

**36 and 37 Jane Osler Boulevard and
42 and 44 Cartwright Avenue – Zoning By-law
Amendments and Draft Plan of Subdivision Approval
Applications – Final Report and Class 4 Noise Area
Classification (NPC-300)**

Date:	December 15, 2017
To:	North York Community Council
From:	Director, Community Planning, North York District
Wards:	Ward 15 – Eglinton-Lawrence
Reference Number:	12 144920 NNY 15 OZ 12 144928 NNY 15 SB

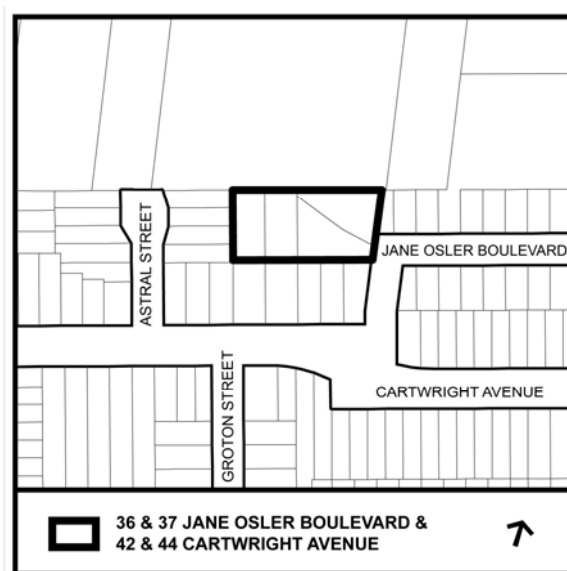
SUMMARY

These applications for Zoning By-law Amendments and Draft Plan of Subdivision propose to amend the former North York Zoning By-law and City of Toronto Zoning By-law and subdivide the lands at 36 and 37 Jane Osler Boulevard and 42 and 44 Cartwright Avenue to permit 8 detached dwellings on 8 residential lots on a public street terminating in a cul-de-sac.

This report reviews and recommends approval of the application to amend the Zoning By-laws.

This report also recommends that City Council designate the proposed lots as a Class 4 Area under relevant provincial noise guidelines administered by the Ministry of Environment and Climate Change (MOECC).

A Class 4 noise area classification allows for higher daytime and night-time sound level limits than would otherwise be permitted in relation to a noise sensitive



land use such as residential dwellings and associated outdoor living areas. The impact of such higher levels is mitigated by specified noise control measures.

Environmental noise impact assessments prepared in support of this development confirm that the proposed lots within the draft plan of subdivision can be appropriately considered for a Class 4 noise area classification provided specific noise control measures are incorporated within the design of the development. Required measures will be secured in the draft plan of subdivision conditions.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council amend the former Zoning By-law 7625, for the lands at 36 and 37 Jane Osler Boulevard and 42 and 44 Cartwright Avenue substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 9 to report dated December 15, 2017.
2. City Council amend City of Toronto Zoning By-law 569-2013 for the lands at 36 and 37 Jane Osler Boulevard and 42 and 44 Cartwright Avenue substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 10 to report dated December 15, 2017.
3. City Council authorize the City Solicitor to make such stylistic and technical changes to the draft Zoning By-law Amendments as may be required.
4. In accordance with the delegated approval under by-law 229-2000, as amended, City Council be advised that the Acting Chief Planner and Executive Director, City Planning intends to approve the draft plan of subdivision as generally illustrated on Attachment 2 to report dated December 15, 2017 subject to:
 - a. the conditions as generally listed in Attachment 11 to report dated December 15, 2017, which except as otherwise noted must be fulfilled prior final approval and the release of the plan of subdivision for registration; and
 - b. any such revisions to the proposed subdivision plan or any such additional modified conditions as the Chief Planner and Executive Director, City Planning may deem to be appropriate to address matters arising from the on-going technical review of this development.
5. Before introducing the necessary Bills to City Council for enactment, the owner shall submit a Stormwater Management Report and a revised Functional Servicing Report to the satisfaction of the Director of Engineering and Construction Services.

6. City Council classify the lands municipally known as 36 and 37 Jane Osler Boulevard and 42 and 44 Cartwright Avenue, being subject to draft plan of subdivision approval in Plan of Subdivision Application No. 14 119126 ESC 41 SB, as a Class 4 Noise Area pursuant to Publication NPC-300 (MOECC Environmental Noise Guideline – Stationary and Transportation Sources – Approval and Planning) on the draft plan of subdivision as shown on Attachment 2 to this report.
7. The Acting Chief Planner and Executive Director, City Planning or his designate be directed to provide a copy of the City Council Decision Document to the Ministry of Environment and Climate Change (MOECC).

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

A Preliminary Report related to the Zoning By-law Amendments and Draft Plan of Subdivision applications was considered by North York Community Council on June 13, 2012.

A copy of the Preliminary Report can be viewed at the following link:

<http://www.toronto.ca/legdocs/mmis/2012/ny/bgrd/backgroundfile-47461.pdf>

On January 26, 2017 the Committee of Adjustment approved applications for consent at 42 and 44 Cartwright Avenue to retain the front 945m² and 1,035m² portions of these properties and convey the rear 1,025m² and 1,118m² portions to be consolidated into the overall area which would form a part of the lands for the residential subdivision development at 36-37 Jane Osler Boulevard.

ISSUE BACKGROUND

Proposal

The application has been revised from 11 single detached dwelling lots on a public street and cul-de-sac proposed in the initial application submitted on March 28, 2012.

The revised application proposes to divide the subject properties into 8 single detached dwelling lots containing two-storey single-detached dwellings fronting a newly created public street. The proposed new street is aligned with the existing east-west portion of Jane Osler Boulevard and would terminate in a cul-de-sac in the centre of the development site. All 8 proposed dwellings would front onto the proposed 16.35 metre road right-of-way which would be a single loaded design. Existing lots at 36-40 Cartwright Avenue would back onto the proposed road right-of-way.

Lots on the east side of the proposal would be generally oriented north-south and would have regularly shaped with frontages ranging from 11.3 metres to 18.76 metres. Lots along the western portion of the proposal would be oriented east-west and would have frontages ranging from 10.2 metres to 18.8 metres. The shape of the lots would become more irregular as they bend to take access from the proposed cul-de-sac. The proposed lots range in area from 359 square metres to 583 square metres.

Elevations of the proposed single-detached dwellings are presented in Attachment 3. The proposed dwellings would be two storeys with a maximum proposed height of approximately 9.1 metres measured under Zoning By-law 7625. Lots 1-3 and 8 would contain a minimum front yard setback of 6.0 metres and lots 5-7 would range in minimum front yard setbacks from 3.3 metres to 11.6 metres. Rear yard setbacks would range from 5.5 metres to 9.3 metres. The proposed minimum side yard setbacks for each of the proposed dwellings would be a minimum of 1.2 metres and the proposed lot coverage ranges depending on the size of the lot from 23.48% to 40%. The proposed dwellings range in size from 310.92 square metres to 416.33 square metres.

Each of the proposed dwellings would provide two parking spaces through a combination of an integral garage and front yard parking on a driveway.

Due to the site's proximity to stationary industrial uses to the north, the applicant has requested the site be reclassified as a Class 4 area in accordance with the Ministry of Environment's Environmental Noise Guidelines: Stationary and Transportation Noise Sources - Approval and Planning (Publication NPC-300). The current classification of the site is Class 1 area. The Class 4 area designation would permit relaxed mitigation measures, which would include a lower acoustic fence as that required for the Class 1 area designation. Mitigation measures outlined in the Preliminary Environmental Noise report as per the Class 4 area designation would include limited windows on the second storey on the north and in some cases east or west elevations of the proposed dwellings to mitigate noise from adjacent industrial/commercial uses. In addition to the restriction on second storey windows, a 3 metre high acoustic fence is required along the entire north property line and the north portion of the east property line of the site. A 2 metre high acoustic fence is also required on top of the proposed retaining wall which ranges from 0.82 metres to a maximum of 1.5 metres in height along the west property line of the site to provide attenuation of both the Highway 401 noise and that from the commercial/industrial operations. The southern property line and eastern most property line of the site would contain a 1.8 metre high wood privacy fence.

The chart below compares submission statistics for the initial and final submission.

Site Statistics	Initial Submission (March 28, 2012)	Final Submission (June 8, 2017)
Number of Lots	11	8
Gross Floor Area (m ²)	n/a	3186.9
FSI	n/a	0.66

Lot Coverage (%)	35 - 45	23.5 - 40
Lot Area (m ²)	241 - 331	359 - 583
Lot Frontage (m)	7.6-9.2	10.2 -18.8
Front Yard Setback (m)	6	3.3-11.6
Rear Yard Setback (m)	1.5-9.6	5.5 - 9.3
Side Yard Setback (m)	0.6	1.2-1.5
Parking Spaces	22	16

Additional statistical information on the proposal is presented on the Application Data Sheet (Attachment 8).

Site and Surrounding Area

The site consists of two existing properties municipally known as 36 and 37 Jane Osler Boulevard and portions of the rear yards of 42 and 44 Cartwright Avenue which have been severed and conveyed to form part of the development site (see Attachment 2). The retained portions of these properties will continue to have single-detached dwellings in accordance with all applicable zoning by-law requirements.

The development site is generally rectangular in shape with a length of 95.8 metres, a width of 48.5 metres and an area of 4,790 square metres (0.48 hectares). The site is relatively flat and contains two existing single-detached dwellings (36 and 37 Jane Osler Boulevard) as well as sheds and fencing associated with 42 and 44 Cartwright Avenue. All existing structures are proposed to be demolished.

The site has a frontage of 16.7 metres on Jane Osler Boulevard that runs west from Dufferin Street just south of Highway 401 directly opposite Yorkdale Shopping Centre. Jane Osler Boulevard turns south directly in front of the development site to intersect with Cartwright Avenue. These local streets form part of an enclave of low density residential uses between Dufferin Street and Paul David Street surrounded by portions of the Dufferin/Keele South Employment District. The abutting land uses include:

North: A variety of industrial and commercial uses fronting Bridgeland Avenue including Tyco Security Products located directly north of the site designated as *Employment Areas* under the Official Plan.

East: Low density residential development consisting of single detached dwellings fronting Jane Osler Boulevard designated *Neighbourhoods* under the Official Plan.

South: Low density residential development consisting of single detached dwellings fronting Cartwright Avenue designated *Neighbourhoods* under the Official Plan.

West: Low density residential development consisting of single detached dwellings fronting Astral Street designated *Neighbourhoods* under the Official Plan.

Provincial Policy Statement and Provincial Plans

The Provincial Policy Statement (2014) provides policy direction Province wide on land use planning and development to promote strong communities, a strong economy, and a clean and healthy environment. It includes policies on key issues that affect communities, such as:

- The efficient and wise use and management of land and infrastructure over the long term in order to minimize impacts on air, water and other resources;
- Protection of the natural and built environment;
- Building strong, sustainable and resilient communities that enhance health and social well-being by ensuring opportunities exist locally for employment;
- Residential development promoting a mix of housing; recreation, parks and open space; and transportation choices that increase the use of active transportation and transit; and
- Encouraging a sense of place in communities, by promoting well-designed built form and by conserving features that help define local character.

The City of Toronto uses the PPS to guide its official plan and to inform decisions on other planning and development matters. The PPS is issued under Section 3 of the Planning Act and all decisions of Council affecting land use planning matters "shall be consistent with" the Provincial Policy Statement.

The Growth Plan for the Greater Golden Horseshoe (2017) provides a strategic framework for managing growth in the Greater Golden Horseshoe region including:

- Setting minimum density targets within settlement areas and related policies directing municipalities to make more efficient use of land, resources and infrastructure to reduce sprawl, cultivate a culture of conservation and promote compact built form and better designed communities with high quality built form and an attractive and vibrant public realm established through site design and urban design standards;
- Directing municipalities to engage in an integrated approach to infrastructure planning and investment optimization as part of the land use planning process;
- Building complete communities with a diverse range of housing options, public service facilities, recreation and green space that better connect transit to where people live and work;

- Retaining viable employment lands and encouraging municipalities to develop employment strategies to attract and retain jobs;
- Minimizing the negative impacts of climate change by undertaking stormwater management planning that assesses the impacts of extreme weather events and incorporates green infrastructure; and
- Recognizing the importance of watershed planning for the protection of the quality and quantity of water and hydrologic features and areas.

Like other provincial plans, the Growth Plan for the Greater Golden Horseshoe (2017) builds upon the policy foundation provided by the Provincial Policy Statement (2014) and provides more specific land use planning policies to address issues facing the GGH region. The policies of the Growth Plan take precedence over the policies of the PPS to the extent of any conflict, except where the relevant legislation provides otherwise. All decisions by Council affecting land use planning matters are required by the Planning Act, to conform, or not conflict, as the case may be, with the Growth Plan.

Provincial Noise Guidelines

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.

Class 4 Noise Area

The above-noted 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. A Class 4 area permits receptor based noise control measures to be used within 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. City Council is considered to be that authority. The proposed subdivision (see Attachment 2) warrants a Class 4 area classification at this time as they will contain residential dwelling units which are a noise sensitive land use.

Sources of Noise Surrounding the Site

Transportation Sources

The major transportation noise source of potentially adverse impact is the road traffic on Highway 401. There is a separation distance of approximately 300 metres between the proposed residential development and the south limit of Highway 401. The noise impact assessment uses road traffic information provided by the Ontario Ministry of

Transportation to understand the affects of noise from Highway 401 on the proposed development.

Stationary Sources

There are several industrial and commercial developments located to the north of the proposed site, south of Bridgeland Avenue and west of Dufferin Street.

The closest of these commercial/industrial uses to the proposed development is Tyco Safety Products Canada Ltd. building which is located approximately 15 metres from the north property line of the site. All other commercial/industrial buildings are located 50 metres or more from the site.

Previously Required Mitigation Measures

The submitted Preliminary Environmental Noise Report used the MOECC Publication NPC-300 to review for compliance for both a Class 1 area and Class 4 area. Based on the analysis noise mitigation measures are required.

For the Class 1 area designation, a 4.5 metre acoustic fence and special house designs are required. The acoustic fence would need to be installed along the north limit of the proposed development and returned along the east and west limits. The required height of the acoustic fence particularly with respect to the existing residential lots to the west and east was considered to be not practicable by the applicant and as such the applicant has requested a Class 4 area designation to permit more relaxed mitigation standards which include a lower acoustic fence of 3 metres.

Official Plan

The subject lands are designated *Neighbourhoods* by the Official Plan which are considered to be physically stable areas made up of low scale residential development. Development within *Neighbourhoods* will be consistent with this objective and will reinforce and respect the existing physical character of buildings, streetscapes and open spaces. Local institutional uses such as schools are also provided for within the *Neighbourhoods* designation, and small-scale retail uses are provided for only on major streets.

Section 4.1 of the Plan states that while *Neighbourhoods* are intended to be physically stable, they are not intended to be static. The Official Plan requires development within *Neighbourhoods* to generally "fit" the existing physical character. The Plan is clear that no changes will be made through rezoning, minor variance, consent or other public action that are out of keeping with the physical character of the neighbourhood. This includes attributes such as street and block patterns, size and configuration of lots, height, massing and scale of dwellings, as well as building types and setbacks.

Immediately abutting the subject lands to the north are lands designated *Employment Areas* that form part of an *Employment District* as identified on Map 2 of the Official Plan (Urban Structure).

Section 4.6 of the Plan speaks to *Employment Areas* which are considered large areas of lands dedicated for employment growth and are characterized by a concentration of office, manufacturing, warehousing or product assembly uses. In *Employment Areas*, the needs of businesses will take priority in city-building decisions and *Employment Areas* will be protected from the encroachment of non-economic functions. As such, the policies of the Plan provide for development adjacent to or nearby *Employment Areas* to be appropriately designed, buffered and/or separated from industries as necessary to mitigate adverse effects from noise, vibration, traffic, odour and other contaminants, and to promote safety and security. Under Official Plan Amendment 231, which contemplates amendments to Official Plan Chapter 2 *Employment Areas* policies, the employment uses to the north of the proposed development site would be redesignated from *Employment Areas* to *Core Employment Areas*. Portions of Official Plan Amendment (OPA 231) remain under appeal.

Section 3.1.1 of the Plan speaks to *Public Realm* policies that promote high quality architectural design, landscaping, and urban design in order to create comfortable, safe, and accessible streets, parks, and open spaces. Policies 14, 16, and 17 of Section 3.1.1 promote pedestrian safety and security with respect to streetscapes, parks, and other open spaces. These policies also state that new streets should be public streets, and that they be designed to promote a connected grid of streets that offer safe and convenient travel options, provide connections with adjacent neighbourhoods, extend sightlines and view corridors, provide access and addresses for new developments, provide access for emergency vehicles, and generally create a network that balances the needs and priorities of the various users and uses.

Section 3.1.2 of the Plan speaks to *Built Form* policies that seek to ensure that new development is located and organized to fit with its existing and/or planned context, by framing and supporting adjacent streets, parks, and open spaces to improve safety, pedestrian interest, and casual view from these places into new developments. New development will be designed to fit harmoniously with the existing/planned context in terms of massing, scale, and building facades. On corner sites, the development should be located along both adjacent street frontages and give prominence to the corner.

The Official Plan is available on the City's website at:

<http://www1.toronto.ca/planning/chapters1-5.pdf>

OPA 320

As part of the City's ongoing Official Plan Five Year Review, City Council adopted Official Plan Amendment No. 320 on December 10, 2015. OPA 320 strengthens and refines the *Healthy Neighbourhoods*, *Neighbourhoods* and *Apartment Neighbourhoods* policies to support Council's goals to protect and enhance existing neighbourhoods and to allow limited infill on underutilized apartment sites in *Apartment Neighbourhoods*.

The Minister of Municipal Affairs approved and modified OPA 320 on July 4, 2016. The Ministry received 57 appeals to OPA 320 and it has been appealed in its entirety. As a result, OPA 320 as approved and modified by the Minister is relevant but not determinative in terms of the Official Plan policy framework.

Official Plan Amendment 320 as adopted by City Council is available on the City's website at:

<http://www.toronto.ca/legdocs/bylaws/2015/law1297.pdf>

OPA 231

On December 20, 2016 the OMB issued an Order partially approving additional portions of OPA 231 and among other matters brought into effect both Core Employment Areas and General Employment Areas land use designations and mapping.

The OMB Order of December 20, 2016 partially approving OPA 231 can be accessed at this link:

[https://www1.toronto.ca/City%20of%20Toronto/City%20Planning/SIPA/Files/pdf/O/PL140860_Signed%20Board%20Order%20\(June%2022%202015\).pdf](https://www1.toronto.ca/City%20of%20Toronto/City%20Planning/SIPA/Files/pdf/O/PL140860_Signed%20Board%20Order%20(June%2022%202015).pdf)

Zoning

The subject site is zoned “One Family Detached Dwelling Fifth Density Zone” (R5) by Zoning By-Law No. 7625 of the former City of North York as indicated in Attachment 7.

The R5 zoning permits single-detached dwellings and accessory buildings as well as various recreational and institutional uses.

The minimum lot frontage in an R5 zone is 15 metres and the minimum lot area required is 550 square metres with a maximum lot coverage of 35%. The maximum building height permitted in the R5 zone is 8 metres for a flat roof and 8.8 metres for any other type of roof, both to a maximum of 2 storeys. Buildings are required have a setback of 7.5 metres for the front yard, 9.5 metres for the rear yard, and 1.8 metres for a side yard with a qualification that for lots with less than 15 metre frontage, the side yard setback may be reduced by 0.1 metre for every 1 metre of lot frontage less than 15 metres.

The property is not subject to the City of Toronto Zoning By-law 569-2013.

Draft Plan of Subdivision

An application for Draft Plan of Subdivision was submitted to the City to establish the public road and create lots for the single detached dwellings shown as Attachment 2. The Acting Chief Planner has delegated approval authority for Plans of Subdivision under By-law 229-2000.

Site Plan Control

This proposal is not subject to Site Plan Control. However, Architectural Control Guidelines are proposed to ensure the quality design of the dwellings.

Reasons for Application

A rezoning application is required as the proposed lot frontages and sizes do not meet the minimum requirements of the former North York Zoning By-law 7625. The Plan of Subdivision application is required to establish the 8 proposed lots and the new public 16.35 metre wide street.

Community Consultation

A Community Consultation meeting was held on September 10, 2012, at Sterling Hall School at which the original proposal for 11 residential lots was presented. Approximately 28 members of the public were in attendance along with the local Councillor, City Planning staff and the applicant's team.

At the meeting the following issues were raised:

- Number of lots proposed – residents expressed that there were too many lots proposed.
- Front yard and side yard setbacks – residents felt these setbacks were too narrow and are not in character with those in the neighbourhood.
- Increased traffic generated by additional residents.
- Stormwater capacity – residents expressed concerns with basement flooding in the area.
- Sensitivity to industrial uses at the rear of the site. Residents and industrial business owners wanted the applicant to take appropriate measures to ensure residents of the new subdivision are not adversely affected by existing industrial uses and were screened from these uses.

Subsequent to the community meeting, the proposal was revised to 8 lots on January 28, 2015.

Agency Circulation

The application was circulated to all appropriate agencies and City divisions. Responses received have been used to assist in evaluating the application and to formulate appropriate By-law standards.

COMMENTS

Provincial Policy Statement and Provincial Plans

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. The PPS provides for appropriate development while protecting resources of provincial interest, public health and safety, and the quality of the natural and built environment. The PPS states that healthy and active communities should be promoted by planning streets, spaces, and facilities to be safe, meet the needs of pedestrians, create community connectivity, foster social interaction, by providing publicly-accessible built and natural settings for recreation, and facilitate active transportation, which is defined as "human-powered travel, including but not limited to, walking, cycling, inline skating, and the use of mobility aid, such as motorized wheel chairs." The development of a public street with a sidewalk on the north side of the new street and the construction of a new sidewalk on the west side of Jane Osler Boulevard would provide safe travel options for pedestrians, cyclists, those utilizing mobility devices, and vehicles, while promoting community connectivity and social interaction. The proposal is consistent with the mix of land uses promoted by the PPS, and efficiently uses the existing infrastructure and public services. Further, the proposed development does not pose any risk to public health and safety. The proposal is consistent with the PPS, as required by Section 3 of the *Planning Act*.

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. The Plan encourages intensification and redevelopment in urban areas which provide a healthy, liveable, and safe community. While the Growth Plan expects the majority of growth to occur in growth centres, such as the Centres and Downtown areas identified in the Official Plan, a certain amount of intensification is expected to occur in other areas of the city. This proposal provides reasonable intensification through infill development that is compatible with the existing neighbourhood in terms of lot size, and dwelling size (which range from 312.42 square metres to 411.57 square metres) and type, while utilizing existing infrastructure, as contemplated by the Growth Plan. The proposal conforms and does not conflict with the Growth Plan for the Greater Golden Horseshoe.

Land Use and Built Form

The Toronto Official Plan identifies the subject property as *Neighbourhoods* which are considered to be stable areas, where new development will maintain the existing physical character. *Neighbourhoods* include a full range of residential uses in lower scale buildings, such as detached dwellings, semi-detached dwellings, duplexes, triplexes, and townhouses. Parks, schools, and local institutions are also found in *Neighbourhoods*.

Policy 4.1.5 outlines the development policies for *Neighbourhoods*. The preamble to the development criteria states that, "physical changes to our established *Neighbourhoods* must be sensitive, gradual, and generally fit the existing physical character of the neighbourhood." This includes but is not limited to street patterns, size and configuration of lots, prevailing building types, and height, massing, and scale of nearby residential properties.

The proposed development builds upon the lot and road configuration established in the adjacent residential neighbourhood. The proposed lots are compatible with the established surrounding lot fabric which has lots with frontages that range from 9.9 metres to 23 metres and lot areas that ranges between 315 square metres to 1370 square metres. The lots for the proposed single detached dwellings have frontages that range from 10.2 metres to 18.8 metres and lot areas that range from 359.4 square metres to 583.4 square metres.

The R5 zone under Zoning By-law No. 7625 requires a front yard setback of 7.5 metres, side yard setbacks of 1.8 metres, and a rear yard setback of 9.5 metres. The development proposes front yard setbacks that range from 3.3 metres to 11.6 metres, side yard setbacks that range from 1.2 metres to 1.5 metres, and rear yard setbacks ranging between 5.5 metres and 9.3 metres. The 3.3 and 3.6 metre front yard setback and 5.5 metre rear yard setbacks are a result of the shallow lot configuration of lots #4 and #5 on the north side of the cul-de-sac. These lots would also have garages that are setback further from the street. Proposed rear yards range from 5.50 metres to 9.34 metres. The proposed setbacks provide adequate separation distance from the public street and between the proposed dwellings. Specifically, the proposed front yard setbacks for the lots fronting onto the new public street maintain the generous front yard setback patterns of the adjacent residential neighbourhood and are consistent with the *Built Form* and *Neighbourhoods* policies of the Official Plan.

The adjacent neighbourhood is comprised of one and two-storey dwellings. The proposed two-storey dwellings with building heights between 8.3 metres and 9.1 metres as measured under Zoning By-law No. 7625 are consistent with other new home construction in the area.

The proposed dwellings conform to the *Built Form* policies of the Official Plan. Policy 3.1.2.1 seeks to ensure that new development is located and organized to fit within the existing and/or planned context, by framing and supporting adjacent streets to improve safety. The proposed dwelling units on the northernmost lots have been configured to frame the bulb of the new public road to improve the view terminus.

The proposal conforms to the *Neighbourhoods* policies of the Official Plan, specifically the development criteria of Policy 4.1.5, as discussed above. The proposed dwellings respect and reinforce the character of the adjacent residential neighbourhood. The proposed height, massing, scale, and the setbacks of buildings are appropriate and compatible with the surrounding *Neighbourhoods*.

Required Environmental Mitigation Measures

A peer review of the submitted Preliminary Environmental Noise Report submitted in support of the development applications was conducted by noise consultants retained by the City of Toronto. The peer review confirms that the lots within the proposed plan of subdivision can be appropriately considered for a Class 4 noise area classification by the City, provided specific noise control measures are incorporated within the design of the development.

Recommended noise mitigation measures are discussed below.

Architectural Component Requirements

Based on the preliminary analysis, windows need to be Sound Transmission Class (STC) 26 and exterior walls need to be STC 31 to provide the mitigation required for noise due to road traffic. An STC 26 rating for windows and an STC 31 rating for exterior walls complies with the minimum structural and safety requirements of standard construction. An STC 54 rating roof, normally met by most residential roof construction with ventilated attic space would also be acoustically acceptable.

Ventilation Requirements

Central air conditioning is required for all units as they are proposed to be located in a Class 4 area.

Stationary Source Mitigation

Noise mitigation measures are also required to address the existing commercial/industrial facilities. These include a 3 metre high acoustic fence installed along the north property line and returned along the north portion of the east property line to address potential noise impact of the existing stationary sources and to meet the applicable sound level limits at the first storey and outdoor receptors. A 2 metre high acoustic fence installed on top of the proposed retaining wall is also required along the west property line of the proposed development.

In addition to the acoustic fence requirements, limited windows will be permitted on second storeys of all proposed dwellings.

As per the Noise report, warning clauses will also be required to be placed in offers of purchase and sale and/or lease agreements and in the development agreement for all relevant units to make future occupants aware of the potential noise situation.

It is also recommended that a detailed noise report be prepared once a final site plan, final grading plans and additional information from the industries are available for the subject lands to ensure the appropriate criteria are achieved. This will be secured as a subdivision condition.

Prior to issuance of building permits, the acoustical requirements should be reviewed by an acoustical consultant to ensure compliance with the applicable guidelines and prior to issuance of occupancy permits, an acoustical consultant should confirm that

the acoustical requirements are in compliance with the environmental noise report and acoustical drawing review.

Architectural Control Guidelines

The applicant has prepared Architectural Control Guidelines which direct the detailed design of the proposed dwellings and to ensure appropriate relationships between the public and private realms. The Guidelines speak specifically to the design criteria for residential development, including site design, building typology, residential streetscapes, built form and massing, building articulation, architectural treatment, garages and driveways, sustainability, lighting, and signage. The Guidelines provide specific design criteria for priority lots, which include corner lots and view terminus lots.

The Guidelines encourage variety in terms of architectural expression through the use of alternative façade treatments, roof form, exterior materials and colours, and architectural detailing, while maintaining similar built form and massing to that of the existing neighbourhood. Several criteria exist with respect to garages and driveways and the location of utilities and service elements to ensure these features do not dominate the streetscape, while also providing for the needs of residents and neighbours. The Guidelines also speak to the relationship between buildings and the street, and site grading conditions. The Guidelines will be secured as a condition of draft plan of subdivision approval.

Traffic Impact, Access, Parking

Given the scale of the proposed development, Transportation Services staff did not require a Traffic Impact Study (TIS) and therefore, do not have concerns with the traffic impacts of the proposal. The application proposes to connect the 8 single family lots to Jane Osler Boulevard through a new public road that would be 16.35 metres in width and would terminate into a cul-de-sac at the west end of the property. Each dwelling would have an integral garage, driveway, and two parking spaces. A concrete sidewalk is required and proposed along the north side of the new public road. The width of the new public road and cul-de-sac complies with the City's Development Infrastructure Policy & Standards (DIPS). The applicant has also satisfied the parking requirement for a detached dwelling in the former North York Zoning By-law 7625 of a minimum of two spaces per dwelling unit.

Servicing

The applicant is required to submit a Stormwater Management and a revised Functional Servicing Report for the City's review and approval as part of the draft conditions for the subdivision agreement. The applicant's stormwater solution must comply with the City's Wet Weather Flow Management Guidelines. The Guidelines require that the development must retain stormwater on-site, to the extent practicable, to achieve the same level of annual volume of overland runoff allowable from the development site under pre-development conditions. The concerns of residents related to the stormwater flow and drainage will be addressed through the review of the Stormwater Management Report. The owner is also required to replace the storm

sewers within Jane Osler Boulevard as well as a new sidewalk along Jane Osler Boulevard to connect to the north side of Cartwright Avenue at their expense. Any municipal infrastructure improvements are intended to be secured through the subdivision process and will be the responsibility of the owner.

Planning staff recommend the Zoning Bill enactment be held until a Stormwater Management Report and a revised Functional Servicing Report is submitted to the satisfaction of Engineering Construction Services.

Open Space/Parkland

The Official Plan contains policies to ensure that Toronto's system of parks and open spaces are maintained, enhanced and expanded. Map 8B of the Toronto Official Plan shows local parkland provisions across the City. The lands which are the subject of this application are in an area with 3.00 + hectares of local parkland per 1,000 people. The site is in the highest quintile of current provision of parkland. The site is not in a parkland acquisition priority area, as per Chapter 415, Article II of the Toronto Municipal Code.

The application is for 8 single detached dwellings and a new public street created by two existing properties fronting on Jane Osler Boulevard and the rear portion of the 2 properties on Cartwright Avenue on a site totalling 3,434 square metres.

The site is not in a parkland acquisition priority area, as per Chapter 415, Article II of the Toronto Municipal Code, therefore the development is subject to a 5% Parkland dedication of 171.7 square metres. Staff will be accepting cash-in-lieu of parkland.

Trees

The applicant is proposing to remove 8 trees protected under the provisions of the Private Tree By-law, which would require the planting of 24 replacement trees (under the 3:1 replacement ratio). Cash-in-lieu totaling \$13,992.00 is to be provided for replacement trees. The Landscape Plan indicates no new private trees are proposed to be planted. The applicant is also proposing the injury of 5 privately owned trees having diameters of 30 cm or greater, situated on or adjacent to the subject site. Urban Forestry has received a complete "Application to Injure or Destroy Trees" and an application fee in the amount of \$4,081.87. The permit application will be processed nearing the registration of the Plan of Subdivision. Seventeen street trees will be proposed on the new public street. A \$9,911.00 tree planting deposit is required for the planting of the 17 street trees. The owner shall also submit a revised Landscape Plan with six (6) crab apple trees replaced with large growing native shade trees.

School Capacity

Upon review of this application the Toronto District School Board has indicated there may not be sufficient accommodation available at the local schools to accommodate students anticipated from the proposed development. Students may be accommodated in schools outside this area until space in local schools becomes available.

The TDSB has also indicated that the status of local school accommodation should be conveyed to potential purchasers. It is asked that purchasers agree that if busing is provided by the Toronto District School Board that students will not be bused home to school but will meet the bus at a designated location in or outside of the area.

These conditions will be secured in the Subdivision Draft Plan approval.

The Toronto Catholic District School Board (TCDSB) was also circulated the application but did not provide any comments with regards to capacity issues.

Draft Plan of Subdivision

The draft conditions of approval, as outlined in Attachment 11, will ensure the road is constructed in accordance with the City of Toronto Development Infrastructure Policy & Standards (DIPS) and emergency service standards, and that the land transfer of the new street into public ownership will be completed in accordance with City policies.

The applicant must also file a Record of Site Condition (RSC) on Ontario's Environmental Site Registry for all lands to be conveyed to the City, prior to the registration of the Plan of Subdivision.

Draft conditions of approval include a Construction Management Plan and Transportation Management Plan that will be required prior to the registration of the Plan of Subdivision, to minimize the impacts on neighbours during the time of construction.

All matters with regards to the designation change from Class 1 to Class 4 area will also be detailed in the draft conditions of approval for the subdivision. As per above, these include:

- Acoustical fence requirements,
- Window placement restrictions,
- Warning clauses will also be required to be placed in offers of purchase and sale and/or lease agreements and in the development agreement for all relevant units to make future occupants aware of the potential noise situation,
- Preparation of a detailed noise report once a final site plan, final grading plans and additional information from the industries are available for the subject lands to ensure the appropriate criteria are achieved, and
- Review of acoustical requirements by an acoustical consultant to ensure compliance with the applicable guidelines and prior to issuance of occupancy permits, an acoustical consultant should confirm that the acoustical requirements are in compliance with the environmental noise report and acoustical drawing review.

Section 51(24) of the *Planning Act* outlines the criteria for determining whether or not a proposed subdivision is appropriate. These criteria include conformity to provincial plans, whether the plan conforms to the Official Plan and adjacent plans of subdivision, the appropriateness of the proposed land use, the dimensions and shapes of the proposed lots and blocks, and the adequacy of utilities and municipal services. As detailed through this report, the proposed plan conforms to the policies of the Provincial Policy Statement and the Growth Plan for the Greater Golden Horseshoe. It also complies with the policies of the Toronto Official Plan. The proposed lots are consistent with those existing in the neighbourhood and the proposed public road will be constructed to City standards. The Acting Chief Planner has delegated approval authority for Draft Plan of Subdivision under By-law 229-2000.

A 1.8 metre high wood privacy fence is also proposed along the south property line of the site.

Conclusion

The proposal has been reviewed against the Provincial Policy Statement, the Growth Plan for the Greater Golden Horseshoe, and the Toronto Official Plan policies. Staff are of the opinion that the proposal is consistent with the Provincial Policy Statement as required by Section 3 of the Planning Act and conforms and does not conflict with the Growth Plan for the Greater Golden Horseshoe. The proposal is also in keeping with the intent of the Toronto Official Plan, particularly as it relates to the *Neighbourhoods* policies. Staff worked with the applicant to reduce the number of residential dwellings previously proposed from 11 to 8 and ensured the single family dwelling built form and setbacks properly address the new 16.35 metre wide public street and fit within the existing *Neighbourhood* character. Staff also secured a new public road that connects the proposed development to Jane Osler Boulevard and is compliant with the City's Development Infrastructure Policy Standards. The proposal would provide additional family-sized dwelling units compatible with the surrounding context, represents good planning and is in the public interest.

In addition, new Provincial noise guidelines (NPC-300) were introduced in 2013 which replace and consolidate previous related noise 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. City planning is recommending Council's approval of the designation of the proposed lots within the plan of subdivision as a Class 4 area as defined by the Ontario Ministry of Environment and Climate Change noise guidelines NPC-300.

Based on the peer review of the submitted Preliminary Environmental Noise report and mitigation measures that will be implemented to satisfy Class 4 area requirements, City Planning staff recommend the Class 4 area designation of the lots in the proposed plan of subdivision.

CONTACT

Vanessa Covello, Planner
Tel. No. 416-395-7104
Fax No. 416-395-7155
E-mail: vanessa.covello@toronto.ca

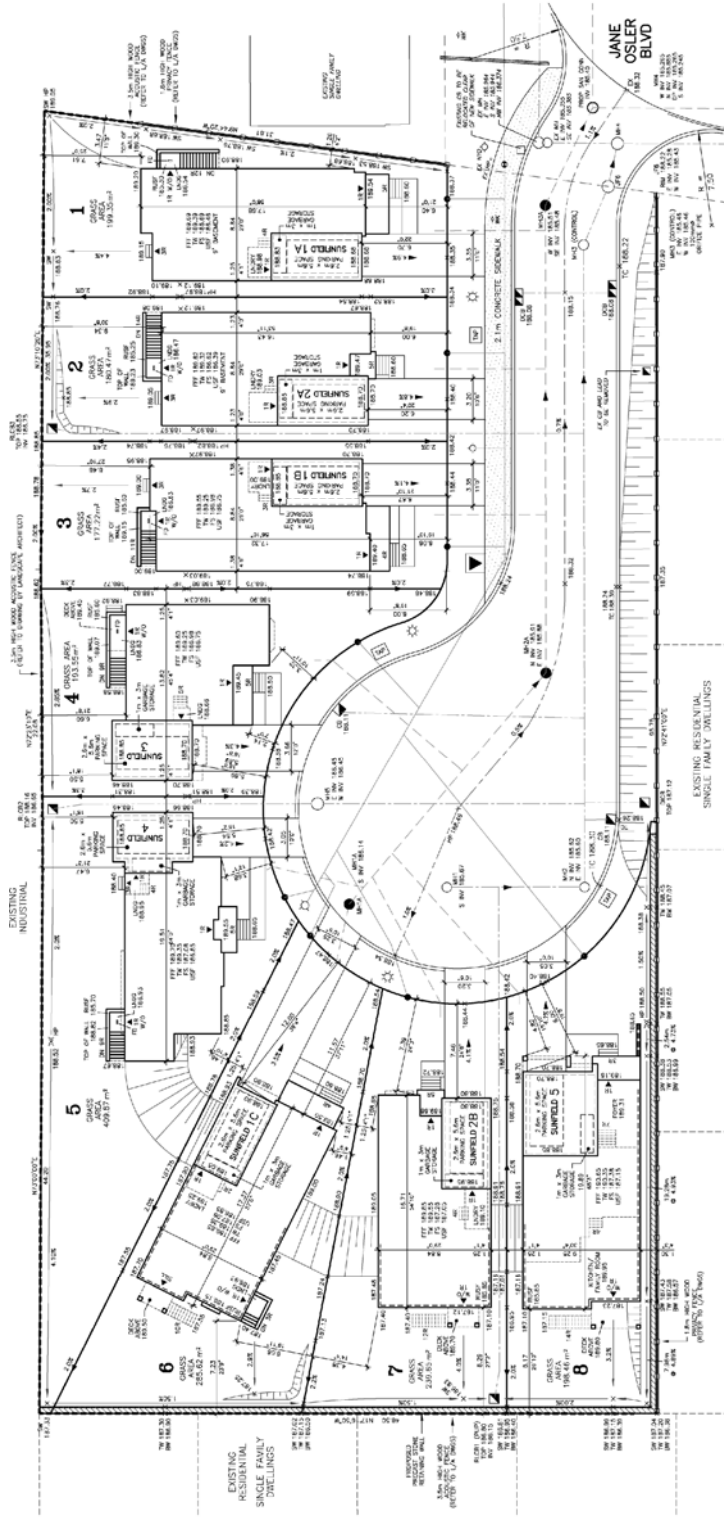
SIGNATURE

Joe Nanos, Director
Community Planning, North York District

ATTACHMENTS

Attachment 1: Site Plan
Attachment 2: Draft Plan of Subdivision
Attachment 3: Front Elevations
Attachment 4: North York Zoning By-law 7625
Attachment 5: Application Data Sheet
Attachment 6: Draft North York Zoning By-law 7625 Amendment
Attachment 7: Draft City of Toronto By-law 569-2013 Amendment
Attachment 8: Conditions of Draft Plan of Subdivision

Attachment 1: Site Plan



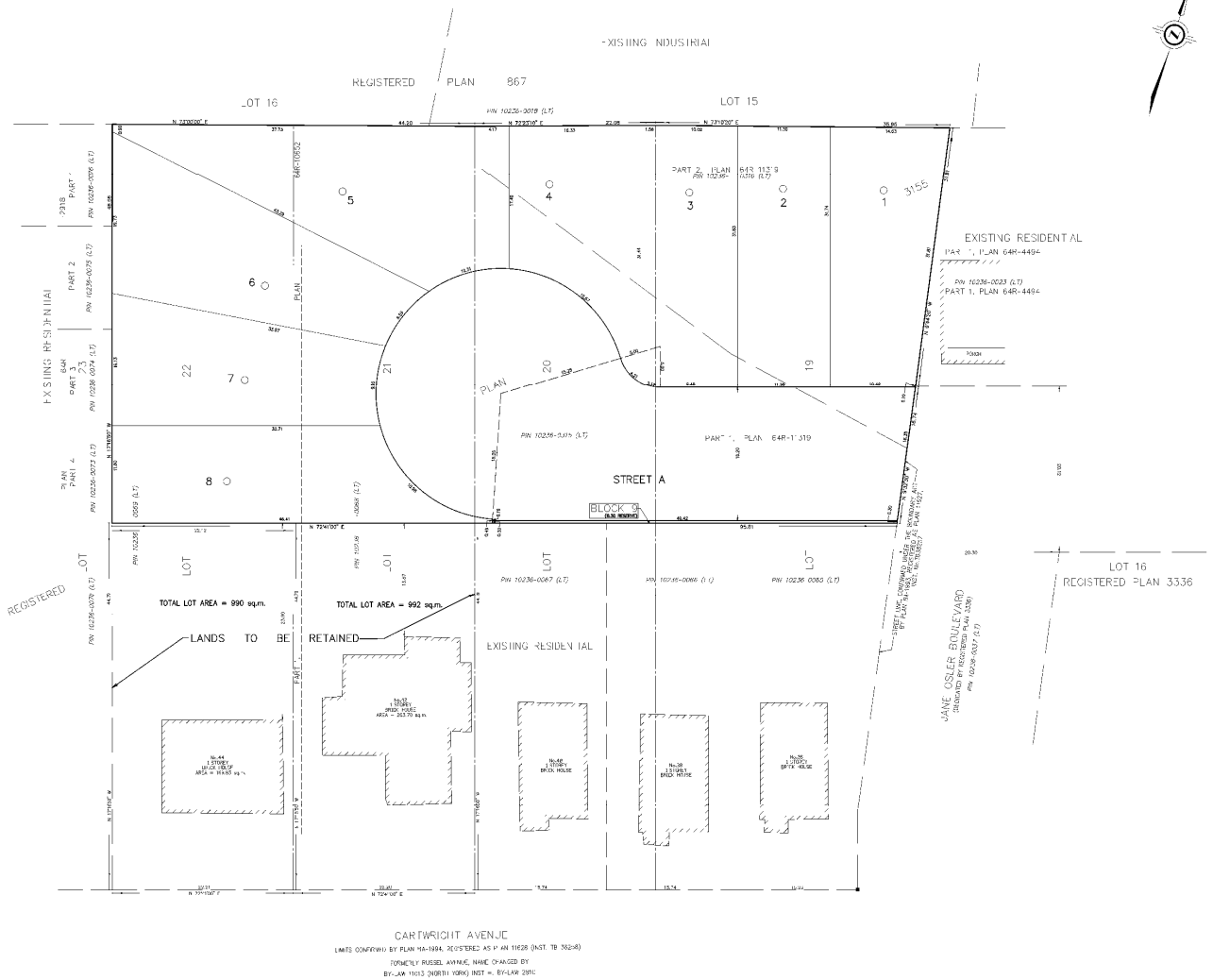
36 & 37 Jane Osler Boulevard & 42 & 44 Cartwright Avenue

Site Plan
Applicant's Submitted Drawing

Not to Scale
12/11/2017

File # 12 144920 NNY 15 0Z & 12 144928 NNY 15 SB

Attachment 2: Draft Plan of Subdivision



Subdivision Plan
Applicant's Submitted Drawing

Not to Scale 
 12/12/2017

**36 & 37 Jane Osler Boulevard &
 42 & 44 Cartwright Avenue**

File # 12 144920 NNY 15 OZ & 12 144928 NNY 15 SB

Attachment 3: Front Elevations



Front Elevation
36 & 37 Jane Osler Boulevard & 42 & 44 Cartwright Avenue

Applicant's Submitted Drawing

Not to Scale
 12/15/2017

File # 12 144920 NNY 15 0Z & 12 144928 NNY 15 SB

Attachment 4: North York Zoning By-law 7625



**36-37 Jane Osler Boulevard &
42-44 Cartwright Avenue**

File # 12 144920 NNY 15 OZ & 12 144928 NNY 15 SB

- R5 One-Family Detached Dwelling Fifth Density Zone
 - R6 One-Family Detached Dwelling Sixth Density Zone
 - C1 General Commercial Zone
 - M1 Industrial Zone One
- NOTE: Numbers in Brackets Denote Exceptions to the Zoning Category

MC(H) Industrial-Commercial (Holding Zone)



Not to Scale
Zoning By-law 7625
Extracted 05/03/2012

Attachment 5: Application Data Sheet

Application Type	Rezoning	Application Number:	12 144920 NNY 15 OZ
Details	Rezoning, Standard	Application Date:	March 28, 2012

Municipal Address: 36 and 37 Jane Osler Boulevard and 42 and 44 Cartwright Avenue

Location Description: PLAN 3155 PT LOTS 19 & 20 RP 64R11319 PART 2 **GRID N1501

Project Description: Proposal to construct eight single detached dwellings and a new public street on a lot created by two existing properties fronting Jane Osler Boulevard and the backyards severed from two properties on Cartwright Avenue.

Applicant:

Shannon Sigouin
90 Eglinton Avenue East, Suite
970
Toronto, ON
M4P 2Y3

Agent:

Architect:

Architectural Design Inc.
66 Pennsylvania Avenue
Concord, ON
L4K 3V9

Owner:

Perrilio Lecce
42 Cartwright Avenue
Toronto, ON
M6A 1T9

PLANNING CONTROLS

Official Plan Designation:	Neighbourhoods	Site Specific Provision:	N
Zoning:	R5	Historical Status:	N
Height Limit (m):	8.8	Site Plan Control Area:	Y

PROJECT INFORMATION

Site Area (sq. m):	4791	Height:	Storeys:	2
Frontage (m):	16.7		Metres:	8.8
Depth (m):	51.5			
Total Ground Floor Area (sq. m):	1593.5			Total
Total Residential GFA (sq. m):	3187		Parking Spaces:	16
Total Non-Residential GFA (sq. m):	0		Loading Docks	0
Total GFA (sq. m):	3187			
Lot Coverage Ratio (%):	0			
Floor Space Index:	0.66			

DWELLING UNITS

FLOOR AREA BREAKDOWN (upon project completion)

Tenure Type:	Freehold		Above Grade	Below Grade
Rooms:	0	Residential GFA (sq. m):	3187	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:	8	Institutional/Other GFA (sq. m):	0	0
Total Units:	8			

CONTACT:

PLANNER NAME:

Vanessa Covello, Planner

TELEPHONE:

(416) 395-7104 E-MAIL: Vanessa.Covello@toronto.ca

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

Enacted by Council: ~, 20~

CITY OF TORONTO

Bill No. ~

BY-LAW No. ~-20~

**To amend ~ Zoning By-law No. ~, as amended,
With respect to the lands municipally known as,
36 and 37 Jane Osler Boulevard and 42 and 44 Carwright Avenue**

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

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

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

1. Schedules “B” and “C” of By-law No. 7625 of the former City of North York are amended in accordance with Schedule 1 of this By-law.
2. Section 64.14 of By-law No. 7625 is amended by adding the following subsection:

"64.14 (12) R5 (12)

EXCEPTION REGULATIONS

(a) Permitted Uses

Single detached dwellings and uses accessory thereto shall be permitted.

(b) Dwelling Units

- (i) A maximum of 8 single detached dwelling units will be permitted on the lands shown on Schedule 1.
- (ii) There shall be one single family dwelling per lot on the registered plan of subdivision.

(c) Lot Frontage and Lot Area

The minimum lot frontage and lot area shall be as listed below, for each lot as shown on R5 (12):

Lot Number	Lot Frontage (m)	Lot Area (m ²)
1	11.2	396.3
2	11.3	359.4
3	11.6	369.6
4	16.3	360.5

Lot Number	Lot Frontage (m)	Lot Area (m ²)
5	16.6	583.3
6	10.2	505.4
7	11.2	423.5
8	11.8	435.2

(d) Front Yard Setback

The minimum front yard setbacks shall be shown on Schedule R5 (12).

(e) Side Yard Setbacks

The minimum side yard setbacks shall be shown on Schedule R5 (12).

(f) Rear Yard Setbacks

The minimum rear yard setbacks shall be as shown on Schedule R5 (12).

(g) Lot Coverage

The maximum lot coverage for Lots shall be shown on Schedule R5 (12).

(h) Building Height

The maximum building height shall be 2 storeys and maximum heights shown on Schedule R5 (12).

(i) Building Length

The maximum building length is 23 metres.

(j) Front Yard Soft Landscape

A minimum of 63% of the front yard not covered by a permitted driveway shall be maintained as soft landscaping.

(k) Encroachments

A porch, deck, exterior stairs, balcony, portico, cantilevered bay, bow, box, or dormer windows or similar structure, roof overhang, eave or roof of dormer window, chimney, pilaster and projecting columns may encroach into the required front yard setback and rear yard setback a maximum of 3 metres.

(l) Division of Lands

Notwithstanding any severance or division of the lands subject to this exception, the regulations of this exception shall continue to apply to the whole of the lands.

4. Within the lands shown on Schedule "~" attached to this By-law, no person shall use any land or erect or use any building or structure unless the following municipal services are provided to the lot line and the following provisions are complied with:
- (a) all new public roads have been constructed to a minimum of base curb and base asphalt and are connected to an existing public highway, and
 - (b) all water mains and sanitary sewers, and appropriate appurtenances, have been installed and are operational.

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

JOHN TORY,
Mayor
(Corporate Seal)

ULLI S. WATKISS,
City Clerk



Schedule 1

Part of Lots 19, 20, 21 and 22 Registered Plan 3155, City of Toronto

File # 12 144920 NNY 15 OZ & 12 144928 NNY 15 SB

J.D Barnes Limited

Date: 12/18/2017

Approved by: V.C



Not to Scale

Authority: North York Community Council Item ##, as adopted by City of Toronto Council on ~, 20~

CITY OF TORONTO

Bill No. ~

BY-LAW No. [XXXX- 2018]

To amend the Zoning By-law No. 569-2013, as amended, with respect to the lands municipally known in the year 2017 as 36 and 37 Jane Osler Boulevard and 42 and 44 Cartwright Avenue

Whereas Council of the City of Toronto has the authority pursuant to Section 34 of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended, to pass this By-law; and

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

The Council of the City of Toronto enacts:

1. The lands subject to this By-law are outlined by heavy black lines on Diagram 1 attached to this By-law.
2. The words highlighted in bold type in this By-law have the meaning provided in Zoning By-law No. 569-2013, Chapter 800 Definitions.
3. Zoning By-law No. 569-2013, as amended, is further amended by adding the lands depicted on Diagram 2 of this By-law to the Zoning By-law Map in Section 990.10, and applying the zone label "RD (f10.5; a350) (x500)" to these lands.
4. Zoning By-law 569-2013, as amended, is further amended by adding the lands depicted on Diagram 3 of this By-law to each of the Policy Areas Overlay Map in Section 995.10.1, the Height Overlay Map in Section 995.20.1, the Lot Coverage Overlay Map in Section 995.30.1, and the Rooming House Overlay Map in Section 995.40.1 and:
 - a) on the Height Overlay Map, applying a height label of "HT 11.0, ST 2"; and
 - b) on the Lot Coverage Overlay Map, applying a lot coverage label of "45".
5. Zoning By-law No. 569-2013, as amended, is further amended by adding the lands depicted on Diagram 4 of this By-law to the Zoning By-law Map in Section 990.10, and applying the zone label "RD (f15.0; a550) (x5)" to these lands.
6. Zoning By-law 569-2013, as amended, is further amended by adding the lands depicted on Diagram 5 of this By-law to each of the Policy Areas Overlay Map in Section 995.10.1, the Height Overlay Map in Section 995.20.1, the Lot Coverage Overlay Map in Section 995.30.1, and the Rooming House Overlay Map in Section 995.40.1 and:
 - a) on the Height Overlay Map, applying a height label of "HT 10.0, ST 2"; and

b) on the Lot Coverage Overlay Map, applying a lot coverage label of "35".

7. Zoning By-law No. 569-2013, as amended, is further amended by adding Article 900.3.10 Exception Number 500 so that it reads:

Exception RD 500

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

Site Specific Provisions:

- (A) Regulation 10.5.40.70(1), "Front Yard Setback- Averaging", does not apply;
- (B) Despite Clauses 10.5.40.60 and 10.20.40.50, a porch, deck, exterior stairs, balcony, portico, cantilevered bay, bow, box, or dormer windows or similar structure, roof overhang, eave or roof of dormer window, chimney, pilaster and projecting columns may encroach into the required **front yard setback** and **rear yard setback** a maximum of 3 metres;
- (C) Despite Regulation 10.5.50.10(1)(D), a minimum of 63% of the **front yard landscaping**, not covered by a permitted **driveway**, must be **soft landscaping**;
- (D) Despite Clause 10.20.30.10, for each of the **lots** shown as parts on Diagram 6 of By-law No. XXXX-2017, the required minimum **lot area** is:
 - (i) 420 square metres for Lots 7 and 8; and
 - (ii) 500 square metres for Lots 5 and 6;
- (E) Despite Clause 10.20.30.20, the required minimum **lot frontage** is 16 metres for Lots 4 and 5 shown on Diagram 6 of By-law No. XXX-2017;
- (F) Despite Clause 10.20.40.20, the permitted maximum **building length** is 23 metres;
- (G) Despite Clause 10.20.40.30, the permitted maximum **building depth** is 30 metres;
- (H) Despite Clause 10.20.40.70, the required minimum **building setbacks** are shown on Diagram 6 of By-law XXXX – 2017; and
- (I) Despite Clause 10.20.40.10(6), the permitted maximum height of the **first floor** above **established grade** is 1.5 metres.

Prevailing By-laws and Prevailing Section:

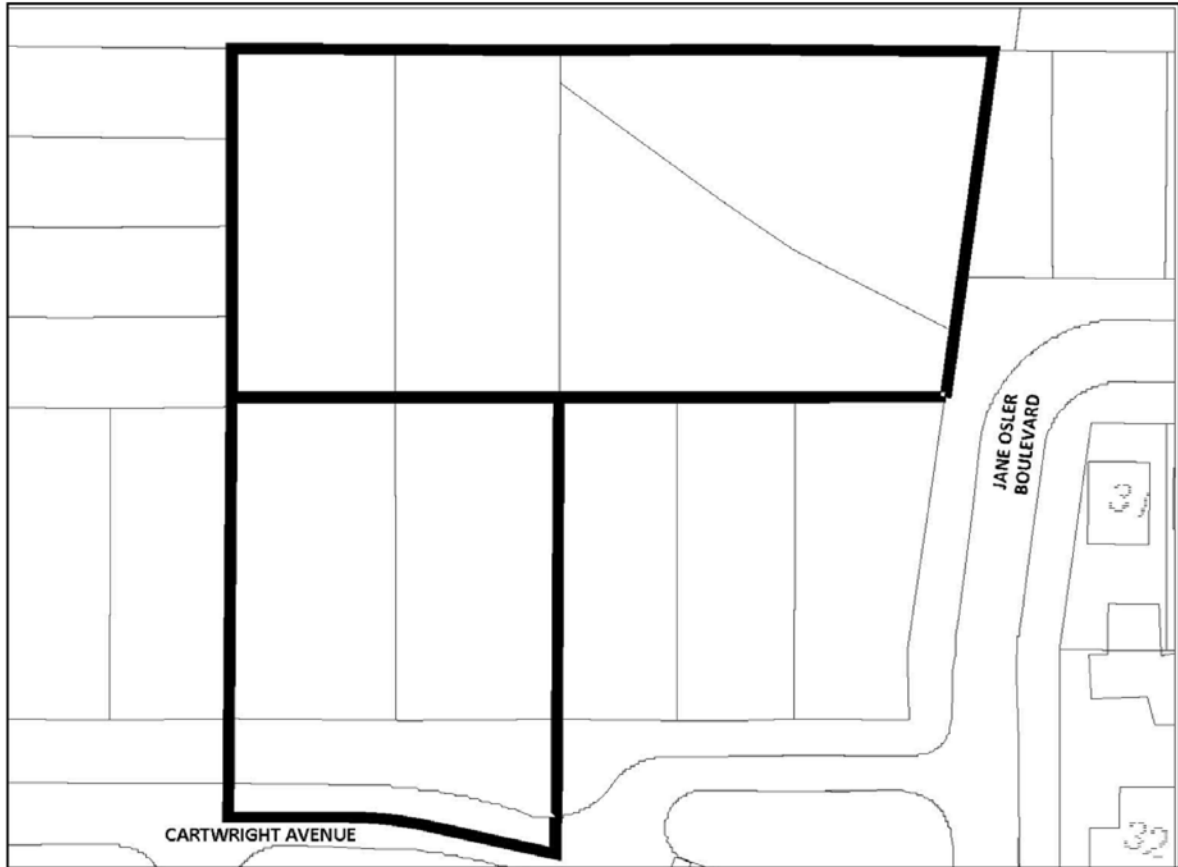
- (A) Schedule 'D' Airport Hazard Map from City of North York zoning by-law 7625.

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

Name,
Speaker

Ulli S. Watkiss,
City Clerk

(Seal of the City)



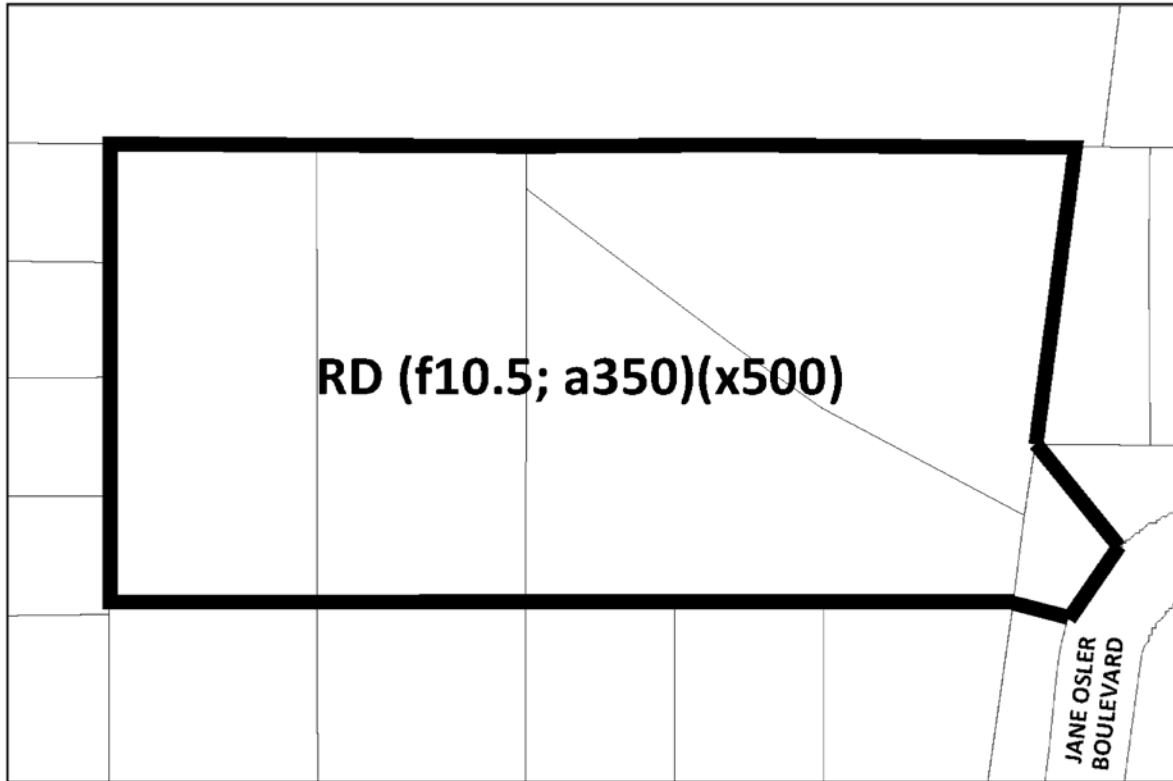
 **TORONTO**
Diagram 1

**36 & 37 Jane Osler Boulevard &
42 & 44 Cartwright Avenue**

File # 12 144920 NNY 15 0Z & 12 144928 NNY 15 SB




City of Toronto By-Law 569-2013
Not to Scale
01/12/2018

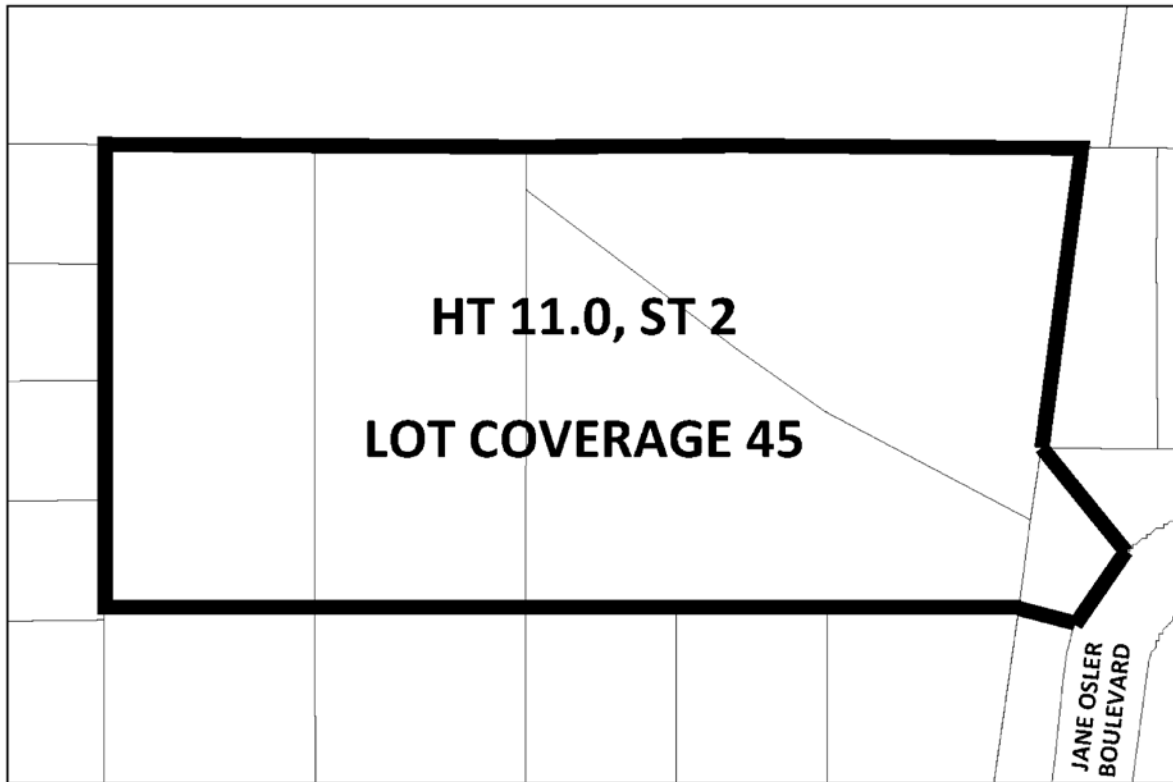


 **TORONTO**
Diagram 2

**36 & 37 Jane Osler Boulevard &
42 & 44 Cartwright Avenue**

File # 12 144920 NNY 15 OZ & 12 144928 NNY 15 SB


City of Toronto By-Law 569-2013
Not to Scale
01/12/2018



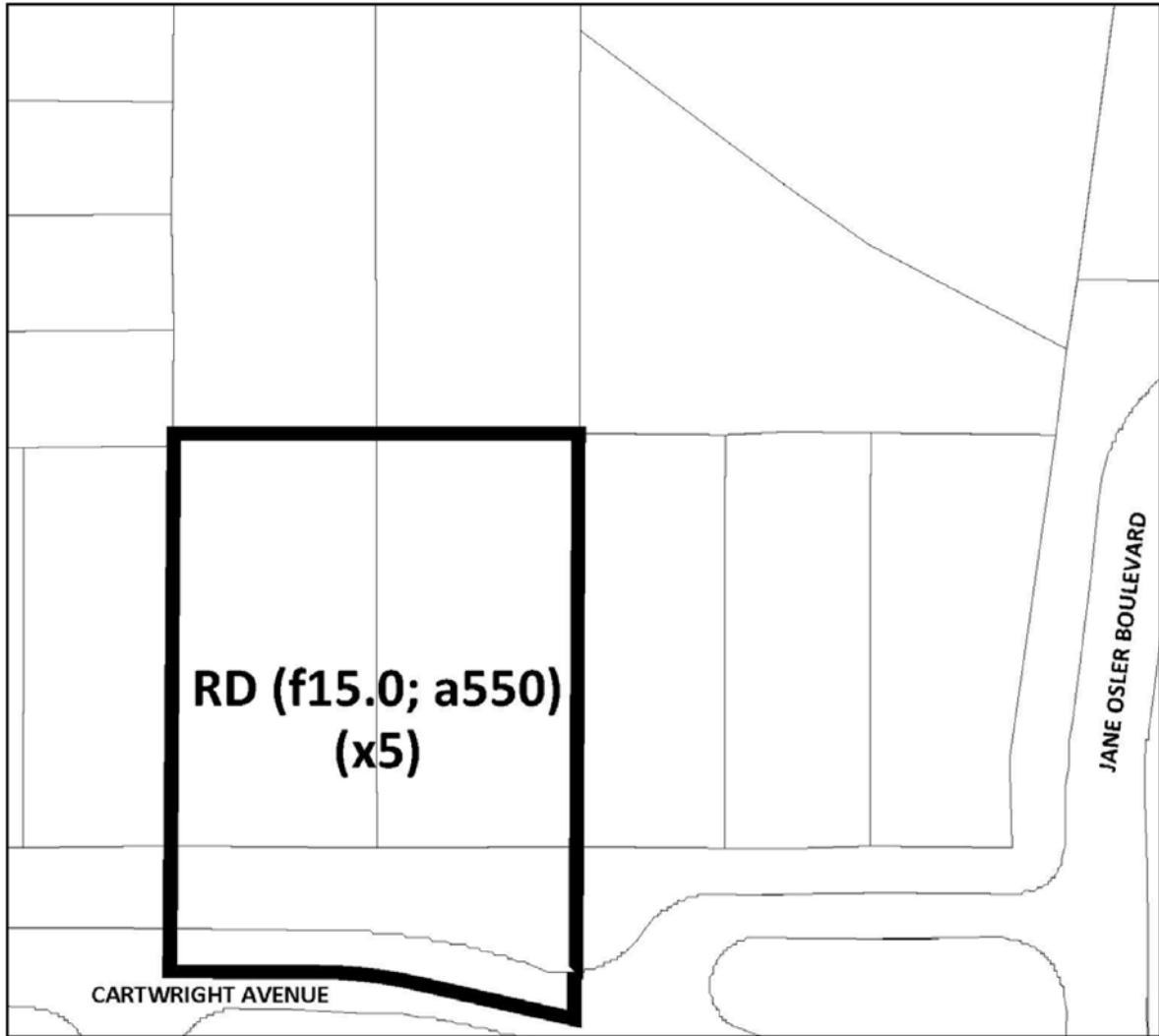
 **TORONTO**
Diagram 3

**36 & 37 Jane Osler Boulevard &
42 & 44 Cartwright Avenue**

File # 12 144920 NNY 15 OZ & 12 144928 NNY 15 SB



City of Toronto By-Law 569-2013
Not to Scale
01/12/2018



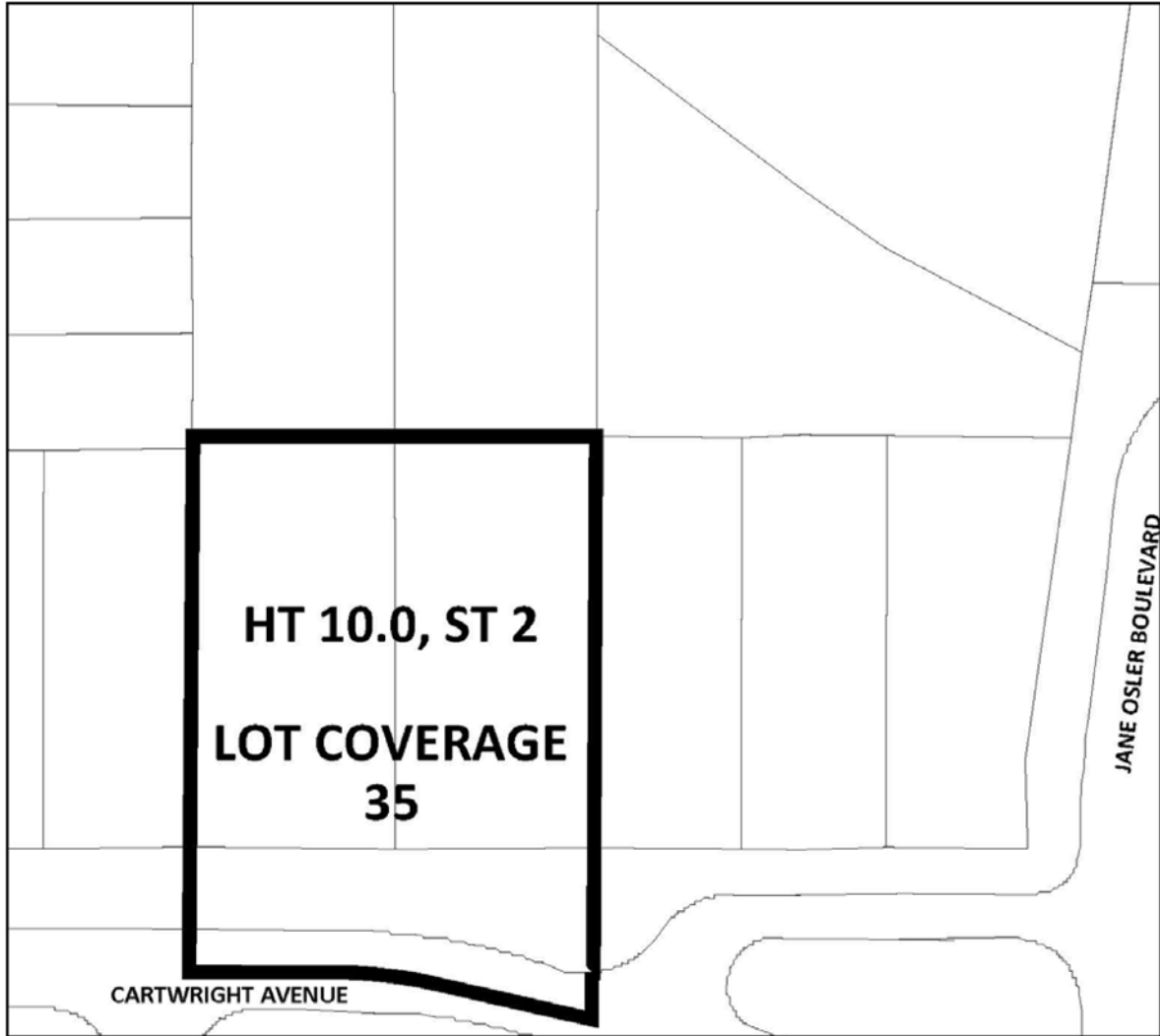
 **TORONTO**
Diagram 4

**36 & 37 Jane Osler Boulevard &
42 & 44 Cartwright Avenue**

File # 12 144920 NNY 15 OZ & 12 144928 NNY 15 SB



City of Toronto By-Law 569-2013
Not to Scale
01/12/2018



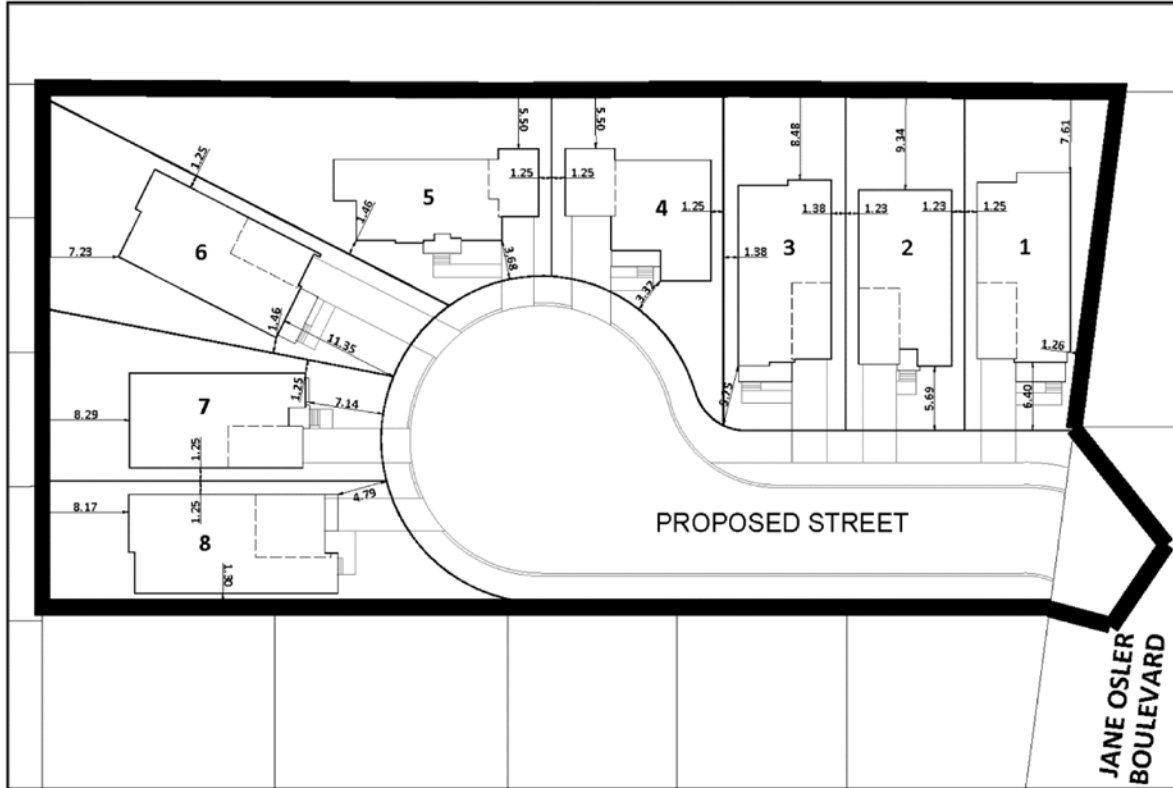
 **TORONTO**
Diagram 5

**36 & 37 Jane Osler Boulevard &
42 & 44 Cartwright Avenue**

File # 12 144920 NNY 15 OZ & 12 144928 NNY 15 SB




City of Toronto By-Law 569-2013
Not to Scale
01/12/2018



 **TORONTO**
Diagram 6

**36 & 37 Jane Osler Boulevard &
42 & 44 Cartwright Avenue**
File # 12 144920 NNY 15 OZ & 12 144928 NNY 15 SB


City of Toronto By-Law 569-2013
Not to Scale
01/12/2018

Attachment 8: Conditions of Draft Plan of Subdivision

Standard Conditions

1. The Owner shall enter into the City's standard Subdivision agreement and satisfy all of the pre-registration conditions contained therein.
2. The Owner shall provide to the Director of Community Planning, North York District, confirmation of payment of outstanding taxes to the satisfaction of Revenue Services Division, Finance Department, City of Toronto (statement of account or Tax Clearance Certificate) and that there are no outstanding City initiated assessment or tax appeals made pursuant to section 40 of the Assessment Act or the provisions of the City of Toronto Act, 2006. In the event that there is an outstanding City initiated assessment or tax appeal, the Owner shall enter into a financially secured agreement with the City satisfactory to the City Solicitor to secure payment of property taxes in the event the City is successful with the appeal.
3. If the subdivision is not registered within 5 years of the date of draft plan approval, then this approval shall be null and void and the plans and drawings must be resubmitted to the City of Toronto for approval.
4. The Owner shall construct and maintain the development in accordance with Tier 1 performance measures of the Toronto Green Standard, as adopted by Toronto City Council at its meeting held on October 26 and 27, 2009 through the adoption of PG32.3 of the Planning and Growth Committee.
5. Prior to the registration of the Plan of Subdivision, the owner shall, at their expense, prepare Architectural Control Guidelines to the satisfaction of the Chief Planner, City Planning Division. Upon approval by the Chief Planner, these guidelines will form part of the Subdivision Agreement.

Community Planning

6. The owner shall provide a 3 metre high acoustic fence along the entire north property line and the north portion of the east property line of the site as well as a 2 metre high acoustic fence on top of the proposed retaining wall along the west property line of the site to provide attenuation of both the Highway 401 noise and that from the commercial/industrial operations.
7. The owner shall satisfy restrictions with respect to the second storey windows in order to achieve the applicable MOECC noise guidelines for a Class 4 area as described in the "Preliminary Environmental Noise Report" by Jade Acoustics dated July 8, 2016 on pages 19 and 20.
8. Prior to the issuance of building permits, the owner shall ensure the acoustical requirements as recommended in the "Preliminary Environmental Noise Report" by

Jade Acoustics dated July 8, 2016, and will be reviewed by an acoustical consultant to ensure compliance with applicable MOECC NPC-300 noise guidelines for a Class 4 area designation.

9. Prior to the issuance of occupancy permits, the owner shall ensure an acoustical consultant will confirm that acoustical requirements are constructed in compliance with the environmental noise report and acoustical drawing review.
10. The owner shall prepare a detailed noise report once the final site plan and grading plan are available to ensure the appropriate noise criteria are achieved.
11. The owner shall provide all proposed units with a proximity warning clause notifying the purchasers/tenants that the activities and/or equipment associated with the adjacent commercial/industrial facilities may at times be audible.

Engineering and Construction Services

12. Prior to final subdivision approval, the owner shall submit a Construction Management Plan and a Transportation Management Plan, to the satisfaction of the Director of Engineering and Construction Services and the Director of Transportation Services, North District.
13. Dedicate all roads, corner roundings and road widenings shown on the plan.
14. Convey all necessary easements (internal and external) to the City.
15. Convey to the City the 0.3 metre (one foot) reserve shown on the plan on the south side of the new public road.
16. 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 Chief Engineer and Executive Director of Engineering and Construction Services in consultation with the City Solicitor.
17. Submit a draft Reference Plan of Survey to the Chief Engineer and Executive Director of Engineering and Construction Services, for review and approval, prior to depositing it in the Land Registry Office. The plan should:
 - a) be in metric units and integrated to the 1983 North American Datum (Canadian Spatial Reference System and the 3 degree Modified Transverse Mercator Projection);
 - b) delineate by separate PARTS the lands to be conveyed to the City, the remainder of the site and any appurtenant rights-of-way and easements; and
 - c) show the co-ordinate values of the main corners of the subject lands in a schedule on the face of the plan.

18. Pay all costs for preparation and registration of reference plan(s).
19. Apply stormwater management techniques in the development of this subdivision to the satisfaction of Engineering and Construction Services.
20. Undertake 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).
21. Pay engineering and inspection fees in accordance with the terms and conditions of the standard subdivision agreement.
22. Submit financial security in accordance with the terms of standard subdivision agreement.
23. Pay for and construct all municipal infrastructure required to service the Plan of Subdivision, including municipal infrastructure external to the plan of subdivision including the replacement of the storm sewers within Jane Osler Boulevard and the new sidewalk construction along the west side of Jane Osler Boulevard to connect with existing sidewalk on the north side of Cartwright Avenue.
24. Submit a certified cheque in the amount of \$1,768.12 to the City of Toronto, as required by Transportation Services for the required pavement markings and signage.
25. Prior to registration of the Plan of Subdivision submit to the Chief Engineer and Executive Director, Engineering & Construction Services for review and acceptance, all revisions and/or updates to the Functional Servicing Report.
26. Prior to the registration of the plan of subdivision, the Owner agrees to submit a cash-in-lieu payment in the form of a certified cheque, made payable to the Treasurer, City of Toronto, in the amount of \$49,457.26, for the future provision of storm water quality control and treatment measures as determined by the General Manager, Toronto Water to address impacts caused as a result of the development.
27. Update the accepted Functional Servicing Report, including the storm water management strategy, if directed by the Chief Engineer and Executive Director, Engineering & Construction Services in the event that the Chief Engineer and Executive Director, Engineering & Construction Services determines that field conditions are not suitable for implementation of the servicing and storm water strategy recommended in the Functional Servicing Report.
28. Prior to the earlier of the registration of the Plan of Subdivision or the Release for Construction of Services, submit to the Chief Engineer and Executive Director,

Engineering & Construction Services for review and acceptance, a plan or plans, showing:

- cross-sections of all roads within the Plan of Subdivision incorporating the approved pavement widths and other infrastructure elements, and including the proposed connections with, and any improvements to, the existing streets within and surrounding the property,
- the proposed pavement markings and signage for all new roads,
- modifications required to the pavement markings and signs on the existing Roads, and
- minimum sidewalk of 2.1 metres on all roads and at intersection of all roads.

29. Prior to earlier of the registration of the Plan of Subdivision or the Release for Construction of Services submit to the Chief Engineer and Executive Director, Engineering & Construction Services:

a) Regarding Toronto Hydro-Electric System Limited (distribution group):

- copy of "offer to connect" (OTC),
- written confirmation that financial securities have been posted, and
- Written confirmation that satisfactory arrangements have been made.

b) Regarding Toronto Hydro Energy (streetlight group):

- cost estimate of the construction/installation of streetlights, and the hydro inspection fee,
- financial security in amount of 130% of the streetlight cost estimate and inspection fee, and
- Copy of written confirmation from Toronto Hydro Energy that satisfactory arrangements have been made.

31. Prior to the earlier of the registration of the Plan of Subdivision or the Release for Construction of Services, submit to the City financial security in the amount of 130% of the value of the cost estimate of the street lighting required to be installed under this Agreement, to the satisfaction of Engineering & Construction Services.

32. Submit a digital copy of the final plan of subdivision in DGN or DWG formats, prepared in metric units with all lot/block corners integrated to the 1983 North American Datum (Canadian Spatial Reference System and the 3 degree Modified Transverse Mercator Projection).

Urban Forestry

33. The owner shall submit a revised Landscape Plan with six (6) crab apple trees replaced with large growing native shade trees.

34. The owner shall submit a Tree Planting Deposit in the amount of \$9,911.00 (at \$583) per tree to ensure the planting of 17 new City trees.
35. The owner shall submit cash in lieu for the planting of twenty-four (24) trees off site, totaling \$13,992.00

Toronto District School Board

36. The Owner shall 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 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."

37. The Owner shall agree, in the Subdivision Agreement, to include the following warning clauses in all offers of purchase and sale of residential units (prior to registration of the plan, and for a period of 10 years following registration of the agreement), that:

"Despite the best efforts of the Toronto District School Board, sufficient accommodation may not be locally available for all students anticipated from the area, and further, that students may later be transferred. Purchasers agree for the purpose of transportation to school, if busing 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 a designated locations in or outside of the area."

Canada Post

38. The owner will consult with Canada Post to determine suitable locations for the placement of Community Mailboxes and to indicate these locations on appropriate servicing plans.
39. The owner agrees, prior to offering any of the residential units for sale, to place a "Display Map" on the wall of the sales office in a place readily available to the public which indicates the location of all Canada Post Community Mailbox site locations, as approved by Canada Post and the City of Toronto.
40. The owner agrees to include in all offers of purchase and sale a statement which advises the prospective new home purchaser that mail delivery will be from a designated Community Mailbox, and to include the exact locations (list of lot numbers) of each of these Community Mailbox locations; and further, advise any affected homeowners of any established easements granted to Canada Post.

41. The owner will be responsible for officially notifying the purchasers of the exact Community Mailbox locations prior to the closing of any home sales with specific clauses in the Purchase offer, on which the homeowners do a sign off.
42. The owner agrees to provide the following for each Community Mailbox site and include these requirements on appropriate servicing plans:
 - a) A Community Mailbox concrete base pad per Canada Post specifications,
 - b) Any required walkway across the boulevard, as per municipal standards, and
 - c) Any required curb depressions for wheelchair access.
43. The owner further agrees to determine, provide and fit up a suitable gravel area 30 to 60 days prior to the first occupancy to act as a Temporary Community Mailbox location which may be utilized by Canada Post until the permanent mail box pads, curbs, sidewalks and final grading have been completed at the permanent CMB site locations. This will enable Canada Post to provide mail service to new residences as soon as homes are occupied. Specifications for this gravel area will be provided at the time the developer notifies Canada Post of the first occupancy date. (The owner should provide evidence of how they intend to co-ordinate this activity in a timely manner to a safe and clean usable area).