

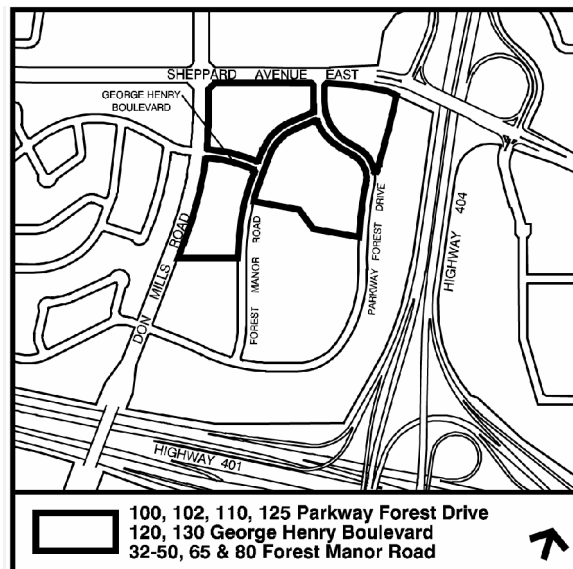
**100, 102, 110 & 125 Parkway Forest Drive  
120 & 130 George Henry Blvd  
32-50, 65 & 80 Forest Manor Road  
Draft Plan of Subdivision Application, Official Plan &  
Zoning By-law Amendment, Context Plan**

<b>Date:</b>	June 12, 2007
<b>To:</b>	North York Community Council
<b>From:</b>	Director, Community Planning, North York District
<b>Wards:</b>	Ward No. 33 – Don Valley East
<b>Reference Number:</b>	File No. 06 191462 NNY 33 SB & File No. 04 194214 NNY 24 OZ

**SUMMARY**

The purpose of this report is to recommend modifications to the comprehensive settlement reached between the City and the owner on the Official Plan and Zoning By-law amendments approved by the Ontario Municipal Board (OMB) and advise City Council that the Chief Planner intends to approve the application to create a new public road connecting Forest Manor Road to Don Mills Road and create two new residential development blocks (Phases 5 and 6) on each side of the new road. This report addresses the subdivision conditions.

The modifications to the comprehensive settlement include: the provision of a minimum of 804m<sup>2</sup> of ground floor community agency; a community centre having a minimum gross floor area of 5,000m<sup>2</sup> for the intended purpose of providing City operated public recreation space, 82 space childcare and community service programs; an outdoor swimming pool including a pool deck and indoor support space having a gross floor area of approximately 525m<sup>2</sup>; a public art



contribution for a value not less than one percent of the gross construction cost of all new buildings and structures on the Block A lands; and redirecting the \$1 million cash-in-lieu contribution for special rent supplement initiatives from 121 Parkway Forest Drive to existing eligible households in the Parkway Forest community.

Council is also being requested to adopt the Parkway Forest Context Plan to guide the review of development applications within the Context Plan area.

## **RECOMMENDATIONS**

---

The City Planning Division recommends that:

1. City Council authorize the City Solicitor to request the OMB approve the Official Plan and Zoning By-law with the following modifications to the Section 37 public benefits:
  - (i) The applicant shall provide, during the first phase of construction, a minimum of 804m<sup>2</sup> of ground floor community agency space within Buildings A2 and D1, along the Sheppard Avenue East frontage of the site;
  - (ii) The applicant shall construct a community centre (and associated parking) having a minimum gross floor area of 4,500m<sup>2</sup> for the intended purpose of providing City operated public recreation, 82 space childcare and community service programs. Prior to the issuance of a building permit for the construction of the 425<sup>th</sup> new dwelling unit (Phase 3B), the design and tendering of the community centre/childcare must be at stage to permit the issuance of a building permit for the community centre/child care. The community centre/childcare shall be completed prior to the issuance of any building permits for Phase 5.
  - (iii) The applicant shall construct an outdoor swimming pool (and associated parking) including a pool deck and indoor support space having a minimum gross floor area of approximately 525m<sup>2</sup>. Prior to the issuance of a building permit for the construction of the 425<sup>th</sup> new dwelling unit (Phase 3B), the design and tendering of the facility must be at stage to permit the issuance of a building permit for the facility. The facility shall be completed prior to the issuance of any building permits for Phase 5;
  - (iv) The applicant shall be responsible for the design and construction of parkland improvements in addition to the “base construction” obligations (grading, servicing, sodding, etc). The park improvements shall include suitable replacement of the current outdoor amenities that will be affected by development of the new community centre/child care. The applicant shall be responsible for the design and construction of the park improvements in addition to the “base construction” obligations (grading,

servicing, sodding, etc). The improvements shall also include all general park, landscape improvements including all walkways, pedestrian lights, tree and shrub planting, furnishings (e.g. benches, waste receptacles, bicycle racks, etc) and boundary fences/landscaping. The park improvements shall be completed prior to the issuance of any building permits for Phase 5;

- (v) The applicant shall 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;
  - (vi) The applicant shall provide a cash-in-lieu contribution of \$1 million to be used towards a "special rent supplement initiative" to be implemented by the City and applied to existing eligible households in the Parkway Forest community; and,
  - (vii) As a pre-condition to a building permit for any new condominium dwelling units (not rental replacement), the owner must pay \$1 million for the "special rent supplement program" to be administered by the City.
2. In addition to the conditions outlined in 1(i) to (vii) above, the Section 37 Agreement include and/or stipulate the following to the satisfaction of the Chief Planner and executive Director of City Planning and the City Solicitor:
- (i) The owner will remediate and convey to the City a 4 metre wide conveyance along the entire Don Mills Road frontage of the site. The owner shall do this at such time as they are requested to do so by the Chief Planner and in any event prior to the approval of the Site Plan application for Phase 2.
  - (ii) The new public road shall be constructed and completed prior to the issuance of any building permits for Phase 4;
  - (iii) The conditions of the Toronto District School Board as noted in their letter dated January 25, 2005 shall be included in the Section 37 Agreement for the entire site as well as, the Subdivision Agreement (in respect of Phases 5 and 6);
  - (iv) The conditions of the Toronto Catholic District School Board as noted in their letter dated December 17, 2004 shall be included in the Section 37 Agreement for the entire site as well as, the Subdivision Agreement (in respect of Phases 5 and 6);

- (v) The General Manager of Shelter, Support and Housing Administration should report back on establishing a reserve fund for the purpose of implementing the “special rent supplement program.”
  - (vi) As a pre-condition to a building permit for Phase 3B (the 425<sup>th</sup> building permit) the owner must have entered into a subdivision agreement to secure the remediation, construction and conveyance of the proposed new road located between these phases. The Section 37 Agreement should also stipulate that as a pre-condition to a building permit for Phase 3B the owner must:
    - (a) Demolish the townhouses located on the Phase 5 and 6 lands (Blocks 1 and 2 on the plan of subdivision);
    - (b) Sod the Phase 5 and 6 lands prior to the issuance of any building permits for Phase 4 and maintain the lands in this condition until their redevelopment; and,
    - (c) Submit a Traffic Management Plan for the entire site that addresses issues related to traffic infiltration, traffic claming, pedestrian safety and streetscape improvements.
3. The applicant shall pay the applicable development charges subject to a development charge credit in the amount of \$1.7 million, of the Parks and Recreation component of development charges, for the construction of parkland improvements, including the community centre and outdoor pool, as follows:
- (i) The Owner shall receive a development charge credit of \$479 per unit for bachelor and one-bedroom apartment units, \$771 per unit for apartment units with two or more bedrooms, \$946 per unit for all townhouse units, and \$0.75 per square metre of retail GFA.
  - (ii) The Owner will be required to pay full development charges on all building permits drawn prior to the completion and acceptance of the parkland improvements, including the community centre and outdoor pool.
  - (iii) Upon completion and acceptance of the parkland improvements (including the community centre and outdoor pool), the City shall issue a refund cheque to the Owner for the amount of the development charge credit due based on the number of units and/or retail GFA for which building permits have been drawn and development charges fully paid.

- (iv) The balance of the development charge credit, at the above rates, will be provided at building permit issuance until the entire amount of the development charge credit for the construction of the parkland improvements (including the community centre and outdoor pool) has been exhausted.
- 4. City Council adopt the Parkway Forest Context Plan dated June 11, 2007 as an implementation tool to guide the review of development applications within the Context Plan area;
- 5. In accordance with the delegated approval under By-law 229-2000, City Council be advised that the Chief Planner intends to approve the application generally as illustrated on Attachment 4, subject to:
  - (i) the conditions generally listed in Attachment 8, which otherwise noted must be fulfilled prior to the release of the plan of subdivision agreement for registration; and
  - (ii) such revisions to the proposed plan of subdivision or such additional or modified conditions as the Chief Planner may deem to be appropriate to address matters arising from the on-going technical review of the development.
- 6. 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 Recommendation 1(i) to (vii) above, such agreement(s) be registered on title to the lands in manner satisfactory to the City Solicitor; and,
- 7. That City staff be authorized to advise the Ontario Municipal Board of their support of the revised settlement as set out in Recommendation 1(i) to (vii) and the conditions set out in Recommendations 2, 3 and 4, 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.

### **Financial Impact**

The recommendations in this report have no financial impact.

### **DECISION HISTORY**

At its meeting held on April 25, 26 and 27, 2006, City Council adopted the March 29, 2006 report from the Director, Community Planning, North York District (the “Directions Report”) with respect to OPA and Rezoning Applications submitted by the owner, El-Ad Group Canada Inc. for a number of properties located within the Parkway Forest community at 100, 110 & 125 Parkway Forest Drive, 120 & 130 George Henry Boulevard and 32-50, 65 & 80 Forest Manor Road. The purpose of the Directions Report was to obtain directions for the OMB regarding El Ads appeals of Official Plan and

Zoning amendments to permit 2,500 additional residential units and the demolition and replacement of 332 existing residential units on the above noted properties. The report can be accessed at:

<http://www.toronto.ca/legdocs/2006/agendas/council/cc060425/ny3rpt/cl029.pdf>

City Council adopted the Directions Report as amended by the recommendations of the North York Community Council, which among other matters, recommended that the number of dwelling units be reduced from 2,500 to 2,200 units and the following additional conditions:

1. The applicant shall make a contribution of \$1,000.00 per approved additional unit to the Toronto District School Board, such contribution to be made in stages at the time of the issuance of buildings permits, such contributions to be placed in a reserve fund of the Toronto District School Board for use in constructing school buildings in the Parkway Forest area;
2. As a settlement, the provision of new affordable housing, to be a cash-in-lieu contribution of \$1 million in a “special rent supplement initiative” to enable the City to take up contracted rent supplement opportunities at the new affordable housing development at 121 Parkway Forest Drive;
3. In exchange for the reduced parking rates, as outlined in the Directions Report, and as an inducement to use public transit, the applicant provide free one year transit passes to each condominium purchaser and to each re-located tenant, and subject to a satisfactory agreement with the City, transit passes for a negotiated period for all new tenants.

This reduction in the number of units along with a number of changes to the original proposal was part of a comprehensive settlement reached at an OMB hearing on June 19, 2006.

The OMB, in its Decision/Order No. 168, dated July 11, 2006 allowed the appeals in part in order to permit the development as approved by City Council on April 25, 26 and 27, 2006 in adopting Clause 29 of North York Community Council Report No. 3. The final settlement, as presented to the Board, differed from that approved by City Council in only one respect, that is, the School Board and Owner agreed that the contribution to the School Board was to be \$500.00 per approved additional unit rather than \$1,000.00. In all other respects, there were no issues raised by the parties on the final settlement. In order to ensure that the appropriate Official Plan and Zoning By-law amendments were in place, and to allow the City and the applicant to continue discussions and finalize the details of the agreements to fully implement the settlement, it was recommended that the Board withhold its order.

The Board withheld its order until:

1. It has been advised by the City Solicitor that:

- a) An Official Plan Amendment in a satisfactory form has been prepared and filed with the Board;
  - b) A Zoning By-law Plan Amendment in a satisfactory form, consistent with the Board's decision, has been prepared and filed with the Board;
  - c) The City is satisfied it has in place those matters necessary to satisfy conditions 3 (i) through (v), inclusive, of the March 29, 2006 report from the Director, Community Planning, North York District in Exhibit 2a;
2. It has been advised by the City Solicitor for the Toronto District School Board that an agreement to secure the payment of \$500.00 per approved additional unit, such contribution to be made in stages at the time of issuance of building permits, and such funds to be placed in a reserve fund of the Toronto District School Board for use in constructing school buildings in the Parkway Forest area.

Since the July 11, 2006 OMB decision, staff from various departments have been working with the owner to finalize the various planning instruments including the S37 agreements so that the OMB can issue its final Order respecting the OPA and Rezoning applications. During the course of negotiating the details of the various benefits for the Section 37 Agreement and in particular, upon further investigation on the design and programming requirements of the Community Centre, it is necessary to make modifications to the settlement.

In addition to reporting modifications to the benefit package, this report also deals with two other conditions of the Council approval, i.e., an application for draft plan of subdivision and the Context Plan for the area.

## **ISSUE BACKGROUND**

### **Proposal**

The Plan of Subdivision application provides for a new public road (connecting Don Mills Road to Forest Manor Road) that will allow for signalization and all turn movements from the community. Technical Services staff had requested that the proposed road be secured by way of a Plan of Subdivision. However as it is located entirely within the parcel containing Phases 5 and 6, the plan of subdivision and the subdivision agreement will apply only to Phases 5 and 6 and not to the balance of the site. It is therefore necessary to also employ the Section 37 Agreement (which is to be registered against the entire site) to secure those road development matters that pertain to lands outside of Phases 5 and 6. For the same reason, other matters that staff and other agencies have asked to be secured in the subdivision agreement may have to be secured in the Section 37 Agreement.

As the new public road will run through lands currently developed with 114 rental townhouse units (municipally known as 32-50 Forest Manor Road) the units will have to be demolished and replaced prior to development of the road. Rental replacement units for the displaced tenants in these must be completed and ready for occupancy as part of Phase 3A. The new road should be substantially completed prior to issuing building

permits for Phase 4, which abuts the new road to the north. These are the associated matters that will have to be secured in the Section 37 Agreement. A copy of the Phasing Plan is attached to this report and is discussed later in the report.

The blocks north and south of the new road will be developed for residential purposes. The block on the north side of the new road (Block 1 on the plan of subdivision) has an area of approximately 1.1 ha (2.77 acres) and constitutes Phase 5 of the development. This development parcel will accommodate 456 dwelling units. The block south of the new road (Block 2 on the plan of subdivision) has an area of approximately 1.3 ha (3.3 acres) and constitutes Phase 6 of the development. This development parcel will accommodate 470 dwelling units. The height of the buildings step from 7-storeys along Don Mills Road up to 25 storeys to the east in accordance with the Council settlement on the amendment applications.

### **Site and Surrounding Area**

The El Ad sites comprise approximately 13 hectares (32 acres) of land on 4 separate blocks (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).

The new public road connecting Don Mills Road to Forest Manor Road bisects a parcel of land on Don Mills Road currently developed with 114 townhouse units. The new road creates new development blocks on either side of the road and is shown on Attachment 2 as Blocks B and C (or Blocks 1 and 2 on the plan of subdivision). The new road is generally located mid-way between Sheppard Avenue East and Parkway Forest Drive further south.

The following is a summary of the area context of the Parkway Forest neighbourhood:

North: Sheppard Avenue East, then Fairview Mall;  
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.

### **Site Plan Control**

Applications for site plan approval have been submitted for the first phase of development which comprise three rental replacement buildings (two along Sheppard Avenue East on Blocks A and D and one along Parkway Forest Drive on Block E). An application will be filed shortly for the final rental replacement building on Block E. One of the conditions to be fulfilled prior to the issuance of the OMB's Order approving the Official Plan and Zoning by-law amendments is that the owner enters into an Agreement under Section 41 of the Planning Act, and that such application would deal with a detailed Phase 1 proposal and Master Plan approval for the balance of the lands.



## **Community Consultation**

Extensive community consultation involving a series of working group meetings was conducted as part of the review of the Official Plan and Zoning by-law applications. Residents and local agency groups were involved throughout the application review process and have had input on the development including the proposed public road.

## **Agency Circulation**

The Draft Plan of Subdivision application was circulated to all appropriate agencies and City Divisions. Responses received have been used to evaluate the application and formulate appropriate conditions of draft plan approval.

## **COMMENTS**

### **Section 37 Community Benefits**

One of the key elements to be secured under the conditions of the March 29, 2006 Directions Report was the execution of an agreement under Section 37 of the *Planning Act* to secure matters including, but not limited to: the provision of new affordable housing (which could include a cash-in-lieu contribution); the timing and provision of the proposed Community Centre/Child Care facility and the community agency space along Sheppard Avenue; and, a public art contribution. In addition, City Council directed City to continue discussions with the applicant concerning appropriate public benefits to be exchanged for the increased height and density pursuant to Section 37 of the *Planning Act* and continue discussions with the applicant concerning appropriate Development Charges Credits.

During the course of negotiating details on the benefits for the Section 37 Agreement, and upon further investigation on the design and most appropriate programming requirements to best serve this community, it was determined that the indoor pool, together with the other programming areas (e.g. gymnasium, multi-purpose rooms) would require modifications to the community centre. As a result, Planning staff and Parks & Recreation staff have negotiated changes that affect the community centre component of the benefit package approved by Council which is discussed below.

In addition, the applicant had taken the position at time of reporting on the OPA and Rezoning applications that the benefit package was prepared on the basis of a development that accommodated 2,500 new dwelling units. In view of the fact Council approved a reduction in the number of new dwelling units to 2,200, and because approximately \$4.6 million in additional community benefits were approved by Council, staff have been requested to revisit the package. As noted previously, the additional benefits included:

- \$2.5 million for public transit passes;
- a \$1 million cash-in-lieu contribution towards rent supplement opportunities at the new affordable housing development at 121 Parkway Forest Drive; and,

- a contribution to the Toronto District School Board which amounts to \$1.1 million for use in constructing school buildings in the neighbourhood.

## **Community Services & Facilities (CS&F)**

An important objective of the Secondary Plan is to ensure sufficient community services exist for residents. As reported previously, our review of CS&F for Parkway Forest confirmed the findings of previous studies that indicated the availability of adequate and appropriate CS&F is a major issue for this community. The area is under-served and its residents have a number of barriers that limit their ability to access services outside of the immediate community. Existing facilities are currently operating at capacity and are unable to offer additional programs/services. This would be further exacerbated by the addition of new residents resulting from this application without the corresponding provision of new CS&F. As reported previously, the critical areas required to support both the existing development and new growth in this area include a community centre; community service space; and child care.

The applicant recognized the need to ensure the timely provision of this range of CS&F to support both their existing tenants as well as the future population that would be generated through redevelopment. In this regard, the applicant committed to provide a comprehensive community benefits package which included the provision of a 5,000m<sup>2</sup> community 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.

As the OPA and Rezoning applications were appealed to the OMB, the specifics of each community benefit were outlined in a set of Draft Term Sheets that were attached to the Directions Report. The Term Sheets were developed by City staff including City Planning, Legal, Parks, Forestry and Recreation and Facility and Real Estate and formed the basis of the agreed settlement.

## **Community Agency Space**

Community agency space was secured to benefit area residents and assist local community agencies in being better able to serve this neighbourhood. Initially, 1,357m<sup>2</sup> of space was to be secured for this purpose. However, through more detailed discussions around the full range of community benefits that the City was seeking and that City Council reduced the number of units while adding benefits in addition to the original package outlined in the staff Directions Report, a rebalancing of the benefits package is required. As a result, the community agency space that was to have been secured in Building A7 on Block A, at the base of a condominium in Phase 2, is no longer being sought. Staff is still recommending however, that 804m<sup>2</sup> of non-profit community agency space continue to be secured as part of the first phase at the base of the rental replacement buildings along Sheppard Avenue. This will continue to allow for the upfront provision of both the replacement rental housing as well as community services to serve the needs of existing area residents as well as the anticipated new population.

## **Parkway Forest Community Centre**

Given that the area will lose three privately-operated pools, including an indoor pool, there will be a greater need for aquatic facilities. Since an indoor pool cannot meet the emerging indoor pool standards of the City within the square footage that was previously secured, and given parking limitations, Planning staff and Parks, Forestry & Recreation (PF&R) staff are recommending an outdoor pool facility. The facility, although used on a seasonal basis, would address these neighbourhood needs. The outdoor swimming pool would be located on new parkland the owner has agreed to convey to the City adjacent to the community centre.

The community centre will be located as originally proposed in the northwest corner of the existing Parkway Forest Park along Forest Manor Road and north of Forest Manor Public School. With the construction of a new outdoor swimming pool with 525m<sup>2</sup> (5,650 ft<sup>2</sup>) of indoor support space, staff can support a reduction in the size of the main community centre from 5,000m<sup>2</sup> (53,820 ft<sup>2</sup>) to 4,500m<sup>2</sup> (48,438 ft<sup>2</sup>). Approximately 3,800m<sup>2</sup> (40,900ft<sup>2</sup>) of the centre would be dedicated for community recreation space with the remaining 700m<sup>2</sup> (7,500 ft<sup>2</sup>) dedicated for childcare space. The new childcare facility will serve 82 children, ranging from infants to preschoolers. The recreation facility would include multi-purpose rooms and meeting rooms, a gymnasium, fitness centre, office space, change rooms and kitchen. Collectively, the main centre and pool component would have a minimum gross floor area of approximately 5,025m<sup>2</sup> (54,100 ft<sup>2</sup>). The community centre would be designed and constructed at no 'capital cost' to the City and funded through Section 37 benefits. Parking would also be provided at no 'capital cost' to the City on the community centre site as well as, along the adjacent private road to be constructed by the developer. The estimated construction start for the facility is 2010/2011.

## **Parkway Forest Park Enhancements**

As noted above, the developer is prepared to provide a modified benefits package that includes improvements above base park condition that would include a community centre, an outdoor pool facility and other park enhancements. The location of the proposed community centre would be located on City owned parkland currently developed with public tennis courts, basketball court and small play structure. The applicant has agreed to convey a 0.65 ha (1.60 acres) parcel of land (currently developed with an existing private recreational facility) for parkland purposes. The lands would be used for an outdoor pool facility.

PF&R staff have advised that the existing recreation amenities currently located on the site of the proposed community centre are all well-used with no other such public recreation amenities located within walking distance from Parkway Forest Park. PF&R staff recommend the park include suitable replacement of the current outdoor amenities that will be affected by development of the new community centre. The applicant should be responsible for the design and construction of the park enhancement in addition to the "base construction" obligations (grading, servicing, sodding, etc). The park enhancement should also include all general park, landscape improvements including all walkways,

pedestrian lights, tree and shrub planting, furnishings (i.e. benches, shade structure, waste receptacles, bicycle racks etc) and boundary fences.

PF&R staff is recommending the final design, facility compliment and configuration be determined through the detailed design process in close consultation with PF&R. All aspects of the final design would be subject to the satisfaction and approval of the General Manager.

## **Public Art**

The Secondary Plan includes a policy that encourages public art, in prominent locations and visible from the public streets, in the design of transit buildings and public facilities.

The March 29, 2006 staff report adopted by City Council with respect to OPA and Rezoning Applications recommended that the developer provide an on-site public art contribution for a value not less than one percent of the gross construction cost of all buildings and structures on the lands. The applicant has expressed a concern that this represents a substantial contribution.

In consideration of reassessing the priorities of much needed community recreational and service needs for this area, and in keeping with the intent of the Secondary Plan policy, a reduction in the public art contribution should be considered. A contribution should be provided for a value not less than one percent of the gross construction cost of all buildings and structures on the Block A lands which represent the majority of new development. While this contribution represents approximately half of the total public art contribution previously recommended, a significant public art presence can still be achieved in accordance with Secondary Plan objectives within the proposed budget.

## **Affordable Housing**

City Council, as stated earlier in this report, has required as a settlement, the provision of new affordable housing, be a cash-in-lieu contribution of \$1 million in a “special rent supplement initiative” to enable the City to take up contracted rent supplement opportunities at the new affordable housing development at 121 Parkway

Currently 121 Parkway Forest which is a 232 unit rental building to the east of Parkway Forest neighbourhood, currently has an allocation of 30 rent supplement units in a building. Shelter, Housing and Support Administration staff and City Legal, have advised that it will be to administer the allocation of funds to another property owner for the purpose of assisting with the affordability of units off-site. In addition, there are over 100 households in the existing rental housing units in the Parkway Forest neighbourhood, who are currently on the City’s centralized waiting list for social housing. Therefore, it would be beneficial to allocate the rent supplement funding throughout the Parkway Forest community to existing households that would be eligible allowing them to remain in their community and receive the benefits of more affordable housing in the form of a rent supplement.

Staff is recommending a payment of \$1 million be made to the City of Toronto at the same time that the new condominium units would be coming forward. Once the owner has filed an application for the first building permits for the condominium dwelling units (Phase 2), the General Manager of Shelter, Support and Housing Administration Shelter, Support and Housing Administration would report back on establishing an obligatory reserve fund for the purpose of mitigating the financial exposure associated with this “special rent supplement program.” The report should include the details of the reserve fund and allow for any necessary amendments be made to the Municipal Code Chapter 227 (Reserves and Reserve Funds).

### **Development Charge Credits**

As noted in the March 29, 2006 staff report, City Council authorized staff to continue discussions with the applicant, in consultation with staff in Finance, to determine the appropriate credits related to development charges.

At 2007 rates, total Development Charges payable for the development (net of applicable redevelopment credits) are estimated to be \$13,000,000.

Finance staff have advised that the Owner will be entitled to a development charge credit in the amount of \$1.7 million, of the Parks and Recreation component of development charges, for parkland improvements above base park condition which includes the construction of the community centre and outdoor swimming pool. The development charge credit will be administered in the following manner:

- (i) The Owner will receive a development charge credit of \$479 per unit for bachelor and one-bedroom apartment units, \$771 per unit for apartment units with two or more bedrooms, \$946 per unit for all townhouse units, and \$0.75 per square metre of retail GFA.
- (ii) The Owner will be required to pay full development charges on all building permits drawn prior to the completion and acceptance of the parkland improvements (including the community centre and the outdoor swimming pool).
- (iii) Upon completion and acceptance of the parkland improvements (including the community centre and the outdoor pool), the City shall issue a refund cheque to the Owner for the amount of the development charge credit due based on the number of units and/or retail GFA for which building permits have been drawn and development charges fully paid.
- (iv) The balance of the development charge credit, at the above rates, will be provided at building permit issuance until the entire amount of the development charge credit for the construction of the parkland improvements (including the community centre and the outdoor swimming pool) has been exhausted.

## Phasing

Included in this report as Attachment 3 is a copy of the Phasing Plan. The developer's submission of a detailed phasing plan will ensure that the appropriate range of Community Services & Facilities and infrastructure will be provided in a timely manner as the new resident population moves into the area. The plan has been used to establish important triggers or holding provisions in the zoning by-law and will be included in the Section 37 Agreement. The phasing plan has been revised slightly since last reported but does not change the delivery and timing of the CS&F and the new public road and signalized intersection connecting Don Mills Road to Forest Manor Road.

During Phase I (construction of 230 of the 332 rental replacement buildings) the provision of the community service space along Sheppard Avenue will occur. The remaining rental replacement units (102 units) will be completed as part of Phase 3A.

The provision of the new community centre/child care/outdoor pool will be triggered by requiring its design and tendering to occur prior to the issuance of any building permits for the 425<sup>th</sup> new dwelling unit (Phase 3B). Completion of these facilities will be required prior to the issuance of building permits for dwelling units in Phase 5.

To accommodate the new dwelling units planned beyond the 425<sup>th</sup> dwelling unit (in Phase 3B) the development will require the construction of the new public road. Therefore, the new road should be substantially completed prior to the issuance of building permits for dwelling units in Phase 4, which abuts the new road to the north.

This timing results in the entire community infrastructure being constructed and in place prior to approximately one-half of the development proposal being constructed. The provision of this level of CS&F and infrastructure and the timely phasing will ensure that this area is well planned. The following table illustrates the various events and triggers that occur at each development phase:

PHASE (anticipated timing)	MAX. NET NEW CONDO UNITS (CUMMULATIVE)	EVENTS
1 (09/07 to 03/09)	-	- Construct buildings A2, D1, E2 - Sheppard Ave Community Service Space - 230 Rental Replacement Units will be constructed
2 (09/09 to 06/11)	424	- Construct buildings A4, A7 & A8 - Owner to pay \$1 million for rent supplements for the Parkway Forest community
3A (01/09 to 12/11)	-	- Buildings E1 & E7 - Remaining 102 Rental Replacement Units will be constructed
3B (09/10 to 06/12)	425-788	- Construct buildings A5 & A6 - Submit concurrent Building Permit

		Applications for community centre/childcare/outdoor swimming pool (and associated parking) - Submit parkland enhancement plans to City for review - Submit Traffic Management Plan (TMP) for City review - Implement TMP and complete construction of new public road and signalized intersection at Don Mills Road prior to the issuance of building permits for Phase 4
4 (09/11 to 06/13)	789-1100	- Construct buildings A1 & A3 - Complete construction of community centre/childcare/outdoor pool/parkland enhancements (and associated parking) prior to the issuance of any building permits for Phase 5
5 (06/12 to 12/14)	1101-1556	- Construct buildings B1, B2 & B3 - Submit Traffic Impact Analysis to determine timing on w/b double left turn lane on Sheppard Avenue
6 (01/14 to 06/16)	1557-2027	- Construct buildings C1, C2 & C3 - Submit Transportation Study to remove holding provision on development beyond 1,655 dwelling units
7 (03/15 to 09/16)	2028-2200	- Construct buildings D2 & D4

As noted in the March 29, 2006 Directions Report, based on the proposed phasing of the development, it is possible that with the demolition of the existing rental townhouses necessary to accommodate the proposed public road in Phase 3B, development of Blocks B and C could remain vacant for a number of years since the development of Block C (Phase 6) can only proceed when sufficient transportation infrastructure is in place. The interim condition and maintenance of this site should be secured through the subdivision agreement. Therefore staff is recommending the lands be sodded to the satisfaction of the Chief Planner following completion of the new road.

Further, staff is recommending that the Section 37 Agreement stipulate that as a pre-condition to a building permit for Phase 3B (the 425<sup>th</sup> building permit) the owner must have entered into a subdivision agreement for Phases 5 and 6 to secure the remediation, construction and conveyance of the proposed new road located between these Phases. The Section 37 Agreement should also stipulate that as a pre-condition to a building permit for Phase 3B the owner must:

1. Demolish the townhouses located on the lands that comprise Phases 5 and 6 (Blocks 1 and 2 on the plan of subdivision); and,

2. Complete the new public road and sod the lands that comprise Phases 5 and 6 prior to the issuance of any building permits for Phase 4.

### **Parkway Forest Context Plan**

The implementation policy of the Secondary Plan requires a Context Plan for Key Development Areas in the Sheppard East Subway Corridor to ensure co-ordinated incremental development in conformity with the Secondary Plan. Context Plans are generally required for comprehensive developments so given the nature of the redevelopment application, one of the conditions to be fulfilled prior to the issuance of the OMB's Order approving the Official Plan and Zoning by-law amendments is that the owners submit a Context Plan for the area.

The Context Plan for the area has been developed by the applicant with City staff. The purpose of the Context Plan is to provide residents of the area, adjacent communities, and current landowners with general development guidelines as to how this area can be ultimately be developed. The Plan reflects the work developed through the community consultation process done as part of the review of the Official Plan and Zoning By-law amendment applications and reflects the endorsement of the settlement of the OMB appeals. The Context Plan addresses roads, urban design and built form, parkland and open space, pedestrian linkages and community services and facilities for this area.

The Context Plan is comprised of structure, block, height and linkages diagrams, and urban design principles to guide development of the lands. The diagrams can be summarized as follows:

- The Structure Plan outlines a framework for the proposed physical form of development. It identifies a road system and public realm for the neighbourhood using the existing streets, parks and open spaces with new elements that build upon the best aspects of the neighbourhood while facilitating the planned level of intensification.
- The Block Diagram illustrates the development blocks created by existing and new streets and parks.
- The Linkages Diagram shows potential pedestrian connections and paths within the Context area as well as its surroundings.
- The Height Diagram provides a generalized concept of the preferred distribution of building heights in the neighbourhood, outlined in the Urban Design Principles.

Together, the diagrams and urban design guidelines provide a framework for the co-ordinated development of these lands in accordance with Secondary Plan objectives for large sites within the Sheppard Corridor.



It is recommended that Council adopt the Parkway Forest Context Plan dated June 11, 2007 as an implementation tool to guide the review of future planning applications in the area.

### **Conditions of Draft Plan of Subdivision Approval**

The location of the new road reflects the endorsement of the settlement of OMB appeals for this development and fulfills a condition approved by Council.

Draft Plan of Subdivision approval conditions are included in Attachment 8 that address the technical requirements of the development including among other matters, the construction of the street and services, tree protection and planting, and the requirements of the Toronto Transit Commission, the Toronto District School Board and the Toronto Catholic District School Board. Their comments are summarized below.

### **Technical Services**

Technical Services comments on the Draft Plan of Subdivision dated June 7, 2007 can be summarized as follows:

- The Owner shall enter into and adhere to all the conditions of the City's Subdivision Agreement;
- All services to be installed by the Owner shall be according to City of Toronto standards and specifications as laid down by the Executive Director of Technical Services and shall be secured 100% by irrevocable letter of credit;
- The Owner shall pay a 5% fee for City's engineering review and inspection services, based on the cost of all proposed infrastructure works for the subdivision, as estimated by the Owner's consultant and satisfactory to the Executive Director of Technical Services;
- A detailed functional design for the proposed Street 'A' must be provided in paper copy and electronically in accordance with the comments outlined in the body of this memorandum;
- Street 'A' must be constructed in accordance with the ultimately approved design as identified in the Traffic Management Plan, at no cost to the City of Toronto prior to Phase 4 construction; and,
- Prior to Phase 3B (the 425<sup>th</sup> dwelling unit).of the redevelopment of the Parkway Forest development proposal, the applicant is required to submit a Traffic Management Plan, addressing issues related to traffic infiltration, traffic calming, pedestrian safety, and streetscape improvements. The community must be consulted on the findings of the Traffic Management Plan and implementation of its recommendations must be undertaken prior to construction of Phase 4.

Technical Services advises that further comments/conditions to approval will be identified once the above noted conditions are addressed. The detailed comments which are set out in their memorandum dated June 7, 2007 (set out in Attachment 6 of this report) will be incorporated into the subdivision agreement.

The requirement to provide the Traffic Management Plan (TMP) through the plan of subdivision process will ensure any recommendations resulting from the study can inform the design of the new public road. Given the plan of subdivision only applies to, and will only be registered against for the lands within the plan of subdivision (i.e., Blocks 1 and 2) and not include the balance of the El Ad lands, the requirement to submit a TMP will need to be included in the S37 agreement. The Section 37 Agreement should also stipulate that the new public road must be constructed prior to Phase 4 construction.

### **Urban Forestry**

Staff has reviewed the Arborist Report filed by the applicant. The plan contained in the report identifies a number of private trees as well as City boulevard trees that will be affected by the proposed construction of the new road. Staff note there are 9 trees on private property and 6 trees on the City boulevard that would be affected by construction of the new road.

Staff has advised that trees on private property as well as for trees on City property at or near this address are protected under City of Toronto Municipal Code chapter 813, Article II and Article III must be protected in accordance with the City's *Tree Protection Policy and Specifications for Construction Near Trees*.

Where it is not possible to adequately protect or retain trees on private property that qualify for protection under the Private Tree by-law it will be necessary for the applicant to submit an application requesting permission to injure or destroy the trees in question to Urban Forestry. For City owned trees, the owner is advised that a security deposit may be required in the form of a certified cheque or Letter of Credit covering all associated tree value, removal and replacement costs prior to the granting of any building permits necessary for this project.

Forestry staff note there is sufficient space within the City's road allowance for the applicant to provide the planting of large growing shade trees as part of this application. Staff is recommending a detailed landscape plan be provided that indicates the exact location of all existing City owned trees and any trees proposed to be planted within the City road allowance, including details with respect to proposed tree species, caliper and quantity.

The detailed comments which are set out in their memorandum dated February 7, 2007 (set out in Attachment 7 of this report) will be incorporated into the subdivision agreement.

## **Toronto Transit Commission (TTC)**

An Individual Environmental Assessment study is currently underway to assess transit improvements in the Don Mills Road corridor for continuous service between Don Mills Station (Sheppard Subway) and the Downtown Core and Toronto Waterfront, including integration with other transit services such as the Bloor-Danforth subway. At this stage, of the study, a recommended design has not been identified to accommodate a dedicated transit facility that would provide exclusivity for transit vehicles on the roadway.

As noted in their July 15, 2005 comments on the OPA and Rezoning applications TTC staff noted that the travelled portion of this section of Don Mills Road would need to be widened to accommodate an exclusive right-of-way for buses on Don Mills Road along the frontage of the site and requested City staff determine the need for any property acquisition to accommodate the implementation of this right-of-way.

City Transportation Planning staff, in consultation with TTC Service Planning staff, can now confirm that given the existing right-of-way width of Don Mills Road, a conveyance of 4 metres is necessary. It is recommended that this condition be included in the subdivision agreement.

In addition, given the plan of subdivision only applies to, and will only be registered against, the lands within the plan of subdivision (i.e., Blocks 1 and 2) and not against the balance of the site, the conveyance requirement will need to be included in the S37 agreement since lands are necessary outside the plan of subdivision (i.e. between Sheppard Avenue and George Henry Blvd - Block A). The Section 37 Agreement should stipulate that the owner will remediate and convey to the City the 4m widening prior to the approval of the next site plan application.

## **Toronto District School Board**

Comments from the Toronto District School Board dated January 25, 2005 were provided through the processing of the OPA and Rezoning applications. Staff at the Board has confirmed these comments are applicable to the Draft Plan of Subdivision application.

The Board advised that there is insufficient space at the local schools to accommodate students anticipated from this development and others in the area. The status of local school accommodation should be conveyed to potential purchasers as well as communicated to the existing community to inform them that children from the new development will not displace existing students at local schools. As such, the Board requests a clause be inserted into the subdivision agreement indicating that students anticipated from the development may be accommodated in facilities outside the area until adequate funding or space becomes available. In addition, the Board is requesting signs be erected to this effect prior to registration of the plan or building permit issuance.

These clauses should also be secured in the Section 37 Agreement for the entire site as well as the Subdivision Agreement (in respect of Phases 5 and 6).

It is noted that as part of the settlement of the OMB appeal, the Owners agreed to make a contribution to the School Board of \$500.00 per approved additional unit, such contribution to be made in stages at the time of issuance of building permits, and such funds to be placed in a reserve fund of the Toronto District School Board for use in constructing school buildings in the Parkway Forest area. This is a contribution agreement entered into between the Owner and the School Board.

### **Toronto Catholic District School Board**

Comments from the Toronto Catholic District School Board dated December 17, 2004 were provided through the processing of the OPA and Rezoning applications. Staff at the Board has confirmed these comments are applicable to the Draft Plan of Subdivision application.

The Board advised that elementary students emanating from the development could be accommodated in permanent facilities at St. Timothy Catholic School (JK-8), a recently 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 advised 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 requests a clause be inserted in all agreements of purchase and sale, lease or rental agreements, and the subdivision agreement indicating that children may have to attend existing school facilities outside of the immediate area.

These clauses should also be secured in the Section 37 Agreement for the entire site as well as the Subdivision Agreement (in respect of Phases 5 and 6).

### **Conclusions**

Through the detailed discussions that took place following City Council's settlement and the OMB decision around the full range of community benefits the City was seeking, and in view of City Council's decision to reduce the number of units together with requiring additional community benefits, a rebalancing of the benefits package is appropriate. In consideration of reassessing the priorities of the much needed community recreational and service facilities in this area, staff is recommending the Section 37 benefit package be modified to reflect: the provision of 804m<sup>2</sup> of community service space along Sheppard Avenue East: a 4,500m<sup>2</sup> community centre and outdoor swimming pool with 525m<sup>2</sup> of indoor support space; a public art contribution of not less than 1% of the gross construction cost of all buildings and structures on Block A; and a development charge credit in the amount of \$1.7 million of the Parks and Recreation component of the development charges. This modified community benefits package will cover a full range of Community Services & Facilities to support the proposed development as well as, more to address current critical needs.

In addition, staff is recommending that a change be made to the Council condition so that the \$1 million special rent supplement program can be administered throughout the Parkway Forest community rather than in just one building and allow for households in

the Parkway Forest neighbourhood and who are currently on the City's centralized waiting list for social housing to have an opportunity to access this funding.

Staff is also recommending that the Parkway Forest Context Plan dated June 11, 2007 be adopted. It sets out a vision for land use, roads, urban design and built form, parkland and open space, pedestrian linkages and community services and facilities for the area. It embodies the work developed through the community consultation process and reflects the Council approval of the Official Plan and Zoning By-law applications

This report is also to advise City Council that the Chief Planner, who has delegated authority to approve conditions of draft plan of subdivision approval under by-law 299-2000, intends to approve the plan of subdivision application. The application reflects City Council's endorsement of the settlement of OMB appeals for this site and fulfills a condition approved by Council. The applicant, through the execution of a subdivision agreement, will be required to satisfy the appropriate conditions of approval. In addition, given the plan of subdivision only applies to, and will only be registered against, the lands within the plan of subdivision and not against the balance of the site, staff is recommending the requirements of the TTC and both School Boards be included in the S37 agreement.

## **CONTACT**

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

## **SIGNATURE**

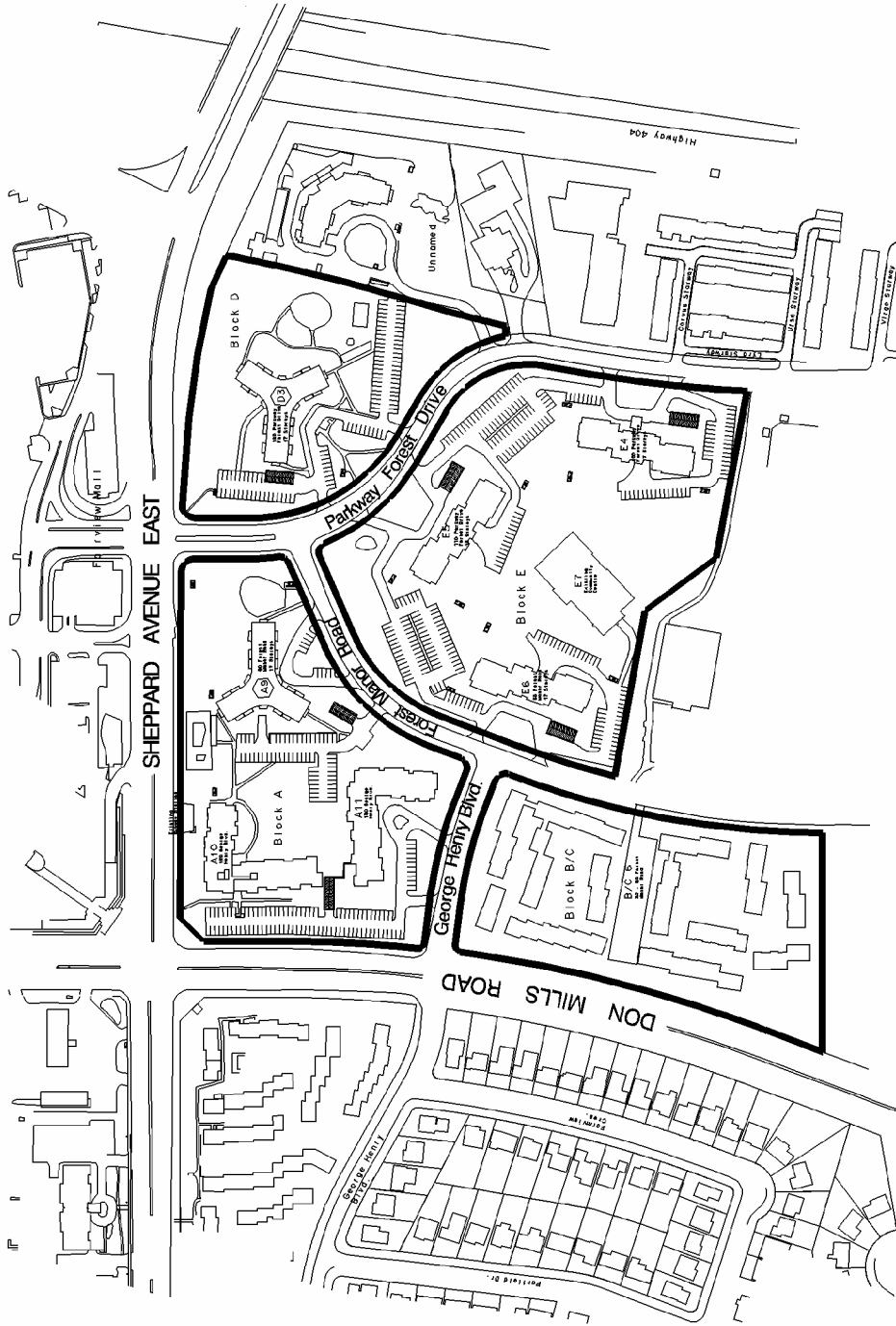
---

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

## **ATTACHMENTS**

Attachment 1: Existing Site Plan  
Attachment 2 Proposed Site Plan  
Attachment 3: Phasing Plan  
Attachment 4: Proposed Draft Plan of Subdivision  
Attachment 5: Application Data Sheet  
Attachment 6: Technical Services Comments  
Attachment 7: Urban Forestry Comments  
Attachment 8: Standard Conditions of Draft Plan Approval

**Attachment 1: Existing Site Plan**



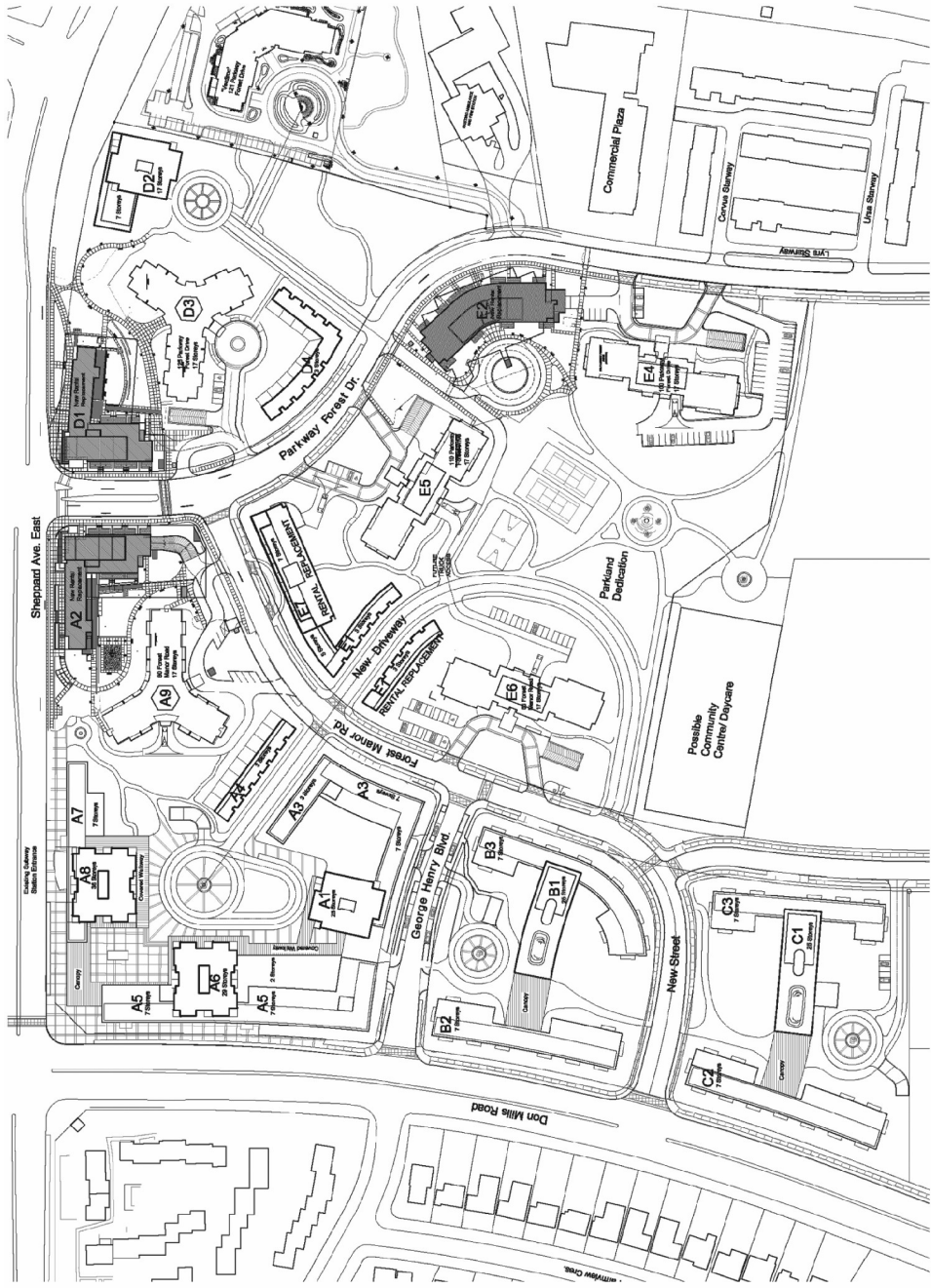
**100, 102, 110, 125 Parkway Forest Drive  
120, 130 George Henry Boulevard  
32-50, 65 & 80 Forest Manor Road**

File # 06\_191462

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



# Attachment 2: Master Plan



**Master Plan**

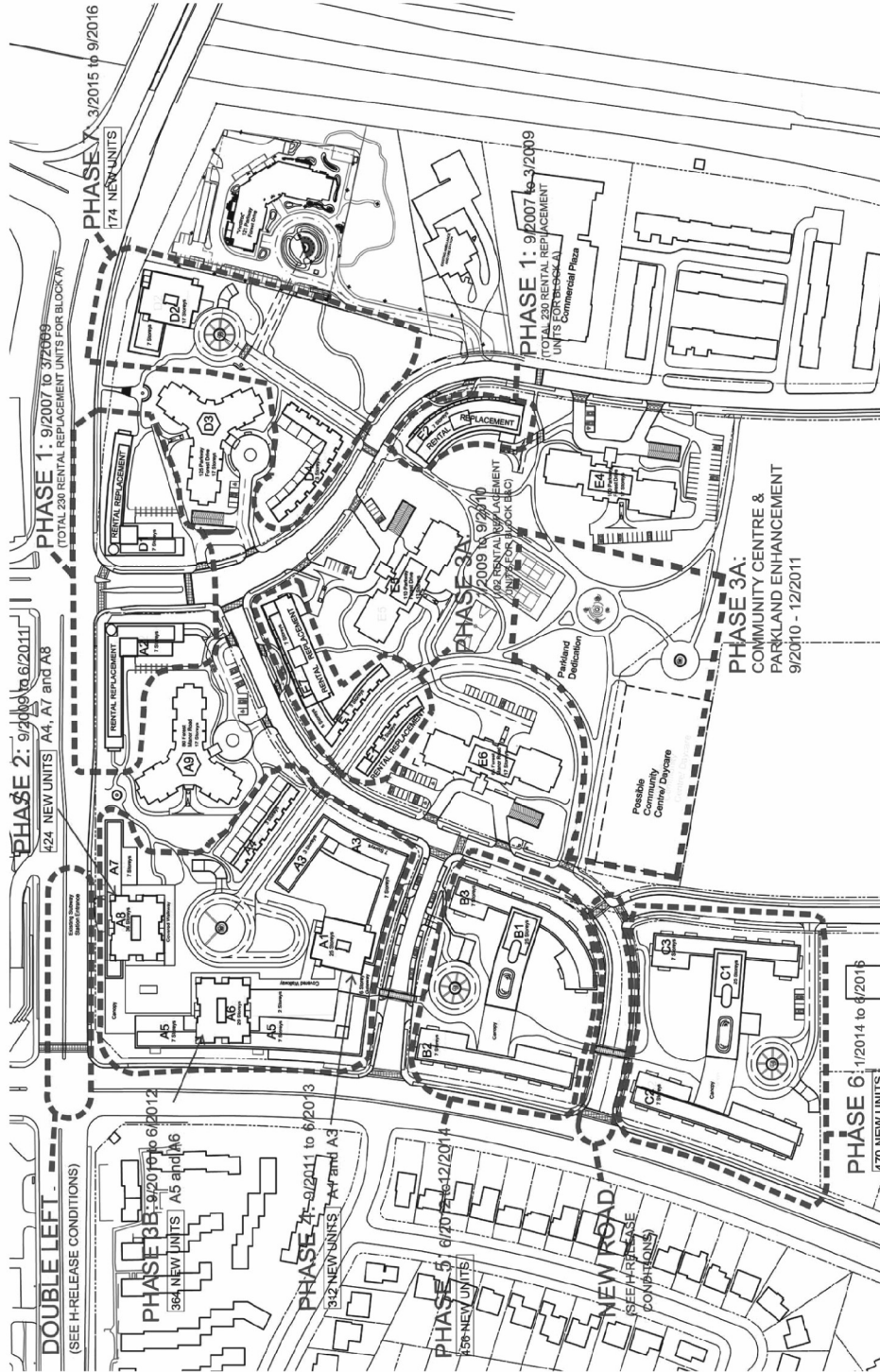
**Parkway Forest**

Applicant's Submitted Drawing

Not to Scale  
05/31/07

File # 06\_191462

# Attachment 3: Phasing Plan



Parkway Forest

File # 06\_191462

Phasing Plan

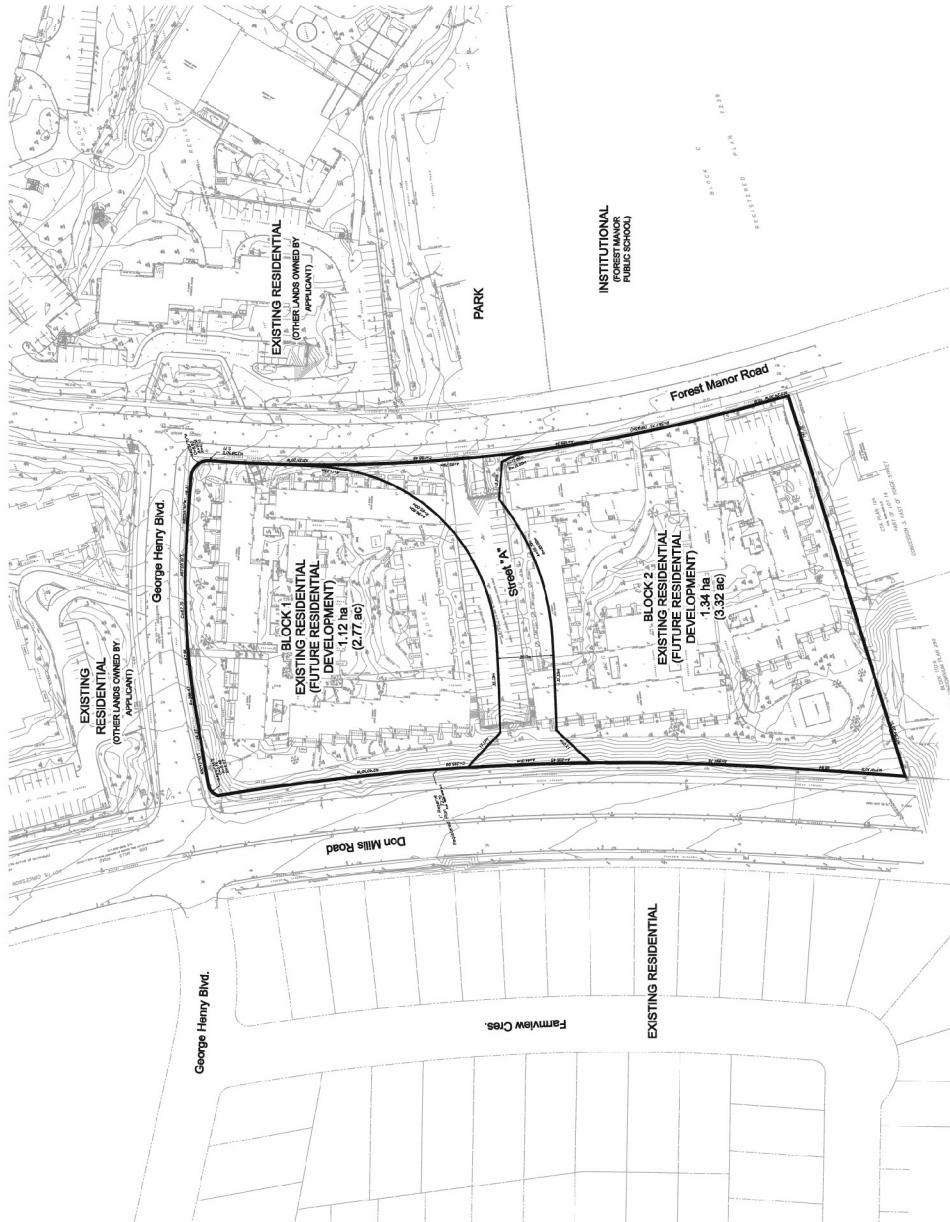
Applicant's Submitted Drawing

Not to Scale  
05/30/07





# Attachment 4: Proposed Draft Plan of Subdivision



Parkway Forest

File # 06\_191462

Draft Plan of Subdivision

Applicant's Submitted Drawing

Not to Scale  
11/08/06



## Attachment 5

### APPLICATION DATA SHEET

Application Type: SubDivision Approval      Application Number: 06 191462 NNY 33 SB  
Details:      Application Date: November 15, 2006

Municipal Address: 32-50 FOREST MANOR RD, TORONTO ON M2J 1M1  
Location Description: PLAN 7239 BLK I \*\*GRID N3305  
Project Description:

<b>Applicant:</b>	<b>Agent:</b>	<b>Architect:</b>	<b>Owner:</b>
MARSHALL MACKLIN MONAGHAN LIMITED			2041098 ONTARIO LIMITED

#### PLANNING CONTROLS

Official Plan Designation:	AN	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):	23748			<b>Total</b>
Total Residential GFA (sq. m):	307456	Parking Spaces:		2316
Total Non-Residential GFA (sq. m):	4041	Loading Docks		0
Total GFA (sq. m):	311497			
Lot Coverage Ratio (%):	24			
Floor Space Index:	3.18			

#### DWELLING UNITS

#### FLOOR AREA BREAKDOWN (upon project completion)

			Above Grade	Below Grade
Tenure Type:	Rental, Condo			
Rooms:	1221	Residential GFA (sq. m):	307455	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):	541	0
Total Units:	3034			

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

## Attachment 6: Technical Services Comments



Raffi Bedrosyan, P. Eng.,  
Acting Director, Development Engineering

Technical Services  
North York District  
North York Civic Centre  
5100 Yonge Street, 4<sup>th</sup> floor  
North York, Ontario M2N 5V7

*Reply Attention:*  
*Wayne Browne, P. Eng.*  
**Senior Development Engineer**  
Tel. 416-395-6255, Fax. 416-395-0349  
Email: wbrowne@toronto.ca

### MEMORANDUM

**TO:** T. Keefe, Director, Community Planning, North York District

**Attention:** Steve Forrester

**FROM:** Frank Clarizio, P. Eng.  
Acting Manager, Development Engineering  
North York District

**DATE:** June 7, 2007

**SUBJECT:** Draft Plan of Subdivision Application: 06 191462 NNY 33 SB  
Your Circulation Dated: November 29, 2006  
Applicant: 2041098 Ontario Ltd.  
Location: 32-50 Forest Manor Road      **Ward:** 33

#### APPLICATION DESCRIPTION

We have received the following documents in support of a Subdivision application to facilitate the creation of a new municipal road (Street 'A') connecting Forest Manor Road to Don Mills Road and the creation of two future residential blocks and redevelopment of rental residential blocks:

- Draft Plan of Subdivision of Block 1 Registered Plan 7239 York, City of Toronto, dated 9 November 2006, Marshall Macklin Monaghan;
- Proposed New Street – Forest Manor Road to Don Mills Road, dated 8 November 2006, Marshall Macklin Monaghan;
- Master servicing and stormwater management report dated November 2006, Marshall Macklin Monaghan; and
- Phasing Plan dated May 18, 2007.

This application has been submitted in association with the phased redevelopment of lands south of Sheppard Avenue East and west of Don Mills Road comprising 2,200 new residential units, whereby the construction of the proposal in excess of 1,655 new dwelling units was subject to holding provisions. Phase 3B of the contemplated development will proceed concurrently with the introduction of a new public road connection, Street 'A' noted above.

**A. TECHNICAL SERVICES REQUIREMENTS**

**CONDITIONS**

**The applicant is advised that further comments/conditions to approval will be identified once the following conditions are addressed:**

- 1.1 The Owner shall enter into and adhere to all the conditions of the City's Subdivision Agreement;**
- 1.2 All services to be installed by the Owner shall be according to City of Toronto standards and specifications as laid down by the Executive Director of Technical Services and shall be secured 100% by irrevocable letter of credit;**
- 1.3 The Owner shall pay a 5% fee for City's engineering review and inspection services, based on the cost of all proposed infrastructure works for the subdivision, as estimated by the Owner's consultant and satisfactory to the Executive Director of Technical Services;**
- 1.4 A detailed functional design for the proposed Street 'A' must be provided in paper copy and electronically in accordance with the comments outlined in the body of this memorandum;**
- 1.5 Prior to Phase 3B of the redevelopment of the Parkway Forest development proposal, the applicant is required to submit a Traffic Management Plan, addressing issues related to traffic infiltration, traffic calming, pedestrian safety, and streetscape improvements. The community must be consulted on the findings of the Traffic Management Plan and implementation of its recommendations must be undertaken prior to construction of Phase 4; and**
- 1.6 Street 'A' must be constructed in accordance with the ultimately approved design as identified in the Traffic Management Plan, at no cost to the City of Toronto prior to Phase 4 construction.**

## **B. BACKGROUND**

### **1. ROADWAYS**

1.1 Public roads within the plan of subdivision shall include the following:

Minimum 8.5 metre wide residential asphalt pavement roadways with curbs on 20 metre road allowances, designed in accordance with T.P.U.C.C. Dwg. No. S-1 (Local Residential Streets). Turning circles must have minimum 12.5 metre pavement radii and minimum 18.5 metre road allowance radii.

- a) 6.1 metre radius corner roundings must be provided at the intersection of all streetlines on public roads within the plan and at all intersections to existing public roads.
- b) In single, semi-detached or townhouse residential developments, a public street, if a minor loop, connecting or ending in a cul-de-sac, may have a minimum 18.5 metre road allowance width with a minimum 15.25 metre road allowance radius for the cul-de-sac with the same pavement dimensions noted above, subject to approval from the Executive Director of Technical Services provided the Owner obtains letters of approval from Bell Canada, Consumers Gas, Rogers Cablesystems and Toronto Hydro.

1.2 The minimum and maximum permitted longitudinal roadway gradients are 0.7% and 6.0% (percent) respectively.

1.3 The Transportation Services section shall comment on any required 0.3m reserves within the plan.

1.4 To undertake a complete review of the proposed road allowance of the future public road Street 'A', a functional design of the roadway and terminus intersections would need to be submitted for our review. Said design must be provided in paper copy form and electronically, Microstation format preferred. The design must clearly illustrate the following:

- The pavement width, markings and signage;
- Utilities; and
- Municipal boulevards.

The Applicant is advised that a 20.0 metre road allowance is generally acceptable, and will satisfy the requirements of the City's Development Infrastructure Policy & Standards (DIPS). However, an additional right-of-way width may be required to address the pavement width requirement at the terminus intersections.

We reserve further comments regarding the proposal until the above functional design has been submitted and reviewed.

We have the following comments regarding the above document:

- The proposed design and posted speeds of 50 km/hr and 40 km/hr are acceptable;
- A two lane configuration for Street 'A' and the provision of a 65 metre long westbound left turn lane at the intersection of Street 'A' and Don Mills Road are also acceptable, however the specifics of the dedicated left turn lane and associated transition will be finalized through the functional design exercise;
- The applicant proposes to realign Forest Manor Road in order to make the new roadway the new through connection and to stop control northbound traffic on Forest Manor Road at the new roadway. The applicant is advised that this proposed road realignment should be addressed through undertaking of the Traffic Management Plan. Street 'A' should be designed to municipal standards, i.e., with an 8.5m pavement width through the two lane section of the roadway. The lane widths on approach to Don Mills Road will be finalized through the functional design review; and
- The introduction of Speed Humps along Street 'A' is not supported.

1.6 Prior to Phase 3B of the redevelopment of the Parkway Forest development proposal, the applicant is required to undertake a Traffic Management Plan, addressing issues related to traffic infiltration, traffic calming, pedestrian safety, and streetscape improvements. The community must be consulted on the findings of the Traffic Management Plan and implementation of its recommendations must be undertaken prior to construction of Phase 4.

## **2. SIDEWALKS/PUBLIC BOULEVARD/STREESTACPING**

2.1 1.7 metre concrete sidewalks, located 1.0 metre from the streetline, shall be constructed on both sides of all streets as per Council policy.

## **3. STREET LIGHTING**

3.1 Street Lighting approval is required from Toronto Hydro.

## **4. PUBLIC WALKWAYS, LANEWAYS**

4.1 Public walkways within the plan shall be a minimum 3.0 metres wide, concrete paved, fenced and illuminated as required by the Transportation

Services Section. If sewer and water services are proposed within the walkway, the walkway shall be a minimum 6.0 metres wide or wider depending on the infrastructure requirements.

## **5. STORM DRAINAGE**

- 5.1 The applicant is required to submit a Stormwater Management Report prepared by a Registered Professional Engineer qualified in municipal engineering/stormwater management to the City for review and approval. The Stormwater Management Report must adhere to the City's Wet Weather Flow Management Guidelines ([http://www.toronto.ca/water/protecting\\_quality/wwfmmp/committee.htm](http://www.toronto.ca/water/protecting_quality/wwfmmp/committee.htm)). The submission must include reports, plans, computer modelling results and design calculations relating to how storm runoff is to be managed.

The Stormwater Management Report should address the following targets:

### **Water Balance Targets**

- (a) The development site must retain stormwater on-site, to the extent practicable, to achieve the same level of annual volume of overland runoff allowable from the development site under pre-development (i.e. presently existing site conditions before the new proposed development) conditions.
- (b) If the allowable annual runoff volume from the development site under post-development conditions is less than the pre-development conditions, then the more stringent runoff volume requirement becomes the governing target for the development site. The maximum allowable annual runoff volume from any development site is 50% of the total average annual rainfall depth.
- (c) In most cases, the minimum on-site runoff retention requires the proponent to retain all runoff from a small design rainfall event - typically 5 mm (In Toronto, storms with 24-hour volumes of 5 mm or less contribute about 50% of the total average annual rainfall volume) through infiltration, evapotranspiration and rainwater reuse.

### **Water Quality Targets**

- (a) The wet weather flow (WWF) water quality target is the long-term average removal of 80 % of Total Suspended Solids (TSS) on an annual loading basis from all runoff leaving the proposed development site based on the post-development level of imperviousness.

This long-term average of removal of 80% of TSS requirements is consistent with the “enhanced protection” recommended in the current MOE SWM Planning & Design Manual (March 2003).

- (b) On-site stormwater management quality measures are generally preferred; however, it is recognized that site conditions and types of development (e.g. small infill/redevelopment) may preclude the feasibility of achieving the above requirement. There is a need to consider options, if agreed by the proponent, for allowing off-site systems and/or off-site compensatory options to the extent the proponent is not able to achieve the level of control consistent with the above requirement. The City will consider a cash-in-lieu contribution on a site-by-site basis, to the extent the proponent is not able to achieve the level of control after exhausting all reasonable on-site methods to achieve the above requirement.

The cash-in-lieu contribution shall be calculated using \$29,000.00 /impervious hectare based on the current TRCA formula.

### **Water Quantity Targets**

#### **1) Flood Flow Management**

- (a) The required level of peak flow control from a development site contributing flow to a specific watercourse at the point of discharge shall follow Toronto and Region Conservation Authority (TRCA) Flood Flow Criteria Map.
- (b) The City of Toronto has adopted the 100-year storm as the level of protection for properties, where feasible, against surface flooding from ponding on streets, particularly, in areas of the City experiencing chronic basement flooding and/or when a proper major overland flow stormwater drainage system does not exist.

#### **2) Erosion Control Criteria**

- (a) If the new development discharges directly and/or in proximity (within 100 m) of natural watercourses, the proponents are required to complete an Erosion Analysis Report to determine the erosion control criteria for the sites (see Appendix E.2 (WWF Guidelines for the Terms of Reference for such study analysis – or obtain the latest edition from TRCA).



- (b) For sites where it is not feasible<sup>(4)</sup> (this condition must be reviewed and agreed by City staff) to complete an Erosion Analysis Report, we typically require that runoff from a 25 mm design storm be detained on-site and released over a minimum of 24 hours.
- (c) New developments shall be designed to minimize the number of new storm outfalls in the valley and all new outfalls shall be designed to minimize potential erosion (see Appendix E.3 for Storm Outfall & Outfall Channel Design Criteria - obtained from TRCA).

### 3) **Municipal Infrastructure Discharge Criteria**

- (a) The allowable release rate to the municipal storm sewer system (minor system) from the development site during a 2 year design storm event must not exceed the peak runoff rate from the site under pre-development conditions during the same storm event, or existing capacity of the receiving storm sewer, whichever is less.
- (b) When the % imperviousness of a development site under pre-development condition is higher than 50% (regardless of what the post-development condition is), the maximum value of C (Runoff Coefficient) used in calculating the pre-development peak runoff rate is limited to 0.5.
- (c) In all cases, the proponent of a development site shall investigate and determine the direction and hydraulic capacity of the conveyance path for the existing major system flow from the site through any adjacent properties, existing right-of-ways, or overland flow routes within City lands/easement, etc. to an existing watercourse. The purpose of this investigation is to determine if a suitable overland flow route of sufficient hydraulic capacities (up to a 100-year return period storm) exists, which is acceptable to the City. If the major overland flow route is accepted by the City, storm runoff, which exceeds the allowable release rate defined above but complying with all other requirements (i.e. water balance, water quality, flood flow and erosion controls) is allowed to discharge off-site via the overland flow route. If no approved or adequate overland flow route exists, then all flow from the 2-year up to the 100-year return period storms shall be stored on site and

released at the allowable release rate defined above or the capacity of the existing minor system, whichever is less. Rooftop storage, oversized sewer pipe storage and paved area storage will be permitted and the depth of ponding within a paved parking area shall not exceed 0.3 m (greater depths may be permitted in loading dock areas). Storage within depressed landscaping or grassed areas will be permitted and the maximum depth of ponding shall not exceed 0.9 m.

- (d) The overland flow (major) system including flood protection works, where applicable, within the subject development shall be designed to accommodate and/or convey the major storm flow, that is, the rainfall runoff resulting from the subject site and any external tributary areas using the City's 100 year design storm, without causing flood damage to proposed and adjacent public and private properties. Overland flow shall only be conveyed through walkways, easements and within the road allowance. Continuity of overland flow routes between adjacent developments shall be maintained. Determination of the allowable flow for the major system is based on allowable depth and inundated area, and the reduced allowable flow due to velocity considerations. In sump areas, overflow outlets (to parking or other graded areas) should be provided to prevent water in sumps, particularly when the sump is clogged, from entering adjoining buildings. Residential dwellings, public, commercial and industrial buildings shall not be inundated at the ground level, unless buildings are flood-proofed.
- (e) In accordance with the Wet Weather Flow Policy and the City of Toronto Sewer Use By-law the direct connection of any new private storm sewer to the municipal storm sewer system is prohibited for any new or reconstructed residential, industrial, commercial or institutional buildings, this includes all roof water leaders/downspouts and/or foundation drains. Any request or application for an exemption must be supported within the Stormwater Management Report identifying the storm water balance, quantity and quality control measures being proposed for the site, and may be approved for any proposed direct connection to the municipal storm sewer system, where the report successfully demonstrates that there is no practical alternative means of drainage available on site and the proposed method is satisfied by the City staff.

For example, situations where infiltrating stormwater runoff may not be feasible and/or desirable, such as: where soil and groundwater regimes are not suitable for infiltration where soil is contaminated and does not meet the Ontario Ministry of Environment Guidelines where industrial/commercial processes on private property may contaminate stormwater runoff from the site .

**Regardless of size for all development sites, temporary erosion and sediment control for construction must be provided on-site.**

**All erosion and sediment control BMPs shall be designed, constructed and maintained in all development sites in accordance with the GTA CA's Erosion & Sediment Control Guidelines for Urban Construction (2006) and/or other City of Toronto requirements on a site-by-site basis.**

## **6. GRADING**

- 6.1 The final grading of the lands shall be such that the surface water originating on or tributary to the said lands, including roof water from buildings and surface water from paved areas, will be discharged in a manner satisfactory to the Executive Director of Technical Services.
- 6.2 Minor storm drainage from the plan of subdivision shall not be drained overland onto adjacent properties.
- 6.3 Existing drainage patterns on adjacent properties shall not be altered.

## **7. SANITARY DRAINAGE**

- 7.1 The sanitary sewage of the proposed development drains to the Don Creek Trunk Sewer. The Engineering Services, Facilities and Structures Section, has advised that the Don Creek Trunk System is at capacity and that the interim Trunk capacity available for future development is equivalent to approximately 28,530 persons as of November 20, 2000.

The allocation of the Interim Sanitary Trunk capacity for this development is subject to Council approval of this application. Consideration of this development should include the fact that the population increase generated by this development will result in an equal decrease in equivalent interim trunk capacity available to other developments in the Don Trunk Area.

In the event that the interim capacity is not allotted to this development, the subdivision should not be registered until future interim and/or final sanitary trunk capacity is available for this development.

- 7.2 A gravity sanitary sewer system with minimum 300mm diameter pipes is required to service the plan of subdivision. Separate service connections must be made to each dwelling and/or building unit, including freehold condominium units, to be held under separate ownership. Combined connections are not permitted. For single entity development such as a condominium, co-operative or rental property, only one sanitary service will be permitted.

## **8. SOIL CONTAMINATION**

- 8.1 The Owner agrees to undertake the development of the Lands in a manner which promotes safe and healthy environmental conditions both on the Lands and in the immediate adjacent areas.
- 8.2 The Owner agrees to retain the services of a Qualified Person to ensure the Lands are developed in accordance with the legislative and regulatory requirements for assessing the environmental condition, cleanup and the filing of Records of Site Condition (RSC) in the Ministry of the Environment's Environmental Site Registry.
- 8.3 Prior to the earlier of the Release for Construction of Services or Registration of the Plan of Subdivision, the Owner agrees to submit environmental assessment reports to Technical Services prepared in accordance with the Record of Site Contamination Regulation (O. Reg. 153/04) describing the current conditions of the lands and the proposed remedial action plan based on the site condition standards approach, for lands to be conveyed to the City, in fee simple and as easements interests, both internal and external to the subdivision Lands, , for third-party peer review and concurrence.
- 8.4 The Owner agrees to pay all costs associated with the City retaining a third-party peer reviewer and submit a certified cheque payable to the City of Toronto in the amount of Five Thousand Dollars (\$5,000.00) as a deposit towards the cost of the peer reviewer, and to make further deposits in the specified amount as required by the City from time to time.
- 8.5 Prior to the Registration of the Plan of Subdivision, the Owner agrees to environmentally remediate the Lands in accordance with the accepted Remedial Action Plan and following such environmental remediation, up submit a statement from the Qualified Person to Technical Services, that based on all necessary supporting environmental documents:

- (a) All lands to be conveyed to the City in fee simple and as easement interest both internal and external to the Lands within the Subdivision meet the Ministry of Environment standards and regulations to the most environmentally sensitive adjacent land use; and
  - (b) It is unlikely that there is any off-site contamination, resulting from past land uses on the subdivision lands, that has migrated from the site to the adjacent public rights-of-way, that would exceed applicable Ministry of the Environment standards and regulations.
- 8.6 Prior to the Registration of the Plan of Subdivision, the Owner agrees to file a Record of Site Condition (the “RSC”) on the Ontario’s Environmental Site Registry for all lands to be conveyed to the City in fee simple and as easement interest both internal and external to the Lands within the Subdivision, and submit the Ministry of the Environment’s Letter of Acknowledgement of filing of RSC confirming that the RSC has been prepared and filed in accordance with O. Reg 153/04 and that Ministry of Environment will not audit the RSC at this time or that the RSC has passed the Ministry of Environment’s Audit.

## **9. UTILITIES**

- 9.1 A co-ordinated utilities plan which shows all utilities (Bell, Hydro, Consumers Gas and Rogers Cable) in accordance with TPUCC Dwg. No. S-1 and is approved by all utility companies must be submitted to the Technical Services Division as part of the Engineering Design drawings.

## **10. GENERAL**

- 10.1 The above site specific comments are in addition to our Standard Conditions of Approval for Subdivisions which shall form part of the conditions for Draft Plan Approval for this application.
- 10.2 All new or revised development proposals must be forwarded to the Technical Services Division for review and a new report will be provided by this Division.

Frank Clarizio, P. Eng.  
Acting Manager, Development Engineering, North York District

WB/vb

## Attachment 7: Urban Forestry Comments



## Memorandum

**Parks, Forestry & Recreation**  
**Brenda Librecz, General Manager**

**Urban Forestry**  
**North York District**  
5100 Yonge Street, 3<sup>rd</sup> floor  
North York, Ontario M2N 5V7

**Harold Moffat**  
Supervisor, Tree Protection & Plan Review  
Tel. 416 395-6134  
Fax. 416-395-7886

**DATE:** February 7, 2007

**TO:** Tom Keefe, Director – Community Planning, North District  
Urban Development Services, North York Civic Centre, 5100 Yonge St  
**Attention: Steve Forrester, North York Civic Centre, 5100 Yonge St**

**FROM:** Harold Moffatt, Supervisor, Tree Protection & Plan Review

**RE:** **Application for Approval of Plans – Subdivision**  
**32-50 Forest Manor Rd.**  
**Application No. 06 191462 NNY 33 SB**

---

This will acknowledge the information pertaining to the above noted development application, which was circulated to Urban Forestry on November 29, 2006. This application is to facilitate the creation of a new municipal road connecting Forest Manor Road with Don Mills Road and the creation of two (2) future residential development blocks referred as Blocks “B” and “C” on the Master Plan.

We have reviewed the circulation and the information below represents comments from Urban Forestry with respect to the City of Toronto’s Trees On City Streets’ By-law, City of Toronto Municipal Code, Chapter 813, Article II and the City of Toronto’s Private Tree By-law, City of Toronto Municipal Code, Chapter 813, Article III.

All trees on City property are protected under City of Toronto Municipal Code, Chapter 813, Trees, Article II. Trees on private property having a diameter of 30 cm or greater are protected under Article III.

The protection of all trees on the City street allowance is the responsibility of Mr. Harold Moffatt Supervisor of Urban Forestry Planning and Protection, North District. Please ensure that all required conditions have been met in relation to any City trees.

We are in receipt of an Arborist Report prepared by Envision date stamped as received by City Planning on November 15, 2006. The proposed plan contained in the Report

identifies a number of private trees as well as City boulevard trees that will be affected by the proposed construction of the new road.

Trees that will be affected on private property are denoted as Tree Nos. 183, 184, 185, 186, 198, 218, 219, 220 and 221. Trees that will be affected on the City boulevard are denoted as Tree Nos. 228, 229, 230, 231, 232 and 234.

Where it is not possible to adequately protect or retain trees on private property that qualify for protection under the City of Toronto's Private Tree by-law, City of Toronto Municipal Code Chapter 813, Article III it will be necessary for the applicant to submit an application requesting permission to injure or destroy the trees in question to Urban Forestry. Please see the attached permit application for injury and removal of private trees.

For trees on private property, there is a fee of \$200 for each tree included in the application. Payment may be made by certified cheque or money order, and must be submitted with the application. Once a completed application is received, a notice of application is to be posted at the property for a period of 14 days. This provides the community with an opportunity to submit comments on the application. Any written objections received from the community may require Urban Forestry to report to Community Council for the application to be considered further. Submission of an application does not guarantee that a permit will be issued.

The owner is advised that for trees on private property as well as for trees on City property at or near this address are protected under City of Toronto Municipal Code chapter 813, Article II and Article III must be protected in accordance with the City's *Tree Protection Policy and Specifications for Construction Near Trees* (see copy attached). This requires no cutting of tree roots or crowns, no movement of equipment within established tree protection zones and no storage of equipment, construction materials or excavated soil in the vicinity of trees. Tree protection zones indicated in the *Tree Protection Policy and Specifications for Construction Near Trees* are to be used as a guideline only. Trees growing in an open area may have a more extensive root system and require a larger protection zone. The tree protection plan notes should be added to all site, grading and landscape plans.

The six (6) City owned trees are currently in fair to good condition and do not qualify for routine removal at this time. The removal of these trees is subject to approval by the ward Councillor and Urban Forestry. As per policy, the applicant will assume all costs involved and includes appraised tree value, removal and replacement costs. Payment must be made by certified cheque or money order made payable to the City of Toronto Treasurer and sent to the attention of Harold Moffatt, Supervisor of Urban Forestry Planning and Protection. Approved tree removals may only occur once Harold Moffatt, Supervisor of Tree Protection & Plan Review has received payment, the building and/or demolition permits have been obtained and the permitted construction and/or demolition related activities associated with the subject development warrant the removal of the trees.

For City owned trees, the owner is advised that a security deposit may be required in the form of a certified cheque or Letter of Credit covering all associated tree value, removal and replacement costs prior to the granting of any building permits necessary for this project. The funds from the cheque or Letter of Credit will be drawn upon to cover any costs Urban Forestry Services incurs as a result of enforcing the Municipal Code and ensuring that the City owned trees are kept in a healthy and vigorous state. Prior to submitting the certified cheque or Letter of Credit, the applicant must contact the Supervisor of Tree Protection & Plan Review by email at [Hmoffat@toronoto.ca](mailto:Hmoffat@toronoto.ca) to confirm the amount of the security deposit.

Sufficient space exists for the applicant to provide the planting of large growing shade trees within the City road allowance as part of this application. A detailed landscape plan must be provided which indicates the exact location of all existing City owned trees and any trees proposed to be planted within the City road allowance including details with respect to proposed tree species, caliper and quantity. The planting plan should provide the best possible, natural, planting environment for trees. It is preferred that trees be planted in turf when possible. If no room exists for turf boulevards with trees, raised planting beds or continuous tree pits should be considered. Trees indicated for planting on the City road allowance must be planted in accordance with Planting Detail No. 101 for Balled and Burlapped Trees in Turf Areas, dated June 2002, attached. Please note that the applicant must conduct an investigation of underground utilities prior to proposing tree planting within the City road allowance. If planting is not possible due to a utility conflict, a utility locate information sheet from the respective utility company should be provided to the City.

The owner is advised that if at any time this project cannot proceed without the removal of, or interference with a tree on City property, it will be necessary for the applicant to apply in writing to Harold Moffatt, Supervisor of Urban Forestry Planning and Protection, for the removal or relocation of the tree. This request can be discussed with the ward Councillor and/or forwarded to Community Council and City Council for consideration. The request must be sent to Harold Moffatt, Supervisor of Tree Protection & Plan Review, North York Civic Centre, 5100 Yonge Street, 3<sup>rd</sup> Floor, Toronto, ON, M2N 5V7, or faxed to 416 395 7886.

Please contact Bruce Gordon of Urban Forestry at 416-395-6686 or by email at [bgordon@toronto.ca](mailto:bgordon@toronto.ca) if you require additional information.

Harold Moffatt  
Supervisor, Tree Protection & Plan Review  
Email: [Hmoffat@toronoto.ca](mailto:Hmoffat@toronoto.ca)

/bg

Attachments: - Tree Protection Policy Specifications for Construction near Trees  
- Private Tree By-law Application Form  
- Planting Detail B&B Trees In Turf



## **Attachment 8: Draft Plan of Subdivision Conditions**

### **DRAFT PLAN OF SUBDIVISION APPLICATION 06 191462 NNY 33 SB Conditions of Draft Plan Approval**

That Draft Plan of Subdivision Application 06 191462 NNY 33 SB be draft plan approved, subject to the following conditions:

1. That this proposal applies to the draft plan of subdivision prepared by Marshall Macklin Monaghan, dated November 9, 2006 (Job No. 14-04042-01-P06) as further revised to reflect the conditions below;
2. That the owner enter into and adhere to all conditions of the City's Subdivision Agreement;
3. That the appropriate Standard Conditions as shown below (Conditions #1 to #40) shall apply and be included in the Subdivision Agreement;
4. That Street "A" be dedicated as a public highway on the final plan;
5. That the Specific Conditions (Conditions #41 to # 50) shall apply and be included in the Subdivision Agreement; and
6. That draft approval shall expire after 5 years of the date of draft approval having been given.

### **STANDARD CONDITIONS OF APPROVAL FOR SUBDIVISIONS**

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

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

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

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

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

- ii) as contained in Parks and Recreation Committee Report Number 7, Clause 10, dated February 22, 1979, adopted by Council on March 5, 1979, by Resolution Number 79-8.

30. CITY OWNED TREES AND TREE PRESERVATION AGREEMENT

In the event that there are City owned trees on the lands involved in the draft plan of subdivision, the Applicant shall meet with the Parks, Forestry & Recreation Division's Urban Forestry staff and enter into and execute a "Tree Preservation Agreement" prior to the registration of the draft plan of subdivision.

The Tree Preservation Agreement will require that the Applicant supply the City with a Cheque or letter of credit equal to the value of all the City trees affected by the draft plan of subdivision and shall ensure that protective measures are adhered to and, if necessary, the Applicant shall pay the cost to remove and replace the trees if they are damaged as a result of construction activity. This security deposit will be refunded immediately following construction, if there have been no infractions to the Tree Preservation Agreement.

31. TREE PRESERVATION REQUIREMENTS FOR CITY OWNED TREES

Tree protection requirements for City owned trees shall include fencing erected at a distance of 6 times the diameter of the tree over the roots of any City owned tree located in the vicinity of construction activity. No construction traffic, digging or storage or materials may occur within the root protection zone, and work must be confined to areas outside of it.

32. SODDING OF ALL LAND WITHIN THE PLAN

The Applicant shall sod, to the satisfaction of the Executive Director and/or the General Manager, Parks, Forestry & Recreation, all lands within the plan of subdivision, with the exception of those lands required for roads, sidewalks, walkways and driveways, or where the natural ground has, in the opinion of the Executive Director and/or the General Manager, Parks, Forestry & Recreation, remained undisturbed by construction and is satisfactory to his requirements.

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

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

40. ENVIRONMENTAL  
ASSESSMENTS AND  
REMEDIATION

- a) Applicant shall prior to the issuance of building permits submit a completed Record of Site Condition as set out in the most recent revision of the Ministry of the Environment and The Energy's June 1996 "Guideline for Use at Contaminated Sites in Ontario" indicating that either no soil or groundwater contaminants were found which exceeded the Ministry's standards and guidelines or if found have now been remediated to meet the said standards and guidelines for the intended use.
- b) The Applicant shall indemnify and save harmless the City and its respective officers, employees and agents from and against any and all actions, causes of action, claims, reasonable costs, demands, charges and expenses whatsoever and however incurred in any way resulting from or arising out of or in relation to the potential soil contamination or remediation of the lands described in the draft M-Plan, save and except to extent contributed to by the negligence, recklessness, acts or omissions of the City, its representatives, agents or employees.
- c) In the event that any action, cause of action, claim or other legal document or process or other alleged claim concerning the matters governed by the indemnity clause is commenced against or imposed upon the City, the City shall within a reasonable time give notice to the Applicant of such document, process or claim. Upon the



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

#### SPECIFIC CONDITIONS

- |  |   |
|--|---|
| 41. LOCAL IMPROVEMENTS CHARGES                                       | The Applicant must commute any local improvement charges on the subject lands if required by the Finance Department.  |
| 42. TECHNICAL SERVICES CONDITIONS                                    | The Applicant shall satisfy the requirements and conditions as contained in the Technical Services, North York District memorandum dated June 7, 2007.  |
| 43. PARKS, FORESTRY & RECREATION, URBAN FORESTRY SERVICES CONDITIONS | The Applicant shall satisfy the requirements and conditions as contained in the Parks & Recreation, Urban Forestry Services memorandum dated February 7, 2007.  |
| 44. TORONTO TRANSIT COMMISSION CONDITIONS                            | <p>The Owner shall remediate and convey to the City, at nominal cost, such lands to be free and clear of all encumbrances a 4 metre widening along the Don Mills Road West frontage of the site.</p> <p>The Owner shall do this at such time as they are requested to do so by the Chief Planner and in any event prior to the approval of the Site Plan application for Phase 2.</p> |
| 45. ENBRIDGE GAS DISTRIBUTION INC. CONDITIONS                        | The Applicant shall satisfy the requirements and conditions of Enbridge Gas Distribution Inc.   |

- a) The Developer shall contact Enbridge Gas Distribution Inc. to discuss installation and clearance requirements for service and metering facilities.

46. BELL CANADA CONDITIONS

The Applicant shall satisfy the requirements and conditions of Bell Canada.

- a) The Developer shall contact Bell Canada to discuss any installation and service requirements.

47. ROGERS CABLE

The Applicant shall satisfy the requirements and conditions of Rogers Communications Inc.

- a) The Applicant is advised that Rogers has buried cable on site and must proceed with caution when installing their new infrastructure;
- b) The Applicant is responsible for any damage to Rogers cable;
- c) The Applicant shall contact Rogers Communication Inc for stake out locations and to co-ordinate any work that affects their existing Plant.

48. TORONTO CATHOLIC DISTRICT SCHOOL BOARD CONDITIONS

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

- a) The Developer shall insert in their Agreement of Purchase and Sale, or Lease, or Rental Agreements with respect to availability of school accommodation (for a period of 10 years after registration of the subdivision) as follows:

“Despite the best efforts of the Toronto Catholic District School Board, sufficient accommodation may not be available locally for all students anticipated from the development area and that it may be necessary to accommodate students in school facilities outside the area.”

- b) The Developer shall erect and maintain signs at

points of ingress and egress advising that

“Despite the best efforts of the Toronto Catholic District School Board, sufficient accommodation may not be available locally for all students anticipated from the development area, and that it may be necessary to accommodate students in school facilities outside the area.”

For information regarding Catholic Schools serving this development, please call the Planning Department at (416) 222-8282, ext. 2277”.

#### 49. TORONTO DISTRICT SCHOOL BOARD CONDITIONS

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

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

“The Toronto District School Board makes every effort to accommodate students locally. However, due to residential growth, sufficient accommodation may not be available in this area for all students. Students may be accommodated in facilities outside the area until adequate funding or space becomes available.

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

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

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

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

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

#### 50. CANADA POST CONDITIONS

The Applicant shall satisfy the requirements and conditions of Canada Post.

The Developer shall provide centralized mailbox systems internal to each multi tenant building.