

## 95 Pidgeon Street (formerly 0 Birchmount Road) –Zoning Amendment and Draft Plan of Subdivision Applications – Final Report

<b>Date:</b>	October 26, 2016
<b>To:</b>	Scarborough Community Council
<b>From:</b>	Acting Director, Community Planning, Scarborough District
<b>Wards:</b>	Ward 35 – Scarborough Southwest
<b>Reference Number:</b>	15 183193 ESC 35 OZ and 15 183205 ESC 35 SB

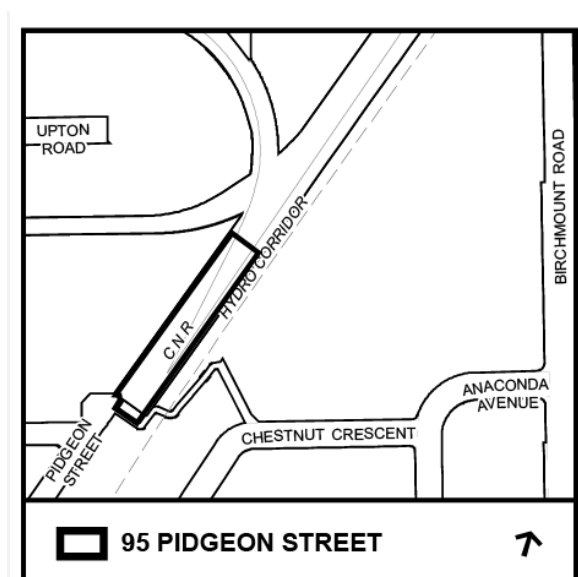
### SUMMARY

These applications propose a 26-unit residential development comprised of three-storey townhouses on a former rail spur at 95 Pidgeon Street (formerly 0 Birchmount Road). The subdivision application proposes to establish several blocks for the proposed townhouses and part of an extension to Pidgeon Street.

This proposal represents the residential infill and redevelopment of an unused rail spur for townhouses. It continues the pattern of development that will occur at 743 Warden Avenue, immediately west and connected to the subject lands.

The proposal complies with the Official Plan, conforms to the Growth Plan for the Greater Golden Horseshoe and is consistent with the Provincial Policy Statement. The proposed rezoning and draft plan of subdivision are considered appropriate for the use and development of the lands.

This report reviews and recommends approval of the application to amend the Zoning By-laws and also advises that the Chief Planner and Executive Director, City Planning, intends to approve the Draft Plan of Subdivision subject to the conditions as generally listed in Attachment 10.



## RECOMMENDATIONS

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### **The City Planning Division recommends that:**

1. City Council amend the former City of Scarborough Employment Districts Zoning By-law No. 24982 (Golden Mile Employment District), and the Warden Woods Community Zoning By-law No. 950-2005, for the lands at 95 Pidgeon Street substantially in accordance with the draft Zoning By-law Amendment attached as Attachment 8 to report dated October 26, 2016.
2. City Council amend the City of Toronto Zoning By-law 569-2013 for the lands at 95 Pidgeon Street substantially in accordance with the draft Zoning By-law Amendment attached as Attachment 9 to report dated October 26, 2016.
3. City Council authorize the City Solicitor to make such stylistic and technical changes to the draft Zoning By-law Amendments as may be required.
4. Before introducing the necessary Zoning Bills to City Council for enactment, City Council require that a fully secured Subdivision Agreement have been entered into for the lands at 743 Warden Avenue (File # 13 268270 ESC 35 SB) for the construction of municipal services, including any external servicing required, to the satisfaction of the Executive Director of Engineering and Construction Services.
5. Before introducing the necessary Zoning Bills to City Council for enactment, City Council require the Owner to enter into an Agreement pursuant to Section 37 of the Planning Act to the satisfaction of the Chief Planner and Executive Director, City Planning Division, and the City Solicitor, such agreement to be registered on title to the lands to secure the following facilities, services and matters:
  - a. Prior to issuance of an above-grade building permit, the Owner shall make a cash contribution to the City in the amount of sixty-five thousand dollars (\$65,000 CDN) to be applied toward any one or more of improvements to the Warden Hilltop Community Centre, local parks or the library in the Warden Woods Community, at the discretion of the Chief Planner and Executive Director, City Planning in consultation with the Ward Councillor and local community, such amount to be indexed upwardly in accordance with the Statistics Canada Non-Residential Building Construction Price Index for Toronto, calculated from the date of registration of the Section 37 Agreement to the date of payment.
6. In accordance with the delegated approval under by-law 229-2000, as amended, City Council be advised that the Chief Planner and Executive Director, City Planning intends to approve the draft plan of subdivision as generally illustrated on Attachment 10 to report dated October 26, 2016 subject to:
  - a. the conditions as generally listed in Attachment 10 to report dated October 26, 2016, which except as otherwise noted must be fulfilled prior to final approval and 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 and Executive Director, City Planning may deem to be appropriate to address matters arising from the on-going technical review of this development; and
- c. draft plan approval not being issued until the necessary zoning is in full force and effect.

## **Financial Impact**

The recommendations in this report have no financial impact.

## **DECISION HISTORY**

The applications for 95 Pidgeon Street (Rexton), while standalone, were submitted as part of a negotiated settlement for the adjacent lands at 743 Warden Avenue (Goldman). As part of the negotiated settlement, the Board issued Orders on October 23, 2015 and January 5, 2016 for both Goldman and Rexton. By-law No. 526-2016 (OMB) adopted Amendment No. 329 to the Official Plan for the Rexton lands and redesignated the lands from *Utility Corridors* to *Neighbourhoods* and added the lands to the Warden Woods Community Secondary Plan.

As the Rexton lands were part of the negotiated settlement for the adjacent Goldman lands, a chronology is provided below.

### **Goldman (743 Warden Avenue)**

At its meeting of August 5, 2009, City Council amended the former City of Scarborough Employment Districts Zoning By-law 24982, as amended, to rezone the Goldman lands from Industrial (M) and Special Industrial (MS) to Community Commercial (CC) along the Warden Avenue frontage and Industrial (M) in the interior, with site-specific provisions. This was intended to permit retail/commercial uses along Warden Avenue, with the interior portion to retain employment uses. The staff report and Council's decision can be found at the following link: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2009.SC27.26>

On April 13, 2011, the applicant requested that the Goldman lands be re-designated from *Employment Areas* to *Mixed Use Areas* as part of the City's Municipal Comprehensive Review (MCR).

At its meeting of December 16, 17 and 18, 2013, City Council considered the request to convert these employment lands for non-employment purposes as part of the MCR. City Council adopted staff's recommendations pertaining to the conversion request that the lands be maintained for employment purposes. At the same meeting City Council adopted OPA 231. Among other things, OPA 231 designates the lands as *General Employment Areas*. The decision of City Council and OPA 231 can be found at the following links:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2013.PG28.2>  
<http://www.toronto.ca/legdocs/bylaws/2013/law1714.pdf>

In January 2014, the City submitted OPA 231 to the Minister of Municipal Affairs and Housing (MMAH) for approval. On July 9, 2014, the Minister confirmed Council's action in not re-

designating the subject lands for non-employment purposes. The owner appealed this decision to the OMB, which was the subject of a separate hearing process.

In November and December, 2013, Official Plan Amendment, Zoning By-law Amendment, Draft Plan of Subdivision and Site Plan Control applications were submitted for the Goldman lands. The applications sought permission for 202 residential townhouse units, three commercial buildings, a network of public roads and lanes, and a storm water management pond.

On June 17, 2014 the applicant appealed the applications to the OMB due to the City's lack of decision within the statutory timeframe. At its meeting of August 25, 26, 27 and 28, 2014, City Council directed the City Solicitor, together with other staff, to attend at the OMB in opposition to the proposed application. That decision and background information can be found at:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2014.PG35.10>

At its meeting of July 7, 8 and 9, 2015, City Council adopted the Request for Directions Report with Confidential Attachment, which recommended acceptance of a settlement offer; and that the City Solicitor and other appropriate staff be instructed to implement Confidential Recommendation 1 at the upcoming September OMB hearing. That decision and background information can be found at:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2015.CC8.2>

### **Rexton Lands (95 Pidgeon Street (formerly 0 Birchmount Road))**

Rexton owns vacant lands immediately to the east of the Goldman lands within the former CNR rail corridor. At the time of the 743 Warden Avenue applications, the Rexton lands were designated *Utility Corridors* in the Official Plan. Rexton sought and received party status at the September 1, 2015 OMB hearing with the intention of expanding the scope of the hearing to re-designate their lands to permit residential development on their site.

### **September 1, 2015 OMB Hearing**

Goldman lands (743 Warden Avenue): The Board approved, in principle, the draft Official Plan and Zoning By-law Amendments and Draft Plan of Subdivision to re-designate the lands from *Employment Areas* to *Mixed Use Areas* and *Neighbourhoods*, as per the Request for Directions Report with Confidential Attachment adopted by City Council at its meeting of July 7, 8 and 9, 2015. The development concept was revised to include: 314 dwelling units consisting of 184 townhouses and 130 apartment units in a new 5-8 storey mixed use building; an increase in the commercial uses from 1,894 m<sup>2</sup> to a minimum of 4,645 m<sup>2</sup>. As part of the settlement a revised pattern of public streets was approved that included a new public street entering the site directly off Warden Avenue and four new internal streets that extended existing streets in the subdivision to the south; and the elimination of all but one rear lane.

Rexton (95 Pidgeon Street): The Board issued Orders on October 23, 2015 and January 5, 2016 for both 743 Warden Avenue and Rexton. By-law No 526-2016 (OMB), adopted Amendment No. 329 to the Official Plan for the Rexton lands and redesignated the lands from *Utility Corridors* to *Neighbourhoods* and added the lands to the Warden Woods Community Secondary Plan.

## **ISSUE BACKGROUND**

### **Proposal**

The proposed rezoning is intended to create specific performance standards for the development of the lands at 95 Pidgeon Street, which was a former rail spur.

The proposal is to permit a three-block residential subdivision development consisting of 26, three-storey townhouses with integral garages. The townhouse units in Blocks 1 and 2 (18 units) will front onto the proposed extension of Pidgeon Street and will be freehold units. The townhouse units in Block 3 (8 units) will be freehold units and will front onto a private lane with a common element condominium for the private lane. What is currently identified as Block 4, is a 629 square metre landscaped area that is also proposed to form part of the common element condominium.

The proposed extension of Pidgeon Street will have an ultimate right-of-way of 16.5 metres (6.25 metres provided from the subject lands (Block 5) with the remainder from the Goldman development). An existing cul-de-sac will be removed where Pidgeon Street currently terminates and curbs and a 1.8 metre wide sidewalk along the east side of Pidgeon Street extension will be built. The proposed private lane will have a right-of-way of 8.0 metres (2.0 metres provided from the subject lands (currently identified as Block 6) and the remainder from the Goldman development). Both the extension of Pidgeon Street and the private lane will be co-ordinated with the Goldman development. Outdoor amenity space is being proposed for each townhouse unit at-grade in the rear yard.

All townhouse units will have one parking space located in an integral garage.

For additional details, see Attachment 1: Site Plan, Attachment 2: Plan of Subdivision, Attachments 3-5: Elevations, and Attachment 7: Application Data Sheet.

### **Site and Surrounding Area**

The site is located between the easterly property limit of the Goldman lands and the westerly limit of the hydro corridor. The relatively flat, rectangular-shaped, 0.56 hectares site is a former CN rail spur that previously serviced the industrial area to the north. The railway tracks have been removed. Frontage for the proposed development will be provided through the extension of Pidgeon Street and private laneway. The Toronto Transit Commission (TTC) Bloor-Danforth subway line runs underneath a portion of the site.

Surrounding uses include:

North:	Six industrial lots that front onto Upton Road.
East:	Hydro corridor. East of the hydro corridor is General Brock Public School and an established residential neighbourhood.
South:	Residential uses (Warden Woods community).
West:	Goldman lands (743 Warden Avenue)-residential, commercial, park and open space uses.

## Provincial Policy Statement and Provincial Plans

The Provincial Policy Statement (PPS) 2014 provides policy direction on matters of provincial interest related to land use planning and development. These policies support the goal of enhancing the quality of life for all Ontarians. Key policy objectives include: building strong healthy communities; wise use and management of resources; and protecting public health and safety. The PPS recognizes that local context and character is important. Policies are outcome-oriented, and some policies provide flexibility in their implementation provided that provincial interests are upheld. City Council's planning decisions are required, by the *Planning Act*, to be consistent with the PPS.

The Growth Plan for the Greater Golden Horseshoe provides a framework for managing growth in the Greater Golden Horseshoe including: directions for where and how to grow; the provision of infrastructure to support growth; and protecting natural systems and cultivating a culture of conservation. City Council's planning decisions are required to conform, or not conflict, with the Growth Plan for the Greater Golden Horseshoe.

Staff reviewed the proposed development for consistency with the PPS and for conformity with the Growth Plan for the Greater Golden Horseshoe.

## Official Plan

The site is designated *Neighbourhoods* in the Official Plan. *Neighbourhoods* consist of generally low-scale residential buildings, as well as community uses, parks, schools and small-scale stores to serve the needs of area residents. These areas are physically stable areas providing for a variety of lower-scale residential uses. Policies and development criteria aim to ensure that physical changes to established neighbourhoods be sensitive, gradual and generally "fit" the existing physical character.

Interspersed throughout many *Neighbourhoods* are properties that differ from the prevailing patterns of lot size, configuration and orientation. Typically these lots are sites of former non-residential uses such as an industry, institution, retail stores or a utility corridor. In converting these sites to residential uses, there is an opportunity to add to the quality of *Neighbourhoods*, fill in "gaps" and extend streets.

The Healthy Neighbourhoods policies of the Official Plan, contained in Section 2.3.1, state that *Neighbourhoods* are considered to be physically stable areas. Development within *Neighbourhoods* will be consistent with this objective and will respect and reinforce the existing physical character of buildings, streetscape and open space patterns in these areas.

Section 4.1.9 relates to policies for infill development for properties that vary from the local pattern in terms of lot size, configuration and/or orientation and requires that development will:

- have heights, massing and scale appropriate for the site and compatible with that permitted by the zoning for adjacent and nearby residential properties;
- provide adequate privacy, sunlight and sky views for residents of new and existing buildings by ensuring adequate distance and separation between building walls and using landscaping, planting and fencing to enhance privacy where needed;

- front onto existing or newly created public streets wherever possible, with no gates limiting public access; and,
- locate and screen service areas and garbage storage to minimize the impact on existing and new streets and residences.

The Built Form policies in Section 3.1.2 of the Official Plan provide a number of policies related to the form of new development, recognizing that for the most part future development will be built on infill and redevelopment sites and will need to fit in, respecting and improving the character of the surrounding area. Among other things, these policies include that new development will:

- be located and organized to fit with its existing and/or planned context. It will frame and support adjacent streets, parks and open spaces to improve the safety, pedestrian interest and casual views to these spaces;
- locate and organize vehicle parking, vehicular access, service areas and utilities to minimize their impact on the property and on surrounding properties and to improve the safety and attractiveness of adjacent streets, parks and open spaces; and,
- be massed and its exterior face will be designed to fit harmoniously into its existing and/or planned context, and will limit its impact on neighbouring streets, parks, open spaces and properties.

Section 5.1.1 of the Official Plan and the Warden Woods Community Secondary Plan contain policies pertaining to the provision of community benefits for increases in height and/or density pursuant to Section 37 of the *Planning Act*. Section 37 may be used to secure community benefits, provided the proposal represents good planning and is recommended for approval.

In addition to the policies referenced above, the entire Official Plan was considered through the review of the application. The Official Plan is available on the City's web site at:

[http://www.toronto.ca/planning/official\\_plan/introduction.htm](http://www.toronto.ca/planning/official_plan/introduction.htm)

## **Zoning**

The subject site is zoned Institutional-Public Transit Zone in the Scarborough Employment Districts Zoning By-law 24982 (Golden Mile), as amended, and Utility and Transportation Zone in the City-wide Zoning By-law 569-2013, as amended. Townhouses are not permitted in either zone.

Refer to Attachment 6: Zoning.

## **Site Plan Control**

The property is subject to site plan control. A site plan control application has been submitted (File No. 15 183202 ESC 35 SA) and is currently under review.

Refer to Attachment 1: Site Plan.

## **Reasons for Application**

A zoning by-law amendment application is required to permit the proposed residential uses and to establish appropriate performance standards for the proposed townhouse dwellings. The Draft Plan of Subdivision application is required to create the proposed townhouse blocks and part of the extension of Pidgeon Street. The Draft Plan of Subdivision and associated conditions are intended to ensure appropriate co-ordination with the adjacent subdivision within the Goldman development.

## **Community Consultation**

A community consultation meeting was held on October 27, 2015. The meeting was attended by City Planning staff, the Ward Councillor's staff, the applicant and owner and approximately five members of the public. No issues were raised by the public at the meeting, however, a general discussion occurred about matters that included: the type of townhouses proposed; how the proposed units would be accessed; ownership of the rail spur; and whether an EMF study had been submitted. Other comments raised by the community not directly related to the City's review of the application included timing for commencement and duration of construction and tenure of the townhouse units.

No written submissions expressing further resident questions or concerns were received by City Planning staff at or subsequent to this meeting.

## **Agency Circulation**

The applications were circulated to all appropriate agencies and City Divisions. Responses received have been used to assist in evaluating the application and to formulate appropriate By-law standards and conditions of Draft Plan Approval. As otherwise addressed, no significant concerns with the proposed rezoning and draft plan of subdivision have been raised by commenting agencies and City Divisions through the circulation and review of this application, or through further planning and design analysis.

## **COMMENTS**

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

The proposal is consistent with the PPS and represents intensification and redevelopment in an urban area, in this case by making efficient use of a site that is no longer required as a utility corridor.

The proposal conforms and does not conflict with the Growth Plan for the Greater Golden Horseshoe.

### **Land Use**

The Official Plan recognizes that the subject property, which is designated *Neighbourhoods*, is an appropriate site for residential uses. The proposed building type, townhouses, conforms to the low scale building form permitted in the *Neighbourhoods* designation.

Section 4.1.9 of the Official Plan, requires that infill development on properties that vary from the local pattern in terms of lot size, configuration and/or orientation in established *Neighbourhoods* will: have heights, massing and scale appropriate for the site and compatible



with that permitted by the zoning for adjacent and nearby residential properties; will provide adequate privacy, sunlight and sky views for residents of new and existing buildings by ensuring adequate distance and separation between building walls and using landscaping, planting and fencing to enhance privacy where needed; will front onto existing or newly created public streets whenever possible, with no gates limiting public access; and, will locate and screen service areas and garbage storage to minimize the impact on existing and new streets and residences.

The majority of the lots will front onto the extension of Pidgeon Street. By applying generally consistent residential zoning standards to those in the existing neighbourhood to the west on the Goldman lands, the proposed development will respect and reinforce the existing physical character of the neighbourhood in accordance with Official Plan policies.

Staff has evaluated this proposal against these policies and finds that the proposed land use is consistent with these policies as well as with the Healthy Neighbourhoods and Built Form policies of Sections 2.3.1 and 3.1.2, respectively.

### **Built Form, Density and Height**

The Official Plan contains a number of policies related to the form of new development, recognizing that for the most part future development will be built on infill and redevelopment sites and will need to fit in, respecting and improving the character of the surrounding area. Interspersed throughout many *Neighbourhoods* are properties that differ from the prevailing patterns of lot size, configuration and orientation. The subject site is one of these sites, a former rail spur that has been converted for residential uses, providing an opportunity to extend the new neighbourhood and road network approved for the Goldman lands.

The application, as proposed, represents a height, massing and density that fits into the surrounding context. The proposed development is for a total number of 26 dwelling units on a site, which represents an overall density of 55 units per hectare. The proposed density is comparable to surrounding densities in the immediate neighbourhood.

The maximum permitted lot coverage recommended is 55%.

Pidgeon Street will be extended and Blocks 1 and 2 (units 1-18) will front onto the extension, with Block 3 (units 19-26) fronting onto a private lane. Minimum lot frontage is 5.5 metres with each unit having a front integral garage. The 18 units fronting onto the extension of Pidgeon Street will have minimum front yard setbacks of 5.5 metres; and the eight common element units fronting onto the private lane will have a minimum front yard setback of 9.0 metres. Minimum rear yard and side yard setbacks have been established at 6.0 metres and 1.6 metres, respectively. The proposed maximum building heights are three storeys and 12 metres. The 629 square metre private landscaped area located at the north end of the site will serve as an amenity space as well as a visual barrier to the employment uses.

The proposed townhouse development would be consistent with the planned context articulated in the Official Plan. The height and density would be in keeping with the established character of the neighbourhood and is generally consistent with the Draft Townhouse and Low-Rise

Apartment Guidelines. Planning staff are of the opinion that the proposed development is compatible with the adjacent neighbourhood in terms of density, height and massing.

## **Streetscape**

The overall streetscape is consistent with the existing development to the south and is designed to connect with the surrounding neighbourhood appropriately. An existing cul-de-sac will be removed where Pidgeon Street currently terminates resulting in the need to slightly realign a portion of the existing walkway that provides connection to the residential neighbourhood to the east. These requirements have been secured as conditions in the draft subdivision agreement. Curbs and sidewalks will be rebuilt to provide a seamless extension of the public street onto the subject site. A 1.8 metre wide public sidewalk is proposed along Pidgeon Street and continues northward along the private lane to provide access to the townhouses and the private landscaped area. Driveways are paired whenever possible to reduce the number of curb cuts along the street and to consolidate front yard areas allowing for mature tree growth.

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

The applicant has submitted a Traffic Operation Analysis, which indicates that the existing and proposed road network can accommodate the expected vehicular traffic generated by the proposed townhouse development.

As discussed earlier, an extension of Pidgeon Street is proposed. It will have a right-of-way of 16.5 metres, 10.25 metres is being provided from the Goldman development and 6.25 metres (Block 5) from the subject lands. Blocks 1 and 2 (18 dwelling units) will front onto the public street extension with direct driveway access.

The proposed private lane will have a right-of-way of 8.0 metres, 6.0 metres is being provided from the Goldman development and 2.0 metres (currently identified as Block 6) from the subject lands and will connect to the 8.0 metre private lane along the north property line of the Goldman development. Block 3 (8 dwelling units) will front onto the private lane with driveway access via the private lane.

A minimum of one parking space per dwelling unit will be provided for each dwelling unit with a front integral garage.

## **Servicing**

A comprehensive Functional Servicing Report and a Stormwater Management Report were submitted for the Goldman lands, which included the subject lands as they are directly connected. This Functional Servicing Report and supporting materials are under review. As the subject site can only be serviced in conjunction with the 743 Warden Avenue development, it is recommended that the zoning bills not be enacted until such time as a fully secured subdivision agreement for the construction of municipal services for the Goldman lands (743 Warden Avenue) has been entered into.

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

The proposed development is located between Warden and Kennedy stations on TTC's Line 2 (Bloor-Danforth), specifically the existing subway tunnel lies beneath the proposed extension of Pidgeon Street. The TTC has an easement under these private lands for the subway tunnel.

Once the development is complete, and the portion of lands to be public road have been conveyed to the City, TTC will release the existing easement from these lands. TTC will, however, maintain an easement for the portion of the subway tunnel under private lands. TTC needs to maintain access to its infrastructure for future work through the creation of easements. The TTC requires that the developer complete a TTC technical review and enter into easement and construction agreements with the TTC. The technical review, among other matters, will review the proposal to ensure that current and future operations are protected. These requirements will be secured in the draft plan of subdivision conditions.

## **Environment**

### **Noise**

Valcoustics Canada Ltd. prepared an Environmental Noise Feasibility Study report dated November 18, 2013 as part of the development applications for the Goldman lands. To address revisions to the site plan for the Goldman lands, two addendums were prepared, dated June 25 and August 27, 2015, respectively. These addendums specifically updated the stationary noise analysis for three abutting industrial properties to the north and recommended a number of noise mitigation measures be incorporated in the site plan for the Goldman lands. These measures include: a 4.2 metre and a 5.0 metre high sound barrier along the north property line for two blocks; rooftop acoustic screens for the condenser units at Starboard Seafood; and silencers for the exhaust stacks at Starboard Seafood and Carstar Collision Centre.

With the incorporation of the recommendation above, the indoor noise guidelines for all residential units are met on the Goldman lands.

Valcoustics Canada Ltd. also prepared an Environmental Noise Feasibility Study in support of this application. Both stationary and transportation noise sources were reviewed taking into account the required noise mitigation measures for the Goldman lands. In terms of the Ministry of Environment and Climate Change (MOE) D-6 Guidelines, Compatibility between Industrial Facilities and Sensitive Land Uses, the proposed residential development on the Rexton lands (95 Pidgeon Street) is beyond the minimum area of influence distance of 70 meters and no mitigation measures are required.

As a component of the building design, the Owner intends to provide central air conditioning units for all units. This design measure, as well, warning clauses to inform future residents of the traffic and rail noise, will be secured in the draft plan of subdivision conditions.

### **Air Quality**

Novus Environmental prepared an Environmental Air Quality Assessment dated November 18, 2013 and an Odour Assessment dated June 2, 2015 to assess the compatibility of Goldman lands with the industrial sources to the north and west from an air quality and odour perspective. The Odour Assessment focussed on concentrations of odour emitted from Starboard Seafood Inc. to the north. Following MOE guidelines, the analysis concluded that the resultant highest 10-minute odour impact at the proposed development exceeds the concentration standard by 0.1 and only in a 5 metre area radially from the source along the north property line, where there are no residential units. Novus Environmental concluded that no mitigation beyond what has already been incorporated into the design along the north property line (a storm water retention pond, a

public park and a landscape space). These design features form a substantial continuous land buffer between residential uses to the south and the existing employment area to the north, such that no additional burden on the abutting industries with respect to general air quality contaminants is anticipated due to the proposed development; and that air contaminant concentrations on the proposed development are expected to be below the relevant provincial guidelines.

With respect to the subject application, Novus Environmental prepared an Odour Assessment in support of the application, which is predicated on previous work undertaken for the abutting development at 743 Warden Avenue. In terms of MOE guidelines, the proposed residential development on the Rexton lands is beyond the minimum area of influence and no mitigation measures are required.

### **Noise and Air Quality Summary**

With respect to the Noise and Air Quality assessments undertaken for the Rexton lands, the property is found to be outside the minimum area of influence and no mitigation measures are therefore required.

### **Vibration**

The applicant has submitted a Subway Vibration Analysis in support of the application. The Subway Vibration Analysis reviewed subway-induced ground-borne vibration to determine whether vibration isolation is warranted as part of the building design. The study concluded that the measured ground-borne velocity magnitudes due to TTC subway trains were below the CN/GO Transit, CPR and ISO reference vibration limits. In addition, the proposed residential buildings are slab-on-grade construction, with no basements, which is considered acoustically acceptable. The study was circulated and reviewed by TTC. Warning clauses provided by the TTC related to transmissions of noise, vibration, electromagnetic interference, stray current, smoke, particulate matter or other interferences will be secured in the draft plan of subdivision conditions.

### **Electric and Magnetic Flux Density (EMF)**

The applicant has submitted an EMF study, prepared by Kinectrics, in support of the application. The subject site is west of a hydro corridor that is owned and operated by Hydro One. The measured and calculated EMF was compared against IEEE Std C95.6-2002 "IEEE Standard for Safety Levels with Respect to Human Exposure to Electromagnetic Fields, 0-3k kHz". The review findings indicated that the EMF limits are not exceeded within the property for the worst case scenario provided the building is setback a minimum of six metres. In all instances the proposed rear yard building setback is a minimum of six metres and this standard is further secured in the draft zoning by-laws attached to this report.

### **Open Space/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 Official Plan shows the local parkland provisions across the City. The lands which are the subject of the application are in an area with 0.43 – 0.79 hectares of local parkland per 1,000 people. The site is in the second lowest quintile of current provision of parkland. The site is in a parkland priority area, as per Chapter 415, Article III of the Toronto Municipal Code.

The Owner proposes 26 residential units with a net site area of 0.526 hectares (5,260 square metres). At the alternate rate of 0.4 hectares per 300 units specified in Chapter 415, Article III of the Toronto Municipal Code, the parkland dedication would be 0.03466 hectares (346.6 square metres).

The Owner 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.

Warden Hilltop Community Centre, located approximately 400 metres southwest of the subject lands, offers a community centre, playground, sports field and splash pad. In addition, as part of the 743 Warden Avenue approvals (located immediately to the west) there will be an on-site parkland dedication of 4,130 square metres.

The zoning by-law amendment secures an area of approximately 629 square metres at the north end of the site which is limited to landscaping. Private outdoor amenity areas are provided at the rear of each of the townhouse units within the development.

### **Tree Preservation**

The arborist report submitted in support of these applications indicates that there are no by-law protected trees on site (or within 6 metres of the site), thus no tree removal or preservation is required.

Urban Forestry has no objection to the Rezoning or the Draft Plan of Subdivision applications on the understanding that prior to the registration of the Plan of Subdivision, the application submits, to the satisfaction of Urban Forestry:

- revisions to the Landscape Plans and TGS-Checklist that accurately indicates the species, size and location of all proposed City owned street trees, as well as privately owned trees;
- submission of a Composite Utility Plan that indicates the location of all underground and above ground utilities, as well as proposed tree planting locations; and
- submission of required financial guarantees.

### **School Capacity**

The Toronto District School Board (TDSB) advises that there is insufficient space at the local schools to accommodate students anticipated from this proposed development and that children may need to be accommodated in schools outside this area until space in local schools becomes available. Specifically, the TDSB requests that the Owner/Developer enter into an agreement with the TDSB to erect and maintain signs on site and include warning clauses in all offers of purchase and sale advising purchasers of the status of local school accommodation. This matter is secured in the draft plan of subdivision conditions.

No comments to date have been received from the other local school boards, however staff will continue to work with these Boards and prior to issuing Draft Plan of Subdivision approval staff elect to include their standard conditions should they be required.

## 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. Tier 1 performance measures such as erosion and sediment control measures, stormwater retention and water quality for stormwater run-off, through the requirement of an acceptable stormwater management report will be secured through the Subdivision Approval process. Other Tier 1 measures include tree plantings of new shade trees, provision of native species of trees, water efficient plant material for all soft landscaping and dedicated storage area for garbage, recycling and organic waste in each dwelling unit will also be secured through the Subdivision and Site Plan Approval processes.

## Section 37

The Official Plan and the Warden Woods Community Secondary Plan contain policies pertaining to the provision of community benefits for increases in height and/or density pursuant to Section 37 of the *Planning Act*.

Section 37 community benefits must bear a reasonable planning relationship to the proposed development including, at a minimum, an appropriate geographic relationship and addressing planning issues associated with the development. They will be selected on the basis of local community needs, the nature of the development application, any implementing guidelines or plans adopted by Council and the strategic objectives and policies of the Warden Woods Community Secondary Plan. These objectives include items such as, but not limited to the conservation of heritage resources designated and/or listed on the City's inventory of Heritage Properties, other non-profit arts, cultural, community or institutional facilities, and parkland and/or park improvements and enhanced pedestrian connections to parkland.

The community benefit recommended to be secured in a Section 37 Agreement and be payable prior to issuance of an above grade building permit is as follows:

- a. a cash contribution to the City in the amount of sixty-five thousand dollars (\$65 000 CDN) to be indexed and applied to any one or more of improvements to the Warden Hilltop Community Centre, local parks or the public library in the Ward Woods Community, at the discretion of the Chief Planner and Executive Director, City Planning in consultation with the Ward Councillor and local community.

It is proposed that if the contribution is not used for the intended purpose within three years of the zoning by-law coming into full force and effect then the monies may be redirected at the discretion of the Chief Planner and Executive Director, City Planning in consultation with the Ward Councillor provided that the purposes are identified in the Official Plan and will benefit the community in the vicinity of the lands.

## **Conclusion**

This proposal represents residential infill and redevelopment of an underutilized, former rail spur for townhouse dwellings. The proposed extension to Pidgeon Street, private lane and lot orientation will continue the pattern of development that is approved on the Goldman lands and surrounding neighbourhood. The proposal is consistent with the Provincial Policy Statement, conforms to the Growth Plan and conforms to the Official Plan. The proposed rezoning and draft plan of subdivision are considered appropriate for the use and development of the lands.

## **CONTACT**

Kelly Dynes, Senior Planner  
Tel. No. 416-396-4250  
Fax No. 416-396-4265  
E-mail: [kdynes@toronto.ca](mailto:kdynes@toronto.ca)

## **SIGNATURE**

---

Paul Zuliani, Acting Director  
Community Planning, Scarborough District

## **ATTACHMENTS**

Attachment 1: Site Plan  
Attachment 2: Draft Plan of Subdivision  
Attachment 3: Front Elevations-North West (as provided by applicant)  
Attachment 4: Rear Elevations – South East (as provided by applicant)  
Attachment 5: Side Elevations (as provided by applicant)  
Attachment 6: Zoning  
Attachment 7: Application Data Sheet  
Attachment 8: Draft Zoning By-law Amendment-Scarborough Employment Districts and Warden Woods Community Zoning By-law  
Attachment 9: Draft Zoning By-law Amendment, City of Toronto Zoning By-law  
Attachment 10: Conditions of Draft Plan of Subdivision

## Attachment 1: Site Plan



### Site Plan

Applicant's Submitted Drawing

Not to Scale  
10/20/16



95 Pigeon Street

File # 15 183193 ESC 35 OZ, 15 183205 ESC 35 SB



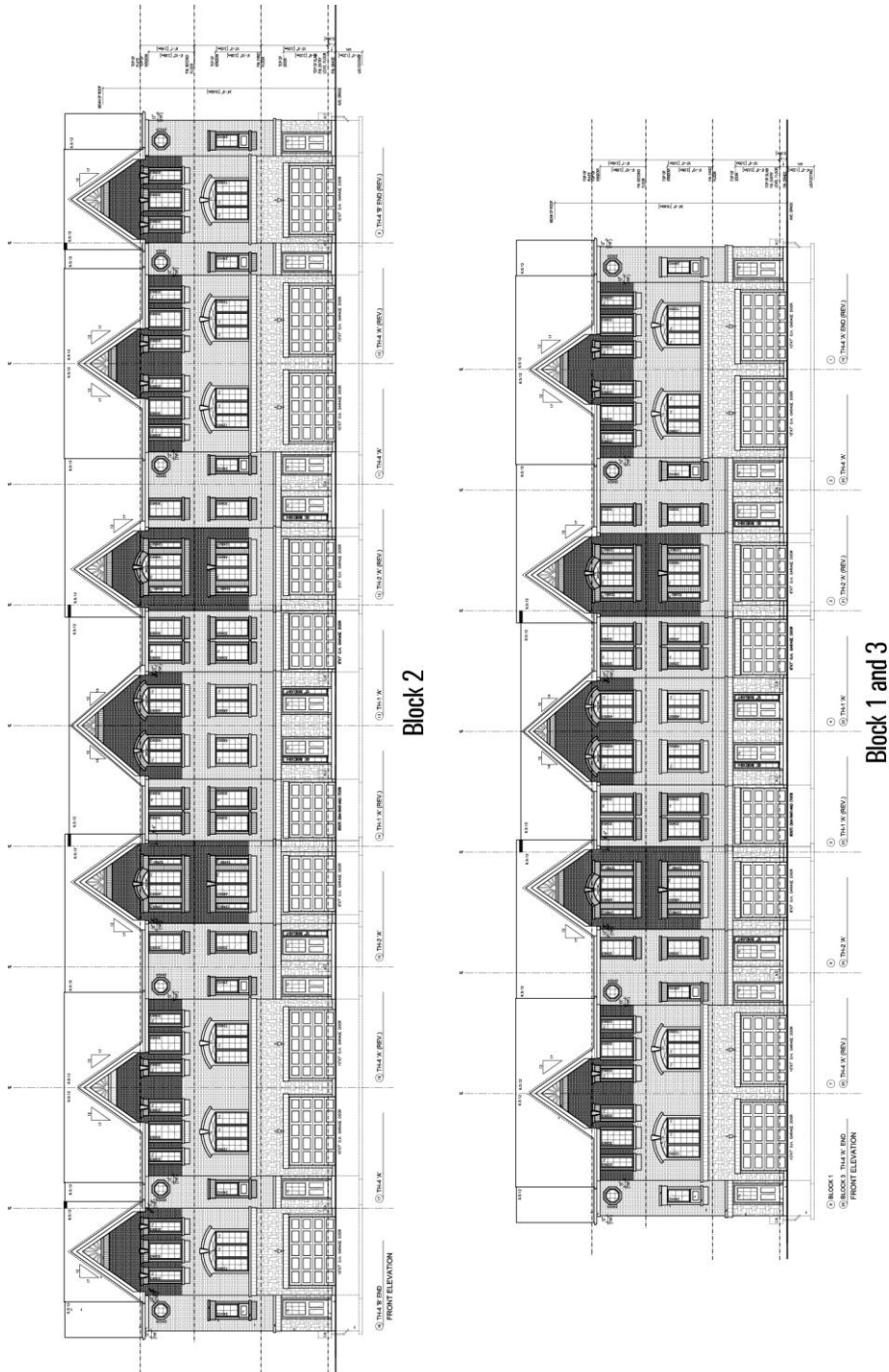
**95 Pigeon Street**

Not to Scale  
10/11/16



Staff report for action – Final Report – 95 Pidgeon Street (formerly 0 Birchmount Road)

# Attachment 3: Front Elevations-North West (as provided by applicant)



95 Pigeon Street

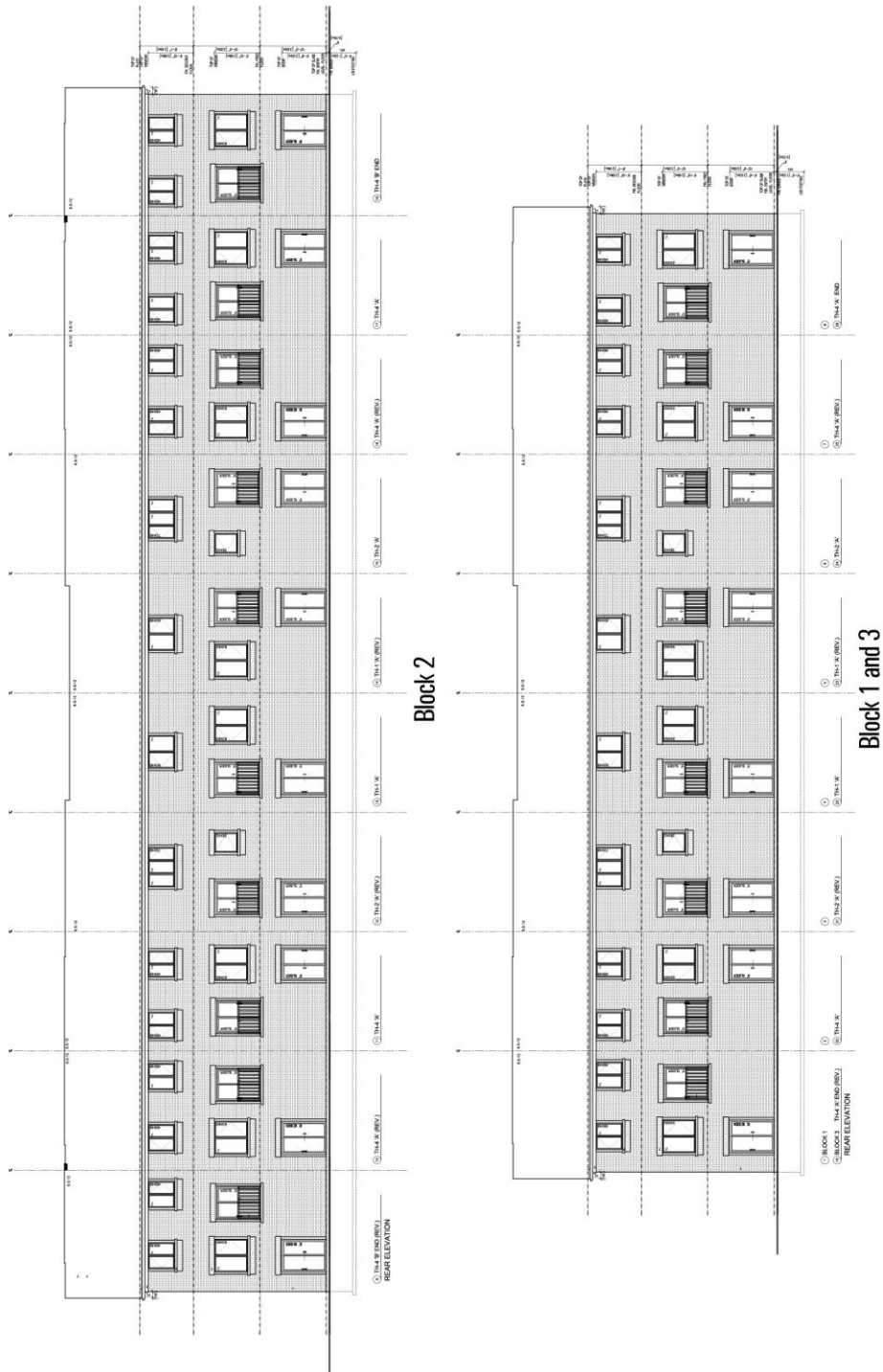
Front Elevations - North West

Applicant's Submitted Drawing

Not to Scale  
08/06/15

File #'s 15 183193 ESC 35 OZ, 15 183205 ESC 35 SB

## Attachment 4: Rear Elevations – South East (as provided by applicant)



95 Pigeon Street

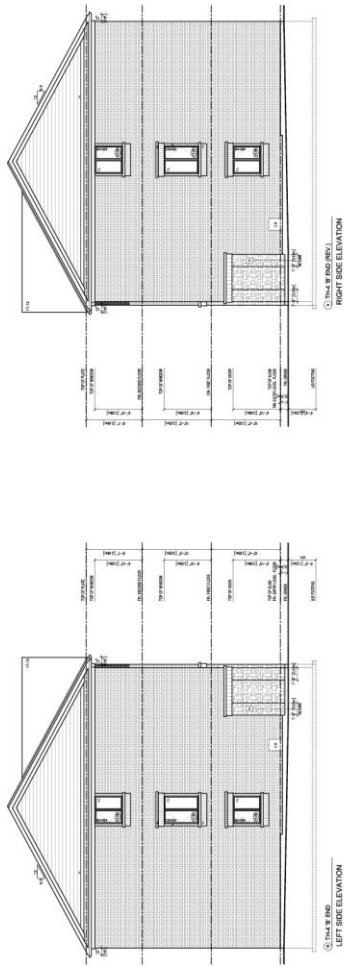
Rear Elevations - South East

Applicant's Submitted Drawing

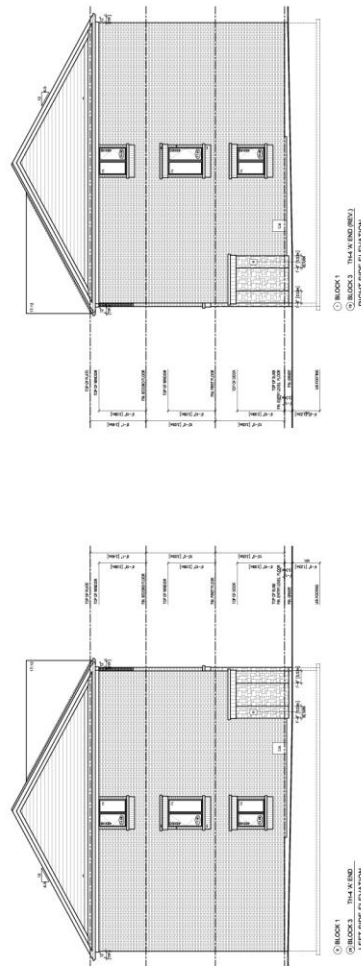
Not to Scale  
09/06/15

File #'s 15 183193 ESC 35 OZ, 15 183205 ESC 35 SB

## Attachment 5: Side Elevations (as provided by applicant)



Block 1 & 3 - South West Elevation



Block 2 - South West Elevation

### Side Elevations

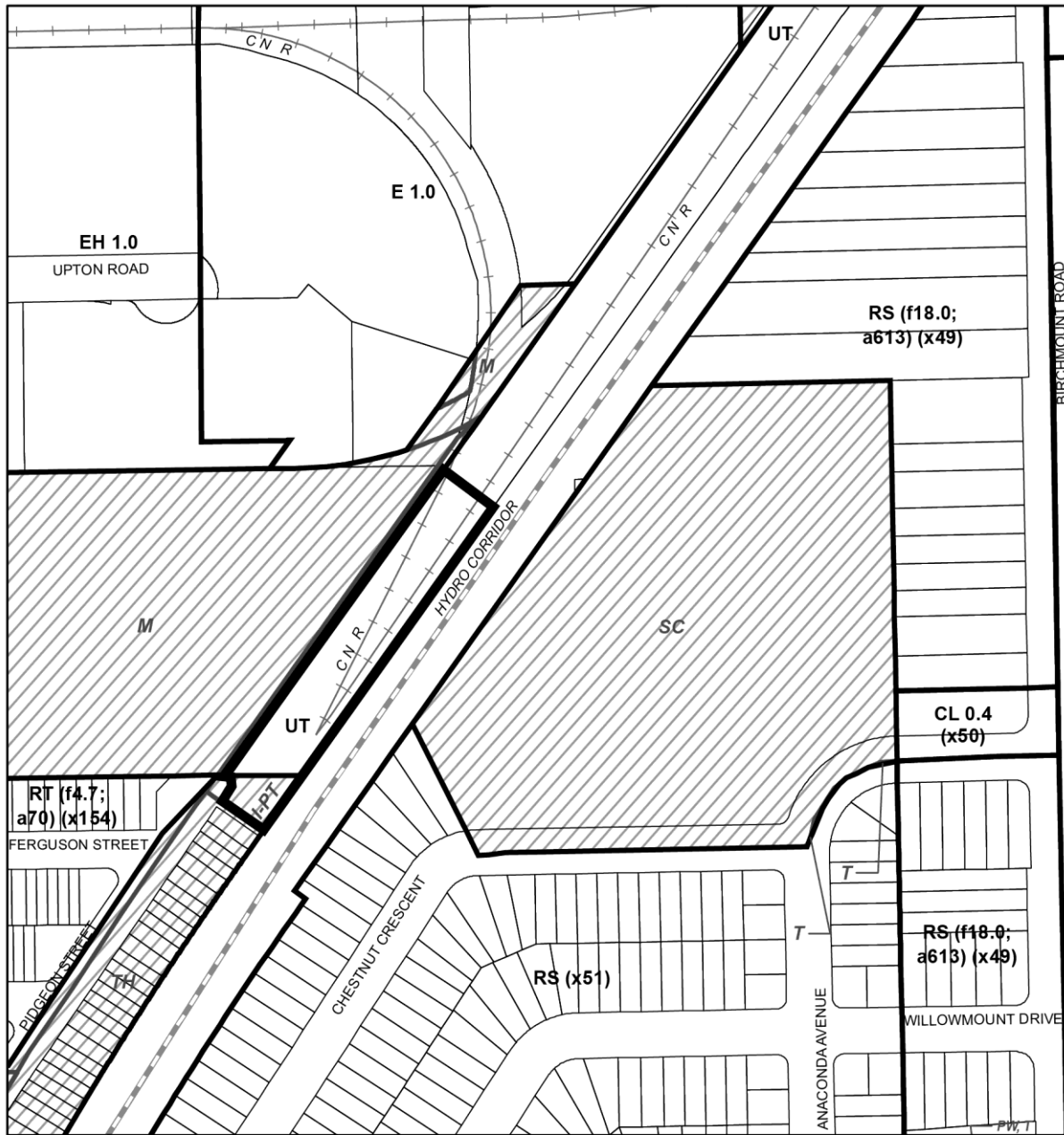
Applicant's Submitted Drawing

Not to Scale  
08/06/15

95 Pigeon Street

File #'s 15 183193 ESC 35 OZ, 15 183205 ESC 35 SB

## Attachment 6: Zoning



### Zoning By-Law No. 569-2013

File # 15 183193 ESC 35 OZ, 15 183205 ESC 35 SB



Location of Application

**RS** Residential Semi-Detached  
**RT** Residential Townhouse  
**RM** Residential Multiple  
**CL** Commercial Local

**E** Employment Industrial  
**EH** Employment Heavy Industrial  
**OC** Open Space Cemetery  
**UT** Utility and Transportation



See Former City of Scarborough Warden Woods Community Bylaw No. 950-2005  
 See Former City of Scarborough Birchmount Park Community Bylaw No. 9174

**SC** School  
**TH** Townhouse Residential  
 See Former City of Scarborough Employment District Bylaw No. 24982 (Golden Mile)

**M** Industrial Zone  
**I-PT** Institutional - Public Transit Zone

↑ Not to Scale  
 Extracted: 07/22/2015

## Attachment 7: Application Data Sheet

Application Type	Rezoning and Draft Plan of Subdivision	Application Number:	15 183193 ESC 35 OZ 15 183205 ESC 35 SB
Details	Rezoning, Standard Subdivision	Application Date:	June 30, 2015

Municipal Address:	95 Pidgeon Street
Location Description:	Part of Lot 31 in Concession C designated as PARTS 1 to 10, inclusive, on Plan 66R-28750
Project Description:	Re-zoning and subdivision applications to permit 26 grade-related townhouses, fronting on an extension of Pidgeon Street and on a new private lane.

<b>Applicant:</b>	<b>Agent:</b>	<b>Architect:</b>	<b>Owner:</b>
THE GOLDMAN GROUP			REXTON DEVELOPMENTS LTD

### PLANNING CONTROLS

Official Plan Designation:	Neighbourhoods	Site Specific Provision:	
Zoning:	I-PT, UT	Historical Status:	
Height Limit (m):		Site Plan Control Area:	Y

### PROJECT INFORMATION

Site Area (sq. m):	5260	Height:	Storeys:	3	
Frontage (m):	0		Metres:	10.6	
Depth (m):	0				
Total Ground Floor Area (sq. m):	0				Total
Total Residential GFA (sq. m):	4588.5		Parking Spaces:	26	
Total Non-Residential GFA (sq. m):	0		Loading Docks	0	
Total GFA (sq. m):	4588.5				
Lot Coverage Ratio (%):	0				
Floor Space Index:	0.87				

### DWELLING UNITS

### FLOOR AREA BREAKDOWN (upon project completion)

Tenure Type:			Above Grade	Below Grade
Rooms:	0	Residential GFA (sq. m):	4588.5	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:	26	Institutional/Other GFA (sq. m):	0	0
Total Units:	26			

<b>CONTACT:</b>	<b>PLANNER NAME:</b>	<b>Kelly Dynes, Senior Planner</b>
	<b>TELEPHONE:</b>	<b>416-396-4250</b>

**Attachment 8: Draft Zoning By-law Amendment –  
Scarborough Employment Districts and Warden Woods Community Zoning By-law**

Authority: Scarborough Community Council Item ~ as adopted by City of Toronto Council  
on ~, 20~

Enacted by Council: ~, 20~

**CITY OF TORONTO**

**Bill No. ~**

**BY-LAW No. ~-20~**

**To amend former City of Scarborough Employment Districts Zoning By-law No. 24982  
(Golden Mile Employment District), as amended, and the Warden Woods Community  
Zoning By-law No 950-2005, as amended, with respect to the lands municipally known as  
95 Pidgeon Street**

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

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

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

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

WHEREAS the increases in the height or density permitted hereunder, beyond those otherwise permitted in the aforesaid lands by By-law No. 950-2005, as amended, are to be permitted in return for the provision of the facilities, services and matters set out in this By-law and are to be secured by one or more agreements between the owner of such lands and the City of Toronto (hereinafter referred to as the "City"); and

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

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

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

1. **Schedule "A"** of the City of Scarborough Employment Districts Zoning By-law No. 24982 (Golden Mile Employment District) is amended by deleting the lands at 95 Pidgeon Street from this By-law as shown outlined on the attached Schedule '1' to this By-law.
2. **Schedule "A"** of the Warden Woods Community Zoning By-law No. 950-2005, is amended by adding the following lands and zoning at 95 Pidgeon Street as shown on the attached Schedule '1':

TH – 19L – 24 – 40 – 73 – 120 – 149 – 160 – 218 – 225 – 238

TH – 19M – 25 – 40 – 73 – 120 – 149 – 160 – 218 – 225 – 237 – 238

3. **Schedule "B", PERFORMANCE STANDARD CHART**, of the Warden Woods Community Zoning By-law No. 950-2005, is amended by adding the following Performance Standards:

#### **INTENSITY OF USE**

- 19L. Maximum 18 **townhouse dwelling** units, each **townhouse dwelling** unit having a minimum **lot frontage** of 5.5 metres and a minimum **lot area** of 130 m<sup>2</sup> per **dwelling** unit.
- 19M. Maximum 8 **townhouse dwelling** units, each **townhouse dwelling** unit having a minimum **lot frontage** of 5.5 metres and a minimum **lot area** of 130 m<sup>2</sup> per **dwelling** unit.

#### **FRONT YARD SETBACK**

24. Minimum 5.5 metres.
25. Minimum 9.0 metres.

#### **SIDE YARD SETBACK**

73. Minimum 1.6 metres for the end (side) wall of **townhouse dwellings**, except for **side yards** that abut a **street** or **lane**, and 0 metres from the common **lot** line shared by **dwelling** units.



## **MICELLANEOUS**

237. Notwithstanding **Clause VI – PROVISIONS FOR ALL ZONES, 4 – Frontage on a Street**, the **lot line** abutting the private lane shall be deemed to abut or front on a public **street**.

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

Chimneys, pilasters and projecting columns:	0.5 metres
Roof overhang, cantilevered elements, Canopies, eaves, porticoes:	1 metre (rear and side yards) and 0.5 metres (front yard)
Balconies, unenclosed porches projecting into a <b>front yard, rear yard</b> or a <b>side yard</b> abutting a <b>street</b> :	1.55 metres
Exterior steps:	No Limit
First <b>storey</b> cantilevered bay, bow or dormer windows projecting into a <b>front yard, rear yard</b> or a <b>side yard</b> abutting a <b>street</b> :	1 metre
Cantilevered bay, bow or dormer windows above first <b>storey</b> :	0.5 metres
Decks into a rear yard:	2 metres

4. **Schedule "C"** of the Warden Woods Community Zoning By-law No. 950-2005, **EXCEPTIONS MAP**, is further amended by adding Exception No. 19 to the lands outlined on the attached Schedule '2'.

5. **Schedule "C"** of the Warden Woods Community Zoning By-law No. 950-2005, **EXCEPTIONS LIST AND MAP**, is further amended by adding Exception No. 23 to the lands outlined on the attached Schedule '2', so that it reads:

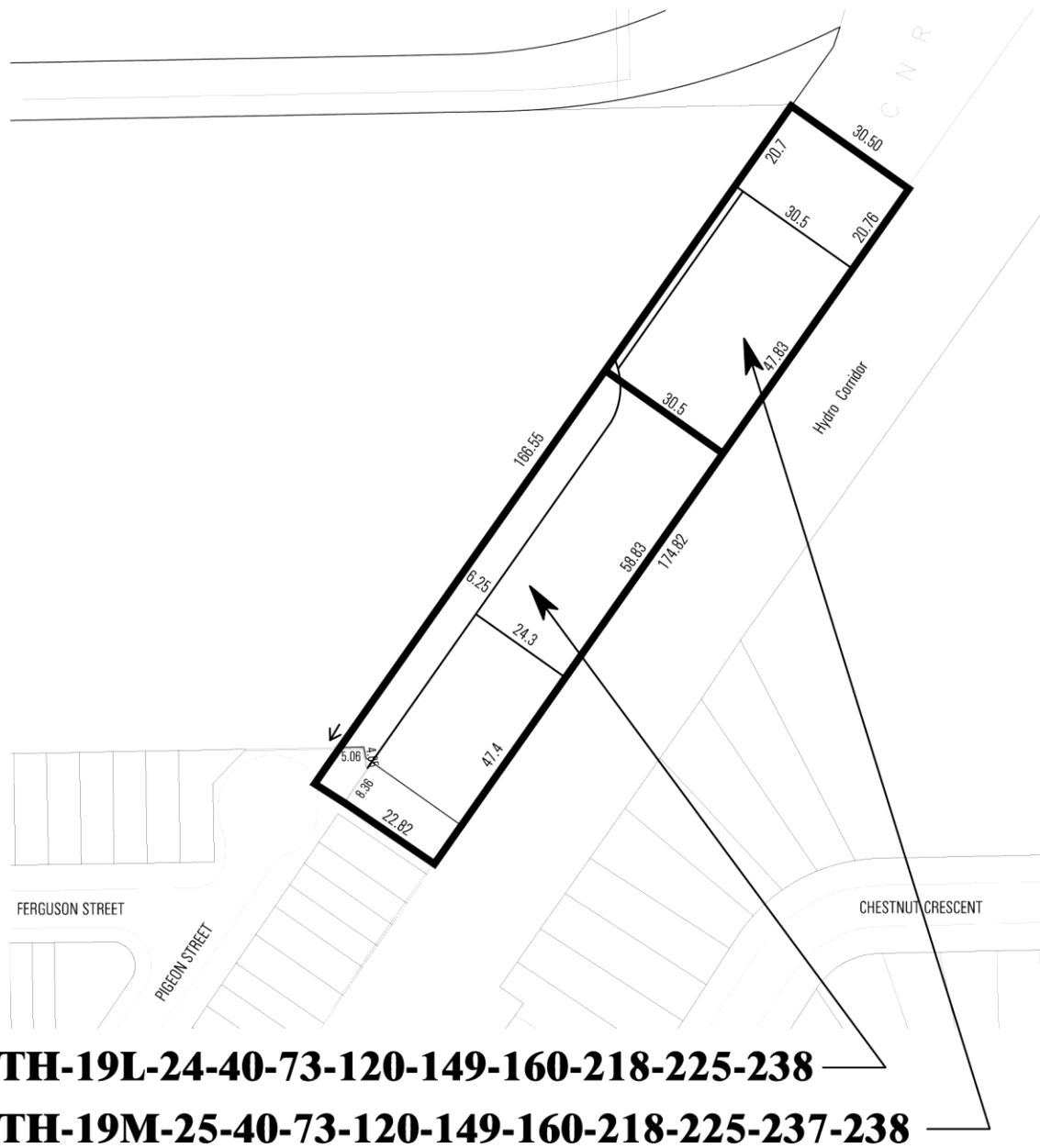
23. On those lands identified as Exception No. 23 on the accompanying **Schedule "C"** map, the following provision shall apply:

- (i) these lands shall be used for landscaping purposes only.
6. **Schedule "C"** of the Warden Woods Community Zoning By-law No. 950-2005, **EXCEPTIONS LIST AND MAP**, is further amended by adding Exception No. 24 to the lands outlined on the attached Schedule '2', so that it reads:
24. On those lands identified as Exception No. 24 on the accompanying **Schedule "C"** map, the following provisions shall apply:
- (i) Pursuant to Section 37 of the *Planning Act*, and subject to compliance with this By-law, the increase in height and/or density of development is permitted beyond that otherwise permitted on the lands zoned **Townhouse Residential (TH)** shown on the accompanying **Schedule "C"** map in return for the provision by the owner, at the owner's expense of the facilities, services and matters which are secured by one or more agreements pursuant to Section 37(3) of the *Planning Act* that are in a form and registered on title to the lot(s), to the satisfaction of the City Solicitor:
    - (a) Prior to issuance of the first above-grade building permit (other than a permit for a temporary sales office/pavilion), the owner shall make a cash contribution to the City in the amount of sixty-five thousand (\$65,000.00 CAN), which amount shall be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Toronto for the period from the date of the registration of the Section 37 Agreement to the date of payment, for the provision of improvements to the Warden Hilltop Community Centre, local parks and/or public library in the Warden Woods community at the discretion of the Ward Councillor and in consultation with the local community; and
    - (b) In the event the cash contribution(s) referred to in Section (i)(a) has not been used for the intended purpose within three (3) years of this By-law coming into full force and effect, the cash contribution may be redirected for another purpose, at the discretion of the Chief Planner and Executive Director of City Planning, in consultation with the local Councillor, provided that the purposes are identified in the Toronto Official Plan and will benefit the community in the vicinity of the lands.
  - (ii) Where Section (i) above requires the owner to provide certain facilities, services or matters prior to the issuance of a building permit, the issuance of such permit shall be dependent on satisfaction of the same; and
  - (iii) The owner shall not use, or permit the use of, a building or structure erected with an increase in height and /or density pursuant to this By-law unless all provision of Section (i) above are satisfied.

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

ULLI S. WATKISS,  
City Clerk

# Schedule '1'



**Zoning By-Law Amendment**

File # 15 183193 ESC 35 OZ, 15 183205 ESC 35 SB

95 Pigeon Street

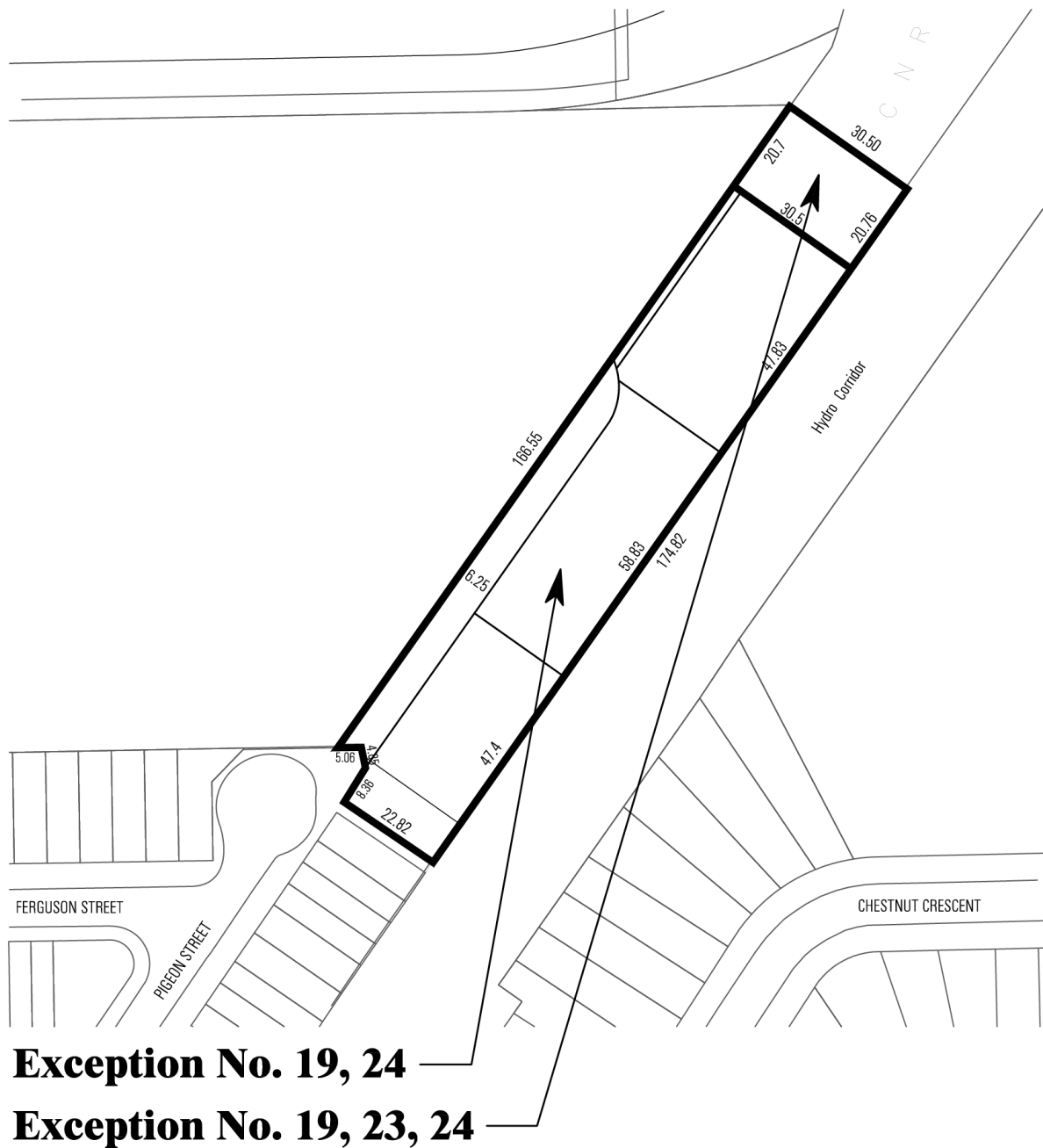


Area Affected By This By-Law

Warden Woods Community Bylaw  
Not to Scale  
10/12/16



## Schedule '2'



**Zoning By-Law Amendment**

File # 15 183193 ESC 35 OZ, 15 183205 ESC 35 SB

**95 Pigeon Street**



Area Affected By This By-Law

Warden Woods Community Bylaw  
Not to Scale  
10/21/16



**Attachment 9:**  
**Draft Zoning By-law Amendment, City of Toronto Zoning By-law No. 569-2013**

**CITY OF TORONTO**

**Bill No. ~**

**BY-LAW No. XXXX-2016**

**To amend Zoning By-law No. 569-2013, as amended, with respect to the lands municipally known in the year 2016 as, 95 Pidgeon Street**

Whereas Council of the City of Toronto has the authority to pursuant to 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*; and

Whereas the Official Plan for the City of Toronto contains provisions relating to the authorization of increases in height and density of development;

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

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

Whereas the owner of the aforesaid lands has elected to provide the facilities, services and matters hereinafter set out; and

Whereas the increase in height and/or density permitted beyond that otherwise permitted on the aforesaid lands by By-law No. 569-2013 as amended, is permitted in return for the provision of the facilities, services and matters set out in this By-law which is secured by one or more agreements between the owner of the land and the City of Toronto;

The Council of the City of Toronto enacts:

- 1.** The lands subject to this By-law are outlined by heavy black lines on Diagram 1 attached to this By-law.
- 2.** The words highlighted in bold type in this By-law have the meaning provided in Zoning By-law No. 569-2013, Chapter 800 Definitions.

3. Zoning By-law No. 569-2013, as amended, is further amended by amending the zone label on the Zoning By-law Map in Section 990.10 respecting the lands outlined by heavy black lines as shown on Diagram 2, and applying the following zone labels to those lands as shown on Diagram 2 attached to this By-law:

RT (f5.5, au130, u18) (x93)

RT (f5.5, au130, u8) (x94)

RT (96)

4. Zoning By-law No. 569-2013, as amended, is further amended by adding Article 900.5.10 Exception Number 93 so that it reads:

#### **Exception RT 93**

The lands, or a portion thereof as noted below, are subject to the following Site Specific Provisions, Prevailing By-laws and Prevailing Sections.

Site Specific Provisions:

- (A) On 95 Pidgeon Street, if the requirements of Section 7 and Schedule 'A' of by-law [Clerks to supply by-law ##] are complied with, a **building, structure**, addition or enlargement permitted in regulations (B) to (J) below may be erected.
- (B) Despite Article 10.60.20.40, the only permitted **building** type is a **townhouse building**;
- (C) Despite the uses listed in regulation 10.60.20.20, the only conditional use permitted is **private home daycare**;
- (D) The permitted maximum height for a **building** or **structure** is 12.0 metres; and the maximum number of **storeys** is 3;
- (E) The maximum permitted height for a **building** is measured from the average finished grade along the **main wall** of the **dwelling unit** facing any **street** line;
- (F) Despite clause 10.60.40.70, the minimum **building setback** is:
  - (i) 5.5 metres for the **front yard setback**;
  - (ii) 1.6 metres for the **side yard setback**; and
  - (iii) 6.0 metres for the **rear yard setback**; and
- (G) Despite clause 10.60.40.80, the minimum separation distance between the exterior side **main walls** of an adjacent **townhouse building** is 1.6 metres;

- (H) Despite regulation 10.60.30.40(1), the maximum permitted **building coverage** is 55%;
- (I) Despite clause 10.5.40.60, the following elements of a **building** may encroach into a required **building setback** a maximum of:
  - (i) 0.5 metres for chimneys, pilasters and projecting columns;
  - (ii) 1.0 metres for roof overhang, cantilevered elements, canopies, eaves, porticoes into **rear yard** or **side yard** and 0.5 metres in **front yard**;
  - (iii) 1.55 metres for balconies, unenclosed porches encroaching into a **front yard, rear yard** or **side yard** abutting a **street**;
  - (iv) No limit for exterior steps;
  - (v) 1.0 metres on the first **storey** for a cantilevered bay, bow or other projecting window encroaching into a **front yard, rear yard** or **side yard** abutting a **street**;
  - (vi) 0.5 metres above first **storey** for a cantilevered bay, bow or other projecting window encroaching into a **side yard** abutting a **street** or a **front yard** or a **rear yard**; and
  - (vii) 2.0 metres for decks encroaching into the **rear yard**; and
- (J) The required **parking** space must be in the **townhouse building**;

Prevailing By-laws and Prevailing Sections: (None Apply)

- 5. Zoning By-law No. 569-2013, as amended, is further amended by adding Article 900.5.10 Exception Number 94 so that it reads:

#### **Exception RT 94**

The lands, or a portion thereof as noted below, are subject to the following Site Specific Provisions, Prevailing By-laws and Prevailing Sections.

Site Specific Provisions:

- (A) On 95 Pidgeon Street, if the requirements of Section 7 and Schedule 'A' of by-law [Clerks to supply by-law ##] are complied with, a **building, structure**, addition or enlargement permitted in regulations (B) to (L) below may be erected;
- (B) For the purpose of this exception, the **lot line** abutting the Private Street Block 6 as identified on Diagram 1 of by-law [Clerks to supply by-law ##] is the **front lot line**;
- (C) For the purpose of regulation 5.10.30.1 (2), the Private Street Block 6 as identified on Diagram 1 of by-law [Clerks to supply by-law ##] is

considered a **street**;

- (D) Despite Article 10.60.20.40, the only permitted **building** type is a **townhouse building**;
- (E) Despite the uses listed in regulation 10.60.20.20, the only conditional use permitted is **private home daycare**;
- (F) The permitted maximum height for a **building** or **structure** is 12.0 metres; and the maximum number of **storeys** is 3;
- (G) The permitted maximum height for a **building** is measured from the average finished grade along the **main wall** of the **dwelling unit** facing any **street** line;
- (H) Despite clause 10.60.40.70, the minimum **building setback** is:
  - (i) 9.0 metres for the **front yard setback**;
  - (ii) 1.6 metres for the **side yard setback**; and
  - (iii) 6.0 metres for the **rear yard setback**
- (I) Despite clause 10.60.40.80, the minimum separation distance between the exterior side **main walls** of an adjacent **townhouse building** is 1.6 metres;
- (J) Despite regulation 10.60.30.40(1), the maximum permitted **building coverage** is 55%;
- (K) Despite clause 10.5.40.60, the following elements of a **building** may encroach into a required **building setback** a maximum of:
  - (i) 0.5 metres for chimneys, pilasters and projecting columns;
  - (ii) 1.0 metres for roof overhang, cantilevered elements, canopies, eaves, porticoes into **rear yard** or **side yard** and 0.5 metres in **front yard**;
  - (iii) 1.55 metres for balconies, unenclosed porches encroaching into a **front yard, rear yard** or **side yard** abutting a **street**;
  - (iv) No limit for exterior steps;
  - (v) 1.0 metres on the first **storey** for a cantilevered bay, bow or other projecting window encroaching into a **front yard, rear yard** or **side yard** abutting a **street**;
  - (vi) 0.5 metres above first **storey** for a cantilevered bay, bow or other projecting window encroaching into a **side yard** abutting a **street** or a **front yard** or a **rear yard**; and
  - (vii) 2.0 metres for decks encroaching into the **rear yard**; and
- (L) The required **parking** space must be in the **townhouse building**;

Prevailing By-laws and Prevailing Sections: (None Apply)



6. Zoning By-law No. 569-2013, as amended, is further amended by adding Article 900.5.10 Exception Number 96 so that it reads:

**Exception RT 96**

The lands, or a portion thereof as noted below, are subject to the following Site Specific Provisions, Prevailing By-laws and Prevailing Sections.

Site Specific Provisions:

- (A) On 95 Pidgeon Street, if the requirements of Section 7 and Schedule 'A' of by-law [Clerks to supply by-law ##] are complied with, despite article 10.60.20, the only use permitted is **landscaping**.

7. Section 37 Provisions

- (A) Pursuant to Section 37 of the Planning Act, and subject to compliance with this By-law, the increase in height and/or density of the development is permitted beyond that otherwise permitted on the lands zoned **Residential Townhouse (RT)** shown on Diagram 2 in return for the provision by the owner, at the owner's expense of the facilities, services and matters set out in Schedule A hereof and which are secured by one or more agreements pursuant to Section 37(3) of the Planning Act that are in a form and registered on title to the lands, to the satisfaction of the City Solicitor.
- (B) Where Schedule A of this By-law requires the owner to provide certain facilities, services or matters prior to the issuance of a building permit, the issuance of such permit shall be dependent on satisfaction of the same.
- (C) The owner shall not use, or permit the use of, a building or structure erected with an increase in height and/or density pursuant to this By-law unless all provisions of Schedule A are satisfied.

Enacted and passed on month ##, 20##.

Name,

Speaker

Ulli S. Watkiss,  
City Clerk

(Seal of the City)

**SCHEDULE A**  
**Section 37 Provisions**

**The facilities, services and matters set out below are required to be provided to the City at the owner's expense in return for the increase in height and/or density of the proposed development on the lands zoned Residential Townhouse (RT) as shown in Diagram 2 in this By-law and secured in an agreement or agreements under Section 37(3) of the Planning Act whereby the owner agrees as follows:**

- (1) Prior to issuance of an above-grade building permit (other than a permit for a temporary sales office/pavilion) the owner shall make a cash contribution in the amount of \$65 000 CDN for improvements to any one or more of the Warden Hilltop Community Centre, local parks or the public library in the Warden Woods community, to be at the discretion of the Chief Planner and Executive Director, City Planning in consultation with the Ward Councillor and local community, with such amount to be indexed upwardly in accordance with the Statistics Canada Construction Price Index for Toronto, calculated from the date of the Section 37 Agreement to the date the payment is made.
- (2) In the event the cash contribution(s) referred to in Section (1) have not been used for the intended purpose within three (3) years of this By-law coming into full force and effect, the cash contribution may be redirected for another purpose, at the discretion of the Chief Planner and Executive Director of City Planning, in consultation with the local Councillor, provided that the purposes are identified in the Toronto Official Plan and will benefit the community in the vicinity of the lands.



**Toronto** City Planning  
Diagram 1

**95 Pigeon Street**

File # 15 183193 ESC 35 OZ, 15 183205 ESC 35 SB

City of Toronto By-Law 569-2013  
Not to Scale  
10/12/2016



## **Attachment 10: Conditions of Draft Plan of Subdivision**

The Chief Planner's approval as set out in the Notice of Decision letter dated xx, applies to Drawing No. 0812-1-26dp, prepared by Bousfields Inc., and dated October 11, 2016

### **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, planning issues related to warning clauses etc.).
2. The Owner shall provide to the Director of Community Planning, Scarborough District, confirmation of payment of outstanding taxes to the satisfaction of Revenue Services Division, Finance Department, City of Toronto (statement of account or Tax Clearance Certificate) and that there are no outstanding City initiated assessment or tax appeals made pursuant to section 40 of the assessment Act or the provisions of the City of Toronto Act, 2006. In the event that there is an outstanding City initiated assessment or tax appeal, the Owner shall enter into a financially secured agreement with the City satisfactory to the City Solicitor to secure payment of property taxes in the event the City is successful with the appeal.
3. Prior to registration, the Official Plan land use designations and zoning implementing the Official Plan are in full force and effect.
4. 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.
5. The Owner shall construct and maintain the development in accordance with Tier 1 performance measures of the Toronto Green Standard, as adopted by Toronto City Council at its meeting held on October 26 and 27, 2009 through the adoption of PG32.3 of the Planning and Growth Management Committee.

### **Engineering and Construction Services**

6. Prior to the registration of the subdivision, the owner shall illustrate, convey and dedicate all proposed public roads, turning circles, corner roundings, road widening, walkways and 0.3 metre reserves as shown on the accepted plan in accordance with the Development Infrastructure Policy and Standards, to the satisfaction of the Executive Director of Engineering and Construction Services.
7. The Owner shall convey all necessary easements (internal and external) to the City of Toronto, to the satisfaction of the Executive Director of Engineering and Construction Services.

8. Prior to the registration of the plan of subdivision, the owner shall prepare all documents to convey lands in fee simple and easement interests to the City of Toronto for nominal consideration, such lands to be free and clear of all physical and title encumbrances to the satisfaction of the Executive Director of Engineering and Construction Services in consultation with the City Solicitor.
9. 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 plan should:
  - a) be in metric units and integrated to the Ontario Coordinate System (3 degrees MTM, Zone 10, NAD 83 CSRS);
  - b) delineate by separate PARTS the lands to be conveyed to the City, the remainder of the site and any appurtenant right-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.
10. Prior to the registration of the plan of subdivision, the owner shall pay all costs for the preparation and registration of reference plan(s).
11. Prior to the registration of the plan of subdivision, 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).
12. Prior to the registration of the plan of subdivision, the owner shall submit financial security in accordance with the terms of standard subdivision agreement.
13. Apply stormwater management techniques in the development of this subdivision to the satisfaction of the Executive Director of Engineering and Construction Services.
14. Make satisfactory arrangements to realign the walkway and fencing for the walkway located at the south limit of Block 1 as shown on the accepted plan, to the satisfaction of the Executive Director of Engineering and Construction Services.
15. Prior to the registration of the plan of subdivision, the owner shall make satisfactory arrangements for the removal of the existing turning circle and the construction of all services to complete Pidgeon Street as a 16.5 metre right-of-way to the satisfaction of the Executive Director of Engineering and Construction Services.
16. The Owner shall agree 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 any modification to the driveway or to the adjacent landscaping located within the City’s Right-of-Way may not be carried out without the approval of the City of Toronto.”

"Purchasers are advised that Toronto Municipal Code, Chapter 743, Streets and Sidewalks, Use of, prohibits the use of public boulevards for parking spaces 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 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."

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

17. 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.
18. The Owner is responsible for all costs associated with the installation/alterations of municipal street signage, traffic control signage and pavement markings required by the application.
19. Pay engineering and inspection fees in accordance with the terms and conditions of the standard subdivision agreement.

## **TREES (PUBLIC & PRIVATE)**

### **City Owned Street Trees:**

20. Prior to the registration of the plan of subdivision, the Owner shall provide a Landscape Plan/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 Urban Forestry on behalf of the General Manager of Parks, Forestry & Recreation.
21. Prior to the acceptance of engineering drawings by Engineering and Construction 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 Urban Forestry on behalf of the General Manager of Parks, Forestry & Recreation, and the Executive Director of Engineering and Construction Services.

22. Prior to the registration of the plan of subdivision, the Owner shall post a Letter of Credit in the amount of \$583/tree for the proposed street trees, to guarantee the planting and maintenance by the Owner of the trees for a period of two years after the planting date, to the satisfaction of the General Manager of Parks, Forestry & Recreation.
23. 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 the General Manager of Parks, Forestry & Recreation and will be distributed to all homeowners for all dwellings within the Subdivision.
24. 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 subdivisions:

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

25. 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.
26. 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 & 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 & 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.
27. Following the planting of street trees, the Owner agrees 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 address. The as-installed plant list shall also include tree species, caliper, condition and specific location of the trees by identifying two points of references (i.e. distances in metres from the curb, sidewalk, driveway, utility pole or pedestal).



### **Privately Owned Trees**

28. Prior to the registration of the plan of subdivision, the Owner agrees to submit a Landscape Plan/Tree Planting Plan to the satisfaction of Urban Forestry on behalf of the General Manager of Parks, Forestry & Recreation.
29. The Owner acknowledges and agrees that once all site works are complete, including sodding, tree planting will be implemented and completed in accordance with the approved Landscape Plan/Tree Planting Plan, to the satisfaction of the General Manager of Parks, Forestry & Recreation.
30. The Owner shall agree in the subdivision agreement to contact Urban Forestry 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 Landscape Plan/Tree Planting Plan.

### **ENVIRONMENTAL (NOISE, VIBRATION & ODOUR ATTENUATION)**

31. Prior to the registration of the plan of subdivision, the Owner shall provide a letter to the Chief Planner and Executive Director from the consulting engineer confirming that all applicable Ministry of Environment and Climate Change (MOE) Publication NPC-300, *"Stationary and Transportation Sources - Approval and Planning"* guidelines will be met.
32. 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 subdivisions:  
  
"Purchasers/tenants are advised that sound levels due to increasing road traffic and rail traffic may occasionally interfere with some activities of the dwelling occupants as the sound levels exceed the Municipality's and the Ministry of the Environment's noise criteria."

### **TTC**

33. Prior to the registration of the plan of subdivision, the Owner agrees to complete TTC's technical review to the satisfaction of the TTC and obtain TTC's written acknowledgement that the Owner has satisfied all of the conditions arising out of the review. As part of the review, the Owner shall provide the required information and pay the associated review fee to the TTC.
34. Prior to the registration of the plan of subdivision, the Owner shall enter into an agreement with the TTC with respect to the construction of Pidgeon Street overtop of TTC's subway tunnels to the satisfaction of the TTC. The Owner shall provide the necessary insurance and indemnities until such time that the Pidgeon Street right of way is assumed by the City.

35. Prior to the registration of the plan of subdivision, the Owner agrees to convey in a form acceptable to the TTC the following:
- a. A stratified fee interest for the TTC subway tunnels and related appurtenances for that portion that is not located within the future Pidgeon Street right of way.
  - b. Easements including but not limited to general access through the development; and
  - c. Maintenance easements providing access to TTC's existing facilities and structures and replacement facilities and permitting the TTC to access, inspect, repair and maintain its structures and facilities.
36. The Owner shall be responsible for all costs relating to the conveyance of the stratified fee interest and the registration of the Easement(s), in first priority, including without limiting the generality of the foregoing, the costs for providing any surveys that may be required by the City and/or the TTC, together with all registration costs relating thereto. The Owner agrees to execute any and all documents required for such purpose at the Owner's sole cost and expense. The Owner shall provide to the City and/ or TTC, at the Owner's sole cost and expense, immediately following registration of the Easement Agreement(s) a final title opinion in a form satisfactory to the City and/or TTC from the Owner's solicitor, confirming that the Easement Agreement(s) has priority over any other interests in the development lands.
37. Prior to the registration of the plan of subdivision, the Owner shall provide, a copy of all applicable parcel registers for the subject property and a copy of any instrument registered, and not discharged, on any applicable parcel register for the subject property to which the City or TTC is a party.
38. Prior to the registration of the plan of subdivision, the following clause will be included in all agreements of Purchase and Sale, the Condominium Declaration, Leases and/or Rental Agreement(s):
- a. The Purchaser and/or Lessee specifically acknowledges and agrees that the proximity of the development of the lands municipally known as 95 Pidgeon Street (the "Development") to TTC transit operations, presently in existence or subsequently constructed or re-constructed, may result in transmissions of noise, vibration, electromagnetic interference, stray current, smoke, particulate matter or other interferences (collectively referred to as "Interferences") on or to the Development and despite the inclusion of control features within the Development, Interferences from transit operations or construction activity may continue to be of concern, occasionally interfering with some activities of the occupants in the Development. Notwithstanding the above, the Purchaser and/or Lessee agrees to release and save harmless the City of Toronto, the Toronto Transit Commission, together with their Commissioners, officers, employees, successors and assigns, from all claims, losses, judgments or actions arising or resulting from any and all Interferences. Furthermore the Purchaser and/or Lessee

acknowledges and agrees that an electromagnetic, stray current and noise-warning clause substantially similar to the one contained herein shall be inserted into any succeeding lease, sublease or sales agreement, and that this requirement shall be binding not only on the parties hereto but also their respective successors and assigns and shall not die with the closing of the transaction.

- b. The Purchaser and/or Lessee specifically acknowledges and agrees not to interfere with the safe operation, use and functioning of the transit facilities, more specifically the subway tunnels located beneath a portion of the Pidgeon Street right-of-way and the Rexton lands.
39. Prior to the registration of the plan of subdivision, the Owner shall provide its solicitor's undertaking to the TTC in the form of a solicitor's letter, advising that an Interferences Warning similar to the warning clause noted in condition 38, has been included in all applicable Offer(s) of Purchase and Sale, the Condominium Declaration, Leases and/or Rental Agreement(s) to ensure that future occupants are aware of the possible Interferences.
40. The Owner shall agree in the subdivision agreement to the following restrictions:
- a. No building or structure except as specifically approved in writing by the TTC shall bear directly or indirectly upon the TTC's structures or facilities, including staging, shoring, hoarding, construction equipment and all temporary construction measures, unless expressly approved in writing by TTC;
  - b. No building or structure will be constructed immediately over TTC's structures or facilities except as expressly agreed to in writing by the TTC;
  - c. No building, structure or landscape element shall overload or place unbalanced loads on the TTC's structures or facilities;
  - d. The Developer shall not plant trees on top of or immediately adjacent to the TTC's structures except as expressly agreed to in writing by the TTC;
41. The Owner shall agree in the subdivision agreement to notify any builders that are proposing to construct any buildings within 60 metres of TTC's subway infrastructure may be required to submit a technical review of the development proposal for TTC to review.

## **SCHOOLS**

### **Toronto District School Board:**

42. The Owner shall enter into an agreement to erect and maintain signs, built to the Toronto District School Board's specifications and erected prior to the registration

or the issuance of any building permit, 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 for all students. Students may be accommodated in schools outside this area until space in local schools becomes available. For information regarding designated school(s), please call (416) 394-7526."*

43. Prior to the registration of the plan of subdivision, and for a period of 10 years following registration, the Owner/Developer agrees in the Subdivision Agreement, or in a separate agreement between the School Board and the Owner/Developer, to include the following warning clauses in all offers of purchase and sale (or lease) of residential units, that:

*"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 in accordance with the Board's policy, that students will not be bussed home to school, but will meet the bus at designated location in or outside of the area."*

## **ENBRIDGE**

44. Prior to the registration of the plan of subdivision, the Owner agrees to make satisfactory arrangements, financial and otherwise (including providing easements), with a natural gas provider for the installation and delivery of gas services to the plan of subdivision, to the satisfaction of Enbridge Gas Distribution or such other gas provider.
45. The Owner agrees to contact Enbridge Gas Distribution's Customer Connections department by emailing [SalesArea10@enbridge.com](mailto:SalesArea10@enbridge.com) for service and meter installation details and to ensure all gas piping is installed prior to the commencement of site landscaping (including, but not limited to: tree planting, silva cells, and/or soil trenches) and/or asphalt paving.
46. The Owner agrees that if the gas main needs to be relocated as a result of changes in the alignment or grade of the future road allowances or for temporary gas pipe installations pertaining to phase construction, all costs are the responsibility of the Owner.
47. In the event that easement(s) are required to service this development, the Owner agrees to provide the easement(s) to Enbridge Gas Distribution at no cost.

48. In the event that a pressure reducing regulator station is required, the Owner is to provide a 3 metre by 3 metre exclusive use location that is within the municipal road allowance. The final size and location of the regulator station will be confirmed by Enbridge Gas Distribution's Customer Connections department. (for more details contact **SalesArea10@enbridge.com**)
49. The Owner is responsible for preparing a composite utility plan that allows for the safe installation of all utilities, including required separation between utilities.
50. Streets are to be constructed in accordance with composite utility plans previously submitted and approved by all utilities.
51. The Owner shall grade all streets to final elevation prior to the installation of the gas lines and provide Enbridge Gas Distribution Inc. with the necessary field survey information required for the installation of the gas lines.
52. The Owner shall provide current City approved road cross-sections showing all utilities in the configuration proposed for all of the street widths within the development. The gas location must be a minimum of 0.6 metres from the street line.

#### **BELL CANADA**

53. The Owner shall grant to Bell Canada any easements that may be required for telecommunication services. Easements may be required subject to final servicing decisions. In the event of any conflict with existing Bell Canada facilities or easements, the Owner/Developer shall be responsible for the relocation of such facilities or easements.
54. The Owner shall provide conduit(s) of sufficient size from each unit to the room(s) in which the telecommunication facilities are situated and one or more conduits from the room(s) in which the telecommunication facilities are located to the street line.

#### **CANADA POST**

55. The Owner agrees to include on all offers of purchase and sale, a statement that advises the prospective purchaser that mail delivery will be from a designated community mailbox.
56. The Owner will be responsible for notifying the purchaser of the exact community mailbox locations prior to the closing of any home sale.
57. The Owner will consult with Canada Post Corporation to determine suitable locations for the placement of the community mailbox and to indicate these locations on the appropriate servicing plans.
58. The Owner agrees to consult with Canada Post to determine suitable locations for

the placement of Community Mailboxes and to indicate these locations and the following requirements on all appropriate servicing plans for the development:

- a) An appropriately sized sidewalk section (concrete pad) to place the Community Mailbox on;
  - b) Any required walkway access across the boulevard; and
  - c) Any required curb depressions for wheelchair access.
59. The Owner agrees to determine and provide a suitable temporary Community Mailbox location(s) which may, until the curbs, sidewalks and final grading have been completed at the permanent Community Mailbox locations, be utilized by Canada Post to provide mail delivery to the new homes as soon as they are occupied.

### **ADVISORY COMMENTS**

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 Drawing No. 0812-1-26dp, prepared by Bousfields Inc., and dated October 11, 2016.
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 Comments:

In the event that deeply buried archaeological remains are encountered on the property during construction activities, the Heritage Operations Unit of the Ministry of Tourism, Culture and Sport, be notified immediately at (416) 314-7146 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 Tourism, Culture and Sport, and the Registrar or Deputy Registrar of Cemeteries at the Cemeteries Regulation Unit, Ministry of Government Services, (416) 326-8393.

If any expansions to the boundaries of the subject property are proposed, further archaeological work may be required.

5. Engineering and Construction Services Advisory Comments:

- a) Prior to any construction activity, the Owner is required to provide a fee of \$757.99 for the access permit. The Owner is responsible for obtaining the applicable permits/licences and providing securities and must be advised to contact the Right-Of-Way Management Section at (416) 396-7505 regarding the site-specific permit/licence requirements and associated securities and obligations. Other permits/licenses associated with construction activities (such as hoarding, piling, shoring, etc.) may also be required.
- b) 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, Engineering and Construction Services.
- c) Residential driveways must be designed in accordance with the attached Ontario Provincial Standard Drawing number OPSD-351.010.
- d) The Owner is responsible for all costs associated with the removal of all existing accesses, curb cuts, traffic control sign, etc. along the development site frontage that are no longer required and reinstate the boulevard within the right-of-way, in accordance with City standards and to the satisfaction of the Executive Director of Engineering and Construction Services.
- e) A minimum clearance of 0.5 meters from the sidewalk must be provided and maintained from any utility fixture(s) in public road allowance. If this is not possible, such fixtures must be relocated at the Owner's expense. The reinstatement of any existing curb cuts/utilities is to be completed at the Owner's expense.
- f) The revised requirements can be found on the Solid Waste and Recycling website and to be in accordance with "City of Toronto Requirements for Garbage and Recycling Collection from new Developments and Redevelopments" guidelines, last Revised: November 2006 and with Chapter 844 of the city of Toronto Municipal Code, Waste Collection, Residential Properties. A copy of this document may be downloaded from the City of Toronto website at: [www.toronto.ca/garbage/development.htm](http://www.toronto.ca/garbage/development.htm)
- g) The Owner is advised to contact Mr. John House, Property Records Supervisor, at 416-392-8338 to obtain or verify new municipal addresses prior to submitting a building permit application. It should be noted that all addressed parcels and structures must have the correct municipal addresses posted.

Please see <http://www.toronto.ca/mapping/numbers/index.htm> for details.

- h) The municipal addresses will be required for the purpose of setting up the water account with the City of Toronto when application is made for the proposed sewer and or/water service connection (as applicable).
- i) The Owner is advised to contact Mr. Kerry Ferguson, Titles and Status Supervisor, at 416-392-7757 to initiate the street naming process. The Owner will be required to follow the City of Toronto's Street Naming Policy which can be found at [http://www.toronto.ca/mapping/street\\_naming/index.htm](http://www.toronto.ca/mapping/street_naming/index.htm).
  - i. It should be noted that all public streets, private access roads and private walkways should be named in order to facilitate access to the units fronting these streets, roads and walkways.
- j) Construction Management Plan

Prior to the registration of the plan of subdivision, the Owner agrees to submit a Construction Management Plan for review and acceptance, to the satisfaction of the Executive Director of Engineering and Construction Services. The Construction Management Plan shall include the following:

- (a) Dust/mud/sediment control on and off-site;
- (b) Location of truck loading points and trailer parking;
- (c) Location of temporary material storage areas;
- (d) Access/truck routing;
- (e) Provision of hoarding, temporary fencing and covered walkways;
- (f) Estimated period of construction;
- (g) Control of storm run-off, including any siltation control devices which may be required;
- (h) Parking management plan for employee/construction vehicle parking;
- (i) Provisions for the removal of debris in a timely manner;
- (j) Designated locations for vehicle refueling; and
- (k) Procedure to deal with vermin and rodents.