

25 Fontenay Court – Rezoning, Application – Final Report

Date:	August 6, 2008
To:	Etobicoke York Community Council
From:	Director, Community Planning, Etobicoke York District
Wards:	Ward 4 – Etobicoke Centre
Reference Number:	07 248066 WET 04 OZ

SUMMARY

This application was made on or after January 1, 2007 and is subject to the new provisions of the Planning Act and the City of Toronto Act, 2006.

This application proposes a rezoning to bring the zoning into conformity with the Apartment Neighbourhoods designation in the Official Plan. It will permit redevelopment of the existing Edenbridge Plaza at 25 Fontenay Court, with a mixed use condominium development that will be comprised of one 19-storey and one 12-storey apartment building linked by a 5-storey podium containing commercial space, apartment units and amenity space.

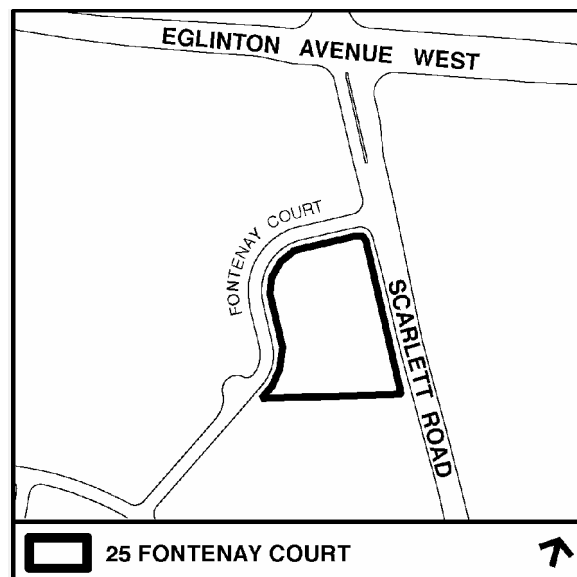
This proposal implements the Official Plan and is consistent with the requirements of the Provincial Policy Statement for urban intensification.

This report recommends approval of the application to amend the Zoning By-law.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council amend the Zoning By-law for the property at 25 Fontenay



- Court substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 5.
2. City Council authorize the City Solicitor to make such stylistic and technical changes to the draft Zoning By-law Amendment as may be required.
 3. Before introducing the necessary Bills to City Council for enactment, require the owner to enter into a Section 37 Agreement securing the identified benefits.
 4. Before introducing the necessary Bills to City Council for enactment, require the issuance of the Notice of Approval Conditions for the Site Plan Application.

Financial Impact

The recommendations in this report have no financial impact.

ISSUE BACKGROUND

Proposal

This application proposes an amendment to the Etobicoke Zoning Code to permit the redevelopment of Edenbridge Plaza. It proposes a mixed-use condominium development containing a total of 247 residential units in a 19-storey and a 12-storey tower, linked by a 5-storey podium. The podium contains 1,377m² retail space on the ground floor, indoor and outdoor amenity space on the second floor. Residential apartments, mainly along the Scarlett Road and part of the Fontenay Court frontages are proposed on the third, fourth and fifth floors. The residential unit breakdown is 156 two-bedroom units and 91 one-bedroom units, with the average unit size being 95m².

The site slopes from Fontenay Court to Scarlett Road. The ground floor, at the level of Scarlett Road, contains 53 parking spaces solely for the commercial/retail users and 23 parking spaces for residential visitors. Two levels of underground parking will contain 335 parking spaces for residents. At the second floor level, the main entrances for the residential towers to Fontenay Court, there will be three parking spaces bringing the total parking spaces to 414, a surplus of 68 spaces over by-law requirements.

Three vehicle access points are proposed, two on Fontenay Court and one on Scarlett Road. The latter is to be a full movement access and will be the sole commercial truck access. The westerly (upper) access on Fontenay Court is for residential use only and will be at the second floor level. The easterly access on Fontenay Court is directly opposite the access to the recently constructed 18-storey condominium apartment building at 38 Fontenay Court and will permit access for residents and retail customers. See Attachment No.4 for project data.

Site and Surrounding Area

This site is 7,049 square metres in area and slopes downwards from its western frontage on Fontenay Court to its eastern frontage on Scarlett Road. The site contains an existing

older commercial plaza (Edenbridge Plaza) consisting of 1,770 square metres gross floor area of commercial building. That floor area consists of a 484 square metre supermarket; 986 square metres of service retail; and, 302 square metres of office space.

This site is on the eastern edge of the Scarlett Heights community and is bordered on three sides by apartment buildings of similar vintage to the Edenbridge Plaza. The notable exception is the new 18-storey condominium apartment building, at 38 Fontenay Court, immediately to the north. To the northwest is the Scarlett Heights Park; to the west is an older 6-storey apartment building; to the south is another older 6-storey apartment building; and to the east is Scarlett Road and the Humber Valley ravine.

Provincial Policy Statement and Provincial Plans

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. The PPS sets the policy foundation for regulating the development and use of land. The key objectives include: building strong communities; wise use and management of resources; and, protecting public health and safety. City Council's planning decisions are required to be consistent with the PPS.

The Growth Plan for the Greater Golden Horseshoe provides a framework for managing growth in the Greater Golden Horseshoe including: directions for where and how to grow; the provision of infrastructure to support growth; and protecting natural systems and cultivating a culture of conservation.

City Council's planning decisions are required by the Planning Act, to conform, or not conflict, with the Growth Plan for the Greater Golden Horseshoe.

Official Plan

The Official Plan designates the site Apartment Neighbourhoods. Apartment buildings and small scale retail, service and office uses serving local resident needs are permitted in this designation.

Zoning

The former City of Etobicoke zoned this site Local Planned Commercial (CPL). That zoning permits a commercial plaza with a maximum lot coverage of 25% and a maximum height of 2-storeys, but does not permit any residential use; therefore an amendment is required for this proposal.

Site Plan Control

A site plan control application has not been submitted for this proposal.

Reasons for Application

The present commercial zoning does not permit residential use therefore this proposal requires a zoning amendment.

Community Consultation

There was both a formal and informal community consultation process undertaken on this proposal. The formal process was undertaken by Planning staff in response to Council's direction at its meeting of November 2007, which direction included an expanded circulation area. Staff organized two Community Consultation Meetings, the first on December 6, 2007 and the second on June 25, 2008. The informal process, undertaken by the applicant, consisted of providing proposal drawings to community representatives and meeting with the representatives to discuss the proposal prior to the Community Consultation Meetings.

In response to comments at the first Community Meeting, with about 100 residents attending, the proposal was revised. The southerly tower was reduced from 19-storeys to 12-storeys and the towers repositioned to comply with spacing requirements in the City's Tall Buildings Guidelines. The proposed parking supply was increased to include 53 spaces solely for retail users and separate from the residential parking. The internal driveway and access system was reoriented. The revised proposal was presented at the second Community Meeting with about 70 residents in attendance.

In response to comments at the second Community Meeting, the proposal was further revised. The southern end of the podium was cut back so that the area between the adjacent 6-storey apartment building and the podium of this proposal is opened to a wedge shape. That allows the residents on the north side of that building some view, albeit an angular view, over Scarlett Road and the adjacent valley.

Though questions and discussion at the Community Meetings were at times wide ranging with regard to planning in the City and specifically in this part of the City, key issues emerged in response to the proposal and the possible specific impacts resulting from this development. To assist in reporting, staff have attempted to categorize the issues. These include: retention of commercial uses; too much density; too much height; aggravate existing traffic problems; update the plaza only; and, blocking views.

Agency Circulation

The application was circulated to all appropriate agencies and City divisions. Responses received have been used to assist in evaluating the application and to formulate appropriate by-law standards.

COMMENTS

Provincial Policy Statement and Provincial Plans

This proposal is consistent with the Provincial Policy Statement in that it supports the objective of intensifying development in existing urban areas and uses existing services and infrastructure. This is intensification of an existing underutilised plaza site with the added benefit of renewing the retail floor space.

This proposal does not conflict with the Growth Plan for the Greater Golden Horseshoe in that it makes use of existing services and infrastructure; is adjacent to public transit; and, has good access to higher order transportation links such as Highways 427 and 401.

Land Use

The proposed uses, residential and commercial, are both permitted uses in the Apartment Neighbourhoods designation in the Official Plan. The redevelopment of neighbourhood shopping centres for residential use is of growing concern in the City. Though this proposal will add residential floor space to the site, it will also provide a renewed retail space. Therefore, at a time when the City is losing neighbourhood shopping sites, this proposal offers an opportunity to retain one.

Retention of Commercial Uses

The existing commercial plaza functions as an important local amenity and service. Retaining commercial uses, especially a grocery store, a bank and a drug store, is a major consideration for the many elderly residents of the area. This concern was repeated many times at the community meetings. Prior to those meetings and to the submission of this application, the Ward Councillor had made that concern known to staff and to the applicant. The applicant has responded to the concern by proposing a 1,377m² ground floor, retail/commercial component. Although that is smaller than the 1,770m² existing retail/commercial space, it should be sufficient for the commercial uses most important to the residents. The Ward Councillor has offered that during the construction period, when the retail facilities are not open, the community bus operating in the Richview/LaRose area north of Eglinton Avenue, can be rerouted to take seniors/residents from this area to the neighbourhood shopping facilities on LaRose Avenue.

The applicant requests the City to consider the retention of the retail/commercial space as a benefit for the purposes of a Section 37 Agreement.

Density, Height, Massing.

Area residents, especially those in the 6-storey building adjacent to the south; the 6-storey building on the west side of Fontenay Court, and the new 18-storey building to the north, have expressed concern about the proposed density, height and massing. A related concern is that this development will block their views. Some residents suggested that only a new retail/commercial development should be permitted. That position was presented in a petition from the residents of 11 Fontenay Court, the 6-storey apartment building next to this site.

As noted above, residential and retail uses are both in conformity with the Official Plan designation on this site. This amendment will bring the site zoning into conformity with the Official Plan.

The proposed density, including the renewed retail space, is 4.26 times lot area. Without the retail space the density is 3.98 times lot area. The older buildings in this Apartment Neighbourhood designation, ranging from 6-storeys to 14-storeys in height, are at much lower densities, having been built at a time when the 'Tower in the Park' was the

acceptable apartment building form. These older apartment buildings will function as a transition between this site and the low-density residential neighbourhood to the west of this Apartment Neighbourhood designation. The new condominium, on the opposite side of Fontenay Court from this proposal, is at a density of 2.97 times lot area. That building is 18-storeys but sits on higher land; therefore it is close to the same height as the north tower (19 storeys) proposed on this site.

This proposal was revised after the first Community Meeting by lowering the height of the south tower to 12-storeys, and after the second Community Meeting the south end of the podium was cut back to make the proposal more sensitive to the neighbouring 6-storey apartment building. For the same reason, at a preliminary stage, this south tower had been moved towards Scarlett Road. However, whether in this new location, or in its first location, the building substantially impacts the long range views to the north, over Scarlett Road and the Humber valley, from the windows on the north side of the adjacent 6-storey building. The existing short range views of the parking lot and old shopping plaza will change to one of the main residential entrance to this proposal.

The views from the other 6-storey apartment building west of Fontenay Court will also be substantially changed, whereas from the recently built 18-storey building to the north, the views from the south/southwest facing windows will include this proposal but it will not substantially block them.

The building design of the proposed towers differs from the design of the other apartment buildings in the area in that this proposal has a 5-storey podium. It will be the only site in the area with a podium. This proposal was reviewed for consistency with the Tall Building provisions of the Official Plan and the Design Criteria for Review of Tall Building Proposals. Although the tower floor plates are slightly above the recommended maximum floor plate size, staff are generally satisfied with the proposed built form, the density and the heights.

Sun, Shadow, Wind

This proposal is acceptable with respect to sun shadow impacts and wind impacts on the neighbouring apartment buildings and the public park on the opposite side of Fontenay Court.

Traffic Impact, Access, Parking

Residents expressed concerns about traffic congestion in the area, especially during peak hours and especially at the intersection of Scarlett Road and Fontenay Court and at the intersection of Scarlett Road and Eglinton Avenue, these two intersections not having much distance separation.

A Transportation Impact Study, submitted in support of this application, was reviewed by the Transportation Services Division. That Division recognises that heavy traffic conditions occur in the area at peak times but concurs with the study conclusions that the traffic generated by this proposal can be accommodated on the area road system without causing significant impact on levels of service. That accommodation is subject to the

following road improvements: a 15m northbound left turn storage lane with a 30m transition taper at the south approach to the Scarlett Road/Fontenay Court intersection; and, a 15m left turn storage lane with a 30m transition taper at the south approach to the Scarlett Road/Private Driveway intersection. As a legal convenience, it is requested that these road improvements be secured in the Section 37 Agreement to be entered with the City.

The details of driveway design/location and of parking layout are determined at site plan approval. However, in anticipation of a future site plan application, the Transportation Services Division has provided comments including the following:

- a) That the first driveway to Fontenay Court, west of Scarlett Road, should be either deleted or converted to inbound turning movements only;
- b) That the second driveway to Fontenay Court, west of Scarlett Road, be relocated to a point 20m south of its proposed location

The Transportation Services Division recommends parking ratios for inclusion in the amending by-law, based on the City's February 2007 review of parking standards for residential condominium buildings. The Division notes that there is an overlap in peak parking characteristics by residential visitors and commercial users, therefore these users could share parking. Regardless of this, the applicant, in response to residents' concerns, has proposed separate parking for residential visitors and for commercial clients. This results in a surplus of 68 spaces over by-law requirements.

The servicing submission submitted with this application notes that the City's water and sewer systems can accommodate anticipated flows from this proposal. The City has commented on those submissions and awaits submission of a revised Servicing Study and Stormwater Management Report. Any related issues can be dealt with at site plan approval.

Open Space/Parkland

The Official Plan contains policies to ensure that Toronto's system of parks and open spaces are maintained, enhanced and expanded. Map 8B of the Toronto Official Plan shows local parkland provisions across the City. The lands which are the subject of this application are in an area with over 3 hectares of local parkland per 1,000 people.

Parks, Forestry and Recreation staff have advised that the development site is not subject to the alternate rate park levy. The parkland contribution that would apply to this site is 2-5 % and it is to be satisfied through cash in lieu.

Streetscape

This site has substantial frontage on both Scarlett Road and Fontenay Court. The existing streetscapes on the old plaza buildings surrounded by parking area and without any landscaping, leave much room for improvement. The proposed design will allow for an enhanced streetscape along both the Scarlett Road and the Fontenay Court frontages. The setback of the building podium will provide a landscape strip along the edge of the site.

Streetscape details, including street tree planting, will be worked out through site plan approval.

Toronto Green Development Standard

The applicant has not yet submitted a City of Toronto Green Development Standard Checklist. However the proposal drawings show a partial green roof treatment on the podium roof. Staff will encourage the applicant to submit the checklist and will examine the proposal further at site plan approval for compliance with green development standards.

Section 37

Under Section 37 of the Planning Act, the applicant has agreed to enter into a Section 37 Agreement with the City to secure benefits related to this proposed development, as follows:

1. Construction and maintenance of the retail component on this site; and
2. A cash contribution of \$300,00.00 intended for the improvement of the Edenbridge Community Centre and/or other area recreational uses, as determined by the General Manager, Parks Forestry and Recreation in consultation with the Ward Councillor.

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

1. Provide financial securities for the design and construction of a 15m northbound left turn storage lane with a 30m transition taper at the south approach to the Scarlett Road/Fontenay Court intersection; and
2. Provide financial securities for the design and construction of a 15m northbound left turn storage lane with a 30m transition taper at the south approach to the Scarlett Road/ Private Driveway intersection.

School Boards and Library

The Toronto Public Library notes that sufficient facilities exist to service this proposed development.

The Toronto District School Board advises that there is insufficient space at local schools for students from this development. As a condition of approval, the Board requests the applicant agree to erect signs on the site advising that sufficient student accommodation may not be available locally.

The Toronto District Catholic School Board has not yet commented. Those comments can be obtained for site plan approval.

Community Services and Facilities Study

The Official Plan contains policies on healthy neighbourhoods aim to enhance community and neighbourhood amenities if required.

A Community Services and Facilities Study was submitted in support of this application. The Study noted that:

1. The area is well served by parks and other outdoor recreational opportunities;
2. The area has a relatively poor community services infrastructure;
3. The large number of seniors in the area are well provided for but existing services are close to capacity and need money and space to expand;
4. Local daycare centres are at or near capacity;
5. A variety of religious groups have places of worship in the area but they generally provide programs for their own congregations;
6. There is a need for space for new or expanded programs;
7. The shopping plaza serves an important function and it is important, particularly for the high number of seniors, that the supermarket, pharmacy and bank be retained;
8. The area has Parks and Recreation programs at Hilltop Community School, the Edenbridge Centre and Edgehill House but is not served by a major community centre – the proposed centre at Black Creek and Eglinton Avenue will serve the area; and,
9. There is no community health centre near the site.

In its conclusions, the report suggests that the new residents in this development are likely to need a full range of services, with special emphasis on services for seniors.

Development Charges

It is estimated that the development charges for this project will be \$1,650,194.46. This is an estimate. The actual charge is assessed and collected upon issuance of the building permit.

CONTACT

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Fax No. (416) 394-6063
E-mail: ebmurphy@toronto.ca

SIGNATURE

Gregg Lintern, Director
Community Planning, Etobicoke York District

ATTACHMENTS

Attachment 1: Site Plan

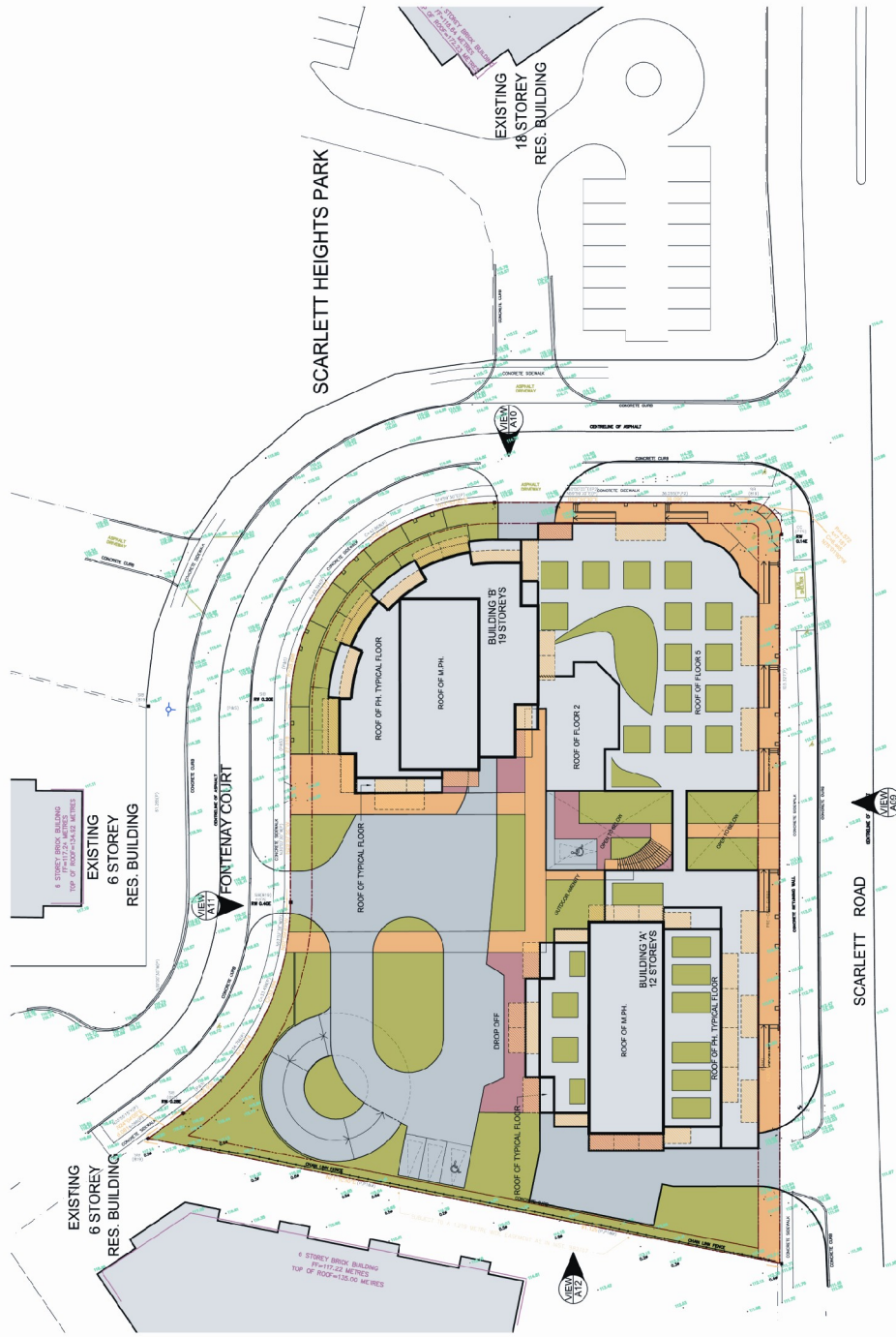
Attachment 2: Elevations

Attachment 3: Zoning

Attachment 4: Application Data Sheet

Attachment 5: Draft Zoning By-law Amendment

Attachment 1: Site Plan



25 Fontenay Court

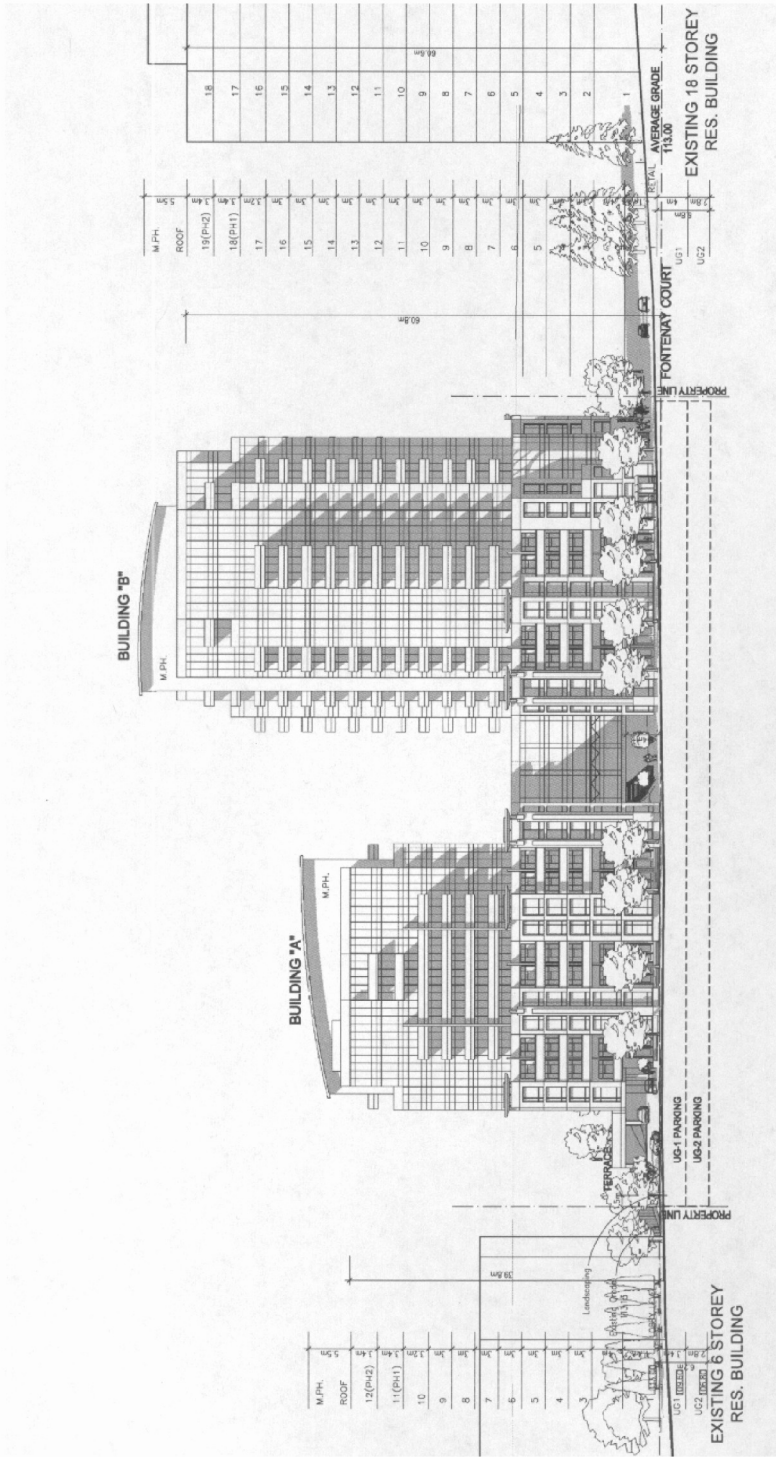
File # 07_248066

Site Plan
 Applicant's Submitted Drawing

Not to Scale
 08/15/08



Attachment 2: Elevations



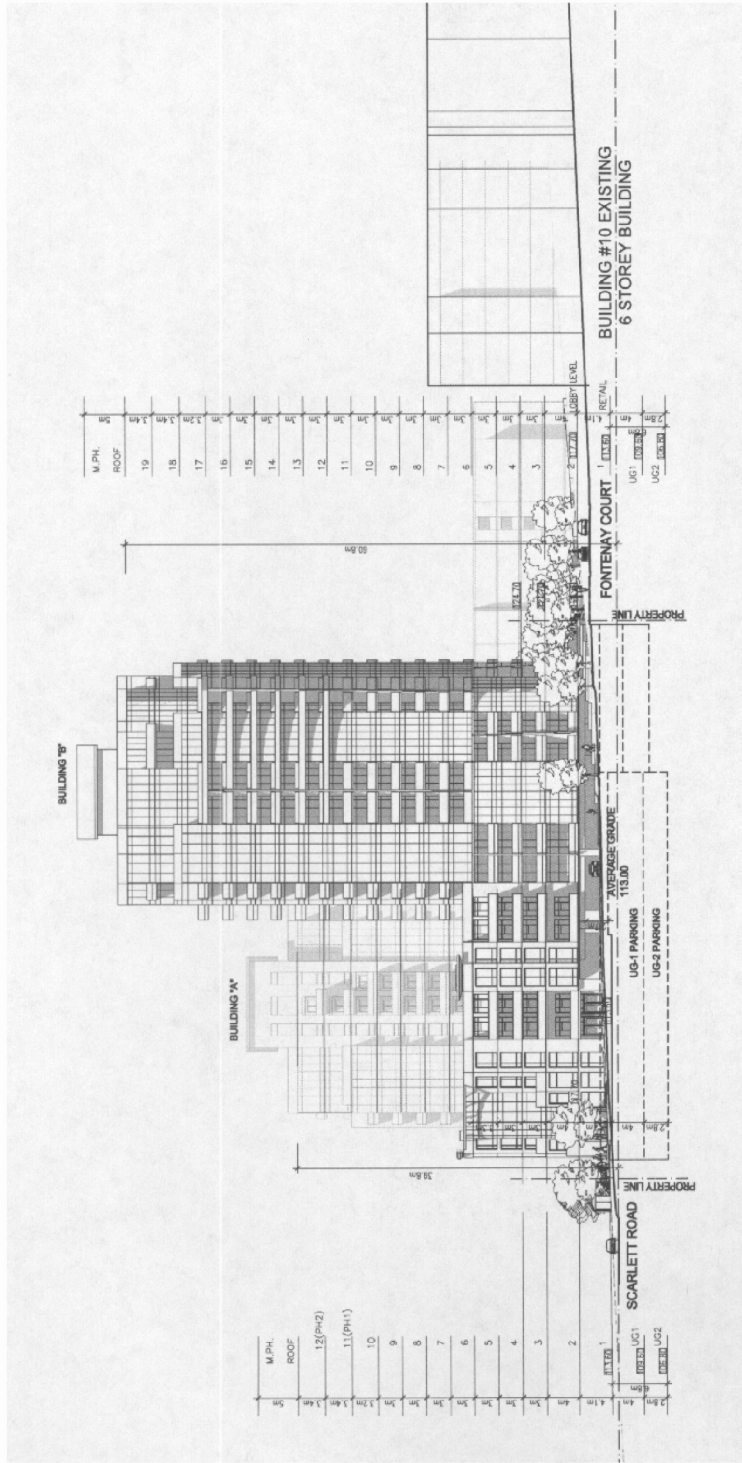
East Elevation

Elevations
 Applicant's Submitted Drawing
 Not to Scale
 08/16/08

25 Fontenay Court

File # 07_248066

Attachment 2: Elevations



North Elevation

25 Fontenay Court

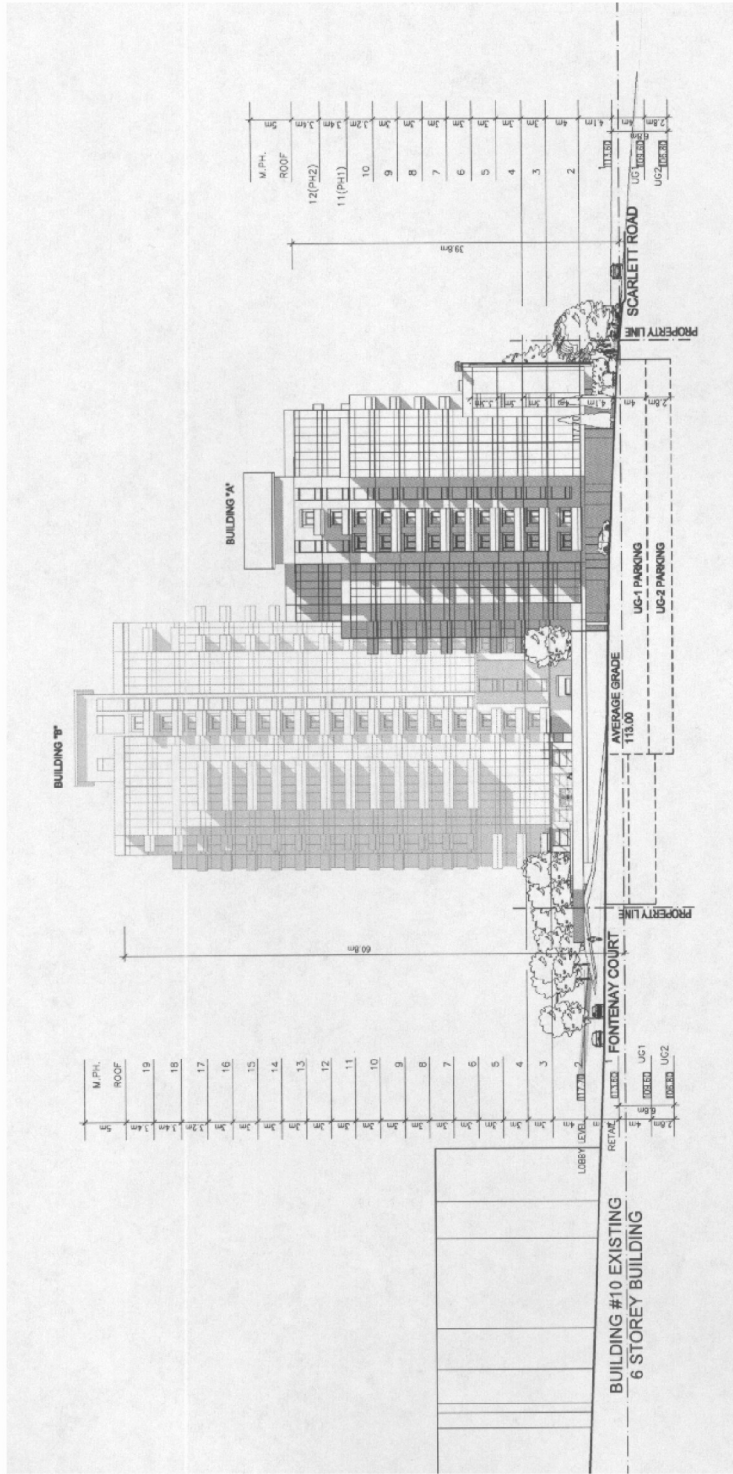
Elevations

Applicant's Submitted Drawing

Not to Scale
08/15/08

File # 07_248066

Attachment 2: Elevations



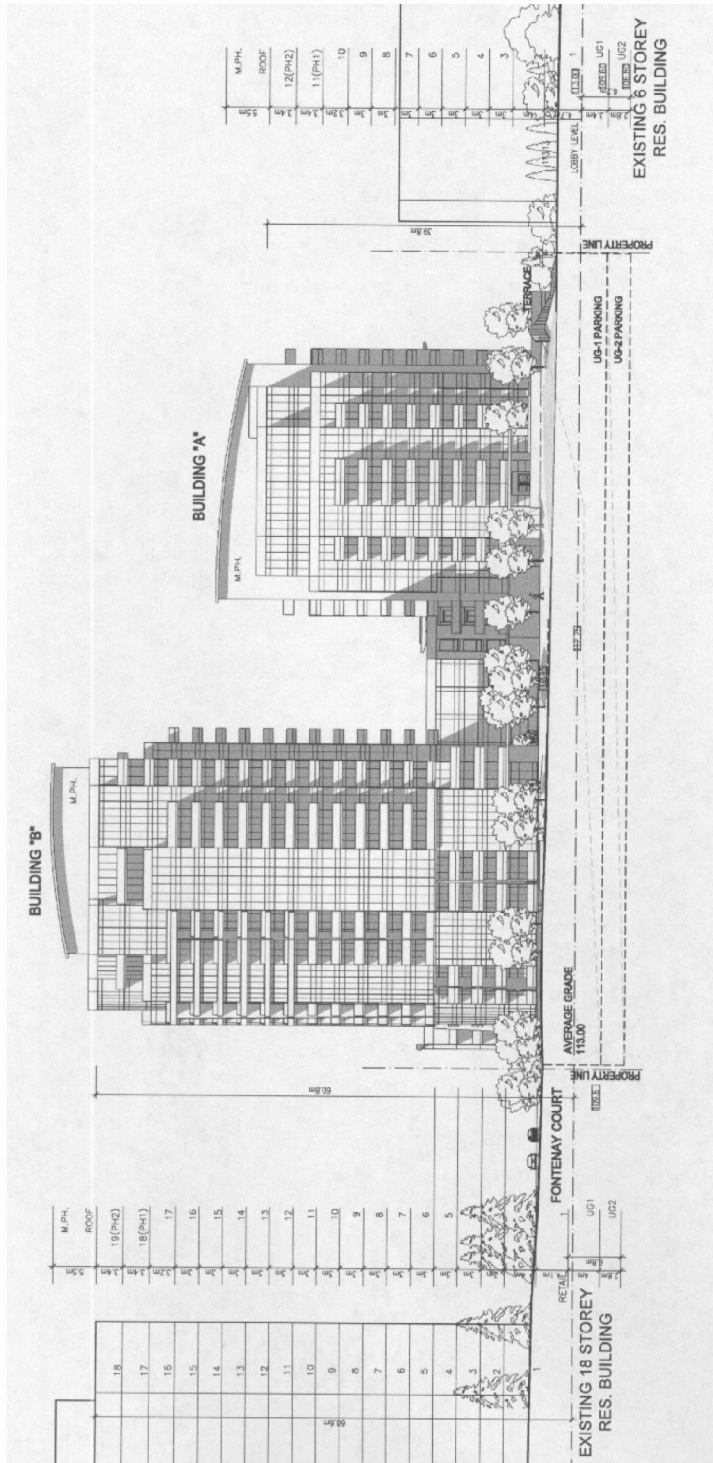
South Elevation

Elevations
25 Fontenay Court

Elevations
 Applicant's Submitted Drawing

Not to Scale
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 File # 07_248066

Attachment 2: Elevations



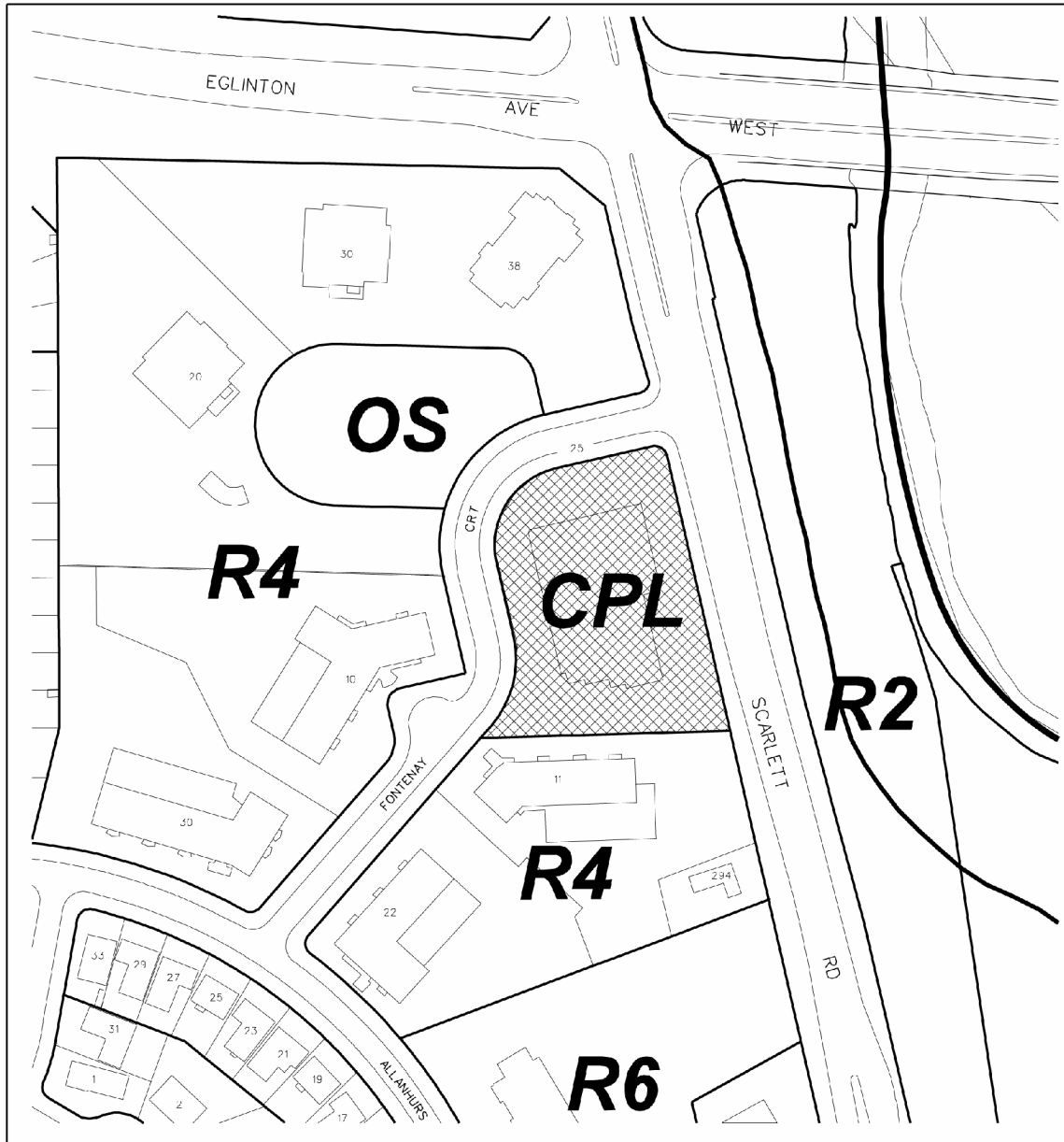
West Elevation

Elevations
25 Fontenay Court

Elevations
 Applicant's Submitted Drawing

Not to Scale
 08/15/08
 File # 07_248066

Attachment 3: Zoning



TORONTO Urban
Development Services
Zoning

25 Fontenay Court

File # 07_248066

R2 Residential Second Density
R4 Residential Fourth Density
R6 Residential Sixth Density

OS Public Open Space
CPL Commercial Planned Local



Not to Scale
Zoning By-law 11,737 as amended
Extracted 10/03/07 - RZ

Attachment 4: Application Data Sheet

APPLICATION DATA SHEET

Application Type	Rezoning	Application Number:	07 248066 WET 04 OZ
Details	Rezoning, Standard	Application Date:	July 27, 2007

Municipal Address: 25 FONTENAY CRT, TORONTO ON M9A 4W7
 Location Description: PL M1099 PT BLK A **GRID W0406
 Project Description: Proposal to permit 247 residential units and the replacement of the existing retail/commercial development with new commercial space to be contained within a 19-storey and a 12-storey apartment buildings linked by a 5-storey podium at grade

PLANNING CONTROLS

Official Plan Designation:	Apartment Neighbourhoods	Site Specific Provision:
Zoning:	CPL Planned Local commercial	Historical Status:
Height Limit (m):		Site Plan Control Area:

PROJECT INFORMATION

Site Area (sq. m):	7049	Height:	Storeys:	19 and 12
Frontage (m):	107.4		Metres:	60.6
Depth (m):	88.4			
Total Ground Floor Area (sq. m):	2090			Total
Total Residential GFA (sq. m):	28640		Parking Spaces:	414
Total Non-Residential GFA (sq. m):	1377		Loading Docks	2
Total GFA (sq. m):	30017			
Lot Coverage Ratio (%):	29.6			
Floor Space Index:	4.26			

DWELLING UNITS

Tenure Type:	Condo
Rooms:	0
Bachelor:	0
1 Bedroom:	91
2 Bedroom:	156
3 + Bedroom:	0
Total Units:	247

FLOOR AREA BREAKDOWN (upon project completion)

		Above Grade	Below Grade
Residential GFA (sq. m):	28640	0	0
Retail GFA (sq. m):	1377	0	0
Office GFA (sq. m):	0	0	0
Industrial GFA (sq. m):	0	0	0
Institutional/Other GFA (sq. m):	0	0	0

CONTACT: PLANNER NAME: Ed Murphy, Senior Planner
TELEPHONE: (416) 394-8234

Attachment No. 5 – Draft Zoning By-law Amendment

Authority: Etobicoke York Community Council Item ~ [or Report No. ~, Clause No. ~] as adopted by City of Toronto Council on ~, 20~
Enacted by Council: ~, 20~

CITY OF TORONTO

Bill No. ~

BY-LAW No. ~-20~

**To amend Chapters 320 and 324 of the Etobicoke Zoning Code, as amended,
With respect to the lands municipally known as,
25 Fontenay Court**

WHEREAS authority is given to Council by Section 34 of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended, to pass this By-law; and

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

WHEREAS Section 5.1.1 of the City of Toronto Official Plan contains provisions relating to the authorization of increases in density of development; and

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

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

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

WHEREAS the increase in density of development permitted hereunder, beyond that otherwise permitted on the aforesaid lands in Chapters 320 and 324 of the Etobicoke Zoning Code, as amended, is to be permitted in return for the provision of the facilities, services and matters set out in this By-law, which are to be secured by one or more agreements between the owners of such lands and the City of Toronto;

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

1. That the zoning map referred to in Section 320-5, Article II of the Zoning Code, and originally attached to the Township of Etobicoke By-law No. 11,737, be and the same is hereby amended by changing the zoning of the lands as identified within the heavy black lines on Schedule 'A' annexed hereto from Local Planned Commercial (CPL) to Sixth Density Residential (R6) provided the following provisions shall apply to the development of the lands identified in Schedule 'A'.

2. Notwithstanding Sections 320-18, 320-76 and 320-77 of the Etobicoke Zoning Code, the following development standards shall apply to the lands described in Schedule 'A' attached hereto:

(a) Permitted Uses

No buildings or structures shall be erected or used on the Lands, except for the following;

- (i) A 19-storey apartment building and a 12-storey apartment building joined by a 5-storey podium;
- (ii) A retail/commercial area is to be located in the ground floor of the podium wherein the following retail/commercial uses are permitted: retail stores, professional offices, medical centres and medical and dental offices, banks, customer operated automatic laundries, dry cleaning plants using non-combustible cleaning solvents, convenience restaurant, take-out restaurant, standard restaurant, day nurseries and nursery schools. The following uses are prohibited: hotels taverns, motor sales rooms, car sales lot, motor body repair shops, public garages, gasoline service stations and undertaking establishments.
- (iii) A temporary sales office for the purpose of marketing and sales of units in the proposed buildings which shall be permitted and exempt from all development standards in the Zoning Code and shall not be subject to the requirements of the Section 37 Agreement referred to herein.

(b) Gross Floor Area

The maximum gross floor area permitted on the Lands shall be 30,017 square metres, that area to include a minimum retail /commercial gross floor area of 1,377 square metres.

(c) Density

The maximum Floor Space Index (FSI) permitted on the Lands shall be 4.26.

(d) Height

The maximum building heights shall be as shown on Schedule 'B' attached hereto.

(e) Setbacks

The minimum setbacks shall be as shown on the attached Schedule 'B'.

(f) Parking

Parking requirements shall apply to the Lands as follows:

- (i) A minimum of 0.90 space per unit for one-bedroom units;

- (ii) A minimum of 1.0 space per unit for two-bedroom units;
- (iii) A minimum of 0.20 space per apartment unit for visitors;
- (iv) A minimum of 50 spaces shall be provided for the sole use of commercial customers.

Area Requirements

- (i) A minimum of 287 square metres landscaped open space shall be provided;
- (ii) A minimum of 558 square metres of indoor amenity space shall be provided;
- (iii) A minimum of 241 square metres of outdoor amenity space is to be provided.

3. Where the provisions of this By-law conflict with the provisions of the Etobicoke Zoning Code, the provisions of this By-law shall apply.

4. Chapter 324, Site Specifics, of the Zoning Code is hereby amended to include reference to this By-law.

5. Section 37

The density of development permitted by this By-law is subject to the Owner of the Lands, at its expense, providing the following capital facilities, cash contributions toward specific capital facilities and/or matters pursuant to Section 37 of the Planning Act in order to permit a residential development with a maximum gross floor area of 30,017 square metres, in the form of two apartment towers, 19-storeys and 12-storeys respectively, joined by a 5-storey podium, with a maximum of 247 residential units, and to include a minimum retail/commercial component, on the ground floor of 1377 square metres.

(1) Prior to the adoption of this By-law, the Owner shall be required to make arrangements satisfactory to the Chief Planner and Executive Director, City Planning Division, to design and construct or provide adequate financing for, as the case may be, the following road improvements to the satisfaction of the Director of Development Engineering and at no cost to the City:

- (a) a 15 metre northbound left turn storage lane with a 30 metre transition taper at the south approach to the Scarlett Road/ Fontenay Court intersection; and
- (b) a 15 metre left turn storage lane with a 30 metre transition taper at the south approach to the Scarlett Road/Private Driveway intersection.

(2) Prior to the issuance of the first building permit, excluding a permit for a temporary sales office, the Owner is required to make a cash contribution to the City in the amount of \$300,000.00 towards improvements to the Edenbridge Community Centre.

6. The Section 37 Agreement referred to above shall provide that the Owner of the Lands provide signage and warning clauses in accordance with the requirements of the Toronto District School Board and Toronto District Catholic School Board.

7. The Owner of the Lands enters into and registers on title to the Lands an agreement with the City pursuant to Section 37 of the Planning Act, to secure the facilities, services, and matters set forth in Sections 5 and 6 above, to the satisfaction of the Chief Planner and Executive Director, City Planning Division and the City Solicitor, prior to this By-law coming into force and effect.
8. Within the lands shown on Schedule "A" attached to this By-law, no person shall use any land or erect or use any building or structure unless the following municipal services are provided to the lot line and the following provisions are complied with:
 - (a) all new public roads have been constructed to a minimum of base curb and base asphalt and are connected to an existing public highway, and
 - (b) all water mains and sanitary sewers, and appropriate appurtenances, have been installed and are operational.

BY-LAW NUMBER AND ADOPTION DATE DESCRIPTION OF PROPERTY PURPOSE OF BYLAW

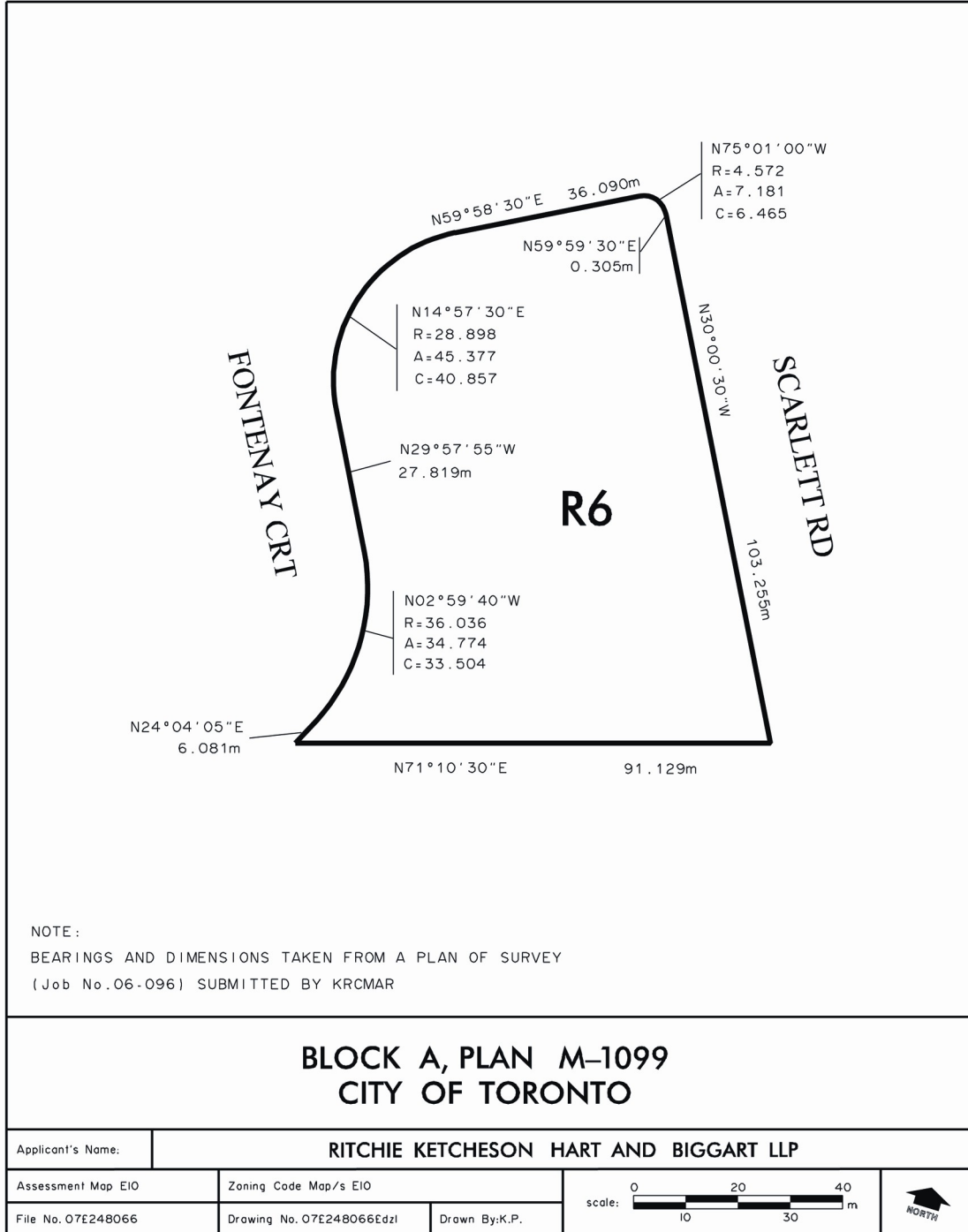
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| <ul style="list-style-type: none"> • 2008 | <p>Lands located at the southwest corner of Scarlett Road and Fontenay Court, municipally Known as 25 Fontenay Court.</p> | <p>To permit a maximum of 247 apartment units in a 19-storey and a 12-storey tower joined by a 5-storey podium containing a minimum retail component of 1377 square metres.</p> |
|--|---|---|

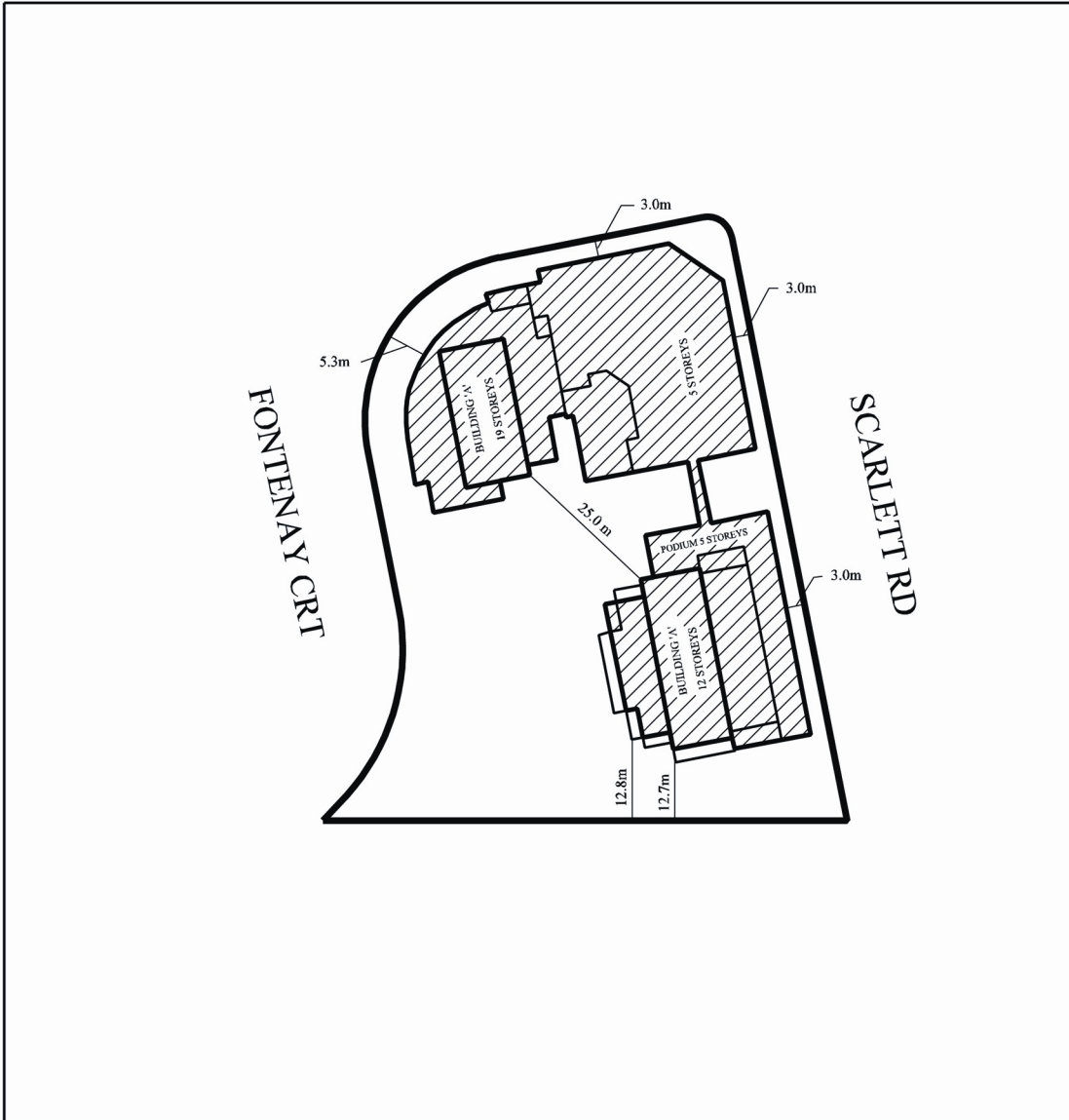
ENACTED AND PASSED this ~ day of ~, A.D. 20~.

DAVID R. MILLER,
Mayor

ULLI S. WATKISS,
City Clerk

(Corporate Seal)





**BLOCK A, PLAN M-1099
CITY OF TORONTO**

Applicant's Name:		RITCHIE KETCHESON HART AND BIGGART LLP	
Assessment Map E10	Zoning Code Map/s E10		scale:
File No. 07E248066	Drawing No. 07E248066Edz2	Drawn By: K.P.	

