District
<b>Wards:</b>	Ward 44 – Scarborough East
<b>Reference Number:</b>	10 186660 ESC 44 OZ and 12 286202 ESC 44 SB

**SUMMARY**

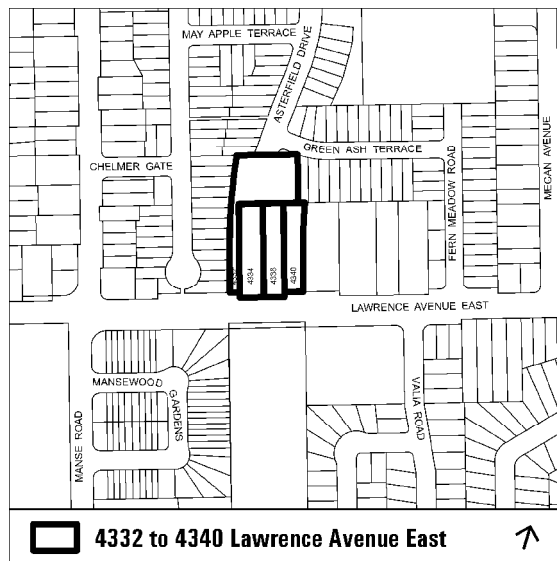
The rezoning application proposes to permit twenty-three (23), two-storey freehold dwelling units to be developed at 4332 to 4340 Lawrence Avenue East. The application for a plan of subdivision will create an 18.5 metre (61 feet) public street as an extension of Asterfield Drive to connect with Lawrence Avenue East as well as to subdivide the lands into twenty-three (23) individual residential lots.

This report reviews and recommends approval of the application to amend the Zoning By-law and 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 West Hill Community Zoning By-law No. 10327, as amended, for the lands at 4332 to 4340 Lawrence Avenue East, substantially in accordance with the draft zoning by-law



amendment attached as Attachment 6: Draft Zoning By-law to the report (May 31, 2013) 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 No. 229-2000, as amended, City Council be advised that the Chief Planner intends to approve the draft plan of subdivision as generally illustrated on Attachment 1: Draft Plan of Subdivision to the report (May 31, 2013) from the Director, Community Planning, Scarborough District, subject to:
  - a. the conditions as generally listed in Attachment 7: Conditions of Draft Plan of Subdivision to the report (May 31, 2013) 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;
  - 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 ongoing technical review of this development; and
  - c. draft plan approval not being issued until the necessary Bill is in full force and effect.

### **Financial Impact**

The recommendations in this report have no financial impact.

### **DECISION HISTORY**

The rezoning application (Application Number 10 18660 ESC 44 OZ) was filed on June 1, 2010 for lands at 4338 Lawrence Avenue East as well as for adjacent City-owned lands, known municipally as 4332, 4336, 4340 Lawrence Avenue East. The application, as originally submitted, was to rezone the lands to permit 24 (twenty-four) detached dwelling units.

The City-owned lands were acquired by the former Regional Municipality of Metropolitan Toronto for the Scarborough Transportation Corridor (STC) in 1984. The STC project represented the easterly extension of the Gardiner Expressway into the former City of Scarborough. This transportation initiative did not proceed and was later abandoned in the 1970s. The applicant/owner of 4338 Lawrence Avenue East sought to acquire the City-owned land parcels for incorporation of these lands as part of their development.

A preliminary report with recommendations to hold a community consultation meeting was considered by Scarborough Community Council on August 17, 2010. Scarborough Community Council directed staff that prior to holding a community consultation

meeting on the application, the Chief Corporate Officer, in consultation with the local Councillor to investigate the possibility of declaring the City-owned lands surplus and the "intended manner or process by which the sale of the lands, if declared surplus, should be carried out and to report to the Government Management Committee on the proposed parameters of any sale."

At its meeting on March 29, 2011, the Government Management Committee declared a portion of the City-owned lands as surplus. The link to this decision is as follows:  
<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2011.GM2.5>

City Council adopted GM3.21, as amended, at its meeting on May 17, 18 and 19, 2011, and approved the transfer of parts of the City-owned properties to Build Toronto. A portion of the City-owned lands were retained for the planned extension of Asterfield Drive to Lawrence Avenue East, as provided for in the City's Official Plan.

Link to the City Council decision on the transfer of lands to Build Toronto:  
<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2011.GM3.21>

The terms and conditions of the transfer included:

1. That Build Toronto be required to work with the local Councillor and the General Manager, Parks, Forestry & Recreation to preserve as many trees as possible in the future development of the lands.
2. Build Toronto acknowledges that:
  - a. in order to maximize the return to the City, it will consider whether it is appropriate to advance the development of this property by means of a joint venture or some other arrangement;
  - b. Asterfield Drive is planned to be extended from Green Ash Terrace to Lawrence Avenue East in order to implement the Official Plan.
3. Title to the property will be taken "as is" and will be subject to existing interests and to such easements or other interests as required for existing and future utility installations and municipal services on the property including, but not limited to, the following:
  - a. a temporary easement is required for the construction of a watermain
  - b. a permanent easement is required for a valve chamber should the lands not become part of the road allowance for the Asterfield Drive extension.

In mid-September 2012, portions of the City-owned land was sold by Build Toronto to the current owners with areas of these lands encumbered by both temporary and permanent easements for servicing upgrades in the area. Lands were also retained in the

City's ownership in order to facilitate the proposed extension of Asterfield Drive to Lawrence Avenue.

On November 12, 2012, the owners filed an application for a plan of subdivision (Application Number 12 286202 ESC 44 SB) and revised the rezoning application to decrease the total number of lots by 1 (one) to 23 (twenty-three) lots. The plan of subdivision application also proposes the extension of Asterfield Drive with a right-of-way width of 18.5 metres (61 feet) at its current terminus (Green Ash Terrace) to Lawrence Avenue East (Attachment 1: Draft Plan of Subdivision).

At its meeting on January 22, 2013, Scarborough Community Council (SC21.30) directed that notice of the community consultation meeting be expanded to include the area between Kingston Road, Lawrence Avenue East, Megan Avenue and Manse Road.

Link to Scarborough Community Council decision regarding the expanded notice and associated preliminary report:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2013.SC21.30>

A community consultation meeting was held on April 11, 2013.

At its meeting on May 8, 2013, City Council directed City Planning staff in consultation with Transportation Services and Legal staff (MM33.5) to review the extension of Asterfield Drive to Lawrence Avenue East including the option of extending Asterfield Drive as a cul-de-sac. This report addresses the findings of staff's analysis and assessment of the Asterfield Drive extension both as a through street connecting to Lawrence Avenue East and as a cul-de-sac.

Link to City Council decision regarding the review of the Asterfield Drive extension:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2013.MM33.5>

## **ISSUE BACKGROUND**

### **Proposal**

The rezoning application proposes to establish development standards to construct twenty-three (23) single detached residential units on a north-south public street having a right-of-way width of 18.5 metres (61 feet) from Lawrence Avenue East on the south connecting with the existing Asterfield Drive which currently intersects at Green Ash Terrace. The draft plan of subdivision (Attachment 1: Draft Plan of Subdivision) is for the creation of this Asterfield Drive extension with twelve lots on the west side of this proposed right-of-way and eleven lots on the east side. All lots have access off the Asterfield Drive extension with the proposed lots arranged in a rectangular fashion at right angles from the new street.

The original proposal proposed lots ranging in size from 246 square metres (2,648 square feet) to 380 square metres (3,261 square feet) with 8 of the lots having frontages of 13.8

metres (45 feet), ten of the lots at 11 metre (36 feet) frontages and 6 of the lots at 9.2 metre (30.2 feet) frontages.

By reducing the proposed plan of subdivision by one unit, the current proposal still contemplates varied lot areas ranging from 277 square metres (2,982 square feet) to 383 square metres (4,123 square feet). The lot frontages now vary with 1 lot having a lot frontage of 12.8 metres (42 feet), 1 lot having a lot frontage of 11.25 (37 feet) metres, 2 lots having a frontage of 9.2 metres (30 feet), 5 lots with 11 metre (36 feet) frontages, 6 lots with 12.2 metre (40 feet) frontages and 8 lots with 13.8 metre (45 feet) frontages.

For further information on the proposal and relevant project information, please refer to Attachment 5: Application Data Sheet for further information.

### **Site and Surrounding Area**

The site is located on the north side of Lawrence Avenue East, east of Morningside Avenue and west of Beechgrove Drive, is heavily treed and generally flat in topography. The combined site is comprised of lands owned by the applicant and, in part, City-owned lands. The lands at 4334 and 4338 Lawrence Avenue East are currently vacant; however there is an existing detached dwelling at 4340 Lawrence Avenue East.

The combined site has an approximate area of 1.04 hectares (2.6 acres) and is largely rectangular in shape. The site has a frontage of approximately 75 metres (246 feet) on Lawrence Avenue East and an approximate depth of 151 metres (495 feet). The northern or rear portion of the site is adjacent to two local residential streets, Asterfield Drive and Green Ash Terrace.

Immediately west of the site are single detached homes fronting on Plumrose Boulevard which terminates in a cul-de-sac just north of Lawrence Avenue East. To the north and northeast of the site are single detached dwellings on Green Ash Terrace and Asterfield Drive. Immediately adjacent to the east is a single detached dwelling and east of this site at 4346 Lawrence Avenue East, is a recently completed place of worship.

On the south side of Lawrence Avenue East is a Toronto Police (43 Division) office and Emergency Services station, an existing townhouse development and detached dwellings to the east of the townhouses and west of the Toronto Police (43 Division) and Emergency Services facility.

### **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 Official Plan (Schedule 2 – The Designation of Planned but Unbuilt Roads) identifies the designation of Asterfield Drive to have a direct connection from Lawrence Avenue East to Kingston Road.

The subject lands are designated *Neighbourhoods* in the Official Plan. *Neighbourhoods* are to contain a full range of residential uses within lower-scale buildings, as well as parks, schools, local institutions and small-scale stores and shops serving the needs of area residents.

The Official Plan establishes development criteria which, among other matters, require development to: provide an attractive, comfortable and safe pedestrian environment; have access to schools, parks, community centres, libraries and childcare; take advantage of nearby transit services; and provide good site access and circulation and an adequate supply of parking for residents and visitors.

The Plan recognizes the importance of good urban design in building a successful city and strives to ensure that the best possible development choices are made. Beautiful, comfortable, safe and accessible streets, parks, open spaces and public buildings are a key shared asset. As a result, the Plan contains detailed policies relating to the public realm and built form, among other matters. Relevant policies include, but are not limited to:

### Section 4.1, Policy 5:

“Development in established *Neighbourhoods* will respect and reinforce the existing physical character of the neighbourhood, including in particular:

- a) patterns of streets, blocks and lanes, parks and public building sites;
- b) size and configuration of lots;
- c) heights, massing, scale and dwelling type of nearby residential properties;
- d) prevailing building type(s);
- e) setbacks of buildings from the street or streets;
- f) prevailing patterns of rear and side yard setbacks and landscaped open space;
- g) continuation of special landscape or built-form features that contribute to the unique physical character of a neighbourhood; and
- h) conservation of heritage buildings, structures and landscapes.

No changes will be made through rezoning, minor variance, consent or other public action that are out of keeping with the physical character of the neighbourhood.”

## **Zoning**

The subject site is zoned Single Family Residential (S) under the former City of Scarborough West Hill Community Zoning By-law Number 10327, as amended, which permits one single family detached dwelling per parcel of land with a minimum of 15 metres frontage on a public street, and a minimum area of 696 square metres (7,492 square feet).

Permitted uses include single family dwellings, correctional group homes and group homes. Ancillary uses permitted include domestic or household arts and private home day care.

## **City-Wide Zoning By-law No. 569-2013**

City Council enacted the City-Wide Zoning By-law No. 569-2013 on May, 9, 2013. The properties are not subject to the new Zoning By-law.

## **Site Plan Control**

The proposal is not subject to the City's Site Plan Control By-law No. 774-2012, as amended.

## **Reasons for Application**

The zoning by-law amendment application is required to rezone the property with the necessary development standards to enable the development of the proposed twenty-three (23) lots.

The plan of subdivision application proposes to create the extension of Asterfield Drive, a public street having a right-of-way width of 18.5 metres (61 feet) and associated transportation related requirements such as corner roundings and the lifting of the existing (0.3 metre) (1 foot) reserve at the current terminus of Asterfield Drive as well as to subdivide the land to create of the individual twenty-three (23) residential lots.

## **Community Consultation**

A community consultation meeting was held on April, 11, 2013 with notice given to approximately 519 residents and ratepayers associations which included the expanded notification area. The meeting was attended by representatives from the Ward Councillor's office, the applicants, their planning and transportation consultants, City Planning, City Development Engineering and City Transportation Services staff. Approximately seventeen (17) residents attended the meeting.

The extension of Asterfield Drive to Lawrence Avenue East, increased traffic volumes, operations of the Toronto Police and Emergency Services station the identification of Asterfield Drive from Kingston Road to Lawrence Avenue East in the Official Plan on Schedule 2 were the primary issues raised at the meeting.

Residents were concerned that existing traffic may use the extension of Asterfield Drive to Lawrence Avenue East as a by-pass through their community and felt that the community in general would be better served if the extension of Asterfield Drive terminate in a cul-de-sac in a similar manner to Plumrose Boulevard.

The residents were informed that forecast traffic volumes, including counts from 2000 to 2010, were estimated along Lawrence Avenue East and in the surrounding neighbourhood including Morningside Avenue and Lawrence Avenue East. An analysis and forecasted growth projections were considered as part of the traffic analysis. Staff indicated that the existing area's transportation network should not negatively be affected by the subdivision. Traffic infiltration should not be problematic due to the centre median on Kingston Road which will not allow westbound turns at Asterfield Drive and that other routes were available such as Manse Road which is a signalized intersection.

The proposed extension of Asterfield Drive and its alignment provides for greater connectivity in the area and should alleviate current volumes and represents a positive connection for traffic on the adjacent streets. The connection also provides travel options for people living in the immediate area and the Asterfield Drive extension is in keeping with the policies of the Official Plan.

Another concern raised was the removal of mature trees, the manner of protection of existing trees and how many trees were being installed through this development proposal. A question of the size of the proposed dwellings and price points was also raised and timing for commencement of the proposed development.

The applicant informed residents that with the lots ranging from 9.2 metres (30 feet) to over 13.8 metres (45 feet) in frontage there will also be a range of dwelling unit sizes. The applicant indicated all dwelling units would contain four bedrooms and be approximately 186 to 242 square metres (2,000 to 2,600 square feet). The starting price would be \$500,000 and up depending on the market conditions at the time of sales. The applicant indicated that timing was dependent on when and if the applications were approved.

Impacts, such as vibration on existing dwellings, through future construction activities were also a concern. Staff indicated that the City has a Construction Vibration By-law which requires on-site monitoring for large developments. Occasionally vibration-producing activity on smaller residential sites may also occur but generally, for smaller sites, such impacts would not contravene the by-law. Staff encouraged residents to contact the Municipal Licensing Standards (MLS) Division of the City so that an investigation can take place for cases where vibration impacts may exceed the provisions of the By-law.

Of note, many residents, when queried, did not provide feedback on other elements of the development such as setback lot sizes and lot areas as they felt the approval of the



subdivision was premature and that Asterfield Drive should not extend to Lawrence Avenue East.

Staff have also received a number of letters of objection to the proposed development similar to those raised at the community consultation meeting, including the local ratepayers association which cited a concern with the connection of Asterfield Drive to Lawrence Avenue East.

Further discussions on transportation and tree removal and replacement matters are contained in this report under sections:

1. Traffic Impact, Access and Parking; and
2. Tree Preservation, Removal and Replacement.

### **Agency Circulation**

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

## **COMMENTS**

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

The proposal is consistent with the Provincial Policy Statement and conforms to the Growth Plan for the Greater Golden Horseshoe.

### **Land Use**

The subject property is located in an area with predominantly residential uses with lots containing detached dwelling units. The development is compatible with the existing lot fabric and street patterns in the neighbourhood and conforms to the policies contained in the Official Plan.

### **Density, Height, Massing**

Although the development proposal is exempt from site plan control, a concept plan showing detached dwellings fronting the extension of Asterfield Drive was submitted to illustrate the proposed lots and the siting of these dwelling units and related setbacks from the street and the boundaries of the property. This concept was developed under Policy 4.1.5 of the *Neighbourhoods* section of the Official Plan, as the rectangular shape of the site lends itself to an efficient use of the property if subdivided for detached lots similar to those found in the adjacent neighbourhood. The existing lots consist primarily of detached dwelling units on the north side of Lawrence Avenue East between Manse Road and Beechgrove Drive.

Staff reviewed the subject applications to ensure that similar urban design is applied to the proposed built form, dwelling unit orientation, street and lotting patterns. The

proposed development for detached dwellings is generally consistent with the existing lots and dwellings found in the neighbourhood.

Staff also note that main entrances to each dwelling unit are oriented with the main entrances facing the street and the proposed lots divided in an even manner on both sides of the proposed extension of Asterfield Drive. The proposed siting of the dwellings generally provide adequate front yard and rear yard setbacks in order to accommodate open space that maximizes amenity, sun, drainage and visibility.

The 8 (eight) lots north of Lots 5 and Lots 20 have a front yard setback of 3.5 metres (11.5 feet) and a rear yard setback of 6.0 metres (20 feet). The balance of the lots are to have a minimum front yard setback of 4.5 metres (15 feet) and a rear yard setback of 7.5 metres (25 feet). The applicants are proposing enhanced landscaping on the private side to supplement the site's boulevard improvements along Asterfield Drive.

Planning staff recommend that the Zoning By-law be amended to permit a maximum height of 11 metres (26 feet) for the homes. The dwellings will be required to remain within this height limit which would accommodate 2 (two) storeys, excluding basements. Although the proposal is not subject to site plan control, staff have been provided a conceptual elevation plan illustrating a variety of architectural details including variations in the ridge orientation and massing of the roofs. The elevations also show building projections like roof extensions, cantilevered elements and dormers. These details add interest and variety to the streetscape.

### **Traffic Impact, Access, Parking**

Asterfield Drive currently exists as a 23 metres (75.5 feet) right-of-way which currently terminates at Green Ash Terrace. As part of the rezoning application, the owners submitted a Traffic Impact Study supporting the connection of Asterfield Drive to Lawrence Avenue East and further requested that the right-of-way width be reduced from 23 metres (75.5 feet) to 18.5 metres (61 feet). This report has been reviewed by staff.

As part of this review Transportation Services staff requested that Asterfield Drive be widened slightly at the north end to improve sight lines at Green Ash Terrace. As a result, Lot 23 was modified to meet the stopping sight distance requirements and taper to accommodate appropriate sight lines which is now included as part of the Asterfield Drive right-of-way. This will enable staff to ensure that sight lines between ground level and 2.5 metres (8 feet) above grade remain unobstructed.

The applicant will be required to provide 1.7 metres (5.6 feet) wide sidewalks on both sides of the proposed roadway extension as required by the Development Infrastructure and Policy Standards (DIPS). Staff will also require through the subdivision agreement that driveway entrances not overlap with adjacent driveway entrances within the boulevard and that driveways be constructed having a minimum width of 3 metres (10 feet).

The applicant will also be required to provide a 4.89 metre (16 feet) road widening for the portion of Lawrence Avenue East abutting the subject properties and will be required to make arrangements to lift the 0.3 metre (1 foot) reserve abutting the southerly limit of Asterfield Drive.

In addition, staff will require the owner to seek the appropriate municipal numbering for the lots created and will be required to follow the City's Street Naming Policy.

### **Parking and Right-of-Way Restrictions**

At least one parking space will be provided per dwelling unit with at least one additional parking space provided on the driveway whereas the Zoning By-law requires one parking space per dwelling unit.

Transportation Services staff require that prior to the registration of the plan of subdivision, the Owner agrees to include the following warning clauses pertaining to the Asterfield Drive right-of-way in all agreements of purchase and sale and/or lease agreements and that these warning clauses be registered on title to the satisfaction of the City Solicitor:

"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."

### **Official Plan Schedule 2 – The Designation of Planned But Unbuilt Roads**

City Council directed staff at its meeting on May 8, 2013 to "review the extension of Asterfield Drive to Lawrence Avenue East from Kingston Road as identified on Official Plan's Schedule 2 – The Designation of Planned But Unbuilt Roads including the option of extending Asterfield Drive as a cul-de-sac".

The review of the extension has been completed and the following findings arise out of this review.

Various north-south street connections already exist in the immediate neighbourhood from Kingston Road to Lawrence Avenue East including Manse Road, Flerimac Road and Megan Avenue. The extension of Asterfield Drive to Lawrence Avenue East would

enhance connectivity and access to and from the neighbourhood and address the intent of the Schedule 2, in the Official Plan. In addition, the extension would also provide alternative routes into the neighborhood for police and emergency vehicles.

However, staff acknowledge that the proposed development of 23 (twenty-three) detached dwellings located at 4332 to 4340 Lawrence Avenue East does not require the extension of Asterfield Drive to Lawrence Avenue East to accommodate the traffic generated from the proposal. The proposed development is anticipated to generate in the order of twenty (20) trips in the morning (AM) peak period and twenty (20) trips in the evening (PM) peak period. With a cul-de-sac option, the existing street network will have to accommodate these new trips.

The traffic generated by the proposal is expected to add a nominal amount of incremental vehicular traffic to the existing road system and is within normal daily variation of traffic along the roads. Based on the predicted traffic conditions, intersection improvements at Green Ash Terrace and Asterfield Drive, and the new intersection at Lawrence Avenue East and Asterfield Drive are not required as part of this development. However, as noted, the extension to Lawrence Avenue East would provide enhanced connectivity and access to and from the neighbourhood and would address the intent of the Schedule 2, in the Official Plan.

Of note, depending on the design of the cul-de-sac and the resulting lotting pattern surrounding this cul-de-sac such as the one illustrated in Attachment 2: Cul-de-Sac Option, a future extension of Asterfield Drive to Lawrence Avenue East would not be precluded. In this instance, a cul-de-sac as illustrated on the Attachment would not require an amendment to the Official Plan (Schedule 2- The Designation of Planned but Unbuilt Roads).

## **Servicing**

### **Watermain Construction from F. J. Horgan Water Treatment Plant to Ellesmere Reservoir and Pumping Station**

In 2006, the City of Toronto filed a Notice of Completion for a Class Environmental Assessment (Class EA) and Route Study from the F. J. Horgan Water Treatment Plant to Ellesmere Reservoir and Pumping Station. The watermain is to be constructed in a tunnel and to traverse along Manse Road. However, at Lawrence Avenue East, a side tunnel extending easterly from Manse Road is required, and will terminate at a shaft and valve chamber to be located on City lands at 4334 and 4340 Lawrence Avenue East as part of the extension of Asterfield Drive. This shaft is required to provide a connection to an existing 750 millimetre (29.5 inches) watermain on Lawrence Avenue East.

Link to the City website on this capital works project

[http://www.toronto.ca/water/supply/supply\\_facilities/fjhorgan/project.htm](http://www.toronto.ca/water/supply/supply_facilities/fjhorgan/project.htm)

Toronto Water staff identified the need for a construction staging area in order to complete the watermain upgrades identified in the Class EA for those lands comprised of Lots 10, 11 and 12 on the draft plan of subdivision, as generally illustrated as Attachment 1: Draft Plan of Subdivision. As part of the land transfer from the City to Build Toronto, the City registered a temporary easement (Instrument No. AT3125770 (Schedule "A - Reserved Temporary Easement Schedule")) in order to secure the area as one for construction staging for the proposed water works construction. The current owner is required at all times to keep this area free and clear of all obstructions, cannot excavate, dig drill or construct any foundation, piling, pit or wall on these lands.

A permanent easement for the future watermain valve chamber was also identified for Parts 9, 10 and 11 of Registered Plan 66R-26368 through the declaration of surplus properties. The City registered a permanent easement over these parts on the Plan 66R-26368 as (Instrument No. AT3125770 (Schedule "B", Reserved Permanent Easement Schedule)). There are many restrictions identified through the permanent easement which includes, but is not limited to the construction of buildings, structures, pavement, trees, landscaping, physical encumbrances, improvements or works of any kind, whether temporary or permanent.

The owner has also entered into an Assumption Agreement with the City of Toronto regarding both the permanent and temporary easements.

The owner will be required as a condition of subdivision agreement that prior to the issuance of building permit for Lots 10, 11 and 12, the owner shall require written confirmation from Development Engineering and Construction Services and/or Toronto Water that the temporary easement registered as Instrument No. AT3125770 is lifted and provide such documentation to Building and City Planning staff.

It should be noted that a building permit is separate and distinct from any approval required in association with the right-of-way or easement identified in documentation submitted to Toronto Building by the permit applicant. As such, building permits do not relieve the permit holder of the need to seek approvals from the parties having the right-of-way or easement, as applicable, prior to carrying out any construction authorized by way of the permit.

### **Toronto Police Services (TPS)**

The Toronto Police Service 43 Division is located at 4331 Lawrence Avenue East, south of the subject properties on the south side of Lawrence Avenue East. 43 Division is also combined with emergency medical services operations and was opened in mid-January 2006.

Staff have received comments from the TPS (43 Division) indicating that they are concerned that the proposed development would have an impact on the "exiting" operations by emergency vehicles from this facility in an east and west direction along Lawrence Avenue East.

Transportation Services staff reviewed their concern and have concluded that the traffic generated from this development would be minimal and not negatively impact existing operations.

### **Toronto Transit Commission (TTC)**

The subject site is well served by frequent TTC surface transit operations on the 54 Lawrence Avenue East route. Existing bus stops are located at Fern Meadow Road and Valia Road to the east and at Manse Road to the west of the properties. The TTC has reviewed the applications and has not requested new bus stops at the new intersection of Asterfield Drive and Lawrence Avenue East.

The TTC also suggested that the City consider requiring the owner to install an east to north, left-turn lane on Lawrence Avenue East at Asterfield Drive to accommodate traffic movements into the proposed subdivision and the neighbourhood located to the north of this site.

Transportation staff indicated that such a turn lane requirement is not required as the traffic generated from this proposed development is minimal.

### **Block 61 of Plan of Subdivision 66M-2391**

Lots to the north and east of the subject properties were created through the registration of Subdivision Plan 66M-2391. A remnant block, Block 61 of the plan was created with the intent that this block be consolidated with the development of the subject lands. Through the subdivision agreement, registered as Instrument No. E443922, the owner of Block 61, Plan 66M-2391 agreed and acknowledged that the development of Block 61 will be deferred for development with the lands subject of this report.

Staff requested that the applicants pursue the acquisition of Block 61 for inclusion as part of the lands subject to the development applications. The applicants have acknowledged in writing that they have attempted to negotiate the acquisition of this block but have deemed such a transaction as not financially viable.

Staff note that there are opportunities in the future to consolidate these lands with Lot 23 and/or for inclusion as part of the Green Ash Terrace right-of-way or other appropriate means of disposal which would have to be determined by the City in consultation with the owner of this block.

### **Tree Preservation, Removal and Replacement**

The applicants submitted an arborist report and associated addendum as well as a Landscape Plan and a Tree Preservation Plan that were reviewed by staff including Urban Forestry.

Toronto's urban forest plays an important role in making Toronto a clean and beautiful city. Trees significantly enhance all new development and renewal projects, enhancing both the quality and value of our environment. The City of Toronto has implemented by-laws to protect trees on both public and private lands in recognition of the multitude of

social, economic and environmental benefits trees provide and as a means of protecting and enhancing the City's natural heritage. Through its Official Plan policies and various tree protection by-laws, the City of Toronto has demonstrated its desire and intent to protect healthy trees. In particular, the City recognizes that long-lived, large-growing, tree species are an important component of a healthy, diverse urban forest. These trees are, therefore, regarded and recognized as a priority for protection and staff will work in communities to encourage responsible development that protects these and other significant trees.

City Council has adopted the objective of increasing the amount of tree canopy coverage from the City's current 17 percent tree canopy coverage to between 30 to 40 percent, therefore, the planting of large growing shade trees on both public and private lands should be an important objective for all development projects. The early co-ordination of utilities and other infrastructure elements with the soil volume and air space required to permit the growth of large growing trees is particularly important. The conditions for tree planting must be considered integral to the design, planning and construction of projects.

Urban Forestry requires a Composite Utility Plan to determine any restrictions due to utility locates and proposed soil volumes.

Submission of a Tree Planting Brochure or 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 is also required by Urban Forestry staff.

The Composite Utility Plan and Tree Planting Brochure will be requirements contained as conditions of draft plan of subdivision approval.

In addition, Urban Forestry staff has requested that the following warning clause be added in all agreements of purchase and sale and/or lease agreements:

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

### **City Owned Trees**

The plans and report indicate that a 41 centimetre (16 inches) diameter White spruce tree, located on the City road allowance requires removal. The applicant is advised that submitting an application does not guarantee that a permit will be issued, however if the application is approved, Urban Forestry requires a payment for Tree Amenity Value of \$3,397.00 for the tree in question. The applicant is required to submit a completed "Agreement for Private Contractor to Perform Work on City-owned Trees" for final approval prior to removing any City-owned trees.

The plans and report also indicate that a portion at the southwest corner of the subject site, affecting Lots 10, 11 and 12 on the proposed plan of subdivision will be used as a

construction staging area for the City's project for watermain construction. A temporary easement has been registered prohibiting, amongst other matter, the construction of structures or buildings on these lands. The removal of five City-owned trees would be required. Urban Forestry has received confirmation from Toronto Water that the work is anticipated to begin in 2017 but this timeline may change. Should the watermain project proceed prior to the proposed development of the subdivision, Toronto Water will be responsible for the removal of the trees involved. Should the development of the subdivision occur prior to onset of the watermain project, the developer is responsible to provide full protection of the trees involved and a revised Tree Protection Plan and the requisite financial securities may be required to ensure protection for the noted trees.

The development proposes planting thirty-six (36) new trees on the City road allowance as shown on the Landscape Plan. Urban Forestry requires a Tree Planting Security in the amount of \$20,988.00 to ensure planting of the proposed trees at \$583 per tree. The security will be drawn upon to cover all costs incurred by the City of Toronto in enforcing and ensuring that the trees are planted and kept in a healthy and vigorous state during the two-year guarantee period. The General Manager of Parks, Forestry & Recreation shall hold the tree planting security deposit for the duration of the renewable guarantee period.

### **Privately Owned Trees**

The Arborist Report indicates that the development proposes the removal of 29 privately-owned trees which will require the owner to seek permission to remove the subject trees at \$300 per tree.

Based on the standard replacement to removal ratio of 3:1, Urban Forestry requires a minimum of eighty-seven (87) new trees to be planted on private properties to replace the twenty-nine (29) private trees proposed for removal. Only large growing deciduous trees are considered as replacement trees. Any trees proposed on the City road allowance are not considered as part of the total private tree replacements.

Where tree planting to replace trees to be removed is not physically possible on site, the General Manager of Parks, Forestry & Recreation will accept payment in lieu of planting, currently \$583 per tree, an amount equal to 120 percent of the cost of replanting and maintaining the trees for a period of two years. For this development, the proposed Landscape Plan shows seventeen (17) new trees to be planted on private back yards of the new dwelling units. Urban Forestry suggests revisions to the plan to show additional trees on private properties, wherever possible. A payment in lieu of planting the balance of replacement trees at \$583 per tree will be determined once the revised plan is submitted for review and approval. If no additional trees are proposed, a payment of \$40,810.00 in lieu of planting is required for seventy (70) replacement trees that the development cannot accommodate on site.



## **Open Space and Parkland**

The Official Plan contains policies to ensure that Toronto's system of parks and open spaces are maintained, enhanced and expanded. Map 8B of the Toronto Official Plan shows the local parkland provisions across the City. The lands which are the subject of this application are in an area with 1.57 + 2.99 hectares (3.9 acres + 7.4 acres) of local parkland per 1,000 people. The subject site is located in the second highest quintile of current provision of parkland and is subject to a 5% residential parkland dedication rate through the City-Wide Parkland Dedication By-law No. 1020-2010.

The applicant is proposing to rezone the subject site to permit twenty-three (23) detached dwellings within a net site area of 0.75 hectares (1.85 acres). Based on the parkland dedication by-law of the former City of Scarborough, which still remains in full force and effect, this Division would require a 5% statutory parkland dedication of the 0.75 hectares (1.85 acres) for a total of 374 square metres (0.92 acres).

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**

The applicants are proposing an 18.5 metre right-of-way for Asterfield Drive with sidewalks on both sides of this right-of-way running parallel with the new road.

The boulevards along the new Asterfield Drive extension do provide for sufficient room to accommodate street trees. There are already street trees along the frontages of the Lawrence Avenue East and Green Ash Terrace. Trees will be planted on the private and public side to create an attractive tree canopy along these frontages.

## **Environment**

The subject properties not subject to the City's Ravine and Natural Heritage Feature By-law and the Toronto and Regional Regulation Limit.

## **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 construction activity and on-site stormwater

retention. The TGS requires the owner to install twenty-three (23) trees (one tree per lot) whereas the applicant is proposing to install fifty-five (55). Sixty-nine (69) % of the trees to be installed are native species.

## **Tenure**

The tenure of the proposed residential lots and related detached dwelling units is freehold in nature and will front onto a public street.

## **Toronto District School Board (TDSB)**

The Toronto District School Board indicates that sufficient capacity exists at the local elementary and secondary schools (Joseph Brant Senior Public School and West Hill Collegiate Institute) to accommodate students expected from this development. TDSB advises that although the local elementary schools are operating at capacity, the impact from this development is insufficient to require any warning clauses which would normally be requested. The TDSB reserves the right to change this status at any time without further notice.

## **Conclusion**

The proposed detached dwelling units are to be located on a new public street extension of Asterfield Drive and will have a height, scale and massing that is compatible with the surrounding community. The draft plan of subdivision proposes the connection of Asterfield Drive from its current terminus at Green Ash Terrace to Lawrence Avenue East thereby implementing a roadway link as identified in the Official Plan. This link will further strengthen the lotting fabric in the community with a new public street extension that creates better blocks for development.

Staff are of the opinion that the proposed development is appropriate and that the rezoning be approved by Council and that Council advise the Chief Planner to approve the draft plan of subdivision.

## **CONTACT**

Katrien Darling, Senior Planner  
Tel. No. (416) 396-7721  
Fax No. (416) 396-4265  
E-mail: [kdarling@toronto.ca](mailto:kdarling@toronto.ca)

## **SIGNATURE**

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Raymond David, Director  
Community Planning, Scarborough District

## **ATTACHMENTS**

Attachment 1: Draft Plan of Subdivision

Attachment 2: Cul-de-Sac Option

Attachment 3: Registered Plan 66R-26368

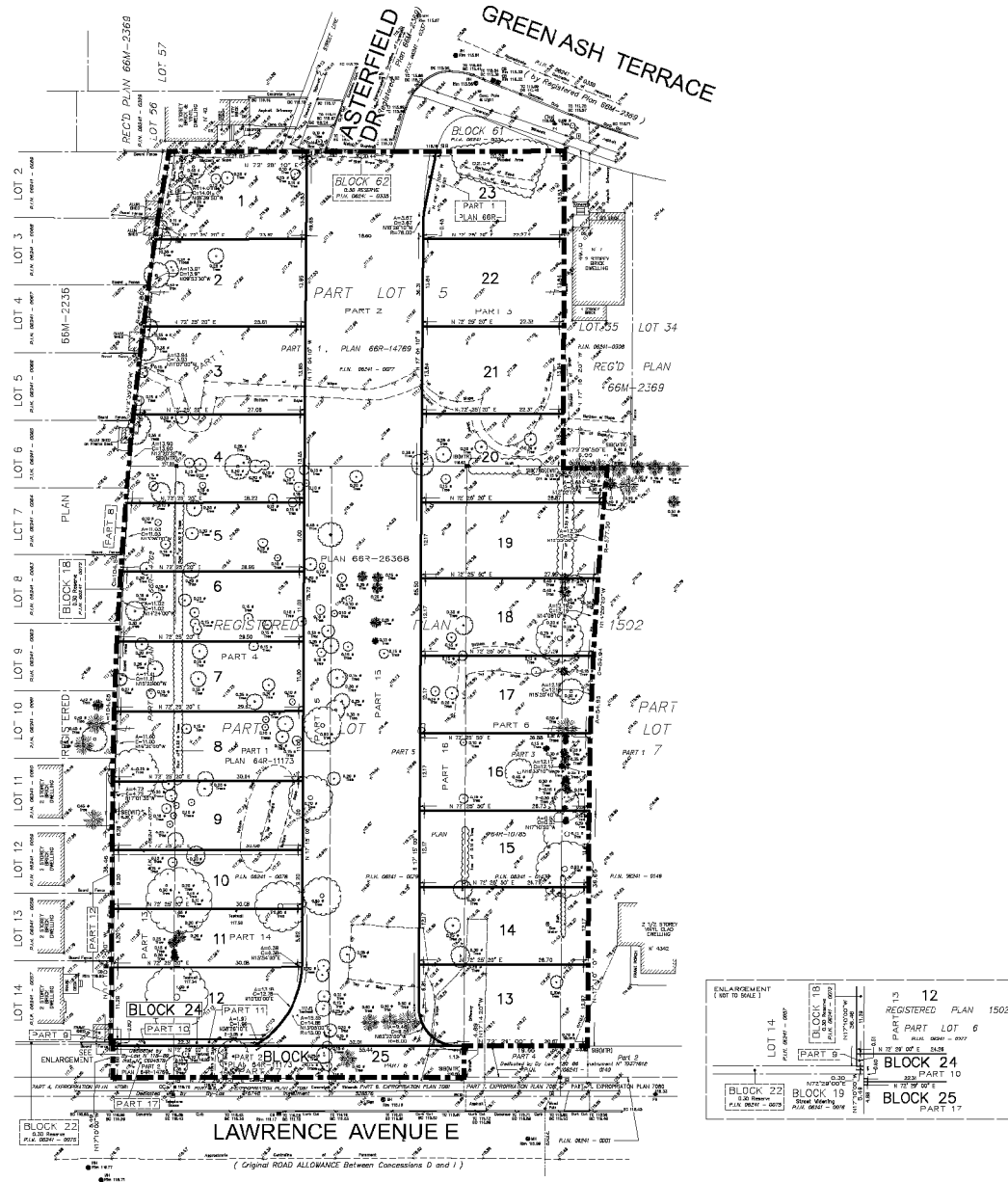
Attachment 4: Zoning

Attachment 5: Application Data Sheet

Attachment 6: Draft Zoning By-law Amendment

Attachment 7: Conditions of Draft Plan of Subdivision

# Attachment 1: Draft Plan of Subdivision



## Plan of Subdivision

## 4332 - 4340 Lawrence Avenue East

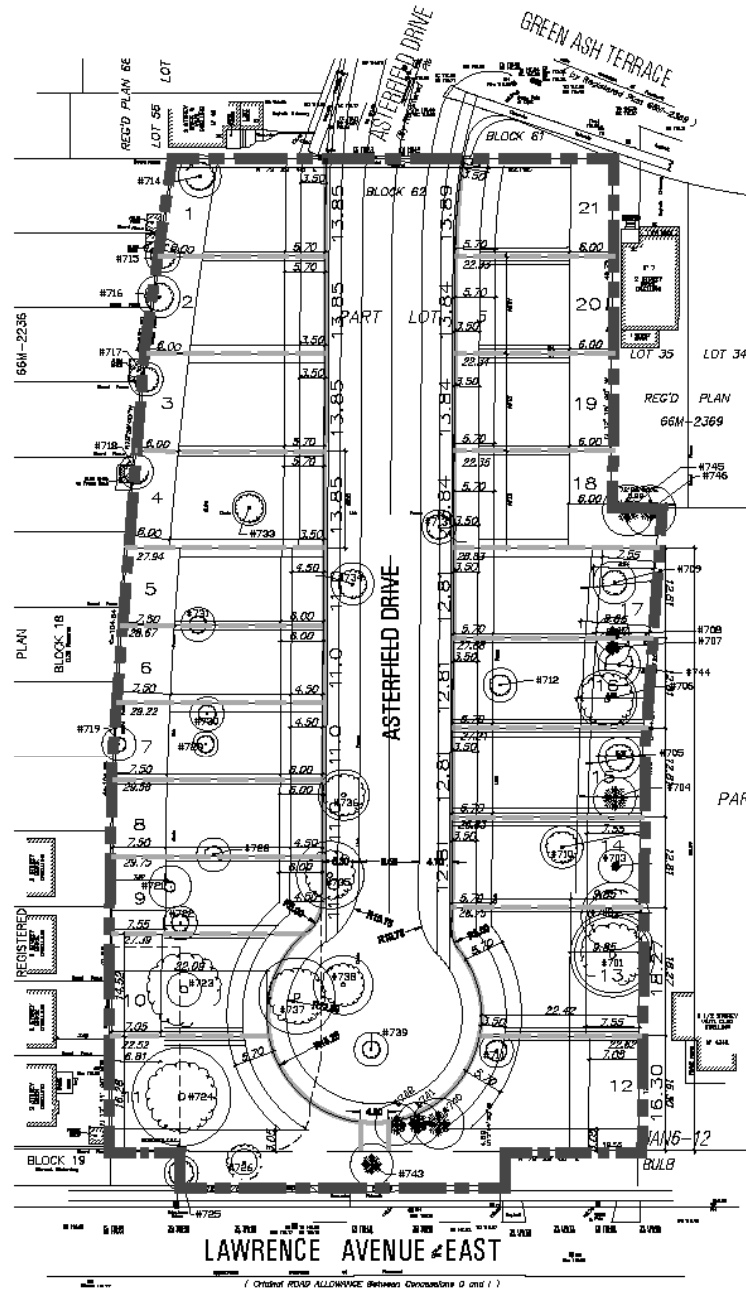
Applicant's Submitted Drawing

Not to Scale  
05/13/13



File #10 186660 ESC 44 OZ & 12 286202 ESC 44 SB

**Attachment 2: Draft Plan of Subdivision (Cul-de-Sac Option)**



Plan of Subdivision: Cul-de-Sac Option

4332 to 4340 Lawrence Avenue East

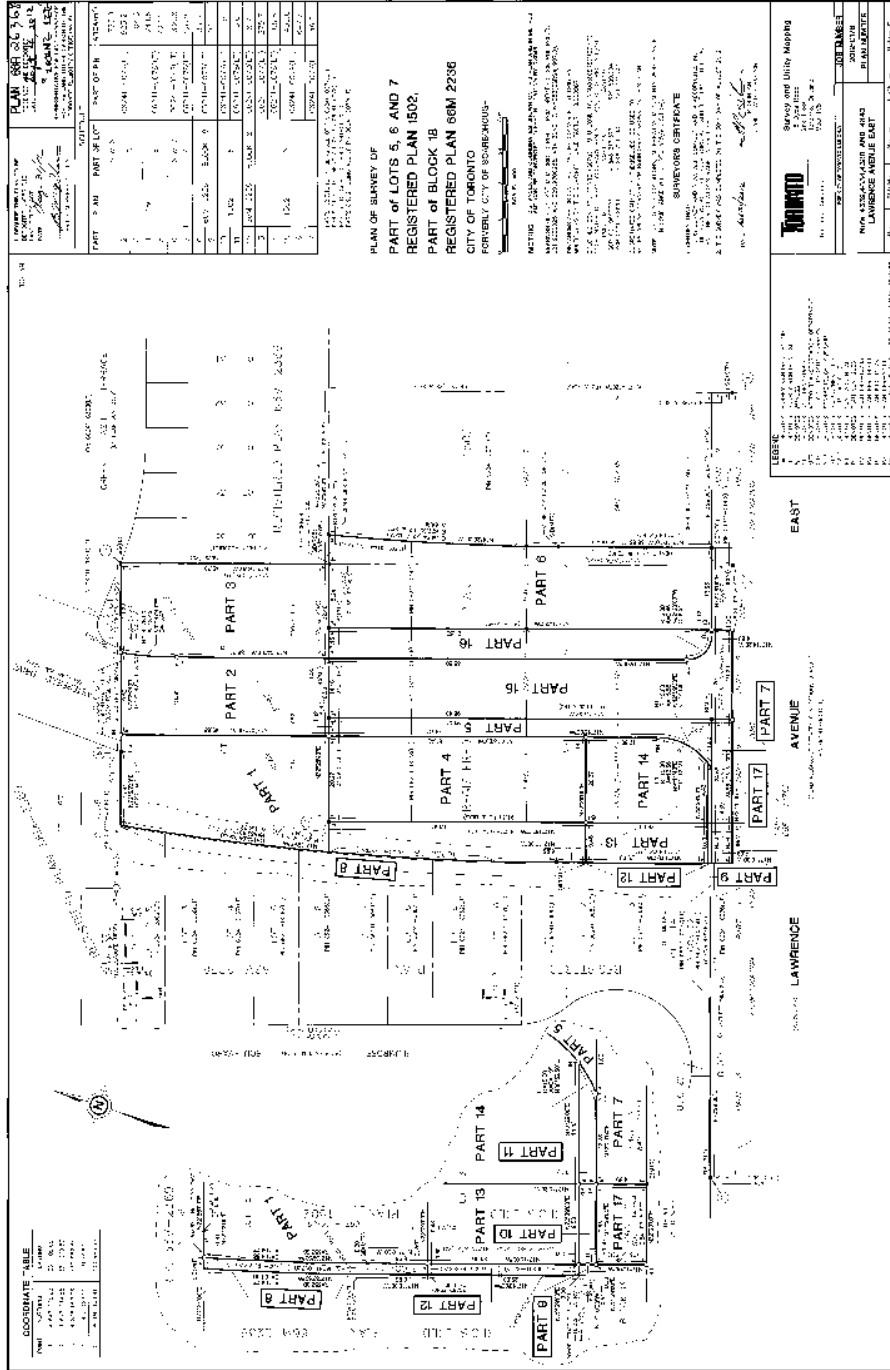
Applicant's Submitted Drawing

Not to Scale  
05/15/13



File # 10 186660 ESC 44 OZ and 12 286202 ESC 44 SB

Attachment 3: Reference Plan 66M-26368



Registered Plan 66R-26368

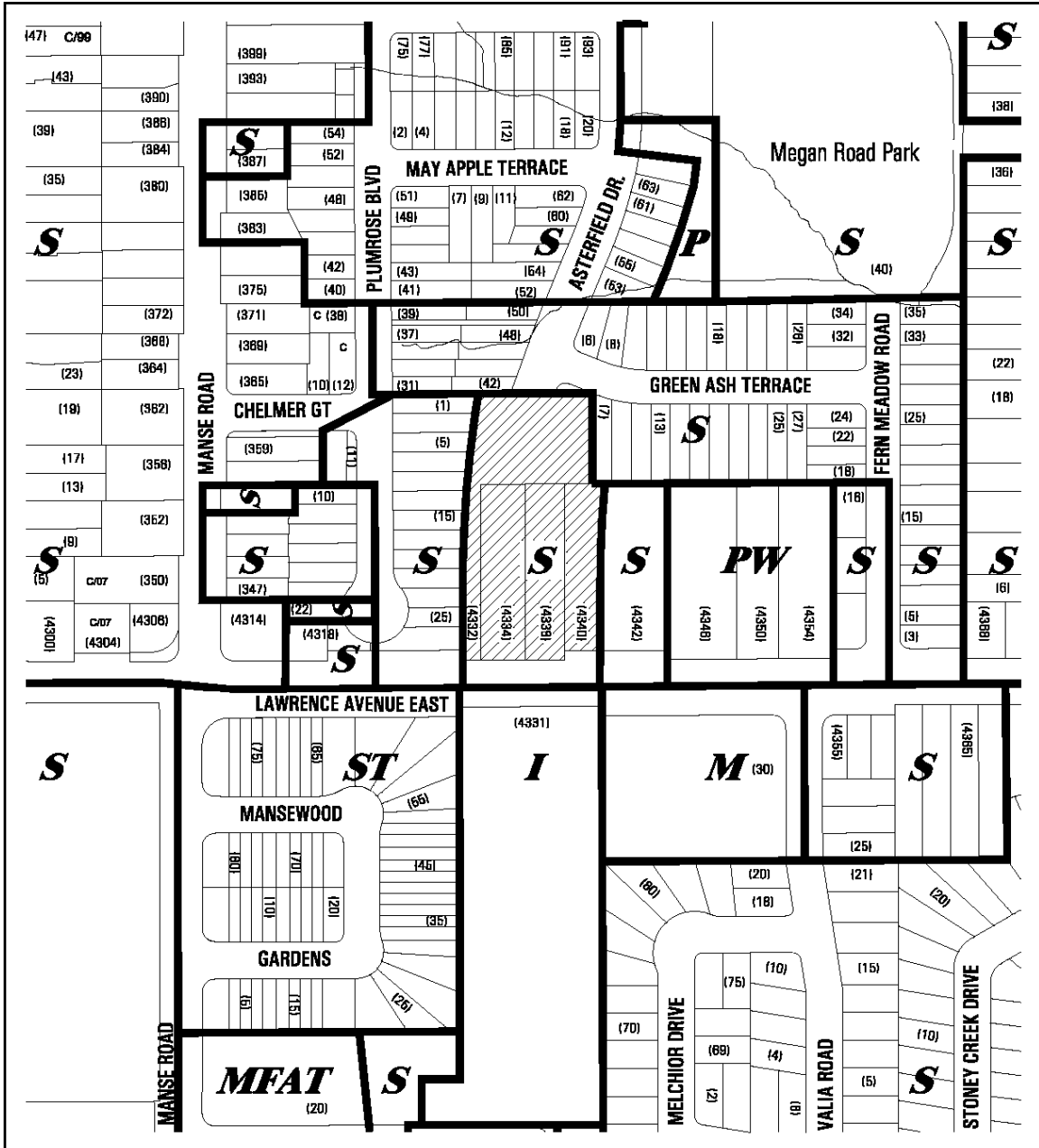
Applicant's Submitted Drawing

Not to Scale  
06/24/13

4332 to 4340 Lawrence Avenue East




### Attachment 4: Zoning



**Zoning** West Hill Community

4332 to 4340 Lawrence Avenue East

File # 10 186660 ESC 44 OZ and 12 286202 ESC 44 SB

-  Location of Application
- S** Single-Family Residential
- ST** Street Townhouse Residential
- M** Multiple-Family Residential
- MFAT** Multiple-Family Apartment Terrace Residential

- P** Perks
- I** Institutional Uses
- PW** Pieces of Worship

↑ Not to Scale  
03/11/13

## Attachment 5: Application Data Sheet

Application Type	Zoning By-law Amendment and Plan of Subdivision Approval	Application Number:	10 186660 ESC 44 OZ 12 286202 ESC 44 SB
Details		Application Date:	June 1, 2010 and November 12, 2012

Municipal Address: 4332 to 4340 LAWRENCE AVE E

Location Description: PLAN 1502 PT LOT 6 RP 64R10785 PARTS 5 AND 6 \*\*GRID E4406

Project Description: A plan of subdivision has been filed to create 23 lots for the construction of a detached dwelling per each of these freehold land parcels. The subdivision is also for the southerly extension of Asterfield Drive to connect with Lawrence Avenue East.

<b>Applicant:</b> RON HERCZEG AND VARDA JOURDAN	<b>Agent:</b>	<b>Architect:</b>	<b>Owner:</b> INAUGURAL-SOURCE INC. & WEST HILL BIRCH PROPERTIES INC.
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### PLANNING CONTROLS

Official Plan Designation:	Neighbourhoods	Site Specific Provision:
Zoning:	S-Single Family	Historical Status:
Height Limit (m):	2 storeys and 9 metres	Site Plan Control Area:

### PROJECT INFORMATION

Site Area (sq. m):	10403.33	Height:	Storeys:	2 (excluding basements)
Frontage (m):	75		Metres:	11
Depth (m):	151			
Total Ground Floor Area (sq. m):	2805			<b>Total</b>
Total Residential GFA (sq. m):	5249		Parking Spaces:	46
Total Non-Residential GFA (sq. m):	0		Loading Docks	0
Total GFA (sq. m):	5249			
Lot Coverage Ratio (%):	27			
Floor Space Index:	0.5			

### DWELLING UNITS

### FLOOR AREA BREAKDOWN (upon project completion)

		Above Grade	Below Grade
Tenure Type:			
Rooms:	0	Residential GFA (sq. m):	5249
Bachelor:	0	Retail GFA (sq. m):	0
1 Bedroom:	0	Office GFA (sq. m):	0
2 Bedroom:	0	Industrial GFA (sq. m):	0
3 + Bedroom:	0	Institutional/Other GFA (sq. m):	0
Total Units:	23		

**CONTACT: PLANNER NAME: Katrien Darling, Senior Planner**  
**TELEPHONE: (416) 396-7721**



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

Authority: Scarborough Community Council Item ~ as adopted by City of Toronto  
Council on ~, 2013  
Enacted by Council: ~, 2013

**CITY OF TORONTO**

**Bill No. ~**

**BY-LAW No. ~-2013**

**To amend the former City of Scarborough,  
West Hill Community Zoning By-law No. 10327, as amended,  
With respect to the lands municipally known as,  
4332 to 4340 Lawrence Avenue East**

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 deleting the existing zoning provisions and adding the following zoning for the lands outlined on the attached Schedule '1':

S - 40K – 60D - 105 – 129A – 199K - 397 – 409 - 614 - 616

S - 40K – 60D - 60I - 105 – 129A – 199H - 397 – 614 - 616

S - 40K – 60D – 60I - 105 – 129A – 199I - 397 – 614 - 616

S - 40J – 60I - 105 – 129A – 199M - 397 – 614 – 616 - 617

S - 40J – 60D - 60I – 105 - 129A - 199M - 397 – 614 - 616

S - 40J – 60D – 60I - 105 – 129A – 199J - 397 – 614 - 616

S - 40J – 60D - 105 – 129A – 199L - 397 – 409 - 614 - 616

2. **SCHEDULE 'B', PERFORMANCE STANDARD CHART** is amended by adding the following Performance Standards:

**FRONT YARD**

- 40J. Minimum building **setback** of 3.5 m from the **street** line except that the garage **main wall** containing vehicular access shall be **setback** a minimum of 5.7 m.
- 40K. Minimum building **setback** of 4.5 m from the **street** line except that the garage **main wall** containing vehicular access shall be **setback** a minimum of 6 m.

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

- 60I. Minimum of 1.2 m on one side of the **dwelling** and 0.6 m on the other side of the **dwelling**.

**INTENSITY OF USE**

- 199H. One **single-family dwelling** per parcel of land with a minimum of 9 m frontage on a public **street**, and a minimum lot area of 275 m<sup>2</sup>.
- 199I. One **single-family dwelling** per parcel of land with a minimum of 11 m frontage on a public **street**, and a minimum lot area of 314 m<sup>2</sup>.
- 199J. One **single-family dwelling** per parcel of land with a minimum of 12 m frontage on a public **street**, and a minimum lot area of 324 m<sup>2</sup>.
- 199K. One **single-family dwelling** per parcel of land with a minimum of 11 m frontage on a public **street**, and a minimum lot area of 340 m<sup>2</sup>.
- 199L. One **single-family dwelling** per parcel of land with a minimum of 12.5 m frontage on a public **street**, and a minimum lot area of 330 m<sup>2</sup>.
- 199M. One **single-family dwelling** per parcel of land with a minimum of 13.5 m frontage on a public **street**, and a minimum lot area of 315 m<sup>2</sup>.

**BUILDING SETBACKS FROM STREETS**

409. Minimum building **setback** of 3 m from the **street** line of Lawrence Avenue East.

**MISCELLANEOUS**

616. Notwithstanding the provisions of **CLAUSE IV, PROVISIONS FOR ALL ZONES, Section 15. Regulations for Single-Family, Two-Family and Street Townhouse Dwellings**, Subsection 15.3 Maximum total **floor area** per **dwelling unit** shall not apply.
617. Minimum **rear yard setback** of 6 m.

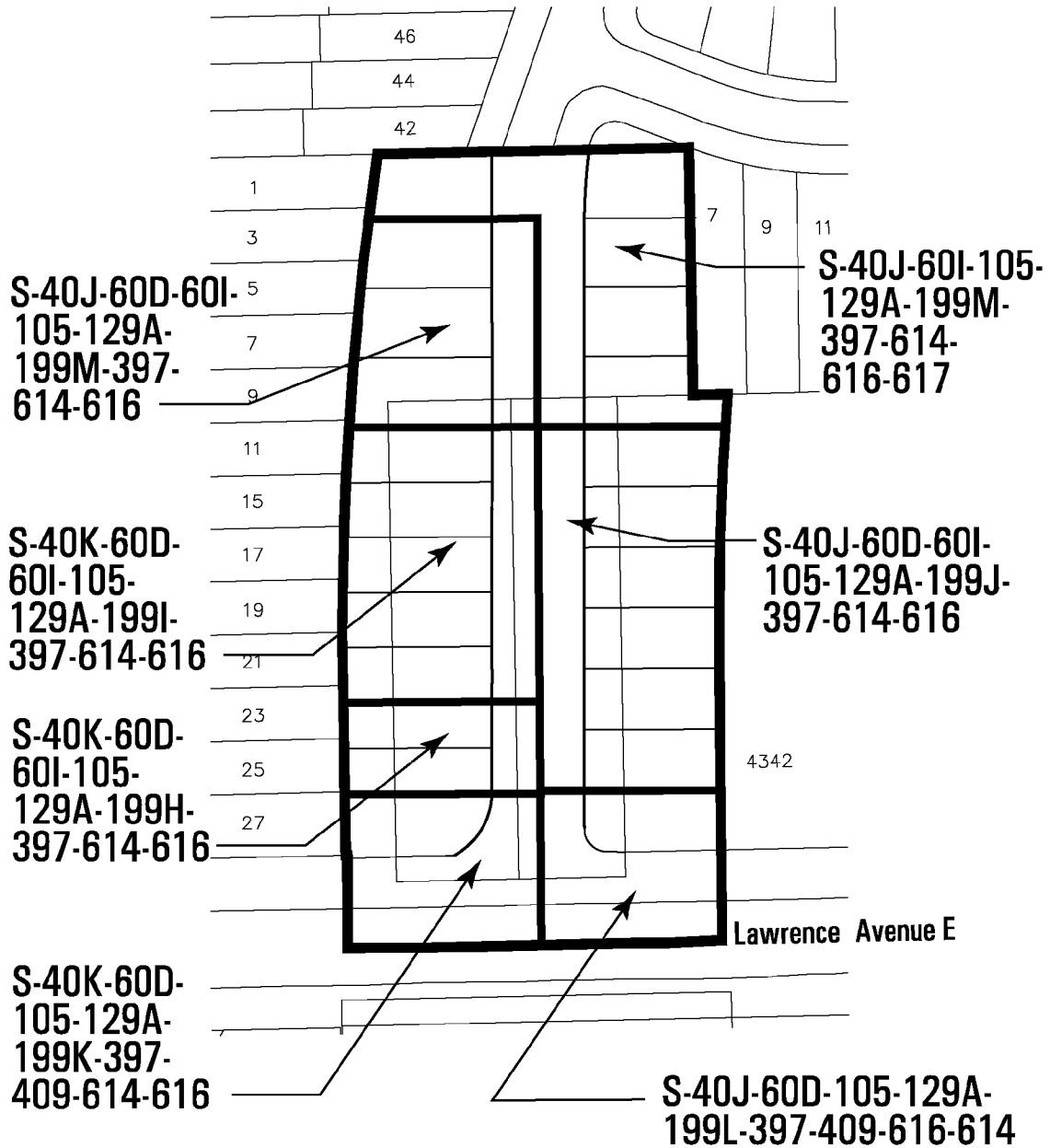
ENACTED AND PASSED this ~ day of ~, A.D. 2013.

ROB FORD,  
Mayor

ULLI S. WATKISS,  
City Clerk

(Corporate Seal)

**Schedule '1'**



**Zoning By-Law Amendment**

**4332 to 4340 Lawrence Avenue East**

File # 10 186660 OZ and 12 286202 SB



**Area Affected By This By-Law**

West Hill Community Bylaw  
Not to Scale  
05/16/13



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

### **STANDARD CONDITIONS:**

1. The Owner shall enter into the City's standard Subdivision agreement and satisfy all of the pre-registration conditions contained therein (required in most cases to secure the construction of the provision of municipal services, parkland, planning issues related to warning clauses etc.).
2. The Owner shall provide to the Director of Community Planning, Scarborough District, confirmation that the taxes have been paid in full by way of a 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.
5. The Official Plan land use designations and zoning implementing the Official Plan are in full force and effect.
6. The Owner shall prepare all documents to convey lands in fee simple and easement interests to the City for nominal consideration, such lands to be free and clear of all physical and title encumbrances to the satisfaction of the (respective division) in consultation with the City Solicitor.

### **LOTS 10, 11 AND 12**

7. Prior to the issuance of any building permits for Lots 10, 11 and 12, the owner shall require written confirmation from Development Engineering and Construction Services and/or Toronto Water that the temporary easement registered as Instrument No. AT3125770 is lifted since this area is no longer required for the planned water main construction from the F. J. Horgan water treatment plant to the Ellesmere reservoir and pumping station and the Owner shall also agree to provide such documentation to Building and City Planning staff.

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

8. The Owner shall dedicate all roads, corner roundings, and road widenings shown on the plan to the satisfaction of the Executive Director of Engineering and Construction Services.

9. The Owner shall make all necessary arrangements to convey any necessary 0.3 metre (one foot) reserves to the satisfaction of the Executive Director of Engineering and Construction Services.
10. The Owner shall prepare all documents for a 4.89 metres road widening for the portion Lawrence Avenue East abutting Nos. 4332 to 4338 in order to satisfy the Official Plan Requirement of a 36.0 metre right-of-way as illustrated Part 6 on Plan 64R-10785 and Parts 7 and 17 on Plan 66R-263. and to lift the existing 0.3 metre (1 foot) reserve abutting the southerly limit of Asterfield Drive, in fee simple, 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 said lands have dedicated as a public highway, all to the satisfaction to the Executive Director of Engineering and Construction Services and the City Solicitor.
11. The Owner shall submit a draft Reference Plan of Survey to the Executive Director of Engineering and Construction Services, for review and approval, prior to depositing it in the Land Registry Office.

The draft Reference Plan should:

- a) be in metric units and integrated to the Ontario Coordinate System (3<sup>o</sup> MTM, Zone 10, NAD 83 CSRS), showing the lands to be conveyed to the City to the Executive Director of Engineering and Construction Services, for review and approval;
  - b) 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
  - c) show the co-ordinate values of the main corners of the subject lands in a schedule on the face of the plan.
12. The Owner shall pay all costs for preparation and registration of reference plan(s).

### **ENVIRONMENTAL ASSESSMENT**

13. The Owner shall conduct an environmental site assessment for lands to be conveyed to the City in accordance with the terms and conditions of the standard subdivision agreement including providing payment for a peer reviewer and the submission of a Record of Site Condition (RSC).
14. The Owner shall pay engineering and inspection fees in accordance with the terms and conditions of the standard subdivision agreement.
15. The Owner shall submit financial security in accordance with the terms of standard subdivision agreement.

## **BOULEVARD PARKING**

16. 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:

“Purchaser are advised that any modification to the driveway or to the adjacent landscaping located within the City’s Right-of-Way are 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”.

17. Prior to final registration of the plan of subdivision, the Owner shall provide it's Solicitor's confirmation to the City advising that the clauses set out above will be included in the applicable offers of purchase and sale and/or lease agreements to ensure that future occupants are aware of the driveway and parking restrictions a of these lands and the City's snow clearing practices.

## **ASTERFIELD DRIVE**

18. The Owner shall agree that the proposed extension of Asterfield Drive shall be designed and constructed in accordance to City Standards with an 18.5 metre right-of-way and provide for pedestrian sidewalks on both sides of the proposed roadway extension to the satisfaction of the Executive Director, Engineering and Construction Services. The sidewalk to be constructed is to be of 1.7 metre (5 feet) width and 0.3 metres (1 foot) from the property line.
19. The Owner shall provide a pavement marking plan for the Asterfield Drive extension.
20. The Owner shall be responsible for any/all costs associated with any sidewalk alterations required on the west side of Asterfield Drive, north of the development site, to connect the new municipal sidewalk to the existing municipal sidewalk.
21. The Owner shall be responsible for the design and construction of all civil works necessary on Lawrence Avenue East to tie into the proposed extension of Asterfield Drive to the satisfaction of the Executive Director, Engineering and

Construction Services. The work may include but is not limited to sidewalk reconstruction, utility relocation, street furniture relocation, planting and boulevard restoration.

22. The Owner shall agree to construct, convey and dedicate as public right-of-way the new local residential street at no cost to the City and to the satisfaction of the Executive Director of Engineering and Construction Services.
23. The Owner shall be responsible for any and all costs associated with the potential installation of All Way Stop Control Signage at the intersection of Asterfield Drive and Green Ash Terrace. These traffic control signs will be installed if and when warranted or when required for safety reasons at the discretion of the General Manager, Transportation Services. If traffic control signs are not installed within 5-years after full build out of this development site, these securities will be refunded to the owner at the discretion of the General Manager, Transportation Services.

#### **ENGINEERING AND CONSTRUCTION SERVICES-GENERAL CONDITION**

24. The Owner shall apply and adhere to all City of Toronto policies, guidelines and standards in the development of this subdivision, to the satisfaction of Engineering and Construction Services.

#### **TREE PRESERVATION, REMOVAL AND PLANTING**

25. Prior to the registration of the plan of subdivision, the Owner shall agree to submit an Arborist Report, Tree Preservation Plan and Tree Replacement Plan to the satisfaction of the General Manager of Parks, Forestry and Recreation.
26. Prior to the registration of the plan of subdivision, the Owner shall agree to protect all existing trees associated with the development for which approval to remove or injure has not been granted in accordance with the approved Arborist Report and Tree Preservation Plan to the satisfaction of the General Manager, Parks, Forestry and Recreation.
27. The Owner shall agree in the subdivision agreement 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.
28. The Owner shall agree in the subdivision agreement 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.



29. The Owner shall agree in the subdivision agreement 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.
30. Prior to registration of the draft plan of subdivision, the Owner shall provide a replacement planting plan for private property to the satisfaction of Parks, Forestry and Recreation.
31. The Owner acknowledges and agrees that once all site works are complete, including sodding, planting will be implemented and completed in accordance with the approved replacement planting plan, to the satisfaction of Parks, Forestry and Recreation.
32. 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.

### **FORESTRY – CITY OWNED STREET TREES**

33. 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.
34. 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.
35. 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.

36. 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.
37. Following the planting of street trees, the Owner shall agree to provide a Certificate of Completion of Work and an as-installed plant list in the form of a spreadsheet identifying street trees, as shown on the approved planting plan, by street addresses. The as-installed plant list shall also include tree species, calliper, condition and specific location of the trees by identifying two points of references (i.e., distances in meters from the curb, sidewalk, driveway, utility pole or pedestal).
38. Prior to the registration of the plan of subdivision, the Owner agrees to prepare a Tree Planting Brochure or 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.
39. The Owner shall agree 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.”
40. 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.

## **URBAN FORESTRY – PRIVATELY-OWNED TREES**

41. The Owner shall agree in the subdivision agreement, 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.
42. 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.

## **FENCING**

43. Prior to the registration of the plan of subdivision, the Owner shall agree to provide the City with a detailed fencing plan, to the satisfaction of the Director, Community Planning, Scarborough District for a 1.8 metre privacy fencing or other suitable fencing along the property limits of the lots and blocks that abut the properties, and to make satisfactory arrangements to install the required fencing to the satisfaction of the Director, Community Planning, Scarborough District.

## **COMMUNITY MAILBOXES**

44. 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.
45. 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 Land Survey Group, Plan No. LSG – 0259A3, dated October 3, 2013.

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.

5. Urban Forestry Advisory Comment:

Urban Forestry advises that removal of City and privately-owned trees may occur only upon receipt of a “Tree Removal Permit” issued by the General Manager of Parks, Forestry and Recreation upon receipt of the building and/or demolition permits have been obtained and the permitted construction and/or demolition related activities associated with this project warrant the removal of the trees involved.