

TORONTO STAFF REPORT

March 29, 2006

To: North York Community Council

From: Director, Community Planning, North York District

Subject: OMB Direction Report
OPA & Rezoning Application 04 194214 NNY 33 OZ
Applicant: 2041098 Ontario Ltd (El-Ad Group Canada Inc.)
Architect: WZMH Architects
100, 110 & 125 Parkway Forest Dr.
120 & 130 George Henry Blvd.
32-50, 65 & 80 Forest Manor Road
Ward 33 - Don Valley East

Purpose:

This is a report on an appeal by the owner on applications to amend the Official Plan and Zoning By-law to permit 2,500 additional residential units on the above noted properties and the demolition and replacement of 332 existing rental units. Because this matter has been appealed to the Ontario Municipal Board, this report recommends that the City Solicitor and appropriate staff bring forward the position outlined in the report to the hearing scheduled June 12, 2006.

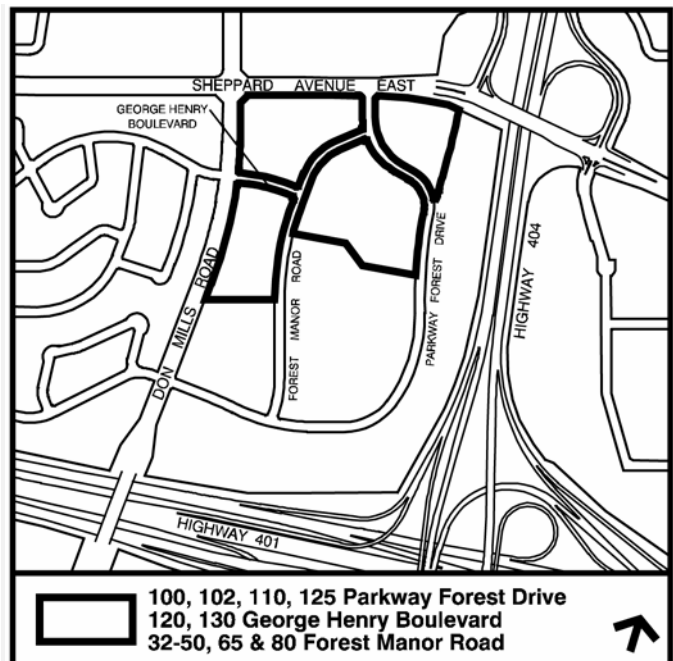
Financial Implications and Impact Statement:

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

Recommendations:

It is recommended that City Council:

- (1) That the application be approved subject to the following modifications:
 - (i) The lands along the arterial frontages, Blocks A, B, C, and D as shown on Attachments 2-6, be considered a Key Development Area in the Sheppard East Subway Corridor Secondary Plan;



- (ii) The density assigned to the lands in the recommended Key Development Areas, as shown on Attachments 2-6 (Blocks A, B, C, and D) shall be reduced from 3.9 FSI to 3.5 FSI and the number of new dwelling units shall be reduced from 2,500 to 2,200 units;
 - (iii) The maximum density on Block E, as shown on Attachment 7, the interior site fronting Forest Manor Road and Parkway Forest Drive be 1.9 FSI;
 - (iv) The following built form revisions shall be made:
 - (a) Building A6, the 36-storey tower along the Don Mills Road frontage, shall be reduced in height to minimize the adverse impact of built form on the lower density residential neighbourhood west of Don Mills Road;
 - (b) Building A1, located along the north side of George Henry Boulevard, shall be redesigned to satisfy the urban design principle of the Secondary Plan regarding street proportions. Should a point tower with base building be considered, the height should be no higher than 25 storeys;
 - (c) The bulk and massing of Buildings B1 and C1 located along the Don Mills Road frontage be reduced to improve sky views and the impact of shadows;
 - (d) Building D2, located along the eastern portion of the Sheppard Avenue frontage, shall be redesigned to satisfy the urban design principle of the Secondary Plan regarding setbacks, height and massing;
 - (e) Building D2 located along the eastern portion of Sheppard Avenue be redesigned so that the treatment of bulk and mass of the building above the 6th floor incorporate creative architectural features including terracing and detailed elevation articulation;
 - (f) Building D7 be removed to enhance the visual and physical access to the existing park located between the Fire Station and 121 Parkway Forest Drive. A shared driveway with 121 Parkway Forest Drive is encouraged to reduce paved areas through the existing park.
 - (v) the site specific official plan amendment shall set out holding provisions dealing with the criteria to be fulfilled prior to enabling development in excess of 1,655 new dwelling units.
- (2) That the detailed implementing zoning by-law shall append a holding symbol “H” to the lands that deals with conditions to be met prior to the removal of the holding provision concerning traffic management matters and the construction of the proposed Community Centre and the community use space proposed along Sheppard Avenue East. The by-law shall incorporate performance standards which include, but not be limited to, regulations on building setbacks, building floorplates and envelopes, parking standards, maximum building heights, maximum gross floor areas, minimum setbacks, maximum number of

dwelling units, minimum indoor recreational amenity space, open space area, and appropriate Section 37 benefits. The by-law shall also deal with performance standards for the proposed community centre including but not limited to height, setbacks and appropriate parking regulations;

- (3) Request the Ontario Municipal Board to withhold its Order on a modified proposal as set out in recommendation (1) above until the following conditions set out in (i), (ii), (iii), (iv) and (v) are satisfied:
- (i) the implementing zoning by-law includes the provision and maintenance of the following facilities, services and matters by the Owner, at its expense, and in accordance with the agreement referred to below, as conditions to the increases in height and density to the satisfaction of the City Solicitor in consultation with the Chief Planner and Executive Director of City Planning, pursuant to Section 37 of the Planning Act to include but not be limited to:
 - (a) provide and maintain 332 new rental replacement units as rental housing units for a period of not less than 25 years, commencing from the date of initial occupancy of each unit, during which time no application for demolition or conversion to condominium will be made;
 - (b) replace and secure 99 of the 332 rental replacement units at affordable range rents and 233 units at the mid-range rents for a period of 10 years;
 - (c) secure the rental tenure of the existing apartment buildings on the site 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 building will be made;
 - (d) secure net improvements to the rental buildings that are to be maintained and their related facilities with no pass through of related costs to the tenants. These improvements shall include but not be limited to: suitable replacements and or improvements of existing outdoor amenities such as outdoor play areas; improvements to building foyers/entrances; improvements to building moving/service areas; provision of a meeting/party rooms; interior/exterior security improvements including the underground parking garage;
 - (e) provide a tenant relocation and assistance package including the right to return to a replacement unit, to the satisfaction of the Chief Planner and Executive Director of City Planning;
 - (f) develop and implement an appropriate construction mitigation and communications strategy for the tenants of 100, 110 & 125 Parkway Forest Drive, 120 & 130 George Henry Boulevard, 32-50, 65 & 80 Forest

Manor Road at the owner's cost and expense, to the satisfaction of the Director, Transportation Services, North York District;

- (g) the provision of new affordable housing which may include a cash-in-lieu contribution as a component of the additional housing to be constructed on the site;
 - (h) That the Owner deposit a letter of credit or certified cheque in the amount of \$20,000.00 to the satisfaction of the Chief Financial Officer and Treasurer, for future traffic monitoring to be undertaken;
 - (i) The timing and provision of the proposed Community Centre and Child Care facility and community space along the Sheppard Avenue East frontage;
 - (j) A public art contribution in accordance with the City of Toronto's Public Art Program for a value not less than one percent of the gross construction cost of all buildings and structures on the lands;
 - (k) Other community benefits, including streetscape improvements, as appropriate; and,
 - (l) Such other conditions as may be appropriate to ensure the orderly development of the lands as required by Chief Planner and Executive Director of City Planning;
- (ii) The Owner enters into one or more agreements with the City pursuant to Section 37 of the Planning Act satisfactory to Chief Planner and Executive Director of City Planning and the City Solicitor, to ensure the facilities, services and matters set forth in 3(i)(a) to (l) above, such agreement(s) be registered on title to the lands in manner satisfactory to the City Solicitor;
 - (iii) The applicants submits a final Pedestrian Level Wind Study and a comprehensive Sun/Shadow study;
 - (iv) The Owner enters into an Agreement under Section 41 of the Planning Act, such application shall deal with a detailed Phase One proposal and Master Plan approval for the balance of the lands;
 - (v) The Owner has submitted a Context Plan in accordance with the implementation policy of the Sheppard East Subway Corridor Secondary Plan;
 - (vi) The Owner has submitted a plan of subdivision application for the new road that connects Forest Manor Road to Don Mills Road;
 - (vii) The applicant shall address the concerns of the commenting departments and agencies including the requirements of Technical Services dated January 20,

2005, the Ministry of Transportation, Corridor Management Office comments dated December 21, 2004 and the TTC comments dated July 15, 2005, and any subsequent comments received from these departments and agencies on the revised application.

- (4) The City Solicitor and City staff be authorized to continue discussions with the applicant concerning appropriate public benefits that would be exchanged for the increased height and density that may be approved for the site pursuant to Section 37 of the Planning Act;
- (5) City staff be authorized to continue discussions with the applicant concerning options to satisfy the Official Plan policy regarding the provision of new affordable housing and report back to City Council on any progress that has been made in this regard;
- (6) That appropriate staff including City Planning and Finance staff be authorized to continue discussions with the applicant concerning appropriate Development Charge Credits;
- (7) That City staff be authorized to attend the Ontario Municipal Board Hearing in support of the proposed development as revised pursuant to the recommendations above and authorize the City Solicitor and any other appropriate City staff to take such actions as necessary to give effect to the recommendations of this report.

Background:

On November 22, 2004 the owners, El Ad Group (Canada) Inc., filed amendment applications to permit 3,568 new dwelling units and demolish and replace 332 rental units on their lands in a series of buildings ranging from 17 to 49 storeys in height.

At its meeting held on February 16, 2005 City Council adopted the following staff recommendations set out in a report dated January 25, 2005:

- (1) City Council refuse the Official Plan and Zoning Amendment applications in their present form;
- (2) Authorize the City Solicitor and appropriate City Staff to appear before the Ontario Municipal Board to defend the position outlined in the report, should the applications be appealed to the Ontario Municipal Board; and,
- (3) Direct City Staff to develop a community consultation strategy, in consultation with the Ward Councillor, including meetings with working groups of landowners and residents with interests in the local area, should the applicant be prepared to reconsider their applications with a proposal that contemplated less intensification.

Status

City staff have met on numerous occasions with the applicant's development team since the initial submission. The applicant's team has been very receptive in dealing with the concerns and issues raised throughout the review and consultation process. Although the applicant appealed

their application to the Ontario Municipal Board, City staff and the applicant have continued to examine options and discuss alternatives with the objective of achieving a supportable proposal. These discussions have included a Steering Committee of landowners and residents with interests in the local area. This consultation process is discussed later in the report.

Ontario Municipal Board

On March 16, 2005, El Ad Group appealed their Official Plan and Zoning By-law Amendment applications to the Ontario Municipal Board on the basis of Council's refusal of the application.

On October 6, 2005, the Ontario Municipal Board held a pre-hearing conference on the appeals. At the pre-hearing conference, a number of local residents and landowners were added as parties or participants in this matter. The Toronto District School Board sought and was granted party status as was the Henry Farm Community Interest Association, a resident group located in the area west of Don Mills Road and south of Sheppard Avenue East.

A second pre-hearing was held on January 31, 2006. At that time a draft procedural order was presented to the Board Members which included an issues list. Parties and participants were confirmed and a six-week hearing was scheduled for commencement on June 12, 2006.

A third pre-hearing is scheduled for April 11, 2006 by way of telephone conference between the parties.

City Council's consideration and decision on the recommendations set out in this report will provide a City position on the application and enable the City Solicitor to present the City's position on the application for the June 12, 2006 hearing.

Proposal

The revised proposal provides for the retention and improvement of the existing 1,221 rental units, the replacement of 332 rental units and the introduction of 2,500 new condominium units to provide a greater tenure mix in the neighbourhood. The proposal accommodates a range of housing types including ground-related and mid to high-rise condominium apartment units and townhouses. The apartment units vary from bachelor to three-bedroom apartment units.

The proposal also provides for 3,500m² (37,674 sq.ft.) of non-residential uses along the Sheppard Avenue East frontage and a portion of the Don Mills Road frontage. The podiums at the intersection of Sheppard Avenue East and Don Mills Road would contain 2,143m² (23,067 sq.ft.) of convenience retail/commercial uses directly on the subway line. Those fronting Sheppard Avenue would contain 1,357m² (14,606 sq.ft.) of space for community services and facilities.

The owner has also proposed to provide a 5,000m² (53,820 sq.ft.) community centre, including a 929m² (10,000 sq.ft.), 85-space non-profit child care centre on the public park.

The proposal includes a new public road connecting Forest Manor Road to Don Mills Road and westbound to southbound double turn lanes at the intersection of Don Mills Road and Sheppard Avenue East.

The concept comprises five development sites (Blocks A, B, C, D and E) as shown on Attachments 2 through 7. The site at 25 Parkway Forest Drive at the southernmost edge of the Parkway Forest neighbourhood no longer forms part of the application since no development is contemplated on this site.

The following table provides a comparison of the original application received in November 2004, with the current proposal:

Proposal Date		November 2004	February 2006
Development Site Area (m2)		149,918	129,707
Gross Floor Area (m2)		556,472	411,825
FSI (gross)	Block A	5.1	4.5
	Block B	5.0	3.9
	Block C	4.5	3.8
	Block D	3.7	2.9
	Block E	3.0	1.9
Units Per Acre	Block A	200	181
	Block B	200	160
	Block C	177	157
	Block D	155	117
	Block E	120	71
Maximum Height of Proposed Buildings	Block A	48	36
	Block B	42	25
	Block C	42	25
	Block D	39	25
	Block E	17	7
Proposed Units	Block A	1,385	1,154
	Block B	623	501
	Block C	640	574
	Block D	520	271
	Block E	730	0
	Total New Units	3,568	2,500

Phasing

The development is planned to be developed in 7 phases over the course of 8 years. Prior to any rental building being demolished, the applicant proposes that the rental replacement units would first be constructed with a rental replacement strategy and tenant relocation package in effect before any rental demolition occurs. A copy of the phasing plan is attached this report. The phasing plan is summarized as follows:

Phase One (1/2007 to 3/2008)

- construction of three rental replacement buildings A2, D1 (including grade related community use space) and E2; and,
- the existing tenants at 120 & 130 George Henry Boulevard would be moved directly into a replacement unit prior to demolition.

Phase Two (3/2008 to 3/2009)

- demolition of 6-storey apartment buildings at 120 & 130 George Henry Boulevard; and,
- construction of 3-level underground parking garage on Block A (corner of Sheppard Avenue/Don Mills Road).

Phase Three (3/2009 to 3/2011)

- construction of apartment buildings A5 and A6 and townhouse block A4 for a total of 424 new units;
- construction of final rental replacement building to replace the existing buildings at 32-50 Forest Manor Road;
- phase in of the community space along the Sheppard Avenue frontage and the community centre and Child Care facility on the public park;
- construction of dual westbound left turn lanes at the Sheppard Avenue/Don Mills Road intersection; and,
- existing tenants at 32-50 George Henry Boulevard would be moved directly into the replacement units prior to demolition; and then,
- demolish existing rental townhouse buildings at 32-50 George Henry Boulevard and construct a new public road connecting Forest Manor Road to Don Mills Road.

Phase Four (3/2010 to 9/2011)

- construction of apartment buildings A7 and A8 representing a total of 389 new condominium apartment units.

Phase Five (3/2011 to 9/2012)

- construction of apartment buildings A1 and freehold townhouse units in A3 for a total of 341 units therein completing development on Block A.

Phase 6 (3/2012 to 3/2014)

- construction of apartment buildings B1, B2 and B3 for a total of 501 new condominium units therein completing development on Block B;

Phase 7 (3/2013 to 3/2015)

- construction of apartment buildings C1, C2 and C3 for a total of 574 new condominium units therein completing development on Block C; and,
- construction of apartment buildings D2 and D5 and freehold townhouse block D4 for a total of 271 new units.

Site & Area Description

The development sites are located in the 48.5 ha (120 acre) Parkway Forest neighbourhood which is bounded on the south by Highway 401, on the east by Highway 404, on the north by Sheppard Avenue East and on the west by Don Mills Road. The neighbourhood forms part of a larger community known as George Henry Farms which includes the residential subdivision of single and semi-detached homes and townhouses west of Don Mills Road. The community was developed in the late 1960's and early 1970's and was comprehensively planned to provide parkland, amenities, and a mix of housing types.

The Parkway Forest neighbourhood is comprised of 12 apartment buildings ranging in heights from 6 to 19 storeys and a series of townhouse developments. The townhouses are confined to identifiable blocks, with access to the units being primarily internal to the block. The apartments are characteristic of towers in the park, with extensive open space, mature trees and surface parking surrounding the buildings. The majority of the residences in the neighbourhood are rental units.

At the centre of the community is a public park and an elementary school (Forest Manor Public School). A fire station and a local commercial shopping plaza are located along the eastern edge of the neighbourhood next to Highway 404. The property at 121 Parkway Forest Drive, situated at the northeast corner of the community, is currently being developed under the City's "Let's Build" program with a 14-storey, 232-unit affordable housing building.

Eunice's Swim School and Recreation Centre, currently a privately owned facility, is located in the middle of the community. The facility has a gross floor area of 1,885m² (20,290 sq.ft.) and contains a swimming pool, large gymnasium, meeting room space, and a 72-space childcare centre operated by the YMCA. The recreation facility was originally designed to meet the indoor community space needs for the existing residents in the community. The facility is over 30 years old and has fallen into disrepair.

The subject properties comprise approximately 13 hectares (32 acres) of land on 5 separate development blocks which are located within walking distance of the Don Mills subway station (refer to Attachment 1). The blocks contain 1,553 residential rental units in five, 17-storey buildings (65 & 80 Forest Manor Road and 100, 110 & 125 Parkway Forest Dr), two, 6-storey buildings (120 & 130 George Henry Blvd.), and 114 townhouse units (32-50 Forest Manor Road). Three swimming pools exist on the sites: two outdoor and one indoor.

The following is a summary of the area context:

North:	Sheppard Avenue East, then Fairview Mall and TTC commuter parking lot;
South:	Highway 401, then a neighbourhood of high rise apartments in the Graydon Hall community;
East:	Highway 404, then Consumers Road Business Park;
West:	Don Mills Road, then single family dwellings.

Planning Framework

Provincial Policy Framework:

Issued under the authority of Section 3 of the Planning Act, the Provincial Policy Statement 1996, as amended in 1997, (the 1997 PPS) provides policy direction on matters of provincial interest related to land use planning and development. As with Section 2, municipalities must have regard to the PPS in exercising their authority in planning matters.

On March 1, 2005, a new Provincial Policy Statement (the new PPS) came into effect which replaces the 1997 PPS. The new PPS applies to all applications commenced on or after March 1, 2005. The application by El Ad Group was received on November 22, 2004 and is subject to the

1997 PPS provisions. The 1997 PPS recognizes that its policies will be complemented by locally generated policies regarding matters of local interest.

The 1997 PPS provides a number of policies relevant to the application including the provision of a full range of housing types and densities to meet the requirements of current and future residents, and encourages all forms of residential intensification in parts of built-up areas that have sufficient or planned infrastructure. Both rental and affordable rental housing are required to meet the needs of existing and future residents of the City of Toronto.

Metropolitan Toronto Official Plan

The Metropolitan Toronto Official Plan supports the intensification of development along major transportation corridors, such as Sheppard Avenue which is identified as a Metropolitan Corridor and particularly at key transportation nodes such as the Don Mills Subway Station.

It is also a policy of the Plan to preserve and increase the supply of affordable and rental housing. Policies direct that Council shall encourage increasing the supply of housing to achieve the Plan's housing targets in a manner consistent with the efficient utilization of land and the optimizing of infrastructure. The Plan also encourages investment in new private rental housing and the preservation and maintenance of existing rental housing.

North York Official Plan

The current Housing Policies, as included in the North York Official Plan, identify a number of areas in the former City of North York as potential reurbanization areas as designated on Map A.2. Potential areas include the North York Centre area, Key Development Areas in the Sheppard East Subway Corridor Plan and within *Sub-Centres* such as Fairview Mall and the Don Mills Centre. The Plan includes policies to assist Council in determining where and under what conditions additional reurbanization areas are to be identified. The lands are not designated in the Official Plan as a potential reurbanization area.

The lands in this proposal are located within the Residential Community of Henry Farm as shown on Map C.1.2 in the North York Official Plan. The Plan designates the subject properties as *Residential RD1, RD3, and RD4*. The residential land use categories provide for a range of housing forms at different densities. Permitted uses in *Residential* land use districts also include non-residential uses such as public facilities and amenities, community institutional uses and minor commercial uses that are ancillary to or serve the residential use or neighbourhood.

Part C.4, Section 2.6 deals with the preservation and maintenance of the City's housing supply and includes policies regarding replacement housing. It is a policy of the Plan to encourage the retention of existing rental housing and it is the intent of Council to apply the requirements of the Rental Housing Protection Act, 1989, North York's policies regarding condominium conversion policy and other applicable legislation in considering applications such as this to demolish and replace rental units. Council may require as a condition of approval the owner to enter into an agreement to deal with matters which include tenancy security and replacement rents for the existing residents. Section 2.4.3 encourages the provision of a range of housing that is affordable,

and specifically targets 25% of the housing in a multiple unit residential building greater than 20 units to be affordable.

Part C.4, Section 4, deals with limited intensification in stable residential neighbourhoods with the intent to conserve, protect and enhance these areas. It is a policy of the Plan to permit intensification if it is considered desirable and appropriate in order to rejuvenate or enhance the viability of a residential neighbourhood. Intensification includes improvements or enlargements of existing buildings, new housing and new lots on underused parcels of lands, or the construction of replacement structures. The Plan establishes general development criteria designed to ensure the continued stability and regeneration of a residential neighbourhood. Development of new housing should maintain appropriate land use performance standards, maintain or create compatible built form relationships, and shall be designed such that the scale, built form and massing of new development is sensitive to the physical character of the surrounding neighbourhood. Development should also be sensitive to the physical character of adjacent residential neighbourhoods so as to provide appropriate transitions in height and create no significant adverse impact in terms of overview, shadowing, loss of privacy or loss of significant views.

Part C.4, Section 5 of the Plan establishes general development criteria and sets out criteria to guide the redesignation of residential lands to higher density. These criteria include: the adequacy of community facilities and services; transportation impacts; the proximity to public transit and arterial roads; the adequacy of public infrastructure; site suitability to accommodate proposed development; the development of well-balanced communities in terms of the mix of housing types, forms and costs; the proximity of the site to existing clusters of high density residential development; the impact on the stability of adjacent residential lands; and, net benefits for residents for on-site facilities and improvements. Such applications are also to be evaluated on the basis of the General Development Criteria found in Section 4.2 of the Plan. These criteria address matters of compatibility, the application of appropriate development standards and design features, and consideration of community standards related to municipal services and parks and open space.

Sheppard East Subway Corridor Secondary Plan

The proposed development falls within the boundary of the Sheppard East Subway Corridor Secondary Plan (OPA 392), Part D.15 of the North York Official Plan. This Plan was adopted by former North York Council on December 11, 1996 and covers lands along Sheppard Avenue East between Bayview Avenue and Highway 404.

Each subway station is identified in the Plan as a “node area” which is envisioned as a focal point for development to reflect the nature and character of the communities around the subway station. New development in the Don Mills Node is to be focused at Fairview Mall and on other lands relating to Sheppard Avenue and the Don Mills subway station.

The Plan promotes a balance of development to support the subway line while protecting and enhancing stable residential communities. The Secondary Plan development strategy identifies where development should occur and further identifies where development should occur within

the development nodes areas. Specific “Key Development Areas” were identified in the Secondary Plan based upon:

- focusing development around the subway stations (Bayview, Bessarion, Leslie, and Don Mills);
- areas most likely to develop in the short to mid term; and
- existing uses, designations and land assemblies.

The Plan states that significant development is to proceed first in the identified Key Development Areas. However, prior to review of the Plan, official plan amendments to allow significant developments outside the key development areas may be enacted by Council if a substantial amount of development has occurred in the key areas. The Plan sets out criteria to guide Official Plan amendments for new key development areas.

The Plan further provides for the preparation of Context Plans in the Key Development Areas to provide for a comprehensive reurbanization approach for large developments.

The current policies of the Sheppard East Subway Corridor Secondary Plan have been carried forward and incorporated into the new Toronto Official Plan.

New Toronto Official Plan

At its meeting of November 26-28, 2002, City Council adopted the new Official Plan for the City of Toronto. The Minister of Municipal Affairs and Housing approved the new Plan, in part, with modifications. The Minister’s decision has been appealed in its entirety. The Official Plan is now before the Ontario Municipal Board. Although portions of the new Official Plan are not in force and effect, its policies reflect the latest work of City Planning staff and represent City Council’s current position on the importance of preserving the existing supply of rental housing and affordable housing.

Once the Plan comes into full force and effect, it will designate the majority of the lands as *Apartment Neighbourhood* with the exception of the townhouse lands (32-50 Forest Manor Road) which will be designated as *Neighbourhood*.

The *Apartment Neighbourhood* designation permits apartment buildings, parks, local institutions, cultural and recreational facilities, and small-scale retail, service and office uses that serve the needs of area residents. Development criteria in *Apartment Neighbourhoods* as set out in Section 4.2.2 includes:

- (a) locating and massing new buildings to provide a transition between areas of different development intensity and scale, as necessary to achieve the objectives of the Plan, through means such as providing setbacks from and/or a stepping down of heights towards lower-scale *Neighbourhoods*;
- (b) locating and massing new buildings so as to adequately limit shadow impacts on properties in adjacent lower scale *Neighbourhoods* particularly during the spring and fall equinoxes;

- (c) locating and massing new buildings to frame the edge of streets and parks with good proportion and maintain sunlight and comfortable wind conditions for pedestrians on adjacent streets, parks and open spaces;
- (d) providing indoor and outdoor recreation space for building residents in every significant multi-unit residential development.

The Plan states that *Neighbourhoods* and built up *Apartment Neighbourhoods* are considered to be physically stable areas where significant growth is generally not anticipated. The Plan states however, there may be opportunities for additional townhouses or apartments on underutilized sites and sets out additional criteria to evaluate these situations. Infill development that may be permitted on a site containing an existing apartment building will:

- (a) maintain an appropriate level of residential amenity on the site;
- (b) create a community benefit for existing residents on site;
- (c) maintain adequate sunlight, privacy and areas of landscaped open space for both new and existing residents;
- (d) organize development on the site to frame streets, parks and open spaces in good proportion, provide adequate sky views from the public realm, and create safe and comfortable open spaces;
- (e) provide adequate on-site, below grade, shared vehicular parking for both new and existing development, with any surface parking appropriately screened;
- (f) preserve and/or replace important landscape features and walkways and create such features where they did not previously exist;
- (g) consolidate loading, servicing and delivery facilities; and,
- (h) preserve or provide adequate alternative on-site recreational space for residents

The Housing policies of the new Plan includes a large-site policy that requires large residential developments generally greater than 5 hectares (12 acres) in size to achieve a mix of housing in terms of type and affordability. Specifically, 20% of the new residential units approved beyond what would otherwise have been permitted shall be affordable housing.

The Housing policies also speak to intensification proposals where some existing rental buildings will remain and where the demolition of rental units is proposed. Section 3.2.1 states that significant new development on sites where existing rental units will be kept in the new development will secure the existing rental housing units, with either affordable or mid-range rents, as rental housing and that there be no pass-through of costs for any needed improvements and renovations to the existing rental housing in the rents to the tenants. In terms of rental unit demolition, the Plan sets out policies that require the replacement of rental units approved for demolition and sets out criteria dealing with the replacement units, rent levels and tenant relocation and assistance plans.

The Community Services and Facilities policies of the new Plan includes a policy that requires a community service strategy and implementation mechanisms for residential or mixed use sites generally larger than 5 ha to inform the range of facilities needed to support development.

Zoning

The lands are zoned RM6 (Multiple Family Dwellings Sixth Density Zone). This zone permits apartments and townhouses, as well as less intensive residential forms, group housing, hospitals, nursing homes, religious institutions, sanitarium, and various other recreational and institutional uses. The zoning regulations permit a maximum density of 150% of the lot area (or 1.50 FSI).

Site Plan Control

Site Plan Approval is required for the proposed development. To date, an application has not been filed.

Reasons for the Application

The Official Plan designation does not permit the extent of the proposed residential use and the commercial uses. The RM6 zoning does not permit the proposed density, built forms and commercial uses.

Community Consultation

Residents and local agency groups have been involved throughout the application review process. As directed by City Council, City staff, in consultation with the Ward Councillor, developed a community consultation strategy because the applicant was supportive of revising their applications.

With respect to tenants affected by the proposed demolition, City Planning staff and the Ward Councillor met with the tenants on two occasions. The first meeting was held on January 19, 2005 and a subsequent meeting for the tenants of the buildings affected by the proposed demolition was held on February 15, 2006. Both meetings provided information on the relevant City policies, tenant rights and future expectations if the application should proceed. Furthermore, a survey was circulated to the tenants located in the buildings to remain. The survey asked tenants to identify areas for improvement of their buildings. The results will help form an appropriate list of improvements to be made to the remaining buildings so as to ensure their long term rental viability. Many tenants attended the community consultation meeting including a follow up meeting held on February 22, 2006.

In terms of engaging the broader community towards developing a working group process City Planning staff and the Ward Councillor held the first community consultation meeting on June 2, 2005 to get the consultation process underway. The meeting was very well attended. At that time several members of the community volunteered to meet on a monthly basis as a Steering Committee to work with the City and the applicant to develop a revised proposal. Members of the public and local agency groups, City staff from Planning, and the applicant all provided input into the conceptual design options. Over the course of nine months, working groups were set up to discuss matters pertaining to transportation, built form and urban design, community services and facilities, and housing. Planning staff also consulted with City staff from other departments such as the Parks Division and Technical Services during the course of the consultation process.

In general, comments throughout the consultative process have focused on the following areas of concern:

- (a) built form, including height and massing, particularly with respect to its fit with the immediate area and its impacts including shadows;
- (b) density and crowdedness;
- (c) open space;
- (d) the lack of community services and facilities in the neighbourhood;
- (e) the protection of affordable rental housing and plans for existing tenants;
- (f) the proposal and its relationship to the local pedestrian environment;
- (g) the existing traffic congestion and infiltration in the area and the traffic resulting from the proposal and potential impacts on the local street network; and,
- (h) phasing.

The Ward Councillor and City Planning attended a community consultation meeting on March 21, 2006 to inform residents in the Parkway Forest neighbourhood and neighbouring Henry Farm neighbourhood on the results of the Steering Committee work and process.

Comments:

The initial staff report recognized that redevelopment of this site presents an opportunity to achieve a number of community planning objectives, but that ultimately, the development concept should represent a balanced approach to city building.

The previous report identified the following areas of concerns:

- density distribution and building heights;
- the location and organization of buildings including appropriate built form relationships to the street, open spaces and adjacent buildings ;
- appropriate Section 37 community benefits;
- net improvements for existing tenants and minimizing tenant hardship during site construction;
- securing unit mix, rents, and assistance for tenants should a revised proposal include the demolition and relocation of rental housing units;
- securing affordable housing units in accordance with the policies of the North York and New Toronto Official Plans;
- a traffic analysis to assess transportation and parking impacts associated with any new development; and,
- a community services and facilities strategy to inform the range of facilities needed to support development.

Urban Structure

The Parkway Forest neighbourhood has the potential to accommodate a scale of development above the as-of-right permission provided planning policy relating to affordable rental housing retention or replacement, tenant assistance, community services and facilities, transportation and servicing infrastructure, and built form/urban design matters are appropriately addressed.

Both the North York Official Plan and the policies of the New Toronto Official Plan identify appropriate locations for new growth. The North York Plan identifies these areas as Potential Reurbanization Areas which are concentrated around major intersections, at nodes and along arterial road corridors including areas such as the North York Centre, in Sub-Centres (such as Fairview Mall and the Don Mills Centre), and in Key Development Areas identified within the Sheppard Corridor. The intent is to focus major development and intensification to areas where transit, infrastructure, and community services and facilities are available and where such redevelopment creates an opportunity to make more effective and efficient use of these services, facilities and amenities without any undue expense to the City. The Plan recognizes that additional areas may be added from time to time to identify additional opportunities for housing, direct development away from stable residential neighbourhoods, or to revitalize residential neighbourhoods or employment areas.

Intensification in this area meets the City's urban structure principles. The sites are large enough to accommodate additional development, could satisfy the built form and transition policies of the Plans, and help rejuvenate or enhance the neighbourhood through reinvestment.

Designating New Key Development Areas in the Sheppard Corridor

While the Secondary Plan limits redevelopment to the Key Development Areas, it also provides guidance for the long-term growth in the corridor and the identification of new Key Development Areas. Consideration of including a new Key Development Area in the Secondary Plan is based upon the proximity to the subway; the ability of the site to accommodate new development while respecting surrounding stable residential areas; and the ability of the site to meet the objectives of the Secondary Plan.

It is a policy of the Plan that significant development first proceed in the identified Key Development Areas. Before any Official Plan amendments to add new development areas are considered by Council, a substantial amount of development must occur first in the designated areas. The Plan includes a set of criteria to guide Official Plan amendments to add new areas for subway-related development.

Council established that a substantial amount of development had occurred in the Sheppard Corridor when the first amendment was approved in May 2002 for the Clairtrell development area. With approximately 725,000m² (7.8 million sq.ft.) of development built, under construction, approved or under review in the Key Development Areas at that time, Council considered it timely and appropriate to consider new development areas given the amount of development activity that had occurred. This activity not only included projects completed, but also included developments that had been approved (with the planned infrastructure necessary to accommodate the development) and zoning amendment applications that were under review to implement the goal and objectives of the Secondary Plan.

Since that time, development has increased. Approximately 242,456m² (2.6 million sq.ft.) of development has been built and approximately 668,589m² (7.2 million sq.ft.) has been approved for a total of 911,045m² (9.8 million sq.ft.).

As stated above, once a substantial amount of development has occurred in the existing Key Development Areas, the following criteria guide Official Plan Amendments to add new areas for subway-related development:

- the proposal is consistent with the policies of the secondary plan;
- the proposed development will enhance and preserve nearby stable areas, particularly designated stable residential areas;
- the proposal includes a parcel of land large enough to comprehensively implement the principles of the plan; and,
- the proposed development responds to further improvements to the rapid transit system such as the extension of the Sheppard Subway east of Don Mills Road.

The Secondary Plan indicates that in order to consider a new area as a Key Development Area, the proposal must be consistent with the policies of the Secondary Plan. The goal of the Plan calls for appropriate, high quality development in support of, and to take advantage of, the large public investment in rapid transit. Development is also to be focused within walking distance of the subway stations. The key objectives of the plan to achieve this goal include:

- the protection and enhancement of stable residential areas outside the Key Development Areas;
- development that is supportive of transit with the highest densities generally located closest to the subway stations;
- compatible transitions in height and scale between higher density mixed use areas and those existing designated stable residential areas;
- development is to be managed within the capacity of existing and committed transportation and servicing infrastructure; and,
- the provision of sufficient community amenities to serve future residents.

A Key Development Area at this location would take advantage of the large investment in public infrastructure. The sites are within walking distance (500 metres) of the Don Mills Subway and are of sufficient size to meet the urban design principles of the Plan. As well, the proposed development would respond to further improvements to the rapid transit system such as the extension of the Sheppard Subway east of Don Mills Road and the Rapid Bus Transit improvements currently proposed by the TTC and the City along Don Mills Road.

It is important to note that a Key Development Area in this area would be quite distinct from other lands that have been designated in the Corridor. Other comprehensive Key Development Areas such as the Canadian Tire lands, NY Towers or the Clairtrell area did not involve the retention of existing residential development. The sites along the Sheppard Avenue frontage of the subject lands maintain existing 17-storey apartment buildings while new development sites are effectively created along the Don Mills Road frontage as a result of demolition. Each site therefore has its own constraints and not every site could accommodate a similar scale of development. A key consideration in identifying a key area will be providing compatible infill development while providing good residential amenity and quality of life for new and existing residents.

However, it is not appropriate to include Block E as a Key Development Area as:

- the site does not front onto an arterial road and is situated within the interior of the neighbourhood immediately north of a public park and school;
- the site relates to an existing neighbourhood and all of the existing residential apartment buildings are being maintained on this site;
- this site is adjacent to existing low density townhouse development to the east.

Development on this site warrants a different approach than the sites along the arterial road corridors. Development should be guided by the development criteria found in Part C.4, Section 4 of the North York Official Plan that deals with limited intensification in neighbourhoods. Intensification on this block should be at a moderate level such as medium rise apartment buildings to conserve, protect and enhance the existing elements of the neighbourhood.

Through discussions with the applicant and members of the Steering Committee the current proposal reflects this more moderate approach. Recognizing the need to deal with the existing built form context and interface with the public park, the applicant eliminated a 39-storey tower proposed on the south edge of the site overlooking the parkland in favour of what is currently being proposed as an open space extension of the public park. Infill rental replacement buildings have been proposed in areas where surface parking lots currently exist with 7-storey building heights that conform to the 1:1 street portion policy. In accordance with the density policy on limited intensification the density is 1.9 FSI.

In view of the above, staff is recommending that Block E not be designated as a Key Development Area. Staff is recommending that Blocks A, B, C and D be designated as a Key Development Area. Recognizing that Blocks A and D maintain existing 17 apartment buildings, new development would need to be organized in a sensitive manner and provide good residential amenity and quality of life for new and existing residents.

Density

The Official Plan states intensification may be permitted within neighbourhoods when such intensification is desirable and appropriate in order to rejuvenate or enhance the viability of a residential neighbourhood. As well, redesignation maybe appropriate when the location represents an opportunity to create additional housing or a mix of housing to take advantage of physical infrastructure, community services and facilities, transportation facilities and to meet the housing needs of residents without undue expense to the City.

Most importantly, the proposed new housing will take advantage of the Sheppard Subway. The application also represents an opportunity to increase the mix of tenure with a neighbourhood where the majority (67%) of the housing is rental. The proposed buildings will be condominium ownership.

Under the housing polices, Council may consider intensification where there is a need for reinvestment or where existing land uses or buildings are considered to be obsolete or underutilized. The existing land uses could be considered to be underutilized given the location adjacent to the Sheppard Subway and the Sheppard Corridor policies. An opportunity exists here

to consider higher density and take advantage of the Sheppard Subway. The Secondary Plan encourages an increase in housing with 500 metres of a subway station. All of the proposed sites are within 500 metres of the Don Mills Subway. Provided the development replaces the loss in rental housing and can be accommodated by community services and physical infrastructure, and can fit on the sites, intensification also presents an opportunity to achieve some net benefits of reinvestment and improvements in the buildings to be retained. It is staff's view that the sites along the arterial road edges of the neighbourhood are sites that could be designated as a Key Development Area.

Map D.15.2 of the Sheppard East Subway Corridor Secondary Plan (OPA 392) sets out maximum densities in the designated Key Development Areas between 2.0 and 3.5 FSI. The maximum densities are determined by examining built form, urban design objectives, community resources, infrastructure capacity and the need to address potential impacts on stable land uses and areas beyond the boundaries of the Sheppard East Subway Corridor Secondary Plan.

The lands are large enough to implement the principles of the Plan and given their location the development proposed on these sites can protect and preserve nearby designated stable residential areas. The proposed development also responds to future proposed improvements to the transit system such as the extension of the Sheppard Subway east of Don Mills Road and the potential transit improvements along Don Mills Road.

It is recommended that the overall density on these arterial frontage lands be reduced from 3.9 FSI to a maximum of 3.5 FSI. This would result in a reduction of dwelling units and would address built form policy issues and road capacity issues described later in this report. This density assignment is considered appropriate given the site context and would be within approved density limits along the Sheppard Corridor. New development would need to be organized in a sensitive and appropriate manner and provide good residential amenity and quality of life for new and existing residents.

Density Incentives

The Secondary Plan provides density incentives for the provision of specific facilities or public objectives. The gross floor area of such facilities is exempt from the calculation of densities. The proposal has utilized the following incentives:

- private indoor recreational uses: gfa exempted;
- provision of a public community centre to be owned by the City and constructed and equipped to Council's satisfaction: gfa exempted and 3x gfa is available as an incentive;
- a new child care facility: gfa exempted and 4x gfa is available as incentive;
- direct underground pedestrian connection to transit terminal: gfa exempted.

Secondary Plan Monitoring

A policy of the Secondary Plan requires that the impact of development on the public infrastructure that serves the Sheppard Corridor be monitored on an on-going basis in the areas of transportation, community facilities, and sanitary sewer and water supply. To ensure the

infrastructure keeps pace with the rate of intensification, development will not be permitted to proceed until it can be demonstrated that the development can be properly served. The review of transportation, community facilities and servicing monitoring are discussed in this report.

Development Concept and the Site:

The neighbourhood was developed as a “planned garden neighbourhood” with a curvilinear road system defining large development blocks, focused around a central park and school. In keeping with the concept, the site developed with many slab type apartment buildings up to 17 storeys set in the middle of the large blocks, with landscaped open space, parking and drop off, and loading located around them. Townhouses were developed on some blocks with private pedestrian lanes in a grid like pattern. These were focused internally away from the surrounding streets. Pedestrian paths were designed to move through the middle of these blocks in landscaped open space as opposed to the traditional movement along public sidewalks. The site is now 40 years old and the park, the streets, and the private open space has mature trees and the neighbourhood has the character of a park or a garden. The present layout and design of the neighbourhood is compromised as the area remains most accessible by car, pedestrian paths are often indirect, poorly connected and not transit supportive, and open spaces are poorly defined.

Planning staff have worked with the Developer and the Working Group to develop a “Concept” that has balanced the need to respect and enhance the ideas of the original plan and unique neighbourhood character and work within the policies of the Official Plans.

New Streets:

Additional streets are planned to provide improved circulation for cars and pedestrians, to create clear new blocks for development and to provide a connected open space system. A new public street is planned dividing the existing townhouse site south of George Henry Boulevard into two development blocks (B and C) providing improved access to the neighbourhood from Don Mills Road. As well, two new private streets are proposed which divide the large blocks A, D and E into new smaller blocks to allow for new development. They have been provided so as to join the two northern most blocks diagonally south to the park, school and proposed community centre, linking these blocks and the subway in a safe direct manner. These streets are private because of their location over existing underground garages making them unacceptable for public roads. These private streets will fulfill the role of a public street as defined by the Official Plan.

Location and Organization of Buildings:

The development concept has located buildings in a manner which balances the desire to respect and enhance the garden or park-like setting of the neighbourhood while improving the definition, support and safety of this connected open space system including the streets (public and private), public parks, and private open spaces, in keeping the principles of the Official Plan.

Within the neighbourhood there will be generous landscaped setbacks from streets and large publicly accessible landscaped courtyards which will be open to the streets to maintain a park-like character. The development concept has avoided creating corridor street conditions where buildings face each other across a street, except on the perimeter arterial roads. The buildings are

intended to have ground floor uses to help animate and enhance the safety of streets and open spaces. A range of housing types from townhouses to tall buildings has been planned in keeping with Official Plan policy. New building sites have been selected to maintain visual and physical access to the entrances of existing apartments. Loading, servicing uses and surface parking have been located to promote shared use of these facilities, and minimize impacts on streets, parks, open space, and adjacent buildings. Existing surface parking lots have been removed to enhance the green park-like setting of the neighbourhood.

Massing and Height Policies:

The proposal has been evaluated to ensure the development meets the policies and objectives of the Official Plan and Sheppard East Subway Corridor Secondary Plan and appropriately addresses the surrounding context and Council's built form objectives.

With the exception of parcels of land fronting directly onto Sheppard Avenue East, the development policies in the Sheppard East Subway Corridor Secondary Plan do not express specific heights for development parcels within the Corridor. Rather, the policy states within comprehensive development areas, the highest densities and heights are directed to two general locations along the Corridor: along the Highway 401 and locations closest to the subway nodes and along the frontages of arterial roads. The policy goes on to direct that heights should step down toward stable residential areas and sets a 45 degree angular plane standard on transition and massing relationships.

Sheppard and Don Mills Frontages:

The existing development is largely internally focused and does not take its address from either Don Mills or Sheppard Avenue. The proposed development concept focuses development along the arterial edges of the neighbourhood with an intention to create safe, comfortable and amenable ways to access the subway and provide development density to support it. The buildings will have uses at grade to support the adjacent sidewalks and are set back to allow for the extension of the Sheppard Streetscape Plan and allow for the preservation of the landscaped berm that is part of the Don Mills Road character. The Plan includes a series of urban design principles to generally guide building setbacks, height and massing of buildings along the Sheppard Avenue frontage.

Along the Sheppard Avenue frontage, there is a desire to relate the height and mass of development to a pedestrian scale while, at the same time, frame the street edge at a scale that balances with the 1:1 street width. In those areas that are not at major intersections or that are not considered to have the greatest accessibility to public transit, the maximum height of buildings will be 6-storeys.

However, the principles go on to state that exceptions to this maximum height standard may be accommodated through the treatment of bulk and mass of buildings, as well as detailed elevation articulation. These treatments would include features such as terracing and/or limiting the amount of bulk and mass of the upper floors that rise above the 6th floor level, or through the detailed articulation of the building elevation, such as a change of building materials. Council may enact zoning by-laws that provide for these exceptions to the maximum height standard

without amendment to the Secondary Plan where it can be demonstrated that the intent of the Plan has been respected.

This project proposes 7 storey buildings along Sheppard Avenue and 7-9 storeys and along Don Mills Road. Along the Don Mills frontage these buildings become bases for taller buildings, described in more detail in the tower and transition section. The applicant will need to demonstrate that the urban design intent of the Secondary Plan has been respected. The buildings should include a 2-storey base treatment at street level and through the treatment of bulk and mass will need to incorporate creative architectural features including terracing and detailed elevation articulation to create a built form that enhances the street edges and reinforces the expression of 6 storeys.

Street Proportion:

Street proportion is the relationship between the height of buildings on each side of the street and the width of the space between those buildings. The Secondary Plan states that generally, buildings should be designed based on a 1:1 height to street width ratio. Exceptions to this standard may be accommodated through the treatment of bulk and mass of buildings as well as detailed elevation articulation.

In keeping with this policy, low scale townhouses and mid-rise buildings up to 7 storeys are planned along street frontages on all blocks. With the exception of building A1, located on the north side of George Henry Blvd, the proposed buildings would meet this policy. Designed as a slab building, Building A1 extends across the full frontage of George Henry Boulevard with a series of terraces stepping from 7-storeys at Don Mills Road to 15 to 20 to 25 storeys. The Forest Manor Road frontage includes a 7-storey podium element. This building is out of proportion with the street space and should be modified to meet the policy objective. This could be achieved by providing a streetwall building consistent with other proposed streetwall buildings under the 1:1 street width ratio or by means of a point tower that steps back from its base building that is oriented in a manner that minimizes shadow and wind conditions on adjacent streets and open spaces. Should a tower be considered, the height should be no higher than the proposed 25 storeys.

Towers – buildings above the 1:1 relationship:

Buildings that rise above the 1:1 street proportion have been limited to Blocks A, B and C. These taller buildings have been located on the block adjacent to the subway in keeping with Official Plan policy and along Don Mills frontage. Generally the taller parts of buildings are located above base buildings and stepped back from the podium to create more acceptable impacts on sky view, light and wind. On Block A, the applicant is proposing two 36-storey towers at the corner of Don Mills Road and Sheppard Avenue with a 7-storey podium to frame the street edge and include grade-related retail. The design includes an open gateway between the buildings to provide a public entrance to a new private street that connects to the central portion of the neighbourhood where the public park and potential community centre is positioned. The proposed towers will have acceptable shadow impacts on the surrounding context including the low density residential neighbourhood west of Don Mills Road. The

proposed heights are similar to other residential buildings found along the Don Valley/Highway 404 corridor.

It is policy of the Secondary Plan that generally, the highest heights and highest densities should be promoted closest to the subway stations. In this regard, the applicant is proposing a pair of 36-storey buildings at the corner of Don Mills and Sheppard Avenue. Notwithstanding this policy, it is an objective of both the Official Plan and Secondary Plan that development respond sensitively to nearby stable, low density residential uses and minimize the adverse impact of built form on homes. In view of the existing condominium townhouse development directly opposite Block A, on the west side of Don Mills Road, staff is recommending that the height of the 36-storey building along the Don Mills Road frontage (Building A6) be reduced to appropriately address this policy objective.

The proposal includes a 17-storey building at the eastern edge of the site on Block D that is compatible with the existing 17-storey apartment building on site and the neighbouring 14-storey apartment building. However, its relationship with Sheppard Avenue needs to be reconsidered. Floors above the 6-storey height will need to be stepped back from the podium and articulated to meet the urban design policy of the Plan.

Tall buildings up to 25 storeys have been proposed for Block C and B. These tall buildings are located in the middle of the block, stepping up from 7-9 storey base buildings long Don Mills Road and Forrest Manor Road. These buildings are described below in relationship to the Henry Farm neighbourhood.

Buildings on Blocks B and C:

The urban design principles of the Secondary Plan state that development should respond to the nearby low density residential uses and minimize the adverse impact of built form on single detached residences through compatible transitions in density, height and scale. To minimize the impact of new development on existing uses, particular attention is given to the height relationship between new development and stable residential communities outside the development nodes. The building heights along the Don Mills Road frontage on Blocks B and C have been arranged to respond to the nearby stable residential community by satisfying the 45 degree height relationship through terracing/stepping.

Concerns have been expressed with the design of buildings A1 and A6 on the north side of George Henry Boulevard. Blocks B and C also propose slabs that step up from 15 to 25 metres, between the 7-9 storey base buildings along Don Mills Road and Forest Manor Road. These building slabs on Blocks B and C extend 70 to 100 metres in length. Additional modifications to building massing are recommended to reduce the length of these slabs and to improve the impact of shadows, and sky view along Don Mills Road and from the neighbourhood.

Building D7

There is a small forested park in the north east corner of the neighbourhood next to the existing Fire Station. The land was conveyed to the City for parks purposes when Council approved the apartment building currently under construction at 121 Parkway Forest Drive (Verdiroc).

It is recommended that Building D7, immediately west of the park and in proximity to an existing outdoor swimming pool, be removed to further enhance the visual and physical access to this park from Parkway Forest Drive and to the larger park system. A shared driveway with the Verdiroc building currently under construction at 121 Parkway Forest Drive is encouraged to reduce paved areas through the park and the Verdiroc building and ultimately connect the small park to the larger central park in a more direct manner.

Summary of recommended changes to built form:

Blocks A, B, C

The 36-storey tower along Don Mills Road shall be reduced in height to minimize the adverse impact of built form on the lower density residential neighbourhood west of Don Mills Road.

Base buildings and/or streetwall buildings along Don Mills Road and Sheppard Avenue East should include a 2-storey base treatment at street level. Floors above the 6th level shall incorporate creative architectural features including terracing and detailed elevation articulation to reinforce the expression of 6 storeys.

Buildings above the base building, limited to those perpendicular to the Don Mills frontages on Blocks A, B and C require changes to reduce the impact of these buildings on sunlight and sky view from adjacent streets, open spaces and the Henry Farm Neighbourhood to the west. Proposed heights are acceptable but the proposed reductions in density will reduce the building mass and bulk above the base condition and improve sky view and sunlight. In particular Building A1 needs to be redesigned to meet the policy objective for streetwall buildings and the 1:1 proportion. Alternatively, a point tower above a base building may be considered. The height of the tower should be no higher than what is currently being proposed for this building at 25 storeys.

Block D

Building D5 located west of the existing park should be removed and the site remain as open space. A reduction in density on the block would allow for a private open space to be created east of the existing park that will visually and physically connect this space to the public park. Removal of building D5 will also improve the visual connection of the apartment building at 121 Parkway Forest Drive to the neighbourhood. A shared access through the block to connect with 121 Parkway Forest Drive should be explored to define the edge of park and open space and connect it to the central park, public school, and community centre.

Building D2 along Sheppard Avenue be redesigned so that the floors above the 6th floor are designed with creative architectural features including terracing and detailed elevation articulation.

Block E

No changes are recommended.

In summary, further refinement of building siting and massing are encouraged to bring this development more in conformity with the Secondary Plan policies regarding built form and densities. Details of all proposed buildings will be dealt with as part of the review of the site plan

application. The report recommends that the OMB hold its Order approving the development until the owner has applied for and received Context Plan approval which will include phasing and design guidelines. Staff will continue to negotiate these matters with the applicant.

Pedestrian Comfort – Shade, Sky view, Wind conditions

A policy of the Secondary Plan, as well as the City of Toronto Official Plan, addresses the issue concerning light and shadows. The Secondary Plan states that building height and massing should minimize excessive shadowing, wind or snow drifting effects within blocks, along streets, and within open space areas. Council has adopted Pedestrian Comfort Guidelines to ensure that wind conditions are generally compatible with outdoor activity.

The applicant's architect has submitted a Sun/Shadow study to assess the sunlight and shade effects along public streets, in outdoor recreational areas, and in nearby properties at certain times on March 21 and September 21. Changes recommended in this report will improve the shadow and sky view impacts.

A Pedestrian Level Wind Study is required to evaluate the wind conditions resulting from the proposal on the comfort levels of pedestrians at various times of day, throughout the year. The Study will also recommend measures to be incorporated into the building design to mitigate the impact of winds, if required.

An initial Pedestrian Wind Study was submitted with the original application. Staff is recommending further testing be undertaken to determine whether or not the comfort conditions resulting from the proposed development are acceptable. Should results of a study determine mitigation is necessary in terms of refinement of building massing and organization, details of the mitigating measures will need to be secured as part of the zoning amendment and/or site plan approval process depending on the extent of necessary mitigation.

Transportation – Traffic, Parking, Monitoring

The Secondary Plan's transportation policies can be summarized by its two main goals: first, that development in the plan area proceed only if or when sufficient transportation infrastructure is in place to support it; and, second, that existing neighbourhoods north of Sheppard Avenue be protected from the impact of development-related traffic. Traffic Impact Studies are required by the Plan for any proposed development in the corridor larger than 5,000m².

The applicant submitted a Transportation Impact Study and subsequent updated study and submissions based on the revised proposal. The submitted material took into account traffic generated by future residents of the proposed buildings in the context of existing, under construction, and approved development in the corridor. The findings of their study indicate that the projected volumes associated with this development proposal can be accommodated assuming the following proposed road improvements:

- (i) the introduction of dual westbound left turn lanes at the Sheppard/Don Mills Road intersection; and,

- (ii) a new public road connecting Don Mills Road at a location approximately mid-way between Sheppard Avenue and Parkway Forest to allow for signalization and all movements to and from Don Mills Road into the community.

The report recommends the above road improvements would be completed with full occupancy of Phase 3, that is, after 424 new dwelling units have been constructed.

Transportation Services staff has reviewed the findings and conclusions of the study and has undertaken their own evaluation of the transportation requirements with the proposed development. Specifically, the Division has assessed the specific requirements of the development phases provided by the developer. The assessment was based on field observations undertaken by the Traffic Operations unit. Technical review of the application was undertaken by the Traffic Planning unit in Transportation Services in consultation with staff in Transportation Planning in the City Planning Division.

Transportation Services Division has advised that up to 1,655 new dwelling units can be accommodated with the following sequence of road improvements:

- no requirements for new transportation infrastructure are necessary for the first 424 new dwelling units contemplated in the first 3 phases;
- prior to the beginning phase 4 and the construction of the 425th new dwelling unit, a Traffic Management Plan for the area shall be submitted for review and implemented. The Traffic Management Plan, future monitoring of traffic conditions, associated road improvements, and traffic impact reviews will have to be undertaken at the developer's cost. The trigger on the submission and implementation of the Traffic Management Plan would need to be secured through a holding provision in the implementing zoning by-law;
- to accommodate the proposed 389 dwelling units in Phase 4, the development would require the construction of the new road and signalized intersection connecting Don Mills Road to Forest Manor Road;
- to accommodate the proposed 842 new dwelling units planned in Phases 5 and 6, the development would require the westbound double left turn lane on Sheppard Avenue East at Don Mills Road. However, given the extended time frame on the proposed construction of these phases and the impact of other traffic and transit improvements in the area, these phases should be preceded by a Traffic Impact Study to determine the timing of the westbound double left lane construction as well as any other improvements which might be identified at that time. As above, the trigger on the submission of this Study needs to be secured through a holding provision in the implementing zoning by-law; and,
- the development level contemplated in Phase 7 cannot be supported at this time. Therefore, a holding provision in the site specific official plan amendment is recommended on the remaining dwelling units and be subject to an acceptable Transportation Study being completed prior to the release of the hold.

Transportation Services staff have determined that lands will need to be conveyed at no cost to the City along Sheppard Avenue to accommodate the potential westbound double left turn.

Phasing Concerns:

Based on the proposed phasing of the development, it is conceivable that with the demolition of the existing rental townhouses necessary to accommodate the proposed public road, Block C, located south of the road, will remain vacant for a period of a minimum 3 years and development of these lands could proceed only when sufficient transportation infrastructure is in place. The interim condition of this site and maintenance thereof should be reviewed and secured through the plan of subdivision.

Parking

The Official Plan encourages development at locations well served by a full range of transportation options so as to reduce reliance on automobiles. The site is in proximity to public transit operations (both surface routes and the subway system) and its location provides convenient walking and cycling opportunities to a range of destinations.

Parking in the Sheppard Corridor is capped to ensure that developments do not provide excessive numbers of spaces and thereby attract auto-oriented users. In order to achieve this goal, parking rates in the corridor are set on a site-by-site basis depending on factors such as distance to the subway, unit size and unit type.

In view of the sites proximity to the Sheppard Subway line, Transportation Services will support a reduced parking rate of a minimum of 1.2 to a maximum of 1.4 parking spaces/new condominium apartment unit and townhouse unit and 1.0 to 1.2 parking spaces/rental replacement unit. Both rates include 0.20 spaces/unit for visitors.

For the commercial-retail portion of the development, a parking rate of 1 parking space per 28m² of gross floor area is required by the zoning by-law however, given the proximity of this space to the subway station, Transportation Services is prepared to support a shared parking arrangement between the residential visitor parking spaces and the proposed commercial uses on site. This approach is consistent with other developments along the Sheppard Corridor adjacent to a subway station.

New community use space along the Sheppard Avenue frontage and a community centre in the public park are proposed. A parking rate of 1 parking space per 28m² of gross floor area is required by the zoning by-law. A parking study will need to be undertaken to determine the appropriate parking rates for the community use space and proposed Community Centre. Given its location next to the subway and potential for shared parking, a reduced rate should be considered for the community use space. A reduced parking rate should also be considered for the Community Centre given the facility would be within walking distance of the population it primarily serves.

Transportation Monitoring

The Plan calls for regular monitoring of transportation conditions in the Corridor. Monitoring the transportation characteristics in the corridor began with a baseline profile in 2002, prior to the opening of the subway and occupancy of new development in the corridor to establish a baseline

for future monitoring. The next formal program is currently underway. The results of this round of monitoring will be compared to those from 2002 to track any changes in traffic patterns that have occurred since the subway opened and development has been occupied in the corridor.

The monitoring program is funded mainly through contributions from developers working in the Sheppard Corridor. It is recommended that a contribution of \$20,000.00 toward the monitoring program be secured through the Section 37 agreement.

Development Infrastructure Policy and Standards Review

The application proposes three private 8.5 metre wide roads which provide for private curbside garbage collection for the townhouses. The roads are designated a Fire Route and designed to facilitate emergency access and service vehicles. The applicant has indicated that they are willing to enter into an agreement ensuring the roads are publicly accessible.

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

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

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

The application was submitted in November 2004, prior to City Council's direction on the Development Infrastructure Policy and Standards Review. Staff has worked with the applicant to address City concerns relating to the private roads. While the roads are not public, they will include a sidewalk, will be publicly accessible, and will provide for curbside garbage/recycling pickup and emergency vehicular access.

Toronto Transit Commission

The TTC supports the high density nature of the development given the development is directly opposite the Don Mills Subway Station and the ten bus routes which operate to and from the major terminal opposite the site. Staff has noted the development is adjacent to sections of Don

Mills Road and Sheppard Avenue where further major improvements to transit service are currently proposed by the TTC and the City in the form of Bus Rapid Transit.

TTC staff is recommending the following conditions:

- that developer provide at no cost to the TTC or the City, a direct pedestrian connection between the development and the TTC entrance located on the south side of Sheppard Avenue;
- to mitigate anticipated delays to bus service resulting from the increased traffic congestion resulting from the development, an exclusive right-of-way for buses on Don Mills Road be provided along the frontage of the development and through the Sheppard Avenue intersection. This will require the traveled portion of this section of Don Mills Road be widened by 4 metres. All development should be set back from Don Mills Road by approximately 4 metres to protect for the possible widening;
- the developer contribute \$250,000.00 towards the implementation of the bus right-of-way and that City staff determine if there are any property acquisition requirements necessary to implement the right-of-way;
- some of the buildings along the Sheppard Avenue frontage are in close proximity to the either the existing subway structure or the proposed alignments of the future subway extension and will therefore require a technical review; and,
- the applicant is advised to apply attenuation measures into the design of the new buildings as they are located in close proximity to the subway and that prospective purchasers or lessees be advised through a clause in the purchase or rental agreement of the potential for noise, vibration, EMI and stray current and that the TTC accepts no responsibility for any such effects.

Ministry of Transportation

The application has been circulated to the Ministry of Transportation for comment in view of the proximity of the site to Highway 401. The Ministry requires that all land use proposals within 400 metres of a provincial highway be circulated for review. Comments from the original application advised that ministry permits are required prior to any construction taking place. Part of their permit review process will require final approval of the site plan, grading/drainage plan, the stormwater management report and a traffic impact and parking study that address the impacts of the development on Highway 404. Comments on the current proposal were not available at the time of finalizing this report. As such, this report is recommending that prior to the enactment of any zoning by-law and/or site plan agreement, the owner satisfy the requirements on record from the Ministry dated February 8, 2005 and December 21, 2004, and any subsequent requirements.

Technical Services

The Secondary Plan includes a monitoring policy in the area of sanitary sewer and water supply. As the capacity limit within the Corridor is approached, a full analysis of remaining capacity and a reassessment of future development within the Corridor will be undertaken.

Technical Services comments on the original proposal included a request that the applicant submit an engineering report outlining the municipal servicing works necessary for the development including roadway, sanitary, storm and water service improvements. They also required a geotechnical report with respect to the existing soil conditions and any soils and drainage problems that may be encountered in the development of the lands. Prior to the enactment of any zoning by-law, the City needs to be satisfied that adequate sewer capacity is available to serve the proposed development.

Technical site plan related issues pertaining to site circulation, driveway access, parking and waste collection are still outstanding and staff will continue to have dialogue with the applicants in an effort to deal with these matters through the site plan process.

In view of the above, this report is recommending that prior to the enactment of any zoning by-law, the owner satisfy the requirements of Technical Services dated January 20, 2005.

Housing Issues

The lands are currently developed with 1,553 existing rental apartment buildings located at these addresses: 80 Forest Manor Road , 125 Parkway Forest Drive, 100 Parkway Forest Drive, 110 Parkway Forest Drive, 65 Forest Manor Road, 120 -130 George Henry Blvd. and 32-50 Forest Manor Road. These buildings were constructed between 1966 to 1973.

Both the current and new Official Plans for the former City of North York and City of Toronto contain policies that seek to preserve and improve existing rental housing as well as to create new rental units and new affordable housing. The protection of rental units and, in particular, affordable rental units is a high priority for the City of Toronto. The creation of additional affordable housing within large developments such as this one is also a high priority policy requirement of both Official Plans. These Official Plan policies are consistent with the requirements of the Planning Act and the 1997 PPS to provide a full range of housing types to meet the needs of current and future residents of the City of Toronto.

With respect to the existing tenants affected by the demolition of their units, the City's policies and practices provide for additional assistance beyond the requirements stated within the *Tenant Protection Act*. This includes the right to return to a new rental replacement unit, limits to rent increases, a tenant relocation plan and assistance with relocation costs, all of which aim at reducing the hardship tenants experience as a result of their displacement.

For the redevelopment of the site, the proposal requires the demolition of 332 existing rental units located at 120-130 George Henry Blvd. and 32-50 Forest Manor Rd. The other buildings will remain and continue to operate as rental. Staff prepared a draft term sheet which is attached to this report as Attachment 14.

Rental Demolition and Replacement

The North York Official Plan encourages the preservation and maintenance of the City's housing supply. The policy discourages the demolition or renovation of housing which would reduce the number of dwelling units available. Furthermore, it discusses the replacement of rental housing that is demolished. It states, when considering applications which have the effect of removing existing multiple residential housing from the market, Council shall require where appropriate, that at least the same number of units be replaced through the redevelopment project and, where possible, that units are made at the same affordability.

The new Toronto Official Plan section 3.2.1.6 states:

New development that would have the effect of removing all or part of a private building or related group of buildings, and would result in the loss of six or more rental housing will not be approved unless:

- a) all of the rental housing units have rents that exceed mid-range rents at the time of application, or
- b) in cases where planning approvals other than site plan are sought, the following are secured:
 - i) at least the same number, size and type of rental housing units are replaced and maintained with rents similar to those in effect at the time the redevelopment application is made;
 - ii) for a period of at least 10 years, rents for replacement units will be the rent at first occupancy increased annually by not more than the Provincial Rent Increase Guideline or a similar guideline as Council may approve from time to time; and
 - iii) an acceptable tenant relocation and assistance plan addressing the right to return to occupy one of the replacement units at similar rents, the provision of alternative accommodation at similar rents, and other assistance to lessen hardship.

The discussion below outlines what the City and the applicant have agreed to in principle regarding the housing component of the S37 agreement.

1. Replacement Rental Units

The applicant has agreed to provide 100% replacement of the proposed 332 demolished rental units, with basically the same unit mix and unit size to be located on the site. The unit mix comparison between the existing buildings to be demolished and the proposed buildings are detailed in the chart below:

Unit Mix Comparison – Existing versus Proposed

Unit Type	Unit Mix Existing Buildings (total)	Unit Mix Proposed (total)
1 Bedroom	118	114
2 Bedroom – including townhouse units	87	83*
3 Bedroom – including townhouse units	112	121*
4 Bedroom – townhouses	15	14
Total	332	332

* The new 2 and 3 bedroom units do not include any townhouse units

Similarly, the unit sizes between the existing units to be demolished and those proposed are comparable, as shown in the charts below.

Existing Unit Sizes by Type

	120-130 George Henry Blvd – size in m2	32-50 Forest Manor Drive
Unit type		
1 bedroom	63.31	
2 bedroom	84.07	
2 bedroom townhouse		104.97
3 bedroom	105.44	
3 bedroom townhouse		124.04
4 bedroom townhouse		149.19

Proposed Unit Sizes by Type

Unit type	Size in m2
1 bedroom	56
2 bedroom	84
3 bedroom	112
4 bedroom townhouse	168

Generally the proposed unit sizes are somewhat smaller than the existing units. The existing units were constructed during the 1960s when the unit sizes were typically larger than today's standards. Today's standards allow for improved construction and design efficiencies. Specifically, the larger proposed unit size for the 3 bedroom units makes allowance for the size of the existing 3 bedroom townhouse units.

The applicant has agreed to construct 4 rental replacement apartment buildings and 14 rental townhouse units on the site. The construction of the replacement units will occur prior to the demolition of the existing rental buildings.

No capital improvement costs will be passed to tenants residing within the existing rental dwelling units slated for demolition from the date of application to the date of demolition. The

last above-guideline increase application was filed on April 30, 2004 (effective anniversary dates between August 1, 2004 and July 1, 2005).

The applicant has agreed to maintain the rental tenure of the proposed rental replacement units for a period of 25 years without application to convert to condominium or to demolish.

2. *Affordable and Mid-Range Rent Limits for the Proposed Replacement Units:*

The rents for the 332 existing units slated for demolition are within either the affordable or the mid-range rent limit (based on December 2005 rent roll data). The new Official Plan defines affordable rents as rents no higher than the Canada Mortgage and Housing Corporation's (CMHC) average market rent by unit type as reported in the most recent annual survey. The mid-range rent limit is defined as 1.5 times the CMHC average market rent by unit type in the most recent annual survey. Within the existing buildings proposed for demolition, there are 99 affordable units and 233 mid-range units.

The applicant has agreed to maintain the same proportion of affordable and mid-range units within each rent limit category for the proposed replacement rental units. Consequently, the new units will have initial rents that will be no higher than the rent limit for either affordable or mid-range units. This base rent will be adjusted to include a four percent increase for capital improvement and any annual provincial guideline rent increases accrued until the new units are occupied. The initial rents for existing tenants exercising their right to return to a new rental replacement unit may be lower as the rents are based on their actual rent payment of December 2005, adjusted upwards as noted above.

The rents for the replacement rental units will remain within the affordable or mid-range rent limits respectively for the first ten years of occupancy even if the unit becomes vacant during that time period. Instead of increasing the rents upon vacancy, a new tenant will pay no more than the affordable or mid-range rent limit that year. Rent increases for all tenants during the first ten years would be limited by the annual amount of the provincial guideline rent increase.

Tenants occupying a unit at the end of the tenth year would continue to have restrictions placed on the amount of allowable rent increases. For new tenants starting in the eleventh year, there will be no rent restrictions required by the Section 37 Agreement.

3. *Right to Return to a Rental Replacement Unit:*

Existing eligible tenants may choose to move from their existing unit slated for demolition into a new rental replacement unit. Eligible tenants are those tenants occupying an existing rental unit receiving a notice 24 months before their unit is demolished.

The selection of rental replacement units will be based on seniority; existing tenants may also have the option to choose a different unit type than they were occupying in the existing building. If there are rental replacement units available after the existing tenants have selected their units, then new tenants will then be given an opportunity to move to one of the available new units. New tenants are defined as tenants that move in after the 24 month notice has been issued about the proposed demolition.

4. *Additional Benefits for Tenants:*

The *Tenant Protection Act* requires landlords to compensate tenants forced to vacate because of demolition of their rental unit. Landlords must give 120 days notice before the tenant is required to move and financial compensation equal to three months rent.

In addition to the requirements of the *Tenant Protection Act*, the applicant has agreed to provide further benefits for eligible tenants:

- eligible tenants (one per existing rental unit) choosing not to move into a rental replacement dwelling unit will receive financial compensation equal to 2 months rent and a \$1,500.00 moving allowance
- eligible tenants (one per existing rental unit) that exercises their right of first refusal to occupy a unit within one of the rental replacement buildings will receive an additional financial compensation equal to 1 month rent and a \$1500.00 moving allowance.

Furthermore, the applicant has agreed to give tenants a longer notice period than the 4 months stated in *Tenant Protection Act*. The tenants will receive up to 24 for month notice prior to the demolition of the units.

Additional assistance will also be provided for identified special need tenants. Special need tenants are those with tenancies of very long duration, who are 70 years or older or those who by reason of physical, mental or other medical condition are in need of and entitled to additional compensation.

Existing Rental Buildings:

Both the in-force and new Official Plans encourages preservation and maintenance of existing rental units. Specifically, policy 3.2.1.5 of the new Official Plan states that where new development occurs on sites with six or more existing rental units (at the affordable or mid-range rents level), the existing rental housing units will be secured for as long as possible as rental housing. Any needed improvements to the rental housing will be secured with no pass-through of costs in the rents to the existing tenants. Policy 4.2.2 also requires that a community benefit for existing residents on site be created, and that facilities such as recreation space, loading and servicing facilities, and important landscape features be preserved, improved or created. The Plan also permits the use of s. 37 as a tool to secure the preservation and enhancement of rental housing.

1. *Securing the Existing Rental Buildings*

The applicant has also agreed to secure the rental tenure of the existing rental buildings located at 80 Forest Manor Road, 125 Parkway Forest Drive, 100 Parkway Forest Drive, 110 Parkway Forest Drive and 65 Forest Manor Road for a period of 25 years.

2. *Improvements to the Existing Buildings:*

The applicant has already made improvements to the existing buildings and has provided a maintenance program until 2009. Tenants were asked by way of a survey which potential additional improvements of a capital nature would be beneficial. A number of possible improvements were identified and ranked by the tenants. The items listed below were identified by tenants.

- Interior/exterior security improvements to the existing buildings and underground parking garage, including improved lighting and security cameras;
- Suitable replacements and/or improvements of existing outdoor amenities such as outdoor play facilities and swimming pools;
- Improvements to building foyers/entrances;
- Improvements to building moving/service areas;
- Provision of a meeting/party rooms.

It has been agreed that before the occupancy of the new rental replacement units, improvements to the remaining buildings will be completed.

All of these elements represent an opportunity to improve the quality of life of existing residents and to enhance the long term viability of the existing apartment buildings. These elements will be finalized and secured through the S37 agreement with no cost pass through to the tenants of the existing buildings.

3. *Construction Mitigation Plan and Tenant Communication Strategy:*

In order to mitigate impacts during demolition and construction, the owner agrees to provide and implement a construction mitigation plan and tenant communication strategy for the tenants at Parkway Forest. The plan would provide information about the construction timetable and protocols to deal with construction activities such as noise, dust, temporary loss of facilities and services, construction access, and contact numbers for complaints.

New Affordable Housing

The City's housing policies pertaining to this application include a requirement for new affordable housing within new large development sites.

The North York Official Plan has policies that require 25 percent of new dwelling units in all multiple unit residential buildings containing 20 or more units to be affordable. The applicant has advised that the development will meet this policy. Accordingly, the draft zoning by-law will specify that a minimum of 25% of the units must be any combination of: bachelor units of a maximum size of 55m²; 1-bedroom units of a maximum size of 70m²; 2-bedroom units of a maximum size of 80m²; and 3-bedroom units of a maximum size of 120m².

The new Toronto Official Plan contains policies on the provision of affordable housing on large site developments of 5 or more hectares where there is an increase in height/or density. 20% of

the additional housing units permitted by the increase in height/or density shall be affordable, and in the case of this proposal, the increased number of units is 2,500.

The application does not meet the City's policies on this matter as it does not provide the required number of affordable housing units within the development. The intent of the City's affordable housing policies is to achieve the affordable component in the development. The applicant has offered a cash-in-lieu contribution of \$750,000 in order to satisfy the requirements of both Plans and with the view that the policy in the new Toronto Plan is a matter before the Ontario Municipal Board.

Assessment of the proposal in response to the housing issues

The applicant's proposal ensures the provision of replacement rental housing with a comparable mix of affordable and mid-range units. The mix of units will allow those tenants who exercise their right to return to a comparable replacement unit to do so at similar rents. The tenant assistance package including the extended notice before demolition is appropriate and will help lessen the negative impact of the redevelopment on the affected tenants. The net improvements to the buildings that will remain on site after the redevelopment, with no pass-through of costs to the tenants in the existing buildings ensures a higher quality of amenity as well as enhance the long term viability of the rental housing stock.

The proposed development does not meet the requirement for new affordable housing. On a large site such as the subject site, the City would expect to achieve the new affordable units requirement in the development. The possibility remains to accept cash-in-lieu for a small portion of that requirement if it was not practical to accommodate it on site. However, the large scale of this proposed development would generate an affordable component of several hundred units. The applicant's proposal for a \$750,000 cash-in-lieu contribution would provide no new affordable housing on the site, and the amount of the proposed cash-in-lieu contribution is considerably less than required. However, this application has to be considered in regard to the fact that it is an intensification proposal that is securing full rental replacement, a tenant assistance package as well as securing the existing rental buildings as rental for a period of 25 years. In addition, the applicant has committed to an extensive community benefits package that would secure the timely provision of a range of community services for the area. Therefore, City Planning staff are willing to consider an affordable housing proposal that takes into consideration the provision of the above-noted planning objectives. An acceptable affordable housing proposal would not rely solely on the cash-in-lieu contribution only but should include the provision of new affordable housing on the site which could include affordable ownership that would represent a small fraction of the 2,200 new units proposed to be constructed. City staff would like to discuss this option further with the applicant and report back to City Council if any progress has been made in this regard.

An acceptable proposal to provide new affordable housing should not rely solely on a cash-in-lieu contribution, and should include the provision of affordable housing on the site. The number of new affordable units, and the applicable affordability levels could be determined having regard for the housing policies in both the in-force North York Official Plan and the new Official Plan, and in recognition of the applicant's agreement to replace 100% of the rental units proposed for demolition.

Community Services & Facilities (CS&F)

An important objective of the Secondary Plan is to ensure sufficient community services exist for residents. These services include facilities such as community centres, libraries and child care facilities. Attached as Attachment 18 are highlights of the findings for each of the key facilities.

The new Official Plan requires that the City ensure that there is an appropriate range of CS&F provided in a timely manner for areas experiencing significant growth. The Official Plan also speaks to the need to develop a CS&F strategy for sites generally larger than 5 hectares, so as to develop a balanced and strong new community. Both plans encourage that a community benefit should be secured in areas where new growth and/or intensification are considered. Staff findings indicate that in order to consider the intensification of Parkway Forest, improvements to the existing social infrastructure must be made in order to ensure a strong, healthy and well planned community. Planning staff have undertaken a community services and facilities (CS&F) review as part of our assessment of the proposed application for the Parkway Forest area.

The Parkway Forest community has been the subject of a number of previous CS&F assessments, including those undertaken for the: Fairview Mall expansion, Sheppard Avenue Corridor Study Phase 1 Profile as well as, the Strong Neighbourhoods Task Force report. Our review focused on updating the previous work and undertaking further consultation with service providers and residents. The CS&F review was carried out concurrently with the processing of the planning application. The review included: a summary findings of previous CS&F work; population profile and projections; CS&F inventory; agency outreach and identification of key social infrastructure priorities for this area.

Profile of Parkway Forest:

Over the past 10 years the Parkway Forest community has seen an increase in its population growth. This growth is mainly due to a large number of recent immigrants comprised of younger families, the majority with children at home that are attracted to the area's central location near public transit, community services, shopping and housing. Over half of the population (54%) is under 34 years of age. At the same time, this area is highly transient as 70% of the population in the area lived at a different address 5 years ago. Well over half (60%) of these movers did not live in Canada at that time.

The Parkway Forest population is highly diverse with a high proportion of immigrants (three quarters of the population), over half of whom arrived between 1996-2001. One quarter of these recent immigrants arrived from China, while 16% arrived from Iran and 10% from Pakistan. English is spoken at home by over half the population with the most commonly spoken languages including Persian (Farsi), Korean and Chinese (Mandarin)

The Parkway Forest community is comprised of approximately 8,725 residents living largely in high-rise rental apartment buildings and some townhouse units that were constructed in the 1960s and 1970s. At the centre of the community within walking distance for most residents, is a large park, elementary school and small private recreational facility with a child care that serves as key community focal points. Based on the level of intensification proposed, there is a

potential to add approximately 6,200 residents to the area resulting in a total of over 14,000 residents over a 10 year build out period.

Given the high number of children and seniors living at home, the area has a high percentage of larger households. 35% of households are occupied by 4 or more people compared to the City average at fewer than 1-2 person households. While 70% of households are comprised of just one family, almost 6% of households in the area are occupied by multiple families.

Though largely a newcomer population residing in the Parkway Forest area, it is a highly educated population. However, the average income of a Parkway Forest family was \$22,611 less than the average City household income. About 37% of the population was living in a low-income household in 2001 with almost half of all households (47%) spending over 30% of their income on shelter costs. This includes 37% of tenant households who spent over 30% of their income on rent.

Our review of CS&F for Parkway Forest has confirmed the findings of the previous studies that indicate that the availability of adequate and appropriate CS&F is a major issue for this community. The area is significantly under-served and its residents have a number of significant barriers that limit their ability to access services outside of the immediate community. While the local school and child care are considered to be the key focal point for services in this community, the range of programs offered is limited by the lack of space. These facilities are currently operating at capacity and are unable to offer additional programs/services. This will be significantly exacerbated by the addition of any new residents as a result of this application without the corresponding provision of new CS&F. Therefore, the planning of any level of residential intensification in this area must fully address the need for additional community services.

The critical areas required to support both the existing and some level of new growth include: community centre; community service space and child care. The community centre would supplement the school as a new and much needed focal point for the existing and emerging community. It would allow for much needed space for a wide range of both City and local agency based programs and services. It would also serve to supplement the loss of the private recreation space currently serving the community. The community service space would allow non-profit agencies to locate directly in a community that they currently serve. It would also relieve the pressure that would be placed on the new community centre in terms of agencies wishing to have designated program and administrative space. Finally, the replacement of the child care is a critical requirement huge need in this community that has a huge demand for its services.

Proposed Community Infrastructure:

The applicant has recognized the need to ensure the timely provision of a range of CS&F to support both their existing tenants as well as the future population that would be generated should some level of redevelopment be approved for this area. In this regard, the applicant has committed to providing a comprehensive community benefits package including the provision of a community recreation centre, the replacement and enhancement of the existing child care facility and the provision of community service space within the base of 3 buildings located

along the Sheppard Avenue frontage. The applicant has advised that the benefit package has been prepared on the basis of a development that accommodates 2,500 new units. These benefits would be secured through a Section 37 agreement between the City and the applicant. As this application has been appealed to the OMB, the specifics of each community benefit have been outlined below and addressed in more detail in a set of Draft Term Sheets (Attachments 15, 16 and 17). The Term Sheets were developed by an inter-departmental City staff team from Planning, Legal, Parks, Forestry and Recreation and Facility and Real Estate and were provided to the applicant for review.

The developer has agreed to provide the following CS&F to meet the current and future needs of the Parkway Forest residents:

Child Care (Draft Term Sheet – Attachment 15)

- Licensed capacity of 82 spaces for 10 infants, 20 toddlers, 32 preschoolers and 20 kindergarten age children. School age children would share Community Recreation program rooms.
- Total area approx. 838 square metres indoor and 459 square metres adjacent outdoor space.
- To be co-located with the community recreation facility.
- Child care will be fully finished, furnished and equipped and built as a turn key facility.
- Developer will ensure that there is no break in service to this community.

Community Recreation Facility (Draft Term Sheet - Attachment 16)

- Total area approx. 5,000 square metres.
- Facility will be fully finished and constructed as a turn key facility.
- Comprised of 3 key components – Recreation (2,660 square metres), 82 space Child Care (838 square metres indoor plus outdoor areas) and Aquatics including an indoor pool (1502 square metres).

Community Service Space (Draft Term Sheet - Appendix 17)

- Total area approx. 1,357 square metres within 3 buildings located along Sheppard Avenue (D1, A2 and A7).
- Community service space within Buildings D1 and A2 (435m² of space within each building) will be located within the 2 rental replacement buildings as part of the proposed Phase 1
- Community service space will be fully finished, rent free and located at grade level.

The community benefits package offered by the developer is comprehensive and covers the range of CS&F required to support residential intensification in this community as well as address the current needs. In terms of the existing social infrastructure currently provided for in the area, Planning staff has advised the developer that there should be no net loss as a result of the proposed development. The developer has agreed to replace and in some cases, improve the existing outdoor recreation amenities to the City's satisfaction i.e. basketball courts. Details of

these amenities will be provided by the developer as part of the parks and open space requirements to be requested by Parks, Forestry and Recreation through the site plan process.

The developer's submission of a detailed phasing plan will help to ensure that the appropriate range of CS&F will be provided in a timely manner as the new resident population moves into the area. During Phase I (construction of some of the rental replacement buildings) the provision of two-thirds of the community service space will occur. The new Community Centre and replaced/enhanced Child Care will be triggered prior to the construction of the 425th new dwelling unit. This results in all of the community infrastructure being constructed and in place prior to approximately one-third of the development proposal (under the City's proposed direction). The provision of this level of CS&F and the timely phasing will ensure that this area is well planned.

Schools

Toronto District School Board

The Toronto District School Board advises there is not sufficient space at the neighbourhood school closest to the development site, Forest Manor Public School, to accommodate the students that the proposed development would generate. A preliminary estimate indicates 2,500 condominium units would generate at least 350 elementary school students. The local school is currently operating at a 122% utilization rate. The school has a Ministry rated capacity of 538 students and an enrolment of 655 students as of September 2005. There are seven portables located on the school site. Any new students generated from future residential development would have to be bussed outside the local neighbourhood to other schools extending to a number of other more distant communities. The Board does not consider bussing to be a prudent long term solution.

The recent construction of the apartment building at 121 Parkway Forest has resulted in the Board developing a very complex school accommodation plan. This plan has resulted in the redistribution of not only the new students moving into the area but also existing pupils attending Forest Manor Public School. Needless to say this has caused a great deal of concern for both the families and staff of Forest Manor and was raised as a concern during the Steering Committee process.

In order to avoid bussing on a permanent basis, it will be necessary to construct an addition at Forest Manor Public School. Funding for such an addition is not currently reflected in the School Board's Capital Budget and be not be available.

The Toronto District School Board is therefore requesting that the proposed development be phased in order to ensure that the Board is able to accommodate the students from the proposed development.

The applicant has developed a phasing plan which indicates new units would not be phased into this area until 2009, where the applicant has projected that they would construct 424 new dwelling units between 2009-2011. This timeframe would provide the Board with 5 years to

develop a Capital Plan Strategy to address future growth prior to the commencement of construction of new development.

Toronto Catholic District School Board:

The Toronto Catholic District School Board advises that elementary students emanating from the development could be accommodated in permanent facilities at St. Timothy Catholic School (JK-8), a newly constructed school at 25 Rochelle Crescent. Some secondary school students (Grade 9-12) could be accommodated at either Brebeuf College, (211 Steeles Avenue East) or at Senator O'Connor School (5 Avonwick Gate) but the Board advises that it may be necessary for students to be accommodated in facilities outside of the community pending the availability of space. As such, the Board has requested a clause be inserted in all agreements of purchase and sale and lease or rental agreements indicating that children may have to attend existing school facilities outside of the immediate area. These clauses would form part of the subdivision agreement.

It is noted that the Catholic School Board has an Education Development Charge by-law in place. Payments of \$402.00 per dwelling unit and \$0.22 per square foot non-residential floor area would be required at the time of issuance of the first building permit.

Parkland

There are two public parks in the neighbourhood. Parkway Forest Park, 5.2ha in size, is centrally located in the neighbourhood and is adjacent to one of the development sites. The other is a 0.5ha park acquired through the development approval process for 121 Parkway Forest and is situated just north of the existing Fire Hall.

As noted previously in this report, the developer is providing a comprehensive community benefits package that includes a new 5,000m² community centre. The facility would be provided on City owned land as shown on Attachment 2. The area is currently programmed with basketball and tennis courts. Planning staff have advised the developer that there should be no net loss of open space as a result of the proposal. As such, the developer has agreed to convey land located where the existing private facility is located for parkland purposes. The land would be contiguous to Parkway Forest Park. The owner has also agreed to replace, and in some cases, improve the existing outdoor recreation amenities to the City's satisfaction. Parks Division staff are in support of the location of the community centre and the additional parkland. Details of the conveyance and replacement amenities will be provided by the developer as part of a parks and open space requirement to be requested by Parks, Forestry and Recreation.

As noted previously in this report, Planning staff is recommending that building D5 located in the area west of the smaller park be removed from the proposal. The reduction in density recommended by staff would allow for private open space to be created east of the existing park that will visually and physically connect this space to the park. Removal of the building will also improve the visual connection of the apartment building at 121 Parkway Forest Drive to the neighbourhood. Expansion of this park or the achievement of additional lands should be explored and encouraged with the Developer and with Parks and Recreation staff. The owners of 121 Parkway Forest Drive would need to be involved in the negotiations as they enjoy a vehicular

right-of-way over the parkland in order to access their site. A shared access through the block to connect with 121 Parkway Forest Drive should be explored to improve landscape open space.

Landscaped Private Open Space

Both the North York and City of Toronto Official plan include a policy that new development should maintain adequate areas of landscaped open space for new and existing residents, and preserve or replace recreational space for residents. Members of the Steering Committee expressed concerns that the intensification would use up desirable landscaped open space and eliminate existing recreational space and amenities.

A review of the landscaped open space for these lands reveals that the existing landscape open space, excluding paved areas for parking and driveways, averages 66% of the lot areas. The current plan would yield an average landscaped open space of 60% which staff considers reasonable. By comparison, developments within the NY Towers have open landscape space that range between 21% to 49% per development block.

Staff is recommending that a strategy be developed for suitable replacements and/or improvements of existing outdoor amenities such as outdoor play areas, swimming pools and splash pads. Details of how these spaces will be landscaped and programmed will be reviewed during the site plan approval process.

Tree Preservation

The applicant provided a Tree Inventory & Analysis Report when they filed their initial proposal which has been reviewed by staff in Urban Forestry Services. Landscaping and tree preservation was raised as a concern during the Working Committee process.

The analysis identifies numerous trees situated on private property that would meet the size criteria for protection under the Private Tree By-law. The study concludes specimen trees will be retained where feasible while the retention of other trees is recommended to be limited to those that will not be affected by construction or major regarding. Having said that, Forestry staff advise that the submitted information does not indicate conclusively which trees are proposed for removal, injury or retention. The landscape plan does not indicate the species or size of replacement trees. The developer will be required to submit an application requesting permission to remove private trees. Landscaping, tree preservation, and suitable tree replacement proposal will need to be reviewed as part of the site plan process.

Public Art

The Sheppard East Subway Corridor Secondary Plan contains provisions regarding a public art contribution. The proposal will be required to make a public art contribution in keeping with the policy, to be secured in the amending by-laws and through an agreement pursuant to Section 37 of the Planning Act.

Development Implementation

The Secondary Plan includes an implementation policy for development within the corridor. The policy states development could be implemented through various means including such tools as zoning, registered plans of subdivisions, site plan agreements and agreements entered into under Section 37 of the Planning Act, and through holding zone provisions. For this application, all of these tools would be used.

Site Specific Official Plan Amendment

As in other Nodes along the Corridor, the Don Mills Node includes specific policy guidance for development. Subsequent to including the lands as a Key Development Area, appropriate site-specific policies are recommended to guide the development of the land. Site-specific policies will need to include, but not be limited to, matters dealing with:

- the distribution of densities should be highest closest to the Don Mills Road Subway Station and to a lesser extent along the arterial road frontages, with the lowest density on the lands adjacent to the public park;
- criteria to be fulfilled prior to enabling development in excess of 1,655 dwelling units and up to the maximum 2,200 dwelling units recommended by Planning staff. The Developer will need to submit a transportation study that demonstrates there is sufficient transportation capacity available to accommodate the additional site generated traffic.
- improved underground and surface pedestrian connections within the community and Don Mills Subway Station;
- scale and massing of buildings within the central block to reflect the lower density character of development along the east side of the park;
- provision of a Context Plan to determine appropriate the design criteria including appropriate transitions in density, height, massing and building location with the remaining Parkway Forest neighbourhood and the stable residential neighbourhood on the west side of Don Mills Road;
- a “mainstreet” approach along Sheppard Avenue with commercial retail uses and/or community uses at grade;
- the proposed road being created to be created through a registered plan of subdivision; and,
- the expansion of the existing Forest Manor Park.

Zoning By-Law

The detailed implementing zoning by-law will incorporate performance standards which include, but not be limited to, regulations on building setbacks, building floorplates and envelopes, parking standards, maximum building heights, maximum gross floor areas, minimum setbacks, maximum number of dwelling units, minimum indoor recreational amenity space, open space area, and appropriate Section 37 benefits. The by-law shall also deal with performance standards for the proposed community centre including but not limited to height, setbacks and appropriate parking regulations.

Staff is recommending that an “H” symbol be placed over the implementing zoning by-law to ensure the necessary transportation improvements, the proposed community services and

facilities space along Sheppard Avenue East, and the proposed Community Centre will be provided in a timely manner as the new resident population moves into the area. In summary, the holds would be placed at the following stages of development:

- prior to the issuance of a building permit for the construction of the 425th dwelling unit in Phase 4, the Developer is to submit a Traffic Management Plan for the area, which would review traffic conditions at that time to ensure that traffic infiltration into the community is adequately controlled and make recommendations for traffic calming and streetscape improvements;
- prior to the issuance of a building permit for the construction of the 425th dwelling unit, the design and tendering of the Community Centre/Child Care Centre must be at a stage to permit issuance of a building permit for the Community Centre/ Child Care Centre; and
- prior to the issuance of a building permit for the construction of the 814th dwelling unit in Phase 5, the Developer is to submit a Traffic Impact Analysis to determine the timing of the westbound double left lane construction as well as any other improvements which might be identified at this stage.

Context Plan

The implementation policy allows the City to require a Context Plan for Key Development Areas to ensure co-ordinated incremental development in conformity with the policies of the Plan. Context Plans are generally required for comprehensive developments. They may include a Structure Plan, Height Diagram, Block Pattern and a set of Urban Design Principles to provide general direction to residents and developers on the future form of development within the plan area.. To date, Context Plans have been used in the development of the NY Towers neighbourhood, Canadian Tire lands, and the Clairtrell Area.

Given the nature of this proposal, staff is recommending that the applicant and staff develop a Context Plan for this area.

Plan of Subdivision

The applicant is proposing a new public road therefore a plan of subdivision application is required. The road is proposed to be built in Phase 3 following the completion of some new rental replacement buildings but before the construction of any new condominium units. To date, an application has not been filed.

This report recommends that the OMB withhold its Order approving the development until the applicant has submitted a plan of subdivision application for the construction and conveyance of the new public road.

Section 37

Section 37 of the Planning Act provides the authority to secure community benefits in return for any increases in height and/or density of development. Section 37 Agreements are also used as a tool to secure policy requirements of the Official Plan, such as those involving housing policy

matters. In order to secure these policy requirements and the community benefits received in return for the increase in height and density proposed, amendments to the official plan and zoning by-law should address Section 37 matters. Specific items to be secured in this instance include: the preservation of the existing rental apartment building; securing the provision of new rental housing at mid-range rent levels; improvements that enhance the long term viability of the rental building and create a net benefit for the existing tenants; and the requirement for the owners to implement a construction mitigation and communications strategy for existing tenants. The affordable housing requirements for this proposal will also be secured in the S37 Agreement.

Staff recommends an appropriate package of public benefits pursuant to Section 37 of the Planning Act be provided. Such benefits would include facilities, services and matters would be developed having regard to the needs of the area, the potential impacts of the development, the increase in development permissions and in consultation with the local community, the Ward Councilor and the applicant. The appropriate public benefits would need to be considered and secured through the implementing by-laws and an agreement pursuant to Section 37 of the Planning Act.

Site Plan Control

Detailed items such as landscaping, including rooftop terraces, and walkways, fencing, the design of the refuse collection areas, the design of rooftop mechanical equipment enclosures, grading and drainage, and pedestrian amenities, will need to be settled through the site plan agreement. It is recommended that prior to the implementing zoning by-law coming into full force and effect, the owner be required to enter into an Agreement under Section 41 of the Planning Act, such application shall deal with a detailed phase one proposal and approval of the balance of the development at a master plan level.

Development Charges

It is estimated that the Development Charges for this project will be \$14,040,707.00. The actual charge is assessed and collected upon issuance of the Building Permit.

The applicant will be seeking a credit towards the development charges. There have not been any discussions with the applicant on this matter therefore staff is requesting authorization from Council to continue discussions with the applicant, in consultation with staff in Finance, to determine the appropriate credits.

Conclusions:

The lands are appropriate for intensification. They are large sites with significant frontages, they are easily accessible by public transit and are all located within 500 metres of the Don Mills Subway Station. Given that a substantial amount of development has occurred in the Key Development Areas, it is appropriate to consider designating the sites along the arterial roads as a Key Development Area.

Their proximity to the Don Mills Subway Station on the Sheppard line makes them an appropriate location for intensification, subject to the staff recommendations as outlined in this report. It provides an opportunity to take advantage of the Sheppard Subway, create additional housing and increase the mix of tenure within the neighbourhood, improve the existing neighbourhood and secure community benefits thereby improving the quality of life for existing and future residents. The applicant has advised that the benefit package has been prepared on the basis of a development that accommodates 2,500 new units.

In principle, this development proposal can be mostly considered appropriate given that a number of key issues relating to urban design and built form, community services and facilities, community benefits and some of the housing policies can be addressed. However in view of outstanding concerns with respect to density within the recommended Key Development Areas and built form issues, staff is recommending a reduction in the number of dwelling units to approximately 2,200. In view of road capacity issues raised by Transportation Services, the full build-out cannot be supported at this time. Transportation Services advise that 1,655 units can be accommodated within the planned infrastructure.

Staff is recommending that an “H” symbol be placed over the implementing zoning by-law to ensure the necessary transportation improvements, the proposed community services and facilities space along Sheppard Avenue East, and the proposed Community Centre will be provided in a timely manner as the new resident population moves into the area.

The Secondary Plan includes an implementation policy that allows the City to require a Context Plan for Key Development Areas to ensure co-ordinated incremental development in conformity with the policies of the Plan. Given the nature of this proposal, it is recommended that the applicant and staff develop a Context Plan for this area.

The proposed development does not meet the requirement for new affordable housing. It is recommended that City staff be authorized to continue discussions with the applicant concerning options to satisfy this policy and report back to City Council on any progress that has been made in this regard.

The Toronto District School Board has advised that at this time, there is not sufficient capacity at the neighbourhood school to accommodate the students that the proposed development would generate. The Board has requested that the development be phased in order to ensure the Board is able to accommodate the students. The applicant has developed a phasing plan which indicates new units would not be phased into this area until 2009, where the applicant has projected that they would construct 424 units between 2009-2011. This timeframe would provide the Board with 5 years to develop a Capital Plan Strategy to address future growth prior to the commencement of construction of new development.

The Official Plan and Zoning By-law Amendment applications have been appealed to the Ontario Municipal Board on the basis of Council’s refusal of the original proposal. A six-week hearing is set to commence June 12, 2006. This report evaluates the proposal and recommends that the applications be revised in accordance with the comments outlined in the report. The

report recommends that the City Solicitor and appropriate City staff represent this position at the Ontario Municipal Board.

Contact:

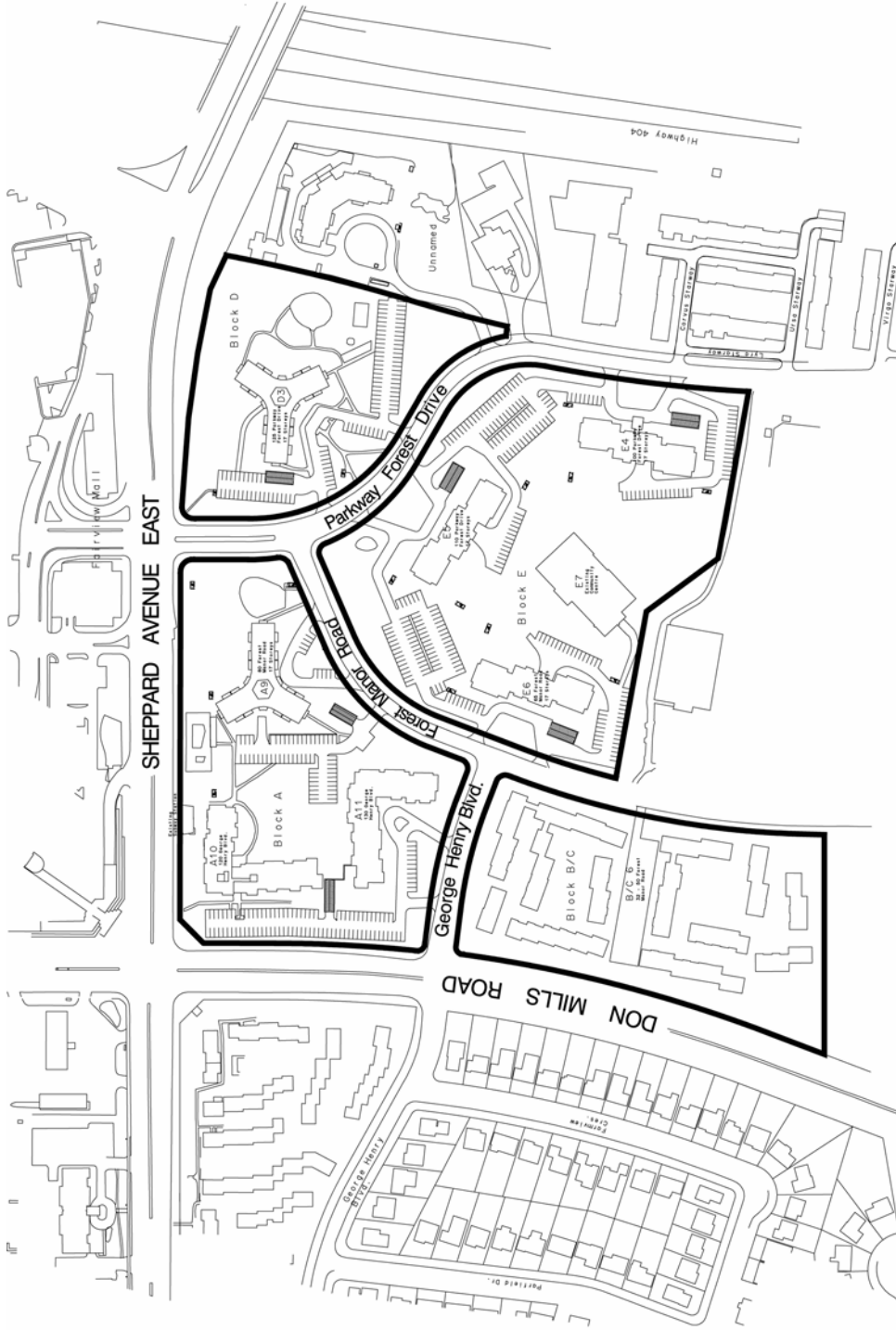
Steve Forrester, Senior Planner
Ph: (416) 395-7126
Fax: (416) 395-7155
Email: sforrest@toronto.ca

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

List of Attachments:

- Attachment 1: Existing Site Plan
- Attachment 2: Proposed Master Site Plan
- Attachment 3: Enlarged Site Plan – Block A
- Attachment 4: Enlarged Site Plan – Block B
- Attachment 5: Enlarged Site Plan – Block C
- Attachment 6: Enlarged Site Plan – Block D
- Attachment 7: Enlarged Site Plan – Block E
- Attachment 8: Aerial View
- Attachment 9: Phasing Plan
- Attachment 10: Building Types Plan
- Attachment 11: Zoning
- Attachment 12: Official Plan
- Attachment 13: Application Data Sheet
- Attachment 14: Draft Term Sheet – Housing
- Attachment 15: Draft Term Sheet – Day Care Facility
- Attachment 16: Draft Term Sheet – Community Use Space
- Attachment 17: Draft Term Sheet – Community Centre

ATTACHMENT 1



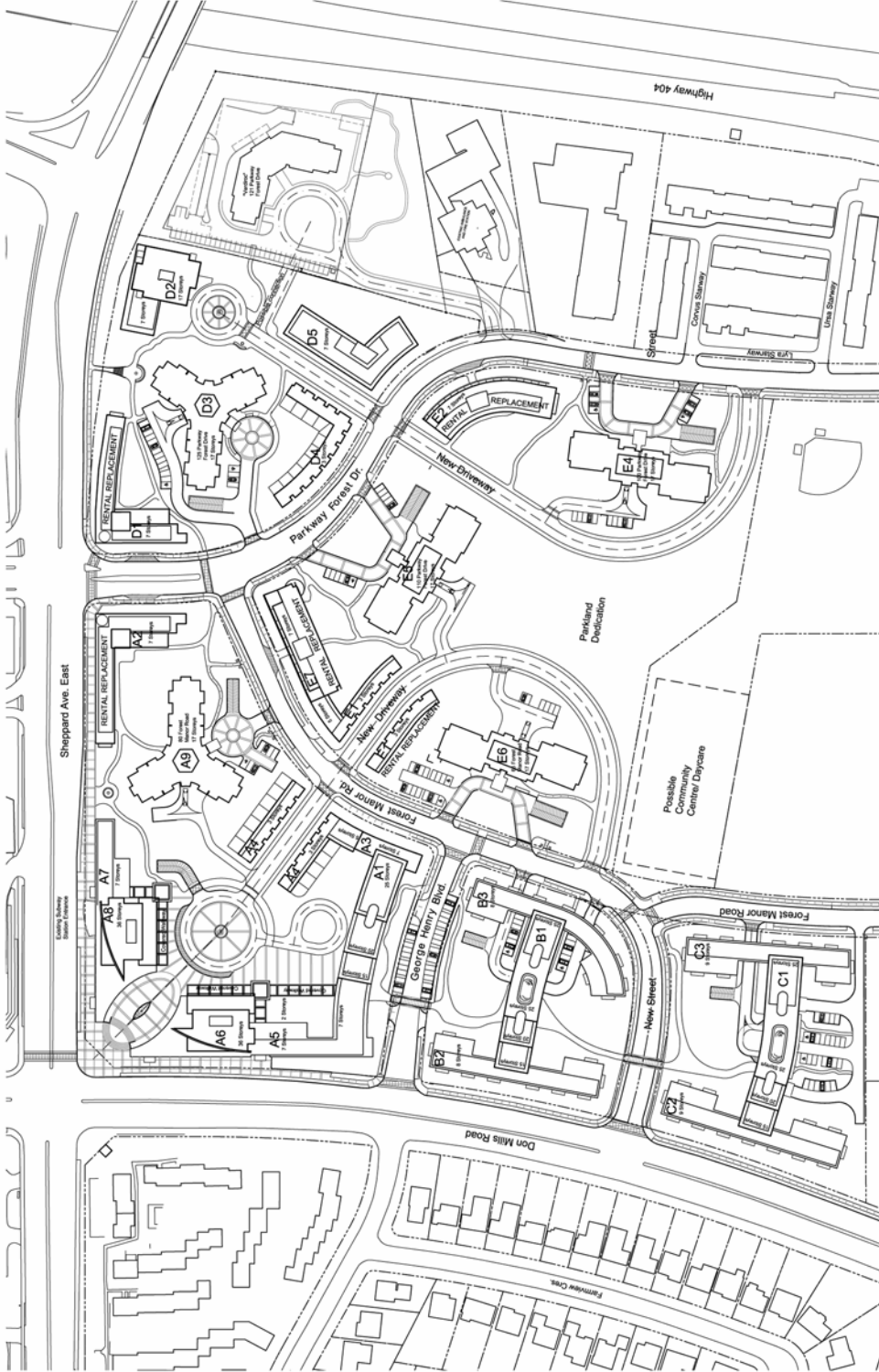
100, 102, 110, 125 Parkway Forest Drive
120, 130 George Henry Boulevard
32-50, 65 & 80 Forest Manor Road

File # 04_194214

Existing Site Plan
Applicant's Submitted Drawing
Not to Scale
03/16/06



ATTACHMENT 2



Masterplan

Applicant's Submitted Drawing

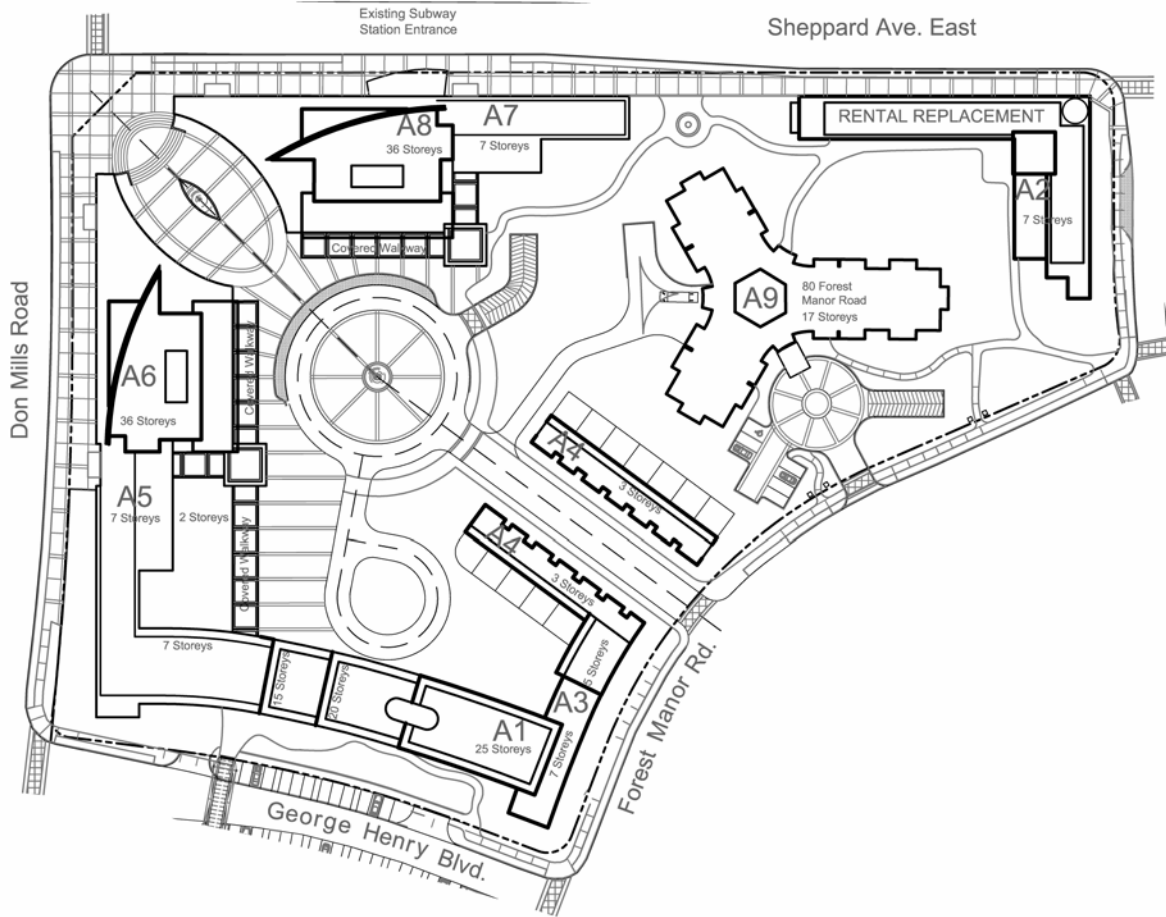
Not to Scale
03/10/06



100, 102, 110, 125 Parkway Forest Drive, 120, 130 George Henry Boulevard,
and 32-50, 65 & 80 Forest Manor Road

File # 04_194214

ATTACHMENT 3



Site Plan - Block A

Applicant's Submitted Drawing

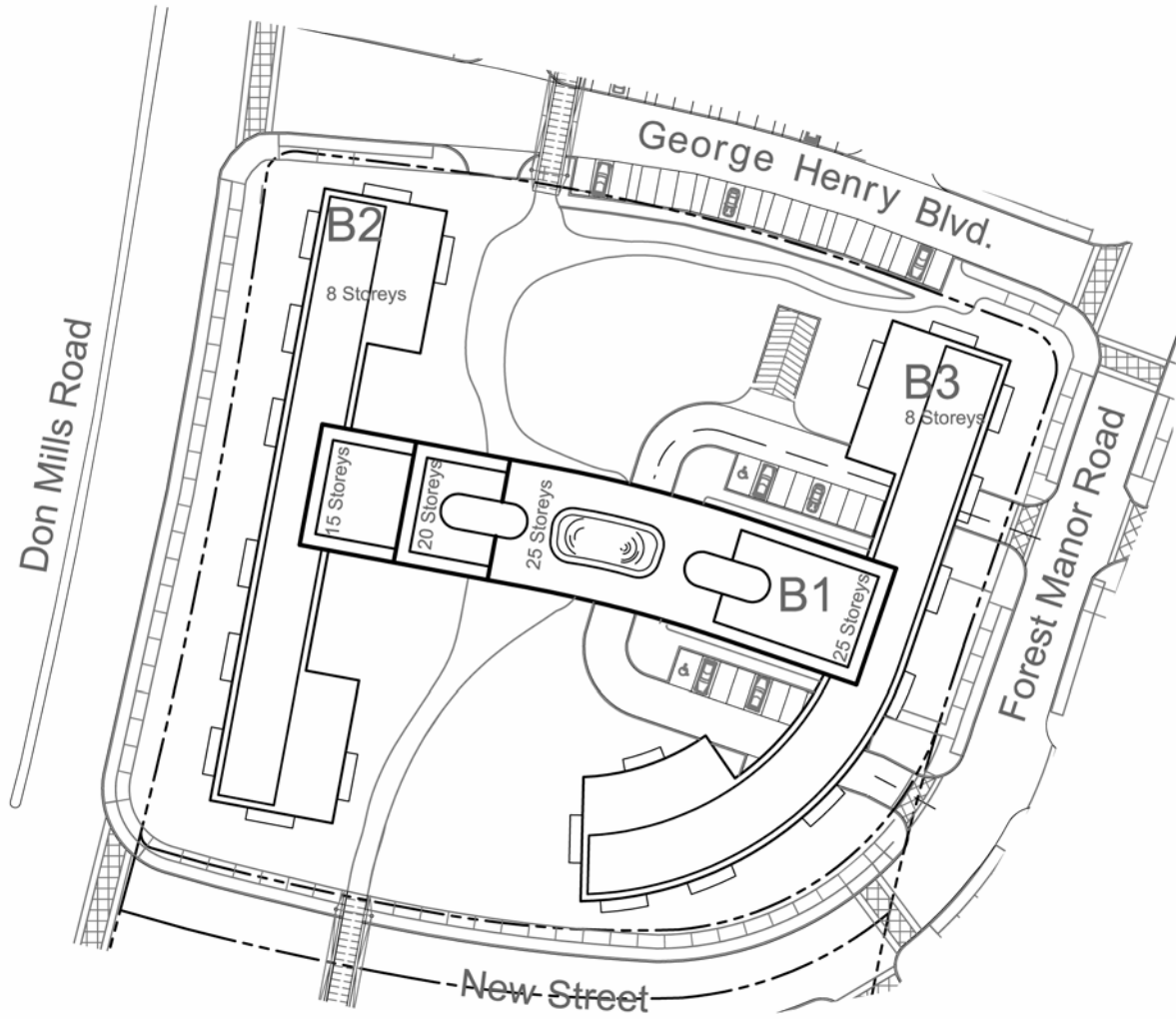
Not to Scale
03/10/06



100, 102, 110, 125 Parkway Forest Drive,
120, 130 George Henry Boulevard,
and 32-50, 65 & 80 Forest Manor Road

File # 04_194214

ATTACHMENT 4



Site Plan - Block B

Applicant's Submitted Drawing

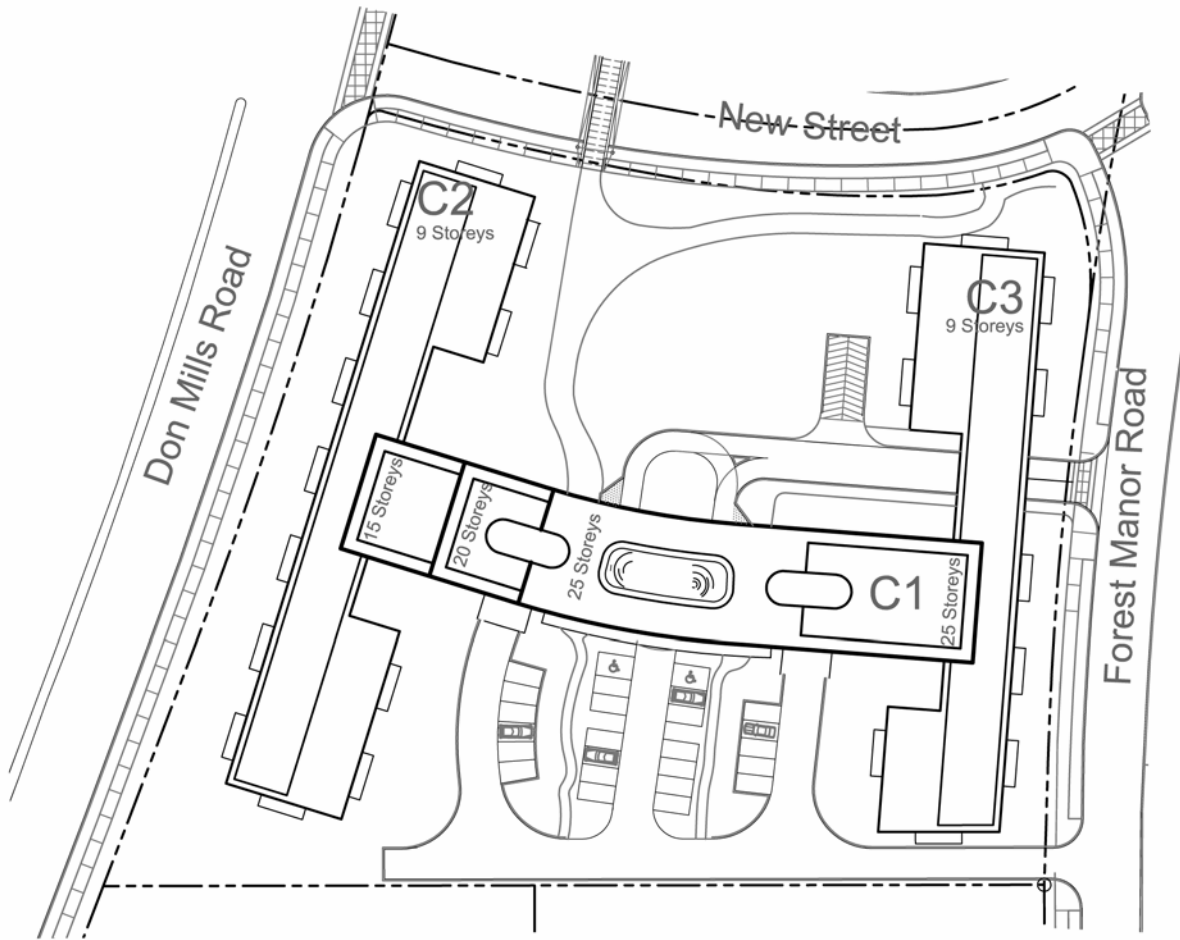
Not to Scale
03/10/06



100, 102, 110, 125 Parkway Forest Drive,
120, 130 George Henry Boulevard,
and 32-50, 65 & 80 Forest Manor Road

File # 04_194214

ATTACHMENT 5



Site Plan - Block C

Applicant's Submitted Drawing

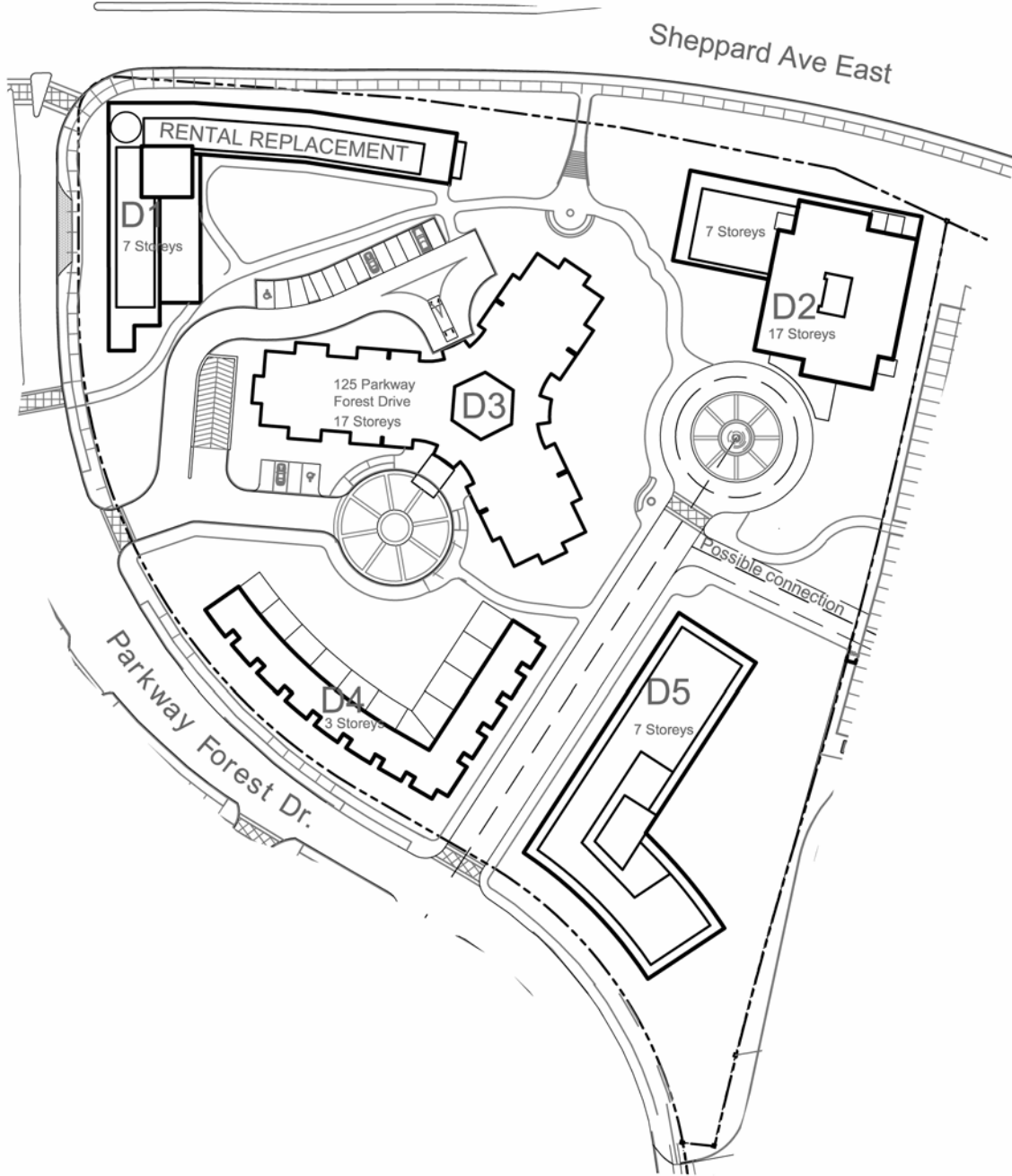
Not to Scale
03/10/06



100, 102, 110, 125 Parkway Forest Drive,
120, 130 George Henry Boulevard,
and 32-50, 65 & 80 Forest Manor Road

File # 04_194214

ATTACHMENT 6



Site Plan - Block D

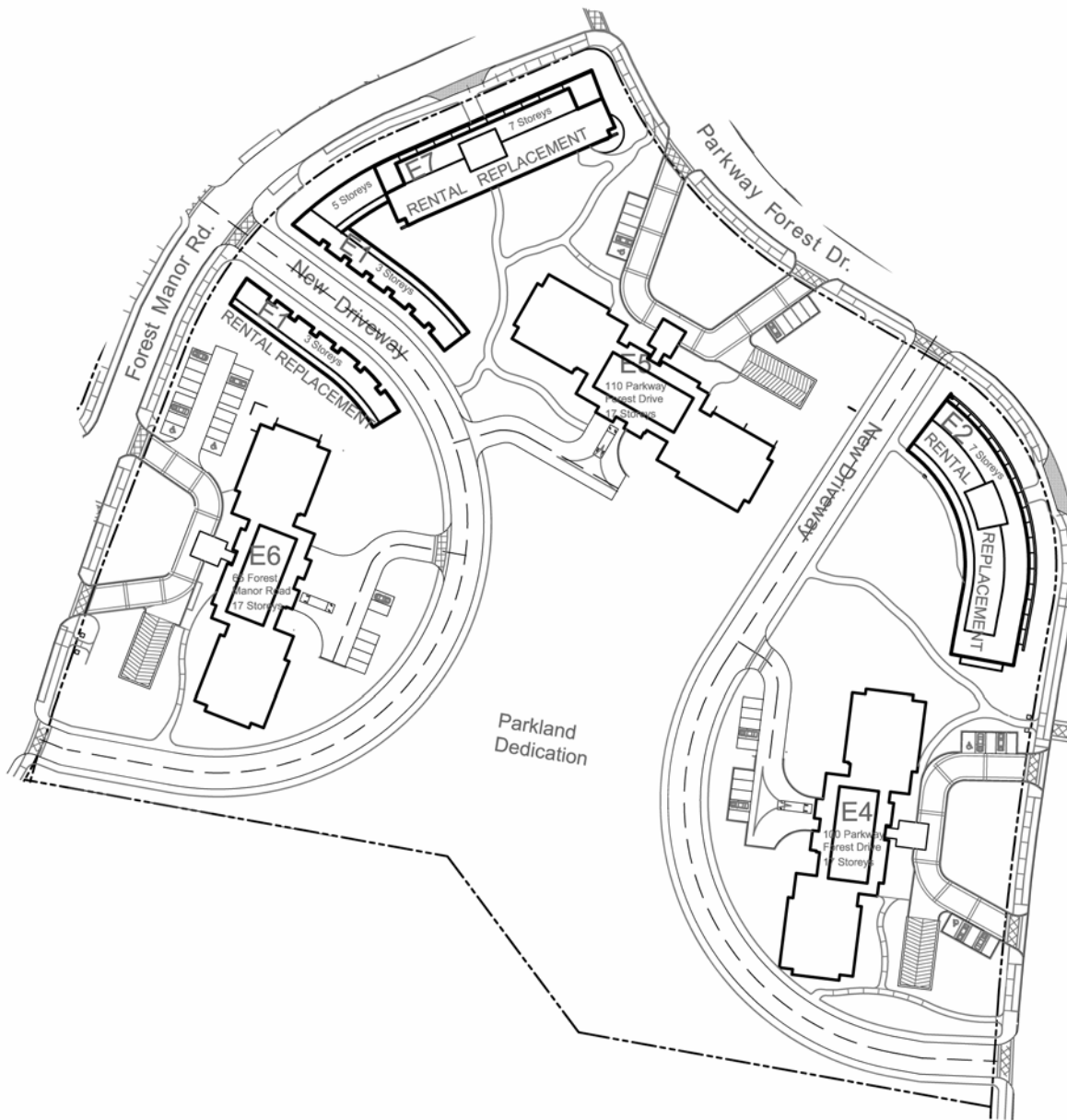
Applicant's Submitted Drawing

Not to Scale 

100, 102, 110, 125 Parkway Forest Drive,
120, 130 George Henry Boulevard,
and 32-50, 65 & 80 Forest Manor Road

File # 04_194214

ATTACHMENT 7



Site Plan - Block E

Applicant's Submitted Drawing

Not to Scale
03/10/06



100, 102, 110, 125 Parkway Forest Drive,
120, 130 George Henry Boulevard,
and 32-50, 65 & 80 Forest Manor Road

File # 04_194214

ATTACHMENT 8



Aerial Perspective

Applicant's Submitted Drawing

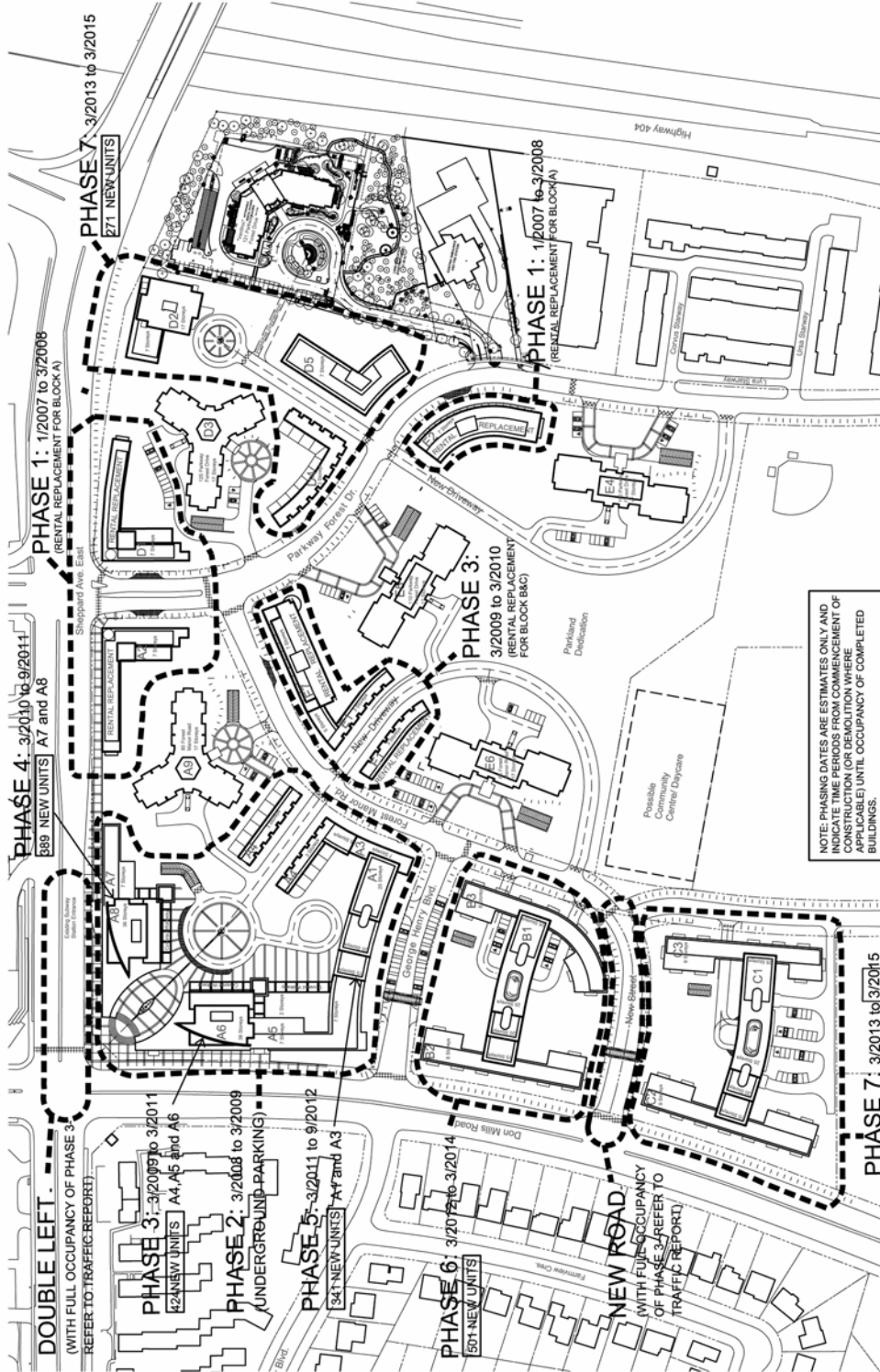
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03/10/06



**100, 102, 110, 125 Parkway Forest Drive, 120, 130 George Henry Boulevard,
and 32-50, 65 & 80 Forest Manor Road**

File # 04_194214

ATTACHMENT 9



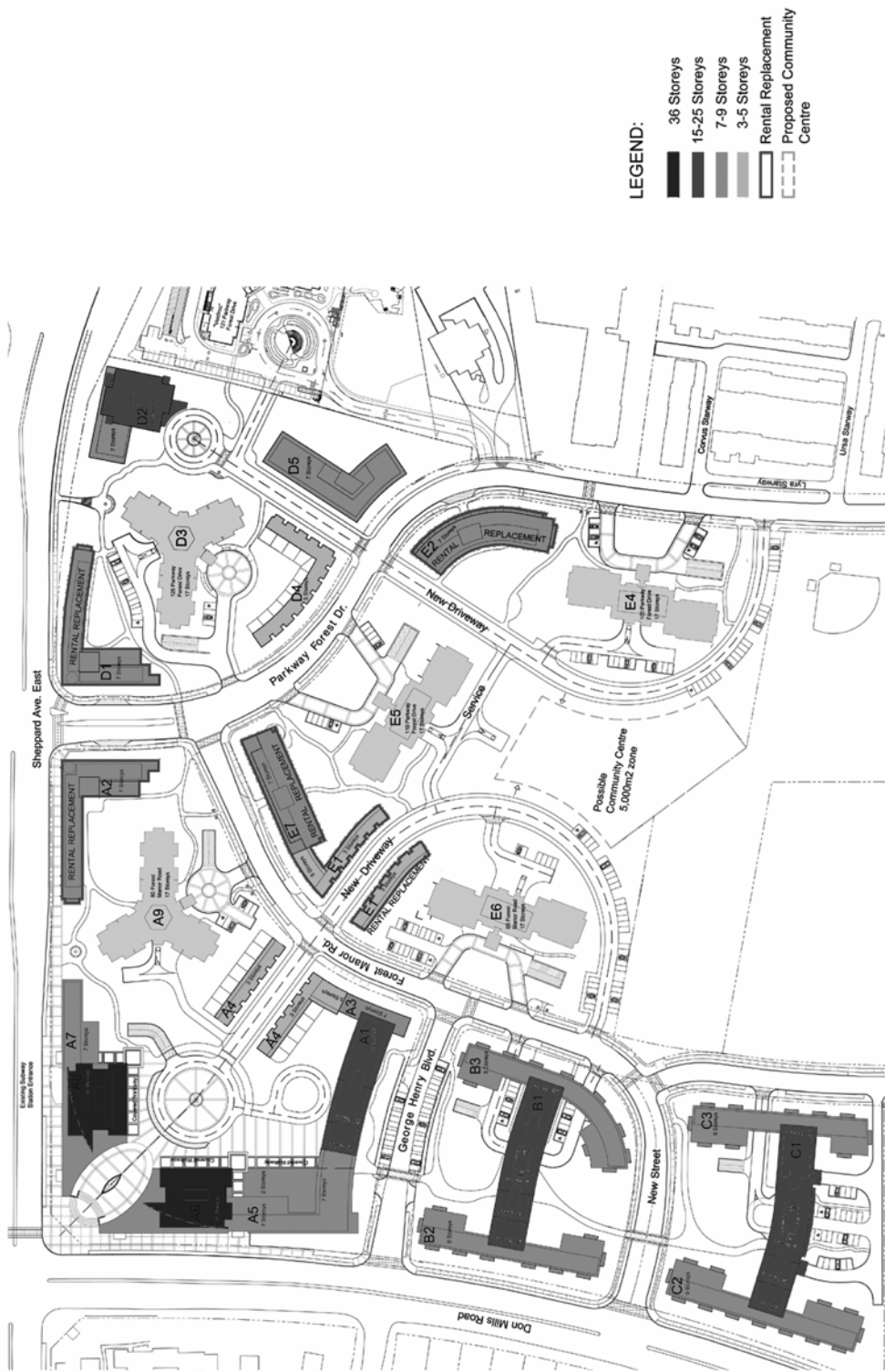
Phasing
 Applicant's Submitted Drawing

Not to Scale
 03/10/06

File # 04_194214

100, 102, 110, 125 Parkway Forest Drive, 120, 130 George Henry Boulevard, and 32-50, 65 & 80 Forest Manor Road

ATTACHMENT 10



- LEGEND:**
- 36 Storeys
 - 15-25 Storeys
 - 7-9 Storeys
 - 3-5 Storeys
 - Rental Replacement
 - Proposed Community Centre

Building Types
 Applicant's Submitted Drawing

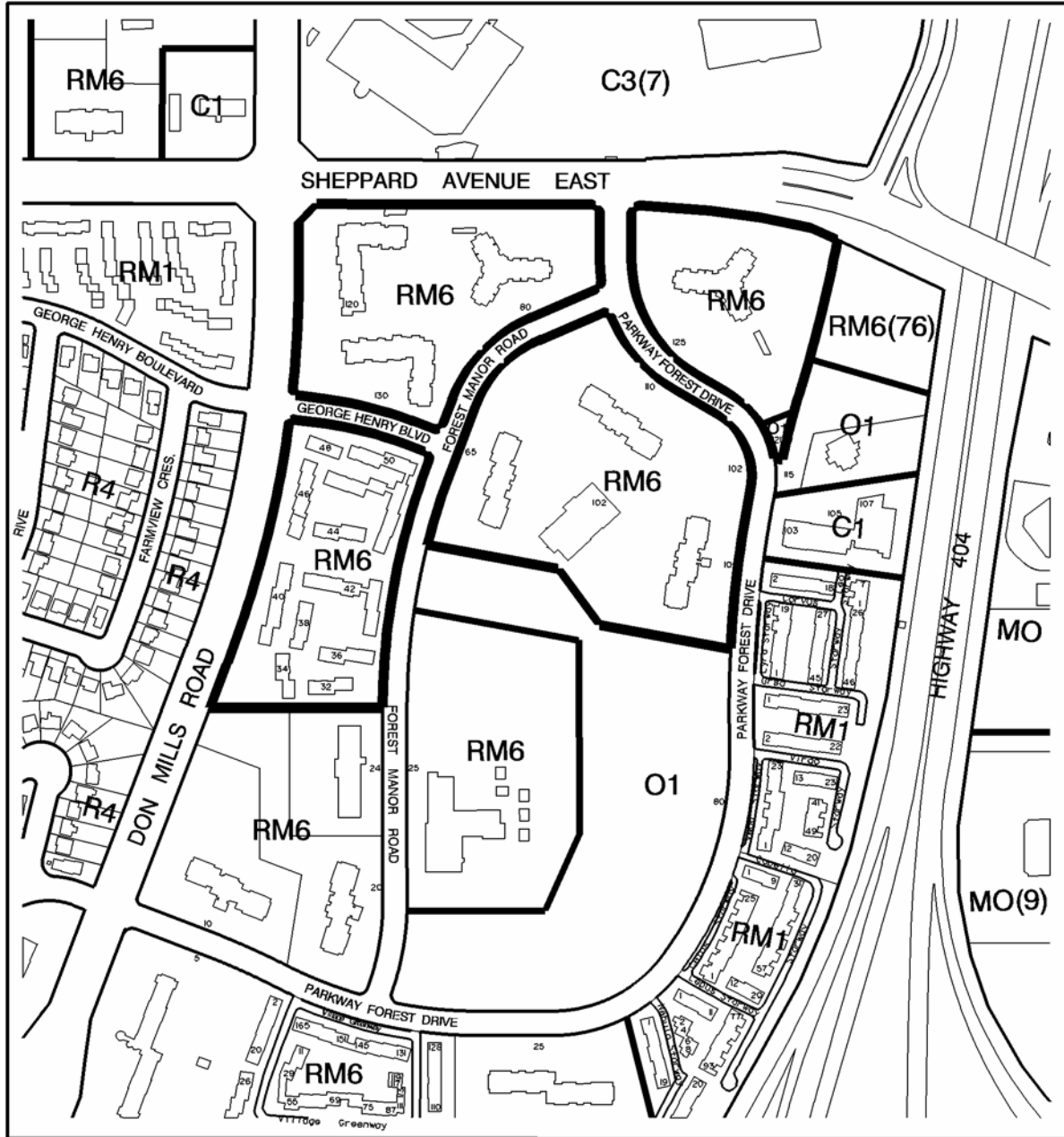
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 03/10/05



File # 04_194214

100, 102, 110, 125 Parkway Forest Drive, 120, 130 George Henry Boulevard,
 and 32-50, 65 & 80 Forest Manor Road

ATTACHMENT 11



100, 102, 110, 125 Parkway Forest Drive
120, 130 George Henry Boulevard
32-50, 65 & 80 Forest Manor Road

File # 04_194214

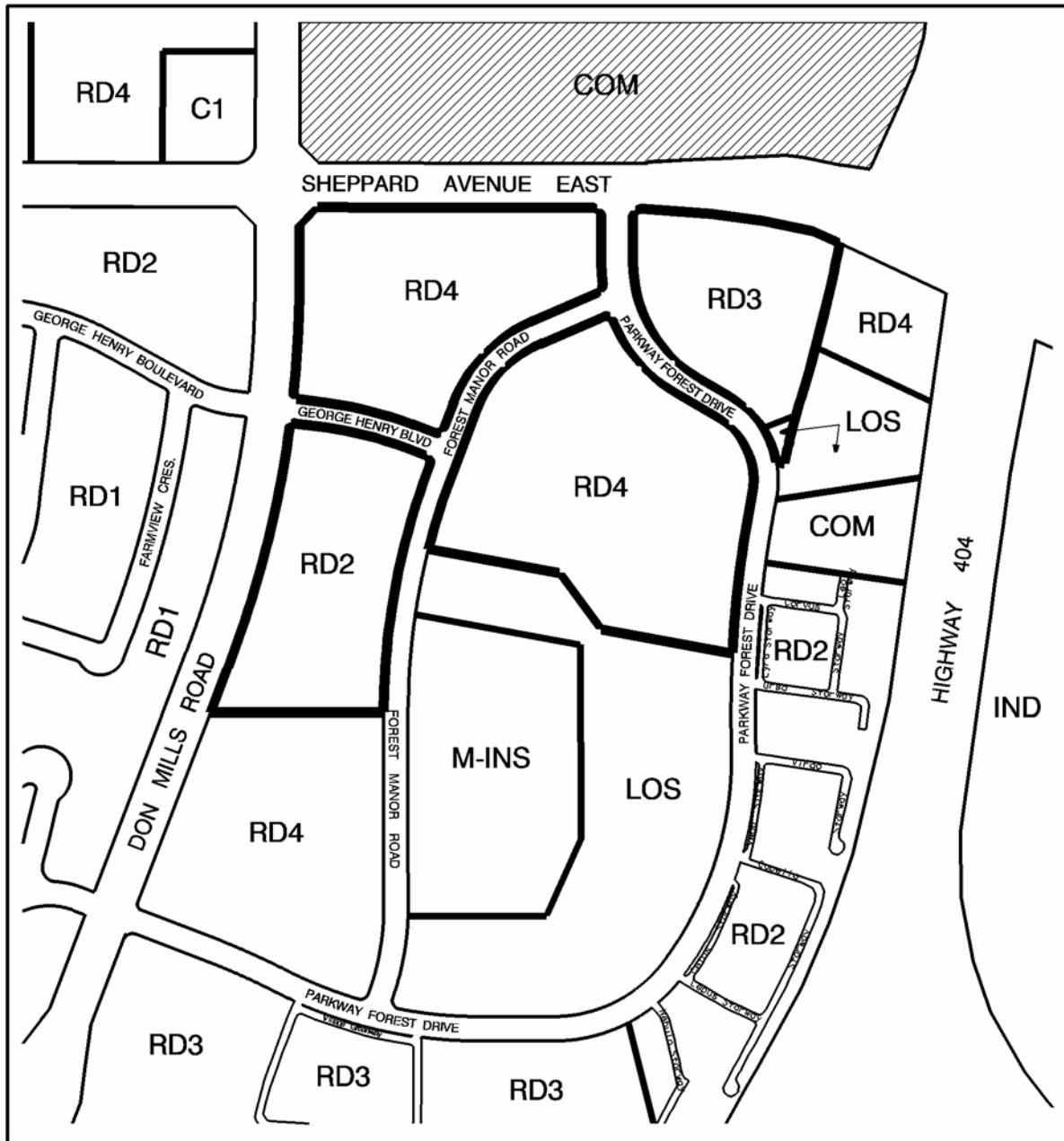
- R1 One-Family Detached Dwelling First Density Zone
- R2 One-Family Detached Dwelling Second Density Zone
- R4 One-Family Detached Dwelling Fourth Density Zone
- RM1 Multiple-Family Dwellings First Density Zone

- RM2 Multiple-Family Dwellings Second Density Zone
- RM6 Multiple-Family Dwellings Sixth Density Zone
- C1 General Commercial Zone
- C3 District Shopping Centre Zone
- O1 Open Space Zone
- MO Industrial Office Business Park Zone

NOTE: Numbers in Brackets Denote Exceptions to the Zoning Category

↑
Not to Scale
Zoning By-law 7625
Extracted 03/10/06

ATTACHMENT 12




Toronto City Planning Division
Official Plan


100, 102, 110, 125 Parkway Forest Drive
 120, 130 George Henry Boulevard
 32-50, 65 & 80 Forest Manor Road

File # 04_194214

- RD1 Residential Density One
- RD2 Residential Density Two
- RD3 Residential Density Three
- RD4 Residential Density Four
- LOS Local Open Space

- IND Industrial
- COM Commercial
- M-INS Minor-Institutional
-  Sub-Centre

01 Open Space Zone


 Not to Scale
 North York Official Plan
 Extracted 03/10/06

ATTACHMENT 13

APPLICATION DATA SHEET

Application Type: Official Plan Amendment & Rezoning Application Number: 04 194214 NNY 33 OZ
Details: OPA & Rezoning, Standard Application Date: November 22, 2004

Municipal Address: 100 PARKWAY FOREST DR, TORONTO ON
Location Description: PLAN 7239 PT BLK A **GRID N3305
Project Description: Application revised February 2006. Developer proposing 2,500 new condominium dwelling units and 332 new rental replacement units, plus ancillary commercial retail uses and new community services and facilities including a new Community Centre and community use space along the Sheppard Avenue East frontage.

PLANNING CONTROLS

Official Plan Designation: RD1, RD3, RD4 Site Specific Provision:
Zoning: RM6 Historical Status:
Height Limit (m): Site Plan Control Area: Y

PROJECT INFORMATION

Site Area (sq. m):	129707	Height: Storeys:	36
Frontage (m):	0	Metres:	110
Depth (m):	0		
Total Ground Floor Area (sq. m):	31662		Total
Total Residential GFA (sq. m):	408325	Parking Spaces:	3335
Total Non-Residential GFA (sq. m):	4857	Loading Docks	4
Total GFA (sq. m):	413182		
Lot Coverage Ratio (%):	28		
Floor Space Index:	3.18		

DWELLING UNITS

FLOOR AREA BREAKDOWN (upon project completion)

Tenure Type:	Rental, Condo	Above Grade	Below Grade
Existing Units:	1221	Residential GFA (sq. m): 408325	0
Bachelor:	0	Retail GFA (sq. m): 3500	0
1 Bedroom:	979	Office GFA (sq. m): 0	0
2 Bedroom:	1443	Industrial GFA (sq. m): 0	0
3 + Bedroom:	410	Institutional/Other GFA (sq. m): 1357	0
Total Units:	4053		

CONTACT: PLANNER NAME: Steve Forrester, Senior Planner
TELEPHONE: (416) 395-7126

ATTACHMENT 14

DRAFT

Parkway Forest Rental Demolition and Replacement and Intensification Terms Sheet March 2006

Section A. Rental Demolition and Replacement Terms

The site is currently developed with 8 existing rental apartment buildings comprising 1553 existing rental dwelling units and may be redeveloped in one or more phases as outlined in this report. The applicant has agreed to the following provisions regarding the demolition and replacement of 332 existing rental dwelling units.

1. Demolition and Replacement

The Owner agrees that for each unit demolished up to 332 units will be replaced by an equal amount of units on the site. The units will be phased in such a way that the existing tenants will not be displaced.

2. Number of Replacement Units

The Owner agrees to construct, provide and maintain on the site 332 new rental replacement dwelling units, of which 107 (99) shall be affordable rental replacement dwelling units and 210 (233) shall be mid-range rental replacement dwelling units in the new rental replacement apartment buildings.

3. Number of Existing Rental Apartment Buildings to be retained (total existing rental dwelling units to be retained)

The Owner agrees to retain and maintain 5 existing apartment buildings, shown on the drawing entitled, Building Types, February 6, 2006, and addresses being: **80 Forest Manor Road (A9), 125 Parkway Forest Drive (D3), 100 Parkway Forest Drive (E4), 110 Parkway Forest Drive (E5), 65 Forest Manor Road (E6)**, comprising 1221 existing dwelling units as rental tenure for a period of 25 years without application to convert to condominium or to demolish.

4. Number of Rental Replacement Apartment Buildings to be constructed (total new replacement units)

- a) The Owner agrees to construct 5 rental replacement apartment buildings shown on the drawing entitled, Building Types, February 6, 2006 as: A2, D1, E1 (4 bedroom townhouses), E2, E7 comprising of 332 rental replacement units. The Owner agrees to maintain these rental replacement apartment buildings as rental tenure for a period of 25 years without application to convert to condominium or to demolish.
- b) All rental replacement dwelling units are to be constructed on-site.

- c) All rental replacement dwelling units to be available for occupancy prior to the demolition for which rental units are being replaced.
- d) This does not preclude a new condominium building from being constructed prior to the demolition and replacement of rental buildings.
- e) *The Owner agrees that he will maintain the existing rental apartment dwelling buildings in a good state of repair.*

5. Unit Mix

The Owner agrees that the unit mix for the 332 rental replacement dwelling units will be as follows:

Unit type	Proposed Replacement (number of units)
Bachelor	None
1 bedroom	114
2 bedroom	83
3 bedroom	121
4 bedroom townhouses	14
Total	332

6. Affordable and Mid-Range Rental Replacement Unit Mix

The Owner agrees that the unit mix for the 112 affordable and 220 mid-range rental replacement dwelling units will be as follows:

Unit type	Proposed Affordable Rental Replacement (number of units)	Proposed Mid-range Rental Replacement (numbers of units)
Bachelor	None	None
1 bedroom	14 (20)	100 (98)
2 bedroom/2 bedroom townhouses	17 (14)	66 (73)
3 bedroom/3 bedroom townhouses	76 (59)	45 (53)
4 bedroom townhouses	5 (6)	9
Total	112 (99)	220 (233)

7. Unit Size

The Owner agrees that the floor areas for each type of rental replacement dwelling units will be at least:

Unit type	Replacement Unit Size- Net (m ²)
Bachelor	None

1 bedroom	56
2 bedroom	84
3 bedroom	112
4 bedroom townhouses	168

8. Ground Related Rental Replacement Dwelling Units

The Owner agrees that of the 332 rental replacement units, X are ground related (X number of each bedroom type).

9. No Above Guideline Increase for Existing Rental Replacement Units subject to demolition

No capital improvement costs will be passed to tenants residing within the existing rental dwelling units slated for demolition from the date of application to the date of demolition. The last above guideline increase application was filed on April 30, 2004 (effective anniversary dates between August 1, 2004 and July 1, 2005).

Section B. Initial Rents for Rental Replacement Dwelling Units

10. Eligible Tenant

Eligible tenants are those tenants occupying an existing rental dwelling unit 24 months prior to the date that the existing rental dwelling unit is required for the purpose of demolition but will not include a person occupying a dwelling unit under a sublease or assignment that has not been approved by the owner.

11. New Tenant

New tenants are those tenants that lease and occupy an existing rental dwelling unit, subject to the proposed demolition on the site, after the first notice of termination (24 months prior to demolition) and have signed a lease that includes a clause advising that the building will be demolished; it does not include persons occupying a dwelling unit under a sublease or assignment that has not been approved by the owner.

12. First Tenant

A first tenant means the first lessee to occupy any rental replacement dwelling unit, other than a moving tenant.

13. Moving Tenant

A moving tenant is an eligible or a new tenant who enters into a tenancy agreement for a rental replacement dwelling unit.

14. Affordable Rental Replacement Dwelling Units: New and First Tenant – Initial Rents

The initial rent for the affordable rental replacement dwelling units for new tenants and first tenant shall not exceed the CMHC rent (including water, heat and hydro) as of the December 2005 rental market survey as increased by a one time “new building” allowance of 4% and as further increased annually by the Guideline as follows:

- a) or a one-bedroom unit the initial rent shall not exceed (xxx+ 4%+ guideline increases)
- b) or a two-bedroom unit the initial rent shall not exceed (xxx + 4% + guideline increases)
- c) for a three-bedroom unit the initial rent shall not exceed (xxx + 4% + guideline increases)
- d) for a 4-bedroom townhouse unit the initial rent shall not exceed (xxx + 4% + guideline increases)

For units where parking is currently charged, parking charges would be similar to existing charges.

15. Affordable Rental Replacement Dwelling Units: Moving Tenant – Initial Rents

The initial rent for affordable rental replacement dwelling units for a moving tenant shall not exceed the sum which equals the rent paid by the tenant on December 1, 2005, excluding any amounts paid for separate charges, such as parking, and as increased by,

- a) a one time “new building” allowance of 4%; and ,
- b) annual increases permitted by the guideline beginning on the month that is twelve months after the last increase that occurred for each eligible tenant (lease anniversary date) and ending with the last lease anniversary date before the date of first occupancy of the Rental Replacement Dwelling Unit.

For units where parking is currently charged, parking charges would be similar to existing charges.

16. Affordable Rental Replacement Dwelling Units: Moving Tenant – Change of Unit Type – Initial Rents

If a moving tenant decides to change their unit type, the initial rent will not be greater than the average rent for the selected rental replacement dwelling unit type, and increased by,

- a) a one time “new building” allowance of 4%; and
- b) annual guideline increases

17. Mid-range Rental Replacement Dwelling Units

There are 220 existing rental dwelling units, proposed to be demolished, with current rents that are above the affordable threshold limit but within the mid-range limit, 1.5 times the CMHC rents, (including water, heat and hydro) as of the December 2005 Rental Market Survey.

18. Mid-Range Rental Replacement Dwelling Units – New and First Tenant – Initial Rents

The Initial Rent for any of the mid-range rental replacement dwelling units shall not exceed 1.5 times the CMHC Rent for the same unit type as of the most recently reported CMHC Rental Market Survey prior to the month that such unit is first occupied by the new or first tenant.

For units where parking is currently charged, parking charges would be similar to existing charges.

19. Affordable and Mid-Range Rental Replacement Dwelling Units – Vacancy During the Ten year period – New Tenant– Initial Rents

If during the ten year period a rental replacement dwelling unit becomes vacant and is re-rented to a new tenant, the initial rent for the new tenant will be not be greater than the CMHC Rent for a affordable unit or 1.5 times the CMHC Rent in the case of a mid-range unit for the same unit type, using the most recently reported CMHC Rental Market Survey before the month that the unit is first occupied by the new tenant.

20. Affordable and Mid-Range Rental Replacement Dwelling Units – After Year 1 of Tenancy of the Ten year period – Rents

After the first year of occupancy of a rental replacement dwelling unit, the rent for each tenant who leases one of the rental replacement dwelling unit may be increased by not more than the Guideline, for so long as the tenant remains a tenant of the unit.

21. Affordable and Mid-Range Rental Replacement Dwelling Units – After Ten Year Period - Rents for occupied units

After the 10th year (year 11) each tenant occupying a rental replacement dwelling unit, rents may be increased by not more than the guideline, for as long as the tenant remains a tenant of the same unit.

22. Affordable and Mid-Range Rental Replacement Dwelling Units – After Ten Year Period – Rents for vacant units

If after the end of the 10 year period a rental replacement dwelling unit becomes vacant and is re-rented (only to a tenant other than any tenants who occupied the unit during the first 10 year period), then the rent for the unit will be in accordance to applicable Provincial law without any reference to this Agreement.

Section C – Right of First Refusal to Occupy a Rental Replacement Dwelling Unit

23. Right of first refusal to occupy a Rental Replacement Dwelling Unit

All eligible tenants are entitled to a right of first refusal to occupy a rental replacement dwelling unit.

24. Right of first refusal: Notice Date

The notice date will be 24 months prior to the date that the Existing Rental Dwelling unit is required for the purpose of demolition.

25. Right of first refusal: Process to notify Eligible and New Tenants

The Owner will deliver by paid registered mail or door to door delivery to eligible tenants the notice of termination and a draft seniority list to eligible tenants. The process to notify eligible tenants is outlined below:

- a) Any eligible tenant, who wishes to dispute his or her initial possession date shown on the draft seniority list, can provide documentation to refute the date, within 35 days from the delivery of the notice to eligible tenants. The owner can accept or reject the evidence and amend or not amend the draft seniority list.
- b) An eligible tenant at any time may in writing waive his or her right of first refusal to occupy a rental replacement unit and without any adjustment to the financial compensation payable as set out in the report. The eligible tenant's name will be removed from the final seniority list and will no longer have any right of first refusal to occupy a rental replacement unit
- c) An eligible tenant may wish to occupy a different unit than the existing rental dwelling unit they occupied in the existing rental dwelling unit. The tenant shall be placed on the final seniority list for that type of the unit after the eligible tenant with the least seniority for that type of unit. The tenant's name will be removed from the final seniority list for the type of unit they occupy in the existing building.
- d) For a new tenant, the above provisions apply except they are no seniority rights and the financial assistance provided do not apply.

26. Notice of Occupancy for Right of First Refusal to Occupy a Rental Replacement Dwelling Unit

- a) The Owner agrees to notify eligible and new tenants who exercise their right of first refusal notice as early as 12 months as but not later than 6 months before the rental replacement dwelling unit is ready for occupancy
- b) The Owner will send a notice to eligible tenants on the final seniority list
- c) Eligible tenants who want to occupy a rental replacement dwelling unit will fill in a ready for occupancy notice and return to the owner no later than 45 days after the notice is sent.
- d) The Owner will assign rental replacement dwelling units to those tenants who returned the ready for occupancy notice by the deadline based on the final seniority list.
- e) If the unit requested by the tenant cannot be assigned their choice of rental replacement dwelling units based on their seniority, the owner will assign the next

available rental replacement dwelling unit of that type. If no rental replacement units of that type remain, the tenant shall be offered another type of replacement unit. If no units of any type are available or if the tenant refuses the alternate rental replacement unit then the tenant remains on the Final seniority list and offered any units regardless of type that become available.

- f) The unit sizes to returning tenants are offered first to eligible tenants in order of seniority as follows:
- i) Tenants who occupied a one-bedroom existing dwelling unit shall be offered a 1 bedroom rental replacement dwelling unit with a minimum floor area of at least 56 square metres;
 - ii) Tenants who occupied a two-bedroom existing dwelling unit shall be offered a 2 bedroom rental replacement dwelling unit with a minimum floor area of at least 84 square metres;
 - iii) Tenants who occupied a 3 bedroom existing dwelling unit in either 120 or 130 George Henry shall be offered a 3 bedroom rental replacement dwelling unit with a minimum floor area of at least 112 square meters;
 - iv) Tenants who occupied a 3 bedroom existing dwelling unit in 32- 80 Forest Manor (townhouses) will be offered a 3 bedroom rental replacement dwelling unit (grade related) with a minimum floor area of at least 112 square metres;
 - v) Tenants who occupied a 4 bedroom existing dwelling unit 32-80 Forest Manor (townhouses) will be offered a 4 bedroom rental replacement dwelling unit with a minimum floor area of at least 168 square metres.
- g) At least 90 days before Rental Replacement Apartment Buildings are ready for occupancy, the Owner will notify eligible tenants
- i) the selected unit and the rent for the selected unit
 - ii) the rent is subject to further adjustment and may be higher than the rent sent out in the notification
 - iii) advise of location where the tenant must sign the tenancy agreement
 - iv) advise of the deadline (21 days) after the date of the occupancy notice was sent to sign the lease
 - v) set out the latest date to which the tenant can delay the start of the lease

27. Right of first Refusal for New Tenant

Process by which a new tenant exercises the right of first refusal to a rental replacement dwelling unit:

- The new tenant indicates return to a rental replacement dwelling unit – no later than 90 days before the rental replacement building is ready for occupancy
 - i) the Owner notifies the new tenant the availability of the unit type, rent and floor plans
 - ii) rent can be adjusted
 - iii) location to sign lease
 - iv) deadline to execute the agreement 21 days
 - v) latest date to delay the start of the lease
 - vi) if a different unit type is requested by the new tenant is based on the availability

Section D – Additional Benefits for Eligible and New Tenants

28. Compensation for Eligible Tenants– Choosing Not To Move Into a Rental Replacement Dwelling Unit

The Owner shall provide eligible tenants choosing not to move into a rental replacement dwelling unit with the following additional benefits

Each tenant (one per rental unit) that vacates their unit and does not exercise their right of first refusal, will receive an additional moving allowance of \$1500 and compensation of 5 months rent in the form of free rent.

The first 3 months meets the Tenant Protection Act requirements and if the tenant vacates before the end of the 3 months, the compensation will be paid in cash in proportion to the remaining balance.

If the tenant leaves after the 3 months, the remaining amount of free rent shall be forfeited and no cash compensation for the free rent provided. Any cash compensation for free rent and the moving allowance shall be paid to the Eligible Tenant on the last day of their tenancy.

29. Compensation for Eligible Tenants – Choosing to Move to a Rental Replacement Dwelling Unit

Each tenant that exercises their right of first refusal to occupy a unit within one of the Rental Replacement apartment buildings will receive a total moving allowance of \$1500 and compensation in the form of 4 months free rent.

The 4 months free rent starts in the month on the following date XXXX. If the tenant leaves before the end of the 3 months, the compensation in cash is paid out in proportion to the remaining balance.

Any cash compensation required to be paid and moving cost of \$1500 on the last day of their tenancy

30. Special Needs Tenant

Special needs tenants refers to tenants with tenancies of very long duration, who are 70 years or older and those who by reason of physical, mental or other medical condition are in need of and entitled to additional compensation.

Each special needs household shall receive additional assistance such that:

a)XXXX

Section E – Existing Rental Dwelling Units to Remain

31. No application to the Ontario Rental Housing Tribunal for Above Guideline Increase

The Owner agrees that it shall not apply to the Ontario Rental Housing Tribunal, or to any successor tribunal with jurisdiction to hear applications made under the *Tenant Protection Act*, for the purpose of obtaining an increase in rent above the Guidelines established under that Act in relation to the rental units in the Existing Rental Apartment Buildings arising from any of the costs of the new development on the site, including any improvements required for approval of the site plan.

32. Improvement to Existing Rental Dwelling Units to remain

Prior to the first occupancy of any dwelling unit in the proposed new rental housing, the Owner shall, at its sole expense, complete the following improvements to the Buildings located at 80 Forest Manor Road, 125 Parkway Forest Drive, 100 Parkway Forest Drive, 110 Parkway Forest Drive and 65 Forest Manor Road

The Owner agrees to reasonable improvements to the existing rental apartment buildings such as improved play areas, pathways, moving rooms, party rooms etc.

33. Improvements to Existing Rental Dwelling Unit to Occur Before First Building Permit Issued

Prior to the issuance of the first Building Permit for the earliest to be built of the rental replacement apartment building, the Owner shall provide a Letter of Credit to the City in the amount of 120 percent of the cost of making the improvements set out in subsection 31 above, to the satisfaction of the Director of Community Planning, xxx District, and the City's Chief Financial Officer and Treasurer.

34. Loss of Existing Outdoor Tenant Amenities

The Owner agrees to replace any existing outdoor tenant amenities, such as swimming pools and playground equipment resulting from the demolition of existing rental apartment buildings and redevelopment of the site. Such replacement may be similar to the lost amenity, for example, a swimming pool may be replaced by a splash pad.

Section F Tenant Communications and Construction Mitigation

35. Construction Mitigation and Tenant Communication Strategy

The Owner shall develop and implement a construction mitigation and tenant communication strategy, to the satisfaction of the Director, Community Planning, xxx District, prior to the issuance of any Building Permits for Buildings on site to mitigate the impact of construction on the existing tenants during the construction. This strategy will include at least the following elements:

- (a) The provision of adequate parking on Site so that, during the reconstruction of the underground garage, any tenants who are displaced because they rent spaces in the part of the garage under reconstruction, are provided with alternative spaces.
- (b) The start date for the commencement of each phase of the construction and the completion date, as well as information on the applicable noise control provisions governing construction, shall be contained in notices delivered to the tenants of Building A at least one week in advance of construction commencing.
- (c) Access for pedestrians to local streets shall be maintained through some part of the Site at all times and when that route of access is to be changed, that again, one week notice of the alternative means or route of access shall be given.
- (d) The provision of a contact number for residents where the Owner or an agent of the Owner can be reached to respond to questions or complaints, regarding the construction, during both regular and off hours throughout all phases of the construction.
- (e) Other matters as may be appropriate including but not limited to reasonable notice of anticipated interruption to services and provision of alternative services where possible, and measures to prevent dust and construction debris from endangering existing residents.

ATTACHMENT 15

DRAFT

Parkway Forest Child Care Term Sheet March 2006

Section 37 community benefit to involve contribution of funds towards a 82 space Child Care Facility that meets the criteria noted below.

1.0 TURN-KEY CHILD CARE

- 1.1 Non-profit Child Care facility to be provided on a turn-key basis.
- 1.2 Developer is responsible for constructing, furnishing, finishing and equipping the child care facility.

2.0 OPERATOR

- 2.1 Parkway Forest YMCA Child Care will be the selected Child Care Operator and have exclusive use of the Child Care or some other Child Care Operator satisfactory to the City.
- 2.1 Operator to have access and use of the Child Care Centre outside of the Child Care Centre hours for the purpose of conducting meetings, special events, inspecting, operating, maintaining and repairing the Child Care.

3.0 EXISTING CHILD CARE FACILITY

- 3.1 Provide for continuous operation of the existing Child Care Centre located at 102 Parkway Forest Drive so that there is no break in service until such time as the new Child Care Centre is open for operation.
- 3.2 Owner to maintain existing child care facility in state of good repair so that it remains licensable.

4.0 PRIORITY PLACEMENT

- 4.1 Priority placement in the Child Care Centre shall be given to children primarily of workers and residents of the area.

5.0 LOCATION AND TIMING

- 5.1 Child Care Centre to be provided in Phase 3 of the development or prior to the issuance of a building permit for the 425th dwelling unit.
- 5.2 Child Care Centre site plan submission to include location of Child Care Centre and proposed timing for completion of the Centre.

- 5.3 Design of Child Care Facility shall be coordinated with the design process for the Community Facility with the Child Care Operator having input around such process (e.g. sign off of drawings), acting reasonably.

6.0 LEASE

- 6.1 The Child Care Operator and the City will enter into a separate lease agreement.

6.2 FACILITY DESCRIPTION

- 6.2.1 Facility Size – 82 space daycare centre with program serving infants, toddlers, pre-schoolers and school-aged children together with the necessary staff.
- 6.2.2 Interior play space must have a gross floor area of 838 square metres at or close to grade or on the second floor level with an adjacent outdoor play space of 459 square metres, including outdoor storage or be in accordance with the current Provincial guidelines.

6.3 DESIGN AND LOCATIONAL CRITERIA

- 6.3.1 Co-location with the City community recreation facility. Shared amenities may include reception areas, kitchens, large multi-purpose rooms, adult washrooms, outdoor play yards when not being used by the Child Care Operator;
- 6.3.2 Operator to require exclusive use of children’s washroom, play rooms and sleep rooms;
- 6.3.3 Provide exterior play space adjacent to interior space, suitably weather protected and landscaped to facilitate year-round use;
- 6.3.4 Located at grade or on the second floor level if there is an opportunity for an adjacent play area on a podium;
- 6.3.5 Have direct access to grade level and an elevator (if located on the second floor).
- 6.3.6 Have acceptable access to the Child Care Centre for children, parents, custodians and staff, including acceptable drop-off and pick-up location of children
- 6.3.7 Have acceptable wind, sun/shade, noise, air quality and soil quality conditions
- 6.3.8 Have acceptable security provisions;
- 6.3.9 Be fully accessible to the disabled and built in accordance with Toronto’s Accessibility Guidelines”; and
- 6.3.10 Meet all physical criteria necessary to obtain any license required to operate a daycare facility.
- 6.3.11 Have provision for Child Care staff parking

7.0 FINISHING

- 7.1 Owner shall pay for all finishings, furnishings, equipment and supplies required by the Operator for the opening of the Child Care Centre, after which all obligations cease.
- 7.2 Owner will be required to provide \$170,000 to the Child Care Operator to pay for equipment costs, upon submission of a detailed equipment list and a budget. This amount is in addition to the Start-Up Costs noted in Section 10.0.

- 7.3 Child Care Centre shall be finished with flooring, partitions and cupboards, playroom, playground, bathroom, kitchen and staff facilities, fully functioning electrical, plumbing, heating and air conditioning systems, fixtures, supplies, furniture and equipment.

8.0 CONSTRUCTION

- 8.1 Child Care shall be constructed in conjunction with construction of the building in which it is located
- 8.2 Child Care operation shall commence in association with occupancy of the building in which it is located
- 8.3 Owner shall pay for fixtures, furnishings, equipment and supplies required by the Operator for the opening of the Child Care Centre, after which all obligations cease.
- 8.4 Child Care shall be constructed in compliance with all applicable provincial and municipal legislation, by-laws, regulations, guidelines and standards applicable at the time of construction and with the plans, drawings and specifications

9. CHILD CARE LEASE

- 9.0 The Child Care Operator agrees to execute the City's standard form of lease.
- 9.1 On-going occupancy and maintenance costs are paid for by the City for a term of 99 years, consisting of a first term of 5 years, renewable at the City's option for a further three terms of 25 years and a fifth term of 19 years, all at nominal rent to the Operator
- 9.2 Provision for drop-off and pick-up location and to ensure that these spaces are free from all obstructions
- 9.3 Provision for Child Care Staff parking.

10.0 START-UP COSTS

- 10.1 Upon execution of the Child Care Lease, the Owner will pay to the Child Care Operator a one-time contribution of \$160,000.00. This amount may be increased annually in accordance with the Consumer Price Index or other relevant escalator.
- 10.2 Payment is to be used by the Child Care Operator for staffing or any services necessary to prepare for the opening of the Child Care Centre and to defray or partially defray the start-up costs of the Child Care Centre for its first year of operation.

11.0 ADVISORY COMMITTEE

- 11.1 The Child Care Operator should form a separate advisory board to provide in-put into the operation of the program.

ATTACHMENT 16

DRAFT

Parkway Forest Community Centre Draft Term Sheet March 2006

1. COMMUNITY CENTRE DESCRIPTION

- 1.1. The Developer shall design and construct, entirely at his own costs, a complete 5,000 square metre community centre with all of the program elements included and functional for the intended purpose of providing City operated public recreation, childcare and community service programs. Furniture, office and sports equipment and supplies shall not be the responsibility of the developer to provide.

2. DESIGN INTENT

- 2.1. The community centre shall be designed to have a civic presence and to be inspiring, welcoming, and befitting its context and the surrounding urban form. The building should be designed as a neighbourhood landmark, and should address the street with an appropriate degree of interest and animation. It shall be designed and constructed using the most current technologies and design principles, including green technologies and principles of sustainability and universal accessibility.

3. COMPARABLE EXAMPLES

- 3.1. Other recently constructed City of Toronto community centres selected by the City such as the Wellesley (St. Jamestown) Community Centre shall be used as comparable representative examples of the minimum level of design, materials, quality, fit and finish that must be achieved.

4. LOCATION AND PROGRAM

- 4.1. The community centre shall be located on the City-owned parkland generally as depicted on the February 2006 submission and shall consist of the program components listed below:
 - 4.1.1. Gymnasium, program and meeting rooms, office and administration space and all associated and supporting circulation space, washrooms, change rooms and all mechanical, storage and servicing space (see Appendix 'A');
 - 4.1.2. Aquatic component consisting of a 15 x 25 metre lane tank plus a whirl/therapy pool and all supporting (wet) change rooms and mechanical and storage space;
 - 4.1.3. Childcare facilities for 82 children and the associated outdoor space (See Appendix 'A' and see also the Childcare Term Sheet);

- 4.1.4. All vehicular access, vehicular parking, visitor pick-up/drop-off areas, service access and garbage pick-up required for the community centre in accordance with the most current by-laws, standards and codes;
 - 4.1.5. All related open space, landscaped outdoor areas and pedestrian connections required for the community centre; and
 - 4.1.6. All associated mechanical, plumbing, and electrical systems and devices.
- 4.2. The final program composition will be determined through development of the design drawings and through a public consultation process.
- 4.3. The City shall have the final authority to approve the program and community centre design.

5. COSTS:

- 5.1. All cost necessary to design and construct a complete, operational centre fully finished for the intended use are the sole responsibility of the developer, to be limited to parameters as outlined above, without changes by City and to standards of design and finish comparable to the Wellesley community Centre.
- 5.2. The City shall not be responsible for any costs cost associated with the design and construction of the community centre or for any increase in anticipated costs due to inflation or other unforeseen factors (e.g. soil conditions).
- 5.3. Any potential changes to the preliminary program as outlined in Section 4 that will substantially alter the nature or cost of the centre shall be negotiated by the City and the Developer, acting reasonably.
- 5.4. See also the “Cost” sub-sections for the headings below.

6. DESIGN TEAM

- 6.1. The facility shall be designed by a team including but not limited to architects, recreation planners, engineers, interior designers and landscape architects fully accredited and licensed to practice in the Province of Ontario. All sub-consultants as required for the successful design and implementation of the project must be retained by the successful team.
- 6.2. The design team shall be selected jointly by the Developer and the City. The appropriate method of selecting a design team will be jointly determined by the developer and the City.
- 6.3. The design team shall be responsible for preparing and providing all preliminary and final design and tender drawings and documents necessary to fully construct the facility to the satisfaction of the City. This includes all necessary revisions, cost estimates,

product samples, permits and clearances, presentation drawings or digital presentation formats for the public consultation process, as well as contract administration throughout construction.

7. PUBLIC CONSULTATION

- 7.1. The public consultation process for the design of the community centre shall be lead by the City.
- 7.2. The design team shall actively participate in the public consultation process and shall participate in all meetings with staff, stakeholders, and other agencies as required for complete approval and construction of the facility.

8. APPROVALS

- 8.1. All drawings, plans, specifications and construction documents shall be to the satisfaction of the City, acting reasonably. The City shall have final authority to approve the design.
- 8.2. The Developer is responsible for obtaining all requisite approvals for zoning compliance, Site Plan Approval, building permits, etc as required for the completion of the project.

9. CODES AND GOVERNING BODIES

- 9.1. All components will be designed, constructed delivered and installed in accordance with all relevant governing legislation, regulations, guidelines and standards applicable to the intended use for public buildings. The most current codes, standards and practices for good construction at the time of construction shall prevail.

10. PERFORMANCE, QUALITY AND STANDARDS

- 10.1. All materials, products, finishes, devices, appliances and systems shall be designed and specified with regard for the demands of an intensively used public building operated and maintained by the City of Toronto, and shall meet at least the standard of the comparable examples listed under Section 3 above.
- 10.2. The City shall have the final authority to approve or reject all products and materials.

11. CONTRACTOR SELECTION

- 11.1. The facility shall be constructed by a general contractor fully licensed to work in the Province of Ontario. The general contractor shall retain all sub-contractors and trades etc as required for the successful completion of the project.

- 11.2. The general contractor shall jointly by the Developer and the City. The appropriate method of selecting a contractor will be jointly determined by the developer and the City.
- 11.3. The tender documents will be prepared by the design consultant(s) and will be issued by the developer or his agents.
- 11.4. Any work carried out on City property or on behalf of the City must be in accordance with the Fair Wage and Labour Trades Contractual Obligations Policy (see Chapter 67 of the City of Toronto Municipal Code).
- 11.5. All contractors, sub-contractors or trades on the site will be required to indemnify the City of Toronto and must obtain and maintain in effect Comprehensive General Liability insurance which includes the City of Toronto as an additional insured to the satisfaction of the City.

PERMITS

- 11.6. The Developer and/or his designate is responsible for obtaining all applicable permits for demolition, excavation, foundation, plumbing, construction access, occupancy etc as may be required for the complete construction and operation of the facility.

12. PAYMENT

- 12.1. All invoices, weigh-bills, and receipts, etc for services, goods and materials shall be received by the Developer or his designate for payment.
- 12.2. The Developer shall forward all progress payment certificates for the design team and the general contractor to the City for review and approval prior to payment.
- 12.3. All costs for the complete design and construction shall be the full responsibility of the developer.

13. MATERIALS

All materials and products shall:

- 13.1. Be new materials only purchased specifically for the project;
- 13.2. Comply with and be certified by the CSA or Underwriter's Laboratory, etc as applicable;
- 13.3. Be in accordance with most current acceptable practices and standards for good construction;

- 13.4. Be free from defects due to manufacturing, delivery or installation; and
- 13.5. Be safe and approved for the use as specified.

The City shall have the final authority to approve the products and materials.

14. DISPUTE RESOLUTION/ARBITRATION

- 14.1. In the event of disagreement between the City and the Developer on any aspect of the design or construction of the facility, a third-party arbitrator may be used.
- 14.2. The appropriate method of obtaining and retaining an arbitrator will be jointly determined by the developer and the City.

15. TRANSFER OF FACILITY

- 15.1. The Developer shall deliver to the City the complete community centre with all systems operating, fully functional and in good repair.
- 15.2. Any and all requisite compliance letters, certificates and test results will be handed over to the City.
- 15.3. The operation and maintenance of any equipment or systems requiring special procedures will be demonstrated to City staff by the contractor or supplier.
- 15.4. All keys, access codes, security passes, etc shall be provided to the City.
- 15.5. All utilities and services shall be connected and fully functional, and all utility providers shall be contacted and correct billing accounts established.
- 15.6. All licenses or permits for equipment or systems, etc shall be provided to the City.
- 15.7. All owner's and maintenance manuals for any and all equipment, machinery, devices and appurtenances shall be provided to the City.
- 15.8. "As-built" drawings in hard copy and digital files etc shall be provided to the City.

16. OPERATION PRIOR TO HANDOVER

- 16.1. Prior to the final handover and acceptance by the City, the Developer shall be responsible for operating and maintaining any and all HVAC, plumbing, pool, electrical, security equipment or systems etc to ensure the facility is safe and secure and to ensure that no equipment or materials are damaged due to environmental conditions or other reasons.

17. DEFICIENCIES

- 17.1. Any and all deficiencies shall be rectified by the Developer entirely at his own cost prior to Final Acceptance by the City.

18. INSPECTIONS

- 18.1. All mandatory inspections by the agencies having authority shall be arranged by the consultant and/or contractor throughout all stages of construction. The City shall be notified prior to any and all inspections and may participate at their discretion.
- 18.2. Regular construction site meetings with the City shall be scheduled by the consultant and/or contractor throughout all stages of construction.

19. WARRANTIES

- 19.1. All materials, products and workmanship not specifically warranted by the manufacturer or supplier shall be warranted by the developer for a period of two years following preliminary acceptance.
- 19.2. All warranties, certificates or documents for all equipment, machinery, devices and systems shall be transferred over to the City at time of Final Acceptance.

20. NON-CONFORMANCE

- 20.1. Any materials, equipment, products or installations not conforming to the specifications, not in compliance with applicable codes or found faulty in manufacture or installation shall be replaced entirely at the Developer's expense.

21. FINANCIAL SECURITIES

- 22.1 Prior to the granting of final approval of the plan of subdivision the Owner shall provide an Irrevocable Letter of Credit for \$500,000.00 to the satisfaction of the General Manager of Parks, Forestry and Recreation for the design work for the community centre.
- 22.2 Prior to issuance of a building permit for the 425th dwelling unit for the residential portion of the redevelopment proposal on the subject property, the Owner shall provide an Irrevocable Letter of Credit in a sum equal to 120% of the cost of the construction of the community centre which is to be determined by and provided to the satisfaction of the General Manager of Parks, Forestry and Recreation.
- 22.3 Draw-downs on the Letter of Credit corresponding to the value of work completed will be permitted.

- 22.4 Holdbacks for deficiencies in accordance with standard construction practice will be required. The Developer shall forward all requests for release of holdbacks for the general contractor to the City for review and approval prior to payment.

22. TIMING

- 22.1. Prior to issuance of a building permit for the 425th dwelling unit for the residential portion of the redevelopment proposal on the subject property, the design and tendering of the community centre must be at a stage to permit issuance of a building permit for the community centre.
- 22.2. It is the Developer's responsibility to ensure that all necessary steps are taken to coordinate the design and tendering of the community centre to permit the issuance of a building permit for the community centre.

APPENDIX 'A'

DELIVERABLES

Included in the scope of work by the Developer are the following:

1. Complete, operational community centre fully equipped and functional for the intended purpose to the specified standard. All systems tested and demonstrated to be operational.
2. Complete exterior and interior structure, weather proof and secure.
3. All interior and exterior doors, windows and locks.
4. All cladding, roofing, weather proofing, finishes and protective coatings.
5. All floor coverings, wall and ceiling finishes, paint, protective coatings, floor markings for specialized rooms (e.g. court games in the gymnasium) floor coverings and treatments.
6. All trim, mouldings, and detailing.
7. All insulation, fireproofing and sound proofing as required through OBC and design process.
8. All interior structural, dividing or partition walls.
9. All utility and service connections sized and located as appropriate for the intended function of the facility.
10. All fixtures, equipment, appurtenances, built-in furniture, counters etc.
11. All window coverings, blinds, drapes etc...
12. All vehicular access, parking, service access and turn-rounds for garbage, delivery, visitor drop-off, etc .including all ancillary or related work (excavation, granular, paving, etc)
13. All related open space, landscaped out door areas, walkways and pedestrian connections, stairs, ramps, lights etc.

14. All related and supporting mechanical and electrical systems including heating, air conditioning, lighting, intercom, public address, security, elevating devices, fire detection and suppression, automated door openers, computer cables, telephone, Internet, wiring,
15. All pool circulation, heating and filtration, ventilation etc.
16. International standardized signs for washrooms, elevators, exits and emergency exists, stairs, meeting rooms, etc.
17. Any and all demolition, stripping, clearing and grubbing, excavation, removal and disposal, clean-up and soil remediation as required in order to complete the project in accordance with all codes, standards and practices.

Not included under the Developer's responsibilities are the following items:

1. Office equipment, computers, printers, scanners, telephones, fax machines, etc.
2. Office supplies including forms, paper, pens etc.
3. Art work, decorations.
4. Movable office furniture including chairs, desks, file cabinets, book cases, cubicle partitions, equipment stands.
5. Sport equipment including weights or weight machines
6. Gymnasium equipment including balls, nets, mats, racquets, bats or sticks
7. Pool equipment flutter boards, pull-buoys, etc.
8. Pool chemicals, life-saving equipment, lane demarcation buoys and life-guard chairs.