

December 16, 2024

Our File No.: 121044

BY EMAIL: councilmeeting@toronto.ca
clerk@toronto.ca

Mayor and Members of Council
City of Toronto
Toronto City Hall
13th Floor West,
100 Queen Street West
Toronto, ON M5H 2N2

Dear Mayor Chow and Members of Council:

**Re: Item 2024.CC24.15
Appeals of Official Plan Amendment, Zoning By-law Amendment and Site Plan
Applications by 789 Don Mills Development Inc. ("Foresters Appeals")
789-793 Don Mills Road and 10 Ferrand Drive, City of Toronto
Settlement Offer**

Aird & Berlis LLP represents Donmeg Developments Limited ("**Donmeg**"). Donmeg was the owner and developer of the lands formerly known as 1185 Eglinton Avenue East in the City of Toronto, now municipally known as 2, 6, 20 to 44 Sonic Way ("**Sonic Lands**"). The Sonic Lands are located in Ward 16 (Don Valley East) generally at the southeast quadrant of Eglinton Avenue East and Don Mills Road, and are presently occupied by two condominium towers (2 and 6 Sonic Way) and two blocks of townhouses (20 to 44 Sonic Way) with access off Sonic Way.

Request for City Council to Impose Further Conditions or Defer Consideration of the Settlement Offer

We are writing in response to the settlement offer filed by 789 Don Mills Development Inc. (the "**Appellant**" or "**Foresters**") with respect to the lands municipally known as 789-793 Don Mills Road and 10 Ferrand Drive, City of Toronto ("**Foresters Lands**"), which are located immediately adjacent to the Sonic Lands. For the reasons set out in this letter, we request that City Council either reject a term contained in the settlement offer (further described below) or defer consideration of the settlement offer filed by Foresters until such time as Donmeg's issues in the Ontario Land Tribunal ("**OLT**") proceeding with respect to the Foresters Lands are resolved.

Donmeg has a direct interest in the Foresters Appeals, in particular their interest relates to the future ownership of Foresters Lane given that such ownership is directly tied to Donmeg's ability to satisfy certain plan of subdivision conditions related to its approved development on the Sonic Lands.

Background: Donmeg's Approvals Tied to the Foresters Redevelopment Proposal

In 2015, the former Ontario Municipal Board approved site specific By-law 1183-2016(OMB) to facilitate a residential development on the Sonic Lands, consisting of two residential towers and two townhouse blocks to be accessed by a new road called Sonic Way. The towers and townhouses are now fully constructed. Sonic Way, which has an east-west orientation and connects the existing Foresters Lane and Ferrand Drive, is identified as a "Public 18.5 m Road Allowance" on Schedule 1 of By-law 1183-2016(OMB).

Donmeg made an application for draft plan of subdivision to subdivide the Sonic Lands and create Block 1 for the towers, Block 2 for the townhouses, and Block 3 for Sonic Way. The plan of subdivision secured the condition that Sonic Way would be dedicated as a public road once Foresters Lane became publicly owned or be replaced with a new public road.

The Final Report from City Planning on the subdivision application noted that, "[Sonic Way] would be built to City of Toronto standards with the intention of being dedicated as a public road in the future, should the property to the west, owned by Foresters Financial, be redeveloped in such a manner that the currently proposed private road could connect to a public road." A copy of the staff report dated December 16, 2016 is enclosed.

We note that the City's insistence on Sonic Way being a public road stemmed from the work completed through the Don Mills Crossing Study, which led to the eventual approval of the Don Mills Crossing Secondary Plan (OPA 404). The Secondary Plan's vision would be for Sonic Way to be connected to Foresters Lane as a public road, and included policies identifying Foresters Lane being a future public road.

In 2017, Donmeg and the City entered into a Subdivision Agreement which included a number of conditions related to Sonic Way (Block 3), including the following:

- A requirement that Donmeg construct and convey Sonic Way to the City "as a fully serviced 18.5 meter wide road allowance" and that Donmeg reserve a temporary access easement in favour of Blocks 1 and 2 for vehicular and pedestrian access until such time as Block 3 is dedicated as a public highway, which is to be dedicated once Foresters Lane is dedicated as public highway.
- A requirement that Donmeg provide to the City, prior to the conveyance of Sonic Way, an irrevocable Letter of Credit to guarantee compliance with the maintenance and any required repairs of Block 3 (Sonic Way) in accordance with the agreement.
- The City would return any security provided to it with respect to Block 3 to Donmeg once all maintenance periods have expired and all services within Block 3 have been completed and all deficiencies rectified to the satisfaction of the City.
- A requirement that Donmeg maintain the surface of Block 3 including grass cutting, snow and ice removal, at its sole cost and expense until Block 3 is dedicated as public highway, at which time and upon which the obligation to maintain Block 3 will automatically be terminated and the corresponding security will be returned to Donmeg.

- A requirement that Donmeg repair the surface of Block 3 where any damage to the surface arises from the use of Block 3 **with such obligations terminating upon the dedication of Block 3 as public highway.**
- A requirement that Donmeg indemnify and save harmless the City from and against all law suits which may be brought against the City and all loss and liability which the City may sustain resulting from or arising out of the failure of Donmeg to maintain Block 3, **until the temporary access easement lapses and Block 3 has been dedicated as public highway.**

In 2019, Donmeg and the City entered into a Site Plan Agreement which contains further conditions related to Sonic Way, including the following:

- As a pre-approval condition, a requirement that Donmeg convey Sonic Way to the City, subject to a right-of-way for vehicular and pedestrian access in favour of Blocks 1 and 2 until such time as Block 3 has been dedicated as a public highway, all to the satisfaction of City Staff. The Owner acknowledges and agrees that the conveyance of Block 3 will be completed upon the completion of the construction of services within Block 3 and the City's acceptance of services. **The dedication as a public highway will occur after the laneway to the west of the Project (known in 2017 as Foresters Lane) is dedicated as public highway.**
- As a post-approval condition, a requirement that Donmeg include a warning clause in all agreements of purchase and sale and/or rental agreements advising purchaser(s) and/or tenant(s) that the City's Solid Waste Services Division cannot provide service to the Sonic development until one of the following condition is met:
 - **all access roads (Block 3 and Foresters Lane) become public road;** or
 - an easement granted in perpetuity that would allow a City garbage truck to drive across Foresters Lane to provide service to the Sonic development. The City would also require a letter stating that property management is responsible for snow removal on the private road and that if the truck cannot access the site then it will not return until the next collection day.

In October 2019, to satisfy the pre-approval condition noted above, Sonic Way was conveyed to the City and a temporary easement over Block 3, in favour of the owners of Blocks 1 and 2 for the purposes of vehicular and pedestrian egress and ingress until such time as Block 3 is dedicated as a public highway, was reserved.

In 2021, a Plan of Condominium was registered on the Sonic Lands. Toronto Standard Condominium Corporation No. 2818 ("**TSCC 2818**") is the legal entity which governs the condominium building now located on the Sonic Lands.

The agreements of purchase and sale with purchasers of units to the Sonic development included warning clauses as required by the Site Plan Agreement. The expectation by Donmeg as well as TSCC 2818 and the purchasers of the Sonic units, as communicated by the City, was that Sonic Way would become a public road once Foresters Lane became a public road which would occur as part of the redevelopment of the Foresters Lands. This expectation is reasonable given the recently approved Don Mills Crossing Secondary Plan which included policies indicating that

Foresters Lane would be a future public road and the approval conditions set out in the Subdivision Agreement and Site Plan Agreement, noted above, which all anticipated and assumed that Foresters Lane would become a future public road.

The Settlement Offer Proposes Two Options Related to Foresters Lane

We have reviewed the Appellant's settlement offer. Page 4 of the offer includes the following conditions with respect to Foresters Lane:

We are proposing that Foresters Lane be provided as either a:

1. stratified public road with upper and lower bounds defined to ensure that the below-grade infrastructure that is located beneath a certain datum point (including the existing sanitary, storm sewer and watermain services that are currently underground and a proposed underground parking tunnel connecting parking garages on either side of Foresters Lane) be privately owned and maintained; or
2. remain a private road with a public easement to be granted over the surface of the road to allow the public to travel between Rochefort Drive and Sonic Way, which will allow below-grade infrastructure (including the existing sanitary, storm sewer and watermain services that are currently underground and a proposed underground parking tunnel connecting parking garages on either side of Foresters Lane) to continue to be owned and maintained by the Owner, while allowing the public to travel over Foresters Lane at grade.

It is acknowledged by the City and the Owner that Foresters Lane is currently subject to existing easements which must be considered in determining whether Foresters Lane will become a stratified public road or remain a private road with a public easement. The resolution of matters with respect to Foresters Lane will be to the satisfaction of the Chief Engineer, the General Manager, Transportation Services, and the Executive Director, Development Review, prior to the issuance of the Tribunal's final order.

Donmeg's primary issue in the Foresters Appeals is with respect to the future ownership of Foresters Lane and the resultant implications from such ownership. If **Option 1** were achieved, we believe that this option (irrespective of the fact that Foresters Lane would be stratified), would facilitate the ability for Donmeg to satisfy the above noted conditions. We have not received confirmation from the City of this fact.

It is Option 2 that is of concern to Donmeg. Despite the policies of the Don Mills Crossing Secondary Plan and the representations made to our client during the processing of the Sonic development approvals respecting the future of Foresters Lane, Option 2 of the settlement offer propose Foresters Lane to remain a private road. This is of significant concern as it would put Donmeg and the residents of TSCC 2818 in a catch-22 situation: if Council were to accept the settlement and Foresters Lane does not become a public road, then Donmeg would be left with conditions that cannot be satisfied. One of the implications is that the Letter of Credit provided by Donmeg to the City for the maintenance of Sonic Way cannot be returned to Donmeg. This unfortunate outcome would also result in Donmeg/TSCC 2818 remaining liable for maintenance and repair of Sonic Way (lands which are now owned by the City) in perpetuity and deprive the

residents of this condominium the ability to receive public services such as snow removal and garbage pick-up. This outcome is all contrary to the circumstances which were contemplated at the time when Donmeg agreed to the conditions associated with its approvals.

Accordingly, we respectfully ask City Council to either reject Option 2 related to Foresters Lane, thereby ensuring that the only option is for Foresters Lane to become a public road OR defer consideration of the Appellant's settlement offer until such time as the City confirms the manner in which the Sonic development approvals can be amended to remove any reliance on the public ownership of Foresters Lane to satisfy the Sonic POS and SPA conditions.

If the Foresters settlement is approved as proposed and Foresters Lane remains a private lane, and Sonic Way is not opened as a public right of way, this will have a direct and significant impact on Donmeg's ability to satisfy the outstanding obligations associated with its approvals for the Sonic development and to be discharged from such obligations as contemplated by the Sonic development approvals.

Traffic Calming Measures on Sonic Way

In the meantime, Donmeg respectfully requests that traffic measures be put in place on Sonic Way to ensure that neither Donmeg nor TSCC 2818 are liable for any additional obligation resulting from the increased use of Sonic Way by others who are not residents of the Sonic development. Sonic Way is not subject to a public easement and therefore should not be accessible to vehicles other than those associated with TSCC 2818. As noted above, at this time TSCC 2818 is liable to maintain Sonic Way while Donmeg is financially responsible for Sonic Way by virtue of the City holding a Letter of Credit from Donmeg.

We would be pleased to make further submissions should that be of assistance to City Council.

AIRD & BERLIS LLP



Sidonia J. Tomasella

SJT/JCMF/cb

cc: Counsel for TSCC 2818, Justin McLarty
Counsel for 789 Don Mills Development Inc., Christopher Tanzola and Michael Cara
Counsel for City of Toronto, Laura Bisset and Jason Davidson
Councillor Jon Burnside, Ward 16 (Don Valley East)
Valessa Faria, Executive Director Development Review
Client



STAFF REPORT ACTION REQUIRED

1185 Eglinton Avenue East – Draft Plan of Subdivision Application – Final Report

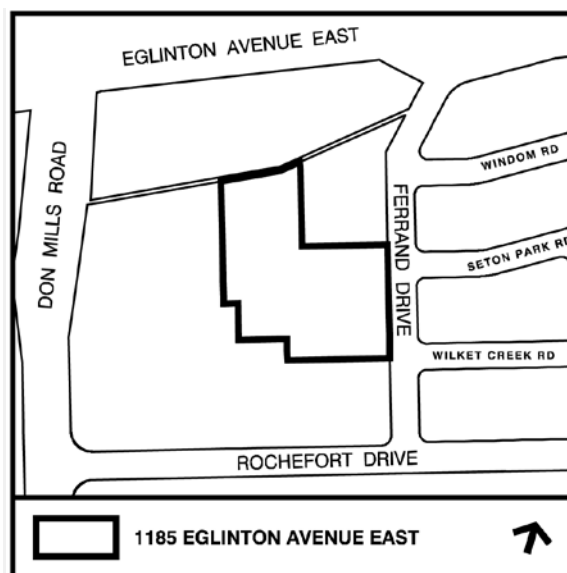
Date:	December 16, 2016
To:	North York Community Council
From:	Director, Community Planning, North York District
Wards:	Ward 26 – Don Valley West
Reference Number:	15 159976 NNY 26 SB

SUMMARY

This application proposes to subdivide the lands at 1185 Eglinton Avenue East to allow for the creation of three blocks. This application is related to an application for Zoning By-law Amendment which was previously approved by the Ontario Municipal Board in July 2015.

Block 1 would accommodate residential towers of 28 and 30 storeys, with a three-storey base building, and a three-storey townhouse block. Block 2 would also accommodate a three-storey townhouse block. Block 3 would be owned by the City, and would accommodate a private road between Ferrand Drive to the east and Foresters Lane to the west, over which the future condominium corporation(s) would have an easement agreement. It is anticipated that the proposed private road could be dedicated as a public road in the future, should Foresters Lane become publicly owned, or be replaced with a new public road.

This report advises that the Chief Planner and Executive Director, City Planning, intends to approve the Draft Plan of Subdivision.



RECOMMENDATIONS

The City Planning Division recommends that:

1. In accordance with the delegated approval under By-law 229-2000, as amended, City Council be advised that the Chief Planner and Executive Director, City Planning, intends to approve the draft plan of subdivision as generally illustrated on Attachment 1 to this report, subject to:
 - a. the conditions as generally listed in Attachment 4 to this report which, except as otherwise noted, must be fulfilled prior to final approval and the release of the plan of subdivision for registration; and
 - b. any such revisions to the proposed subdivision plan or any such additional modified conditions as the Chief Planner and Executive Director, City Planning may deem to be appropriate to address matters arising from the on-going technical review of this development.

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

In February 2008, an application for a Zoning By-law Amendment (08 111649 NNY 26 OZ) was submitted, proposing a mixed use development at 1185 Eglinton Avenue East. At its meeting of July 17, 2008, City Council deferred the decision on this application, pending a study from staff on the appropriate built form and densities for lands within Site and Area Specific Policy 76. Background information, and a copy of this decision is available at:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2008.NY17.33>.

In June 2011, a revised submission was received from the new owners of the subject property. At its meeting of October 4, 2011, North York Community Council directed that City Planning staff evaluate the proposed density and built form for the revised application through the density and built form study of Area Specific Policy 76, already underway. Background information, and a copy of this decision is available at: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2011.NY10.20>.

On May 21, 2013, the application was appealed to the Ontario Municipal Board (PL 130533). At its meeting of October 8, 9, 10 and 11, 2013, City Council directed staff to attend the Ontario Municipal Board hearing in support of the application, subject to the application being revised to address the issues set out in the report dated August 22, 2013 from the Director, Community Planning, North York District.

A settlement reached between the applicant and the City was presented to the Ontario Municipal Board at its hearing of November 13, 2013. In an order dated November 21, 2013, the Ontario Municipal Board approved the zoning by-law subject to the execution

of the Section 37 Agreement. The Ontario Municipal Board issued its final order July 9, 2015, approving the by-law.

ISSUE BACKGROUND

Proposal

This application proposes to subdivide the lands into three blocks. The proposed Draft Plan of Subdivision can be found at Attachment 1. As permitted by By-law 1183-2016 (OMB), Block 1 would accommodate two residential towers, with heights of 28-storeys and 30-storeys. Each of the towers would sit atop the same three-storey podium. Four levels of underground parking are proposed beneath the towers, vehicular access to which would be provided by-way of the existing easement in favour of 1185 Eglinton Avenue East over Foresters Lane. East of the towers, one block of three-storey townhouses with 13 units is proposed. Vehicular access to the townhouses would be provided by way of a private lane accessed from Ferrand Drive. An open space is proposed in front of this block of townhouses, as is a walkway connecting the open space to the property north of the site. This open space and pedestrian connection will be dedicated as Privately Owned, Publicly-Accessible Space (POPS).

Block 2, located at the south end of the site, would contain one block of three-storey townhouses with 13 units. Vehicular access to the townhouses would be provided by way of a private lane accessed from Block 3.

Block 3, located between Blocks 1 and 2, would be owned by the City, and would accommodate a private road between Ferrand Drive to the east and Foresters Lane to the west, over which the future condominium corporation(s) would have an easement agreement. This road would be built to City of Toronto standards with the intention of being dedicated as a public road in the future, should the property to the west, owned by Foresters Financial, be redeveloped in such a manner that the currently proposed private road could connect to a public road. The proposed Site Plan can be found at Attachment 2.

Site and Surrounding Area

The subject property is located in the southeast quadrant of Eglinton Avenue East and Don Mills Road. This site is irregular in shape, and has a frontage of 121 metres along the west side of Ferrand Drive, and an area of 1.15 hectares.

Land uses surrounding the site are as follows:

North: Northeast of the subject site is a place of worship. Northwest is a surface parking lot owned by the City of Toronto, which is currently used as a construction staging area for the Eglinton Crosstown LRT. An application from Build Toronto for a mixed use development on this site is expected in early 2017. This area is designated *Mixed Use Areas* in the Official Plan.

South: Directly south of the subject site is a surface parking lot, owned by

Foresters Financial. Further south are residential uses consisting of townhouses and four to nine-storey apartment buildings. The parking lot is designated *Mixed Use Areas*, and the residential uses are designated *Apartment Neighbourhoods* in the Official Plan.

East: East of the subject site is Ferrand Drive. East of Ferrand Drive are residential uses consisting of semi-detached dwellings. This area is designated *Neighbourhoods* in the Official Plan.

West: West of the subject site is a 22-storey office tower, and a two-storey building, both owned by Foresters Financial. North of this exists a 17-storey residential tower. This area is designated *Mixed Use Areas* in the Official Plan.

Provincial Policy Statement and Provincial Plans

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

The Growth Plan for the Greater Golden Horseshoe provides a framework for managing growth in the Greater Golden Horseshoe including: directions for where and how to grow; the provision of infrastructure to support growth; and protecting natural systems and cultivating a culture of conservation. City Council's planning decisions are required, by the *Planning Act*, to conform, or not conflict, as the case may be, with the Growth Plan for the Greater Golden Horseshoe.

Staff reviewed the proposed development for consistency with the PPS and for conformity with the Growth Plan for the Greater Golden Horseshoe.

Official Plan

The subject property is designated *Mixed Use Areas* in the Toronto Official Plan. It is also located within Site and Area Specific Policy (SASP) 76, which applies to the area bounded by Eglinton Avenue East to the north, the Don Valley Parkway to the east, Rochefort Drive to the south, and Don Mills Road to the west.

The *Mixed Use Areas* designation permits a broad range of commercial, residential and institutional uses, and includes policies and development criteria to guide development and its transition between areas of different development intensity and scale. It is anticipated that *Mixed Use Areas*, which are considered growth areas, will absorb most of the City's new housing, retail, office, and service employment.

SASP 76 permits a maximum density of 1.8, with higher densities and massing to be generally concentrated adjacent to Eglinton Avenue East, and the Don Valley Parkway. Although the approved density for this site is 4.9, the density for the entirety of the lands subject to SASP 76 remains below the permitted 1.8.

Chapter 2 of the Official Plan speaks to the integration of land use and transportation, stating that new streets will be provided in consideration of surrounding land uses and will contribute to the development of a connected network. And further, networks are required to provide direct and clearly understood travel routes for all transportation modes and users throughout the City, and act as a fundamental organizing element of the City's physical structure.

Eglinton Crosstown LRT and Eglinton Connects Planning Study

The Eglinton Crosstown LRT is under construction along the Eglinton Avenue corridor between Weston Road and the Kennedy TTC station, and will have both underground and at-grade sections. The LRT and the Science Centre station at Don Mills will be underground at the intersection of Don Mills Road and Eglinton Avenue East. The main station entrance is to be located on the southwest corner and a secondary entrance is to be located at the northeast corner of the Eglinton Avenue East and Don Mills intersection along with the bus terminal. The Eglinton LRT is located above ground through this section of Eglinton Avenue East, however, as the LRT approaches the intersection of Eglinton Avenue East and Don Mills Road, it travels below grade for approximately 490 metres.

City staff undertook the Eglinton Connects Planning Study of the Eglinton LRT corridor which developed a vision for Eglinton Avenue to guide future development. The Study identified six Focus Areas at stations along the Eglinton corridor that could accommodate additional population and employment growth for further study and master planning. New street and block patterns, open spaces and improved or new connections are to be developed for the focus areas. The study was approved by City Council in July 2014.

The intersection of Don Mills Road and Eglinton Avenue East was identified as one of the six Focus Areas. Three properties abutting the intersection of Don Mills Road and Eglinton Avenue are located within the Focus Area and include the City owned parcels at the northeast, southeast and southwest corners of Eglinton Avenue East and Don Mills Road. These parcels have been turned over to Build Toronto for redevelopment. The subject property was not included in the Focus Area. However, 1185 Eglinton Avenue East has been included within the study area of the Don Mills Crossing Study (see below).

Don Mills Crossing Study

The Don Mills Crossing Study is an initiative lead by the City of Toronto City Planning Division that will examine ways to focus and shape anticipated growth around the intersection of Don Mills Road and Eglinton Avenue East anchored by the transit infrastructure being constructed as part of the Crosstown LRT.

Building on the work of Eglinton Connects, Don Mills Crossing will look to improve connections to the surrounding areas, lay out a network of streets, parks and open spaces and identify community services necessary to support new growth. Don Mills Crossing's core study area includes the three City-owned Build Toronto parcels, the Celestica lands at the northwest corner of Don Mills and Eglinton Avenue East, and also incorporates the subject site as part of a comprehensive review of the area.

The website for Don Mills Crossing can be found here:

<http://www1.toronto.ca/wps/portal/contentonly?vgnextoid=765db4de198e4510VgnVCM10000071d60f89RCRD>

Zoning

The subject property is zoned RM6(219) under North York Zoning By-law No. 7625. This zone allows for apartment dwellings, multiple attached dwellings, and accessory uses. Site specific Zoning By-law No. 1183-2016(OMB) permits a maximum gross floor area of 48,500 square metres, divided across two development parcels, and a total of 638 dwellings units. Generally, the maximum permitted building heights are 100 metres (30-storeys) and 94 metres (28-storeys) for the residential towers, and 12 metres (3-storeys) for the townhouse blocks.

Site Plan Control

This proposal is subject to Site Plan Control, an application for which was submitted May 20, 2015 (15 159786 26 SA). The application for Site Plan Control is being reviewed concurrently with this application for Draft Plan of Subdivision.

Reasons for Application

An application for Draft Plan of Subdivision is required to allow for the creation of the three blocks, one of which would be City-owned and accommodate a private road built to City standards.

Agency Circulation

The application was circulated to all appropriate agencies and City divisions. Responses received have been used to assist in evaluating the application and to formulate appropriate conditions of Draft Plan Approval.

COMMENTS

Provincial Policy Statement (2014) and Provincial Plans

The PPS provides for appropriate development while protecting resources of provincial interest, public health and safety, and the quality of the natural and built environment. It states that healthy and active communities should be promoted by planning public roads, and open spaces that are safe, meet the needs of pedestrians, create community connectivity, and foster social interaction. The development of a publicly accessible open space, a pedestrian connection through the site to Eglinton Avenue East, and a private road built to City standards would: provide safe travel options for pedestrians,

cyclists, those utilizing mobility devices, and vehicles; promote community connectivity and social interaction, and provide a publicly-accessible area for recreation. The proposal is consistent with the mix of land uses promoted by the PPS, and efficiently uses the existing infrastructure and public services where possible. Further, the proposed development does not risk public health and safety. The proposal is consistent with the PPS.

The Growth Plan encourages intensification and redevelopment in urban areas which provide a healthy, liveable and safe community. This proposal provides reasonable intensification through infill development that is compatible with the existing neighbourhood, while utilizing existing infrastructure, as contemplated by the Growth Plan. The proposal conforms and does not conflict with the Growth Plan for the Greater Golden Horseshoe.

Official Plan

This application proposes to subdivide the existing lands to accommodate two development blocks, and one block that would accommodate a privately-owned road, built to City standards. The previously approved zoning by-law permits a mixed use development of varying heights, densities, unit types and sizes, in an area planned to be serviced by a higher-order transit line. The Draft Plan of Subdivision proposes the creation of a private street, built to public standards, which satisfies the Official Plan policy that new streets be provided that will contribute to the development of a connected network, providing direct travel routes for all transportation modes, and users throughout the City. As discussed below, it is anticipated that this road could become public in the future. The proposal conforms to the policies of the Official Plan.

Residential Blocks

Blocks 1 and 2, which would accommodate the townhouse developments and the residential towers, would eventually be moved into the private ownership of one, or more, condominium corporation(s). Although these blocks could be under the ownership of one condominium corporation, the blocks have been separated to accommodate Block 3, a private road, in between.

Future Public Road Block

Block 3 is proposed to accommodate a road built to City standards, with City servicing installed beneath. At such a time that this servicing is completed and assumed by the City, Block 3 would be conveyed to the City, subject to a temporary access easement over the block, in favour of the owner(s) of Blocks 1 and 2, until Block 3 is dedicated as a public highway. The owner(s) of Blocks 1 and 2 would be responsible for the surface maintenance of the road until it is dedicated and the Subdivision Agreement will contain insurance and liability provisions, and the maintenance requirements.

At the present time, this road is proposed to be private, as public roads must connect to other public roads at either end, or provide a cul-de-sac built to City standards for vehicles to turn around. As the proposed road would connect to a public road at one end (Ferrand Drive) and a private road at the opposite end (Foresters Lane), the road cannot

be dedicated as a public highway. However, it is anticipated that a dedication would follow in the future, should Foresters Lane become, or be replaced with a public road. This could occur through the redevelopment of the Foresters Financial site to the west.

Servicing

In addition to the private road being constructed to City standards, the storm water and sanitary servicing running beneath the road would be owned and maintained by the City of Toronto. Surface servicing, such as solid waste pick-up, snow removal, and salting, can only be provided by the City on publicly dedicated roads. Until such a time that the private road is dedicated as a public road these services will be provided by private contractors, secured and paid for by the condominium corporation(s), and secured through an easement agreement.

Conclusion

This application proposes to subdivide the existing lands to accommodate two development blocks, and one block that would accommodate a privately-owned road, conveyed to the City, and built to City standards. It is anticipated that this road could be dedicated as a public road in the future. However, until such a time that this occurs, an easement agreement in favour of the condominium corporation(s) will allow access to Block 2 of the development.

The Draft Plan of Subdivision is consistent with Section 51 of the *Planning Act*, as it conforms to the Official Plan, provides for the orderly development of the lands, and proposes appropriate utilities and City services. The Chief Planner and Executive Director, City Planning, intends to approve this application for Draft Plan of Subdivision, as generally illustrated on Attachment 1 to this report, subject to the conditions as generally listed in Attachment 4.

CONTACT

Michelle Corcoran, Planner

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E-mail: mcorcor@toronto.ca

SIGNATURE

Joe Nanos, Director
Community Planning, North York District

ATTACHMENTS

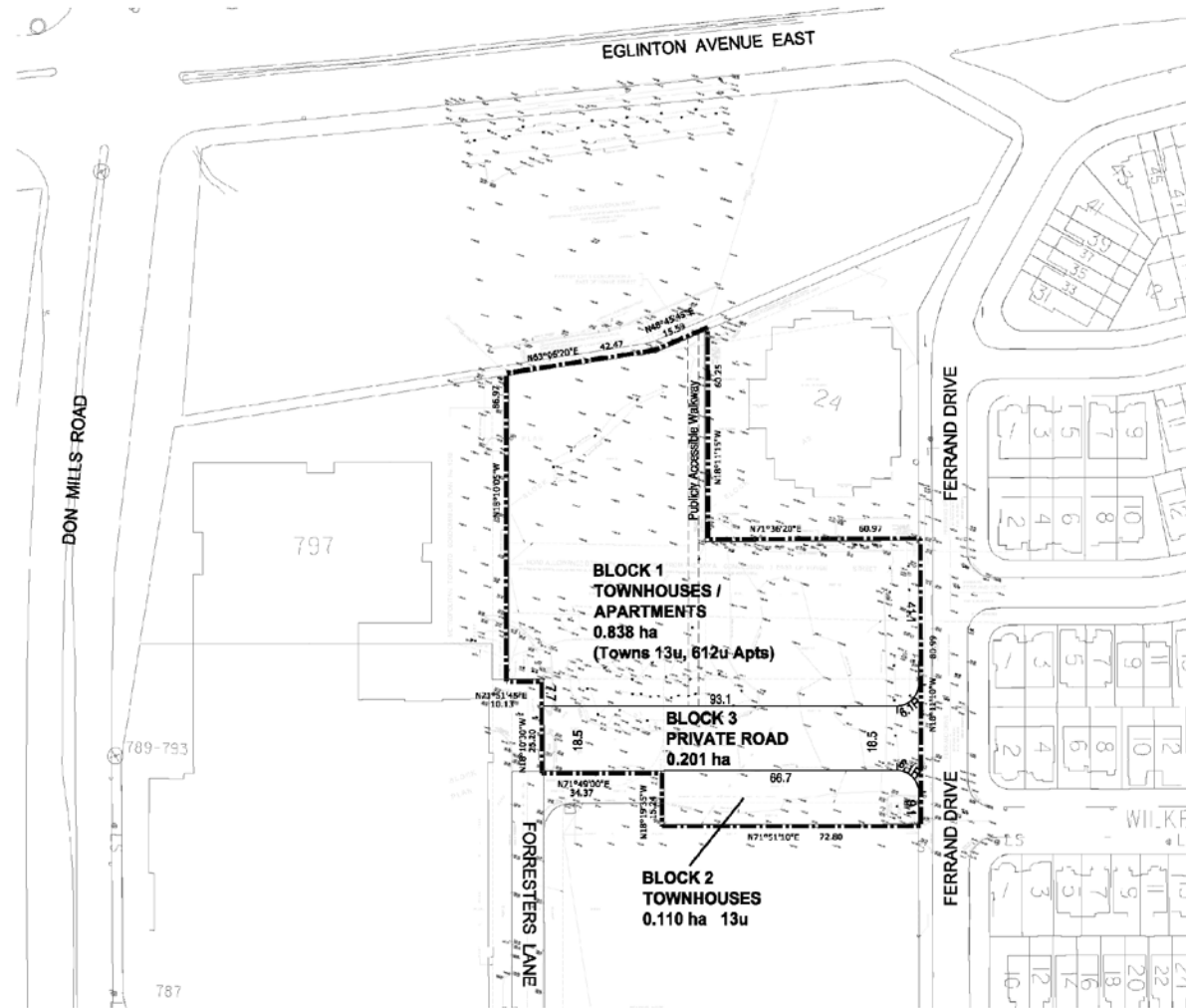
Attachment 1: Draft Plan of Subdivision

Attachment 2: Site Plan

Attachment 3: Application Data Sheet

Attachment 4: Conditions of Draft Plan of Subdivision

Attachment 1: Draft Plan of Subdivision



Draft Plan of Subdivision

Applicant's Submitted Drawing

Not to Scale
12/02/2016



1185 Eglinton Avenue East

File # 15 159976 NNY 26 SB

Attachment 3: Application Data Sheet

Application Type	Draft Plan of Subdivision	Application Number:	15 159976 NNY 26 SB
Details	Draft Plan of Subdivision	Application Date:	May 20, 2015
Municipal Address:	1185 EGLINTON AVENUE EAST		
Location Description:	PT ROAD ALLOWANCE PLAN M834 PT BLKS A1 & A3 RP 66R7408 PARTS 1 TO 9 14 TO 19 **GRID N2606		

Project Description: To subdivide the lands into three blocks (two development blocks, one private road).

Applicant:	Agent:	Architect:	Owner:
Bousfields Inc. David Huynh		Page + Steele	Donmeg Developments Ltd.

PLANNING CONTROLS

Official Plan Designation:	Mixed Use Areas	Site Specific Provision:	Site & Area Policy 76
Zoning:	RM2(219)	Historical Status:	No
Height Limit (m):	100m	Site Plan Control Area:	Yes

PROJECT INFORMATION

Site Area (sq. m):	9,490	Height:	Storeys:	30, 28, 3
Frontage (m):	85.1		Metres:	100, 94, 12
Depth (m):	128.2			
Total Ground Floor Area (sq. m):				Total
Total Residential GFA (sq. m):	47,257		Parking Spaces:	647
Total Non-Residential GFA (sq. m):	0		Loading Docks	
Total GFA (sq. m):	47,257			
Lot Coverage Ratio (%):	35			
Floor Space Index:	4.9			

DWELLING UNITS

FLOOR AREA BREAKDOWN (upon project completion)

Tenure Type:	Condo		Above Grade	Below Grade
Rooms:	0	Residential GFA (sq. m):	47,257	0
Bachelor:	26	Retail GFA (sq. m):	0	0
1 Bedroom:	294	Office GFA (sq. m):	0	0
2 Bedroom:	242	Industrial GFA (sq. m):	0	0
3 + Bedroom:	76	Institutional/Other GFA (sq. m):	0	0
Total Units:	638			

CONTACT: **PLANNER NAME:** **Michelle Corcoran, Planner, 416-395-7130, mcorcor@toronto.ca**

Attachment 4: Conditions of Draft Plan of Subdivision

LEGAL SERVICES

1. The Owner shall enter into the City's standard Subdivision agreement and satisfy all of the pre-registration conditions contained therein.

CITY PLANNING

2. The Owner shall provide to the Director of Community Planning, North York District, confirmation of payment of outstanding taxes to the satisfaction of Revenue Services Division, Finance Department, City of Toronto (statement of account or Tax Clearance Certificate) and that there are no outstanding City initiated assessment or tax appeals made pursuant to section 40 of the assessment Act or the provisions of the City of Toronto Act, 2006. In the event that there is an outstanding City initiated assessment or tax appeal, the Owner shall enter into a financially secured agreement with the City satisfactory to the City Solicitor to secure payment of property taxes in the event the City is successful with the appeal;
3. 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; and
4. 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.

ENGINEERING AND CONSTRUCTION SERVICES

5. The Owner shall enter into the City's standard subdivision agreement and satisfy all pre-registration conditions;
6. The Owner shall pay to the City (\$40.00) per lot/block towards the cost of geodetic and aerial survey;
7. The Owner shall convey all necessary easements (internal and external) to the City;
8. The Owner shall prepare all documents to convey lands in fee simple and easement interests to the City for nominal consideration, such lands to be free and clear of all physical and title encumbrances to the satisfaction of the Executive Director of Technical Services in consultation with the City Solicitor;

9. The Owner shall submit a draft Reference Plan of Survey to the Executive Director of Engineering and Construction Services, for review and approval, prior to depositing it in the Land Registry Office. The plan should:
 - a) be in metric units and integrated to the 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. The Owner shall convey to the City Block 3 on the draft plan upon the completion of the construction of Services within Block 3, and the City's assumption of the Services, reserving a temporary easement in favour of Blocks 1 and 2 for vehicular and pedestrian access until such time the Block 3 is dedicated as a public highway;
11. The Owner shall maintain the surface of Block 3 until it is dedicated as a public highway, and the Owner agrees to provide insurance and liability coverage for Block 3, with provisions to be included in Subdivision Agreement, until the temporary easement lapses when Block 3 is dedicated as a public highway;
12. The Owner shall pay all costs for preparation and registration of reference plan(s);
13. The Owner shall apply stormwater management techniques in the development of this subdivision to the satisfaction of Engineering and Construction Services;
14. The Owner shall undertake an environmental site assessments for lands to be conveyed to the City in accordance with the terms and conditions of the standard subdivision agreement including providing payment for a peer reviewer and the submission of a Record of Site Condition (RSC);
15. The Owner shall pay engineering and inspection fees in accordance with the terms and conditions of the standard subdivision agreement;
16. The Owner shall submit financial security in accordance with the terms of standard subdivision agreement;
17. The Owner shall pay for and construct all municipal infrastructure required to service the Plan of Subdivision, including municipal infrastructure external to the plan of subdivision;

18. The Owner shall pay all costs related to the installation of pavement markings and signage and modifications to existing pavement markings and signage;
19. The Owner shall provide certification to the Executive Director of Engineering and Construction Services by the Professional Engineer who designed and supervised the construction, that the site servicing facilities have been constructed in accordance with the accepted drawings;
20. Prior to registration of the Plan of Subdivision submit to the Executive Director, Engineering & Construction Services for review and acceptance, a detailed infrastructure phasing plan outlining the necessary infrastructure required to service all phases of the lands;
21. Prior to registration of the Plan of Subdivision submit to the Executive Director, Engineering & Construction Services for review and acceptance, all revisions and/or updates to the Functional Servicing Report;
22. The Owner shall update the accepted Functional Servicing Report, including the stormwater management strategy, if directed by the Executive Director, Engineering & Construction Services in the event that the Executive Director, Engineering & Construction Services determines that field conditions are not suitable for implementation of the servicing and storm water strategy recommended in the Functional Servicing Report;
23. Prior to earlier of the registration of the Plan of Subdivision or the Release for Construction of Services submit to the Executive Director, Engineering & Construction Services:
 - a) Regarding Toronto Hydro-Electric System Limited (distribution group):
 - i. copy of "offer to connect" (OTC);
 - ii. written confirmation that financial securities have been posted; and
 - iii. written confirmation that satisfactory arrangements have been made.
 - b) Regarding Toronto Hydro Energy (streetlight group):
 - i. cost estimate of the construction/installation of streetlights, and the hydro inspection fee;
 - ii. financial security in amount of 120% of the streetlight cost estimate and inspection fee; and
 - iii. copy of written confirmation from Toronto Hydro Energy that satisfactory arrangements have been made.
24. Prior to the earlier of the registration of the Plan of Subdivision or the Release for Construction of Services, submit to the City financial security in the amount of

120% of the value of the cost estimate of the street lighting required to be installed under this Agreement, to the satisfaction of Engineering & Construction Services.