

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

Date:	January 6, 2010
To:	North York Community Council
From:	Director, Community Planning, North York District
Wards:	Ward 8 – York West
Reference Number:	06 157157 NNY 08 OZ 08 180545 NNY 08 SB 09 167829 NNY 08 OZ

SUMMARY

This report addresses a direction from North York Community Council referring a motion to the Director, Community Planning, North York District for a report back to Community Council on the above applications.

RECOMMENDATIONS

The City Planning Division recommends that:

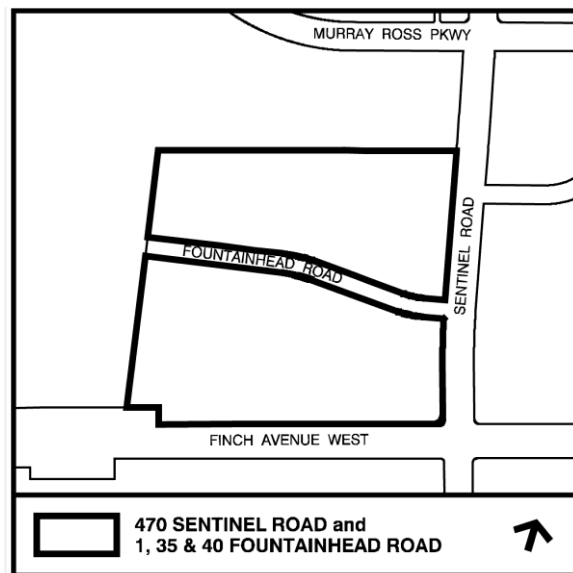
1. This report be received for information.

Financial Impact

There are no financial implications.

DECISION HISTORY

A Final Report dated October 8, 2009 from the Director, Community Planning, North York District recommended approval of



Official Plan and Zoning By-law amendments and a Draft Plan of Subdivision for the lands at the northwest corner of Finch Avenue West and Sentinel Road subject to a number of conditions. At the November 10, 2009 Public Meeting to consider the subject applications, North York Community Council:

- Deferred consideration of the report to the January 12, 2010 North York Community Council meeting; and
- Referred a motion to the Director, Community Planning, North York District for a report back to Community Council for its meeting on January 12, 2010 (see Attachment 1). The motion recommends that City Council adopt the recommendations of the City Planning report subject to a number of amendments.

This report responds to that direction.

COMMENTS

Private Recreation Centre and Childcare Centre

The motion recommends that the proposed private recreation centre and childcare centre be constructed as a public facility on City lands (Fountainhead Park) as close as possible to Sentinel Road. In addition, there is a recommendation that the value of the land vacated by moving the facility be monetized and provided to the City as a cash contribution to be used towards operating costs for the centre and related capital improvements to Fountainhead Park.

Currently, there are two outdoor pools on these lands that serve the residents of the existing 1,478 rental apartment units. As part of the development proposed for the lands, the two outdoor pools would be removed. The applicant is proposing to replace them with a private indoor pool facility for the use of the residents of the existing rental buildings. The Official Plan includes policies that seek to provide adequate on-site recreational space for residents, particularly in instances where residential intensification is proposed. Moving the recreation centre off the site to a City park will leave the rental buildings without an on-site amenity facility.

In addition, during the review of the development applications, Parks, Forestry and Recreation staff advised they were seeking funds for construction of an artificial ice rink at Fountainhead Park. The applicant agreed to provide a financial contribution of \$700,000 for that purpose. Parks, Forestry and Recreation staff did not request securing a public community centre as part of a Section 37 community benefit from this proposed development.

Fountainhead Park is located on the north side of Finch Avenue east of Sentinel Road. Parks, Forestry and Recreation staff advise that the City owned portion of the park is approximately 2.0 hectares and the park currently contains play structures, bocce courts, tennis courts, mechanical building, grassed play area and parking (see Attachment 2). The remainder of the open space belongs to James Cardinal McGuigan Separate School.

The Parks, Forestry and Recreation staff comments indicate that if a recreational facility is to be constructed on Fountainhead Park, the cost of the construction must be borne by the developer or some form of outside financing as this project is not in their Capital Budget. In addition, they advise that they cannot at this time commit to a City run facility.

In order for a recreational facility to be located as close as possible to Sentinel Road as stated in the motion, the park would have to be redesigned. The area proposed for the artificial ice rink and other amenities would have to be removed or relocated on the site dependent on the space requirements. In addition, the recreation centre and daycare facility would require additional parking of approximately 90 spaces.

Indoor Amenity Space

The motion includes a recommendation that “in recognition of the proximity of these buildings to York University, the indoor amenity space provided within the proposed condominium buildings (excluding the senior condominium) shall be provided at the rate of 2.5 m² per dwelling unit and be of the type that can be utilized to provide study and recreation facilities suitable for University students.”

The indoor amenity space standard applied to developments in the North York area, including developments in major redevelopment areas such as the North York Centre and Sheppard subway corridor, is a minimum of 1.5 m² per dwelling unit. This standard has been proposed in the By-law for the subject applications. While some of the proposed condominium units may be occupied by students, the condominium buildings are not intended to be university student residences and a minimum of 1.5 m² of indoor amenity space per unit is appropriate.

Parking

The motion includes a recommendation that in the early phases of the development, parking should be provided at the minimum requirements of Zoning By-law 7625, and that once the Toronto-York Spadina Subway Extension is operational, parking standards for later phase buildings may be reduced subject to a revised parking study being submitted and approved by City staff.

A parking study submitted by the applicant indicates a reduced parking demand for the existing rental units and the proposed condominium units. Based on this study, Transportation Services staff advised that they support a reduced parking rate for the proposed development. This is reflected in the October 8, 2009 staff report. The subject lands are located approximately 850 metres away from the proposed Finch West subway station and the reduced parking rate is not based on the planned extension of the subway. Based on Transportation Services review of the parking demand for this development, staff continue to support the reduced parking supply proposed in the By-law for the subject applications.

Public Art

The motion includes a recommendation that the public art contribution of \$250,000 may be applied to the development of artwork in Fountainhead Park in consultation with the local Councillor.

The Official Plan encourages the inclusion of public art in all significant private sector developments. The City's *Percent for Public Art Program Guidelines* provide direction for identifying opportunities for public art and that a proponent has the option to pursue an on-site or off-site public art contribution. The Official Plan indicates that new development will provide public art where the proponent agrees to provide the art works with the objective of making the buildings and their open spaces more attractive and interesting.

The applicant had previously agreed to provide a contribution of \$250,000 for public art on their lands in conformity with the City's public art program and has advised staff they wish this contribution to remain on their lands.

School Boards Notification

The motion includes a recommendation that the notification provisions recommended by the school boards be a condition of approval of this development. This has been included in the conditions of Draft Plan of Subdivision approval.

New Public Road Connection

The motion includes a recommendation that:

“if the applicant does not submit a building permit application to the City for the proposed development by the substantial completion of the new public road connection to Finch Avenue West, that the City temporarily close off the above new public road, for public use, until such time as an application for a building permit has been received by the City for the first phase of the proposed development. All costs associated with the temporary closure of the new public road will be borne by the applicant.”

One of the conditions of approval of the development to be included in the Section 37 agreement is that construction of the new road commence as part of the Phase 1 development which includes the construction of three residential buildings and the private recreational facility and day care centre. It is unlikely that the applicant would construct the public road without obtaining a building permit for some of the residential buildings. Requiring the construction of the new road as part of Phase 1 will ensure that the road and its associated infrastructure is available to service all new development.

The Draft Plan of Subdivision includes a 0.3 m reserve across the north and south ends of the new road. These reserves protect the City's interests and would only be lifted once the road is constructed to City standards.

Parkland Dedication

The motion includes a recommendation that the development portion of the site be increased to 20% cash-in-lieu of parkland dedication and that the contribution be applied in its entirety to improvements for Fountainhead Park and other parks within Ward 8 in consultation with the Ward Councillor.

In July 2008, Council amended the Alternative Parkland Dedication By-law to include the subject lands as a parkland priority area and therefore subject to the alternative parkland dedication rate. Parks, Forestry and Recreation staff advise that the area being developed by the proposed condominium buildings totals 1.22 hectares. This site area falls between 1 and 5 hectares and would be subject to a 15% parkland dedication under the Alternative Rate By-law (see Attachment 2). The 20% parkland dedication rate applies to a site with an area greater than 5 hectares.

Parks, Forestry and Recreation staff advise (see Attachment 2) that the motion requiring the entirety of the cash-in-lieu funds generated through this development to be applied to improvements for Fountainhead Park and other parks within Ward 8 contravenes the City's existing cash-in-lieu policy. Parks staff indicate that the Alternative Rate By-law requires that the first 5% of the cash-in-lieu of land payment (i.e. the first 5% of the total 15% parkland dedication requirement) is to be deposited into the City's four reserve accounts for parkland acquisition and development with the balance of the funds being used to either acquire parkland or improve existing parks in the vicinity of the development where the cash-in-lieu of parkland dedication originated, whereas the motion would require that all the funds go to park improvements in Ward 8.

Trees

The motion includes a recommendation that:

- 221 of the on site replacement trees be provided to the City upon enactment of the By-law and to be planted on public property within three months of enactment of the By-law;
- no trees shall be removed prior to the applicant submitting a building permit on those lands where the specific tree resides;
- prior to replacing trees on site, the applicant is to submit an irrigation plan that supplies drip lines to the trees being replanted; and
- any replaced trees that do not survive the first four years of their planting are to be replaced by the applicant.

As per the Tree By-law and the Ravine and Natural Feature Protection By-law, both of which apply to these lands, a permit is required from Urban Forestry (Parks, Forestry and

Recreation) to remove a tree excluding trees that are dead or are a hazard. Urban Forestry staff indicate they will issue a tree removal permit once the site plan is approved and the permit is only valid with a building permit. As such, no trees (excluding those that are dead or are a hazard) will be removed until building permits have been submitted.

Usually, trees are planted after development is completed to ensure the new trees are not damaged by construction activity. It is the general practice that tree replacement occurs on site to make up for the loss of trees from the development and staff recommend this practice should apply with this proposed development.

Approval from Urban Forestry will be required for on site tree replacement and planting. Before any tree planting occurs in the valley lands a ravine stewardship plan is to be approved by the Conservation Authority and Urban Forestry Ravine and Natural Feature Protection.

The City's practice as part of site plan approval is to hold letters of credit which secure landscaping for a period of two years to ensure the landscaping conforms with the approved plans. Staff recommend this practice continue with the subject applications.

Lastly, staff generally seek an irrigation plan for trees and other landscaping which are located as part of a hard landscaped area or in landscaping adjacent to a building. It may not be appropriate to install irrigation in the large forested and heavily treed areas on these lands as the installation work may harm the existing trees.

CONTACT

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

SIGNATURE

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

ATTACHMENTS

Attachment 1: November 10, 2009 North York Community Council Decision
Attachment 2: November 20, 2009 Parks, Forestry and Recreation Comments

Attachment 1:
November 10, 2009 North York Community Council Decision

Committee Decision

North York Community Council:

1. Deferred consideration of the report (October 8, 2009) from the Director, Community Planning, North York District, to its next meeting on January 12, 2010.
2. Referred the following motion, moved by Councillor Moscoe, to the Director, Community Planning, North York District, for a report back to the North York Community Council for its meeting on January 12, 2010:
 - “1. City Council adopt the staff recommendations in the Recommendation Section of the report (October 8, 2009) from the Director, Community Planning, North York District, subject to amending Recommendation 4(b), as follows:
 - “4(b) that the recreation centre/childcare centre be constructed as a public facility on City lands (Fountainhead Park) and as close as possible to Sentinel Road.”
 2. The value of the land so vacated by moving the centre (i.e. 2,200 m²) be monetized and provided to the City as a cash contribution to the City to be used towards operating costs for the centre and related capital improvements to Fountainhead Park.
 3. In recognition of the proximity of these buildings to York University, the indoor amenity space provided within the proposed condominium buildings (excluding the senior condominium) shall be provided at the rate of 2.5 m² per dwelling unit and be of the type that can be utilized to provide study and recreation facilities suitable for University students.
 4. In the early phases of this development, parking shall be provided at the minimum requirements of Zoning By-law 7625. At such time as the York University subway is operational, parking standards for later phase buildings may diminish to those proposed in the report (October 8, 2009) from the Director, Community Planning, North York District, subject to a revised parking study being submitted and approved by Technical Services staff. City staff be directed to revise the attached draft by-law accordingly.
 5. The public art contribution of \$250,000 be indexed to the Statistics Canada Non-residential Construction Price Index for Toronto from the date this By-law comes into force, in accordance with the City of Toronto’s Percent For Public Art Program. And that this contribution may be applied to the development of artwork in Fountainhead Park in consultation with the local Councillor.

6. The notification provisions recommended by the school boards outlined on page 18 of the report (October 8, 2009) from the Director, Community Planning, North York District, be a condition of this development.
7. If the applicant does not submit a building permit application to the City for the proposed development by the substantial completion of the new public road connection to Finch Avenue West, that the City temporarily close off the above new public road, for public use, until such time as an application for a building permit has been received by the City for the first phase of the proposed development. All costs associated with the temporary closure of the new public road will be borne by the applicant.
8. That North York Community Council recommend that the development portion of this site be increased to 20% cash-in-lieu of parkland dedication, to comply with the maximum 20% recommended within the Parks, Forestry, and Recreation Needs Summary Report for this area and that amount exceeding 15% be secured under the Section 37 agreement. And that this contribution be applied in its entirety for improvements for Fountainhead Park and other parks within Ward 8 in consultation with the Ward Councillor.
9. That:
 - i. 221 of the trees recommended in the report (October 8, 2009) from the Director, Community Planning, North York District, for replacement on site be provided to the City upon enactment of the By-law and to be planted on public property within three months of enactment of the By-law;
 - ii. of the trees that are recommended in the report (October 8, 2009) from the Director, Community Planning, North York District, for removal, no tree shall be removed prior to the applicant submitting a building permit on those lands where the specific tree resides;
 - iii. the applicant prior to replanting trees on site will submit to the satisfaction of the City an irrigation plan that supplies drip lines to the trees being replanted; and
 - iv. should any of the trees that are replaced perish within the first four years of its replanting that a new tree shall be replaced by the applicant.”