



STAFF REPORT ACTION REQUIRED

2800 Keele Street - Zoning Amendment and Site Plan Control Applications - Request for Direction Report

Date:	June 13, 2014
To:	North York Community Council
From:	Director, Community Planning, North York District
Wards:	Ward 9 – York Centre
Reference Number:	12 268121 NNY 09 OZ & 12 268129 NNY 09 SA

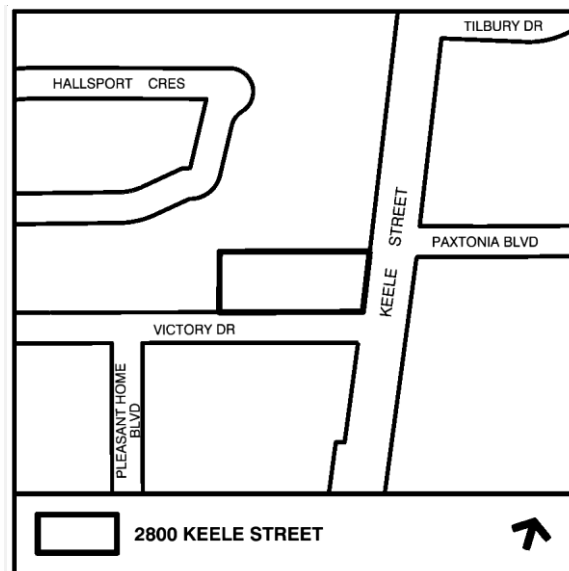
SUMMARY

This application proposes to amend the former City of North York Zoning By-law No. 7625 to permit an eleven (11) storey mixed-use building, with a total gross floor area of 17,030 square metres, containing 216 residential units and 375 square metres of ground floor commercial space at 2800 Keele Street. Vehicular access is proposed from Victory Drive to a 3-level underground parking structure containing 214 parking spaces to accommodate resident, visitor and commercial parking.

The applicant appealed its Zoning By-law Amendment application to the Ontario Municipal Board citing City Council's lack of decision on the application within the time frame specified by the *Planning Act*. The applicant also appealed the associated Site Plan Control application to the Ontario Municipal Board. The Ontario Municipal Board has now set the date of July 16, 2014 to hear the appeals.

The purpose of this report is to seek Council's direction for staff to attend the Ontario Municipal Board in support of the proposed development at 2800 Keele Street.

Staff is recommending the City Solicitor and



appropriate staff be authorized to continue discussions with the applicant to resolve outstanding site plan control issues.

RECOMMENDATIONS

The City Planning Division recommends that:

It is recommended that the application be supported subject to the following:

1. City Council direct the City Solicitor and appropriate staff to attend the Ontario Municipal Board (OMB) hearing in support of the Zoning By-law Amendment application for 2800 Keele Street;
2. City Council authorize the City Solicitor to request the Ontario Municipal Board to withhold any final Order approving the Site Plan until such time as the Site Plan Notice of Approval Conditions has been issued by the Director of Community Planning, North York District, and all pre-approval conditions met including an executed Site Plan Agreement;
3. City Council authorize the City Solicitor to request the Ontario Municipal Board to withhold any final Orders approving the Zoning By-law Amendment until such time as the Owner has entered into and registered a Section 37 Agreement to the satisfaction of the City Solicitor, requiring the Owner to:
 - a) Provide a cash contribution of \$400,000 to be used towards capital improvements at the Downsview Public Library including an Early Literacy Centre and a Computer Centre; and
 - b) Provide a cash contribution of \$50,000 to be used towards streetscape improvements along Keele Street and Victory Drive in the immediate vicinity of the proposed development.

Financial Impact

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

DECISION HISTORY

The applications for Zoning By-law Amendment and Site Plan Control Approval were submitted on October 25, 2012. A Preliminary Report for the Zoning By-law Amendment application was considered by North York Community Council at its meeting of February 26, 2013. The report provided background information on the proposal and recommended that a community consultation meeting be scheduled with the Ward Councillor and that notice for the public meeting be given according to the regulations of the Planning Act.

North York Community Council adopted the staff recommendations. The Preliminary Report is available at:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2013.NY22.28>

The Community Consultation Meeting was held on June 5, 2013 at the Downsview Public Library and attended by interested members of the community.

On December 20, 2013 the City Clerk's office received an appeal regarding the Zoning By-law Amendment application citing the failure of the City of Toronto to make a decision respecting the application. The applicant also appealed the Site Plan Control application directly to the Ontario Municipal Board.

ISSUE BACKGROUND

Proposal

The applicant proposes to amend the zoning By-law for the subject site to permit the development of the lands for a mixed use building on an identified *Avenue*.

This application proposes an eleven (11) storey mixed-use building fronting Keele Street. The proposed building would contain 216 residential units, including a variety of ground related one- and two-storey townhouse units fronting Victory Drive and the north side of the building at the west end, and 375m² of ground floor commercial space fronting Keele Street. The proposed unit mix is 34 studio units, 118 one-bedroom units, 64 two-bedroom units and 2 three-bedroom units.

Vehicular access would be provided from Victory Drive and a three (3) level underground parking structure would contain 214 parking spaces for the development, including resident, visitor and commercial parking. The access to the underground garage and one loading area intended to serve the residential units are located along the north side of the building.

Amenity areas would be provided both at grade and on the roof for residents. With 17,030m² of gross floor area, excluding below-grade areas, the application proposes a Floor Space Index of 4.33. The height of the proposed building would be 36.0 metres at the Keele Street frontage.

The site statistics are presented on the application data sheet (Attachment 8).

Site and Surrounding Area

The 0.38ha site is located at the northwest corner of the intersection of Keele Street and Victory Drive. The lot has a frontage of 40 metres on Keele Street and a depth of 94 metres on Victory Drive. The site is currently developed with a 1 storey glass and brick building which was formerly a Postal Station.

The surrounding area contains a mix of uses including residential, commercial, retail and office as follows:

North: a four-storey brick apartment building (2808 Keele Street).

East: Across Keele Street is the City of Toronto Downsview Library and Downsview Plaza.

South: multi-family residential developments including a 10-storey building at 2772 Keele Street (The MAX) and two 4-storey buildings at 2782 and 2788 Keele Street with commercial uses further south.

West: a driveway access and parking area serving the four-storey apartment building to the north followed by a pedestrian walkway connecting Victory Drive with Hallsport Crescent. Low density residential development is located beyond to the west.

Provincial Policy Statement and Provincial Plans

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

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

Official Plan

The Official Plan designates the entire site as *Mixed Use Areas*, one of four land use designations intended to accommodate growth. The *Mixed Use Areas* designation encourages a broad range of commercial, residential, institutional and open space uses to accommodate increases in population and jobs along transit lines.

The Urban Structure Map, Map 2, identifies four categories of growth areas including the *Avenues* overlay. The *Avenues* are important corridors along major streets where re-urbanization is anticipated and encouraged to create new housing and job opportunities while improving the pedestrian environment, the appearance of the street, shopping opportunities and transit service for community residents. The Keele Street frontage of the subject site is identified as *Avenues* on Map 2 of the Official Plan.

Development in *Avenues* prior to the City undertaking an Avenue Study has the potential to set a precedent for the form and scale of re-urbanization along the Avenue. For this reason, proponents of such proposals are required to address the larger context and examine the implications for the segment of the Avenue in which the proposed development is located.

Section 2.2.3, Policy 3(b) of the Official Plan, sets out the criteria that must be examined in such an Avenue Segment Study.

Policy 2.3.1 "Healthy Neighbourhoods" states that *Neighbourhoods* and *Apartment Neighbourhoods* are physically stable areas. New residential development should be focussed along the *Avenues* to preserve the shape and feel of *Neighbourhoods*. *Neighbourhoods* will benefit from new development along the *Avenues* by enjoying better transit service, greater housing choices, increased shopping opportunities, an improved pedestrian environment and other advantages that these growth areas provide. At the boundary point between the *Neighbourhoods* and the growth areas, development must provide a gradual transition of scale and density, as necessary, to achieve the objectives of the Plan. Intensification of land adjacent to neighbourhoods will be carefully controlled to protect the *Neighbourhoods* areas from negative impact. While the subject site does not directly abut a *Neighbourhoods* areas, the site is in close proximity to a *Neighbourhoods* area, particularly at the west end of the site (See Attachment 7).

The Official Plan establishes criteria for development in *Mixed Use Areas* including a requirement for buildings to be located and massed to provide a transition between areas of different development intensity, providing setbacks for, and stepping down of, building heights towards existing lower scale development. The Plan also contains requirements to locate and mass new buildings to frame the edges of streets and parks with good proportion and maintain sunlight and comfortable wind conditions for pedestrians on adjacent streets, parks and open space.

The Built Form policies in Section 3.1.2 of the Official Plan provide direction on the siting and massing of new development. These policies require new development to fit within its existing and/or planned context. These policies also state that new buildings will provide appropriate massing and transition in scale to neighbouring buildings, will respect the character of the surrounding area, and limit shadow impact on adjacent properties, streets and open spaces. Every significant new multi-unit residential development will provide indoor and outdoor amenity space for residents of the new development.

Mixed Use Areas are to be made up of a broad range of commercial, residential and institutional uses in single use or mixed-use buildings, as well as parks and open spaces and utilities. The Official Plan recognizes that *Mixed Use Areas* are intended to absorb most of the anticipated increase in retail, office and service employment in Toronto in the coming decades, as well as much of the new housing. The Plan notes that not all *Mixed Use Areas* will experience the same scale or intensity of development.

Where there is new development proposed in *Mixed-Use Areas*, proposals are assessed against development criteria included in Section 4.5.2 of the Official Plan. These criteria include among other matters:

- Locating and massing new buildings to provide a transition between areas of different development intensity and scale, as necessary to achieve the objectives of this Plan,

through means such as providing setbacks from, and/or stepping down of heights towards, lower-scale *Neighbourhoods*;

- Locating and massing new buildings so as to adequately limit shadow impacts on properties in adjacent lower-scale *Neighbourhoods*, particularly during the spring and fall equinoxes;
- Locating and massing new buildings to frame the edge of streets and parks with good proportion and maintain sunlight and comfortable wind conditions for pedestrians on adjacent streets, parks and open spaces;
- Providing an attractive, comfortable and safe pedestrian environment;
- Having access to schools, parks, community centres, libraries, and childcare;
- Providing good site access and circulation and including sufficient off-street motor vehicle and bicycle parking for residents and visitors;
- Locating and screening service areas, ramps and garbage storage to minimize the impact on adjacent streets and residences; and
- Providing indoor and outdoor recreation space for building residents in every significant multi-unit residential development.

The Official Plan provides for the use of Section 37 of the *Planning Act* to secure the provision of community benefits in return for an increase in height and/or density of a development. The City may require the owner to enter into an agreement to secure these matters. Community benefits include cultural, community or child care facilities, public art, transit improvements and purpose-built rental housing among other things.

Avenue Segment Study

The Keele Street frontage of the site is located on an *Avenue* as indicated on Map 2: Urban Structure of the Official Plan. The Plan states *Avenues* are important corridors along major streets where re-urbanization is anticipated and encouraged to create new housing and job opportunities while improving the pedestrian environment, the look of the street, shopping opportunities and transit service for community residents. A framework for change will be tailored to the situation of each *Avenue* through a local Avenue Study conducted by the City.

Policy 2.2.3.3 allows development to be considered prior to the completion of an *Avenue* study on the condition that a review be undertaken by the applicant. The review is intended for development that has the potential to set a precedent for the form and scale of re-urbanization along the *Avenue* and will consider the larger context and implications for the *Avenue* segment in which the development is located. Section 2.2.3, Policy 3(b), sets out the criteria that must be examined in such an *Avenue* Segment Review:

- Include an assessment of the impacts of the incremental development of the entire Avenue segment at a similar form, scale and intensity, appropriately allowing for distinguishing circumstances;
- Consider whether incremental development of the entire Avenue segment as identified in the above assessment would adversely impact any adjacent Neighbourhoods or Apartment Neighbourhoods;

- Consider whether the proposed development is supportable by available infrastructure; and be considered together with any amendment to the Official Plan or Zoning By-law at the statutory public meeting for the proposed development.

As the applicant's proposal exceeds the density and height limits established in the current Zoning By-law and has the potential to establish a new development and built form context for this Avenue segment, an *Avenue Segment Study* by the applicant as per Policy 2.2.3.3 is required.

Avenues and Mid-Rise Buildings Guidelines

In May of 2010, City Planning staff presented an update report to the Planning and Growth Management Committee on the status of the 'Avenues and Mid-Rise Building Action Plan'. The Action Plan consisted of a number of components to encourage the re-urbanization of Toronto's Avenues including a consultant's *Avenues and Mid-Rise Building Study* which provides guidance to the future built form of the *Avenues* through suggested Performance Standards.

On July 8, 2010 City Council adopted a number of recommendations relating to the Avenues and Mid-Rise Buildings Study and Action Plan including a direction that staff use the "Mid-Rise Building Performance Standards" contained in Section 3 of the report. The Performance Standards provide the foundation for new zoning regulations and urban design guidelines for mid-rise buildings along Toronto's *Avenues* that are to be applied during the review of all new and current mid-rise development proposals on the *Avenues* and in the implementation of future *Avenue Studies*.

Zoning

The site is zoned 'RM5' Multiple-Family Dwellings Fifth Density Zone by Zoning By-law No. 7625 of the former City of North York. The 'RM5' zone permits a range of residential uses and some institutional uses in buildings up to 11.5 metres in height. Permitted uses include apartment house dwellings, double duplex dwellings, duplex dwellings, single-detached dwellings, semi-detached dwellings, multiple attached dwellings, religious institutions, nursing homes, sanitariums and hospitals. Frontage, height, setbacks and density requirements vary depending on the type of use.

Site Plan Control

A Site Plan Control application was submitted for the proposed development (File number 12 268129 NNY 09 SA). The Site Plan Control application is being reviewed concurrently with the Zoning By-law Amendment application. Issues such as screening, landscaping and pedestrian amenities will be reviewed through the Site Plan Control approval process. The applicant has appealed the Site Plan Control application to the Ontario Municipal Board.

Tree Preservation

The application is subject to the City of Toronto Private Tree By-law and an Arborist Report was submitted with the subject application.

Reasons for the Application

An amendment to the Zoning By-law is required as the proposal does not comply with the height and density provisions of the 'RM5' zoning. Appropriate standards regarding gross floor area, height, setbacks, parking, landscaped open space, amenity space and other matters would be established through a site specific exception.

Community Consultation

On June 5, 2013, a community consultation meeting was held at the Downsview Public Library Auditorium. Approximately 25 members of the public attended along with the applicant, Ward Councillor and City Planning. Planning staff presented an overview of the planning process and the applicant presented their proposal. The following issues and concerns were expressed:

- The building is bulky and appears large;
- The building is too tall for the neighbourhood and the proposed building height will create shadow impacts on nearby properties;
- Keele Street is congested in the morning and evening rush hours and the proposal would add to the congestion;
- An inadequate supply of visitor parking could result in on-street parking in the residential neighbourhood west of Keele Street along Victory Drive;
- As a result of a centre island located on Keele Street between Victory Drive and Wilson Avenue, residents who wish to access developments on the west side of Keele Street south of the intersection of Victory Drive, use the intersection of Victory Drive and Keele Street to perform U-turns to enable them to travel southbound on Keele Street to access their developments;
- The proposed north-facing units may create undesirable overlook and privacy concerns for residents in the apartment building to the north;
- There is a general lack of green space and play structures existing in the community for children; and
- The appropriateness of requesting Section 37 benefits from the applicant.

As an outcome of the community consultation meeting, the Ward Councillor struck a small working group to further discuss concerns with the application including how any achieved Section 37 monies could benefit the community.

Agency Circulation

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

COMMENTS

Provincial Policy Statement and Provincial Plans

The proposal is consistent with the Provincial Policy Statement 2014. The development promotes intensification through a higher density building form utilizing existing infrastructure. The development will provide for a range of unit sizes on an arterial road with bus service, thus promoting additional ridership for the transit system. The development will provide an active pedestrian environment along Keele Street and Victory Drive with the introduction of ground floor commercial uses on Keele Street and ground-related residential uses along Victory Drive.

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

Land Use

The applicant is proposing a mixed-use building containing 216 residential units and 375m² of ground floor commercial space. A mixed-use building on this site is appropriate. The proposal conforms to the *Mixed Use* provisions of the Official Plan and the lands are suitable for an appropriate level of intensification.

Site Layout and Design

The building has been designed to appear as two individual components. An eleven (11) storey tower is proposed at the east end of the site at Victory Drive and Keele Street while a seven (7) apartment building with an eighth (8) floor amenity space is proposed at the west end of the site. The base of this western building component contains a number of one (1) and two (2) storey townhouses. The townhouses which front Victory Drive are provided with ground level patios which serve to animate the street. The western building is set back from the street to be in line with the detached dwellings further west.

The eleven (11) storey tower is located at the corner of Victory Drive and Keele Street. The building is located close to the Keele Street road allowance as is appropriate for a mid-rise building fronting a major street. Commercial units are proposed at the base of the tower fronting Keele Street providing an enhanced pedestrian experience and opportunities for shopping. The main entrance and lobby to the residential units is from Victory Drive.

The two buildings are divided at grade along the Victory Drive frontage by a driveway providing vehicular access to the servicing areas and entrance to the underground garage. Above the third floor the buildings are joined into one floor plate.

Adequate building setbacks from the northern and western lot lines provide space for walkways and the planting of landscape material to buffer the proposed building from its neighbours.

The site layout appropriately addresses the Official Plan policies for buildings to frame and support adjacent streets, to provide good site access and circulation, and to locate service areas, ramps and garbage storage to minimize impact on local streets and residences.

Height, Built Form and Massing

Schedule 'D' Airport Hazard Map in the former City of North York Zoning By-law 7625 establishes maximum permitted heights for buildings and structures around the Downsview Airport. The Schedule permits a maximum height of 60.96 metres (approximately 20 storeys) above sea level on this site. In this regard, the proposal, complies with the operational requirements of Bombardier and the Downsview Airport.

The Avenues and Mid-Rise Buildings Study contains performance standards for determining the maximum height of a building along an *Avenue*. The performance standards recommend that mid-rise buildings be no taller than the width of the street right-of-way or between 5 and 11 storeys. With regard to the subject site, the ultimate Keele Street right-of-way width is 36 metres as per Map 3 Right-of-Way Widths Associated with Existing Major Streets of the Official Plan. Given that, the maximum permitted building height would be 36.0 metres. The established grade is 183.0 metres above sea level and the proposed maximum building height is 219.0 meters above sea level for a proposed building height of 36.0 metres. The building complies with the recommended maximum building height set out by the Avenues and Mid-rise Buildings Study.

The Official Plan contains policies relating to built form and massing. Specifically, new buildings are to be located and massed to provide a transition between areas of different development intensities and scale, such as providing appropriate setbacks and/or stepping down of heights, particularly towards lower scale *Neighbourhoods*.

The greatest height of the proposed building is at the corner of Keele Street and Victory Drive. The 11-storey tower is set back 1.5 metres from the Keele Street and Victory Drive road allowances. The tower component addresses the Mid-rise Guidelines in terms of presenting an architecturally strong base to the top of the third floor. Above the third floor, the face of the building is set back 1.5 metres and at the 11th floor, the building is set back a further 1.5 metres, all in compliance with the Mid-rise Guidelines.

The main vehicular driveway, with a two-storey vertical high clearance, provides access to the underground parking garage and service areas, visually breaking up the massing along Victory Drive at the ground level. Beyond the access driveway, the western portion of the apartment building is set back approximately 6 metres from the Victory Drive road allowance. This setback provides room for private amenity areas for the grade-related units as well as shrub beds for visual buffering from the road allowance. The 3nd to 7th residential floors are set back a further metre and at the 8th floor, the indoor amenity areas are set back 10.5 metres from the road allowance.

The setback at the west end of the site is 4 metres to the base of the building. This distance provides adequate space for a pedestrian walkway and tree planting to screen the lower levels of the building from the neighbouring properties.

The driveway access from Victory Drive, located immediately west of the subject lands, serves 2808 Keele Street and is designated *Apartment Neighbourhoods*. The height of the proposed building at the west end of the site transitions appropriately from the boundary between the

nearby *Neighbourhoods* areas along Hallsport Crescent and the abutting *Apartment Neighbourhoods* designation.

Along the northern face of the building, the set back from the lot line is 12.5 metres. The neighbouring four-storey apartment building at 2808 Keele Street maintains a setback 14.3 metres from its south lot line so the separation distance between the two buildings is significant and complies with recommended separation distances between facing walls with windows.

Closer to Keele Street, the applicant is proposing a 6 metre building setback from the north lot line for the tower portion of the building. The building located at 2808 Keele Street is set back from its south lot line approximately 7.7 metres. This total dimension is in excess of the recommended separation distance between facing windows of 11.0 metres and is appropriate. The building at 2808 Keele Street does not have balconies facing south but it does have ground floor patio areas. The proposed building has no windows at ground level in this location facing north. A 1.6 metre high sight-obscuring fence and a two metre wide landscape strip will be provided along the entire length of the north lot line to provide adequate space for tree planting.

The subject site has the potential to accommodate development intensification provided planning policy relating to built form, community services and facilities, transportation and servicing infrastructure are appropriately addressed. Density is a measure of the level of intensity that arises from the built form, massing and height attributes of a development. With a proposed total gross floor area of 17,030 square metres, the application proposes a Floor Space Index of 4.33 times the a lot area.

As described above, the height, built form and massing are appropriate and meet the performance standards and guidelines for mid-rise buildings along *Avenues*. The proposed development also transitions appropriately to the abutting low density neighbourhood to the west. The density that is a result of the proposed building design is appropriate.

Avenue Segment Review

As an *Avenue* Study has not been prepared by the City for this *Avenue*, an *Avenue* Segment Study was submitted by the applicant in accordance with the Official Plan. The *Avenue* Segment Study assessed the proposal in the context of the segment of Keele Street extending along the west side from Calvington Drive in the north to Victory Drive in the south. The east side of Keele Street was not included in the *Avenue* segment study as the context is different from the west side of Keele Street. The lots are shallower along the east side of Keele Street and the transition policies of the Official Plan will make redevelopment more difficult.

Policy 2.2.3.3b of the Official Plan sets out the criteria that will be evaluated in the Segment Study. One of the requirements is to analyze the impacts of incremental development of the entire Avenue segment at a similar form, scale and intensity to the proposed development.

The applicant's Segment Study concludes that there are no sites of a similar size for comparison within the segment. The Study makes the assumption that there are few soft sites and that the lotting pattern would not allow for consolidation. However, the Study does not recognize that market conditions could change and land assembly could occur, allowing redevelopment

opportunities. Accordingly, future redevelopment proposals for the area would require further study and analysis.

Sun and Shadow

Section 3.1.2.3 requires new development limit its impacts on neighbouring streets, parks, open spaces and properties by adequately limiting any resulting shadowing of, and uncomfortable wind conditions on, neighbouring streets, properties and open spaces. Official Plan policy places particular importance to shadow impacts on parks and on low-rise *Neighbourhoods* designations. The nearest lands designated *Neighbourhoods* are located to the west of the subject site.

In order to assess shadow impacts, a shadow study was undertaken for the proposed design. The assessment confirms the proposed development will not result in unacceptable shadow impacts on the lands designated *Neighbourhoods* to the west. It is staff's view that the shadow impacts on the *Neighbourhoods* designation satisfy the Official Plan criteria.

Public Realm and Streetscape

The proposed development would lead to a number of upgrades of the streetscape on both Keele Street and Victory Drive within the boulevard and on private property adjacent the proposed building. The existing vegetation would be replaced with new landscaping. The landscaping would include 5 street trees along the Keele Street frontage and 7 street trees along the Victory Drive frontage. The boulevard in the vicinity of the existing bus stop at the corner of Keele Street and Victory Drive would be augmented with unit pavers and benches. New 1.7 metre wide sidewalks would be installed along both Keele Street and Victory Drive. The townhouse units fronting Victory Drive would be provided with patio areas on private property with shrub beds and landscape materials along the boulevard to buffer them from Victory Drive. The tower portion of the building would have continuous weather protection in the form of canopies and overhangs from the balconies above the ground level and the ground level commercial units would provide animation at street level.

Streetscape elements on the boulevard will be secured through the Site Plan Control Approval process.

Tree Removal/Tree Replacement

An Arborist Report by Strybos Barron King and updated March 28, 2014 was submitted for review by Forestry staff. All the trees located on and immediately adjacent to the subject property are proposed to be removed. Several trees that are either mutually owned or immediately adjacent to the site will also require permission from the adjacent owner prior to removal. Forestry staff have reviewed the submitted report and are satisfied with the recommended removal and replacement tree plan.

Pedestrian Comfort and Wind Study

The applicant submitted Qualitative Pedestrian Wind Assessment for the proposed development prepared by Gradient Microclimate Engineering Inc. A qualitative wind assessment serves to determine the general suitability of anticipated wind conditions over sensitive pedestrian areas

early in the design process, and provide preliminary recommendations for mitigation that can be considered.

The assessment concludes that generally, wind comfort conditions are acceptable and that the project's positive design features for wind control such as a base building with stepbacks, stepped building facades, balconies, canopies, overhangs, parapet walls and landscaping should be retained and enhanced in the final design. The consultant notes that all of the pedestrian areas at grade are expected to perform satisfactorily for the anticipated activities. More specifically, acceptable wind conditions are expected to occur along the Keele Street and Victory Drive sidewalk areas, the building's main residential entrances, the townhouse entrances, and all other grade-level points of interest.

For the amenity terrace on the 7th level, moderately strong wind conditions may not be conducive to prolonged sitting or lounging. Given the intended use of the terrace, the introduction of wind protection in the form of vertical wind barriers along its perimeter, at a height no less than 1.6 m from the local walking surface, is recommended, resulting in suitable mitigation. Wind mitigation measures will be secured through the Site Plan Control Approval.

Traffic Impact, Access and Parking

The applicant filed a Traffic Impact and Parking Study dated May 2013 and followed up with the submission of a Supplementary Report dated August, 2013 in support of the proposed development. The consultant estimates in the Study and the Supplementary Update that the proposed development will generate approximately 163 and 81 two-way trips during the a.m. and p.m. peak hours, respectively. Given these estimated trips, the consultant concludes that the study area intersections and site access driveway are expected to operate at acceptable levels of service in the future total traffic condition.

Transportation Services accepts the conclusions of the Traffic Impact and Parking Study dated May 2013 and Supplementary Report dated August 2013.

The driveway access for the site is proposed on Victory Drive at the approximate centre of the site. The ramp to the underground parking garage is proposed to be located along the northern edge of the proposed building, across from the loading area. The proposed access location and design is satisfactory.

The applicant is proposing a total of 214 parking spaces in a 3-level underground garage. Zoning By-law 569-2013 was recently developed by City staff in order to harmonize the parking requirements for developments across the City. Parking for the project is being provided in accordance with Zoning By-law 569-2013. The parking requirements under Zoning By-law 569-2013 is 213 spaces and the proposed 214 parking spaces for the development meets the requirements outlined in Zoning By-law 569-2013. Thirty-two (32) of the proposed parking spaces will be for the use of residential visitors. The parking ratios proposed for the development will be incorporated into the draft Zoning By-law. It should be noted that based on Zoning By-law 569-2013, the site is required to provide an additional 3 accessible parking spaces, along with the 3 currently proposed, for a total of 6 accessible spaces. This matter will be addressed through the Site Plan Control application approval.

Loading

The loading space supply requirements for the proposed development are governed by the provisions contained in the recently approved Zoning By-law 569-2013. One (1) Type 'G' loading space is required for the residential component of this development and no loading space is required for the non-residential component due to its limited size. The applicant is proposing one (1) type 'G' space for the residential uses. This meets the requirements of Zoning By-law 569-2013.

The submitted vehicle manoeuvring diagram illustrates the swept path of an in-ground loading vehicle overlapping the landscaped area north of the on-site driveway. While the Engineering Consultant has submitted a letter indicating that there will not be an issue, the site and landscape plans indicate that there is a light standard, trees and a low concrete wall along that edge of the driveway. As such, the loading space location and/or design must be revised to show an uninterrupted path for an inbound loading vehicle. This matter must be addressed prior to Site Plan Control approval.

Bicycle Parking

The Official Plan contains policies which encourage reduced automobile dependency as well as promoting alternative modes of transportation. The policies contained within the Plan attempt to increase the opportunities for better walking and cycling conditions for residents of the City. Policy 2.4.7 states, "Policies, programs and infrastructure will be introduced to create a safe, comfortable, and bicycle friendly environment that encourages people of all ages to cycle for everyday transportation and enjoyment including the provision of bicycle parking facilities in new developments".

The proposed development requires a total of 169 bicycle parking spaces at a rate of 0.6 spaces per residential dwelling (130 spaces required), 0.15 per unit for residential visitors (32 spaces), 0.13 spaces per 100m² for retail occupants (1 space required) and the greater of 0.15 spaces per 100 square metres per for retail visitor or 6 spaces (6 spaces required) for retail uses.

The applicant is proposing a total of 105 bicycle parking spaces at ground level and 72 bicycle parking spaces in the P1 level for a total of 177 bicycle parking spaces proposed.

The applicant proposes a bicycle storage area for visitors to the site at the northeast corner of the building near the Keele Street frontage. Twelve (12) post and ring bicycle stands are proposed in this location accommodating 24 bicycle parking spaces for residential and commercial visitors. Seven (7) post and ring bicycle stands are located in a weather-protected area adjacent the rear entrance to the building for a total of 14 bicycle parking spaces. A secured bicycle parking room accommodating 39 bicycles is located within the building at ground level. A second ground level secure bicycle parking room will provide space for 28 bicycles.

At the P1 level of the parking structure 22 residential bicycle parking spaces are provided in one secured room and 50 additional residential bicycle parking spaces in a second secured room.

The bicycle parking proposal meets the requirements of the Toronto Green Standards.

Site Servicing and Stormwater Management

A Functional Servicing Report by Al Underhill and Associates Ltd. and dated September 7, 2012 was submitted for review by Engineering and Construction Services staff. The report concludes that the subject site has sufficient services to support the proposed development. While the report is generally satisfactory to Engineering and Construction Services staff, some revisions are required to the submitted Reports that will be addressed prior to Site Plan Control Approval.

Amenity Space

Section 4.2.2(f) of the Official Plan requires that new development provide adequate indoor and outdoor recreation space for building residents. The Plan is not prescriptive as to the location or amount of open space; rather each application be assessed based on its own merits and context.

Common indoor amenity space is proposed at a rate of 2.0 square metres per dwelling unit to serve the proposed development. Based on 216 units this rate equates to 432 square metres being required. The applicant proposes a total of 540 square metres with 500 square metres being provided indoors at the 7th floor amenity area at the western end of the site and 40 square metres in a ground floor lounge area. The proposed amenities on the 7th floor include a party and dining room with associated kitchen area, a gym, a yoga/pilates room and associated change rooms.

The applicant has provided 270 square metres of outdoor patios and terrace areas on the 7th floor of the western portion of the building. Additionally, an 80 square metre outdoor area is provided on top of the ramp down into the underground garage for a total common outdoor area of 350 square metres. All dwelling units will be provided with either a balcony or an outdoor terrace for private use.

Open Space/Parkland

The Official Plan contains policies to ensure that Toronto's system of parks and open spaces are maintained, enhanced and expanded. Map 8B of the Toronto Official Plan shows local parkland provisions across the City. The lands which are the subject of this application are in an area with 0 – 0.42 hectares of parkland per 1,000 people. The site is in the highest quintile of current provision of parkland. The site is in a parkland priority area, as per the Harmonized Parkland Dedication By-law 1020-2010.

The applicant proposed to construct an eleven (11) storey mixed use building of 216 residential units (GFA 16,655 m²) and 375 m² of commercial at grade. Based on the Alternative Parkland Dedication rate of 0.4 ha per 300 units, the development is subject to a parkland dedication of 0.288ha/2,880m² or 77% of the site. However, for sites that are less than 1 hectare in size, the parkland dedication shall not exceed 10% of the development site for the residential component and 2% for commercial uses. The resulting parkland dedication requirement is therefore, 0.0374ha/374m².

The applicant is required to satisfy the parkland dedication through a cash-in-lieu payment. The parkland dedication for the subject site is too small to be functional. The site is also in close proximity to a number of parks in the area such as Roding Park and Downsview Park. The

actual amount of cash-in-lieu to be paid will be determined at the time of issuance of the building permit. This parkland payment is required under Section 42 of the *Planning Act*, and is required as a condition of the building permit application process.

Toronto Green Standard

The Toronto Green Standard (TGS) and Green Roof By-law came into force and effect on January 31, 2010. The TGS is a set of performance measures for green development. Tier 1 is required for new development. Tier 2 is a voluntary, higher level of performance with financial incentives. Achieving the Toronto Green Standard will improve air and water quality, reduce green house gas emissions and enhance the natural environment.

The applicant indicates they will be meeting the Tier 1 Guidelines which include energy saving mechanical systems, low water use plumbing fixtures, stormwater management features, environmental and planting features and green roofs as required under the Green Roof By-law.

The TGS performance measures will be secured through the Site Plan Control application approval process.

Outstanding Site Plan Control Issues

While this report recommends that the application for Zoning By-law Amendment has reached a stage that is satisfactory, there are a number of issues that must be resolved prior to the Site Plan Control Application being satisfactory. Outstanding matters include:

- Site servicing details;
- Detailed building elevation design and materials;
- Landscaping details; and
- Snow removal and storage for the private driveway.

These issues will be finalized and secured through the Site Plan Control Approval process. The Ontario Municipal Board will be asked to hold its final order on the Site Plan pending the finalization of Notice of Approval Conditions by City Planning staff and fulfillment of pre-approval conditions be met including an executed Site Plan Agreement.

Section 37

Section 37 of the Planning Act gives municipalities with appropriate Official Plan policies the authority to pass zoning by-laws to permit more height and/or density for a use that is otherwise permitted by the Zoning By-law for that use in return for the provision of community benefits in the form of capital facilities. Policies dealing with the use of Section 37 are found in Section 5.1.1. of the Official Plan.

In December 2007, City Council adopted implementation guidelines for the use of Section 37. The guidelines state that no citywide formula, or quantum, exists in the Official Plan or the guidelines for determining the level of Section 37 benefits. Community benefits are specific capital facilities (or cash contributions toward specific capital facilities) and can include matters such as parkland and/or park improvements above the required parkland dedication, public art,

streetscape improvements on the public boulevard not abutting the site, community facilities and/or local improvements to transit facilities. The community benefits must bear a reasonable planning relationship and a demonstrable connection between the proposed development and the Section 37 community benefits.

The specific community benefits secured through a development proposal are the result of community consultation, discussion among City staff, the owner, and the local Councillor. The Official Plan indicates that Section 37 community benefits will be selected on the basis of local community needs, intensification issues in the area, the nature of the development application and the objectives and policies of the Plan. Priority is to be given to on-site or local community benefits. Before consideration can be given to securing of any Section 37 benefits, the proposed development must constitute good planning. It is the view of planning staff that the proposal constitutes good planning.

Planning staff, in consultation with the Ward Councillor, have identified a need to improve the local library in terms of the provision of new facilities within the building and streetscape improvements in the area.

The community benefits recommended to be secured in the Section 37 agreement are as follows:

- a) A cash contribution of \$400,000 to be used towards capital improvements at the Downsview Public Library including an Early Literacy Centre and a Computer Centre; and
- b) A cash contribution of \$50,000 to be used towards streetscape improvements along Keele Street and Victory Drive in the immediate vicinity of the proposed development.

Requested OMB Direction

As noted, the applicant has appealed the proposed Zoning By-law Amendment and Site Plan applications to the Ontario Municipal Board (OMB). The OMB has set a hearing date of July 16, 2014. It is therefore necessary to provide the City Solicitor with directions regarding the City's position before the OMB.

The subject site is significant in size (3,812 m²) and is located at an intersection on a major street (Keele Street). The site is also on an identified *Avenue*. As such, additional development can be supported on the lands.

It is recommended that City Council direct the City Solicitor and appropriate staff to attend the Ontario Municipal Board hearing to support the proposed Zoning By-law Amendment application as set out in the attached draft Zoning By-law (See Attachment 9). It is also recommended the City Solicitor and appropriate staff be authorized to continue discussions with the applicant to address the remaining outstanding details relating to the Site Plan Control Approval application. It is recommended that City Council authorize the City Solicitor to request the Ontario Municipal Board to withhold its Order with respect to the Site Plan Control application until such time as the applicant has entered into an appropriate Site Plan Agreement

to the satisfaction of the City Solicitor, in consultation with the Chief Planner and Executive Director of City Planning Division. It is also recommended that the Ontario Municipal Board be requested to withhold its order until such time as a Section 37 Agreement has been entered into.

Conclusions

This report recommends that City Council support the proposed Zoning By-law Amendment application along with the attached draft Zoning By-law. Intensification is a desirable objective for this site. The proposed built-form and massing are appropriate and address the performance standards contained within the *Avenues and Mid-Rise Buildings Study*. The development appropriately fits with the existing and planned context in terms of transition to the lower density Neighbourhoods area to the west. Staff and the applicant will continue to work towards finalizing the remaining Site Plan Control approval details.

CONTACT

Cathie Ferguson, Senior Planner
Tel. No. (416) 395-7117
Fax No. (416) 395-7155
E-mail: cfergus@toronto.ca

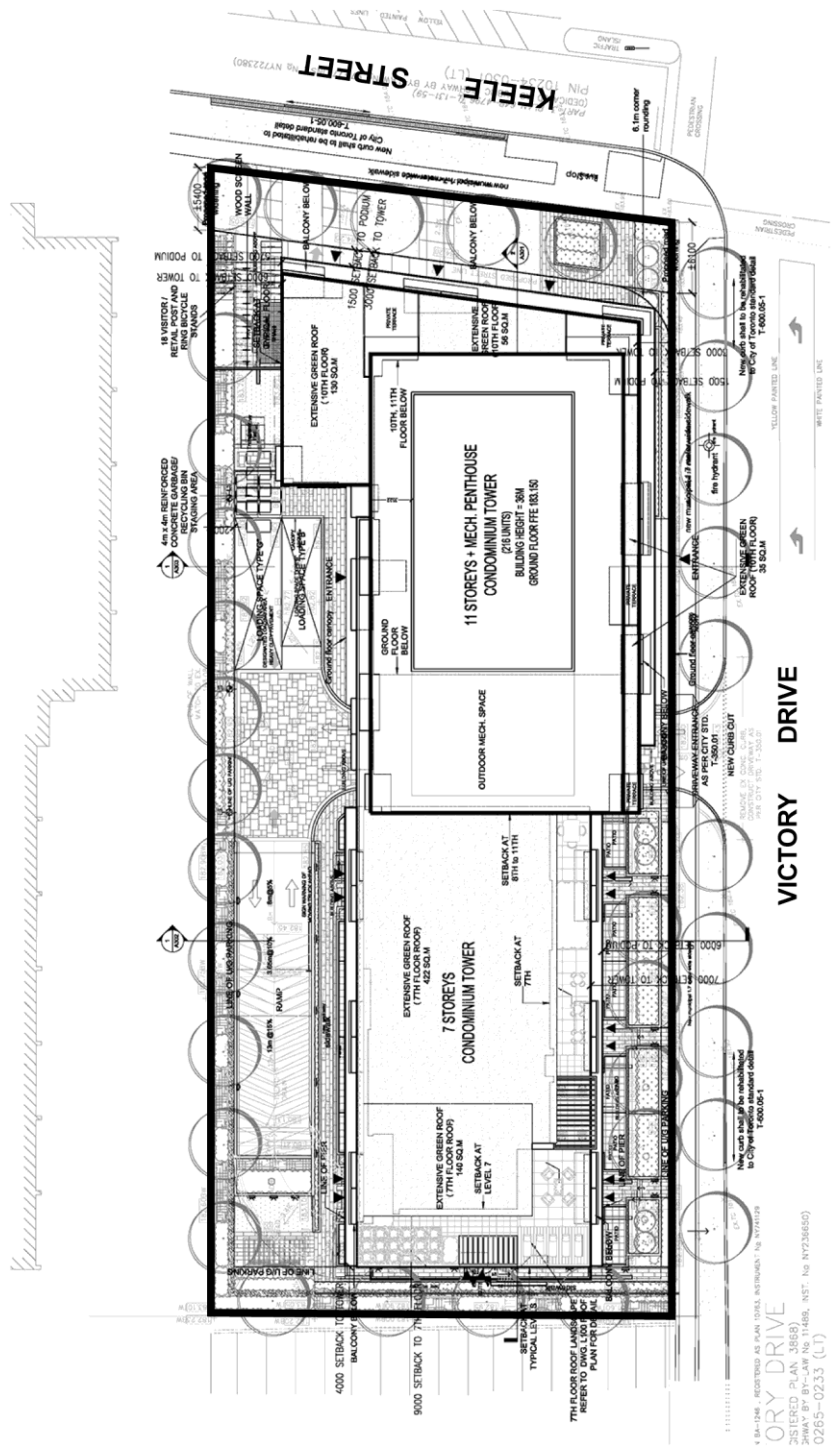
SIGNATURE

Allen Appleby, Director
Community Planning, North York District

ATTACHMENTS

Attachment 1: Site Plan
Attachment 2a: Ground Floor Landscape Plan
Attachment 2b: Roof Plan
Attachment 3: South Elevation (Victory Drive)
Attachment 4: East (Keele Street) and West Elevations
Attachment 5: North Elevation
Attachment 6: Zoning
Attachment 7: Official Plan
Attachment 8: Application Data Sheet
Attachment 9: Draft Zoning Bylaw

Attachment 1: Site Plan



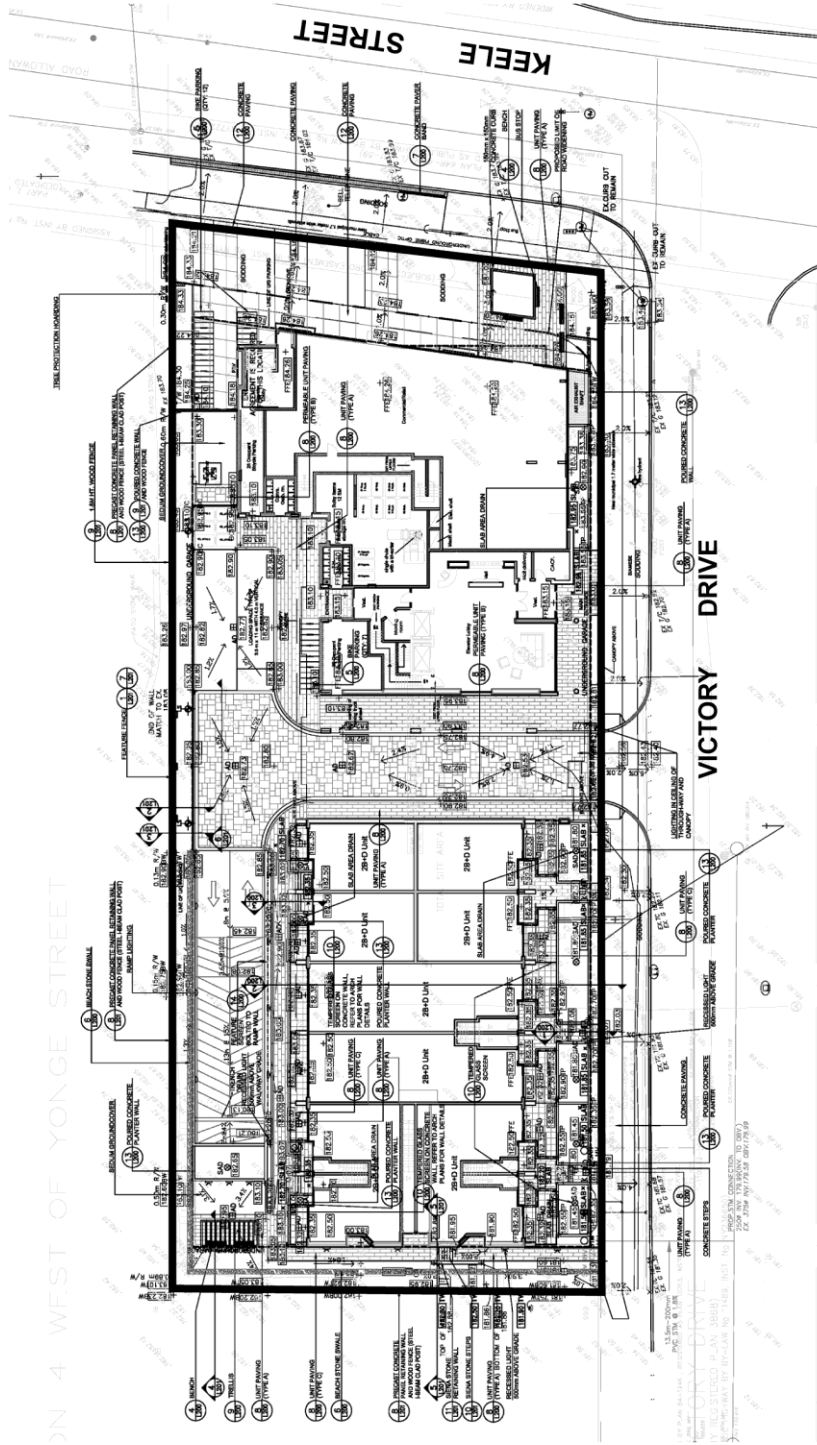
2800 Keele Street

Site Plan
 Applicant's Submitted Drawing

File # 12 268121 MNY 09 02

Not to Scale
 06/10/2014

Attachment 2a: Ground Floor Landscape Plan



2800 Keele Street

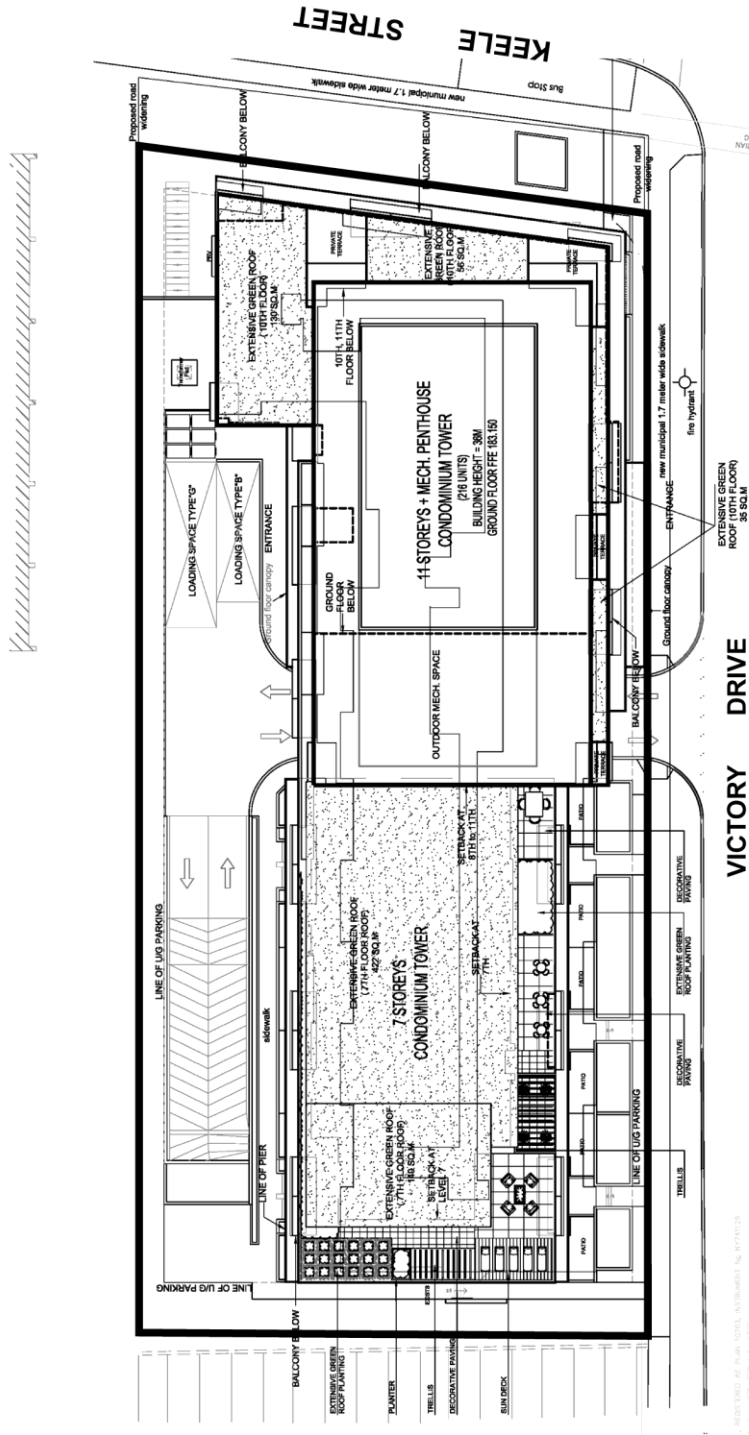
File # 12 268121 NNY 09 02

Ground Floor Plan

Applicant's Submitted Drawing

Not to Scale
06/10/2014

Attachment 2b: Roof Plan



2800 Keele Street

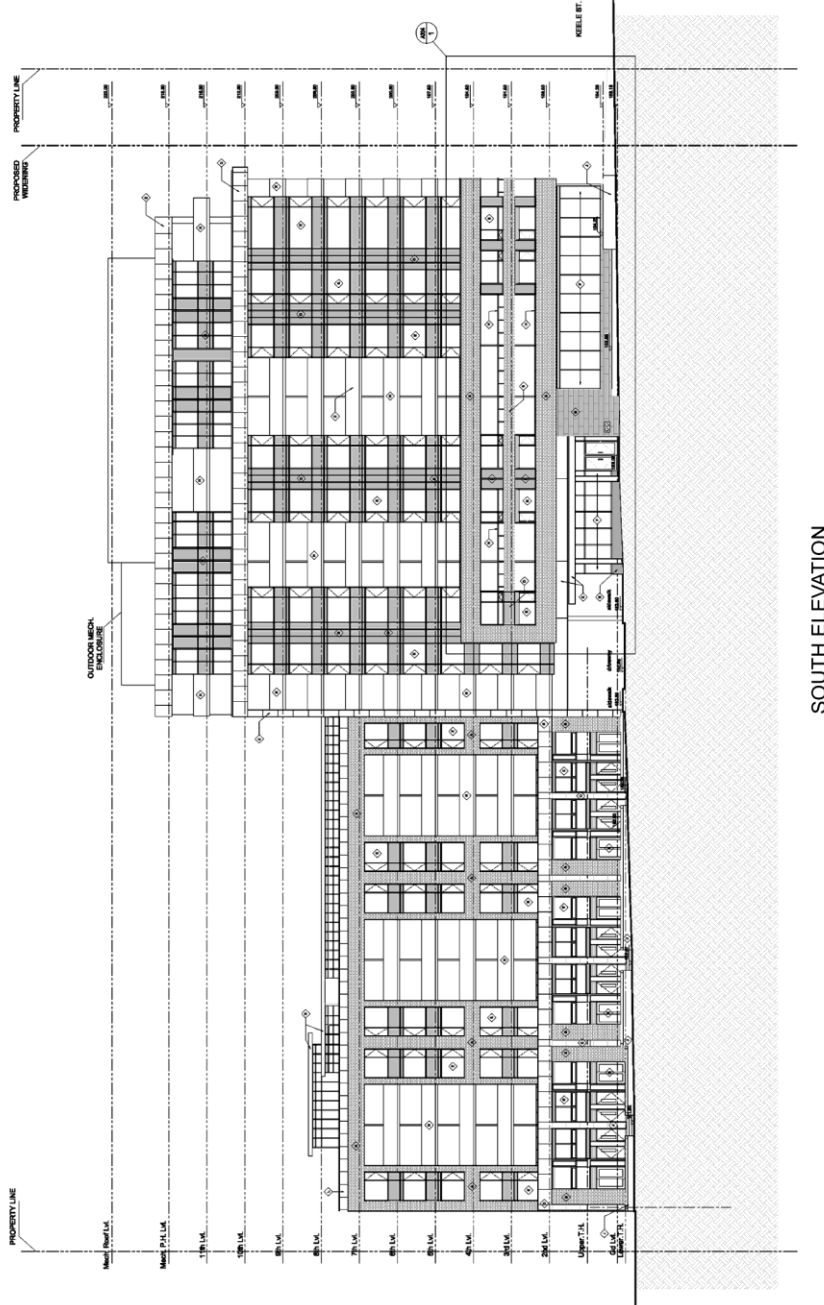
File # 12 268121 NNY 09 0Z

Roof Plan

Applicant's Submitted Drawing

Not to Scale
06/10/2014

Attachment 3: South Elevation (Victory Drive)



Elevations

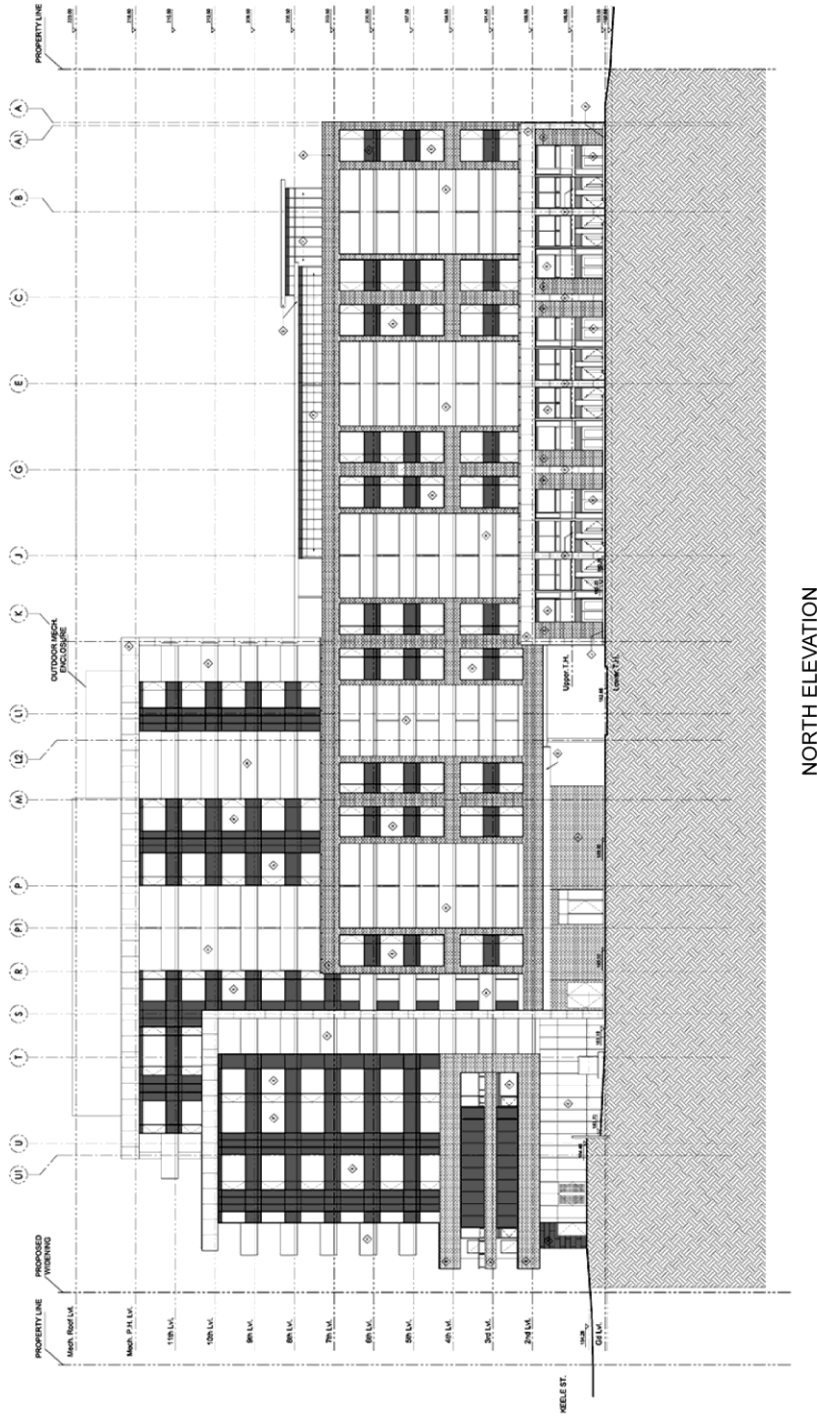
Applicant's Submitted Drawing

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2800 Keele Street

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Attachment 5: North Elevation



NORTH ELEVATION

Elevations

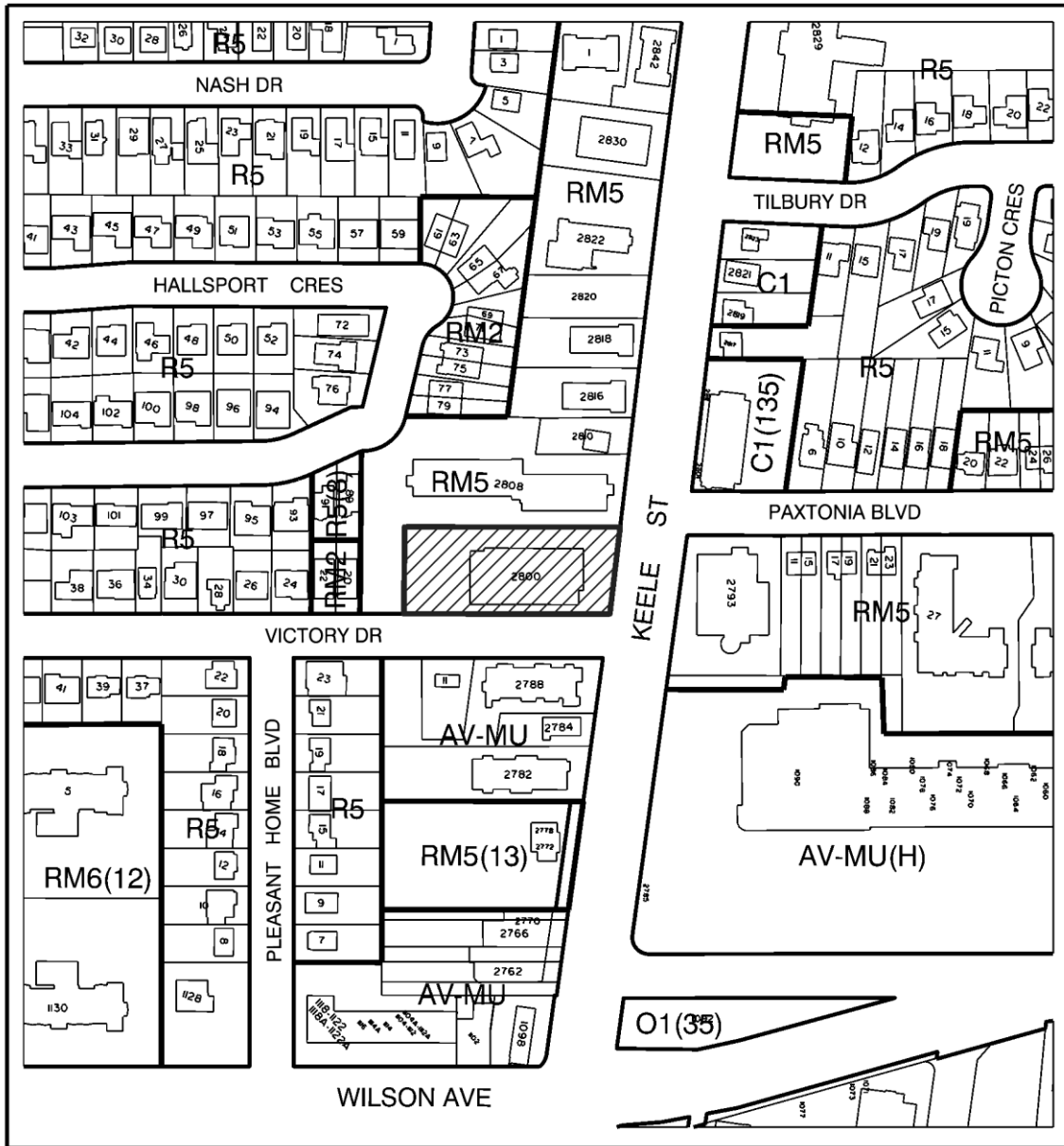
Applicant's Submitted Drawing

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2800 Keele Street

File # 12 268121 NNY 09 0Z

Attachment 6: Zoning

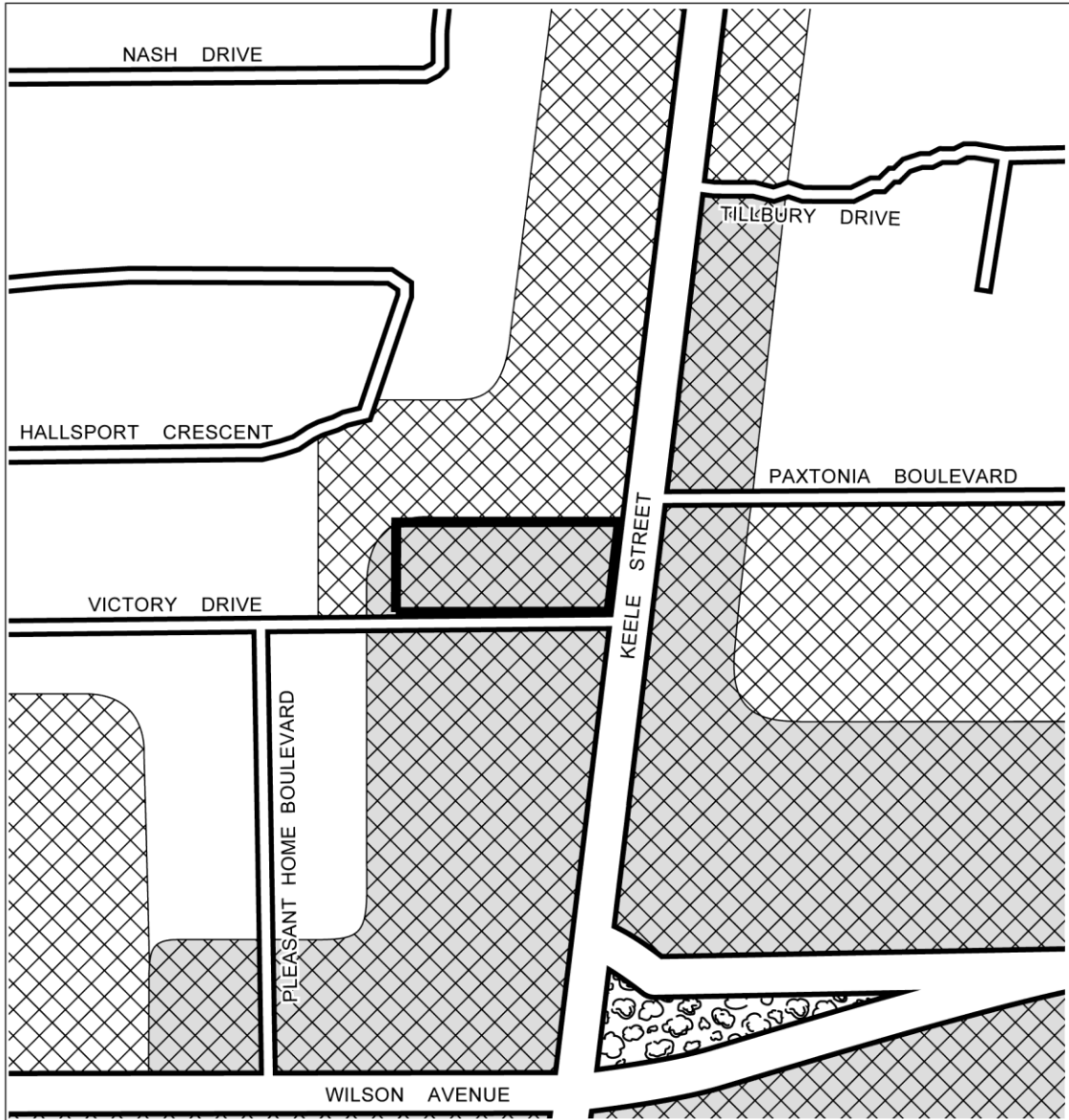


2800 Keele Street
File # 12 268121 NNY 09 02

- | | |
|--|----------------------------|
| R5 One-Family Detached Dwelling Fifth Density Zone | AV-MU Avenues Mixed Use |
| RM2 Multiple-Family Dwellings Second Density Zone | C1 General Commercial Zone |
| RM5 Multiple-Family Dwellings Fifth Density Zone | O1 Open Space Zone |
| RM6 Multiple-Family Dwellings Sixth Density Zone | |
- NOTE: Numbers in Brackets Denote Exceptions to the Zoning Category

↑
Not to Scale
Zoning By-law 7625
Extracted 11/27/2012


Attachment 7: Official Plan



TORONTO City Planning
Official Plan

2800 Keele Street

File # 12 268121 NNY 09 02

- | | |
|--|--|
|  Site Location |  Parks & Open Space Areas |
|  Neighbourhoods |  Parks |
|  Apartment Neighbourhoods | |
|  Mixed Use Areas | |


 Not to Scale
 11/27/2012

Attachment 8: Application Data Sheet

Application Type	Rezoning	Application Number:	12 268121 NNY 09 OZ
Details	Rezoning, Standard	Application Date:	October 25, 2012

Municipal Address: 2800 KEELE ST
 Location Description: CON 4 WYS PT LOT 11 BOAKES PT LOT 20 **GRID N0903
 Project Description: Zoning By - Law Amendment and Site Plan Application for an 11-storey mixed use residential/ retail building with 216 residential units and 375m2 ground floor commercial space.

Applicant:	Agent:	Architect:	Owner:
HUMPHRIES PLANNING GROUP INC., 216 Chrislea Road, Suite 103, Vaughan, ON L4L 8S5	Rosemarie Humphries	Kregg Fordyce Architect	2800 KEELE RESIDENCES INC

PLANNING CONTROLS

Official Plan Designation:	Mixed Use Areas	Site Specific Provision:	N
Zoning:	RM5	Historical Status:	N
Height Limit (m):	11.5, 0, 0	Site Plan Control Area:	Y

PROJECT INFORMATION

Site Area (sq. m):	3812	Height:	Storeys:	11
Frontage (m):	39.9		Metres:	36.0
Depth (m):	94.0			
Total Ground Floor Area (sq. m):	1765			Total
Total Residential GFA (sq. m):	16655		Parking Spaces:	214
Total Non-Residential GFA (sq. m):	375		Loading Docks	2
Total GFA (sq. m):	17030			
Lot Coverage Ratio (%):	46.3			
Floor Space Index:	4.33			

DWELLING UNITS

FLOOR AREA BREAKDOWN (upon project completion)

Tenure Type:	Condo		Above Grade	Below Grade
Rooms:	0	Residential GFA (sq. m):	16655	0
Bachelor:	34 (16%)	Retail GFA (sq. m):	375	0
1 Bedroom:	116 (54%)	Office GFA (sq. m):	0	0
2 Bedroom:	64 (29%)	Industrial GFA (sq. m):	0	0
3 + Bedroom:	2 (1%)	Institutional/Other GFA (sq. m):	0	0
Total Units:	216			

CONTACT: PLANNER NAME: Cathie Ferguson, Senior Planner
TELEPHONE/EMAIL: (416) 395-7117/cfergus@toronto.ca

Attachment 9: Draft Zoning By-law

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

Enacted by Council: ~, 20~

CITY OF TORONTO

Bill No. ~

BY-LAW No. ~20~

To amend former City of North York Zoning By-law No. 7625, as amended, with respect to the lands municipally known as 2800 Keele Street

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

WHEREAS 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 of the City of Toronto contains provisions relating to the authorization of increase in height and density of development; and

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

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

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

WHEREAS the increase in the height and density of development permitted hereunder, beyond that otherwise permitted on the aforesaid lands by the By-law, as amended, is to be permitted in return for the provision of the facilities, services and matters set out in this By-law, which are to be secured by one or more agreements between the owners of such lands and the City of Toronto;

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

1. Schedules “B” and “C” of By-law 7625 of the former City of North York are hereby amended in accordance with Schedule “1” of this By-law.
2. Section 64.20-A of By-law No. 7625 of the former City of North York is amended by adding the following subsection:

64.20-A (228) RM6(228)

DEFINITIONS

- a. For the purpose of this exception, “established grade” is defined as 183.0 metres above sea level.

PERMITTED USES

- b. The only permitted uses shall be:
 - (i) an Apartment House Dwelling and uses accessory thereto;
 - (ii) the following non-residential uses on the ground floor only: retail store, service shop, personal service shop, business office, professional office and professional medical office.

USE QUALIFICATIONS

- c. Outdoor amenity areas may be located on roof top terraces.

EXCEPTION REGULATIONS

DWELLING UNITS

- d. A maximum of 216 dwellings units shall be permitted.

LOT COVERAGE

- e. The provisions of Section 20-A.2.2 (Lot Coverage) shall not apply.

YARD SETBACKS

- f. The minimum yard setbacks for buildings and structures above established grade shall be as shown on Schedule “RM6(228)”.
- g. Notwithstanding (f) above, the minimum yard setback for parking structures and structures associated thereto below established grade shall be 0.0 metres.

- h. Notwithstanding (f) above, the minimum yard setback for structures associated with parking structures above established grade shall be 0.0 metres.

GROSS FLOOR AREA

- i. A maximum gross floor area of 17,030m² shall be permitted, of which a maximum of 375m² shall be for non-residential uses.

BUILDING HEIGHT

- j. The maximum building height, excluding mechanical penthouses, landscape open structures and parapets, shall be the lesser of 11 storeys and 36.0m as shown on Schedule “RM6(228)”.

MINIMUM GROUND FLOOR HEIGHT

- k. The minimum ground floor height shall be 4.0 metres.

CONTINUOUS WEATHER PROTECTION

- l. Continuous weather protection with a minimum depth of 1.5 metres shall be provided along the Keele Street frontage.

LANDSCAPING

- m. The provisions of Section 15.8 (Landscaping) shall not apply.
- n. A minimum 2.0 metre wide landscape strip shall be provided along the north property line.
- o. A minimum 2.7 metre wide landscape strip shall be provided along the west lot line.

RECREATIONAL AMENITY AREA

- p. A minimum of 2.0m² per dwelling unit of indoor amenity space shall be provided.
- q. A minimum of 1.6m² per dwelling unit of outdoor amenity space shall be provided and may include a minimum of 250m² of roof top amenity space.

PARKING

- r. The provisions of Section 6A(8)(c) and (d) (Parking Regulations for RM Zones Other Than RM2 Zones) shall not apply.

- s. Parking for residential uses within the site shall be provided in accordance with the following:
 - a. A minimum of 0.7 parking spaces per studio apartment house dwelling unit, of which, 0.15 parking spaces per dwelling unit shall be for the use of visitors.
 - b. A minimum of 0.8 parking spaces per 1-bedroom apartment house dwelling unit, of which, 0.15 parking spaces per dwelling unit shall be for the use of visitors.
 - c. A minimum of 0.9 parking spaces per 2-bedroom apartment house dwelling unit, of which, 0.15 parking spaces per dwelling unit shall be for the use of visitors.
 - d. A minimum of 1.1 parking spaces per 3-bedroom apartment house dwelling unit, of which, 0.15 parking spaces per dwelling unit shall be for the use of visitors.
- t. Parking for non-residential uses within the site shall be provided at a rate of 3 parking spaces per 100m² gross floor area.

BICYCLE PARKING

- u. Bicycle parking shall be provided on-site at a minimum rate of 0.6 spaces per dwelling unit for residents.
- v. Bicycle parking shall be provided on-site at a minimum rate of 0.15 spaces per dwelling unit for residential visitors.
- w. Bicycle parking shall be provided on-site at a minimum rate of 0.13 spaces per 100m² of non-residential space.
- x. Bicycle parking shall be provided on-site at a minimum rate of the greater of 0.25 spaces per 100m² or a minimum of 6 spaces for non-residential visitors.

LOADING SPACE REQUIREMENTS

- y. The provisions of Section 6A(16)(a)(Loading Spaces Required) shall not apply.
- z. Loading spaces shall be provided on-site as follows:
 - a. One (1) Type 'G' space.

DIVISION OF LANDS

- aa. Notwithstanding any severance, partition or division of the lands shown on Schedule "RM6(228)", the regulations of this exception shall continue to apply to the whole of the said lands as if no severance, partition or division had occurred.

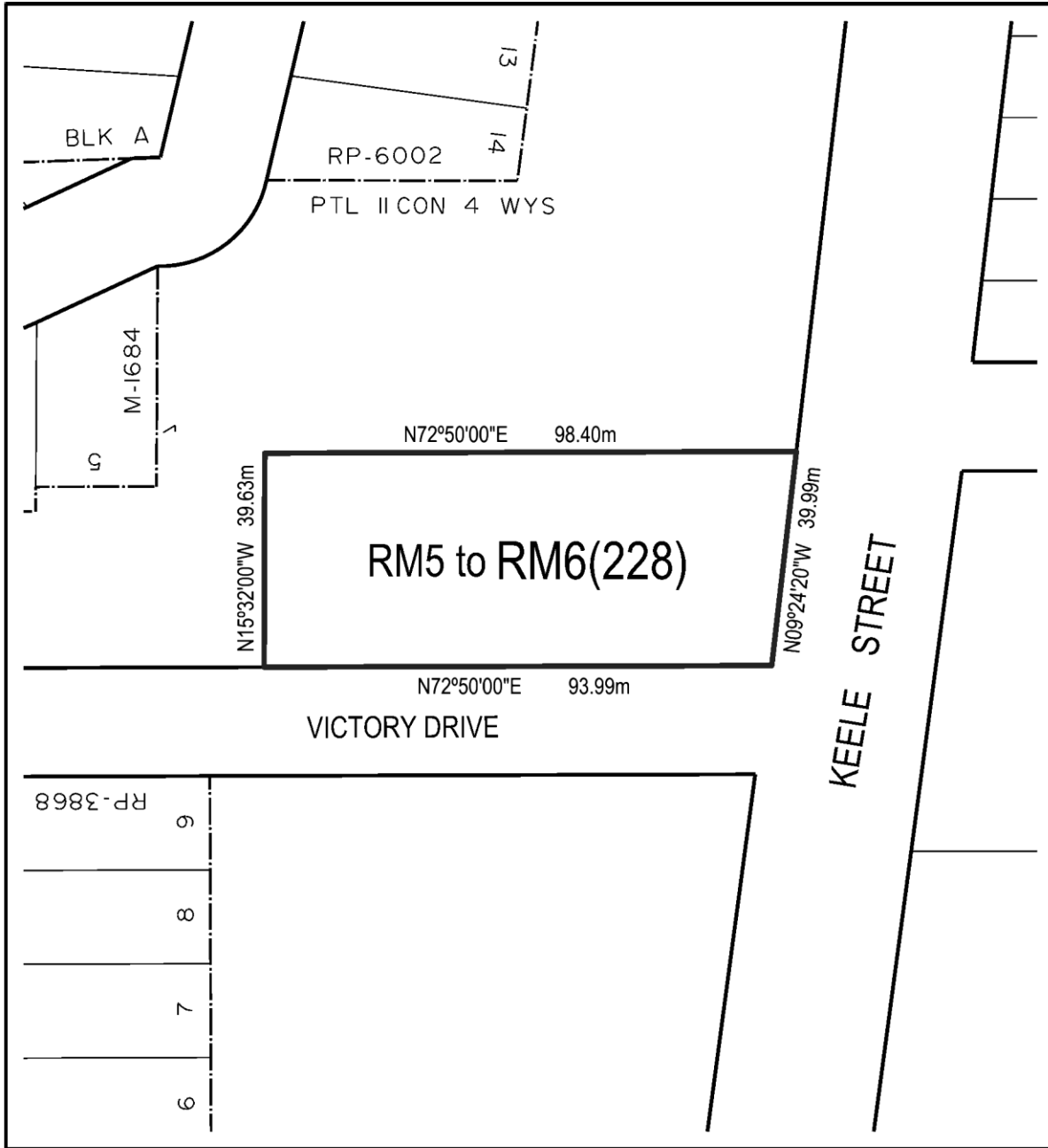
3. Section 64.20-A of By-law No. 7625 is amended by adding Schedule "RM6(228)", attached to this By-law.
4. Within the lands shown on Schedule "RM6(198)" attached to this By-law, no person shall use any land or erect or use any building or structure unless the following municipal services are provided to the lot line and the following provisions are complied with:
 - (a) all new public roads have been constructed to a minimum of base curb and base asphalt and are connected to an existing public highway; and
 - (b) all water mains and sanitary sewers, and appropriate appurtenances, have been installed and are operational.

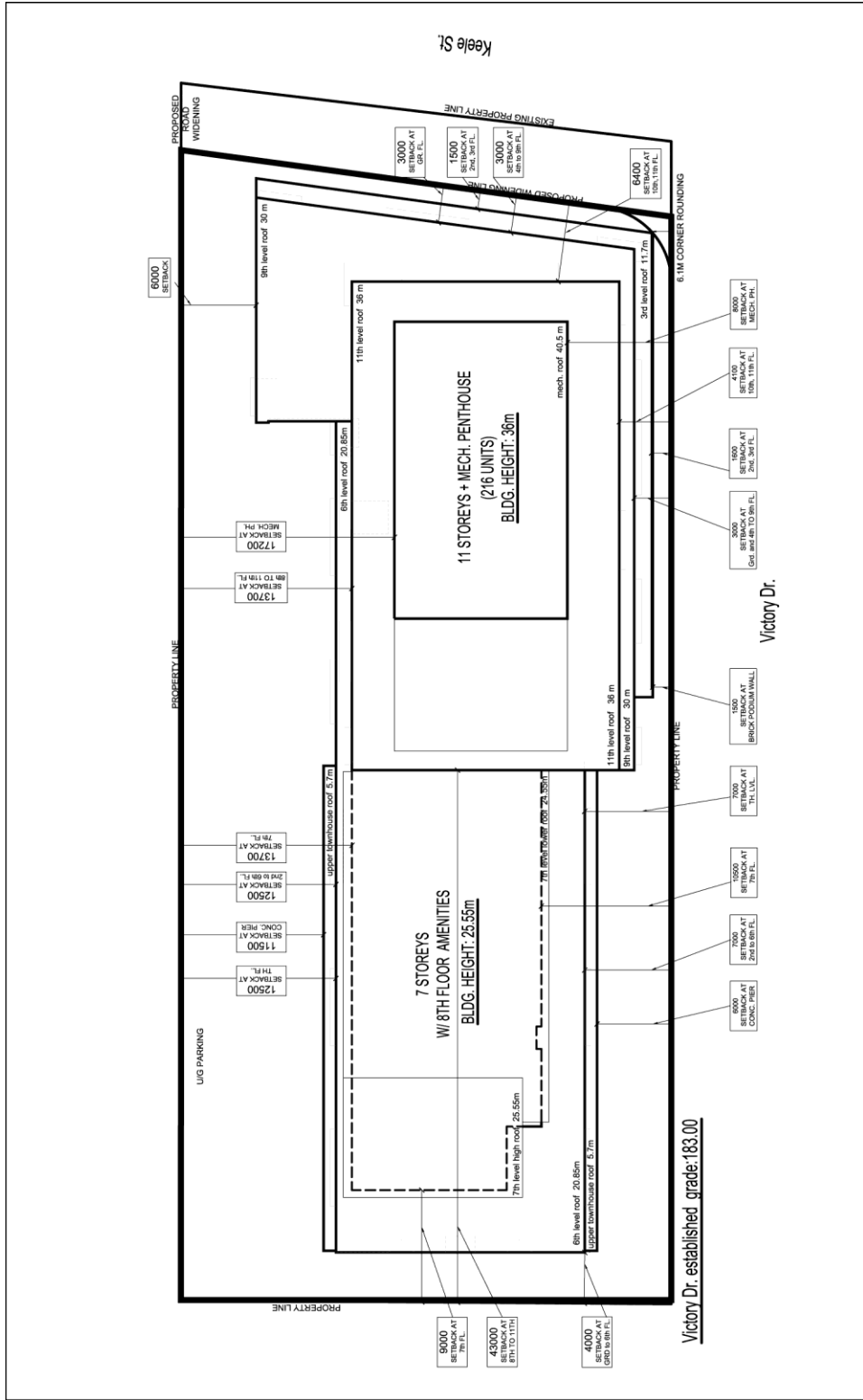
ENACTED AND PASSED this ~ day of ~, A.D. 20~.

ROB FORD,
Mayor

ULLI S. WATKISS,
City Clerk

(Corporate Seal)





APPENDIX "1"

Section 37 Provisions

Schedule RM6(228)

File # 12 268121 NNY 09 0Z



Not to Scale



Part of Lot 11, Concession 4, West of Yonge Street, City of Toronto
Krcmar Surveyors Limited

Date: 06/12/2014

Approved by: C. Ferguson

The facilities, services and matters set out herein are the matters required to be provided by the *owner* of that *lot* at its expense to the City in accordance with an agreement or agreements, pursuant to Section 37(3) of the *Planning Act*, in a form satisfactory to the *City* and the owner with conditions providing for indexing escalation of both the financial contributions and letters of credit, indemnity, insurance, GST, termination and unwinding, and registration and priority of agreement:

1. The community benefits are as follows:
 - i) Prior to the issuance of any above-grade building permit, the Owner shall:
 - c) provide a cash contribution of \$400,000 to be used towards capital improvements at the Downsview Public Library including an Early Literacy Centre and a Computer Centre; and
 - d) provide a cash contribution of \$50,000 to be used towards streetscape improvements along Keele Street and Victory Drive in the immediate vicinity of the proposed development.
2. The *owner* of the *lot* shall enter into and register on title to the *lot* and on title to the lands known municipally in the year 2013 as 2800 Keele Street, one or more agreements with the City pursuant to Section 37 of the *Planning Act*, to the satisfaction of the City Solicitor, in consultation with Chief Planner and Executive Director, City Planning Division, to secure the facilities matters set forth in this Appendix.
3. The owner shall not use, or permit the use of, a building or structure erected with an increase in height and/or density pursuant to this By-law unless all provisions of Schedule "1" are satisfied.