TORONTO

STAFF REPORT
ACTION REQUIRED

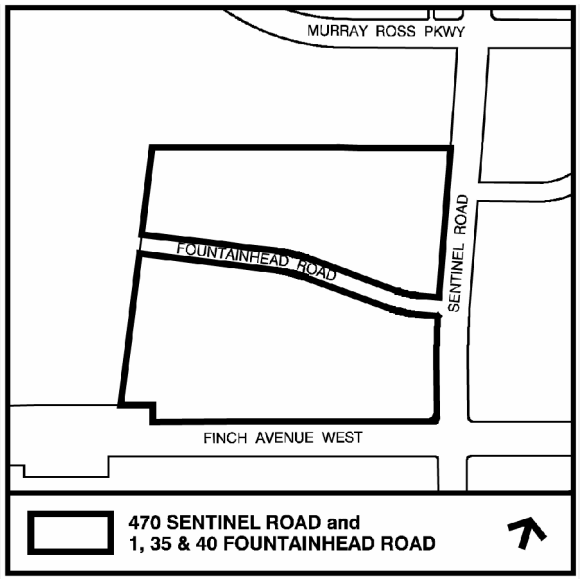
470 Sentinel Road and 1, 35 and 40 Fountainhead Road Official Plan Amendment and Rezoning Applications and 35 Fountainhead Road Draft Plan of Subdivision Application – Final Report

Date:	October 8, 2009
To:	North York Community Council
From:	Director, Community Planning, North York District
Wards:	Ward 8 – York West
Reference Number:	06 157157 NNY 08 OZ 08 180545 NNY 08 SB 09 167829 NNY 08 OZ

SUMMARY

The rezoning application was submitted on July 17, 2006 and is therefore not subject to the new provisions of the *Planning Act* and the *City of Toronto Act, 2006*. The Official Plan Amendment and Draft Plan of Subdivision applications were submitted after this date and are subject to these Acts.

The proposal for 470 Sentinel Road and 1, 35 and 40 Fountainhead Road is to permit 1,035 new residential units in 8 condominium apartment buildings with heights ranging from 6 to 12 storeys. The proposal also includes a new public road connecting the west end of Fountainhead Road to Finch Avenue. The four existing 22 storey rental apartment buildings on the lands will be maintained and upgraded.



The proposal also includes the construction of a new private indoor recreational centre for the existing rental buildings, a 66 space child care facility, 93 m^2 of commercial space, a financial contribution of $700,000 to be used towards the construction of an artificial ice rink at Fountainhead Park and a financial contribution

of a maximum of $1 million to the City's Capital Revolving Fund for Affordable Housing.

This report reviews and recommends approval of the applications to amend the Official Plan and Zoning By-law and for Draft Plan of Subdivision.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council amend the Official Plan substantially in accordance with the draft Official Plan Amendment attached as Attachment No. 9.

2. City Council amend the Zoning By-law for the lands at 470 Sentinel Road and 1, 35 and 40 Fountainhead Road substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 10.

3. City Council authorize the City Solicitor to make such stylistic and technical changes to the draft Official Plan and Zoning By-law Amendments as may be required.

4. Before introducing the necessary Bills to City Council for enactment, the owner of the lands shall enter into an agreement with the City pursuant to Section 37 of the *Planning Act*, to the satisfaction of the City Solicitor, to secure and provide the following community benefits:

    (a) The rental tenure of the four existing apartment buildings on the site and the maintenance of their affordable and mid-range rents for a minimum of 25 years from the date any by-law to permit additional development comes into effect, and agreement by the owner that during this time period no application for condominium conversion or application to demolish the existing buildings will be made.

    (b) Design, construct, provide and maintain at its own cost a new private recreation centre building of a minimum 2,200 m^2 of gross floor area which is to include a minimum 1,100 m^2 private recreation centre facility. The recreation centre facility is for use by the residents of the existing rental apartment buildings at no cost to the tenants. The recreation centre facility is to include an indoor swimming pool and change rooms.

    The recreation centre building is to be constructed as part of Phase 1. Prior to or together with the issuance of a building permit for Building L, and prior to the issuance of any building permit for Buildings I, J, K, E and F in Phases 2 and 3, construction shall have commenced on the recreation centre building. The recreation centre facility shall be completed and ready for operation by the completion and occupancy of Building L and prior to the issuance of any building permit for Buildings I, J, K, E and F in Phases 2 and 3.

    (c) Construct and provide, to the satisfaction of Children's Services Division, in the private recreation centre building a fully furnished and equipped 66 space non-profit child care centre of a minimum 1,100 m^2 of gross floor area and a minimum 345 m^2 of outdoor play

space which will be appropriately surfaced and equipped and subject to City design criteria. The child care centre is to be secured for a period of 99 years.

The child care centre is to be constructed and in operation as part of Phase 1. Prior to or together with the issuance of a building permit for Building L, and prior to the issuance of any building permit for Buildings I, J, K, E and F in Phases 2 and 3, construction shall have commenced on the child care centre. The child care centre shall be completed and ready for operation by the completion and occupancy of Building L and prior to the issuance of any building permit for Buildings I, K, E and F in Phases 2 and 3.

The owner agrees to provide a monetary contribution, indexed to the Statistics Canada Non-residential Construction Price Index for Toronto from the date this By-law comes into force, to the child care centre of:

(i) $150,000 for start up costs; and
(ii) $50,000 to a capital reserve equipment fund to provide for the replacement of equipment

by the completion and occupancy of Building L and prior to issuance of any building permit for Buildings I, K, E and F in Phases 2 and 3.

(d) The owner agrees to provide to the City a financial contribution of $700,000, indexed to the Statistics Canada Non-residential Construction Price Index for Toronto from the date this By-law comes into force, to be used towards the construction of an artificial outdoor ice rink in Fountainhead Park. The financial contribution is to be provided as part of Phase 1 prior to the issuance of a building permit for Building L and prior to the issuance of any building permit for Buildings I, J, K, E and F in Phases 2 and 3, to the satisfaction of the General Manager, Parks, Forestry and Recreation.

(e) The owner agrees to provide to the City a financial contribution of a maximum of $1 million in instalments, for deposit to the City's Capital Revolving Fund for Affordable Housing, with each instalment to be paid prior to issuance of the related above-grade building permit. For Buildings E, F, G, H, I, J, K and L, each instalment amount is based on $1,000 per dwelling unit included in the related building permit to be issued, to a total for all of the buildings not to exceed $1 million, together with the indexing amount for that instalment. Each instalment shall be indexed to the Statistics Canada New Housing Construction Price Index for Toronto from the date this By-law comes into force to the date of payment.

(f) A public art contribution of $250,000, indexed to the Statistics Canada Non-residential Construction Price Index for Toronto from the date this By-law comes into force, in accordance with the City of Toronto's Percent For Public Art Program.

(g) Prepare and implement a ravine stewardship plan for the public lands located in the valley and the lands located below and above the staked top-of-bank line being conveyed to the Toronto and Region Conservation Authority, to the satisfaction of the Toronto and Region Conservation Authority and Parks, Forestry and Recreation, Urban Forestry, Ravine and Natural Feature Protection Division.

(i) A Letter of Credit to secure the preparation of the ravine stewardship plan shall be submitted to the Parks, Forestry and Recreation, Urban Forestry, Ravine and Natural Feature Protection Division prior to master site plan approval, to the satisfaction of the Toronto and Region Conservation Authority and Parks, Forestry and Recreation, Urban Forestry, Ravine and Natural Feature Protection Division.

(ii) A Letter of Credit guaranteeing the implementation of the ravine stewardship plan shall be submitted to the Parks, Forestry and Recreation, Urban Forestry, Ravine and Natural Feature Protection Division prior to Phase 1 site plan approval, to the satisfaction of the Toronto and Region Conservation Authority and Parks, Forestry and Recreation, Urban Forestry, Ravine and Natural Feature Protection Division.

(h) The owner agrees that the above noted facilities, services and/or matters shall be provided with no pass through of related costs to the tenants of the existing buildings.

5. Before introducing the necessary Bills to City Council for enactment, the owner of the lands shall enter into an agreement with the City pursuant to Section 37 of the *Planning Act*, to the satisfaction of the City Solicitor, to secure and provide the following:

(a) Net improvements to the existing rental buildings that are to be maintained and their related facilities with no pass through of related costs to the tenants, to the satisfaction of the Director, Community Planning, North York District. These improvements are generally as set out in Attachment 8 and are to have a minimum value of $5 million. The improvements are to be completed prior to the issuance of a building permit for Buildings E and F in Phase 3.

(b) Construction shall proceed in accordance with the development Phasing Plan.

(c) The owner agrees to convey to the City for nominal consideration:
(i) lands for the extension of Fountainhead Road to Finch Avenue;
(ii) lands for road widenings; and

(iii) lands to provide a cul-de-sac at the west end of Fountainhead Road

as set out in the Technical Services Division memorandum dated May 14, 2009 to the satisfaction of the Director, Technical Services, North York District.

(d) The owner agrees to commence construction of the extension of Fountainhead Road to Finch Avenue including a new signalized intersection, road widenings, and a cul-de-sac at the west end of Fountainhead Road, all as part of Phase 1 and to complete these road works prior to the issuance of any building permit for Buildings I, J, K, E and F in Phases 2 and 3 to the satisfaction of the Director, Technical Services, North York District.

(e) Develop and implement an appropriate construction mitigation and communications strategy for the tenants of the existing buildings and residents of the new residential

buildings at the owner's cost and expense, to the satisfaction of the Director, Transportation Services, North York District.

(f) The owner agrees to provide and maintain a green roof with a continuous coverage of vegetation over at least 50% of the roof of the recreation centre building, to be implemented through site plan approval, to the satisfaction of the Director, Community Planning, North York District.

(g) Dedicate and convey to the Toronto and Region Conservation Authority for nominal consideration, all the lands below and above the staked top of bank line as shown on Zoning By-law Schedules RM6(182)A, RM6(182)B, and RM6(182)C having an area of approximately 0.475 hectares, to the satisfaction of the Toronto and Region Conservation Authority and the City Solicitor, prior to the registration of the first condominium in Phase 1.

(h) Prepare and implement a forest stewardship plan for the forested areas on the site north of Fountainhead Road and south of the hydro corridor, to the satisfaction of the Parks, Forestry and Recreation, Urban Forestry, Ravine and Natural Feature Protection Division.

(i) A Letter of Credit to secure the preparation of the forest stewardship plan shall be submitted prior to master site plan approval, to the satisfaction of the Parks, Forestry and Recreation, Urban Forestry, Ravine and Natural Feature Protection Division.

(ii) A Letter of Credit guaranteeing the implementation of the forest stewardship plan shall be submitted prior to Phase 3 site plan approval, to the satisfaction of the Parks, Forestry and Recreation, Urban Forestry, Ravine and Natural Feature Protection Division.

(i) The landscape master plan valued at a minimum of $1,500,000 to form the basis for detailed landscape plans for on site landscape improvements which will be secured through an agreement pursuant to Section 41 of the *Planning Act* and Section 114 of the *City of Toronto Act*.

(j) Buildings E and J will be marketed as seniors residences. The buildings will include common and shared facilities such as kitchens and common dining rooms.

(k) The owner agrees to provide a certified cheque to the Toronto Transit Commission (T.T.C.) for $50,000 for transit signal priority intersection improvements as noted in the memorandum of the Toronto Transit Commission dated December 23, 2008. This is to be paid to the T.T.C. prior to the issuance of any building permit.

(l) Provide a revised stormwater management plan as part of master site plan approval to the satisfaction of the Toronto and Region Conservation Authority and the Director, Technical Services, North York District.

(m) The owner agrees that the above noted facilities, services and/or matters shall be provided with no pass through of related costs to the tenants of the existing buildings.

6. City Council recommend to the Chief Planner that the Draft Plan of Subdivision be approved, generally as illustrated on Attachment 3, subject to:

(a) The conditions as generally listed in Attachment 11, which except as otherwise noted, must be fulfilled prior to the release of the plan of subdivision for registration; and

(b) Such revisions to the proposed plan of subdivision or additional or modified conditions as the Chief Planner may deem to be appropriate to address matters arising from the on-going technical review of the development.

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

In 2002, the previous owner of the property, Met Cap Living Management Inc., submitted an application to amend the Official Plan and Zoning By-law to permit a three storey 160 bed long-term care facility between the existing apartment buildings at 40 Fountainhead Road and 470 Sentinel Road. The application was appealed to the Ontario Municipal Board, and on May 22, 2003, the OMB issued a decision approving the Official Plan and Zoning By-law amendments subject to certain conditions. The conditions were not satisfied and the OMB's Order was never issued.

ISSUE BACKGROUND

Proposal

There are four existing 22 storey rental apartment buildings on the lands. The existing buildings contain 1,478 rental units with a gross floor area of 123,748 m^2 (1.45 FSI). A total of 1,699 parking spaces are provided on site of which 1,330 spaces are in a two level underground parking structure and 369 spaces are in surface parking lots. The site is typical of a 'tower in the park" development with large landscaped open space areas and surface parking lots.

The applicant is proposing to maintain the existing rental apartment buildings and construct eight new condominium apartment buildings ranging in height from 6 to 12 storeys as well as a block of 2 storey townhouses. The original proposal submitted in July 2006 was for 1,116 residential units including seniors units. The proposal included buildings fronting directly along Sentinel Road as well as Fountainhead Road.

The revised proposal is for 1,035 new residential units of which 304 would be seniors units as well as 93 m^2 of commercial space along Sentinel Road. The revised proposal has shifted the buildings back from Sentinel Road to maintain more green space and preserve more of the existing trees. In addition, the proposed buildings along Fountainhead Road have been reduced in length to create a large open space connection from the south side of Fountainhead Road to the north side of the street. Below is a summary of the site statistics:

	Existing Development	**Proposed Development**	**Total Existing and Proposed**
Total Site Area	8.83 hectares		
Land below top of bank		0.30 hectares	0.30 hectares
Net Site Area		8.53 hectares	8.53 hectares
Residential Units			
Rental	1,478		1,478
Senior's Condominium		304	304
Market Condominium		731	731
Total		1,035	2,513
Gross Floor Area			
Residential	123,748 m^2	85,775 m^2	209,523 m^2
Recreation Centre		1,187 m^2	1,187 m^2
Child Care Centre		1,144 m^2	1,144 m^2
Commercial Space		93 m^2	93 m^2
Total	123,748 m^2	88,199 m^2	211,947 m^2
Density (F.S.I.)	1.45 FSI	1.03 FSI	2.48 FSI
Building Heights	22 storeys	6 to 12 storeys	
Parking Spaces			
Rental Units	1,699 spaces		1,382 spaces
Senior's Units		228 spaces	228 spaces
Market Condo Units		877 spaces	877 spaces
Commercial		5 spaces	5 spaces
Total	1,699 spaces	1,110 spaces	2,492 spaces

The proposal includes the replacement of the two outdoor swimming pools with a new recreation centre building which would have an indoor pool and change rooms as well as outdoor recreation space. The recreation centre building would be owned and operated by the owner for the exclusive use of the tenants of the existing rental apartment buildings. The recreation centre building would also include a fully furnished and equipped 66 space non-profit child care facility. In addition, the proposal includes a financial contribution of $700,000 to be used towards the construction of an artificial outdoor ice rink in Fountainhead Park and a financial contribution of a maximum of $1 million to the City's Capital Revolving Fund for Affordable Housing.

The gross floor area of the new development would be 88,199 m^2 and the overall floor space index is proposed to increase from 1.45 FSI to 2.5 FSI. The total supply of parking would increase from 1,699 spaces to 2,492 spaces.

The proposal also includes a Draft Plan of Subdivision to create a new public road connecting the west end of Fountainhead Road to Finch Avenue. The draft plan also creates two blocks of land on the west side of the proposed road: one for the recreation/child care centre building and another block for conservation lands. The draft plan is shown in Attachment 3.

Site and Surrounding Area

The subject lands comprise two sites with a total of 8.83 hectares which are located north of Finch Avenue, south of the hydro corridor, west of Sentinel Road, and east of the Black Creek valley. The site located between Finch Avenue and Fountainhead Road is 4.95 hectares in size and the site located between Fountainhead Road and the hydro corridor is 3.88 hectares in size. There are four existing rental apartment buildings on the lands.

Surrounding land uses are as follows:

North:	hydro corridor beyond which is an 18 storey apartment building and 3 storey townhouses, detached and semi-detached homes
South:	south of Finch Avenue is a 3-4 storey apartment building, church and elementary school
East:	east of Sentinel Road is a 13 storey apartment building and Fountainhead Park
West:	valley lands and the Black Creek

Provincial Policy Statement and Provincial Plans

The *Provincial Policy Statement* (PPS) provides policy direction on matters of provincial interest related to land use planning and development. The PPS sets the policy foundation for regulating the development and use of land. The key objectives include: building strong communities; wise use and management of resources; and protecting public health and safety. 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. The Growth Plan promotes intensification of development and transit supportive densities. The Plan encourages concentrating new development in urban areas including along arterial roads and near transit stations.

City Council's planning decisions are required by the *Planning Act*, to conform, or not conflict, with the *Growth Plan for the Greater Golden Horseshoe*.

Official Plan

The lands are designated *Apartment Neighbourhoods* in the Official Plan. *Apartment Neighbourhoods* consist of apartment buildings and parks, local institutions, cultural and recreational facilities and small-scale retail, service and office uses that serve the area residents. Developed *Apartment Neighbourhoods* are stable areas where significant growth is generally not anticipated. However, the Plan recognizes that there may be opportunities for additional apartments on underutilized sites. The Plan includes a policy that compatible infill development may be permitted on a site containing an existing apartment building

that has sufficient underutilized space to accommodate one or more new buildings while providing good quality of life for both new and existing residents.

The Plan sets out development criteria for new development in *Apartment Neighbourhoods* and also establishes development criteria where compatible infill development may be permitted on a site containing an existing apartment building. Generally, development within *Apartment Neighbourhoods* is to respect and reinforce the existing physical character of buildings, streetscapes and open space patterns in the area.

Part of the site is shown as being part of the City's Natural Heritage System. The Plan's objective is to protect, restore and enhance natural features. While development is generally not permitted in the natural heritage system, the Plan indicates that where the land use designation permits development, the objective is to identify and minimize potential impacts on the natural heritage system.

The Plan encourages the maintenance of a full range of housing, in terms of form, tenure and affordability. On large sites, where existing rental units are to be kept in any new development, the rental housing units which have affordable or mid-range rents are to be secured.

The Plan also provides for the use of Section 37 of the *Planning Act* to secure the provision of community benefits, including the securing of rental housing, in return for an increase in height and/or density of development. The City may require the owner to enter into an agreement to secure these matters.

Zoning

The lands are zoned RM6 (Multiple Family Dwellings Sixth Density Zone) and are subject to site specific Zoning By-law 22134 (passed in 1968) which permits the existing four 22 storey apartment buildings each with a maximum of 370 dwelling units, maximum lot coverage of 7.17% and maximum gross floor area of 33,229 m^2. In addition, the site at 470 Sentinel Road is zoned RM6(45) which also permits a 110 m^2 convenience store on the ground floor of the apartment building.

Site Plan Control

The applicant has submitted a site plan application including a site plan, landscape plans and a pedestrian circulation plan. These will form the basis for master site plan approval with detailed site plan approval to follow for each building phase.

Reasons for Application

The proposal requires an amendment to the site specific Zoning By-law to increase the permitted gross floor area, lot coverage and the number of dwelling units and set out the development standards. The purpose of the Official Plan amendment is to establish priority Section 37 community benefits for these lands.

Community Consultation

A community consultation meeting was held on June 12, 2007. Approximately 100 members of the public attended the community meeting. The following concerns were expressed regarding the proposal:

- There is already too much development in the area.
- More development will add to problems in the area.
- Need more shopping facilities.
- Loss of trees on the site due to new development.
- More development will increase traffic congestion.
- Oppose the new road connection from the end of Fountainhead Road to Finch Avenue. Proposed new access at Finch Avenue will be dangerous due to the slope of Finch Avenue.
- Fumes from traffic on new road. New road will be used to by-pass the Finch/Sentinel intersection.
- Safety concerns relating to the site and existing buildings.
- Existing buildings should be upgraded first before new development is approved.
- Will rents increase to pay for costs of improvements to the existing buildings.
- Construction impacts of noise, dust, fumes and traffic.
- Maintain existing treed area along the Sentinel Road frontage.

In addition, four working group meetings with interested residents were held between September 2007 and November 2007. These meetings examined the issues in a more focussed approach. At the last working group meeting, the applicant presented a revised proposal which is similar to the proposal being reviewed in this report.

Agency Circulation

The application was circulated to all appropriate agencies and City divisions. Responses received have been used to assist in evaluating the application and to formulate appropriate by-law standards and conditions of Draft Plan of Subdivision approval.

COMMENTS

Provincial Policy Statement and Provincial Plans

The proposal is consistent with the PPS and conforms and does not conflict with the *Growth Plan for the Greater Golden Horseshoe*. Both the PPS and the Growth Plan encourage intensification and redevelopment in urban areas. The development promotes intensification of underutilized areas through a compact form and provides for a range of housing including affordable housing and seniors housing and various housing forms and unit types. As the site is located on an arterial road adjacent to bus service, the development would promote ridership on the transit system. In addition, the site is on the proposed Finch Avenue LRT line and near the planned extension of the Spadina subway line. The proposal would make efficient use of land and resources, infrastructure and public service facilities. It would also create a healthy active community by creating safe and publicly accessible streetscapes and landscaped and natural areas.

Intensification, Height and Massing

The Official Plan includes a policy that in *Apartment Neighbourhoods*, compatible infill development may be permitted on a site containing an existing apartment building that has sufficient underutilized space to accommodate one or more new buildings subject to meeting a number of development criteria including the following:

- maintain an appropriate level of residential amenity on the site;
- provide existing residents with access to community benefits which are provided as part of the development;
- maintain adequate sunlight, privacy and areas of landscaped open space;
- organize development on the site to frame streets, parks and open spaces in good proportion and create safe and comfortable open spaces;
- buildings should front onto and provide pedestrian entrances from a public street;
- provide adequate on site below grade vehicular parking;
- preserve and/or replace important landscape features and walkways and create such features where they do not currently exist;
- consolidate loading, servicing and delivery facilities; and
- provide adequate on site recreational space for residents.

The proposal meets these criteria. The subject lands contain four 22 storey apartment buildings surrounded by large surface parking lots and large landscaped open space areas. Currently, 9% of the site is taken up by buildings and 29% is used for pavement such as driveways, parking lots and sidewalks, with the remaining 62% open space. Given the large amount of land that is not built upon, especially the large surface parking lots, the lands can accommodate additional development. Much of the proposed new development would be located on the existing surface parking lots. The proposed development maintains approximately 63% of the lands for landscaped open space which is similar to the percentage of landscaped open space that currently exists (62%).

The proposed low to mid-rise buildings fit within the built form context of the site while at the same time framing the edge of streets and open spaces and providing for a safer environment. The proposed height, built form and massing is appropriate. The site is on the approved Finch Avenue LRT line and near the planned Finch West subway station. The proposed overall density of 2.5 FSI is an increase of 1.0 FSI from the existing built density, and is an appropriate density for these lands.

Shadow

The proposed new apartment buildings would have heights of 6 to 12 storeys, which is less than the 22 storey buildings that currently exist on the site. The shadow study submitted by the applicant demonstrates that the new buildings would have minimal shadow impacts since the existing buildings are higher than the proposed new buildings.

Traffic Impact, Access and Parking

Currently, Fountainhead Road runs from Sentinel Road westward and dead ends at the valley. The proposal includes the construction of a new public road connecting the end of Fountainhead Road

southward to Finch Avenue adjacent to the valley. There would be a new signalized intersection at Finch Avenue.

The applicant has submitted a traffic impact study which indicates that with the new road connection to Finch Avenue, the additional trips generated by this development can be accommodated by the road network. Transportation Services staff have reviewed the study and advise it is acceptable. In addition, the proposal includes a new cul-de-sac at the terminus of Fountainhead Road which Technical Services staff advise is acceptable.

It has been determined that the construction of the new road connecting Fountainhead Road to Finch Avenue, the cul-de-sac at the west end of Fountainhead Road and other road widenings should all commence as part of Phase 1 and be completed prior to Phases 2 and 3. This has been incorporated into the conditions of zoning approval.

As part of the City's Transit City initiative, a new LRT line has been approved for Finch Avenue running from Yonge Street west to Etobicoke. An LRT stop is planned at the corner of Finch Avenue and Sentinel Road. Preliminary planning of the Etobicoke-Finch West LRT line is underway.

The Toronto Transit Commission (T.T.C.) has indicated that in order to mitigate delays to buses and streetcars as a result of increased traffic, as a condition of zoning approval, the owner should provide a contribution of $50,000 for transit signal priority intersection improvements. This is to be paid to the T.T.C. prior to the issuance of any building permit. This will be secured through the Section 37 agreement.

The proposal includes a reduction in the number of parking spaces for the existing 1,478 rental apartment units from 1,699 parking spaces to 1,382 parking spaces. A parking study submitted by the applicant for the existing rental units indicates a vehicle ownership rate of 0.6 vehicles per dwelling unit and visitor parking demand of 0.134 spaces per unit. Transportation Planning staff support a reduced parking rate of 0.73 spaces per unit for residents and 0.15 spaces per unit for visitors based on this parking study.

The proposal also includes the following parking rates for the condominium and seniors units:

- 1.2 spaces per unit for the condominium apartment units of which 1.0 space per unit would be for residents and 0.2 spaces per unit would be for visitors; and
- 0.75 spaces per unit for the senior's condominium apartment units of which 0.55 spaces per unit would be for residents and 0.2 spaces per unit would be for visitors.

These rates are included in the draft Zoning By-law attached to this report. In addition, the proposed child care facility would have shared use of 14 parking spaces located on a surface parking lot associated with 40 Fountainhead Road as well as three pick-up and drop-off spaces located on the cul-de-sac.

Overall, a total of 2,492 parking spaces would be provided in two levels of underground parking and some surface parking areas.

Servicing

The Functional Servicing Report submitted by the applicant has been reviewed by Technical Services staff. The proposal can be adequately serviced by existing and improved infrastructure. The stormwater management measures and site servicing proposal have been accepted by Technical Services staff.

Phasing

The proposed development includes the following phasing plan:

- Phase 1 involves the construction of:
    - the extension of Fountainhead Road to Finch Avenue;
    - a cul-de-sac at the terminus of Fountainhead Road and other road widenings;
    - the private recreational centre (Building M) and child care facility; and
    - three buildings including the commercial space along Sentinel Road at the intersection of Fountainhead Road (Buildings H, G, and L).

- Phase 2 includes the construction of three buildings south of Fountainhead Road and east of the new public road (Buildings I, J and K).

- Phase 3 provides for the development of two buildings on the north side of Fountainhead Road just east of the new road (Buildings E and F).

Improvements to the existing rental apartment buildings are to be completed prior to Phase 3. The phasing plan ensures that the appropriate range of infrastructure and services will be provided in a timely manner as the new resident population arrives. The phasing plan is to be secured as part of the Section 37 agreement.

Housing

The Official Plan includes policies which encourage a range of housing types, sizes and affordability. The proposal provides for a mix of housing including 731 apartment and townhouse condominium units and 304 seniors apartment condominium units. The two seniors buildings are planned to be residences that support an independent lifestyle and accommodate common and shared facilities such as a kitchen and common dining room. The applicant indicates that purchasers of the seniors units will be required to participate in a meal plan. The seniors condominium buildings with common dining rooms will be secured through the Section 37 agreement.

Maintaining the Existing Rental Housing Units

The Official Plan encourages the preservation and maintenance of existing rental housing units and the securing of existing rental housing units which have affordable and mid-range rents. The four existing rental apartment buildings have a total of 1,478 units. All of these apartment units are considered to be either affordable or mid-range rental units. The applicant has agreed to maintain the affordable and mid-range rents for a minimum of 25 years. This will be secured through the Section 37 agreement.

Affordable Housing

The Official Plan provides that on sites generally greater than 5 hectares, where an increase in height and/or density is sought, the first priority community benefit will be the provision of 20% of the additional residential units as affordable housing. However, the Section 37 public benefits policies of the Official Plan also provide that 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 strategic objectives and policies of the Plan. Priority will be given to on-site or local community benefits.

Through the results of a review of community needs, discussions with the local councillor, Parks and Recreation staff and staff at Children's Services, it became evident that the provision of day care facilities as well as other community and recreational facilities were a very high priority for this area and an appropriate Section 37 community benefit package was negotiated accordingly. This resulted in the need for the Official Plan amendment application to address the first priority affordable housing policy of the Official Plan. The applicant has also agreed to provide a financial contribution of a maximum of $1 million to the City's Capital Revolving Fund for Affordable Housing. This will be secured through the Section 37 agreement and will be paid at the time of building permit issuance on a per unit pro-rated basis.

On Site Improvements

The applicant is proposing to remove the two outdoor swimming pools and replace them with a new 1,100 m^2 recreation centre which would include an indoor pool and change rooms as well as outdoor recreation space. The new recreation centre building is to be located adjacent to the valley at the end of Fountainhead Road. Residents from the existing rental apartment buildings would be able to walk to the facility. This will be secured through the Section 37 agreement.

In addition, the applicant is proposing the following improvements to the site:

- Capital improvements of $5 million for the years 2008 to 2012 which include improvements to the parking garage, balconies, appliances, lighting, overall building, rental units, lobby, elevators, security system and outdoor areas. A list of improvements planned for each building is included as Attachment 8. These improvements are underway.
- On-site landscape improvements including the planting of more than 880 new trees, 8,000 new shrubs, pathway and other improvements with a total value of $1.5 million.

These benefits will be secured through the Section 37 agreement.

Amenity Space

The Official Plan requires that new development provide adequate indoor and outdoor recreation space for building residents. As indicated above, for the existing rental apartment buildings, the applicant is proposing to provide a new indoor recreation centre which is to include an indoor pool and change rooms.

For the proposed new condominium apartment buildings, indoor amenity space would be provided at a rate of 1.5 m^2 per dwelling unit. Each building would have its own indoor amenity space which will

include exercise and change rooms and meeting/party rooms. The amenity space is to be located on the ground floor of each building and have direct access to an outdoor landscaped open space area. Outdoor amenity space would be provided at a rate of 1.5 m^2 per dwelling unit.

For all buildings, outdoor amenity space would be provided in the form of landscaped gardens and open space, walking paths and forested areas.

Other Community Benefits

A review undertaken of community needs in the area identified the need for additional child care spaces in the broader community. The applicant has agreed to construct a fully furnished and equipped 66 space (1,100 m^2) non-profit child care facility to be located within the recreation centre building and outdoor play space, as well as provide a $150,000 contribution for start up costs and $50,000 contribution for replacement of the day care equipment. The child care facility is to be secured for a period of 99 years.

Parks, Forestry and Recreation staff requested Section 37 funds to be used towards the construction of an artificial outdoor ice rink in Fountainhead Park. The estimated cost to construct the facility is $2.5 million. The applicant has agreed to provide a financial contribution of $700,000 towards the construction of the ice rink.

These benefits will be secured through the Section 37 agreement.

Safety Audit

A number of concerns were expressed by residents relating to safety in the existing buildings and the overall site. The applicant hired METRAC (Metropolitan Action Committee on Violence Against Women and Children) which undertook a safety audit of the site, existing buildings and development proposal. An evening walkabout with residents took place in December 2007 to identify safety issues.

A safety audit report completed in January 2008 identifies a range of safety enhancements including improvements to lighting, signage, sightlines, underground garage, building maintenance and upgrading of security measures. The safety audit also concluded that the proposed development would increase safety overall and will assist in rejuvenating the site. The proposal would create a pedestrian environment by framing the street edges with grade-related units and appropriate pedestrian scale buildings. The audit also concluded that the proposed extension of Fountainhead Road to Finch Avenue will also enhance the safety of the area, particularly the rear of the building located at 35 Fountainhead Road, through increased pedestrian and vehicular traffic and lighting in the area. The owner has included the safety enhancements in the improvements to be undertaken to each of the rental buildings.

Parkland

The site is located adjacent to the Black Creek valley system and across the street from Fountainhead Park. In July 2008, Council amended the Alternative Parkland Dedication By-law to include these lands as a parkland priority area subject to the alternative parkland dedication rate. Based on this, Parks staff advise that the development portion of the site is subject to a 15% cash-in-lieu of parkland dedication payment which will be payable at the time of building permit issuance.

Environment – Landscape Plan and Tree Preservation

The applicant has submitted an environmental impact study which examined the potential effects of the proposed development on the natural environment. The study concludes that no significant adverse impacts to vegetation or wildlife are expected. The study notes that much of the existing forested areas are to be preserved and replacement trees are to be planted.

The applicant has provided a tree inventory that indicates 678 trees on site meet the size criteria for protection under the City's Private Tree By-law. Of these, 149 trees would be removed due to the development, 71 trees would be removed due to their poor condition and 1 tree would be removed for the cul-de-sac for a total loss of 221 trees. This is significantly less than the 323 trees that would have been removed under the original development proposal. Overall, the revised development proposal maintains 447 large trees representing 67% of the inventory of these trees. To compensate for the loss of trees, the applicant indicates that 887 new trees will be planted on the site.

The proposal maintains most of the Natural Heritage System lands including the large forested area north of Fountainhead Road in the centre of the block, as well as much of the treed areas along Sentinel Road which under the original proposal would have been removed. In addition, the proposal provides a large continuous green area comprised of trees and open space running from the Finch Avenue frontage in the centre of the block northward connecting to the treed area north of Fountainhead Road and further north to the hydro corridor. Furthermore, the remaining surface parking lots have been reduced in size with a commensurate increase in the landscaped area.

The applicant has submitted a tree preservation plan which outlines new trees and other landscaping improvements to be undertaken. A total of 887 new trees are to be planted on the site. The landscape master plan for the site including new trees, shrubs, sod, walkways and other landscaping elements total $1.5 million. Urban Forestry Tree Protection support the revised plan as it provides for additional areas of private trees to be preserved, the preservation of existing mature trees and for the planting of additional large growing canopy trees.

Valley Lands

The Toronto and Region Conservation Authority has requested that the applicant convey lands below and above the top-of-bank including some lands beyond the 10 metre setback (which total 0.475 hectares) to TRCA. The applicant has agreed to this request. In addition, no development is permitted within 10 metres of the top-of-bank. The applicant has also agreed to a request by TRCA to undertake a ravine stewardship plan for the valley lands as well as the lands to be conveyed into public ownership. The applicant will also be required to submit a forest stewardship plan for the forested area between Fountainhead Road and the hydro corridor.

On the basis of the above, Toronto and Region Conservation Authority and Urban Forestry Services staff advise that they do not object to the proposed development. The tree preservation plan, ravine and forest stewardship plans and master landscape plan cost estimate will be secured through the Section 37 agreement and site plan agreement.

Toronto Green Standard

The City's Green Standard encourages the use of "green" development techniques with an aim to promote sustainable development. The proposed development includes a variety of techniques identified in the guideline including a 'green' roof on the private recreation centre building, a reduction in the amount of surface parking areas, stormwater management initiatives and the use of permeable pavement.

In addition, given the location of the proposed recreation centre building adjacent to the valley, as part of the site plan approval process, plans for the building will be reviewed with respect to addressing the City's Bird-Friendly Development Guidelines.

Section 37

The community benefits recommended to be secured in the Section 37 agreement are summarized below:

1. Maintain the rental tenure and the affordable and mid-range rents in the four existing residential buildings for a period of at least 25 years.
2. Construct and maintain a minimum 2,200 m^2 private recreation centre building which is to include a minimum 1,100 m^2 private indoor recreation centre for use by the residents of the rental buildings. The recreation centre building is to be built as part of Phase 1.
3. Provide a financial contribution to the City of $700,000 as part of Phase 1 to be used towards the construction of an artificial outdoor ice rink in Fountainhead Park.
4. Provide a financial contribution of a maximum of $1 million to the City's Capital Revolving Fund for Affordable Housing, to be paid on a pro-rated unit basis at the time of building permit issuance.
5. Construct a new 66 space fully furnished and equipped non-profit day care facility as part of Phase 1. Provide a $150,000 contribution for start-up costs, and a $50,000 contribution for equipment replacement.
6. Undertake a ravine stewardship plan for the valley and lands to be conveyed to public ownership.
7. Provide a public art contribution of $250,000.

The following matters are also recommended to be secured in the Section 37 agreement:

1. Convey to the City lands for a new public road, road widenings and cul-de-sac.
2. Construct the new public road including a new signalized intersection, cul-de-sac and road widenings as part of Phase 1.
3. Convey to Toronto and Region Conservation Authority for nominal consideration lands below and above the staked top of bank line having an area of approximately 0.475 hectares.
4. Undertake on site landscape improvements which include approximately 887 new trees and landscape improvements as well as a forest stewardship plan for the forested area between Fountainhead Road and the hydro corridor, with a total value of approximately $1.5 million.
5. Undertake a building improvement plan for the existing rental buildings which includes capital costs having a minimum value of $5 million with no pass through of costs to the tenants.
6. Undertake a construction mitigation and communications strategy.

7. The two seniors buildings are to be seniors residences with common and shared facilities such as kitchens and common dining rooms.
8. The development phasing plan.
9. Recreation centre building to have a green roof.
10. Provide $50,000 to the T.T.C. for transit signal priority intersection improvements.

Schools

The Toronto District School Board has advised that there is insufficient space at the local elementary and secondary schools to accommodate students anticipated from this development. Students from this development may be accommodated in facilities outside the area.

The Toronto Catholic District School Board has advised that the local elementary and secondary schools serving this area can accommodate additional students.

Both School Boards have requested that as a condition of approval, the City require the developer to insert in the agreement of purchase and sale a warning clause with respect to availability of school accommodation, and that the developer erect signage on the site advising that it may be necessary for students to be accommodated in facilities outside of the community.

Development Charges

It is estimated that the development charges for this project will be approximately $5.7 million. This is an estimate. The actual charge is assessed and collected upon issuance of the building permits.

CONTACT

Nimrod Salamon, Senior Planner
Tel. No. (416) 395-7095
Fax No. (416) 395-7155

SIGNATURE

_____

Thomas C. Keefe, Director
Community Planning, North York District

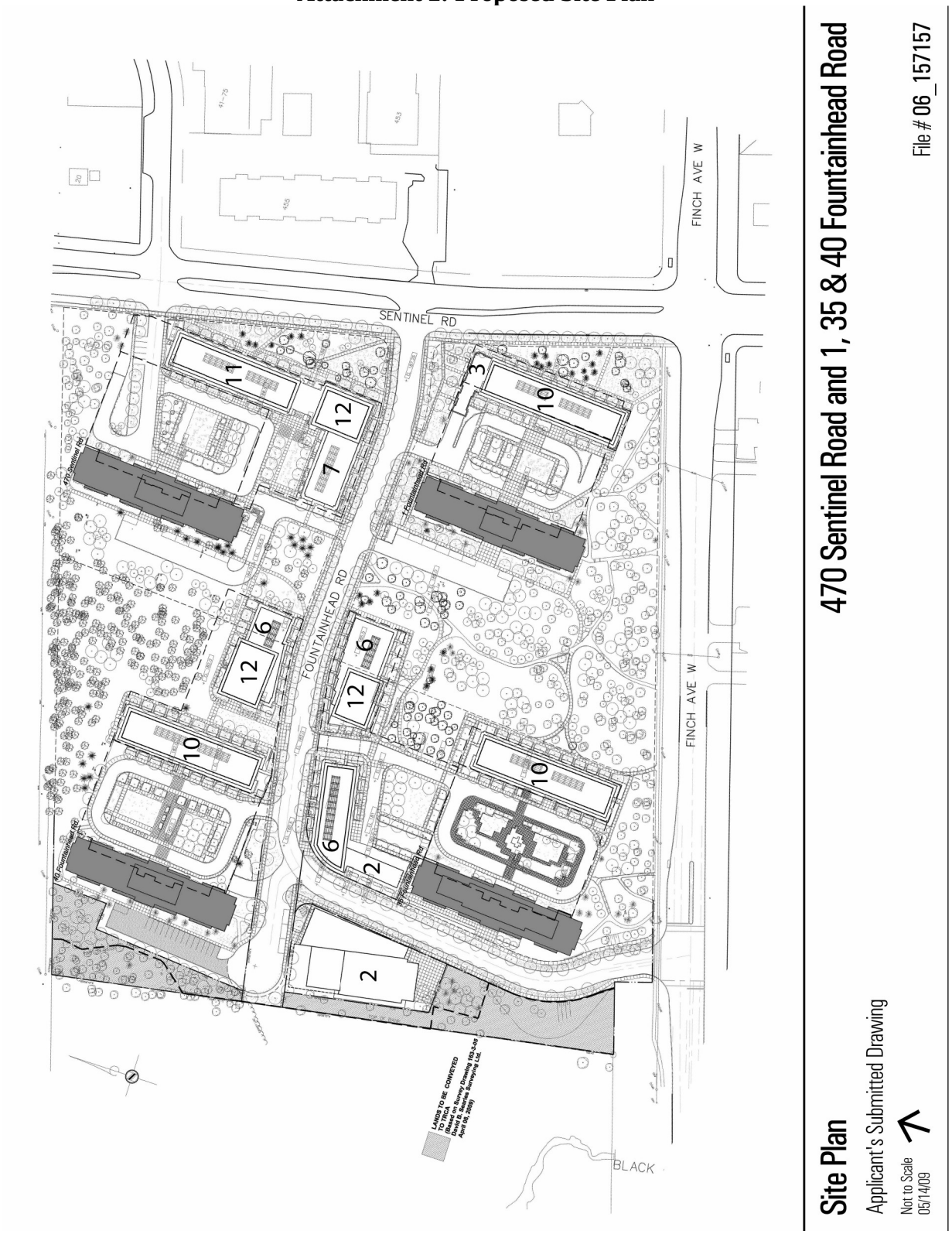
ATTACHMENTS

Attachment 1: Site Plan of Existing Site
Attachment 2: Proposed Site Plan

Attachment 3: Draft Plan of Subdivision
Attachment 4: Elevations
Attachment 5: Zoning
Attachment 6: Official Plan
Attachment 7: Application Data Sheet
Attachment 8: Improvements to the Existing Buildings For Years 2008-2012
Attachment 9: Draft Official Plan Amendment
Attachment 10: Draft Zoning By-law Amendment
Attachment 11: Draft Plan of Subdivision Conditions

Attachment 1: Site Plan of Existing Site

Attachment 2: Proposed Site Plan



Site Plan

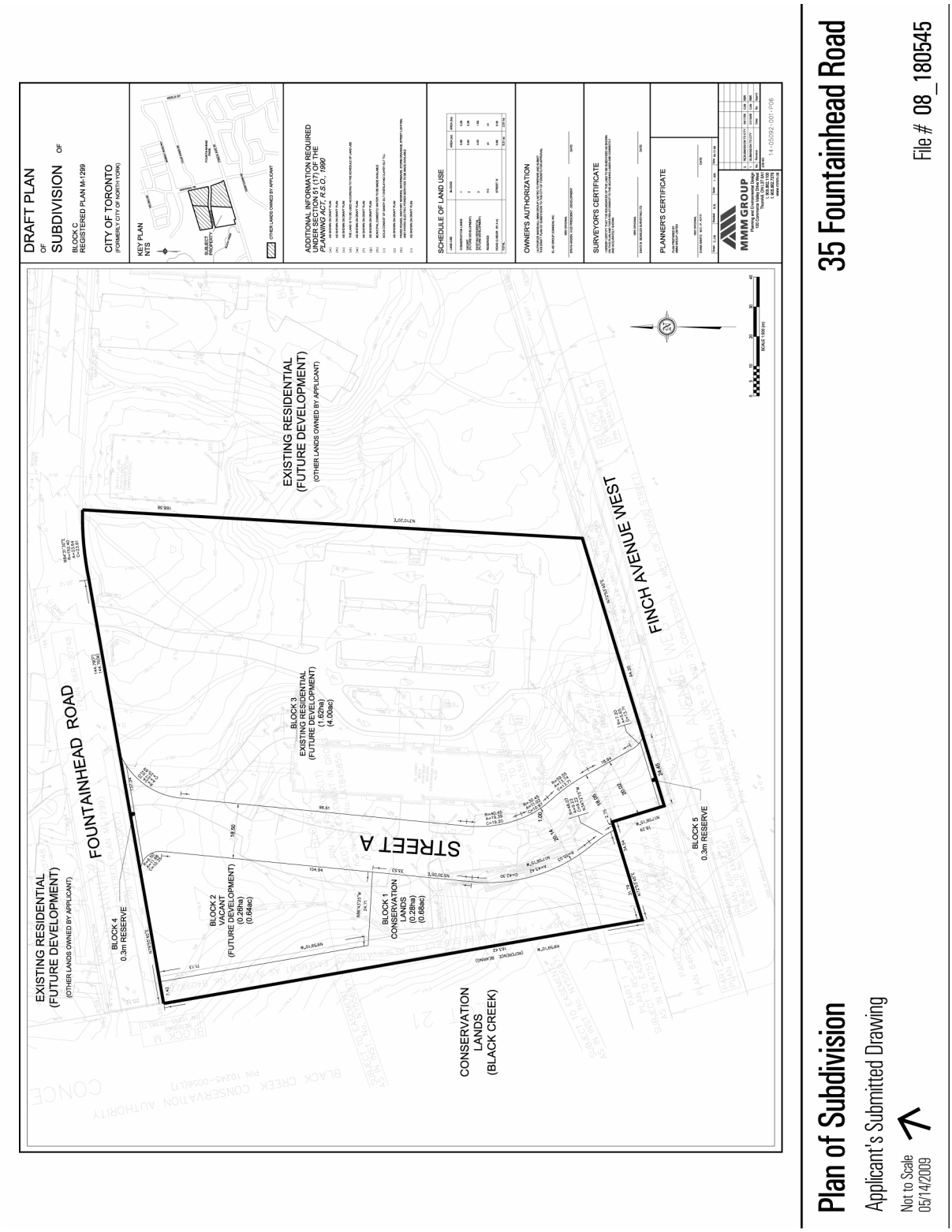
Applicant's Submitted Drawing

Not to Scale
05/14/09

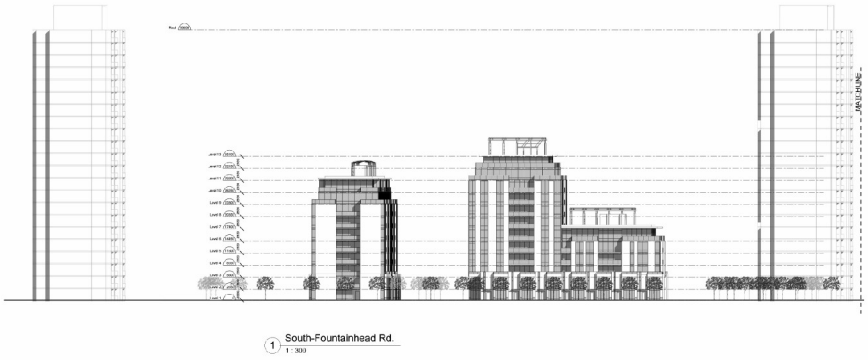
470 Sentinel Road and 1, 35 & 40 Fountainhead Road

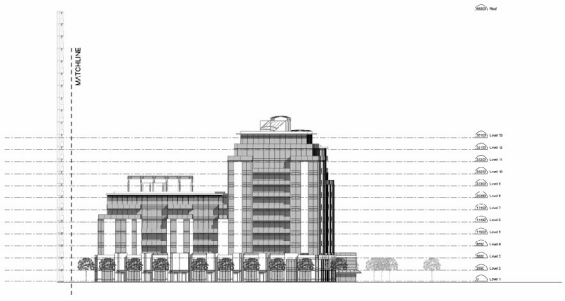
File # 06_157157

Attachment 3: Draft Plan of Subdivision



Attachment 4: Elevations





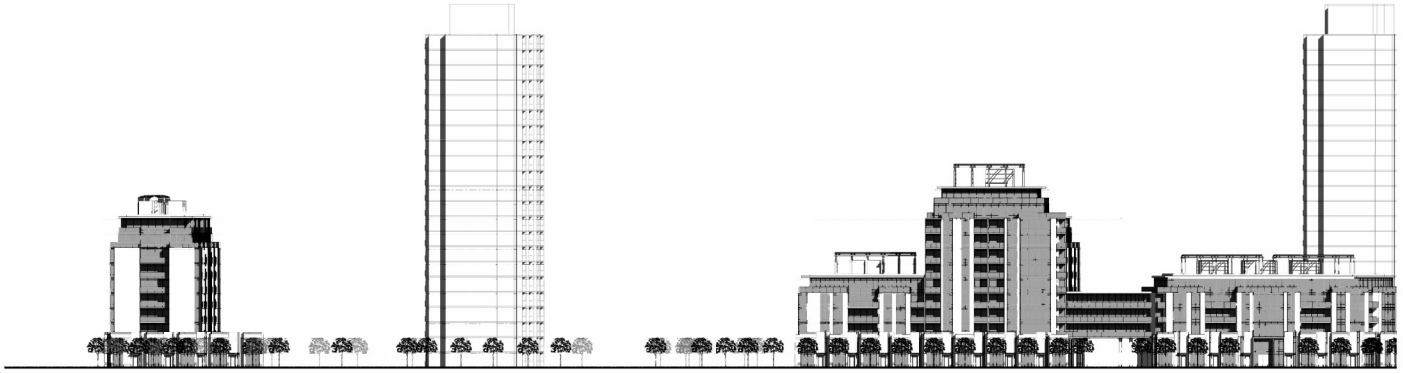
South Elevation

Applicant's Submitted Drawing

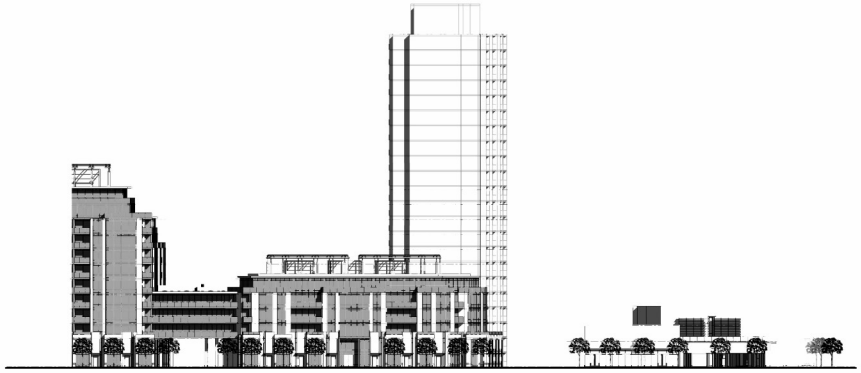
Not to Scale
09/24/09

470 Sentinel Road and 1, 35 & 40 Fountainhead Road

File # 06_157157



North Elevation - Fountainhead Road



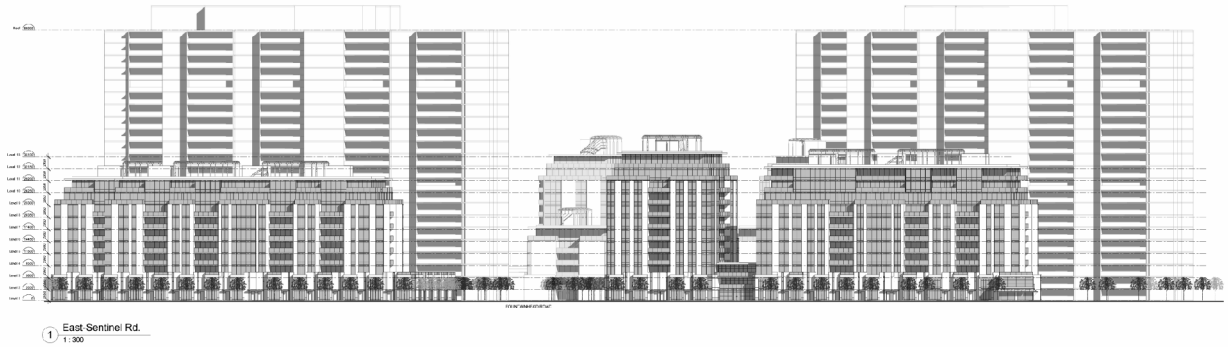
Elevations

470 Sentinel Road and 1, 35 & 40 Fountainhead Road

Applicant's Submitted Drawing

Not to Scale
08/06/08

File # 06_157157



East Elevation

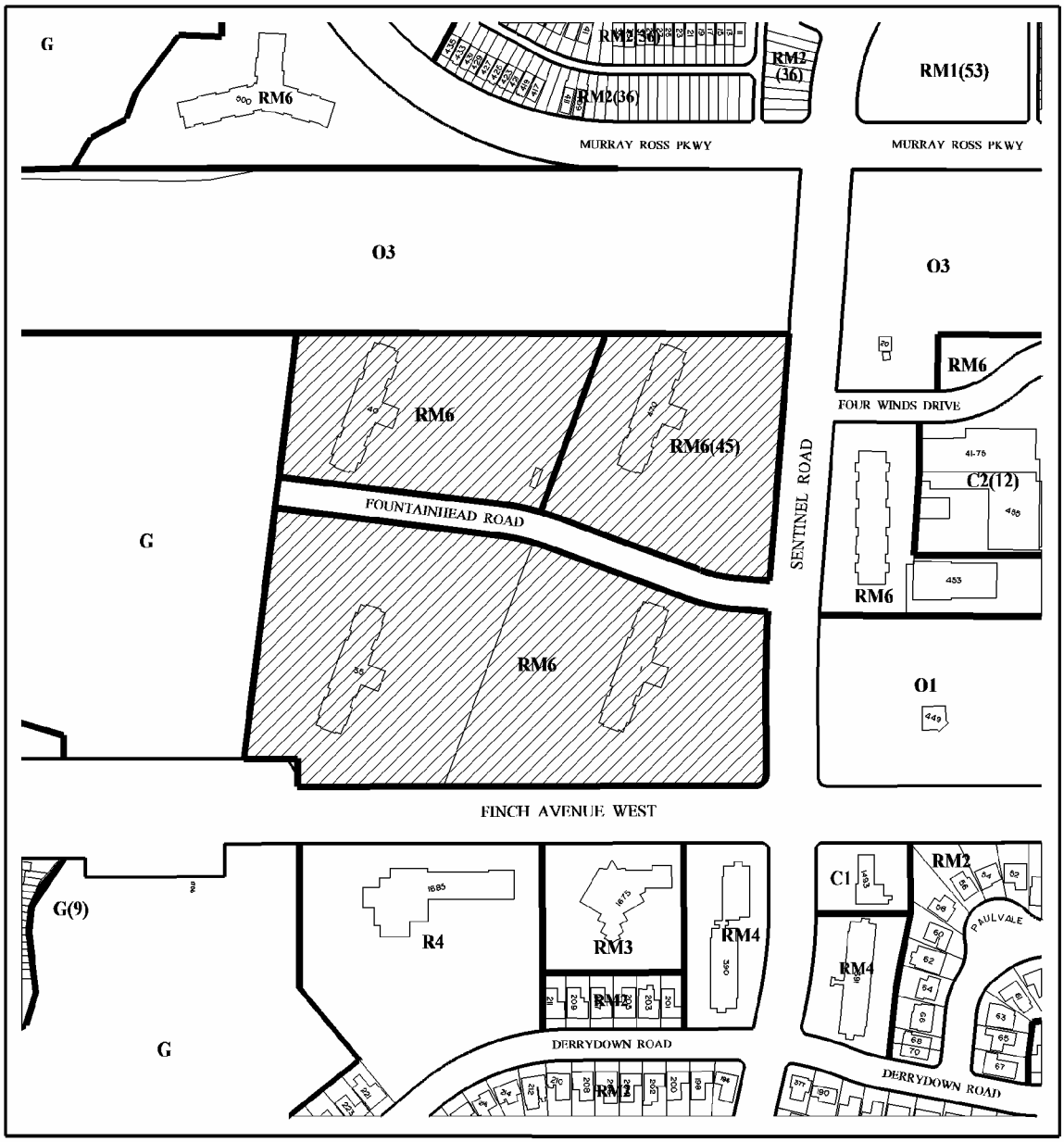
Applicant's Submitted Drawing

Not to Scale
09/24/09

470 Sentinel Road and 1, 35 & 40 Fountainhead Road

File # 06_157157

Attachment 5: Zoning



TORONTO City Planning Division

Zoning

470 Sentinel Road and 1, 35 & 40 Fountainhead Road

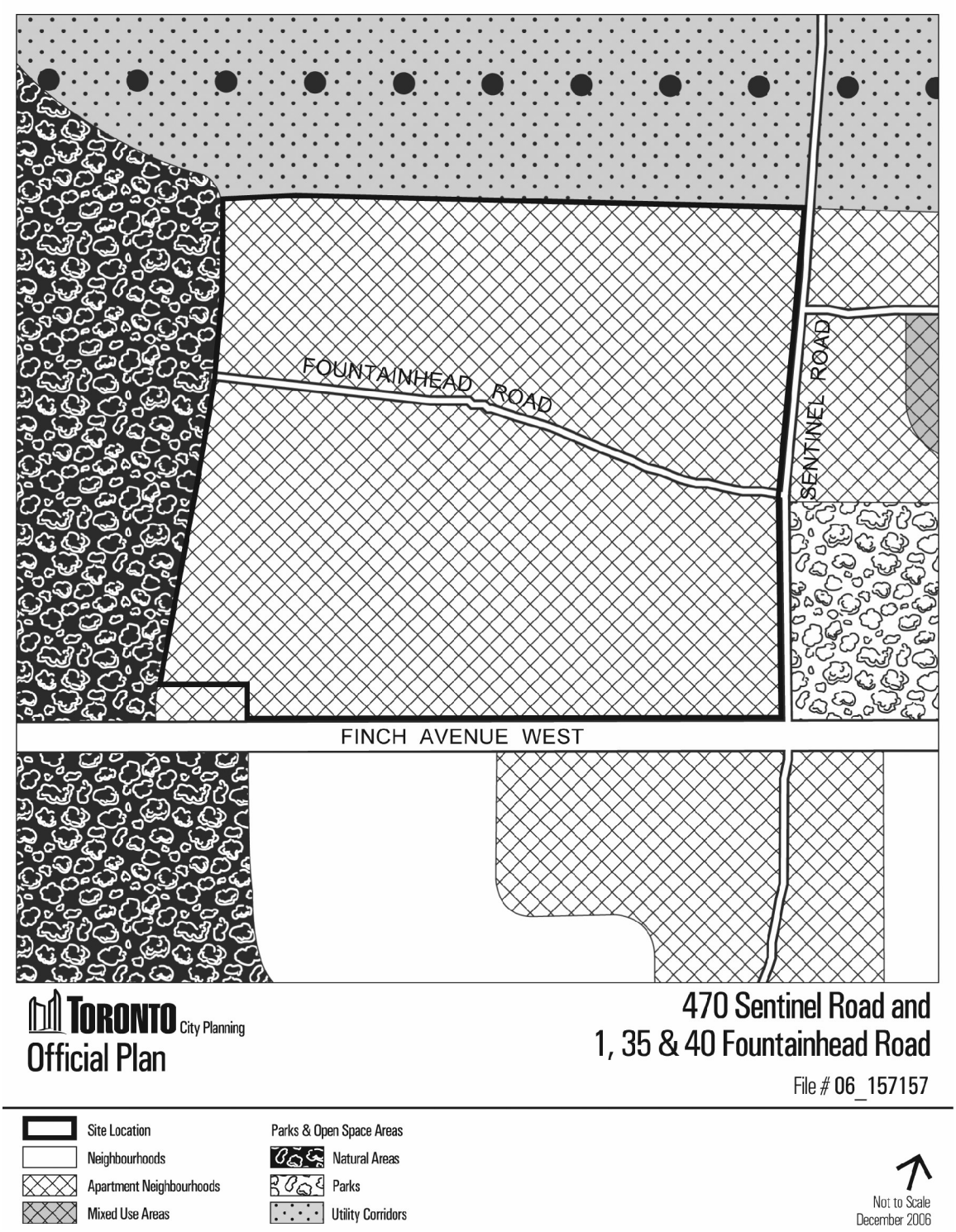
File # 06_157157

RM1 Multiple-Family Dwellings First Density Zone
RM2 Multiple-Family Dwellings Second Density Zone
RM3 Multiple-Family Dwellings Third Density Zone
RM4 Multiple-Family Dwellings Fourth Density Zone
RM6 Multiple-Family Dwellings Sixth Density Zone

C1 General Commercial Zone
C2 Local Shopping Centre Zone
G Greenbelt Zone
O3 Semi-Public Open Space Zone
NOTE: Numbers in Brackets Denote Exceptions to the Zoning Category

Not to Scale
Zoning By-law 7625
Extracted 11/14/06

Attachment 6: Official Plan



Attachment 7: Application Data Sheet

Application Type	Rezoning, Draft Plan of Subdivision, Official Plan	Application Number:	06 157157 NNY 08 OZ 08 180545 NNY 08 SB 09
Details	Rezoning	Application Date:	July 17, 2006

Municipal Address:	1, 35 and 40 Fountainhead Road & 470 Sentinel Road
Location Description:	PLAN M1299 BLK B **GRID N0803
Project Description:	The proposal is to maintain the existing rental apartment buildings and add 8 new residential condo buildings from 6 to 12 stories, with a total of 1,035 new residential units, a new public road, private recreational facility, 66 space child care centre.

Applicant:	**Agent:**	**Architect:**	**Owner:**
MMM Group Diana Santo	Alan Slobodsky, Slobodsky Associates	Zeidler Partnership	2041098 ONTARIO LTD (El Ad Group of Canada)

PLANNING CONTROLS

Official Plan Designation:	*Apartment Neighbourhoods*	Site Specific Provision:	
Zoning:	RM6 & RM6(45)	Historical Status:	
Height Limit (m):		Site Plan Control Area:	

PROJECT INFORMATION

Site Area (sq. m):	88336	Height:	Storeys:	6 to 12
Frontage (m):	0		Metres:	
Depth (m):	0			
Total Ground Floor Area (sq. m):	17421			**Total**
Total Residential GFA (sq. m):	209,523		Parking Spaces:	2492 total spaces
Total Non-Residential GFA (sq. m):	2424		Loading Docks	7
Total GFA (sq. m):	211,947			
Lot Coverage Ratio (%):	19.7			
Floor Space Index:	2.48			

DWELLING UNITS **FLOOR AREA BREAKDOWN** (upon project completion)

			Above Grade	**Below Grade**
Tenure Type:	Rental, Condo			
Rooms:	0	Residential GFA (sq. m):	85,775	0
Bachelor:	0	Retail GFA (sq. m):	93	0
1 Bedroom:	578	Office GFA (sq. m):	0	0
2 Bedroom:	457	Industrial GFA (sq. m):	0	0
3 + Bedroom:	0	Institutional/Other GFA (sq. m):	2331	0
Total Units:	2513			

CONTACT: PLANNER NAME: Nimrod Salamon, Senior Planner
TELEPHONE: (416) 395-7095

Attachment 8
Improvements to the Existing Buildings For Years 2008-2012

Description of Improvement	1 Fountainhead Road	40 Fountainhead Road	35 Fountainhead Road	470 Sentinel Road
New card access system	X	X	X	X
Emergency power to generator	X			X
Security cameras in elevator cabs	X	X	X	X
Construction of new party room	X			X
Pavement/repairs	X	X	X	X
Enhancements to exterior lighting	X	X	X	X
Upgrades to laundry room	X			
Landscape upgrades	X	X	X	X
Additional lawn sprinklers	X	X	X	X
Improvements to heating system	X			
Enhancements to security camera system	X	X	X	X
Lobby upgrades	X	X	X	X
Repair suspended garage slabs	X	X	X	X
Balcony repairs	X		X	X
Elevator upgrades	X	X	X	
Railing repainting		X		
Corridor painting		X	X	
Roof replacement		X	X	
Paint underground garage			X	
Garage lighting upgrades			X	
Replace corridor carpet (5 floors)			X	
Heating plant			X	
Exterior painting			X	X
New generator			X	

Attachment 9: Draft Official Plan Amendment

AMENDMENT NO. 97

TO THE OFFICIAL PLAN OF THE CITY OF TORONTO

470 Sentinel Road and 1, 35 and 40 Fountainhead Road

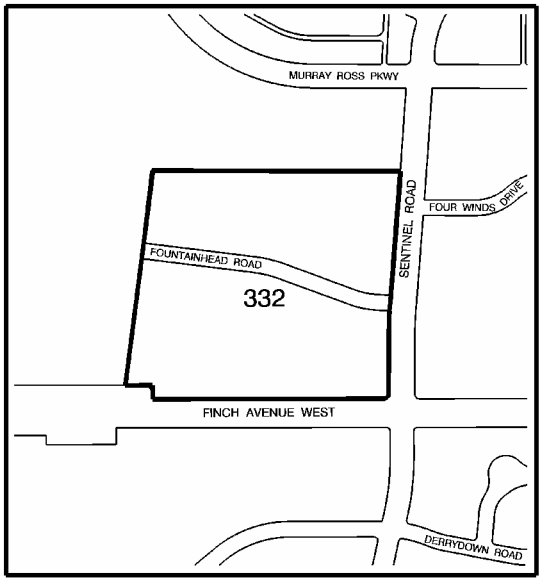
The Official Plan of the City of Toronto is hereby amended as follows:

1. Chapter 7, Site and Area Specific Policies, is amended by adding Site and Area Specific Policy No. 332 as follows:

332. 470 Sentinel Road and 1, 35 and 40 Fountainhead Road

Notwithstanding policy 3.2.1.9(b), the following are priority Section 37 community benefits: a cash contribution for affordable housing; securing the rental tenure and the affordable and mid-range rents in the existing rental buildings; a child care facility; and community and recreation facilities and/or cash contributions toward such facilities.

2. Map 27, Site and Area Specific Policies, is modified by adding the lands at 470 Sentinel Road and 1, 35 and 40 Fountainhead Road as shown on the map below as Site and Area Specific Policy No. 332.



Attachment 10: Draft Zoning By-law Amendment

Authority: North York Community Council Item No. as adopted by City of Toronto Council on , 2009.
Enacted by Council: ~, 2009

CITY OF TORONTO
Bill No. ~
BY-LAW No. ~-2009

To amend former City of North York By-law 7625 in respect of lands municipally known as 1, 35 and 40 Fountainhead Road and 470 Sentinel Road

WHEREAS authority is given to Council by Sections 34 and 37 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 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 owners 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 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; and,

WHEREAS the City of Toronto has required the owners of the aforesaid lands to enter into one or more agreements having been executed dealing with certain facilities, services and matters in return for the increase in density in connection with the aforesaid lands as permitted by this By-law;

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

1. Schedules “B” and “C” of By-law No. 7625 of the former City of North York are amended in accordance with Schedule 1 of this By-law.

2. Section 64.20-A of By-law No. 7625 of the former City of North York is amended by adding the following new subsection:

"64.20-A(182) RM6(182)

DEFINITIONS

(a) For the purpose of this exception, "apartment house dwelling" shall mean a building containing more than four dwelling units, each unit having access either from an internal corridor system or direct access at grade, or any combination thereof.

(b) For the purpose of this exception, the "Existing Buildings" shall mean Buildings A, B, C, and D as shown on Schedules RM6(182)A, RM6(182)B and RM6(182)C which exist on the lands as of January 1, 2009 and the "Proposed Buildings" shall mean Buildings E, F, G, H, I, J, K, L and M as shown on Schedules RM6(182)A, RM6(182)B and RM6(182)C.

(c) For the purpose of this exception, Parcels A, B and C shall mean those lands shown as Parcels A, B and C on Schedules RM6(182)A, RM6(182)B and RM6(182)C.

PERMITTED USES

(d) The only permitted uses on Parcels A and B shall be:

(i) Apartment house dwellings and uses accessory thereto, including administrative offices associated with the dwelling units and recreational facilities and amenity areas;
(ii) Multiple attached dwellings;
(iii) Retail store, restaurant, outdoor café, and personal service shop, in Proposed Building H.
(iv) Proposed Buildings E and J shall only be used for an apartment house dwelling which also include common kitchens and dining rooms for use by the residents of the apartment house dwelling.
(v) Temporary sales office.

(e) The only permitted uses on Parcel C shall be a recreational centre and a day nursery and uses accessory thereto.

(f) Use Qualifications

(i) The permitted retail store, restaurant, outdoor café, and personal service shop uses shall be located on the ground floor of Proposed Building H and shall have a total maximum floor area of 93 m^2.

EXCEPTION REGULATIONS

(g) Dwelling Units

(i) The total number of dwelling units on all of Parcels A and B combined

shall not exceed 1,478 dwelling units in all the Existing Buildings and 1,035 dwelling units in all the Proposed Buildings for a combined total of 2,513 dwelling units in all the buildings.

(ii) Existing Building A shall have a maximum of 370 dwelling units.
(iii) Existing Building B shall have a maximum of 370 dwelling units.
(iv) Existing Building C shall have a maximum of 370 dwelling units.
(v) Existing Building D shall have a maximum of 368 dwelling units.
(vi) Proposed Building E shall have a maximum of 152 dwelling units.
(vii) Proposed Building F shall have a maximum of 117 dwelling units.
(viii) Proposed Building G shall have a maximum of 127 dwelling units.
(ix) Proposed Building H shall have a maximum of 164 dwelling units.
(x) Proposed Building I shall have a maximum of 71 dwelling units.
(xi) Proposed Building J shall have a maximum of 152 dwelling units.
(xii) Proposed Building K shall have a maximum of 97 dwelling units.
(xiii) Proposed Building L shall have a maximum of 155 dwelling units.

(h) Gross Floor Area

(i) The total gross floor area on all of Parcels A and B and C combined shall not exceed 123,748 m^2 in all the Existing Buildings and 88,199 m^2 in all the Proposed Buildings for a combined total gross floor area of 211,947 m^2 in all the buildings.
(ii) The maximum gross floor area of Existing Building A shall be 30,751 m^2.
(iii) The maximum gross floor area of Existing Building B shall be 31,123 m^2.
(iv) The maximum gross floor area of Existing Building C shall be 31,123 m^2.
(v) The maximum gross floor area of Existing Building D shall be 30,751 m^2.
(vi) The maximum gross floor area of Proposed Building E shall be 12,759 m^2.
(vii) The maximum gross floor area of Proposed Building F shall be 9,051 m^2.
(viii) The maximum gross floor area of Proposed Building G shall be 10,516 m^2.
(ix) The maximum gross floor area of Proposed Building H shall be 12,788 m^2.
(x) The maximum gross floor area of Proposed Building I shall be 5,639 m^2.
(xi) The maximum gross floor area of Proposed Building J shall be 12,759 m^2.
(xii) The maximum gross floor area of Proposed Building K shall be 9,115 m^2.
(xiii) The maximum gross floor area of Proposed Building L shall be 13,241 m^2.
(xiv) The maximum gross floor area of Proposed Building M shall be 2,331 m^2.

(i) Notwithstanding Section (g) and Section (h) above,

(i) Increases up to 10% of the maximum number of dwelling units, as permitted within each of Proposed Buildings E, F, G, H, I, J, K and L in Section (g) are allowed provided the total number of dwelling units in all the Proposed Buildings in Parcels A and B combined does not exceed 1,035 dwelling units; and

(ii) Increases up to 10% of the maximum gross floor area, as permitted within each of Proposed Buildings E, F, G, H, I, J, K and L in Section (h) are

allowed provided the total gross floor area in all the Proposed Buildings in Parcels A and B combined does not exceed 85,868 m^2.

(j) Recreational Centre Building

(i) A recreational centre building with a minimum gross floor area of 2,200 m^2 shall be constructed on Parcel C as part of Phase 1. A building permit for the recreational centre building shall be received prior to or together with the issuance of a building permit for Proposed Building L and prior to the issuance of a building permit for Proposed Buildings I, J, K, E and F.

(ii) The recreational centre building shall include:

(A) A private recreational facility having a minimum gross floor area of 1,100 m^2 with an indoor pool and change rooms. The recreational facility shall be completed and ready for operation by the completion and occupancy of Proposed Building L and prior to the issuance of any building permit for Proposed Buildings I, J, K, E and F; and

(B) A minimum 66 space fully furnished and equipped day nursery having a minimum gross floor area of 1,100 m^2.

(k) Lot Coverage

The provisions of Sections 16.2.2 and 20-A.2.2 (lot coverage) shall not apply.

(l) Building Height

(i) The provisions of Section 20-A.2.6 (building height) shall not apply. The maximum building heights shall not exceed the maximum heights in metres and number of storeys as set out on Schedules RM6(182)B and RM6(182)C.

(ii) A penthouse or other roof structure which is used only as an ornament or to house the mechanical equipment of the building:

(A) does not constitute a storey and shall be disregarded in calculating the height of the building;
(B) shall not exceed a height of 5 metres; and
(C) shall cover no more than 33% of the area of the roof.

(m) Building Envelopes

(i) The maximum building envelopes shall be as set out on Schedules RM6(182)B and RM6(182)C.

(ii) No buildings or structures except for permitted projections as set out in subsection (iii) below shall be permitted beyond the building envelopes as set out on Schedules RM6(182)B and RM6(182)C.

(iii) Permitted projections outside of building envelopes

(A) Exterior stairways, canopies, balconies, porches and decks shall be permitted to project outside of the building envelopes a maximum of 1.6 metres.
(B) Cornices and sills shall be permitted to project outside of the building envelopes a maximum of 0.5 metres.

(iv) Notwithstanding subsection (ii), a temporary sales office is permitted on the existing surface parking areas.

(n) Landscaping

The provisions of Section 15.8 (landscaping) shall not apply.

(o) Distance Between Buildings

(i) The provisions of Section 16.3.2 and Section 20-A.2.4.1 shall not apply.
(ii) The minimum distance between all buildings and structures shall be as set out on Schedules RM6(182)B and RM6(182)C.

(p) Lot Area

The provisions of Sections 16.2.1 and 20-A.2.1 (lot area) shall not apply.

(q) Frontage

The provisions of Sections 16.2.3 and 20-A.2.3 (street and lot frontage) shall not apply.

(r) Floor Area

The provisions of Section 16.2.5 (floor area) shall not apply.

(s) Yard Setbacks

The minimum yard setbacks for all buildings and structures shall be as set out on Schedules RM6(182)B and RM6(182)C.

(t) Top of Bank Line

No buildings or structures shall be permitted within 10 metres of the top of bank line as set out on Schedules RM6(182)A, RM6(182)B and RM6(182)C.

(u) Recreational Amenity Area

(i) For all Proposed Buildings, a minimum of 1.5 square metres of indoor private recreational amenity area per dwelling unit shall be provided.

(ii) For all Existing Buildings and Proposed Buildings, a minimum of 1.5 square metres of outdoor private recreational amenity area per dwelling unit shall be provided.

(v) Parking Requirements

(i) The following parking requirements shall apply to Existing Buildings A, B, C and D:

(A) A minimum of 0.88 parking spaces per dwelling unit shall be provided, of which 0.15 parking spaces per dwelling unit shall be for the use of visitors.

(B) In addition, 14 surface parking spaces located adjacent to Building A shall be provided for shared use with the day nursery located in Proposed Building M.

(ii) The following parking requirements shall apply to Proposed Buildings F, G, H, I, K and L:

(A) A minimum of 1.2 parking spaces per dwelling unit shall be provided for apartment house dwellings and multiple attached dwellings, of which 0.2 parking spaces per dwelling unit shall be for the use of visitors.

(iii) The following parking requirements shall apply to Proposed Buildings E and J:

(A) A minimum of 0.75 parking spaces per dwelling unit shall be provided of which 0.2 parking spaces per dwelling unit shall be for the use of visitors.

(iv) The following parking requirements and regulations for location of parking spaces shall apply to Proposed Building M (recreational centre and day nursery):

(A) Recreational centre, 0 parking spaces.

(B) The day nursery located in Building M on Parcel C shall have shared use of 14 surface parking spaces located adjacent to Building A on Parcel A.

(v) For a retail store, restaurant, outdoor café, and personal service shop all located in Building H, the required parking shall be shared use of all of the

visitor parking spaces provided for the apartment house dwelling in Building H.

(w) Non-Residential Parking Regulations

The provisions of Section 6A(6)(c)(non-residential parking regulations) shall not apply.

(x) Division of Lands

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

Other

(y) Excluding Phase 1, no person shall use any land or erect or use any building or structure in Phases 2 and 3 unless the following municipal services are provided to the lot line and the following provisions are complied with:

(i) 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

(ii) all water mains and sanitary sewers, and appropriate appurtenances, have been installed and are operational.

SECTION 37 AGREEMENT

Upon execution and registration of an agreement or agreements with the owner of the site, pursuant to Section 37 of the *Planning Act*, securing the provision of the facilities, services and matters set out herein, the site is subject to the provisions of this exception, provided that in the event the said agreement(s) requires the provision of a facility, service or matter as a precondition to the issuance of a building permit, the owner may not erect or use such building until the owner has satisfied the said requirements.

(z) The owner of the lands as shown in Schedules RM6(182)A, RM6(182)B and RM6(182)C shall enter into one or more agreements with the City of Toronto pursuant to Section 37 of the *Planning Act* to secure at the owner's expense, the facilities, services and matters referred to below, which agreement or agreements may be registered against the title of the lands, in whole or in part, as may be applicable to which this By-law applies in the manner and to the extent specified in the agreements. The owner of the subject lands, at the owner's expense and in accordance with, and subject to the agreements referred to above, shall provide or fund the following facilities, services and/or matters on terms satisfactory to the City of Toronto, in order to permit the increase in gross floor area and height authorized under this exception regulation:

<u>Community Benefits</u>

(i) The owner agrees to maintain the rental tenure and the affordable and mid-

range rents of the four existing apartment buildings and existing apartment dwelling units for a minimum period of 25 years from the date after this By-law comes into effect, and the owner agrees that no application will be made for a demolition permit, condominium conversion or for purposes of condominium registration, pursuant to the *Condominium Act, 1998*, for these units during the 25 year period.

(ii) The owner agrees to design, construct, provide and maintain at its own cost, a new private recreation centre building on Parcel C, of minimum 2,200 m^2 of gross floor area which is to include a private recreation centre facility with a minimum gross floor area of 1,100 m^2. The recreation centre facility is for use by the residents of the existing rental apartment buildings at no cost to the tenants. The recreation centre facility is to include an indoor swimming pool and change rooms.

The recreation centre building is to be constructed as part of Phase 1. Prior to or together with the issuance of a building permit for Building L, and prior to the issuance of any building permit for Buildings I, J, K, E and F in Phases 2 and 3, construction shall have commenced on the recreation centre building. The recreation centre facility shall be completed and ready for operation by the completion and occupancy of Building L and prior to the issuance of any building permit for Buildings I, J, K, E and F in Phases 2 and 3.

(iii) The owner agrees to construct and provide in the recreation centre building on Parcel C:

(a) one fully furnished and equipped 66 space non-profit child care centre with a minimum gross floor area of 1,100 m^2.

(b) a minimum of 345 m^2 of outdoor play space which will be appropriately surfaced and equipped and subject to City design criteria.

The child care centre is to be constructed and in operation as part of Phase 1. Prior to or together with the issuance of a building permit for Building L and prior to the issuance of any building permit for Buildings I, J, K, E and F in Phases 2 and 3, construction shall have commenced on the child care centre. The child care centre shall be completed and ready for operation by the completion and occupancy of Building L and prior to the issuance of any building permit for Buildings I, K, E and F in Phases 2 and 3.

(iv) The owner agrees to provide a monetary contribution, indexed to the Statistics Canada Non-residential Construction Price Index for Toronto from the date this By-law comes into force, to the child care centre of

(a) $150,000 for start up costs; and
(b) $50,000 to a capital reserve equipment fund to provide for the

replacement of equipment

by the completion and occupancy of building L and prior to the issuance of any building permit for Buildings I, K, E and F in Phases 2 and 3.

(v) The owner agrees to provide to the City a financial contribution of $700,000, indexed to the Statistics Canada Non-residential Construction Price Index for Toronto from the date this By-law comes into force, to be used towards the construction of an artificial outdoor ice rink in Fountainhead Park. The financial contribution is to be provided as part of Phase 1 prior to the issuance of a building permit for Building L and prior to the issuance of any building permit for Buildings I, J, K, E and F in Phases 2 and 3, to the satisfaction of the General Manager, Parks, Forestry and Recreation.

(vi) The owner agrees to provide to the City a financial contribution of a maximum of $1 million in instalments, for deposit to the City's Capital Revolving Fund for Affordable Housing, with each instalment to be paid prior to issuance of the related above-grade building permit. For Buildings E, F, G, H, I, J, K and L, each instalment amount is based on $1,000 per dwelling unit included in the related building permit to be issued, to a total for all of the buildings not to exceed $1 million, together with the indexing amount for that instalment. Each instalment shall be indexed to the Statistics Canada New Housing Construction Price Index for Toronto from the date this By-law comes into force.

(vii) The owner agrees to provide a public art contribution of $250,000, indexed to the Statistics Canada Non-residential Construction Price Index for Toronto from the date this By-law comes into force, in accordance with the City of Toronto's Percent For Public Art Program.

(viii) The owner agrees to prepare and implement a ravine stewardship plan for the public lands located in the valley and the lands located below and above the staked top-of-bank line being conveyed to the Toronto and Region Conservation Authority, to the satisfaction of the Toronto and Region Conservation Authority and Parks, Forestry and Recreation, Urban Forestry, Ravine and Natural Feature Protection Division.

(a) A Letter of Credit to secure the preparation of the ravine stewardship plan shall be submitted to the Parks, Forestry and Recreation, Urban Forestry, Ravine and Natural Feature Protection Division prior to master site plan approval, to the satisfaction of the Toronto and Region Conservation Authority and Parks, Forestry and Recreation, Urban Forestry, Ravine and Natural Feature Protection Division.

(b) A Letter of Credit guaranteeing the implementation of the ravine stewardship plan shall be submitted to the Parks, Forestry and Recreation, Urban Forestry, Ravine and Natural Feature Protection

Division prior to Phase 1 site plan approval, to the satisfaction of the Toronto and Region Conservation Authority and Parks, Forestry and Recreation, Urban Forestry, Ravine and Natural Feature Protection Division.

Other Matters To Be Secured

(ix) The owner agrees to construct the buildings in accordance with the following Phasing Plan:

Phase 1

- The extension of Fountainhead Road to Finch Avenue including a new signalized intersection, road widenings, and cul-de-sac at the west end of Fountainhead Road
- Building H
- Building G
- Recreation Centre Building M including the recreation centre facility and child care centre
- Building L

irrespective of order.

Phase 2

- Building I
- Building J
- Building K

irrespective of order.

Phase 3

- Building E
- Building F

irrespective of order.

(x) The owner agrees to provide net improvements to the existing rental buildings that are to be maintained and their related facilities with no pass through of related costs to the tenants. These improvements having a minimum value of $5 million shall include but not be limited to: suitable replacements and or improvements of existing outdoor amenity areas, improvements to building lobbys, entrances, corridors, moving and service areas, provision of meeting and party rooms, interior and exterior security improvements including the underground parking garage, elevator upgrades. The improvements are to be completed prior to issuance of a building permit for Buildings E and F in Phase 3.

(xi) The owner agrees to convey to the City for nominal consideration, lands for the extension of Fountainhead Road to Finch Avenue, road widenings, and a cul-de-sac at the west end of Fountainhead Road, to the satisfaction of the Director, Technical Services, North York District.

(xii) The owner agrees to commence construction of the extension of Fountainhead Road to Finch Avenue, road widenings, and a cul-de-sac at the west end of Fountainhead Road, all as part of Phase 1 and to complete these road works prior to issuance of any building permit for Buildings I, J, K, E and F in Phases 2 and 3, to the satisfaction of the Director, Technical Services, North York District.

(xiii) The owner agrees to develop and implement an appropriate construction mitigation and communications strategy for the tenants of the existing buildings and residents of the new residential buildings at the owner's cost and expense, to the satisfaction of the Director, Transportation Services, North York District.

(xiv) The owner agrees to provide and maintain a green roof with a continuous coverage of vegetation over at least 50% of the roof of the recreation centre building, to be implemented through site plan approval, to the satisfaction of the Director, Community Planning, North York District.

(xv) The owner agrees to dedicate and convey to the Toronto and Region Conservation Authority for nominal consideration, all the lands below and above the staked top of bank line as shown in zoning by-law Schedules RM6(182)A, RM6(182)B and RM6(182)C having an area of approximately 0.475 hectares, to the satisfaction of the Toronto and Region Conservation Authority and the City Solicitor, prior to the registration of the first condominium in Phase 1.

(xvi) The owner agrees to prepare and implement a forest stewardship plan for the forested areas on the site north of Fountainhead Road and south of the hydro corridor, to the satisfaction of the Parks, Forestry and Recreation, Urban Forestry, Ravine and Natural Feature Protection Division.

(a) A Letter of Credit to secure the preparation of the forest stewardship plan shall be submitted prior to master site plan approval, to the satisfaction of the Parks, Forestry and Recreation, Urban Forestry, Ravine and Natural Feature Protection Division.

(b) A Letter of Credit guaranteeing the implementation of the forest stewardship plan shall be submitted prior to Phase 3 site plan approval, to the satisfaction of the Parks, Forestry and Recreation, Urban Forestry, Ravine and Natural Feature Protection Division.

(xvii) The owner agrees that the landscape master plan valued at a minimum of $1.5 million will form the basis for detailed landscape plans for on site landscape improvements which will be secured through an agreement pursuant to Section 41 of the *Planning Act* and Section 114 of the *City of Toronto Act*.

(xviii) The owner agrees that Buildings E and J will be marketed as seniors residences. The buildings will include common and shared facilities such

as kitchens and common dining rooms.

(xix) Prior to the issuance of any building permit, the owner shall provide a certified cheque to the Toronto Transit Commission for $50,000 for transit signal priority intersection improvements.

(xx) The owner agrees that the above noted facilities, services and/or matters shall be provided with no pass through of related costs to the tenants of the Existing Buildings.

Building permit issuance for the proposed development shall be dependant upon satisfaction of the provisions in this By-law and in the Section 37 Agreements relating to building permit issuance, including the payment of the amounts noted above to the City of Toronto.

The agreements with the City of Toronto pursuant to Section 37 of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended, shall be registered on title to the lands, in whole or in part, as may be applicable to which this exception applies prior to the issuance of any building permit for the proposed development."

Notwithstanding the foregoing, the owner and the City may modify or amend the said agreement(s), from time to time and upon the consent of the City and the owner, without further amendment to those provisions of this By-law which identify the facilities, services and matters to be secured.

3. Section 64.20-A(182) of By-law 7625 is amended by adding Schedules RM6(182)A, RM6(182)B and RM6(182)C attached to this By-law.

4. Section 64.20-A(45) of By-law 7625 is repealed.

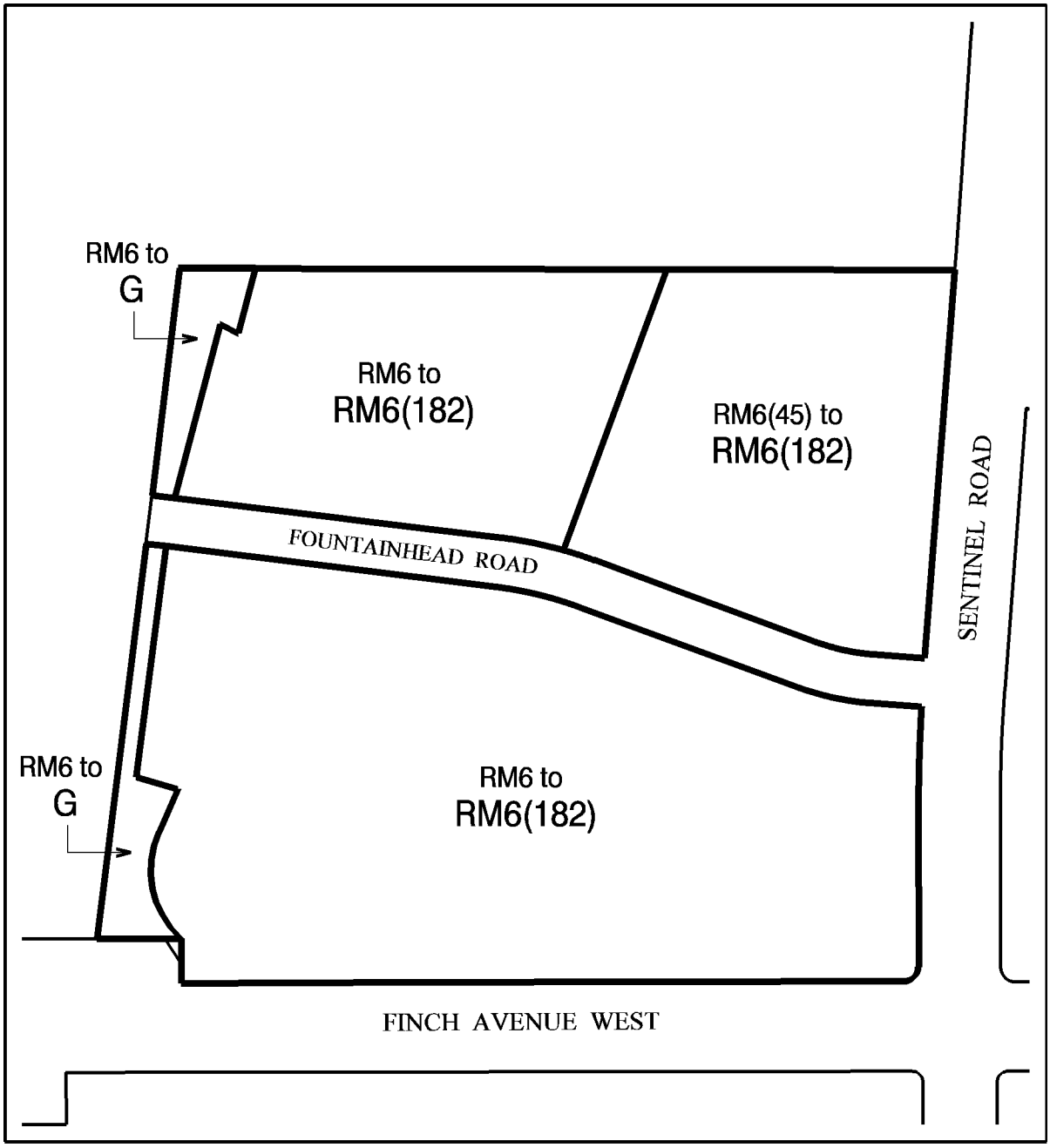
5. Sections 2, 3, 4, 5 and 11 of By-law 22134 are repealed.

ENACTED AND PASSED this ~ day of ~, A.D. 2009.

DAVID R. MILLER,
Mayor

ULLI S. WATKISS,
City Clerk

(Corporate Seal)



TORONTO City Planning

Schedule 1

Blocks A, B, C & D Registered Plan M-1299 City of Toronto

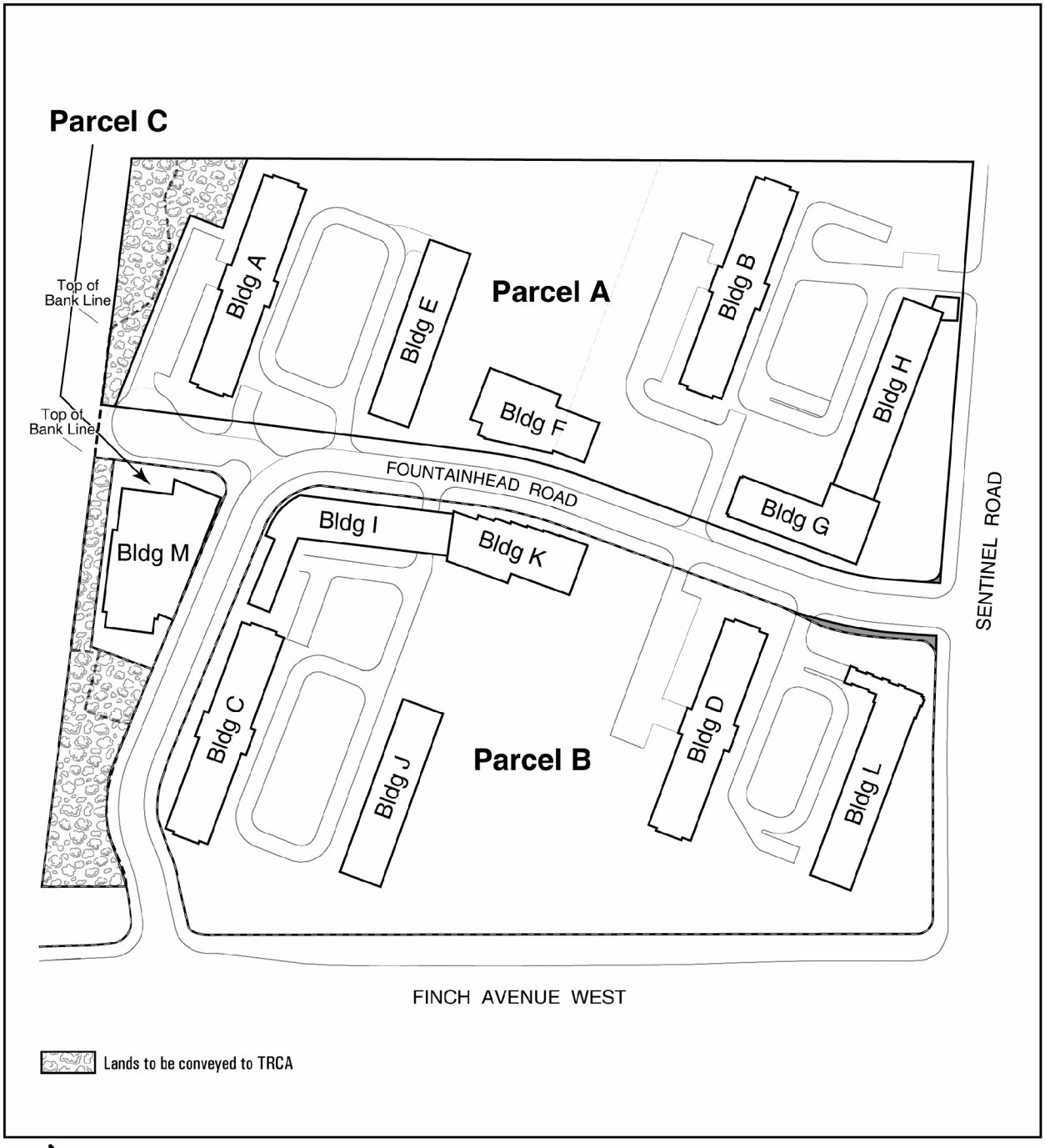
Plan of Survey information from David B. Searles Surveying Ltd, drawing ref. 163-0-05.dwg

Date: 05/08/2009

Approved by: N.S.

File # 06_157157

Not to Scale



TORONTO City Planning

Schedule RM6(182)A

File # 06_157157

Date: 05/14/2009
Approved by: Nimrod Salamon

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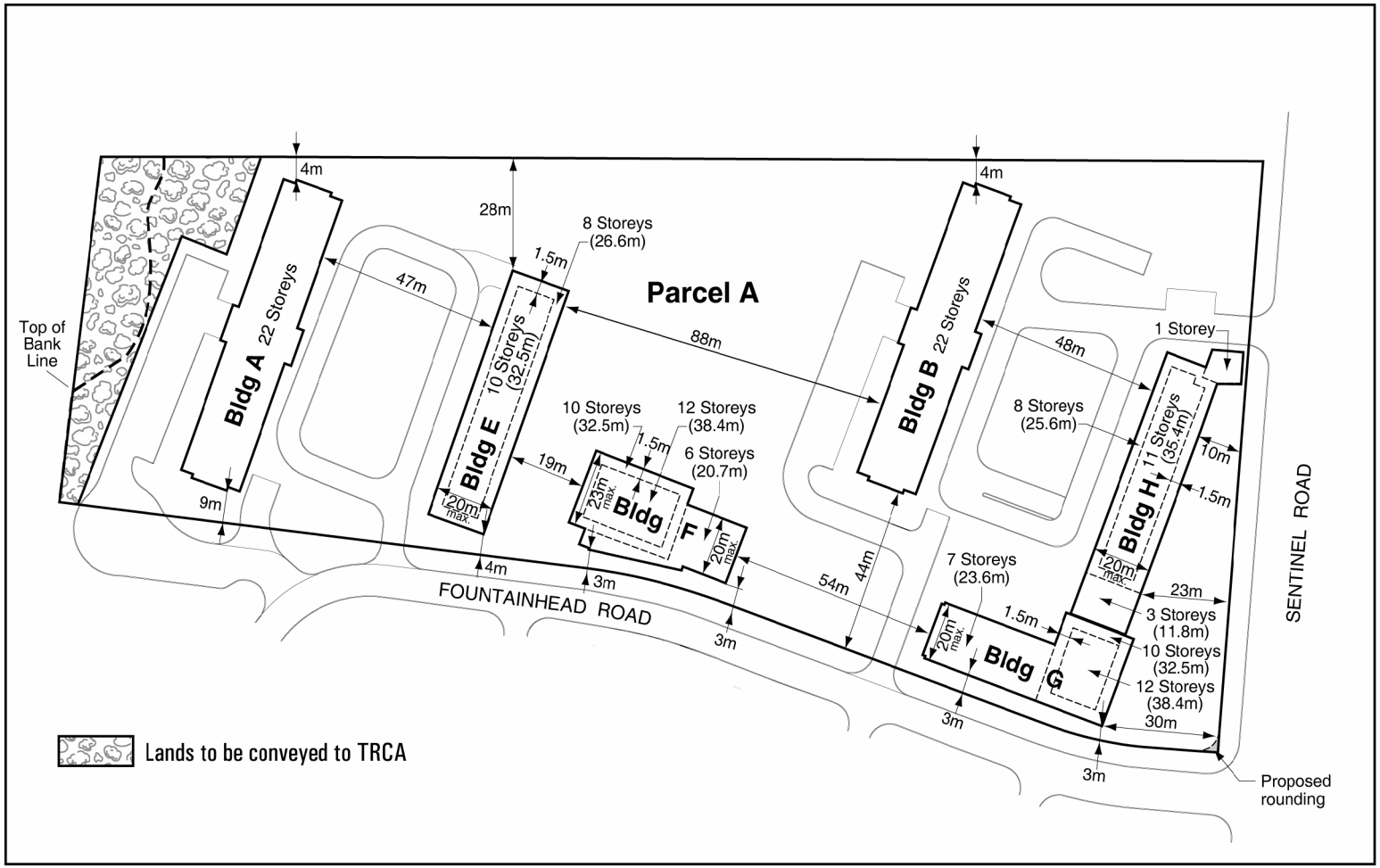


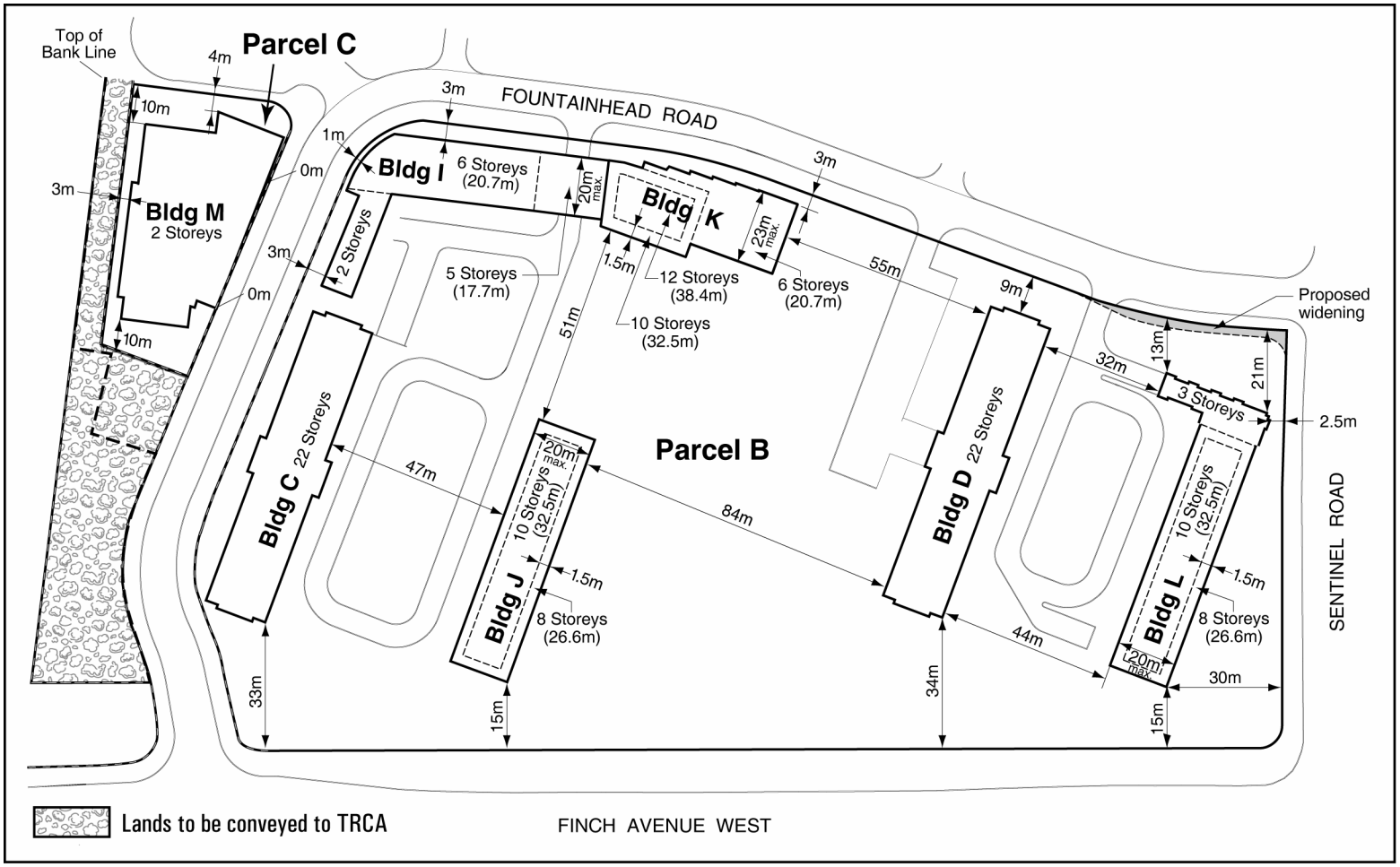
TORONTO City Planning

Schedule RM6(182)B

File # 06_157157

Date: 05/14/2009
Approved by: Nimrod Salamon

Not to Scale



TORONTO City Planning

Schedule RM6(182)C

File # 06_157157

Date: 05/14/2009
Approved by: Nimrod Salamon

Not to Scale

Attachment 11: Draft Plan of Subdivision Conditions

DRAFT PLAN OF SUBDIVISION APPLICATION 08 180545 NNY 08 SB
Conditions of Draft Plan Approval

That Draft Plan of Subdivision Application 08 180545 NNY 08 SB be draft plan approved, subject to the following conditions:

1. That this proposal applies to the draft plan of subdivision prepared by MMM Group, dated April 17, 2009 (Job No. 14-05092-001-P06) as further revised to reflect the conditions below;

2. That the owner enter into and adhere to all conditions of the City's Subdivision Agreement;

3. That the appropriate Standard Conditions as shown below (Conditions #1 to #40) shall apply and be included in the Subdivision Agreement;

4. That Street "A" be dedicated as a public highway on the final plan;

5. That the Specific Conditions (Conditions #41 to # 51) shall apply and be included in the Subdivision Agreement; and

6. That draft approval shall expire after 5 years of the date of draft approval having been given.

STANDARD CONDITIONS OF APPROVAL FOR SUBDIVISIONS

1.	STREET NAMES	All street names proposed on the final plan shall be subject to the approval of the Toronto City Surveyor and the City Planning Division.
2.	ALIGNMENTS WITH ADJACENT PLANS	All streets in the new plan shall be aligned to coincide with adjacent dedicated streets.
3.	STREET LIGHTS	Street lights shall be installed in locations as specified by the Toronto Hydro Electric Commission. The Applicant is responsible for street lighting costs as determined by the Toronto Hydro Electric Commission.
4.	EXISTING 0.3m RESERVES	Existing 0.3m reserves across access roads along the boundaries of the plan shall be dedicated as public highway by the City after assumption of the roads

		within the plan.
5.	LOTS SUBJECT AND/OR ADJACENT TO EASEMENTS AND/OR WALKWAYS	Building Permits will not be issued for lots on which easements have been imposed, or on lots immediately adjacent to easements and/or walkways until such time as the Executive Director, Technical Services (hereafter referred to as the "Executive Director") certifies that the walkway has been paved and fenced and that the required service or services have been installed within the limits of the easement as granted to the City or that the easement descriptions have been adjusted in accordance with the location of the services as actually installed.
6.	DEEDING OF LAND OR EASEMENTS	Deeds for such lands, easements and 0.3m reserves as may be required shall be conveyed to the City and the Toronto Hydro Electric Commission free and clear of all encumbrances and any Reference Plan, necessary for the preparation of the easement documents, shall be provided by the subdivider at no cost to either the City or the Commission.
7.	SERVICES TO BE INSTALLED BY THE APPLICANT	All services to be installed by the Applicant shall be according to standard specifications for the former City of North York as laid down by the Executive Director and shall be secured by cash (20%) and irrevocable letter of credit (80%).
8.	PROTECTION OF EXISTING SIDEWALKS, CURBS, ETC.	Monies shall be deposited with the City to provide for the protection of existing sidewalks, curbs, etc. in accordance with the policy of Council as contained in former City of North York Policy No. N-32.
9.	RESTORATION OF EXISTING ROAD SURFACES	The Applicant covenants and agrees that they will, subsequent to the installation of all service, hydro and other underground connections on existing roads adjacent to, but outside this plan subdivision, at their own expense restore such disturbed road surface to approximately their original condition as determined by the Executive Director, or alternatively will deposit with the Treasurer of the City a sufficient sum as calculated by the Executive Director to provide for this restoration.

10.	MAINTENANCE OF ROAD SURFACES	The Applicant covenants and agrees that they will at all times keep clean and maintain the road surfaces and/or keep clear the gutters and catchbasins on those roads in those areas where, in the opinion of the Executive Director, such roads are subject to traffic proceeding to and from the subdivision lands during the period of development and construction.
11.	SERVICE CONNECTIONS	No service connections shall be installed on a lot or block until the approval of such installation has been obtained from the Executive Director and/or Toronto Hydro.
12.	DRAINAGE	Occupancy of each lot shall not take place until the consultant certifies that the grading requirements have been satisfied, or as approved by the Executive Director.
13.	SURFACE DRAINAGE RE: ADJOINING LANDS	The Applicant covenants and agrees that should any grading or drilling operations within this plan of subdivision cause disturbances to the natural drainage pattern for the surrounding area, resulting in flooding or erosion of adjacent lands without the plan of subdivision itself, the Applicant will, at their own expense, perform all work and take such measures as considered necessary to correct the surface drainage situation and restore all damaged property to approximately its original condition as determined by and to the standards, specifications and satisfaction of the Executive Director.
14.	SERVICE TO BE PAID IN CASH	All required services which are not to be constructed by the Applicant shall be paid for in cash prior to registration of the plan.
15.	CAPITAL COST OF SERVICES	In addition to the services required herein, the Applicant shall pay all other monies as may be required to pay the capital cost, or proportionate share thereof, for the provisions of services to the extent that the City shall not be required to pay any portion of the capital cost thereof.
16.	TAXES AND LOCAL IMPROVEMENTS	All outstanding taxes and local improvement charges shall be paid prior to registration of the plan.

17.	FEES	Water meter fees and 3% Engineering and Processing fee shall be paid.
18.	REVIEW OF CONDITIONS	In the event that this plan is not registered within a period of one-year following the date of draft approval, the conditions of approval shall be subject to review by the City having regard to standards and policies operative at that time.
19.	WITHDRAWAL OF PLAN	In the event that this plan is withdrawn by the Applicant, a reasonable charge may be imposed by the City and Toronto Hydro, having regard to the time and expense incurred by the City in the study and processing of the plan submitted.
20.	REDIVISION OF BLOCKS	Any further division of any block on the plan will be subject to recommendation of North York Community Council and approval of Council.
21.	HYDRO DISTRIBUTION PLANT	Prior to the registration of the plan, the Applicant shall conclude satisfactory arrangements with the Toronto Hydro Electric Commission as to the location of distribution plants as may be required within the plan.
22.	ADEQUACY OF SCHOOL FACILITIES	The date or release for registration of this plan by the City shall be subject to review by Council having regard to the adequacy of schools to serve children from the subdivision.
23.	NOTIFICATION OF FUTURE USE OF MUNICIPAL LANDS	Builders and purchasers of properties adjacent to lands being conveyed to the City shall be advised of the intended use of such municipal lands and of the services to be constructed.
24.	SIGNS OF NEW PLANS OF SUBDIVISION	The Developer of new plans of subdivision shall erect signs indicating street and lot pattern of the intended use of any and all blocks on the proposed plan in accordance with former City of North York policy established by Traffic, Fire and Licensing Committee Report #9, dated May 12, 1966 adopted by the former City of North York Council Resolution #66-404.

25.	SOIL TESTS RE: BUILDING PERMITS	If required by the City, soil tests shall be conducted on the lands herein by an approved independent testing laboratory as may directed by the Chief Building Official and such laboratory shall investigate and report on the stability of the soil, and its ability to sustain superimposed loads resulting from building and filling operations; all such tests and reports shall be made without expense to the City and certified copies of the results thereof shall be furnished to the Chief Building Official.
26.	REGISTRATION IN STAGES	The Applicant may register the plan in stages provided that the boundary of each stage shall be subject to review by Council prior to release for registration.
27.	DEVELOPMENT IN STAGES	The Applicant may register the plan in its entirety but develop the lands in parcels of not less than 6 hectares in accordance with former City of North York Policy No. N-8.29.
28.	DISEASED AND DEAD TREES	The Applicant covenants and agrees that upon the registration of the overall Final Plan all diseased and dead tress upon the lands covered by the proposed plan of subdivision will be cut down and removed from the land. The decision of the General Manager, Parks, Forestry & Recreation shall be final as to the designation of such trees as diseased or dead and as to the manner of disposal of the diseased and dead trees.
29.	PLANTING OF TREES	Prior to the registration of the Plan, the Applicant shall pay sufficient monies to the City to cover the cost of planting one 4" (100mm) calliper tree every 8 to 12 metres, species determinate, for multiple family dwellings where there is no existing City trees protected on the lots, at a rate of $535.00 per tree, in accordance with the following policies of the former City of North York Council: a) contained in Parks and Recreation Committee Report Number 12, Clause 8, dated May 16, 1963 adopted by Council on May 27, 1963, by Resolution Number 63-620; and b) contained in Parks and Recreation

		Committee Report Number 7, Clause 10, dated February 22, 1979, adopted by Council on March 5, 1979, by Resolution Number 79-8.
30.	CITY OWNED TREES AND TREE PRESERVATON AGREEMENT	In the event that there are City owned trees on the lands involved in the draft plan of subdivision, the Applicant shall meet with the Parks, Forestry & Recreation Division's Urban Forestry staff and enter into and execute a "Tree Preservation Agreement" prior to the registration of the draft plan of subdivision. The Tree Preservation Agreement will require that the Applicant supply the City with a Cheque or letter of credit equal to the value of all the City trees affected by the draft plan of subdivision and shall ensure that protective measures are adhered to and, if necessary, the Applicant shall pay the cost to remove and replace the trees if they are damaged as a result of construction activity. This security deposit will be refunded immediately following construction, if there have been no infractions to the Tree Preservation Agreement.
31.	TREE PRESERVATION REQUIREMENTS FOR CITY OWNED TREES	Tree protection requirements for City owned trees shall include fencing erected at a distance of 6 times the diameter of the tree over the roots of any City owned tree located in the vicinity of construction activity. No construction traffic, digging or storage or materials may occur within the root protection zone, and work must be confined to areas outside of it.
32.	SODDING OF ALL LAND WITHIN THE PLAN	The Applicant shall sod, to the satisfaction of the Executive Director and/or the General Manager, Parks, Forestry & Recreation, all lands within the plan of subdivision, with the exception of those lands required for roads, sidewalks, walkways and driveways, or where the natural ground has, in the opinion of the Executive Director and/or the General Manager, Parks, Forestry & Recreation, remained undisturbed by construction and is satisfactory to his requirements.
33.	UNDERGROUND WIRING FOR	The Applicant shall contribute to the cost of

	RESIDENTIAL SUBDIVISIONS	underground wiring in such amount as may be determined by the Toronto Hydro Electric Commission.
34.	CONVEYANCE OF LANDS	The Applicant agrees that any document relating to the conveyance of any of the lands included in the plan of subdivision shall not contain any provisions that the person or corporation acquiring the lands is not required to comply with the terms and provisions of the agreement, or that is contrary to the provisions thereof.
35.	AGREEMENTS	That the Applicant enter into and adhere to all the conditions and specifications of the standard form Subdivision Agreement with the City.
36.	PLAN ALTERATIONS	That the draft plan be amended as necessary to conform with the layout shown on the display draft plan.
37.	DESIGNATION OF PARK LANDS IN NEW PLAN OF SUBDIVISION	As per Parks and Recreation Committee Report #14 (Clause 8) dated June 9, 1966, adopted by former City of North York Council Resolution #66-498.
38.	SERVICES TO BE INSTALLED BY THE APPLICANT	The Applicant agrees to install all necessary municipal services, which will be determined prior to final approval and registration of the plan. All public roads are to be constructed in accordance with the former City of North York Public Roads Policy No. N-62 dated June 28, 1993.
39.	DEVELOPMENT CHARGES	The Owner acknowledges that the subdivision lands are subject to the payment of development charges. The Owner agrees to pay the development charges with respect to water, sanitary sewers, roads and stormwater management services in accordance with the current development charge by-law, as may be amended from time to time. The Owner agrees to ensure that the persons who first purchase the lands on the plan are informed at the time the lands are transferred to the purchasers, of all the development charges related to the development. Any outstanding balance respecting a development

charge as calculated is to be paid in full on the date a building permit is issued in relation to a building or structure on land to which a development charge applies and shall be calculated at the rate in effect on the date the building permit is issued in accordance with the development charge by-law, as may be amended from time to time.

40. ENVIRONMENTAL ASSESSMENTS AND REMEDIATION

a) Applicant shall prior to the issuance of building permits submit a completed Record of Site Condition as set out in the most recent revision of the Ministry of the Environment and Energy's June 1996 "Guideline for Use at Contaminated Sites in Ontario" indicating that either no soil or groundwater contaminates were found which exceeded the Ministry's standards and guidelines or if found have now been remediated to meet the said standards and guidelines for the intended use.

b) The Applicant shall indemnify and save harmless the City and its respective officers, employees and agents from and against any and all actions, causes of action, claims, reasonable costs, demands, charges and expenses whatsoever and however incurred in any way resulting from or arising out of or in relation to the potential soil contamination or remediation of the lands described in the draft M-Plan, save and except to extent contributed to by the negligence, recklessness, acts or omissions of the City, its representatives, agents or employees.

c) In the event that any action, cause of action, claim or other legal document or process or other alleged claim concerning the matters governed by the indemnity clause is commenced against or imposed upon the City, the City shall within a reasonable time give notice to the Applicant of such document, process or claim. Upon the receipt of such notice from the City, the Applicant at its own expense shall appeal,

contest, defend or settle such legal document, process or claim on its own behalf and on behalf of the City, so long as the City is reasonably notified on a periodic basis of the progress of the matter. In the event that the Applicant does not take all steps reasonably necessary on behalf of the City in connection with an appeal, a contestation, a defence or settlement negotiations, the City reserves the right to elect at any time to conduct its own appeal, contestation, defence or settlement negotiations at the Applicant's expense after giving notice of same to the Applicant.

SPECIFIC CONDITIONS

41. LOCAL IMPROVEMENTS CHARGES	The Applicant must commute any local improvement charges on the subject lands if required by the Finance Department.
42. TECHNICAL SERVICES CONDITIONS	The Applicant shall satisfy the requirements and conditions as contained in the Technical Services Division, North York District memorandum dated September 29, 2009.
43. PARKS, FORESTRY & RECREATION, URBAN FORESTRY SERVICES CONDITIONS	The Applicant shall satisfy the requirements and conditions as contained in the Parks & Recreation, Urban Forestry Services memorandum dated May 12, 2009.
44. PARKS, FORESTRY & RECREATION, URBAN FORESTRY, RAVINE AND NATURAL FEATURE PROTECTION	The Applicant shall satisfy the requirements and conditions as contained in the Parks & Recreation, Urban Forestry, Ravine and Natural Feature Protection memorandum dated May 19, 2009.
45. TORONTO AND REGION CONSERVATION AUTHORITY	The Applicant shall satisfy the requirements and conditions as contained in the Toronto and Region Conservation Authority memorandum dated September 30, 2008 and June 2, 2009.

46. TORONTO TRANSIT COMMISSION CONDITIONS	The Owner shall provide a certified cheque to the Toronto Transit Commission for $50,000 for transit signal priority intersection improvements as noted in the memorandum of the Toronto Transit Commission dated December 23, 2008. This is to be paid to the T.T.C. prior to the issuance of any building permit.
47. ENBRIDGE GAS DISTRIBUTION INC. CONDITIONS	The Applicant shall satisfy the requirements and conditions of Enbridge Gas Distribution Inc. a) Should the applicant consider the use of natural gas, the Developer shall contact Enbridge Gas Distribution Inc. to discuss installation and clearance requirements for service and metering facilities.
48. BELL CANADA CONDITIONS	The Applicant shall satisfy the requirements and conditions of Bell Canada. a) The Developer shall contact Bell Canada to discuss any installation and service requirements.
49. ROGERS CABLE	. The Applicant shall satisfy the requirements and conditions of Rogers Communications Inc. a) The Applicant is advised that Rogers has buried cable on site and must proceed with caution when installing their new infrastructure. b) The Applicant is responsible for any damage to Rogers cable. c) The Applicant shall contact Rogers Communication Inc. for stake out locations and to co-ordinate any work that affects their existing Plant.
50. TORONTO CATHOLIC DISTRICT SCHOOL BOARD CONDITIONS	The Applicant shall satisfy the requirements and conditions of the Toronto Catholic District School Board. a) The Developer shall insert in their Agreement of Purchase and Sale, or Lease, with respect to availability of school accommodation (for a

period of 10 years after registration of the subdivision) as follows:

"Despite the best efforts of the Toronto Catholic District School Board, sufficient accommodation may not be available in local Catholic schools for students from the development area and students may need to be accommodated in school facilities outside the area.

The purchaser or tenant acknowledge that school bus service for students, if required, will be from designated school bus stops located within or outside the development area."

b) The Developer shall erect signage on the development site with the following wording and specifications:

"NOTICE TO NEW AND POTENTIAL RESIDENTS

The Toronto Catholic District School Board has plans to accommodate all Catholic students from this development area in a Catholic school. If no Catholic school is located within the development area itself, students will be accommodated in the Catholic school that is closest to this neighbourhood.

For information regarding Catholic Schools serving this development, please call the Planning Department at (416) 222-8282, ext. 2278."

51. TORONTO DISTRICT SCHOOL BOARD CONDITIONS

The Applicant shall satisfy the requirements and conditions of the Toronto District School Board.

a) The Applicant/Developer shall enter into an agreement to erect and maintain signs, at points of egress and ingress of the development site, advising that:

"The Toronto District School Board makes every effort to accommodate students locally.

However, due to residential growth, sufficient accommodation may not be available in this area for all students. Students may be accommodated in facilities outside the area until adequate funding or space becomes available.

For information regarding designated school(s), please call (416) 394-7526."

These signs shall be to the Board's specifications and erected prior to registration or the issuance of any building permit; and

b) The Applicant/Developer shall agree in the Servicing and/or Development agreement, or in a separate agreement between the School Board and the Developer, to include the following warning clauses in all offers of purchase and sale of residential units (prior to registration of the plan and for a period of ten years following registration), that:

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

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