

4181 Sheppard Avenue East – Draft Plan of Subdivision and Zoning By-law Amendment Applications – Request for Direction Report

Date:	March 17, 2017
To:	City Council
From:	Chief Planner and Executive Director, City Planning Division
Wards:	Ward 41 – Scarborough-Rouge River
Reference Number:	12 262328 ESC 41 OZ & 14 119126 ESC 41 SB

SUMMARY

These applications propose to subdivide and rezone a 1.9 hectare (4.7 acre) site in order to create five residential development blocks, a future mixed use development block, a public park and a new public road network connecting to both Sheppard Avenue East and Midland Avenue. Eighty (80) townhouse units with either integrated or detached garages are proposed on six of the blocks. A separate, future mixed-use development block is proposed on the south side of Sheppard Avenue East along with the new park block. A range of townhouse dwelling types, with a maximum height of four storeys, are proposed.

The owner has appealed the Zoning By-law Amendment and Plan of Subdivision applications to the Ontario Municipal Board (OMB) citing the City's failure to make a decision within the prescribed timelines set out in the *Planning Act*. Pre-hearing conferences have been held since April 2015 and a full hearing has been set for April 25, 2017 (OMB Case Number No.: PL150001).



The purpose of this report is to seek Council's direction to continue discussions with the owners and with a nearby industrial facility (The International Group Inc.) that has party status at the hearing to ensure that all outstanding issues have been resolved to the satisfaction of the City and, hopefully, all parties. These matters include, but are not limited to, required modifications and amendments to plans and studies, required zoning by-law standards and conditions of draft plan of subdivision approval.

It is recommended that the City Solicitor be authorized to attend the OMB Hearing to advise the Board that the City opposes the applications in their current form but that City staff be authorized to settle generally on the basis of the conditions of draft plan of subdivision approval and principle considerations for the zoning by-law amendment(s) attached to this report and to continue discussions with both the applicants and a nearby industrial facility with party status at the Board in an effort to settle all outstanding matters as discussed in this report.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council authorize the City Solicitor to advise the OMB that City Council opposes the proposed Zoning By-law Amendment Application No. 12 262328 ESC 41 OZ and Plan of Subdivision Application No. 14 119126 ESC 41 SB at 4181 Sheppard Avenue East in their current form, but that staff be authorized to settle, generally on the basis of the draft plan of subdivision conditions and principle considerations for the zoning by-law amendment(s) as attached to this report;
2. City Council authorize the City Solicitor and appropriate City staff to continue discussions with the applicant and The International Group Inc. as it relates to all outstanding matters as set out in this report; and
3. City Council authorize the use of the Parks and Recreation component of the Development Charges from the development to provide Above Base Improvements to the proposed parkland in exchange for a Development Charge credit.

Financial Impact

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

DECISION HISTORY

Scarborough Community Council (SCC), on August 12, 2014, adopted the staff recommendations within the Preliminary Report prepared for these applications, with an amendment to expand the notice area for the community consultation meeting. A determination was also made that an Avenue Segment Study is not required given the lands were previously examined as part of a segment study prepared in support of a

nearby development application. The Preliminary Report and City Council decision can be found at this link:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2014.SC34.23>

On December 19, 2014, the owner appealed the zoning by-law amendment and draft plan of subdivision applications to the OMB citing Council's failure to make a decision within the prescribed time frames set out in the *Planning Act*.

The International Group Inc. (IGI) requested and was granted party status by the OMB at the first Pre-hearing conference held on April 2, 2015. IGI operates an industrial facility near the subject lands and have concerns regarding compatibility with IGI's operations and the proposed development.

Pre-hearing conferences have subsequently been held to update the OMB on the status of the applications and ongoing discussions between the three parties. These discussions have resulted in submission of revised plans, reports and studies and related support material which are available on the City's Application Information Centre website.

A full hearing is scheduled for four days beginning April 25, 2017.

Official Plan Amendment No. 274 (OPA 274)

The owners filed an appeal of the Minister's Decision on OPA 274 (Transportation Policies). A settlement was reached and the appeal withdrawn in June 2015 when the City confirmed that the Complete Streets policies contained in OPA 274 will not be applied to these applications given they were deemed to be complete prior to City Council's adoption of OPA 274 in August 2014.

ISSUE BACKGROUND

Original Proposal

The original proposed draft plan of subdivision is attached as Attachment 1 to this report. Generally, a new public road and lane network with 86 townhouse units (including some live-work units) and 2 semi-detached units were proposed on various development blocks, along with a future development block on Sheppard Avenue, a parkette and a linear park abutting the CPR rail corridor along the south limits of the site. More details can be found in the Preliminary Report.

Revised Proposal

A revised draft plan of subdivision has been submitted which proposes the creation of five (5) residential development blocks, a future mixed use areas block, a public park block and a new public road network (see Attachment 2).

Blocks 1-5 are proposed to accommodate a total of 80, four storey townhouse units of varying styles and tenure types. Each dwelling unit will have one parking space provided within either an integrated garage, an underground parking structure or garages provided

within an integrated multi-garage/noise wall structure(s) abutting the CPR rail corridor on Block 6 (see Attachments 2 and 9).

The proposed net density of development is approximately 1.0 floor space index (FSI) and 80 dwelling units per hectare. Please see the Application Data Sheet for more information (Attachment 13).

Townhouse dwelling units, wherever possible, have been positioned and designed to maximize the extent to which they frame and address existing and/or future streets. Six of the townhouse units on Block 2, for example, face Midland Avenue and are proposed to have a private walkway within the abutting public right-of-way. Thirteen (13) townhouse units (Blocks 1 and 4) face proposed Street 'B', but none have driveways from the street.

Block Summary:

Block No.	Area (square metres)	Proposed Use
Block 1	400.51	7 townhouse units
Block 2	669.18	13 townhouse units
Block 3	822.04	12 townhouse units
Block 4	1492.88	20 townhouse units
Block 5	1347.56	28 townhouse units
Block 6	2144.75	garages/noise wall
Block 7	283.73	road widening
Block 8	3172.64	future mixed use
Block 9	1066.67	Park

The proposed public street system, including right-of-way widths (R-O-W), is as follows:

Street A: 14.8 metre R-O-W, north-south street along the west limit of the site which intersects with Sheppard Avenue East and is intended to have an ultimate R-O-W of 18.5 metres should adjacent lands at 4171 Sheppard Avenue East be redeveloped.

Street B: 18.5 metre R-O-W, east-west street intersecting with Midland Avenue and terminating at Street A. This maintains the option for a future extension west onto the 4171 Sheppard Avenue lands to achieve a planned road link to Lamont Avenue.

Street C & D: 16.5 metre R-O-W, streets servicing proposed townhouse units on Blocks 1-5.

Street C: 16.5 metre R-O-W, located on the south portion of the site and providing (south leg) access to the proposed integrated garage/noise wall structures on Block 6 abutting the CPR rail corridor.

Site and Surrounding Area

The site is located at the south-west corner of Sheppard Avenue East and Midland Avenue and is approximately 19,440 square metres (1.9 ha) in area. The site has

approximately 91 metres (298.5 feet) of frontage on the south side of Sheppard Avenue East and approximately 146 metres (479 feet) of frontage on the west side of Midland Avenue. Midland Avenue slopes to the south in order to cross under the Canadian Pacific Railway (CPR) tracks. The site, historically, has had three vehicular access points, two full turn accesses from Sheppard Avenue East and one from Midland Avenue which is right-in, right-out only due to the presence of a median.

A vacant, one storey building is located on the site. The site was previously occupied by a Lumber King Home Centre and later by a flea market use, along with related surface parking. A gas station was previously located at the north-east portion of the property. Used car sales were also conducted from the site.

The site has been entirely fenced (chain-link) for some time, initially to accommodate on-site soil testing and remediation.

Abutting uses are as follows:

North: Retail commercial uses on the north side of Sheppard Avenue East, along with a funeral home use and related surface parking.

South: The CPR line runs parallel to the south property line. To the south of the CPR line are various employment related uses located on Midland Avenue and Weybright Court.

East: A one to two storey commercial building containing office and retail uses at the south-east corner of Sheppard and Midland. An industrial facility (IGI) is located east of Midland Avenue and south of the CPR corridor on both sides of Salome Drive.

West: Bell Canada office and switching station. The rear portion of the site is vacant.

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 to be consistent with the PPS.

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

by the Planning Act, to conform, or not conflict, with the Growth Plan for the Greater Golden Horseshoe.

Official Plan

Avenues

On the Urban Structure Map (Map 2) to the Official Plan, the site is shown as part of an "Avenue" which applies to the lands on Sheppard Avenue East, from Yonge Street to just east of Brimley Road. "Avenues", generally, are areas where new, incremental growth can occur along major streets where there are reurbanization opportunities supported by public transit. The Plan states that reurbanizing the Avenues will be achieved through the preparation of Avenues Studies for strategic mixed use segments of the corridors shown on Map 2. Development may be permitted on the Avenues prior to an Avenues Study and will be considered on the basis of all the policies of the Plan relevant to the designation area.

Mixed Use Areas

The site is designated as *Mixed Use Areas* on the Land Use Plan (see Attachment 11). *Mixed Use Areas* are made up of a broad range of commercial, residential and institutional uses, in single-use or mixed-use buildings, as well as parks and open spaces and utilities. The Plan also states that development in *Mixed Use Areas* on Avenues, prior to an Avenue Study, has the potential to set a precedent for the form and scale of reurbanization along the Avenue. In addition to the *Mixed Use Areas* policies, proponents of such proposals are also required to address the larger context and examine the implications for the segment of the Avenue in which the proposed development is located. As noted in the Decision History section of this report, an Avenue Segment Study is not required.

Built Form & Public Realm

The Official Plan also requires new development to be massed and its exterior façade to be designed to fit harmoniously into its existing and/or planned context, and to limit its impact on neighbouring streets, parks, open spaces and properties by, among other matters, massing new buildings to frame adjacent streets and open spaces with good proportion and to maintain adequate sunlight, to ensure comfortable wind conditions for pedestrians, among other matters.

In terms of the public realm, the Plan states that new streets should be public streets. Private streets, where they are appropriate, should be designed to integrate into the public realm and meet the design objectives for new streets. These design standards are contained in the Council adopted Development Infrastructure Policy and Standards (DIPS). As noted in the Decision History section of this report, the Public Realm policies that were in effect at the time the applications were deemed complete have been used to assess the merits of the development proposal.

Agincourt Secondary Plan

The lands are also subject to the policies of the Agincourt Secondary Plan. Site and Area Specific Policy No. 3 (see Attachment 12) applies to these lands and the adjacent lands to

the west at 4171 Sheppard Avenue East. The site specific policy states the following:

- (a) a road connecting the site at the southwest corner of Midland Avenue and Sheppard Avenue East to Lamont Avenue may be required to provide for the ultimate redevelopment potential of this significant property; and
- (b) land consolidation will be encouraged to maximize the potential of this quadrant.

Further, the Secondary Plan sets a maximum density on the lands of 100 dwelling units per hectare (dph) and a maximum floor area equal to the lot area (1.0 floor space index). Maximum densities are for all uses and are calculated on a net basis. Public roads and parks are to be deducted from the calculation of the site area.

Land Use Compatibility

Section 3.4.21 requires major facilities such as transportation/rail infrastructure and industries, and sensitive land uses such as residences, educational and health facilities to be appropriately designed, buffered, and/or separated from each other to prevent adverse effects from noise, vibration, odour and other contaminants, and to promote safety. To assist in identifying impacts and mitigative measures, the proponent may be required to prepare studies in accordance with established guidelines and be responsible for implementing any required mitigative measures.

Zoning

The lands are zoned Community Commercial (CC) under the Agincourt Community Zoning By-law No. 10076, as amended, of the former City of Scarborough (see Attachment 10). Only the following uses are permitted: financial institutions, business and professional offices, recreational uses, restaurants, retail stores, service shops and agencies, educational and training facility uses, day nurseries and fraternal organizations. The lands are not subject to the new City of Toronto Zoning By-law No. 569-2013.

Site Plan Control

The lands are subject to site plan control. A site plan control application was filed on December 1, 2016. The project statistics, plans and drawings, and required reports submitted serve to inform the ongoing review of the earlier submitted zoning and plan of subdivision applications and will be used, in part, to draft appropriate by-law standards and conditions of draft plan of subdivision approval, among other matters.

The site plan application was referred to the OMB on March 14, 2017.

Reasons for the Applications

The existing zoning for the site does not permit residential uses. The subdivision application is required to create the proposed streets and blocks.

Community Consultation

As noted in the Preliminary Report, staff had significant concerns with the original development proposal, including the absence of a draft plan of subdivision application to

create the proposed street network, development and park blocks and the absence of an official plan amendment application to increase the site specific density permissions given the original proposal was seeking permissions greater than the maximum densities established in the Agincourt Secondary Plan. Regardless, staff continued to work with the applicants to establish development parameters and expectations given it was acknowledged that the site was under-utilized, was located on an Avenue with planned higher-order transit and designated as *Mixed Use Areas* in the Official Plan.

A plan of subdivision application was filed in February 2014. With both the zoning and subdivision applications in hand and deemed complete and the Preliminary Report prepared and recommendations amended and adopted to expand the notice area and to relieve the applicants of the obligation to prepare an Avenue Segment Study, City Planning staff, in concert with the Ward Councillor, intended to schedule a community consultation meeting. The applicant's appeals filed towards the end of 2014 resulted in the City refraining from doing so in this instance.

Development Proposal signs advising of the applications have been posted on both Midland and Sheppard Avenues and the Ward Councillor has provided periodic updates on the status of the proposal in constituency newsletters. The City's Application Information Centre provides access to the current plans and studies submitted. Further, City Planning has fielded only a handful of calls related to development intentions for the site. These have been primarily general inquiries as to the status of the project, not the merits.

Environmental Remediation

A Phase 1 environmental site assessment (ESA) was filed with the zoning application. The findings of the current Phase 1 ESA have revealed evidence of actual and potential contamination associated with the site and other properties within the phase one study area. Among these are the presence of an on-site former gas station and the presence of above and underground storage tanks. The assessment, prepared by Fisher Environmental Ltd., recommends that a Phase II ESA be conducted at the identified areas of potential environmental concern and along the potential contaminant transport pathways. Filing of a Record of Site Condition with the Environmental Site Registry is required. A contaminated site assessment for peer review is required for any lands to be conveyed to the City (eg. parks and roads).

Sheppard East LRT

The Sheppard East Light Rail Transit (LRT) is one of the projects funded under the Master Agreement signed between the City, TTC and Metrolinx. It is proposed to extend from Don Mills Station to Morningside Avenue. Construction is currently scheduled to start in 2021 with operation scheduled for 2026. Once completed, the Sheppard LRT will provide an enhanced level of public transit along the Sheppard corridor. An LRT stop is proposed near the intersection of Midland and Sheppard Avenues. Additional lands, beyond the road widening already identified, may be required to be expropriated (temporarily and/or permanently) to accommodate the LRT. Metrolinx will need to

confirm this once detailed project planning is underway. The LRT will also restrict future vehicular access to Sheppard Avenue to right-in, right-out only.

COMMENTS

Provincial Policy Statement and Provincial Plans

The key objectives of the PPS include: building strong healthy communities; wise use and management of resources; and protecting public health and safety. The Provincial Policy Statement requires that the Official Plan is to direct development to suitable areas.

The Provincial Policy Statement (PPS) contains policies related to managing and directing land use, including accommodating an appropriate range and mix of residential (including affordable housing), employment (including industrial and commercial), park and open space to meet long term needs. Among other matters, it seeks to avoid development and land use patterns which may cause environmental or public health and safety concerns. Planning authorities shall identify appropriate locations and promote opportunities for intensification and redevelopment where this can be accommodated, while avoiding or mitigating risks to public health and safety. Further, that transportation and land use considerations shall be integrated at all stages of the planning process.

The PPS also contains policies related to Employment and the promotion of economic development and competitiveness by, among other matters, providing for a diversified economic base, including maintaining a range and choice of suitable sites for employment uses and taking into account the needs of existing and future businesses. The PPS also states that major facilities and sensitive land uses should be planned to ensure they are appropriately designed, buffered and/or separated from each other to prevent or mitigate adverse effects from odour, noise and other contaminants, minimize risk to public health and safety, and to ensure the long-term viability of major facilities.

In terms of the PPS, generally, the proposal will provide for an efficient development pattern and use of land, will add to the City's supply and diversity of housing and utilize public infrastructure and services efficiently. In terms of the Growth Plan the development generally proposes an appropriate type and scale of development on these designated mixed use lands.

City staff are presently not in a position to advise that the proposal is consistent with the PPS given the outstanding concerns related to land use compatibility and a nearby industrial facility. For the same reasons staff cannot advise that the proposal conforms and does not conflict with the Growth Plan for the Greater Golden Horseshoe (The Growth Plan). Both the PPS and The Growth Plan speak to the need to protect and preserve employment areas to meet long term needs.

The outcome of continuing discussions between the City, the applicants and IGI related to required mitigation measures will determine City staff's final position on this matter. A third party peer review of all or some of the reports and material may be considered.

Future Mixed Use Areas Block (Block 8)

An approximately 3,172 m² (0.78 acre) future mixed use areas block (Block 8) is proposed on the south side of Sheppard Avenue East. This block, with frontage proposed on three public streets and a depth of approximately 50 metres (164 feet), maintains the option to consider a mixed use, transit supportive development on this site in the future. The preferred location of Street 'B' at Midland Avenue was the primary factor in determining the block depth as was proximity to the Midland and Sheppard intersection and the CPR overpass and related grade differences. Official plan and zoning by-law amendments are required to establish use and density permissions.

An interim landscape plan is required to be prepared to the satisfaction of the City and related financial securities provided as noted in the proposed draft plan of subdivision conditions (Attachment 14).

As noted in the Parks section of this report, future development approvals on Block 8 may require an on-site parkland dedication to expand the adjacent park block (Block 9).

Environmental Reports

Noise & Vibration reports prepared by SS Wilson Associates (SSWA) and an Air Quality Study prepared by EXP Services Inc. (exp) have been submitted in support of the applications. This information is available on the City's Application Information Centre website. Noise Impact and Vibration Studies are a complete application requirement for zoning by-law and plan of subdivision applications. Air Quality reports are not a complete application requirement but may be required to determine land use compatibility and good planning.

Vibration

Vibration levels were measured at the proposed building location closest to the CPR tracks which may be considered as typical worst case scenario due to proximity to the railway line. Based upon the measurements conducted, vibrations due to train activity is not considered of concern and no vibration isolation measures are recommended. CPR has reviewed and accepted the findings of this report.

Air Quality

An air quality study, prepared by Exp Services Inc. (exp), was submitted in August 2016. This report assesses the potential impact of industrial facilities on the air quality for the proposed development.

The proposed development (four storey townhouses) includes new sensitive receptors that could potentially be impacted by IGI's odour emissions. Dispersion Modelling used the applicant's architectural drawings and average predicted odour concentrations for receptors located at ground and elevated heights around the proposed buildings were compared. Based upon the modelling results, there was no significant difference between the predicted ground level odour concentrations and those at elevated heights within the proposed development. Also, the estimated concentration and frequency of odours at the

proposed development are less than existing residences to the south and east and located on Sonmore Drive, the north portion of Midcroft Drive and Garden Park Avenue.

A door to door survey of the neighbourhood located southeast of the IGI facility was also undertaken in June 2016. This survey indicated variation in the type, frequency and duration of odours and smells attributed to IGI's operations. An odour monitoring program was conducted by a separate environmental firm in August 2016.

Exp recommends that the following mitigation measures be used to reduce the potential impact of IGI odour emissions on the proposed development:

- warning clauses on title;
- central air conditioning for all units;
- heat recovery units on all units, with fresh air intake receivers in the area of least impact; and
- no rooftop patios, terraces and building balconies on buildings closest to IGI, being Blocks 1,2, 3 and the east face of Block 4.

Plans submitted to date do not indicate that any rooftop patios, terraces or balconies are proposed on Blocks 1-3 or the east face of Block 4. It appears that recessed balconies are proposed on north facing residential units on Block 4.

City Planning is of the view that all of the mitigation measures (including non-permissions) noted above can be secured, and the requirement to maintain them established in the required subdivision agreement, site plan approval, draft plan of condominium and zoning by-law amendment processes as warranted and appropriate.

To date, IGI has not expressed any specific concerns with the findings of the air quality study.

Noise

Noise control feasibility studies and updates have been prepared by SSWA to inform the development proposal. Although not included in initial assessments, subsequent acoustic assessments were undertaken when IGI's concerns became known.

The results of sound level modeling of IGI show that due to high ambient noise from traffic from Midland Avenue and the residual sound levels from Sheppard Avenue that there will be no adverse noise impact from IGI on the proposed townhouse development on Blocks 1 and 2 which are at the east limit of the site. A noise survey of residents was also conducted in tandem with the previously mentioned odour survey. Long term sound level monitoring has also been undertaken and the considerations and methodologies are described in the submission material.

SSWA recommends the following mitigation measures be considered:

- central air conditioning for all units;
- building acoustic insulation;
- rooftop patios and/or top floor balconies may be considered optional;
- City to consider noise control measures in the design of the public park on Block 9; and
- despite the inclusion of noise control features within the development: that numerous warning clauses be included in agreements and offers of sale and purchase or lease relating, but not limited, to: surrounding stationary noise sources and nearby rail operations; sound levels from increasing road and rail traffic; and nearby industrial facilities.

Staff acknowledge that warning clauses do not ensure that complaints will not occur but they are viewed as being an important part of an overall mitigation plan.

New provincial noise guidelines (NPC-300) were introduced in 2013 which replace and consolidate previous related guidelines. Among other matters, the guidelines provide advice, sound level limits and guidance that may be used when land use planning decisions are made under the *Planning Act*. They are intended to minimize the potential conflict between noise sensitive land uses and sources of noise emissions. Generally, the proponent of a new noise sensitive land use is responsible for ensuring compliance with applicable sound level limits.

The guidelines introduce the option of a new acoustical environment area to be established where 'relaxed' (higher) daytime and night time sound level limits from that otherwise permitted in an urban area, for both indoor and outdoor areas, may be considered. Areas with existing noise sensitive land use(s) cannot be classified as Class 4 areas. A Class 4 area permits 'receptor' based noise control measures to be deployed to a proposed new sensitive land use within the vicinity of an industrial use.

Class 4 areas require formal confirmation of the classification by the land use planning authority.

Staff anticipate that the environmental consultants respecting noise impacts, for both the applicant and The International Group (IGI), may concur that a Class 4 area classification for the subject lands would be appropriate. This classification would enable appropriate on-site noise mitigation measures to be installed on the development lands (as opposed to 'at-source' mitigation measures at the industrial facility/lands). This classification would also provide an additional mechanism for IGI to ensure that these measures remain in place in the future.

City Planning is of the view that all of the recommended mitigation measures can be secured, and the requirement to maintain them established, in the required draft plan of subdivision, site plan approval, draft plan of condominium and zoning by-law amendment processes as warranted and appropriate.

City Planning also has the option to require relevant plans submitted for approval as part of the site plan approvals process contain a noise control conformance stamp from a qualified acoustical engineer confirming that the recommended mitigation measures are provided. This has been included as a condition of draft plan of subdivision approval (see Attachment 14). This approach has been used on lands within the Metrogate plan of subdivision located southwest of the subject lands at Kennedy Road and Highway 401.

The International Group Inc. (IGI) – Salome Drive

IGI is an established industrial operator on lands located east of Midland Avenue and on the south side of the CPR rail corridor. They have extensive facilities and multiple land holdings and interests, on both the north and south sides of Salome Drive (33, 35, 50 & 80). They are a wax refiner and producer, capable of producing a wide range of wax related products. At the closest point, there is approximately 70 metres of separation (measured property line to property line) between the subject lands and the lands at 50 Salome Drive.

IGI has previously advised that their facility can be classified as being between a Class II and a Class III industry according to the Ministry of the Environment (now MOECC) D-6 Guidelines since the facility operates 24 hours a day, 7 days a week with continuous movement of products and employees, with outputs of noise and air emissions. IGI has also previously advised that they are in compliance with MOECC air emission limits and have received no odour complaints for years. Sound barriers have been installed between neighbouring single detached residential uses and the facility.

These lands have long been designated as *Employment Areas* in the Official Plan. Recently, as result of further OMB approvals of OPA 231, the lands are now designated as *Core Employment Areas* (see Attachment 11). *Core Employment Areas* are places for business and economic activities. Uses permitted in Core Employment Areas are all types of manufacturing, processing, warehousing, wholesaling, distribution, storage, transportation facilities, vehicle repair and services, offices, research and development facilities, utilities, waste management systems, and vertical agriculture.

The lands are also located within the Agincourt Secondary Plan. No site and area specific policies apply to the lands.

Existing zoning permits industrial uses, including open storage related to their operations on the north side of Salome Drive, adjacent to the CPR line, and paraffin wax storage tanks on the south side.

Generally, given the proposed 4 storey townhouse development is in proximity to IGI's lands and operations and is taller than existing nearby residential dwellings that IGI has made efforts to buffer from their operations, there is a concern that the proposed residential development could be detrimental to their existing or future operations unless it can be demonstrated that the proposed development can be designed to prevent adverse effects from contaminants such as noise, odour and other air emissions. It is for this reason that IGI requested Party status at the OMB Hearing.

Canadian Pacific Rail (CPR) Corridor

The CPR rail corridor, which is classified as a principle main line, is located immediately south of the subject lands.

The CPR and related Railway Association of Canada Guidelines for New Development in Proximity to Railway Operations recommend a standard minimum 30 metre setback.

CPR has reviewed the environmental noise and vibration impact studies prepared in support of these applications and advises that they support the implementation of the report recommendations. They also advise that there are no resulting alterations to CPR's drainage or proposed utility crossings.

A suitable safety berm is required to be constructed on adjoining property, parallel to the railway right-of-way. In this case, an integrated garage/noise wall structure, coupled with a base berm and concrete parapet wall on top of the garages is proposed on Block 6 (see Attachments 2 & 9). A 1.83 metre (6 feet) high chain link fence is required to be constructed and maintained along the common property line of the railway at the developer's expense. The required fence is shown on the submitted concept plans.

Townhouse dwelling units on Blocks 1, 3 and 5 are at least 30 metres away from the rail corridor as required. The minimum setback will be included in the required draft zoning by-law amendment(s) (see Attachment 15).

Warning clauses, advising of nearby rail operations and associated impacts, are required to be contained in all offers of purchase and sale and rental agreement for residential units and have been included in the conditions of draft plan of subdivision approval (see Attachment 14).

Public Streets / Sidewalks / Walkways

As noted previously, the draft plan of subdivision proposes to create a new public street network that will provide connectivity to the existing road network and provide the opportunity for a future road extension onto lands to the west which creates the opportunity for future comprehensive redevelopment. The owners are required to enter into the City's standard subdivision agreement which establishes the owner's obligations as it relates to the construction and maintenance of roads and walkways.

Street 'A' intersects with Sheppard Avenue East, approximately 90 metres west of the Sheppard/Midland intersection and Street 'B' approximately 50 metres south of the intersection.

As noted earlier, proposed street ROW widths vary from 14.8 (Street 'A') to 18.5 metres (Street 'B') in width. The balance of the required 18.5 m ROW for Street 'A' will be secured when the lands to the west at 4171 Sheppard Avenue East are proposed to be redeveloped in the future.

Sidewalks within the subdivision are required to be provided to the satisfaction of the City.

The owner will be required to replace the existing public sidewalk along the entire Sheppard Avenue frontage with a new 2.1 metre (6.9 feet) public sidewalk. Similarly, most of the existing public sidewalk on Midland Avenue is required to be replaced with a new 2.1 metre public sidewalk which will tie into the new Sheppard sidewalk.

The private walkway within the public right-of-way of Midland Avenue abutting Block 2 requires an encroachment agreement with the City and is required to become a common element within a future condominium corporation who will be responsible for maintaining it (see Attachment 14).

Road Widenings

An approximately 2.7 metre widening along the entire Sheppard Avenue frontage is required along with a 15 metre corner rounding at the southwest corner of Sheppard and Midland Avenues. The road widening is shown as Block 7 on the draft plan of subdivision (Attachment 2).

Toronto Transit Commission (TTC)

TTC advises that the applicants will be responsible for all costs associated with the relocation, removal, storage and reinstallation of existing transit shelters, connecting sidewalks and passenger loading platforms. A condition of draft plan of subdivision approval to require this has been included.

Parks

The Official Plan contains policies to ensure that Toronto's system of parks and open spaces are maintained, enhanced and expanded. Map 8B of the Toronto Official Plan shows the local parkland provisions across the City. The lands which are the subject of the application are in an area with less than 300 people. The site is in a parkland priority area, as per Chapter 415, Article III, of the Toronto Municipal Code.

The Owner has submitted an application to construct 80 residential units within a net site area of 11,116 square metres. At the alternative rate of 0.4 hectares per 300 units specified in the Chapter 415, Article III, of the Toronto Municipal Code, the parkland dedication would be 0.1066 hectares (1,066 square metres) which equals 9.6% of the site.

Any additional residential units to be constructed within this development site will be subject to the alternative rate of 0.4 hectares per 300 units up to the parkland dedication cap of 15% of the site area as specified in Chapter 415, Article III, of the Toronto Municipal Code. This will be a consideration when development applications on Block 8 are submitted. The City may require a further land dedication for the purposes of expanding Block 9.

The applicant is proposing an on-site park dedication of 1,066 m². This parkland dedication is required under Section 42 of the *Planning Act*, and is required as a condition

of subdivision approval. The City is satisfied with the location, size and shape of the proposed park. The dedicated parkland shall be free and clear, above and below grade, of all easements, encumbrances and encroachments. Public street frontage will be on Sheppard Avenue East and proposed Streets 'A' and 'B' (see Attachment 2).

The City has requested that the design and location of the curb and sidewalk located on the east side of proposed 'Street A' at Sheppard Avenue East be revised. This may have some impact on the final configuration of the park block.

It is recommended that the Parks and Recreation component of the Development Charges from the development be used to provide Above Base Improvements to the proposed parkland in exchange for a Development Charge credit. Should Council approve a development charge credit against the Parks and Recreation component of the Development Charges for the design and construction by the owner of the Above Base Park Improvements, it shall be to the satisfaction of the General Manager, Parks, Forestry and Recreation. The development charge credit shall be in an amount that is the lesser of the cost to the owner of designing and constructing the Above Base Park Improvements, as approved by the General Manager, Parks, Forestry and Recreation and the Parks and Recreation component of development charges payable for the development in accordance with the City's Development Charges By-law, as may be amended from time to time.

Proposed draft plan of subdivision conditions related to parkland are included within Attachment 14 to this report.

Land Division

As noted earlier, the draft plan of subdivision proposes to create five development blocks to accommodate 80 townhouse dwelling units. In order to convey these units, appropriate planning approvals are required. Options may include consents to sever, part lot control and/or plan of condominium approvals (common-element or standard). The integrated garage/crash wall structure(s) proposed on Block 6, for example, will need to be established as a common element, tied to those parcel/units that are reliant on them for garage purposes. This will establish both exclusive access and use permissions along with shared ownership and maintenance obligations.

Tenure

The majority of townhouse units will be part of a common element condominium corporation(s) required to ensure that either shared driveway access and/or ongoing maintenance obligations related to the proposed integrated multiple garage/noise wall are established.

Schools

The Toronto District School Board (TDSB) advises that they make 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.

Conditions of draft plan of subdivision approval requiring sign postings and related warning clauses in all offers of purchase and sale and/or rental agreements are proposed (see Attachment 14).

Canada Post

Canada Post advises that community mail boxes must be provided and that the owners are required to consult with them to determine suitable locations on appropriate servicing plans. Related conditions if draft plan of subdivision approval are proposed (see Attachment 14)

Section 37

It is not recommended that Section 37 benefits be secured as part of the approvals process for the current development proposal given it does not propose an increase in density beyond what is permitted in the Agincourt Secondary Plan and, subject to further review, may not exceed the 10,000 square metre gross floor area development threshold referenced in the Official Plan. The negotiation of appropriate community benefits may be a consideration as it relates to future development proposals on Block 8 (future mixed use areas block).

OUTSTANDING ISSUES

Servicing

Functional Servicing, Stormwater Management and Hydrogeological Reports along with preliminary site servicing and grading plans have been submitted and reviewed by City staff. Revisions are required to address outstanding matters as noted in the Engineering & Construction Services Memorandum, dated January 12, 2017.

The owners will be required to enter into the City's standard subdivision agreement which will secure matters related to stormwater management, engineering and inspection fees, financial securities, maintenance obligations, among other matters. An environmental site assessment for lands to be conveyed to the City is required, including payment for a peer reviewer of the Record of Site Condition (RSC) as noted earlier.

Required Environmental Mitigation Measures

An agreement on how to satisfactorily address IGI's concerns related to land use compatibility, preferably to the satisfaction of all three parties, is required. Additional environmental reports may be required and a Third Party Peer Review may be undertaken. A Class 4 area classification for the subdivision lands under provincial noise guidelines may be a consideration.

Density

Given the owners have elected not to submit an official plan amendment application to increase the permitted density of development, the current maximum net density of development of 1.0 FSI applies. Accordingly, the draft zoning by-law is required to implement this policy and the maximum permitted gross floor area of development

cannot exceed 10,050 square metres. Plans submitted as part of the site plan application will be reviewed by City staff for compliance.

Conditions of Draft Plan of Subdivision Approval

Conditions of draft plan of subdivision approval need to be negotiated that ensure all of the City's and external agency interests are addressed including, but not limited to, roads, servicing, parks and environmental mitigation measures. These conditions will form part of the required subdivision agreement.

Conditions of draft plan of subdivision approval are included as Attachment 14 to this report.

Draft Zoning By-law Amendment(s)

Site specific zoning by-law amendments need to be prepared to ensure the proposed development can be accommodated as planned but with specific performance standards established related to such matters as density, height, building setbacks, parking, and required on-site environmental mitigation measures. Plans submitted in support of the recent site plan application will be used, in part, to determine draft by-law standards. Principle considerations for inclusion in the required zoning by-law amendment(s) are included in this report as Attachment 15.

CONTACT

Doug Muirhead, Senior Planner
Tel. No. (416) 396-7029
Fax No. (416) 396-4265
E-mail: Doug.Muirhead@toronto.ca

SIGNATURE

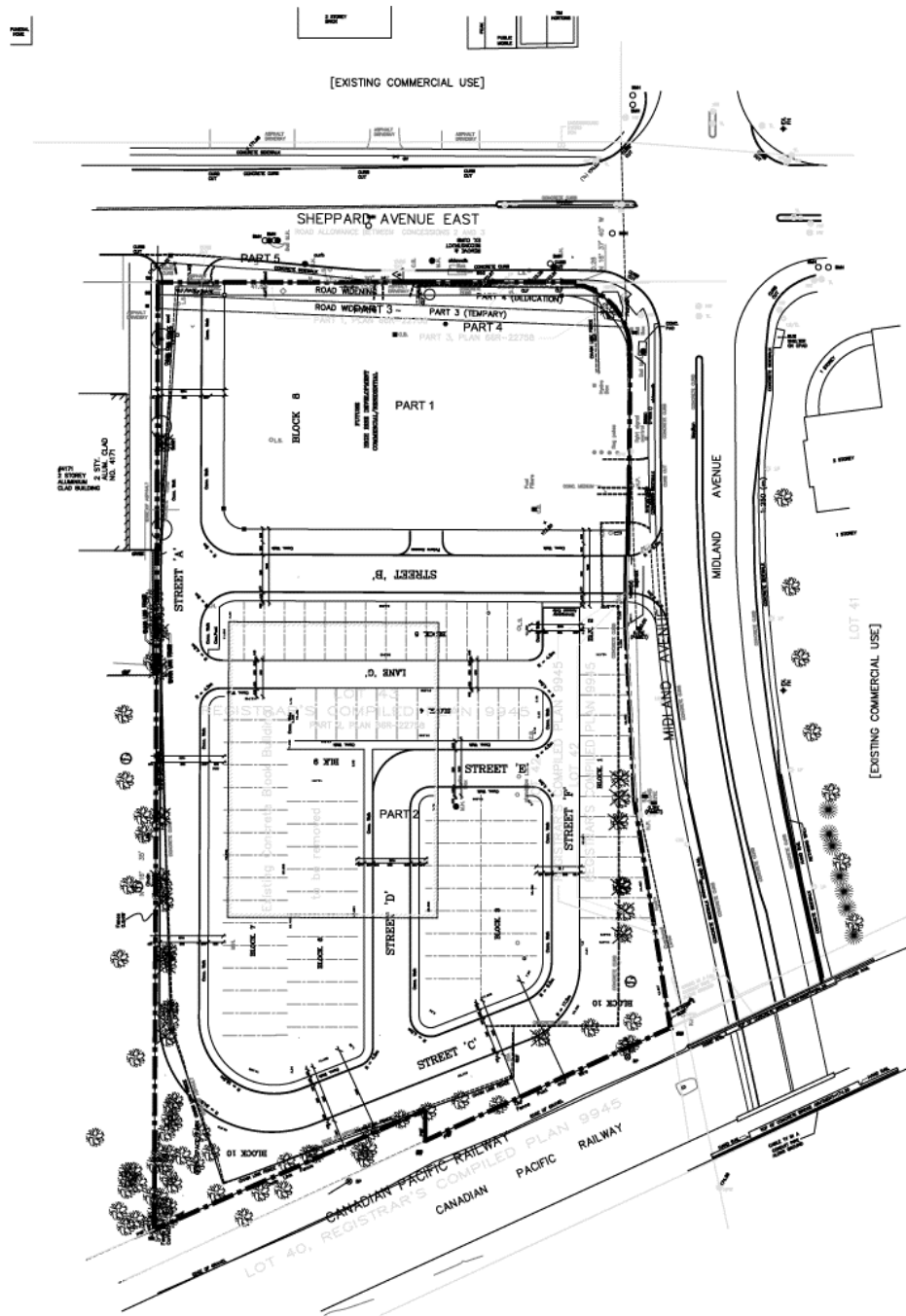
Jennifer Keesmaat, MES MCIP RPP
Chief Planner and Executive Director
City Planning Division

ATTACHMENTS

Attachment 1: Original Draft Plan of Subdivision (2014)
Attachment 2: Revised Draft Plan of Subdivision (2016)
Attachment 3: Elevations (Block 1)
Attachment 4: Elevations (Block 2)
Attachment 5: Elevations (Block 3)

- Attachment 6: Elevations (Block 4)
- Attachment 7: Elevations (Block 4)
- Attachment 8: Elevations (Block 5)
- Attachment 9: Elevations (Block 6)
- Attachment 10: Zoning
- Attachment 11: Official Plan
- Attachment 12: Agincourt Secondary Plan
- Attachment 13: Application Data Sheet
- Attachment 14: Draft Plan of Subdivision Conditions
- Attachment 15: Principle Considerations – Zoning By-law Amendment(s)

Attachment 1: Original Draft Plan of Subdivision (2014)



Site Plan

Applicant's Submitted Drawing

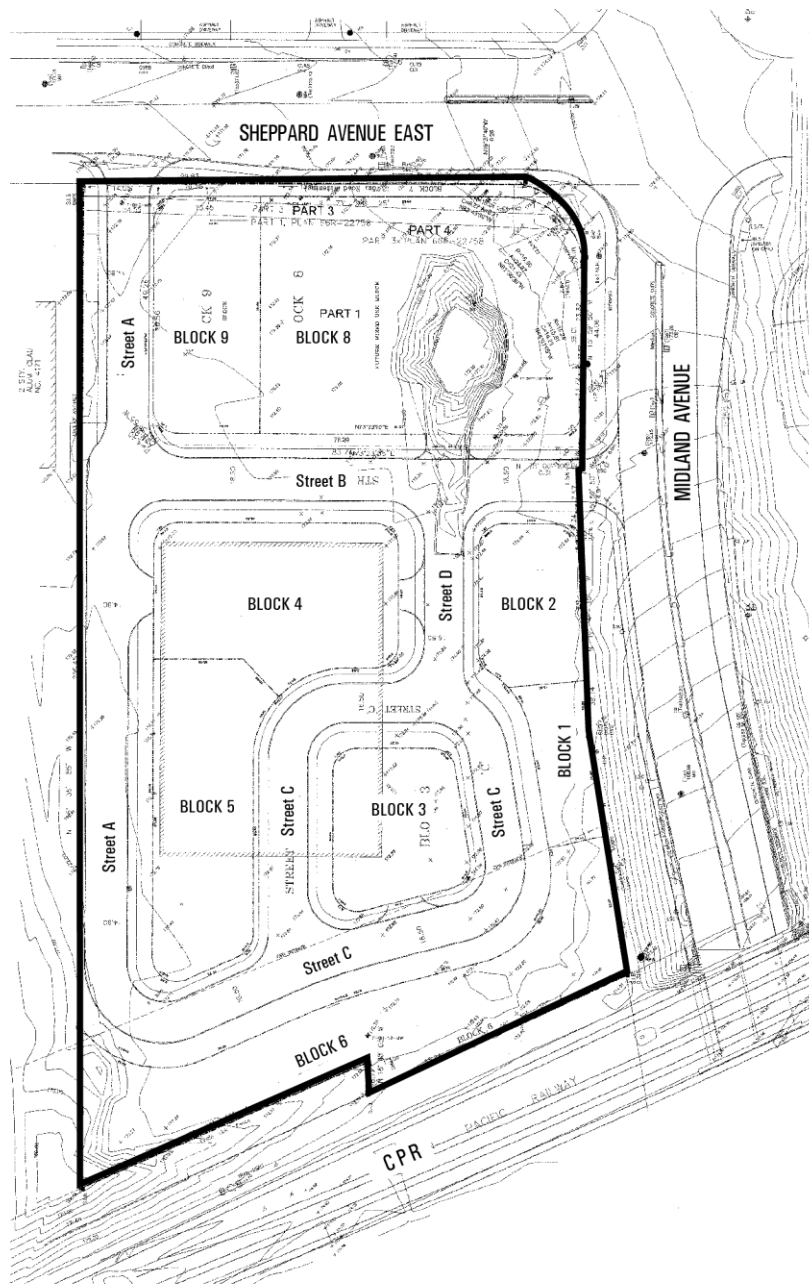
Not to Scale
06/27/14



4181 Sheppard Avenue East

File # 12 262328 ESC 41 OZ, 14 119126 ESC 41 SB

Attachment 2: Revised Draft Plan of Subdivision (2016)



Subdivision Plan

Applicant's Submitted Drawing

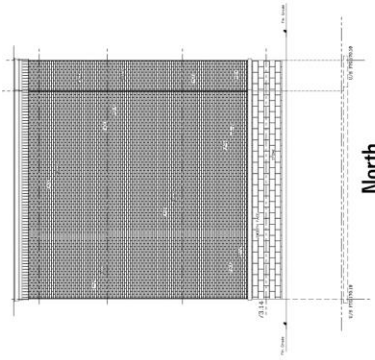
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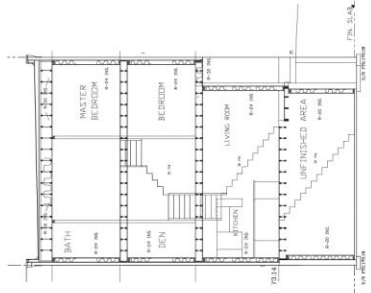
4181 Sheppard Avenue East

File # 14 119126 ESC 41 SB

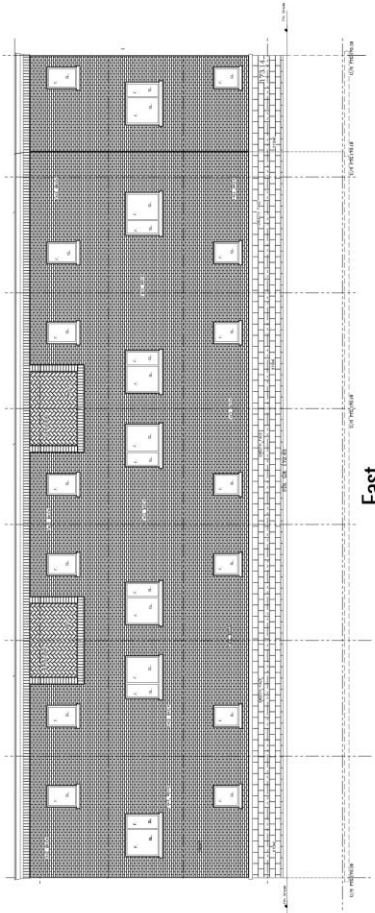
Attachment 3: Elevations (Block 1)



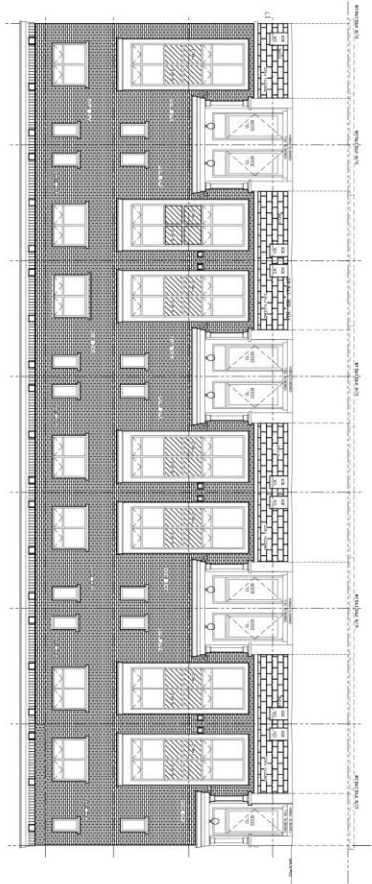
North



Section



East



West

4181 Sheppard Avenue East

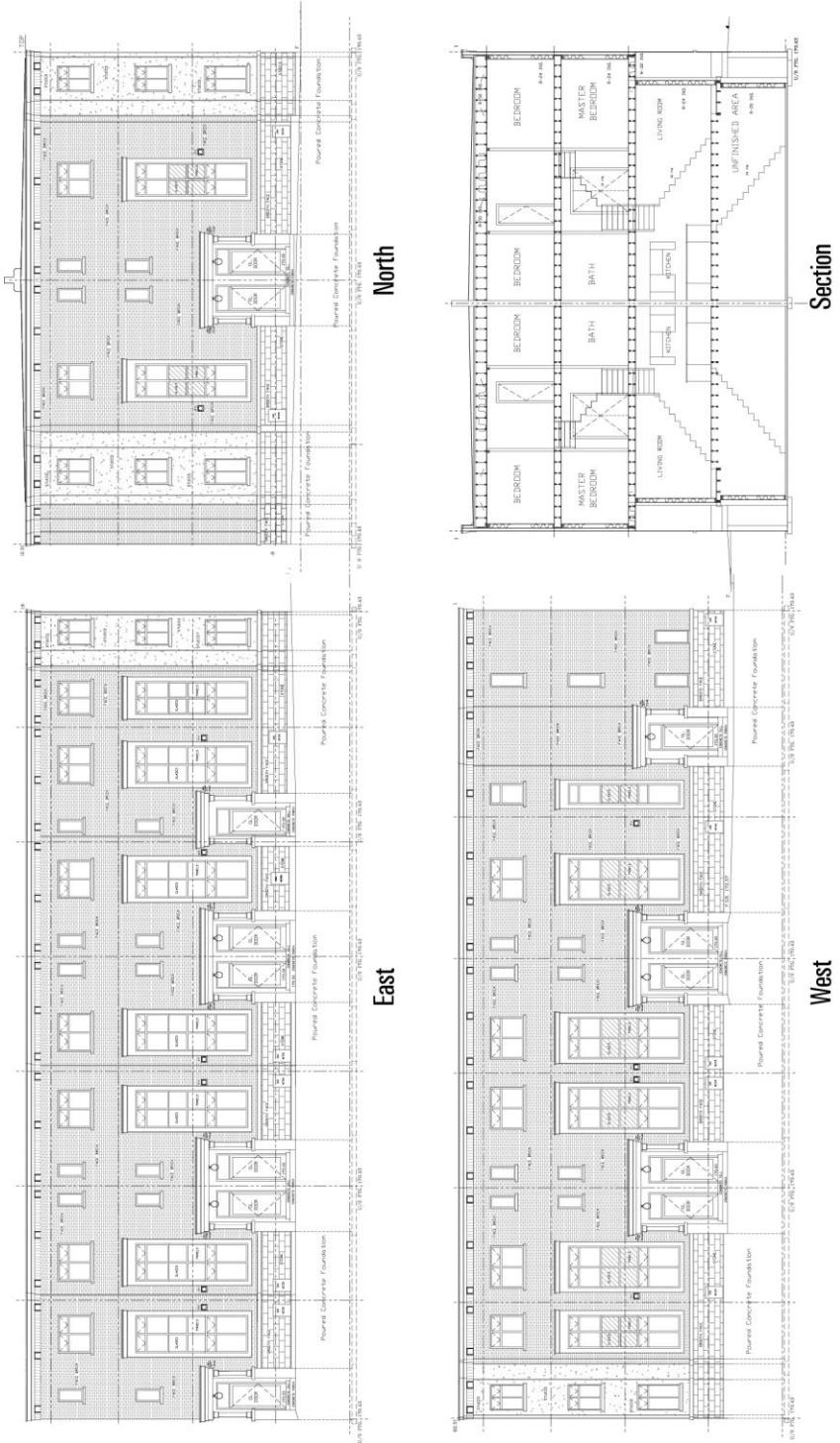
Elevations - Block 1

Applicant's Submitted Drawing

Not to Scale
03/08/17

File # 12 262328 ESC 41 0Z, 14 119126 ESC 41 SB

Attachment 4: Elevations (Block 2)



4181 Sheppard Avenue East

Elevations - Block 2

Applicant's Submitted Drawing

Not to Scale
03/08/17

File # 12 262328 ESC 41 0Z, 14 119126 ESC 41 SB

Attachment 5: Elevations (Block 3)



4181 Sheppard Avenue East

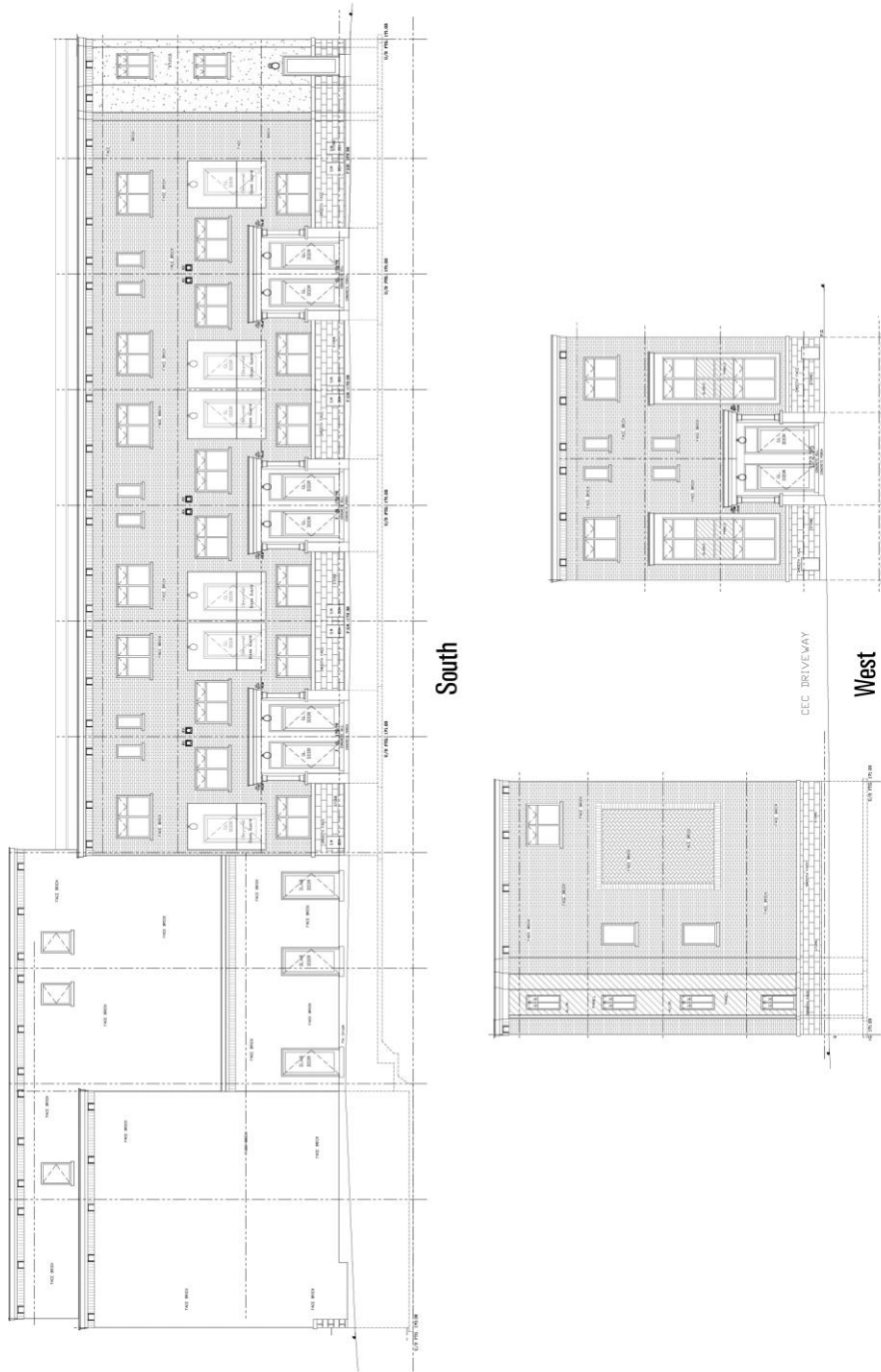
Elevations - Block 3

Applicant's Submitted Drawing

Not to Scale
03/08/17

File # 12 262328 ESC 41 0Z, 14 119126 ESC 41 SB

Attachment 6: Elevations (Block 4)



4181 Sheppard Avenue East

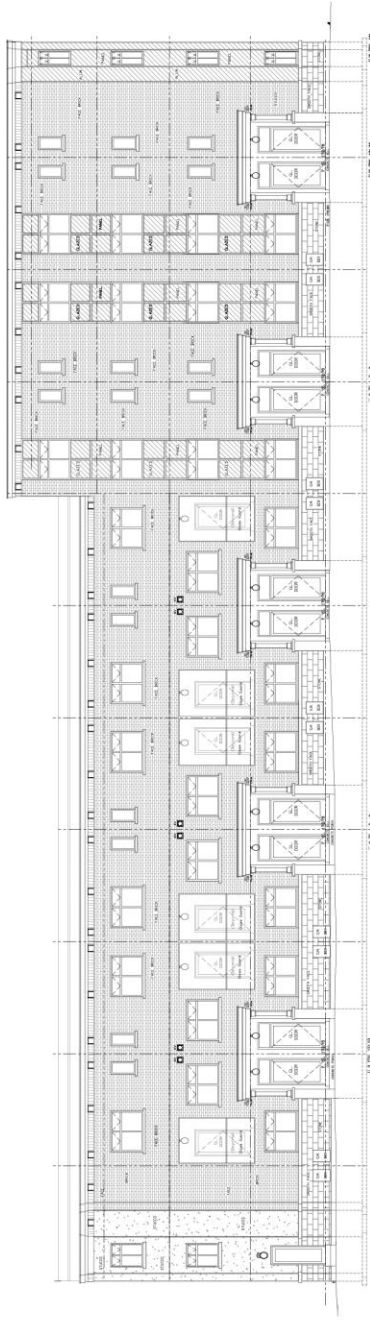
Elevations - Block 4

Applicant's Submitted Drawing

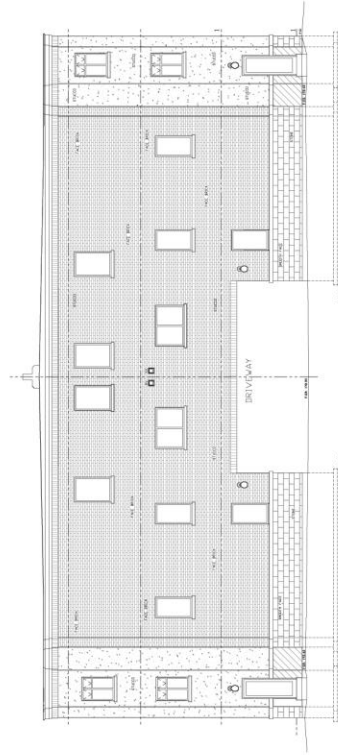
Not to Scale
03/08/17

File # 12 262328 ESC 41 0Z, 14 119126 ESC 41 SB

Attachment 7: Elevations (Block 4)



North



East

Elevations - Block 4

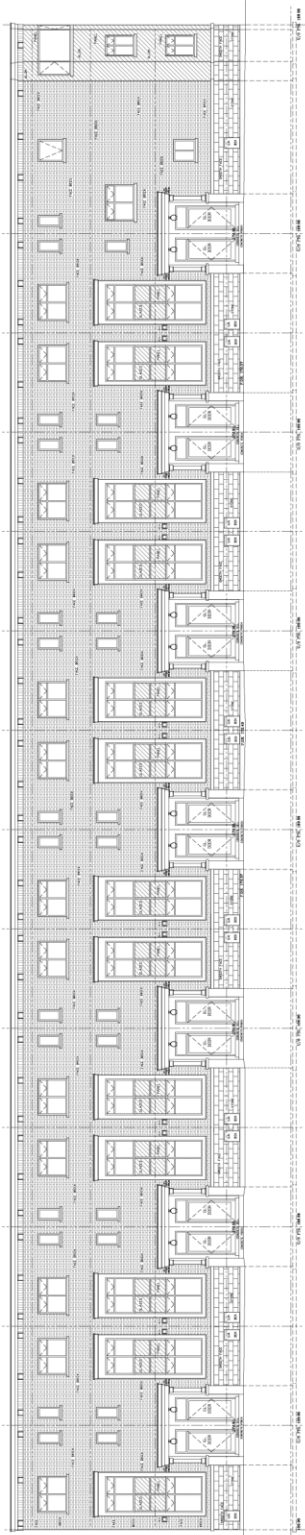
Applicant's Submitted Drawing

Not to Scale
03/08/17

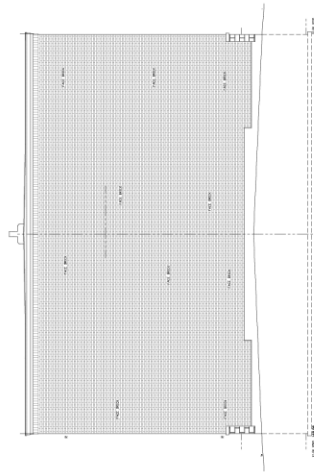
4181 Sheppard Avenue East

File # 12 262328 ESC 41 0Z, 14 119126 ESC 41 SB

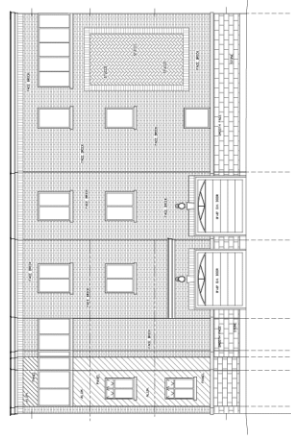
Attachment 8: Elevations (Block 5)



West



North



South

Elevations - Block 5

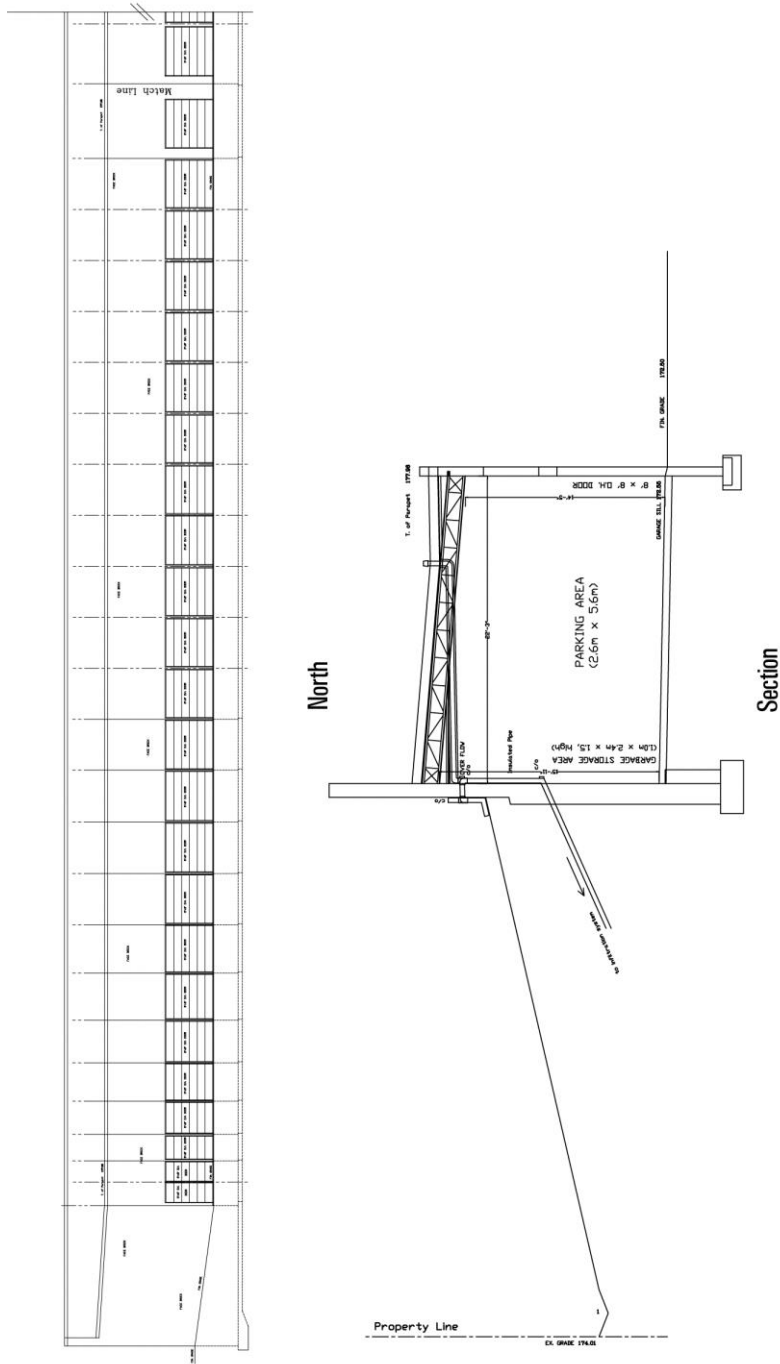
Applicant's Submitted Drawing

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03/08/17

4181 Sheppard Avenue East

File # 12 262328 ESC 41 0Z, 14 119126 ESC 41 SB

Attachment 9: Elevations (Block 6)



4181 Sheppard Avenue East

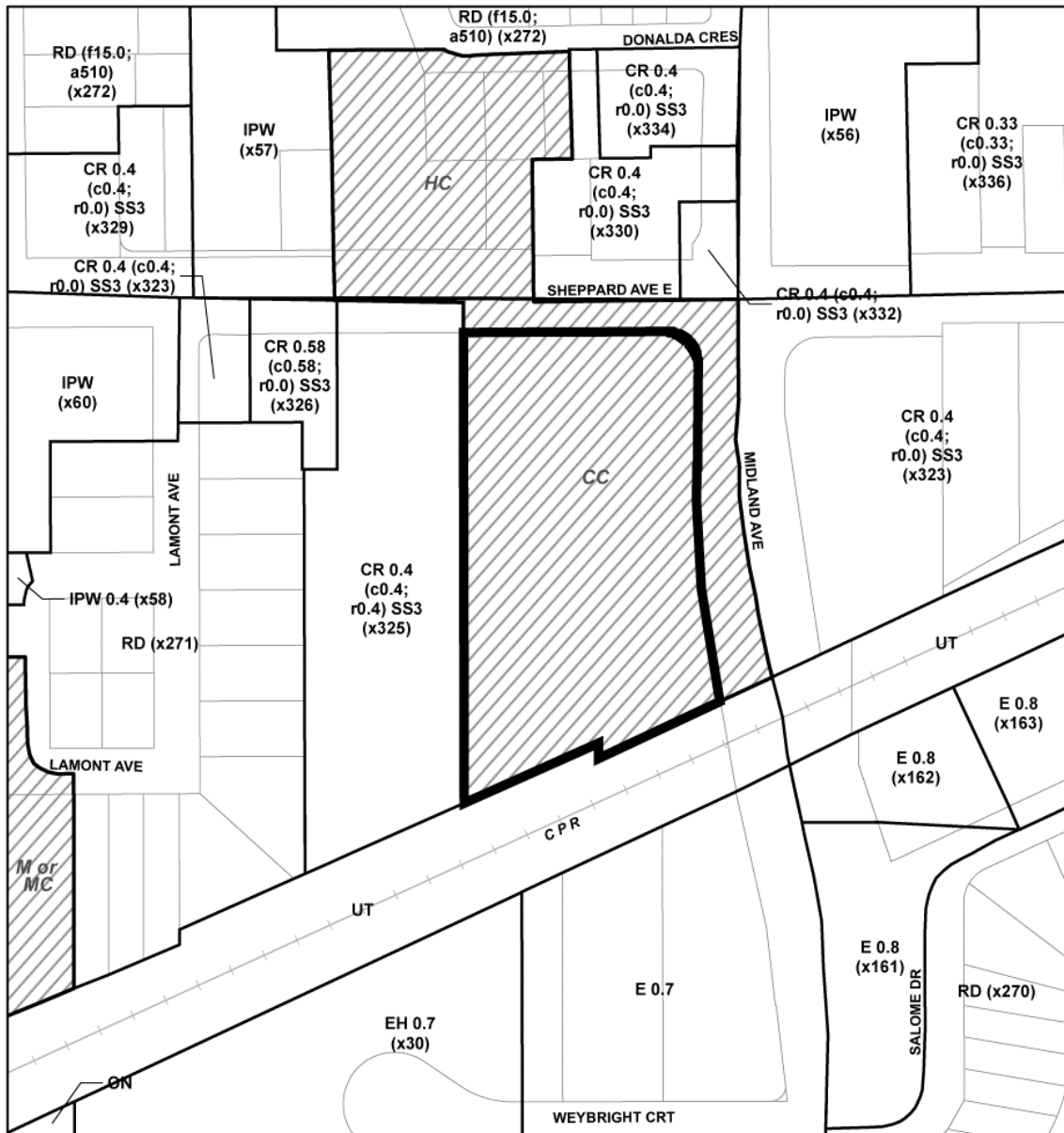
Elevations - Block 6

Applicant's Submitted Drawing

Not to Scale
03/08/17

File # 12 262328 ESC 41 0Z, 14 119126 ESC 41 SB

Attachment 10: Zoning



Zoning By-law 569-2013

4181 Sheppard Avenue East

File #12 262328 ESC 41 OZ, 14 119126 ESC 41 SB

Location of Application

- | | | | |
|----|-----------------------------|-----|--------------------------------|
| RD | Residential Detached | IPW | Institutional Place of Worship |
| CR | Commercial Residential | ON | Open Space Natural |
| E | Employment Industrial | UT | Utility and Transportation |
| EH | Employment Heavy Industrial | | |

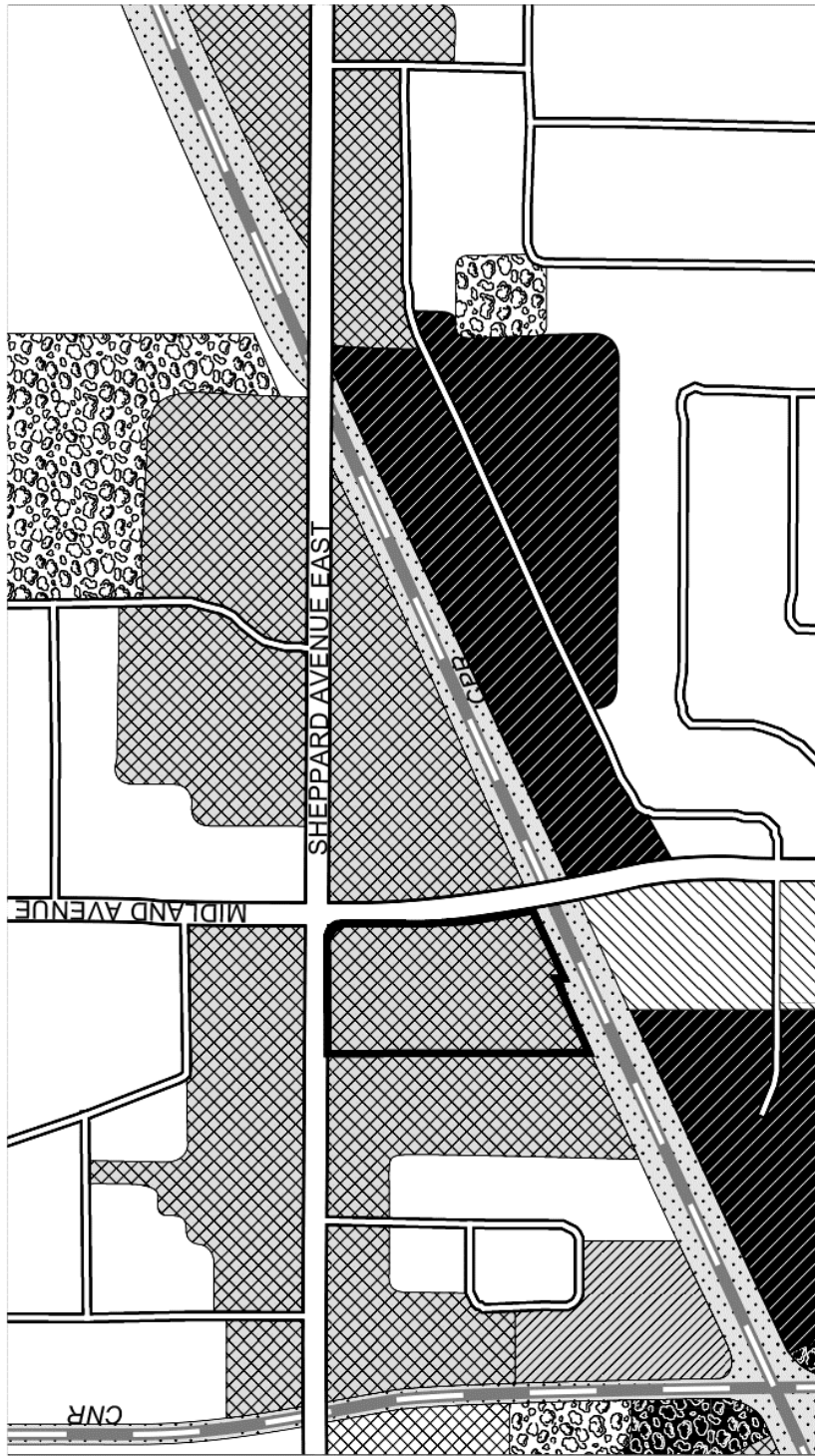
See Former City of Scarborough Agincourt Community Bylaw No. 10076
See Former City of Scarborough Employment District Bylaw No. 24982 (South Agincourt)

- | | |
|----|----------------------------|
| CC | Community Commercial |
| HC | Highway Commercial |
| M | Industrial Zone |
| MC | Industrial Commercial Zone |



Not to Scale
Extracted: 06/12/2014

Attachment 11: Official Plan



4181 Sheppard Avenue East

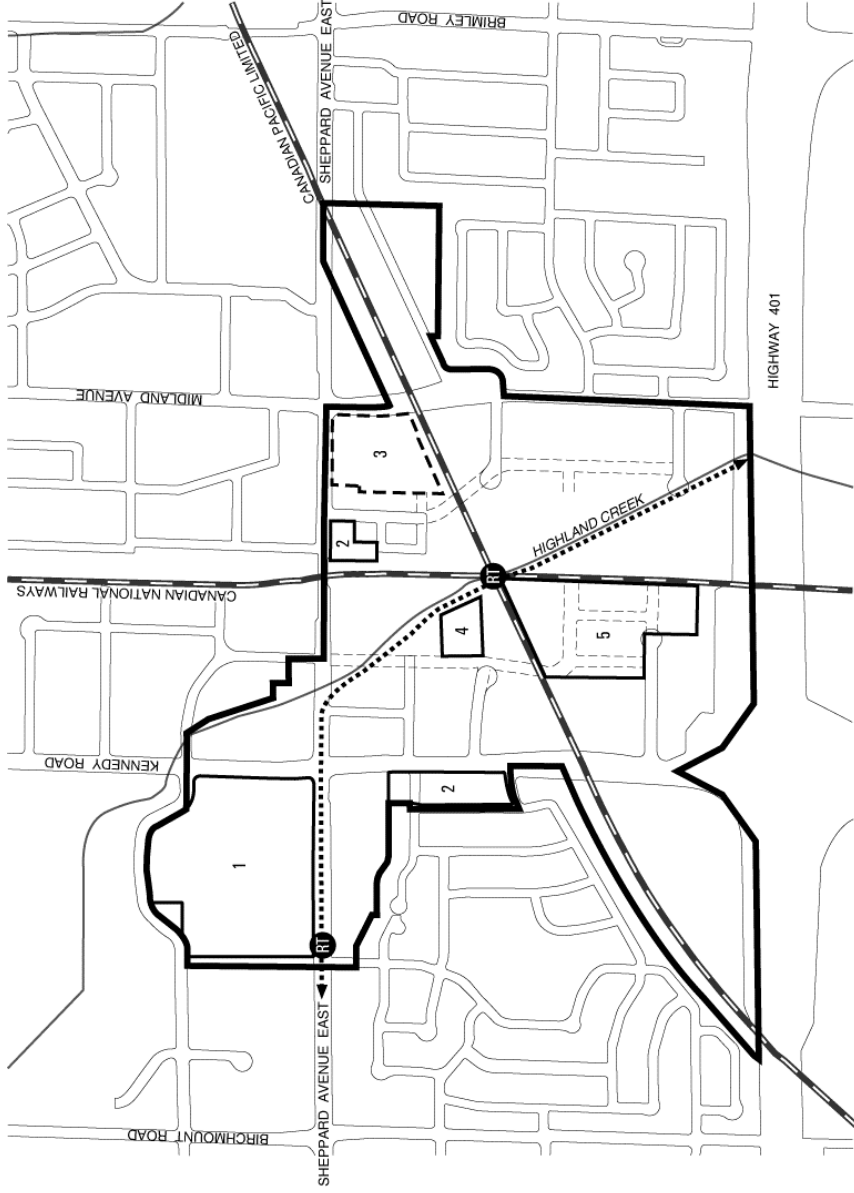
Toronto City Planning
Extract from Official Plan

File #12 262328 ESC 41 OZ, 14 119126 ESC 41 SB

- Site Location
- Neighbourhoods
- Apartment Neighbourhoods
- Mixed Use Areas
- Parks & Open Spaces Areas
 - Natural Areas
 - Parks
- Employment Areas
 - Core Employment
 - General Employment
- Utility Corridors

↑
Note to Scale
03/10/17

Attachment 12: Agincourt Secondary Plan



Agincourt Secondary Plan
MAP 1-1 Urban Structure Plan

- Secondary Plan Boundary
- 1 Site and Area Specific Policies
- - - Proposed Road
- Proposed Rapid Transit
- RT Proposed Rapid Transit Station
- Railway
- Highland Creek

October 2009

Attachment 13: Application Data Sheet

Application Type	Rezoning & Draft Plan of Subdivision	Application Numbers:	12 262328 ESC 41 OZ 14 119126 ESC 41 SB
Details	Rezoning, Standard	Application Date:	October 15, 2012 (OZ) February 19, 2014 (SB)

Municipal Address: 4181 SHEPPARD AVE E
 Location Description: RCP 9945 LOT 43 **GRID E4108
 Project Description: Plan of subdivision to create 7 development blocks, public park block & public street network. 80 townhouse dwelling units and garages proposed on 6 blocks along with a future mixed use development block on south side of Sheppard Avenue East.

Applicant:	Agent:	Architect:	Owner:
MI-KO URBAN CONSULTING INC	PETER CHEE		FREEDENT SHEPPARD INC.

PLANNING CONTROLS

Official Plan Designation:	Mixed Use Areas	Site Specific Provision:	SASP 3 Agincourt Secondary Plan
Zoning (Agincourt 10076):	CC-Community Commercial	Historical Status:	n/a
Height Limit (m):	n/a	Site Plan Control Area:	Y

PROJECT INFORMATION

Site Area (sq. m):	19,435.85	Height:	Storeys:	4 maximum
Net Site Area (sq. m):	10,049.55 (<i>parks & roads deducted</i>)		Metres:	12.2
Frontage (m):	90.85 (<i>Sheppard</i>), 146 (<i>Midland</i>)			
Depth (m):	137.19			
Total Ground Floor Area (sq. m):	4,275 (<i>includes Block 6 garages</i>)		Total	
Total Residential GFA (sq. m):	10,024		Parking Spaces:	80 (<i>all within garages</i>)
Total Non-Residential GFA (sq. m):	900 (<i>Block 6 garages</i>)		Loading Docks	0
Total GFA (sq. m):	10,924			
Lot Coverage Ratio (%):	0.42 (<i>based on net site area</i>)			
Density/Floor Space Index:	0.5 (Gross) 1.0 (Net: <i>public parks and roads deducted</i>)			

DWELLING UNITS (all townhouses)

FLOOR AREA BREAKDOWN (upon project completion)

Tenure Type:	Freehold/Standard	Condo/Common	Element	Condo	Above Grade	Below Grade
Rooms:	0	Residential GFA (sq. m):			10,024	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:	80	Institutional/Other GFA (sq. m):			900	0
Total Units:	80				(Block 6 garages)	

CONTACT: **PLANNER NAME:** **Doug Muirhead, Senior Planner (416-396-7029)**

Attachment 14: Draft Plan of Subdivision Conditions

**SUBDIVISION APPLICATION 14 119126 ESC 41 SB
DRAFT PLAN OF SUBDIVISION PREPARED BY
MI-KO URBAN CONSULTING INC.
DRAWING DATED, FEBRUARY 28, 2017 (Revision 12)**

**PART LOT 43, REGISTRAR'S COMPILED PLAN 9945
PART OF LOT 27, CONCESSION 2 (FORMER CITY OF SCARBOROUGH)
4181 SHEPPARD AVENUE EAST
CITY OF TORONTO**

PLAN OF SUBDIVISION

1. This approval shall pertain to the Draft Plan of Subdivision prepared by Mi-Ko Urban Consulting Inc., dated February 28, 2017 (rev. 12) and certified by Ted Van Lankveld, O.L.S., on February 3, 2017.

SUBDIVISION AGREEMENT

2. The Owner shall enter into the City's standard Subdivision Agreement and shall satisfy all of the pre-registration conditions contained therein. The Owner shall forward the executed Subdivision Agreement to the following agencies for reference and information:
 - (a) Toronto District School Board (TDSB)
 - (b) Toronto Transit Commission (TTC)
 - (c) Metrolinx/GO Transit
 - (d) Canadian Pacific Railway (CPR)

ZONING

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

APPROVAL PERIOD

4. The approval of this plan of subdivision will lapse if the subdivision is not registered within 5 years of the date of the draft plan approval. At its discretion, the City, may after the 5 years have lapsed, elect to modify some or all of the conditions of draft approval or revoke the draft approval.

TORONTO GREEN STANDARD

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 Committee and amended by City Council at its meeting held on July 16, 2013.

ROADWAYS

6. Prior to the registration of the plan of subdivision, the Owner agrees to dedicate all roads, corner roundings, road widenings (Block 7) and 0.3 metre (one foot) reserves shown on the plan to the City.
7. The Owner agrees that proposed Streets A and B are to be designed and constructed in accordance with the City of Toronto Development Infrastructure Policy and Standards (DIPS) – 2B specifications. Since Sheppard Avenue and Midland Avenue are both classified as a major arterial roadway, the minimum local residential street classification that can connect to an arterial roadway is an "Intermediate Local Residential Street", which has a minimum ROW width of 18.5 metres.
8. The Owner agrees to prepare all documents to convey lands in fee simple and easement interests to the City for nominal consideration, such lands to be free and clear of all physical and title encumbrances to the satisfaction of the Executive Director of Engineering and Construction Services in consultation with the City Solicitor.

CONVEYANCES

9. The Owner agrees to 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).
10. The Owner agrees to pay engineering and inspection fees and to submit financial securities in accordance with the terms and conditions of the standard subdivision agreement.
11. The Owner agrees and acknowledges that the City of Toronto will not own, operate, or maintain private roads and services and will retain no liability within the private driveways or roads. The property owner is required to ensure the safe operations within any private driveway and retain all liability. Consideration will not be made by the City of Toronto to accept any driveway as a public lane.

STORMWATER MANAGEMENT

12. The Owner agrees to apply stormwater management techniques in the development of this subdivision to the satisfaction of Engineering and Construction Services.

PRIVATE WALKWAYS

13. The Owner will be responsible for all maintenance (including winter snow and ice removal) and liable for any and all claims with regard to the private walkway within the public right-of-way along the frontage of proposed Block 2. This walkway must form part of a future Common Element Condominium Corporation. The new private walkway within the boulevard is subject to the conditions attached to a Permitted Encroachment within Chapter 743 of the Municipal Code.
14. The Owner will be responsible for all maintenance (including winter snow and ice removal) and liable for any and all claims with regard to the private walkway located on parts of Blocks 4 and 5. This walkway must form part of a future Common Element Condominium Corporation.

BLOCK 6

15. The Owner agrees that the City will not own and/or maintain Block 6. Block 6 is required to form part of a future Common Element Condominium Corporation which will be responsible for all maintenance and liability.

STREET SIGNS

16. The Owner shall make all necessary financial arrangements to provide for the cost of the installation/alteration of municipal street signage and pavement markings required by this development all to the satisfaction of the General Manager of Transportation Services.

CURB & SIGN REMOVAL

17. The Owner is responsible for all costs associated with the removal of all existing accesses, curb cuts, traffic control signs, etc. along the development site frontage that are no longer required and shall reinstate the boulevard within the right-of-way, in accordance with City standards all to the satisfaction of the General Manager Transportation Services.

WINDROW & SIDEWALK SNOW CLEARING

Warning Clause – Windrow and Sidewalk Snow Clearing

18. Prior to the registration of the plan of subdivision, the owner agrees to include the following warning clauses in all agreements of purchase and sale and/or lease agreements, and registered on title to the satisfaction of the City Solicitor:
- “Purchasers are advised that where sidewalks are located adjacent to the curbs or where the ROW width is less than 18.5 metres, sidewalk snow clearing and driveway windrow clearing will not be carried out by the City. It will be the responsibility of the abutting property owner.”

Warning Clause – Solicitor Confirmation - Windrow and Sidewalk Snow Clearing

19. Prior to the registration of the plan of subdivision, the Owner shall provide its Solicitor's confirmation to the City advising that the above warning clause will be included in applicable offers of purchase and sale and/or lease agreements to ensure that future occupants are aware of the City's snow clearing practices.

PUBLIC BOULEVARD PARKING RESTRICTIONS

Warning Clause - Public Boulevard Parking Restrictions

20. Prior to the registration of the plan of subdivision, the Owner agrees to include the following warning clauses in all agreements of purchase and sale and/or lease agreements and registered on title to the satisfaction of the City Solicitor:
- “There is a City by-law that prohibits the use of the public boulevard to satisfy parking space requirements. Casual parking (not required parking) is permitted within the confines of that portion of the boulevard within a private driveway, provided that no motor vehicle may be parked in the driveway less than 0.3 metres from the back edge of the sidewalk, or where no sidewalk exists, not less than 2.0 metres from the face of the curb or edge of the roadway.
- Additional vehicle parking that might otherwise be available on public streets will be subject to approval and regulations pursuant to applicable By-laws of the City of Toronto.”

Warning Clause – Solicitor Confirmation – Public Boulevard Parking Restrictions

21. Prior to the 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 will be 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.

SCHOOLS

School Board - Signs

22. Prior to the registration of the plan of subdivision, the Owner shall enter into an agreement with the Toronto District School Board to erect and maintain signs, at points of egress and ingress of the development site, advising that:

"The Toronto District School Board makes every effort to accommodate students at local schools. However, due to residential growth, sufficient accommodation may not be available in this area 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."

Warning Clause – School Accommodation

23. The following warning clause shall be included in the subdivision agreement and included in all Offers and Agreements of Purchase and Sale and/or Rental Agreements entered into after the date of the registration of the plan of subdivision for a period of 10 years after registration of the subdivision plan:

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

Purchasers agree for the purpose of transportation to school, if bussing is provided by the Toronto District School Board in accordance with the Board's policy, that students will not be bussed home to school, but will meet the bus at designated locations in or outside of the area."

PARKLAND

Parkland Dedication – Block 9

24. Prior to the registration of the plan of subdivision, the Owner shall convey Block 9 to the City for parkland purposes. The final location and configuration of the parkland on the plan of subdivision will be to the satisfaction of the General Manager of Parks, Forestry and Recreation.
25. Prior to the registration of the draft plan of subdivision, the Owner shall provide, satisfactory to the City Solicitor, all legal descriptions and applicable reference plans of survey for the parkland dedication lands. The Owner shall pay for the costs of such dedication and the preparation and registration of all relevant documents.

26. The Owner shall ensure that the subject parkland conveyance is free and clear, above and below grade, of all easements, encumbrances and encroachments, including surface and subsurface easements, unless otherwise authorized by the General Manager of Parks, Forestry and Recreation.

Environmental Site Assessment & Record of Site Condition

27. The Owner agrees to submit a Qualified Person Preliminary Statement Letter, that is dated and signed by the applicant's Qualified Person, as defined in O. Reg. 153/04, as amended, describing the lands to be conveyed to the City, and identifying what environmental documentation will be provided to the City's peer reviewer to support this conveyance; all environmental documentation consistent with O. Reg. 153/04 requirements shall be submitted with reliance extended to the City and its peer reviewer and any limitation on liability and indemnification is to be consistent with Ontario Regulation 153/04, as amended, insurance requirements or such greater amount specified by the Executive Director of Engineering & Construction Services;
28. The Owner agrees to pay all costs associated with the City retaining a third-party peer reviewer including all administrative costs to the City, and submit an initial deposit towards the cost of the peer review in the form of a certified cheque, to the Executive Director, Engineering & Construction Services. Submit further deposits when requested to cover all costs of retaining a third-party peer reviewer (unused funds will be refunded to the applicant by the City).
29. The Owner agrees to submit, to the satisfaction of the City's peer reviewer, all Environmental Site Assessment reports prepared in accordance with the Record of Site Condition Regulation (Ontario Regulation 153/04, as amended) describing the current conditions of the land to be conveyed to the City and the proposed Remedial Action Plan based on the site condition standards approach, to the Executive Director, Engineering and Construction Services;
30. The Owner agrees, at the completion of the site assessment/remediation process, to submit a Statement from the Qualified Person based on the submitted environmental documents, to the Executive Director, Engineering & Construction Services for peer review and concurrence, which states:

In the opinion of the Qualified Person:

- a) It is either likely or unlikely that there is off-site contamination resulting from past land uses on the development site that has migrated onto adjacent City lands that would exceed the applicable Site Condition Standards; and
- b) To the extent that the opinion in 13a) is that past migration is likely, it is either possible or unlikely that such off-site contamination on adjacent City lands poses an adverse effect to the environment or human health.

Land to be conveyed to the City meets either:

- c) the applicable Ministry Generic Site Condition Standards (Tables 1, 2, 3, 6, 7, 8 and 9) for the most environmentally sensitive adjacent land use; or
- d) the Property Specific Standards as approved by the Ministry for a Risk Assessment/Risk Management Plan which was conducted in accordance with the conditions set out herein.

The Qualified Person's statement, referenced above, shall include a Reliance Letter that is dated and signed by the applicant's Qualified Person, as defined in O. Reg. 153/04, as amended, confirming that both the City and the City's peer reviewer can rely on the environmental documentation submitted, consistent with O. Reg. 153/04 requirements, and the Qualified Person's opinion as to the conditions of the site; all environmental documentation consistent with O. Reg. 153/04 requirements and opinions shall be submitted with reliance extended to the City and its peer reviewer and any limitation on liability and indemnification is to be consistent with Ontario Regulation 153/04, as amended, insurance requirements or such greater amount specified by the Executive Director of Engineering & Construction Services.

For conveyance of lands requiring a Record of Site Condition:

- e) File the Record of Site Condition on the Ontario Environmental Site Registry; and
- f) Submit the Ministry's Letter of Acknowledgement of Filing of the RSC confirming that the RSC has been prepared and filed in accordance with O. Reg. 153/04, as amended, to the Executive Director, Engineering & Construction Services.

Temporary Fencing

- 31. Prior to conveyance of the parkland to the City the Owner shall be responsible for the installation and maintenance of temporary fencing around the parkland and its maintenance until such time as the development of the park block is completed.

Base Park Improvements

- 32. The Owner will be responsible for the construction and installation of base park improvements to the dedicated parkland which include the following:
 - (a) Grading inclusive of topsoil and placement at a minimum 150 mm depth;
 - (b) Sodding #1 nursery grade or equivalent to the satisfaction of P,F&R;
 - (c) City standard fencing, where deemed necessary;
 - (d) All necessary drainage systems, including connections to the municipal services as required;

- (e) Electrical and water connections(minimum 50mm) to the street line including backflow preventers, shut off valves, water and hydro chambers, including meters; and
 - (f) Street trees along all public road allowances, which abut City owned parkland;
 - (g) Standard park sign (separate certified cheque required) and;
 - (h) Demolition, removal and disposal of all existing materials, buildings and foundations.
33. All work is to be completed to the satisfaction of the General Manager, PFR.
34. Prior to the issuance of the first above grade building permit, the Owner shall submit a cost estimate and any necessary plans for the Base Park Improvements, to the satisfaction of the General Manager, PFR.
35. Prior to issuance of the first above grade building permit, the Owner shall post an irrevocable Letter of Credit in the amount of 120% of the value of the Base Park Improvements for the parkland to the satisfaction of the General Manager, PFR. No credit shall be given towards the Parks and Recreation component of the Development Charges for costs associated with Base Park Improvements.
36. The construction of the Base Park Improvements to the park block shall be completed within one year after the issuance of the first above grade building permit to the satisfaction of the General Manager, PFR. Unforeseen delays (e.g. weather) resulting in the late delivery of the park block shall be taken into consideration and at the discretion of the General Manager, PFR when determining a revised delivery date for the park block.
37. Should the Owner undertake Base Park Improvements on the park block following conveyance of the park block to the City, the Owner must obtain a Park Occupation Permit (POP) from PFR's Planning, Design and Development section. The POP will outline in detail the insurance requirements, extent of area permitted, permitted use, tree removal and replacement, and duration to the satisfaction of the General Manager, PFR. The Owner will indemnify the City against any claim during any interim use of or work carried out by the applicant on the park.
38. At the time of conveyance, the General Manager of Parks, Forestry and Recreation may elect to receive cash-in-lieu of some or all of the elements of Base Park improvements.

Parkland Grading and Drainage

39. The Owner shall ensure that the grading and drainage of the adjacent development blocks are compatible with the grades of the parkland to the satisfaction of the General Manager, PFR.

40. The Owner must provide documentation from a qualified environmental engineer that any fill or topsoil brought onto the site meets all applicable laws, regulations and guidelines for use in a public park.

Park Final Design and Programming

41. Prior to the registration of the draft plan of subdivision, the Owner shall agree that the General Manager, Parks, Forestry and Recreation will determine the final location, configuration, design, development and programming of the parkland to be conveyed to the City.

Credit against DC's for Above Base Park Improvements

Should the owner agree to design and construct the Above Base Park Improvements for a development charge credit against the parks and Recreation component of the Development charges, the following condition applies:

42. The Owner agrees to design and construct the Above Base Park Improvements to the new park for a development charge credit against the Parks and Recreation component of the Development Charges to the satisfaction of the General Manager, Parks, Forestry and Recreation (PFR). The development charge credit shall be in an amount that is the lesser of the cost to the Owner of installing the Above Base Park Improvements, as approved by the General Manager, PFR, and the Parks and Recreation component of development charges payable for the development in accordance with the City's Development Charges By-law, as may be amended from time to time. The Owner is required to submit a design and cost estimate to be approved by the General Manager, PFR, and a letter of credit equal to 120% of the Parks and Recreation component of the Development Charges. The design, cost estimate and ultimately the letter of credit will be required prior to the issuance of the first above grade building permit.

Above Base Park Improvements

43. The Owner will be responsible to design and construct the Above Base Park Improvements to the satisfaction of the General Manager, Parks, Forestry and Recreation (PFR). Areas to be addressed in the design of the Park are: park programming, sustainable design and plantings, community and public safety, ground surface treatments, seating, vandalism etc. Final design and programming of the parkland shall be at the discretion of the General Manager, PFR.
44. Prior to the issuance of the first above grade building permit for the development of the site, the Owner is required to submit working drawings, specification and landscape plans showing the scope and detail of the work for the Above Base Park improvements for review and approval by the General Manager, PFR.
45. The construction of Above Park Improvements to each park block shall be completed within one year after the issuance of the first above grade building

permit to the satisfaction of the General Manager, PFR. Unforeseen delays (e.g. weather) resulting in the late delivery of the park block shall be taken into consideration and at the discretion of the General Manager, PFR when determining a revised delivery date for the park block.

46. Should the Owner undertake Above Base Park Improvements on the park block following conveyance of the park block to the City, the Owner must obtain a Park Occupation Permit (POP) from PFR's Planning, Design and Development section. The POP will outline in detail the insurance requirements, extent of area permitted, permitted use, tree removal and replacement, and duration to the satisfaction of the General Manager, PFR. The Owner will indemnify the City against any claim during any interim use of or work carried out by the applicant on the park.

Completion of Parkland Development

47. Prior to the issuance of the first above grade building permit, the Owner will be responsible for the completion of the parkland development.

Certification of Parkland Completion

48. The Owner, upon satisfactory completion of the parkland development will be required to guarantee such work and associated materials to the satisfaction of the General Manager, Parks, Forestry & Recreation. The Owner will provide stamped certification from its Landscape Architect verifying all work has been completed. As-built drawings will be submitted to the General Manager, Parks, Forestry & Recreation. At that time, the submitted letters of credit securing the parks and recreation component of the development charges and the base park improvements will be released, less 20% which shall be retained for a two year period as a performance guarantee.

Development Charges Credit

49. The Owner's total obligation with respect to the design and installation of Parkland Improvements will not exceed the aggregate amount of the Parks and Recreation service component of the Development Charges for all dwellings in the subdivision, notwithstanding the approved budget. The Owners acknowledge that the City will give them a Development Charge credit for Parkland Improvements provided over and above the Base Park Improvements. All plans, budgets, Development Charge credits and letters of credit shall be to the satisfaction of the General Manager, Parks, Forestry & Recreation.

Terms and Conditions

50. All plans, budgets, Development Charge credit, and Letters of Credit submitted by the Owner to the City shall be to the satisfaction of the General Manager of Parks, Recreation and Forestry. The Owner shall agree that all Letters of Credit that are to be provided by the Owner, unless determined otherwise by the City of

Toronto, are intended to be in current dollars and accordingly, shall be adjusted either upwards or downwards, annually, on the anniversary date of the execution of the associated subdivision agreement, in accordance with the change in the Statistics Canada Construction Price Index, or other index to the satisfaction of the City, during such one year period, provided that in no case shall the amount, payable by the Owner, at any time be less than the minimal amount set out in that agreement.

Warranty

51. The Owner, upon satisfactory completion of the construction and installation of the Base and Above Base Park Improvements shall be required to guarantee such work and associated materials. The Owner shall provide certification from their Landscape Architect certifying that all work has been completed in accordance with the approved drawings. Should the cost to construct the Above Base Park Improvements as approved by the General Manager, PFR be less than the Parks and Recreation component of the Development Charges, the difference shall be paid to the City by certified cheque prior to release of the Above Base Park Improvement Letter of Credit. Upon the City's acceptance of the certificate, the Letter of Credit(s) will be released less 20% which will be retained for the 2 year guarantee known as the Parkland Warranty Period.
52. Upon the expiry of the Parkland Warranty Period, the outstanding park security shall be released to the Owner provided that all deficiencies have been rectified to the satisfaction of the General Manager, Parks, Forestry, and Recreation (PFR).
53. As-built drawings in print/hardcopy and electronic format, as well as a georeferenced AutoCAD file, shall be submitted to PFR. A complete set of "as built" plans shall be provided electronically on CD in PDF format and in a georeferenced AutoCAD file, in addition to two (2) sets full size bond hard copy the General Manager, PFR. The plans shall include, but not limited to specifications, locations of all hidden services, and all deviations from the design drawings, shop drawings, inspection reports, minutes of meeting, site instructions, change orders, invoices, certificates, progress images, warranties, close out documentation, compliance letters (for any play structures and safety surfaces), manuals etc. The files are to be organized in folders, including a file index and submitted with written warranties and related documents such as lists of contractor, sub-contractors together with contact persons, telephone numbers, warranty expiry dates and operating manuals.
54. Spare or replacement parts, special tools, etc. as provided by manufacturers, if any, are to be provided to PFR.

BLOCK 8 – FUTURE MIXED USE AREAS BLOCK

Future Planning Approvals

55. The Owner acknowledges that this site has limited development potential as a result of their decision to transfer otherwise permitted density to Blocks 1-5.

The Owner further acknowledges, that both Official Plan and Zoning By-law amendment applications, accompanied by both noise impact and air quality studies, are required to be submitted to the City to establish appropriate use and density permissions, among other matters.

Interim Landscape Plan

56. Prior to the registration of the plan of subdivision, the Owner shall prepare an interim landscape plan(s), which shall include such matters as planting, walkways and lighting to the satisfaction of the Chief Planner and Executive Director, City Planning and submit financial security in an amount equivalent to the approved cost estimate in the form of a Letter of Credit or certified cheque to guarantee the provision of on-site landscape development works as detailed on the approved landscape plan(s).

Limiting Distance

57. Parks, Forestry & Recreation (PF&R) advises that the applicant must design any buildings on Block 8 to achieve Ontario Building Code (OBC) setbacks related to fire separation on their own site on the portions where new buildings abut the park. Prior to the issuance of any above grade building permit the applicant will be required to demonstrate adequately that the OBC requirements have been achieved to the satisfaction of the General Manager, PF&R.

AIR QUALITY AND NOISE CONTROL MITIGATION MEASURES

Air Quality and Noise Control Feasibility Studies

58. The Owner agrees to implement the recommendations of the Air Quality Study – 4181 Sheppard Avenue, Toronto, ON, prepared by Exp Services Inc., dated August 24, 2016, on behalf of Freedent Sheppard Inc. to the satisfaction of the Chief Planner and Executive Director, City Planning.
59. The Owner agrees to implement the recommendations of the Noise Control Feasibility Study, Proposed Residential Development, 4181 Sheppard Avenue East, Toronto, prepared by SS Wilson Associates, Consulting Engineers, dated January 19, 2016, on behalf of Freedent Group, to the satisfaction of the Chief Planner and Executive Director, City Planning.

Prohibition of Rooftop Patios, Terraces and Building Balconies

60. The Owner agrees that no rooftop patios, terraces and building balconies shall be included within any residential dwelling units on Blocks 1, 2, 3 and east face of Block 4 within this plan of subdivision.

Warning Clause – Air Quality Mitigation Measures

61. The Owner agrees to include the following warning clauses in all Agreements of Purchase and Sale and/or Rental Agreements for residential dwelling units:

“Purchasers are advised that despite the inclusion of specific air quality mitigation measures in this development to lessen potential air emission and odour impacts from nearby industrial facilities, such emissions and impacts may be discernable at times and may impact the enjoyment of indoor and outdoor areas of this residential development.”

“Each of the dwelling units in this development have been supplied with a central air conditioning system which will allow windows and exterior doors to remain closed, thereby minimizing odour levels.”

Warning Clause – Solicitor Confirmation – Air Quality Mitigation Measures

62. Prior to the registration of the plan of subdivision, the Owner shall provide its Solicitor’s confirmation to the City advising that the above warning clauses have or will be included in all Offers and Agreements of Purchase and Sale and/or Rental Agreements to ensure that future occupants of the dwelling units are aware of the air quality mitigation related issues.

Warning Clause – Noise Control Features

63. The Owner agrees to include the following warning clauses in all Agreements of Purchase and Sale and/or Rental Agreements for residential dwelling units:

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

“Each of the dwelling units in this development have been supplied with a central air conditioning system and heat recovery units with fresh air intake receivers located in area of least impact, which will allow windows and exterior doors to remain closed, thereby minimizing odour levels.”

Warning Clause – Solicitor Confirmation – Noise Control Features

64. Prior to the registration of the plan of subdivision, the Owner shall provide its Solicitor's confirmation to the City advising that the above warning clauses have or will be included in all Offers and Agreements of Purchase and Sale and/or Rental Agreements to ensure that future occupants of the dwelling units are aware of the noise related issues.

Warning Clause – Nearby Commercial & Industrial Facilities

65. The Owner agrees to include the following warning clauses in all Agreements of Purchase and Sale and/or Rental Agreements for residential dwelling units:

"Due to the proximity of commercial uses to the north, east and south of this property, the Bell/Nexicor building to the west, and the IGI industrial facility to the south-east, sounds from the commercial, Bell/Nexicor facilities, and IGI industrial facility may at times be audible."

Warning Clause – Solicitor Confirmation – Nearby Commercial & Industrial Facilities

66. Prior to the registration of the plan of subdivision, the Owner shall provide its Solicitor's confirmation to the City advising that the above warning clause has been or will be included in all Offers and Agreements of Purchase and Sale and/or Rental Agreements to ensure that future occupants of the dwelling units are aware of the noise related issues.

Exterior Building Components

67. All exterior building components (walls, windows and doors) shall meet the minimum Acoustic Insulation Factors (AIF) shown in the SS Wilson Associates, Consulting Engineers, Noise Control Feasibility Study, dated January 19, 2016.
68. The exterior walls of all the dwelling units shall be of the brick veneer type or acoustically equivalent light frame construction from the ground to the underside of the roof rafters.

Noise Control Conformance Certificate

69. The Owner agrees to ensure that plans submitted for site plan approval purposes bear a "Noise Control Conformance Certificate" which certifies that in the opinion of the Noise Control Consultant, the building permit application drawings contain all noise attenuation details required to ensure that the noise control measures as recommended in the noise control feasibility study have been incorporated into the building(s) and/or site development.
70. The Owner agrees to ensure that the permit application drawings bear a "Noise Control Conformance Certificate" which certifies that in the opinion of the Noise

Control Consultant, the building permit application drawings contain all noise attenuation details required to ensure that the noise control measures as recommended in the noise control feasibility study have been incorporated into the building(s) and/or site development.

CPR REQUIREMENTS

Drainage on CPR Property

71. The Owner agrees that any proposed alterations to the existing drainage pattern affecting CPR's property must receive prior concurrence from CPR and be substantiated by a drainage report to the satisfaction of CPR.

Installation of Fence

72. The Owner agrees to install and maintain a 1.83 metre (6 feet) high, chain-link fence along the common property line of CPR's property and all lands within the draft plan (Block 6) which abut the railway to the satisfaction of the Executive Director, Technical Services. The Owner further agrees to install such fencing prior to the issuance of any building permit within Block 6.

Berm

73. A suitable safety berm, with a minimum height of 2.5 metres and side slopes not steeper than 2.5 to 1 and having extensions or returns at the ends, shall be erected on adjoining property (Block 6), parallel to the railway right-of-way.

CPR Warning Clauses – Noise and Vibration

74. The Owner agrees to include the following warning clauses in the Subdivision Agreement and in all Agreements of Purchase and Sale or Lease and in title deed or lease for each dwelling unit.:

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

"All persons intending to acquire an interest in the real property by purchase or lease are advised of the proximity of the Agincourt CP Rail Yard, which operates on a 24 hour basis. It is possible that the marshalling/shunting yard

operations may cause disturbance and may be altered or expanded, which could affect the living environment of the residents despite the inclusion of any noise and vibration attenuating measures in the design of the outdoor amenity area(s) and individual dwelling(s). Residents are advised that further mitigation cannot be expected and the railway company will not be responsible for any complaints or claims arising from use of such facilities and/or operations/”

“Warning: Any berm, fencing or vibration isolation features implemented are not to be tampered with or altered and the Owner shall have the sole responsibility for and shall maintain these features.”

CPR Warning Clauses – Solicitor Confirmation – Noise and Vibration

75. Prior to the registration of the plan of subdivision, the Owner shall provide its Solicitor’s confirmation to the City advising that the above warning clauses have been or will be included in all relevant Offers and Agreements of Purchase and Sale and/or Rental Agreements to ensure that future occupants of the dwelling units are aware of the railway noise and vibration related issues.

Setbacks

76. The Zoning By-law shall require a minimum residential dwelling setback from the railway right-of-way of 30 metres. While no dwelling shall be closer to the right-of-way than the specified setback, an unoccupied building, such as a garage, may be built closer. The required safety berm, or suitable alternative barrier, adjacent to the railway right-of-way must be provided in all instances.

Utilities and CPR Agreement

77. The Owner agrees that any proposed utilities under or over railway property to serve the development must be approved prior to their installation and be covered by the Railway’s standard agreement.

METROLINX / GO TRANSIT

Warning Clause - GO Transit

78. The following warning clause shall be included in the subdivision agreement and inserted in all Agreements of Purchase and Sale or Lease for each dwelling unit as well as any residential condominium disclosure statement applicable to the Owner’s lands or any portion thereof:

“**Warning:** Metrolinx, carrying on business as GO Transit, and its assigns and successors in interest has or have a right-of-way within 300 metres from the land the subject hereof. There may be alterations to or expansions of the rail facilities on such right-of-way and/or of the bus and station facilities in the future including the possibility that GO Transit or any railway entering into an agreement with GO

Transit to use the right-of-way or their assigns or successors as aforesaid may expand their operations, which expansion may affect the living environment of the residents in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development and individual dwelling(s). Metrolinx will not be responsible for any complaints or claims arising from use of such facilities and/or operations on, over or under the aforesaid right-of-way.”

Warning Clauses – Solicitor Confirmation - GO Transit

79. Prior to the registration of the plan of subdivision, the Owner shall provide its Solicitor’s confirmation to the City advising that the above warning clauses will be included in all Offers and Agreements of Purchase and Sale or Lease or condominium disclosure statements as required.

Environmental Easement

80. Prior to the registration of the plan of subdivision, the Owner shall grant Metrolinx an environmental easement for operational emissions, registered on title against the subject residential dwellings in favour of Metrolinx. The Owner will pay Metrolinx's reasonable costs associated with preparing and negotiating the agreement.

DEMOLITION OF BUILDINGS AND STRUCTURES

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

CANADA POST

82. Prior to the registration of the plan of subdivision, the Owner shall make satisfactory arrangements with Canada Post concerning suitable locations for the placement of permanent and temporary Community Mailbox location(s) and to indicate these on the appropriate servicing plans.
83. The Owner agrees to include in all offers of purchase and sale, a statement which advises the prospective new home purchaser/tenants that mail delivery will be from a designated Community Mailbox.
84. The Owner shall be responsible for notifying any purchaser of the exact Community Mailbox location(s) prior to the closing of any unit sale.

ARCHAEOLOGICAL ASSESSMENT

85. The Owner agrees that in the event that deeply buried archaeological remains are encountered on the property during construction activities, the Owner shall

immediately notify both the Heritage Operations Unit of the Ministry of Culture at (416) 314-7146 and the City of Toronto Heritage Preservation Services Units at (416) 338-1096.

86. The Owner agrees that in the event that human remains are encountered during construction, the Owner shall immediately notify both the Ministry of Culture and the Registrar or Deputy Registrar of Cemeteries at the Cemeteries Regulation Unit, Ministry of Government Services at (416) 326-8404.

NOTES TO DRAFT APPROVAL:

General

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

ADVISORY COMMENTS:

Engineering & Construction Services

3. Transportation Services
 - a) A minimum clearance of 1 metre 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 applicant's expense. The reinstatement of any existing curb cuts/utilities is to be completed at the applicant's expense.
 - b) The owner must replace the existing municipal sidewalk along the entire Midland Avenue frontage of the development site at the existing location with a new 2.1 metre wide concrete municipal sidewalk from a point approximately 8 metres south of unit 1, Block 2 transition across Street B away from the curb and tie into the new municipal sidewalk on Sheppard Avenue.
 - c) The owner must replace the existing municipal sidewalk along the entire Sheppard Avenue frontage of the development site with a new 2.1 metre municipal sidewalk away from curb transition across the proposed Street A and tie into the existing sidewalk west of the subject site.

- d) The owner is responsible for all costs associated with the installation/alterations of municipal street signage/pavement markings required by this application.
- e) The owner is responsible for all costs associated with the removal of all existing accesses, curb cuts, 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.
- f) The proposed driveways onto both Street A and Street B must be designed and reconstructed in accordance with City of Toronto standard drawing number T-350.01.
- g) The grades of the proposed driveways must be from 2% to 6% (4% maximum across sidewalks) within the public road allowances, a grade of 2% to 5% for the first 4.5 metres into the site and then a maximum of 10% thereafter (8% maximum for a Fire Route).
- h) The applicant is required to complete the noted alterations, including the reinstatement of any other existing utilities, existing curb cuts etc. at no cost to the City of Toronto.
- i) The owner is responsible for any and all costs of roadway improvements including any and all hardware modifications, pavement markings and changes to the existing traffic control signal timing plants as may be required.
- j) The applicant is responsible for all costs associated with the re-location, removal, storage and reinstallation of the existing transit shelter, connecting sidewalks and passenger loading platform on both the Sheppard Avenue and Midland Avenue frontages of the property to an alternative (if required) and must provide 14 days (minimum) notice for the removal of the said shelter. The applicant must be advised to contact Linda Fice, Supervisor of Stops Administration, Toronto Transit Commission (416) 393-4475 to determine if the existing transit stop requires relocation.
- k) The Owner shall agree that all lot layouts shall create street frontages such that no driveway entrance shall overlap with the adjacent driveway approach within the boulevard. All driveway entrances shall be constructed (minimum width of 3 metres) to the satisfaction of the Executive Director of Engineering and Construction Services.
- l) Residential driveways must be designed in accordance with Ontario Provincial Standard Drawing number OPSD-351.010.
- m) The applicant is advised that the proposed development is on a planned Sheppard Light Rail Transit (LRT) transit surface route which will be extended across the frontage of this property. The development of the LRT might limit and alter future traffic operations for the proposed development and the Sheppard Avenue corridor.

4. Construction Permits

- a) Required permits for work within and adjacent to road allowance. The fund for this deposit will be collected by the Building Department as part of the building permit fee.
- b) Prior to any construction activity, the applicant is required to provide a fee of \$757.99 for the access permit. The applicant 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.
- c) Other permits/licenses associated with construction activities (such as hoarding, piling, shoring, etc.) may also be required.

5. Municipal Numbering

The municipal addresses for the proposed dwellings are to be applied for during the application review stage by contacting John Fligg (Municipal Numbering Clerk) at 416 338-5031. The municipal address will be required for the purpose of setting-up the water account when application is made at the Toronto Water, Scarborough District office for the purpose of the water connection.

6. Street Naming Requirements

The applicant is advised to contact Mr. Kerry Ferguson, Titles and Status Supervisor, at 416-392-7757 to initiate the street naming process. The applicant 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.

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.

7. Encroachments

Any physical or landscaping features that are proposed to be introduced in the municipal right-of-way are subject to the requirements of Chapter 743 of the Toronto Municipal Code. Depending on the type of encroachment as specified in Article IV of Chapter 743, it may require an encroachment agreement with the City of Toronto as well as Community Council approval. The property owner is responsible for the costs of installing/planting these encroachments. The encroachment must be maintained at the owner's expense pursuant to Article V of Chapter 743.

8. Street Furniture

The owner is advised that approval for all work that will be carried out within the abutting public rights-of-way, which may include but not be limited to financial responsibility for removal or relocation of existing street furniture (transit shelters, benches, litter bins, bicycle locking rings etc.). The owner must contact Street Furniture Management to coordinate the removal or relocation of Astral

street furniture or bicycle locking rings. There are Third Party costs associated with the removal and relocation of Astral street furniture and costs to remove the City of Toronto bicycle locking rings(s).

The City will not undertake any work associated with removing, reinstalling or relocating existing street furniture until it receives payment. If clarification is required on how the above standards will apply to this site the applicant can contact the Street Furniture Management Unit at streetfurniture@toronto.ca

PARKS

1. Parkland Occupation - Construction Staging

The stockpiling of any soils or materials or use as an interim construction staging area on the conveyed parkland is prohibited unless a Park Occupation Permit (POP) has been obtained from the Manager of Business Services – Ryan Glenn, 416-392-8578. The POP, if approved, will outline in detail the insurance requirements, extent of area permitted, permitted use, tree removal and replacement, duration, restoration plan and costs, and compensation to the satisfaction of the General Manager, PFR. The POP must be secured prior to the issuance of any shoring and excavation permits. The Owner will indemnify the City against any claim during any interim use of or work carried out by the applicant on the park. Any compensation accrued shall be applied to park improvements within the ward in consultation with the Ward Councillor.

2. Environmental Assessment & Peer Review

The Owner will be required to provide an environmental assessment report, prepared by a qualified engineer, at the end of the permitted occupation to verify that the parklands continue to meet the applicable laws, regulations and guidelines respecting sites to be used for public park purposes. The Owner will be required to provide an RSC after the staging period, prior to conveyance. The construction of the park shall commence after the occupation to the satisfaction of the General Manager, PFR. The Owner will be responsible for paying all costs associated with the City retaining a third-party peer reviewer for the environmental addendum.

Attachment 15:
Principle Considerations – Site Specific Zoning By-law Amendment(s)

Land Use

- Blocks 1-5: Multiple Family Dwellings only permitted.
Rooftop patios, terraces and balconies prohibited on Blocks 1,2, 3 and east face of Block 4.
- Block 6: Open space, safety berm / noise attenuation wall, integrated garages.
- Block 8: Commercial/Residential – with no residential permissions.
- Block 9: Park

Density of Development

- Blocks 1-5: 80 multiple family dwelling units.
Blocks 1-5 & 8: Maximum 1.0 FSI.

Maximum Height:

- Blocks 1-5: 4 storeys above grade.
Block 8: 1 storey above grade.

Railway Setback:

Minimum 30 metre setback for dwelling units from rail corridor.

Parking Rate:

- Blocks 1-5: 1 parking space per multiple family dwelling unit, permitted within a garage either on or off-site.

Building Setbacks:

- Blocks 1-5: Minimum 2.0 metre street yard setback for dwelling units.