SUMMARY

Build Toronto proposes to redesignate a portion of the subject lands in the Official Plan from Mixed Use Areas to Neighbourhoods, to reconfigure the Parks and Open Space Areas – Parks designation currently applying to the City’s undeveloped Runnymede Park, and to designate a new internal collector road network on Schedule 2 of the Plan. The proposed rezoning, for the blocks indicated on the proposed Draft Plan of Subdivision (Attachment 4), would permit approximately 9,100 square metres (98,000 square feet) of retail commercial use on the western portion of the site fronting Victoria Park Avenue, up to 300 dwelling units consisting of standard or 'stacked' townhouses and apartments along the new interior streets, and would establish appropriate Parks zoning to reflect the reconfigured public park. Thirty of the proposed 300 units (10%) will be provided for affordable ownership.

The Draft Plan of Subdivision application proposes to establish two new public streets including the easterly extension of Musgrave Street and a new north/south street from Gerrard Street East. Various blocks of land would be created to accommodate the commercial use fronting Victoria Park Avenue, five blocks of land for residential uses on the new streets, two blocks of land comprising the reconfigured...
public park, and a block of land along the adjacent rail line to accommodate an associated retaining wall and security fence.

Also proposed is a City-initiated Official Plan Amendment to re-establish the former road allowance of Blantyre Avenue north of Gerrard Street East on Schedule 2 of the Official Plan as an additional new public street into the subject lands in future.

The proposals for the subject lands represent appropriate development that will create a significant new, predominantly residential neighbourhood on this portion of the long vacant 'Birchcliff Quarry Lands', consistent with the current underlying Mixed Use Areas official plan designation and the site's urban context in proximity to higher-order transit services. The proposed subdivision is appropriately designed to promote an acceptable interface with both the higher density zoned residential lands immediately to the east and the established, stable lower density Birchcliff community to the south. Technical review has indicated that traffic, servicing and stormwater can be appropriately managed, and recommended mitigation measures respecting the adjacent Metrolinx GO Rail line noise source will be secured through the subdivision agreement.

This report reviews and recommends approval of the proposed Official Plan and Zoning By-law amendments. This report also advises that the Chief Planner may approve the Draft Plan of Subdivision.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council amend the Official Plan, for the lands at 411 Victoria Park Avenue, 2510 and 2530 Gerrard Street East substantially in accordance with the draft Official Plan Amendment No. 288 attached as Attachment 8 to the report dated August 28, 2015.

2. City Council amend the Official Plan to re-establish the former Blantyre Avenue road allowance north of Gerrard Street East as a future public street substantially in accordance with the draft Official Plan Amendment No. 324 attached as Attachment 9 to the report dated August 28, 2015.

3. City Council amend the former City of Scarborough Birchcliff Community Zoning By-law No. 8786 for the proposed commercial lands at 411 Victoria Park Avenue, substantially in accordance with the draft Zoning By-law Amendment attached as Attachment 10 to the report dated August 28, 2015.

4. City Council amend City of Toronto Zoning By-law 569-2013 for the proposed commercial lands at 411 Victoria Park Avenue, to incorporate the subject lands previously regulated under the former City of Scarborough Birchcliff Community Zoning By-law 8786 into Toronto Zoning By-law 569-2013, substantially in accordance with the draft Zoning By-law Amendment attached as Attachment 11 to the report dated August 28, 2015.

5. City Council amend the former City of Scarborough Birchcliff Community Zoning By-law No. 8786 for the balance of the lands at 411 Victoria Park Avenue, 2510 and 2530 Gerrard Street East, substantially in accordance with the draft Zoning By-law Amendment attached as Attachment 12 to the report dated August 28, 2015.
6. Before introducing the Bill attached as Attachment 12 to the report dated August 28, 2015 to City Council for enactment, require the Owner to enter into an Agreement pursuant to Section 37 of the Planning Act to provide $500,000.00 toward Above Base Park Improvements to the new public park, 30 units of affordable 'ownership' housing and to achieve Tier 1 of the Toronto Green Standard as further detailed in the report dated August 28, 2015 and Attachment 12, and require the Owner to submit the Legal Services fee for preparation of the Section 37 agreement.

7. Before introducing the Bill attached as Attachment 12 to the report dated August 28, 2015 to City Council for enactment, direct the Chief Planner and Executive Director, City Planning, in consultation with the Director, Affordable Housing Office to report further on the implementation of the provisions for 30 affordable ownership units, including the partnership arrangements between Build Toronto and Habitat for Humanity, Greater Toronto Area ("Habitat"). In the event that refinements are required to the approach outlined in this report and the related zoning by-law amendment (Attachment 12), or in the event that Build Toronto and Habitat fail to enter an agreement or Habitat fails to enter into a Section 37 Agreement to secure the provision of the 30 affordable ownership units, the Chief Planner and Executive Director, City Planning in consultation with the Director, Affordable Housing Office, will report further with recommendations to achieve the affordable ownership requirements of the Official Plan Amendment (Attachment 8) and Zoning By-law Amendment (Attachment 12) to the report dated August 28, 2015.

8. Before introducing the Bill attached as Attachment 12 to the report dated August 28, 2015 to City Council for enactment:
   a. Official Plan Amendment 288, as it pertains to policies authorizing the disposal of City owned lands in Parks and Open Space Areas- Parks, is to be in full force and effect; and
   b. The conveyance of Runnymede Park at 2530 Gerrard Street East to Build Toronto for inclusion in the proposed development, in accordance with the City's land disposal practices and requirements, is to be completed to the satisfaction of the Chief Planner and Executive Director, City Planning in consultation with the Director, Real Estate Services and Executive Director, Engineering and Construction Services.

9. City Council authorize the City Solicitor to make such stylistic and technical changes to the draft Official Plan Amendments and/or draft Zoning By-law Amendments as may be required.

10. In accordance with the delegated approval under By-law 229-2000, as amended, City Council be advised that the Chief Planner and Executive Director, City Planning intends to approve the draft plan of subdivision as generally illustrated on Attachment 4 to the report dated August 28, 2015 subject to:
   a. The conditions as generally listed in Attachment 13 to the report dated August 28, 2015, which except as otherwise noted must be fulfilled prior to final approval and the release of the plan of subdivision for registration;
   b. Any such revisions to the proposed subdivision plan or any such additional modified conditions as the Chief Planner and Executive Director, City Planning may deem to
be appropriate to address matters arising from the on-going technical review of this development; and

c. Final Subdivision Approval not to be issued until all matters relating to the proposed Victoria Park Avenue Trunk Watermain (Gerrard Street East and Blantyre Avenue to the Eglinton Pumping Station) project discussed in the report dated August 28, 2015 have been fully resolved to the satisfaction of the General Manager, Toronto Water and the Executive Director, Engineering and Construction Services.

11. City Council authorize the City Solicitor to hold a deed in escrow from RioCan Holdings (GTA Marketplace) Inc. for the Street 'A1' block required to complete the proposed Musgrave Street extension and intersection at Victoria Park Avenue, and to register said deed in favour of the City of Toronto once the zoning by-law amendments attached as Attachments 10 and 11 to the report dated August 28, 2015 are both in full force and effect.

12. City Council authorize and direct the use of the Parks component of the residential and commercial Development Charges generated by this development toward the implementation of Above Base Park Improvements to the new public park to be created.

13. City Council authorize and direct the use of any cash-in-lieu of parkland dedications required for this development, above the first 5%, toward the implementation of Above Base Park Improvements to the new public park to be created.

Financial Impact
The recommendations in this report have no financial impact.

DECISION HISTORY
Pursuant to a confidential report from the City Solicitor, City Council in September 2003 directed City Planning staff to undertake a comprehensive review of land use policies and potential new planning directions for the larger 'Birchcliff Quarry' lands. Phase 1 of the Birchcliff Quarry Lands Study was completed and Phase 2 commenced in May 2005, following which numerous community working group meetings were conducted by Planning staff into 2008, at which time the Study was suspended at the request of the Conservatory Group to enable further confidential negotiations with the City and the Toronto Economic Development Corporation (TEDCO, subsequently Build Toronto) on the future of the lands. The Study was subsequently further delayed due to Conservatory Group advancing appeals to the OMB relating to its lands which, after a number of hearings, were finally determined by the Board in 2011.

During this period, City Council on January 31, February 1 and 2, 2006 declared the northerly approximately 4.98 hectare (12.3 acre) portion of the subject lands at 411 Victoria Park Avenue to be surplus to municipal requirements and authorized their disposal by way of ‘as is’ transfer to Build Toronto’s predecessor, TEDCO. Build Toronto took final possession of the lands in October 2012. The following is the link to the City Council decision document:

Scarborough Community Council on February 26, 2013 considered a Preliminary Report on the subject Build Toronto applications from the Director, Community Planning, Scarborough District. The report indicated in part that, given Conservatory Group positions reaffirmed through the OMB hearing process, and because the subject applications effectively applied to all of the remaining vacant Birchcliff Quarry lands, the Study was suspended at the request of the Conservatory Group to enable further confidential negotiations with the City and the Toronto Economic Development Corporation (TEDCO, subsequently Build Toronto) on the future of the lands.
lands, continuing with the Quarry Lands Study in parallel with review of the applications would not represent efficient use of City staff time and resources. Accordingly, the Birchcliff Quarry Lands Study was suspended, with Planning staff directed to process the applications in the usual manner. This included convening a community information meeting with expanded Notice encompassing the area down to Kingston Road, east to Warden Avenue and 200 metres west of Victoria Park Avenue. The following is the link to the Community Council decision document: http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2013.SC22.24

On May 20, 2010, Build Toronto entered into a Memorandum of Understanding (MOU) with the Deputy City Manager responsible for the Affordable Housing Office, regarding the development of affordable housing by Build Toronto. The MOU sets out a target of Build Toronto contributing 1,250 affordable ownership and rental homes over a five year period. Government Management Committee subsequently considered an information report from the Chief Corporate Officer on 'Corporately Adopted Guidelines and Policies for Property Transfer to Build Toronto' on April 7, 2014. The report noted:

"By its adoption of Recommendation 7 of EX32.5 on May 25, 26, and 27, 2009, City Council directed that in lieu of the Housing First Policy, the Deputy City Manager responsible for Affordable Housing Office negotiate with Build Toronto the number of affordable housing units and other opportunities for the delivery of affordable housing that Build Toronto may be required to provide on properties with residential potential."

Government Management Committee on June 16, 2014 also considered a further report from the Chief Corporate Officer entitled 'Build Toronto Progress' which noted a number of Build Toronto properties that were under consideration for including an affordable housing component in the new developments, one of which was the subject site.

The following is the link to the Committee decision document: http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2014.GM31.6

**ISSUE BACKGROUND**

**Proposal**

The Official Plan Amendment, rezoning and draft plan of subdivision applications consist of lands at 411 Victoria Park Avenue transferred by the City to Build Toronto, a 0.9 hectare (2.2 acre) parcel at 2510 Gerrard Street East (situated between two existing gas/vehicle service stations) recently acquired by Build Toronto from RioCan, the owner of the Victoria Crossing commercial plaza at the northeast corner of Victoria Park Avenue and Gerrard Street East, and the City’s 1.8 hectare (4.5 acre) Runnymede Park at 2530 Gerrard Street East.

Build Toronto proposes to redevelop these lands with a new mixed use neighbourhood, as illustrated on Attachment 1: Site Plan (Commercial), Attachment 3: Conceptual Site Plan (Residential) and Attachment 4: Draft Plan of Subdivision. The development would consist of up to 300 dwelling units, of which 30 (10%) would be affordable 'ownership' units, comprising a mix of 180 apartment units, 105 'stacked' townhouse units and 15 'traditional' townhouse units on 5 blocks. The development also includes reconfigured public parkland, and a 1.88 hectare (4.6 acre) commercial block on the Victoria Park Avenue frontage containing a single large format retail store having two ancillary retail units comprising approximately 9 100 square metres (98,000 square feet) overall. The proposal submitted by Build Toronto reflects site constraints posed by numerous existing large trunk servicing mains which
‘criss-cross’ the site, constraints posed by the abutting rail corridor, and existing site environmental conditions. As a result of these site constraints, the proposal has an irregular street, block and open space configuration.

Two blocks of parkland would be created which includes a larger central park area of approximately 0.9 hectare (2.2 acres) between Gerrard Street East and the proposed new Musgrave Street extension into the site, and a second landscaped berm and a trail block along the north side of that extension adjacent to the Metrolinx/GO Lakeshore East rail corridor of approximately 0.83 hectares (2.0 acres). A proposed underground stormwater management facility would occupy approximately 0.3 hectares (0.8 acres) in the southern portion of the proposed central park space.

Approximately 0.86 kilometres (0.5 miles) of new public streets are proposed to provide access into the site and to create a new block pattern for the development, as illustrated on Attachment 4: Draft Plan of Subdivision. Musgrave Street would be extended easterly from the existing intersection with Victoria Park Avenue as a 25.0 metre right-of-way (illustrated as Street 'A2' on Attachment 4), narrowing to a 23.0 metre road allowance into the lands. From the westerly boundary of Block 5, the street continues easterly as a 20.0 metre road allowance connecting to a new public street extending north from Gerrard Street East. This new street (identified as 'New Link C' in Attachment 8: Draft Official Plan Amendment) will have a 20 metre road allowance from Gerrard Street East (generally opposite but with no through connection to Tilburn Place) to the Musgrave Street extension, continuing easterly as an 18.5 metre cul-de-sac road allowance terminating at the eastern limit of the land.

In order to achieve an appropriate alignment at the Victoria Park Avenue/Musgrave Street intersection, the new street will also require approximately 850 square metres (0.2 acre) of land from the north-western corner of the Victoria Crossing commercial plaza site immediately to the south, indicated as Street 'A1' on Attachment 4: Draft Plan of Subdivision. Build Toronto advises an agreement with the owner, RioCan, is in place to incorporate these lands into the proposed new road allowance.

In addition to these new streets and having regard to 'first principles' developed and further examined through the Birchcliff Quarry Lands Study, City Planning staff are also proposing a separate Official Plan amendment to identify an extension of Blantyre Avenue northerly, from Gerrard Street East to Street 'A', as a further planned new public street on Schedule 2 of the Official Plan. While predominantly external to the draft plan of subdivision itself, this would reintroduce the potential northerly extension of Blantyre Avenue on its former road allowance declared surplus and closed by the former Township of Scarborough in 1879. The former road allowance was then conveyed by the former City of Scarborough to Runnymede Development Corporation in the 1980's for inclusion in its development of the Victoria Crossing commercial plaza immediately to the west, although the former road allowance was never incorporated into the commercial development and remains a gravelled driveway today.

Build Toronto indicates the proposed site redevelopment would be phased. The initial phase of development will involve the proposed commercial facility on the new block fronting Victoria Park Avenue, the proceeds from which would contribute to the costs of further site remediation and preparing the remainder of the lands for development. The proposed residential developments would then proceed in one or more subsequent phases, as and when Build Toronto has identified residential builders for those blocks through either partnership with Build Toronto or conveyance of the lands.

Additional information is provided on Attachment 7: Application Data Sheet. Other than the number of proposed residential units by number of bedrooms per unit, additional residential information indicated
is preliminary and subject to adjustment through submission of further more detailed site plan applications.

**Site and Surrounding Area**

The subject lands comprise a unique large 'brownfield' site, situated in the 'inner suburbs' approximately mid-way between the Scarborough Civic Centre and Toronto City Hall, that has remained largely vacant for over 50 years. The site comprises approximately 7.7 hectares (19 acres), with approximately 107 metres (351 feet) of frontage on Victoria Park Avenue and 68 metres (225 feet) of frontage on Gerrard Street East. The lands are generally flat but slope downward towards the south. Historically, the lands were used by Gravel Co. Ltd. from approximately 1878 to 1913 for the quarrying of sand and gravel. The Toronto Brick Company subsequently conducted brick-making operations here from 1913 to approximately 1963 with more limited quarrying activity. Portions of the lands were subsequently used for waste disposal and have gradually renaturalized over time with meadows, thickets and treed areas. The subject site is currently vacant. (A golf driving range and mini-putt course on the western portion of the lands ceased operations in October 2012.) The City’s Runnymede Park has not been developed for active park use and has occasionally been used by the City during the winter for snow storage.

Surrounding land uses include:

North:  The Metrolinx Lakeshore East rail corridor, with mixed residential, industrial and automotive uses beyond in the Oakridge Community;

South:  The Victoria Crossing commercial plaza fronting Victoria Park Avenue and Gerrard Street East, the recently redeveloped Shell Canada gas bar and car-wash at 2498 Gerrard Street East and an Olco gar-bar/auto repair facility at 2520 Gerrard Street East. To the south is a subdivision of detached single-family dwellings flanking Gerrard Street East;

East:  The approximately 7.5 hectares (18.5 acres) owned by the Conservatory Group are currently vacant but are zoned to permit four high-rise apartment buildings totalling 1,455 apartment units, with the Quarry Plaza, a coin-operated car wash and detached single-family dwellings beyond to the east; and

West:  A Loblaws food store and associated gas bar, with townhouses beyond to the west.

**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. A full range of housing, including affordable housing is a matter of Provincial interest, and municipalities are to establish and implement minimum targets for the provision of housing which is affordable to low and moderate income households. 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. Intensification strategies and policies are to plan for a range and mix of housing, taking into account affordable housing needs. City Council's planning decisions are required to conform, or not conflict, with the Growth Plan for the Greater Golden Horseshoe.
Official Plan
The site is predominantly designated *Mixed Use Areas* in the 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, open spaces and utilities. Beyond focussing new growth primarily in the *Downtown, Central Waterfront, Centres and Avenues*, the Plan acknowledges that underutilized lands in *Mixed Use Areas* provide an opportunity to accommodate new jobs and homes for Toronto's growing population.

New buildings in *Mixed Use Areas* should be located and massed to frame streets, limit shadow impacts on adjacent neighbourhoods, and provide a comfortable, safe pedestrian environment. Development in *Mixed Use Areas* should have access to schools, parks, community centres, libraries and childcare, and should take advantage of nearby transit services.

Official Plan policies on Healthy Neighbourhoods in Section 2.3.1.2 state that developments in *Mixed Use Areas* adjacent or close to *Neighbourhoods* will:
- be compatible with those Neighbourhoods;
- provide a gradual transition of scale and density, as necessary to achieve the objectives of this Plan through the stepping down of buildings towards and setbacks from those Neighbourhoods;
- maintain adequate light and privacy for residents in those Neighbourhoods; and
- attenuate resulting traffic and parking impacts on adjacent neighbourhood streets so as not to significantly diminish the residential amenity of those Neighbourhoods.

Official Plan policies respecting the Public Realm in Section 3.1.1 state that new streets should:
- be public streets, and should be designed to promote internal and external connectivity;
- divide larger sites into smaller development blocks;
- provide access and addresses for new development;
- allow the public to move freely without obstruction;
- create adequate space for pedestrians, cyclists and landscaping as well as transit, vehicles and utilities; and
- provide for emergency vehicles.

Section 3.1.2 policies on Built Form require that new development be located and organized to fit with the existing and/or planned context, by ensuring that massing, building location, building height, building entrances and parking configuration, among other matters, support and frame the surrounding neighbourhood streets, parks and open spaces.

The Plan's Housing policies in Section 3.2.1 encourage a full range of housing opportunities to meet the current and future needs of residents which includes ownership and rental housing, affordable and mid-range rental and ownership housing, social housing, shared and/or congregate-living housing arrangements, supportive housing, emergency and transitional housing for homeless people and at-risk groups, housing that meets the needs of people with physical disabilities and housing that makes more efficient use of the existing housing stock.

Section 3.2.1.9 of the Official Plan states that:
- on large sites, generally greater than 5 hectares in size (such as the subject site), a minimum of 30 per cent 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; and
where an increase in height and/or density is sought, the first priority community benefit will be the provision of 20 per cent 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.

As discussed later in this report, Build Toronto is proposing to provide a portion of the new housing units as 'affordable ownership housing'. Section 3.2.1 of the Official Plan defines 'affordable ownership housing' as:

"Housing which is priced at or below an amount where the total monthly shelter cost (mortgage principal and interest – based on a 25-year amortization, 10 per cent down payment and the chartered bank administered mortgage rate for a conventional 5-year mortgage as reported by the Bank of Canada at the time of application – plus property taxes calculated on a monthly basis) equals the average City of Toronto rent, by unit type, as reported annually by the Canada Mortgage and Housing Corporation. Affordable ownership price includes GST and any other mandatory costs associated with purchasing the unit."

Official Plan Section 3.2.1.9 further requires the provision of affordable rental and/or affordable ownership housing on large sites (over 5 hectares, or approximately 12 acres in size) and in certain Secondary Plan areas. One such example is Build Toronto's Downsview property within the Downsview Park Secondary Plan Area. The subject lands comprise approximately 7.7 hectares (19.0 acres), thus meeting the Official Plan criteria of a large site for the purposes of affordable housing requirements.

The nature and scope of the current Build Toronto proposals will have the effect of introducing a new neighbourhood into the fabric of nearby established, stable low density neighbourhoods. Section 3.3 of the Official Plan on Building New Neighbourhoods states that new neighbourhoods will have a comprehensive planning framework reflecting the Plan’s city-wide goals as well as the local context.

The framework should include:

- the pattern of streets, development blocks, open spaces and other infrastructure;
- the mix and location of land uses;
- a strategy to provide parkland and to protect, enhance or restore natural heritage;
- a strategy to provide community services and local institutions; and
- a strategy to provide affordable housing.

New neighbourhoods will be viable as communities and should have:

- a community focal point within easy walking distance of the neighbourhood’s residents and workers;
- a fine grain of interconnected streets and pedestrian routes that define development blocks;
- a mix of uses and a range of building types;
• high quality parks, community recreation centres, open space and public buildings; and
• services and facilities that meet the needs of residents, workers and visitors.

New neighbourhoods will be carefully integrated into the surrounding fabric of the City and will have:
• good access to transit and good connections to the surrounding streets and open spaces;
• uses and building scales that are compatible with surrounding development;
• community services and parks that fit within the wider system; and
• a housing mix that contributes to the full range of housing.

Build Toronto's Official Plan amendment application proposes to redesignate portions of the site from Mixed Use Areas to Neighbourhoods. Under Section 4.1 of the Plan, Neighbourhoods are considered physically stable areas made up of residential uses in lower scale buildings such as detached houses, semi-detached houses, duplexes, triplexes and townhouses, as well as interspersed walk-up apartments that are no higher than four storeys. Parks, low scale local institutions, home occupations, cultural and recreational facilities and small-scale retail, service and office uses are also provided for in Neighbourhoods.

The current irregularly-shaped Runnymede Park is designated in the Official Plan as Parks and Open Space Areas - Parks. Parks and Open Space Areas comprise the City's parks and open spaces, valleys, watercourses and ravines, portions of the waterfront, golf courses and cemeteries which comprise part of the City's green open space network. Development is generally prohibited within Parks and Open Space Areas except for recreational and cultural facilities, conservation projects, cemetery facilities, public transit and essential public works and utilities where supported by appropriate assessment. Policy 4.3.8 of the Official Plan states that "The sale or disposal of publicly owned lands in Parks and Open Space Areas is discouraged and no City owned lands in Parks and Open Space Areas will be sold or disposed of. However, City owned land in Parks and Open Space Areas may be exchanged for other nearby land of equivalent or larger area and comparable or superior green space utility".

Section 5.1.1 policies respecting Height and/or Density Incentives under Section 37 of the Planning Act permit the enactment of zoning by-laws that would allow additional height and/or density for a use than is otherwise permitted in return for the provision of community benefits. Section 37 benefits may be sought where this additional height and density is deemed to be good planning, consistent with the objectives of the official plan, and compliant with built form and neighbourhood protection policies.

Zoning
The majority of the subject lands including the majority of Runnymede Park (as shown on Attachment 5: Zoning) remain zoned Agricultural Holding (AG) under the applicable former City of Scarborough Birchcliff Community Zoning By-law No. 8786, as amended, which only permits agricultural field crops.

The north-easterly portion of the site is zoned Community Commercial (CC) permitting, retail stores and offices, medical centres, banks, personal service shops, restaurants, automobile sales, automobile service stations, frozen food and commercial storage, places of entertainment or recreation, service shops and agencies, custom workshop and studios. This area is a remnant of a larger Community Commercial (CC) zone originally established on the eastern portion of the Birchcliff Quarry Lands by the former Township of Scarborough in 1960. The lands are not currently developable for the above permitted uses as they lack the required frontage on a public street.
Only the easterly portion of the City’s Runnymede Park is currently zoned Park (P) permitting land or structures owned and operated by a public authority for the provision of recreational, cultural and conservation activities, facilities and services, and day nurseries. This zoning was applied as part of the 1969 rezoning applying to the easterly Conservatory Group lands.

The subject lands are not currently subject to City of Toronto Zoning By-law 569-2013.

**Site Plan Control**

The lands are subject to site plan control. An application for site plan control has only been submitted for the proposed commercial block fronting Victoria Park Avenue, which continues under review (File No. 11 233047 ESC 36 SA). The current site plan (Attachment 1: Site Plan (Commercial)) locates the proposed commercial facility prominently at the Victoria Park/Musgrave intersection with significant building frontage along both streets as illustrated on Attachment 2: Elevations (Commercial). Build Toronto is continuing discussions with Urban Design staff regarding the potential placement of a public art feature at the prominent Victoria Park Avenue/Musgrave Street corner of the development.

Three vehicular site accesses are proposed. One will be a right-in/right-out only entrance from northbound Victoria Park Avenue leading directly into an underground parking garage for 225 vehicles. A second entrance off of the Musgrave Street extension east of the new building provides access to an additional 68 surface public parking spaces. A third driveway at the east end of the site, aligned opposite the potential future Blantyre Avenue extension, provides separate truck access to loading docks and service areas at the rear north-east corner of new building.

Engineering and Construction Services advises a non-uniform road widening on Victoria Park Avenue north of the proposed Musgrave Street Extension of approximately 2.5 metres, reducing to approximately 1.1 metres at the north limit of the development site is required. The road widening will be secured through the subdivision conditions (Attachment 13: Conditions of Draft Plan Approval). This widening has also been reflected in the building setback requirements in the proposed zoning by-law amendments for the new commercial block fronting Victoria Park Avenue (Attachment 10: Draft Zoning By-law Amendment (Birchcliff Community Zoning By-law No. 8786 - Commercial Block, and Attachment 11: Draft Zoning By-law Amendment (Zoning By-law 569-2013 - Commercial Block).

Build Toronto advises further site plan applications for the proposed residential blocks will be submitted at a later date when one or more development partners for those projects have been identified.

**Reasons for Application**

While the current Mixed Use Areas designation of the Official Plan is sufficient to enable the Build Toronto proposals to proceed through rezoning and subdivision of the lands, the Official Plan amendment application seeks to establish appropriate residential designations to establish greater certainty, particularly for the community, as to the intended development on those blocks. Amendment to the Plan is also required to reconfigure the current Parks and Open Space Areas - Parks designation to better represent the new park configuration being proposed through the subdivision application, and to enable conveyance of the land to Build Toronto. Approval of the proposed Official Plan amendments will also enable the proposed new public streets to be identified on Schedule 2 of the Plan, 'The Designation of Planned But Unbuilt Roads'.

An amendment to the Official Plan is also required to permit the provision of affordable housing required in Official Plan Section 3.2.1.9 in amount that is less than the requirement level of 20% of all residential units.

**Staff report for action – Final Report – 411 Victoria Park Ave, 2510 and 2530 Gerrard St. East V.05/13**

The lands remain zoned Agricultural Holding (AG) or Parks (P) under the applicable former City of Scarborough Birchcliff Community Zoning By-law No. 8786, as amended, which zones do not permit the various developments now proposed. The rezoning application is required to establish appropriate new zone categories, together with appropriate new development standards, in order to accommodate the proposed development proposals.

The draft plan of subdivision application is required in order to establish new public streets within the development, establish the various development blocks and reconfigure the public parkland to serve the new neighbourhood.

**Community Consultation**

In July 2011, Build Toronto commenced dialogue on its development considerations with the local resident group that has been most actively involved in planning discussions involving the larger Birchcliff Quarry Lands since its founding in 2003, the Concerned Citizens of Quarry Lands Development (CCQLD). Build Toronto has since maintained contact with CCQLD through both a series of on-going communications and direct discussions at numerous CCQLD meetings.

Prior to submission of its Official Plan amendment and rezoning application in December 2012, Build Toronto also initiated its own facilitated community meeting on October 3, 2012 at Malvern Collegiate Institute, attended by approximately 70 people from both east and west of Victoria Park Avenue, to provide an update to residents on its development objectives and park proposals. Key themes emerging from that meeting included:

- The community's desire for continued opportunities to provide input on the Build Toronto proposals as they go through the City's approvals process;
- The importance of the new development making contributions which support the values of the neighbourhood;
- Concern over the adjacent Conservatory Group lands and how the Build Toronto proposals can shape or influence what happens there;
- Concern over the need for and impacts from the proposed large format retail store; and
- Ensuring Build Toronto addresses the impacts of the new development on existing road, sewer and transit infrastructure.

Pursuant to Community Council's directions of February 2013 (including expanded Notice), Community Planning conducted a community consultation meeting on May 13, 2013 at Blantyre Public School attended by approximately 130 residents, the Ward Councillor, Build Toronto representatives, adjacent land owners and staff from City Planning, Engineering and Construction Services and Transportation Services.

Questions and concerns expressed, either at the meeting or through subsequent e-mails received, predominantly related to:

- The need for another large format ('big box') retail store, given the number of such facilities already existing in the area;
- Who the retail tenant might be;
• Concern over the greater traffic levels such facilities draw from larger catchment areas, as opposed to those generated by smaller, neighbourhood scale facilities that would be more desirable;
• Potential traffic impacts from the overall development, as well as the adequacy of local school and servicing infrastructure capacities;
• The type of wastes previously disposed of across the Birchcliff Quarry Lands during the 1950's and '60's, their exposure and handling during construction, and potential impacts on the future and neighbouring residents;
• The potential loss of a large remaining 'natural' green space close to the heart of the City providing tree canopy, wildlife habitat, and that the community has enjoyed informally for many decades for hiking and dog-walking; and
• The Build Toronto proposals doing little to dissuade the owner of the lands immediately to the east, the Conservatory Group, from proceeding to construct its four 'as-of-right' high density, high rise apartment buildings that have been a major concern to this community since they were first zoned for in 1968 under arguably out-dated planning principles.

Subsequent to the community consultation meeting, Build Toronto convened a further meeting with the community on March 18, 2014, again at Malvern C.I. The meeting, facilitated by staff from Evergreen and attended by approximately 60 residents, the Ward Councillor, Community Planning and Parks, Forestry and Recreation staff and Build Toronto representatives, was intended to explore best practices and creative ideas for the future use and programming of the new park being proposed.

There was a strong consensus among residents that the new park should left in a natural, 'wild' state as much as possible to protect trees, wildlife habitat and to allow passive recreational activities and interpretive trails for hiking. Heavily manicured parkland or actively programmed sports activities were strongly discouraged, while dog-friendly and water-based recreational features were encouraged. Other suggestions included an arts/cultural interpretation facility, a gazebo, 'welcome' pavilion and/or community stage, a modest children's playground at the south end near Gerrard Street East, lighting, benches and picnic tables, and improved access to the park from adjacent streets. Community food gardens were discouraged by some, citing concerns about health impacts due to buried wastes on the site.

As part securing Ministry of the Environment and Climate Change (MOECC) approval of a Record of Site Condition (RSC) pursuant to Ontario Regulation 153/04, Build Toronto has undertaken a Site Specific Risk Assessment (SSRA) to determine appropriate risk management measures to ensure identified impacts from buried materials on the site will not pose a risk to future occupants and neighbouring land uses. The results of this work were presented by Terrapix Environmental Ltd. at a community information meeting hosted by Build Toronto on Tuesday, June 23, 2015 at Birchcliff Bluffs United Church. Approximately 20 area residents attended the meeting together with senior Build Toronto representatives.

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 and conditions of Draft Plan Approval.

COMMENTS
The proposal is consistent with the Provincial Policy Statement and conforms, and does not conflict with the Growth Plan for the Greater Golden Horseshoe. Both the PPS and the Growth Plan encourage intensification and redevelopment in urban areas, which helps provide healthy, liveable and safe communities, in this case by making efficient use of a long vacant former industrial site.

**Land Use**

The Official Plan designates this site as Mixed Use Areas and Parks and Open Space Areas - Parks. Mixed Use Areas permits a broad range of commercial, residential and institutional uses, in single use or mixed use buildings, as well as parks, open spaces and utilities. Other than adjustments to the Mixed Use Areas and Parks and Open Space Areas - Parks designation to reflect the reconfiguration of Runnymede Park being proposed, the Build Toronto proposals would otherwise comply with the Official Plan without requiring further amendment or redesignations.

To afford greater certainty, however, particularly for the community as to what development forms are actually being proposed and where they will be located on the site, Build is proposing the introduction of a new Neighbourhoods designation for the townhouse residential components of the proposed site redevelopment. Such redesignation would not be inconsistent with the current Mixed Use Areas designation and can be supported by Planning staff.

**Density, Height, Massing**

The commercial development on Victoria Park Avenue is proposed at a density of 0.5 times the lot area for this 1.88 hectare (4.6 acre) site. The proposed building would be one-storey having numerous architectural elements of varying height generally not exceeding 10 metres (33 feet). As Victoria Park Avenue slopes downward from south to north due to the railway grade separation, the western façade of the building (which also incorporates the underground parking garage) will have slightly higher heights generally not exceeding 11.3 metres (37 feet). (See Attachment 1: Site Plan (Commercial) and Attachment 2: Elevations (Commercial)).

While final details on the proposed commercial building continue to be refined and the City's review of the site plan application for this continues, Community Planning and Urban Design staff are currently satisfied with the density, height and massing being proposed.

Site Plan Control applications for the proposed residential developments will not be filed with the City until Build Toronto identifies one or more development partners to undertake development. Planning staff have nonetheless had numerous discussions with Build Toronto to address the residential built forms that could be accommodated on the residential blocks. Particularly to aid in determining appropriate development standards for the zoning by-law amendment, Planning staff challenged Build Toronto to provide site plan concepts for the various blocks. Build Toronto responded with a number of increasingly detailed 'demonstration concept plans' for review and discussion, the latest of which is reflected on Attachment 3: Conceptual Site Plan (Residential).

The proposed 105 'stacked' townhouse units illustrated on Blocks 7, 8 and 9 (Attachment 3: Conceptual Site Plan (Residential)) would consist of 'pods' of three units each; a single-storey 2-bedroom ground floor unit, with two larger 3-bedroom, 3-storey units above, for a total height of 4-storeys. Block 7 would consist of two rows of stacked townhouses (3 buildings per row) separated by a central lane to the rear of the units providing access to garages for each unit. The eastern row of units would be oriented to present individual front doors along the west side of Street 'C', while the western row would have front...
doors with walkway access facing the adjacent park proposed to the west. The units on Blocks 8 and 9
would be oriented with individual front doors along the east side of Street 'C', with rear lane access to
resident garage and visitor parking. The remaining 15 townhouses on the northerly Street 'C' cul-de-sac
(Block 10) would be standard 3-storey, 3-bedroom units having individual front driveways from the
street to enclosed garage parking spaces.

For the proposed apartment building on Block 5, Planning staff are satisfied that a building of up to 8
storeys oriented north/south can readily be accommodated. This would include applying a 45-degree
angular plane requirement from the property line with the proposed park to the east, in order to minimize
building shadowing on the park. At 180 units comprising approximately 18 000 square metres (193,760
square feet), the proposed residential density of this block would be 323.7 units per hectare (131 units
per acre), with a floor space index (f.s.i.) of approximately 3.2 times the block area.

The location, heights and massing of the proposed buildings are not expected to create adverse wind
conditions or negative impacts on pedestrian comfort in the new development. The applicant has
examined potential shadow impacts from the proposed 4 to 8 storey apartment building on Block 5. In
order to minimize afternoon shadow impacts from this building easterly onto the new park, Planning
staff propose that a 45-degree angular plane height limitation from the east property line of Block 5 be
applied in the new zoning (Attachment 12: Draft Zoning By-law Amendment (Birchcliff Community
Zoning By-law No. 8786 – Balance of Site).

Further design details will be addressed through future site plan applications for each of the residential
blocks, having particular regard to the overall principles and design objectives for the neighbourhood set
out in proposed Site and Area Specific Policy No. 485 contained in Attachment 8: Draft Official Plan
Amendment No. 288.

Planning staff are satisfied at this time, however, that the currently proposed densities, heights, building
massing, maximum lot coverages (from 30 to 45% of the various block areas), minimum landscaping
provisions (from 25 to 40% of the various block areas), minimum street yard setbacks of 3 metres (9.8
feet) or 4.5 metres (14.8 feet), and minimum separations between townhouse blocks of 2.4 metres (7.9
feet) sufficiently inform appropriate development standards to be applied, as further detailed in
Attachment 12: Draft Zoning By-law Amendment (Birchcliff Community Zoning By-law No. 8786 –
Balance of Site). The housing proposals are suitable given the configurations and locational context of
each block, will accommodate necessary amenities for the new residents including adequate
landscaping, provide opportunities for overlook and views into adjacent parks and nearby open spaces,
and provide an appropriate transition in scale and comfortable separation from both the neighbouring
low density residential uses to the south and the currently permitted 20+ storey apartment buildings to
the east.

**RioCan**

RioCan Holdings (GTA Marketplace) Inc. is the owner of the Victoria Crossing plaza immediately
south of Build's proposed commercial block, which it acquired from the original developer, Runnymede
Development Corporation. Build Toronto requires approximately 850 square metres (0.2 acre) of land
from the north-western corner of the RioCan lands, indicated as Street 'A1' on Attachment 4: Draft Plan
of Subdivision, in order to fully implement the Musgrave Street extension and intersection on Victoria
Park Avenue.

Build Toronto has received a commitment from RioCan for the conveyance of the Street 'A1' block on
its lands to the City of Toronto for future public street purposes. Build Toronto will be responsible for
implementing associated parking and drive aisle modifications to the RioCan site resulting from these changes. This includes introducing a new driveway access into the RioCan site from the new Musgrave Street extension and closing the existing driveway access off Victoria Park Avenue.

Under the Build Toronto/RioCan arrangement, RioCan will also provide a deed-in-escrow to the City Solicitor for conveyance of the Street 'A1' block directly to the City, for completion of the Musgrave Street extension and new intersection with Victoria Park Avenue meeting all City standards, on the express understanding the City will not register the deed until both of the zoning by-laws being recommended in this report for the commercial lands are in full force and effect. Appropriate direction to the City Solicitor in this regard is included in the Recommendations section of this report.

RioCan has also recently submitted a site plan application (File No. 15 163947 ESC 36 SA) to permit a 1 117 square metre (12,024 square foot) addition to the existing FreshCo food store on the north-east portion of the site. Planning staff will be addressing all site plan changes and any zoning relief (e.g. parking or density) ultimately required to address both the proposed building expansion and the Street 'A1' conveyance in a coordinated manner through this application.

RioCan has indicated that it does not support City Planning's proposal to reintroduce the former Blantrye Avenue Road allowance as a future public street in Schedule 2 of the Official Plan, 'The Designation of Planned But Unbuilt Roads' (Attachment 9: Draft Official Plan Amendment No. 324).

Traffic Impact, Access, Parking
Residents have expressed concerns that traffic volumes on Victoria Park Avenue and Gerrard Street East, notably at the intersection of these two streets during peak hours, continue to worsen, and that area streets would become overly congested with the addition of both the new residential uses and particularly the large format retail store being proposed.

To meet City application requirements, BA Consulting Group undertook an Urban Transportation Considerations report to assess the Build Toronto proposal. The report considered the configuration of the new public streets proposed within the development and intersections with adjacent arterial streets, traffic associated with planned developments on the adjacent Conservatory Group lands, existing conditions and general traffic growth along area corridors, conservative (i.e. high) allowances for forecast increases in background traffic levels, transit availability and improvements in pedestrian connectivity between the new developments and adjacent neighbourhoods. The study indicated the proposed development would generate approximately 250 two-way vehicle trips during the morning peak hour, 450 two-way trips during the weekday afternoon peak hour, and 550 two-way trips during the Saturday mid-day peak hour. The report concluded that the traffic generated by the proposed development would be adequately distributed and can be appropriately accommodated without undue impact across the public road network subject to a number of proposed operational modifications being implemented.

While Transportation Services staff concur with the findings of this report, a number of associated requirements are proposed as further detailed in Attachment 13: Conditions of Draft Plan Approval. These include:

- Road widening requirements along the Victoria Park Avenue frontage of the commercial Block 1 (Block 3 on Attachment 4; Draft Plan of Subdivision), as well along Gerrard Street East (Blocks 11 and 12 on Attachment 4);
• The proposed underground parking access onto Victoria Park Avenue for the proposed commercial Block 1 (Attachment 4: Draft Plan of Subdivision) must be restricted to right in/right out movements only through installation of a center median with one-way arrow signage on Victoria Park Avenue from the railway grade separation bridge structure to approximately 10 metres south of the proposed driveway location;
• The southbound left turn lane at the intersection of Victoria Park Avenue and Musgrave Street must be extended 14 metres northerly to accommodate the left turn traffic volumes generated from the development;
• A $100,000 security is required for 50% of the cost for future installation of traffic control signals at the intersection of Blantyre Avenue and Gerrard Street East;
• A $200,000 security is required for possible future installation of traffic control signals at the intersection of proposed Street C and Gerrard Street East. The security will be returned if the signals are not justified and/or required for safety reasons within five (5) years of full occupancy of this development, at the discretion of the General Manager, Transportation Services;
• Build Toronto will be responsible for all costs associated with traffic control signal modifications (including phasing optimization/timing modifications) and hardware required at all intersections analyzed in the traffic impact study, including the Victoria Park Avenue and Musgrave Street intersection. Build Toronto is also responsible for all costs associated with installation of the northbound advance left turn phase at the intersection of Danforth Avenue and Victoria Park Avenue during the weekday afternoon and Saturday mid-day periods; and
• Build Toronto will be responsible for all other costs associated with the installation/alterations of all other municipal street signage, traffic control signage and pavement markings required for this development.

Planning staff are also satisfied that the parking requirement standards under the proposed zoning by-law amendments attached to this report will be sufficient to adequately accommodate the new land uses proposed without encouraging over-flow parking onto adjacent properties, the new public streets and particularly into adjacent neighbourhoods.

Servicing
Residents have raised concerns regarding the impact of the proposed development on the capacity of local servicing infrastructure. Build Toronto's submitted Functional Servicing Report, Stormwater Report and associated engineering details prepared by Husson Engineering have been reviewed by Engineering and Construction Services staff. No issues relating to current servicing capacities to accommodate the proposed development have been identified.

Not directly related to servicing the Build Toronto proposals but likely to impact primarily on the proposed commercial development in future, will be a major new trunk watermain planned by Toronto Water. Toronto Water initiated a Municipal Class Environmental Assessment (EA) study in the fall of 2007 to determine a preferred route for this line running from Gerrard Street East at Blantyre Avenue northerly to the Eglinton Reservoir on Ashtonbee Avenue. The new watermain is required to support the existing watermain, reinforce supply, increase security, improve system hydraulic performance and contribute to meeting related City of Toronto commitments to York Region. The EA completed in 2008 and approved by MOECC in 2010 identified the preferred route as running westerly on Gerrard Street East from Blantyre Avenue to Victoria Park Avenue and turning northerly to approximately Musgrave Street. This portion of the line would be constructed using 'cut/cover' methods having potential for significant traffic disruptions on these streets during the construction period. The watermain would then proceed northerly as a deeper buried pipe under Victoria Park Avenue using tunnel boring technology with limited to no impacts on surface traffic.

Staff report for action – Final Report – 411 Victoria Park Ave, 2510 and 2530 Gerrard St. East
V.05/13 17
As a result of the EA, Toronto Water in 2012 secured an easement on the north-west portion of Block 1 shown on Attachment 4: Draft Plan of Subdivision for the purposes of extracting the tunneling equipment, storing materials and construction staging. The watermain project currently scheduled by Toronto Water to commence in 2023, however, would be well after Build Toronto's intended commercial development is in place, however, for which the easement would remain an impediment to any construction until it is lifted. Accordingly, Build Toronto and Toronto Water are continuing discussions to explore an alternative to the EA approved alignment with its resulting road impacts. This alternative would see the new Musgrave Street extension closed for the 6 to 9 month period of construction, with the tunnel borer extraction shaft located within the Musgrave Street road allowance close to the intersection, and the construction staging area for the new watermain equipment and materials also within the road allowance or possibly other Build Toronto lands immediately to the east. Build Toronto indicates its prospective commercial tenant is aware of and accepts this potential future disruption. Similarly, Transportation Services has not indicated concerns with the temporary closure of the Musgrave Street extension during the construction period.

Discussions continue on further alignment options using the Musgrave Street alternative and resulting requirements on Toronto Water to revise the approved EA. Toronto Water is prepared, however, to accept the rezoning of Block 1 at this time and to also commit to the lifting of its easement on Block 1 subject specifically to the four requirements set out under Condition 56 in Attachment 13: Conditions of Draft Plan Approval.

Schools
Resident concerns have been raised regarding the impact of the proposed development on the capacity of local schools. Based on 2001 to 2011 census information, the number of children under 14 years of age in this community dropped by 16.5%, more than double the decline city-wide (7.6%). The number of youths aged 15 to 24 years, however, increased by 10.6% (compared to 8.1% city-wide) during this same period. While the school boards circulated on the subject applications have not raised capacity concerns for area elementary schools, the Toronto District School Board (TDSB) has indicated there is insufficient local secondary school space to accommodate students anticipated from this proposed development. TDSB requests that the status of local school accommodation be conveyed to potential purchasers and communicated to inform the community that children from the new development will not displace existing students. Accordingly, TDSB has requested conditions of approval requiring the posting of signage and including warning clauses in the offers of purchase and sale of the residential units to this effect. These requirements are included in the proposed Attachment 13: Conditions of Draft Plan Approval.

Economic Impact
The subject lands are vacant, having little to no direct economic benefits currently. The introduction of a new neighbourhood here consisting of both new commercial employment and business opportunities, together with the introduction of new residential population base to support area businesses, would positively contribute to employment growth and the local and broader city economies.

Open Space/Parkland
Runnymede Park is an irregularly shaped parcel comprising 1.8 hectares (4.5 acres) that has never been programmed or improved for use as a public park. Build Toronto is now proposing residential developments and a new public street on portions on the park, and to reconfigure the park into a new 'T-shape' in two parts totalling 1.723 hectares (4.26 acres). Block 6 (as shown on Attachment 4: Draft Plan of Subdivision) extending from the new Street 'B' down to Gerrard Street East would be...
approximately 0.9 (2.2 acres) in size and would incorporate two underground storm water management facilities to service the development. Given the location of this block and convenient access for both the new housing and nearby neighbourhood, it is reasonable to anticipate that this block will likely be the more actively used by those residents.

The second more linear approximately 0.83 hectare (2.0 acre) park block (Block 4 on Attachment 4: Draft Plan of Subdivision) would extend north of the new streets along the entire site east of the proposed commercial block, adjacent to the Metrolinx/GO rail line. Separating this block from the railway lands will be a 2.0 metre (6.6 foot) wide block (Block 14) extending the length of Block 4 to accommodate both a retaining wall supporting the required railway crash berm to be located on Block 4, and a security fence above to prevent trespass onto the rail corridor. Given its configuration and berming, Block 4 will be more conducive for less active use such as a possible linear pedestrian/cycling trail with significant renaturalization to reflect current conditions. In combination, Blocks 4 and 6 will come very close to replacing today's Runnymede Park on an 'acre per acre' basis pursuant to Policy 4.3.8. of the Official Plan (i.e. 1.8 hectares existing vs. 1.723 hectares proposed.) The remaining shortfall of 770 square metres (0.17 acres) is proposed to be recovered through cash-in-lieu of parkland dedication contributions.

In order to implement the redevelopment proposal being advanced by Build Toronto overall, it is particularly necessary for Build Toronto to acquire Runnymede Park from the City. Build Toronto formally initiated the transfer process with Real Estate Services (RES) in December 2014. The request was circulated by RES to City Divisions, agencies and corporations for any expressions of interest in the lands, for further review and consideration by the Technical Working Committee (TWC) and Property Management Committee before the lands can be deemed surplus for any transfer to Build Toronto. Concerns regarding the potential transfer to Build Toronto expressed by Parks, Forestry and Recreation and Toronto Water at TWC meetings earlier this year have now been fully resolved as per communications from these Divisions to RES dated July 23 and August 4, 2015 respectively.

In order for the actual conveyance of the Runnymede Park lands to Build Toronto to proceed further, however, City Council's approval of the new parkland configuration, through adoption of Attachment 8: Draft Official Plan Amendment No. 288, is first required to both establish the new Parks and Open Space Areas - Parks designation on the plan's land use maps, and to also provide relief from current plan policies that restrict the transfer of City parkland, is required. The necessary Site and Area Specific Policy to address the latter is discussed further under Proposed Official Plan Amendment below.

In this regard, Planning staff are also recommending in this report that the bill to rezone the east portion of the subject lands (Attachment 12: Draft Zoning By-law Amendment (Birchcliff Community Zoning By-law No. 8786 – Balance of Site) not be presented to Council for enactment until both Official Plan Amendment No. 288 has come into final effect to permit disposal of the park, and the surplus declaration process and land transfer to Build Toronto are both completed.

Policy and Development staff in Parks, Forestry and Recreation have also provided the following specific commentaries on the applications:

**Applicability of Parkland Dedication**

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 the local parkland provisions across the City. The lands which are the subject of this application are in an area with 0.8 + 1.56 hectares of local parkland per 1,000 people. The site is in the third highest quintile of current
provision of parkland. The site is in a parkland priority area, as per Chapter 415, Article III of the Toronto Municipal Code.

**Calculation of Parkland Dedication**
The Owner is proposing to redevelop the subject lands with up to 300 residential units and 1.965 hectares (4.86 acres) of commercial lands within a net site area for those uses of 4.314 hectares (10.66 acres). At the alternative rate of 0.4 hectares per 300 units specified as per Chapter 415, Article III of the Toronto Municipal Code a cap of 15% is applied for sites that are between 1-5 hectares in size. Therefore the parkland dedication requirement for the residential component would be 0.4 hectares and the non-residential component will be subject to a 2% parkland dedication requirement of 0.0197 hectares. The total parkland dedication requirement is therefore 0.4197 hectares (1.04 acres) which equals 9.73% of the net site area. It is important to clarify that the above requirements are over, above and notwithstanding Build Toronto's proposal to replace Runnymede Park with the new park Blocks 4 and 6 illustrated on Attachment 4: Draft plan of Subdivision.

**Proposal of Parkland Dedication**
The applicant will be required to satisfy the parkland dedication requirement for 0.4197 hectares (1.04 acres) through a cash-in-lieu payment. The actual amount of cash-in-lieu to be paid will be determined at the time of issuance of the building permit. This parkland payment is required under Section 42 of the Planning Act, and is required as a condition of the building permit application process.

Under the new Alternative Parkland Dedication by-law, the first 5% of the cash-in-lieu is to be deposited into the 4 reserve accounts as per the City's existing cash-in-lieu policy, whereas the balance of the cash-in-lieu monies can be used for acquiring parkland or improving existing parks in the vicinity of the development where the cash-in-lieu of parkland dedication originated. It is recommended that this cash-in-lieu (above the first 5%) be directed by City Council to be applied toward Above Base Park Improvements for the new park, to supplement Build Toronto's separate Section 37 monetary commitments for this same purpose.

**Conditions of Runnymede Reconfigured Parkland Dedication**
If Council approves this application, Build Toronto will be required to provide the reconfigured Runnymede Park (1.723 hectares, or 4.26 acres) as denoted in the Draft Plan of Subdivision prepared by MHBC Architecture revision dated on June 18, 2015 (Attachment 4: Draft Plan of Subdivision). There is a shortfall of 770 square metres (0.19 acre) from the original Runnymede Park which has a land area of 18 000 square metres (4.45 acres). The applicant will be required to satisfy the short fall of 770 square metre parkland dedication through a cash-in-lieu payment. The actual amount of cash-in-lieu to be paid will be determined at the time of issuance of the building permit. This parkland payment is required under Section 42 of the Planning Act, and is required as a condition of the building permit application process.

The new design allows for greater park usage and visibility and will also provide a passive park area along the railway berm. Portions of the park reconfiguration will be encumbered by underground storm water tanks to be owned and maintained by Toronto Water.

**Council Approval of Development Charge**
City Planning is requested to provide a recommendation in the final report to City Council for approval to use the Park and Recreation component of the Development Charges from the development to provide Above Base Park Improvements to the proposed parkland in exchange for a Development Charge credit. This will further supplement the similar cash-in-lieu of parkland dedication and Section 37 monetary commitments discussed above.

Staff report for action – Final Report – 411 Victoria Park Ave, 2510 and 2530 Gerrard St. East V.05/13
Should Council approve a development charge credit against the Parks and Recreation component of the Development Charges for the design and construction by the owner of the Above Base Park Improvements to the satisfaction of the General Manager, Parks, Forestry and Recreation, the development charge credit shall be in an amount that is the lesser of the cost to the owner of designing and constructing the Above Base Park Improvements. Note the Parks and Recreation component of development charges payable for the development in accordance with the City's Development Charges By-law, may be amended from time to time.

Approval of the Above Base Park Improvement recommendations in this report relating to Build Toronto's Section 37 commitment of $500,000.00, together with the assignment of Development Charges and cash-in-lieu of parkland dedications, will enable Parks, Forestry and Recreation staff to further identify, cost and proceed with detailed design of such 'above base' features through further community consultations in conjunction with the Ward Councillor.

**Streetscape**

As illustrated in Attachment 1: Site Plan (Commercial) and Attachment 2: Elevations (Commercial), the proposed commercial development at the north-east corner of the planned Musgrave Street extension/Victoria Park Avenue intersection will introduce an interesting new building incorporating multiple coordinated architectural elements at this prominent entry into the new neighbourhood. The south façade of the building oriented along the new Musgrave Street extension will provide the more active public face of the building, with entry doors, more expansive glazing and two smaller ancillary retail units. Due to the lower grading of Victoria Park Avenue associated with the rail overpass, the western building façade has not been designed to attract active direct pedestrian connectivity due to the height of the upper level retail space above this portion of the street.

Build Toronto is also currently discussing provision of a prominent public art feature with Urban Design staff, to add further interest to the street corner, in conjunction with the site plan application continuing under review for this block.

Future streetscaping improvements for the residential portions of the development will be addressed through pending site plan applications for those components, again having regard to the overall principles and design objectives for the neighbourhood set out in proposed Site and Area Specific Policy No. 485 contained in Attachment 8: Draft Official Plan Amendment No. 288.

**Natural Heritage and Environment**

The subject lands comprise part of what is now commonly referred to as the larger 'Birchcliff Quarry Lands' extending from Victoria Park Avenue east to Clonmore Drive, between Gerrard Street East and the rail corridor to the north. The term 'quarry' derives from the history of the lands, which were first purchased by the Toronto Gravel Road Company in the latter 1800's. Following the Great Toronto Fire of 1904, houses and buildings were required to be built out of brick, which prompted tremendous growth in the sand/gravel quarrying and brick making industries within and around the city. After World War I at least 36 brick works were in operation, many in eastern Toronto including the Don Valley, what is today Greenwood Park and at other locations similar to the subject lands along the former Lake Iroquois shoreline. Quarrying and brick making operations by the Toronto Brick Company commenced most actively here during the 1930's and continued to the late-1950's, with remnant buildings largely removed during the 1960's. During this period, the lands over time were almost entirely disturbed by these activities. Remaining pits on the west portion of the Quarry Lands were generally filled with demolition
and similar industrial debris, while a pit on the eastern portion was used briefly during the late 1950's for municipal waste disposal.

Since that time the lands, which have a varied topography, have largely renaturalized with some remnant forest remaining across the north side adjacent to the rail line. Groundwater entering one remnant pit on Gerrard Street East immediately east of the subject site has gradually generated a cattail marsh. The remainder of the lands (excluding the former golf driving range on Victoria Park Avenue) largely comprise various meadow and thicket vegetation communities.

The natural heritage value of today's Quarry Lands have been studied extensively. An inventory of the vegetation communities and species on the Quarry Lands was undertaken in 2000 by the Toronto Region Conservation Authority (TRCA) as a component of the City’s Natural Heritage Study background report for the new Official Plan. Using this information, the TRCA prepared a report on the area entitled “Gerrard Prairie - Biological Inventory and Assessment” in January of 2004. This report includes an assessment of the undeveloped areas of the Quarry lands.

The TRCA used their Terrestrial Natural Heritage Approach for the assessment, which scores and ranks biodiversity at three levels of detail; landscape, vegetation community and species levels. At the landscape level, patches of natural cover were evaluated based on spatial characteristics such as size and shape. Vegetation communities and species were evaluated according to ranking criteria related to abundance and sensitivity. As a result, the resulting overall score for this area assigned by TRCA was low. Based on these findings by TRCA, the Quarry Lands were ultimately not designated within the Natural Heritage System when the new Official Plan was enacted in 2002.

In support of the subject applications, Build Toronto also submitted a Natural Heritage Study prepared by the MMM Group Limited, providing a further detailed examination of the site including multiple field surveys. Similar to the TRCA study approach, MMM examined the various vegetation communities and the significance of various native and invasive species present. The most prevalent wildlife group encountered were birds. No evidence of amphibian presence was found due to lack of aquatic habitat. Mammal species typical of urban environments were abundant, and expected to remain following development, notwithstanding some disruptions to connecting habitats.

The study concluded that no significant species of flora or fauna would be at risk from the proposed development. The study recommends that no vegetation removals occur during the migratory bird period and other measures to protect vegetation during development activity. Proposed in this regard are set out in Attachment 13: Conditions of Draft Plan Approval.

In regard to community concerns regarding site environmental conditions, a Phase One Environmental Site Assessment of the property conducted for Build Toronto by Terrapex Environmental Ltd. identified a number of areas of potential environmental concern associated with historical fill placement at the site (including the infilling of pits associated with historical aggregate extraction), fuel handing (e.g., neighbouring gasoline stations) and solvent use (e.g., neighbouring dry cleaning establishments), as well as the presence of a former municipal landfill east of the property.

A subsequent Phase Two Environmental Site Assessment of the property has identified contaminants associated with historical fill placement as well as fuel and solvent use. Soil and groundwater contamination resulting from the historical adjacent landfill has not been identified at the property; however, elevated methane levels are present in the subsurface on the east side of the property.
A Risk Assessment per Ontario Regulation 153/04 is currently underway with the Ministry of the Environment and Climate Change to address potential risks associated with the identified contaminants. This process is still ongoing, but it is expected that risk management measures can be implemented to block potential exposure pathways to contaminants, and to mitigate the potential intrusion of methane vapours into buildings constructed at the property.

As the Quarry Lands have now largely remained vacant for over 50 years, the local community has come to greatly value this green space. Numerous informal trails, frequently used by the community for hiking or dog walking, now traverse the site. The loss of the Quarry Lands to development has clearly been the strongest and most consistent message expressed by this community in regard to the subject applications, the higher-density residential apartment towers proposed on the Conservatory Group lands to the east through zoning enacted in 1968, and during all related planning consultations with the community since the 1980's. Many residents have argued that, notwithstanding such study findings described above, the loss of this sizeable remaining green space and wildlife habitat in the heart of the city, particularly given today's growing global environmental challenges, would be 'unconscionable'. Many feel that the City should be preserving all of the lands for public park or other natural heritage purposes. Others, such as the CCQLD, are also concerned about potential community exposure to buried contaminants on the site from development activities, and that any development permitted here must be held to the highest environmental standards possible.

While Planning staff are sensitive to the concerns expressed by many residents that the Quarry lands ought to remain undeveloped, it must also be acknowledged that the subject lands were effectively committed for development through the Mixed Use Areas designation applied when City Council adopted the Toronto Official Plan in 2002. This intention, consistent with the PPS, was further reinforced by Council's 2006 decision to transfer the 4.98 hectares (12.3 acres) at 411 Victoria Park Avenue to Build Toronto's predecessor (TEDCO) for the purposes of further urban intensification of the lands.

**Railway Safety Infrastructure, Noise and Vibration**

The heavily used Lakeshore East Metrolinx/GO Transit, Via Rail and CN freight (Kingston Subdivision) rail corridor directly abuts to the north across the full extent of the subject lands. Build Toronto has submitted supporting noise and vibration technical documentation prepared by Novus Environmental Inc., which includes projected 10-year increases in both area road and rail (passenger and freight) traffic activity. The report addresses Ministry of the Environment and Climate Change (MOECC) Publication LU-131 on sound level criteria and requirements for new residential developments near rail lines, related GO Transit noise requirements, crash safety standards and criteria for vibration impact assessments, the implications of road noise on, or generated by, the development, and to assess other noise impacts of the development on the surrounding area and on ’itself’.

The proposed draft plan of subdivision reflects Metrolinx requirements that residential uses are to be set back a minimum of 30 metres (98 feet) from the boundary of the rail corridor, with the provision of safety berming and/or engineered crash wall along the north side of the subject lands for public safety in the event of a derailment. The retaining wall for the berm and security fence, as discussed above, will be located on Block 14 (indicated on Attachment 4: Draft Plan of Subdivision).

Block 14 will be a land-locked parcel between the rail line and new park Block 4. To address future ownership and responsibilities for the continued maintenance and any future replacement of the retaining wall and fence, Build Toronto has proposed that this block become a common element to be co-owned and shared by the various common element condominiums to be established in future on the

Staff report for action – Final Report – 411 Victoria Park Ave, 2510 and 2530 Gerrard St. East

V.05/13 23
new residential blocks. In the interim until the last condominium has been established, Build Toronto or any successor in title would remain responsible for these features on a diminishing proportionate basis as each additional condominium is subsequently established. The recommended subdivision conditions (Attachment 13: Conditions of Draft Plan Approval) further detail the framework in which this transfer of ownership and responsibility is to occur.

For the proposed residential uses with respect to noise, the Novus report concludes that rail noise will be acceptable given separation distances from rail activities without specific need for an acoustical wall on top of the berm retaining wall. Additionally, residential facades facing the north, east, and west should have upgraded windows, the provision of central air conditioning (or accommodation for its future installation), and the inclusion of appropriate related noise warning clauses in offers of purchase and sale for the residential units.

The report indicates traffic levels generated by the proposed development will be small relative to the existing traffic volumes within the area, and would not be a concern with respect to noise impacts generated. Similarly, off-site impacts from mechanical roof-top equipment, emergency generators, etc. are not anticipated given the high ambient sound levels in the area, the large separation distances to off-site noise sensitive receptors, and the fact such systems need to be designed to ensure applicable noise guidelines are met for the new sensitive residential receptors on the site itself. In terms of the noise environment of the area, it is expected that the project overall will have a negligible effect on neighbouring areas.

Maximum ground-borne rail vibration levels measured by Novus in the approximate area of the closest proposed residential buildings were found to slightly exceed GO criteria (by less than 3 VdB). Given the unique soil characteristics of the site, recommended mitigation measures to meet GO's residential criterion include isolation of the foundations from the surrounding soil and through backfilling techniques for all residential uses within 75 metres of the rail corridor.

Overall, the Novus report concludes noise and vibration impacts on the development can be adequately controlled through the mitigation measures, façade designs and warning clauses recommended. Similarly, such impacts of the development on itself and on the surrounding are also anticipated to be negligible. Planning staff have identified appropriate conditions including warning clause requirements in Attachment 13: Conditions of Draft Plan Approval.

The Novus report indicates that its analysis has been very conservative, given the current lack of detailed design for the residential buildings. Planning staff are confident that all further detailed requirements respecting noise and vibration can be adequately addressed further during the site plan control application process for these buildings.

The proposed commercial uses on Block 1 fronting Victoria Park Avenue are not considered to be a sensitive receptor to rail-generated noise or vibration under MOECC or GO Transit criteria, however safety in the event of derailment must be considered. In lieu of a berm on this portion of the site, the building itself will act as a crash barrier to the extent the north portion of the building adjacent to the rail corridor is not accessible for general public use. To address this, the current site plan indicates that 12 metres (39.75 feet) across the full length of the north portion the building adjacent to the rail corridor will be utilized solely for deliveries and warehouse storage, staff rooms, washrooms, etc.

Metrolinx/GO Transit have not identified any further noise, vibration or safety concerns or additional requirements with respect to the current proposals before the City, but advise that further review on its...
behalf by AECOM Engineering will continue through further more detailed stages in the development process.

**TTC**

TTC has not identified transit service capacity issues with the Build Toronto proposals, but advises that site-generated traffic will result in additional delays to both northbound and southbound buses at the Victoria Park Avenue/Musgrave Street intersection. To mitigate such delays, TTC is requesting that $70,000.00 be provided by the owner to equip both the Victoria Park Avenue/Musgrave Street and Victoria Park Avenue/Gerrard Street East intersections for transit priority. This requirement is included in Attachment 13: Conditions of Draft Plan Approval.

**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.

The applicant is required to meet Tier 1 of the TGS. Performance measures for the Tier 1 development features will be secured through the subdivision approval process relating to construction activity and stormwater retention.

Other applicable TGS performance measures will be secured through the site plan approval process. Measures proposed for the commercial development on Block 1 currently under site plan application include, in part, 33% of the roof area proposed as Green Roof, provisions for 63 bicycle parking spaces exceeding current City requirements by approximately 40%, utilization of high-albedo surface materials for over 90% of all 'hardscaping', and new soft landscaping incorporating 90% native species and 55% water efficient plants. Tier 1 compliance will be further secured through the site plan approval process for the remaining residential components of the proposed development when applications for those elements are filed.

**Affordable Housing**

The applicant has agreed to provide 30 units of affordable 'ownership' housing as a component of the residential development. As a large site, greater than 5 hectares, Policy 3.2.1.9 of the Official Plan applies and requires the provision of 20% of the additional residential units permitted by the proposed residential density to be affordable ownership or rental units. The proposed zoning by-law amendment dealing with the proposed residential uses (Attachment 12: Draft Zoning By-law Amendment (Birchcliff Community Zoning By-law No. 8786 – Balance of Site) will provide for an overall maximum of 300 residential units, of which 60 would therefore have to be affordable housing to meet Official Plan requirements. The proposal is to provide 30 affordable ownership units which is a lesser amount than required by the Official Plan, necessitating appropriate policy attention as reflected in Attachment 8: Draft Official Plan Amendment No. 288.

Build Toronto is also a party to a Memorandum of Understanding with the Deputy City Manager responsible for the Affordable Housing Office, implementing a City Council direction regarding the development of affordable housing by Build Toronto. Targets were set for developing affordable rental and affordable ownership housing across Build's overall portfolio of surplus land properties transferred from the City. The provision of the 30 affordable ownership units on the subject site will assist Build Toronto to meet these targets.
Staff from the Affordable Housing Office have worked closely with City Planning and Build Toronto in
the preparation of the affordable housing proposal for this site. City staff are prepared to support
amending the Official Plan to permit the lower amount of affordable housing units, representing 10% rather than the required 20% of all residential dwelling units, due to the specific circumstances of this site's history and the resulting development challenges for Build Toronto. Key considerations in this regard include:

- Though a large site at approximately 7.7 hectares (19 acres), the scale of the residential component at a maximum of 300 units is relatively small for the size of the land area, providing a much smaller base of residential development income to help absorb the costs of providing affordable housing;
- A significant portion of the property, and of the Section 37 community contribution, is required for the provision of the park that will benefit the larger Birchcliff Quarry Lands, as well as the surrounding community;
- The cost requirements for safety berms and other measures to separate the new residential uses from the rail corridor north of the site;
- Significant constraints for siting the new developments imposed by numerous major underground servicing infrastructure crossing the subject lands, with associated easements; and
- The costs of dealing with the soil and groundwater conditions and any needed measures to ensure the site is able to be used for the intended residential and public park purposes.

**Provision of 30 Affordable Ownership Units**

Build Toronto will be contributing the land component for the 30 affordable ownership units as their Section 37 community contribution and to meet their Official Plan requirements for affordable housing. It will be provided at no cost to Habitat Toronto (Habitat) as the non-profit provider who will be providing and maintaining the affordable ownership features of these units. Build Toronto will be responsible at its own cost for ensuring that the land is ready and available for development, meaning that all related planning approvals have been obtained, the land is serviced to the lot line, any needed remediation of the soil has been completed or arrangements have been made to pay for such work during the construction of the units, and that the land is ready to be conveyed.

The land contribution is in two parts: a parcel on which Habitat will construct 24 stacked townhouse units, comprising 8 two-bedroom and 16 three-bedroom units, and ownership of 6 one-bedroom condominium apartments within the apartment building to be built, at a cost that will only reflect the cost of construction of the units to the drywall completion stage and which has no land or other soft-costs of development components. Build Toronto will be responsible for the contractual arrangements with the future builder of the apartment building to deliver the apartment units under these arrangements, with the costs of the construction to be approved by the Chief Planner and Executive Director, City Planning, and the provision at no cost of parking spaces and storage lockers for these units. Build Toronto is also responsible for all site plan approvals and related costs, and in conjunction with that process will also be providing Habitat with design concept drawings for the 24 stacked townhouse units.

Habitat will be responsible for constructing the 24 stacked townhouse units, and will complete the construction and equipping of the 6 apartment units after the builder has provided them, on a turn-key basis, to the drywall completion stage. The 30 units and their related facilities such as parking will be built according to the approved plans for the affordable units, and the requirements of the by-law and Staff report for action – Final Report – 411 Victoria Park Ave, 2510 and 2530 Gerrard St. East V.05/13
Affordability and Homeowner Eligibility Provisions

The affordable ownership units will be sold at a price that is no higher than the Official Plan's affordable ownership price for each unit type calculated in the year that the sale is completed. No other mandatory costs to the purchaser that would increase the price beyond the Official Plan prices are permitted, with the exception of the purchaser's own legal and other closing costs. If the homes were being sold in 2015, the maximum prices would be approximately $185,000 for the one-bedroom apartments, and $218,000 and $260,000 for the 2 and 3 bedroom stacked townhouse units, respectively.

The by-law provides for a 15 year affordability period, during which any resale to a new purchaser must be at an affordable price, set according to the provisions of the zoning by-law and Section 37 Agreement, and which provides for an increase in price from the initial Official Plan sale price equal to the percentage increase in the appraised value of the home over the same period. After 15 years, the City's agreement will not impose any resale restrictions, and the home may be subsequently sold at market rates. When this occurs, to protect the value of the community benefit, the securing instruments will provide that the homeowner must repay an appropriate portion of the proceeds to recognize the total value of the housing benefit received:

- The free land provided as a Section 37 community benefit, with a proportionate share of the increase in market value, will be repaid to the City and be directed to the Capital Revolving Fund for Affordable Housing; and
- The remaining difference (after deducting the City's land component) between the Official Plan sale price and the appraised market value at the time of the initial sale, with provisions for a percentage increase in the appraised market value of the unit at the time of resale, will be paid to Habitat.

Homeowner eligibility provisions will include the requirement of owner occupancy, and that minimum household sizes per unit type and maximum household incomes per unit type be applied at the time of the initial sale and any resales during the 15 year affordability period. They are proposed as follows:

- To be eligible, the minimum size of household for each unit type shall be 1 person per bedroom
- Maximum household income for each unit type should not exceed 4 times the payments for principle, interest and property taxes, ensuring that households would not be paying less than 25% of their income on these monthly payments calculated on the Official Plan prices

Habitat's typical affordable ownership model will be adapted slightly to account for the City's role and the Section 37 land contribution, and to situate the operation of their eligibility criteria, their provision of first and second mortgages, resale controls and other matters within the City’s implementation provisions recommended in this report. In practice, they expect to charge first mortgage payment amounts for their purchasers at a lower level than would typically be required to meet the Official Plan's price levels, enabling them to reach lower household incomes than the income ceilings recommended in this report. This is made possible by the significant contributions they make to construction and development costs through volunteer labour, fundraising and donated supplies and labour. It is also expected that in many cases the size of their households will exceed the minimum requirements proposed in this report.
Roles of the Parties and Legal Agreements

In addition to their construction responsibilities, Habitat will be responsible for the sale of the units and selection of the purchasers, registering and administering the appropriate securing instruments to protect the affordability provisions such as eligibility criteria for the homeowners, resale controls and repayment of the housing benefit when the units eventually transition to market status. Habitat will enter into a Section 37 Agreement with the City that provides for all of the City's implementation requirements. Planning staff in consultation with the Director, Affordable Housing Office will be reporting further prior to the presentation of the final residential zoning bill for enactment, on the partnership arrangements and any other legal agreements and instruments that may be required, including a Housing Contribution Agreement.

Build Toronto will enter into a Section 37 Agreement with the City that provides for their contributions and their role in the delivery of the affordable housing obligations in partnership with the non-profit provider.

Affordable Ownership Implementation Context

The securing of these 30 affordable ownership units in this application represents the first comprehensive securing of new affordable ownership units on a large site, and requires the development of more detailed implementation provisions and securing instruments than have been previously been applied by the City. Affordable housing secured on other large sites to date has been for affordable rental units. Previous securing of affordable ownership units under Section 37 in recent years has involved several voluntary contributions of a small number of units negotiated as part of Section 37 community benefits, not as a planning requirement, and without benefit of a consistent implementation framework. Securing affordable ownership that will remain affordable for a period of time, and which does not result in speculative gains by owners upon re-sale creates very different challenges than securing the ongoing provision of affordable rental housing, for which the City already has well-developed implementation practices.

The City's Section 37 Guidelines for Implementation require that affordable ownership provisions be developed to ensure such measures as discouraging speculation, and that the housing is restricted to owner-occupiers. The proposals and by-law provisions being recommended in this report will inform the ongoing development of the City's implementation framework for securing affordable ownership, and were developed with that context in mind.

However, this proposal has some unique features. The involvement of Habitat for Humanity as a partner with Build Toronto creates opportunities and an implementation model that would not be typically replicated on other large sites providing affordable ownership housing. In addition, the land component being contributed by Build Toronto for the affordable units, which represents the Section 37 community benefit to be secured, is not in private ownership and was City land which has been or is currently in process of transfer to Build Toronto. The delivery and operation of the 30 affordable ownership units involves several parties, who will be entering into one or more Section 37 Agreements. Related implementation provisions involve both City Planning and the Affordable Housing Office, and the use of other agreements to secure the land transactions and financial matters. Staff will be providing a supplementary report directly to City Council with additional discussion and recommendations to provide the necessary authorities to implement the affordable ownership proposal.
**Section 37**

The community benefits recommended to be secured in the Section 37 Agreement are as follows:

1. Prior to issuance of the first above grade building permit for residential uses, the owner shall provide $500,000 for Above Base Park Improvements to the new Park Blocks 4 and 6 indicated on Attachment 4: Draft Plan of Subdivision.

2. The Owner will provide land on the site for affordable ownership housing sufficient to construct 24 stacked townhouse units comprising 8 two-bedroom and 16 three-bedroom units as follows:
   a) The land shall be provided to a non-profit housing provider at no cost, and with no additional fees for the Owner's costs of land development and planning approvals including for subdivision and condominium registration, or for servicing and roads, provision of parkland or any other costs associated with developing the larger site.
   b) The non-profit provider shall be responsible for the construction of the affordable ownership units on the land provided by the Owner.
   c) The land shall be delivered, ready and available for development, as follows:
      i. All necessary planning and development-related approvals necessary to proceed with the construction are in place, save Site Plan and approvals pursuant to the Ontario Building Code Act; and
      ii. The land is serviced to the lot line and able to be connected to existing services; and
      iii. A Record of Site Condition suitable for residential development has been obtained, and any needed soil remediation has been undertaken or alternatively, provisions for the Owner to pay for soil remediation have been secured.
   d) The entire parcel of land sufficient to accommodate all 24 stacked townhouse units shall be ready for conveyance to the non-profit provider no later than the date that above-grade building permits are issued that would permit the construction of more than 30 townhouse or stacked townhouse units, other than for the 24 affordable ownership units.
   e) The location, size and configuration of the land parcel for the 24 Affordable Ownership units shall be to the satisfaction of the Chief Planner and Executive Director, City Planning, and shall be:
      i. Sufficient to accommodate all related facilities, including resident and visitor parking, garbage and recycling;
      ii. Sufficient to accommodate the unit mix and minimum sizes and features set out in 2.f) herein and complying with all applicable Performance Standards of this by-law (Attachment 12: Draft Zoning By-law Amendment (Birchcliff Community Zoning By-law No. 8787 – Balance of Site)).
   f) The unit mix, minimum sizes and features of the 24 stacked townhouses shall be as follows:
      i. At least 16 of the units shall be 3-bedroom units with a minimum unit size of 106.5 square metres;
      ii. 8 of the units shall have at least 2-bedroom units with a minimum unit size of 90.5 square metres;
iii. Each unit shall have at least one dedicated enclosed parking space provided;
iv. Each unit shall have private outdoor recreation amenity space in the form of a patio, balcony or roof deck.

3. The Owner will provide for 6 Affordable Ownership units within the apartment building on Block 5 as follows:

   a) The 6 apartments, finished to the drywall stage of construction, will be provided to a non-profit provider for individual conveyance to the initial homeowner, with no costs for the land component of the units, and with no additional fees for the Owner's costs of land development and planning approvals including for subdivision and condominium registration, or for servicing and roads, provision of parkland or any other costs associated with developing the larger site, or for the building permit fees for the work undertaken by the Owner to complete the construction of the apartment building.

   b) The amount of any payment to the Owner by the non-profit provider for the costs of construction of the 6 apartment units to the drywall stage of construction, shall be to the satisfaction of the Chief Planner and Executive Director, City Planning, subject to the requirements 3.c) below.

   c) The 6 apartments shall be one-bedroom apartments located so as to not to be contiguous with one another, with a minimum unit size of 55.5 square metres. The unit owner shall be provided at no extra cost with a dedicated enclosed parking space, a private patio or balcony, and a storage locker.

   d) The 6 apartments shall be delivered to the non-profit provider, ready for the non-profit provider to complete the finishing work, no later than the date that 80% of the remaining units in the apartment building are ready and available for occupancy.

   e) The Owner will submit, in consultation with the non-profit provider, the proposed unit layouts and Site Plan drawings identifying the location of the 6 apartment units and their related facilities for the approval of the Chief Planner and Executive Director, City Planning, with any subsequent changes to be to Chief Planner's satisfaction.

4. The Owner will enter into a partnership agreement with the non-profit provider to the satisfaction of the Chief Planner and Executive Director, City Planning, in consultation with the Director, Affordable Housing Office, to implement the provisions of 2. and 3. above, prior to the issuance of the first above-grade residential building permit for any purpose.

5. The non-profit provider which enters into one or more Section 37 Agreements with the City for the affordable ownership units will agree to build the 24 stacked townhouse units in accordance with 2. e) and f) above, and to finish the construction of the 6 apartment units in accordance with 3. above.

The above requirements are further detailed in the Section 37 provisions set out in Attachment 12: Draft Zoning By-law Amendment (Birchcliff Community Zoning By-law No. 8786 – Balance of Site)
6. The following matters are also recommended to be secured in the Section 37 Agreement as a legal convenience to support development:

   a) The Owner shall construct and maintain the development in accordance with Tier 1 performance measures of the Toronto Green Standard, as adopted by Toronto City Council at its meeting held on October 26 and 27, 2009 through the adoption of item PG32.3 of the Planning and Growth Committee.

Proposed Official Plan Amendments

The proposed Official Plan Amendment being recommended for approval by Planning staff in response to the Build Toronto applications is attached as Attachment 8: Draft Official Plan Amendment No. 288. The proposed Plan amendment would not alter the Mixed Use Areas land use designation currently applying to both the proposed commercial blocks at 411 Victoria Park Avenue and the proposed apartment Block 5 shown on Attachment 4: Draft Plan of Subdivision. The amendment does, however, propose to redesignate the interior of the lands to establish a Neighbourhoods designation on the proposed townhouse Blocks 7 to 10, together with a reconfigured Parks and Open Space Areas - Parks designation reflecting the new park Blocks 4 and 6 being proposed as indicated on the draft plan of subdivision.

The proposed amendment will also:

- Add the proposed new public streets in the subdivision to Schedule 2 of the Official Plan, 'The Designation of Planned But Unbuilt Roads';
- Add the current Runnymede Park lands to Site and Area Specific Policy No. 265, which identifies lands to which provisions of the Plan prohibiting the disposal of City owned lands in Parks and Open Space Areas do not apply, to enable further transfer of portions of Runnymede Park to Build Toronto's control to complete the subdivision and development approvals process;
- Add a new Site and Area Specific Policy No. 485 to the entirety of the subject lands to establish overall principles and design objectives for creation of this new neighbourhood and to guide further development approvals. The map associated with the proposed policy will also schematically indicate the new public streets, private lanes, pedestrian walkways and other key features of the proposed development;
- Include a policy in the new Site and Area Specific Policy No. 485 indicating that only apartment buildings, which may include ancillary ground floor commercial uses, traditional or stacked townhouses are permitted on Block 5; and
- Permit the provision of less than 20% of the new residential units as affordable housing units, provided that at least 30 affordable ownership housing units are provided.

Prior work undertaken on the Birchcliff Quarry Lands Study had also contemplated throughout the reintroduction of Blantyre Avenue north of Gerrard Street East as an important new street in future to contribute to improved traffic flows overall associated with continued redevelopment of the larger Quarry lands. Conditions reflecting such a future street were similarly applied by the OMB to its 2008 rezoning and site plan approval of Shell Canada's adjacent gas station redevelopment at 2498 Gerrard Street East. To further protect opportunities to implement such a new public street in future, City Planning staff are recommending a City-initiated Official Plan amendment, separate from the Build Toronto applications, to add this future street to Schedule 2 of the Official Plan, 'The Designation of Planned But Unbuilt Roads'. This amendment is set out in Attachment 9: Draft Official Plan Amendment No. 324.
Proposed Zoning By-law Amendments

As described above, the subject lands are not currently zoned under the harmonized Toronto Zoning By-law No. 569-2013, as amended, and remain zoned under the Birchcliff Community Zoning By-law No. 8786, as amended, which currently only permits agricultural and parks uses. Planning staff propose three zoning by-law amendments, as described further below, in order to establish appropriate zoning permissions and development standards for the various new land uses proposed, consistent with the Official Plan amendment being recommended and the proposed draft plan of subdivision.

As the proposed commercial lands at 411 Victoria Park Avenue are already designated Mixed Use Areas, for which no further Official Plan amendment is necessary, Planning staff propose two separate by-laws, each applying new Commercial-Residential (CR) zoning. Attachment 10: Draft Zoning By-law Amendment (Birchcliff Community Zoning By-law No. 8786 - Commercial Block) is intended to amend the in-force Birchcliff Community Zoning By-law No. 8786, as amended, accordingly, while Attachment 11: Draft Zoning By-law Amendment (Zoning By-law 569-2013 - Commercial Block) will also now add the commercial lands to that by-law.

For the larger commercial Block 1 indicated on Attachment 4: Draft Plan of Subdivision, both by-laws propose to cap permitted density at a floor space index of 50% of the lot area.

For the smaller remaining block on the south side of the Musgrave Street indicated as Block 3 in Attachment 4: Draft Plan of Subdivision, for which no specific development has been proposed by Build Toronto, both amending by-laws will reflect the zoning currently applying to the immediately abutting RioCan lands to the south under the Birchcliff Community Zoning By-law No. 8786, as amended and Toronto Zoning By-law No. 569-2013, as amended respectively.

No residential permissions are currently proposed under either draft by-law at this time. The Birchcliff by-law amendment provides for a range of permitted commercial activities on Block 1 but will further limit uses otherwise permitted currently under the (CR) zone category by prohibiting such things as fraternal organizations, hotels, municipal parking lots, nursing homes, and private home day care uses which do not comprise part of the current development proposal. Similar limitations to the more expansive list of permitted (CR) uses under By-law 569-2013 are also applied to Block 1 by way of Exception in that draft by-law amendment (Attachment 11: Draft Zoning By-law Amendment (Zoning By-law 569-2013 - Commercial Block)).

For the balance of the site encompassing the proposed residential and reconfigured public park uses, a significant component of the proposed residential uses comprise 'stacked townhouse' building forms. Stacked townhouses are not currently defined under Toronto Zoning By-law No. 569-2013, as amended, nor does the by-law establish development standards that are particularly adapted to this built form. Urban Design staff are currently examining possible design guidelines for stacked townhouses, which may serve to inform the application of new such zoning standards in future. Accordingly, with concurrence from City Planning's Zoning Team staff, only an amendment to the Birchcliff Zoning By-law is proposed at this time through Attachment 12: Draft Zoning By-law Amendment (Birchcliff Community Zoning By-law No. 8786 – Balance of Site), with these lands to be brought under By-law 569-2013 at a later date.

Recommended Conditions of Draft Plan of Subdivision Approval

The proposed subdivision conditions (Attachment 13: Conditions of Draft Plan Approval) address the technical requirements of the development including, among other matters, the construction of streets, lanes and sidewalks, servicing, stormwater management facilities, street tree planting, noise mitigation Staff report for action – Final Report – 411 Victoria Park Ave, 2510 and 2530 Gerrard St. East V.05/13 32
and urban design matters. Planning staff recommend that Council support the draft plan of subdivision and recommend to the Chief Planner and Executive Director, City Planning that the draft plan of subdivision be approved.

Conclusions
The nature and scope of the current Build Toronto proposals will have the effect of introducing a new neighbourhood to the City's urban fabric which will particularly compliment and integrate well with the established neighbourhoods of Birchcliff Community to the south and east and the 'Upper Beach' neighbourhoods west of Victoria Park Avenue. The proposals will introduce a fabric of new public streets into the development which also define an appropriate pattern of development blocks for the proposed new land uses that responds effectively to a variety of development constraints unique to this site. The development will also now provide existing nearby and future residents with finished new park facilities that were previously not available from today's unfinished Runnymede Park. The development will accommodate new business services for residents, provide new employment opportunities and contribute to the local economy. A variety of housing opportunities including affordable ownership housing and housing accommodating a range of incomes and needs for individuals, couples, families and senior citizens will particularly be achieved.

CONTACT
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E-mail: hines@toronto.ca

SIGNATURE

________________________________________
Lorna Day, Director
Community Planning, Scarborough District

ATTACHMENTS
Attachment 1: Site Plan (Commercial)
Attachment 2: Elevations (Commercial)
Attachment 3: Conceptual Site Plan (Residential)
Attachment 4: Draft Plan of Subdivision
Attachment 5: Zoning
Attachment 6: Official Plan
Attachment 7: Application Data Sheet
Attachment 8: Draft Official Plan Amendment No. 288
Attachment 9: Draft Official Plan Amendment No. 324
Attachment 10: Draft Zoning By-law Amendment (Birchcliff Community Zoning By-law No. 8786 - Commercial Block)
Attachment 11: Draft Zoning By-law Amendment (Zoning By-law 569-2013 - Commercial Block)
Attachment 12: Draft Zoning By-law Amendment (Birchcliff Community Zoning By-law No. 8786 – Balance of Site)
Attachment 13: Conditions of Draft Plan Approval

Staff report for action – Final Report – 411 Victoria Park Ave, 2510 and 2530 Gerrard St. East
V.05/13
### Attachment 7: Application Data Sheet

**Application Type**
- Official Plan Amendment & Rezoning, Draft Plan of Subdivision

**Details**
- OPA & Rezoning, Standard

**Application Number:**
- 12 297365 ESC 36 OZ  
- 12 233037 ESC 36 SB

**Application Date:**
- December 21, 2012

**Municipal Address:**
- 411 VICTORIA PARK AVE., 2510 & 2530 GERRARD STREET EAST

**Location Description:**
- CON A PT LOT 35 EXPRESSWAY LAND NOW RP64R3507 PART 6-15 23-28 31 & 34 **GRID E3601

**Project Description:**
- Proposal for mixed residential and commercial community on the City and Build Toronto owned portions of the Birchcliff Quarry Lands. (*Subject to further Residential site plan application submissions)

**Applicant:**
- MACNAUGHTON HERMSEN BRITTON CLARKSON PLANNING LIMITED

**Agent:**
- BUILD TORONTO HOLDINGS (VICTORIA PARK) INC

**Architect:**
- CLARKSON PLANNING LIMITED

**Owner:**
- CLARKSON PLANNING LIMITED

### PLANNING CONTROLS

**Official Plan Designation:**
- Mixed Use Areas

**Zoning:**
- AG, P & CC

**Height Limit (m):**
- Yes

**Site Plan Control Area:**
- Yes

### PROJECT INFORMATION

**Site Area (sq. m):**
- 77335.42

**Height:**
- Storeys: Max. 8

**Frontage (m):**
- 107 (Victoria Park Ave.) and 81 (Gerrard Street East)

**Depth (m):**
- 600

**Total Ground Floor Area (sq. m):**
- 10116*

**Total Residential GFA (sq. m):**
- 30589*

**Total Non-Residential GFA (sq. m):**
- 9100

**Total GFA (sq. m):**
- 39689*

**Lot Coverage Ratio (%):**
- 50 (Commercial) (Residential TBD*)

**Floor Space Index:**
- 0.484 (Commercial) (Residential TBD*)

### DWELLING UNITS

**Tenure Type:**
- Bachelor: 0  
- 1 Bedroom: 94  
- 2 Bedroom: 101  
- 3 + Bedroom: 105  
- Total Units: 300

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

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<th>Below Grade</th>
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<td>Industrial GFA (sq. m):</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Institutional/Other GFA (sq. m):</td>
<td>0</td>
<td>0</td>
</tr>
</tbody>
</table>

**CONTACT:**
- **PLANNER NAME:** Rod Hines, Principal Planner
- **TELEPHONE:** (416) 396-7020

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Staff report for action – Final Report – 411 Victoria Park Ave, 2510 and 2530 Gerrard St. East  
V.05/13  40
Attachment 8: Draft Official Plan Amendment No. 288

Authority: Scarborough 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 2015 as 411 Victoria Park Avenue, 2510 and 2530 Gerrard Street East

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

WHEREAS 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. 288 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. 288 TO THE OFFICIAL PLAN
LANDS MUNICIPALLY KNOWN IN THE YEAR 2015 AS
411 VICTORIA PARK AVENUE, 2520 AND 2530 GERRARD STREET EAST

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

1. Maps 20 and 21, Land Use Plan, are amended by re-designating portions of the lands known municipally as 411 Victoria Park Avenue, 2510 and 2530 Gerrard Street East from Mixed Use Areas to Neighbourhoods and by reconfiguring the Parks and Open Space Areas – Parks designation, as shown on the attached Schedule 1.

2. Schedule 2, The Designation of Planned But Unbuilt Roads, is amended by adding the following:

<table>
<thead>
<tr>
<th>STREET NAME</th>
<th>FROM</th>
<th>TO</th>
</tr>
</thead>
<tbody>
<tr>
<td>Musgrave Street 5</td>
<td>Victoria Park Avenue</td>
<td>New Link C</td>
</tr>
<tr>
<td>New Link C 5</td>
<td>Gerrard Street East</td>
<td>Terminating as a cul-de-sac north-east of the Musgrave Street extension</td>
</tr>
</tbody>
</table>

5 Refer to Site and Area Specific Policy No. 485 for the general location of the planned but unbuilt new roads.

3. Chapter 7, Site and Area Specific Policies, is amended by adding Site and Area Specific Policy No. 485 for the lands known municipally in 2015 as 411 Victoria Park Avenue, 2510 and 2530 Gerard Street East, as follows:

485. 411 Victoria Park Avenue, 2510 and 2530 Gerrard Street East

The new neighbourhood to be developed here is intended to reflect its urban context and provide the future residents with accessibility to appropriate amenities, while also respecting and fitting well with the land use fabric of adjacent neighbourhoods. The organization and design of the residential apartment and townhouse/stacked townhouse developments will provide for urban intensification achieving an appropriate transition in densities, building heights and massing from the established lower density residential neighbourhoods to the...
south and planned higher density residential developments to the east. Commercial uses will be provided at the northwest corner of the lands to provide retail, restaurant and service commercial uses for the new neighbourhood and for existing residents. A newly configured public park will provide opportunities to combine both naturalized features and continued passive recreational opportunities, such as hiking and dog-walking currently enjoyed by the community, with smaller scale, more active recreational features. The form and structure of the development will generally be as follows:

a) **Structure**
   i) The public street network will be designed to integrate the development into the surrounding city fabric by providing connections to Victoria Park Avenue and Gerrard Street East, both of which also provide convenient accessibility to surface transit and nearby higher order transit services, as well as between the new development sites.
   
   ii) Within the neighbourhood, a mix of building types will be provided, with traditional street townhouse, stacked townhouse and mid-rise apartment built forms framing the new interior public streets.
   
   iii) Retail and service commercial uses will be located at the north-east corner of Victoria Park Avenue and the extension of Musgrave Street, and will be positioned to frame and animate the streets.

b) **New Public Streets**
   i) To facilitate orderly development, new public streets will be required to be dedicated through plan of subdivision, together with new private lanes and pedestrian walkway connections, generally as shown on the map accompanying this policy, and as follows:
      a. The extension of Musgrave Street from Victoria Park Avenue as a 25.0 metre road allowance at the intersection, narrowing to a 23.0 metre road allowance into the lands and continuing easterly as a 20.0 metre road allowance from the western boundary of Parcel 'A' to a new public street connecting to Gerrard Street East; and
      b. A New Link C public street extending northerly as a 20.0 metre road allowance from Gerrard Street East (generally opposite but with no through connection to Tilburn Place) to the Musgrave Street extension, continuing easterly as an 18.5 metre cul-de-sac road allowance terminating at the eastern limit of the land.

   ii) Development flanking the New Link C street to the east limit of the Musgrave Street extension will be serviced with interior 6.0 metre to 8.0 metre private lanes as generally indicated on the map accompanying this policy and designed to minimum City standards.

   iii) Pedestrian walkways, with easements for public use if on private lands, will be provided as generally indicated on the map accompanying this policy, designed to minimum City standards and maintained for year-round use. No surface parking will be located within these easements.
c) **Built Form Principles**  
   i) Design of the low scale residential dwellings will provide:
      a. Prominent entrances with projecting elements such as porches and porticos, front steps and landings, to promote a pedestrian friendly scale along the street;
      b. Front yard areas with trees and soft landscaping to contribute to a high quality streetscape;
      c. A variety of massing and architectural expression on the publicly exposed building elevations to avoid large, blank, flat façades. This will be encouraged through the use of alternative façade treatments, massing, roofline variations, wall openings, materials, and colours. The primary building material of the dwellings should be consistent on all elevations; and
      d. Corner dwellings which address street frontages in a consistent manner and incorporate ground level detailing (porches, windows, entries, etc.) reinforcing the pedestrian scale of the street.
   
ii) Within **Mixed Uses Areas**:
      a. Frontages will be developed to support a comfortable and attractive pedestrian environment;
      b. Building façades will address streets at corner locations. Buildings at the end of blocks will turn the corners by continuing the architectural features of the principal façades onto the perpendicular street. Blank façades facing a public street will not be permitted;
      c. Loading and service areas will not be permitted between the front of the building and the sidewalk and are to be screened from view of the public streets and sidewalks;
      d. Surface parking lots will not be permitted within the front yard of a building. Where parking lots are visible from a public street, they will be adequately screened and landscaped to ensure an attractive streetscape;
      e. The ground floor level of buildings containing commercial uses, will be at grade level with doors and/or windows visually and physically connecting the shop interiors to the public street; and
      f. Buildings adjacent to the future Musgrave Street extension will be sited to create a continuous building wall close to the street and will contain doors and/or windows fronting onto the street.
   
iii) Within **Neighbourhoods**:
      a. Development will be sited to front onto streets, parks and open spaces, with entrances and windows on the ground floor facing these public spaces;
      b. Residential uses on the main level facing streets, parks and open spaces should be designed in order to achieve a level of privacy for the interior of the residential units. This may be achieved through enhanced landscaping and/or raising the main level by two to three steps above grade;
c. No private amenity areas having raised or sunken patios/terraces will be located adjacent to public streets. Such features in other locations will be no more than 1.5 metres below grade and will not project from the face of the building more than 3.0 metres.

d) Streetscape
   i) Connections to parks and open space along public streets will be provided.
   ii) A well landscaped streetscape will be provided through the provision of tree lined streets throughout the lands. This well landscaped environment will be maintained and encouraged through the provision of comparable landscaping on private property.
   iii) Gateway points into the subdivision shall be emphasized through the use of entry features and upgraded landscaping.
   iv) High quality street furnishings (e.g. street lighting, bus shelters, trash containers, etc.) will be provided. The provision of a prominently located public art feature associated with the proposed commercial development is particularly encouraged.
   v) Retaining walls should be planted in order to allow all season planting to cover the walls.
   vi) Approaches to the railway underpass on Victoria Park Avenue will provide adequate sidewalks for pedestrian comfort and safety, including improved lighting along the Victoria Park Avenue façade of the building. Plantings should occur in this area to enhance sidewalks where feasible.

e) Affordable Housing
   i) Notwithstanding Section 3.2.1.9 of the Official Plan, the provision of 20% of the dwelling units permitted by the increased residential density as affordable housing units is not required provided that at least 30 of the new dwelling units will be Affordable Ownership Housing. Affordable Ownership Housing is housing which is priced at or below an amount where the total monthly shelter cost in the year in which initial sales for the units commence (mortgage principle and interest - based on a 25-year amortization, 10 per cent down payment and the chartered bank administered mortgage rate for a conventional 5-year mortgage as reported by the Bank of Canada in January of the year that initial sales commence - plus property taxes calculated on a monthly basis) equals the average City of Toronto rent, by unit type, as most recently reported by the Canada Mortgage and Housing Corporation. Affordable ownership price includes GST and any other mandatory costs associated with purchasing the unit.

f) Parcel 'A'
   i) On Parcel 'A', lands known as 411 Victoria Park Avenue, permitted development shall be limited to apartment buildings (with ancillary ground floor commercial uses), traditional townhouses and/or stacked townhouses.
4. Chapter 7, Site and Area Specific Policies, is amended by adding the following text and map to Site and Area Specific Policy No. 265 for the lands known municipally in 2015 as 2530 Gerrard Street East:

265. Certain Lands at 2530 Gerrard Street East

Staff report for action – Final Report – 411 Victoria Park Ave, 2510 and 2530 Gerrard St. East
V.05/13 46
5. Maps 31 and 32, Site and Area Specific Policies, are amended by labelling the lands located at 411 Victoria Park Avenue, 2510 and 2530 Gerrard Street East, as being subject to Site and Area Specific Policy Nos. 265 and 485 as shown on the maps in 3. and 4. above.
Staff report for action – Final Report – 411 Victoria Park Ave, 2510 and 2530 Gerrard St. East

Schedule 1

Official Plan Amendment #288
Revisions to Land Use Maps 20 and 21 to Redesignate lands from Mixed Use Areas and Parks to Neighbourhoods, Apartment Neighbourhoods and Parks

File #s 12.297365 ESC 36 OZ
and 13.233037 ESC 36 SB

Note to Scale
08/11/15
Attachment 9: Draft Official Plan Amendment No. 324

Authority: Scarborough 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 2015 as Former Road Allowance Between Lots 24 and 25, Concession A

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

WHEREAS 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. 324 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, ULLI S. WATKISS,
Mayor City Clerk

(Corporate Seal)
AMENDMENT NO. 324 TO THE OFFICIAL PLAN

LANDS MUNICIPALLY KNOWN IN THE YEAR 2015 AS
FORMER ROAD ALLOWANCE BETWEEN LOTS 24 AND 25, CONCESSION A

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

1. Schedule 2, The Designation of Planned But Unbuilt Roads, is amended by adding the following:

<table>
<thead>
<tr>
<th>STREET NAME</th>
<th>FROM</th>
<th>TO</th>
</tr>
</thead>
<tbody>
<tr>
<td>Blantyre Avenue</td>
<td>Gerrard Street East</td>
<td>Musgrave Street</td>
</tr>
<tr>
<td>extension</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Attachment 10: Draft Zoning By-law Amendment  
(Birchcliff Community Zoning By-law No. 8786 - Commercial Block)

Authority: Scarborough 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 Birchcliff Community Zoning By-law No. 8786, as amended,  
With respect to the lands municipally known as  
411 Victoria Park Avenue

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. **SCHEDULE "A"** of the Birchcliff Community Zoning By-law No. 8786, as amended, is further amended for the lands outlined in the attached Schedule '1' by deleting the existing Agricultural Holding (AG) zoning and replacing it with the Commercial-Residential (CR) Zone and Community Commercial Zone (CC) and the Performance Standards as shown on Schedule '1', so that the amended zoning shall read as follows:

   CC – 40D - 70

2. **SCHEDULE "B", PERFORMANCE STANDARD CHART**, is amended by adding the following Performance Standards:

   **BUILDING SETBACK FROM THE STREET**

   40J. Minimum 4.5 metres from the street line of Victoria Park Avenue, except that the main wall containing a vehicular access to underground parking shall be set back a minimum of 6.1 metres from the street line.
40K. Minimum 4.8 metres from the street line of the Musgrave Street easterly extension.

**FLOOR AREA**

80F. **Gross floor area** of all buildings, minus the **gross floor area** of all building areas below **established grade**, shall not exceed 50% of the lot area.

**BUILDING SETBACK FROM LOT LINES OTHER THAN STREET LOT LINES**

152. Minimum 55.0 metres from the east lot line.

153. Minimum 5.5 metres from the north and north-west lot lines, except minimum 2.7 metres permitted within 15.0 metres from the street line of Victoria Park Avenue.

**PARKING**

207. **Bicycle parking spaces** shall be provided as follows:

i) (a) Minimum 21 Long Term **bicycle parking spaces** within the building; and  
(b) Minimum 34 Short Term **bicycle parking spaces** at grade.

ii) **Meaning of Long-Term and Short-Term Bicycle Parking Spaces:**

(a) **Long-Term bicycle parking spaces** are for use by the employees of a building; and  
(b) **Short-Term bicycle parking spaces** are bicycle parking spaces for use by visitors to a building.

iii) Where the bicycles are to be parked in a horizontal position (on the ground), the space shall have horizontal dimensions of at least 0.6 metres by 1.8 metres per bicycle and a vertical dimension of at least 1.9 metres.

iv) Where the bicycles are to be parked in a vertical position, the space shall have a minimum width of 0.6 metres, a minimum length or vertical clearance of 1.9 metres and a minimum horizontal clearance from the wall of 1.2 metres.

v) If a stacked **bicycle parking space** is provided, the minimum vertical clearance for each **bicycle parking space** is 1.2 metres.

**MISCELLANEOUS**

350. Notwithstanding the definition of **height** and **established grade** in **CLAUSE V - INTERPRETATION, Section (f), Definitions**, for the purposes of this by-law, the **height** of a building is measured from the Canadian Geodetic Datum elevation of 128.3 metres (the established grade) and the elevation of
the highest point on the building excluding, mechanical penthouse, elevator machine rooms, chimneys, skylights, vents, antennae, and parapet walls.

351. Notwithstanding the definition of main wall in CLAUSE V - INTERPRETATION, Section (f), Definitions, for the purposes of this by-law:
   
i) Permitted projections shall also apply to the subject "CR" Zoned lands;
   
ii) The permitted projection for chimneys, pilasters and projecting columns into a yard required to separate a building from a street is a maximum of 0.85 m; and
   
iii) Canopies and awnings are permitted to project a maximum of 2.0 m into a yard required to separate a building from a street.

352. Maximum height of any building shall not exceed 10.0 metres.

353. Mechanical penthouses, elevator machine rooms, chimneys, vents, skylights, antennae, and parapet walls shall not exceed a height of 3.0 metres above the height of the building.

354. Only loading, storage and warehousing uses, administrative offices, employee rooms, washrooms and related service areas not otherwise accessible to the general public for retail shopping purposes are permitted within the northern 12.0 metres of the building.

355. The following CLAUSE VI – PROVISIONS FOR ALL ZONES requirements do not apply:
   
i) Section 12: Lands Not Covered by Buildings, Subsection (2); and
   
ii) Section 19: Use of Basements.

3. SCHEDULE "C", EXCEPTIONS MAP is amended by deleting Exception No. 34 as it applies to the subject lands.

4. SCHEDULE "C", EXCEPTIONS LIST and EXCEPTIONS MAP are further amended by adding the following Exception No. 43 to the lands outlined on Schedule '2':

   43. On those lands identified as Exception No. 43 on the accompanying Schedule "C" map, the following provisions shall apply:

       (a) The following uses are prohibited:

       Fraternal organizations, hotels, municipal parking lots, nursing homes, private home day care uses, and public and separate
schools within the meaning of the Public and Separate Schools Act for the Province of Ontario.

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

JOHN TORY, ULLI S. WATKISS,
Mayor City Clerk

(Corporate Seal)
Schedule '1'

411 Victoria Park Avenue

Zoning By-Law Amendment

File #: 12 297365 ESC 36 OZ, 13 233037 ESC 36 SB

Area Affected By This By-Law

Staff report for action – Final Report – 411 Victoria Park Ave, 2510 and 2530 Gerrard St. East

V.05/13
Exception No 43

Schedule '2'

411 Victoria Park Avenue

Zoning By-Law Amendment

File # 12 297365 ESC 36 OZ, 13 233037 ESC 36 SB

Area Affected By This By-Law

Staff report for action – Final Report – 411 Victoria Park Ave, 2510 and 2530 Gerrard St. East

V.05/13

56
Authority: Scarborough 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 Zoning By-law for the City of Toronto, being By-law No. 569-2013, as amended, with respect to the lands municipally known in the year 2014 as 411 Victoria Park Avenue

Whereas Council of the City of Toronto has the authority to pursuant to Section 34 of the Planning Act, R.S.O. 1990, c. P. 13, as amended, to pass this By-law;

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

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

1. The lands subject to this By-law are outlined by heavy black lines on Diagram 1 attached to this By-law.

2. The words highlighted in bold type in this By-law have the meaning provided in Zoning By-law No. 569-2013, Chapter 800 Definitions.

3. Zoning By-law No. 569-2013, as amended, is further amended by adding the lands subject to this By-law to the Zoning By-law Map in Section 990.10, and applying the following zone labels to these lands as shown on Diagram 2 attached to this By-law:

   CR 0.5 (c0.5; r0.0) SS3 (x586)

   CR 0.22 (c0.22; r0.0) SS3 (x376)

4. Zoning By-law No. 569-2013, as amended, is further amended by adding Article 900.11.10 Exception Number 586 so that it reads:

   Exception CR (x586)

   The lands, or a portion thereof as noted below, are subject to the following Site Specific Provisions, Prevailing By-laws and Prevailing Sections.

Staff report for action – Final Report – 411 Victoria Park Ave, 2510 and 2530 Gerrard St. East V.05/13
Site Specific Provisions:

(A) On 411 Victoria Park Avenue, the erection or use of a building, structure, addition or enlargement shall comply with (B) below;

(B) These standards apply:

(i) On a corner lot the shorter of the two lot lines abutting a street is the front lot line;
(ii) The minimum building setback from a front lot line is 4.5 metres, except that the main wall containing a vehicular access to underground parking shall be set back a minimum of 6.1 metres from the street line.
(iii) The minimum building setback from a side lot line that abuts a street is 4.8 metres;
(iv) The minimum building setback from the north and north-west side lot lines is 5.5 metres, except minimum 2.7 metres within 15.0 metres from the street line of Victoria Park Avenue;
(v) The minimum building setback from a rear lot line is 55.0 metres;
(vi) The total gross floor area of all buildings and structures must not exceed a maximum of 9 100.0 square metres;
(vii) The maximum building coverage is 50% of the lot area;
(viii) Despite Clause 40.5.40.10 Height, maximum height, measured from the Canadian Geodetic Datum elevation of 128.3 metres (the established grade), is 10.0 metres;
(ix) Despite (viii) above, mechanical penthouses, elevator machine rooms, chimneys, vents, skylights, antennae, and parapet walls shall not exceed a height of 3.0 metres above the height of the building;
(x) Despite Regulation 40.5.40.40(1) Gross Floor Area Calculations for a Non-residential Building in the Commercial Residential Zone Category, subsection (1)(A) shall read 'parking and building entry vestibule(s), loading and bicycle parking below-ground';
(xi) For purposes of Regulation 40.5.40.40(1), below-ground shall mean any portion of the building below the Canadian Geodetic Datum elevation of 128.3 metres (the established grade);
(xii) Only loading, storage and warehousing uses, administrative offices, employee rooms, washrooms and related service areas not otherwise accessible to the general public for retail shopping purposes are permitted within the northern 12 metres of the building;
(xiii) Despite Regulation 40.10.20.20 Permitted Use - with Conditions, the following uses are not permitted:
Club, Hotel, Public School, Public Parking, Private School, Vehicle Dealership, Vehicle Fuel Station, Vehicle Washing Establishment;

(xiv) In addition to Regulation 40.10.40.60 Permitted Encroachments, the following projections into a required building setback, to the maximum distances shown below, are permitted:

- Roof overhang: 1.0 metre
- Balconies, and unenclosed porches: 1.55 metre
- Exterior Steps: No Limit

(xv) Bicycle parking spaces shall be provided as follows:
1. Minimum 21 "long term" bicycle parking spaces within the building; and
2. Minimum 34 "short term" bicycle parking spaces at grade;

(xvi) The following Regulations shall not apply: 40.10.40.1(2) Commercial Uses - Location of Entrances and First Floor Elevation; 40.10.50.10 (1) (B) Landscaping Requirement in CR Zone; 40.10.100.10(1)(B) and (C) Vehicle Access – Restrictions; 40.10.150.1(1)(A) Waste and Recyclable Materials Storage; 230.5.1.10(7)(B) Change and Shower Facilities.

Prevailing By-laws and Prevailing Sections (None Apply)

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

JOHN TORY, Mayor
ULLI S. WATKISS, City Clerk

(Corporate Seal)
Attachment 12: Draft Zoning By-law Amendment  
(Birchcliff Community Zoning By-law No. 8786 – Balance of Site)

Authority:  Scarborough 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 Birchcliff Community Zoning By-law No. 8786, as amended,  
With respect to the lands municipally known as  
411 Victoria Park Avenue, 2510 and 2530 Gerrard Street East

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 pursuant to Section 37 of the Planning Act, the Council of a municipality may in a By-law under Section 34 of the Planning Act, authorize increases in height or density of development beyond those otherwise permitted by the by-law in return for the provision of such facilities, services or matters as are set out in the by-law; and

WHEREAS Subsection 37 (3) of the Planning Act, provides that, where an owner of land elects to provide facilities, services or matters in return for an increase in height or density of development, the municipality may require the owner to enter into one or more agreements with the municipality dealing with the facilities, services or matters; and

WHEREAS the owner of the land hereinafter referred to has elected to provide the facilities, services and matters, as hereinafter set forth; and

WHEREAS the increases in the height or density permitted hereunder, beyond those otherwise permitted in the aforesaid lands by By-law No. 8786, as amended, are to be permitted in return for the provision of the facilities, services and matters set out in this By-law and are to be secured by one or more agreements between the owner of such lands and the City of Toronto (hereinafter referred to as the "City"); and

WHEREAS Council has required the owner of the aforesaid lands to enter into one or more agreements dealing with certain facilities, services and matters in return for the increases in height and density in connection with the aforesaid lands as permitted in 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;

Staff report for action – Final Report – 411 Victoria Park Ave, 2510 and 2530 Gerrard St. East  
V.05/13 62
The Council of the City of Toronto HEREBY ENACTS as follows:

1. **SCHEDULE "A"** of the Birchcliff Community Zoning By-law No. 8786, as amended, is further amended for the lands outlined in the attached Schedule '1' by deleting the existing Agricultural Holding (AG) and Park (P) zoning and replacing them with the Apartment Residential (A), Park (P) and Railway Corridor (RWY) Zones and the Performance Standards as shown on Schedule '1', so that the amended zoning shall read as follows:

```
A – 104
P
RWY
```

2. **SCHEDULE "B", PERFORMANCE STANDARD CHART**, is amended by adding the following Performance Standards:

**INTENSITY OF USE**

19I. Minimum 120 **dwelling units** and maximum 180 **dwelling units**, in which **dwelling units** are separated from each other horizontally, or both horizontally and vertically, and each of which has a separate entrance either through a common hallway or directly from outside.

Maximum **Gross Floor Area** 3.0 times the area of the lot or parcel.

19J. Maximum 69 **dwelling units**, in which **dwelling units** are separated from each other horizontally, or both horizontally and vertically, and each of which has a separate entrance directly from outside.

19K. Maximum 12 **dwelling units**, in which **dwelling units** are separated from each other horizontally, or both horizontally and vertically, and each of which has a separate entrance directly from outside.

19L. Maximum 24 **dwelling units**, in which **dwelling units** are separated from each other horizontally, or both horizontally and vertically, and each of which has a separate entrance directly from outside.

19M. Maximum 15 **dwelling units**.
BUILDING SETBACK FROM THE STREET

40L. Minimum 4.5 m, except minimum 1.0 m from the northerly street line. Garbage enclosures shall be set back a minimum of 10.0 m from the northerly street line and a minimum of 26.0 m from the easterly street line.

40M. Minimum 4.5 m, except minimum 6.0 m for the garage main wall containing the vehicular access and minimum 3.0 m from the street line of a cul-de-sac bulb.

BUILDING SETBACK FROM LOT LINES OTHER THAN STREET LOT LINES

152. Minimum 7.5 m.

153. Minimum 7.5 m from a side lot line and minimum 15.5 m from a rear lot line.

154. Minimum 9.0 m, except minimum 7.5 m from the north side lot line.

155. Minimum 8.0 m, except minimum 7.5 m from the south side lot line.

156. Minimum rear yard building setback of 7.5 m on Part 'A' and minimum 6.0 m on Part 'B'.

PARKING

208. Minimum 1.2 spaces per dwelling unit.

MISCELLANEOUS

356. Minimum 4 storeys, maximum 8 storeys not exceeding an overall height of 26.0 m, excluding basements and rooftop mechanical penthouse.

357. Buildings shall not exceed a 45-degree angular plane from a lot line abutting Park "P" Zones. Notwithstanding CLAUSE V-INTERPRETATION, (f) Definitions, 45-degree angular plane means a plane extending at right angles to a line drawn at a 45 degree angle from horizontal measured from 10.5 m above the mid-point of the required minimum side yard setback abutting a "P" Zone. The resulting plane shall extend above the width, breadth and/or length of the lot.

358. The side yard abutting a "P" Zone shall be used for soft landscaping, walkways, private patios for ground floor dwelling units and amenity spaces only.
359. For that portion of a building above 6 storeys and/or 20 m in height, buildings shall be stepped back an additional 1.5 m from the main wall abutting a street.

360. Minimum interior separation between end walls of buildings of 2.4 m, except minimum 15.0 m where buildings are separated by a driveway and/or easements.

361. Minimum interior separation between end walls of buildings: 4.1 m

362. Minimum interior separation between end walls of buildings: 2.4 m

363. A minimum of 25% of the site shall be maintained as landscaping.

364. A minimum of 30% of the site shall be maintained as landscaping.

365. A minimum of 40% of the site shall be maintained as landscaping.

366. A minimum of 2 garbage enclosures having minimum horizontal dimensions of 4.6 m x 6.0 m each shall be provided.

367. A minimum of 1 garbage enclosure having minimum horizontal dimensions of 3.6 m x 3.6 m shall be provided.

368. Maximum height: 4 storeys and 13.5 m.

369. The following **CLAUSE VI – GENERAL PARKING REGULATIONS FOR ALL ZONES** requirements do not apply:

   i) Sub-section 2.1.1: Street Yard Parking.

3. **SCHEDULE "C", EXCEPTIONS MAP** is amended by deleting Exception No. 34 as it pertains to the subject lands.

4. **SCHEDULE "C", EXCEPTIONS LIST** is amended by deleting Exception No. 34.

5. **SCHEDULE "C", EXCEPTIONS MAP** and **EXCEPTIONS LIST** are amended by adding the following Exception No. 44:

   44. On those lands identified as Exception No. 44 on the accompanying Schedule "C" map, the following provisions shall apply:

   (a) Matters to be provided pursuant to Section 37 of the Planning Act, R.S.O. 1990, c.P. 13, as amended:
i) The density of development permitted by this By-law is permitted subject to the owner of the lands, at its expense and in accordance with and subject to the execution and registration of the agreements referred to in Section (ii) herein, providing or funding the following facilities, services and matters, as follows:

   a. $500,000 for Above Base Park Improvements to the new Park Blocks 4 and 6 within the subdivision, to be provided on the following basis:

      i. $300,000 prior to issuance of the first above grade building permit for 'Part A'; and

      ii. $200,000 prior to issuance of the first above grade building permit for 'Part B'.

ii) The owner of the lands shall enter into one or more agreements with the City of Toronto pursuant to Section 37 of the Planning Act, R.S.O., 1990, c.P. 13 as amended, to secure the facilities, services and matters referred to in Section (i) herein, which agreement shall be registered as a first priority on title to the lands to which this By-law applies.

iii) Each installment payment set out in (i) and (ii) above shall be indexed upwardly in accordance with 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 payment of the funds by the owner to the City.

(b) Additional matters to be provided pursuant to Section 37 of the Planning Act, R.S.O. 1990, c.P. 13, as amended:

i) The Owner will provide land on the site for affordable ownership housing sufficient to construct 24 stacked townhouse units comprising 8 two-bedroom and 16 three-bedroom units as follows:

   a. The land shall be provided to a non-profit housing provider at no cost, and with no additional fees for the Owner's costs of land development and planning approvals, or for servicing and roads, provision of parkland or any other costs associated with developing the larger site.

   b. The non-profit provider shall be responsible for the construction of the affordable ownership units on the land provided by the Owner.
c. The land shall be delivered, ready and available for development, as follows:

i. All necessary planning and development-related approvals necessary to proceed with the construction are in place, save approvals pursuant to the Ontario Building Code Act; and

ii. The land is serviced to the lot line and able to be connected to existing services; and

iii. A Record of Site Condition suitable for residential development has been obtained, and any needed soil remediation has been undertaken or alternatively, provisions for the Owner to pay for soil remediation have been secured.

d. The entire parcel of land sufficient to accommodate all 24 stacked townhouse units shall be ready for conveyance to the non-profit provider no later than the date that above-grade building permits are issued that would permit the construction of more than 30 townhouse or stacked townhouse units, other than for the 24 affordable ownership units.

e. The location, size and configuration of the land parcel for the 24 Affordable Ownership units shall be to the satisfaction of the Chief Planner and Executive Director, City Planning, and shall be:

i. Sufficient to accommodate all related facilities, including resident and visitor parking, and for garbage and recycling;

ii. Sufficient to accommodate the unit mix and minimum sizes and features set out herein and complying with all applicable Performance Standards of this by-law.

f. The unit mix, minimum sizes and features of the 24 stacked townhouses shall be as follows:

i. 16 of the units shall be 3-bedroom units shall have at least 3-bedrooms, with a minimum unit size of 106.5 square metres;

ii. 8 of the units shall have at least 2-bedrooms, with a minimum unit size of 90.5 square metres;

iii. Each unit shall have one dedicated enclosed parking space provided;

iv. Each unit shall have private outdoor recreation amenity space in the form of a patio, balcony or roof deck.
g. The Owner is responsible for obtaining Site Plan approval for the land parcel at no cost to the non-profit provider, including the provision of design concept plans for the 24 stacked townhouse units.

ii) The Owner will provide for 6 Affordable Ownership units within the apartment building on Block 5 as follows:

a. The 6 apartments, finished to the drywall stage of construction, will be provided to a non-profit provider for individual conveyance to the initial homeowner, with no costs for the land component of the units, and with no additional fees for the Owner's costs of land development and planning approvals including for condominium registration, or for servicing and roads, provision of parkland or any other costs associated with developing the larger site, or for the cost of design or building permit fees for the work undertaken by the Owner to complete the construction of the apartment building.

b. The amount of any payment to the Owner by the non-profit provider for the costs of construction of the 6 apartment units to the drywall stage of construction, and any costs associated with sales closing, shall not exceed an amount that will permit the sale price for each unit to meet the affordable ownership housing price for a 1-bedroom apartment to the satisfaction of the Chief Planner and Executive Director, City Planning, subject to the requirements c. below.

c. The 6 apartments shall be one-bedroom apartments located so as to not to be contiguous with one another, with a minimum unit size of 55.5 square metres. The unit owner shall be provided at no extra cost with a dedicated enclosed parking space, a private patio or balcony, and a storage locker.

d. The 6 apartments shall be delivered to the non-profit provider, ready for the non-profit provider to complete the finishing work, no later than the date that 80% of the remaining units in the apartment building are ready and available for occupancy.

e. The Owner will, in consultation with the non-profit provider:

i. Submit the proposed unit layouts and Site Plan drawings identifying the location of the 6 apartment units and their related facilities for the approval of the Chief Planner and Executive Director, City Planning,
with any subsequent changes to be to Chief Planner's satisfaction; and

ii. Apply for and obtain approved building permits that meet the requirements of sub-clause (b) ii) above.

iii) The Owner will enter into an agreement with the non-profit provider to the satisfaction of the Chief Planner and Executive Director in consultation with the Director, Affordable Housing Office, to implement the provisions of sub-clauses (b) i) and ii) above, prior to the issuance of the first above-grade residential building permit for any purpose.

iv) The non-profit provider will enter in to one or more Section 37 Agreements with the City for the affordable ownership units, and will agree to:

a. Build the 24 stacked townhouse units in accordance with paragraph (b) i) above, and to finish the construction of the 6 apartment units in accordance with sub-clause (b) ii) above; and

b. Apply for and obtain approved building permits for the stacked townhouse units that meet the requirements of sub-clause (b) i) above.

c. Apply for and obtain any required building permits to complete the construction of the 6 apartment units in accordance with sub-clause (b) ii) above.

v) Each of the 30 affordable ownership housing units shall be provided and maintained as set out in clause (b) above and in accordance with the following provisions which shall be further set out in an agreement or agreements between the non-profit provider and the City as follows:

a. The affordable ownership housing units shall remain as affordable ownership housing for a period of at least 15 years.

b. Provisions will be made to secure the affordability of the affordable ownership housing units upon resale during this 15 year affordability period, and after the expiry of the 15 year period, to ensure repayment upon resale or refinancing to the City in an amount of at least the value of the community benefit provided by the contribution of the land, increased by the percentage increase in the appraised market value of such unit.
c. Affordable prices will be charged to the homeowners who purchase each of the 30 affordable ownership housing units during this 15 year affordability period such that the initial sale price shall not exceed the affordable ownership housing price, and upon resale, the sale price shall not exceed the initial sale price increased by the percentage change in the appraised market value at the time of resale from the appraised market value at the time of the initial sale.

vi) Each of the affordable ownership housing units during this 15 year affordability period shall be sold only to households who will occupy the unit as their principal residence and who meet the eligibility criteria for minimum household sizes and maximum household incomes for that unit type as follows:

a. The minimum size of household for each unit type shall be 1 person per bedroom;

b. The maximum household income for each unit type shall not exceed 4 times the payments for principle, interest and property taxes, with the principle and interest calculation based on the affordable ownership prices defined in the Site and Area Specific Policy 485 of the Official Plan.

vii) After the expiry of the 15 year affordability period in i), upon resale, the provisions in iii) herein for the sale price of each of the affordable ownership housing units, and the provisions in iv) herein for the eligibility criteria for purchasing households will no longer apply.

viii) A homeowner who purchased an affordable ownership housing unit during the 15 year affordability period and who sells or re-finances such unit after the expiry of the 15 year period, or no longer occupies it as their principal residence, will be required to meet the provisions for repayment in ii) herein.

(c) The following matters are also recommended to be secured in the Section 37 Agreement as a legal convenience to support development:

i) The Owner shall construct and maintain the development in accordance with Tier 1 performance measures of the Toronto Green Standard, as adopted by Toronto City Council at its meeting held on October 26 and 27, 2009 through the adoption of item PG32.3 of the Planning and Growth Committee.

5. SCHEDULE "C", EXCEPTIONS MAP and EXCEPTIONS LIST are amended by adding the following Exception No. 45:

Staff report for action – Final Report – 411 Victoria Park Ave, 2510 and 2530 Gerrard St. East V.05/13
45. On those lands identified as Exception No. 45 on the accompanying Schedule "C" map, the following provisions shall apply:

(a) Only retaining walls and security fencing associated with adjacent railway activities are permitted.

5. **SCHEDULE "C", EXCEPTIONS MAP** and **EXCEPTIONS LIST** are amended by adding the following Exception No. 46:

46. On those lands identified as Exception No. 46 on the accompanying Schedule "C" map, the following provisions shall apply:

(a) Only **townhouse dwelling units** are permitted.

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

JOHN TORY, 
Mayor

ULLI S. WATKISS,  
City Clerk

(Corporate Seal)
Attachment 13: Conditions of Draft Plan Approval

1. Prior to the registration of the draft plan of subdivision, the Owner shall enter into the City's standard form subdivision agreement and satisfy all of the pre-registration conditions contained therein;

2. Prior to the registration of the draft plan of subdivision, the Owner shall provide to the Director of Community Planning, Scarborough District, confirmation of payment of outstanding taxes to the satisfaction of Revenue Services Division, Finance Department, City of Toronto (statement of account or Tax Clearance Certificate) and that there are no outstanding City initiated assessment or tax appeals made pursuant to section 40 of the Assessment Act or the provisions of the City of Toronto Act, 2006. In the event that there is an outstanding City initiated assessment or tax appeal, the Owner shall enter into a financially secured agreement with the City satisfactory to the City Solicitor to secure payment of property taxes in the event the City is successful with the appeal.

3. If the subdivision is not registered within 5 years of the date of draft plan approval, then this approval shall be null and void and the plans and drawings must be resubmitted to the City of Toronto for approval.

4. The Owner shall construct and maintain the development in accordance with Tier 1 performance measures of the Toronto Green Standard, as adopted by Toronto City Council at its meeting held on October 26 and 27, 2009 through the adoption of PG32.3 of the Planning and Growth Committee.

5. Prior to the registration of the draft plan of subdivision, the new Official Plan land use designations and zoning implementing the amended Official Plan shall be in full force and effect.

Parks, Forestry and Recreation

Parks:

Parkland Dedication

6. Prior to the issuance of the first above ground building permit for the residential development, the Owner will convey the parkland, Block 4 & Block 6 to the City of Toronto for parkland purposes. The final location and configuration of the parkland on the plan of subdivision will be to the satisfaction of the General Manager of Parks, Forestry and Recreation.

7. Prior to the registration of the draft plan of subdivision, the Owner shall provide, satisfactory to the City Solicitor, all legal descriptions and applicable reference plans of survey for the parkland dedication lands.
8. Prior to the registration of the draft plan of subdivision, the Owner will provide the construction specs and a landscape plan which denotes the construction of the berm, to the satisfaction of the General Manager of Parks, Forestry and Recreation and the Technical Services, Development Engineering Division.

9. The Owner shall pay for the costs of such dedication and the preparation and registration of all relevant documents.

10. The Owner shall ensure that lands to be dedicated as parkland to the City of Toronto shall be free and clear, above and below grade, of all easements, encumbrances and encroachments except those existing already on the lands that are for the benefit of the City of Toronto, unless otherwise authorized by the General Manager of Parks, Forestry and Recreation.

11. The Owner acknowledges and agrees that stockpiling of any soils or materials or use as an interim construction staging area on the parkland is prohibited, unless otherwise approved by Parks, Forestry and Recreation.

Environmental Assessment

12. Submit a Qualified Person Preliminary Statement Letter, that is dated and signed by the applicant's Qualified Person, as defined in O. Reg. 153/04, as amended, describing the lands to be conveyed to the City, and identifying what environmental documentation will be provided to the City's peer reviewer to support this conveyance; all environmental documentation consistent with O. Reg. 153/04 requirements shall be submitted with reliance extended to the City and its peer reviewer and any limitation on liability and indemnification is to be consistent with Ontario Regulation 153/04, as amended, insurance requirements or such greater amount specified by the Executive Director of Engineering & Construction Services;

Pay all costs associated with the City retaining a third-party peer reviewer including all administrative costs to the City, and submit an initial deposit towards the cost of the peer review in the form of a certified cheque, to the Executive Director, Engineering & Construction Services. Submit further deposits when requested to cover all costs of retaining a third-party peer reviewer (unused funds will be refunded to the applicant by the City)

Submit, to the satisfaction of the City's peer reviewer, all Environmental Site Assessment reports prepared in accordance with the Record of Site Condition Regulation (Ontario Regulation 153/04, as amended) describing the current conditions of the land to be conveyed to the City and the proposed Remedial Action Plan based on the site condition standards approach, to the Executive Director, Engineering and Construction Services;
At the completion of the site assessment/remediation process, submit a Statement from the Qualified Person based on the submitted environmental documents, to the Executive Director, Engineering & Construction Services for peer review and concurrence, which states:

In the opinion of the Qualified Person:

a) It is either likely or unlikely that there is off-site contamination resulting from past land uses on the development site that has migrated onto adjacent City lands that would exceed the applicable Site Condition Standards; and

b) To the extent that the opinion in 16a) is that past migration is likely, it is either possible or unlikely that such off-site contamination on adjacent City lands poses an adverse effect to the environment or human health.

Land to be conveyed to the City meets either:

  c) The applicable Ministry Generic Site Condition Standards (Tables 1, 2, 3, 6, 7, 8 and 9) for the most environmentally sensitive adjacent land use; or

  d) The Property Specific Standards as approved by the Ministry for a Risk Assessment/Risk Management Plan which was conducted in accordance with the conditions set out herein.

The Qualified Person's statement referenced above will include a Reliance Letter that is dated and signed by the applicant's Qualified Person, as defined in O. Reg. 153/04, as amended, confirming that both the City and the City's peer reviewer can rely on the environmental documentation submitted, consistent with O. Reg. 153/04 requirements, and the Qualified Person's opinion as to the conditions of the site; all environmental documentation consistent with O. Reg. 153/04 requirements and opinions shall be submitted with reliance extended to the City and its peer reviewer and any limitation on liability and indemnification is to be consistent with Ontario Regulation 153/04, as amended, insurance requirements or such greater amount specified by the Executive Director of Engineering & Construction Services.

For conveyance of lands requiring a Record of Site Condition:

  e) File the Record of Site Condition on the Ontario Environmental Site Registry; and

  f) Submit the Ministry's Letter of Acknowledgement of Filing of the RSC confirming that the RSC has been prepared and filed in accordance with O. Reg. 153/04, as amended, to the Executive Director, Engineering & Construction Services.
Temporary Fencing

13. Prior to conveyance of the parkland the Owner shall be responsible for the installation and maintenance of temporary fencing around the parkland and its maintenance until such time as the development of the park block is completed.

Base Park Improvements

14. The Owner will be responsible for the construction and installation of base park improvements to the dedicated parkland to the satisfaction of the General Manager of Parks, Forestry and Recreation including the following:

   (a) Grading (inclusive of 150 mm topsoil supply and placement);
   (b) Sod;
   (c) City standard fencing, where deemed necessary;
   (d) Buffering/screening between the park and adjacent uses;
   (e) All necessary drainage systems;
   (f) Electrical and water connections to the street line where deemed necessary;
   (g) Street trees along all public road allowances, which abut City owned parkland; and
   (h) Standard Park sign (provide certified cheque)

Details of when such work is to be completed are to be finalized prior to the registration of the draft plan of subdivision and shall be to the Satisfaction of the General Manager of Parks, Forestry and Recreation. Except as authorized by Council, no credit shall be given towards the Parks and Recreation component of the Development Charges for the costs associated with the above noted base park improvements.

15. Prior to the registration of the draft plan of subdivision, the Owner will post a certified cheque as security for the installation of the base park improvements, and any required walkway or fencing equal to 120% of the value of the base park improvements and fencing to the satisfaction of the General Manager of Parks, Forestry and Recreation.

16. At the time the base park improvements have been completed, the Owner will provide certification from their landscape architect certifying all work has been completed. At that time, the submitted letter of credit for park improvements will be released subject to the satisfaction of the General Manager of Parks, Forestry and Recreation, less 20% of the total value which will be retained for a two year period as a performance guarantee.

17. At the time of conveyance, the General Manager of Parks, Forestry and Recreation may elect to receive cash-in-lieu of some or all of the elements of Base Park improvements.
Parkland Grading and Drainage

18. **Prior to the registration of the plan of subdivision**, the Owner shall ensure that the grading and drainage of the adjacent Blocks are compatible with the grade of the parkland to the satisfaction of the General Manager, Parks, Forestry & Recreation and the Executive Director, Technical Services.

Park Final Design and Programming

19. The Owner shall agree that the General Manager, Parks, Forestry and Recreation will determine the final location, configuration, design, development and programming of the parkland to be conveyed to the City.

Above Base Park Improvements

20. Should the Owner and City agree, and conditional on approval from the City Finance Department on the use of the Park and Recreation Component of the Development Charges, the design and construction of the above base park improvements will be completed by the Owner, subject to the approval of the General Manager of Parks, Forestry & Recreation. The above base park improvements will be equivalent to the Parks and Recreation component of the development charges applicable to market housing. The applicant will submit a letter of credit equal to 120% of the value of the Parks and Recreation component of the Development Charges for each phase of residential development.

21. Areas to be addressed in the design of the parkland are park programming, sustainable design and plantings, community and public safety, ground surface treatment, seating, vandalism etc. Details of these requirements will be determined prior to the registration of the plan of subdivision and will be to the satisfaction of the General Manager, Parks, Forestry & Recreation.

22. If the Owner and the City have agreed that the Owner will be completing the above base park improvements the Owner shall submit for the approval of the General Manager, Parks, Forestry & Recreation, a park design concept and a park development budget prior to the issuance of the first above grade building permit within the plan of subdivision.

Completion of Parkland Development

23. The Owner will agree to complete the park in base park condition within one year of the first residential occupancy, and if agreed to, in above base park condition within one year of the first residential occupancy.
Certification of Parkland Completion

24. The Owner, upon satisfactory completion of the parkland development will be required to guarantee such work and associated materials to the satisfaction of the General Manager, Parks, Forestry & Recreation. The Owner will provide stamped certification from its Landscape Architect verifying all work has been completed. As-built drawings will be submitted to the General Manager, Parks, Forestry & Recreation. At that time, the submitted letters of credit securing the parks and recreation component of the development charges and the base park improvements will be released, less 20% which shall be retained for a two year period as a performance guarantee.

Development Charges Credit

25. The Owner’s total obligation with respect to the design and installation of Parkland Improvements will not exceed the aggregate amount of the Parks and Recreation service component of the Development Charges for all dwellings in the subdivision, notwithstanding the approved budget. The Owners acknowledge that the City will give them a Development Charge credit for Parkland Improvements provided over and above the Base Park Improvements. All plans, budgets, Development Charge credits and letters of credit shall be to the satisfaction of the General Manager, Parks, Forestry & Recreation.

Terms and Conditions

26. All plans, budgets, Development Charge credit, and Letters of Credit submitted by the Owner to the City shall be to the satisfaction of the General Manager of Parks, Recreation and Forestry. The Owner shall agree that all Letters of Credit that are to be provided by the Owner, unless determined otherwise by the City of Toronto, are intended to be in current dollars and accordingly, shall be adjusted either upwards or downwards, annually, on the anniversary date of the execution of the associated subdivision agreement, in accordance with the change in the Statistics Canada Construction Price Index, or other index to the satisfaction of the City, during such one year period, provided that in no case shall the amount, payable by the Owner, at any time be less than the minimal amount set out in that agreement.

Urban Forestry:

City Owned Street Trees

27. The Owner shall agree in the subdivision agreement to submit an application and pay the required application fees, and to provide 70 mm diameter caliper replacement trees for the removal of trees that are subject to the City's Street Tree By-law and associated regulations in effect on the date of Draft Approval of the Plan of Subdivision. The ratio of replacement trees will be determined by Urban

Staff report for action – Final Report – 411 Victoria Park Ave, 2510 and 2530 Gerrard St. East
V.05/13 79
Forestry. Replacement trees will be planted on site in accordance with Urban Forestry requirements, or if no suitable location on site can be provided, the Owner may submit cash-in-lieu of planting, all to the satisfaction of the General Manager of Parks, Forestry & Recreation.

28. Prior to the registration of the plan of subdivision, the Owner shall provide a street tree planting plan, in conjunction with a composite utility plan that indicates the species, size, and location of all proposed street trees, as these relate to the location of any roads, sidewalks, driveways, street lines and utilities. The street tree planting plan shall be satisfactory to the General Manager of Parks, Forestry & Recreation.

29. Prior to the acceptance of engineering drawings by Engineering and Construction Services, the Owner agrees to provide a composite utility plan, indicating the location of all underground and above ground utilities, as well as proposed tree planting locations, to the satisfaction of the General Manager of Parks, Forestry & Recreation, and the Executive Director of Engineering and Construction Services.

30. Prior to the registration of the plan of subdivision, the Owner shall post a Letter of Credit in the amount of $583/tree for the proposed street trees, to guarantee the planting and maintenance by the Owner of the trees for a period of two years after the planting date, to the satisfaction of Parks, Forestry & Recreation.

31. Prior to the registration of the plan of subdivision, the Owner agrees to prepare an information booklet outlining the tree planting strategy within the community and the ongoing responsibilities of the homeowners and the City in order to achieve a successful urban tree planting strategy within the community. This booklet will be prepared to the satisfaction of Parks, Forestry & Recreation and will be distributed to all homeowners for all dwellings within the Subdivision.

32. The Owner agrees that the following clause will be included in all agreements of purchase and sale and/or rental/lease agreements for any lands within the proposed plan of subdivisions:

The Purchaser(s) and/or Tenant(s) are hereby advised that they may not receive a street tree in front of their property.

33. Prior to the registration of the plan of subdivision, the Owner agrees to provide its Solicitor's confirmation to the City advising that the above clause has been included in all agreements of purchase and sale and/or rental/lease agreements within the plan of subdivision to ensure that future occupants are aware that they may not receive a street tree in front of their property and be registered on title to the satisfaction of the City Solicitor.

34. The Owner agrees to contact the Supervisor of Urban Forestry, Tree Protection and Plan Review or his/her designate prior to commencement of street tree
planning. The Owner further agrees to plant the street trees are per the approved street tree planting and composite utility plans, to the satisfaction of Parks, Forestry & Recreation. There shall be a two year maintenance period, with an annual inspection involving Urban Forestry and the Owner (and their agents). At the end of the two year maintenance period, if the street trees are in good condition, the General Manager of Parks, Forestry & Recreation shall accept maintenance responsibilities, and return the Letter of Credit. The Owner acknowledges that any trees requiring removal will be replaced, maintained and guaranteed by the Owner for an additional two year period.

35. Following the planting of street trees, the Owner agrees to provide a Certificate of Completion of Work and an as-installed plant list in the form of a spreadsheet identifying street trees, as shown on the approved planting plan, by street address. The as-installed plant list shall also include tree species, caliper, condition and specific location of the trees by identifying two points of references (i.e. distances in metres from the curb, sidewalk, driveway, utility pole or pedestal).

Privately Owned Trees

36. Prior to the registration of the plan of subdivision, the Owner agrees to submit an Arborist Report, Tree Preservation Plan and Tree Replacement Plan to the satisfaction of the General Manager of Parks, Forestry & Recreation.

37. Prior to the registration of the plan of subdivision, the Owner agrees to protect all existing trees associated with the development for which approval to remove or injure has not been granted in accordance with the approved Arborist Report and Tree Preservation Plan to the satisfaction of the General Manager of Parks, Forestry & Recreation.

38. The Owner shall agree in the subdivision agreement to install tree protection barriers and signage in accordance with the approved Arborist Report and Tree Preservation Plan to the satisfaction of the General Manager of Parks, Forestry & Recreation, and to maintain barriers in good repair until removal has been authorized by the General Manager of Parks, Forestry & Recreation.

39. The Owner shall agree in the subdivision agreement to notify all builders, contractors and agents of all tree protection requirements where any part of the development will be carried out by them on behalf of the Owner to the satisfaction of the General Manager of Parks, Forestry & Recreation.

40. The Owner shall agree in the subdivision agreement to submit an application and pay the required application fees, and to provide 70 mm diameter caliper replacement trees for the removal of trees that are subject to the City's Private Tree By-law and associated regulations in effect on the date of Draft Approval of the Plan of Subdivision. The ratio of replacement trees will be determined by Urban Forestry. Replacement trees will be planted on site in accordance with
Urban Forestry requirements, or if no suitable location on site can be provided, the Owner may submit cash-in-lieu of planting, all to the satisfaction of the General Manager of Parks, Forestry & Recreation.

41. The Owner acknowledges and agrees that once all site works are complete, including sodding, planting will be implemented and completed in accordance with the approved replacement planting plan, to the satisfaction of the General Manager of Parks, Forestry & Recreation.

42. The Owner shall agree in the subdivision agreement, to the satisfaction of the General Manager of Parks, Forestry & Recreation, to contact Urban Forestry 48 hours prior to the planting of trees on private property or within common areas, and further agrees to plant the trees in accordance with the approved planting plans.

43. The Owner shall agree in the subdivision agreement that no vegetation removals will occur during the migratory bird period and to undertake other measures to the satisfaction of the General Manager of Parks, Forestry & Recreation to protect vegetation during development activity.

Engineering and Construction Services

44. The Owner shall dedicate all roads, corner roundings, and road widenings shown on the plan.

45. The Owner shall convey to the City all 0.3 metre (one foot) reserves shown on the plan.

46. The Owner shall convey all necessary easements (internal and external) to the City.

47. The Owner shall prepare all documents to convey lands in fee simple and easement interests to the City for nominal consideration, such lands to be free and clear of all physical and title encumbrances to the satisfaction of the Executive Director of Engineering and Construction Services in consultation with the City Solicitor.

48. The Owner shall submit a draft Reference Plan of Survey to the Executive Director of Engineering and Construction Services, for review and approval, prior to depositing it in the Land Registry Office. The plan should:

(a) Be in metric units and integrated to the Ontario Coordinate System (3° MTM, Zone 10, NAD 83 CSRS), showing the lands to be conveyed to the City to the Executive Director of Technical Services, for review and approval.
(b) Delineate by separate PARTS the lands to be conveyed to the City, the remainder of the site and any appurtenant rights-of-way and easements; and
(c) Show the co-ordinate values of the main corners of the subject lands in a schedule on the face of the plan.

49. The Owner shall prepare all documents and convey to the City, at nominal cost, Part 1, Plan 66R-XXXX for the completion of Musgrave St. at Victoria Park Ave. in fee simple, such lands to be free and clear of all physical and title encumbrances, and subject to a right-of-way for access in favour of the grantor until such time as said lands have dedicated as a public highway, all to the satisfaction to the Executive Director of Engineering and Construction Services and the City Solicitor.

50. The Owner shall prepare all documents and convey to the City, at nominal cost, Blocks 3, 11, and 12 as a road widening, all to the satisfaction to the Executive Director of Engineering and Construction Services and the City Solicitor.

51. The Owner shall pay all costs for preparation and registration of reference plan(s).

52. The Owner shall apply stormwater management techniques in the development of this subdivision to the satisfaction of Engineering and Construction Services.

53. The Owner shall conduct an environmental site assessment for lands to be conveyed to the City in accordance with the terms and conditions of the standard subdivision agreement including providing payment for a peer reviewer and the submission of a Record of Site Condition (RSC).

54. The Owner shall pay engineering and inspection fees in accordance with the terms and conditions of the standard subdivision agreement.

55. The Owner shall submit financial security in accordance with the terms of standard subdivision agreement.

56. The City agrees to release the existing temporary (Part 1, Plan 66R-26033) and permanent easements (Part 2, 66R-26033) on Block 1 only under the following four conditions:

(a) The Owner shall provide a temporary easement in favour of the City over a portion of the future Musgrave Street Extension right-of-way for the proposed Victoria Park Avenue Trunk Watermain (Gerrard Street East and Blantyre Avenue to the Eglinton Pumping Station) project to allow for future tunnel shaft locations to the satisfaction of the General Manager, Toronto Water; and
(b) The Owner shall provide a temporary easement in favour of the City over a portion of the lands proposed for transfer to the City (e.g. right-of-way, parklands) for the proposed Victoria Park Avenue Trunk Watermain (Gerrard Street East and Blantyre Avenue to the Eglinton Pumping Station) project to allow for construction staging to the satisfaction of the General Manager, Toronto Water; and

(c) Approval of a revised Environmental Assessment for the proposed Victoria Park Avenue Trunk Watermain (Gerrard Street East and Blantyre Avenue to the Eglinton Pumping Station) project to enable the relocation of the tunnel exit shaft south to the future Musgrave Street Extension right-of-way and identify a new watermain alignment acceptable to the General Manager of Toronto Water and the Executive Director of Engineering and Construction Services; and

(d) The securing of the required easements for the new watermain alignment to the satisfaction of the General Manager of Toronto Water and the Executive Director of Engineering and Construction Services.

57. The proposed access onto Victoria Park Avenue for the retail/commercial component of this subdivision must be restricted to a right in/right out movements only restricted by the installation of a center median on Victoria Park Avenue from the grade separation bridge structure to a point approximately 10 metres south of the proposed driveway location.

58. The southbound left turn lane at the intersection of Victoria Park Avenue and Musgrave Street must be extended north to a point 14 metres north to accommodate the left turn traffic volumes generated from this development. A One-Way arrow sign as per the Ontario Traffic Manual, Book 5, must be illustrated on the median at the proposed restricted driveway location. The noted median installation and left turn extension on Victoria Park Avenue must be completed while maintaining the existing pavement widths.

59. The Owner is required to provide a detailed functional drawing at the time of engineering drawing submission completed by a certified transportation consultant illustrating the existing and proposed conditions on Victoria Park Avenue. This improvement must be completed to the satisfaction of the Executive Director of Engineering and Construction Services.

60. The Owner is to provide written authorization from RioCan for all proposed works on their lands outside of this plan.

61. Blocks 2, 7 and 8 are to be under private ownership.

62. Public roads within this subdivision with right-of-way widths of 20 metres or less and the proposed cul-de-sac, must be designed and constructed in accordance with
the Development Infrastructure Policy and Standards (DIPS), to the satisfaction of
the Executive Director of Engineering and Construction Services.

63. The Owner must provide pedestrian sidewalks a minimum of 1.7 meter wide on
both sides of all proposed public roadways.

64. The Owner must provide a certified cheque payable to the City of Toronto in the
amount of $100,000.00 for the future installation of Traffic Control Signals at the
intersection of Blantyre Avenue and Gerrard Street East. This amount equates to
50% of the estimated total cost to install traffic control signals at this intersection
location.

65. The Owner must provide a Letter of Credit in the amount of $200,000 for a
possible future installation of Traffic Control signals at the intersection of
proposed Street C and Gerrard Street East. This Letter of Credit will be returned
to the owner if the Traffic Control Signal is not justified and/or required for safety
reasons within five (5) years of full occupancy of this development, at the
discretion of the General Manager, Transportation Services.

66. The Owner is required to pay for all costs associated with traffic control signal
modifications required at all intersections analyzed in the traffic impact study,
including but not limited to phasing optimization/timing modifications, hardware
and plant modifications etc. Also, any hardware and plant modification etc.
required at the intersection of Victoria Park and Musgrave Street must be paid by
the owner. The adjustments to the traffic control signal plants are to be to the
satisfaction of Mr James Chandler, Manager, Traffic Control and Safety Systems
at 416-392-5314.

67. The Owner is required to pay for all costs associated with the installation of the
northbound advance left turn phase at the intersection of Danforth Avenue and
Victoria Park Avenue during the weekday afternoon and Saturday mid-day
periods. The adjustments to the traffic control signal plants are to be to the
satisfaction of Mr James Chandler, Manager, Traffic Control and Safety Systems
at 416-392-5314.

68. The Owner is responsible for all costs associated with the re-location, removal,
storage and reinstallation of any existing transit shelters, connecting sidewalks
and passenger loading platform along both the Gerrard Street East and Victoria
Park Avenue frontages of this property to an alternative location (if required) and
must provide 14 days (minimum) notice for the removal of the said shelter.
Further information can be obtained through Mr. Sam Nasso, Supervisor, City of
Toronto, Public Realm Section at 392-1552. The applicant must be advised to
contact Linda Fice, Supervisor of Stops Administration, Toronto Transit
Commission (416) 393-4475 to determine if the existing transit stop requires
relocation.

69. The Owner is responsible for all costs associated with the installation/alterations
of municipal street signage, traffic control signage and pavement markings
required by this application.
70. The Owner agrees that all lot layouts shall create street frontages such that no driveway entrance shall overlap with the adjacent driveway approach within the boulevard. All driveway entrances shall be constructed (minimum width of 3 metres) to the satisfaction of the Executive Director, Engineering and Construction Services.

Noise and Vibration

71. The Owner agrees to carry out/implement, and bear all costs associated with the recommended mitigation measures, including the provision of appropriate related noise warning clauses in offers of purchase and sale for the residential units, in accordance with the Environmental Noise & Vibration Assessment and all Addendums thereto prepared by Novus Environmental Inc.

Schools

72. The Owner shall enter into an agreement to erect and maintain signs, at points of egress and ingress of the development site, advising that:

"The Toronto District School Board makes every effort to accommodate students at local schools. However, due to residential growth, sufficient accommodation may not be available for all students. Students may be accommodated in schools outside this area until space in local schools becomes available. For information regarding designated school(s), please call (416) 394-7526."

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

73. The Owner agrees to include in all offers of purchase and sale or lease the following warning clauses prior to the registration of the subdivision plan and for a period of 10 years after registration of the subdivision plan:

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

Purchasers agree for the purpose of transportation to school, if busing is provided by the Toronto District School Board, that students will not be bussed home to school and/or from school to home, but will meet the bus at designated locations in or outside of the area."

74. The Owner shall enter into an agreement to erect and maintain signs, at points of egress and ingress of the development site, advising that:

"The Toronto Catholic District School Board has plans to accommodate Catholic students from this development. If the elementary or secondary
school which serves this area is oversubscribed, students from this
development may need to be accommodated in portable classrooms or may
have to attend a school located outside the area.

For information regarding Catholic schools serving this development, please
contact the Planning Department at 416-222-8282, ext. 2280, or visit the Board
website at www.tcdsb.org.

Bruce Rodrigues, Director of Education   Ann Andrachuk, Chair"

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

75. The Owner agrees to include in all offers of purchase and sale or lease the
following warning clauses prior to the registration of the subdivision plan and for
a period of 10 years after registration of the subdivision plan:

"The Toronto Catholic District School Board has plans to accommodate
Catholic students from this development. If the elementary or secondary
school which serves this area is oversubscribed, students from this
development may need to be accommodated in portable classrooms or may
have to attend a school located outside the area. The purchaser or tenant
acknowledges that school bus service for students, if required, will be from
designated school bus stops located within or outside the development area."

Toronto Transit Commission

76. The Owner agrees to provide the TTC with $70,000.00 to equip the Victoria Park
Avenue/Musgrave Street and Victoria Park Avenue/Gerrard Street East
intersections for transit priority.

Enbridge

77. Prior to the registration of the plan of subdivision, the Owner agrees to make
satisfactory arrangements, financial and otherwise (including providing
easements), with a natural gas provider for the installation and delivery of gas
services to the plan of subdivision, to the satisfaction of Enbridge Gas
Distribution or such other gas provider.

78. The Owner agrees to contact Enbridge Gas Distribution’s Customer Connections
department by emailing SalesArea10@enbridge.com for service and meter
installation details and to ensure all gas piping is installed prior to the
commencement of site landscaping (including, but not limited to: tree planting,
silva cells, and /or soil trenches) and/or asphalt paving.
79. The Owner agrees that if the gas main needs to be relocated as a result of changes in the alignment or grade of the future road allowances or for temporary gas pipe installations pertaining to phase construction, all costs are the responsibility of the applicant.

80. In the event that easement(s) are required to service this development, the Owner agrees to provide the easement(s) to Enbridge Gas Distribution at no cost.

81. In the event a pressure reducing regulator station is required, the applicant is to provide a 3 metre by 3 metre exclusive use location that is within the municipal road allowance. The final size and location of the regulator station will be confirmed by Enbridge Gas Distribution’s Customer Connections department. (For more details contact SalesArea10@enbridge.com).

82. The Owner agrees to grade all road allowances to as final elevation as possible, provide necessary field survey information and all approved municipal road cross sections, identifying all utility locations to the satisfaction of Enbridge Gas Distribution, prior to the installation of the gas piping.

Canada Post

83. Prior to the registration of the plan of subdivision, the Owner shall make satisfactory arrangements with Canada Post concerning community mail boxes and provide a plan to the City showing the location of all proposed community mailboxes, associated garbage containers and landscaping within the area of the community mailboxes. The plan shall be to the satisfaction of the Chief Planner and Executive Director, City Planning, the Executive Director of Engineering and Construction Services, and the General Manager of Parks, Forestry and Recreation.

84. The Owner agrees to include in all residential purchase and sale agreements a statement that advises that mail delivery by Canada Post will be from a designated Community Mailbox, and to be responsible for notifying the purchaser of the exact community Mailbox locations prior to the closing of any unit sale.

85. The Owner agrees to consult with Canada Post Corporation to determine suitable locations for the placement of Community Mailboxes and to indicate these locations and the following requirements on all appropriate servicing plans for the development:

   (a) An appropriately sized sidewalk section (concrete pad) to place the community Mailbox on;
   (b) Any required walkway access across the boulevard; and
   (c) Any required curb depressions for wheelchair access.
86. The Owner agrees to determine and provide a suitable temporary Community mailbox location(s) which may, until the curbs, sidewalks and final grading have been completed at the permanent Community Mailbox locations, be utilized by Canada Post to provide mail delivery to the new homes as soon as they are occupied.

Bell Canada

87. The Owner agrees to grant to Bell Canada any easements that may be required for telecommunications services subject to final servicing decisions. In the event of any conflicts with existing Bell Canada facilities or easements, the Owner shall be responsible for the relocation of such facilities or easements.

88. The Owner agrees to provide one or more conduits of sufficient size from each unit to rooms in which telecommunications facilities are situated, and one or more conduits from the room(s) in which telecommunications facilities are located to the street line.

Retaining Wall and Security Fence (Block 14)

89. The Owner shall be responsible for the installation and ongoing repair, maintenance and capital replacement (the "Maintenance Obligation") of the retaining wall and security fence to be constructed on Block 14 to good and workmanlike standards such that the retaining wall and security fence shall continue to function for their intended purpose, and until such time as the Maintenance Obligation has fully transferred to the future residential entities described in 91. below.

90. The Owner shall only develop the residential units proposed on Blocks 5, 7, 8, 9 and 10 as condominium units or as freehold residential units that share a common interest as described in the declaration of a common elements condominium within the meaning of the Condominium Act (referred to as parcels of tied land or "POTLs").

91. In either such circumstance under 91. above, the Owner shall ensure that the retaining wall and security fence constructed on Block 14 shall always form part of the common elements either in relation to one or more condominiums or in relation to one or more common elements condominiums, such that the Maintenance Obligation remains solely on such condominium or, through necessary reciprocal agreements, on such condominiums, and shall not be an obligation of the City.

92. The Owner acknowledges that the Maintenance Obligation shall be a condition of site plan approval for development of Blocks 5, 7, 8, 9 and 10 and the Owner shall cause the Maintenance Obligation to form part of the Declaration for each standard condominium or for each POTL created on the said Blocks.
93. The Owner agrees to include in all offers of purchase and sale a warning clause, to the satisfaction of the City Solicitor, advising the purchaser of the Maintenance Obligation being assumed through said purchase. This warning clause shall also apply to the purchaser of an affordable unit, advising of the Maintenance Obligation that will apply after the expiration of the 15-year affordability period.

94. The Maintenance Obligation shall be shared proportionately based on proposed unit counts among all of the condominium units or POTLS created on such Blocks and the Owner, prior to the registration of each such condominium, shall pay the ongoing costs of the Maintenance Obligation as they come due in proportion to the units proposed that have not been registered as condominiums or POTLS.

95. Notwithstanding the foregoing, the Maintenance Obligation shall not apply to any residential units constructed as affordable ownership units prior to the expiration of the 15-year affordability period established for such units, during which period the Owner shall remain responsible for the proportionate Maintenance Obligation of said units pursuant to 95. above.

Other

96. Prior to registration of the plan of subdivision, the Owner will make arrangements for the registration of the road widening shown as Street A1 to the satisfaction of the City Solicitor.

97. Prior to the registration of the plan of subdivision, the Owner agrees to provide the City with a Letter of Credit as security for the installation of any required privacy or decorative fencing equal to 120% of the value of the fencing to the satisfaction of the Chief Planner and Executive Director.

98. Prior to the registration of the plan of subdivision, the Owner agrees to provide the City with a detailed fencing plan and to make satisfactory arrangements to install any required privacy or decorative fencing to the satisfaction of the Chief Planner and Executive Director within one year of the final grading of the proposed lots.

99. Prior to the registration of the plan of subdivision, the Owner agrees to establish public access (pedestrian walkway) access easements over Blocks 7, 8 and 9, extending from the park Block 6 to the east property line, in the vicinity of an existing storm sewer easement running from south-east to north-west across said lands.
Advisory of Other City Approvals & Requirements

The Owner is advised that the following approvals and/or permits are required for this development. These comments are preliminary and are subject to change based on submissions for subsequent planning approval conditions. They are provided for the owner’s information only.

Engineering and Construction Services:

1. **Right of Way Permits**

   The Owner must obtain an access permit from Transportation Services prior to construction of this project. Other permits/licences associated with construction activities (such as hoarding, piling, shoring etc.) may also be required. The Owner is also required to provide a fee of $740.22 for the access permit. The Owner is responsible for obtaining the applicable permits/licences and providing securities and must be advised to contact Right-of-Way Management Section at (416) 396-7505 regarding the site-specific permit/licence requirements and associated securities and obligations.

   In conjunction with the right-of-way permits, the Owner shall provide an adequate financial guarantee to ensure the satisfactory completion of all required work in the City’s rights-of-ways, excluding service connections, pay engineering and inspection fees (5% of the estimated construction cost of the work) and provide public liability insurance.

2. **Engineering and Construction Services Arrangements for Work within the City’s Right of Way**

   The Owner shall enter into the necessary agreement with Engineering and Construction Services for undertaking works within the City of Toronto’s public right-of-way. The Owner is required to provide all financial security for all work within the City’s right-of-way. The Owner is required to pay an engineering review and inspection fee of 5% of the estimated construction cost of the required work.

3. **Municipal Numbering**

   The Owner is advised to contact Mr. John House, Property Records Supervisor, at 416-392-8338 to obtain or verify new municipal addresses prior to submitting a building permit application. It should be noted that all addressed parcels and structures must have the correct municipal addresses posted.

   Please see [http://www.toronto.ca/mapping/numbers/index.htm](http://www.toronto.ca/mapping/numbers/index.htm) for details.
The municipal addresses will be required for the purpose of setting up the water account with the City of Toronto when application is made for the proposed sewer and or/water service connection (as applicable).

4. **Street Naming Requirements**

The Owner is advised to contact Mr. Kerry Ferguson, Titles and Status Supervisor, at 416-392-7757 to initiate the street naming process. The applicant will be required to follow the City of Toronto’s Street Naming Policy which can be found at [http://www.toronto.ca/mapping/street_naming/index.htm](http://www.toronto.ca/mapping/street_naming/index.htm).

It should be noted that all public streets, private access roads and private walkways should be named in order to facilitate access to the units fronting these streets, roads and walkways.

5. **Construction Management Plan**

A Construction Management Plan is to be received by the Executive Director of Engineering and Construction Services showing the following items:

(a) Dust/mud control on and offsite;
(b) Location of truck loading points, trailer parking;
(c) Location of temporary material storage areas;
(d) Access/truck routing;
(e) Provision of hoarding, temporary fencing & covered walkways;
(f) Location and extent of aerial crane operations;
(g) Parking for construction trades; and
(h) Procedure to deal with vermin and rodents.

**City Planning (Heritage Preservation Services):**

1. In the event that deeply buried archaeological remains are encountered on the property during construction activities, the Heritage Operations Unit of the Ministry of Tourism, Culture and Sport, shall be notified immediately at (416) 314-7146 as well as the City of Toronto, Heritage Preservation Services Unit (416) 338-1096.

2. In the event that human remains are encountered during construction, the proponent should immediately contact both the Ministry of Tourism, Culture and Sport, and the Registrar or Deputy Registrar of Cemeteries at the Cemeteries Regulation Unit, Ministry of Government Services, (416) 326-8393.

3. If any expansions to the boundaries of the subject property are proposed, further archaeological assessment work may be required.