

15 Mallow Road –Zoning By-law Amendment and Draft Plan of Subdivision Applications – Request for Directions Report

Date: June 12, 2018

To: North York Community Council

From: Director, Community Planning, North York District

Wards: 34 – Don Valley East

Planning Application Numbers: 14 264875 NNY 34 OZ & 17 169632 NNY 34 SB

SUMMARY

The Zoning By-law Amendment application was appealed to the Local Planning Appeal Tribunal (LPAT) due to Council's failure to make a decision on the application within the time prescribed by the *Planning Act* (LPAT Case No. PL151138). Hearing dates of July 20 and November 28, 2016 were adjourned to allow the applicant more time to discuss the proposal with staff. No further hearing dates have been scheduled, however, in advance of the hearing the applicant has submitted a with prejudice settlement offer that is the subject of this report.

This application proposes to amend the zoning by-law for the property at 15 Mallow Road to permit a residential development consisting of detached dwellings and townhouses, accessed from a new public street and a private shared driveway. Also proposed is a parkland dedication which would be added to the city park adjacent to the subject lands, expanding the park and providing access from the new public street. A draft Plan of Subdivision has also been submitted to delineate the public road and new public park and to create separate blocks to facilitate the development.

This report recommends that the City Solicitor, together with City Planning staff and other appropriate staff, attend the LPAT hearing in support of the With Prejudice settlement offer.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council direct the City Solicitor, together with City Planning and other appropriate staff, to attend any Local Planning Appeal Tribunal hearings in support of the zoning by-law amendment and draft Plan of Subdivision

applications as proposed in the With Prejudice settlement offer dated December 22, 2017.

2. Should the Local Planning Appeal Tribunal approve the applications, City Council authorize the City Solicitor to request that the Local Planning Appeal Tribunal withhold its final Order(s) approving the applications until such time as:
 - a. The Board has been advised by the City Solicitor that the proposed zoning by-law amendment is in a form satisfactory to the City;
 - b. The Owner has entered into an agreement with the City to secure community benefits pursuant to Section 37 of the *Planning Act*, including the following, which shall also be secured in the zoning by-laws, all to the satisfaction of the City Solicitor:
 - i. Prior to the issuance of the first above-grade building permit the Owner shall provide a contribution in the amount of \$450,000 to be used towards park improvements at Mallow Park.
 - c. The applicant has entered into the City's standard Subdivision agreement to secure matters related to the plan of subdivision illustrated in Attachment 10 to the Request for Directions Report dated June 12, 2018, to the satisfaction of the City Solicitor;
 - d. The subdivision agreement shall be subject to the conditions as generally listed in Attachment 6 to the Request for Directions report dated June 12, 2018 which except as otherwise noted must be fulfilled prior to final approval and the release of the plan of subdivision for registration; and
 - e. Any such revisions to the proposed subdivision plan or any such additional modified conditions as the Chief Planner and Executive Director, City Planning may deem to be appropriate to address matters arising from the on-going technical review of this development.
3. City Council be advised that the Chief Planner and Executive Director, City Planning, intends to authorize the City Solicitor to support the appeal of Draft Plan of Subdivision Application File No. 17 169632 NNY 34 SB generally illustrated on Attachment 10 to the report dated June 12, 2018, subject to the conditions outlined in that report.
4. The City Solicitor request the Local Planning Appeal Tribunal to delegate the clearance of conditions of subdivision approval back to the Chief Planner and Executive Director, City Planning.
5. If an agreement to construct Above Base Park Improvements with the owner is reached, City Council approve a development charge credit against the Parks and Recreation component of the Development Charges for the design and construction by the owner of the Above Base Park Improvements on the lands dedicated to the City, to the satisfaction of the General Manager, Park, Forestry

and Recreation. The development charge credit shall be in an amount that is the lesser of the cost to the owner of designing and constructing the Above Base Park Improvements, as approved by the General Manager, Parks, Forestry and Recreation, and the Parks and Recreation component of development charges payable for the development in accordance with the City's Development Charges By-law, as may be amended from time to time.

FINANCIAL IMPACT

The recommendations in this report have no financial impact.

DECISION HISTORY

The 1.75 hectare former school property at 15 Mallow Road was previously owned by the Toronto District School Board (TDSB) and was declared surplus to their needs in 2013. At its meeting of June 10, 2014, City Council considered a report on acquisition of a 0.5 hectare portion of the site from the TDSB for parkland purposes. City Council authorized entering into an agreement with the TDSB to purchase the 0.5 hectare portion. That decision is available at

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2014.EX42.20>

The City of Toronto has since taken ownership of this portion of the surplus school site and is in the process of creating a new public park.

The current application for the remaining portion of the site was received on December 16, 2014 and on February 18, 2015 North York Community Council adopted a Preliminary Report on the application. Community Council directed that City Planning staff schedule a community consultation meeting with the Ward Councillor with an expanded notification area and that notice for the public meeting be given in accordance with the regulations under the *Planning Act*.

The Preliminary Report is available at

<http://www.toronto.ca/legdocs/mmis/2015/ny/bgrd/backgroundfile-75081.pdf>.

The application to amend the zoning by-law was appealed on November 18, 2015 due to Council not making a decision within the timeframe prescribed by the *Planning Act*. At its meeting of June 7, 8 and 9, 2016 City Council considered a Request for Direction report regarding the application to amend the zoning by-law and directed staff to attend any LPAT hearing in opposition to the application in its current form. Council also authorized staff to continue discussions with the applicant to address the issues and report back to City Council if necessary. City Council's decision and a copy of the report can be found at

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2016.NY14.30>.

The application for draft plan of subdivision was filed on May 30, 2017 and appealed by the applicant on November 27, 2017. Staff have not previously reported to Council on the subdivision appeal.

An application for a Minor Variance was filed on September 20, 2017 to permit a temporary sales office on the site to allow for the marketing and sale of the proposed dwelling units. The application was approved on November 21, 2017.

ISSUE BACKGROUND

Proposal

Original Proposal

The application originally proposed 39 dwelling units comprised of 10 townhouses, 16 semi-detached and 13 detached dwellings and a new public road. No public park was proposed. The existing pedestrian connection to Broadleaf Road would be closed and sold to adjacent land owners. See Attachment 7 for the site plan for the original proposal. The lands were subsequently sold and a revised application was submitted by the new and current owner.

With Prejudice Settlement Offer

The current applicant amended the proposal on December 22, 2017 and now proposes a development consisting of detached dwellings and townhouses, totaling 47 units. Of the 47 units, 14 would be detached dwellings, which would front onto the south side of the new 16.5 metre wide public street. They would have rear yards which would abut the rear yards of the existing dwellings on Broadleaf Road. The lots would have frontages ranging between 8.3 metres and 14.5 metres. The dwellings would have a height of three storeys (11.5 metres to the top of the roof) which step down to two storeys at the rear and a front yard setback of 4.5 metres to the garage. This front setback is large enough to accommodate a vehicular visitor parking space on the driveway which leads to an integral front garage.

The remaining 33 units would be townhouses which are proposed on the north side of the new public street, which is now designed as a straight cul-de-sac rather than a circular road as originally proposed. The townhouses would be in five blocks as follows:

- Six units fronting The Donway East;
- A block of six units and a block of seven units fronting the north side of the new public street; and
- Two blocks of seven units each, fronting onto the public park.

The townhouses would range in width between 6.0 and 7.7 metres and would be three storeys in height (12.29 metres to the top of the stairwell/mechanical) with a rooftop terrace. All of the townhouse units would have an integral parking space in the rear of the unit, accessed by the private shared driveway with access from the new public street. Visitor parking would be provided on the new public street.

A public park is now proposed at the north-east corner of the site which abuts, and would be added to, the recently acquired public parkland to the north of the subject site. The With Prejudice settlement offer site plan, elevations and statistics can be found in Attachments 8, 9 and 1 of this report, respectively.

Site and Surrounding Area

The site is located on the east side of The Donway East and south of Mallow Road. The site was being leased from the TDSB and used by a private school (La Citadelle International Academy of Arts and Science) which has since relocated. This school site was declared surplus by the TDSB. A portion (0.5 hectares) of the school site fronting Mallow Road was sold to the City of Toronto for parkland purposes. The remaining portion (1.25 hectares) of the school site fronting on The Donway East is the subject of this rezoning application.

The site has a frontage of 85 metres on The Donway East and a depth of about 137 metres. A small sliver of land provides a pedestrian walkway to the site from Broadleaf Road. The school buildings on the site have been demolished.

Land uses surrounding the site are as follows:

North: Portion of the former school site which lands have been purchased by the City of Toronto for public park purposes. At the corner of The Donway East and Mallow Road is a place of worship. On the north side of Mallow Road are detached homes.

South: Detached homes.

East: Detached homes.

West: On the west side of The Donway East are three-storey townhouses and three-storey apartment buildings.

Provincial Land-Use Policies: Provincial Policy Statement and Provincial Plans

Provincial Policy Statements and geographically specific Provincial Plans, along with municipal Official Plans, provide a policy framework for planning and development in the Province. This framework is implemented through a range of land use controls such as zoning by-laws, plans of subdivision and site plans.

The Provincial Policy Statement (2014) (the "PPS") provides policy direction province-wide on land use planning and development to promote strong communities, a strong economy, and a clean and healthy environment. It includes policies on key issues that affect communities, such as:

- The efficient and wise use and management of land and infrastructure over the long term in order to minimize impacts on air, water and other resources;
- Protection of the natural and built environment;
- Building strong, sustainable and resilient communities that enhance health and social well-being by ensuring opportunities exist locally for employment;
- Residential development promoting a mix of housing; recreation, parks and open space; and transportation choices that increase the use of active transportation and transit; and
- Encouraging a sense of place in communities, by promoting well-designed built form and by conserving features that help define local character.

The provincial policy-led planning system recognizes and addresses the complex inter-relationships among environmental, economic and social factors in land use planning. The PPS supports a comprehensive, integrated and long-term approach to planning, and recognizes linkages among policy areas.

The PPS is issued under Section 3 of the *Planning Act* and all decisions of Council in respect of the exercise of any authority that affects a planning matter shall be consistent with the PPS. Comments, submissions or advice affecting a planning matter that are provided by Council shall also be consistent with the PPS.

The PPS is more than a set of individual policies. It is to be read in its entirety and the relevant policies are to be applied to each situation.

The PPS recognizes and acknowledges the Official Plan as an important document for implementing the policies within the PPS. Policy 4.7 of the PPS states that, "The official plan is the most important vehicle for implementation of this Provincial Policy Statement. Comprehensive, integrated and long-term planning is best achieved through official plans".

The Growth Plan for the Greater Golden Horseshoe (2017) (the "Growth Plan") provides a strategic framework for managing growth and environmental protection in the Greater Golden Horseshoe region, of which the City forms an integral part, including:

- Establishing minimum density targets within strategic growth areas and related policies directing municipalities to make more efficient use of land, resources and infrastructure to reduce sprawl, cultivate a culture of conservation and promote compact built form and better-designed communities with high quality built form and an attractive and vibrant public realm established through site design and urban design standards;
- Directing municipalities to engage in an integrated approach to infrastructure planning and investment optimization as part of the land use planning process;
- Building complete communities with a diverse range of housing options, public service facilities, recreation and green space that better connect transit to where people live and work;
- Retaining viable employment lands and encouraging municipalities to develop employment strategies to attract and retain jobs;
- Minimizing the negative impacts of climate change by undertaking stormwater management planning that assesses the impacts of extreme weather events and incorporates green infrastructure; and
- Recognizing the importance of watershed planning for the protection of the quality and quantity of water and hydrologic features and areas.

The Growth Plan builds upon the policy foundation provided by the PPS and provides more specific land use planning policies to address issues facing the GGH region. The policies of the Growth Plan take precedence over the policies of the PPS to the extent of any conflict, except where the relevant legislation provides otherwise.

In accordance with Section 3 of the *Planning Act* all decisions of Council in respect of the exercise of any authority that affects a planning matter shall conform with the

Growth Plan. Comments, submissions or advice affecting a planning matter that are provided by Council shall also conform with the Growth Plan.

Provincial Plans are intended to be read in their entirety and relevant policies are to be applied to each situation. The policies of the Plans represent minimum standards. Council may go beyond these minimum standards to address matters of local importance, unless doing so would conflict with any policies of the Plans.

All decisions of Council in respect of the exercise of any authority that affects a planning matter shall be consistent with the PPS and shall conform with Provincial Plans. All comments, submissions or advice affecting a planning matter that are provided by Council shall also be consistent with the PPS and conform with Provincial Plans.

Policy 5.1 of the Growth Plan states that where a municipality must decide on a planning matter before its official plan has been amended to conform with this Plan, or before other applicable planning instruments have been updated accordingly, it must still consider the impact of its decision as it relates to the policies of the Growth Plan which require comprehensive municipal implementation.

Staff have reviewed the proposed development for consistency with the PPS (2014) and for conformity with the Growth Plan (2017). The outcome of staff analysis and review are summarized in the Comments section of this Report.

Toronto Official Plan

The site is designated *Neighbourhoods* in the Official Plan (see Attachment 3). The Official Plan indicates that *Neighbourhoods* are considered physically stable areas made up of residential uses in lower scale buildings such as detached houses, semi-detached houses, duplexes, triplexes and townhouses, as well as walk-up apartments that are no higher than four storeys. Parks, low scale local institutions including schools, places of worship, home occupations, cultural and recreational facilities and small-scale retail, service and office uses are also provided for in *Neighbourhoods*.

Policy 4.1 of the Official Plan contains specific development criteria related to lands designated *Neighbourhoods*. Policy 4.1.5 states that development in established *Neighbourhoods* will respect and reinforce the existing physical character of the neighbourhood, including the heights, massing, scale and dwelling type of nearby residential properties, the prevailing building types, size of lots and setbacks of buildings from the street and property lines. The policy indicates that no changes will be made through rezoning that are out of keeping with the physical character of the neighbourhood.

Policy 4.1.9 deals with infill development within *Neighbourhoods* which vary from the local pattern in terms of lot size, configuration and/or orientation. These infill developments are required to:

- a) have heights, massing and scale appropriate for the site and compatible with that permitted by the zoning for adjacent and nearby residential properties;

- b) provide adequate privacy, sunlight and sky views for residents of new and existing buildings by ensuring adequate distance and separation between building walls and using landscaping, planting and fencing to enhance privacy where needed;
- c) front onto existing or newly created public streets wherever possible, with no gates limiting public access; and
- d) locate and screen service areas and garbage storage to minimize the impact on existing and new streets and residences.

Section 3 of the Official Plan contains policies with regards to parks and open spaces. Policy 3.2.3.1 states that Toronto's system of parks and open spaces should be maintained, enhanced and expanded by:

- a) adding new parks and amenities, particularly in growth areas and maintaining, improving and expanding existing parks; and
- c) protecting access to existing publicly accessible open spaces, as well as expanding the system of open spaces and developing open space linkages.

Policy 3.2.3.8 directs that the location and configuration of land to be conveyed to the city for a public park should:

- a) be free of encumbrances unless approved by Council;
- b) be sufficiently visible and accessible from adjacent public streets to promote the safe use of the park;
- c) be of a usable shape, topography and size that reflects its intended use;
- d) be consolidated or linked with an existing or proposed park or green space or natural heritage system where possible; and
- e) meet applicable Provincial soil regulations and/or guidelines for residential/parkland uses.

Section 5.1.1 allows the City to approve height and/or density increases greater than permitted by the zoning by-law pursuant to Section 37 of the *Planning Act* for developments which exceed 10,000 square metres and increase the permitted density by at least 1500 square metres and/or significantly increase the permitted height. The proposal is in excess of 11,000 square metres and there is currently no residential density permitted on the site.

The City of Toronto Official Plan can be found here: <https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/official-plan/>.

The outcome of staff analysis and review of relevant policies of the Official Plan are summarized in the Comments section of this report.

Official Plan Amendment 320

As part of the City's ongoing Official Plan Five Year Review, City Council adopted Official Plan Amendment (OPA) 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 sites in *Apartment Neighbourhoods*. OPA 320, as approved by Council, is available on the City's website at <http://www.toronto.ca/legdocs/bylaws/2015/law1297.pdf>.

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. As a result, OPA 320 as approved and modified by the Minister is relevant but not determinative in terms of the Official Plan policy framework.

Central Don Mills Secondary Plan

The site is located within the Central Don Mills Secondary Plan. Central Don Mills was planned and built in the 1950's as a self contained community and it became a model for suburban development across Canada. The Secondary Plan identifies a number of basic elements which characterize Central Don Mills and indicates that these elements will continue to provide the framework for the Secondary Plan Area. These elements include:

- (a) four discrete neighbourhoods each historically focused on an elementary school and church, built outside of a ring road (The Donways);
- (b) apartment development within the ring road;
- (e) schools in an open space setting;
- (f) an open space network comprised of parks and walkways that provide pedestrian and cycling links between the neighbourhoods and the community centre;
- (g) a balanced mix of housing forms and tenures, including detached and semi-detached dwellings, townhouses and apartments;
- (h) a sense of scale and consistency in design;
- (i) the arrangement of built form and open spaces in a sympathetic, mutually supportive manner; and
- (j) design and landscaping reflecting the garden city concept.

The general goal of the Secondary Plan is to manage change in the community in a manner that retains and enhances the existing basic elements of the community. In

addition to reaffirming the basic elements of the community above, the objectives of the Secondary Plan also include:

- (e) to preserve and protect stable residential neighbourhoods;
- (g) to preserve the scale, height and built form relationships originally provided for in the development concept of Don Mills;
- (l) to preserve and enhance the role of school sites as a focal point of community and neighbourhood activity, as such they will continue to serve as open space and important links in the park and walkway system;
- (m) to enhance and improve the walkway/link system to facilitate pedestrian and cycling connections and access to public transit in the community and to the Don Mills Centre; and
- (n) to preserve and enhance streetscapes and landscaped areas in keeping with the garden city concept that formed part of the original concept for Don Mills.

The Secondary Plan also addresses lands designated *Neighbourhoods* and the goal of maintaining a balanced housing mix. Don Mills was planned to provide a mix of housing forms, with generally higher density within The Donways, and lower density outside The Donways. The Secondary Plan indicates that this existing pattern of density either side of The Donways should be maintained. The subject site is designated *Neighbourhoods* in the Secondary Plan (see Attachment 4).

School sites are an important part of the planned context of Central Don Mills. They were created to compliment the park system and provide a focus for neighbourhood and community activities.

The Central Don Mills Secondary Plan is available on the City's website at:
<http://www1.toronto.ca/planning/24-central-donmills.pdf>

Zoning

The former school site is subject to North York Zoning By-law 7625 and is zoned O1 – Open Space (see Attachment 5). The O1 Zone permits a public park, schools and day nurseries; residential uses are not permitted.

The site is not subject to the new Toronto Zoning By-law 569-2013 which can be accessed to <http://www.toronto.ca/zoning>.

Site Plan Control

An application for Site Plan Control is required under Section 41 of the *Planning Act* and Section 114 of the *City of Toronto Act* for the townhouse portion of the proposed development. No application has been filed.

Draft Plan of Subdivision

The application for Draft Plan of Subdivision was submitted to the City to establish the 16.5 metre wide public road through the site, the public parkland dedication, the lots for the proposed detached dwellings and the Block for the proposed townhouses (see Attachment 10).

Townhouse and Low-rise Apartment Guidelines

At its meeting of March 26, 2018, City Council amended and adopted the recommendation in the report providing a comprehensive update to the City's Infill Townhouse Guidelines. The Infill Townhouse Guidelines provided a framework for site design and built form to achieve good urban design and an appropriate scale and form of development for applications proposing low-rise, grade related residential units constructed in rows or blocks. The updated Townhouse and Low-Rise Apartment Guidelines replaces, and further clarify and expand upon the previous guidelines to reflect current trends and best practices for a broader range of multi-dwelling development up to four storeys in height.

The City Council decision on the Townhouse and Low-Rise Apartment Guidelines can be viewed at:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2018.PG27.5>

The Townhouse and Low-Rise Apartment Guidelines (2018) can be viewed at:

<https://www.toronto.ca/legdocs/mmis/2018/pg/bqrd/backgroundfile-112536.pdf>

Tree Preservation

The City's Street Tree By-law and the Private Tree By-law, Municipal Code Chapter 813, Trees, Articles II and III apply to the site. Tree by-laws to protect and preserve trees on City and private property have been established in order to attempt to retain as much crown cover as possible, particularly where development is concerned. It is expected that retention and appropriate protection of existing trees will be considered when developing site plans, and whenever possible, buildings and driveways are to be diverted around trees. An arborist report was submitted as part of the application and reviewed by Urban Forestry.

Reasons for Application

The application to amend the zoning by-law is required as the proposed townhouses, detached and semi-detached dwellings are not permitted by the O1 Zone and to introduce appropriate development standards to accommodate the development.

Agency Circulation

The application together with the applicable reports noted above, have been circulated to all appropriate agencies and City divisions. Responses received have been used to assist in evaluating the application and to formulate appropriate zoning by-law standards and conditions of Draft Plan of Subdivision.

Community Consultation

On February 21, 2017 City staff, in consultation with the local ward councillor, held a community meeting to present the original proposal and to receive feedback from the community; approximately forty people were in attendance. Residents raised a number of concerns with the project including the land use. Residents felt that the entirety of the school site should have been purchased by the City for parkland and intensification is not the appropriate use of the land. Concerns were also raised about the level of intensification, the inclusion of townhouses and the safety of residents getting to the new public park as they would have to walk on The Donway. As the original proposal did not include retaining the existing pedestrian connection from Broadleaf Road they were concerned about children walking on The Donway to access the park.

A second community consultation meeting was held on October 24, 2017 with approximately fifty people in attendance. A number of concerns were raised, including those raised at the first meeting. In addition to those concerns, residents also raised issues surrounding the servicing of the site, built form and density "creep" into the surrounding neighbourhood and the proposed walkway promoting visitors to the development to park on nearby existing streets.

COMMENTS

Provincial Policy Statement and Provincial Plans

The proposal has been reviewed and evaluated against the PPS (2014) and the Growth Plan (2017). The proposal has also been reviewed and evaluated against Policy 5.1 of the Growth Plan as described in the Issue Background section of the Report.

The PPS provides policy direction on matters of provincial interest related to land use planning and development. Key objectives include: building strong healthy communities; wide use and management of resources; and protecting public health and safety. The PPS states that planning authorities shall identify appropriate locations for intensification and that an appropriate range and mix of housing types and densities are provided.

The Growth Plan for the Greater Golden Horseshoe provides a framework for managing growth in the Greater Golden Horseshoe including: directions for where and how to grow; the provision of infrastructure to support growth; and protecting natural systems and cultivating a culture of conservation. The policies contained in the Growth Plan are to be read in conjunction with all applicable provisions of the PPS.

The PPS and Growth Plan set high level planning policies with a broad scope. The City of Toronto is a development area in its entirety and infill development is encouraged under these policies. The PPS states in Section 4.7 that the most important method of implementing the policies is a municipality's Official Plan, which guides the method of intensification and where it should be focused. The Secondary Plan provides a clear vision for the area in terms of unit type, pedestrian connections and the importance of parkland. The proposal is consistent with the PPS and conforms to the policies of the Growth Plan; the proposal provides for an appropriate level of intensification and

provides a range of housing options while meeting the policies of the Official Plan. A discussion on conformity with the Official Plan and other relevant documents follow.

Official Plan

Due to the former use of the site, which included both a school building and a large outdoor space used for recreational uses for the students and surrounding community, the site is significantly larger than the surrounding lots on the east side of The Donway. Policy 4.1.9 in the *Neighbourhoods* section of the Official Plan provides criteria in evaluating infill development which vary from the local pattern in terms of lot size, configuration and/or orientation on these types of lots. Development on these lots may vary from the existing character but shall be compatible with the adjacent and nearby residential properties. While the proposed lots and dwelling types are not indicative of the surrounding neighbourhood, the proposed infill development is compatible with the surrounding detached dwellings, providing a transition in scale from the townhouse units and providing an appropriate rear yard to rear yard relationship to the existing dwellings.

The policies with regard to parks, in Section 3.2.3, direct development to improve and expand existing parks. Further, policy 3.2.3.8 directs that the location and configuration of land to be conveyed for parkland should be visible and accessible from adjacent public streets and should be consolidated with an existing or proposed park where possible. The proposed parkland dedication achieves these goals as it will expand the parkland to the north of the site and through its location will provide frontage on the new public street. The location and orientation of the parkland dedication meets the policies of the Official Plan.

The proposed development is made up of both detached dwellings and townhouse units. The proposed detached dwellings are located on the south side of the new public road, abutting existing detached dwellings. The detached dwellings are an appropriate dwelling type south of the proposed public street so that a similar building type backs onto the existing residential buildings to the south on Broadleaf Road. They also provide a transition in scale and massing from the proposed townhouses to the existing residential neighbourhood. The detached dwellings are two storeys at the rear, creating a stepping down in height from the townhouse units to the existing stable residential neighbourhood. The higher density townhouse units are buffered from the existing neighbourhood by the detached dwellings which are lower in massing and scale than the townhouses, creating an appropriate transition to the existing dwellings.

The proposed townhouse units do not abut existing residential lots; they are adjacent to a public street or park. While townhouses are not the prevailing building type east of The Donway, Policy 4.1.9 of the Official Plan requires development to have heights, massing and scale appropriate for the site and compatible with that permitted by the zoning nearby. In this instance, the proposed townhouses are not adjacent to existing residential properties but rather separated by the proposed detached dwellings, public roads and parkland. On the west side of The Donway are apartment buildings and townhouses. The proposed detached dwellings provide a stepping down in massing and scale to the existing detached residential properties, acting as a transition from the townhouse form. The Central Don Mills Secondary Plan also contemplates townhouses as a building typology within the Secondary Plan area and a mix of housing types.

Given the unique size of the site and the objectives of the Secondary Plan to provide for a mix of residential unit types, townhouses are an appropriate built form on a portion of the site. Proposing detached dwellings on the south side of the new public street will form an appropriate transition to the existing detached dwellings.

Setbacks

The townhouses along The Donway East will provide a consistent front yard setback of three metres while the side yard setback of the detached dwelling on the south side of the new public road abutting The Donway East will be setback 4.3 metres. The new detached dwellings will have rear yard setbacks of 6.5 metres. In combination with the stepping down of the dwellings to two storeys, this will provide an appropriate buffer from the existing dwellings.

The townhouses and detached dwellings fronting onto the new public street will have different setbacks in order to achieve the same setback of 4.5 metres from the travelled portion of the right-of-way. The townhouses will have front yard setbacks of 2.5 metres plus a new 2.1 metre wide sidewalk while the detached dwellings will be setback 4.5 metres. This setback will allow for a row of new street trees along both sides of the street.

The proposed townhouses will be setback 2.5 metres from the new City park to the north of the site. This will consist of a 2 metre wide pedestrian connection to The Donway and a 0.5 metre setback from the walkway. This setback will allow the townhouses to frame the edge of the park and provide "eyes on the park". The end townhouse unit abutting the conveyed parkland will be setback one metre.

Pedestrian Connections

At the community consultation meeting a number of residents raised concerns that the original proposal eliminated the existing pedestrian connection to the former school site from Broadleaf Road. It was felt that The Donway East is too busy a street for children and others, especially when there is a safer alternative.

One of the goals of the Secondary Plan is "to enhance and improve the walkway/link system to facilitate pedestrian and cycling connections". The current development scheme proposes to retain the existing pedestrian connection to the site from Broadleaf Road. The two metre wide pathway will be connected to the public park by a sidewalk along the new public street, providing a safe pedestrian connection separate from vehicular traffic. Staff will have discussions about increasing the width of the laneway to three metres prior to the LPAT hearing. A two metre wide pedestrian connection from The Donway East along the north property line is now also proposed, providing another direct pedestrian connection to the park as well as to the proposed townhouses fronting the public park. This pedestrian walkway will be constructed by the applicant and be part of a future condominium for the townhouses with a public easement secured over it as part of the Condominium application. Specific design details will be secured through the Site Plan process. These pathways will enhance and improve the walkway/link system and will provide pedestrian and cycling connections to the new public park.

Through the Draft Plan of Subdivision, the walkway to Broadleaf Road is identified as a Block to be dedicated to the City.

Parking

Parking was another concern raised at the community meeting, specifically visitor parking and the concerns that it may lead to parking on other existing streets in the surrounding neighbourhood. Transportation Services staff have reviewed the revised proposal with regards to the proposed number of both resident and visitor parking spaces. Zoning By-law 569-2013 contains parking requirements which have been updated from the former City of North York zoning by-law requirements. Based on this by-law, staff are satisfied that providing one parking space for residents per unit is sufficient. Further, given the potential for on street parking on the new public street, Transportation Services staff do not require designated parking spaces for visitors. Regardless of the availability of on-street parking, the detached dwellings are set back sufficiently to provide a visitor parking space on the driveway in front of the integral garage. Should the LPAT approve the application, one parking space per unit will be secured in the zoning by-law.

Parkland Dedication

The Official Plan contains policies to ensure that Toronto's system of parks and open spaces are maintained, enhanced and expanded. Map 8B of the Official Plan shows local parkland provisions across the City. The subject lands are in an area with 0 to 0.42 hectares of local parkland per 1000 people. The site is in the lowest quintile of current provision of parkland. The site is located within the boundaries of the Central Don Mills Secondary Plan and is in a parkland priority area, as per Chapter 415, Article III, of the Toronto Municipal Code.

At the alternative rate of 0.4 hectares per 300 units specified in the Municipal Code, the parkland dedication requirement is 627 square metres or 6.9 percent of the net site area.

The applicant is proposing to satisfy the parkland dedication requirement through an on-site dedication. The proposal includes a 627 square metre park in the north-east corner of the subdivision abutting existing public parkland which was obtained by the City when it was deemed surplus by the TDSB. Parks, Forestry and Recreation have indicated that they are satisfied with the proposed park dedication size, location and configuration.

The applicant has also indicated interest in providing above base park improvements on the new park in exchange for Development Charges credits. Staff will continue to work with the applicant on appropriate design measures for the park dedication.

Tree Preservation

The Official Plan contains policies with the objective of increasing the existing tree canopy coverage to between thirty to forty percent. The planting of large growing shade trees on both public and private lands should be an important objective for all

development projects and must be considered integral to the design, planning and construction of projects.

Urban Forestry have reviewed the application and will require the submission of an application to remove 8 City trees and 3 private trees. The applicant is proposing 29 new trees for the new public right-of-way with tree spacing of 8 to 10 metres. The species will be secured through the Site Plan and subdivision process; however a diversity of large growing native shade trees will be expected.

Garbage and Recycling Collection

Solid Waste Management has reviewed the applications and provided comments on the application. The detached dwellings will receive curbside collection, however Solid Waste Management will not collect curbside for the proposed townhouses from the proposed private lane. Rather, the applicant is proposing private collection from the rear private driveway which will be secured through the Site Plan Control process. Further discussions with regards to appropriate locations for garbage storage will be undertaken during the Site Plan review. To secure this, the future Site Plan Agreement will contain the following clauses:

- a) The developer has chosen not to meet the "City of Toronto Requirements for Garbage and recycling Collection from New Developments and Redevelopments". The developer has elected to use Private Collection.
- b) The developer must advise all owners and tenants/future purchasers of the units (in the Agreement of Purchase and Sale) that refuse and recyclable materials generated by these units must be collected by a private refuse collection firm and is not eligible for City Collection and any future requests for City collection will not be entertained (unless the site is reconstructed to meet the requirements of Solid Waste Management Services).

Draft Plan of Subdivision

The Plan of Subdivision has been appealed to the LPAT. The application is required in order to create the parcels for the future 16.5 metre wide public street, two metre wide walkway to Broadleaf Road, and to create the development lots for the proposed detached dwellings and Block for the townhouses.

Staff recommend that the City Solicitor request the LPAT to withhold a final Order approving the subdivision until such time as the owners has entered into a Subdivision Agreement with the City containing the conditions found in Attachment 6. Further, it is recommended that Council direct the City Solicitor to request the LPAT to delegate clearing these conditions back to the Chief Planner and Executive Director, City Planning. These conditions of Draft Plan Approval include a requirement that the detached dwellings be constructed in accordance with the submitted architectural control guidelines. Design of the townhouse units will be secured through the Site Plan Control process.

Section 37

The Official Plan provides for the use of Section 37 of the *Planning Act* to secure community benefits in exchange for increased height and density. Section 37 may be used for development, excepting non-profit developments, with more than 10,000 square metres of gross floor area where the zoning by-law amendment increases the permitted density by at least 1500 square metres and/or significantly increases the permitted height. The proposed residential development is subject to Section 37 as the proposed density exceeds the by-law permissions.

Mallow Park, the 0.5 hectare park abutting the site to the north is in need for additional funding to fully build out the above base facilities. Following discussions with Planning staff and the local ward councillor, the owner has agreed to provide \$450,000 which will be secured in the Section 37 agreement for improvements to Mallow Park.

Conclusion

The proposal has been reviewed against the policies of the PPS (2014), the Growth Plan (2017) and the Toronto Official Plan. Staff are of the opinion that the proposal is consistent with the PPS (2014) and does not conflict with the Growth Plan (2017). Furthermore, the proposal is in keeping with the intent of the Toronto Official Plan.

The revisions made to the proposal in the with prejudice settlement offer address the concerns Planning staff previously had with the original proposal. The pedestrian connection now being retained will provide a connection between the existing residential community and the new City park on the subject lands and the abutting new City park. The proposal provides a range of housing types as indicated in the Secondary Plan and provides an appropriate built form relationship to the abutting detached dwellings. As a result, it is recommended that the City Solicitor and appropriate staff attend the LPAT hearing in support of the zoning by-law amendment and subdivision applications in their current form.

CONTACT

Guy Matthew, Senior Planner, Tel. No. (416) 395-7102, Fax No. (416) 395-7155,
E-mail: guy.matthew@toronto.ca

SIGNATURE

Joe Nanos, Director
Community Planning, North York District

ATTACHMENTS

City of Toronto Data/Drawings

- Attachment 1: Application Data Sheet
- Attachment 2: Location Map
- Attachment 3: Official Plan Land Use Map
- Attachment 4: Central Don Mills Secondary Plan Map
- Attachment 5: Existing Zoning By-law Map
- Attachment 6: Draft Plan of Subdivision Approval Conditions

Applicant Submitted Drawings

- Attachment 7: Original Site Plan
- Attachment 8: With Prejudice Settlement Offer Site Plan
- Attachment 9: With Prejudice Settlement Offer Elevations
- Attachment 10: Draft Plan of Subdivision

Attachment 1: Application Data Sheet

Application Type	Rezoning & Subdivision Approval	Application Number:	14 264875 NNY 34 OZ 17 169632 NNY 34 SB
Details	A development consisting of detached dwellings and townhouses, totaling 47 units	Application Date:	December 16, 2014 May 30, 2017

Municipal Address: 15 MALLOW ROAD
 Location Description: PLAN 4544 PT BLK C RP 66R27560 PARTS 1 AND 3 **GRID N3403
 Project Description: 47 NEW LOTS

Applicant:	Agent:	Architect:	Owner:
WALKER NOTT DRAGICIEVIC ASSOCIATES LIMITED	WALKER NOTT DRAGICIEVIC ASSOCIATES LIMITED	HUNT DESIGN ASSOCIATES INC.	SCHOOL SITE ACQUISITION CORP

PLANNING CONTROLS

Official Plan Designation:	Neighbourhoods	Site Specific Provision:	N
Zoning:	By-law 7625: O1	Historical Status:	N
Height Limit (m):	n/a	Site Plan Control Area:	Y

PROJECT INFORMATION

Site Area (sq. m):	12490	Height:	Storeys:	3
Frontage (m):	146.58		Metres:	11.5 & 12.29
Depth (m):	86			
Total Ground Floor Area (sq. m):	2798			Total
Total Residential GFA (sq. m):	11278		Parking Spaces:	47
Total Non-Residential GFA (sq. m):	0		Loading Docks	0
Total GFA (sq. m):	11278			
Lot Coverage Ratio (%):	22.4			
Floor Space Index:	0.9			

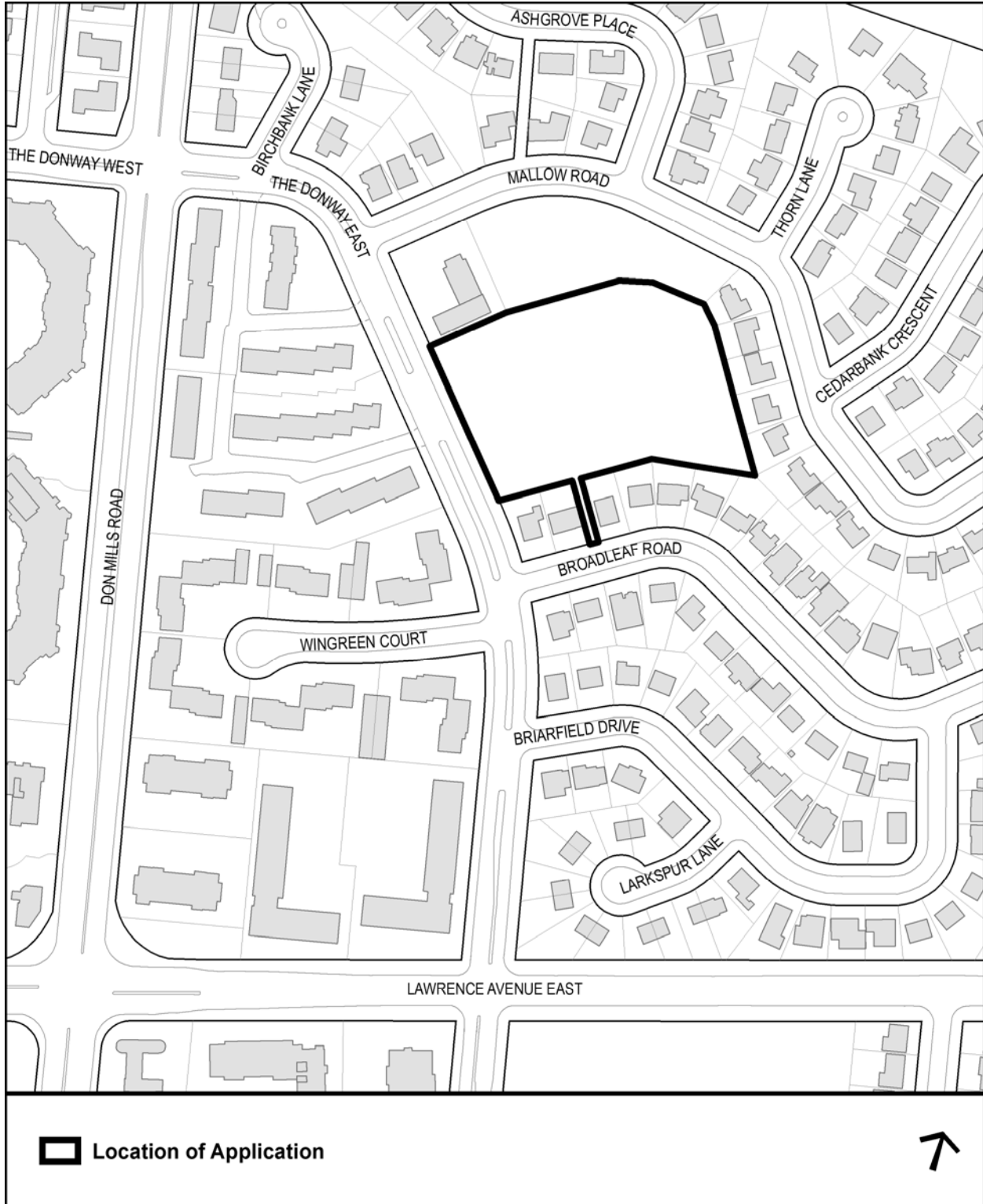
DWELLING UNITS

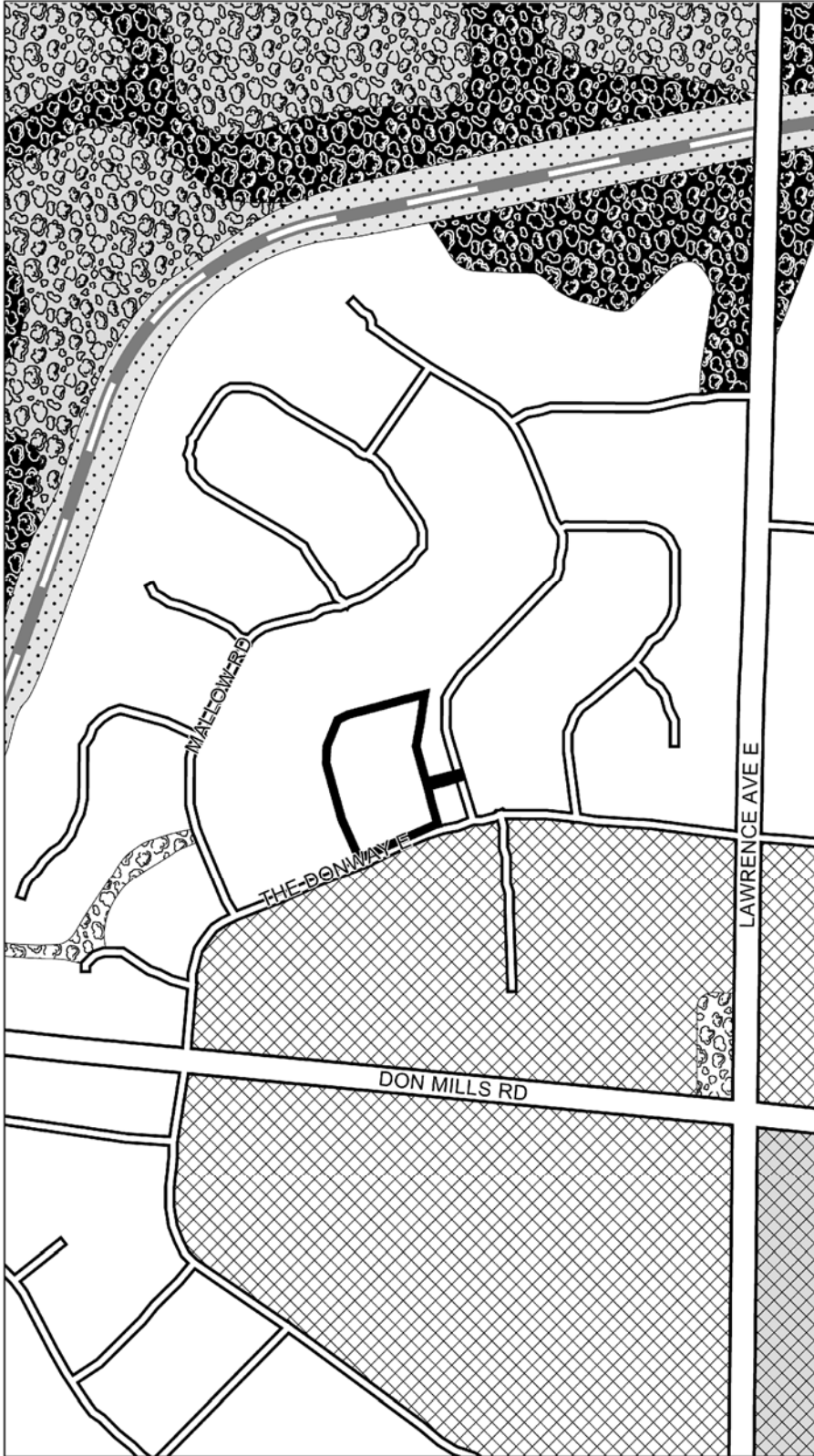
FLOOR AREA BREAKDOWN (upon project completion)

Tenure Type:	Freehold/Condo		Above Grade	Below Grade
Rooms:	0	Residential GFA (sq. m):	11278	0
Bachelor:	0	Retail GFA (sq. m):	0	0
1 Bedroom:	0	Office GFA (sq. m):	0	0
2 Bedroom:	0	Industrial GFA (sq. m):	0	0
3 + Bedroom:	47	Institutional/Other GFA (sq. m):	0	0
Total Units:	47			

CONTACT:	PLANNER NAME:	Guy Matthew, Senior Planner
	TELEPHONE:	(416) 395-7102
	EMAIL:	guy.matthew@toronto.ca

Attachment 2: Location Map





15 Mallow Road

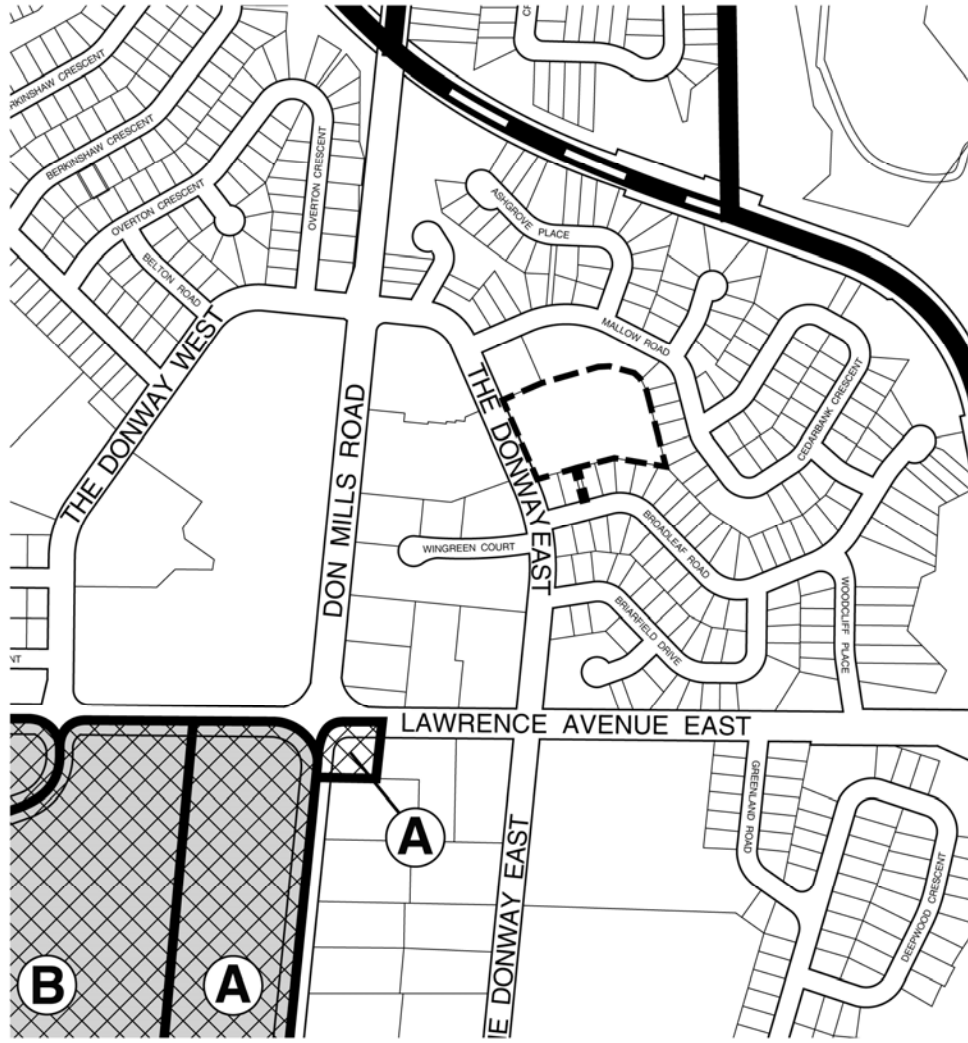
Toronto City Planning
 Extract from Official Plan

File # 14 264875 NNY 34 0Z



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 Not to Scale
 12/29/2014

Attachment 4: Central Don Mills Secondary Plan Map




Central Don Mills Secondary Plan

15 Mallow Road

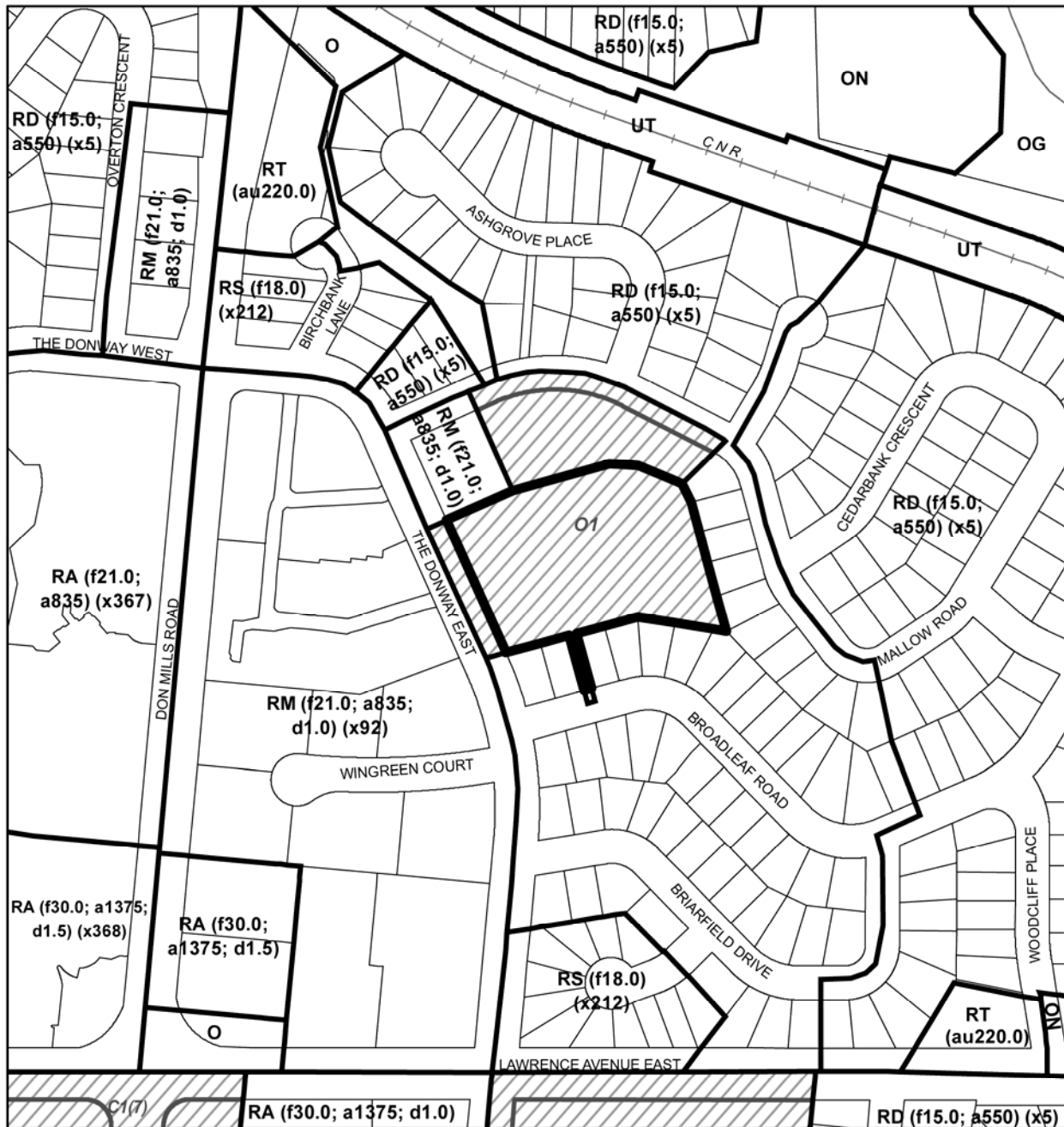
MAP 24-1 Land Use Areas

File # 14 264875 NNY 34 0Z



Not to Scale 
03/29/2018

Attachment 5: Existing Zoning By-law Map



Zoning By-Law No. 569-2013

15 Mallow Road

File # 14 264875 NNY 34 OZ

Location of Application

- | | |
|------------------------------|-------------------------------|
| RD Residential Detached | RA Residential Apartment |
| RS Residential Semi-Detached | O Open Space |
| RT Residential Townhouse | ON Open Space Natural |
| RM Residential Multiple | OG Open Space Golf Course |
| | UT Utility and Transportation |

- See Former City of North York By-Law No. 7625
- | |
|--|
| RM5 Multiple-Family Dwellings Fifth Density Zone |
| C1 General Commercial Zone |
| C3 District Shopping Centre Zone |
| O1 Open Space Zone |



Not to Scale
Extracted: 12/29/2014

Attachment 6: Draft Plan of Subdivision Approval Conditions

1. Prior to registration of the plan of subdivision, the Owner shall enter into the City's standard subdivision agreement ("Subdivision Agreement") and satisfy all of the pre-registration conditions contained therein.
2. Prior to the registration of the plan of subdivision, the Owner shall provide to the Director of Community Planning, North York District, confirmation that the taxes have been paid in full (Statement of Account or Tax Clearance Certificate).
3. Prior to the registration of the plan of subdivision, the Owner shall submit a plan showing the details of the proposed walkway to Broadleaf Road, including lighting and design.

Engineering and Construction Services

4. Pay to the City (\$40.00) per lot/block towards the cost of geodetic and aerial survey.
5. Dedicate all roads, corner roundings, and 0.4 metre widenings shown on the plan.
6. Convey to the City all 0.3 metre (one foot) reserves shown on the plan.
7. Convey all necessary easements to the City.
8. Prepare all documents to convey lands in fee simple and easement interests to the City for nominal consideration, such lands to be free and clear of all physical and title encumbrances to the satisfaction of the Engineering and Construction Services Division in consultation with the City Solicitor.
9. Submit a draft Reference Plan of Survey to the Executive Director of Engineering and Construction Services, for review and approval, prior to depositing it in the Land Registry Office. The plan should:
 - (a) be in metric units and integrated to the 1983 North American Datum (Canadian Spatial Reference System) and the 3 degree Modified Transverse Mercator Projection);
 - (b) delineate by separate PARTS the lands to be conveyed to the City, the remainder of the site and any appurtenant rights-of-way and easements; and
 - (c) show the co-ordinate values of the main corners of the subject lands in a schedule on the face of the plan.
10. Pay all costs for preparation and registration of reference plan(s).
11. The Owner agrees to retain the services of a Qualified Person to conduct an environmental site assessment for the lands to be conveyed to the City, in

accordance with the terms and conditions of the standard subdivision agreement, including providing payment for a peer reviewer and the submission of a Record of Site Condition (RSC).

12. Pay engineering and inspection fees in accordance with the terms and conditions of the standard subdivision agreement.
13. Submit financial security in accordance with the terms of the standard subdivision agreement and the prevailing City of Toronto policy.
14. Apply stormwater management techniques in the development of this subdivision to the satisfaction of Engineering and Construction Services
15. Submit financial security and make necessary arrangements with the City for external infrastructure improvements required at the sole cost of the applicant.
16. Submit financial security for pavement markings and signage as part of the proposed public road construction and the proposed new public ROW.

Parks, Forestry and Recreation

Parkland Dedication

17. Prior to the issuance of the first building permit, the Owner shall convey parkland to the satisfaction of the General Manager, Parks, Forestry and Recreation (PFR).
18. The Owner will be required to convey the 0.0636 ha (636 square metre) portion of the development site for public parkland purposes. The subject parkland conveyance is to 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, PFR.
19. The Owner is to pay for the costs of 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 of survey for the new parkland.

Environmental Assessment

20. Prior to conveying the parkland to the City, the Owner must:
 - a) Submit a Qualified Person Preliminary Statement Letter, that is dated and signed by the applicant's Qualified Person, as defined in O. Reg. 153/04, as amended, describing the lands to be conveyed to the City, and identifying what environmental documentation will be provided to the City's peer reviewer to support this conveyance; all environmental documentation consistent with O. Reg. 153/04 requirements shall be submitted with reliance extended to the City and its peer reviewer and

any limitation on liability and indemnification is to be consistent with Ontario Regulation 153/04, as amended, insurance requirements or such greater amount specified by the Executive Director of Engineering & Construction Services and copy to the General Manager, PFR;

- b) Pay all costs associated with the City retaining a third-party peer reviewer including all administrative costs to the City (7%), and submit an initial deposit of \$8,000.00 towards the cost of the peer review in the form of a certified cheque, to the Executive Director, Engineering & Construction Services. Submit further deposits when requested to cover all costs of retaining a third-party peer reviewer (unused funds will be refunded to the applicant by the City);
- c) Submit, to the satisfaction of the City's peer reviewer, all Environmental Site Assessment reports prepared in accordance with the Record of Site Condition Regulation (Ontario Regulation 153/04, as amended) describing the current conditions of the land to be conveyed to the City and the proposed Remedial Action Plan based on the site condition standards approach, to the Executive Director, Engineering and Construction Services; and
- d) At the completion of the site assessment/remediation process, submit a Statement from the Qualified Person based on the submitted environmental documents, to the Executive Director, Engineering & Construction Services for peer review and concurrence, which states: Policy for Accepting Potentially Contaminated Lands 16.
 - a. In the opinion of the Qualified Person:
 - i. It is either likely or unlikely that there is off-site contamination resulting from past land uses on the development site that has migrated onto adjacent City lands that would exceed the applicable Site Condition Standards; and
 - ii. To the extent that the opinion in 4.4.1.1 is that past migration is likely, it is either possible or unlikely that such off-site contamination on adjacent City lands poses an adverse effect to the environment or human health.
 - b. Land to be conveyed to the City meets either:
 - i. the applicable Ministry Generic Site Condition Standards (Tables 1, 2, 3, 6, 7, 8 and 9) for the most environmentally sensitive adjacent land use; or
 - ii. the Property Specific Standards as approved by the Ministry for a Risk Assessment/Risk Management Plan

which was conducted in accordance with the conditions set out herein.

21. The Qualified Person's statement, referenced in 19 above, will include a Reliance Letter that is dated and signed by the applicant's Qualified Person, as defined in O. Reg. 153/04, as amended, confirming that both the City and the City's peer reviewer can rely on the environmental documentation submitted, consistent with O. Reg. 153/04 requirements, and the Qualified Person's opinion as to the conditions of the site; all environmental documentation consistent with O. Reg. 153/04 requirements and opinions shall be submitted with reliance extended to the City and its peer reviewer and any limitation on liability and indemnification is to be consistent with Ontario Regulation 153/04, as amended, insurance requirements or such greater amount specified by the Executive Director of Engineering & Construction Services.

22. For conveyance of lands requiring a Record of Site Condition (RSC):

- a. File the Record of Site Condition on the Ontario Environmental Site Registry; and
- b. Submit the Ministry's Letter of Acknowledgement of Filing of the RSC confirming that the RSC has been prepared and filed in accordance with O. Reg. 153/04, as amended, to the Executive Director, Engineering & Construction Services and to the General Manager, PFR.

Park Construction

Base Park Improvements

23. The Owner, at their expense, will be responsible for the base construction and installation of the parkland. The Base Park Improvements include the following:

- a. grading inclusive of topsoil supply and placement, minimum of 150 mm depth;
- b. sodding #1 nursery grade or equivalent value of other approved park development;
- c. fencing, where deemed necessary to the satisfaction of PFR;
- d. drainage systems, including connections to the municipal services as required;
- e. electrical and water connections (minimum 50 mm) to street line including backflow preventers, shut off valves, water and hydro chambers, including meters;
- f. street trees along all public road allowances which abut future City-owned parkland;
- g. standard park sign (separate certified cheque required); and
- h. demolition, removal and disposal of all existing materials, buildings and foundations.

24. All work is to be completed to the satisfaction of the General Manager, PFR.
25. Prior to the issuance of the first building permit, the Owner shall submit a cost estimate and any necessary plans for the Base Park Improvements, to the satisfaction of the General Manager, PFR.
26. Prior to issuance of the first building 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, PFR. No credit shall be given towards the Parks and Recreation component of the Development Charges for costs associated with Base Park Improvements.
27. The construction of the Base Park Improvements to the park block shall be completed within one year after the issuance of the first building permit to the satisfaction of the General Manager, PFR. Unforeseen delays (e.g. weather) resulting in the late delivery of the park block shall be taken into consideration and at the discretion of the General Manager, PFR when determining a revised delivery date for the park block.
28. Should the Owner undertake Base Park Improvements on the park block following conveyance of the park block to the City, the Owner must obtain a Park Occupation Permit (POP) from PFR's Planning, Design and Development section. The POP will outline in detail the insurance requirements, extent of area permitted, permitted use, tree removal and replacement, and duration to the satisfaction of the General Manager, PFR. The Owner will indemnify the City against any claim during any interim use of or work carried out by the applicant on the park.

Temporary Fencing

29. 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

30. The Owner shall ensure that the grading and drainage of the adjacent development blocks are compatible with the grades of the parkland to the satisfaction of the General Manager, PFR.
31. The Owner must provide documentation from a qualified environmental engineer that any fill or topsoil brought onto the site meets all applicable laws, regulations and guidelines for use in a public park.

Credit against DCs for Above Base Park Improvements

Should the owner agree to design and construct the Above Base Park Improvements for a development charge credit against the Parks and Recreation component of the Development charges, the following condition applies:

32. The Owner agrees to design and construct the Above Base Park Improvements to the new park for a development charge credit against the Parks and Recreation component of the Development Charges to the satisfaction of the General Manager, Parks, Forestry and Recreation (PFR). 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, PFR, and the Parks and Recreation component of development charges payable for the development in accordance with the City's Development Charges By-law, as may be amended from time to time. The Owner is required to submit a design and cost estimate to be approved by the General Manager, PFR, and a letter of credit equal to 120% of the Parks and Recreation Development Charges payable for the development. The design, cost estimate and ultimately the letter of credit will be required prior to the issuance of the first above grade building permit.

Above Base Park Improvements

33. The Owner will be responsible to design and construct the Above Base Park Improvements to the satisfaction of the General Manager, Parks, Forestry and Recreation (PFR). Areas to be addressed in the design of the Park are: park programming, sustainable design and plantings, community and public safety, ground surface treatments, seating, vandalism etc. Final design and programming of the parkland shall be at the discretion of the General Manager, PFR.
34. Prior to the issuance of the first building permit for the development of the site, the Owner is required to submit working drawings, specification 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, PFR.
35. The construction of Above Park Improvements to the park block shall be completed within one year after the issuance of the first building permit for the new development to the satisfaction of the General Manager, PFR. Unforeseen delays (e.g. weather) resulting in the late delivery of the park block shall be taken into consideration and at the discretion of the General Manager, PFR when determining a revised delivery date for the park block.
36. Should the Owner undertake Above Base Park Improvements on the park block following conveyance of the park block to the City, the Owner must obtain a Park Occupation Permit (POP) from PFR's Planning, Design and Development section. The POP will outline in detail the insurance requirements, extent of area permitted, permitted use, tree removal and replacement, and duration to the satisfaction of the General Manager, PFR. The Owner will indemnify the City against any claim during any interim use of or work carried out by the applicant on the park.

Warranty

37. The Owner, upon satisfactory completion of the construction and installation of the Base and Above Base Park Improvements shall be required to guarantee such work and associated materials. The Owner shall provide certification from their Landscape Architect certifying that all work has been completed in accordance with the approved drawings. Should the cost to construct the Above Base Park Improvements as approved by the General Manager, PFR be less than the Parks and Recreation component of the Development Charge for the development, the difference shall be paid to the City by certified cheque prior to a reduction of the Above Base Park Improvement Letter of Credit. Upon the City's acceptance of the certificate, the Letter(s) of Credit will be released less 20% which will be retained for the 2 year guarantee known as the Parkland Warranty Period.
38. Upon the expiry of the Parkland Warranty Period, the outstanding park security shall be released to the Owner provided that all deficiencies have been rectified to the satisfaction of the General Manager, Parks, Forestry, and Recreation (PFR).
39. As-built drawings in print/hardcopy and electronic format, as well as a georeferenced AutoCAD file, shall be submitted to PFR. A complete set of "as built" plans shall be provided electronically on CD in PDF format and in a georeferenced AutoCAD file, in addition to two (2) sets full size bond hard copy the General Manager, PFR. 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 with written warranties and related documents such as lists of contractor, sub-contractors together with contact persons, telephone numbers, warranty expiry dates and operating manuals.
40. Spare or replacement parts, special tools, etc. as provided by manufacturers, if any, are to be provided to PFR.
41. Prior to the registration of the subdivision, the applicant will submit architectural design guidelines to the satisfaction of the Director, Community Planning, North York District.
42. At the time of each building permit submission, or grouping of building permit submissions, the author of the architectural design guidelines shall provide a letter to the Building Division confirming that the lot(s) subject to the building permit submission(s) complies with the Architectural Control Guidelines as approved by the Director, Community Planning, North York District.

43. If the subdivision is not registered within 5 years of the date of draft plan approval, then this approval shall be null and void and the plans and drawings must be resubmitted to the City of Toronto for approval.
44. The Owner shall construct and maintain the development in accordance with Tier 1 performance measures of the Toronto Green Standard, as adopted by Toronto City Council at its meeting held on October 26 and 27, 2009 through the adoption of PG32.3 of the Planning and Growth Committee.

Urban Forestry

45. Prior to the registration of the plan of subdivision, submit a completed Application to Injure or Remove Trees and associated fee of \$2729.26 (\$341.14 per tree).
46. Prior to the registration of the plan of subdivision, submit a payment in the amount of \$5247.00 for the Tree Appraisal Values of the trees subject to the Application to Injure or Remove Trees.
47. Prior to the registration of the plan of subdivision, submit a complete "Agreement for Contractors to Perform Arboricultural Services on City-owned Street Trees" for work to be performed on City owned property.
48. Prior to the registration of the plan of subdivision, submit revised Site and Landscape plans showing:
 - a. The new sidewalk terminating at the public park to connect with the new pathway proposed within the park and provide an additional City tree in the space of the reduced sidewalk footprint;
 - b. The soil volumes for each new City owned tree to be planted within the City right-of-way;
 - c. Tree species proposed; and
 - d. Side yard tree planting added for unit 34, rear yard planting to units 44-47.
49. Prior to the registration of the plan of subdivision, provide a Tree Planting Deposit of \$583.00 per tree to ensure the planting and care of the new trees shown on the approved Landscaping Plan.
50. Prior to the registration of the plan of subdivision, submit a complete "Application to Injure or Destroy Trees on Private Property" and an application fee in the amount of \$1396.42 (\$341.14 per tree and \$714.14 per neighbouring tree).
51. Prior to the registration of the plan of subdivision, the Owner agrees to submit a letter of credit as a tree protection guarantee for existing trees. If tree protection is maintained as specified in the arborist report and in accordance with the City of Toronto's Tree Protection Policy and Specifications for Construction Near Trees, monies will be released at the completion of construction. If it is discovered that

there was encroachment within a tree protection zone, or a tree was not protected in accordance with the arborist report and the City of Toronto's Tree Protection Policy and Specifications for Construction Near Trees, monies will be held for a period of up to five years after construction is completed.

52. Prior to the acceptance of engineering drawings by Engineering and Construction Services, the Owner agrees to submit composite utility plans, indicating the location of all existing and proposed underground and above ground utilities in relation to proposed tree planting locations, at a minimum scale of 1:250, to the satisfaction of Engineering and Construction Services and the General Manager, PFR.

53. The Owner agrees that trees will be planted by a qualified arborist or nursery person. They must determine how much settlement, if any, may occur, to ensure trees are not planted too high, or settle too deeply. Trees are to be planted after final grading, and once the sod has been laid.

Metrolinx

54. The following warning clause shall be inserted in all offers to purchase and agreements of Purchase and Sale or Lease of each dwelling unit within 300 metres of the railway right-of-way:

- a. Warning: Metrolinx, carrying on business as GO Transit, and its assigns and successors in interest has or have a right-of-way within 300 metres from the land the subject hereof. There may be alterations to or expansions of the rail facilities on such right-of-way in the future including the possibility that GO Transit or any railway entering into an agreement with GO Transit to use the right-of-way or their assigns or successors as aforesaid may expand their operations, which expansion may affect the living environment of the residents in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development and individual dwelling(s). Metrolinx will not be responsible for any complaints or claims arising from use of such facilities and/or operations on, over or under the aforesaid right-of-way.

55. The Owner shall grant Metrolinx an environmental easement for operational emissions, registered on title against the subject residential dwellings in favour of Metrolinx.

Canada Post

56. The Owner/developer will include in all offers to purchase and agreements of Purchase and Sale or Lease a statement which advises the prospective purchaser that mail delivery will be from a designated Community Mailbox.

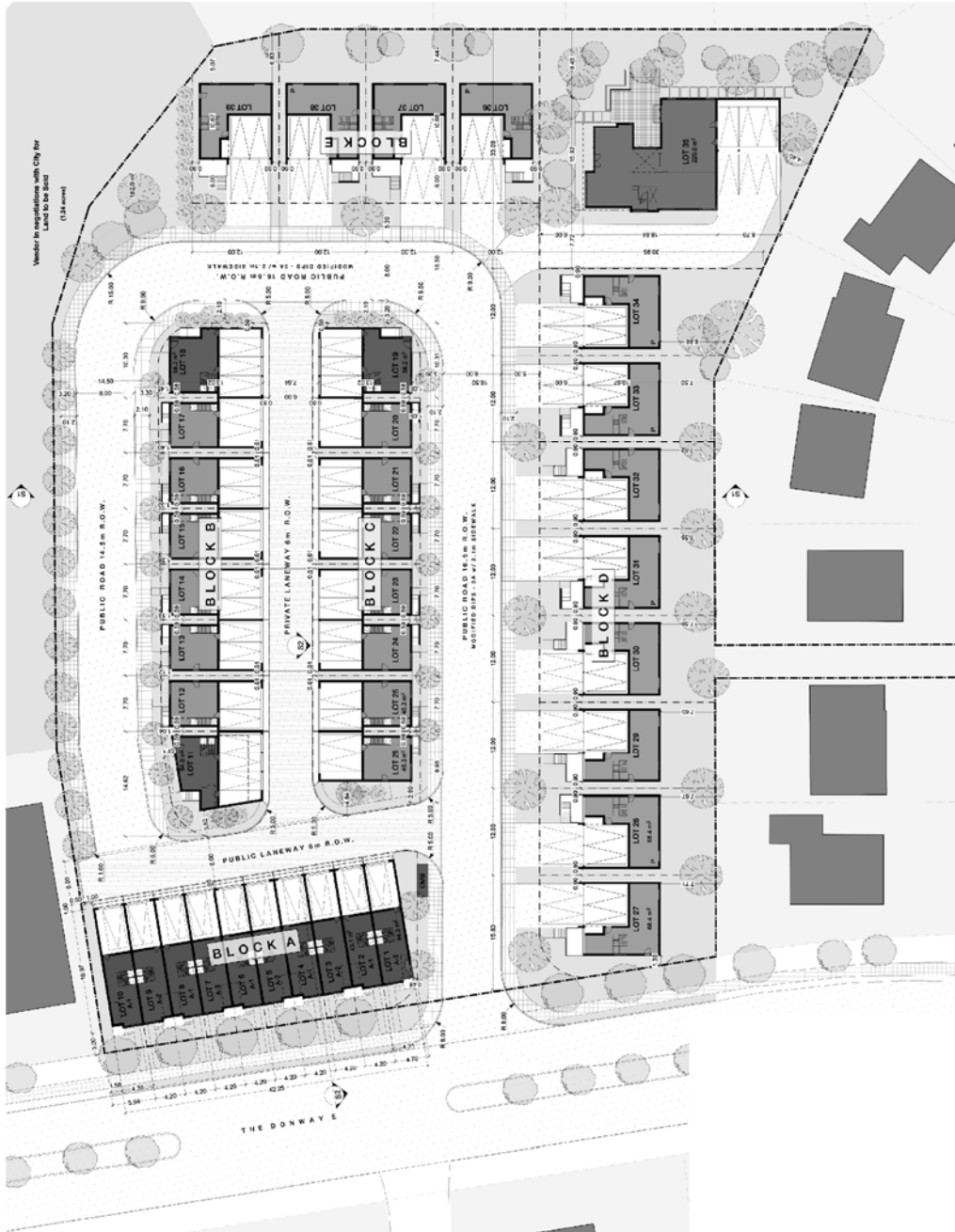
Advisory Comments

57. In the event that deeply buried archaeological remains are encountered on the

property during construction activities, the Heritage Operations Unit of the Ministry of Tourism, Culture and Sport, be notified immediately at (416) 314-7146 as well as the City of Toronto, Heritage Preservation Services at (416) 338-1096.

58. In the event that human remains are encountered during construction, the proponent should immediately contact both the Ministry of Tourism, Culture and Sport, and the Registrar of Burial Sites, War Graves, Abandoned Cemeteries and Cemetery Closures, of the Ministry of Government and Consumer Services at (416) 212-7499.
59. If any expansions to the boundaries of the subject property are proposed, further archaeological assessment work may be required.
60. Rogers Communications Canada has buried cable plant facilities on the proposed location. The applicant must proceed with caution when installing their new infrastructure and is responsible for any damage to Rogers Cable.

Attachment 7: Original Site Plan

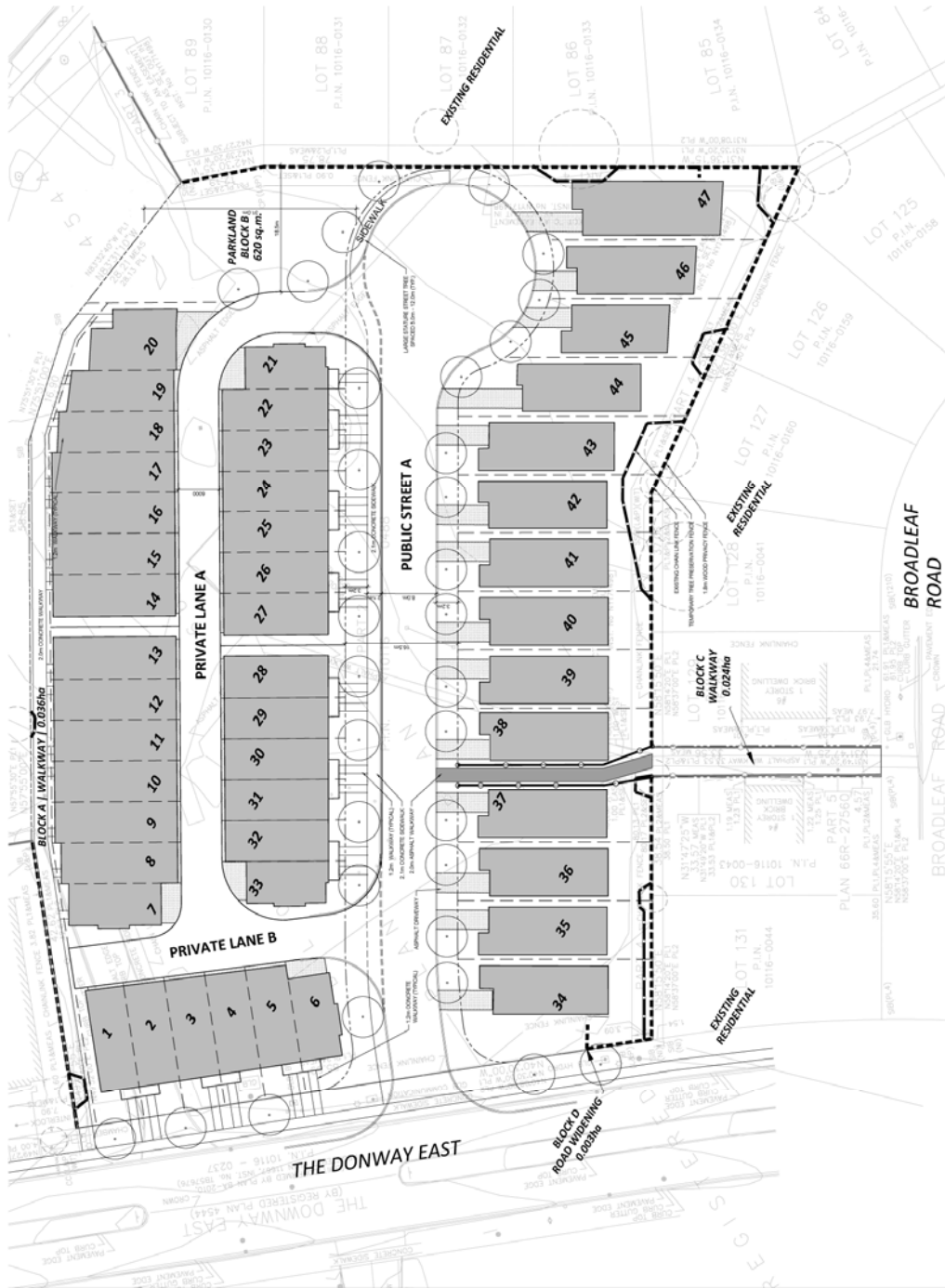


15 Mallow Road

Site Plan
Applicant's Submitted Drawing

Not to Scale
12/29/2014

File # 14 264875 NNY 34 0Z



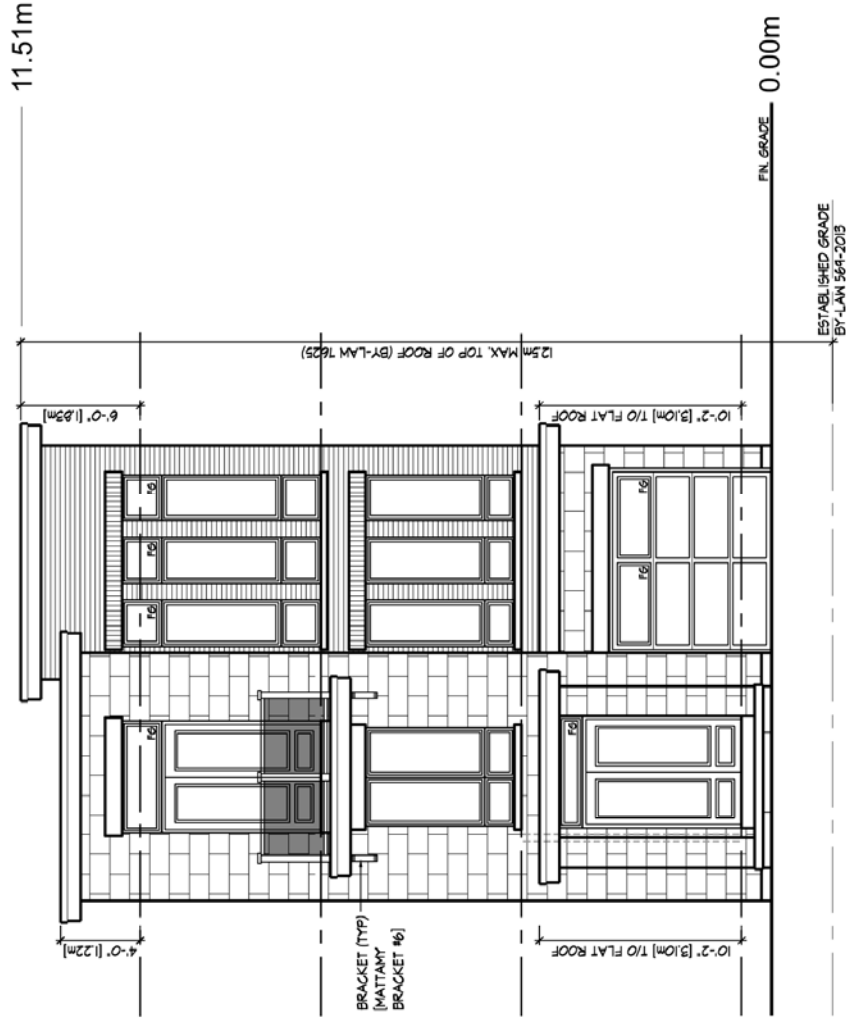
15 Mallow Road

Site Plan
 Applicant's Submitted Drawing

Not to Scale
 03/28/2018

File # 14 264875 NNY 34 0Z

Attachment 9: With Prejudice Settlement Offer Elevations



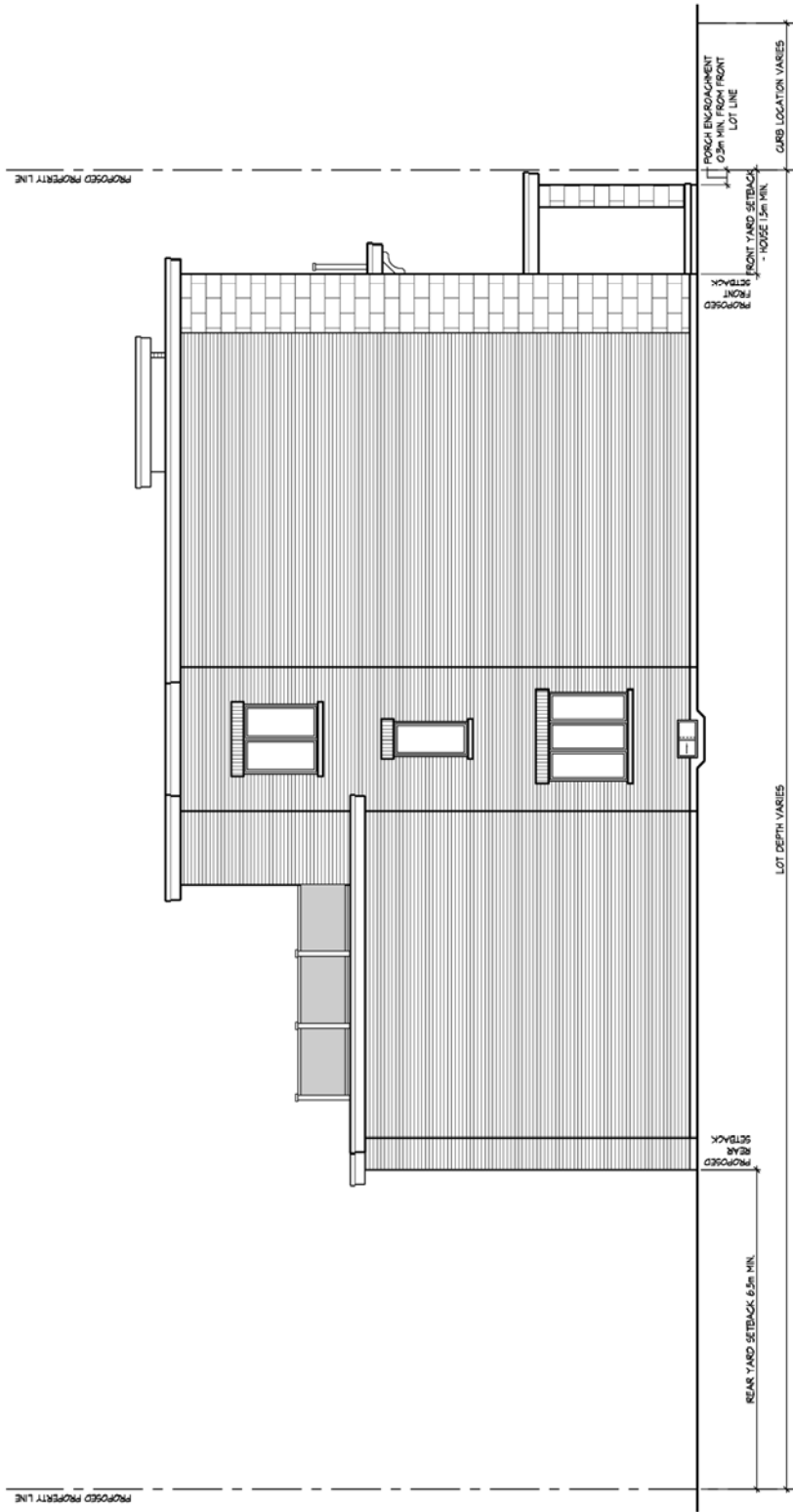
15 Mallow Road

File # 14 264875 NNY 34 0Z

Front Elevation - Detached

Applicant's Submitted Drawing

Not to Scale
03/28/2018



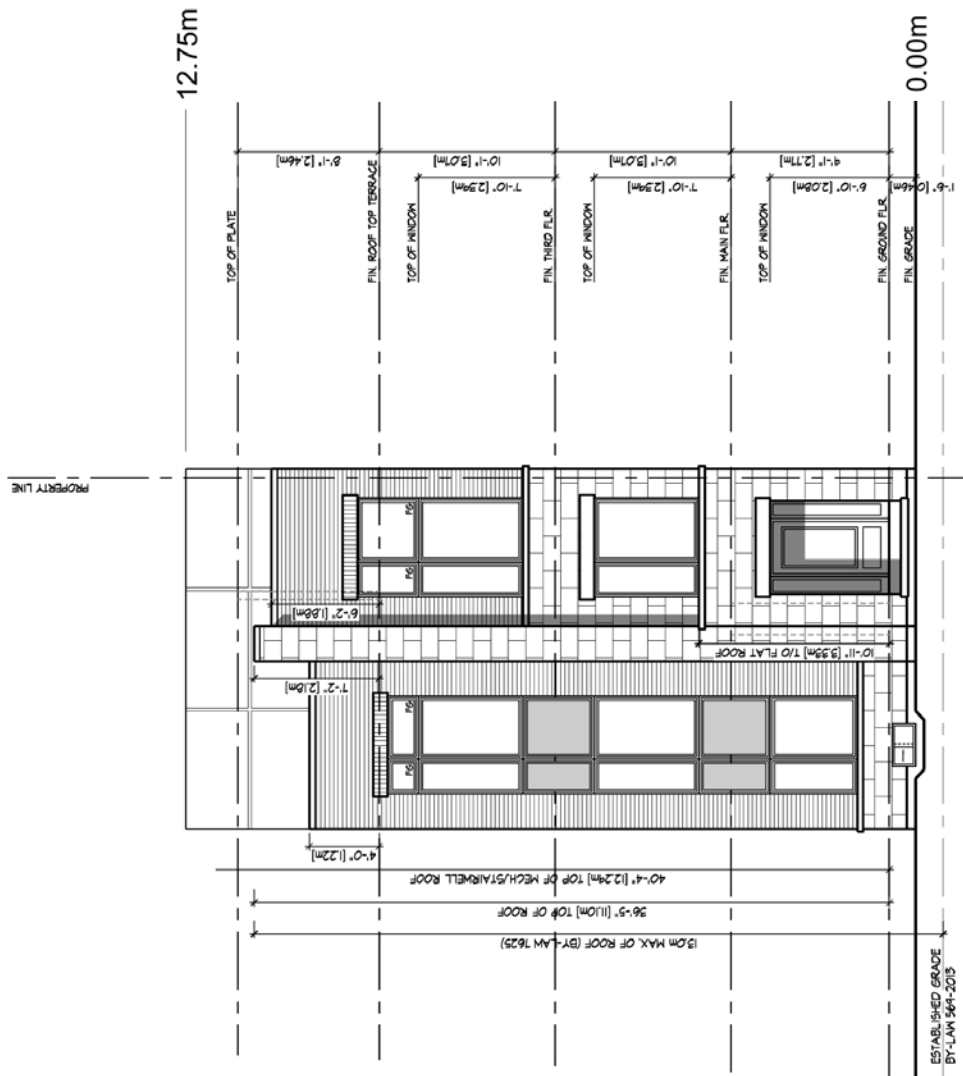
15 Mallow Road

Side Elevation - Detached

Applicant's Submitted Drawing

Not to Scale
03/28/2018

File # 14 264875 NNY 34 0Z



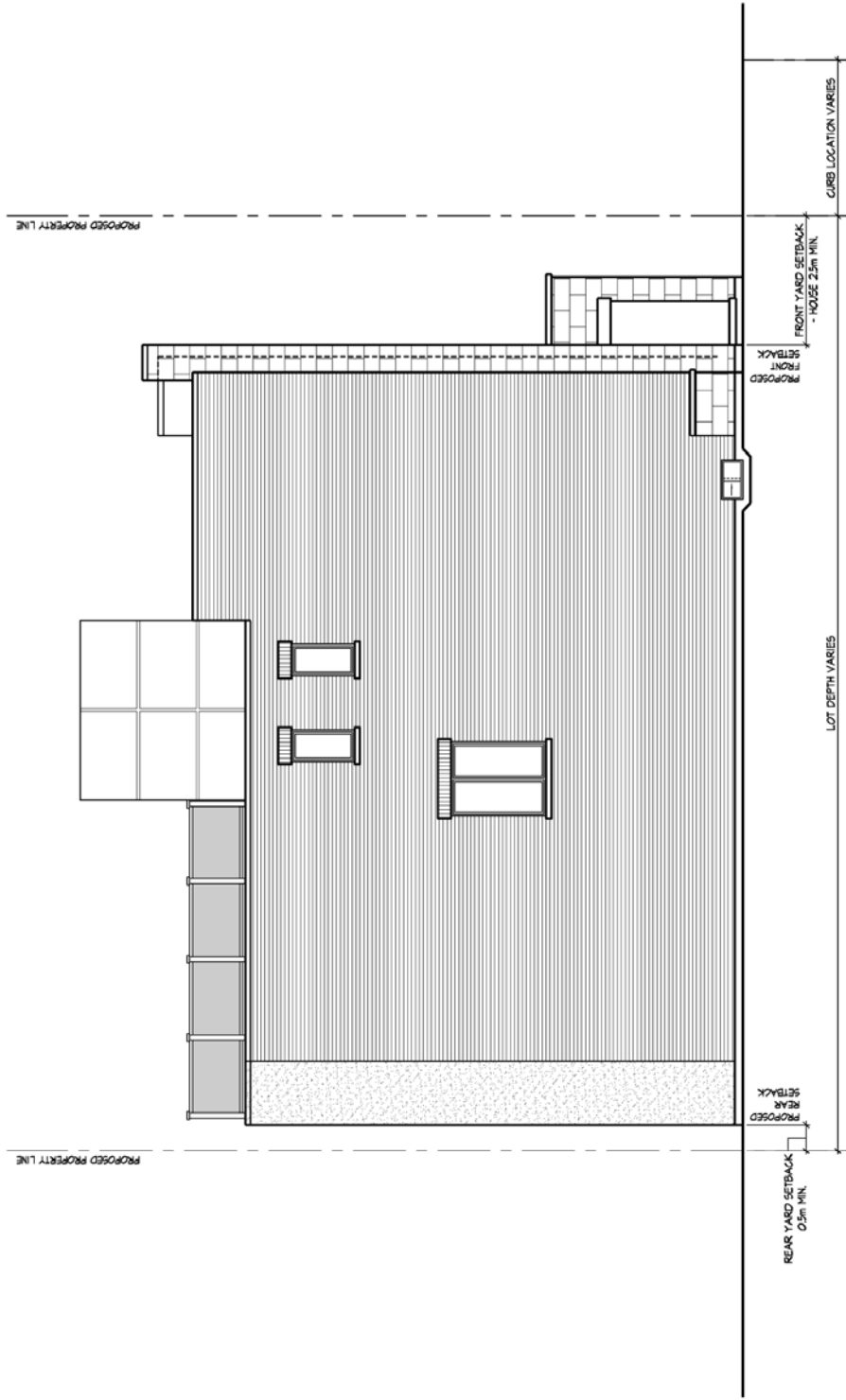
15 Mallow Road

Front Elevation - Townhomes

Applicant's Submitted Drawing

Not to Scale
03/28/2018

File # 14 264875 NNY 34 0Z



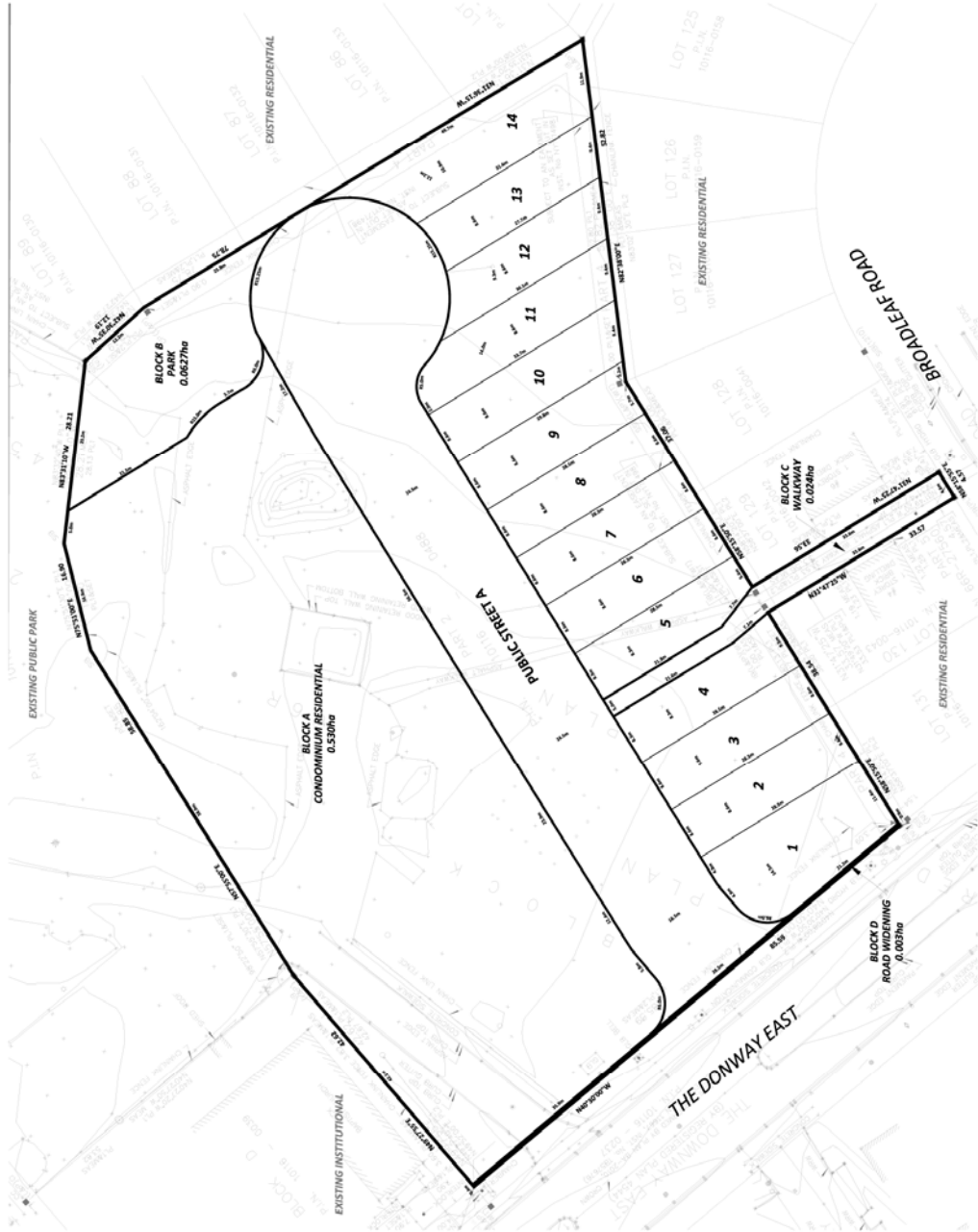
Side Elevation - Townhomes

Applicant's Submitted Drawing

Not to Scale
03/28/2018

15 Mallow Road

File # 14 264875 NNY 34 0Z



15 Mallow Road

Subdivision Plan
Applicant's Submitted Drawing

Not to Scale
03/28/2018

File # 14 264875 NNY 34 0Z