

Final Report - 2740 Lawrence Avenue East – Zoning Amendment - Subdivision

Date: May 31, 2021

To: Scarborough Community Council

From: Director, Community Planning, Scarborough District

Wards: 21 - Scarborough Centre

Planning Application Number: 19 242173 ESC 21 OZ and 19 242185 ESC 21 SB

SUMMARY

This rezoning application proposes to establish appropriate new land use and performance standard provisions to permit a new residential subdivision comprising 35 detached single-family dwellings and 65 street townhouses at 2740 Lawrence Avenue East (see Attachment 2: Location Map). The Draft Plan of Subdivision application (as illustrated on Attachment 7: Draft Plan of Subdivision) proposes to create a new 18.5 metre wide public street in a P-loop configuration providing site access from Lawrence Avenue East, together with an approximately 0.25 hectare new public park and two public walkways.

The proposed development is consistent with the Provincial Policy Statement (2020) and conforms with A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020). Staff have considered the application within the context of applicable Official Plan policies and the City's Townhouse and Low-Rise Apartment Guidelines. The proposal responds to the distinct characteristics of the site, deploying the proposed density in appropriate building types that are compatible with adjacent and nearby land uses.

This report reviews and recommends approval of the application to amend the Zoning By-law. This report also advises that the Chief Planner may approve the Draft Plan of Subdivision.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council amend City of Toronto Zoning By-law No. 569-2013, as amended, for the lands at 2740 Lawrence Avenue East, to incorporate the subject lands previously regulated under the former City of Scarborough Bendale Community Zoning By-law No. 9359, as amended, into Toronto Zoning By-law No. 569-2013, as amended, substantially in accordance with the draft Zoning By-law Amendment attached as Attachment 5 to the report dated May 31, 2021 from the Director, Community Planning, Scarborough District.

2. City Council authorizes the City Solicitor to make such stylistic and technical changes to the draft Zoning By-law Amendment as may be required.

3. Before introducing the necessary Bill to City Council for enactment, require the Owner to enter into an Agreement pursuant to Section 37 of the *Planning Act* to secure the following facilities, services and matters at the Owner's expense:

a. Prior to issuance of an above grade building permit, other than a building permit for a temporary sales office, the owner shall pay to the City a cash payment of two hundred and fifty thousand dollars (\$250,000.00) to be allocated evenly towards 'above base' improvements to the new public park and to the adjacent planned City day care centre to be located on the west side of the new public street.

4. That in accordance with the delegated approval under By-law 229-2000, as amended, City Council be advised that the Chief Planner and Executive Director, City Planning intends to approve the Draft Plan of Subdivision as generally illustrated in Attachment 7: Draft Plan of Subdivision, to this report, subject to:

a. the conditions as generally listed in Attachment 6: Conditions of Draft Plan of Subdivision, to this report, 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. City 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 to the satisfaction of the General Manager, Parks, Forestry and Recreation (PF&R). 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.

FINANCIAL IMPACT

The City Planning Division confirms that there are no financial implications resulting from the recommendations included in this report in the current budget year or in future years.

The Chief Financial Officer and Treasurer has reviewed this report and agrees with the financial impact information.

DECISION HISTORY

In 2013, the Toronto District School Board (TDSB) submitted rezoning and draft plan of subdivision applications for residential redevelopment of its former Bendale Business and Technical Institute secondary school at 1555 Midland Avenue, a site plan application for a proposed new replacement David and Mary Thomson Collegiate Institute to the east, and a consent application to sever the former David and Mary Thomson Collegiate lands at 2740 Lawrence Avenue East from the remainder of the above TDSB's lands to the northwest. The proposed severance was originally intended to enable separate conveyance of the subject site to the French school board, Conseil Scolaire Viamonde, however that transaction did not ultimately proceed. The above applications were appealed to the Ontario Municipal Board (OMB) for non-decision by the City.

On June 10, 2015, City Council considered two reports relating to the above matters. The first was a report from the City Solicitor dated June 9, 2015 recommending City support of a settlement on the above appeals subject to (in part) the City entering an agreement with TDSB for the acquisition of approximately 0.8 hectares of land at the south end of the future secondary school site, adjacent to the west side of the subject lands. The northern 0.4 hectare portion would be dedicated for parkland use, with the southern portion dedicated for a planned new City day care centre. The second report from the Acting Deputy City Manager, Cluster A and Deputy City Manager and Chief Financial Officer dated May 11, 2015 recommended the appropriate authorities and terms for the acquisition to proceed. The City Council decision record in regard to the above matters, together with all associated reports, can be viewed at: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2015.CC7.5>

On December 23, 2019, the Ontario Municipal Board (OMB) approved the TDSB appeals of the above applications.

Two pre-application meetings were held with the applicant on February 25 and March 27, 2019. The applicant also initiated their own open house consultation with the

community on June 12, 2019 at the Birkdale Community Centre. The current applications were submitted on October 8, 2019 and deemed complete on October 28, 2019. A Preliminary Report from the Director, Community Planning, Scarborough District dated January 13, 2020 on the applications was adopted by Scarborough Community Council on February 5, 2020. Staff were authorized to conduct a community consultation meeting with notice to be provided within the usual 120 metre notice area. Community consultation results are summarized in the Comments section of this Report. The Scarborough Community Council decision record and Preliminary Report can be viewed at:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2020.SC13.4>

PROPOSAL

This application proposes to amend the current School (SC) zoning of the subject property under the former City of Scarborough Bendale Community Zoning By-law No. 9350, as amended, for the property at 2740 Lawrence Avenue East (see Attachment 2: Location Map) to permit a residential subdivision consisting of:

- A new 18.5 metre wide public street in a P-loop configuration with 2.1 metre sidewalks on both sides providing site access from Lawrence Avenue East;
- A total of 35 detached single-family dwelling lots along the north and east sides of the site having typical frontages of 9 metres on the new public street, lot depths greater than 30 metres and minimum lot areas exceeding 270 square metres;
- Nine townhouse blocks totalling 65, 6-metre wide street townhouse units on 25 metre deep lots (30 metres for the 9 townhouse units proposed adjacent to Lawrence Avenue East) and lot areas averaging 174.5 square metres;
- All dwelling units incorporate front driveways with integral single-vehicle garages;
- A total of 19,693 square metres of development is proposed overall, including 7,671 square metres of detached single-family housing and 12,022 square metres of townhousing;
- One approximately 0.25 hectare public park block, located on the west side of the new public street, for consolidation with the above referenced 0.4 hectare park acquisition in 2015; and
- A 6 metre wide public walkway through the middle of the central townhouse blocks opposite the new park, with a second angled 6 metre wide public walkway from Lawrence Avenue East at the south-east corner of the site.

Additional project information is provided on Attachment 1: Application Data Sheet and Attachment 7: Draft Plan of Subdivision. Further detailed project information is found on the City's Application Information Centre at:

<https://www.toronto.ca/city-government/planning-development/application-information-centre/>

The subject lands are approximately 3.65 hectares (9 acres) in size and have approximately 118 metres of frontage on Lawrence Avenue East and a depth of

approximately 290 metres. The former David and Mary Thomson Collegiate Institute previously on the subject site has now been demolished, with a temporary sales centre proposed at the front of the property for marketing initially of the applicant's related residential subdivision under development nearby at 1555 Midland Avenue.

Surrounding uses include:

North: To the north is an existing low density residential neighbourhood, the new David and Mary Thomson Collegiate Institute school and Donwood Park Public School.

East: To the east is an existing residential neighbourhood consisting largely of semi-detached dwellings. East of Brimley Road is a hydro corridor containing a portion of Thomson Memorial Park, retirement homes and beyond that, the Scarborough Hospital.

South: To the south is Lawrence Avenue East, a commercial plaza, a hydro corridor and an existing residential neighbourhood beyond.

West: To the west are lands previously conveyed to the City of Toronto for a future City funded child care facility and parkland south of the new David and Mary Thomson Collegiate Institute sports field, an existing seven (7) storey apartment building on Lawrence Avenue East and commercial and high density residential uses beyond at Midland Avenue. The Lawrence East Station on the TTC's Line 3 is located approximately 860 metres west of the subject lands.

Reasons for Application

A rezoning application is required in order to permit the proposed residential land uses, lot sizes, building heights and density, and to establish appropriate performance standards relating to building setbacks, lot coverage and parking requirements to facilitate the proposed development.

The Draft Plan of Subdivision application is required to create the new lots for development and secure lands for conveyance as future public park, the new public street and proposed public walkways.

APPLICATION BACKGROUND

Application Submission Requirements

The following reports/studies were submitted in support of the application:

- Planning Rationale;
- Public Consultation Strategy;
- Community Services and Facilities Study;
- Archaeological Assessment;
- Environmental Site Assessment (Phase 1 and 2);
- Proposed Architectural Control Guidelines;

- Arborist Report;
- Civil and Utilities Plans;
- Geotechnical Study;
- Hydrogeological Report;
- Servicing Report Groundwater Summary;
- Stormwater Management Report;
- Traffic Operations Assessment; and
- Toronto Green Standards Checklist.

The above materials and associated plans can be referred to for additional information at the following Application Information Centre (AIC) link noted above.

Agency Circulation Outcomes

The application together with the applicable reports noted above, have been circulated to all appropriate agencies and City Divisions. Responses received have been used to assist in evaluating the application and to formulate appropriate Zoning By-law standards and conditions of Draft Plan of Subdivision approval.

Community Consultation

As noted above, the applicant initiated its own open house consultation with the community on June 12, 2019 at the Birkdale Community Centre. Community Planning staff had originally scheduled the Community Consultation Meeting to consult with area residents on the proposed rezoning as directed by Community Council for March 30, 2020 at Birkdale Community Centre. This meeting was cancelled due to the Covid outbreak and City shut-down at that time. A virtual Community Consultation Meeting was subsequently conducted on November 19, 2020. The meeting was attended by the Ward Councillor, applicant representatives, City Planning staff and approximately 10 members of the public. Notice for the meeting was provided to landowners and residents within 120 metres of the subject site. Results of the public consultation are summarized in the Comments section of this Report.

POLICY CONSIDERATIONS

Provincial Land-Use Policies: Provincial Policy Statement and Provincial Plans

Provincial Policy Statements and geographically specific Provincial Plans, along with municipal Official Plans, provide a policy framework for planning and development in the Province. This framework is implemented through a range of land use controls such as zoning by-laws, plans of subdivision and site plans.

The Provincial Policy Statement (2020)

The Provincial Policy Statement (2020) (the "PPS") 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 use and management of land and infrastructure;
- ensuring the sufficient provision of housing to meet changing needs including affordable housing;
- ensuring opportunities for job creation;
- ensuring the appropriate transportation, water, sewer and other infrastructure is available to accommodate current and future needs; and
- protecting people, property and community resources by directing development away from natural or human-made hazards.

The provincial policy-led planning system recognizes and addresses the complex inter-relationships among environmental, economic and social factors in land use planning. The PPS supports a comprehensive, integrated and long-term approach to planning, and recognizes linkages among policy areas.

The PPS is issued under Section 3 of the *Planning Act* and all decisions of Council in respect of the exercise of any authority that affects a planning matter shall be consistent with the PPS. Comments, submissions or advice affecting a planning matter that are provided by Council shall also be consistent with the PPS.

The PPS recognizes and acknowledges the Official Plan as an important document for implementing the policies within the PPS. Policy 4.7 of the PPS states that, "The official plan is the most important vehicle for implementation of this Provincial Policy Statement. Comprehensive, integrated and long-term planning is best achieved through official plans."

Provincial Plans

Provincial Plans are intended to be read in their entirety and relevant policies are to be applied to each situation. The policies of the Plans represent minimum standards. Council may go beyond these minimum standards to address matters of local importance, unless doing so would conflict with any policies of the Plans.

All decisions of Council in respect of the exercise of any authority that affects a planning matter shall be consistent with the PPS and shall conform with Provincial Plans. All comments, submissions or advice affecting a planning matter that are provided by Council shall also be consistent with the PPS and conform with Provincial Plans.

Growth Plan for the Greater Golden Horseshoe (2020)

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020) came into effect on August 28, 2020. This was an amendment to the Growth Plan for the Greater Golden Horseshoe, 2019. The Growth Plan (2020) continues to provide a strategic

framework for managing growth and environmental protection in the Greater Golden Horseshoe region, of which the City forms an integral part. The Growth Plan (2020), establishes policies that require implementation through a Municipal Comprehensive Review (MCR), which is a requirement pursuant to Section 26 of the *Planning Act*. Policies not expressly linked to a MCR can be applied as part of the review process for development applications, in advance of the next MCR. These policies include:

- Directing municipalities to make more efficient use of land, resources and infrastructure to reduce sprawl, contribute to environmental sustainability and provide for a more compact built form and a vibrant public realm;
- Directing municipalities to engage in an integrated approach to infrastructure planning and investment optimization as part of the land use planning process;
- Achieving complete communities with access to a diverse range of housing options, protected employment zones, public service facilities, recreation and green space, and better connected transit to where people live and work;
- Retaining viable lands designated as employment areas and ensuring redevelopment of lands outside of employment areas retain space for jobs to be accommodated on site;
- 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.

The Growth Plan (2020), builds upon the policy foundation provided by the PPS and provides more specific land use planning policies to address issues facing the GGH region. The policies of the Growth Plan (2020), take precedence over the policies of the PPS to the extent of any conflict, except where the relevant legislation provides otherwise. In accordance with Section 3 of the *Planning Act* all decisions of Council in respect of the exercise of any authority that affects a planning matter shall conform with the Growth Plan (2020). Comments, submissions or advice affecting a planning matter that are provided by Council shall also conform with the Growth Plan (2020).

Toronto Official Plan

This application has been reviewed against the policies of the City of Toronto Official Plan as discussed further below.

The City of Toronto Official Plan can be found here:

<https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/official-plan/>

Chapter 2 - Shaping the City

Section 2.2 Structuring Growth in the City: Integrating Land Use and Transportation: The Official Plan states that future growth within Toronto will be steered to areas which are well served by transit, the existing road network and which have a number of

properties with redevelopment potential. Growth areas in the City are locations where good transit access can be provided along bus and rapid transit routes. Areas that can best accommodate this growth are shown on Map 2 of the Official Plan. Map 2 designates Lawrence Avenue East immediately west of the subject site as an *Avenue*.

Chapter 3 - Building a Successful City

Section 3.1.1 The Public Realm: The Official Plan recognizes the essential role the City's streets, open spaces, parks, ravines, natural areas and other key public assets play in creating a great city. The policies are designed to ensure that a high standard is achieved through urban design, landscaping, and architecture for both public and private development and works. Public Realm policies also provide for new streets to be public; new development blocks to be appropriately sized; and parks and open spaces to be well designed and appropriately located.

Section 3.1.2 Built Form: The Official Plan states that architects and developers have a civic responsibility to create buildings that not only meet the needs of their clients, tenants and customers, but also the needs of the people who live and work in the area. New development in Toronto will be located and organized to fit with its existing and/or planned context. It will do this by generally locating buildings parallel to the street or along the edge of a park or open space, have a consistent front yard setback, acknowledge the prominence of corner sites, locate entrances so they are clearly visible and provide ground floor uses that have views into and access from the streets. New development will also locate and organize vehicle parking and vehicular access to minimize their impacts on the public realm. Furthermore, new development will create appropriate transitions in scale to neighbouring existing and/or planned buildings, limit shadowing on streets, properties and open spaces, and minimize any additional shadowing and uncomfortable wind conditions on neighbouring parks as necessary to preserve their utility.

In addition to the policies identified above, new development will also be massed to define the edge of streets, parks and open spaces to ensure adequate access to sky views for the proposed and future uses. New development will provide public amenity, and enhance the public realm through improvements to adjacent boulevards and sidewalks through tree plantings.

Section 3.2.2 Community Services and Facilities: The Official Plan states that strategies for providing new social infrastructure or improving existing community service facilities will be developed for areas that are inadequately serviced or experiencing major growth or change, and will be informed through the preparation of a community services strategy. The inclusion of community service facilities are encouraged in all significant private sector development.

Chapter 4- Land Use Designations

The site is designated *Neighbourhoods* on Map 23 - Land Use Plan of the Toronto Official Plan. *Neighbourhoods* are considered as physically stable areas primarily made

up of low density type residential uses, such as detached houses, semi-detached houses, duplexes, triplexes and townhouses, as well as interspersed walk-up apartments that are no higher than four storeys. Parks, low scale local institutions, home occupations, cultural and recreational facilities and small-scale retail, service and office uses are also provided for in Neighbourhoods

The size, irregular configuration and orientation of the subject lands varies from the local pattern within the Neighbourhood and thus the infill development criteria contained in Policy 4.1.9 apply. These policies provide for infill development to have heights, massing and scale that are respectful of those permitted by zoning for nearby residential properties, while taking into account the existing form of development on the infill property; have setbacks from adjacent residential properties and public streets that are proportionate to those permitted by zoning for adjacent residential properties and front onto existing or newly created public streets wherever possible, with no gates limiting public access.

Chapter 5 - Implementation: Making Things Happen

The Official Plan provides for the use of Section 37 of the *Planning Act* to secure community benefits in exchange for increased height and density for new development, provided it first meets the test of good planning and is consistent with the policies and objectives of the Plan. The Section 37 community benefits are capital facilities and/or cash contributions toward specific capital facilities, above and beyond those that would otherwise be provided under provisions of the *Planning Act* or the *Development Charges Act* or other statute. Section 37 may be used, irrespective of the size of the project or increase in height and/or density as a mechanism to secure facilities required to support development.

Planning staff note that Section 37 of the *Planning Act* has been amended and replaced with the new Community Benefits Charge regime. The new regime, while in place in legislation, provides for a transition period. The continued use of the Section 37 density bonusing framework remains in place and will be utilized where applicable until the City passes a Community Benefit Charge by-law.

Official Plan Amendment 320

In December 2015, the City of Toronto City Council adopted Official Plan Amendment No. 320 (OPA 320), which strengthens and refines the Healthy Neighbourhoods, *Neighbourhoods* and *Apartment Neighbourhoods* policies to support Council's goals to protect and enhance existing neighbourhoods. In July of 2016, the Minister of Municipal Affairs and Housing approved OPA 320 and the decision was subsequently appealed.

The Local Planning Appeal Tribunal (LPAT) issued an order to approve OPA 320 on December 7, 2018 bringing the policies in force for all lands except for properties that remain subject to site-specific appeals. The subject applications were submitted after OPA 320 being brought into force and are therefore subject to these new policies.

The outcome of staff analysis and review of relevant Official Plan policies and designations are summarized in the Comments section of the Report.

Zoning

The property is subject to the zoning provisions of the former City of Scarborough Bendale Community Zoning By-law No. 9359, as amended. The property is currently zoned School (SC) permitting only schools as defined under the *Education Act*, as amended, which includes educational uses, School Board administrative uses and secondary uses for community, cultural and recreational purposes. Day nurseries are also permitted.

The property is not currently subject to City of Toronto Zoning By-law No. 569-2013, as amended.

Townhouse and Low-rise Apartment Guidelines

City Council adopted city-wide Townhouse and Low-Rise Apartment Guidelines and directed City Planning staff to use these Guidelines in the evaluation of townhouse and low-rise apartment development applications. These new Townhouse and Low-Rise Apartment Guidelines replace the Infill Townhouse Guidelines (2003) and are intended to be used in the review of an application when the proposed built form meets the City's Official Plan policies. The new Guidelines identify strategies to enhance the quality of these developments, provide examples of best practices, and improve clarity on various development scenarios. The link to the Guidelines is here:

<https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/design-guidelines/townhouse-and-low-rise-apartments/>

Site Plan Control

The proposed townhouse blocks are subject to Site Plan Control. A Site Plan Control application has not been filed.

Draft Plan of Subdivision

A draft plan of subdivision application (File No. 19 242185 ESC 21 SB) has been submitted to facilitate the creation of lots and blocks, inclusive of a block to achieve a new 18.5 metre public road, an approximately 0.25 hectare public park block and two 6 metre wide public walkway blocks. The Chief Planner has delegated authority to approve plans of Subdivision under By-law 229, as amended.

COMMENTS

Provincial Policy Statement and Provincial Plans

The proposal has been reviewed and evaluated against the PPS (2020) and the Growth Plan (2020).

Staff have determined that the proposal is consistent with the PPS and conforms with the Growth Plan (2020).

Section 1.1.1 of the PPS indicates that healthy, liveable and safe communities are sustained in part by promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term by accommodating an appropriate range and mix of uses and avoiding development and land use patterns which may cause environmental or public health and safety concerns.

The proposed redevelopment extends and enhances the local public road network creating an efficient layout comprised of lots fronting a new public street. This is consistent with Section 1.1.3.2 of the PPS which indicates that land use patterns within settlement areas shall be based on densities and a mix of land uses which efficiently use land and resources and are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, support active transportation and are transit-supportive, where transit is planned, exists or may be developed. The proposal is transit supportive and encourages active transportation by incorporating new sidewalks and convenient access to bus service via a new signalized intersection on Lawrence Avenue East at the new public street.

The proposed redevelopment is comprised of townhouse and detached building types ranging in size from an average of approximately 185 square metres per townhouse unit to 220 square metres for a detached unit, directly adjacent to a neighbourhood characterized predominantly semi-detached dwellings. Section 1.4.3 of the PPS indicates that planning authorities shall provide for an appropriate range and mix of housing types and densities. The proposal is consistent with this section as it contributes appropriately to the range and mix of residential uses in the area. Of note, the proposed development is situated in proximity to retail and service uses to the west along Lawrence Avenue East, supporting the objective of having land use patterns within settlement areas which are based on a mix of land uses which efficiently use land and resources and existing infrastructure.

Land Use

This application has been reviewed against the Official Plan policies described in the Policy Considerations section of the Report, as well as the policies of the Toronto Official Plan as a whole. The application was evaluated against the infill development criteria of Policy 4.1.9, the intent of which is to ensure that development on properties that vary from the local pattern in terms of lot size, configuration and/or orientation in established Neighbourhoods will have heights, massing and scale appropriate for the site and compatible with that permitted by the zoning for adjacent and nearby residential properties. This would include providing adequate distance and separation between building walls and using landscaping, planting and fencing, to enhance privacy where needed.

The development is organized to fit with the existing context, appropriately responding to the development criteria in Policy 4.1.9. The proposed 2-storey, typically 7.5 to 8 metre high detached dwelling units are compatible with existing building heights on the neighbouring properties to the east and north, and provide appropriate transition in height and scale toward the taller, typically 9.9 metre high 3-storey townhouses located further from the existing dwellings.

The proposed detached dwellings would have acceptable side yard building setbacks of 1.2 metres on both sides and would maintain minimum 7.5 metre deep rear yards adjacent to the abutting rear yards of the existing neighbourhood to the east and north. All proposed dwellings will front onto the new public street and be provided with driveways and integral garages suitable for parking 2 vehicles per unit.

Staff have determined that the applicant has adequately addressed the objectives of Policy 4.1.9 applicable to this application.

Density, Height, Massing

This application has been reviewed against the official plan policies and/or design guidelines described in the Policy Consideration Section of the Report.

As provided for by the built form policies of the Official Plan, the proposed buildings all front on a proposed new public street. The proposed setbacks are generally consistent with all main front doors clearly visible and directly accessible from the public sidewalk. The proposal advances an attractive streetscape design that includes sidewalks on both sides along all new street frontages, predominately paired unit driveways, and the potential for approximately 140 new street and private tree plantings.

As discussed in the response to the infill policies of the *Neighbourhoods* designation, the proposed development is massed and its exterior façades will be designed to fit harmoniously into its existing and/or planned context, limiting its impact on neighbouring streets, parks, open spaces and properties. Where there is abutting existing development, the new buildings can be designed and sited to meet a 45 degree angular plane to address any skyview, privacy and shadowing concerns.

Townhouse and Low-rise Apartment Guidelines

Staff have considered relevant standards in the guidelines to provide feedback to inform further subdivision and townhouse designs relating to the townhouse blocks. Through the further required site plan approval process, staff will continue working with the applicant to incorporate relevant built form direction provided by the guidelines for these blocks.

Traffic Impact, Access, Parking

The applicant submitted a Traffic Impact Study in support of the subject applications, together with a supporting Traffic Signal Justification Review, Preliminary Functional

Intersection Design, and fire/waste collection Vehicle Swept Path Analysis. The results indicate that the project will generate approximately net new 52 and 66 two-way trips during the a.m. and p.m. peak hours, respectively. The applicant's consultant concludes that traffic generated from this development can be adequately accommodated by the surrounding road network. The consultant has also submitted a traffic signal justification review, dated April 2020, with a typical plan for the new traffic light control at the intersection of the public road and Lawrence Avenue East, together with mitigation measures for the adjacent driveways. The revised Traffic Signal Modification Plan under review includes provision for removal of the existing Mid-block Traffic Light Signal on the Lawrence Avenue East frontage to the east. While the owner will be required to provide appropriate associated financial guarantees in regard to the above, Transportation Services staff have identified no further issues with the proposed rezoning.

The applicant proposes two parking spaces per dwelling unit comprised of 1 parking space within the integral garage and 1 parking space on the driveway, which exceeds the requirement found in Zoning By-law No. 569-2013, as amended, of 1 parking space per dwelling unit. Staff in Transportation Services and Transportation Planning have reviewed the report and relevant submissions and raise no further issues.

Planning staff note that the introduction of the new public street would now provide street access to service the planned City day care facility located on lands previously acquired from the TDSB. City Council authorization will also be required for the installation of traffic signals at the new intersection and, as a related matter, removal of the existing mid-block pedestrian crossing on Lawrence Avenue East located to the east of the new intersection.

Servicing

Municipal services from Lawrence Avenue East previously serving the former secondary school on the subject lands were located under the currently proposed pedestrian walkway at the southeast corner of the site (indicated as Block 36 on Attachment 7: Draft Plan of Subdivision). The City will not accept this arrangement and requires existing services to be extended westerly along Lawrence Avenue East to service the new subdivision via the new public street.

The applicant has submitted a Functional Servicing and Stormwater Management Report in support of the proposal which concludes that the proposed development can otherwise be fully serviced utilizing existing services available to the site. Engineering and Construction Services staff have reviewed the report no further servicing issues for the development as proposed have been identified. Accordingly, Engineering and Construction Services has no objection to rezoning the lands at this time, subject to the owner entering a Subdivision Agreement for the construction of any proposed municipal infrastructure and improvements internal and external to the site and making necessary arrangements with Engineering and Construction Services to carry out the work. Further requirements in this regard will be determined and secured through the draft plan of

subdivision process as per the conditions set out in Attachment 6: Conditions of Draft Plan of Subdivision.

Open Space/Parkland

The Official Plan contains policies to ensure that Toronto's systems of parks and open spaces are maintained, enhanced and expanded. Map 8B of the City of Toronto Official Plan shows local parkland provisions across the City. The lands which are the subject of this application are in an area with 0.80 to 1.56 hectares of local parkland per 1,000 people. The site is in the middle quintile of current provision of parkland. The site is in a parkland priority area, as per Chapter 415, Article III, of the Toronto Municipal Code.

Public parks and open spaces perform a variety of critical functions that improve and maintain community and environmental health. They offer recreational opportunities which support active lifestyles, host spaces for social events and organization, and accommodate natural infrastructure which provide vital ecosystem services and help mitigate the effects of climate change. In the context of a rapidly growing city, it is imperative to enhance and expand the amount of public parkland provided to residents and visitors alike.

This revised development proposal is for the construction of 100 dwelling units within a net site area of 25,930 square metres. At the alternative rate of 0.4 hectares per 300 units specified in Chapter 415, Article III of the Toronto Municipal Code, the parkland dedication requirement is 1,333 square metres or 5.1% of the site area. The applicant is proposing a 2,470 square metre on-site parkland dedication as required by this section. In the case of an over dedication of parkland, this City will accept the lands but no credit will be given for the over dedication. The dedicated parkland shall be free and clear, above and below grade, of all easements, encumbrances and encroachments.

As discussed previously, the proposed new park will serve to expand the adjacent 0.4 hectare public park previously secured by the City from the TDBS. Parks staff indicate an interest in securing the design and construction, by the Owner, of Above Base Park Improvements by utilizing the Parks and Recreation component of the Development Charges for this work. A recommendation that City Council authorize the assignment of such Development charges in this manner is included in this report.

Tree Preservation

An Arborist Report including a tree inventory and a Tree Preservation Plan were submitted for review by staff and determined to be acceptable. Due largely to the recent demolition of David and Mary Thomson Collegiate Institute, permits have already been issued by Urban Forestry for removal of 9 trees, to be replaced on site at the standard 3:1 ratio (27 new trees). Upwards of approximately 140 new street and private trees overall can potentially be provided on this site having regard to adequate soil volume requirements and utilizing enhanced planting opportunities provided by the pairing of driveways. While Urban Forestry staff have indicated no further concerns with approval of the subject applications, they have requested conditions (as indicated on Attachment

6: Conditions of Draft Plan of Subdivision), requiring the applicant to submit a tree planting deposit prior to final subdivision approval to ensure the planting and survival of 112 new City trees.

Toronto Green Standard

Council has adopted the four-tier Toronto Green Standard (TGS). The TGS is a set of performance measures for green development. Applications for Zoning By-law Amendments, Draft Plans of Subdivision and Site Plan Control are required to meet and demonstrate compliance with Tier 1 of the Toronto Green Standard. Tiers 2, 3 and 4 are voluntary, higher levels of performance with financial incentives. Tier 1 performance measures are secured on site plan drawings and through a Site Plan Agreement or Registered Plan of Subdivision.

The applicant is required to meet Tier 1 of the TGS. The applicant is encouraged to achieve Tier 2 or higher to advance the City's objectives for resilience and to achieve net-zero emissions by 2050 or sooner. Performance measures for the Tier 1 development features will be secured through the ongoing Subdivision Approval process including matters such as tree protection and preservation of mature trees, ravine protection and stormwater retention and reuse and erosion and sediment control and construction activity. Other applicable TGS performance measures will be secured through the Site Plan Approval process.

Community Services Assessment

Community Services and Facilities (CS&F) are an essential part of vibrant, strong and complete communities. CS&F are the lands, buildings and structures for the provision of programs and services provided or subsidized by the City or other public agencies, boards and commissions, such as recreation, libraries, childcare, schools, public health, human services, cultural services and employment services.

The timely provision of community services and facilities is as important to the livability of the City's neighbourhoods as "hard" services like sewer, water, roads and transit. The City's Official Plan establishes and recognizes that the provision of and investment in community services and facilities supports healthy, safe, liveable, and accessible. Providing for a full range of community services and facilities in areas experiencing major or incremental growth, is a responsibility shared by the City, public agencies and the development community.

The subject property is not within or adjacent to a Neighbourhood Improvement Area (NIA), however a CS&F Study was submitted as part of the complete application. The study concluded that the proposed development can be accommodated by existing community facilities and services within the study area without undue pressure on existing community facilities and services. Community Policy staff have accepted the study findings and raise no further concerns with the proposed development.

Archaeological Assessment

An archaeological resource assessment identifies and evaluates the presence of archaeological resources also known as archaeological sites. A Stage 1 and 2 Archaeological Assessment prepared previously in support of the above noted 2013 TDSB planning applications and resubmitted with the current applications has identified no further archaeological concerns in regard to the subject property.

Section 37

The Official Plan contains policies pertaining to the provision of community benefits in exchange for increases in height and/or density pursuant to Section 37 of the *Planning Act*. While the proposed development would establish residential density limits not currently permitted under the existing Zoning By-law, the application is consistent with the objectives and policies of the Official Plan, and thus constitutes good planning.

Planning staff have proposed, and the owner has accepted, a financial contribution of \$250,000 to be directed for use by the City toward [XXXX \(TBD with Councillor\)](#). As noted in the Recommendations section of this report, an executed Section 37 Agreement to reflect this commitment should appropriately be required prior to introduction of the amending Zoning By-laws for enactment.

Community Consultation

Questions raised by the community relating to the development proposal during the above noted November 23, 2020 community consultation meeting included:

- Proposed timing for the development;
- Fencing installation and maintenance proposals to maintain privacy for adjacent residents;
- Potential traffic impacts on local streets, including the Birchmount Road/Dulverton Road intersection;
- Adequacy of a single site access street only; and
- Impact of the development on schools, community service facilities and municipal infrastructure.

No further concerns were expressed by the public regarding the applicant's responses to the development timing and fencing questions. Similarly no further concerns regarding potential impacts from the proposed development on local streets, schools, community service facilities or municipal servicing infrastructure have been identified by the City's usual commenting Divisions and agencies during review of the subject rezoning and draft plan of subdivision applications.

Conclusion

The proposal has been reviewed against the policies of the PPS (2020), the Growth Plan (2020), and the Toronto Official Plan. Staff are of the opinion that the proposal is consistent with the PPS (2020) and does not conflict with the Growth Plan (2020). Furthermore, the proposal to redevelop the subject former school site with new residential uses providing much needed family-size dwelling units is in keeping with the intent of the Toronto Official Plan, particularly as it relates to the Chapter 4 *Neighbourhoods* policies relating to infill development. Staff have worked with the applicant and the community to address and adequately resolve all concerns raised commenting partner divisions and agencies and the community. Staff recommend that Council support approval of the application.

CONTACT

Rod Hines, Principal Planner, Community Planning, Scarborough District, Tel. No. (416) 396-7020, E-mail: Rod.Hines@toronto.ca

SIGNATURE

Paul Zuliani, MBA, RPP, Director
Community Planning, Scarborough District

ATTACHMENTS

City of Toronto Data/Drawings

- Attachment 1: Application Data Sheet
- Attachment 2: Location Map
- Attachment 3: Official Plan Land Use Map
- Attachment 4: Existing Zoning By-law Map
- Attachment 5: Draft Zoning By-law Amendment
- Attachment 6: Conditions of Draft Plan of Subdivision

Applicant Submitted Drawings

Attachment 7: Draft Plan of Subdivision

Attachment 1: Application Data Sheet

Municipal Address: 2740 LAWRENCE AVE E Date Received: October 28, 2019
 Application Number: 19 242173 ESC 21 OZ
 Application Type: Rezoning, Rezoning
 Project Description: Development comprising of 35 detached dwellings and 9 townhouse blocks (65 street townhouse units) with a public road on a new plan of subdivision. Refer to concurrent Plan of Subdivision 19 242185 ESC 21 SB.
 Applicant: BILLY TUNG Agent: Architect: Owner: MADISON GROUP

EXISTING PLANNING CONTROLS

Official Plan Designation: Neighbourhoods Site Specific Provision: N/A
 Zoning: SC - School Heritage Designation: N/A
 Height Limit (m): N/A Site Plan Control Area: Yes

PROJECT INFORMATION

Site Area (sq. m): 36,567 Frontage (m): 118 Depth (m): 290

| Building Data | Existing | Retained | Proposed | Total |
|------------------------------|----------|----------|----------|--------|
| Ground Floor Area (sq. m): | (21,584) | 0 | | |
| Residential GFA (sq. m): | | | 19,693 | 19,693 |
| Non-Residential GFA (sq. m): | (21,584) | 0 | | |
| Total GFA (sq. m): | (21,584) | 0 | 19,693 | 19,693 |
| Height - Storeys: | 2 | | 3 | 3 |
| Height - Metres: | | | 10 | 10 |

Lot Coverage Ratio (%): To be determined Floor Space Index: 0.54

| Floor Area Breakdown | Above Grade (sq. m) | Below Grade (sq. m) |
|--------------------------|---------------------|---------------------|
| Residential GFA: | 19,693 | |
| Retail GFA: | 0 | |
| Office GFA: | 0 | |
| Industrial GFA: | 0 | |
| Institutional/Other GFA: | 0 | |

| Residential Units by Tenure | Existing | Retained | Proposed | Total |
|--------------------------------|----------|----------|----------|-------|
| Rental: | | | | |
| Freehold: | | | 100 | 100 |
| Condominium: | | | | |
| Other: | | | | |
| Total Units: | | | 100 | 100 |

Total Residential Units by Size

| | Rooms | Bachelor | 1 Bedroom | 2 Bedroom | 3+ Bedroom |
|--------------|-------|----------|-----------|-----------|------------|
| Retained: | | | | | |
| Proposed: | | | | | 100 |
| Total Units: | | | | | 100 |

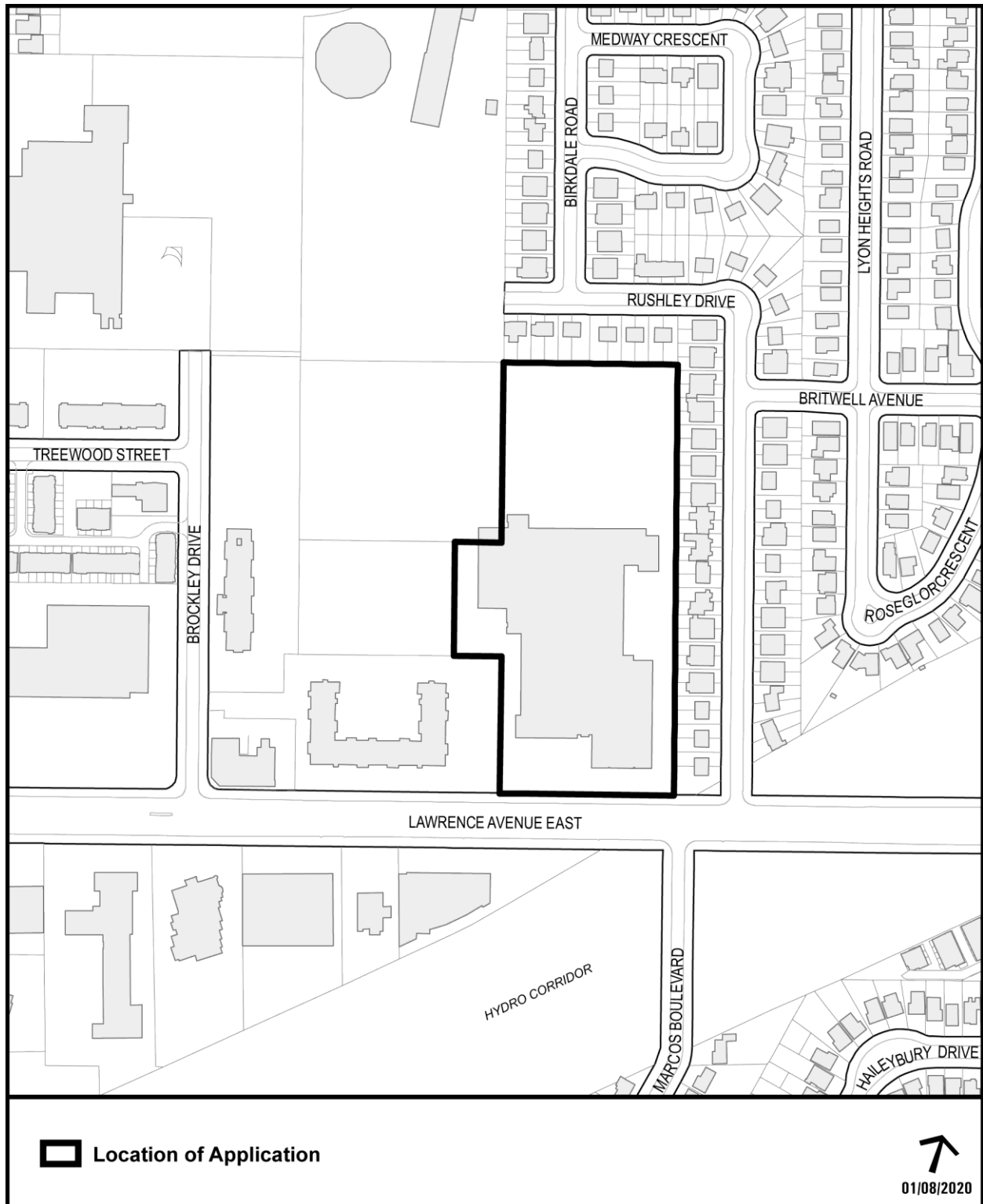
Parking and Loading

| | | | |
|-----------------|-----|-------------------------|----------------|
| Parking Spaces: | 200 | Bicycle Parking Spaces: | Loading Docks: |
|-----------------|-----|-------------------------|----------------|

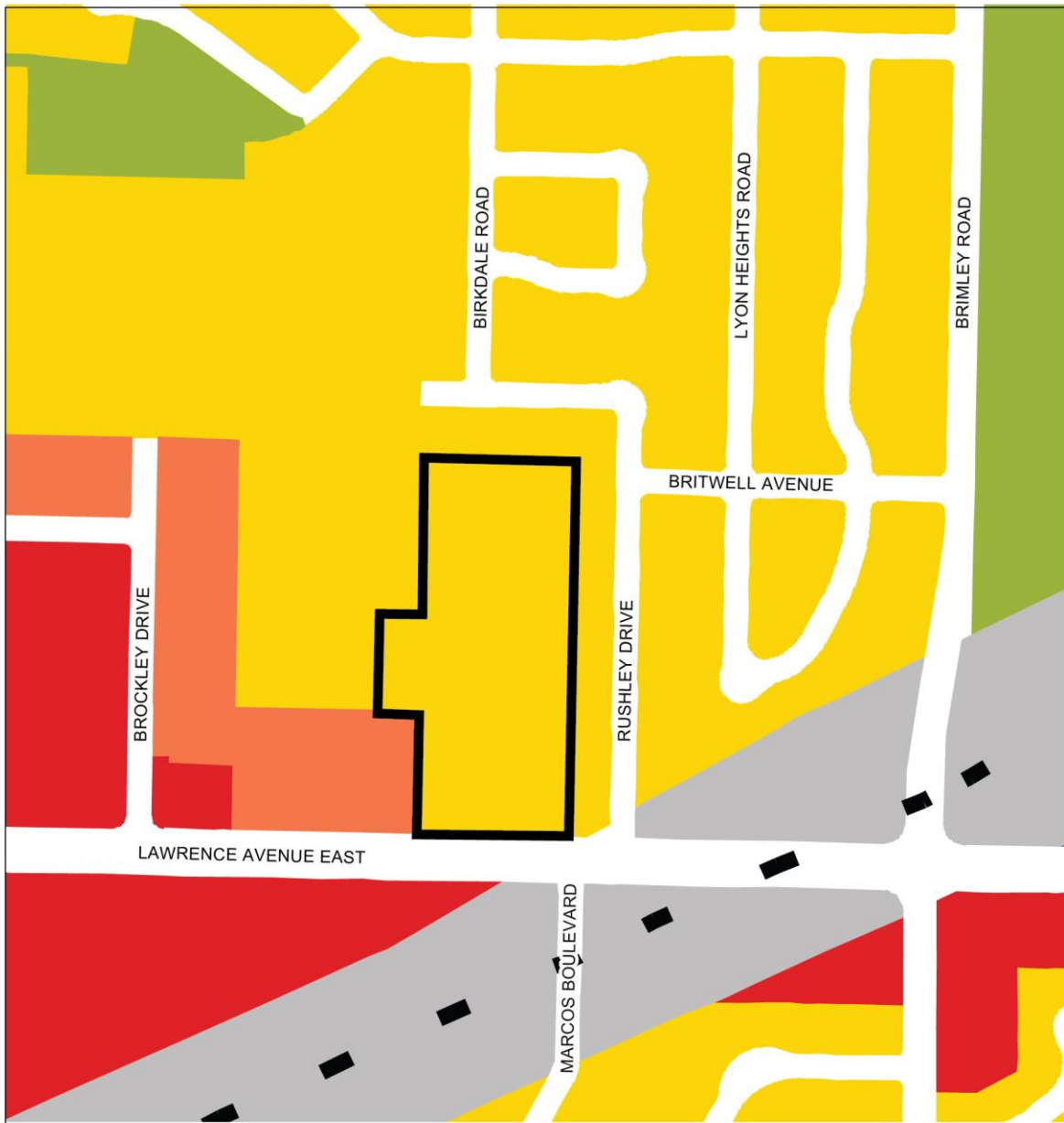
CONTACT:

Rod Hines, Principal Planner
(416) 396-7020
Rod.Hines@toronto.ca

Attachment 2: Location Map



Attachment 3: Official Plan Land Use Map



2740 Lawrence Avenue East

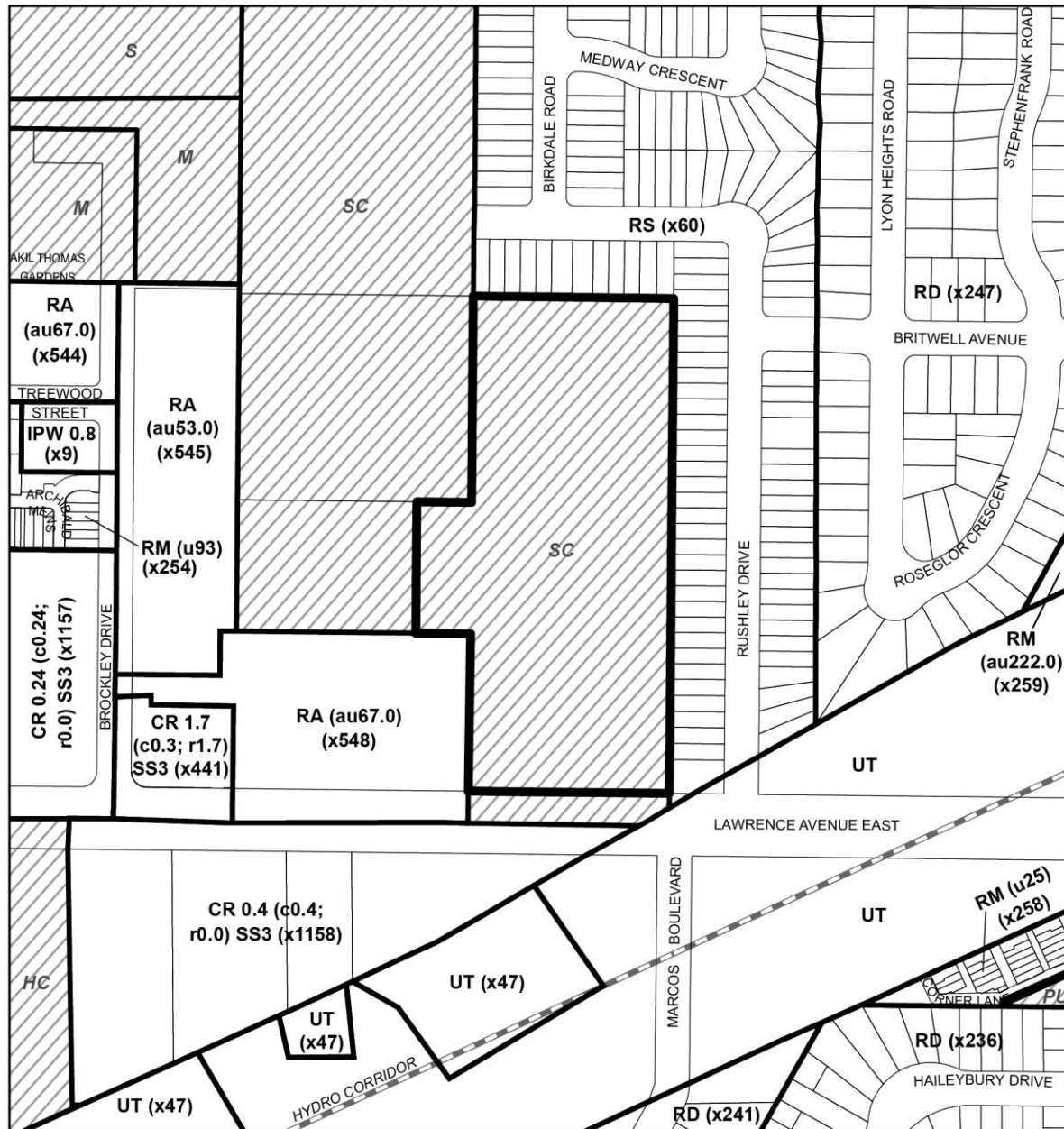
Official Plan Land Use Map #20

File # 19 242173 ESC 21 OZ

| | | | |
|--|--------------------------|--|--------------------------|
| | Location of Application | | Parks & Open Space Areas |
| | Neighbourhoods | | Parks |
| | Apartment Neighbourhoods | | Utility Corridors |
| | Mixed Use Areas | | |

↑
Not to Scale
01/08/2020

Attachment 4: Existing Zoning By-law Map



Zoning By-law 569-2013

2740 Lawrence Avenue East

File # 19 242173 ESC 21 02



Location of Application



See Former City of Scarborough Bendale Community By-law No. 9350

RD
RS
RM

Residential Detached
Residential Semi-Detached
Residential Multiple

RA
CR
IPW
UT

Residential Apartment
Commercial Residential
Institutional Place of Worship
Utility and Transportation

S
M
HC
SC
PU

Single-Family Residential
Multiple-Family Residential
Highway Commercial
School
Public Utilities



Not to Scale
Extracted: 05/12/2021

Attachment 5: Draft Zoning By-law Amendment

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

CITY OF TORONTO

Bill No. ~ BY-LAW NO. XXX-2021

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

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

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

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

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

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

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

The Council of the City of Toronto enacts:

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

3. Zoning By-law No. 569-2013, as amended, is further amended by adding the lands outlined in a heavy black line on Diagram 2 to the Zoning By-law Map in Section 990.10, and applying the following zone labels to these lands: RT (x323) and O as shown on Diagram 2 attached to this By-law.

4. Zoning By-law 569-2013, as amended, is further amended by adding the lands outlined in a heavy black line on Diagram 1 to the Policy Area Overlay Map in Article 995.10.1; the Height Overlay Map in Article 995.20.1; the Lot Coverage Overlay Map in Article 995.30.1; and the Rooming House Overlay Map in Article 995.40.1 with no label.

5. Zoning By-law No. 569-2013, as amended, is further amended by adding Article 900.5.10 Exception Number 323 so that it reads:

(323) Exception RT 323

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

Site Specific Provisions:

(A) On 2740 Lawrence Avenue East, if the requirements of Section 6 and Schedule A of By-law [Clerks to insert By-law number] are complied with a **building, structure**, addition or enlargement is permitted in compliance with (B) to (F) below

(B) A required **parking space** must be located in an attached **parking garage**.

(C) Despite clause 10.5.40.60, the following projections may encroach into a required minimum **building setback** a maximum distance as specified, provided that no such projection shall extend into a public **street**:

- (i) Deck, porch, balcony of similar structure:
1.5 metres;
- (ii) Decorative or screen wall:
1 metre
- (iii) Exterior steps or ramps:
3 metres
- (iv) Bay window, box window or other projecting window:
0.6 metres
- (v) Roof overhang, eave or roof of dormer window:
0.6 metres provided they are no closer to a **lot line** than 0.15 metres

- (vi) Chimney, pilaster and projecting columns:
0.6 metres.

(D) On 'Area A' as identified on Diagram 3 of By-law No. [Clerks to insert By-law number], the following applies:

- (i) A maximum of 35 **detached houses** are permitted;
- (ii) Despite regulation 10.5.50.10(1)(B), the required minimum **landscaping** of the **front yard** is 45%;
- (iii) Despite regulation 10.5.50.10(1)(D), a minimum of 67% of the **front yard landscaping** required under (ii) above must be **soft landscaping**;
- (iv) Despite regulation 10.60.30.10(1)(C) the required minimum **lot area** for each **lot** containing a **detached house** is 270 square metres;
- (v) Despite regulation 10.60.30.20(1)(B), the required minimum **lot frontage** for each **lot** containing a **detached house** is 9 metres;
- (vi) Despite regulation 10.60.30.40(1) the permitted maximum **lot coverage** for each **lot** is 55%;
- (vii) Despite regulation 10.60.40.10(2), the permitted maximum number of **storeys** of a **detached house** is 2; and
- (viii) Despite regulation 10.5.40.70(1) and clause 10.60.40.70, the following minimum **building setbacks** apply:

a) **Front yard setback:**

- 4.5 metres, except that the garage **main wall** containing the vehicular access shall have a minimum setback of 6.0 metres from the **street** line;

b) **Rear yard setback:**

- 7.5 metres;

c) **Side yard setback:**

- 1.2 metres on one side and 0.6 metres on the other side.

(E) On 'Area B' as identified on Diagram 3 of By-law No. [Clerks to insert By-law number], the following applies:

- (i) A maximum of 9 **townhouse dwelling units** are permitted;

(ii) Where garages, accessed from the **rear lot line**, are attached to a **townhouse dwelling unit**, a minimum 14 square metres of resident outdoor **amenity space** is required on the roof of the attached garage.

(iii) Despite regulation 10.5.50.10(1)(B), the required minimum **landscaping** is 100% of the **front yard**;

(iv) Despite regulation 10.60.30.10(1)(C) the required minimum **lot area** for each **townhouse dwelling unit** is 180 square metres;

(v) Despite regulation 10.60.40.1(3)(B), the required minimum width of a **dwelling unit** in a **townhouse** is 5.8 metres;

(vi) Despite regulation 10.60.40.10(1), the permitted maximum height of a **townhouse dwelling unit** is 11 metres;

(vii) Despite regulation 10.60.40.10(2), the permitted maximum number of **storeys** of a **townhouse dwelling unit** is 3;

(viii) Despite regulation 10.5.40.70(1) and clause 10.60.40.70, the following minimum **building setbacks** apply:

a) Front yard setback:

- 4.5 metres

b) Rear yard setback:

- 9.3 metres

c) Side yard setback:

- 1.5 metres for non-shared end walls; and

(ix) In accordance with regulation 5.10.30.20(1), Lawrence Avenue East is the **front lot line**.

(F) On 'Area C' as identified on Diagram 3 of By-law No. [Clerks to insert By-law number], the following applies:

(i) A maximum of **56 townhouse dwelling units** are permitted;

(ii) Despite regulation 10.5.50.10(1)(B), the required minimum **landscaping** of the **front yard** is 45%;

(iii) Despite regulation 10.5.50.10(1)(D), a minimum of 67% of the **front yard landscaping** required under (ii) above must be **soft landscaping**;

(iv) Despite regulation 10.60.30.10(1)(C) the required minimum **lot area** for each **townhouse dwelling unit** is 150 square metres;

(v) Despite regulation 10.60.40.1(3)(B), the required minimum width of a **dwelling unit** in a **townhouse** is 5.8 metres;

(vi) Despite regulation 10.60.40.10(1), the permitted maximum height of a **townhouse dwelling unit** is 11 metres;

(vii) Despite regulation 10.60.40.10(2), the permitted maximum number of **storeys** of a **townhouse dwelling unit** is 3;

(viii) Despite regulation 10.5.40.70(1) and clause 10.60.40.70, the following minimum **building setbacks** apply:

a) Front yard setback:

- 6 metres

b) Rear yard setback:

- 7 metres

c) Side yard setback:

- 1.5 metres for non-shared end walls;

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

6. Section 37 Provisions

Pursuant to Section 37 of the Planning Act, and subject to compliance with this By-law, the increase in density of the development is permitted beyond that otherwise permitted on the lands shown on Diagram 1 in return for the provision by the owner, at the owner's expense of the facilities, services and matters set out in Schedule A hereof and which are secured by one or more agreements pursuant to Section 37(3) of the Planning Act that are in a form and registered on title to the lands, to the satisfaction of the City Solicitor.

Where Schedule A of this By-law requires the owner to provide certain facilities, services or matters prior to the issuance of a building permit, the issuance of such permit shall be dependent on satisfaction of the same.

The owner shall not use, or permit the use of, a building or structure erected with an increase in density pursuant to this By-law unless all provisions of Schedule A are satisfied.

Enacted and passed on month ##, 20##

Name, John D. Elvidge,
Speaker City Clerk

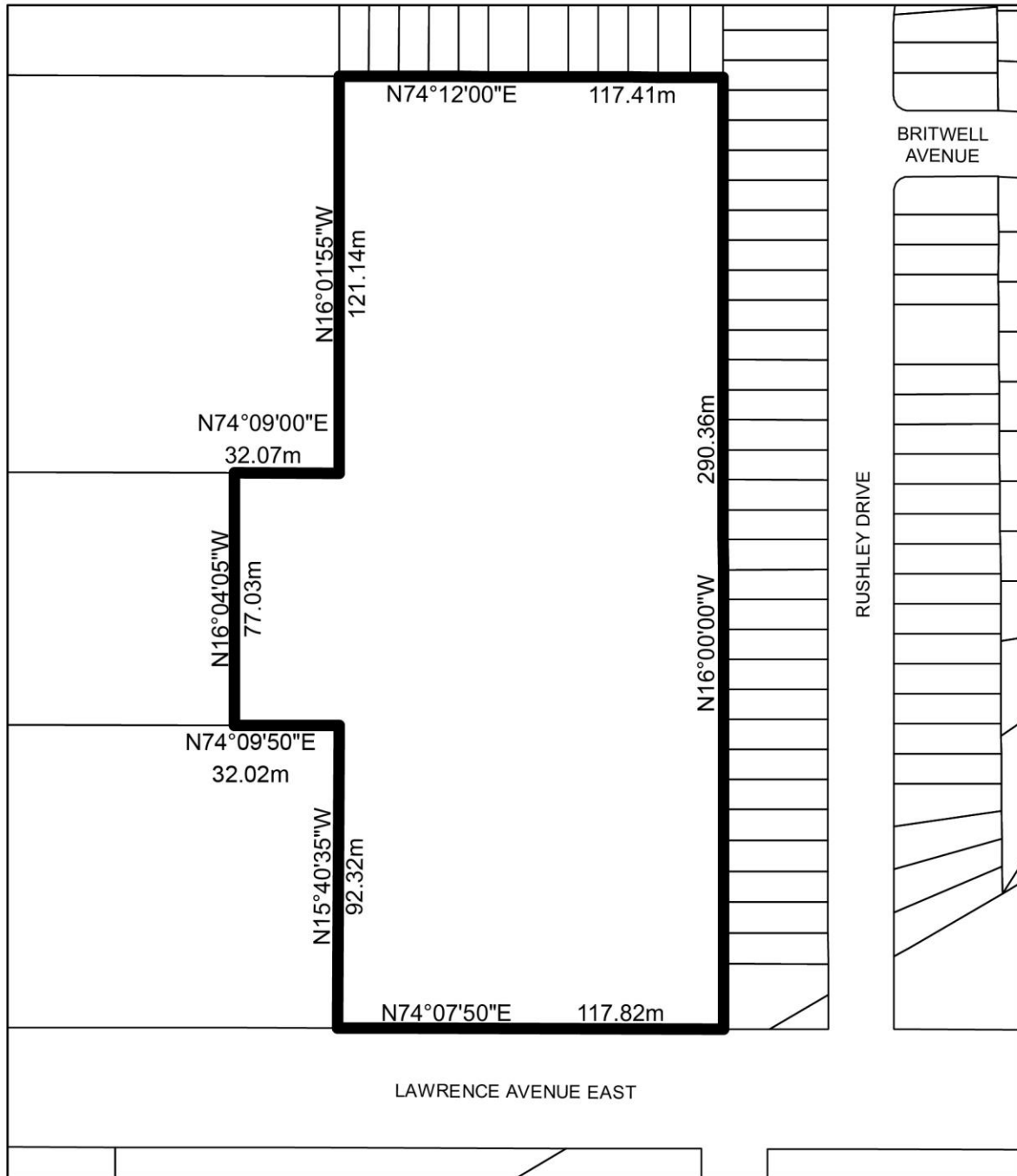
(Seal of City)

SCHEDULE A

Section 37 Provisions

The facilities, services and matters set out below are required to be provided to the City at the owner's expense in return for the increase in density of the proposed development on the lands as shown in Diagram 1 in this By-law and secured in an agreement or agreements under Section 37(3) of the Planning Act whereby the owner agrees as follows:

- (1) Prior to issuance of a building permit, the owner shall provide a \$250,000.00 cash contribution to be apportioned evenly by the City towards 'above base' improvements to the new public park, and for the adjacent planned City day care centre, both located on the west side of the new public street, with such amount to be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for the Toronto Census Metropolitan area, reported quarterly by Statistics Canada in Building Construction Price Indexes Table: 18-10-0135-01, or its successor, calculated from the date of the Section 37 Agreement to the date the payment is made.
- (2) In the event the cash contribution referred to in Section (1) has not been used for the intended purpose within three (3) years of this By-law coming into full force and effect, the cash contribution may be redirected for another purpose, at the discretion of the Chief Planner and Executive Director of City Planning, in consultation with the local Councillor, provided that the purpose is identified in the Toronto Official Plan and will benefit the community in the vicinity of the lands.

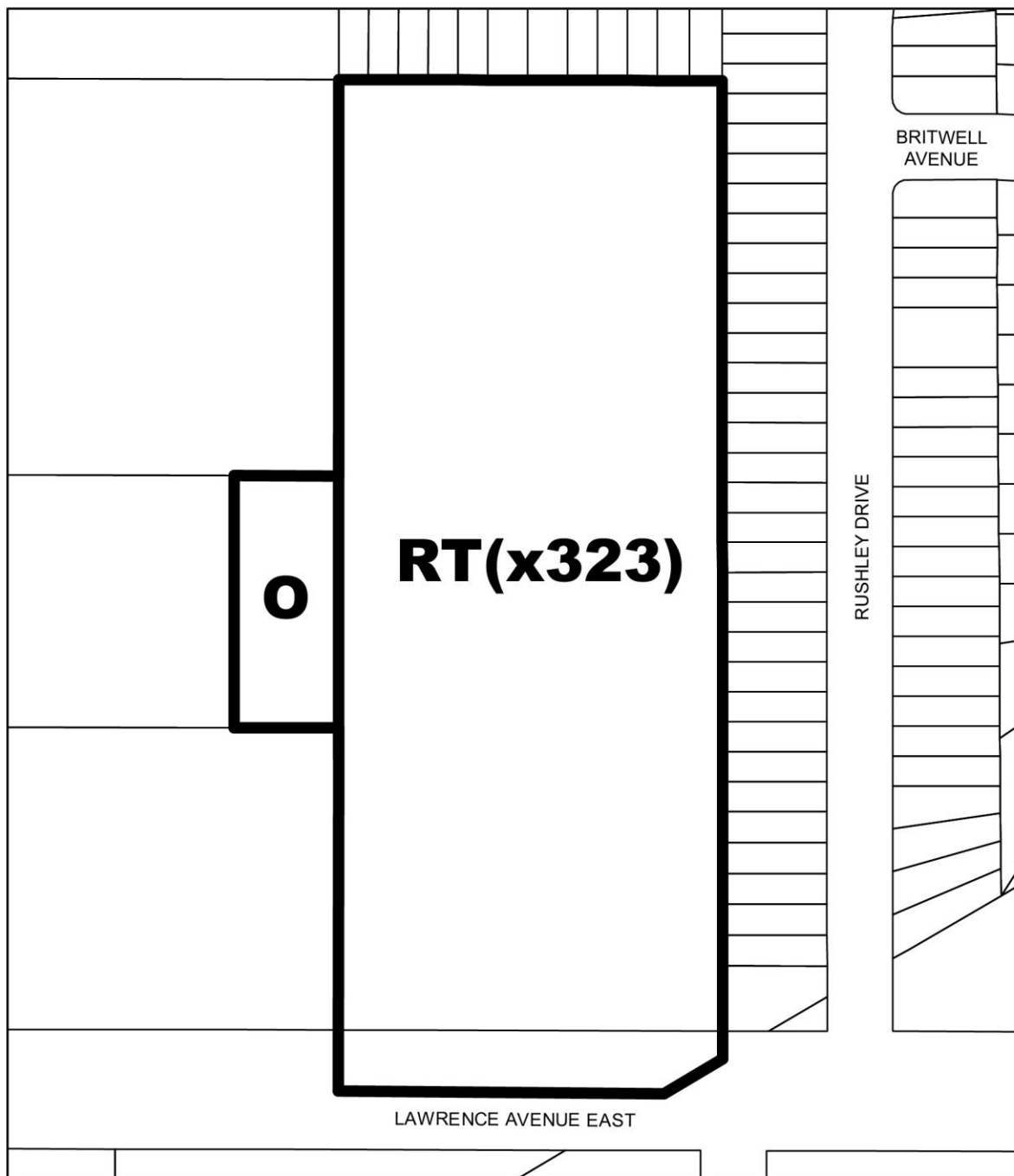


Toronto
Diagram 1

2740 Lawrence Avenue East

File # 19 242173 ESC 21 02

City of Toronto By-law 569-2013
Not to Scale
05/27/2021

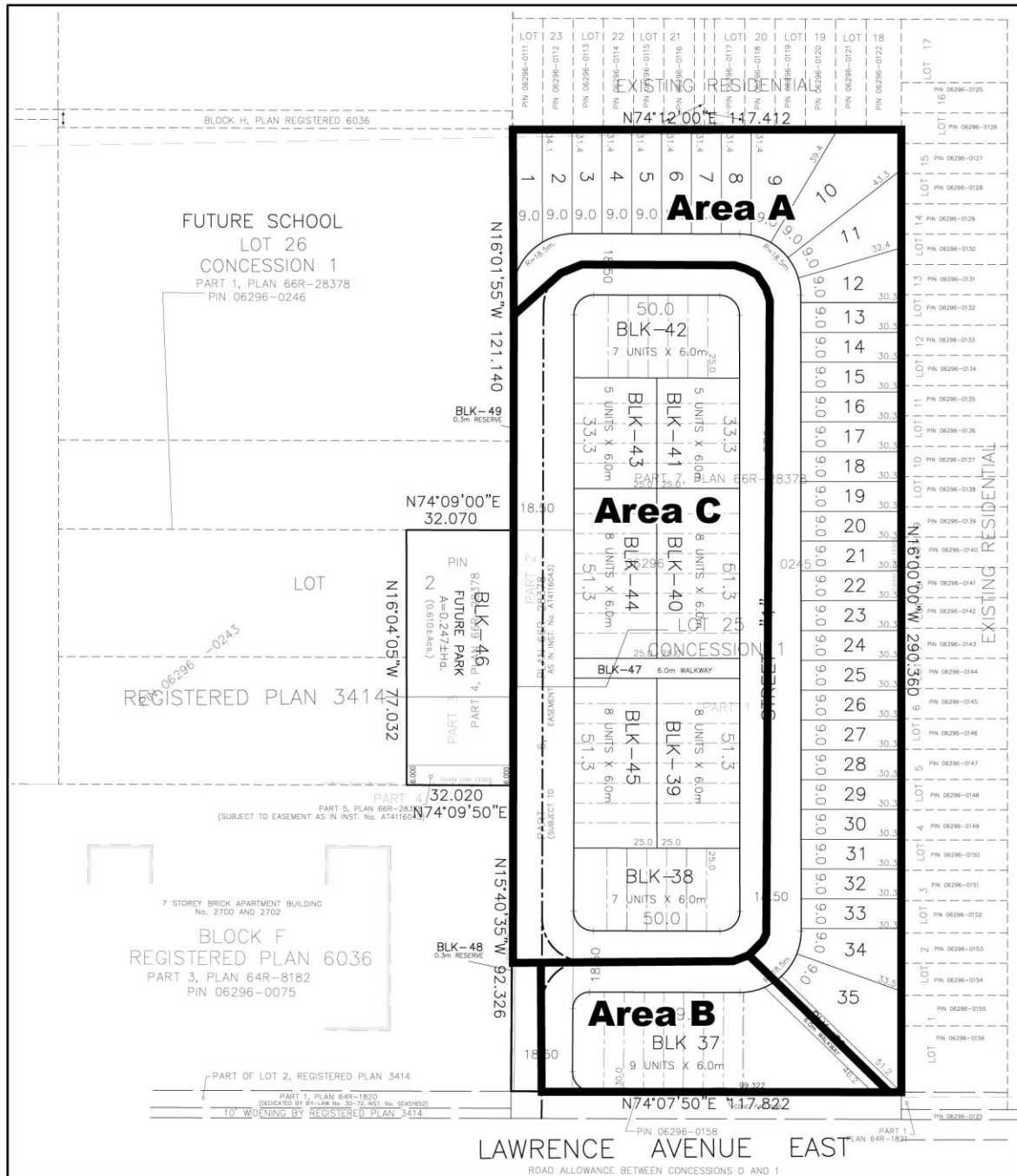


Toronto
Diagram 2

2740 Lawrence Avenue East

File # 19 242173 ESC 21 0Z

City of Toronto By-law 569-2013
Not to Scale
05/27/2021



Toronto
Diagram 3

2740 Lawrence Avenue East

File # 19 242173 ESC 21 0Z

City of Toronto By-law 569-2013
Not to Scale
05/27/2021

Attachment 6: 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, Scarborough District, confirmation of payment of outstanding taxes to the satisfaction of Revenue Services Division, Finance Department, City of Toronto (statement of account or Tax Clearance Certificate) and that there are no outstanding City initiated assessment or tax appeals made pursuant to section 40 of the *Assessment Act* or the provisions of the *City of Toronto Act, 2006*. In the event that there is an outstanding City initiated assessment or tax appeal, the Owner shall enter into a financially secured agreement with the City satisfactory to the City Solicitor to secure payment of property taxes in the event the City is successful with the appeal.
3. 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 will construct and maintain the development of the site in accordance with Tier 1, Toronto Green Standard, and the Owner will be encouraged to achieve Tier 2, Toronto Green Standard, or higher, where appropriate, consistent with the performance standards of Toronto Green Standards applicable at the time of the site plan application for each building on the site.
5. Prior to the registration of the draft plan of subdivision, the zoning implementing the amended Official Plan shall be in full force and effect.

ENGINEERING AND CONSTRUCTION SERVICES:

6. The Owner shall enter into the City's standard subdivision agreement and satisfy all pre-registration conditions.
7. The Owner shall construct and dedicate all roads, road allowances, corner roundings, walkways and 0.3 metre reserves as shown on the Draft Plan to the satisfaction of the Chief Engineer & Executive Director of Engineering and Construction Services.
8. The Owner to remove the portion of the 0.3 metre wide reserve at the location of the future driveway connection to the property at 2700 Lawrence Avenue East to the new public street.
9. The Owner to remove the 0.3 metre wide reserve along the frontage of the future park (Block 46).

10. The Owner to submit a draft Reference Plan of Survey to the Chief Engineer & 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.

11. The Owner shall pay all costs for preparation and registration of said reference plan.

12. The Owner shall convey all necessary easements (internal and external) to the City.

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

14. The Owner shall submit a financial guarantee of approximately \$25,000.00 (final \$ amount to be determined) for the removal of the existing midblock Traffic Control Signal on Lawrence Avenue East fronting the site.

15. The Owner shall submit a financial guarantee of approximately \$200,000.00 (final \$ amount to be determined) for the installation of the new traffic control signal at Lawrence Avenue East and the new public road on a proposed Traffic Control Signal Plan.

16. Prior to acceptance of the municipal infrastructure, the Owner shall provide a cash-in-lieu payment to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services in an amount of \$85,513.01. The cash-in-lieu payment shall be in the form of a certified cheque made payable to Treasurer, City of Toronto in accordance with Chapter 441 of the Municipal Code, for maintenance of the development related traffic signal.

17. The Owner shall submit a financial guarantee of approximately \$25,000.00 for Synchro modeling update and timing implementation work for the proposed Traffic Control Signal Plan.

18. The Owner shall submit a financial guarantee of approximately \$14,784.39 (final \$ amount to be determined) for the proposed 'STOP' sign and stop bar pavement marking intersection with the public roads on a Signage and Pavement Marking Plan, and provide the removal of the existing redundant tactile walking surface indicators located at the southeast, northeast, and northwest corners of the intersection with Lawrence Avenue East. This plan must include the clear width of 2.1 metre wide new municipal sidewalk for the entire site.

19. The Owner shall apply stormwater management techniques in the development of this subdivision to the satisfaction of Engineering and Construction Services.
20. The Owner shall pay engineering and inspection fees in accordance with the terms and conditions of the standard subdivision agreement.
21. Prior to earlier of the release for construction or the registration of the Plan of Subdivision, the Owner shall make satisfactory arrangement with Toronto Hydro Energy Systems Inc. and Toronto Hydro-Electric System Ltd. for the provision of the electrical distribution system and street lighting, respectively, to service the Plan of Subdivision.
22. Prior to the earlier of registration of the Plan of Subdivision or Release for Construction of Services, the Owner shall provide the City with financial security in the amount of 130% of the value of the cost estimate of the street lighting required to be installed to service the subdivision, to the satisfaction of the Chief Engineer & Executive Director of Engineering and Construction Services.
23. The Owner is responsible for all costs associated with the reconstruction of municipal sewers and watermains on Lawrence Avenue East and new roads required by this application in accordance with City standards and to the satisfaction of the Chief Engineer & Executive Director of Engineering and Construction Services.
24. The owner is responsible for all costs associated with the installation/alterations of municipal street signage/pavement markings required by this application.
25. The Proposed Municipal Road must be designed and constructed in accordance with the City of Toronto Development Infrastructure Policy and Standards (DIPS) with a 2.1 metre wide municipal sidewalk to be located on both sides of the street.
26. The Owner is responsible for all costs associated with the removal of all existing accesses, curb cuts, traffic control sign, etc. along the development site frontage that are no longer required and reinstate the boulevard within the right-of-way in accordance with City standards and to the satisfaction of the Chief Engineer & Executive Director of Engineering and Construction Services.

CITY PLANNING

27. Prior to the earlier of the registration of the plan of subdivision or acceptance of final engineering drawings, the Owner agrees to provide a detailed fencing plan and landscape plan, (inclusive of details related to the materiality of the fencing), and to make satisfactory arrangements including securities for the installation of the privacy fencing and landscaping, to the satisfaction of the Chief Planner and Executive Director.
28. Prior to the registration of the plan of subdivision, the Owner shall post a Letter of Credit as security for the installation of privacy fences, equal to 120% of the value of such items to the satisfaction of the Chief Planner and Executive Director.

PARKS, FORESTRY AND RECREATION

Parkland Dedication

29. As per Toronto Municipal Code Chapter 415-28, prior to the issuance of the first above grade building permit, the Owner shall convey parkland to the satisfaction of the General Manager, Parks, Forestry & Recreation (PF&R).

30. The Owner will be required to convey the 2,470 square metre portion of the development site for public parkland purposes. The subject parkland conveyance is to be free and clear, above and below grade of all physical obstructions and easements, encumbrances and encroachments, including surface and subsurface easements, unless otherwise approved by the General Manager, PF&R.

31. The Owner is to pay for the costs of the preparation and registration of all relevant documents. The Owner shall provide to the satisfaction of the City Solicitor all legal descriptions and applicable reference plans of survey for the new parkland.

Limiting Distance

32. Prior to the transfer of fee simple of the Park Block to the City, the Park Block shall nonetheless be deemed to be parkland in respect of the limiting distance requirements of the Ontario Building Code Act, 1992. Parks, Forestry and Recreation staff advises that the applicant must design the building to achieve Ontario Building Code (OBC) setbacks related to fire separation on their own site on the portions of the building that abut the park. A 5 metre setback will apply to any building located next to the Park or, the required setbacks which meet the Ontario Building Code for fire separation, whichever is greater. 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.

Environmental Assessment

33. The Owner shall 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, Engineering & Construction Services and copy to the General Manager, PF&R. (see the Policy for Accepting Potentially Contaminated Lands to be Conveyed to the City under the *Planning Act* adopted by City Council on February 10 and 11, 2015).

34. The Owner shall pay all costs associated with the City retaining a third-party peer reviewer including all administrative costs to the City (7%), and submit an initial deposit

of \$8,000.00 towards the cost of the Peer Review in the form of a certified cheque, to the Executive Director, Engineering & Construction Services. The Owner shall 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).

35. The Owner shall 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 & Construction Services.

36. At the completion of the site assessment/remediation process, the Owner shall 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:

1. 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 5.4.1.1 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.

2. Land to be conveyed to the City meets either:

a. the applicable Ministry Generic Site Condition Standards (Tables 1, 2, 3, 6, 7, 8 and 9; subject to applicable exemptions as stated in O. Reg 153/04) for the most environmentally sensitive adjacent land use; or

b. 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.

37. The Qualified Person's statement, referenced in condition 36. above, will 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.

38. For conveyance of lands requiring a Record of Site Condition (RSC):

1. The Owner shall file the Record of Site Condition (RSC) on the Ontario Environmental Site Registry; and
2. The owner shall 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 and to the General Manager, PF&R.

Park Construction - Base Park Improvements

39. The Owner, at their expense, will be responsible for the base construction and installation of the parkland. The Base Park Improvements include the following:

- a. grading inclusive of topsoil supply and placement, minimum of 150 mm depth;
- b. sodding #1 nursery grade or equivalent value of other approved park development;
- c. fencing, where deemed necessary to the satisfaction of PF&R;
- d. drainage systems, including connections to the municipal services as required;
- e. electrical and water connections (minimum 50 mm) to street line including backflow preventers, shut off valves, water and hydro chambers, including meters;
- f. street trees along all public road allowances which abut future City-owned parkland;
- g. standard park sign (separate certified cheque required); and
- h. demolition, removal and disposal of all existing materials, buildings and foundations.

40. All work is to be completed to the satisfaction of the General Manager, PF&R.

41. 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, PF&R.

42. 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, PF&R. No credit shall be given towards the Parks and Recreation component of the Development Charges for costs associated with Base Park Improvements.

43. 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, PF&R. 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, PF&R when determining a revised delivery date for the park block.

44. 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 PF&R'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, PF&R. The Owner will indemnify the City against any claim during any interim use of or work carried out by the applicant on the park.

Temporary Fencing

45. Prior to conveyance of the parkland, 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.

Parkland Grading and Drainage

46. 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, PF&R.

47. 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.

Credit against DC's for Above Base Park Improvements

48. 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:

The Owner agrees to design and construct the Above Base Park Improvements to the new park for a development charge credit against Parks and Recreation component of the Development Charges to the satisfaction of the General Manager, PF&R. 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, PF&R, 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, PF&R, and a letter of credit equal to 120% of the Parks and Recreation Development Charges payable for the development. 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

49. The Owner will be responsible to design and construct the Above Base Park Improvements to the satisfaction of the General Manager, PF&R. 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, PF&R.

50. 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, PF&R.

51. The construction of Above 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, PF&R. 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, PF&R when determining a revised delivery date for the park block.

52. 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 PF&R's Park Supervisor for that Ward. 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, PF&R. The Owner will indemnify the City against any claim during any interim use of or work carried out by the applicant on the park.

Warranty

53. The Owner, upon satisfactory completion of the construction and installation of the 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, PF&R be less than the Parks and Recreation component of the Development Charges for the development, the difference shall be paid to the City by certified cheque prior to a reduction of the Above Base Park Improvement Letter of Credit. Upon the City's acceptance of the certificate, the Letter(s) of Credit will be released less 20% which will be retained for the 2 year guarantee known as the Parkland Warranty Period.

54. 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 & Recreation (PF&R).

55. As-built drawings in print/hardcopy and electronic format, as well as a georeferenced AutoCAD file, shall be submitted to PF&R. 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, PF&R. 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.

56. Spare or replacement parts, special tools, etc. as provided by manufacturers, if any, are to be provided to PF&R.

URBAN FORESTRY

57. Prior to the registration of the plan of subdivision, the Owner shall submit to the satisfaction of Urban Forestry Tree Protection and Plan Review a Tree Protection Guarantee Deposit in the amount of \$3,891 to cover the combined appraised tree value, removal and replacement cost throughout the construction process of City tree nos. S1-S5. If necessary, this deposit will be drawn upon to cover any and all costs incurred by the City of Toronto if the City-owned trees require maintenance or removal and replacement as a result of construction activities associated with this project. Provided the tree protection is maintained as specified in an approved Preservation Plan, and in accordance with the City of Toronto's Tree Protection Policy and Specifications for Construction near Trees, the deposit may be released at the completion of construction. If it is discovered that during construction there has been unauthorized encroachment within a TPZ, or a tree was not protected in accordance with the above noted documents, the deposit will be retained for an extended period. Should the tree's condition decline as a result of construction and/or encroachment the deposit may not be refunded.

58. Prior to the registration of the plan of subdivision, a Tree Planting Security Deposit in the amount of \$65,296 (\$583 x 112 street trees) will be required prior to approval of the Subdivision. If necessary, the deposit will be drawn upon to cover costs incurred by the City of Toronto in enforcing and ensuring that the trees are planted and kept in a healthy and vigorous state during the two-year guarantee period. After the guarantee period has expired, and upon Urban Forestry confirming that the trees are in good condition (inspection request must be made by the applicant), the City will assume the ownership and maintenance of the street trees and the planting deposit will be refunded to the applicant (or cancelled if it was provided as a Letter of Credit).

59. Prior to the registration of the plan of subdivision, the applicant is to submit to the Urban Forestry Planner letter/email with photos documenting that the installed tree protection hoarding and signage has been installed for the City and privately owned trees as prescribed in the approved Arborist Report and Tree Protection Plan and in

accordance with the City of Toronto's Tree Protection Policy and Specifications for Construction Near Trees, and to the satisfaction of Urban Forestry on behalf of the General Manager of Parks, Forestry & Recreation. This email should be submitted prior to construction beginning.

60. The Owner agrees to strictly adhere to the Tree Protection Specifications contained in the approved Arborist Report and Tree Preservation Plan and as per the City of Toronto's Tree Protection Policy and Specifications for Construction near Trees.

61. The Owner agrees to notify all builders, contractors and agents of all tree protection requirements where any part of the development will be carried out by them on behalf of the owner to the satisfaction of Urban Forestry on behalf of the General Manager of Parks, Forestry & Recreation.

62. The Owner agrees to ensure that all tree protection barriers are maintained in good condition, and are not to be moved, altered or removed until all construction activities have been completed and removal of the barriers has been approved by Urban Forestry on behalf of the General Manager of Parks, Forestry & Recreation. Provided the approved tree protection is maintained as specified in the approved Arborist Report and Tree Protection Plan and in accordance with the City of Toronto's Tree Protection Policy and Specifications for Construction near Trees, the Tree Security Deposit may be released at the completion of construction. If it is discovered that there is unauthorized encroachment within a tree protection zone, or a tree was not protected in accordance with the above noted documents, the deposit will be retained for an extended period. Should the tree's condition decline as a result of construction and/or encroachment the deposit may not be refundable.

63. Upon completion of construction activities, the Owner shall notify Urban Forestry, at tppreast@toronto.ca prior to the removal of the protection hoarding the trees to be preserved according to the approved Tree Protection Plan, to arrange for an inspection of the site.

64. The Owner shall have a qualified company implement and maintain tree planting on the subject land in accordance with the approved plans to the satisfaction of Urban Forestry, on behalf of the General Manager of Parks, Forestry and Recreation. The trees must be planted at the correct depth to ensure survival and they are to be planted after sod has been laid and construction activities have been completed. Upon the planting of the new trees on the subject land, the owner shall assume the full responsibility for the maintenance and health of the private trees and shall take no action or permit any action that will injure, damage, destroy or prevent the trees from maturing to the point that the trunk of the tree measures 30 cm in diameter or more, measured at 1.4 m above ground level.

65. The Owner shall maintain all new tree plantings within the City road allowance in good condition. If necessary, the Tree Planting Security Deposit will be drawn upon to cover all costs incurred by the City of Toronto in enforcing and ensuring that the trees are planted and kept in a healthy and vigorous state during the two-year guarantee

period. The Owner must notify Urban Forestry at tpprnorth@toronto.ca within two weeks of the trees being planted to start the two year guarantee period. Trees will be inspected during and prior to the end of the renewable guarantee period. At the end of the period, while the trees are in leaf, the Owner must notify Urban Forestry at tpprnorth@toronto.ca to allow for confirmation the trees are in good condition. If the trees are in good condition at the end of the period, the City will assume maintenance and ownership of the trees and the deposit will be returned.

66. The Owner shall be responsible for the maintenance or replacement of all new tree plantings within the City road allowance if during or at the end of the renewable guarantee period the trees are not in good condition, require maintenance or require replacement. The Owner will be responsible for rectifying the problem as determined by and to the satisfaction of Urban Forestry, on behalf of the General Manager of Parks, Forestry & Recreation. At this time, the owner shall maintain all newly replanted trees within the City road allowance in good condition and shall provide an additional two-year renewable guarantee.

67. Following the planting of street trees, the Owner shall provide a Certificate of Completion of Work and an as-installed plant list in the form of a spreadsheet identifying street trees, as shown on the approved planting plan, by street addresses. The as-installed plant list shall also include tree species, calliper, condition and specific location of the trees by identifying two points of references (i.e., distances in meters from the curb, sidewalk, driveway, utility pole or pedestal).

68. Any proposed revisions/alterations to the approved plans or permits that affect trees must be approved by Urban Forestry on behalf of the General Manager of Parks, Forestry & Recreation.

TTC

69. The Owner to relocate the 2.4 metre by 16 metre westbound bus platform as per City of Toronto standard drawing T-310.010-8 to the east side of the new public street.

BELL CANADA

70. The Owner shall agree in words satisfactory to Bell Canada, to grant Bell Canada any easements that may be required for the telecommunications services. Easements may be required subject to final servicing decisions. In the event of any conflicts with existing Bell Canada facilities or easements, the Owner shall be responsible for the relocation of such facilities or easements.

CANADA POST

71. Prior to the registration of the plan of subdivision, the Owner will consult with Canada Post Corporation to determine suitable locations for the placement of the community mailbox and to indicate these locations on the appropriate servicing plans.

72. The Owner will confirm to Canada Post that the final secured permanent locations for the Community Mailboxes will not be in conflict with any other utility; including hydro transformers, bell pedestals, cable pedestals, flush to grade communication vaults, landscaping enhancements (tree planting) and bus pads.

73. The Owner will install concrete pads at each of the Community Mailbox locations as well as any required walkways across the boulevard and any required curb depressions for wheelchair access as per Canada Post's concrete pad specification drawings.

74. The Owner will agree to prepare and maintain an area of compacted gravel to Canada Post's specifications to serve as a temporary Community Mailbox location. This location will be in a safe area away from construction activity in order that Community Mailboxes may be installed to service addresses that have occupied prior to the pouring of the permanent mailbox pads. This area will be required to be prepared a minimum of 30 days prior to the date of first occupancy.

75. The Owner will communicate to Canada Post the excavation date for the first foundation (or first phase) as well as the expected date of first occupancy.

76. 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.

77. 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 #s) of each of these Community Mailbox locations; and further, advise any affected homeowners of any established easements granted to Canada Post.

78. 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.

[illegible]