

3406-3434 Weston Road – Official Plan and Zoning By-law Amendment Application – Final Report

Date:	January 28, 2015
To:	Etobicoke York Community Council
From:	Director, Community Planning, Etobicoke York District
Wards:	Ward 7 – York West
Reference Number:	06 146936 WET 07 OZ

SUMMARY

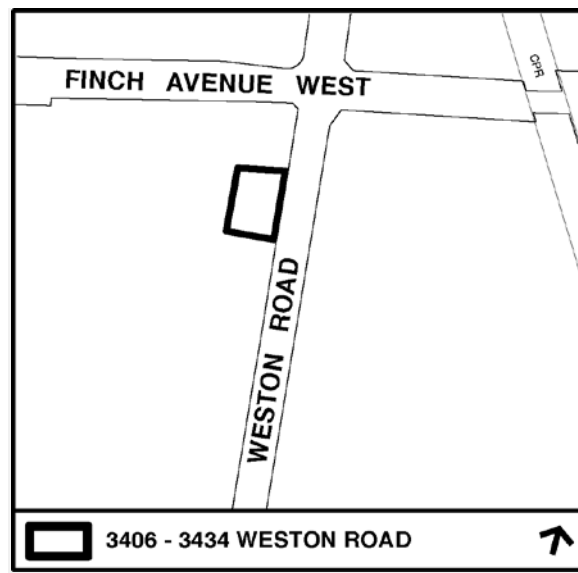
This application proposes an 11 to 12 storey, mixed-use commercial residential building containing 270 residential units with 688 m² of grade related retail space at 3406-3434 Weston Road. The proposed development would contain 348 parking spaces and result in a floor space index of 3.46.

This report reviews and recommends approval of the application to amend the Official Plan and former City of North York Zoning By-law No. 7625.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council amend the Official Plan for the lands at 3406-3434 Weston Road substantially in accordance with the Draft Official Plan Amendment attached as Attachment 9 to this report.
2. City Council amend the former City of North York Zoning By-law No. 7625 for the lands at 3406-3434 Weston Road substantially in accordance with the Draft Zoning By-law Amendment attached as Attachment 10 to this report.



3. City Council authorize the City Solicitor to make such stylistic and technical changes to the Draft Official Plan Amendment and/or Draft Zoning By-law Amendment as may be required.
4. Before introducing the necessary Bills to City Council for enactment, require the owner to enter into an Agreement pursuant to Section 37 of the *Planning Act* as follows:
 - a. The following community benefits are recommended to be secured in the Section 37 Agreement:
 - i A \$400,000 cash contribution towards local community improvements, including the construction of a flag pole and public square in the Emery Village area, prior to the issuance of the first building permit for the development.
 - b. The following shall be secured as a legal convenience:
 - i The owner shall satisfy the requirements of the Toronto District School Board in regard to warning clauses and signage.
 - ii A \$42,500 payment to the General Manager, Transportation Services for the proportional cost of the signalization of the adjacent intersection within 45 days of the Zoning By-law Amendment coming into to full force and effect.
 - c. The above noted cash contributions are to be indexed upwardly in accordance with the Statistics Canada Non-Residential Building Construction Price Index for Toronto, calculated from the date of execution of the Section 37 Agreement to the date the payment is made.
 - d. In the event the cash contribution noted in Recommendation 4.a.i. has not been used for the intended purpose within three (3) years of the By-law coming into full force and effect, the cash contribution may be redirected for another purpose, at the discretion of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor, provided that the purpose(s) is/are identified in the Toronto Official Plan and will benefit the community in the vicinity of the property.

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

The Official Plan and Zoning By-law Amendment applications were submitted on June 15, 2006.

A Preliminary Report outlining these applications was considered by Etobicoke York Community Council on July 11, 2006.

ISSUE BACKGROUND

Proposal

The proposal is for a mixed-use commercial residential building at 3406-3434 Weston Road. The proposed building would be 11 to 12 storeys and have a maximum height of 43 m (including the mechanical penthouse) measured from the grade on the Weston Road frontage at the residential entrance to the building. The building would contain 270 residential units with 688 m² of retail space at grade. The total gross floor area proposed is approximately 26,808 m² which would result in a floor space index of 3.46. Parking is proposed in a three level, below grade parking garage and would contain 348 spaces plus 9 tandem spaces. Access to the loading and parking facilities would be via a private driveway off Weston Road. Refer to Attachment 1: Site Plan, Attachments 2 to 5: Elevations and Attachment 8: Application Data Sheet.

Site and Surrounding Area

The site has a lot area of 7,743 m² with a lot frontage of 109.4 m and lot depth of 69.0 m. The site fronts the west side of Weston Road, between Finch Avenue West and Lanyard Road. The site is currently occupied by a one-storey commercial building and parking lot. The site drops in grade approximately 4 m from north to south along the Weston Road frontage.

North: Strip commercial development.

East: The southeast corner of Finch Avenue West and Weston Road is 3415-3499 Weston Road and 2345 Finch Avenue West (the former Finch Weston Mall), which has zoning approvals for a redevelopment containing 1,471 residential units and 4,459 m² of commercial floor area. Phase I of the development is currently under construction containing 664 residential units with 1,232 m² of commercial space and having building heights ranging from 10 storeys to 28 storeys.

South/West: Apartment buildings ranging in height from 14 to 28 storeys.

Provincial Policy Statement and Provincial Plans

The Provincial Policy Statement (PPS), 2014 provides policy direction on matters of provincial interest related to land use planning and development. These policies support the goal of enhancing the quality of life for all Ontarians. Key policy objectives include: building strong healthy communities; wise use and management of resources; and protecting public health and safety. The PPS recognizes that local context and character is important. Policies are outcome-oriented, and some policies provide flexibility in their implementation provided that provincial interests are upheld. City Council's planning decisions are required to be consistent with the PPS.

The Growth Plan for the Greater Golden Horseshoe provides a framework for managing growth in the Greater Golden Horseshoe including: directions for where and how to grow; the provision of infrastructure to support growth; and protecting natural systems and cultivating a culture of

conservation. City Council's planning decisions are required to conform, or not conflict, with the Growth Plan for the Greater Golden Horseshoe.

Official Plan

The lands are located within the Emery Village Secondary Plan and are designated *Mixed Use Areas B* in the Official Plan (Attachment 6: Official Plan). *Mixed Use Areas* are made up of a broad range of commercial, residential and institutional uses, in single use or mixed use buildings, as well as parks and open spaces and utilities.

The Secondary Plan provides for buildings generally ranging in height from 8 storeys up to 12 storeys at the intersection of Finch Avenue West and Weston Road and a maximum density of 2.5 times the lot area, exclusive of any incentives outlined in Policy 3.5 of the Secondary Plan. Policy 3.5 of the Secondary Plan provides for density incentives in exchange for the provision of community benefits in the form of specific uses and facilities within the *Mixed Use Areas*. Policy 3.2.1 states street related retail and service commercial uses with residential uses above are encouraged along Weston Road.

Mixed Use Areas Policies

The Official Plan criteria to evaluate development in *Mixed Use Areas* is set out in Policy 4.5.2.

Policy 4.5.2 states that in *Mixed Use Areas* development will:

- a) create a balance of high quality commercial, residential, institutional and open space uses that reduces automobile dependency and meets the needs of the local community;
- b) provide for new jobs and homes for Toronto's growing population on underutilized lands in the *Downtown*, the *Central Waterfront*, *Centres*, *Avenues* and other lands designated *Mixed Use Areas*, creating and sustaining well-paid, stable, safe and fulfilling employment opportunities for all Torontonians;
- c) locate and mass new buildings to provide a transition between areas of different development intensity and scale, as necessary to achieve the objectives of the Plan, through means such as providing appropriate setbacks and/or a stepping down of heights, particularly towards lower scale *Neighbourhoods*;
- d) locate and mass new buildings so as to adequately limit shadow impacts on adjacent *Neighbourhoods*, particularly during the spring and fall equinoxes;
- e) locate and mass new buildings to frame the edges of streets and parks with good proportion and maintain sunlight and comfortable wind conditions for pedestrians on adjacent streets, parks and open spaces;
- f) provide an attractive, comfortable and safe pedestrian environment;
- g) have access to schools, parks, community centres, libraries, and childcare;
- h) take advantage of nearby transit services;
- i) provide good site access and circulation and an adequate supply of parking for residents and visitors;
- j) locate and screen service areas, ramps and garbage storage to minimize the impact on adjacent streets and residences; and
- k) provide indoor and outdoor recreation space for building residents in every significant multi-unit residential development.

Avenues: Reurbanizing Arterial Corridors

The site is located on an *Avenue*, as shown on Map 2 – Urban Structure of the Official Plan. Section 2.2.3 of the Plan states that *Avenues* are important corridors along major streets where reurbanization is anticipated and encouraged to create new housing and job opportunities, while improving the pedestrian environment, the look of the street, shopping opportunities and transit service for community residents.

Built Form Policies

The Built Form policies, contained in Section 3.1.2 of the Official Plan, emphasize the importance of ensuring that new development fits within its existing and/or planned context, while limiting impacts on neighbouring streets, parks and open spaces. New buildings are required to provide appropriate massing and transition in scale that will respect the character of the surrounding area.

The Built Form policies (Policy 3.1.2) identify the importance of urban design as a fundamental element of City building. They require that new development:

- be located and organized to fit with its existing and/or planned context;
- frame and support adjacent streets, parks and open spaces;
- locate and organize vehicular and service areas in such a way to minimize their impact and to improve the safety and attractiveness of adjacent streets, parks and open spaces;
- be massed and its exterior façade be designed to fit harmoniously into its existing and/or planned context and to limit its impact by, among other things, creating appropriate transitions in scale as well as adequately limiting the resulting shadowing and wind conditions on neighbouring streets, properties and open spaces;
- be massed to define edges of streets, parks and open spaces;
- provide amenity for adjacent streets and open spaces for pedestrians; and
- provide indoor and outdoor amenity space for residents.

Emery Village Secondary Plan

The development criteria in the *Mixed Use Areas* and the above noted Built Form policies are supplemented by additional development criteria in the Emery Village Secondary Plan. Section 4.2, Built Form Principles of the Emery Village Secondary Plan, states that new development will incorporate the following principles:

- (a) buildings will define and form edges along streets, parks and open spaces and public squares. If located on a corner site, buildings should be located to define both adjacent streets and to give prominence to the corner;
- (b) buildings should be sited and organized at-grade to enhance and support streets, open spaces and pedestrian routes. Grade-related retail and service commercial uses, street oriented residential units and entrance lobbies are encouraged in these building faces to provide for safe, animated streets and open spaces. Building entrances are to be located on road frontages, visible and accessible from the public or common use sidewalk;

- (c) landscaping, public art and architectural features are intended to add visual interest and are encouraged at locations identified as a Gateway Feature on Map 26-2 – Structure Plan. Gateway features located on private lands may be secured through the development process;
- (d) loading and service areas associated with buildings should not face or be located adjacent to parkland or be located adjacent to Finch Avenue or Weston Road. The use of shared lanes, driveways and courts within the block is encouraged. Access from local streets and service lanes is preferred;
- (e) the consolidation of vehicular access points will be encouraged in order to maximize the efficiency of traffic movement and promote a safer pedestrian environment;
- (f) parking structures above grade are discouraged adjacent to Finch Avenue, Weston Road and Toryork Road;
- (g) new underground parking entrances or exits onto Finch Avenue or Weston Road are discouraged. Wherever possible, vehicular access to these structures will be from local roads and preferably at the side or rear of buildings fronting onto Finch Avenue or Weston Road;
- (h) surface parking is discouraged in any front or side yard adjacent to Finch Avenue, Weston Road and Toryork Road;
- (i) parking facilities and spaces will, wherever possible, be provided underground or within a structure. Surface parking will be limited in order to maximize the extent of landscaped open space;
- (j) buildings should be massed to provide adequate street and open space definition, to define urban spaces with good proportion and to provide access to sunlight and sky views; and
- (k) where appropriate, sun/shadow studies and wind tests will be required for developments in order to ensure that impacts on the pedestrian environment and adjacent properties are acceptable.

The portions of Section 4.3, Physical Amenity of the Emery Village Secondary Plan, that are applicable to this application include:

- 4.3.1 Streetscape improvements that promote a healthy and vibrant pedestrian environment are encouraged in the public rights-of-way and adjacent privately owned lands. Co-ordinated improvements to sidewalks and boulevards, including decorative paving, a landscaped centre median, street trees, street furniture and transit shelters are to be implemented for the portion of Weston Road between Finch Avenue and Lanyard Road.
- 4.3.3 The setback for new buildings along Weston Road will be sufficient to accommodate streetscape initiatives of the City.

- 4.3.4 The reduction of the effect of wind on pedestrian areas through building design and the provision of remedial elements, such as landscaping, screens, sheltered walkways and canopies is encouraged.
- 4.3.5 Landscaping should be carefully integrated with on-site surface parking. On-site parking should be arranged so that it does not impede pedestrian movement within or between developments.
- 4.3.6 All utilities and associated works will, wherever possible, be located underground.

As this application was submitted in 2006, prior to the development of the City-wide Tall Building Design Guidelines and Avenues and Mid-Rise Buildings Guidelines, the proposed development has not been evaluated against these Guidelines.

Zoning

In accordance with the established protocol, the lands were excluded from the new City of Toronto Zoning By-law No. 569-2013 as this application was deemed to be a complete application prior to the passage of the Zoning By-law. As such, the former City of North York Zoning By-law No. 7625 continues to apply to the lands. The site is zoned Mixed Commercial C5 (H4). This zone permits residential and commercial uses. The maximum floor space index permitted is 2.5 and the maximum building height is 8 storeys and 23.6 m. The site is also subject to a minimum building height of 3 storeys and 9.6 m (Attachment 7: Zoning).

The property is subject to a Holding 'H' symbol. Section 27(10)(a)(iv) of Zoning By-law No. 7625 requires the owner to fulfill the below noted conditions prior to the use of the lot or the erection or use any building or structure for any purpose except as permitted in the by-law. Upon fulfillment of the following conditions, the 'H' symbol shall be lifted, in whole or in part as set out in the existing Zoning By-law:

- (A) For development that exceeds 5,000 square metres in gross floor area, submission of a Traffic Impact Study and Traffic Certification Report to the satisfaction of the General Manager, Transportation Services demonstrating that the following criteria have been met:
 - (i) The site layout provides adequately for the movement needs of pedestrians, automobiles and commercial vehicles without disrupting bordering streets and properties;
 - (ii) The development will not increase local residential road traffic so significantly as to produce appreciable new hazards, noise, dust and fumes for nearby residential communities;
 - (iii) The development provides sufficient parking while still encouraging the use of public transit, walking and cycling as alternatives to automobile use; and
 - (iv) The traffic resulting from occupancy of the proposed development does not significantly contribute to reducing the level of service of nearby arterial roads and their intersections with local roads to below a generally acceptable level.

- (B) Completion of a Phase I Environmental Assessment Report to determine the likelihood of on-site and off-site contamination and, if required, Phase II Environmental Assessment Report and Peer Review to the satisfaction of the Executive Director, Engineering and Construction Services and in accordance with the applicable Ministry of Environment Guidelines to remediate on-site and off-site contamination.
- (C) Submission of a Soil Investigation Report to the satisfaction of the Executive Director, Engineering and Construction Services.
- (D) Completion of a Preliminary Engineering Report to the satisfaction of the Executive Director, Engineering and Construction Services, which demonstrates the feasibility of the proposed engineering works.
- (E) Developments which exceed 5,000 square metres in gross floor area shall submit a Development Plan to the satisfaction of the Chief Planner and Executive Director, City Planning which addresses:
 - (i) The proposed massing of buildings, building heights, setbacks and distribution of density;
 - (ii) The location, dimensions and character of publicly accessible private open spaces and pedestrian routes, showing their continuity and complementary relationship to adjacent public spaces, pedestrian routes and streets;
 - (iii) Protection and enhancement of significant views and landscape focal points;
 - (iv) The general location, size and treatment of surface parking facilities and vehicular access points in sufficient detail to identify locations where parking amongst different building sites or uses may be shared and to assess the effect of these facilities on public sidewalks and pedestrian routes;
 - (v) The location of street-related uses and principle pedestrian entrances to buildings and the relationship of such uses and entrances to street frontages to ensure that the role of the public street and pedestrian movement along the street is supported and reinforced; and
 - (vi) Possible phasing of development and new infrastructure including roads, parks and open spaces.

Site Plan Control

The site and proposed development are subject to Site Plan Control. An application for Site Plan Approval has been submitted (Site Plan Application 06 146929 WET 07 SA).

Although the Site Plan application has been reviewed concurrently with the Official Plan and Zoning By-law Amendments, the application has been inactive for an extended period of time.

The owner has indicated he does not wish to finalize the Site Plan Approval at this time as he does not anticipate proceeding with the development in the near future. Staff have advised the applicant that if the Site Plan application remains inactive, it will be closed.

Tree Preservation

City of Toronto By-laws provide for the protection of trees situated on both private and City property. An Arborist Report and Tree Preservation Plan were submitted with the application.

The report indicates there are 8 private trees that will require a permit to remove. The report also notes that there are no City owned trees adjacent to the site.

Archaeological Assessment

The site is within the Interim Screening Areas for Archaeological Potential identified in the Archaeological Master Plan of the City. The applicant is required to submit a Stage 1 and 2 Archaeological Assessment Report prior to the finalization of the Site Plan Approval application. The recommendations of these studies will be secured through the Site Plan Approval process for this proposal.

Tenure

The applicant advises that the 270 residential units and ground floor retail units would be condominium.

Reasons for Application

An amendment to the Official Plan is required to permit the density of the proposed mixed use building.

A rezoning application is required to permit the proposed height, density, setbacks and parking for the proposed mixed use building. The applicant has also requested to amend a number of the Holding 'H' provisions for the lands that are set out in Section 27 Mixed Use Commercial Zone (C5).

Community Consultation

A Community Consultation Meeting was held on January 30, 2007 at the Carmine Stefano Community Centre. One member of the public attended the meeting along with the Ward Councillor, the applicant, their consulting team and City staff. Information related to the application and development in the area was provided and no issues were raised regarding this application.

Agency Circulation

The application was circulated to all appropriate agencies and City divisions. Responses received have been used to assist in evaluating the application and to formulate appropriate By-law standards.

COMMENTS

Provincial Policy Statement and Provincial Plans

This application supports and is consistent with the 2014 Provincial Policy Statement (PPS) direction of intensification to achieve growth and urban vitality while making efficient use of existing infrastructure. This application complies with the policies of the PPS that support intensification and require new development to be directed to appropriate locations for growth.

Policy 1.4.3 requires provision to be made for an appropriate range of housing types and densities to meet projected requirements of current and future residents by, among other means, facilitating all forms of residential intensification and redevelopment and promoting densities for new housing which efficiently use land, resources, infrastructure and public service facilities and support the use of public transit.

Policy 1.6.5.4 promotes a land use pattern, density and mix of uses that minimize the length and number of vehicle trips and supports the development of viable choices and plans for public transit and other alternative transportation modes.

The proposed development complies with the above policies and other relevant policies of the Provincial Policy Statement by: intensifying the residential use of the site and making efficient use of the existing infrastructure.

The proposal also conforms to the policies of the Provincial Growth Plan. The Growth Plan promotes increasing intensification of the existing built-up areas.

The Growth Plan also requires all intensification areas to be planned and designed to provide high quality public open spaces with site design and urban design standards that create attractive and vibrant places (Policy 2.2.3.7 c) and to achieve an appropriate transition of built form to adjacent areas (Policy 2.2.3.7 f). The current proposal conforms to these policies.

Land Use

The proposed commercial residential building is provided for within the *Mixed Use Areas* designation of the Official Plan and is a permitted use in the C5 zoning category of the former City of North York Zoning By-law No. 7625.

Density

The proposed building would have a density of approximately 3.46 times the area of the lot. It is staff's opinion that the proposed density of the development is acceptable as the resultant built form is appropriate for the site as outlined below.

Height

As previously noted, the Emery Village Secondary Plan provides for buildings generally ranging in height from 8 storeys up to 12 storeys at the intersection of Finch Avenue West and Weston Road. The height of the proposed building would be a maximum of 12 storeys and would be located adjacent to 14 and 28 storey buildings (3390 Weston Road to the south, 3400 Weston

Road to the west and 2405 Finch Avenue West to the northwest). On the east site of Weston Road, across from the site, is a development which is currently under construction and will have building heights ranging from ten storeys to twenty-eight storeys. It is staff's opinion the height of the proposed building is in keeping with the context of the surrounding neighbourhood.

Massing and Built Form

As the applications were submitted in 2006, prior to the development of the City-wide Tall Building Design Guidelines and Avenues and Mid-Rise Buildings Guidelines, the proposed development has not been evaluated against these guidelines.

The proposed building is designed with a significant building frontage along Weston Road thereby assisting in defining the street edge. The proposed building has a well-defined main front entrance to the residential lobby with direct access from the public sidewalk along Weston Road. The proposed ground floor uses also include retail units with direct access to the public sidewalk which would further assist in the animation of this portion of Weston Road.

The proposed building has been designed with a two storey base which is consistent with the base condition of the development on the opposite side of Weston Road and reflects the low rise typology of the commercial development to the north. The upper portion of the building would have a distinct design treatment assisting in creating an appropriate street proportion for this part of Weston Road.

The loading facility, access to the underground parking garage and the drop off/pick up area for the proposed development would all be located at the rear of the building which would minimize the visual impact of these functions and be consistent with the Built Form Official Plan policies.

Shadowing

Staff have undertaken a shadow study of the proposed development to assess its impact on neighbouring streets and properties. The study assisted in evaluating the impact of shadows at various times of the day, throughout the year to ensure the goals of the Official Plan are met. These goals speak to adequately limiting any resulting shadow on neighbouring streets, properties and open spaces and minimizing any additional shadowing on neighbouring parks to preserve their utility.

The shadow study for the subject proposal demonstrated there would be minimal impacts on the properties to the west and north and on Weston Road. The shadows cast on the adjacent properties would generally be located on the parking areas and staff are of the opinion this would be an acceptable shadow condition. The study demonstrates that the proposed building will provide an adequate level of sun light on Weston Road.

Traffic Impact

The applicant's traffic engineering consultant, Sernas Transtech, submitted a Transportation Impact Study dated June 2006 and an addendum dated April 25, 2007. The study concludes that the adjacent street network can accommodate the forecast volume of traffic this development would generate, including future area background traffic, without significant impact on adjacent roadway levels of service. Transportation Services staff generally agrees with the consultant's conclusions; however, have requested the consultant to revise the Traffic Impact Study providing detailed analyses of the operation of the site driveway/Weston Road/'Street A' intersection under signalized conditions. This further assessment of the Traffic Impact Study will be required prior to the lifting of the Holding 'H' Symbol (Section 27(10)(a)(iv)A of Zoning By-law No. 7625) which requires the applicant to submit a Traffic Impact Study and Traffic Certification Report. The applicant has not requested to amend this section of the Zoning By-law as part of this application.

The site is in proximity to the Finch West LRT which would add 11 kilometres of new rapid transit along Finch Avenue from the planned Finch West subway station at Keele Street to Humber College. The new service to be constructed for Metrolinx is intended to provide improved, faster and reliable transit along Finch Avenue West. Project completion date is estimated to be 2020.

Site Access

Vehicular access to the proposed development would be from a driveway located on the north side of the site. This access would be located across from the new public road (Street A) currently under construction as part of the development on the east side of Weston Road (3415-3499 Weston Road and 2345 Finch Avenue West). The proposed driveway would also be immediately adjacent to the driveway providing access to the commercial development to the north.

While the north property limit is currently fenced, the design and layout of the existing driveways serving these properties provide no effective separation between the two driveways, resulting in one extremely large curb cut with little opportunity for increased landscaping or other improvements that could improve the pedestrian environment. As the new public road intersection with Weston Road is to be signalized in the near future, these two driveways in close proximity to one another would make effective signalization difficult and potentially unsafe. Also, two separate access points would result in unnecessary curb cuts and driveways, creating conflicting turning movements, minimizing opportunities for landscaping and streetscape improvements and other pedestrian-friendly amenities.

To address this, staff have advised the applicant a mutual right-of-way would be required and registered on-title, in perpetuity, to the satisfaction of the General Manager, Transportation Services and the City Solicitor to provide joint use access with the adjoining north property. The shared driveway would need to be designed to the satisfaction of Transportation Services staff and should if possible align centreline-to-centreline with the proposed Street A on the east side of Weston Road. The details of the driveway access will be reviewed and secured through the Site Plan Approval process for this proposal.

As noted above, the Weston Road/Street A intersection will eventually require traffic control signals. It is recommended that the owner provide a financial contribution in the amount of \$42,500 for their share of the estimated cost of designing and installing traffic control signals at this intersection, including any associated road improvements. As the construction of this intersection is currently underway, it is recommended that the owner's share of the cost of the work be provided within 45 days of the Zoning By-law Amendment coming into full force and effect. As a legal convenience, it is recommended that this requirement be secured in the Section 37 Agreement.

Transportation Services staff advise no road-allowance widening is required along the Weston Road frontage of the subject site.

Other Developments

The owners of the two apartment buildings located immediately west and northwest of the subject site (3400 Weston Road and 2405 Finch Avenue West) have recently approached the City with preliminary concept plans for the redevelopment of these properties. These discussions are early in the process and any development proposal for these lands would be the subject of separate planning applications and approvals. On Map 26-2 Structure Plan of the Emery Village Secondary Plan, an area in the southwest quadrant of the Finch Avenue West/Weston Road intersection has been identified as the possible location for a public lane. The public lane is intended to provide access to abutting commercial and residential properties. It is intended that discussions with the affected landowners will occur prior to finalizing the Site Plan Approval application for the subject site to pursue opportunities for achieving the goals and objectives of the Emery Village Secondary Plan.

Street Parking

The applicant is proposing ten tandem parking spaces in a parking lay-by which would be constructed in the Weston Road boulevard along the frontage of the site. Transportation Services staff advised that while the provision of a parking lay-by is acceptable, the parking spaces would not be for the exclusive use of the development. Transportation Services staff also advise the applicant must design and construct this parking lay-by to the satisfaction of Transportation Services staff and the Toronto Parking Authority, and shall install "pay and display" machines to the satisfaction of the Toronto Parking Authority, at no cost to the City.

Transportation Services staff have requested that the four southern most spaces be eliminated to provide adequate turning sight distance for motorists exiting the driveway to Weston Road from the property adjoining the site's south lot line.

The final design of the parking lay-by will be reviewed in detail through the Site Plan Approval process for this proposal.

On-Site Parking

The applicant is proposing to provide 348 parking spaces within a proposed three-level underground parking garage, including 66 visitor/commercial parking spaces situated within a portion of parking level P1, and 282 tenant parking spaces, including 9 tandem parking spaces

without independent freedom of access. The entrance to the below grade parking garage would be located in the rear of the building and access would be from the service driveway.

Transportation Services staff have advised that the proposed development would require a minimum parking supply of 327 spaces. Based on the proposed bedroom count, the proposed resident parking supply would satisfy the recommended resident parking ratios and the proposed 66 spaces visitor/commercial parking supply would satisfy the residential visitor and commercial parking requirements.

At the recommendation of Transportation Services staff, the following parking ratios are incorporated in the Draft Zoning By-law Amendment:

- 0.8 resident parking spaces for each bachelor dwelling unit;
- 0.9 resident parking spaces for each one-bedroom dwelling unit;
- 1.0 resident parking spaces for each two-bedroom dwelling unit;
- 1.2 resident parking spaces for each dwelling unit providing three or more bedrooms;
- 0.2 parking spaces for each dwelling unit for the exclusive use of visitors; and
- 1.0 space per 28 m² for the retail component of the proposed development.

Transportation Service staff have advised that as an alternative to providing exclusive retail parking, the visitor and retail parking may be shared, since visitor parking typically peaks in the evening when the retail uses are either closed or exhibit lower levels of parking demand. This temporal variation in parking demand allows visitor parking spaces to be used by retail uses during daytime periods, effectively reducing the amount of parking needed for the retail component of this project.

A shared parking arrangement would be acceptable to Transportation Services staff, provided the owner:

- Provide clauses in the Site Plan Agreement stating that a minimum of twenty-four visitor parking spaces will be shared with the proposed commercial uses.
- Ensure that the twenty-four parking spaces are available to residential visitors between the hours of 7:00 p.m. and 7:00 a.m., seven days a week.
- Each of the designated visitor/retail parking spaces must be signed to this effect.
- Retail units must not be given exclusive use of any of the twenty-four shared spaces.
- Provide an effective enforcement mechanism ensuring that this arrangement remains in effect at all times.
- This agreement must be provided to the satisfaction of the General Manager, Transportation Services and the City Solicitor.

Transportation Services staff note the current Site Plan should be amended to eliminate two tandem 'visitor' parking spaces situated in parking level P1, since visitors or retail customers would not be able to independently access these spaces. Staff also noted that parking for the physically disabled must be provided and maintained at a minimum ratio of one parking space for every 100 parking spaces required or part thereof. The design and layout of parking and

vehicular site circulation will be reviewed and finalized through the Site Plan Approval process for this proposal.

Loading

The loading and service areas associated with the proposed building would be located in the rear of the building and accessed by a service driveway. To serve the proposed building, the applicant proposes to provide one loading space with minimum dimensions of 13.0 m long, 4.0 m wide and 6.1 m vertical clearance. This is acceptable to Transportation Services staff.

The applicant must ensure sufficient manoeuvring room for moving, delivery trucks and solid waste vehicles that would typically service the proposed development and ensure they can exit the site in a cab-forward manner. Truck manoeuvres will be reviewed through the Site Plan Approval process for this proposal.

Servicing

The applicant has submitted a Functional Servicing Report which concludes there is sufficient storm sewer, sanitary sewer and watermain capacities to adequately service the proposed development. Engineering and Construction Services staff have advised that servicing to the site should be provided from the future sanitary sewer on Weston Road. Staff commented that in the event this development precedes construction of the sanitary sewer on Weston Road, the Executive Director of Engineering and Construction Services may consider alternative servicing options proposed by the applicant. If alternative servicing options are proposed, the owner will be required to determine and demonstrate how this site can be serviced and whether the existing municipal infrastructure is adequate prior to Site Plan Approval. Staff also advised that the final stormwater management designs will be addressed through the Site Plan Approval process for this proposal.

Trees

An Arborist Report was submitted for the proposed development. An application to injure or destroy trees will be required in accordance with Chapter 331 of the City of Toronto Municipal Code.

Urban Forestry staff have advised there are 8 private trees that will require a permit to remove. The owner is required to plant new 'large growing native shade' trees at a three to one ratio to replace the trees that require a permit to be removed. The landscape plan submitted shows that 38 trees are proposed on the site.

Urban Forestry staff indicated that all proposed landscaping would be located on top of the below grade parking garage and sufficient depth of soil would be required to permit the mature growth of the proposed landscaping. Urban Forestry staff also advise that the proposed species noted on the landscape plan should be revised to eliminate non-native and invasive species and to provide for additional large growing and indigenous species.

The proposed tree planting will be secured through the Site Plan Approval process for this proposal.

Open Space/Parkland

The Official Plan contains policies to ensure that Toronto's system of parks and open spaces are maintained, enhanced and expanded. Map 8B of the Toronto Official Plan shows local parkland provisions across the City. The lands which are the subject of this application are in an area with 0.42-0.79 ha of parkland per 1,000 people. The site is in the second lowest quintile of current provision of parkland.

The site is in a parkland priority area as identified in By-law 1020-2010.

The application proposes a total of 270 residential units on a site area of approximately 0.78 ha. By-law 1020-2010 states that sites with an area of less than 1 ha are subject to a minimum of 5% to a cap of 10% for residential use and 2% for commercial use.

The applicant proposes to satisfy the parkland dedication requirement by cash-in-lieu payment. Parks, Forestry and Recreation staff advise this is appropriate due to the site's close proximity to Lindy Lou Park. The actual amount of cash-in-lieu payment will be determined at the time of issuance of the building permit by Facilities and Real Estate Division staff.

Streetscape

The site is located within the Emery Village BIA and is subject to the City Council endorsed Emery Village BIA Streetscape Manual for Landowners. The Emery Village BIA Streetscape Manual provides a detailed description of the streetscape improvements that are to be implemented throughout the BIA. The streetscape manual outlines the vision and objectives for community improvements within the BIA, as well as a hierarchy of streetscape improvements ranging from Gateways, to intersection enhancements, to linear corridors and to streetscape classifications. The landscaping in all new development in Emery Village should be designed using the standards outlined in this manual to create a distinct, upscale identity and to create a streetscape that will enhance the attractiveness, appeal and quality of life in the area.

The landscape plans submitted with the application illustrate a streetscape design including interlock unit pavers, trees, tree pits, benches, identification signage, customized light standards with hanging baskets/banners, along the entire Weston Road municipal boulevard fronting the site. Through the Site Plan approval process, staff will review, in consultation with the Emery Village BIA, the proposed streetscape improvements. These streetscape improvements will be secured through the Site Plan Approval process for this proposal.

Amenity Space

The development proposal includes both indoor and outdoor amenity space to be located on the roof top level. As shown on the building plans, the indoor amenity space would have an approximate floor area of 405 m², and the outdoor amenity space would have an approximate area of 480 m², which equates to 1.5 m² of indoor amenity space per unit for the proposed building and 1.77 m² of outdoor amenity space per unit. However, the applicant has agreed to provide additional indoor and outdoor amenity space so that a ratio of 2 m² of indoor and outdoor amenity space per unit would be achieved. The proposed Draft Zoning By-law Amendment requires a minimum of 2 m² of indoor amenity space per unit and minimum of 2 m² of outdoor

amenity space per unit which is consistent with the standard in City-wide Zoning By-law 569-2013. The floor plans will be revised through the Site Plan Approval process for this proposal to achieve this Zoning By-law standard.

Tenure and Residential Unit Mix

The proposed 270 residential dwelling units and commercial units are proposed to be condominium in tenure. A future Draft Plan of Condominium application is required to create this condominium.

The proposed unit mix is: 14 bachelor units; 79 one bedroom units; 144 two bedroom units; and 33 three bedroom units.

School Board Requirements

The Toronto District School Board has requested the proponent be required to erect Notice Signs and that warning clauses be included in all purchase, agreements of purchase and sale or agreements to lease, and condominium declaration document(s) for each affected residential unit within the proposed development, that reference the potential for children from the development to be transported to schools outside the immediate neighbourhood. It is recommended these requirements be included in the Section 37 Agreement.

There were no comments received from the Toronto Catholic District School Board.

Toronto Green Standard

On October 27, 2009 City Council adopted the two-tiered Toronto Green Standard (TGS). The TGS is a set of performance measures for green development. Tier 1 is required for new development. Tier 2 is a voluntary, higher level of performance with financial incentives. Achieving the Toronto Green Standard will improve air and water quality, reduce green house gas emissions and enhance the natural environment.

As this application was submitted prior to January 31, 2010 the TGS is voluntary. While TGS is not a requirement for this development, the applicant has been encouraged to meet Tier 1 of the TGS. Discussions with the applicant will continue as part of the Site Plan Approval application. Appropriate TGS performance measures would be secured through the Site Plan Approval process for this proposal.

Section 37

Section 37 of the *Planning Act* allows the City to grant increased density and/or height in exchange for community benefits. Community benefits are specific capital facilities (or cash contributions for specific capital facilities) and can include: parkland and/or park improvements above and beyond the required parkland dedication; public art; streetscape improvements on the public boulevard not abutting the site; purpose-built rental housing with mid-range or affordable rents; and other works detailed in Section 3.5(b) of the Emery Village Secondary Plan and Section 5.1.1.6 of the Official Plan. Section 37 may also be used as otherwise agreed upon by the City and the owner, subject to the policies of Chapter 5 of the Official Plan.

The community benefits must bear a reasonable planning relationship to the proposed development including at a minimum, an appropriate geographic relationship and addressing the planning issues associated with the development. The owner has agreed to a contribution of \$400,000 towards local community improvements. The cash contribution of \$400,000 will be required prior to the issuance of the first building permit for the development and will be applied toward local community improvements, including the construction of a flag pole and public square in the Emery Village area.

In addition to the above, the requirements of the Toronto District School Board and the payment of \$42,500 to the General Manager, Transportation Services for the proportional cost of the signalization of the adjacent intersection should be secured in the Section 37 Agreement as a legal convenience. The \$42,500 payment would be required within 45 days of the Zoning By-law Amendment coming into full force and effect.

The above noted cash contributions are to be indexed upwardly in accordance with the Statistics Canada Non-Residential Building Construction Price Index for Toronto, calculated from the date of execution of the Section 37 Agreement to the date the payment is made.

In the event the cash contribution for local community improvements has not been used for the intended purpose within three (3) years of the By-law coming into full force and effect, the cash contribution may be redirected for another purpose, at the discretion of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor, provided that the purpose(s) is/are identified in the Toronto Official Plan and will benefit the community in the vicinity of the property.

Modification to the "H" Holding Symbol Requirements

The site is zoned Mixed Commercial C5 (H4) and, as such, is subject to a Holding 'H' Symbol. Section 27(10)(a) (iv) requires the owner to fulfill the previously noted conditions prior to the use of the lot or the erection or use any building or structure for any purpose except as permitted in the By-law. As part of this application, the owner is requesting that Section 27(10)(a)(iv) (B), (C) and (D) be deleted as they are fulfilled or no longer required. These sections relate to the submission of environmental assessment, soil investigation and preliminary engineering report for the lands.

Environmental assessment and soil investigation reports are currently only required by Engineering and Construction Services staff if there is a conveyance of land to the City for road purposes. Staff have advised there is no requirement for road widening or conveyance of land for road purposes and therefore these studies are not required by the Executive Director of Engineering and Construction Services.

As noted above, the applicant has submitted a Functional Servicing Report which concludes there is sufficient storm sewer, sanitary sewer and watermain capacities to adequately service the proposed development which satisfies the requirement for a preliminary engineering report.

As these specific holding provisions have been satisfied or are no longer required, it is recommended that Section 27(10)(a)(iv) (B), (C) and (D) be deleted from the C5 (H4) zoning in

the former City of North York Zoning By-law No. 7625 for this site. However, Sections 27(10)(a)(iv) (A) and (E) will continue to apply as these sections were not addressed in this application. Prior to development of this site, the owner will be required to make an application to lift the Holding 'H' Symbol and demonstrate the remaining provisions have been fulfilled.

Conclusion

The proposed development would be compatible with and integrate well with the existing neighbourhood. The development represents an appropriate level of intensification for the site. The proposed building height and scale are appropriate for the site. The proposal conforms to the built form policies of Official Plan and represents an appropriate development for the site. Staff are therefore recommending that the application to amend the Official Plan and Zoning By-law be approved by City Council. Staff are recommending that City Council require the owner to enter into an Agreement pursuant to Section 37 of the *Planning Act* to secure a total of \$400,000 in community benefits and \$42,500 for the owner's share of the cost of signalization of the adjacent intersection.

CONTACT

Gregory Byrne, Senior Planner
Tel. No. (416) 394-8238
Fax No. (416) 394-6063
E-mail: gbyrne@toronto.ca

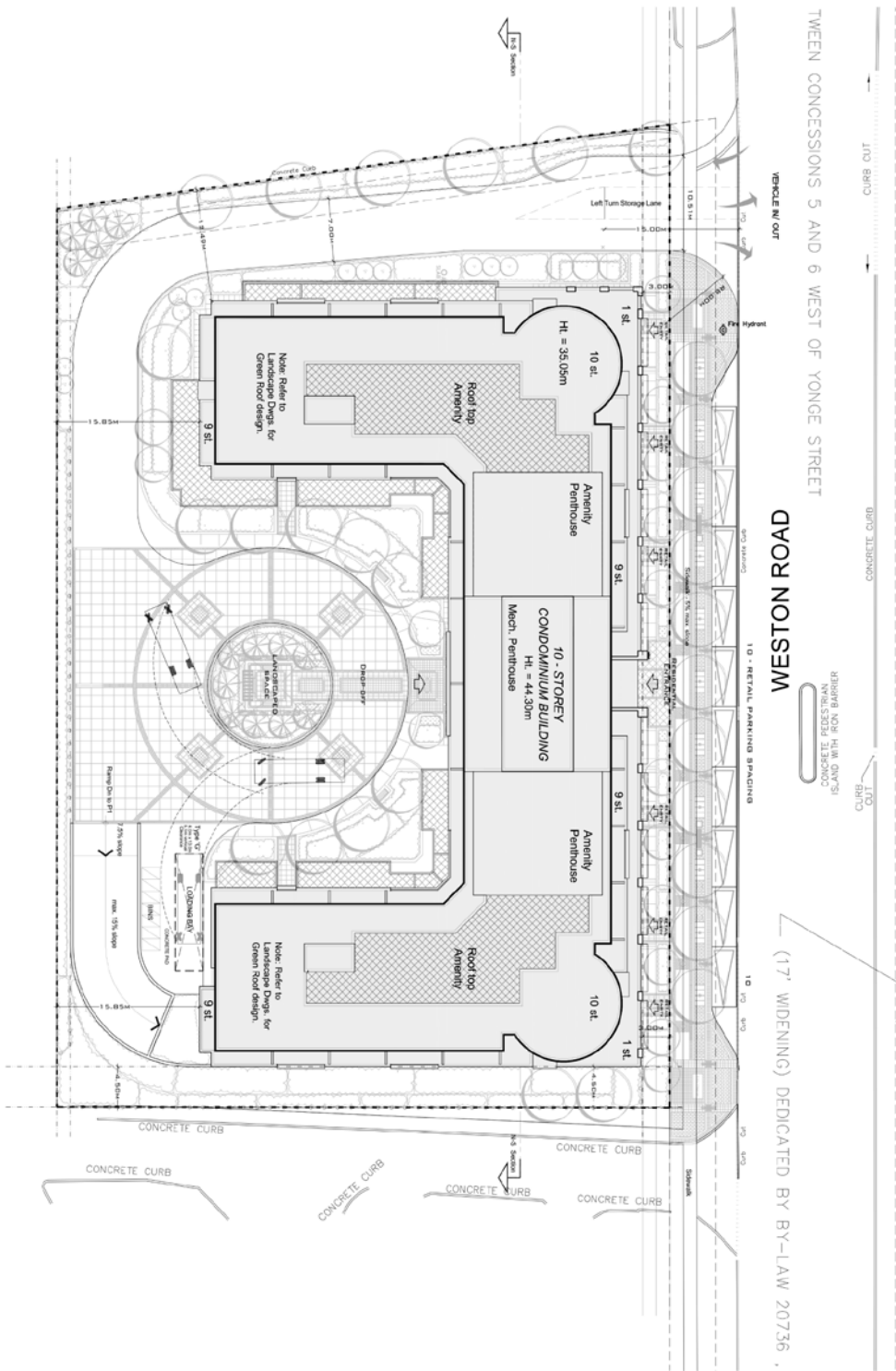
SIGNATURE

Neil Cresswell, MCIP, RPP
Director, Community Planning
Etobicoke York District

ATTACHMENTS

Attachment 1: Site Plan
Attachment 2: East Elevation
Attachment 3: South Elevation
Attachment 4: North Elevation
Attachment 5: West Elevation
Attachment 6: Official Plan
Attachment 7: Zoning
Attachment 8: Application Data Sheet
Attachment 9: Draft Official Plan Amendment
Attachment 10: Draft Zoning By-law Amendment

Attachment 1: Site Plan

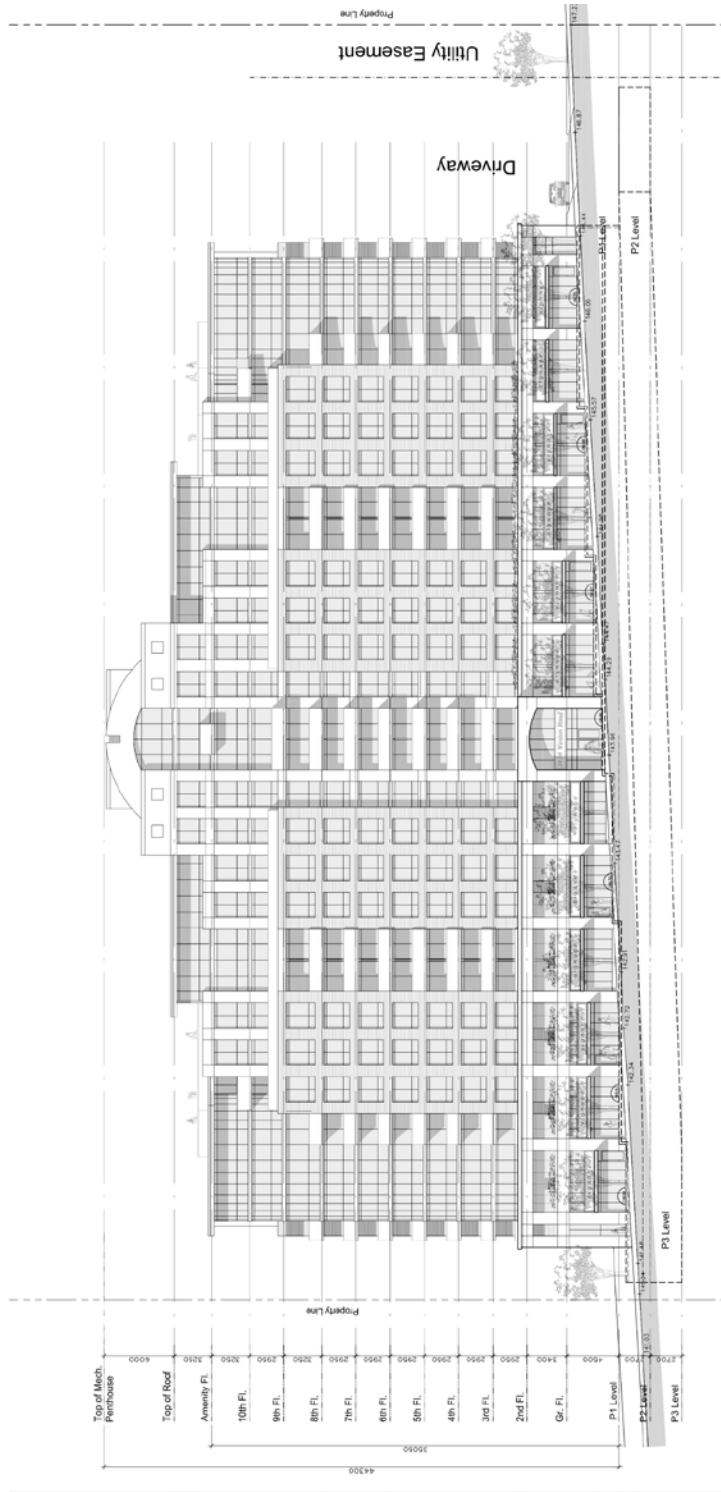


3406 - 3434 Weston Road

Site Plan
 Applicant's Submitted Drawing
 Not to Scale
 03/26/14

File # 06 146936 WET 07 0Z

Attachment 2: East Elevation



East Elevation

Elevations

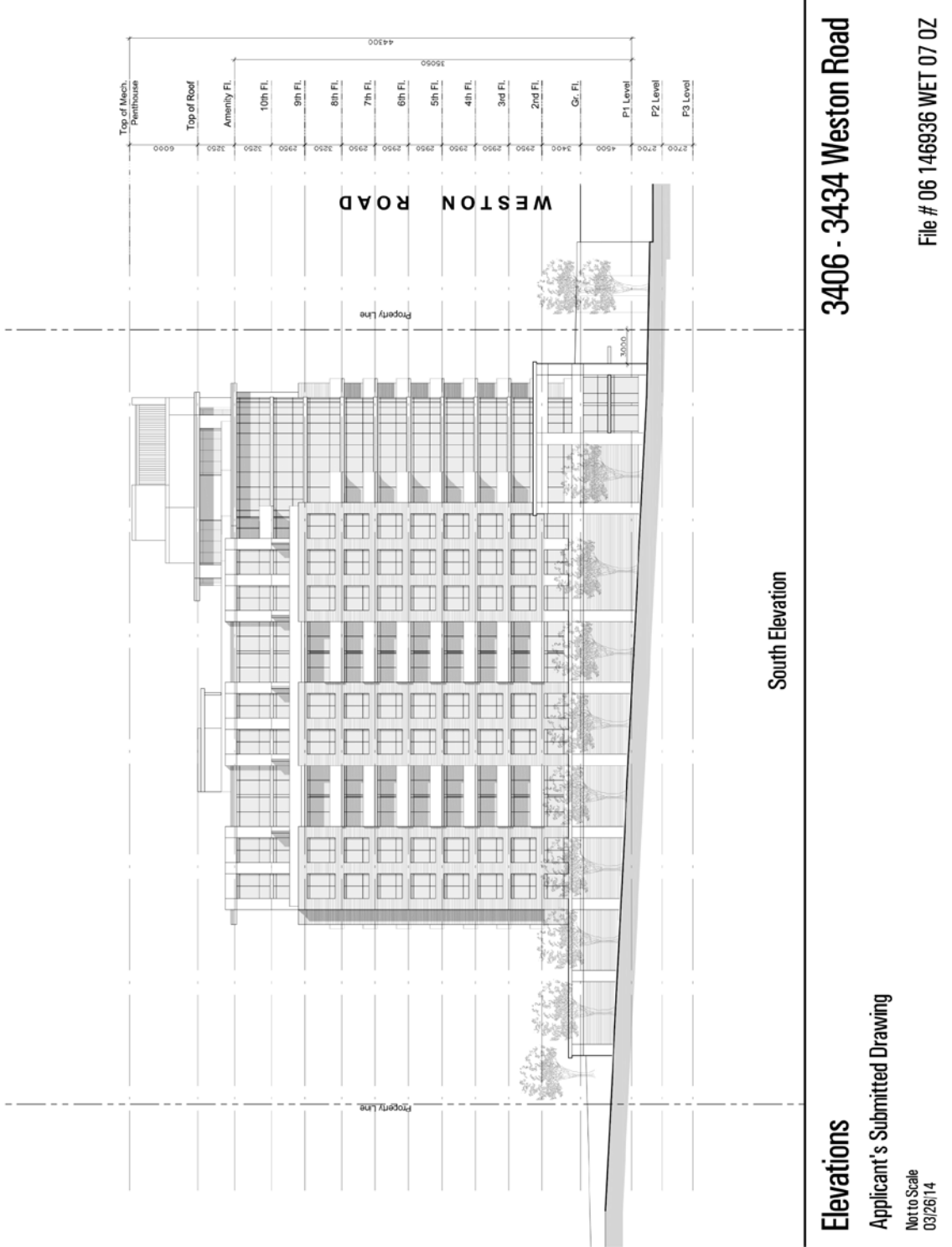
Applicant's Submitted Drawing

Not to Scale
03/26/14

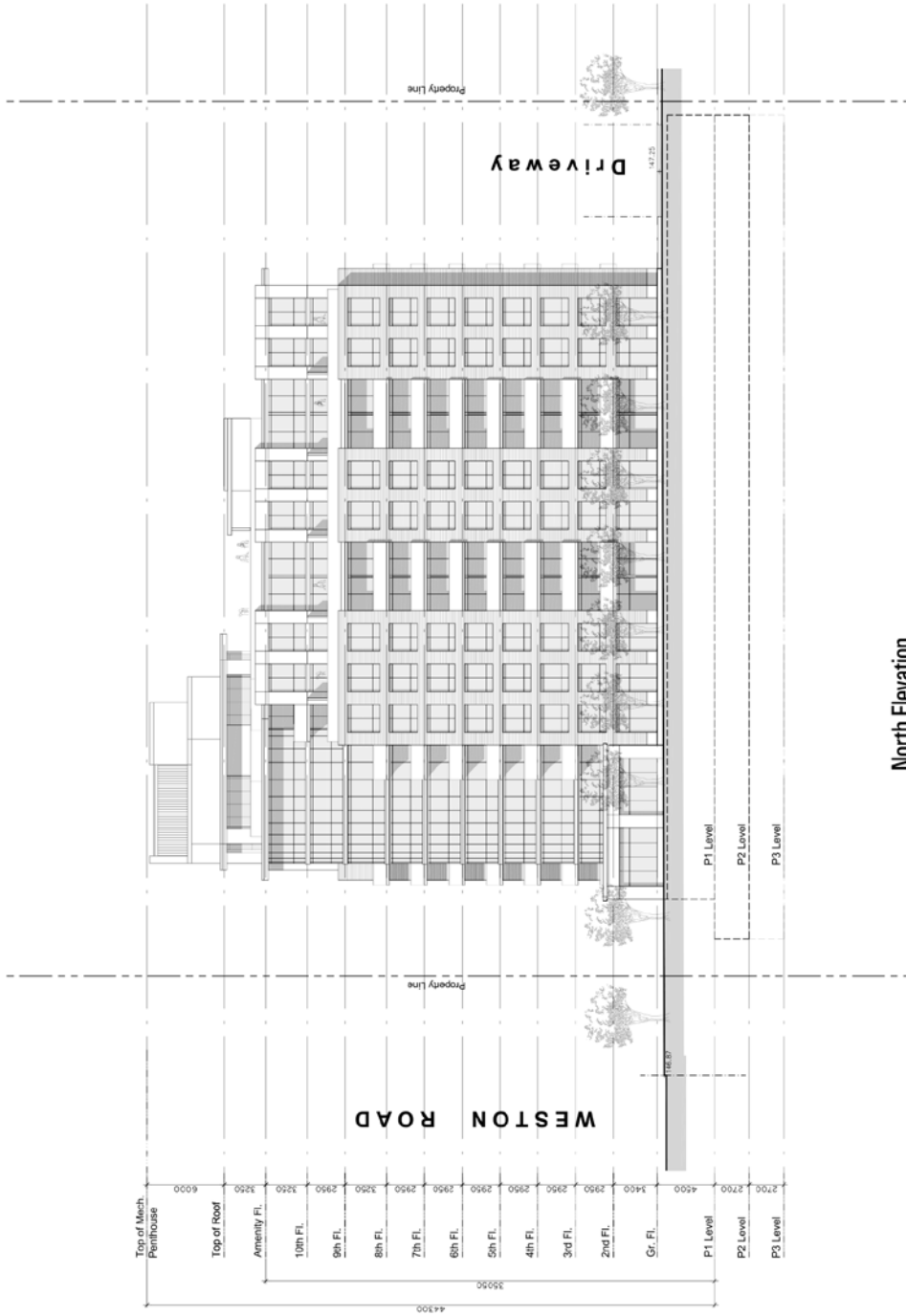
3406 - 3434 Weston Road

File # 06 146936 WET 07 0Z

Attachment 3: South Elevation



Attachment 4: North Elevation



North Elevation

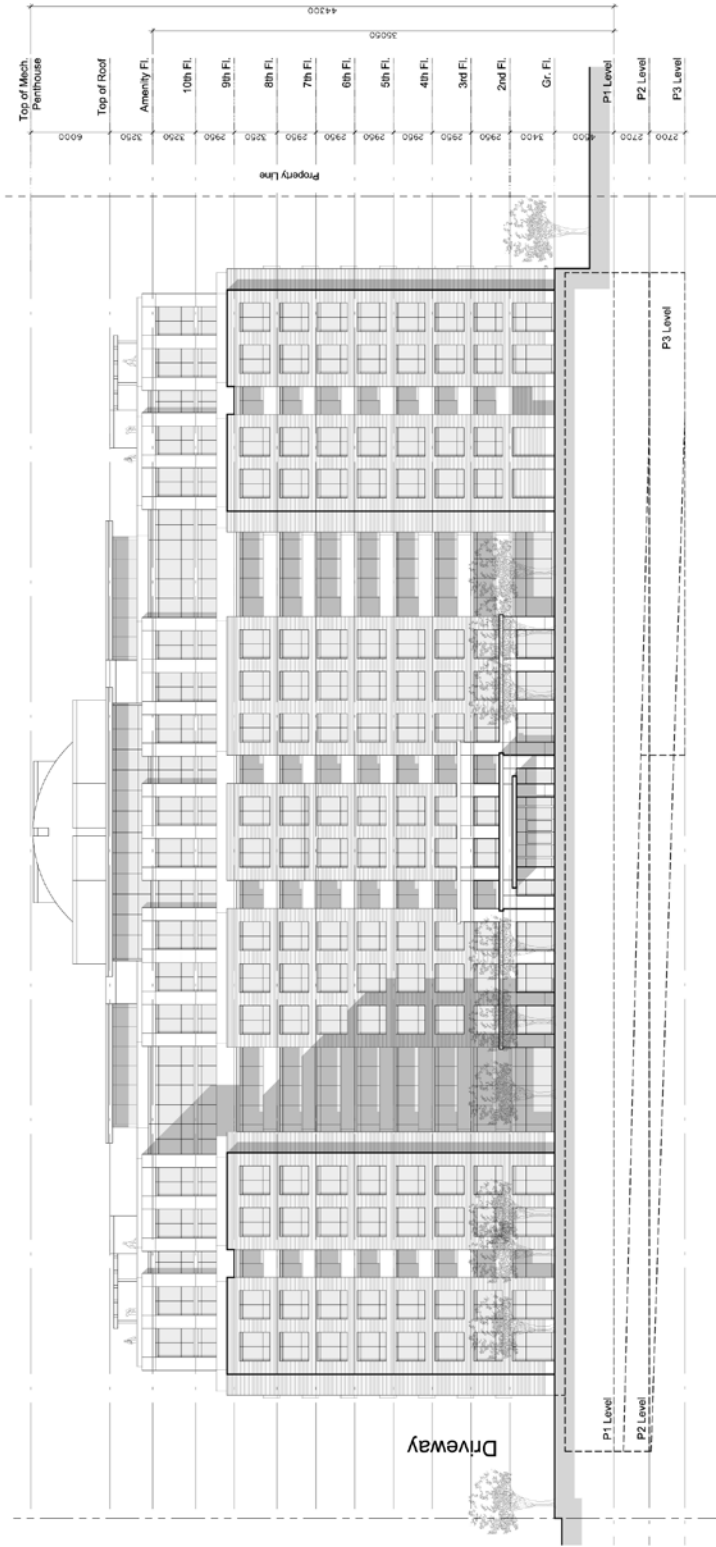
3406 - 3434 Weston Road

Elevations
Applicant's Submitted Drawing

File # 06 146936 WET 07 0Z

Not to Scale
03/26/14

Attachment 5: West Elevation



West Elevation

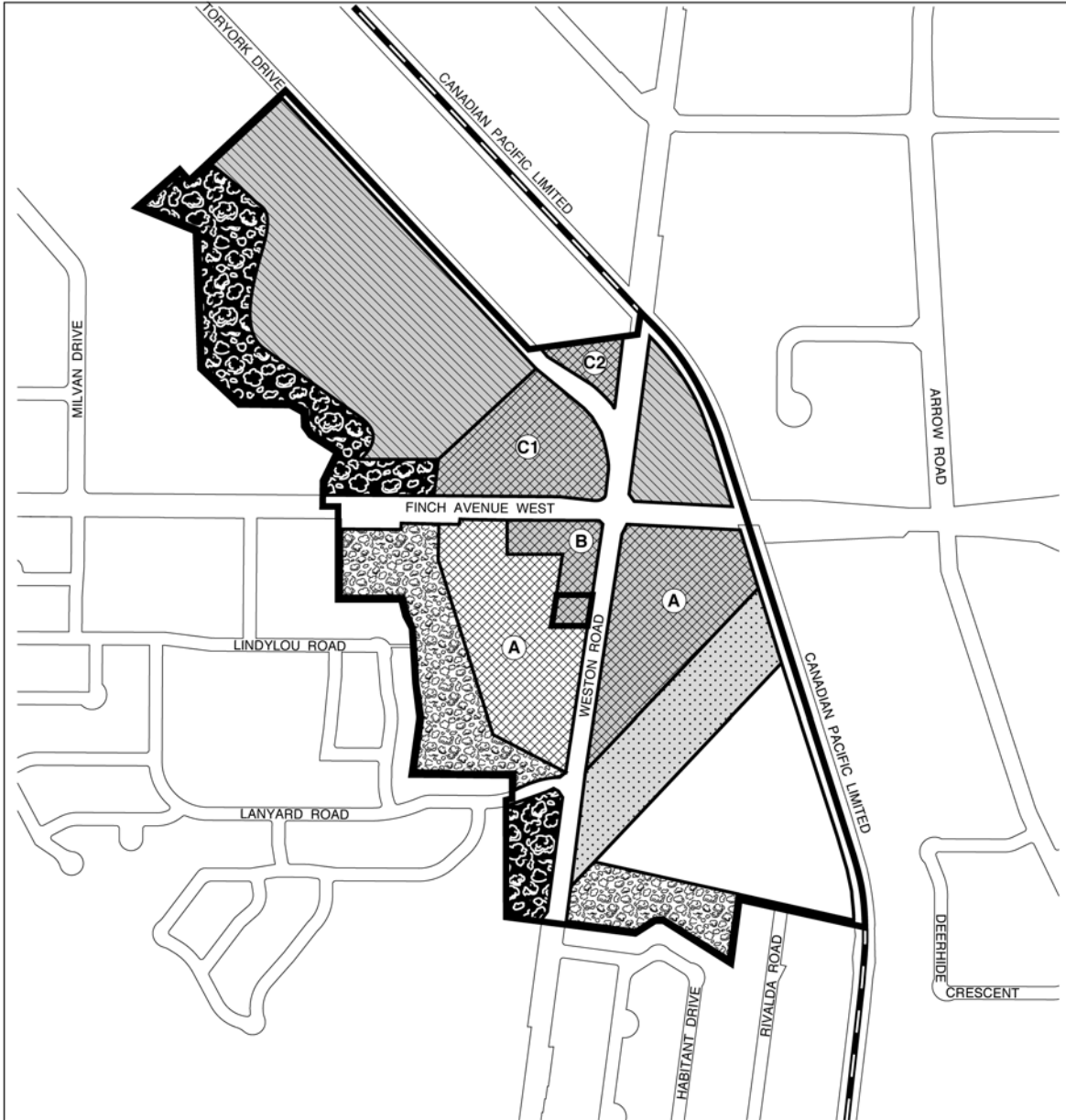
3406 - 3434 Weston Road

Elevations
Applicant's Submitted Drawing

Not to Scale
03/26/14

File # 06 146936 WET 07 0Z

Attachment 6: Official Plan



3406 - 3434 Weston Road

TORONTO City Planning
Existing Official Plan

From Emery Village Secondary Plan Map 26-1 Land Use Area

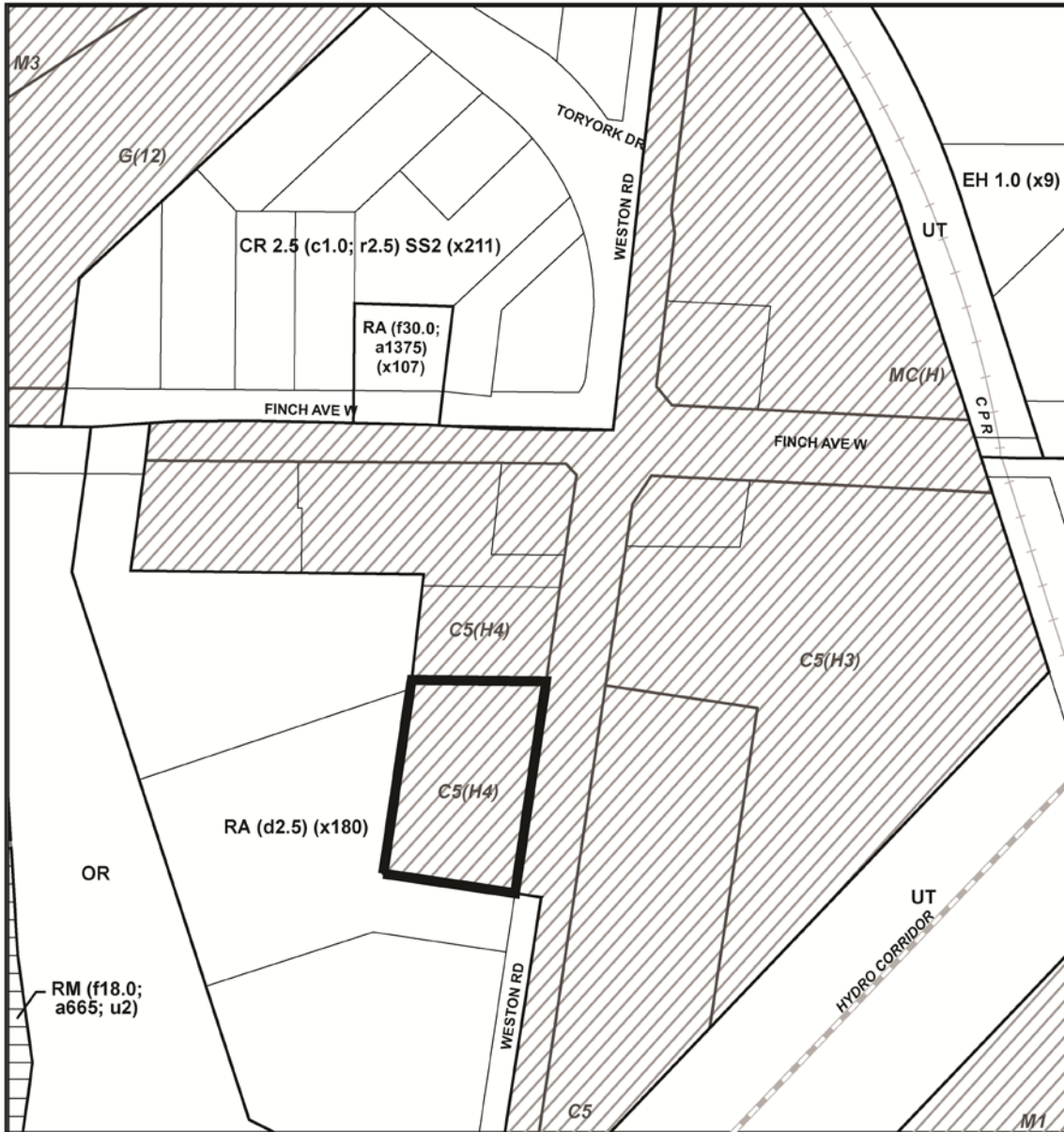
File # 06_146936

Site Location	Mixed Use Areas	Employment Areas
Secondary Plan Boundary	Natural Areas	Utility Corridors
Neighbourhoods	Parks	
Apartment Neighbourhoods		



Not to Scale
01/27/15

Attachment 7: Zoning



TORONTO City Planning

Zoning By-law 569-2013

3406 - 3434 Weston Road

File # 06 146936 WET 07 0Z

- Location of Application
- RA** Residential Apartment
- RM** Residential Multiple
- CR** Commercial Residential
- EH** Employment Heavy Industrial

- OR** Open Space Recreation
- UT** Utility and Transportation

- See Former City of North York Bylaw No. 7625
- C5** Mixed Use Commercial Zone
- M3** Industrial Zone Three
- MC** Industrial-Commercial Zone
- G** Greenbelt Zone

Not to Scale
 Extracted 11/26/2014

Attachment 8: Application Data Sheet

Application Type	Official Plan Amendment & Rezoning	Application Number:	06 146936 WET 07 OZ
Details	OPA & Rezoning	Application Date:	June 15, 2006

Municipal Address: 3406-3434 WESTON RD
 Location Description: CON 6 WY PT LOT 20 **GRID W0704
 Project Description: A 12 storey mixed commercial residential building containing 270 residential units 688 m² of retail space at grade

Applicant:	Agent:	Architect:	Owner:
PAGE AND STEELE INC BRIAN SICKLE	KLM PLANNING CONSULTANTS		DI BATTISTA GAMBIN DEVELOPMENTS LIMITED

PLANNING CONTROLS

Official Plan Designation:	Mixed Use Area B	Site Specific Provision:	C5(H4)
Zoning:	C5 (H4)	Historical Status:	N/A
Height Limit (m):	23.6	Site Plan Control Area:	Yes

PROJECT INFORMATION

Site Area (sq. m):	7743	Height:	Storeys:	12
Frontage (m):	109.37		Metres:	43
Depth (m):	68.97			
Total Ground Floor Area (sq. m):	2366.79			Total
Total Residential GFA (sq. m):	26119.72		Parking Spaces:	348
Total Non-Residential GFA (sq. m):	688		Loading Docks	1
Total GFA (sq. m):	26807.72			
Lot Coverage Ratio (%):	30.5			
Floor Space Index:	3.46			

DWELLING UNITS

FLOOR AREA BREAKDOWN (upon project completion)

		Above Grade	Below Grade
Tenure Type:			
Rooms:	Residential GFA (sq. m):	26119.72	0
Bachelor:	14	Retail GFA (sq. m):	688
1 Bedroom:	79	Office GFA (sq. m):	0
2 Bedroom:	144	Industrial GFA (sq. m):	0
3 + Bedroom:	33	Institutional/Other GFA (sq. m):	0
Total Units:	270		

CONTACT: **PLANNER NAME:** **Gregory Byrne, Senior Planner**
TELEPHONE: **(416) 394-8238**

Attachment 9: Draft Official Plan Amendment

Authority: Etobicoke York Community Council Item ~ as adopted by City of Toronto Council on ~, 20~

Enacted by Council: ~, 20~

CITY OF TORONTO

Bill No. ~

BY-LAW No. ~-20~

To adopt an amendment to the Official Plan for the City of Toronto respecting the lands known municipally in the year 2014, as 3406-3434 Weston Road

WHEREAS authority is given to Council under 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 attached Amendment No 286 to the Official Plan is hereby adopted pursuant to the *Planning Act*, as amended.

ENACTED AND PASSED this ~ day of ~, A.D. 20~.

JOHN TORY,
Mayor

ULLI S. WATKISS,
City Clerk

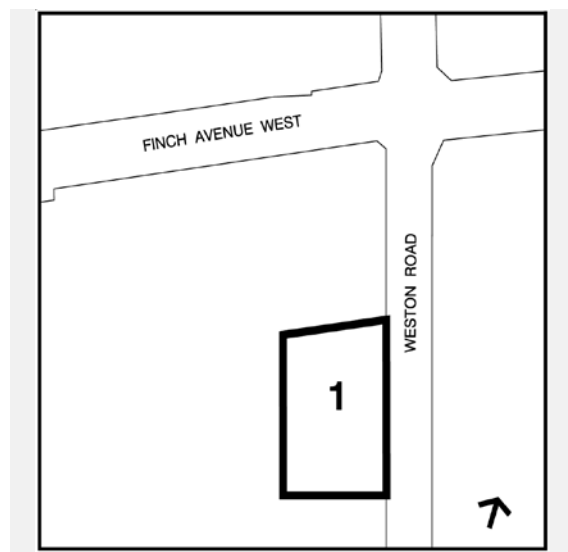
(Corporate Seal)

AMENDMENT NO. 286 TO THE OFFICIAL PLAN
LANDS MUNICIPALLY KNOWN IN THE YEAR 2014 AS
3406-3434 Weston Road

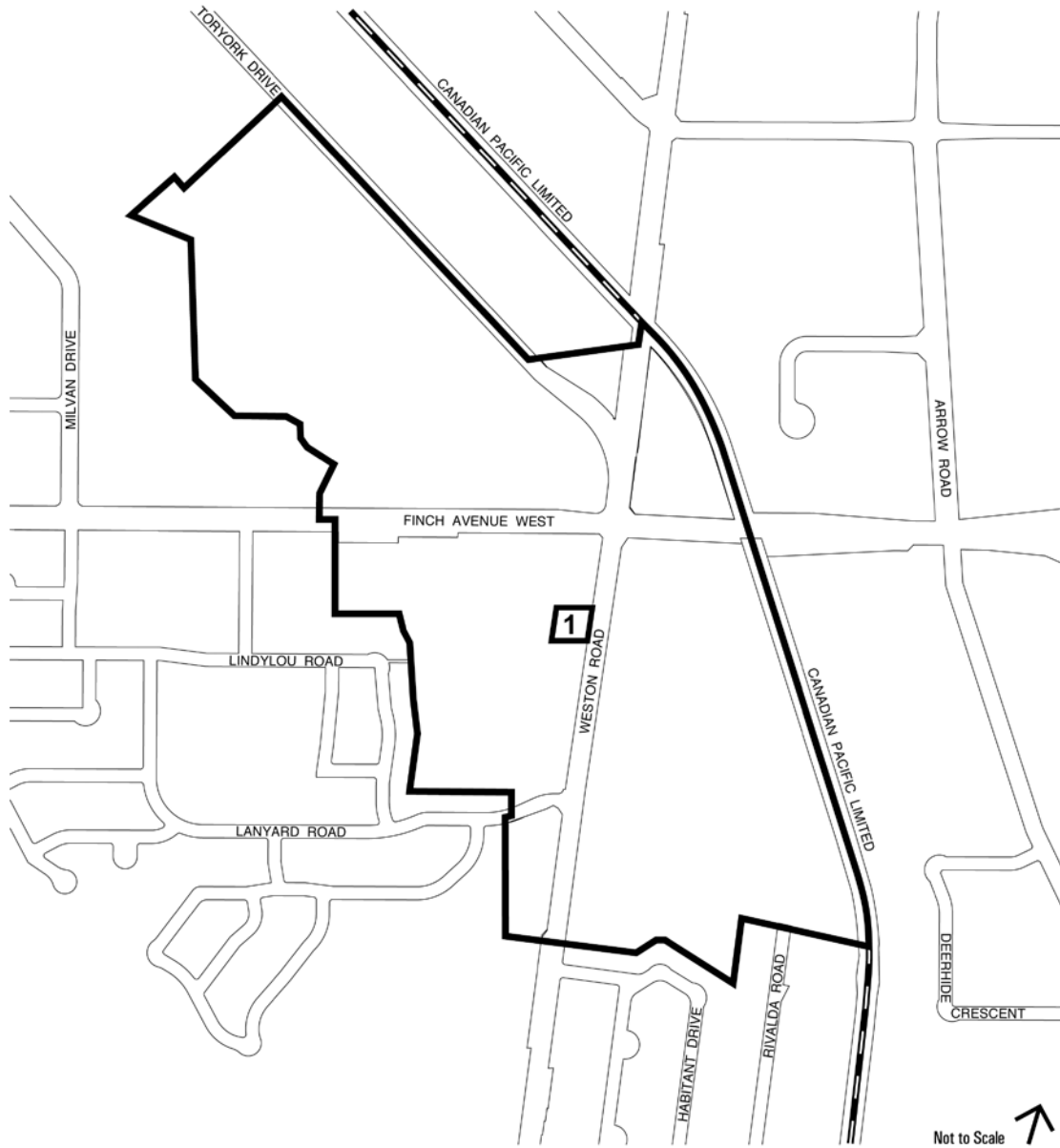
The Official Plan of the City of Toronto is amended as follows:

1. Chapter 6, Secondary Plans, 26. Emery Village Secondary Plan is amended by adding Section 13 Site and Area Specific Policies.
2. Chapter 6, Secondary Plans, 26. Emery Village Secondary Plan is amended by adding Map 26-3, Site and Area Specific Policies, which identifies Site and Area Specific Policy No.1 for the lands municipally known in 2014 as 3406-3434 Weston Road attached as Schedule 1.
3. Chapter 6, Secondary Plans 26. Emery Village Secondary Plan Section 13 Site and Area Specific Policies is amended by adding Policy No. 1 for lands municipally known in 2014 as 3406-3434 Weston Road:
 1. 3406-3434 Weston Road

For the lands shown as 1 on Map 26-3, a mixed use building is permitted with a maximum height of 12 storeys and a total gross floor area of 27,000 m².




Schedule 1



Emery Village Secondary Plan

MAP 26-3 Site and Area Specific Policies

-  Secondary Plan Boundary
-  Site and Area Specific Policies

January 2015

Attachment 10: Draft Zoning By-law Amendment

Authority: Etobicoke York Community Council Item ~ as adopted by City of Toronto
Council on ~, 20~
Enacted by Council: ~, 20~

CITY OF TORONTO

Bill No. ~

BY-LAW No. --20~

**To amend the former City of North York Zoning By-law No. 7625, as amended,
with respect to the lands municipally known in the year 2014 as
3406-3434 Weston Road**

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. Section 64 Exemptions is amended by adding Section 64.27 Exceptions To C5 ZONE (MIXED USE COMMERCIAL ZONE)
2. Section 64.27 Exceptions To C5 ZONE (MIXED USE COMMERCIAL ZONE) is amended by adding Section 64.27(1) as follows:

64.27-(1) C5(1)

RESTRICTED USES

- (a) The following uses shall not be permitted: club and body rub service.
For the purposes of this Exception "body rub service" shall mean a premise used for services involving the kneading, manipulation, rubbing, massaging, touching or stimulating by any means of a person's body for the purpose of appealing to erotic or sexual appetites or inclinations.

EXCEPTION REGULATIONS

- (b) Height
 - (i) Notwithstanding Section 27(5)(a)(i), the maximum building height shall not exceed 43 metres and 12 storeys and the minimum building height shall not be lower than 9.6 metres and 3 storeys.

- (ii) For the purposes of this section, “Grade, Established” shall mean 144.50 metres Canadian Geodetic Datum.
 - (iii) For the purposes of this section, “Building Height ” shall mean the vertical distance between the established grade (144.50 metres Canadian Geodetic Datum) and the elevation of the highest point of the building.
- (c) Setbacks
- (i) Notwithstanding Sections 27(4)(a)(i), the building setback above grade on the ground floor shall be a maximum of 3.0 metres from the front lot line.
 - (ii) Notwithstanding Sections 27(4)(a)(iii), the portion of any building and structure above 9.6 metres or 3 storeys in elevation shall be setback an additional 1.5 metres from the base.
 - (iii) The building setback above grade from the south lot line shall be a minimum of 4.5 metres.
- (d) Maximum Gross Floor Area
- The maximum gross floor area shall not exceed 27,000m².
- (e) Amenity Space
- (i) A minimum of 2 m² of common indoor amenity space per dwelling unit shall be provided.
 - (ii) A minimum of 2 m² of common outdoor amenity space per dwelling unit shall be provided.
- (f) Parking
- Parking shall be provided as follows:
- (i) 0.8 resident parking spaces for each bachelor dwelling unit;
 - (ii) 0.9 resident parking spaces for each one-bedroom dwelling unit;
 - (iii) 1.0 resident parking spaces for each two-bedroom dwelling unit;
 - (iv) 1.2 resident parking spaces for each dwelling unit providing three or more bedrooms;
 - (v) 0.2 parking spaces for each dwelling unit for the exclusive use of visitors; and
 - (vi) 1.0 spaces per 28 square meters for the retail component of the proposed development.
- (g) Notwithstanding any severance, partition, or division of the site, as shown on Schedule C5(1) shall apply to the whole of the site as if no severance, partition or division occurred.

3. Section 27(10)(a)(iv) (HOLDING PROVISIONS) is amended by adding at the end of the section the following wording:

"Subsection (B), (C) and (D) of Section 27(10)(a)(iv) shall not apply to the lands municipally known in the year 2014 as 3406-3434 Weston Road."

4. **INCREASED HEIGHT AND DENSITY**

Matters which are to be provided pursuant to Section 37 of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended, in order to permit the increased density of the proposed development authorized under section 2(b) and (d) of this Exception are:

SECTION 37 AGREEMENT

The facilities, services and matters set out herein are the facilities, services and matters required to be provided by the *owner* of the *site* to the *City* in accordance with an agreement or agreements, pursuant to Section 37(1) of the *Planning Act*, in a form satisfactory to the *City* with conditions providing for indexed escalation of all financial contributions, no credit for development charges, indemnity, insurance, GST, termination and unwinding, and registration and priority of agreement:

The *owner* of the *site* shall:

- i. pay a \$400,000 cash contribution towards local community improvements in the Emery Village area including the construction of a flag pole and public square prior to the issuance of the first building permit for the development;
 - ii. in the event the cash contribution referred to in i. above has not been used for the intended purpose within three (3) years of this By-law coming into full force and effect, the cash contribution may be redirected for another purpose, at the discretion of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor, provided that the purpose(s) is/are identified in the Toronto Official Plan and will benefit the community in the vicinity of the property; and
 - iii. the above noted cash contribution is to be indexed upwardly in accordance with the Statistics Canada Non-Residential Building Construction Price Index for Toronto, calculated from the date of the execution of the Section 37 Agreement to the date the payment is made.
5. Within the lands municipally known in the year 2014 as 3406-3434 Weston Road, 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.

ENACTED AND PASSED this ~ day of ~, A.D. 20~.

JOHN TORY,
Mayor

ULLI S. WATKISS,
City Clerk

(Corporate Seal)

