

CITY OF TORONTO

BY-LAW No. 864-2008(OMB)

To adopt Amendment No. 579 to the former City of North York Official Plan with respect to lands municipally known as 120 and 130 George Henry Boulevard, 32-50, 65 and 80 Forest Manor Road, and 100, 102, 110 and 125 Parkway Forest Drive.

WHEREAS the Ontario Municipal Board, by its Decision No. 1968 issued July 11, 2006, and by its Order issued on July 15, 2008 has approved an amendment to the Official Plan of the former City of North York, with respect to lands municipally known as 120 and 130 George Henry Boulevard, 32-50, 65 and 80 Forest Manor Road, and 100, 102, 110 and 125 Parkway Forest Drive;

THEREFORE the Official Plan of the former City of North York is amended as follows:

1. Amendment No. 579 to the Official Plan of the City of North York, consisting of the attached text and schedules, is hereby adopted.

PURSUANT TO THE DECISION/ORDER OF THE ONTARIO MUNICIPAL BOARD ISSUED ON JULY 11, 2006, AND ITS ORDER ISSUED ON JULY 15, 2008 IN BOARD FILE NO. PL050227.

PREFACE AND EXPLANATORY NOTES**TO AMENDMENT NO. 579****TO THE OFFICIAL PLAN OF THE****CITY OF NORTH YORK****LANDS AFFECTED BY THIS AMENDMENT**

This amendment concerns the subject lands located at the southeast corner of Sheppard Avenue East and Don Mills Road, in the community of Parkway Forest, and municipally known as 120 and 130 George Henry Boulevard, 32-50, 65 and 80 Forest Manor Road, 100, 102, 110 and 125 Parkway Forest Drive. The lands are legally described as Blocks A, I, J and K on Registered Plan 7239, City of Toronto (former City of North York). The lands are currently developed with 1,439 rental apartment units in five, 17-storey buildings (65 and 80 Forest Manor Road and 100, 110 and 125 Parkway Forest Drive), two, 6-storey buildings (120 and 130 George Henry Boulevard), 114 rental townhouse units (32-50 Forest Manor Road) and a private community centre.

EFFECT OF AMENDMENT

The effect of this amendment is to amend the North York Official Plan and the Sheppard East Corridor Secondary Plan by designating and adding the sites along the Sheppard Avenue East and Don Mills Road frontages (Blocks A, B, C and D) as a key development area within the Sheppard East Subway Corridor Secondary Plan and designate the lands Mixed Use (MU) to permit a predominately residential community with accessory commercial/retail uses. The amendment introduces a new site-specific development policy to the Sheppard East Subway Corridor Secondary Plan for the redevelopment of the key development area lands in a comprehensive manner to allow residential uses, ground floor commercial uses, and non-profit community use space to a maximum permitted floor space index of 3.5, in exchange for community benefits to be secured through Section 37 Agreements related to rental housing, a new public community centre and child care facility, non-profit community use space along Sheppard Avenue and associated transportation improvements. The five existing 17-storey apartment buildings known as 65 and 80 Forest Manor Road, and 100, 110 and 125 Parkway Forest Drive will be retained as rental apartment buildings and incorporated into the redevelopment. The amendment will permit the demolition and replacement of the 332 rental units known as 120 and 130 George Henry Boulevard and 32-50 Forest Manor Rd. (Blocks A, B and C) with new rental units.

The lands bound by Parkway Forest Drive, Forest Manor Road and the Parkway Forest Park (Block E) will be designated Residential Density 5 (RD-5) to permit residential uses to a maximum permitted floor space index of 1.9.

Lands to be dedicated to the City for park purposes will be designated as Local Open Space, and include the central portion of lands (Block F) within the proposed Residential Density 5 (RD-5) (Block E).

The site-specific amendment also enables the density incentives currently within the Secondary Plan to be utilized on the lands.

PUBLIC MEETINGS

The North York Community Council considered Amendment Application 04 194214 NNY 33 OZ at a public meeting held on April 4, 2006, after written notice of such meeting had been sent to all persons assessed in respect of land and to all tenants within 120 metres of the subject lands. It was North York Community Council's decision to recommend approval of the application subject to modifications.

City Council at its meeting on April 25, 26 and 27, 2006 adopted the recommendation of the North York Community Council subject to further modifications and also authorized further modifications at in its consideration of Item 7.42, adopted by City Council at its meeting held on July 16, 17, 18 and 19, 2007.

AMENDMENT NO. 579

TO THE OFFICIAL PLAN OF THE

CITY OF NORTH YORK

The following text and schedules constitutes Amendment No. 579 to the Official Plan of the City of North York.

ITEM 1

Clause 1

Map C.1 – Land Use Plan – of the Official Plan is amended by designating the lands known as 120 and 130 George Henry Boulevard, 32-50 and 80 Forest Manor Road, and 125 Parkway Forest Drive (Blocks A, B, C and D) as Mixed Use (MU); designating the lands municipally known as 100 and 110 Parkway Forest Drive and 65 Forest Manor Road (Block E) as Residential Density 5 (RD-5); designating the lands surrounded by 100 and 110 Parkway Forest Drive and 65 Forest Manor Road (Block F) as Local Open Space (LOS); as shown on Schedule “A” to this amendment.

ITEM 2

Clause 1

Map D.15.2 of the Sheppard East Subway Corridor Secondary Plan is amended by adding the lands known as 120 and 130 George Henry Boulevard., 32-50 and 80 Forest Manor Road, and 125 Parkway Forest Drive (Blocks A, B, C and D) as a Key Development Area and designating them from Residential Density Two (RD2), Residential Density Three (RD3), and Residential Density Four (RD4) to Mixed Use and assigning a density of 3.5 FSI to the lands as shown on Schedule “B” to this amendment.

Clause 2

Map D.15.3 of the Sheppard East Subway Corridor Secondary Plan is amended by adding the subject lands as specific development policy area 4.2.8 as shown on Schedule “C”.

ITEM 3

Clause 1

Part D.15 is amended by adding the following subsection to 4.2 as Section 4.2.8:

“4.2.8 Parkway Forest Community (120 and 130 George Henry Boulevard, 32-50, 65 and 80 Forest Manor Road, and 100, 102, 110 and 125 Parkway Forest Drive (Blocks A, B, C, D and E)

Certain lands in the area east of Don Mills Road and south of Sheppard Avenue East being approximately 8.03 hectares (20.5 acres) in extent are designated Mixed Use (MU). Development of these lands is intended predominantly for multiple family residential development in townhouse and apartment building forms with grade related ancillary convenience retail/commercial uses, grade related non-profit community space along the Sheppard Avenue frontage, and recreational uses up to a maximum floor space index (FSI) of 3.5.

The central block of lands bounded by Parkway Forest Park, Parkway Forest Drive and Forest Manor Road shall be designated RD-5. Development of these lands is intended predominantly for multiple family residential development in townhouse and apartment buildings with recreational uses up to a maximum floor space index of 1.9.

The following policies also apply on these lands:

- (a) the distribution of densities will provide for the highest densities located closest to the Don Mills Subway Station and to a lesser extent, along the Don Mills Road and Sheppard Avenue frontages. Lower densities are attributed to the lands designated RD-5 adjacent to the Parkway Forest Park;
- (b) a “main street” approach along Sheppard Avenue East with commercial/retail uses and/or community uses at grade;
- (c) the scale and massing of buildings within the central block shall reflect the lower density character of development along the east side of the park and provide for appropriate street proportion;
- (d) improved underground and aboveground pedestrian connections to the Don Mills Subway Station and bus transit terminals and within the community;
- (e) a public road connection shall be created from Forest Manor Road to Don Mills Road through a registered plan of subdivision;
- (f) the expansion of the existing Parkway Forest Park to the north to extend into the central block, immediately north of Parkway Forest Park, replacing the existing private recreational centre with an outdoor swimming pool and accessory building. A community centre and day care facility is permitted on the northwest portion of Parkway Forest Park, fronting Forest Manor Drive;
- (g) new development should be sensitive to the remaining uses and built forms within the Key Development Area and central block;
- (h) where land is conveyed to the City for public parkland, the density attributable to such land may be used in the calculation of permissible density and may be transferred to another block within the same development node;

- (i) the Urban Design Principles set out in Section 4.4 will also apply to the lands designated Residential Density Five (RD5) in addition to the lands designated Mixed Use within the Key Development Area;
- (j) the preparation of a Context Plan to determine appropriate design criteria including appropriate transitions in density, height, massing and building location within the Parkway Forest neighbourhood and the stable residential neighbourhood on the west side of Don Mills Road; and
- (k) the density incentives outlined in Section 4.3.3 of the Secondary Plan may be utilized for the lands.”

HOLDING PROVISION

Council will avail itself of the provisions of Section 36 of the *Planning Act* to institute a holding provision in the implementing Zoning By-law.

Notwithstanding the uses otherwise permitted for each of Blocks A, B, C and D, the site shall be subject to the following phasing restrictions:

Blocks A, B, C and D shall be subject to the holding symbols as set out in Schedules “B” and “C” of By-law No. 7625 of the former City of North York, and while (for clarity, meaning “at such time as”) they are subject to the holding symbols, the following development restrictions shall apply:

- (i) During such time as Schedules “B” and “C” designate Blocks A, B, C and D as being subject to all of the “H-1”, “H-2”, “H-3”, “H-4” and “H-5” holding symbols, no person shall construct or use more than 466 new dwelling units within the site, and such dwelling units may be constructed only within Block A;
- (ii) In the event Schedules “B” and “C” have been amended to remove the “H-1” holding symbol designation from Blocks A, B, C and D, leaving only the “H-2”, “H-3”, “H-4” and “H-5” holding symbols, no person shall construct or use more than 866 new dwelling units within the site, and such dwelling units may be constructed only within Block A;
- (iii) In the event Schedules “B” and “C” have been amended to remove the “H-1” and “H-2” holding symbol designations from Blocks A, B, C and D, leaving only the “H-3”, “H-4” and “H-5” holding symbols, no person shall construct or use more than 1,210 new dwelling units within the site, and such dwelling units may be constructed only within Block A;
- (iv) In the event Schedules “B” and “C” have been amended to remove the “H-1”, “H-2” and “H-3” holding symbol designations from Blocks A, B, C and D, leaving only the “H-4” and “H-5” holding symbols, no person shall construct or use more than 1556 new dwelling units within the site, and such dwelling units

may be constructed only within Blocks A and B, of which at least 990 new dwelling units shall be within Block A;

- (v) In the event Schedules “B” and “C” have been amended to remove the “H-1”, “H-2”, “H-3” and “H-4” holding symbol designations from Blocks A, B, C and D, leaving only the “H-5” holding symbol, no person shall construct or use more than 1655 new dwelling units within the site, and such dwelling units may be constructed only within Blocks A, B and C, of which at least 990 new dwelling units shall be within Block A;
- (vi) In the event Schedules “B” and “C” have been amended to remove the “H-1”, “H-2”, “H-3”, “H-4” and “H-5” holding symbol designations from Blocks A, B, C and D, the maximum number of dwelling units permitted on the site shall be 3,753 and the maximum gross floor area permitted on the site shall be 377,431 square metres.

Notwithstanding the restrictions on the number of dwelling units contained in the foregoing section, the aforementioned holding symbols shall not preclude the site from also being used for:

- (i) the existing rental dwelling units; and
- (ii) the rental replacement dwelling units.

CRITERIA FOR REMOVAL OF HOLDING PROVISIONS

The following are the criteria to be fulfilled for the removal of each of the “H-1”, “H-2”, “H-3”, “H-4” and “H-5” holding symbols from Schedules “B” and “C” of By-law No. 7625 of the former City of North York:

As a pre-condition to the removal of the “H-1” holding symbol all of the following conditions must be met:

- (a) the design and tendering of the community centre/child care centre on the City-owned lands on Parkway Forest Park must be at a stage to permit issuance of a building permit for the community centre/child care facility;
- (b) the design and tendering of the outdoor swimming pool and accessory building on the City-owned lands on Parkway Forest Park must be at a stage to permit issuance of a building permit for the outdoor swimming pool and accessory building;

- (c) the design of the parkland enhancements on the City-owned lands on Parkway Forest Park must be finalized; and
- (d) the owner of the site must have submitted a Traffic Management Plan satisfactory to the Director, Transportation Services, North York District, which reviews traffic conditions at that time to ensure traffic infiltration in the Parkway Forest and Henry Farm Community is adequately controlled and which includes recommendations to be implemented by the owner of the site for traffic calming and streetscape improvements.

As a pre-condition to the removal of the “H-2” holding symbol the owner must have implemented the recommendations of the Traffic Management Plan and must have constructed the new public road and the signalized intersection at Don Mills Road must be completed.

As a pre-condition to the removal of the “H-3” holding symbol both of the following conditions must be met:

- (a) the community centre/child care centre, outdoor swimming pool and accessory building, and parkland enhancements on the City owned lands on Parkway Forest Park must be completed; and
- (b) the owner of the site must have submitted a Traffic Impact Analysis satisfactory to the Director, Transportation Services, North York District, to determine if deemed required by the Director, Transportation Services, North York District, the timing of the westbound Sheppard Avenue to southbound Don Mills Road double left turning lane construction as well as, any other improvements which might be identified at this stage.

As a pre-condition to the removal of the “H-4” holding symbol, the owner must have constructed, if deemed required by the Director, Transportation Services, North York District, the westbound Sheppard Avenue to southbound Don Mills double left turning lane.

As a pre-condition to the removal of the “H-5” holding symbol the owner must have submitted a Transportation Impact Study to the satisfaction of the Director, Transportation Services, North York District, to demonstrate that there is sufficient transportation capacity available to accommodate additional site generated traffic or measures that can be undertaken to accommodate additional traffic.

Section 37 Benefits

Section 15.1.0 of Part B – Major Policies of the Official Plan of the former City of North York and Official Plan Amendment 392 (Sheppard East Subway Corridor Plan) of that Official Plan contains provisions relating to increases in height and/or density in return for specific community benefits that may be utilized by Council in passing zoning by-laws with respect to the site.

The implementing by-law will establish performance standards including building envelopes which prescribe maximum heights, maximum number of units, minimum/maximum amount of parking spaces, maximum gross floor areas, minimum setbacks, minimum unit sizes, minimum indoor recreational amenity space, open space areas and Section 37 benefits. The by-law shall recognize that a maximum density greater than that indicated on Map D.15.2 may result on individual parcels provided that the maximum density assigned to the Mixed Use designation as a whole (Blocks A, B, C and D) does not exceed an FSI of 3.5.

The owner of the site, at the owner's expense and in accordance with, and subject to the agreements referred to above, shall provide or fund the following facilities, services and/or matters on terms satisfactory to the City of Toronto, in order to permit the increase in gross floor area and height authorized under the implementing by-law:

- (a) provisions to permit the phased construction of rental replacement units including:
 - (i) the construction of 229 of the proposed total 332 rental replacement units in Phase 1, and
 - (ii) the construction of the remaining 103 of the proposed total 332 rental replacement units in Phase 3A.
- (b) provisions for Technical Services requirements.
- (c) provisions for Ministry of Transportation requirements.
- (d) provisions for the replacement of builder's chain link fence on the west side of Don Mills Road between Havenbrook and George Henry Boulevards.
- (e) provisions for the delivery of public facilities whereby the owner agrees to design, construct and provide, at its own costs, a community centre, an outdoor pool facility, community agency space and a park facility, with associated parking, access, drop-off zones, loading/receiving areas, including:
 - (i) a community centre having at least 4,500 square metres of gross floor area, of which, approximately 3,662 square metres, shall be for community recreation space and the remainder of the interior gross floor area, being approximately 838 square metres, shall be for a 82-space child care centre;

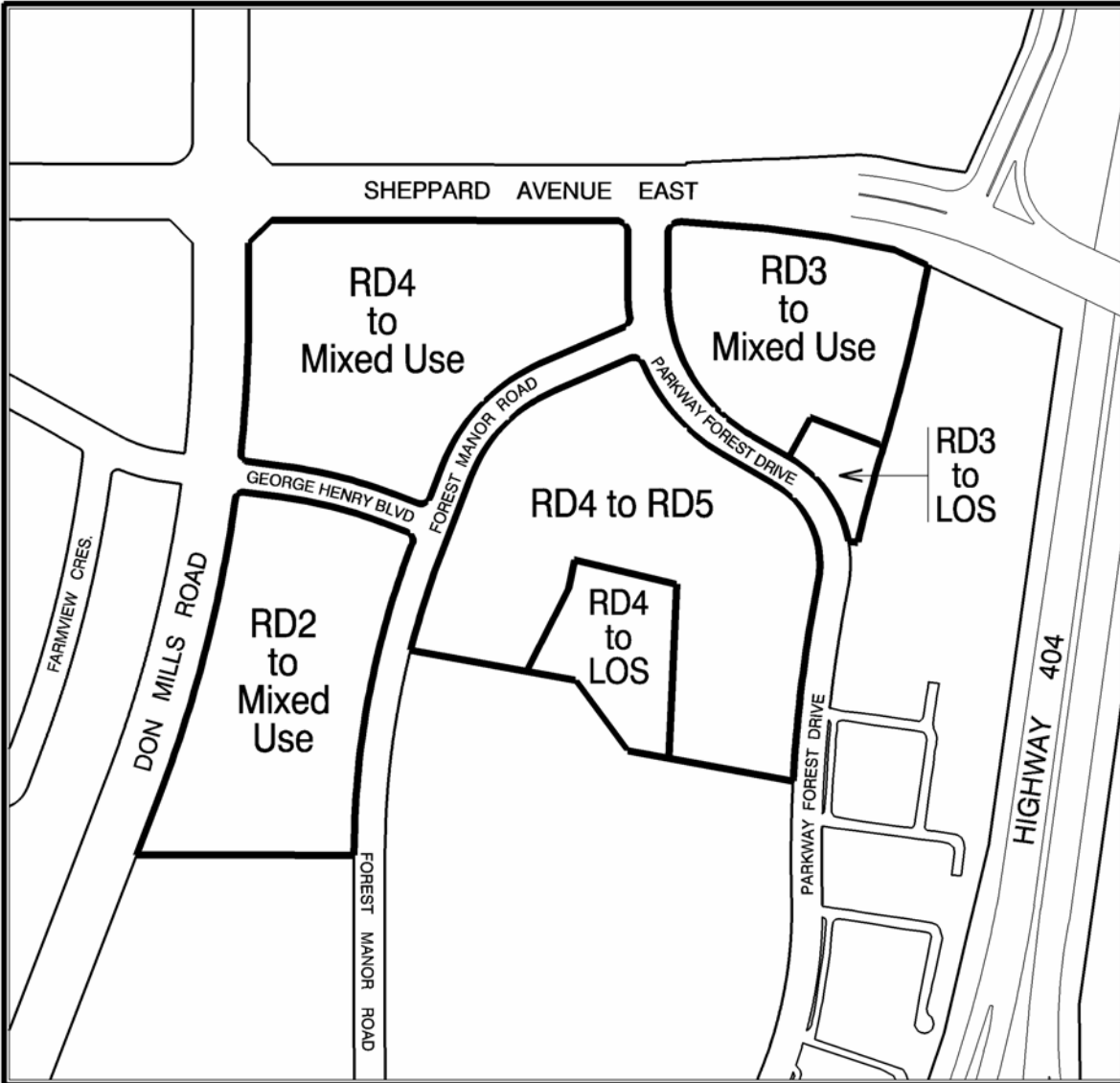
- (ii) an outdoor pool facility comprising a fully functional City-operated outdoor swimming pool, a pool deck, and a pool building, to provide indoor support space for the pool, having at least 525 square metres of gross floor area; and
 - (iii) two (2) fully finished community agency spaces for community use having a lease with an initial term of 25 years, and shall, be renewed for additional terms of 25 years, 25 years and 24 years, respectively, for an aggregate of no greater than 99 years.
- (f) provisions for a design process and requirements for public facilities.
- (g) provisions for monetary contributions by the owner to the child care centre as follows:
- (i) \$170,000.00 for equipment;
 - (ii) \$150,000.00 to a capital reserve equipment fund together with any increases to reflect increases in the Non-Residential Construction Price Index from March 29, 2006, to provide for the replacement of equipment; and
 - (iii) \$10,000.00 for moving costs together with any increases to reflect increases in the Non-Residential Construction Price Index from March 29, 2006.
- (h) provisions for the owner to provide 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 new buildings and structures on the Block A lands.
- (i) provisions for traffic management whereby the owner agrees to prepare and submit to the City, prior to the issuance of a building permit for the construction of the second condominium building to be constructed within the site, a traffic management plan that addresses issues related to traffic infiltration, traffic claming, pedestrian safety and streetscape improvements.
- (j) provisions for traffic impact studies and associated road improvements whereby the owner agrees to undertake traffic impact studies associated with the release of the holding provision (H-symbol), and implement, at no cost to the City, any road improvements that may be identified through the traffic impact studies as a pre-condition to the removal of the holding provision (H-symbol) for Phase 5 and Phase 6.
- (k) provisions for additional westbound left turn lane and associated median and/or streetscape improvements at the intersection of Don Mills Road and Sheppard Avenue.
- (l) provisions for additional traffic studies whereby the owner agrees, as a condition to the removal of the holding provision (H-symbol) for Phase 6, to undertake additional traffic impact studies associated with the release of the holding provision (H-symbol) and will identify whether sufficient road capacity is available to accommodate Phase 7 of the site, prior to the release of the holding provision (H-symbol) for Phase 7.

- (m) provisions for traffic monitoring whereby the owner agrees to contribute \$20,000.00 to pay for future traffic monitoring prior to or upon execution of the Section 37 Agreement.
- (n) provisions for transit improvements and transit-related matters, including the owner agreeing to:
 - (i) provide a direct pedestrian linkage between the site and the TTC entrance to Don Mills Station on the south side of Sheppard Avenue at Don Mills Road, at no cost to the TTC;
 - (ii) contribute \$250,000.00 to the TTC for Don Mills Road transit improvements and a Don Mills Road bus right-of-way;
 - (iii) ensure that a road widening for a bus right-of-way is available by implementing a building setback of four (4) metres from Don Mills Road; and
 - (iv) provide one annual (12-month subscription) TTC Pass to every first purchaser of each dwelling unit and to each tenant relocated to a new rental replacement building.
- (o) provisions for land conveyances whereby the owner agrees to convey to the City for nominal consideration, lands for a new road, road widenings and park, with remediation of these lands.
- (p) provision whereby the owner agrees to apply for approval of a plan of subdivision and enter into a Subdivision Agreement with the City prior to the issuance of the first building permit for the second condominium building (within Phase 3B).
- (q) provision respecting development charge credits whereby the City agrees that the owner is entitled to a development charge credit in the amount of \$1.7 million, of the Parks and Recreation component of development charges, for the public facilities.
- (r) provisions whereby the owner agrees to enter into an agreement with the Toronto District School Board to secure the payment of \$500 per approved additional unit to be paid at the time of individual building permit issuance for the approved additional units.
- (s) provisions to permit the site [which is currently developed with 1,553 existing rental dwelling units in 5 (five), 17-storey apartment buildings, 2 (two) 6-storey apartment buildings and 114 townhouse units] to be redeveloped in one or more phases, with the demolition of two (2), 6-storey apartment buildings containing 218 units and the demolition of 114 townhouse units for a total of 332 units, and requiring part of the redevelopment to comprise the rental replacement buildings.
- (t) provisions whereby the owner agrees that rental dwelling units will be maintained during the rental replacement period.

- (u) provisions whereby the owner agrees:
 - (i) that not less than 332 replacement rental units are to be built and maintained on the site, of which at least 119 shall comprise new affordable rental replacement units with the remaining replacement rental units comprising new mid-range rental replacement units; and
 - (ii) to provide the 119 new affordable rental replacement units, with a right to occupy rental replacement units including a process by which a new tenant exercises the right to return to a rental replacement unit.
- (v) provisions for additional benefits to eligible tenants.
- (w) provisions whereby the owner agrees to maintain the 1221 remaining rental dwelling units as rental housing for a minimum period of twenty-five (25) years and agrees that no application will be made for a demolition permit or for purposes of condominium registration, pursuant to the *Condominium Act, 1998*, for these units during the twenty-five (25) year period.
- (x) provisions whereby the owner agrees to restrictions on the application to the Ontario Rental Housing Tribunal for any above-Guideline rent increases for the rental replacement units.
- (y) provisions whereby the owner agrees to submit a plan for improvements to remaining apartment buildings prior to site plan approval for any phase containing any rental replacement unit.
- (z) provisions whereby the owner agrees to develop and implement a construction mitigation and tenant communication strategy satisfactory to the Chief Planner.
- (aa) provision for a special rent supplement contribution whereby the owner agrees to contribute \$1,000,000.00 to the City to enable the City to provide rental assistance to facilitate the provision of affordable housing for eligible households residing at the remaining apartment buildings.

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

Schedule " A "
(Amendment No. 579)



LAND USE MAP

**Amendment to
Map C.1 Land Use**

File No. 04_194214
 Prepared by: A.K.
 Approved by: S.F.
 Date: October 25, 2006
 Filename: OPA579



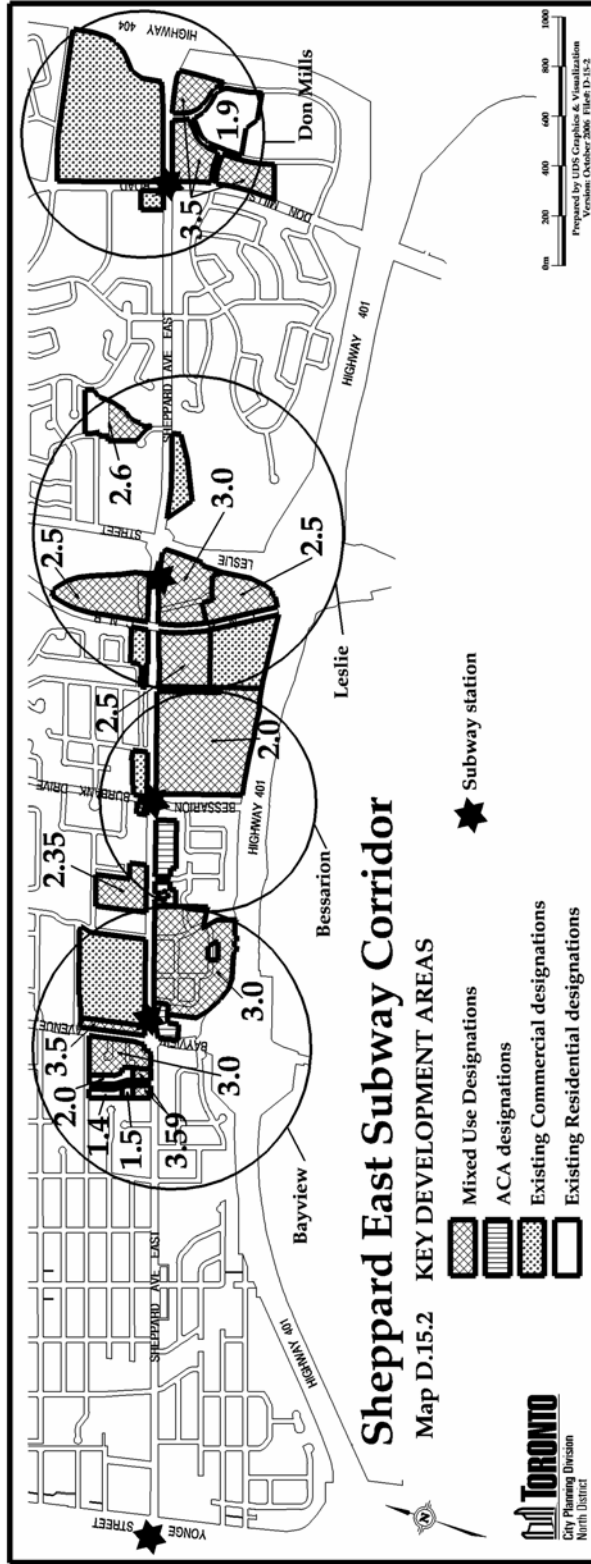
NOT TO SCALE



Location: Parkway Forest, Sheppard Avenue East and Don Mills Road

Source: Official Plan, By-Law, Lot Line, Street Line and Street Name Data - North York Planning Department.
 Street lines represent street dedications/road allowances and do not represent actual as-built curb lines of streets.

Schedule "B"
 (Amendment No. 579)



Schedule "C"
 (Amendment No. 579)

