

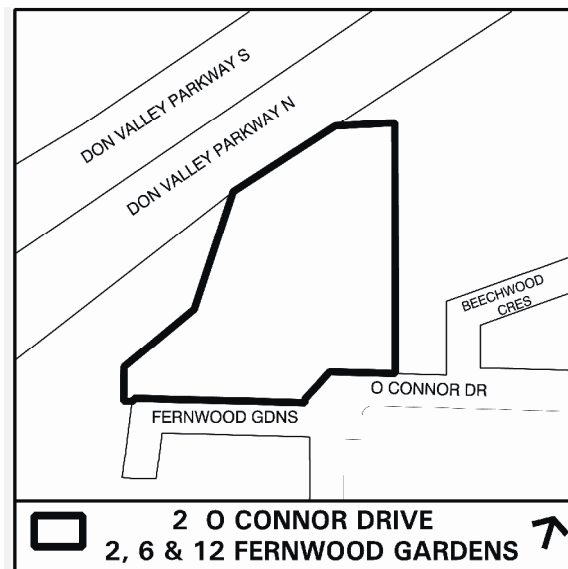
**2 O'Connor Drive, 2, 6 and 12 Fernwood Gardens -
Official Plan Amendment & Rezoning Applications and
Demolition Application under Municipal Code Chapter
667 – Final Report**

Date:	December 14, 2009
To:	Toronto and East York Community Council
From:	Director, Community Planning, Toronto and East York District
Wards:	Ward 29 – Toronto-Danforth
Reference Number:	08-232246 STE 29 OZ and 08-232255 STE 00

SUMMARY

On November 10, 2009, the Toronto and East York Community Council considered a Refusal Report dated October 23, 2009, from the Director, Community Planning, Toronto and East York District, regarding an Official Plan Amendment, a Zoning By-law Amendment, and Demolition Application under Municipal Code Chapter 667 to permit a 4-storey, 65-unit, private residential-care and assisted living facility at 2 O’Connor Drive, 2, 6 and 12 Fernwood Gardens. The applications seek to demolish 36 affordable rental housing units at 2, 6 and 12 Fernwood Gardens which will not be replaced.

This report responds to the direction to City Staff from Toronto and East York Community Council at its November 10, 2009 meeting. At that meeting, Toronto and East York Community Council recommended that City Council direct the Chief Planner, in consultation with the City Solicitor, to report to the January 12, 2010 meeting of Community Council, on the form of an Official Plan Amendment and Zoning By-law Amendment. The City Clerk was directed to schedule and give notice of the statutory public meeting for the January 12, 2010, Toronto and East York



Community Council.

At that same meeting, Toronto and East York Community Council recommended that City Council direct the Chief Planner to report back to the January 2010 meeting of Community Council on any proposed changes to the Tenant Relocation and Assistance Package, recommendations to approve and authorize the demolition of 36 rental units at 2, 6 and 12 Fernwood Gardens, and appropriate measures to conserve the heritage resource on the site.

At its meeting of November 30 and December 1, 2009, City Council approved the recommendations from the November 10, 2009 meeting of Toronto and East York Community Council. This report responds to those requests.

RECOMMENDATIONS

It is recommended that City Council:

1. Authorize an amendment to the Official Plan substantially in accordance with the draft Official Plan Amendment attached as Attachment No.1.
2. Authorize an amendment to Zoning By-law 6752, as amended, for the former Borough of East York, substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 2.
3. Authorize the City Solicitor to make such stylistic and technical changes to the draft Official Plan Amendment and draft Zoning By-law Amendment as may be required.
4. Approve the application to demolish the 36 rental housing units located at 2, 6, and 12 Fernwood Gardens pursuant to Municipal Code Chapters 667 and 363, subject to the following conditions under Chapter 667:
 - (a) the owner provide assistance to the tenants in the existing rental units as provided for in the approved Tenant Relocation and Assistance Plan;
 - (b) that the Official Plan and Zoning By-law Amendments in Recommendations 1 and 2 have come into full force and effect; and
 - (c) the owner enter into, and register on title, an agreement or notice thereof, to the satisfaction of the City Solicitor, which secures the conditions outlined above in items (a) and (b) of this Recommendation.
5. Authorize the Chief Planner and Executive Director, City Planning Division to issue a preliminary approval to the application under Municipal Code Chapter 667 pursuant to Section 111 of the *City of Toronto Act* after the satisfaction of the following conditions:
 - (a) that the Official Plan and Zoning By-law Amendments have come into full force and effect;
 - (b) the satisfaction of the conditions in Recommendation 4; and

- (c) Site Plan Approval for the proposed development is issued pursuant to Section 114 of the *City of Toronto Act, 2006* and pursuant to the Zoning By-law Amendment.
6. Before introducing the necessary Bills for enactment, require the owner to convey the valley/hazard lands, including all lands up to the Toronto and Region Conservation Authority's staked top-of-bank line, to the Toronto and Region Conservation Authority for a nominal sum of two dollars (\$2).
 7. Before introducing the necessary Bills for enactment, authorize the appropriate City officials and require the owner to enter into a Heritage Easement Agreement with the City for the protection and long term maintenance of the heritage property at 2 O'Connor Drive, to the satisfaction of the Chief Planner and Executive Director, City Planning Division.
 8. Before introducing the necessary Bills, authorize the appropriate City officials and require the owner to execute one or more agreements pursuant to Section 37 of the *Planning Act* to the satisfaction of the Chief Planner and Executive Director, City Planning, and City Solicitor. The agreement(s) are to be registered on title to the lands in a manner satisfactory to the City Solicitor and to secure the following facilities, services and matters from the owner at its expense:
 - (a) A Tenant Relocation and Assistance Plan to the satisfaction of the Chief Planner and Executive Director, City Planning Division, that requires the owner to provide for each tenant of 2, 6, and 12 Fernwood Gardens assistance that includes at least a moving allowance and other financial assistance on a sliding scale geared to the length of occupancy of each tenant;

The following matters shall be secured in the Section 37 Agreement as a legal convenience to support development:

- (b) A response, in conjunction with the Site Plan Application, to the Toronto and Region Conservation Authority's comments contained within the September 30, 2009 memo, as they relate to natural heritage;
- (c) A cost estimate, in conjunction with the Site Plan Application, for review and acceptance, for the proposed planting within the ravine and natural feature protected area, in addition to a cost estimate for the preparation and implementation of the ravine stewardship plan;
- (d) A financial security, in conjunction with the Site Plan Application, as a security for implementing the planting plan within the ravine and natural feature protected area;
- (e) Architectural plans at 1:100, elevations at 1:50 and landscaping plans at 1:100 to be secured to the satisfaction of the Chief Planner, and the owner will be required to, in conjunction with the Site Plan Application, submit such scaled drawings in conformity with this requirement;

- (f) The owner shall incorporate in the construction of the building, and thereafter maintain, exterior building and landscape materials as shown on the plans and elevations referenced in (e) above, to the satisfaction of the Chief Planner and Executive Director;
 - (g) Final development plans and landscape plans that enhance the heritage character and views of the front façade of the heritage building and exterior lighting plan for the heritage building, to the satisfaction of the Chief Planner and Executive Director, City Planning Division, in conjunction with the Site Plan Application;
 - (h) Prior to receiving Site Plan Approval, a revised Stormwater Management Report to the satisfaction of the Executive Director, Technical Services;
 - (i) A detailed Conservation Plan, in conjunction with the Site Plan Application, which includes: as-found record of the existing house including photographs keyed to plans and elevations of all visible exteriors and interiors; detailed descriptions for the proposed heritage conservation work; description of the reversibility of alterations; schedule of long term conservation and maintenance requirements; and cost estimates for conservation work of the heritage property located at 2 O'Connor Drive, to the satisfaction of the Chief Planner and Executive Director, City Planning Division;
 - (j) The owner shall be encouraged to build in conformity with the Green Development Standard Checklist received by the Chief Planner and Executive Director, City Planning Division, on December 30, 2008; and
 - (k) The owner shall pay for and construct any improvements to the municipal infrastructure in connection with the Functional Servicing Report as accepted by the Executive Director of Technical Services, should it be determined that improvements to such infrastructure are required to support the development.
9. Authorize the Chief Building Official to issue a Section 111 permit under Municipal Code Chapter 667 after the Chief Planner and Executive Director, City Planning Division has given the preliminary approval in Recommendation 5.
 10. Authorize the Chief Building Official to issue a permit under Section 33 of the *Planning Act* no earlier than the issuance of the first building permit for the foundation of the development, and after the Chief Planner and Executive Director, City Planning Division has given the preliminary approval in Recommendation 5, which permit may be included in the demolition permit for Chapter 667 under 363-11.1E, of the Municipal Code.

FINANCIAL IMPACT

The recommendations in this report have no financial impact.

DECISION HISTORY

On November 10, 2009, the Toronto and East York Community Council considered a Refusal Report dated October 23, 2009, from the Director, Community Planning, Toronto and East York District, regarding an Official Plan Amendment, a Zoning By-law Amendment, and Demolition under Municipal Code Chapter 667 to permit a 4-storey, 65-unit, private residential-care and assisted living facility. The applications sought to demolish 36 affordable rental housing units which would not be replaced.

The refusal recommendation was based on a number of factors: non-conformity and conflict with the provincial policy framework (Provincial Policy Statement and Growth Plan); lack of retention or replacement of affordable rental housing; consolidation of residential lots and the removal of 3 residential buildings fronting onto Fernwood Gardens.

Toronto and East York Community Council at its November 10, 2009 meeting has recommended that City Council approve the Official Plan and Zoning By-law Amendment applications, and the demolition under Municipal Code Chapter 667. At that same meeting, Toronto and East York Community Council directed that the Chief Planner, in consultation with appropriate staff, report to Toronto and East York Community Council at its meeting of January 12, 2010 on:

- a) An Official Plan Amendment to permit the proposed development at 2 O'Connor Drive, and 2, 6, and 12 Fernwood Gardens;
- b) A Zoning By-law to permit the proposed development at 2 O'Connor Drive, and 2, 6, and 12 Fernwood Gardens;
- c) Any proposed changes to the Tenant Relocation and Assistance Plan;
- d) Recommendations to approve the demolition of the 36 rental housing units at 2, 6 and 12 Fernwood Gardens; and
- e) Appropriate measures to conserve the heritage resource on the subject site.

At that same meeting, Toronto and East York Community Council requested that the City Clerk schedule and give notice of the statutory public meeting for the January 12, 2010 Toronto and East York Community Council.

COMMENTS

Planning Staff have consulted with the City Solicitor and Building Division staff to prepare a site specific Official Plan Amendment and Zoning By-law to implement the proposed development. A draft of the Official Plan Amendment and Zoning By-law are appended as Attachments 1 and 2. A Section 37 Agreement and a Heritage Easement Agreement are being drafted to address the recommendations of Community Council.

Official Plan Amendment

The draft Official Plan Amendment requested by City Council includes a Site and Area Specific Policy for the subject lands to permit the proposed development within this *Neighbourhood*

because the Official Plan requires that development in *Neighbourhoods* respect and reinforce the existing physical character of the neighbourhood. Section 5.3.1.3 of the Plan states that amendments to the Official Plan that are not consistent with its general intent will be discouraged. Council is required to be satisfied that any development under an amendment to the Official Plan is compatible with the physical context and will not affect nearby *Neighbourhoods* in a manner contrary to the neighbourhood protection policies of the Plan. The proposed consolidation of residential lots, and the removal of the three apartment buildings from the planned context of Fernwood Gardens does not conform to the Official Plan policies in this regard.

The draft Official Plan Amendment requested by Council also includes a Site and Area Specific Policy for the subject lands to permit the proposed demolition of 36 rental units without requiring replacement. Policy 3.2.1.6 provides that applicants proposing to demolish 6 or more residential rental units, except where all rents are above mid-range, are required to replace the rental units with the same number, size and type of rental housing units and maintain them with similar rents as are existing on the site. Tenant assistance, including the right to return to replacement units, is also required. If the rental units are not replaced, the policy states that such applications that result in the loss of six or more units will not be approved. The proposal does not conform to the Official Plan policies in this regard.

Zoning By-law Amendment

The draft Zoning By-law Amendment requested by City Council is appended to this report as Attachment 2.

The subject site includes table land and valley slope associated with the Don River. Policy 8 of the Official Plan identifies that developments are required to be setback at least 10 metres, or more if warranted by the severity of existing or potential natural hazards, from top-of-bank, valleys, ravines and bluffs; and from other locations where slope instability, erosion, flooding or other physical conditions present a significant risk to life or property. The Toronto and Region Conservation Authority has staked both the top-of-bank and geotechnical stable top-of-bank on this site. Toronto and Region Conservation Authority staff have indicated that due to the current slope conditions, the minimum setback of all buildings and structures should be measured from the geotechnical stable top-of bank line, rather than the top-of-bank line, as has been directed by Community Council on November 10, 2009. In order to be consistent with the direction from Toronto and East York Community Council, the attached Zoning By-law Amendment measures building setbacks from top-of-bank.

Tenant Relocation and Assistance Plan

The applicant has offered to provide to the tenants the following assistance in addition to the requirements of provincial legislation: a moving allowance of \$500, and additional compensation in the form of a cash payment or rent relief based on the table below.

Years Residency	Compensation
6-10 years	2 month's rent
11-15 years	4 month's rent
16-20 years	6 month's rent
21-25 years	10 month's rent
26-30 years	12 month's rent
31 years or more	14 month's rent

While generally acceptable in the circumstances, staff recommend the following changes to ensure the proposal is consistent with the City's typical practices, and to recognize that these tenants will have no right to return to replacement rental units. When there is no right to return, the City's practice is to ensure that the compensation recognizes that these tenants have permanently lost their homes and the rent-controlled status of their apartments, and must contend with full market costs of their new accommodation.

A more acceptable amount for a moving allowance is \$1,500. This amount has been typically incorporated into tenant assistance plans since 2004, including such applications involving demolition as 82-90 Broadway, 50-56 Gerrard E, and Parkway Forest.

The additional compensation tied to length of tenure omits any category for those who resided in the buildings for a period between 1 and 5 years. To make this proposal consistent with a similar feature in the Women's College Hospital assistance plan, the table should be amended to add additional compensation equivalent to 1 month rent for tenants from 1-5 years residency.

Recommendation 4 a) directs that an agreement securing the Tenant Relocation and Assistance Plan be entered into to the satisfaction of the Chief Planner and Executive Director, City Planning Division. The applicant has agreed to the two modifications to the Tenant Relocation and Assistance Plan as proposed by staff. If approved by Council, the modified Tenant Relocation and Assistance Plan will be secured in the Section 37 Agreement.

Demolition of 2, 6 and 12 Fernwood Gardens

As well as the planning approvals, it is necessary that City Council approve the demolition of the 36 rental units and provide authorization to City officials to issue the appropriate approvals and permits. The recommendations in this report follow the City's typical practices when approving the demolition under Municipal Code Chapters 667 and 363, and issuance of a demolition permit pursuant to Section 33 of the *Planning Act*. The demolition permit for the buildings at 2, 6 and 12 Fernwood Gardens will not be issued until all recommended conditions are satisfied, and no earlier than the issuance of the foundation permit for the approved development.

Heritage

A staff report was before the Toronto Preservation Board on November 26, 2009. Following on the direction from Toronto and East York Community Council on November 10, 2009, the report to the Toronto Preservation Board provided a review of the applications as they relate to proposed conservation of the property under the Ontario Heritage Act.

The heritage report reviewed proposed alterations to the property and recommended that City Council designate the property at 2 O'Connor Drive under Part IV, Section 29 of the Ontario Heritage Act for its cultural heritage value and approve conditions to ensure the preservation of the heritage attributes of the property. The report will be before Toronto and East York Community Council on January 12, 2010 under separate cover.

CONTACT

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SIGNATURE

Raymond David, Director
Community Planning, Toronto and East York District

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ATTACHMENTS

Attachment 1: Draft Official Plan Amendment
Attachment 2: Draft Zoning By-law Amendment

Attachment 1: Draft Official Plan Amendment

**CITY OF TORONTO
BY-LAW No. ~-2010**

**To adopt an amendment to the Official Plan respecting the lands
municipally known as 2 O'Connor Drive, and 2, 6 and 12 Fernwood Gardens**

WHEREAS authority is given to Council under the *Planning Act*, R.S.O. 1990, c.P. 13, as amended, to pass this By-law;

WHEREAS the Council for the City of Toronto, at its meeting of ~ 2010, determined to amend the Official Plan for the City of Toronto adopted by By-law No. 1082-2002; and

WHEREAS Council of the City of Toronto has provided adequate information to the public and has held at least one public meeting in accordance with the *Planning Act*;

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

1. The text and maps attached hereto are adopted as an amendment to the Official Plan of the City of Toronto.
2. This is Official Plan Amendment No. 107.
3. This By-law shall come into force and effect on the day of the final passing thereof.

ENACTED AND PASSED this ~ day of ~, A.D. 2010.

DAVID R. MILLER,
Mayor

ULLI S. WATKISS,
City Clerk

(Corporate Seal)

**AMENDMENT NO. 107
TO THE CITY OF TORONTO OFFICIAL PLAN**

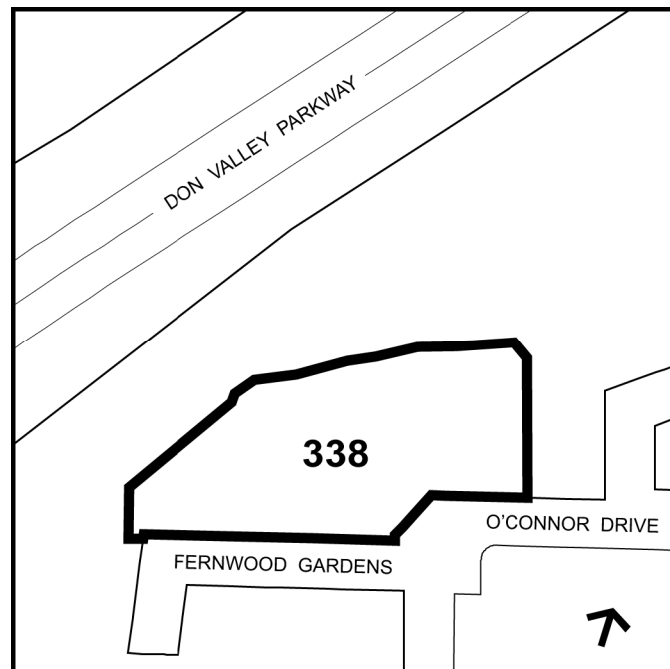
To adopt Amendment No. 107 to the City of Toronto Official Plan respecting lands known municipally as 2 O'Connor Drive, and 2, 6 and 12 Fernwood Gardens.

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

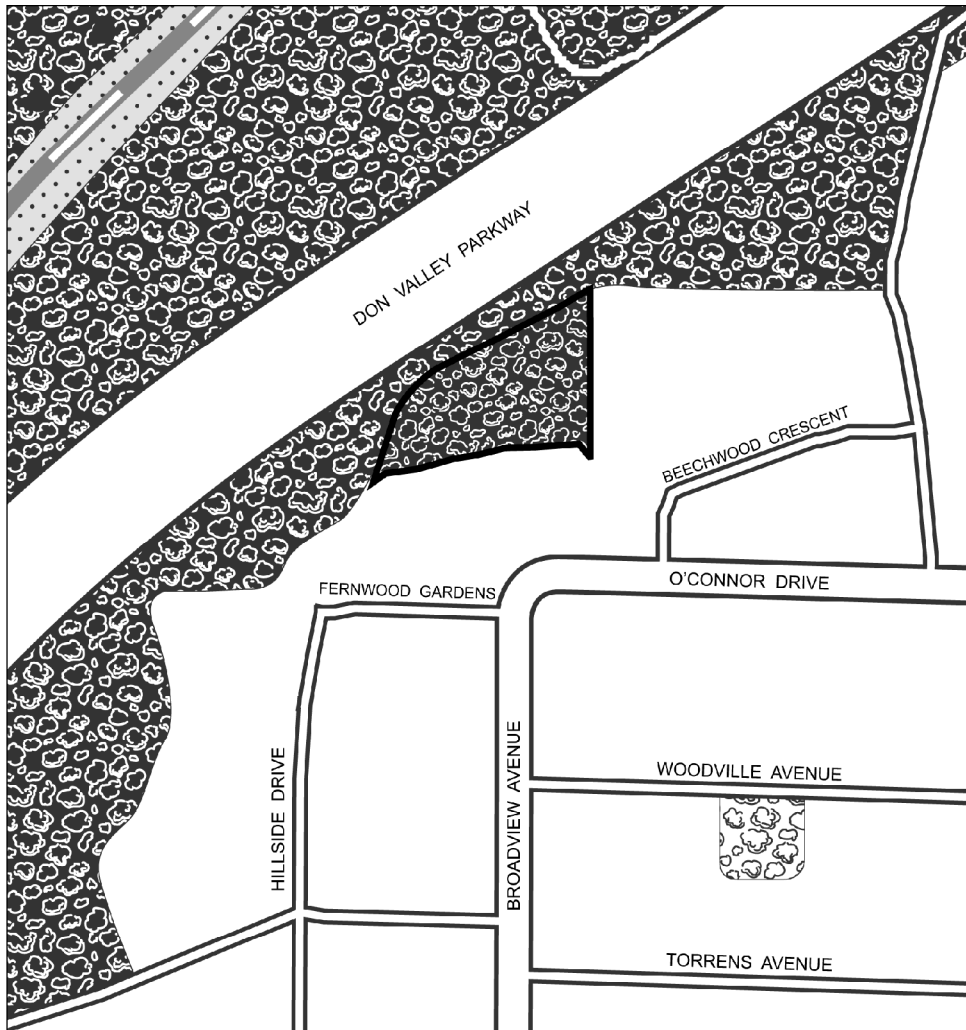
1. Land Use Plan Maps 17 and 18 are amended to redesignate part of the lands known municipally in 2009 as 2 O'Connor Drive from *Neighbourhoods* to *Parks and Open Space Areas- Natural Areas*, as shown on attached Schedule 1.
2. Chapter 7, Site and Area Specific Policies, is amended by adding Site and Area Specific Policy No. 338 for the lands known municipally in 2009 as part of 2 O'Connor Drive, and 2, 6 and 12 Fernwood Gardens as follows:

“338. 2 O'Connor Drive, and 2, 6 and 12 Fernwood Gardens

- a) Only a private hospital and private residential care and assisted living facility, and uses accessory thereto are permitted.
- b) Despite Policy 3.2.1.6 of the Official Plan, provided that a private hospital and private residential care and assisted living facility, and uses accessory are to be built on the site, the replacement of 36 rental dwelling units is not required. ”



3. Maps 28 and 29, Site and Area Specific Policies, are amended for the lands known municipally in 2009 as part of 2 O'Connor Drive, and 2, 6 and 12 Fernwood Gardens, as shown on the map below as Site and Area Specific Policy No. 338.




Toronto City Planning

Official Plan Amendment #107 - Schedule 1

**2 O'Connor Drive and
2, 6 & 12 Fernwood Gardens**

Revisions to Land Use Maps 17 and 18 to Redesignate Lands from Neighbourhoods to Parks & Open Space - Natural Areas

File # 08_232246

 Site Location	 Parks & Open Space Areas
 Neighbourhoods	 Natural Areas
 Utility Corridors	 Parks



Not to Scale
12/14/2009

Authority: Toronto and East York Community Council Item ~ as adopted by City of Toronto Council on ~, 2010

Enacted by Council: ~, 2010

CITY OF TORONTO

Bill No. ~

BY-LAW No. ~-2010

To amend the former Borough of East York Zoning By-law No. 6752, as amended, with respect to the lands municipally known as 2 O'Connor Drive, and 2, 6 and 12 Fernwood Gardens

WHEREAS authority is given to Council by Section 34 of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended, to pass this By-law; and

WHEREAS Council of the City of Toronto has provided adequate information to the public and has held at least one public meeting in accordance with the *Planning Act*;

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

1. The lands subject to this By-law are those lands outlined by heavy black line and identified as “Area Subject to Amendment” as shown on Map 1 attached hereto.
2. Zoning By-law No. 6752, as amended, as it applies to the lands identified as Part B on Map 1 of this By-law, is further amended by deleting Section 12.1.29, and changing the zoning category of the Area Subject to Amendment from Residential R1B to Conservation G.
3. Zoning By-law No. 6752, as amended, as it applies to the lands identified as Part A on Map 1 of this By-law, is further amended by deleting Section 12.1.29, and changing the zoning category of the Area Subject to Amendment from Residential R1C to Residential R1C – Site Specific (R1C.8) Zone.
4. Former East York Zoning By-law No. 6752, as amended, is hereby further amended by adding a new Section 7.4.4.8 immediately after Section 7.4.4.7 of the by-law as follows:

“7.4.4.8 2 O'Connor Drive, 2, 6, and 12 Fernwood Gardens (R1C.8 Zone)

7.4.4.8.1 Area Restricted

The provisions of this section shall only apply to those lands being Lots 1,2,3,4,5,6,7, and 8, Registered Plan 3245, and Part of Lots 14 and 15, Concession 2, F.T.B, City of Toronto (Formerly Borough of East York) (Geographic Township of York).

7.4.4.8.2 General Provisions

On those lands referred to in Section 7.4.4.8.1 of this By-law, no person shall use, occupy, Erect, alter, cause to be used, occupied, Erected or altered, any Building, Structure, or land or part thereof, except in accordance with the following provisions:

(1) Developable Area

- (a) For the purposes of this By-law, the Lot shall be defined as the area identified as Part A on Map 1 attached to this By-law.
- (b) For the purposes of this By-law, the development permissions and requirements contained in Sections 2 and 3 below shall only apply to the lands identified as Part A on Map 1 attached to this By-law.
- (c) For the purposes of this By-law, no Building or Structure, or portions thereof, shall be permitted on the lands identified as Part B on Map 1 attached to this By-law.
- (d) For the purposes of this By-law, a Fence shall be permitted on the lands identified as Part B on Map 1 attached to this By-law.

(2) Permitted Uses, Buildings and Structures

- (a) Private Hospital and Private Residential Care and Assisted Living Facility; and
- (b) Buildings, Structures, and uses Accessory to the foregoing.

(3) Development Requirements

- | | | |
|-----|---------------------------|---------------------------------|
| (a) | Minimum Lot Area | 9,400 m ² |
| (b) | Maximum Gross Floor Area | 7,620 m ² |
| (c) | Maximum Floor Space Index | 0.82 times the Minimum Lot Area |

- | | | |
|-----|--|--|
| (d) | Maximum Number of rooms in the Private Hospital and Private Residential Care and Assisted Living Facility | 65 rooms |
| (e) | Maximum Number of Accessory Dwelling Units | 4 units located wholly within the Building Envelope as shown on Map 2 of this By-law. |
| (f) | Maximum Height | 16 metres |
| (g) | Maximum Number of Storeys | 4 Storeys |
| (h) | Minimum setback of all Buildings and Structures or portions thereof to Top-of-Bank | 10 metres |
| (i) | Siting of all Buildings, Structures or portions thereof | Wholly within the Building Envelope as shown on Map 2 of this By-law, except that the provisions of Section 5.6 shall continue to apply to any projections or encroachments into Yards |
| (j) | Maximum Gross Floor Area of Chapel | 200 m ² and shall be wholly located within the Building Envelope as shown on Map 2 of this By-law |
| (k) | Minimum Number of Parking Spaces | 31 Parking Spaces |
| (l) | Minimum Number of Loading Spaces | 1 Loading Space |
| (m) | Minimum Landscaped Open Space | 30% of the Minimum Lot Area |
| (n) | For the purposes of this By-law, the Front Lot Line shall be the southern 108.3 metres of the Lot that fronts onto Fernwood Gardens. | |

(4) Section 37 Requirements

The owner of the lands shown as Part A on Map 1 is required to enter into one or more agreements pursuant to Section 37 of the *Planning Act* satisfactory to the Chief Planner and Executive Director, City Planning Division, and the City Solicitor and such agreement(s) shall be registered against title to the lands identified as Part A and outlined in heavy lines on Map 1 to secure the following facilities, services or matters:

- (a) A Tenant Relocation and Assistance Plan to the satisfaction of the Chief Planner and Executive Director, City Planning Division, that requires the owner to provide for each tenant of 2, 6, and 12 Fernwood Gardens assistance that includes at least a moving allowance and other financial assistance on a sliding scale geared to the length of occupancy of each tenant.
- (b) The following matters are also to be secured in the Section 37 agreement:
 - i) Provide, in conjunction with the Site Plan Application, a response to the Toronto and Region Conservation Authority's comments contained within the September 30, 2009 memo, as they relate to natural heritage;
 - ii) Provide a cost estimate, in conjunction with the Site Plan Application, for review and acceptance for the proposed planting within the ravine and natural feature protected area, as well as a cost estimate for the preparation and implementation of the ravine stewardship plan;
 - iii) Provide a financial security, in conjunction with the Site Plan Application, for implementing the planting plan within the ravine and natural feature protected area;
 - iv) Architectural plans at 1:100, elevations at 1:50, and landscaping plans at 1:100 to be secured to the satisfaction of the Chief Planner, and the owner will be required to, in conjunction with the Site Plan Application, submit such scaled drawings in conformity with this requirement;

- v) Provide final development plans and landscape plans that enhance the heritage character and views of the front façade of the heritage building and exterior lighting plan for the heritage building, to the satisfaction of the Chief Planner and Executive Director, City Planning Division, in conjunction with the Site Plan Application;
- vi) The owner shall incorporate in the construction of the building, and thereafter maintain, exterior building and landscape materials as shown on the plans and elevations referenced in 4(b)(iv) above, to the satisfaction of the Chief Planner and Executive Director;
- vii) Prior to receiving Site Plan Approval, the owner shall provide, to the satisfaction of the Executive Director, Technical Services, a revised Stormwater Management Report;
- viii) Provide a detailed Conservation Plan, in conjunction with the Site Plan Application, which includes: as-found record of the existing house including photographs keyed to plans and elevations of all visible exteriors and interiors; detailed descriptions for the proposed heritage conservation work; description of the reversibility of alterations; schedule of long term conservation and maintenance requirements; and cost estimates for conservation work of the heritage property located at 2 O'Connor Drive, to the satisfaction of the Chief Planner and Executive Director, City Planning Division;
- ix) The owner shall be encouraged to build in conformity with the Green Development Standard Checklist received by the Chief Planner and Executive Director, City Planning Division, on December 30, 2008; and
- x) The owner shall pay for and construct any improvements to the municipal infrastructure in connection with the Functional Servicing Report as accepted by the Executive Director, Technical Services, should it be determined that

improvements to such infrastructure are required to support the development.

- (c) The Owner of the lands enters into an agreement with the City of Toronto pursuant to Section 37 of the *Planning Act*, to secure the facilities, services and matters required in Section 4(a) and (b) herein and registers such agreement against title to the Lot as a first charge, all to the satisfaction of the City Solicitor.
- (5) Within the lands shown on Map 1 attached to this By-law, no person shall use any land or erect or use any building or structure unless the following municipal services are provided to the lot line and the following provisions are complied with:
 - (a) all new public roads have been constructed to a minimum of base curb and base asphalt and are connected to an existing public highway; and
 - (b) all water mains and sanitary sewers, and appropriate appurtenances, have been installed and are operational.
- (6) Notwithstanding any existing or future severance or division of the lands subject to this exception, the regulations of the exception shall continue to apply to the whole of the lands.
- (7) Definitions:
 - (a) For the purpose of this By-law, the following definitions shall apply:
 - i. “Private Hospital and Private Residential Care and Assisted Living Facility” shall mean the use of a Building for living accommodation for persons who require ongoing support services, medical care, or specialized care, in semi-independent or dependent living arrangements, with common lounges, activity areas, and food preparation facilities, sized to be shared by residents in the facility.
 - ii. “Grade” shall be defined as +124.75 metres Canadian Geodetic Datum.
 - iii. “Height” shall be measured from Grade to the top

of the parapet, and shall exclude elements for the functional operation of the building which may include elevator over-runs, mechanical penthouse, ventilation equipment, renewable energy systems and roof canopy, which shall not exceed an additional 5 metres above the maximum Height of the building.

- iv. “Top-of-Bank” shall be defined as the limit of the sloped lands on the Lot as established by the Toronto and Regional Conservation Authority on May 28, 2007 and as shown on Map 1 of this By-law.
 - v. “Accessory Dwelling Units” shall be defined as a room or group of rooms in the building, with or without in-suite culinary facilities, that are ancillary to the Private Hospital and Private Residential Care and Assisted Living Facility.
 - vi. “Chapel” shall be defined as the portion of the building, located on the ground floor and mezzanine level above, which is dedicated to religious worship and shall be accessory to the Private Hospital and Private Residential Care and Assisted Living Facility.
- (b) With exception of the words or expressions referred to in section 7(a) above, each word or expression which is capitalized shall have the same meaning as the said word or expression has for the purposes of the aforesaid By-law No. 6752, as amended.

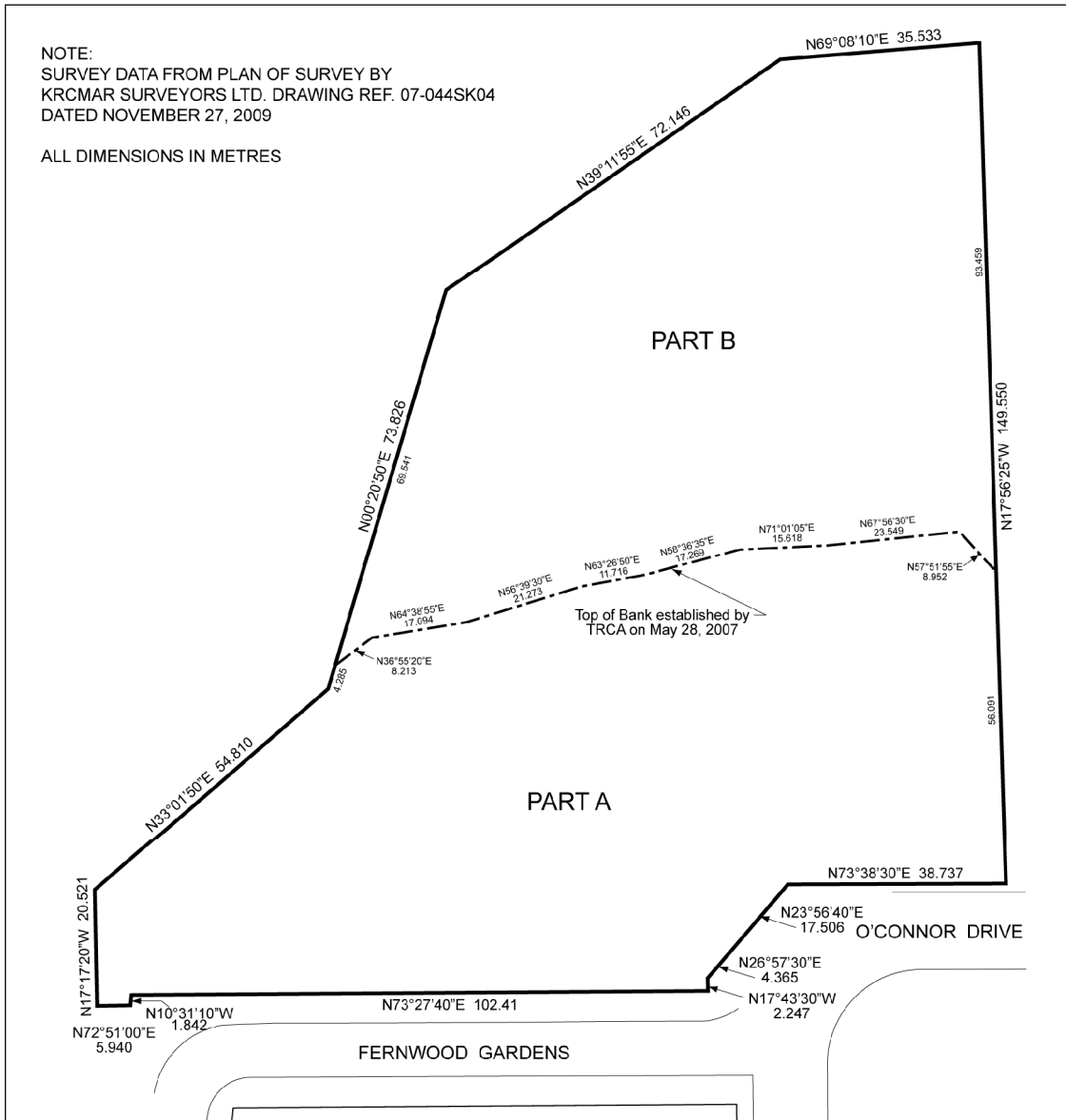
ENACTED AND PASSED this ~ day of ~, A.D. 2010.

DAVID R. MILLER,
Mayor
(Corporate Seal)

ULLI S. WATKISS,
City Clerk

NOTE:
 SURVEY DATA FROM PLAN OF SURVEY BY
 KRCMAR SURVEYORS LTD. DRAWING REF. 07-044SK04
 DATED NOVEMBER 27, 2009

ALL DIMENSIONS IN METRES



NOTE:
ALL DIMENSIONS IN METRES

