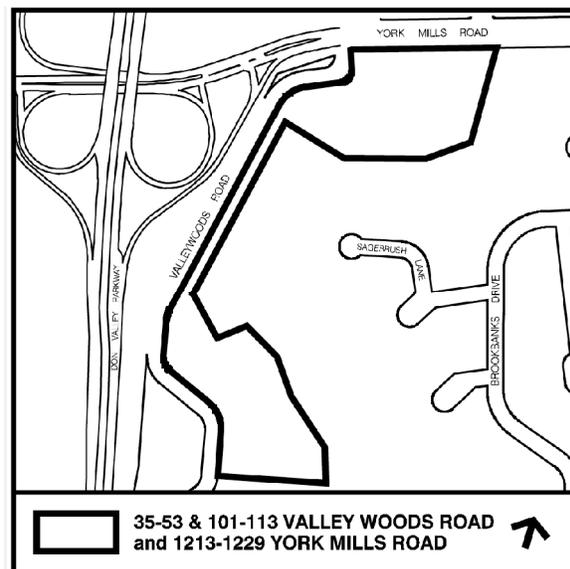


**35-53 and 101-113 Valley Woods Road and 1213-1229 York Mills Road  
Official Plan, Zoning By-law, Draft Plan of Subdivision  
and Rental Housing Demolition Applications – Staff  
Report**

|                          |  |
|--------------------------|--|
| <b>Date:</b>             | August 24, 2011  |
| <b>To:</b>               | North York Community Council   |
| <b>From:</b>             | Director, Community Planning, North York District  |
| <b>Wards:</b>            | Ward 34 – Don Valley East  |
| <b>Reference Number:</b> | 07 288330 NNY 34 OZ<br>07 288379 NNY 00 RH<br>09 168523 NNY 34 OZ<br>10 119479 NNY 34 SB |

**SUMMARY**

On July 14, 2011, City Council considered a Final Report on a development proposal for the lands at 35-53 and 101-113 Valley Woods Road and 1213-1229 York Mills Road which was forwarded to it without recommendations from North York Community Council. City Council referred these applications back to the North York Community Council with a request that the Director, Community Planning, North York District, submit a further report addressing the issues raised at City Council. This report addresses Council's direction.



## **RECOMMENDATIONS**

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### **The City Planning Division recommends that:**

1. The recommendations contained in the report dated June 6, 2011 from the Director, Community Planning, North York District be adopted.

### **Financial Impact**

The recommendations in this report have no financial impact.

## **DECISION HISTORY**

A Final Report dated June 6, 2011 from the Director, Community Planning, North York District recommended approval of the Official Plan, Zoning By-law, Draft Plan of Subdivision and Rental Housing Demolition applications. North York Community Council, at its meeting of June 22, 2011 forwarded the report to City Council without recommendations. At the July 12, 2011 City Council meeting, a motion from Councillor Minnan-Wong proposing amendments to the staff report recommendations (see Attachment 1), was circulated to Councillors. City Council referred the final report back to the North York Community Council with a request that the Director, Community Planning, North York District, submit a further report addressing the issues raised at City Council.

## **ISSUE BACKGROUND**

### **COMMENTS**

Three issues were raised at the City Council meeting relating to the proposed development:

- the Official Plan large site affordable housing policy;
- the amount of Section 37 benefits; and
- the development charge credit recommended by Parks, Forestry and Recreation staff for above base park improvements.

In addition, at the City Council meeting a motion from Councillor Minnan-Wong was circulated to Councillors (see Attachment 1).

## **Section 37 of the Planning Act**

Section 37 of the Planning Act gives municipalities with appropriate Official Plan policies the authority to pass zoning by-laws involving increases in the height or density of development in return for the provision by the owner of community benefits.

Section 5.1.1 of the Official Plan includes policies dealing with the use of Section 37. The policies state that Section 37 community benefits are capital facilities and/or cash contributions toward specific capital facilities and include amongst other matters, affordable housing on large sites and rental housing to replace demolished rental housing. In December 2007, City Council adopted implementation guidelines for the use of Section 37. The guidelines state that no citywide formula, or quantum, exists in the Official Plan or the guidelines for determining the level of Section 37 benefits.

With no set formula, the value of community benefits varies from project to project or from one area of the City to another. A straight gross floor area or per-unit comparison between sites is difficult as land and density values, which vary across the City, play an important role in the calculation of value of the density increase and the benefits to be secured. Section 37 is a planning tool, not a revenue tool and the package of community benefits must have a planning justification in order to be defensible before the OMB. There should be a planning relationship and a demonstratable connection between the proposed development and the Section 37 community benefits.

The specific community benefits secured through a development proposal are the result of community consultation, discussion among City staff, the owner, and the local Councillor. The Official Plan indicates that Section 37 community benefits will be selected on the basis of local community needs, intensification issues in the area, the nature of the development application and the objectives and policies of the Plan. Priority is to be given to on-site or local community benefits.

However, in the case of a large site (generally greater than 5 hectares), the housing policies of the Official Plan state that the provision of affordable housing is the first priority Section 37 community benefit. This is discussed in greater detail in a later section of this report.

At the City Council meeting on this application, questions were asked about the value of the net density increase resulting from this application. The Real Estate Appraisal Division has provided a land value of \$28 to \$33 per square foot of density or \$301-\$355 per square metre of density. Based on this appraisal, the value of the net density increase above the as-of-right zoning is \$28.8 million to \$34 million. The chart below outlines details of the existing and proposed zoning.

| <b>Existing and Proposed Zoning Statistics</b>  |                          |                           |  |
|---|--------------------------|---------------------------|--|
|   | <b>m<sup>2</sup> GFA</b> | <b>ft<sup>2</sup> GFA</b> | <b>Residential Units</b>   |
| Existing Zoning Permission                      | 60,340 m <sup>2</sup>    | 649,516 ft <sup>2</sup>   | About 750 dwelling units (average unit size of 80 m <sup>2</sup> )                   |
| Existing Development                            | 28,799 m <sup>2</sup>    | 310,000 ft <sup>2</sup>   | 245 townhouse units  |
| Proposed Development                            | 156,095 m <sup>2</sup>   | 1,680,248 ft <sup>2</sup> | 270 rental replacement units & 1,610 condominium units<br>Total 1,880 dwelling units |
| Net Density Increase (above as-of-right zoning) | 95,755 m <sup>2</sup>    | 1,030,732 ft <sup>2</sup> | Approximately 1,130 dwelling units   |

### **Section 37 Community Benefits and the Official Plan Large Site Housing Policy**

The Valley Woods site is 5.6 hectares in size. Policy 3.2.1.9 of the Official Plan provides that on large sites generally greater than 5 hectares in size a minimum of 30% of the new housing units will be in forms other than single-detached and semi-detached houses, such as row housing, triplexes and multi-unit residential buildings. The Valley Woods proposal meets this policy objective providing for residential units in the form of apartment buildings, townhouses and stacked townhouses.

Policy 3.2.1.9 also states: (Note: Section 5.1.1 of the Official Plan contains the Section 37 policies)

In accordance with and subject to Section 5.1.1 of the Plan where an increase in height and/or density is sought, the first priority community benefit will be the provision of 20% of the additional residential units as affordable housing. This affordable housing contribution may take the form of affordable housing constructed on-site or the conveyance of land in the development to the City for the purpose of affordable housing, or at the discretion of the City:

- i) with the agreement of the developer, affordable housing units constructed near the development site or elsewhere in the City;
- ii) the conveyance of land to the City for the purpose of affordable housing near the proposed development site; or
- iii) cash-in-lieu for the purpose of constructing affordable housing in or near the proposed development site.

This policy is tied to the other Section 37 policies of the Official Plan which provide for a range of community benefits and that community benefits will be selected on the basis of local community needs, intensification issues in the area, and that priority will be given to on-site or local community benefits. When considering the community benefits to be secured, the 20% affordable housing benefit is to be considered as the first priority

among any other benefits. The final determination of the community benefits to be secured is also to reflect local community needs, with priority given to on-site or local community benefits. If affordable housing is not achieved, then an Official Plan amendment is required.

Since the policy was brought into full force by the approval of the Ontario Municipal Board in 2007, not including Valley Woods, there have been seven developments approved which involved sites of 5 or more hectares. Four of the developments did not provide any affordable housing benefits in favour of other Section 37 community benefits. Two developments achieved 15% affordable housing as part of extensive redevelopment of hospital lands with the inclusion of new residential housing. One development provided cash-in-lieu to the City's Capital Revolving Fund to build affordable housing. None of these large site developments approved by Council since 2007 involved rental housing replacement.

With respect to the Valley Woods application, based on the net density increase of the proposed development, approximately 232 affordable housing units would result if 20% of the additional residential units were secured as affordable housing. As part of the discussions, in recognition that some of the Section 37 community benefits would be provided in the form of contributions to community facilities, and that rental replacement obligations were also involved, staff proposed a reduced requirement for affordable housing units. A further suggestion was that up to half of the reduced requirement of affordable units could be achieved by converting some of the required replacement rental units that would otherwise have mid-range rents into affordable rental units. The applicant did not wish to provide any new affordable housing units. Instead, the applicant proposed Section 37 community benefits consisting of cash for improvements to community facilities in the area and a small cash contribution to repair existing affordable housing.

### **Cash-in-Lieu of Affordable Housing**

Staff were asked to provide information about the potential value of a cash-in-lieu contribution to meet the large site affordable housing policy. Though the Official Plan policy permits cash-in-lieu, it is at the City's discretion, and the policy directs that the purpose is for "constructing affordable housing in or near the proposed development site".

The City rarely seeks cash-in-lieu in these situations because the purpose of the policy is to achieve affordable housing, integrated as part of the larger development. In addition, the practical obstacles to being able to achieve it in or near the proposed development site are usually too onerous to overcome in any reasonable time frame. However, as is the case with accepting cash-in-lieu of replacement rental housing, it can be appropriate where the number of units involved is very small. There has never been a situation where City Planning staff and an applicant had cash-in-lieu under consideration for a large number of affordable units such as the number involved with Valley Woods.

The amount of the cash-in-lieu is based on the public capital and operating subsidy costs to provide rental housing units at the Official Plan affordable rent level. This is because the owner has effectively passed on to the City the task of finding land and developing and operating the affordable housing, and the City's avenue for achieving that is through the affordable rental program.

The calculation of per unit cash-in-lieu amounts is done jointly by City Planning and the Affordable Housing Office, based on the most current information of the capitalized cost per unit to develop and subsidize typical new affordable rental housing to average market rent levels (the Official Plan formula definition of affordable rents). Assuming that the majority of the market condominium units in Valley Woods would be 1 and 2 bedroom units, the potential total amount of cash-in-lieu for the full 20% requirement of 232 units would have been \$31 million. The cost to the owner of actually providing the affordable units on-site, given already realized land costs and economies of scale in the overall development, would be expected to be significantly lower.

### **Section 37 Community Benefits and Replacement of Rental Housing**

Policy 3.2.1.6 of the Official Plan states that Council will not approve the demolition of rental housing (in accordance with the Plan's policies) unless the rental units are replaced and tenant relocation assistance is provided. Policy 5.1.1.5 establishes that replacement rental housing may be secured through Section 37.

City Council's adopted implementation guidelines for the use of Section 37 state that "the provision of affordable housing as a first priority community benefit on large development sites,... and the replacement of rental housing to be demolished represent unique situations,...in that they are considered as both essential for good planning and as eligible Section 37 community benefits. They are such important planning objectives that the Official Plan provides for height/density incentives to achieve them even though such achievement is required for good planning and to comply with other specific Official Plan policies."

A change since City Council's adoption of the Official Plan and the Section 37 implementation guidelines has been the new powers afforded the City under Section 111 the City of Toronto Act. These powers resulted in the 2007 City by-law on demolition and conversion of rental housing (Municipal Code Chapter 667). Since the passage of that by-law, the City has the ability to regulate the demolition (and replacement) of rental housing without any reference to planning applications, the Official Plan or Section 37 community benefits. For example, an otherwise as-of-right application for demolition and building permits for redevelopment where rental housing is to be demolished or converted must obtain a City-approved Section 111 permit, and that permit can require the full replacement of the rental housing units and the provision of tenant relocation assistance.

The Valley Woods application, which involves an amendment to the Official Plan and Zoning By-law and a draft plan of subdivision, is subject to the City's by-law under

Section 111 of the City of Toronto Act. Therefore, the rental replacement would be required even if Section 37 was not used.

In practice, City staff has taken into account the provision of rental replacement where there has also been an expectation of Section 37 community benefits. However, the weight placed on the rental replacement portion of the Section 37 benefits is affected by the total size of the development, the increase in density and the amount of rental replacement units.

Staff have no way of quantifying the value to the City of the rental replacement units as a community benefit. The applicant advises that the construction cost of the 270 rental replacement units is approximately \$65 million, but staff notes that the applicant does retain ownership of this asset. The applicant indicates the market value is approximately \$52 million which is \$13 million less than the construction cost of \$65 million. The applicant also advises that the rental replacement cost includes approximately \$2 million for tenant relocation and assistance package plus \$2 million for maintaining the affordable rents for 83 units. This amount is over and above the Section 37 cash contributions recommended by staff. The applicant is of the opinion that this additional \$17 million (\$13 million + \$2 million + \$2 million) towards community benefits should be taken into account when reviewing the total benefits associated with the proposal.

Staff cannot verify these figures provided by the applicant, and also would note that the rent structure and Guideline increases in the replacement units are very similar to what is applicable in the existing development, and the existing rents would have no sunset clause on the rent restrictions after 10 years. Furthermore, some of the tenant relocation assistance is a matter of provincial legislation and not attributable to the City's rental replacement policies.

### **Section 37 Community Benefits for this Application**

Through the results of a review of community needs and community consultation, discussions with the local Councillor, Parks, Forestry and Recreation staff and staff at the Public Library, it became evident that the provision of gym and multi-purpose room facilities and updated library facilities were a very high priority for this area. The applicant has proposed a financial contribution of \$1,500,000 to be used for community facility improvements in the area. The applicant has also agreed to provide a cash contribution to the City of \$250,000 to be used for capital improvements to publicly owned affordable housing projects in the community. The total Section 37 community benefit financial contribution secured in the staff report is \$1,750,000.

Councillor Minnan-Wong's motion (see Attachment 1) increases the financial contribution from \$1,750,000 to \$2,250,000 of which \$1,750,000 is to be used for community centre facilities on the Brookbanks Library site or other community recreation facilities in the area, \$250,000 is to be used for the future rehabilitation/renovation of the Milne House, and \$250,000 is to be used for capital improvements to publicly owned affordable housing projects in the community.

In 2010 City Council approved a development proposal for the Parkwoods Plaza site at 1265-1277 York Mills Road. As part of the approval, the developer agreed to provide the City \$1.5 million to be used for the expansion/renovation of the Brookbanks Library or the construction of the combined Brookbanks Library/Recreation-community centre facilities on the Brookbanks Library site or other community recreational facility in the area. City Council also approved a recommendation that "City Council direct the Toronto Public Library and Parks, Forestry and Recreation to pursue a joint-use facility as discussed in this report comprising library improvements and a gym-recreation facility on the Brookbanks Library site".

The provision of a Section 37 financial contribution from the Valley Woods application would add to the Section 37 funds already secured in the area to achieve a library/community recreational facility for the area.

The Valley Woods proposal also secures the replacement of the existing 245 rental townhouse units with 270 rental units comprised of 30 townhouse units, 100 stacked townhouse units and 140 apartment units. The applicant has indicated that if they were not required to provide the rental replacement units, they would be in a position to offer a higher Section 37 financial contribution.

The applicant has recently submitted a letter to the City Clerk's office advising that while their client was willing to implement the further revisions requested by the local Councillor and the local residents group, if City Council does not approve the development at its September 2011 meeting, the applicant will appeal their applications to the Ontario Municipal Board and will request the Board to strike the Section 37 financial contributions.

### **Parks Development Charge Credit**

The development proposal includes the conveyance of land to the City to create two new public park blocks to be secured through the plan of subdivision process. The conveyance of land as parkland as part of the subdivision is to a Base Park standard. Parks, Forestry and Recreation staff support this parkland dedication and also recommend that the Parks and Recreation component of the development charges arising from this development be used to construct the Above Base Park Improvements to the proposed park blocks. They also recommend that the owner receive a development charge credit for the Above Base Park Improvements in an amount that is the lesser of the cost to the owner of installing the Above Base Park Improvements, as approved by the General Manager, Parks, Forestry and Recreation, and the Parks and Recreation component of development charges payable for the development in accordance with the City's Development Charges By-law.

Parks, Forestry and Recreation staff advise that while it is not routine practice to provide a development charge credit for parks improvements, from time to time, especially when a new park is proposed as part of a development, Council has approved a development

charge credit against the Parks and Recreation component of the development charges for the design and construction by the developer of the Above Base Park components (ie. playgrounds, splash pads, landscaping etc.). Parks staff advise that they consult with staff in Finance before making a recommendation to use the parks and recreation component of the development charges.

### **Motion from Councillor Minnan-Wong**

Just prior to the July 12, 2011 City Council meeting, the local community association and applicant had reached an agreement on changes to some aspects of the development including building heights, road configuration and Section 37 community benefits. At the July 12, 2011 City Council meeting, Councillor Minnan-Wong tabled a motion which included these matters. The motion recommended the following:

- A revised height map which reduces the heights of several buildings in the north parcel so that no building exceeds a height of 24 storeys and that all other documents be amended to implement the revised height map.
- The owner provide a financial contribution of \$2,250,000 of which
  - i) \$1,750,000 be used for the expansion/renovation of Brookbanks Library or the combined library community recreation centre facility or other community recreational facility in the area;
  - ii) \$250,000 be used for the future rehabilitation/renovation of the Milne House; and
  - iii) the owner is to provide a cash contribution of \$250,000 for capital improvements to publicly owned affordable housing projects in the community.
- The road connection from the north site to Valley Woods Road be eliminated and replaced with a cul-de-sac and that the by-law maps and other maps be revised to reflect this change.
- The provision of a parking layby lane on the south side of York Mills Road be implemented with costs to be borne by the developer.

A copy of the Councillor's motion is attached as Attachment 1.

### **Conclusion**

The Official Plan large site policy that the first priority community benefit will be the provision of 20% of the additional residential units as affordable housing, is tied to the other Section 37 policies of the Official Plan which provide for a range of community benefits. While the affordable housing benefit is to be considered as the first priority, the final determination of the community benefits to be secured is to reflect community

needs as determined in light of consultations with the community, the Ward Councillor, the applicant and other stakeholders.

For the Valley Woods application, through the results of a review of community service needs and community consultation, discussions with the local Councillor, Parks, Forestry and Recreation staff and staff at the Public Library, it became evident that the provision of gym and multi-purpose room facilities and updated library facilities were of a higher priority for this area than additional affordable housing.

Experience has shown that the large site affordable housing policy has been difficult to implement, especially when rental housing replacement is involved given the substantial cost of the rental replacement requirement. For the Valley Woods development proposal, the large site policy of 20% affordable housing, and even the reduced affordable housing proposal put forward by staff, would also translate to a substantial cost. The experience of implementing this policy across the City shows that even though staff are amenable to lesser affordable housing requirements, the development industry has been consistently opposed, as the implementation costs of providing affordable units are high, and most communities and Ward Councillors identify other priorities for community benefits.

The \$2.25 million Section 37 community benefit financial contribution being achieved for this application is in line with what is being secured on other sites. In addition, the securing of the 270 rental replacement units adds to the value of the community benefits being achieved for this development. This Section 37 financial contribution would add to the Section 37 funds already secured in the area to achieve a library/community recreational facility for the area.

## **CONTACT**

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## **SIGNATURE**

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Allen Appleby, Director  
Community Planning, North York District

## **ATTACHMENTS**

Attachment 1: July 12, 2011 Motion by Councillor Minnan-Wong



Amend Item

Date: Tuesday, July 12, 2011      Vote Required: Majority  
 Item: 2011.NY8.37  
 Moved by: Councillor Denzil Minnan-Wong

**That City Council adopt the recommendations contained in the report (June 6, 2011) from the Director, Community Planning, North York District, with Recommendations 2, 6a, 13 and 14 amended, so that the recommendations, as amended, now read as follows:**

1. **City Council amend the Official Plan for the lands at 35-53 and 101-113 Valley Woods Road and 1213-1229 York Mills Road substantially in accordance with the draft Official Plan Amendment attached as Attachment 7.**
2. **City Council amend the Zoning By-law for the lands at 35-53 and 101-113 Valley Woods Road and 1213-1229 York Mills Road substantially in accordance with the draft Zoning Bylaw Amendment attached as Attachment 8, with the height map amended in accordance with the revised height map attached to the motion by Councillor Minnan-Wong, which in essence, revises the heights of buildings on the north site so as to ensure that no height exceeds 24 storeys, with any amendments to the by-law and other documents necessary to implement the revised height map, to the satisfaction of the Director, Community Planning, North York District. Building A will be reduced to 24 storeys. Building B will be revised to 24 storeys. Building C will be reduced to 14 storeys. Buildings D and E will remain the same at 24 and 12 storeys respectively.**
3. **City Council 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. **Before introducing the necessary Bills to City Council for enactment, the owner shall submit revisions to the servicing and stormwater management report and financial securities to guarantee the sanitary downstream improvements of the**

**existing sanitary municipal sewer, to the satisfaction of the Director, Development Engineering, Technical Services Division.**

- 5. City Council require the community benefits and other matters detailed below to be secured in a Section 37 Agreement between the owner and the City of Toronto, and that the Agreement be registered on title to the satisfaction of the City Solicitor, before introducing the necessary Bills to City Council for enactment.**
- 6. City Council require the owner to provide the following facilities, services and matters pursuant to Section 37 of the Planning Act:**
  - a. The owner is to provide a financial contribution to the City of \$2,000,000, of which \$1,750,000 to be used for the expansion/renovation of Brookbanks Library or the construction of the combined Brookbanks Library/Recreation-community centre facilities on the Brookbanks Library site or other community recreational facility in the area, and \$250,000 to be used for the future rehabilitation/renovation of the Milne House in Ward 34. The financial contribution is to be paid as follows:**
    - i. A cash contribution of \$304,000 paid prior to the issuance of any building permits for Building A.**
    - ii. A cash contribution of \$303,000 paid prior to the issuance of any building permits for Building B.**
    - iii. A cash contribution of \$163,000 paid prior to the issuance of any building permits for Building C.**
    - iv. A cash contribution of \$385,000 paid prior to the issuance of any building permits for Building D.**
    - v. A cash contribution of \$244,000 paid prior to the issuance of any building permits for Building F.**
    - vi. A cash contribution of \$234,000 paid prior to the issuance of any building permits for Building G.**
    - vii. A cash contribution of \$117,000 paid prior to the issuance of any building permits for Building H.**
    - viii. Each instalment payment set out in (i) to (vii) above shall be indexed to the Statistics Canada Non-Residential Construction Price Index for Toronto calculated from the date of execution of the Section**

**37 Agreement to the date of submission of the funds by the owner to the City.**

- ix. In addition, the owner is to provide a cash contribution to the City of \$250,000 to be used for capital improvements to publicly owned affordable housing projects in the community. This financial contribution is to be paid prior to the issuance of a building permit for the first non-rental residential building and shall be indexed to the Statistics Canada Non-Residential Construction Price Index for Toronto calculated from the date of execution of the Section 37 Agreement to the date of submission of the funds by the owner to the City.
  - x. In addition, the owner is to provide a cash contribution of \$250,000 for the future rehabilitation/renovation of the Milne House prior to the issuance of a building permit for Building A, and the cash contribution shall be indexed to the Statistics Canada Non-Residential Construction Price Index for Toronto calculated from the date of execution of the Section 37 Agreement to the date of submission of the funds by the owner to the City.
- b. The provision and maintenance on the site of not less than 270 new replacement rental dwelling units for a period of at least 20 years, comprising:
- i. 130 townhouse and stacked townhouse units located on Block 17 comprised of 100 three-bedroom units and 30 four-bedroom units.
  - ii. 140 dwelling units in an apartment building located on Block 2 comprised of 30 one-bedroom units, 48 two-bedroom units, and 62 three-bedroom units.
  - iii. 83 of the 270 units shall have affordable rents and the remaining units shall have rents no higher than mid-range rents.
  - iv. The rental housing shall be provided in accordance with more detailed terms as set forth in the draft zoning by-law attached as Attachment 8.
- c. The owner shall provide tenant relocation assistance for tenants in the existing buildings in accordance with
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**the detailed terms set forth in the draft zoning by-law attached as Attachment 8.**

**d. The owner shall prepare a Construction Mitigation and Tenant Communication Strategy, prior to the issuance of the first building permit (including demolition and/or excavation permit) in each phase of the construction, to the satisfaction of the Chief Planner and Executive Director, City Planning.**

**7. The following matters are also recommended to be secured in the Section 37 Agreement:**

**a. The owner agrees that construction shall proceed in accordance with the development Phasing Plan (Attachment 9) except that Phase 4 can commence prior to the completion of Phase 3.**

**b. The owner shall prepare a Construction Management Plan and Neighbourhood Communication Strategy, prior to the issuance of the first building permit (including demolition and/or excavation permit), to the satisfaction of the Director, Development Engineering, Technical Services Division in consultation with the Chief Planner and Executive Director, City Planning.**

**c. The owner is to provide a certified cheque to the Toronto Transit Commission (T.T.C.) for \$100,000 for transit signal priority intersection improvements as noted in the memorandum of the Toronto Transit Commission dated April 12, 2011; this is to be paid to the T.T.C. prior to the issuance of any building permit for any residential buildings in Phase 2.**

**8. The Parks and Recreation component of the Development Charges will be used to construct the Above Base Park Improvements. The Owner shall receive a development charge credit for the Above Base Park Improvements. The development charge credit shall be in an amount that is the lesser of the cost to the owner of installing the Above Base Park Improvements, as approved by the General Manager, Parks, Forestry and Recreation, and the Parks and Recreation component of development charges payable for the**

**development in accordance with the City's Development Charges By-law.**

- 9. City Council approve the application to demolish the existing residential rental dwelling units located at 35 to 53 and 101 to 113 Valley Woods Road and 1213 to 1229 York Mills Road pursuant to Municipal Code Chapters 667 and 363 subject to the following conditions under Chapter 667 which provide for replacement of the rental housing units:**
- a. The provision and maintenance on the site of not less than 270 new replacement rental dwelling units for a period of at least 20 years, comprising:**
- i. 130 townhouse and stacked townhouse units located on Block 17 comprised of 100 three-bedroom units and 30 four-bedroom units.**
  - ii. 140 dwelling units in an apartment building located on Block 2 comprised of 30 one-bedroom units, 48 two-bedroom units, and 62 three-bedroom units.**
  - iii. 83 of the 270 units shall have affordable rents and the remaining units shall have rents no higher than mid-range rents.**
  - iv. The rental housing shall be provided in accordance with more detailed terms as set forth in Attachment 8.**
  - v. The owner shall provide tenant relocation assistance for tenants in the existing buildings, including the right for eligible tenants to return to a replacement rental unit, in accordance with the detailed terms set forth in Attachment 8.**
  - vi. The owner shall prepare a Construction Mitigation and Tenant Communication Strategy, prior to the issuance of the first building permit (including demolition and/or excavation permit) in each phase of the construction, to the satisfaction of the Chief Planner and Executive Director, City Planning.**
- b. The owner shall enter into, and register on title, one or more Section 111 Agreements to secure the**
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- conditions outlined in (a) above and as detailed in the draft zoning bylaw amendment (Attachment 8), to the satisfaction of the Chief Planner and Executive Director, City Planning Division and the City Solicitor.**
- c. The owner shall enter into and register, a Section 118 Restriction under the Land Titles Act agreeing not to transfer or charge any part of the lands, to the satisfaction of the City Solicitor, without the written consent of the Chief Planner and Executive Director, City Planning Division or his designate, to assist with securing the Section 111 Agreement against future owners and encumbrances of the lands.**
  - d. The owner shall first seek and obtain a building permit for the initial 130 replacement rental townhouse and stacked townhouse units prior to the issuance of any other building permit on site other than for a permit for excavation and shoring.**
  - e. The owner shall seek and obtain a building permit for the 140 replacement rental apartment units on the north site prior to the issuance of any other building permit during Phase 2 on the north site, other than for a permit for excavation and shoring.**
- 10. City Council authorize the Chief Planner and Executive Director, City Planning Division to issue a preliminary approval to the application under Municipal Code Chapter 667 for any of the existing rental housing buildings in any specific phase of the development after the latest of the following has occurred:**
- a. The satisfaction of the conditions in Recommendation 8.**
  - b. The Official Plan and Zoning By-law Amendments in Recommendations 1 and 2 have come into full force and effect.**
  - c. The issuance of the site plan approval for the development by the Chief Planner and Executive Director, City Planning or his designate, pursuant to**
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**Section 114 of the City of Toronto Act, 2006.**

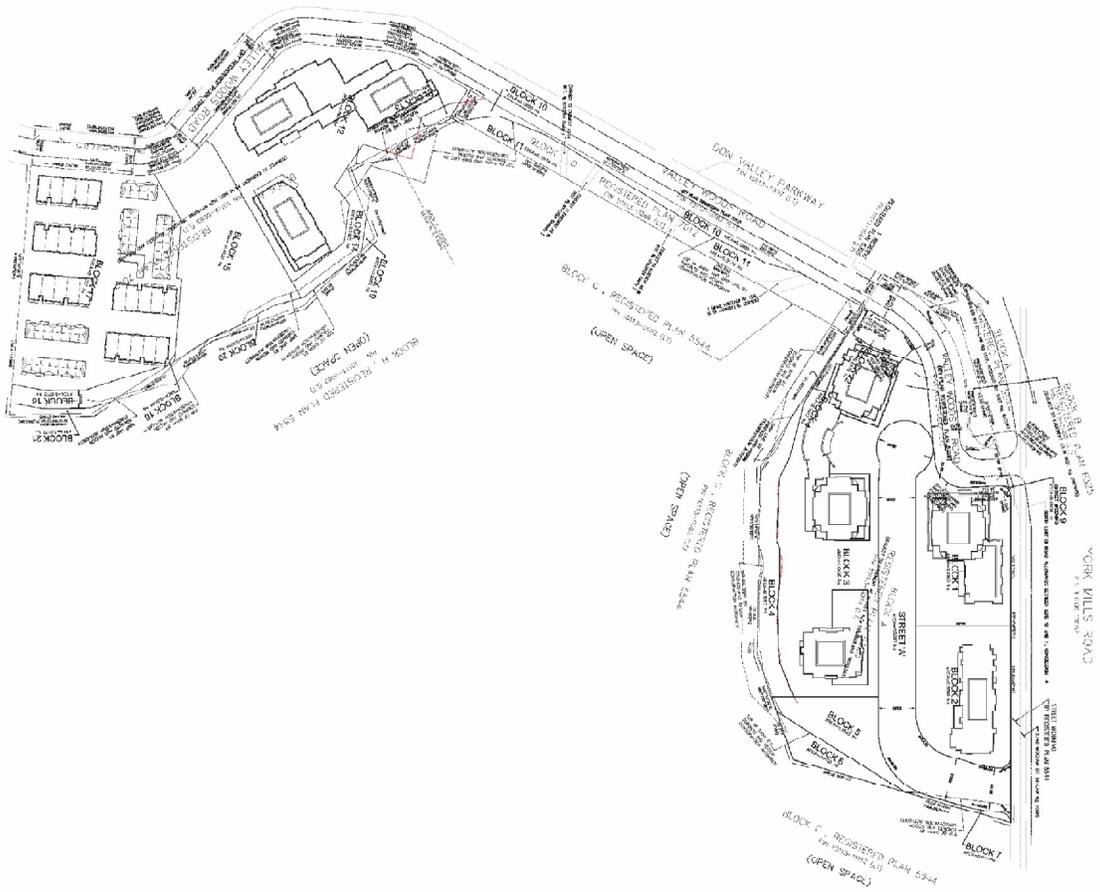
- 11. City Council authorize the Chief Building Official to issue a Section 111 permit under Municipal Code Chapter 667 after the Chief Planner and Executive Director, City Planning Division, has issued the preliminary approval in Recommendation 9 for any of the existing rental housing buildings in any specific phase of the development.**
  - 12. City Council authorize the Chief Building Official to issue a permit under Section 33 of the Planning Act for any of the rental housing buildings no earlier than issuance of the first building permit for the foundation of the buildings in that phase of the development, and after the Chief Planner and Executive Director, City Planning Division has given the preliminary approval in Recommendation No. 9, which permit may be included in the demolition permit for Chapter 667 under 363-11.1E, of the Municipal Code, on condition that:**
    - a. The owner complete a residential building on site no later than three (3) years from the date the permit is issued for demolition of the buildings.**
    - b. Should the owner fail to complete the new building within the time specified in condition 11(a), the City Clerk shall be entitled to enter on the collector's roll, to be collected in a like manner as municipal taxes, the sum of twenty thousand dollars (\$20,000) for each dwelling unit for which a demolition permit is issued, and that such sum shall, until payment, be a lien or charge upon the land for which the demolition permit is issued.**
  - 13. In accordance with the delegated approval under By-law 229-2000, as amended, City Council be advised that the Chief Planner intends to approve the draft plan of subdivision as generally illustrated on Attachment 2, as revised and attached to the motion by Councillor Minnan-Wong, which eliminates the road connection from the North Site to Valley Woods Road, which is replaced with a cul-de-sac as depicted on the revised Attachment 2 attached to the motion by Councillor Minnan-Wong, and further, direct that all by-law maps and other maps referenced herein be revised to reflect the elimination of the connection of the North Site public road to**
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**Valley Woods Road to the satisfaction of the General Manager, Transportation Services and the Director, Community Planning, North York District, and subject to:**

- a. **The conditions as generally listed in Attachment No. 10, which except as otherwise noted must be fulfilled prior to the release of the plan of subdivision for registration.**
  - b. **The applicant submitting revisions to the servicing and stormwater management report and financial securities to guarantee the sanitary downstream improvements of the existing sanitary municipal sewer, to the satisfaction of the Director, Development Engineering, Technical Services Division prior to the approval of the draft plan of subdivision.**
  - c. **Any such revisions to the proposed subdivision plan or any such additional modified conditions as the Chief Planner may deem to be appropriate to address matters arising from the on-going Development Engineering, Technical Services review and the review by other divisions of this development.**
- 14. In conjunction with the development, a parking layby lane on the south side of York Mills Road, from Valley Woods Road to Clayland Drive, be implemented, with all associated costs to be borne by the developer, to the satisfaction of the General Manager, Transportation Services.**

Last Updated: 2011-07-14 @ 10:03 AM





DATE: 08/11/14  
 DRAWN BY: [Name]  
 CHECKED BY: [Name]  
 APPROVED BY: [Name]

**AREA TABLE**

| NO.          | DESCRIPTION             | AREA (SQ. FT.)   |
|--------------|-------------------------|------------------|
| 1            | RESIDENTIAL DEVELOPMENT | 1,234,567        |
| 2            | PARKING                 | 123,456          |
| 3            | OPEN SPACE              | 98,765           |
| 4            | STREETS                 | 54,321           |
| 5            | UTILITIES               | 12,345           |
| 6            | OTHER                   | 67,890           |
| <b>TOTAL</b> | <b>TOTAL AREA</b>       | <b>1,531,346</b> |

|   |   |
|---|---|
| <p>The proposed development is located on the east side of York Mills Road, north of Don Valley Parkway. The site is bounded by York Mills Road to the north, Don Valley Parkway to the west, and Valley Woods Road to the south. The development consists of 10 residential blocks, each containing a mix of townhouse and apartment units. The total number of units is approximately 1,200. The site is currently zoned R1, which allows for single-family detached dwellings. The proposed development is a significant change in land use and requires a rezoning application.</p> |   |
| <p><b>PROJECT TITLE:</b><br/>RESIDENTIAL DEVELOPMENT PROPOSAL<br/>Valley Woods Road</p>   | <p><b>CLIENT:</b><br/>[Name]</p>                          |
| <p><b>DATE:</b><br/>08/11/14</p>  | <p><b>SCALE:</b><br/>1:1000</p>                           |
| <p><b>PROJECT NO.:</b><br/>A1-6</p>   | <p><b>PROJECT NAME:</b><br/>Sub-Division Concept Plan</p> |