

Consolidated Clause in Etobicoke York Community Council Report 7, which was considered by City Council on September 28, 29 and 30, 2005.

28

**Status and Directions Report; Site Plan Approval Application
Applicant: Bob Dragicevic, Walker Nott Dragicevic Associates
Limited 21 Oak Street (Ward 11 - York South-Weston)**

City Council on September 28, 29 and 30, 2005, adopted the following:

“That:

- (1) further to the owner’s verbal commitment at the public meeting, the applicant be requested to confirm his willingness to make a community contribution with respect to this development; and*
- (2) Council adopt the following staff recommendations contained in the Recommendations Section of the report (September 27, 2005) from the Chief Planner and Executive Director, City Planning:*

“It is recommended that City Council:

- (1) authorize the City Solicitor and Community Planning Staff to appear at the Ontario Municipal Board to:*
 - (a) support the applicant’s proposed Site Plan Approval application subject to:*
 - (i) the drawings listed in Attachment 1, with revisions incorporated as necessary, to address the various site plan comments; and*
 - (ii) the conditions to approval as set out in Attachment 2 of this report to be satisfied prior to Site Plan Approval; and*
 - (b) request the Board to withhold its order until informed by the City that the conditions to approval have been satisfied;*
- (2) direct the City Solicitor to make such stylistic and technical changes to the conditions to approval as may be required and to prepare any necessary Site Plan Agreement; and*
- (3) authorize the Director of Community Planning, Etobicoke York District to execute the Agreement.”*

This Clause, as amended, was adopted by City Council.

Council also considered additional material, which is noted at the end of this Clause.

The Etobicoke York Community Council submits this matter to Council without recommendation.

Action taken by the Committee:

The Etobicoke York Community Council requested the Chief Planner and Executive Director, City Planning Division, to report directly to City Council on September 28, 29 and 30, 2005, to establish the City's position at the upcoming Ontario Municipal Board hearing.

The Etobicoke York Community Council submits the report (August 29, 2005) from the Director, Community Planning, Etobicoke York District:

Purpose:

To advise Community Council that the above noted application has been appealed to the Ontario Municipal Board and to seek authority for staff to report directly to the City Council meeting of September 28, 29 and 2005 to establish the City's position.

Financial Implications and Impact Statement:

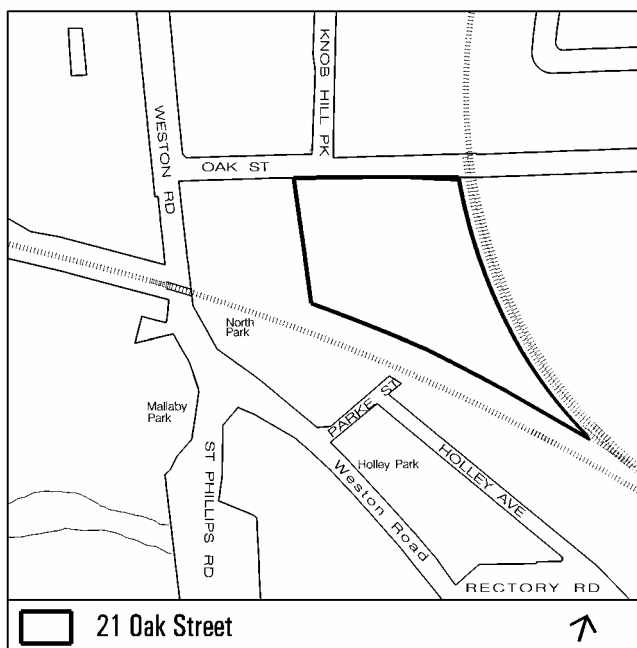
There are no financial implications resulting from the adoption of this report.

Recommendations:

It is recommended that Etobicoke York Community Council instruct the Chief Planner and Executive Director, City Planning Division to report directly to City Council at its meeting of September 28, 29 and 30, 2005 in order to establish the City's position at the upcoming Ontario Municipal Board hearing.

Background:

On April 14, 2004, City Council refused an Official Plan Amendment and Zoning By-law Amendment application to permit a 105 unit townhouse development on lands designated Employment in the former City of York Official Plan. The decision of Council



was appealed by the applicant to Ontario Municipal Board and on August 18, 2004, the Board issued Decision No. 1343 granting approval in principal of the proposed development. However, the Board's order is being withheld until an agreement with Canadian National Railways has been registered and a site plan agreement has been prepared and entered into by the City.

A Site Plan Approval application was submitted on May 10, 2005 to permit the construction of a 99 unit, three-storey townhouse development with a private internal road system with one access point onto Oak Street. The application was appealed by the owner to the OMB on July 27, 2005, pursuant to Section 41 (12) of the Planning Act, on the basis that the City of Toronto failed to approve the application within thirty days. As of the submission of this report, the Board has not scheduled a hearing date. However, the applicant anticipates that a date will be set for either the end of September or early October in 2005.

Comments:

At the time of this appeal, staff was awaiting revised drawings that addressed the comments that had been received as part of the initial circulation of this application. Revised drawings were received on August 18, 2005 and recirculated for comment. Staff are currently reviewing the revised proposal and have not had sufficient opportunity to establish a position on this matter prior to the September 19, 2005 meeting of the Etobicoke York Community Council. Consequently, staff are seeking authority to report directly to the City Council meeting of September 28, 29 and 30, 2005.

Conclusions:

Given the recent appeal to the Ontario Municipal Board and the insufficient opportunity to review the revised drawings and develop a position, staff are requesting authority to report directly to City Council on this matter.

Contact

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City Council – September 28, 29 and 30, 2005

Council also considered the following:

- *Report (September 27, 2005) from the Chief Planner and Executive Director, City Planning [Communication 25(a)]:*

*Subject: Status and Directions Report
Site Plan Approval Application 05 131128 WET 11 SA
Applicant: Bob Dragicevic, Walker Nott Dragicevic Associates Limited
Architect: J. Milcic Architect
21 Oak Street
Ward 11 - York South-Weston*

Purpose:

To provide a status report and obtain direction respecting a Site Plan Approval application to permit a 99-unit, three storey townhouse development with a private internal road system at 21 Oak Street. The application has been appealed to the Ontario Municipal Board (OMB). As of the submission of this report, a hearing date had not been set.

Financial Implications and Impact Statement:

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

Recommendations:

It is recommended that City Council:

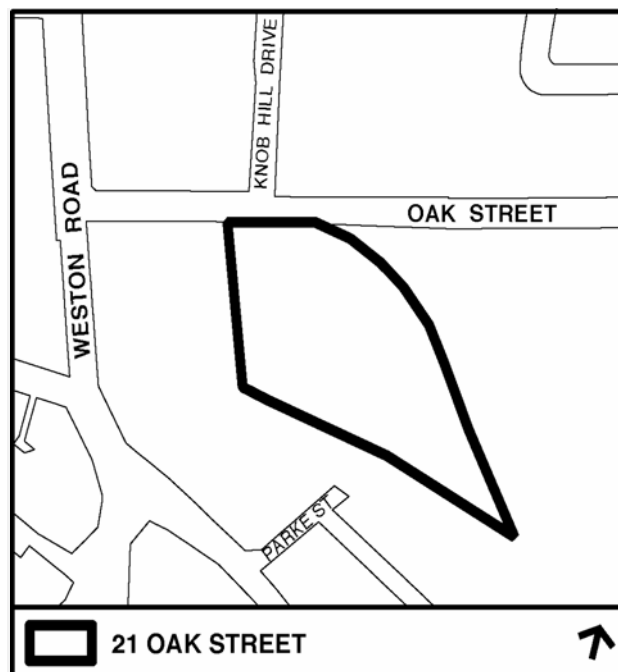
(1) authorize the City Solicitor and Community Planning Staff to appear at the Ontario Municipal Board to:

(a) support the applicant's proposed Site Plan Approval application subject to:

(i) the drawings listed in Attachment 1, with revisions incorporated as necessary, to address the various site plan comments; and

(ii) the conditions to approval as set out in Attachment 2 of this report to be satisfied prior to Site Plan Approval;

(b) request the Board to withhold its order until informed by the City that the conditions to approval have been satisfied;



- (2) *direct the City Solicitor to make such stylistic and technical changes to the conditions to approval as may be required and to prepare any necessary Site Plan Agreement; and*
- (3) *authorize the Director of Community Planning, Etobicoke York District to execute the Agreement.*

Background:

On April 14, 2003, City Council refused an Official Plan Amendment and Zoning By-law Amendment application to permit a 105-unit townhouse development on lands municipally known as 21 Oak Street and designated Employment in the former City of York Official Plan. The decision of Council was appealed by the applicant to the Ontario Municipal Board. On August 18, 2004, the Board issued Decision No. 1343 granting approval in principle of the proposed development. However, the Board is withholding its order until an agreement with Canadian National Railways has been registered and a Site Plan Agreement has been prepared and entered into with the City.

A Site Plan Approval application was submitted on May 10, 2005 to permit the construction of a 99-unit, three-storey townhouse development with a private internal road system with one access point onto Oak Street. The application was appealed by the owner to the OMB on July 27, 2005, pursuant to Section 41 (12) of the Planning Act R.S.O. c.P.13, on the basis that the City of Toronto failed to approve the application within thirty days. A hearing date has not been set.

The Building Code Statute Law Amendment Act, 2002 (Bill 124) and Ontario Regulation 305/03, set out the “applicable law” which must be satisfied prior to the issuance of a building permit. Prior to the Act coming into force, the practice of City Planning was to grant Site Plan Approval of plans and drawings conditional on any number of conditions some of which were required to be satisfied prior to building permit issuance. The conditions to Site Plan Approval were viewed as “applicable law” for the purpose of issuing building permits. Pursuant to the Act and the Regulation, as of July 1, 2005, “applicable law” for Site Plan Control matters has been interpreted by the City to only mean approved plans and drawings granted under the Site Plan Control provisions of Section 41 of the Planning Act R.S.O. c.P.13, as amended. Conditions of Site Plan Approval no longer are “applicable law” for the issuance of building permits. Therefore, should Council wish to ask for conditions of approval, they should be required and satisfied prior to the granting of Site Plan Approval for development plans and drawings.

Comments:

Proposal

The applicant proposes to construct a 99-unit, three-storey townhouse development consisting of 13 buildings. Three of the buildings, containing 19 dwelling units, will front onto Oak Street. The remaining buildings will be located within the interior of the site and will be setback a minimum of 30 metres from the railway lines on the east and south boundary of the site. The dwelling units have been designed with integral garages and driveways, all of which lead to a private internal road which connects to Oak Street at one location. Each unit will be approximately 130 square metres (1400 square feet) in size and will have two bedrooms with either a den or a third bedroom. The dwelling units with frontage onto Oak Street each have

private amenity space provided on a deck located at the rear of the building at the second level. Other units have ground related amenity space at the rear of the building.

Two common outdoor amenity areas are provided on the site. One is located at the southeast corner of the property and the other is a programmed space located in the central northern area of the site. Berming, visitor parking and two garbage collection areas are proposed along the east and south boundary of the site adjacent to the railway lines.

Site Description

The 2.6 hectare site is irregular in shape and is bounded by Oak Street on the north, Canadian Pacific Railway line on the south, employment uses on the west and the Canadian National Railway line on the east. The subject property is located just east of Weston Road and has a 144 metres frontage on the south side of Oak Street.

Surrounding land uses include:

North: opposite the site, on the north side of Oak Street is Satin Finish Hardwood Flooring Ltd. and a Fortino's superstore under construction west of Knob Hill Drive.

South: across the CP railway track, a residential neighbourhood consisting of single detached dwellings.

East: across the CN railway track, on the south side of Oak Street is Visioneering Limited and on the north side of Oak Street is a new residential subdivision.

West: Small scale employment uses such as a discount furniture store and auto body shop.

Applicable Official Plan Policies and Zoning Regulations

On August 18, 2004, the Ontario Municipal Board issued Decision No. 1343 granting approval in principle of the proposed development to permit the subject lands to be redesignated from "Employment" to "Employment – Special Residential Policy." The decision also grants approval of a zoning by-law amendment to rezone the property from "Prestige Employment (PE) Zone" to a site-specific zoning that permits the proposed townhouse development.

Community Consultation

A community meeting was held on June 24, 2005 by the Ward Councillor in relation to the Site Plan application. Area residents were generally in support of the application, but indicated that the area was deficient in programmed parkland and that the local schools were over crowded.

Local business owners indicated that the proposed development posed a threat to the operation of their businesses and wanted assurances that new residents would be advised that they would be moving into an area with industrial uses.

Circulation Comments

The application was circulated to relevant departments and agencies, and the responses are summarized below. The comments received were used to develop conditions to approval, which are outlined in Attachment 2. The applicant has been working with City Staff to address the comments and resolve outstanding issues.

Parks, Forestry and Recreation

The Policy and Development Division of Parks, Forestry and Recreation advises that the proposed development will be subject to a five percent cash-in-lieu of parkland dedication payment. As noted in the OMB Decision, all of the cash-in-lieu will be directed toward park improvements for Rosemount Gardens Parkette which is located southeast of the site on the east side of the CN rail line.

Urban Forestry Services of Parks, Forestry and Recreation advises that 7 street trees are to be planted on Oak Street. The owner is to submit a security deposit of \$4,516 for tree planting, protection, maintenance and inspection.

Community Planning

Community Planning has worked with the applicant to secure revisions to the site plan to incorporate a central amenity area and improve site circulation, pedestrian access and the on-site landscaping. Also included were modifications to the waste collection areas and buildings, building elevations and the relocation of the mailboxes and visitor parking spaces.

Community Planning will require that the owner enter into a Site Plan Agreement which shall incorporate conditions requiring the owner to insert warning clauses in all offers to purchase and agreements of Purchase and Sale or Lease of each dwelling. As well, the conditions to approval will require that a revised Landscape Plan be submitted that includes the following:

- (a) a play structure in the centrally located common outdoor open space area;*
- (b) the replacement of the proposed Colorado Spruce around the common outdoor amenity with high branching deciduous;*
- (c) additional tree and shrub planting, within the planting bed at the rear of Building 12 where it abuts the common outdoor amenity area;*
- (d) tree spacing internal to the site at 5 to 7 metres on centre; and*
- (e) additional high branching deciduous tree planting along the proposed berms.*

The applicant is also required to submit a cost estimate for the proposed landscaping and a financial guarantee in the amount of 100% of the estimated cost of the proposed landscaping in the form of a Letter of Credit or certified cheque.

Technical Services

Technical Services requires several conditions to approval which include the following:

- (a) a number of technical notations and changes to be added to the Site Plan drawing A-1 (See Attachment 1);*
- (b) revisions to the Site Servicing drawing;*
- (c) submission of a traffic signage plan;*
- (d) submission of a waste management plan which details the proposed collection program;*
- (e) submission of functional road designs and detailed cost estimates for the road improvements;*
- (f) entering into a lot grading Agreement and posting adequate financial guarantees; and*
- (g) entering into a Site Plan Agreement which is to include conditions related to:*
 - (i) road improvements to the Oak Street/Knob Hill Drive west site driveway intersection;*
 - (ii) limiting the maximum height of the 'entry' feature on Oak Street to 0.8m to maintain adequate driver sightlines;*
 - (iii) registering the proposed internal private road system on-title for mutual use under common elements condominium status, to the satisfaction of the City Solicitor;*
 - (iv) registering on-title for mutual use the visitor parking stalls to the satisfaction of the City Solicitor;*
 - (v) advising owners that visitor parking stalls are not to be used by owners/tenants; and*
 - (vi) individually signing the visitor parking stalls for the exclusive use of visitors.*

Building Division

Building has advised the applicant of a number of changes that will be required to the draft Zoning By-law Amendment and the corresponding Schedule B to the draft By-law that was previously presented to the Ontario Municipal Board in order to facilitate the proposed development. These revisions are related to the waste collections areas and buildings, minimum setbacks from the property lines and the minimum distances between buildings.

Other Agencies

CN has advised that they have no objection to the proposed development provided that it complies with the terms of the CN/Developer Settlement Agreement that is included as part of the OMB decision, and that a warning clause be inserted in all Agreements of Purchase and Sale or Lease for each dwelling unit.

Toronto Hydro has advised the owner that adequate electricity supply to the site is not readily available and that they must consult with Toronto Hydro and obtain written approval from Toronto Hydro's CFDC Office before doing any electrical design.

Enbridge has advised that they are to be contacted to discuss installation and clearance requirements for service and metering if the use of natural gas is to be considered for this development.

Bell Canada has advised that the owner is to enter into agreements, to grant Bell Canada any easements that may be required for telecommunication services and to comply with any underground servicing conditions imposed by the municipality. As well, the owner is to provide conduits from each unit to the electrical room and from the electrical room to the street line.

Comments

Application in Relation to the Development Infrastructure Policy & Standards Review

At its meeting on April 12, 13, and 14, 2005, City Council adopted recommendations from both the Works Committee and the Planning and Transportation Committee on a report relating to Development Infrastructure Policy and Standards Review dated March 1, 2005 from the Commissioner of Works and Emergency Services and the Commissioner of Urban Development Services.

The adopted recommendations, in part, authorize Works and Emergency Services and Urban Development Services to:

- (a) continue to develop a range of new standards for local public streets to be applied on a City-wide basis with attention to the issues of pedestrian accessibility to public transit, underground facilities for utility routing, streetscape and tree planting and bicycle lanes;*
- (b) develop criteria to identify where a private street may be considered as an appropriate exception to the Official Plan;*
- (c) use the information contained in the report to inform the review of development applications until final standards are approved; and*
- (d) require that all streets in new townhouse development and subdivisions be designed to permit curbside garbage collection by City vehicles, and other City services such as snow removal, street and water and sewer infrastructure repair and maintenance, and Fire Services, etc.*

The Official Plan Amendment and Rezoning applications for 21 Oak Street were the subject of an Ontario Municipal Board (OMB) hearing. On August 18, 2004 the OMB issued its decision and approved the development in principle generally in accordance with a plan identified as Schedule B to the draft Zoning By-law Amendment. This plan outlines the limits of the proposed streets and blocks, as well as the setbacks and separation distances between buildings. The spacing shown in this plan does not provide sufficient room for public streets or laneways.

The proposed development includes private roads which are 6 metres in width. The right-of-way width for these roads does not allow for sidewalks to be placed in front of dwelling units and only facilitates modest landscaped areas between at grade driveways. The provision of sidewalks, 2-metres in width, are limited to the pedestrian and vehicular entrance areas and to

the children's play area located at the north end of the site. This development is deemed to be acceptable as it was approved by the OMB prior to the recent direction by City Council in regard to the ongoing Development Infrastructure Policy and Standards review.

It is intended that a future plan of Common Element Condominium application will be filed for the private internal road and other common amenity and service areas within the development.

Conclusions:

It is recommended that City Council instruct the City Solicitor and Community Planning Staff to attend the OMB in support of the Site Plan Approval application in principle, subject to the drawings listed in Attachment 1 with revisions incorporated as noted and the Conditions to Approval listed in Attachment 2 being fulfilled prior to Site Plan Approval being granted.

It is further recommended that the Ontario Municipal Board be requested to withhold its order until informed by the City that the conditions to approval, which includes entering into a Site Plan Agreement, have been satisfied. Assuming the Board will render a favourable decision, City Council is also requested to authorize the City Solicitor to prepare any necessary Site Plan Agreement and to authorize the Etobicoke York District Director of Community Planning to execute the Agreement.

Contact:

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Tel: (416) 394-6007, Fax: (416) 394-6063; Email:lgalli@toronto.ca

List of Attachments:

Attachment 1: List of Site Plan Drawings

Attachment 2: Conditions to Approval

Attachment 3: Site Plan

Attachment 4: Elevations 1 (Oak Street Buildings)

Attachment 5: Elevations 2 (Interior Site Buildings)

Attachment 6: Application Data Sheet

Attachment 1: List of Site Plan Drawings

- 1. Site Plan, Drawing No. A-1, prepared by J. Milcic Architect, dated November 2004 and revised to July 28, 2005 (date stamped received August 18, 2005) to include the following notations/revisions:
 - a) The existing concrete sidewalk along the Oak Street frontage of the subject site must be continuous across the proposed private road, reflecting the design illustrated in City of Toronto Design Standard No. T-310.010-2.**

- b) *The applicant is required to restore the section(s) of the Oak Street right-of-way, where there are existing curb cuts, with continuous poured raised concrete curb and appropriate landscaping, to the satisfaction of the Technical Services Division, Works and Emergency Services Department.*
 - c) *The sidewalks proposed adjacent to the curb lanes of the internal private roads must reflect a minimum width of 2.0m measured from the face of the curb to accommodate pedestrians, snow storage, traffic signage and solid waste containers. These sidewalks must extend across the proposed private roads/laneways, reflecting the specifications described in City of Toronto Engineering Standard Drawing No.T-310.010-4.*
 - d) *The proposed private road access must be designed to reflect City of Toronto Design Standard No. T-350.01, with a 4.0m wide inbound lane, a 3.0m outbound left turn lane and a 3.5m wide outbound through/right-turn lane, measured at the street line with 7.5m corner radii.*
 - e) *The applicant is required to appropriately delineate the proposed in- and outbound lanes of the proposed access with pavement markings reflecting the design described in preceding Condition (d).*
 - f) *The depressed curb at the proposed private road entrance to Oak Street must be provided according to City of Toronto Design Standard No. T-600.05-1.*
 - g) *The applicant is required to properly grade and asphalt the proposed private road access, internal private roads, and visitor parking areas. The proposed private road access, internal private roads and visitor parking areas must be bordered with continuous poured raised concrete curb constructed according to City of Toronto Design Standard No. T-600.11-1.*
 - h) *The portions of the walkways that are proposed within the Oak Street right-of-way must be constructed with concrete or impressed concrete.*
 - i) *The three proposed disabled parking stalls must provide appropriate curb ramping and barrier-free wheel-chair access. In addition, disabled parking stalls must be signed according to Section 10.2 of 'Book 5' of the Ontario Traffic Manual.*
 - j) *The proposed visitor parking areas must be striped with pavement markings reflecting the layout and dimensions illustrated in the ultimately approved site plan.*
 - k) *A legally designated fire route is to be indicated on the Site Plan along with all fire hydrants.*
 - l) *Garbage collection areas to be revised as noted in the comments by Community Planning dated September 19, 2005 provided to the applicant.*
2. *Building 1 and 2 (Model A) - Elevations and Roof Plan, Drawing No. A-3, prepared by J. Milcic Architect, dated November 2004 (date stamped received May 11, 2005) to include the comments from Community Planning in the letter dated June 24, 2005.*

3. *Building 3 (Model A1) – Floor Plans, Elevations and Roof Plan, Drawing No. A-4, prepared by J. Milcic Architect, dated November 2004 (date stamped received May 11, 2005) to include the comments from Community Planning in the letter dated June 24, 2005.*
4. *Building 4 - Elevations and Roof Plan, Drawing No. A-5, prepared by J. Milcic Architect, dated November 2004 (date stamped received May 11, 2005) to include the comments from Community Planning in the letter dated June 24, 2005.*
5. *Building 5 - Elevations and Roof Plan, Drawing No. A-8, prepared by J. Milcic Architect, dated November 2004 (date stamped received May 11, 2005) to include the comments from Community Planning in the letter dated June 24, 2005.*
6. *Building 6 - Elevations and Roof Plan, Drawing No. A-9, prepared by J. Milcic Architect, dated November 2004 (date stamped received May 11, 2005) to include the comments from Community Planning in the letter dated June 24, 2005.*
7. *Building 7 - Elevations and Roof Plan, Drawing No. A-12, prepared by J. Milcic Architect, dated November 2004 (date stamped received May 11, 2005) to include the comments from Community Planning in the letter dated June 24, 2005.*
8. *Building 8 - Elevations and Roof Plan, Drawing No. A-14, prepared by J. Milcic Architect, dated November 2004 (date stamped received May 11, 2005) to include the comments from Community Planning in the letter dated June 24, 2005.*
9. *Building 9 - Elevations and Roof Plan, Drawing No. A-16, prepared by J. Milcic Architect, dated November 2004 (date stamped received May 11, 2005) to include the comments from Community Planning in the letter dated June 24, 2005.*
10. *Building 10 - Elevations, Drawing No. A-18, prepared by J. Milcic Architect, dated November 2004 (date stamped received May 11, 2005) to include the comments from Community Planning in the letter dated June 24, 2005.*
11. *Building 11 – Elevations, Roof Plan and Waste Disposal Unit, Drawing No. A-20, prepared by J. Milcic Architect, dated November 2004 (date stamped received May 11, 2005) to include the comments from Community Planning in the letter dated June 24, 2005.*
12. *Building 12 and 13 – Floor Plans, Elevations and Roof Plan, Drawing No. A-21, prepared by J. Milcic Architect, dated November 2004 (date stamped received May 11, 2005) to include the comments from Community Planning in the letter dated June 24, 2005.*
13. *Site Sections and Building Sections, Drawing No. A-22, prepared by J. Milcic Architect, dated November 2004 (date stamped received May 11, 2005).*
14. *Landscape Master Plan, Drawing No. L.1, prepared by Reynolds & Associates Landscape Architects, dated Feb. 2005 and revised to April 18, 2005 (date stamped received May 11, 2005) to include the comments from Community Planning in the letter dated June 24, 2005.*

Attachment 2: Conditions to Approval

Prior to granting Site Plan Approval, the following conditions are to be fulfilled and the owner is to:

- 1. Enter into a Site Plan Agreement with the City of Toronto.*
- 2. Submit a cost estimate for the proposed landscaping to the satisfaction of Community Planning (contact Luisa Galli at 416-394-6007).*
- 3. Submit a financial guarantee in the amount of 100% of the estimated cost of the proposed landscaping to the satisfaction of the Director of Community Planning, Etobicoke York District, in the form of a Letter of Credit or certified cheque (contact Luisa Galli at 416-394-6007).*
- 4. Submit to the Urban Forestry Services section of the Parks, Forestry and Recreation Division a security deposit of \$4,516 for tree planting, protection, maintenance and inspection (contact Bonnie Maginn at 416-394-8658);*
- 5. Submit a revised Site Plan drawing that includes the notations listed in Attachment 1: List of the Site Plan Drawings, to the Status and Directions Report dated September 27, 2005 (contact Luisa Galli at 416-394-6007).*
- 6. Submit a revised Site Servicing Plan No.1 and Grading Plan No. 2 by Odan Detech Group dated January 2004 that addresses the comments sent under separate cover to Odan Detech Group (Contact Malcolm Light at 416-394-8401).*
- 7. Submit a revised Landscape Plan and elevation drawings that addresses the comments from Community Planning in the letter dated June 24, 2005 as noted in Attachment 1: List of the Site Plan Drawings, to the Status and Directions Report dated September 27, 2005 (contact Luisa Galli at 416-394-6007).*
- 8. Enter into a Lot Grading Agreement with the City and post adequate financial guarantees as security to guarantee satisfactory completion of the lot grading (Contact Malcolm Light at 416-394-8401).*
- 9. Submit functional design drawings at a 1:200 metric scale with detailed cost estimates for the following road improvements to the satisfaction of the Technical Services Division (contact Al Smithies at 416-394-8412):*
 - 9.1 To accommodate vehicle access at the proposed west site driveway the following improvements to the Oak Street/Knob Hill Drive/west site driveway intersection are required:*
 - a) Modifying the existing pavement markings at the east approach of this intersection to accommodate a separate westbound to southbound left turn lane providing 15m of storage with a 30m approach taper.*

- b) Adjusting the existing signal timing and hardware modifications to the existing traffic control signals.*
- 10. Submit a financial guarantee in the amount of 100% of the estimated cost of the proposed road improvements to the satisfaction of the Technical Services Division in the form of a Letter of Credit or certified cheque (contact Al Smithies at 416-394-8412).*
 - 11. The owner shall provide confirmation from Toronto Hydro that arrangements have been made, as applicable, to satisfy the requirements of Toronto Hydro for the development (contact Karen Ramkhalawan 416-453-3271).*
 - 12. The owner shall provide confirmation from Bell Canada that arrangements have been made, as applicable, to satisfy the requirements of Bell Canada for the development.*
 - 13. The owner shall provide confirmation from Enbridge that arrangements have been made, as applicable, to satisfy the requirements of Enbridge for the development.*
 - 14. The owner shall provide confirmation from Canadian Pacific Railway that arrangements have been made, as applicable, to satisfy the requirements of Canadian Pacific Railway for the development.*
 - 15. A comprehensive construction management plan for each stage of the construction process must be provided to the satisfaction of this Division. The owner is not permitted to use the Oak Street right-of-way for storing construction equipment/materials, or for construction vehicles/staff parking purposes.*
 - 16. The owner agrees to have a qualified consulting engineer or architect certify in writing that the development has been designed in accordance with the approved Noise Impact Study for the development.*

In addition to the above, the following conditions are to be fulfilled following site plan approval and will be incorporated into a site plan agreement:

- 1. This approval is valid for a period of three years from the date of the approval.*
- 2. The owner shall insert the following clauses and any other warning clauses contained in the Noise Impact Study in any Condominium Declarations associated with the lands and in all offers to purchase, and agreements of Purchase and Sale or Lease and such clauses shall remain on title for each dwelling:*

“Warning: Canadian National Railway Company and Canadian Pacific Railways or its assigns or successors in interest has or have a right-of-way within 300 metres from the land the subject hereof. There may be alterations to or expansions of the rail facilities on such right-of-way in the future including the possibility that the railway or its assigns or successors as aforesaid may expand its operations, which expansion may affect the living environment of the residents in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development and individual dwelling(s).

CNR and CPR will not be responsible for any complaints or claims arising from use of such facilities and/or operations on, over or under the aforesaid right-of-way."

"Warning: Purchasers/Tenants are advised that despite the inclusion of noise and odour abatement features within this development area and within the building units, noise and odour levels from increasing rail traffic on the CNR/CPR line, traffic on Weston Road and from the adjacent uses on Oak Street, may continue to be of concern, occasionally interfering with some activities of the dwelling occupants as the sound levels exceed the municipality's and the Ministry of the Environment's noise criteria."

"Warning: Purchasers/Tenants are advised that they acknowledge and accept the existence of these rail lines and industrial uses, and accept that owners and/or operators of these uses will not be responsible for any complaints of claims arising from the continued legal operation and/or expansion of the same."

3. *To maintain adequate driver sight lines, 'entry' features at the southeast corner of the intersection of the proposed private road and Oak Street, must be limited to a maximum height of 0.8m.*
4. *The applicant must register the proposed internal private road system on-title for mutual use under common elements condominium status, to the satisfaction of the City Solicitor. The applicant is required to provide notification on-title to each dwelling unit stating that the municipality will not maintain these private roads, including road and sidewalk snow clearing.*
5. *The visitor parking stalls proposed in a perpendicular arrangement along the proposed private internal roads must be registered on-title for mutual use, and provided to the satisfaction of the City Solicitor.*
6. *The applicant's site plan agreement and condominium documents must include clauses that are registered on-title advising owners that visitor parking stalls are not to be used by owners/tenants.*
7. *Visitor parking stalls must be individually signed for the exclusive use of visitors.*
8. *To accommodate vehicle access at the proposed west site driveway, the owner shall provide the following improvements to the Oak Street/Knob Hill Drive/west site driveway intersection:*
 - 8.1 *Modify the existing pavement markings at the east approach of this intersection to accommodate a separate westbound to southbound left turn lane providing 15m of storage with a 30m approach taper*
 - 8.2 *Adjust the existing signal timing and hardware modifications to the existing traffic control signals.*

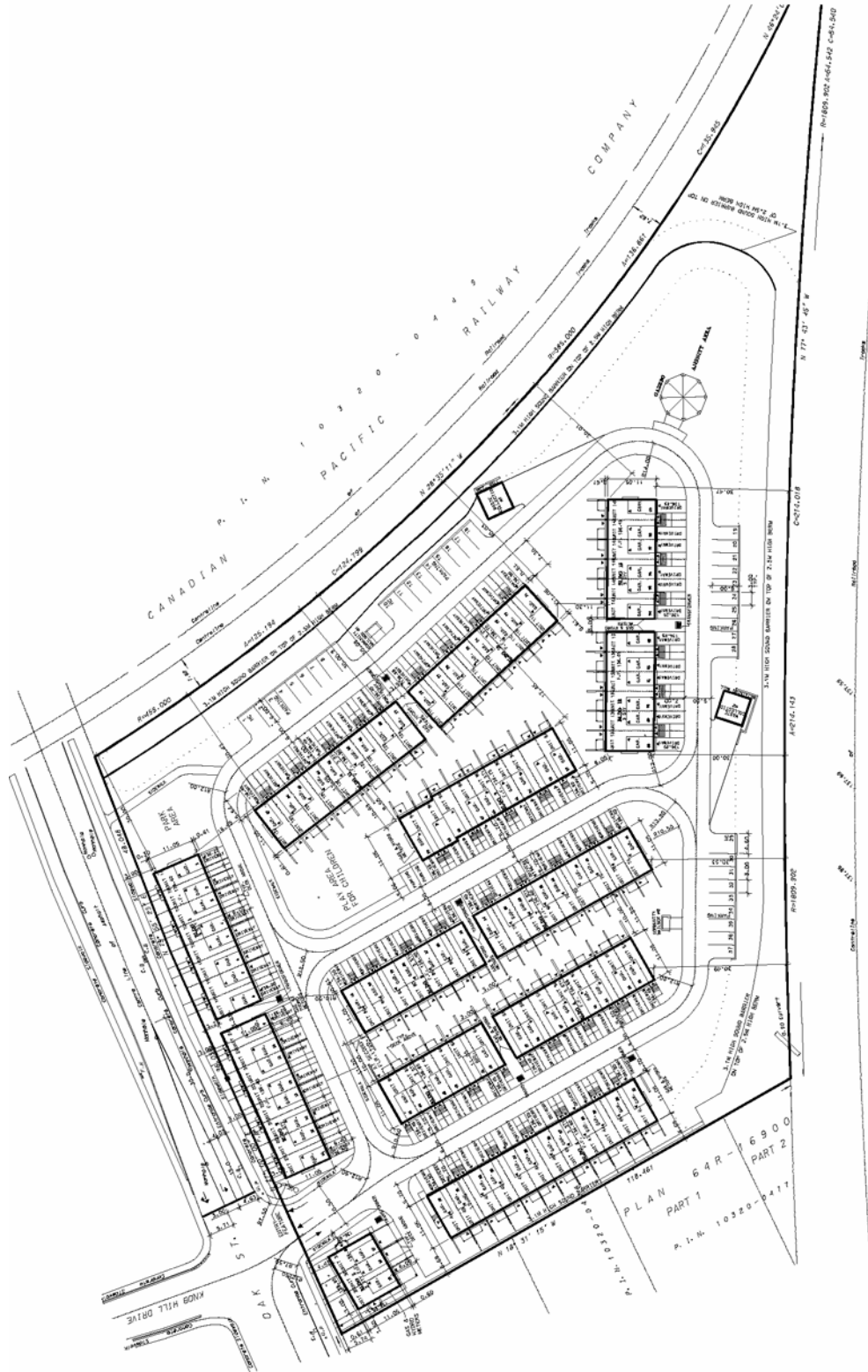
- 9 *The above-noted intersection improvements must be provided at no expense to the municipality and to the satisfaction of the Technical Services Division.*
- 10 *The owner shall provide certification from a qualified consulting engineer or architect that the noise abatement measures for the development have been implemented in accordance with the approved Noise Impact Study for the development.*

The owner is advised that the following approvals and/or permits are required for this development:

- a) *The owner is to amend the draft zoning by-law to incorporate revisions as noted in the comments received from the Building Department.*
- b) *The owner must obtain authorization from Mr. M. Maguire of the Street and Expressway Lighting Section (416-392-5243) before any utility with attached municipal street lighting is removed and/or relocated. We emphasize that our Street and Expressway Lighting Section may require the owner to submit a street lighting review as a condition to approving this application. The owner is required to contact the Street and Expressway Lighting Section to confirm if this analysis is required.*
- c) *The owner is financially responsible for all costs associated with the excavation, improvement, removal and/or relocation of any above- or below-grade municipal services/utilities that may be necessary for the completion of this project.*
- d) *The owner is required to obtain building location and access permits prior to completing this project. Other permits associated with construction activities (such as hoarding, piling/shoring, etc.) may also be required. The owner is responsible for obtaining the applicable permits, and is advised to contact the Right-of-Way Management Section at 416-394-8422 regarding site-specific permit/licence requirements.*
- e) *Landscaping treatments within public road allowances must be limited to municipal sidewalks/impressed concrete feature strips, street trees and sod. Special landscape treatments are permitted, but only on condition that the developer enters into encroachment agreements with the City. Under such agreements, the developer/property owner is financially responsible for installing and maintaining any special landscape features that they propose within public rights-of-way.*
- f) *Any sound barriers/noise attenuation walls that may be required as a result of the site's proximity to the Canadian Pacific Railway/Canadian National Railway must be located entirely on-site.*
- g) *The removal of the CP Rail spur line must be provided to the satisfaction of Canadian Pacific Railways, and at no cost to the municipality.*
- h) *The owner is required to provide our Right-of-Way Management Section with a street repair deposit in an amount acceptable to this Division.*

- i) *The owner is advised that O.Reg. 153/04 comes into effect on October 1, 2005 and a Record of Site Condition will be required to be submitted to the Building Department as a condition of Building Permit.*
- j) *Adequate electricity supply to this site is not readily available. The owner must consult with Toronto Hydro and obtain written approval for Toronto Hydro's CFDC Office before doing any electrical design. (Contact Karen Ramkhalawan at 416-543-3271)*
- k) *Although not a condition of site plan approval, based on the parkland dedication bylaw of the former City of York, which still remains in full force and effect, this development will be subject to a 5% cash-in-lieu of parkland dedication payment. As noted in the OMB Decision, all of the cash-in-lieu will be directed toward park improvements for Rosemount Gardens Parkette. The cash-in-lieu payment will be payable prior to building permit(s) issuance. Payment should be made at Customer Service, Building Department prior to building permit(s) issuance (contact Antonella Nicaso at 416-394-8515).*
- l) *If the use of natural gas is to be considered for this development, the owner should contact Enbridge to discuss installation and clearance requirements for service and metering (Contact Rosita Giles at 614-296-6599).*
- m) *Bell Canada requires:*
 - i. *The owner to enter into an agreement, in words satisfactory to Bell Canada, to grant Bell Canada any easements that may be required for telecommunication services. Easements may be required subject to final servicing decisions. In the event of any conflict with existing Bell Canada facilities of easements, the owner shall be responsible for the relocation of such facilities or easements.*
 - ii. *The owner to enter into an agreement (Letter of Understanding) with Bell Canada complying with any underground servicing conditions imposed by the municipality, and if no such conditions are imposed the owner shall advise the municipality of the agreement made for such servicing.*
 - iii. *One or more conduit or conduits of sufficient size from each unit to the electrical room and one or more conduits from the electrical room to street line.*

Attachment 3: Site Plan



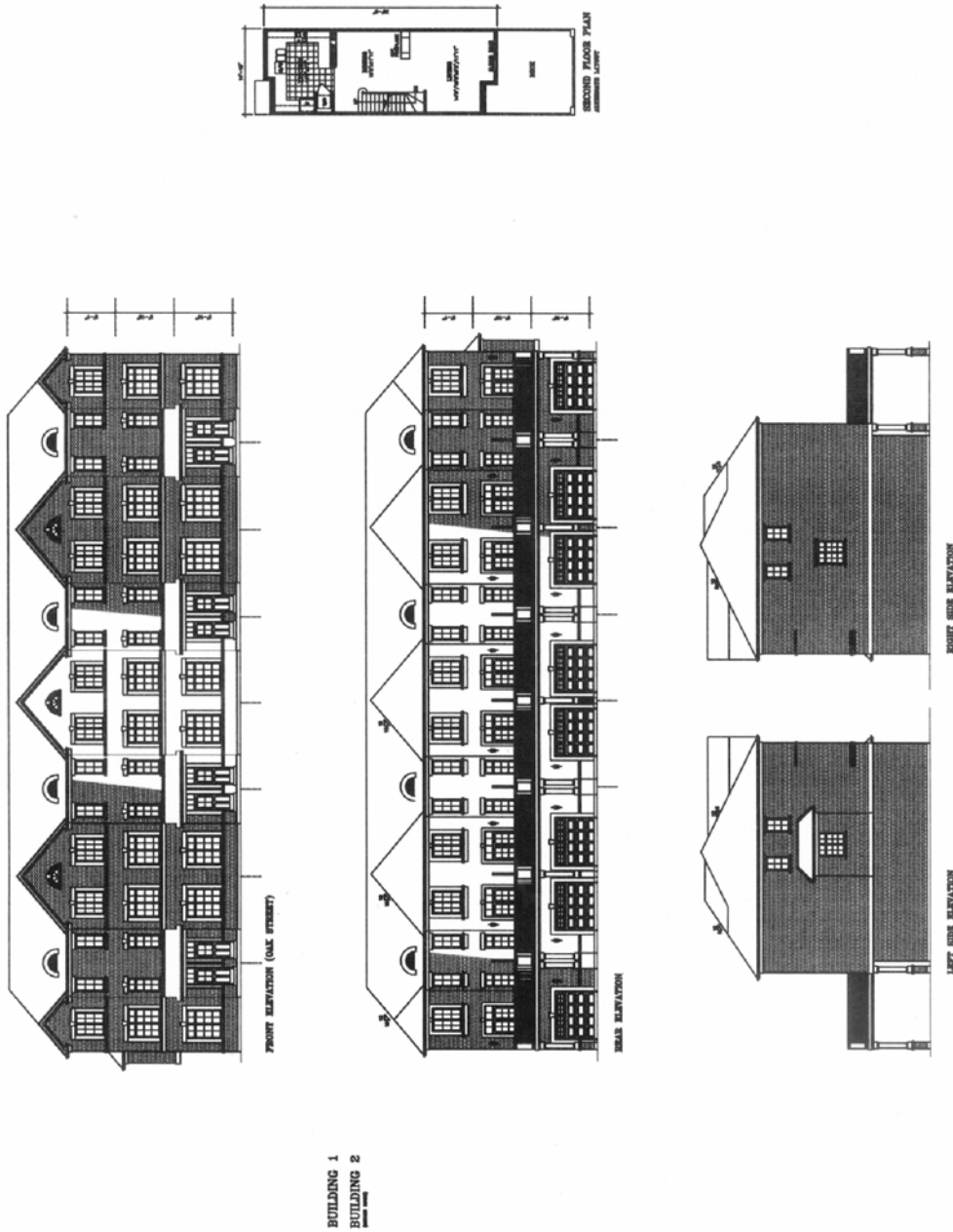
21 Oak Street

Site Plan
Applicant's Submitted Drawing
Not to Scale
08/29/05

File # 05_131128

CANADIAN NATIONAL RAILWAY COMPANY
P. I. N. 1 0 3 2 0 - 0 4 4 8

Attachment 4: Elevation 1 (Oak Street Buildings)



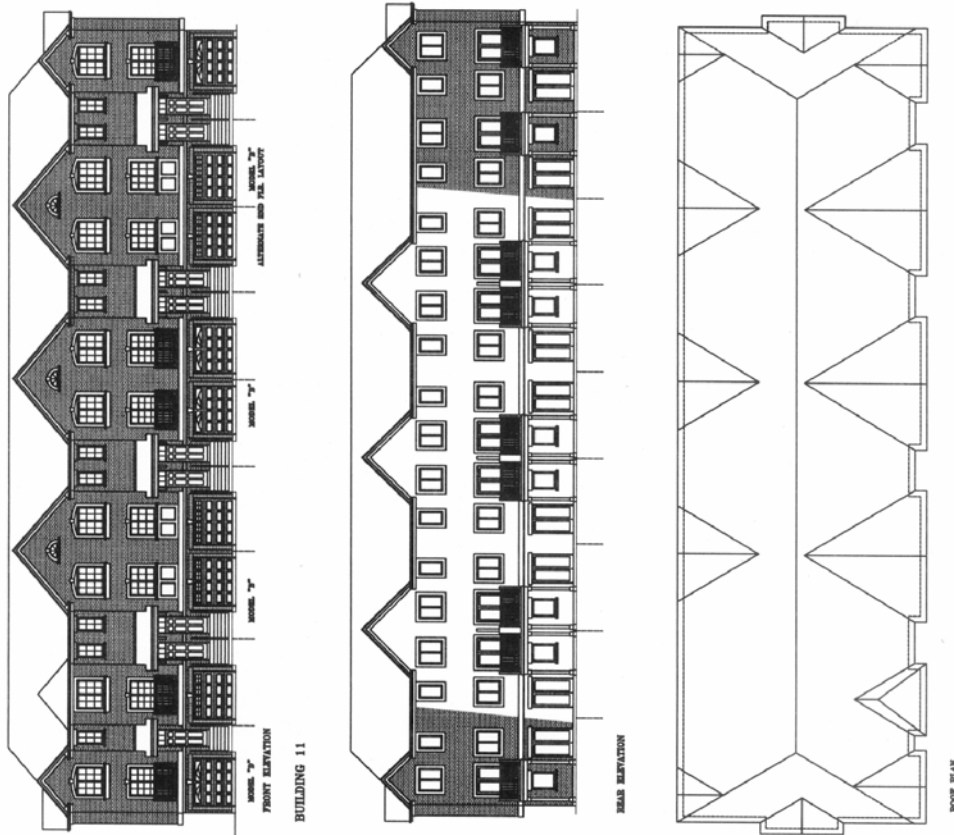
21 Oak Street

File # 05_131128

Elevations
Applicant's Submitted Drawing

Not to Scale
08/29/05

Attachment 5: Elevation 2 (Interior Site Buildings)



21 Oak Street

File # 05_131128

Elevations

Applicant's Submitted Drawing

Not to Scale
08/29/05

Attachment 6: Application Data Sheet

APPLICATION DATA SHEET

Application Type: Site Plan Approval Application Number: 05 131128 WET 11 SA
 Details: Application Date: May 10, 2005
 Municipal Address: 21 OAK ST, TORONTO ON
 Location Description: CON 5 PT LT8 **GRID W1101
 Project Description: Site Plan Application to permit the development of 99 three-storey freehold townhomes with a private condominium roadway. The site is located south of Highway 401 and east of Weston Road and. The site was formerly the location of an industrial plant and is bordered on two sides by the CN/CP rail lines. The property is subject to OMB Decision Order No. 1343.

PLANNING CONTROLS

Official Plan Designation: Low Density Residential Site Specific Provision:
 Zoning: pretige Employment Historical Status:
 Height Limit (m): Site Plan Control Area:

PROJECT INFORMATION

Site Area (sq. m):	25954	Height: Storeys:	3
Frontage (m):	96.036	Metres:	8.46
Depth (m):	0		
Total Ground Floor Area (sq. m):	5105.58		Total
Total Residential GFA (sq. m):	13046.86	Parking Spaces:	0
Total Non-Residential GFA (sq. m):	0	Loading Docks	0
Total GFA (sq. m):	13046.86		
Lot Coverage Ratio (%):	20		
Floor Space Index:	0.5		

DWELLING UNITS

FLOOR AREA BREAKDOWN (upon project completion)

	Condo		Above Grade	Below Grade
Tenure Type:	Condo	Residential GFA (sq. m):	13046.86	0
Rooms:	0	Retail GFA (sq. m):	0	0
Bachelor:	0	Office GFA (sq. m):	0	0
1 Bedroom:	0	Industrial GFA (sq. m):	0	0
2 Bedroom:	99	Institutional/Other GFA (sq. m):	0	0
3 + Bedroom:	0			
Total Units:	99			

CONTACT: PLANNER NAME: Luisa Galli, Planner