

2-14 Cusack Court – Official Plan Amendment & Rezoning Application – Final Report

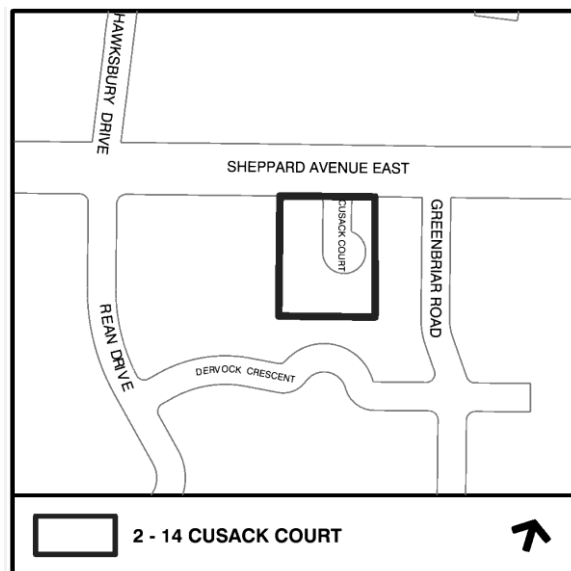
Date:	December 13, 2016
To:	City Council
From:	Chief Planner and Executive Director, City Planning Division
Wards:	Ward No.24 – Willowdale
Reference Number:	P:\2016\Cluster B\PLN\City Council\CC16156 File No. 11 317628 NNY 24 OZ

SUMMARY

The purpose of this final report is to update City Council on proposed revisions to the originally approved development of a 6 to 8-storey mixed use building on a seven lot land assembly at 2-14 Cusack Court which includes the acquisition of Cusack Court from the City. The development is located on the south side of Sheppard Avenue East between Bayview Avenue and Leslie Street in the Sheppard East Subway Corridor.

The final report for the proposed development with draft Official Plan and Zoning By-law Amendments was adopted by City Council at its meeting on November 27, 2012 (Item NY20.33). The original proposal was for a 6 to 8-storey, 163-unit residential condominium apartment building with 1,808m² of commercial space on the ground floor and 193 parking spaces in a two-level underground garage. The building had (and is proposed to have) a gross floor area of 15,603 square metres resulting in a density of 2.66 times the area of the seven assembled lots and Cusack Court.

The proposed revision to the previously approved development would introduce 32 additional units to the development for a total of 195 units. There are no other changes to the development being requested regarding gross floor area, building heights,



built form or setbacks.

This report recommends approval of the revised draft Zoning By-law Amendment shown as Attachment 6 to this report, which reflects the modified proposal, and that no further public notice be required pursuant to Section 34 (17) of the *Planning Act* given the minor nature of the revisions.

This report also recommends a change to the previously approved community benefits to be secured in a Section 37 Agreement to include additional funds to be used towards capital improvements that will benefit the community in the vicinity of the development including, but not limited to, parks, local streetscape and public art.

RECOMMENDATIONS

The Chief Planner and Executive Director, City Planning Division recommends that:

1. City Council delete recommendations 2 and 4 from North York Community Council and replace with the following new recommendations:
 2. City Council amend former City of North York Zoning By-law No. 7625 for the lands at 2-14 Cusack Court substantially in accordance with the draft Zoning By-law Amendment attached as Attachment 6 to the report dated December 11, 2016 from the Chief Planner and Executive Director, City Planning Division.
 4. Before introducing the necessary Bills to City Council for enactment, City Council require the owner of the lands at 2-14 Cusack Court to:
 - a. Enter into an Agreement pursuant to Section 37 of the *Planning Act*, to be registered on title, to the satisfaction of the City Solicitor, to secure the following:
 - i. A cash contribution of \$900,000.00 to be allocated as follows:
 - A. \$750,000.00 to be used towards the cost of constructing and equipping a public community centre as identified in Figure 4.3.3 of the Sheppard East Subway Corridor Secondary Plan; and
 - B. \$150,000.00 to be used towards capital improvements that will benefit the community in the vicinity of the development such as, but not limited to, parks, local streetscape and public art, in consultation with the appropriate City division and the Ward Councillor.

- ii. Require that the cash amounts identified above be provided prior to the issuance of any above grade permit and be indexed quarterly in accordance with the Non-Residential Construction Price Index for the Toronto CMA, reported quarterly by Statistics Canada in Construction Price Statistics Publication No. 62-007-XPB, or its successor, calculated from the date of execution of the Section 37 Agreement to the date of submission of the funds by the owner to the City; and
 - iii. The exemption of indoor private recreational amenity area from the calculation of gross floor area to a maximum of 340 m² in keeping with Policy 4.3.3 Incentives in the Sheppard East Subway Corridor Secondary Plan.
- b. The following matters are also to be secured in the Section 37 Agreement as a legal convenience to support the development:
 - i. The owner shall construct and maintain the development in accordance with the Tier 2 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; and
 - ii. Prior to the issuance of any building permit, including any below grade permits, the owner shall submit and have received approval for a Construction Management Plan, prepared to the satisfaction of the Director, Transportation Services, North York District and the Executive Director of Engineering and Construction Services, North York District, such plan to include information regarding the construction timetable and protocols to address construction activities such as noise, dust, temporary loss of facilities and services, parking of vehicles, standards for cleanliness of public spaces and contact numbers for complaints."
- 2. City Council determine that the revision made to the proposed Zoning By-law is minor in nature and, pursuant to subsection 34(17) of the *Planning Act*, no further public notice is required in respect of the proposed and Zoning By-law.

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

The original application for the proposed development was made on November 29, 2011. On March 20, 2012, North York Community Council considered a Preliminary Report on the proposed Official Plan and Zoning By-law Amendment application.

A link to that decision can be found at:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2012.NY14.26>

On November 27, 28 and 29, 2012, City Council adopted the staff final report with draft amendments to the Official Plan and Zoning By-law to permit the proposed 6 to 8-storey mixed use building. A link to that decision can be found at:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2012.NY20.33>

The Official Plan and Zoning By-law amendments as drafted and presented in the staff report for the original proposal were not brought forward to City Council for enactment at that time as the applicant was required to:

- a. Enter into a Section 37 Agreement;
- b. Make arrangements to purchase Cusack Court from the City, together with the two one-foot reserves along Sheppard Avenue East that form part of its development, subject to the necessary steps being taken by the City to declare the road surplus and authorize the closure and sale of the road to the applicant, which purchase may be by money consideration or by land exchange or by a combination of land exchange and money consideration; and
- c. Obtain Notice of Approval Conditions from the Director, Community Planning, North York District.

The applicant is currently in the process of satisfying the above noted conditions.

ISSUE BACKGROUND

Proposal

The revised application proposes a 32-unit increase in the number of approved dwelling units from 163 to 195. The owners have indicated they have been unable to market the larger dwelling units including the four, 3-bedroom units.

No built form changes are proposed including maximum gross floor area and density, building heights and setbacks and there are no proposed changes to the approved parking spaces, vehicular access, on-site circulation and loading. The previously approved site plan and elevation drawings are attached to this report (refer to Attachments 1 and 2).

The table below provides a summary of the proposed changes to the dwelling types and sizes from the previously approved dwelling units.

Dwelling Type	November 2012 Proposal		November 2016 Proposal	
	Mix	Average Unit Size	Mix	Average Unit Size
Studio	-	-	3 (1%)	28 m ² /301 sq.ft.
1 Bedroom	87 (53%)	56 m ² /602 sq.ft.	84 (43%)	48 m ² /517 sq.ft.
2 Bedroom	72 (44%)	74 m ² /796 sq.ft.	108 (56%)	68 m ² /732 sq.ft.
3 Bedroom	4 (3%)	122 m ² / 1,313 sq.ft.	-	-
Total	163	-	195	-

Site Plan Control

An application for Site Plan Control Approval was submitted on August 18, 2014 (File # 14 207750 NNY 24 SA). A revised site plan proposing 32 additional dwelling units was submitted on October 4, 2016.

Agency Circulation

Given the nature of the request, the proposal was circulated to Transportation Services and Engineering & Construction Services staff. Their responses have been used to assist in the evaluation of the proposed revision.

COMMENTS

Land Use

While the four 3-bedroom units are no longer proposed for this development, staff has determined the proposed average unit sizes are larger and the percentage number of two bedroom units significantly higher than recently approved residential developments in the vicinity of the site.

It is staff's view the proposal as revised is still considered appropriate and generally reflects the original intent of the City Council approval of this development.

Density, Height, Built Form

No built form changes are proposed including maximum gross floor area and density, maximum building heights and setbacks.

Traffic Impact, Access, Parking, Loading

The owner's traffic engineering consultant LEA consulting submitted a Transportation Study Update and Traffic Certification Letter dated October 17, 2016. The report summarizes the transportation related changes as result of the increase in 32 units and an update to the Traffic Certification.

The 32 dwelling unit increase is anticipated to generate an additional 6 and 5 trips during the a.m. and p.m. peak hours, respectively. Transportation Services staff advises the additional units will have a minimal operational impact to the study area.

No changes are proposed with respect to the design and location of the vehicular access, on-site circulation and the loading area. The development proposes the provision of 248 parking spaces comprising 173 residential parking spaces, 29 visitor parking spaces and 46 parking spaces for non-residential uses, all of which fall within the minimum/maximum parking rates supported by Transportation Services staff.

The revised proposal, including the Transportation Study Update and Traffic Certification Letter submitted by the owner's transportation consultant, is acceptable to the City's Transportation Services Division.

Servicing

The owner's engineering consultant submitted an updated sanitary sewer analysis, Addendum #2, dated December 2, 2016. The report is based on an updated population count and assesses the potential impact of the additional units to the existing municipal sanitary sewer system and adjacent properties.

The report concludes that the existing sanitary system can support the proposed development. The conclusions have been accepted by Engineering & Construction Services staff.

Site Plan Control

As previously mentioned the applicant filed an application for Site Plan Control Approval.

On September 23, 2016, Notice of Approval Conditions (NOAC's) were issued by the Director, Community Planning North York District. The approval was based on the original application proposing 163 dwelling units. Since that time City Planning received a request to increase the number of dwelling units to 195.

Revised NOAC's would be prepared and subsequently issued to the applicant following adoption of the Bills for this application.

Section 37

The Official Plan contains policies pertaining to the provision of community benefits for increase in height and/or density pursuant to Section 37 of the *Planning Act*.

The applicant has agreed to provide an additional financial contribution of \$150,000.00 that will benefit the community in the vicinity of the development to be used towards but not limited to, parks, local streetscape and public art. The report recommends the use and allocation of the contribution be determined in consultation with the appropriate City division and the Ward Councillor.

Cusack Court

One of the matters that need to be addressed before introducing the Bills to City Council for enactment was a requirement that the applicant make arrangements to purchase Cusack Court from the City, together with the two one-foot reserves along Sheppard Avenue East that form part of the proposed development.

This requirement has been addressed by the applicant.

On February 23, 2012, the applicant filed a request through Transportation Services to initiate the process of acquiring Cusack Court from the City.

On April 19, 2016 the Highway (Cusack Court) was declared surplus by DAF No. 2016-078 conditional upon the lands being permanently closed with an offer to purchase the Highway and the One-Foot Reserve Lands be invited from the applicant.

City Council on October 5 and 6, 2016 adopted a report (August 12, 2016) from the Director, Transportation Services, North York District recommending Cusack Court be permanently closed for the incorporation into the proposed development. A link to that decision can be found at:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2016.NY16.19>

Real Estate Services staff is in receipt of an acceptable offer to purchase from the applicant including a deposit.

Conclusions

Planning staff, in consultation with Transportation Services and Engineering & Construction Services staff support the applicant's request to increase the number of dwelling units from 163 to 195 dwelling units in the development. No built form changes are proposed including maximum gross floor area and density, building heights and setbacks and there are no proposed changes to the approved parking rates.

The draft Zoning By-law Amendment incorporates the additional dwelling units and involves no changes to the previous development standards, such as gross floor area,

heights and setbacks. The draft Zoning By-law also incorporates an additional financial contribution of \$150,000.00 to benefit the community in the vicinity of the development.

CONTACT

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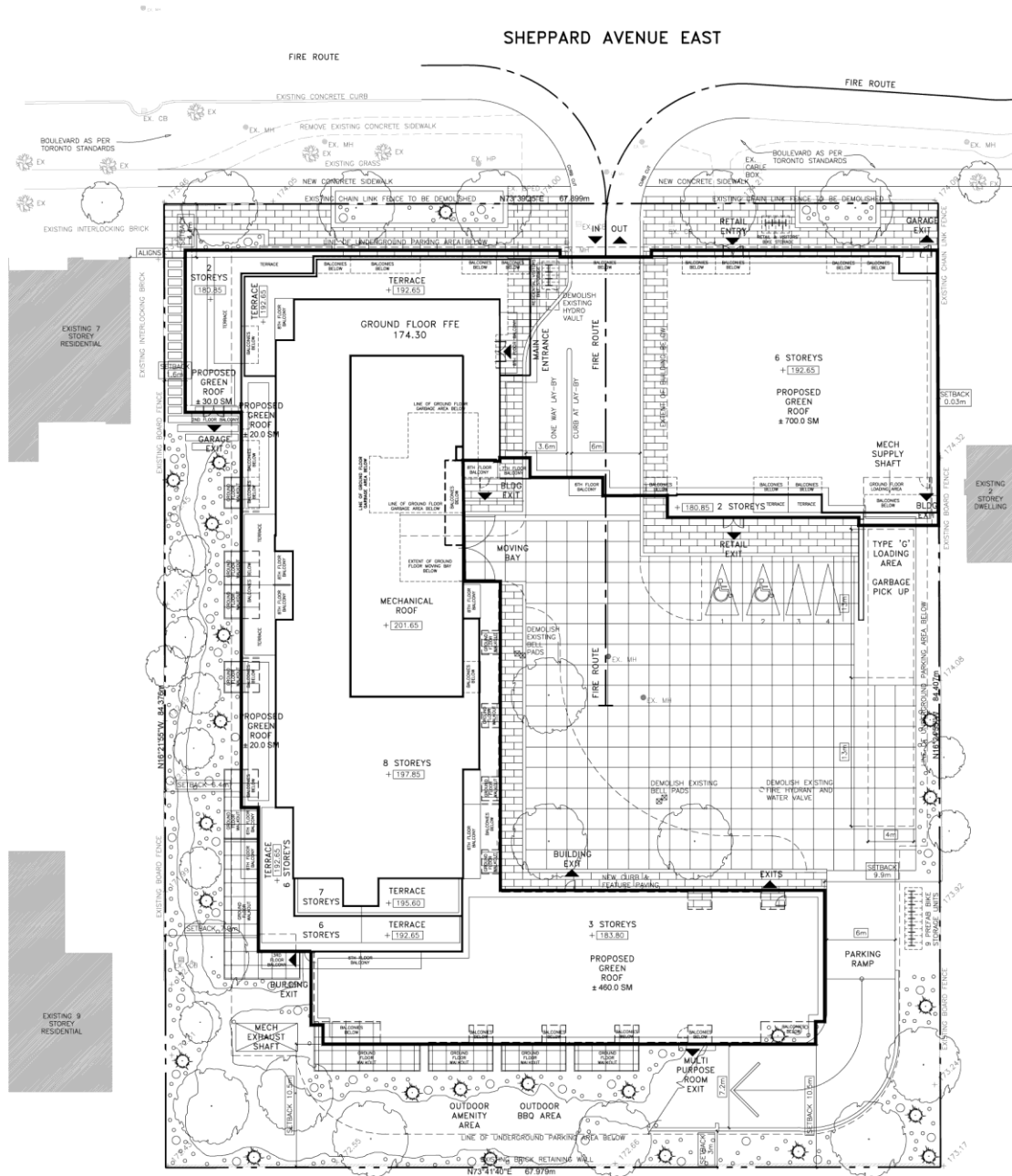
SIGNATURE

Jennifer Keesmatt, Chief Planner and Executive Director
City Planning Division

ATTACHMENTS

Attachment 1: Site Plan
Attachment 2a: North (Sheppard Ave E) Elevation
Attachment 2b: South Elevation
Attachment 2c: East Elevation
Attachment 2d: West Elevation
Attachment 3: Official Plan
Attachment 4: Zoning
Attachment 5: Application Data Sheet
Attachment 6: Draft Zoning By-law Amendment

Attachment 1: Site Plan



Site Plan

Applicant's Submitted Drawing

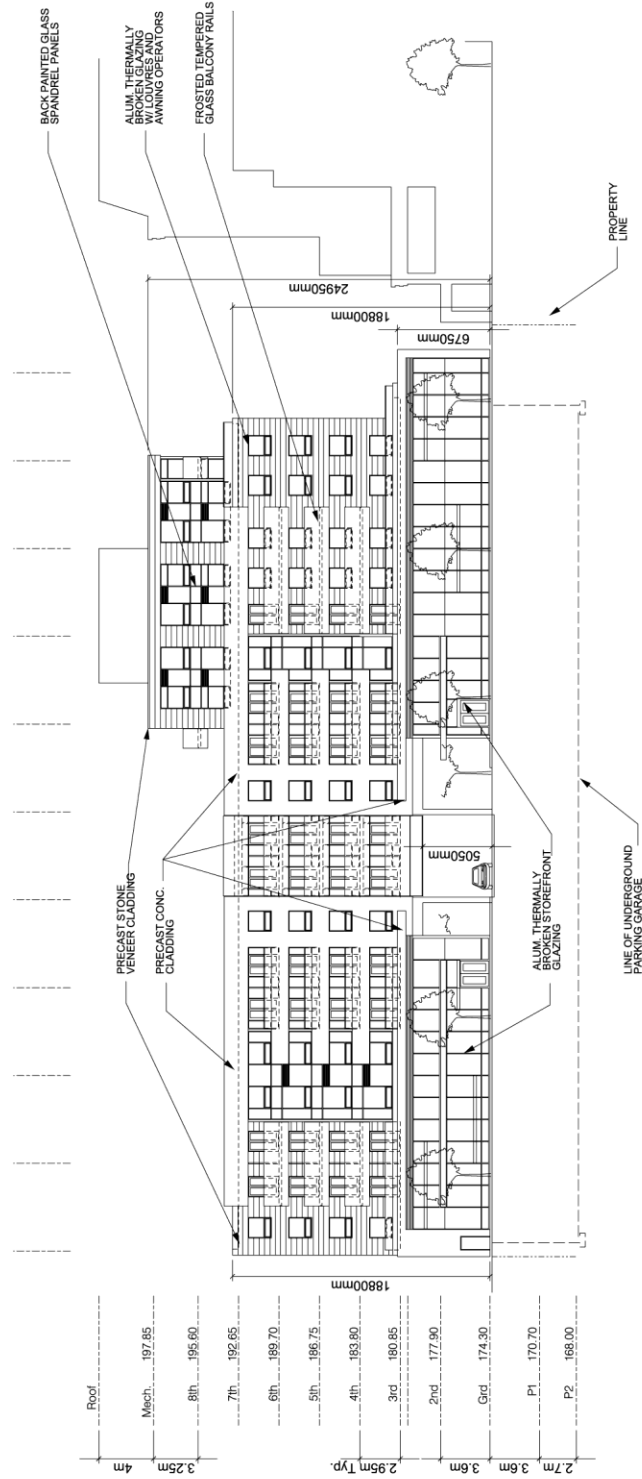
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12/12/2011



2 - 14 Cusack Court

File # 11 317628 NNY 24

Attachment 2: North (Sheppard Ave E) Elevation



NORTH ELEVATION

2 - 14 Cusack Court

File # 11 317628 NNY 24

Elevation

Applicant's Submitted Drawing

Not to Scale
10/12/2012

Architectural elevation drawing of the south elevation of a building. The drawing shows a multi-story structure with various cladding materials and window patterns. Key features include precast concrete cladding, glass dividers, and aluminum thermal break windows. Dimensions are provided for various sections, including a 19400mm wide section and a 24950mm wide section. A property line and an underground parking garage line are also indicated.

Labels and dimensions on the left side (top to bottom):

- Roof
- 4m
- 3.25m
- 8th
- 195.60
- 192.65
- 7th
- 6th
- 188.70
- 5th
- 186.75
- 4th
- 183.80
- 3rd
- 180.85
- 2nd
- 177.90
- Grd a
- 175.20
- Grd
- 174.30
- P1
- 170.70
- P2
- 168.00

Labels and dimensions on the right side (top to bottom):

- 0.9m
- 3.6m
- 3.6m
- 2.7m

Other labels and dimensions:

- 19400mm
- 6750mm
- 19400mm
- 24950mm
- 9800mm
- 19400mm
- PROPERTY LINE
- LINE OF UNDERGROUND PARKING GARAGE
- PRECAST CONC. CLADDING
- GLASS DIVIDER PANELS
- BACK PAINTED GLASS SPANDREL PANELS
- PRECAST CANOPY
- PRECAST CONC. CLADDING
- FRUSTED TEMPERED GLASS BALCONY RAILS
- ALUM. THERMALLY BREAKING WINDOWS WITH LOW EMISSIVITY COATING AND AWNING OPERATORS
- PRECAST STONE VENEER CLADDING

South Elevation

2-14 Cusack Court

File # 11 317628 NNY 24

Elevation

Applicant's Submitted Drawing

Not to Scale
10/12/2012

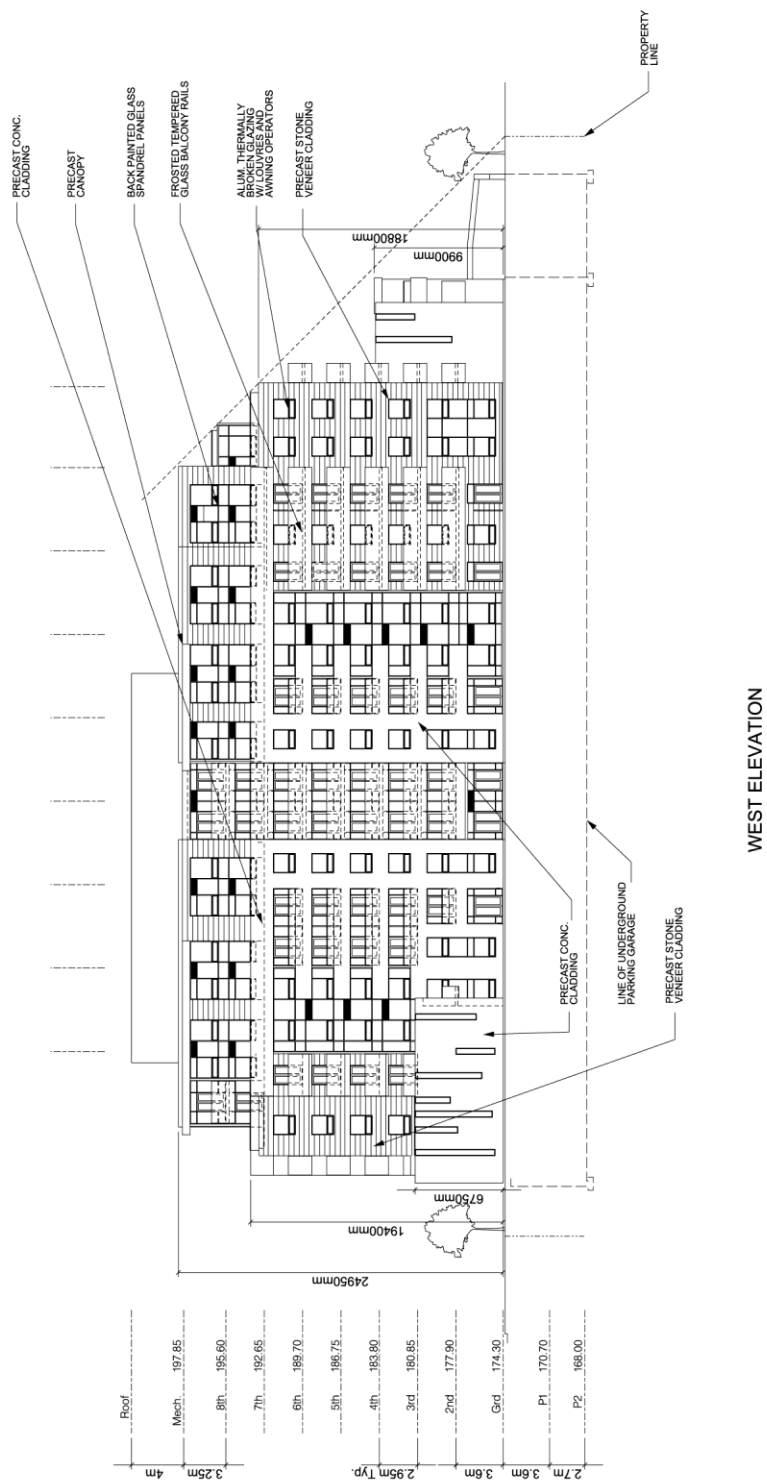
Attachment 2c: East Elevation



Elevation
Applicant's Submitted Drawing
Not to Scale
10/12/2012

2 - 14 Cusack Court
File # 11 317628 NNY 24

Attachment 2d: South Elevation



2 - 14 Cusack Court

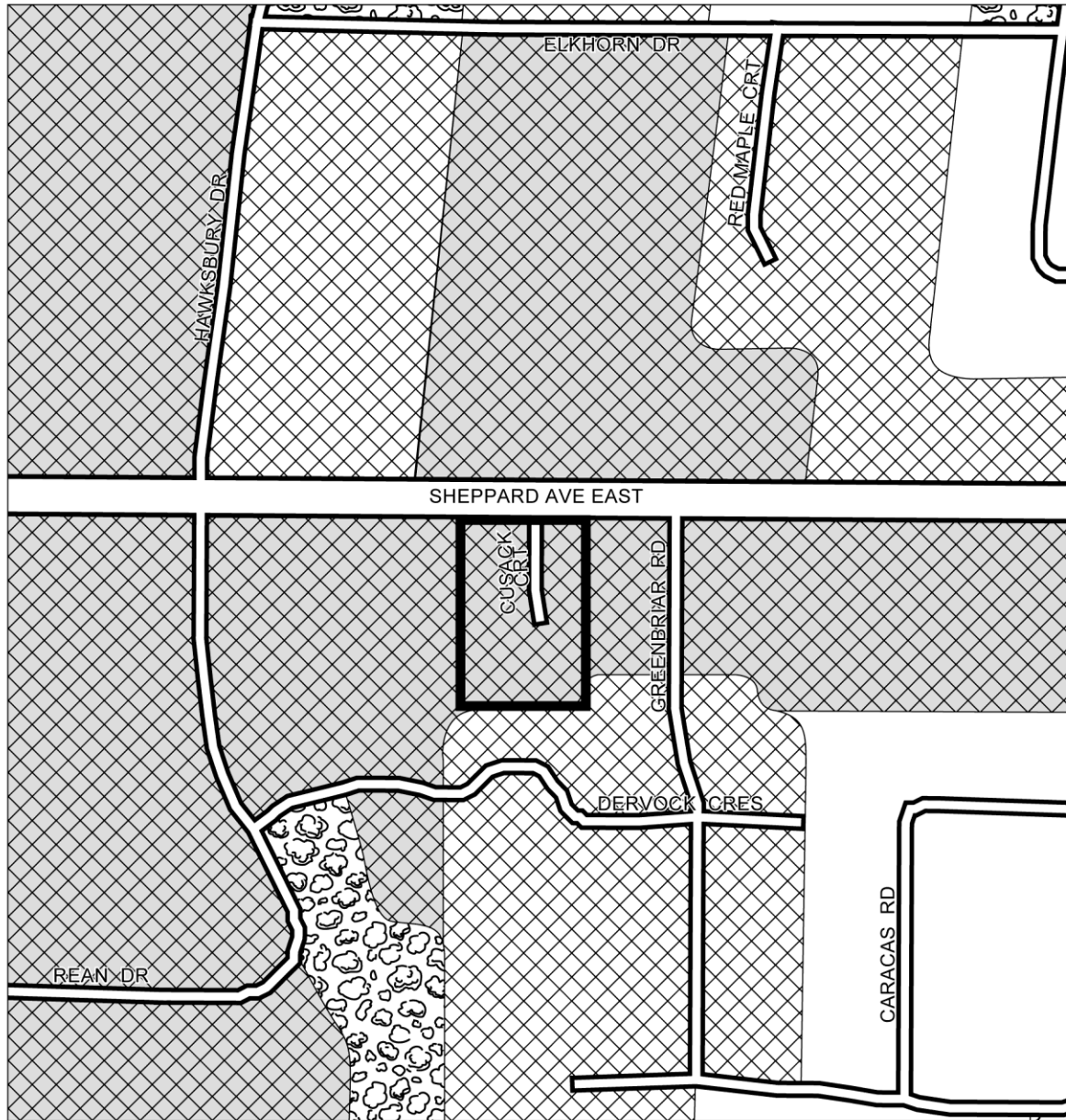
File # 11 317628 NNY 24

Elevation

Applicant's Submitted Drawing

Not to Scale
10/12/2012

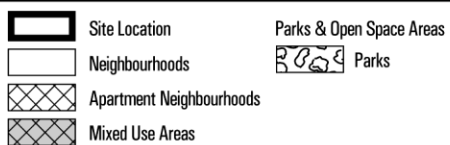
Attachment 3: Official Plan



Toronto City Planning
Official Plan

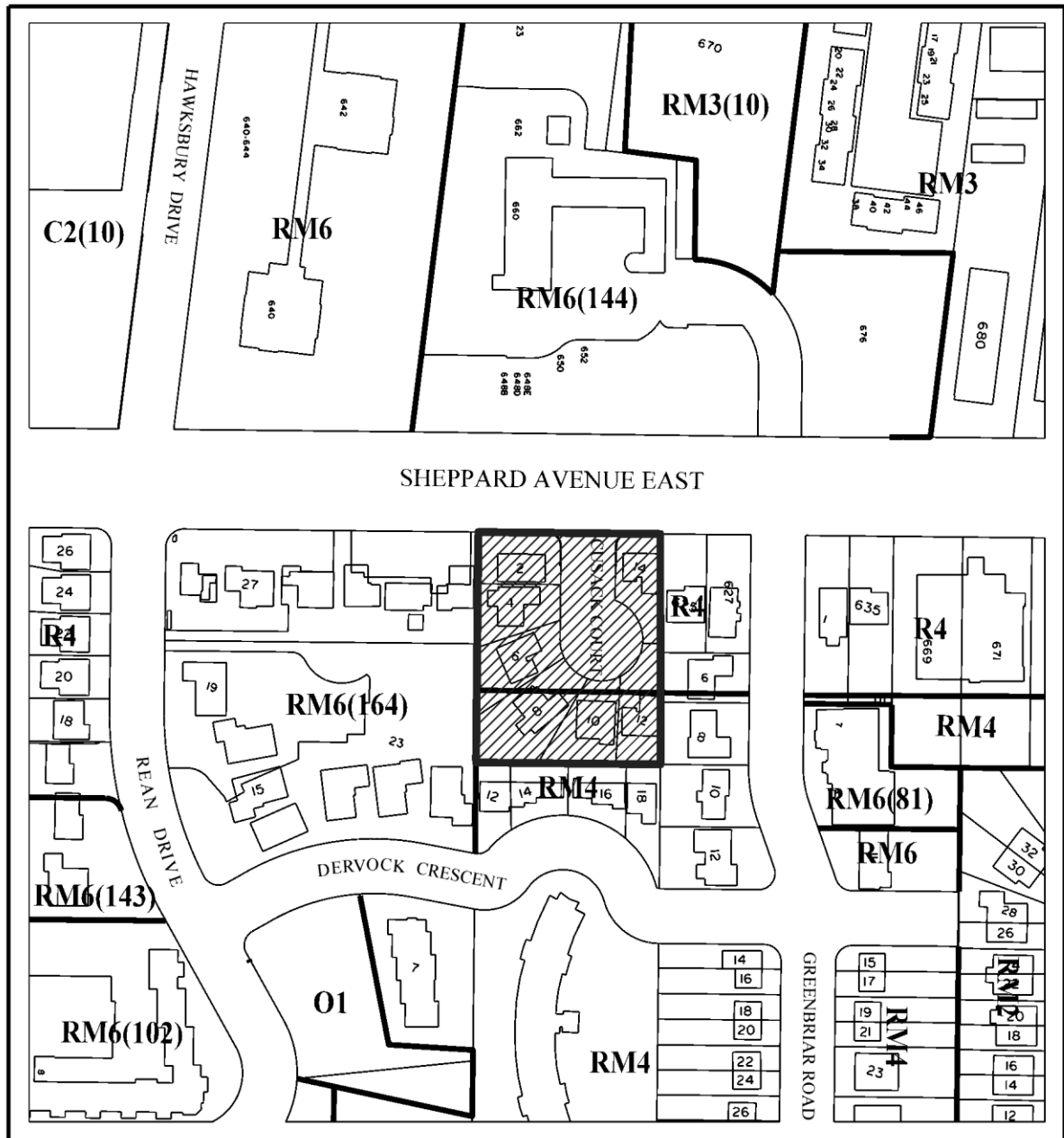
2 - 14 Cusack Court

File # 11 317628 NNY 24



↑
Not to Scale
12/12/2011

Attachment 4: Zoning



TORONTO City Planning
Zoning

2 - 14 Cusack Court
File # 11 317628 NNY 24

R4 One-Family Detached Dwelling Fourth Density Zone
RM2 Multiple-Family Dwellings Second Density Zone
RM3 Multiple-Family Dwellings Third Density Zone
RM4 Multiple-Family Dwellings Fourth Density Zone
NOTE: Numbers in Brackets Denote Exceptions to the Zoning Category

RM6 Multiple-Family Dwellings Sixth Density Zone
C2 Local Shopping Centre Zone
O1 Open Space Zone



Not to Scale
Zoning By-law 7625
Extracted 12/13/2011

Attachment 5: Application Data Sheet

Application Type	Official Plan Amendment & Rezoning	Application Number:	11 317628 NNY 24 OZ
Details	OPA & Rezoning, Standard	Application Date:	November 29, 2011
Municipal Address:	2-14 CUSACK COURT		
Location Description:	PLAN M1649 – LOTS 2,3,4,5,6 and 7		
Project Description:	6/8 storey, 15,603 square metre mixed use development comprising 163 dwelling units with 1,808 square metres of ground floor retail space and 193 parking spaces in a two level underground parking garage. The application proposes a density of 2.66 FSI.		
Applicant:	Agent:	Architect:	Owner:
CASTLE GROUP VENTURES	STANLEY COOK	HARRY CHRISTAKIS HCA ARCHITECTS	CASTLE GROUP VENTURES

PLANNING CONTROLS

Official Plan Designation:	Mixed Use Areas	Site Specific Provision:	OPA 392 – SECTION 4.2 B
Zoning:	R4	Historical Status:	
Height Limit (m):	8.8	Site Plan Control Area:	Y

PROJECT INFORMATION

Site Area (sq. m):	5733.2	Height:	Storeys:	6/8
Frontage (m):	67.899		Metres:	24.55
Depth (m):	84.407			
Total Ground Floor Area (sq. m):	2308.1			Total
Total Residential GFA (sq. m):	13932		Parking Spaces:	248
Total Non-Residential GFA (sq. m):	1671		Loading Docks	1
Total GFA (sq. m):	15603			
Lot Coverage Ratio (%):	40.3			
Floor Space Index:	2.72			

DWELLING UNITS

Tenure Type:	Condo
Rooms:	0
Studio:	3 (1%)
1 Bedroom:	84 (43%)
2 Bedroom:	108 (56%)
3 + Bedroom:	
Total Units:	195

FLOOR AREA BREAKDOWN (upon project completion)

		Above Grade	Below Grade
Residential GFA (sq. m):	13932		0
Retail GFA (sq. m):	1671		0
Office GFA (sq. m):	0		0
Industrial GFA (sq. m):	0		0
Institutional/Other GFA (sq. m):	0		0

CONTACT:	PLANNER NAME:	Steve Forrester, Senior Planner
	TELEPHONE:	(416) 395-7126
	EMAIL	Steve.Forrester@toronto.ca

Attachment 6: Draft Zoning By-law Amendment

Authority: North York Community Council Item NY20.33 as adopted by City of
Toronto Council on ~, 2016
Enacted by Council: ~, 2016

CITY OF TORONTO

Bill No. ~

BY-LAW No. ~-2016

**To amend former City of North York Zoning By-law No.7625, as amended,
with respect to the lands municipally known as,
2-14 Cusack Court**

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;

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*;

WHEREAS pursuant to Section 37 of the *Planning Act*, a By-law passed under Section 34 of the *Planning Act* may authorize increases in the height or density of development beyond that 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;

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 the height or density of development, a municipality may require the owner to enter into one or more agreements with the municipality dealing with the facilities, services and matters;

WHEREAS the owner of the lands known at the date of enactment of this By-law as 2-14 Cusack Court (the "Lands") has elected to provide the facilities, services or matters as are set out in this By-law; and

WHEREAS the increase in height and density of development permitted under this By-law beyond that otherwise permitted on the Lands by By-law No. 7625, as amended, is to be permitted in return for the provision of the facilities, services and matters set out in this By-law and to be secured by one or more agreements between the owner of the Lands and the City of Toronto.

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

1. Schedules "B" and "C" of By-law No. 7625 are hereby amended in accordance with Schedule "1" of this By-law.

2. Section 64.20-A of By-law No. 7625 is amended by adding the following subsection:

“64.20 –A (214) RM6 (214)

DEFINITIONS

- (a) For the purpose of this exception, “Gross Floor Area” shall mean the aggregate of the areas of each floor, measured between the exterior faces of the exterior walls of the building or structure at the level of each floor, but excluding:
- (i) Amenity Area;
 - (ii) areas used for parking, loading and Bicycle Parking;
 - (iii) required loading spaces and required Bicycle Parking spaces at or above established grade;
 - (iv) storage rooms, washrooms, electrical, utility, mechanical and ventilation rooms in the basement;
 - (v) elevator shafts;
 - (vi) garbage shafts;
 - (vii) mechanical penthouse; and
 - (viii) exit stairwells in the building.
- (b) For the purpose of this exception, “Bicycle Parking” shall mean an area below established grade or at grade that is equipped with bicycle racks or lockers for the purpose of parking and securing bicycles, but is not intended for general storage use.
- (c) For the purpose of this exception, “Amenity Area” shall mean an indoor or outdoor space that is communal and available for use by the occupants of the building for recreational or social activities.
- (d) For the purpose of this exception, “Established Grade” shall mean 174.30 metres Canadian Geodetic Datum.
- (e) For the purpose of this exception, “Apartment House Dwelling” shall mean a building containing more than four (4) dwelling units, each having access either from an interior corridor system or direct access at grade, or any combination thereof.

- (f) For the purposes of this exception, "Underground" is defined as below established grade.

PERMITTED USES

- (g) As shown on Schedule RM6 (214), the only permitted uses shall be an Apartment House Dwelling including Amenity Areas and all commercial uses permitted in a 'C-1' General Commercial Zone.
- (h) Use Qualifications
 - (i) Outdoor Amenity Areas may be located on rooftop terraces.

EXCEPTION REGULATIONS

GROSS FLOOR AREA

- (i) The provisions of Section 20-A.2.5 (Gross Floor Area) shall not apply.
- (j) The maximum permitted residential gross floor area shall be 13,932 m².
- (k) The maximum permitted commercial gross floor area shall be 1,671 m².

DWELLING UNITS

- (l) The maximum number of dwelling units shall be 195.

LOT COVERAGE

- (m) The provisions of Section 20-A.2.2 (Lot Coverage) shall not apply.

LANDSCAPING

- (n) The provisions of Section 15.8 (Landscaping) shall not apply.

AMENITY AREA

- (o) A minimum of 2.0 m² of outdoor Amenity Area per dwelling unit shall be provided.

YARD SETBACKS

- (p) The provisions of Section 20-A.2.4 (Yard Setbacks) shall not apply.
- (q) The minimum yard setbacks for all buildings and structures above established grade shall be as set out on Schedule "RM6 (214)".

- (r) The minimum yard setbacks for Underground parking structures shall be 0 metres.

HEIGHT

- (s) The provisions of Section 20-A.2.6 (Building Height) shall not apply.
- (t) The maximum building height and number of storeys shall not exceed the maximum height in metres and number of storeys shown on Schedule“RM6(214)”.
- (u) A penthouse or other roof structure which is used only as an ornament or to house the mechanical equipment of the building does not constitute a storey and shall be disregarded in calculating the height of the building.

PARKING

- (v) The provisions of Section 6A(2) (Parking Requirements) shall not apply. The minimum number of parking spaces shall be calculated in accordance with the following:

Residential:

- Bachelor Units– 0.7 spaces per dwelling unit
- 1-Bedroom Units– 0.8 spaces per dwelling unit;
- 2-Bedroom Units– 0.9 spaces per dwelling unit;
- 3 or more Bedroom Units – 1.1 space per dwelling unit; and
- Visitors – 0.15 spaces per dwelling unit;

Commercial/Retail:

- 1.0 spaces per 100 square metres of gross floor area;

The maximum number of parking spaces shall be calculated in accordance with the following:

Residential:

- Bachelor Units– 1.0 spaces per dwelling unit;
- 1-BedroomUnits – 1.2 spaces per dwelling unit;
- 2-Bedroom Units– 1.3 spaces per dwelling unit; and
- 3 or more Bedroom Units – 1.6 space per dwelling unit.

Commercial/Retail:

- 4.0 spaces per 100 square metres of gross floor area;

LOADING SPACES

- (w) The provisions of Section 6A(12)(Loading) shall not apply. Loading shall be provided as follows:
 - (i) a minimum of one Type G (4.0 m x 6.1 m) and one Type B (3.5 m x 11.0 m x 4.0 m) loading space;
 - (ii) a Type 'G' loading space means a loading space that is a minimum of 4.0 metres wide, a minimum of 13.0 metres long and has a minimum vertical clearance of 6.1 metres.

BICYCLE PARKING

- (x) Residential Bicycle Parking shall be provided as follows:
 - (i) Long Term – 0.7 spaces per dwelling unit;
 - (ii) Short Term – 0.08 spaces per dwelling unit.
- (y) Non-residential Bicycle Parking shall be provided as follows:
 - (i) Long Term – 0.13 spaces per 100m² of non-residential floor area;
 - (ii) Short Term – 3 plus 0.25 spaces per 100m² of non-residential floor area.

PROJECTIONS

- (z) The provisions of Section 6(9)(c) for permitted projections into one minimum side yard setback only shall not apply.
- (aa) Exterior stairways, wheelchair ramps, canopies, balconies, bay windows, and covered porches and decks, shall be permitted to project into the minimum yard setbacks.

OTHER

- (bb) Within the lands shown on Schedule "RM6(214)" attached to this By-law, no person shall use any land or erect or use any building or structure unless the following municipal services are provided to the lot line and the following provisions are complied with:
 - (i) all new public roads have been constructed to a minimum of base curb and base asphalt and are connected to an existing public highway, and
 - (ii) all water mains and sanitary sewers, and appropriate appurtenances, have been installed and are operational.

SECTION 37 AGREEMENT

- (cc) Pursuant to Section 37 of the *Planning Act* the owner of the lands shown on Schedule “RM6(214)”, at the owner’s expense and in accordance with, and subject to the agreement(s) referred to subsection (cc)(i) below, shall provide or fund the following facilities, services and/or matters on terms satisfactory to the City of Toronto, in order to permit an increase in the maximum gross floor area cited in the Gross Floor Area clause 2(j) of this exception:
- i. the Owner shall enter into one or more agreements with the City, pursuant to Section 37 of the Planning Act which are registered on title to the lands subject to this exception to secure:
 - a. A cash contribution of \$900,000.00 to be allocated as follows:
 - A. \$750,000.00 to be used towards the cost of constructing and equipping a public community centre as identified in Figure 4.3.3 of the Sheppard East Subway Corridor Secondary Plan;
 - B. \$150,000.00 to be used towards capital improvements that will benefit the community in the vicinity of the development such as, but not limited to, parks, local streetscape and public art, in consultation with the appropriate City division and the Ward Councillor;
 - b. Require that the cash amounts identified above to be provided prior to the issuance of any above grade permits and be indexed quarterly in accordance with the Non-Residential Construction Price Index for the Toronto CMA, reported quarterly by Statistics Canada in Construction Price Statistics Publication No. 62-007-XPB, or its successor, calculated from the date of execution of the Section 37 Agreement to the date of submission of the funds by the owner to the City;
 - c. In the event the financial contribution referred to above has not been used for the intended purpose within 3 years of By-law No. xxx-2016 coming into full force and effect, the financial contribution may be redirected for another purpose at the sole discretion of the Chief Planner and Executive Director, City Planning in consultation with the Ward Councillor, provided that the purpose is identified in

the Toronto Official Plan and will benefit the community in the vicinity of the lands; and

- d. the provision for a minimum of 1.7 m² per dwelling unit of indoor amenity area to a maximum of 340 m² provided that such gross floor area is used solely for the purposes of indoor private recreational amenity area, and such area shall be exempted from the calculation of residential gross floor area in clause 2(j).

The following matters are also recommended to be secured in the Section 37 Agreement to support the development:

- e. the construction and maintenance of the development in accordance with Tier 1 performance measures of the Toronto Green Standard, as adopted by Toronto City Council in October 2009; and
- f. prior to the issuance of any building permit, including any below grade permits, the owner shall submit and have received approval for a Construction Management Plan, prepared to the satisfaction of the Director, Transportation Services, North York District and the Executive Director of Engineering and Construction Services, North York District, such plan to include information regarding the construction timetable and protocols to address construction activities such as noise, dust, temporary loss of facilities and services, parking of vehicles, standards for cleanliness of public spaces and contact numbers for complaints.

- 3. Section 64.20-A of By-law 7625 is amended by adding Schedule “RM6 (214)” attached to this by-law.

ENACTED AND PASSED this ~ day of ~, A.D. 2016~.

JOHN TORY,
Mayor

ULLI S. WATKISS,
City Clerk

(Corporate Seal)

