



STAFF REPORT ACTION REQUIRED

18 Brownlow Avenue, 174-200 Soudan Avenue and 71-73 Redpath Avenue - Zoning Amendment Application - Request for Direction Report

Date:	August 10, 2016
To:	Toronto and East York Community Council
From:	Director, Community Planning, Toronto and East York District
Wards:	Ward 22 – St. Paul's
Reference Number:	15 247245 STE 22 OZ

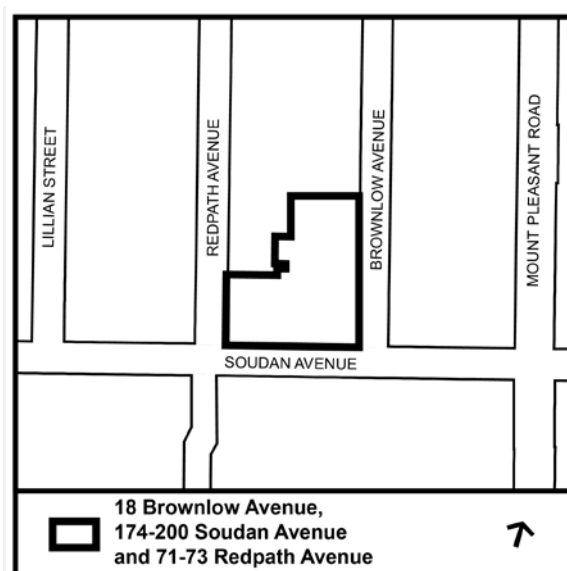
SUMMARY

This application proposes two residential towers of 25 and 20 storeys linked by a 4-storey base building at 71-73 Redpath Avenue, 174-200 Soudan Avenue and 18 Brownlow Avenue. The proposed development contains 463 new rental dwelling units. 269 new residential parking spaces will be added to the existing 3-level underground garage.

The current proposal represents significant overdevelopment of the site and is not supported by Planning Staff.

The Zoning Amendment Application has been appealed to the Ontario Municipal Board (OMB) by the applicant due to Council's failure to make a decision on the application within the time prescribed by the *Planning Act*. This report recommends that Council direct the City Solicitor, together with appropriate City Staff, to oppose the proposal at the OMB.

The application is not supported for the reasons outlined in this report. The proposal has not been revised since Staff's February, 2016 preliminary report was submitted to Community Council.



None of the significant issues raised in that report have been addressed to the satisfaction of Staff. The proposed development does not respond to its planned and built context, and is located outside the boundary of the Yonge-Eglinton Urban Growth Centre. It does not comply with the in-force policies of the Official Plan, nor with Council-adopted Official Plan Amendment 289, Minister-approved Official Plan Amendment 320 or Council-adopted built form principles of the Yonge-Eglinton Secondary Plan Area directed for consideration in the review of current applications.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council authorize the City Solicitor, together with appropriate staff, to attend the Ontario Municipal Board hearing to oppose the applicant's appeal respecting the Zoning By-law Amendment application for 18 Brownlow Avenue, 174-200 Soudan Avenue and 71-73 Redpath Avenue (15 247245 STE 22 OZ) for reasons including the following:
 - a. The proposal does not have regard for section 2(h) (j) (p) and (q) of the *Planning Act*.
 - b. The proposal is not consistent with applicable policies in the Provincial Policy Statement, does not conform with the Growth Plan for the Greater Golden Horseshoe and does not conform with the City of Toronto Official Plan.
 - c. The proposal represents overdevelopment of the site.
 - d. The proposal is not in the public interest and does not represent good planning.
2. In the event that the proposal is approved in some form by the Ontario Municipal Board, that City Council:
 - a. Authorize the City Solicitor and Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor, to secure services, facilities or matters pursuant to Section 37 as may be required by the Chief Planner and Executive Director, City Planning; and
 - b. Authorize the City Solicitor to secure the requirement of on-site parkland dedication pursuant to Section 42 of the Planning Act be conveyed to the City of Toronto for this site per the decision of City Council on March 10, 2016.

Financial Impact

There are no financial implications resulting from the adoption of this report.

DECISION HISTORY

On February 20, 2007 the OMB approved a settlement of an appeal by the owner of the City's refusal of its application, and allowed an amendment to Zoning By-law 438-86 permitting the construction of a 21 and 4-storey development at 18 Brownlow Avenue. The development lands were subsequently severed as part of the plan of condominium application. The Staff report outlining the rationale for the City's refusal of the Zoning Amendment Application can be found here:

<http://www.toronto.ca/legdocs/2006/agendas/committees/te/te060913/it021.pdf>

On February 23, 2016 Toronto and East York Community Council adopted the Preliminary Report on the subject Zoning Amendment Application for 18 Brownlow Avenue, 174-200 Soudan Avenue and 71-73 Redpath Avenue. City Council on March 10, 2016 required that on-site parkland dedication pursuant to Section 42 of the Planning Act be conveyed to the City of Toronto for this site in the event of any approval.

<http://www.toronto.ca/legdocs/mmis/2016/te/bgrd/backgroundfile-90014.pdf>

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2016.TE14.31>

On June 20, 2016 the applicant appealed the Zoning Amendment Application to the OMB for Council lack of decision.

ISSUE BACKGROUND

Proposal

The application proposes two residential towers of 25-storeys (west) and 20-storeys (east), linked by a 4-storey base building (included in the total height). The towers terrace back to the north starting from the 14th storey. An existing 19-storey residential tower on the northeast portion of the site is to be retained. Details of the proposed development are provided in the table below and in the application data sheet in Attachment 11.

Category	First Submission November 4, 2015
Site Area	7,307.3 square metres

Category		First Submission November 4, 2015
Tower Setbacks West Tower	Redpath Avenue	7 metres
	Soudan Avenue	9 metres
	North Property Line	3 metres
	East Tower	
	Brownlow Avenue	8 metres
	Soudan Avenue	9 metres
18 Brownlow Building Face		13 metres
Base Setback on Ground Floor	Soudan Avenue	9 metres
	Redpath Avenue	7 metres
	Brownlow Avenue	8 metres
Tower Floorplate	West Tower	1034 square metres (5 th floor) to 485 square metres (25 th floor) (approximately)
	East Tower	869 square metres (5 th floor) to 479 square metres (25 th floor) (approximately)
Gross Floor Area	Total Residential	48,556 square metres
	Non-Residential	0 square metres
	Total	48,556 square metres
Floor Space Index		6.64
Number of Units	Studio	48 (11%)
	1 Bedroom	252 (54%)
	2 Bedroom	152 (33%)
	3 Bedroom	11 (2%)
	Total	463
Ground Floor Height		3.3 metres
Sidewalk Width Soudan Avenue (4 m existing)		4 metres
Sidewalk Width Redpath Avenue (4 metres existing)		4 metres
Sidewalk Width Brownlow Avenue (2.5 metres existing)		2.5 metres
Vehicular Parking (residential:visitor:non-residential)		(269:33:0) (includes 3 carshare spaces)
Bicycle Parking (residential:visitor:retail/office)		(417:46:0) (463 total)
Loading Spaces	Description	1 Type G Space
Amenity Space	Interior Residential	648 square metres (926 required)
	Exterior Residential	945 square metres (926 required)
	Total	1,593 square metres (1,852 required)

Category	First Submission November 4, 2015
<div>Building Height</div> <div>West Tower</div> <div>East Tower</div>	<div>82 metres (excluding mechanical)</div> <div>65.7 metres (excluding mechanical)</div>

Site and Surrounding Area

The site is located on the north side of Soudan Avenue between Redpath Avenue and Brownlow Avenue. It is irregularly shaped and has an approximate area of 7,307 square metres. The site contains 16 semi-detached dwellings along Soudan Avenue and Redpath Avenue and a 19-storey apartment building at 18 Brownlow Avenue.

North: A 3-storey townhouse units and a 21-storey residential condominium tower at 71 and 73 Redpath Avenue. Further north is a 14-storey apartment building and 3.5-storey office building. Continuing north to Eglinton Avenue are a number of office uses as well as residential condominium towers.

East: A 15-storey apartment building at 55 Brownlow Avenue. The Soudan frontage is largely comprised of two-storey single detached and semi-detached dwellings.

South: Single-detached and semi-detached dwellings.

West: 4-storey townhouses and 3-storey and 4-storey apartment buildings. Further west is 11 Lillian Street where City Council recently directed the City Solicitor to appear at the OMB in support of a proposed 19-storey residential building. Continuing west is an application for two residential towers (28 and 26-storeys) at 45 Dunfield Avenue, and an application for two residential towers (22 and 32-storeys) attached to the existing 14-storey rental buildings at 33 Holly Street approved through a settlement at the OMB. Further west, on the east side of Yonge Street are several residential towers ranging from 22 storeys to a proposed 68-storey tower at Eglinton Avenue.

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. Policy 4.7 states that the Official Plan is the most important vehicle for implementing the PPS. Policies are outcome-oriented, and some policies provide flexibility in their implementation provided that provincial interests are upheld. City Council's planning decisions are required to be consistent with the PPS.

The Growth Plan for the Greater Golden Horseshoe provides a framework for managing growth 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. The Growth Plan encourages intensification and envisions increased density in the Urban Growth Centres.

The Yonge-Eglinton Centre is a designated Urban Growth Centre in the Growth Plan. City Council's planning decisions are required to conform, or not conflict, with the Growth Plan for the Greater Golden Horseshoe.

Official Plan

The City of Toronto Official Plan contains a number of policies that apply to the proposed development. A link to the Official Plan can be found here: http://www1.toronto.ca/static_files/CityPlanning/PDF/chapters1_5_dec2010.pdf

Chapter 2 – Shaping the City

Section 2.2.2 Centres: Vital Mixed Use Communities

Centres in the Official Plan are a priority for managing growth in the City. They should be vibrant, mixed-use and supported by public transit. Each *Centre* in the Official Plan will have a secondary plan. Secondary Plans for *Centres* will, among other matters, provide a supportive environment for residential and employment growth, including new commercial office space and transit oriented development.

The Secondary Plans will also delineate the boundaries of the growth centre, provide a strategy for public realm and parks improvements, support the use of public transit and other transportation models (e.g. cycling and walking) and ensure that an appropriate transition is created between high growth areas and lower scale development, particularly *Neighbourhoods*.

The *Yonge-Eglinton Centre* is centrally located in midtown Toronto, at the crossroads of the Yonge subway line and the Eglinton Crosstown Light Rail Transit line under construction. Due to its strategic location, the *Yonge-Eglinton Centre* should continue to develop as both an office centre and a desirable living area. Through new development and City initiatives, improved public realm, parks and other open spaces will be created.

The subject site straddles the south boundary of the Yonge-Eglinton Centre (see Attachment 8). The proposed development is located on the south portion of the site, along its Soudan Avenue frontage, which is immediately south of the Centre.

Chapter 3 – Built Form

Section 3.1.2 Built Form

The Official Plan states that architects and developers have a civic responsibility to create buildings that not only meet the needs of their clients, tenants and customers, but also the

needs of the people who live and work in the area who will encounter the building in their daily lives.

New development in Toronto will be located and organized to fit with its existing and/or planned context. It will do this by: generally locating buildings parallel to the street or along the edge of a park or open space, having a consistent front yard setback, acknowledging the prominence of corner sites, locating entrances so they are clearly visible and providing ground floor uses that have views into and access from streets. New development will also locate and organize vehicle parking and vehicular access to minimize their impacts on the public realm. Furthermore, new development will create appropriate transitions in scale to neighbouring existing and/or planned buildings, limit shadowing on streets, properties and open spaces and minimize any additional shadowing and uncomfortable wind conditions on neighbouring parks to preserve their utility.

New development will be massed to define the edges of streets, parks and open spaces to ensure adequate access to sky view for the proposed and future uses. New development will also provide public amenity, enhance the public realm through streetscape improvements and ensure that significant new multi-unit residential development provides indoor and outdoor amenity space for residents of the new development.

Section 3.1.3 Built Form – Tall Buildings

The application proposes two tall buildings. Policy 3.1.3 states that tall buildings come with larger civic responsibilities than buildings of a smaller scale. In addition to specific built form characteristics, the policy states that proposals for tall buildings should clearly demonstrate how they relate to the existing and planned context, take into account their relationship with the topography and other tall buildings and how they meet the other objectives of the Official Plan.

Section 3.2.1 Housing

The Official Plan policies address the need to preserve and increase the City's supply of rental and affordable housing. The site of the proposed development contains 185 residential rental units at 18 Brownlow Avenue. Policies in Section 3.2.1 of the Official Plan provide that new development that would have the effect of removing six or more rental units should not be approved unless the same number, size and type of rental housing units are replaced and maintained with rents similar to those already in effect. An acceptable tenant relocation and assistance plan is also required to address moving related costs, alternative accommodation, and other assistance to lessen hardship. As no units in the existing building are proposed to be demolished, an application is not required in this instance.

Chapter 4 – Land Use Designations

Section 4.2 Apartment Neighbourhoods

The proposed development is located in an *Apartment Neighbourhoods* designated area. *Apartment Neighbourhoods* are made up of apartment buildings, parks, local institutions,

cultural and recreation facilities, small scale retail service and office uses. *Apartment Neighbourhoods* are generally not intended for significant growth. Compatible infill, however, is contemplated on sites containing existing apartment buildings that have underutilized land.

New and infill development in *Apartment Neighbourhoods* will contribute to the quality of life for both new and existing residents by massing new buildings to transition between areas of different development intensity and scale. In particular, *Neighbourhoods* will be protected through setbacks and/or stepping down of heights. New and infill development will also frame the edges of streets and parks, screen service areas, limit shadow and mitigate wind on parks and open spaces as well as *Neighbourhoods*. It will also enhance the safety, amenity and animation of adjacent streets and open spaces.

Infill development will also maintain an appropriate residential amenity on-site, provide existing residents with access to community benefits, maintain adequate sunlight, privacy and areas of landscaped open space, front onto public streets and provide pedestrian entrances from adjacent public streets. Furthermore, infill development in *Apartment Neighbourhoods* will provide adequate on-site, below grade, shared vehicular parking for both new and existing development, screen surface parking, preserve important landscape features and walkways, consolidate loading, servicing and delivery facilities and preserve or provide adequate alternative on-site recreational space for residents.

On December 10, 2015 City Council adopted OPA 320 as part of the ongoing review of the Official Plan Five Year Review. This amendment addresses changes to the Healthy Neighbourhoods, *Neighbourhoods* and *Apartment Neighbourhoods* sections of the Plan. The staff report can be found at:
<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2015.PG8.5>

Yonge-Eglinton Secondary Plan

The site is located in the Yonge-Eglinton Secondary Plan Area. A primary objective of the Yonge-Eglinton Secondary Plan is to maintain and reinforce the stability of *Neighbourhoods* and to minimize conflicts among *Mixed Use Areas*, *Apartment Neighbourhoods*, *Neighbourhoods* and *Parks and Open Space Areas* in terms of land use, scale and vehicular movement. The Secondary Plan also requires that a full range of housing options (form, tenure) be provided in the Yonge-Eglinton Area that is suitable for family and other households in a manner that is: "contextually appropriate and compatible with existing residential uses and residential built form."

The *Mixed Use Areas* in the Official Plan contain a mix of retail, service commercial, office and residential uses with the highest concentration at Yonge Street and Eglinton Avenue and a smaller concentration at the Yonge/Davisville subway station (see Attachment 8).

Commercial development will be strengthened in the Yonge-Eglinton Area, specifically, the following will be supported:

- street related retail and service uses in the *Mixed Use Areas* except Area 'E';
- office commercial uses in the *Mixed Use Areas* 'A', 'B', 'C'; and 'D'; and
- restricted retail uses in *Mixed Use Area* 'E'.

The Yonge-Eglinton Secondary Plan states that the highest densities will be located in *Mixed Use Area* 'A', with developments of a lesser scale located in *Mixed Use Areas* 'B', 'C' and 'D'. Higher density development is permitted in *Apartment Neighbourhoods* with nearby subway station access. Reduced parking requirements are permitted in the Yonge-Eglinton Secondary Plan Area where it can be demonstrated that projected travel can be accommodated by means other than the automobile. Bicycle linkages, facilities and new pedestrian connections will also be encouraged.

New development in the Yonge-Eglinton Secondary Plan Area will protect the scale of development in *Neighbourhoods* while minimizing impacts (shadowing, overlook, loss of sky view) on lower scale built form in *Neighbourhoods*. New development will transition in height and scale from developments in *Mixed Use Areas* and *Apartment Neighbourhoods* to *Neighbourhoods*, particularly when higher density designations abut a *Neighbourhood*.

Development within the Yonge-Eglinton Secondary Plan Area will satisfy the requirements of the Growth Plan for the Greater Golden Horseshoe, transition down in height from Yonge Street and Eglinton Avenue east towards Mount Pleasant Avenue, be compatible with the character of existing *Neighbourhoods* and maintain a high quality of residential amenity. Investment in public transit infrastructure will be a priority in the Yonge-Eglinton *Centre*.

New development will promote architectural excellence while also providing for improvements in the public realm. New, flexible, community service facilities and social infrastructure will be provided in a timely manner in the Secondary Plan Area. New parks and open spaces will also be secured in the Yonge-Eglinton Secondary Plan Area along with improvements to the existing parks and open spaces as well as the public realm.

Tall Building Design Guidelines

In May 2013, City Council adopted updated city-wide Tall Building Design Guidelines and directed City Planning Staff to use them in the evaluation of tall building development applications. The Guidelines establish a unified set of performance measures for the evaluation of tall building proposals to ensure they fit within their context and minimize their local impacts. The Tall Building Guidelines are available at: <http://www.toronto.ca/planning/tallbuildingdesign.htm>

Midtown in Focus- OPA 289

On August 25, 2014, City Council adopted the report from the Chief Planner on Midtown in Focus – the Parks, Open Space and Streetscape Plan ("Public Realm Plan") for the Yonge-Eglinton Area.

<http://www1.toronto.ca/wps/portal/contentonly?vgnextoid=d421bf26585a2410VgnVCM10000071d60f89RCRD>

The Midtown in Focus Public Realm Plan provides a framework for improvements within the Yonge-Eglinton area to the network of parks, open spaces, streets and public buildings to create an attractive, safe, and comfortable network of public spaces. It supports the public realm policies of the Official Plan as well as the Yonge-Eglinton Secondary Plan.

On June 10, 11, 12, 2015, City Council adopted Official Plan amendments (OPA 289) to the Yonge Eglinton Secondary Plan that incorporate, among other matters, the urban design and public realm policies of the Midtown in Focus Public Realm Plan. The proposed Secondary Plan amendments are currently under appeal at the OMB.
<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2015.PG4.2>

The Council-adopted Secondary Plan amendments outline a comprehensive public realm strategy and a system of improvements that will be implemented as part of any new development in the Yonge Eglinton Secondary Plan Area. Section 2.16 requires that improvements be made to both the private and public realm as part of any new development including: enhancements to streetscapes and the provision of wider sidewalks and the establishment of multi-purpose promenades.

Another objective of the Secondary Plan is to maintain and enhance the open, green, landscaped character of the area, improve and expand the network of parks, open spaces and streetscapes and create a high-quality public realm to ensure the continued vitality and quality of life in the area. All development in the Midtown Character Area will advance the implementation of the five place-making moves (see Attachment 9) which includes Redpath Revisited and the Midtown Greenways.

Furthermore, development applications will demonstrate that they: respect, reinforce and extend the landscaped open space setbacks of buildings from streets that are prevalent in the Midtown Character Area and contribute to the open space system, provide sufficient space within the public street rights-of-way for pedestrian and cycling infrastructure and encourage community activities in the public realm through programming, activation and the provision of safe, accessible and inviting spaces.

The site is situated along three Midtown Greenways (Soudan Avenue, Brownlow Avenue and Redpath Avenue) as well as Redpath Revisited, two of the five place-making moves in the Yonge-Eglinton Secondary Plan. The Greenways are intended to provide improved pedestrian amenity in the area as well as maintain the landscaped setback

character of the Yonge-Eglinton area. Buildings are required to be set back 5 metres from the property line at the street.

Redpath Revisited acknowledges the importance of Redpath Avenue and the role it plays linking Redpath Park and the Church of the Transfiguration. Both Redpath Park and the Church of the Transfiguration are intended to be expanded and become important public parks and green spaces. Through the implementation of the Midtown in Focus Public Realm Plan, Redpath Avenue will become a shared street between Eglinton Avenue and Roehampton Avenue and the rest of it will be landscaped in a way that contributes to its function as a green link between Redpath Park and the Church of the Transfiguration.

In addition, the site's frontage on Soudan Avenue forms part of the Soudan Avenue Priority Park Area in OPA 289, building on the existing Dunfield Park. Parkland priority improvements have been identified for the Yonge-Eglinton area that include expanding and enhancing the function, visibility and accessibility of existing parks, creating new parks, including those identified on Map 21-4, and locating parks on corners and prominent sites. (see Attachments 9 and 10).

The subject application was submitted after the City Council adoption of the Midtown in Focus Public Realm Plan and the amendments to the Secondary Plan (OPA 289).

Yonge-Eglinton Secondary Plan Review

City Planning Staff are leading an inter-divisional review of growth, built form and infrastructure issues in the Yonge-Eglinton area. The Growth, Built Form and Infrastructure Review will inform the development of up-to-date policy that will guide growth in the area and, in combination with necessary capital upgrades identified through the review, support the vitality and quality of Midtown Toronto.

The review began in mid-2015 and has three key activities:

1. Growth Analysis which includes completing a demographic and economic profile of the area, undertaking an evaluation of growth trends, and completing an analysis of potential near, medium and longer term growth estimates.

2. Built Form Study which will analyse built form character, trends and impacts and develop a built form vision to guide the area's evolution. In addition, a Cultural Heritage Resource Assessment is being undertaken which will identify properties of cultural heritage value or interest and outline recommendations for further study, conservation, listings and designations.

3. Infrastructure Review of the performance and capacity of key infrastructure – community services and facilities, transportation, water, wastewater and stormwater – and a gap analysis informed by the growth estimates to identify emerging infrastructure priorities.

On July 12, 2016 City Council adopted the recommendations in the report from the Chief Planner titled: "Midtown in Focus: Growth, Built Form and Infrastructure Review – Status Report". The recommendations direct staff to consider the draft built form

principles contained in the report in the review of development applications in the Yonge-Eglinton Secondary Plan Area.

The report also directs staff, in consultation with other divisions and agencies, to identify opportunities on City-owned lands for new community infrastructure and secure community infrastructure space, as appropriate, as part of the development application review process.

Capital upgrades to municipal servicing in the area have been informed by the City's previous population and employment projections and estimates produced in support of the Eglinton Connects study in 2013. These estimates have been surpassed by the accelerating scope of development applications in the area and additional analysis is required to ensure that sufficient capacity exists to support continued growth and intensification.

The draft built form policies are organized by Area Structure, Public Realm and Open Space, Walkability and Comfort and Heritage and Landmarks. They are listed as follows:

Area Structure

- Organize growth to achieve a hierarchy of intensity of use, building heights, densities and scale tied to proximity of rapid transit service, with greatest heights and densities located at the Yonge-Eglinton Crossroads where two rapid transit lines intersect.
- Provide a variety of building heights to reinforce existing character, promote localized sense of place and create a legible skyline for the district that makes legible and reinforces the area structure when viewed from key vantage points within the broader city.
- Maintain and reinforce the stability of low-rise neighbourhoods through the use of different approaches to transition in growth areas that reflect prevailing character and minimize shadow and privacy impacts.
- Respect and enhance the scale, character and form of Midtown Villages and in particular the historic streetwall, narrow frontages and distinct cornice lines.

Public Realm and Open Space

- Reinforce the unique open space amenity and spaciousness provided by the Eglinton Green Line, Midtown Apartment Neighbourhoods and Apartment High Streets by ensuring abundant landscaping at grade and generous building spacing.

- Support active street life and informal surveillance by ensuring the built form frames and animates streets, parks, squares and open spaces with active uses at grade.
- Identify opportunities to celebrate the area's historic resources and history within the public realm.

Walkability and Comfort

- Locate, design and mass buildings to preserve skyview, allow daylight and sunlight to penetrate to the street and lower building levels and ensure good wind conditions in all seasons, with enhanced standards along the Midtown Villages, Park Street Loop, Eglinton Green Line, major pedestrian routes and parks and open spaces.
- Create a human-scaled public realm where buildings define and support streetscapes.
- Ensure fine-grained pedestrian circulation between and through sites and blocks through the placement and orientation of buildings.

Heritage and Landmarks

- Reinforce the scale, character, form and setting of heritage resources and heritage conservation districts through sensitive massing and placement of new buildings to lend prominence to these resources as symbols of the area's rich history.
- Frame, conserve and accentuate views to key heritage resources, landmarks and other important sites through the massing and articulation of development.
- Provide frontage on major pedestrian routes for community infrastructure and ensure facilities have good visibility, access and civic prominence.

Official Plan Amendment 320

As part of the City's ongoing Official Plan five Year Review, City Council adopted Official Plan Amendment No. 320 on December 10, 2015. OPA 320 strengthens and refines the Healthy Neighbourhoods, *Neighbourhoods* and *Apartment Neighbourhoods* policies to support Council's goals to protect and enhance existing neighbourhoods and to allow limited infill on underutilized apartment site in *Apartment Neighbourhoods*. The Minister of Municipal Affairs approved and modified OPA 320 on July 4, 2016. The Ministry received 57 appeals to OPA 320 and it has been appealed in its entirety.

<http://www.toronto.ca/legdocs/mmis/2015/pg/bgrd/backgroundfile-84819.pdf>

Zoning

The application is zoned R2 Z0.6 in Zoning by-law 438-86, as amended. There is a permitted height of 38 metres on the property at 18 Brownlow and 14 metres for the remaining house-form buildings along Soudan Avenue and Redpath Avenue. The R2 zoning permits a variety of residential uses.

The site is also zoned R (d0.6) (x914) in Zoning By-law 569-2013, as amended. The permissions are largely the same in 569-2013 as in 438-86.

In addition to these by-laws, site specific by-law 1280-2007 applies to the northern portion of the site. This by-law permits the condominium apartment building at 83 Redpath Avenue, and secures the rental tenure of 18 Brownlow Avenue with a site specific parking ratio of 0.6 spaces per dwelling unit.

Site Plan Control

A site plan application is required for the proposal but has not been submitted.

Reasons for the Application

A zoning by-law amendment is required because the proposed development, among other matters, exceeds the height and density permissions in the in-force zoning by-law.

Community Consultation

On May 31, 2016 a community consultation session was held for the application at 18 Brownlow Avenue, 174-200 Soudan Avenue and 71-73 Redpath Avenue. A number of concerns were raised at the meeting including the scale of the development, the appropriateness of a two tower development on the site, the transition to the lower scale neighbourhood across Soudan Avenue, loss of views from the adjacent condominium building at 83 Redpath Avenue, traffic impacts, both on the surrounding streets and on the shared driveway with the residential condominium building at 83 Redpath Avenue and 18 Brownlow Avenue.

COMMENTS

Provincial Policy Statement, Provincial Plans and the Planning Act

The Provincial Policy Statement, 2014 (PPS) provides for a coordinated and integrated approach to planning matters within municipalities. Policy 4.7 of the PPS states that: "the Official Plan is the most important vehicle for implementation". The application fails to conform to a number of policies in the Official Plan and, as such, does not comply with the PPS.

The application does not conform to policies in the Growth Plan for the Greater Golden Horseshoe. Although the proposal supports growth of the Yonge-Eglinton Urban Growth

Centre, it represents overdevelopment of the site and is not good planning nor in the public interest.

The application does not have regard to Section 2 of the *Planning Act*. While the site is appropriate for intensification, the proposal represents over intensification and does not adequately or appropriately address current planning issues on the site relating to the existing rental apartment buildings, nor adverse impacts to residents of adjacent buildings during construction.

Land Use

The application proposes residential buildings in an area designated *Apartment Neighbourhoods* in the Official Plan. The uses are permitted.

Site Organization

The site is organized as a two tower development linked with a 4-storey base building. The base building is set back 4 metres from the Soudan Avenue property line. There are variable setbacks from Redpath Avenue and Brownlow Avenue. The towers have a separation distance of between 21 and 24 metres with a separation of 13 metres from the existing apartment building at 18 Brownlow.

Servicing is proposed to be consolidated in the underground parking garage at 18 Brownlow Avenue. The access for parking is also shared with the residential condominium building at 83 Redpath Avenue.

As noted in the Decision History, on March 10, 2016 City Council required that on-site parkland dedication pursuant to Section 42 of the Planning Act be conveyed to the City of Toronto for this site in the event of any approval. The Yonge-Eglinton Secondary Plan area has been identified as parkland deficient in the Official Plan. The Midtown in Focus Public Realm Plan and Official Plan Amendment 289 support the expansion of public parkland along the north side of Soudan Avenue. The City has had success in increasing the size of Dunfield Parkette, acquiring new parkland at 33 Holly Street and setting buildings back to extend the green space along Soudan Avenue. The total proposed area to be conveyed to the City for public parkland is 655 square metres on the subject site.

If it is situated at the corner of Soudan Avenue and Redpath Avenue, as recommended by Staff, this would eliminate a substantial portion of the proposed western tower. The decision to accept on-site parkland dedication is not appealable to the OMB. The application must be revised to show the provision of on-site parkland dedication.

Density, Height, Massing

The proposed density and massing represent over development of a shallow frontage on Soudan Avenue that is not contained within the Urban Growth Centre. The City of Toronto and the Province have delineated the boundaries of the Growth Centre in order to achieve more density in accordance with provincial policy while maintaining room for transition at the edges of the growth centre. The proposal, as massed, seeks excessive

density on the site, while failing to provide for open space and transition. The proposal is not located in the Urban Growth Centre and should be viewed as transitional to the *Neighbourhoods* designated area to the south.

Section 3.1.3(1b) of the Official Plan requires that tall building towers have a floor plate size and shape that has appropriate dimensions for the site, and is located and oriented on the site and building base to fit harmoniously into its existing and/or planned context.

The Tall Building Design Guidelines encourage properly located, slim towers (750 m² maximum excluding balconies) that cast thin, fast moving shadows and improve sky views with appropriate setbacks. For floor plates over 750 square metres, the shape and articulation of towers can diminish the impact of their overall scale and massing.

The proposal creates two new towers with deficient separation distances and floor plates in excess of 750 square metres which is not acceptable. The proposed heights of the towers are 82 metres (25-storeys) and 65.7 metres (20-storeys). The Official Plan requires that development proposals respond to their planned and built context. The proposed heights fail to respond to the planned and built context of the area and do not provide the clear transition established through previous developments of decreasing heights from Yonge Street to Mount Pleasant Avenue and towards the *Neighbourhood* designated areas to the south. The heights of the towers should be lowered to reflect this transition and approved heights.

The floor plates of the proposed towers are 1,034 square metres (tapering to 485 square metres at the top) and 869 square metres (tapering to 479 square metres). These floor plates are larger than the recommended maximum floor plate for tall buildings in the Tall Building Design Guidelines. Floor plates are recommended to be a maximum of 750 square metres in order to minimize the length of time shadow is cast on an area, preserve sky view and reduce micro-climatic effects. The proposed floor plates, with their minimal setbacks, combined with the proposed building height, create an imposing presence on Soudan Avenue, Redpath Avenue and Brownlow Avenues and do not mitigate their negative effects.

On July 12, 2016 City Council directed Staff to consider the built form principles of the Yonge-Eglinton Secondary Plan review in the assessment of development applications. The proposal at 18 Brownlow Avenue, 174-200 Soudan Avenue and 71-73 Redpath Avenue, fails to meet a number of these draft principles; in particular, it fails to:

- Organize growth to achieve a hierarchy of intensity of use, building heights and densities;
- Maintain and reinforce the stability of low-rise neighbourhoods through the use of different approaches to transition in growth areas that reflect prevailing character and minimize shadow and privacy impacts;

- Reinforce the unique open space amenity and spaciousness provided by the Eglinton Green Line, Midtown Apartment Neighbourhoods and Apartment High Streets by ensuring abundant landscaping at grade and generous building spacing;
- Locate, design and mass buildings to preserve skyview, allow daylight and sunlight to penetrate to the street and lower building levels and ensure good wind conditions in all seasons; and
- Create a human-scale public realm where buildings define and support streetscapes.

Amenity Space

The application is deficient in interior amenity space, but exceeds the outdoor amenity space requirements of the Zoning By-law. It is recommended that the applicant supply at least the minimum amenity space required in the Zoning By-law, especially since the proposed amenity space would be shared with the existing apartment building at 18 Brownlow Avenue.

Traffic Impact and Parking

A number of concerns have been raised about the proposed parking by Engineering and Construction Services. The applicant is required to confirm that it has legal access to the shared driveway at 18 Brownlow and 83 Redpath Avenue. Although the parking supply, with a shortfall of two spaces, is generally acceptable, the proposed width of the drive aisles does not meet the minimum 6 metre requirement.

Servicing

The application does not show loading spaces for the proposed development. If the intent is to consolidate loading with 18 Brownlow, this must be clearly illustrated on drawings. Staff remain concerned about how the building will be serviced without adversely affecting traffic or the quality of life of neighbouring buildings.

Open Space/Parkland

The Development Applications Unit of the Parks, Forestry and Recreation Division has reviewed the plans prepared by NEUF Architects.

The Official Plan contains policies to ensure that Toronto's system of parks and open spaces are maintained, enhanced and expanded. Map 8B of the Toronto Official Plan shows local parkland provision across the City. The lands are in an area with 0 to 0.42 hectares of local parkland per 1,000 people, the lowest quintile of current provision of parkland. The site is in a parkland acquisition priority area, as per Chapter 415, Article III of the Toronto Municipal Code.

The proposed development is located at a site where the Midtown in Focus Plan proposes new parkland as it is in an area of low parkland provision. Parks, Forestry & Recreation

will require the applicant to supply the required parkland dedication on-site. The preferred location of the parkland dedication is the southwest portion of the site on the north side of Soudan Ave. This will implement the Midtown in Focus Plan to create new public parkland along Soudan Avenue.

The application proposes to retain one 19-storey apartment building and construct two new towers. All of the buildings are to be connected and have a single main entrance. As one building is being retained, its floor plate has been removed from park levy calculations, leaving a total site area of 6,546.05 m².

At the alternative rate of 0.4 hectares per 300 units specified in Chapter 415, Article III of the Toronto Municipal Code, the parkland dedication requirement is 6,173 square metres or 94 % of the site area. However, for sites that are less than 1 hectare in size, a cap of 10% of the development site is applied to the residential use while the non-residential use is subject to a 2% parkland dedication. In total, the parkland dedication requirement is 655 square metres.

The conditions for Parkland Dedication are attached as Attachment 12 to this report.

Tenure

The proposed tenure of the development is rental.

Section 37

Section 37 of the Planning Act allows the City to enter into an agreement with an applicant to grant an increase in height and/or density (over and above that permitted by the Zoning By-law) in return for community benefits to be provided by the applicant. Details of a Section 37 Agreement between the applicant and the City would be established if the project is ultimately approved by the OMB.

Since this application is not considered good planning and is not supported by City staff, there has been no discussion with the applicant about the quantum of the community benefits. In the event that this application proceeds to a full OMB hearing and the OMB grants additional density and/or height beyond that which is permitted in Zoning By-law 438-86, the City will request that the OMB withhold its final order until the City has an agreement with the applicant to secure the appropriate community benefits. Such benefits could include contributions (as deemed appropriate by City Council) for:

- an increased land dedication in excess of the 655 square metres proposed to be secured by Parks, Forestry and Recreation.
- above base park improvements since a land dedication is required by Parks, Forestry and Recreation to satisfy the parkland dedication requirements; and
- public realm improvements in the Yonge-Eglinton area per the Midtown in Focus Parks, Open Space and Streetscape Plan.

- additional community services and facilities in the Yonge-Eglinton Secondary Plan Area.

CONCLUSION

The application has not changed from the original submission and none of the issues outlined in the preliminary report have been addressed. The proposed heights of the project need to be reduced to reflect the built form context in the area and to establish a transition of decreasing height from Yonge Street to Mount Pleasant Avenue and to the *Neighbourhood* to the south. Staff prefer that the application be revised to a one-tower development of significantly reduced height or a mid-rise proposal. The application also needs to be revised to reflect Council's decision to require on-site parkland dedication that is not appealable to the OMB and not currently proposed in the application.

CONTACT

Giulio Cescato, Senior Planner
Tel. No. 416-392-0459
E-mail: gcescat@toronto.ca

SIGNATURE

Gregg Lintern, MCIP, RPP
Director, Community Planning
Toronto and East York District

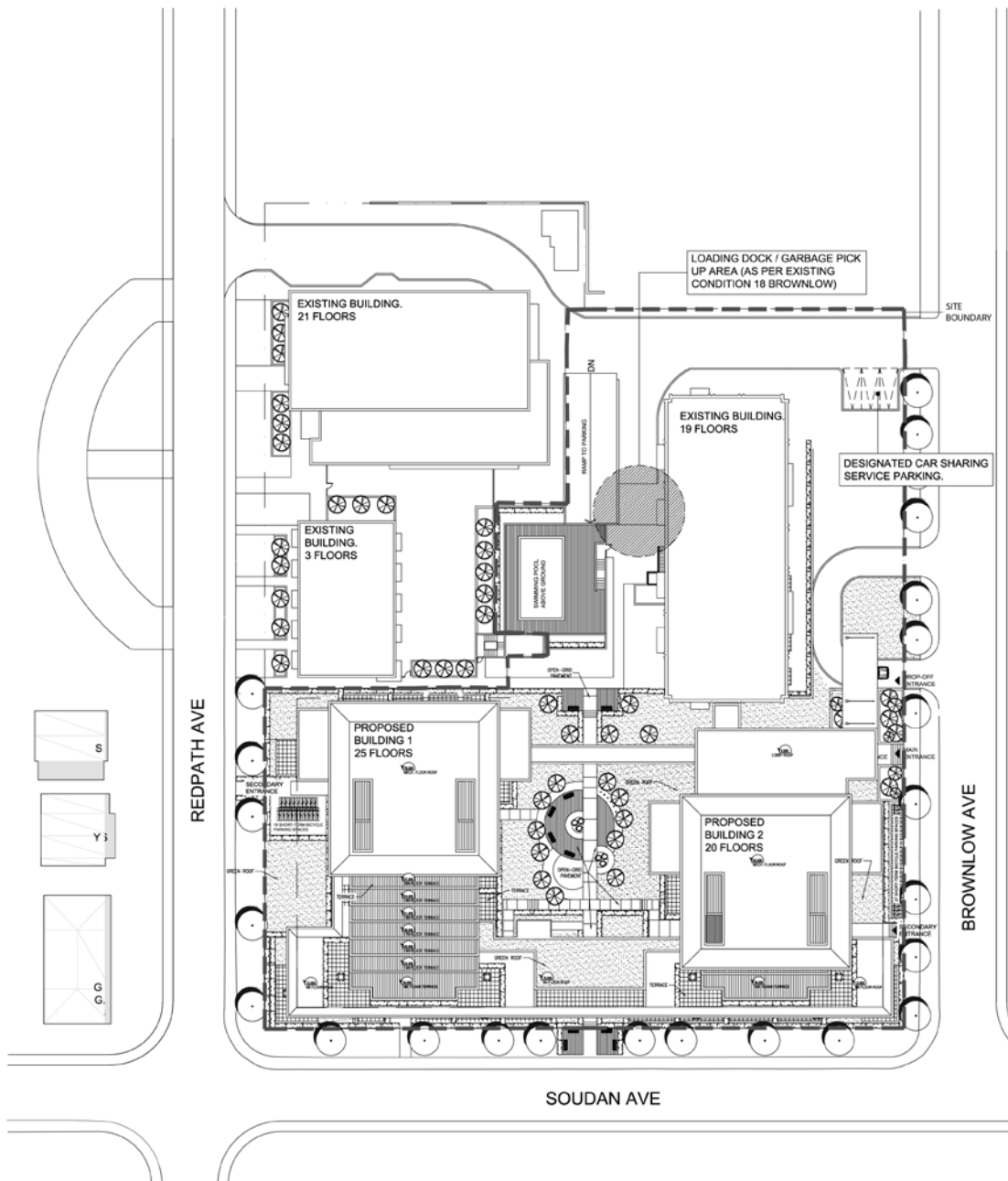
(P:\2016\Cluster B\pln\TEYCC\20519920095.doc) - ca

ATTACHMENTS

Attachment 1: Site Plan
Attachment 2: North Elevation
Attachment 3: East Elevation
Attachment 4: South Elevation
Attachment 5: West Elevation
Attachment 6: Zoning
Attachment 7: Official Plan
Attachment 8: Yonge-Eglinton Secondary Plan
Attachment 9: Five Place Making Moves (Under Appeal)
Attachment 10: Parks and Open Space Network (Under Appeal)
Attachment 11: Application Data Sheet

Attachment 12: On-site Parkland Dedication

Attachment 1: Site Plan



Site Plan

Applicant's Submitted Drawing

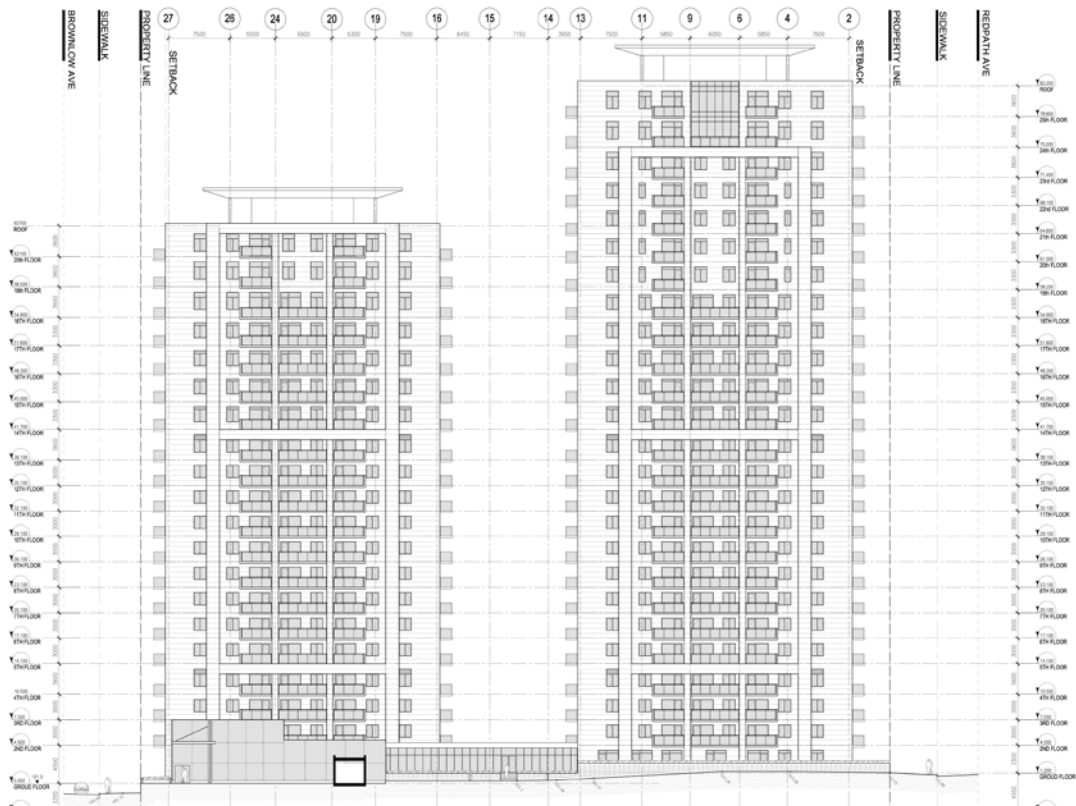
Not to Scale
12/11/2015



18 Brownlow Avenue,
174-200 Soudan Avenue and 71-73 Redpath Avenue

File # 15_247245 STE 22 0Z

Attachment 2: North Elevation



North Elevation

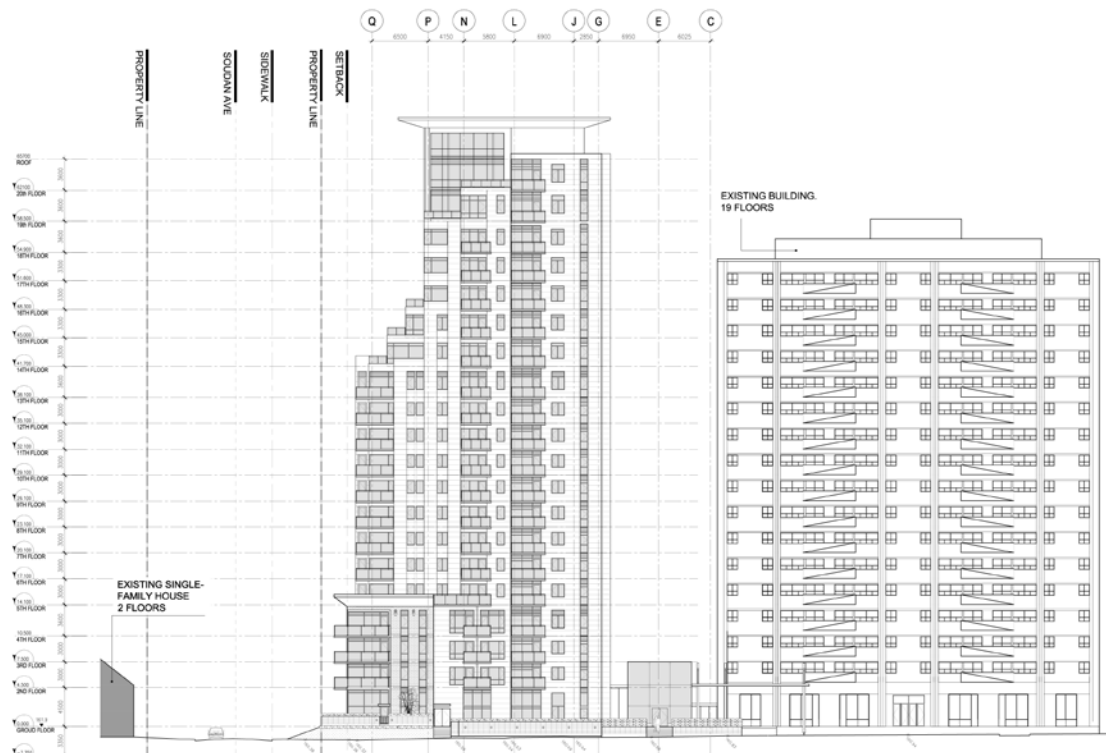
Applicant's Submitted Drawing

Not to Scale
12/11/2015

18 Brownlow Avenue,
174-200 Soudan Avenue and 71-73 Redpath Avenue

File # 15_247245 STE 22 02

Attachment 3: East Elevation



East Elevation

Applicant's Submitted Drawing

Not to Scale
12/11/2015

18 Brownlow Avenue,
174-200 Soudan Avenue and 71-73 Redpath Avenue

File # 15_247245 STE 22 02

Attachment 4: South Elevation



South Elevation

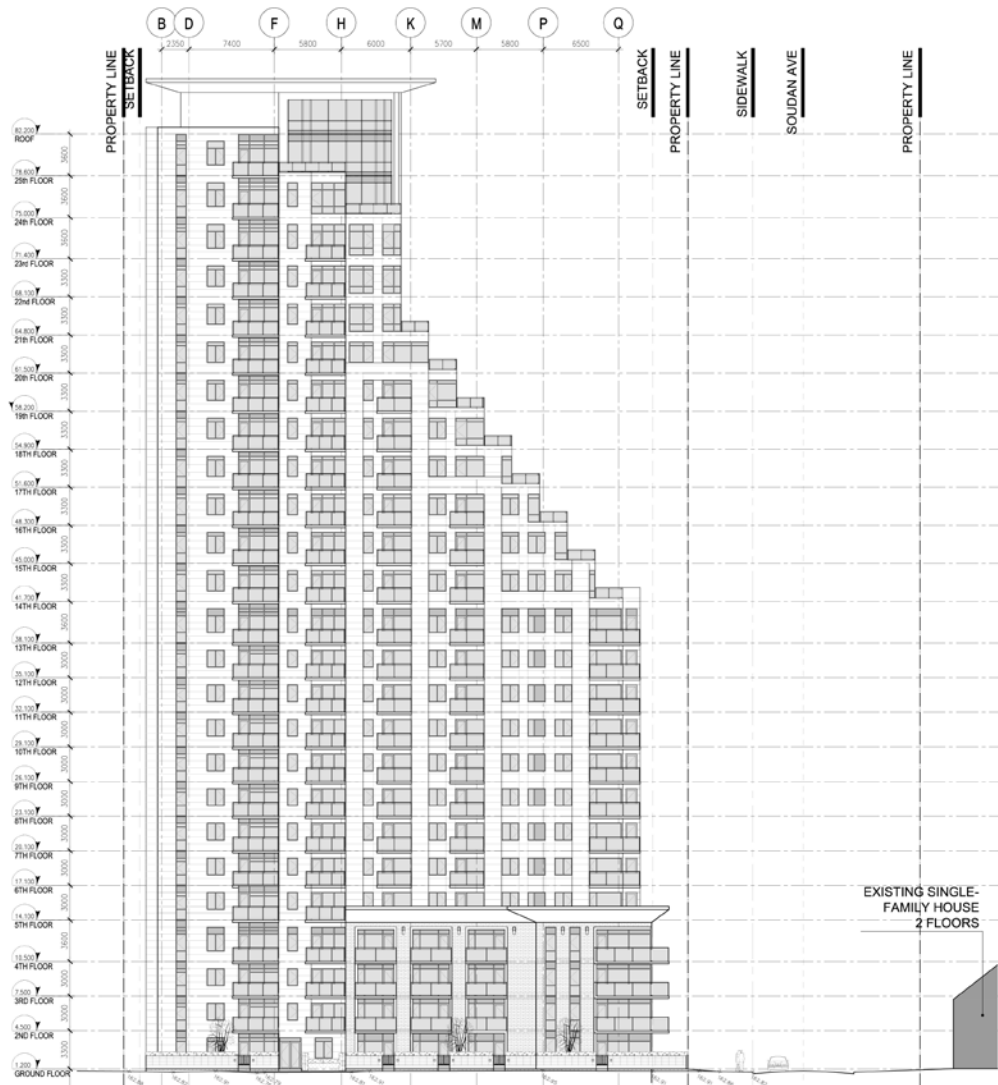
Applicant's Submitted Drawing

Not to Scale
12/11/2015

18 Brownlow Avenue,
174-200 Soudan Avenue and 71-73 Redpath Avenue

File # 15_247245 STE 22 0Z

Attachment 5: West Elevation



West Elevation

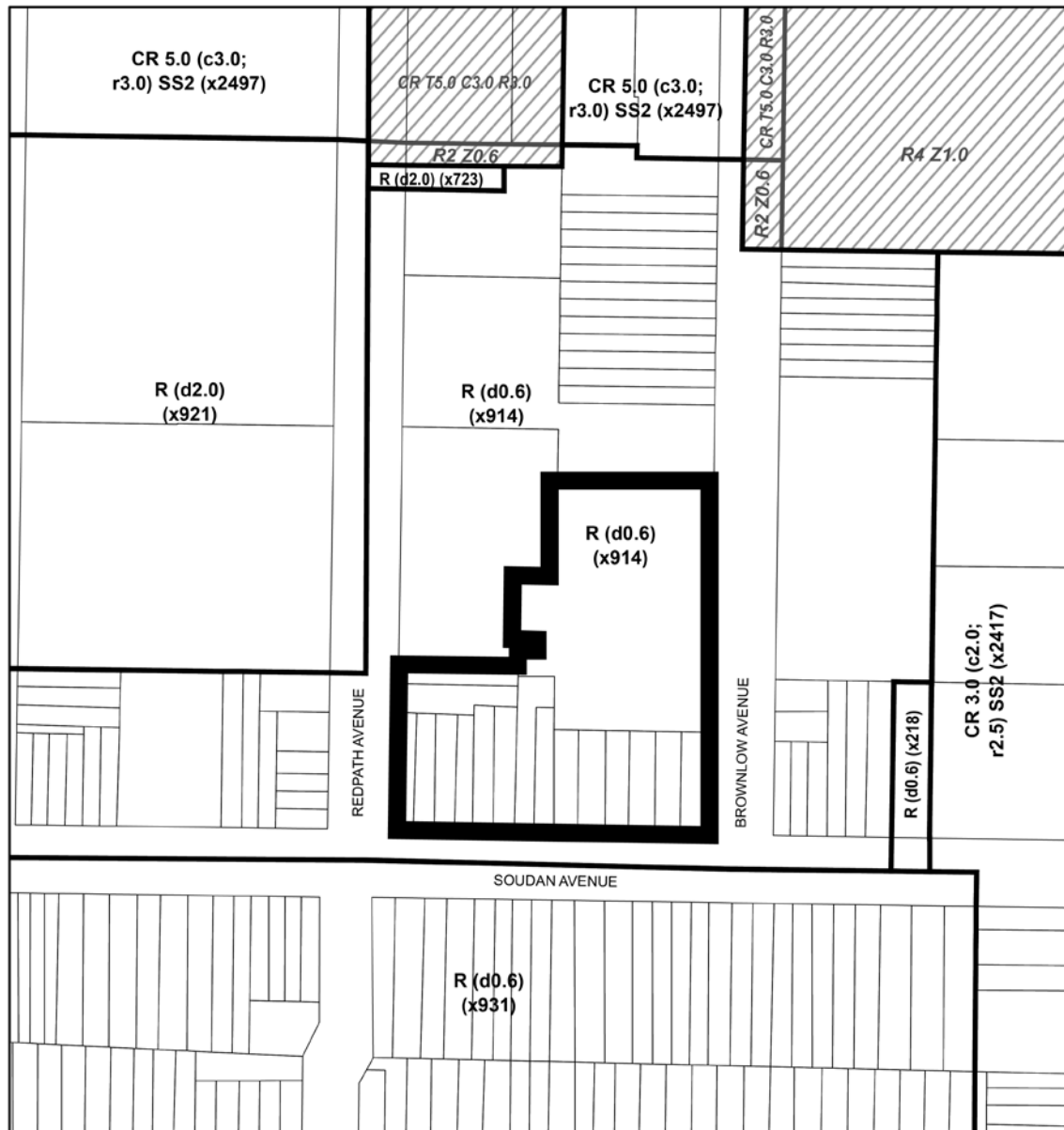
Applicant's Submitted Drawing

Not to Scale
12/11/2015

18 Brownlow Avenue,
174-200 Soudan Avenue and 71-73 Redpath Avenue

File # 15_247245 STE 22 0Z

Attachment 6: Zoning



Zoning By-Law No. 569-2013

**18 Brownlow Avenue,
174-200 Soudan Avenue and 71-73 Redpath Avenue
File # 15 247245 STE 22 02**



Location of Application

R Residential

CR Commercial Residential



See Former City of Toronto By-Law No. 438-86

R2 Residential District

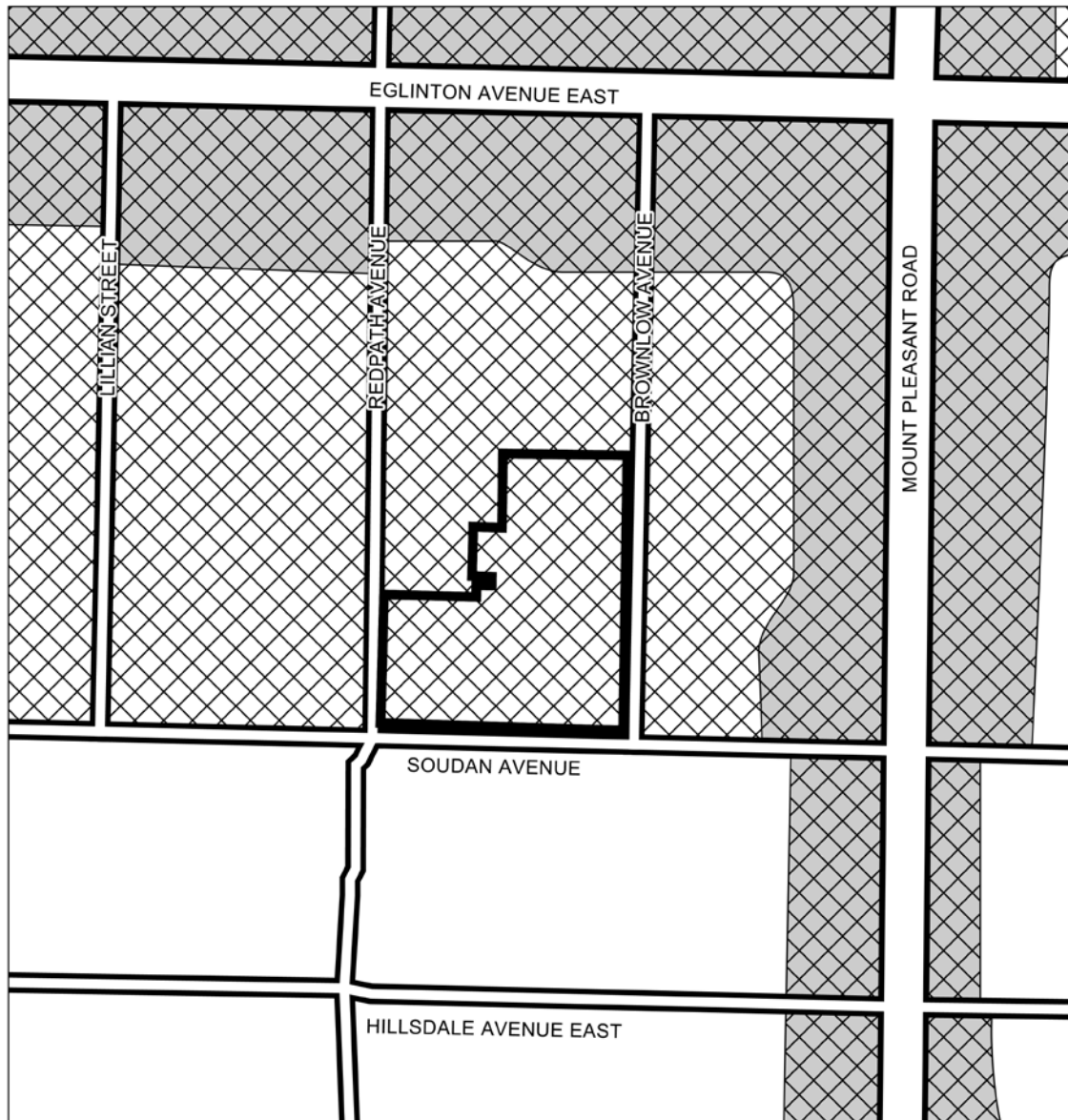
R4 Residential District

CR Mixed-Use District



Not to Scale
Extracted: 12/11/2015

Attachment 7: Official Plan



Toronto City Planning
Extract from Official Plan

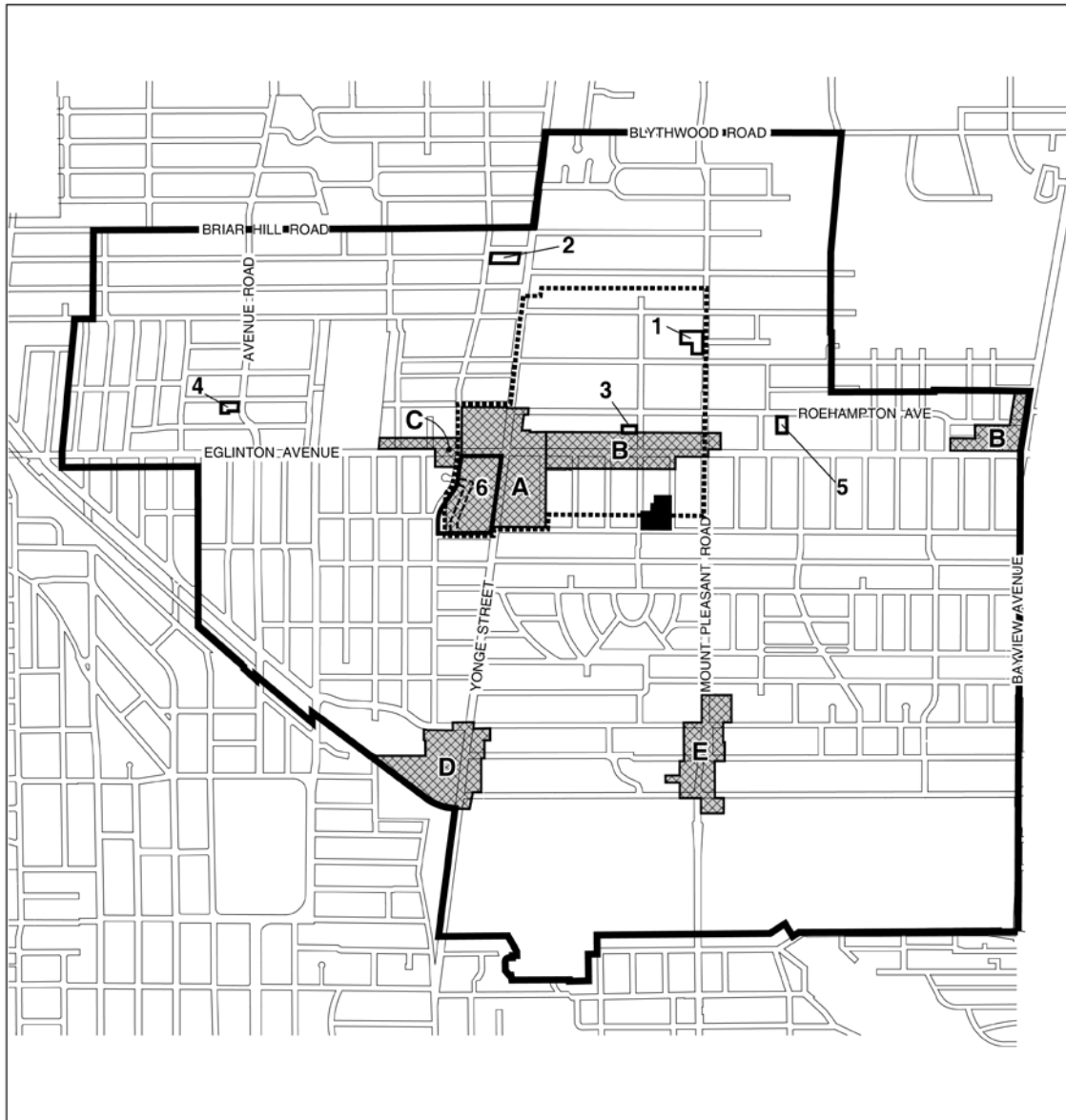
18 Brownlow Avenue,
174-200 Soudan Avenue and 71-73 Redpath Avenue

File # 15_247245 STE 22 0Z

-  Site Location
-  Neighbourhoods
-  Apartment Neighbourhoods
-  Mixed Use Areas

↑
Not to Scale
12/11/2015

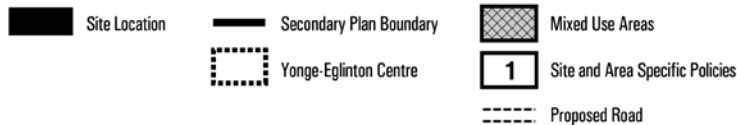
Attachment 8: Yonge-Eglinton Secondary Plan



Toronto City Planning
Extract from Official Plan
 Yonge-Eglinton Secondary Plan Map21-1 Land use Plan

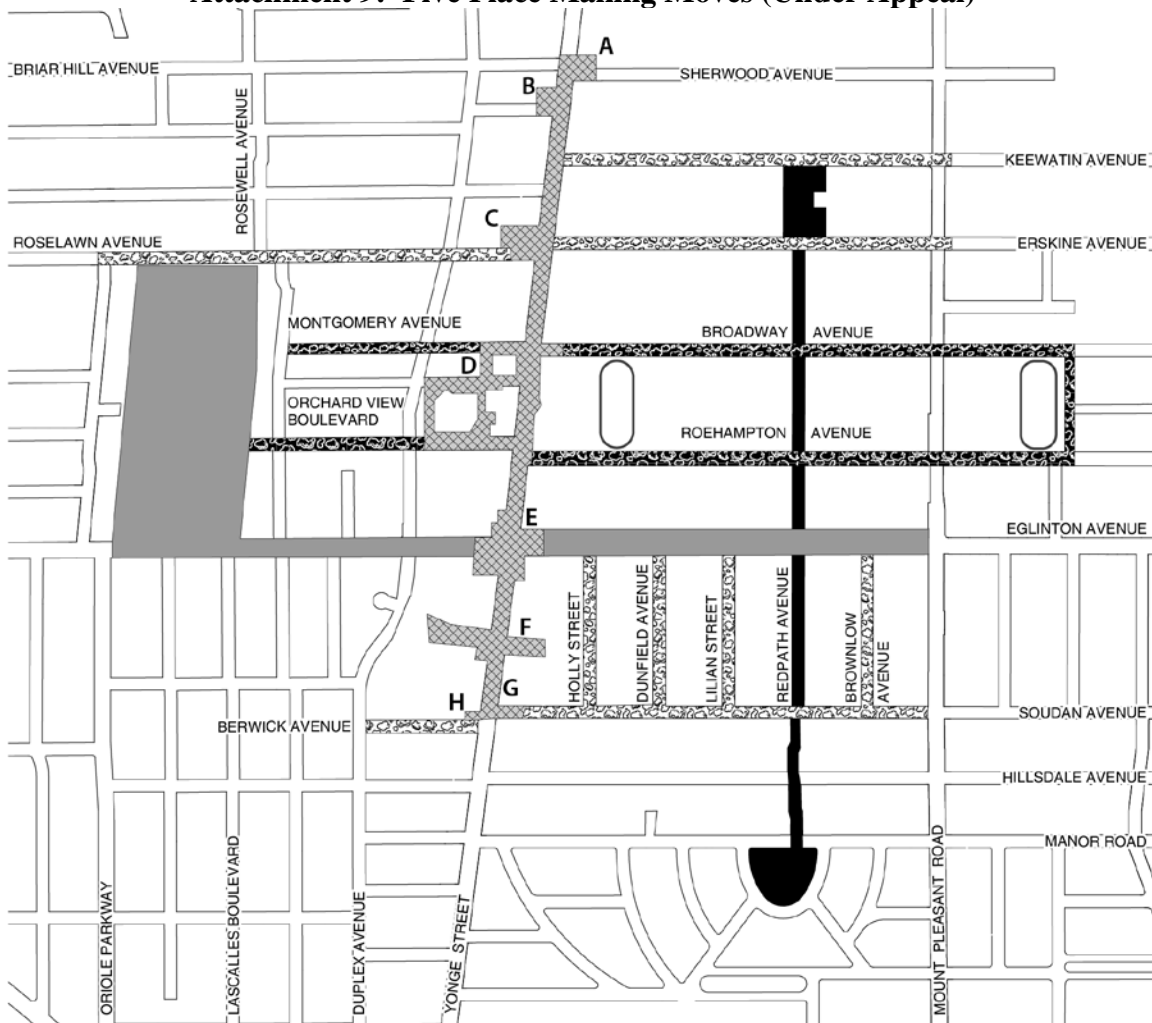
18 Brownlow Avenue,
 174-200 Soudan Avenue and 71-73 Redpath Avenue

File # 15_247245 STE 22 0Z



↑
 Not to Scale
 12/11/2015

Attachment 9: Five Place Making Moves (Under Appeal)



Not to Scale

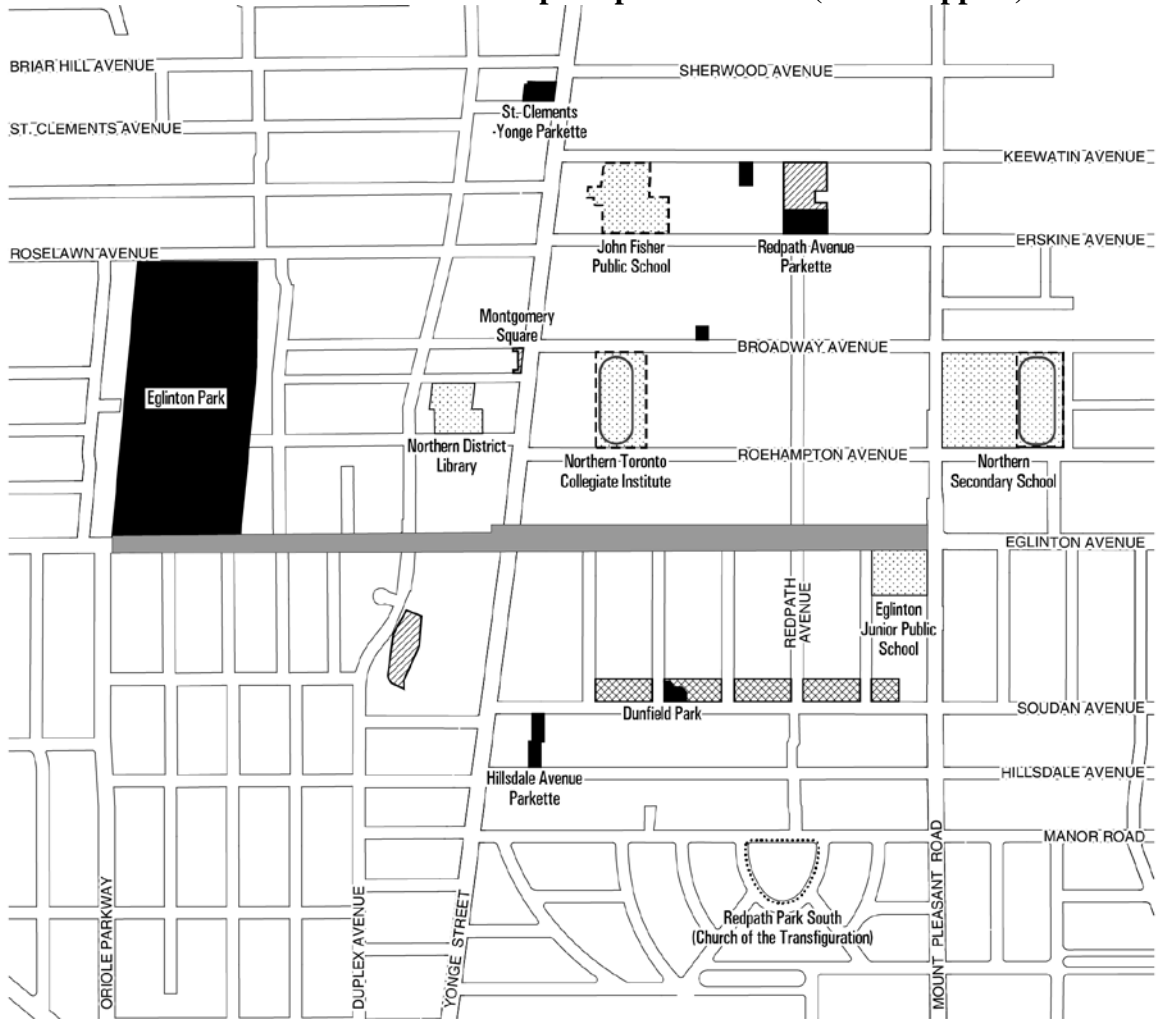
Yonge-Eglinton Secondary Plan

MAP 21-3 Five Place-Making Moves for the Midtown Character Area

	Eglinton Green Line	Yonge Street Squares	
	Yonge Street Squares	A Sherwood Square	E Yonge-Eglinton Crossroads
	Park Street Loop	B St. Clemens Square	F Quantum Square
	Greenways	C Erskine Square	G Soudan Square
	Redpath Revisited	D Montgomery Square	H Berczy Square

April 2015

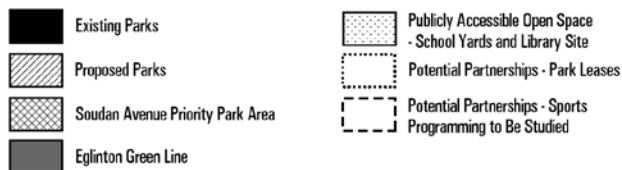
Attachment 10: Parks and Open Space Network (Under Appeal)



Not to Scale

Yonge-Eglinton Secondary Plan

MAP 21-4 Parks & Open Space Network Plan for the Midtown Character Area



April 2015

Attachment 11: Application Data Sheet

Application Type	Rezoning	Application Number:	15 247245 STE 22 OZ
Details	Rezoning, Standard	Application Date:	November 4, 2015
Municipal Address:	71-73 Redpath Avenue, 174-200 Soudan Avenue & 18 Brownlow Avenue		
Location Description:	PLAN 653 BLK G PT LOTS 9 TO 13 PLAN 694 BLK H PT LOTS 2 AND 3 RP 66R23789 PARTS 3 TO 5 7 TO 9 13 16 AND 31 **GRID S2204		
Project Description:	Two residential towers of 25 and 20-storeys comprising 463 units with 413 parking spaces, connected by a 4-storey base building.		

Applicant:	Agent:	Architect:	Owner:
Devine Park LLP 250 Yonge Street, Ste. 2302 Toronto, ON M5B 2L7	Bousfields Inc. 3 Church Street, Ste. 200 Toronto, ON M5E 1M2	NEUF Architects 630 Boul. Rene-Levesque, 31 fl. Montreal, QC H3B 1S6	18 Brownlow Holdings Ltd. 5800 Rue St. Denis, Ste. 1100 Montreal, QC H2S 3L5

PLANNING CONTROLS

Official Plan Designation:	Apartment Neighbourhood	Site Specific Provision:	N
Zoning:	R (d0.6) (x914)	Historical Status:	N
Height Limit (m):	38, 14	Site Plan Control Area:	Y

PROJECT INFORMATION

Site Area (sq. m):	7307	Height:	Storeys:	25
Frontage (m):	91.39		Metres:	82.2
Depth (m):	102.9			
Total Ground Floor Area (sq. m):	3033			Total
Total Residential GFA (sq. m):	48556		Parking Spaces:	416
Total Non-Residential GFA (sq. m):	0		Loading Docks	1
Total GFA (sq. m):	48556			
Lot Coverage Ratio (%):	42			
Floor Space Index:	6.6			

DWELLING UNITS

Tenure Type:	Rental
Rooms:	0
Bachelor:	104
1 Bedroom:	345
2 Bedroom:	188
3 + Bedroom:	11
Total Units:	648

FLOOR AREA BREAKDOWN (upon project completion)

	Above Grade	Below Grade
Residential GFA (sq. m):	48556	0
Retail GFA (sq. m):	0	0
Office GFA (sq. m):	0	0
Industrial GFA (sq. m):	0	0
Institutional/Other GFA (sq. m):	0	0

CONTACT:	PLANNER NAME:	Giulio Cescato, Senior Planner
	TELEPHONE:	416-392-0459
	EMAIL:	gcscat@toronto.ca

Attachment 12: Conditions of Parkland Dedication

Parkland Dedication

1. The Owner will be required to convey the 0.097 hectares (970 m²) portion of the development site for public parkland purposes. The land to be conveyed as parkland shall be free and clear, above and below grade, of all physical obstructions and easements, encumbrances and encroachments, including surface and subsurface easements, unless otherwise approved by the General Manager, Parks, Forestry & Recreation.
2. The Owner is required to convey the parkland to the City prior to the issuance of the first above grade building permit for the development.
3. 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 the General Manager, Parks, Forestry & Recreation.

Parkland Dedication - Costs

4. The Owner shall pay for the costs of the parkland dedication and the preparation and registration of all relevant documents. The Owner shall provide, to the satisfaction of the City Solicitor, all legal descriptions and applicable reference plans for the parkland dedication.

Environmental Assessment

5. Prior to conveying the parkland to the City, the Owner shall be responsible for an environmental assessment of the soil and groundwater within the park block and any associated costs or remediation as a result of that assessment. Such assessment and/or remediation shall ensure that the parkland at the time of conveyance to the City, meets all applicable laws, regulations and guidelines respecting sites to be used for public park purposes, including but not limited to City Council policies respecting soil remediation of sites to be acquired by the City and the Ministry of the Environment's Guideline for Use at Contaminated Sites in Ontario, as amended. The environmental assessment shall be prepared by a qualified environmental consultant acceptable to the Director Development Engineering, Engineering and Construction Services in consultation with the General Manager, Parks, Forestry & Recreation.
6. Prior to the conveyance of the park land to the City, the environmental assessment shall be peer reviewed by an environmental consultant retained by the City at the Owner's expense (the 'Peer Reviewer'), and the conveyance of the park land shall be conditional upon the Peer Reviewer concurring with the Owner's environmental

consultant that the park land meets all applicable laws, regulations and guidelines for public park purposes.

Park Construction

Base Park Improvements

7. The Owner, at its expense, will be responsible for base construction and installation of the parkland. The Base Park Improvements include the following:
 - (i) demolition, removal and disposal of all existing materials, buildings and foundations;
 - (ii) grading inclusive of topsoil supply and placement, minimum of 150 mm;
 - (iii) sod #1 nursery grade or equivalent value of other approved park development;
 - (iv) fencing to City standard (where deemed necessary);
 - (v) all necessary drainage systems including connections to municipal services;
 - (vi) electrical and water connections (minimum 50 mm) directly to the street line, including back flow preventors, shut off valves, water and hydro chambers;
 - (vii) street trees along all public road allowances, which abut future City owned parkland; and
 - (viii) standard park sign (separate certified cheque required)
8. All work is to be completed to the satisfaction of the General Manager, Parks, Forestry & Recreation. No credit shall be given towards the Parks and Recreation component of the Development Charges for costs associated with Base Park Improvements.
9. Prior to the issuance of any permit, the Owner shall post an irrevocable Letter of Credit in the amount of 120% of the value of the Base Park Improvements for the parkland to the satisfaction of the General Manager, Parks, Forestry & Recreation.

Temporary Fencing

10. 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.

Parkland Grading and Drainage

11. Prior to conveyance of the parkland, the Owner shall ensure that the grading and drainage for the parkland is compatible with the grades of the adjacent lands to the

satisfaction of the General Manager, Parks, Forestry & Recreation and the Director of Technical Services.

Limiting Distance

12. Prior to the transfer of fee simple of the Park Blocks to the City, the Park Blocks shall nonetheless be deemed to be parkland in respect of the limiting distance requirements of the *Ontario Building Code Act, 1992* and any structures constructed on the land abutting the Park Blocks shall be subject to limiting distance requirements established under the Ontario Building Code. The Owner must design the building to achieve Ontario Building Code setbacks related to fire separation on their own site. Prior to the issuance of any above grade building permits, the owner will be required to provide information to the appropriate staff in Parks, Forestry & Recreation. If the City is agrees to enter into a Limiting Distance Agreement, the City will require compensation for the affected area.

Credit against DC's for Above Base Park Improvements

13. If the applicant agrees, the Parks and Recreation component of the Development Charges will be used to construct the Above Base Park Improvements. The Owner shall receive a development charge credit for the Above Base Park Improvements. The development charge credit shall be in an amount that is the lesser of the cost to the owner of installing the Above Base Park Improvements, as approved by the General Manager, Parks, Forestry & Recreation, and the Parks and Recreation component of the development charges payable for the development in accordance with the City's Development Charges By-law, as may be amended from time to time.
14. The Owner is required to submit a design and cost estimate to be approved by the General Manager, Parks, Forestry & Recreation and a letter of credit equal to 120% of the approved Above Base Park cost estimate. The design, cost estimate and the letter of credit will be required prior to the issuance of the first above grade building permit.

Above Base Park Improvements

15. The Owner will be responsible to design and construct the Above Base Park Improvements to the satisfaction of the General Manager, Parks, Forestry & Recreation. Areas to be addressed in the design of the Park are park programming, sustainable design and plantings, community and public safety, ground surface treatment, seating, vandalism etc. Final design and programming of the parkland shall be at the discretion of the General Manager of Parks, Forestry & Recreation.
16. Prior to issuance of the first above grade building permit for the development of the site, the Owner is required to submit working drawings, specifications and landscape plans showing the scope and detail of the work for the Above Base Park

Improvements for review and approval by the General Manager of Parks, Forestry & Recreation.

17. The stockpiling of any soils or materials or use as an interim construction staging area on the conveyed parkland is prohibited unless a Park Occupation Permit (POP) has been obtained from the Manager of Business Services – Ryan Glenn, 416-392-8578. The POP, if approved, will outline in detail the insurance requirements, extent of area permitted, permitted use, tree removal and replacement, duration, restoration plan and costs, and compensation to the satisfaction of the General Manager, Parks Forestry & Recreation. The POP must be secured prior to the issuance of any shoring and excavation permits. The owner will indemnify the City against any claim during any interim use of or work carried out by the applicant on the park. Any compensation accrued shall be applied to park improvements within the Ward in consultation with the Ward Councillor.
18. The Owner will be required to provide an environmental assessment report, prepared by a qualified engineer, at the end of the permitted occupation to verify that the parklands continue to meet the applicable laws, regulations and guidelines respecting sites to be used for public park purposes. The construction of the park shall commence after the occupation to the satisfaction of the General Manager, Parks, Forestry & Recreation. The Owner will be responsible for paying all costs associated with the City retaining a third-party peer reviewer for the environmental addendum.
19. The Above Base Park construction shall be completed within one year of the issuance of the first above grade building permit. Unforeseen delays (e.g. weather) resulting in the late delivery of the park shall be taken into consideration and at the discretion of the General Manager, Parks, Forestry & Recreation when determining a revised delivery date for the park.
20. The Owner, upon satisfactory completion of the construction and installation of the Park Improvements shall be required to guarantee such work and associated materials for a period of not less than 2 years. The Owner shall provide certification from their Landscape Architect certifying that all work has been completed in accordance with the approved drawings.

Warranty

21. The owner, upon satisfactory completion of the construction and installation of the Base Park and Above Base Park Improvements will be required to guarantee such work and associated materials. The owner will provide certification from their Landscape Architect certifying all work has been completed. At that time, the submitted letters of credit for park related development will be released, less 20% which shall be retained for a two-year period as a performance guarantee.

22. As-built drawings in print/hardcopy and electronic format shall be submitted to Parks, Forestry & Recreation. A complete set of “as built” plans shall be provided electronically on CD in the latest version of AutoCAD, two (2) sets full size bond hard copy and one (1) set 11x17 format to the General Manager, Parks, Forestry & Recreation.

The plans shall include, but not limited to specifications, locations of all hidden services, and all deviations from the design drawings, shop drawings, inspection reports, minutes of meeting, site instructions, change orders, invoices, certificates, progress images, warranties, close out documentation, compliance letters (for any play structures and safety surfaces), manuals etc. The files are to be organized in folders, including a file index and submitted. Written warranties and related documents such as lists of contractor, sub-contractors together with contact persons, telephone numbers, warranty expiry dates and operating manuals.

23. Spare or replacement parts, special tools, etc. as provided by manufacturers, if any, are to be provided to the Parks, Forestry & Recreation.
24. After the two year warranty on the park materials and workmanship, the Owner must ensure through written documentation that:
- i. There are no outstanding claims against the remaining park security;
 - ii. No liens have been registered against the parkland;
 - iii. The owner has provided the City with written confirmation that is has not received notice of any claim for lien affecting the parkland;
 - iv. All deficiencies have been rectified; and
 - v. The owner has provided to the City the certificate of the parkland Landscape Architect providing evidence that all lien periods under the Construction Lien Act affecting the parkland have expired.