

**2-14 Cusack Court
Official Plan and Zoning By-law Amendment Application
Final Report**

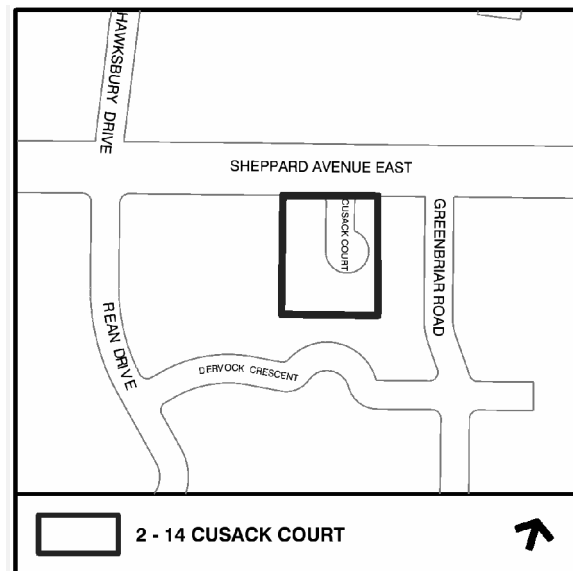
Date:	October 18, 2012
To:	North York Community Council
From:	Director, Community Planning, North York District
Wards:	Ward 24 – Willowdale
Reference Number:	11 317628 NNY 24 OZ

SUMMARY

Castle Group Ventures Inc. has assembled seven residential lots at 2, 4, 6, 8, 10, 12 and 14 Cusack Court and is proposing amendments to the Official Plan and Zoning By-law to provide for a 6/8-storey, 163-unit residential condominium apartment building with 1,808m² of commercial space on the ground floor and 193 parking spaces in a two-level underground garage. The building would have a gross floor area of 15,603m² resulting in a Floor Space Index of 2.66. The proposal also includes the purchase of Cusack Court from the City. The land would be incorporated into the development proposal.

This report reviews and recommends approval of the application to amend the Official Plan, Sheppard East Subway Corridor Secondary Plan and former City of North York Zoning By-law No. 7625.

The proposal meets the intent of the City’s Official Plan for intensification in *Mixed Use Areas* and addresses the more detailed policies in the Secondary Plan. The proposal is consistent with the policies and provisions of the Provincial Policy Statement and is in conformity with the Greater Golden Horseshoe Growth Plan.



RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council amend the Official Plan for the lands at 2-14 Cusack Court substantially in accordance with the draft Official Plan Amendment attached as Attachment No.10.
2. City Council amend former City of North York Zoning By-law No. 7625 for the lands at 2-14 Cusack Court substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No.11.
3. City Council authorize the City Solicitor to make such stylistic and technical changes to the draft Official Plan Amendment and draft Zoning By-law Amendment as may be required.
4. Before introducing the necessary Bills to City Council for enactment, City Council require the owner of the lands at 2-14 Cusack Court to:
 - a) Enter into an Agreement pursuant to Section 37 of the *Planning Act*, to be registered on title, to the satisfaction of the City Solicitor, to secure the following:
 - i) a \$750,000.00 cash payment to be used towards the cost of constructing and equipping a public community centre as identified in Figure 4.3.3 of the Sheppard East Subway Corridor Secondary Plan, to be paid prior to the issuance of the first above-grade building permit for the development, with such amount to be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Toronto, calculated from the date of the registration of the Section 37 Agreement to the date of payment.
 - ii) the exemption of indoor private recreational amenity area from the calculation of gross floor area to a maximum of 335m².

The following matters are also recommended to be secured in the Section 37 Agreement as a legal convenience to support development.
 - iii) construct and maintain the development in accordance with Tier 1 performance measures of the Toronto Green Standard, as adopted by Toronto City Council in October 2009.
 - iv) submit a construction management plan to the satisfaction of Executive Director of Technical Services, such plan to include

information regarding the construction timetable and protocols to address construction activities such as noise, dust, temporary loss of facilities and services, parking of vehicles, standards for cleanliness of public spaces and contact numbers for complaints.

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

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

A Preliminary Report for this application was considered by North York Community Council at its March 20, 2012 meeting. The report provided background information on the proposal and recommended that a community consultation meeting be scheduled with the Ward Councillor and that notice for the public meeting be given according to the regulations of the *Planning Act*. Community Council directed City Planning to staff to expand the notice area for the community consultation meeting and requested the applicant to meet with the adjacent property owners within the block, with a view to acquiring their lands to facilitate a more comprehensive development.

The Decision Document and Preliminary Report is available at the following web link:
<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2012.NY14.26>

ISSUE BACKGROUND

Proposal

The applicant is proposing to amend the Official Plan and Zoning By-law to permit the construction of a 6/8-storey, 163-unit mixed use building with a 193 space underground parking garage. The proposal also includes the purchase of Cusack Court. The land would be incorporated into the development proposal.

The building would have a gross floor area of 15,603m² including 335m² of common indoor amenity space and 1,808 m² of ground floor retail space resulting in a density of 2.66 FSI (not including the indoor amenity area which is excluded from the calculation of density). The building is U-shaped in plan with a 6-storey height along Sheppard Avenue, an 8-storey wing stepping down to 7 and 6-storeys along the west edge of the

site and a 3 storey wing of townhouse units along the south edge of the site (refer to Attachment 1 – Site Plan and Attachment 6 – Visual Representation).

Vehicular access to the site would be provided from a centrally located, full movement, driveway from Sheppard Avenue East that enters the site beneath the building. A total of 193 parking spaces is proposed comprising 136 spaces for tenants, 41 spaces for visitors and 16 spaces for the proposed commercial uses. With the exception of 4 surface spaces devoted for the commercial uses, all parking would be provided in two levels of underground parking.

The project statistics are included in the Application Data Sheet in Attachment 9.

Site and Surrounding Area

The site is located on the south side of Sheppard Avenue East between Rean Drive and Greenbriar Road situated in the area east of Bayview Avenue. The site comprises seven residential lots that front Cusack Court and incorporates the City-owned cul-de-sac. Together, the land assembly has an area of 5,733m².

The following is a summary of the area context:

- North: two 6/8 storey mixed-use buildings (St. Gabriel's Village) directly opposite the site on the north side of Sheppard Avenue East and three 19-storey apartment buildings located northwest of the site at the intersection of Hawksbury Drive and Sheppard Avenue East.
- South: single detached dwellings fronting Dervock Crescent (No. 12, 14, 16 and 18) and a low-rise apartment building at 11 Dervock Crescent.
- East: single detached dwellings fronting Sheppard Avenue East (No. 625 and 627) and single detached dwellings fronting Greenbriar Road (No. 6, 8, 10 and 12).
- West: a mixed-use 6/7-storey building (Merci Condominiums) fronting Sheppard Avenue East and a 9-storey apartment building southwest of the site fronting Dervock Crescent.

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 to conform, or not conflict, with the Growth Plan for the Greater Golden Horseshoe. The proposed development has been reviewed for consistency with the PPS and for conformity with the Growth Plan for the Greater Golden Horseshoe.

Official Plan

The lands are designated *Mixed Use Areas* on Land Use Map 16 of the Toronto Official Plan (refer to Attachment 8). This designation provides for a broad range of commercial, residential and institutional uses in single-use or mixed-use buildings as well as parks and open spaces. Policies relevant to this application include Policies 3.1.1 (Public Realm), 3.2.1 (Built Form) 4.5(2) (Development Criteria in *Mixed Use Areas*) and 5.1.1 (Section 37 – Height and/or Density Incentives).

The Toronto Official Plan is available on the City's website at:

http://www.toronto.ca/planning/official_plan/pdf_chapter1-5/chapters1_5_aug2007.pdf

Sheppard East Subway Corridor Secondary Plan

The site is also subject to the Sheppard East Subway Corridor Secondary Plan as set out in Chapter 6, Section 9 of the Official Plan. The site is located in the Bessarion Node of the Secondary Plan which assigns a maximum density of 2.0 FSI, as indicated on Map 9-2. In addition to the general policies of the Secondary Plan, the site is subject to an area specific development policy that encourages the four properties south of the subject site municipally known as 12, 14, 16 and 18 Dervock Crescent to develop comprehensively with the *Mixed Use Areas* lands fronting Cusack Court/Sheppard Avenue East.

The Secondary Plan seeks to relate the height and mass of development to a pedestrian scale by framing the street with buildings at a size roughly equivalent to the street width. The maximum height should generally be 6 storeys along those parts of the Sheppard Avenue frontage not in close proximity to subway stations. The Plan states that exceptions to this height may be considered where it is demonstrated that creative architectural features (including terracing and detailed building articulation) results in a built form that enhances the Sheppard Avenue street edge. Council may enact Zoning By-laws that provide for these exceptions to the maximum height without amendment to the Secondary Plan where it is demonstrated the intent of the Plan has been met.

The Sheppard East Subway Corridor Secondary Plan is available on the City's website at: http://www.toronto.ca/planning/official_plan/pdf_secondary/9_sheppard_subway_aug2007.pdf

Zoning

The lands are zoned R4 (One Family Detached Dwelling Fourth Density Zone) and RM4 (Multiple Family Dwellings Fourth Density Zone) in the former City of North York Zoning By-law No. 7625 (see Attachment 7 – Zoning). The R4 zoning generally permits single detached dwellings and accessory buildings as well as a range of recreational and

institutional uses. The RM4 zoning permits a range of residential uses including low-rise apartment buildings as well as a wide range of recreational and institutional uses.

Site Plan Control

The proposed development is subject to Site Plan Control approval. To date, an application has not been submitted.

Reasons for Application

An amendment to the Secondary Plan is required to permit the proposed density of 2.66 FSI and a Section 37 cash payment towards the cost of constructing and equipping a public community centre as identified in Section 4.3.3 of the Sheppard East Subway Corridor Secondary Plan. The Secondary Plan provides for a maximum density of 2.0 FSI (or 2 times the area of the lot). The proposed development also requires an amendment to the former City of North York Zoning By-law to permit the proposed uses, height and density of development. Appropriate standards regarding gross floor area, height, setbacks, parking and other matters would be established through a site specific exception.

Community Consultation

On June 13, 2012, a community consultation meeting was held at the Bayview Middle School. Approximately 40 members of the public attended along with the applicant, Ward Councillor and City Planning staff. The following issues and concerns were expressed:

- Sheppard Avenue East is congested in the morning and evening rush hours and the proposal would add to the congestion;
- the proposed number of dwelling units will generate too much traffic on local roads south of Sheppard Avenue East;
- the proposed vehicular access on Sheppard Avenue East should be restricted to in-right/out-right movements only due to safety reasons;
- adequacy of the proposed parking supply, particularly the lack of parking provided for residential visitors and commercial customers as it could result in on-street parking;
- light, shadow, privacy and view impacts on adjacent properties;
- the proposed height and density represents a significant amendment and undermines the integrity of the Official Plan by creating a negative precedent for future development applications in the area;
- the application does not conform to the Official Plan policy with respect to comprehensive development. The applicant should be required to amend the application and acquire the properties south of the site at 12, 14, 16 and 18 Dervock Crescent and incorporate them into the development;
- the applicant should be required to protect and maintain more existing trees on the site particularly those along the property line adjacent to 12, 14, 16 and 18 Dervock Crescent; and
- the proposal will create a nuisance during construction (i.e., noise, dust, fumes, mud, debris, traffic and on-street parking).

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

The Provincial Policy Statement (PPS) promotes intensification and redevelopment opportunities through a more compact building form, mix of uses and densities that allow for the efficient use of land, infrastructure and public service facilities. Staff have reviewed the proposal and determined that it is consistent with the PPS and conforms to, or does not conflict with, the Growth Plan for the Greater Golden Horseshoe. Policy 1.4.3 of the Housing section of the PPS requires that an appropriate range of housing types and densities be provided to “meet social, health and well-being requirements of current and future residents”. The built form and density in this case will provide a range of unit sizes.

Policy 1.6.5.4 of the Transportation Systems section promotes a land use pattern, density and mix of uses that minimize the length and number of vehicle trips and supports the development of viable choices and plans for public transit and other alternative transportation modes. Given the site is located in close proximity to rapid transit, the proposed mixed use building accomplishes this goal.

Similarly, Council’s planning decisions are required to conform, or not conflict, with the Growth Plan for the Greater Golden Horseshoe. The proposal conforms to the Growth Plan. Section 2.2.2 of the Plan states that population growth will be accommodated by directing new growth to the built up areas of the community through intensification. As this site is located in a built up area designated for growth in the City's Official Plan, and the proposal is appropriately intensifying the use of land, the proposal conforms to the Growth Plan.

Land Use

The *Mixed Use Areas* designation of the Official Plan permits a broad range of commercial, residential and institutional uses in single use or mixed use buildings. The Plan envisions that development in *Mixed Use Areas* will provide a balance of high quality commercial, residential, institutional and open space uses that reduce automobile dependency and meet the needs of the local community. The Secondary Plan provides further guidance with regard to the development of *Mixed Use Areas* stating that such areas “may be permitted to be developed primarily for residential uses, however, mixed use developments with non-residential uses such as retail or small offices at grade with multiple residential or offices located above grade are encouraged along the Sheppard Avenue frontage”.

The proposed residential and commercial uses fronting Sheppard Avenue East are consistent with the Official Plan objectives for *Mixed Use Areas*. Grade related commercial uses help fulfill the role of the planned function of the *Mixed Uses Areas* designation of the Official Plan.

Density, Height and Massing

The Official Plan contains policies that provide direction and criteria on site design matters pertaining to the location and organization of buildings, vehicle parking, access locations and service areas. The Official Plan's built form policies indicate that new development should be designed to fit with its existing and/or planned context; frame and support adjacent streets, parks and open spaces; and limit its impacts on neighbouring streets, parks and properties. The Secondary Plan for the area provides further direction on these matters.

While the Sheppard East Subway Corridor Secondary Plan sets out a general height limit of 6 storeys on sites fronting Sheppard Avenue, there are no specific height requirements in the Official Plan or Secondary Plan that pertain to height on the balance of the site. Rather, development is guided by the built form policies found in Sections 3.1.2 (*Built Form*), and 4.5.2 (Development Criteria in *Mixed Use Areas*) of the Official Plan, and Section 4.4 (*Urban Design Principles*) of the Secondary Plan. These policies speak to the appropriate built form for new buildings and considerations of neighbourhood context and fit.

The above noted policies have informed the review and assessment of the subject proposal.

The Official Plan calls for new buildings to frame adjacent streets and open spaces in a manner that respects the existing and/or planned street width. Similarly, the Secondary Plan states new buildings should be designed with a maximum height based on a 1:1 height to street width ratio. Exceptions to this standard may be accommodated through sculpting the height and mass of buildings as well as detailed building articulation. The proposal satisfies this policy.

The building has been designed to maintain a predominantly 6-storey height along Sheppard Avenue East rising to 8-storeys along the westerly portion (north-south wing) of the building then would step down to 6-storeys with a 3-storey wing parallel to the south property line where the development abuts properties on Dervock Crescent currently developed with single detached dwellings. The 6/8-storey portion of the building along Sheppard Avenue would continue an expression consistent with other developments in the immediate area. The 8-storey portion along the west edge of the site would be one floor less than the existing apartment building on the adjacent site to the east (refer to Attachment 6 - Visual Representation Looking South). The proposed building heights and massing are in keeping with Secondary Plan objectives regarding transitions in height and scale and satisfies the urban design policies of the Secondary Plan.

The building is designed to be a streetwall building situated to provide appropriate presence and street enclosure with setbacks consistent with other developments in the neighbourhood. The setbacks would provide for landscaped areas adjacent to public sidewalks as encouraged by the Secondary Plan. These spaces would provide a visual setting for the proposed building and provide general amenity for residents and visitors. The commercial uses along the Sheppard Avenue frontage would promote safety and provide animation to the street.

In view of the above, it is staff's opinion the proposed 8-storey height and 3,802 m² of additional density can be supported as the application addresses the built form objectives of the Official Plan and Secondary Plan.

Sun, Shadow and Wind

Policy 3.1.2.3 of the Official Plan requires new development to limit its impacts on neighbouring streets, parks, open spaces and properties by adequately limiting any resulting shadowing of, and uncomfortable wind conditions on these areas. The Official Plan places particular importance on limiting shadow impacts on parks and on low-rise *Neighbourhoods* designations. There are no lands designated *Neighbourhoods* in the vicinity of the site.

In order to assess shadow impacts, a shadow study was prepared for the proposed building. This study indicates the incremental shadows produced by the proposed height and massing would not result in unacceptable shadow impacts on adjacent lands. Residents south of the proposed development expressed a concern with shadowing. The shadow study demonstrates there will be no shadow impacts on the lower scaled properties on Dervock Crescent. These sites as well as the three properties north of Dervock Crescent on the west side of Greenbriar Road will not be shadowed by the proposed building given their position is south of the proposed development. The study reveals moderate shadow impact to the existing apartment buildings west of the site in the morning hours until approximately 10:00 a.m. at the September and March equinox. There is also shadowing that occurs in the late afternoon from 4:00 p.m. to 6:00 p.m. on the properties east of the site along Sheppard Avenue. The findings of this analysis have been accepted by City Planning staff.

The applicant has submitted a preliminary wind assessment of the proposed development prepared by RWDI Consulting Engineers and Scientists. The report provides a qualitative assessment of pedestrian level wind comfort and is intended to identify potential pedestrian comfort issues at an early design stage and generate design solutions to address these issues. The assessment concludes that generally, wind comfort conditions are acceptable and that the projects' positive design features for wind control such as stepped building facades, balconies, parapet walls and landscaping should be retained and enhanced in the final design. The preliminary findings of this analysis have been accepted by City Planning staff. The design features recommended by the consultant will be evaluated and secured during the Site Plan approval process.

Light, Views and Privacy

Concerns have been expressed by residents located in the apartment buildings immediately west of the site and from residents to the south and southeast that the location of the building may create undesirable light, views and privacy impacts on their properties.

The Official Plan development criteria applying to the *Mixed Use Areas* designation have a particular focus on potential built form impacts on adjacent lower-scaled *Neighbourhoods*. In particular, policy 4.5(2)(c) requires buildings to be located and massed to provide a transition through appropriate setbacks and/or stepping down of heights towards lower scale *Neighbourhoods*. It is also a policy of the Secondary Plan that particular attention be given to the height relationship between new buildings within *Mixed Use Areas*, such as the subject site, and detached and semi-detached dwellings on properties designated *Neighbourhoods* outside the development nodes. Lands west of the site are designated *Mixed Use Areas* while lands south and southeast of the site on Dervock Crescent and Greenbriar Rd are designated *Apartment Neighbourhoods* (refer to Attachment 8- Official Plan).

The proposal addresses the Official Plan development criteria by providing an appropriate transition towards the lower scaled neighbourhood to the south and southeast (i.e. along Dervock Crescent and Greenbriar Road). In accordance with Secondary Plan policy, the 3 to 8-storey portions of the building do not exceed the horizontal distance separating those portions of the building from the nearest property line of the lower scaled neighbourhoods. As such, the height of buildings would fall beneath a 45 degree angular plane measured from the south and east property lines. This is best illustrated on Attachments 4 and 5 – East and West Elevations).

The City's Avenues and Mid-Rise Building Study has been used to assist in reviewing the proposal, particularly as it pertains to the separation distance between the proposed development and the mid-rise apartment buildings immediately west of the site. The Mid-Rise Performance Standards are intended to create healthy, vibrant main streets while protecting the stability and integrity of adjacent neighbourhoods. The purpose of these standards is to establish built form controls so that *Avenues* will develop in an appropriate and contextually sensitive manner.

The Performance Standards recommends a separation distance of 11 metres between midrise buildings to provide for appropriate skyviews and sunlight. The separation distance between the proposed building and the adjacent apartment buildings to the west ranges from 13 metres to 20 metres.

It is staff's view the proposed development will have acceptable built form impacts on adjacent properties.

Amenity Space

Policy 4.2.2(f) of the Official Plan requires that new development provide adequate indoor and outdoor recreation space for building residents. The Official Plan is not prescriptive as to the location or amount of open space rather each application to be assessed based on its own merits and context.

Common indoor amenity space is proposed at a rate of 2.0m² per dwelling unit to serve the proposed development. This rate is consistent with other developments within the Sheppard East Subway Corridor. Based on 163 units, this rate equates to 335m² of space. The indoor amenity areas would be located at grade at the southeast corner of the building adjacent to common outdoor landscape space and on the second floor overlooking Sheppard Avenue East. Common outdoor residential amenity space would be provided at a minimum rate of 4.3m² per dwelling unit along the rear and west sides of the property. This rate equates to 706m² of space.

The amount of common indoor and outdoor amenity space is acceptable to City Planning staff. The proposed Zoning By-law for the site incorporates these rates as minimum performance standards.

Traffic Impact

The Secondary Plan's transportation policies have two main goals: first, that development in the Secondary Plan area only proceed if or when sufficient transportation infrastructure is in place to support it; and, second, that existing neighbourhoods north of Sheppard Avenue be protected from the impact of development-related traffic. Policy 4.5.2 of the Secondary Plan states that prior to the enactment of any Zoning By-law, the City must be satisfied that the proposed development can be accommodated within the existing road network or that any transportation improvements required to support the development have been identified and all necessary provisions made for their implementation. The Secondary Plan requires a Traffic Impact Study and traffic certification by a qualified transportation consultant for any proposed development larger than 5,000m².

A Traffic Impact Study and Traffic Certification Report was submitted and reviewed by Transportation Services staff. The study examines traffic generated by future residents of the proposed building in the context of existing, under construction and approved development in the corridor. The findings of the study indicate the projected traffic volumes associated with this proposal can be accommodated within the existing infrastructure and that existing signalized intersections have sufficient capacity to accommodate the proposed development. The findings of the study and the traffic certification have been accepted by Transportation Services staff.

Access

It is a policy of the Secondary Plan that non-residential retail and office uses be located on properties with frontage on an arterial road and access to these uses will be primarily from the arterial road so as not to depend on vehicular access through local roads.

A full-moves driveway is proposed at the mid-point of the block on Sheppard Avenue, generally in the same location as Cusack Court. Concerns have been expressed by area residents that the location of the driveway combined with the number of trips to/from the site will cause a safety concern and have suggested the turning movements be restricted to in-right/out-right movements only. Transportation Services staff have indicated the development is expected to generate a total of 53 and 90 vehicular trips during the a.m. and p.m. peak hours, respectively. Based on existing queue surveys and the traffic analysis submitted by the Traffic Consultant, the access is expected to function adequately. Transportation Services staff concur with the analysis and are not recommending turning movement restrictions at the driveway.

Parking

The Official Plan states development in *Mixed Use Areas* should take advantage of nearby transit services and provide an adequate supply of parking for residents and visitors. Similarly, the Secondary Plan states development must provide sufficient parking while still encouraging the use of public transit, walking and cycling as alternatives to automobile use. Parking requirements within the Sheppard Avenue East Subway Corridor have been reduced to ensure that developments do not provide excessive parking spaces and thereby attract auto-oriented users. To achieve this goal, parking requirements in the corridor are established on a site-by-site basis having regard for factors such as distance to the subway, unit size and unit type.

In view of the proximity of the site to a higher order transit corridor, Transportation Services staff are recommending the following minimum/maximum parking rates:

- 0.7 to 1.0 parking spaces per bachelor/studio dwelling unit;
- 0.8 to 1.2 parking spaces per one bedroom unit;
- 0.9 to 1.3 parking spaces per two bedroom unit;
- 1.1 to 1.6 parking spaces per three bedroom unit;
- 0.15 spaces per dwelling unit allocated for visitors; and
- 1.0-4.0 parking spaces per 100m² of commercial floor area.

Based on 163 dwelling units, the range of unit types and the 1,808m² of proposed commercial floor area, the development would require between 179-299 parking spaces. The development provides for 193 parking spaces (137 tenant, 38 visitor, 18 retail). The proposed supply satisfies the requirements of Transportation Services staff.

Bicycle Parking

The Official Plan contains policies that encourage reduced automobile dependency as well as promoting alternative modes of transportation. The policies contained within the Plan seek to increase opportunities for better walking and cycling conditions for residents of the City. Policy 2.4.7 states, “Policies, programs and infrastructure will be introduced to create a safe, comfortable, and bicycle friendly environment that encourages people of all ages to cycle for everyday transportation and enjoyment including the provision of bicycle parking facilities in new developments”.

Staff are recommending the following bicycle parking rates:

Residential:

- Long term – 0.7 space per dwelling unit; and
- Short term – 0.08 spaces per dwelling unit.

Commercial:

- Long term: 0.13 spaces per 100m² of commercial floor area; and
- Short term: 3, plus 0.25 spaces per 100m² of commercial floor area

The development proposes a total of 131 bicycle parking spaces (98 tenant, 25 visitor, 8 retail) which would satisfy the recommended rates. The proposed Zoning By-law for the site incorporates these rates as minimum performance standards.

Servicing

The applicant submitted a site servicing assessment that determined stormwater runoff, sanitary flow and water supply demand resulting from the development. The assessment confirms the existing municipal infrastructure is adequate to service the proposed development. Technical Services staff have reviewed the servicing assessment and have requested revisions. Finalizing these site servicing issues can be addressed through the Site Plan approval process.

Cusack Court

The proposal includes the purchase of Cusack Court from the City and incorporating the lands into the development. The request also includes two 0.3 metre wide reserve strips along the Sheppard Avenue frontage. Cusack Court is a cul-de-sac with an area of approximately 1,268 m² and provides access to the 7 properties that form the development application. The applicant has filed a request through Transportation Services to initiate the process of acquiring the land.

Transportation Services staff have advised it is feasible to stop up and close Cusack Court provided arrangements are made to purchase the road and incorporate it into the development site. The lands would be added to the site and should be rezoned to the same specifications as the rest of the subject site. Staff from Parks, Transportation Services and Real Estate Services, in consultation with the Ward Councillor, will be exploring options which may involve a monetary consideration for the road or a land exchange or a combination thereof.

This report recommends the applicant make arrangements to purchase Cusack Court from the City together with the two one-foot reserves along Sheppard Avenue East that form part of its development, subject to the necessary steps being taken by the City to declare the road surplus and authorize the closure and sale of the road to the applicant, before introducing the necessary Bills are introduced to City Council for enactment.

Comprehensive Development

In addition to the general policies of the Secondary Plan, the application site is subject to a specific development policy that encourages the four properties south of the site, municipally known as 12, 14, 16 and 18 Dervock Crescent, to develop comprehensively with the *Mixed Use Areas* fronting on Cusack Court/Sheppard Avenue East.

At its meeting of March 20, 2012, North York Community Council requested the applicant to meet with the adjacent property owners within the block, including the owners of 12, 14, 16 and 18 Dervock Crescent, with a view to acquiring their lands to facilitate a more comprehensive development. The applicant has advised Planning staff agreements of purchase and sale were offered to adjacent property owners however satisfactory terms and conditions on the offers could not be reached.

It is noted that while the lands at 12-18 Dervock Crescent are currently developed with four, 2-storey, single detached dwellings, the lands are zoned RM4 (Multiple Family Dwellings Fourth Density Zone) in the former City of North York Zoning By-law No. 7625 (see Attachment 7 – Zoning) and designated *Apartment Neighbourhoods* in the Official Plan (see Attachment 8 – Official Plan). The RM4 zoning permits a range of residential uses including duplex and double duplex dwellings, multiple attached dwellings and low-rise apartment buildings with a gross floor area up to 85% of the lot area. The *Apartment Neighbourhoods* designation provides for multiple attached dwellings and apartment buildings and parks, local institutions, cultural and recreational facilities and small-scale retail, service and office uses that serve the area residents. Based on the site area and frontage of these lands it is Planning staff's view there is some development potential beyond what currently exists on these lands. The proposed development would not preclude 12-18 Dervock Crescent from redeveloping generally in accordance with the current zoning regulations and Official Plan objectives.

One of the issues noted in Planning staff's Preliminary Report pertained to the remaining *Mixed Use Areas* properties within the block immediately east of the site municipally known as 625 and 627 Sheppard Avenue East and 8 Greenbriar Road. Planning staff considered it appropriate to review these lands to ensure the proposed development did not preclude these remnant lands from developing in conformity with the provisions of the Secondary Plan.

The three sites collectively have an area of approximately 2,238 m². The Secondary Plan assigns them a maximum density of 2.0 FSI resulting in a gross floor area of approximately 4,476 m². After taking into consideration appropriate performance standards including appropriate setbacks to adjacent streets and the transition policy of the Secondary Plan it has been determined a density of 2.0 FSI could be accommodated with a building in the range of 4 to 6 storeys in height. The proposed development would not preclude 625 and 627 Sheppard Avenue East and 8 Greenbriar Road from redeveloping in accordance with Official Plan objectives.

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 subject lands are located in an area with 0.43-0.79 hectares of parkland per 1,000 people. This area is in the second lowest quintile of current provision of parkland. The lands are in a parkland priority area, and are subject to the Alternative Parkland Dedication By-law.

The application proposes 163 residential units and 1,808m² of non residential uses on a net site area of 5,733m². At the alternative rate of 0.4 hectares per 300 units specified in By-law 1020-2010, the parkland dedication requirement is 0.217 hectares or 42% of the net site area. For sites that are less than 1 hectare in size, a cap of 10% is applied to the residential portion while the commercial portion is subject to a 2% parkland dedication. The resulting parkland dedication is 520m².

The applicant is required to satisfy the parkland dedication through an off-site parkland dedication to the value of the Section 42 requirement in a location to the satisfaction of the General Manager, Parks, Forestry and Recreation. If the applicant is unable to successfully secure off-site parkland, the City may then consider a cash-in-lieu payment. The actual amount of cash-in-lieu to be paid will be determined at the time of issuance of the building permit.

Streetscape

The Official Plan requires that new development frame street edges and provide an attractive, comfortable and safe pedestrian environment. The proposal addresses these requirements. The building would be aligned with Sheppard Avenue to provide an appropriate street presence and street enclosure with appropriate setbacks to accommodate landscaping opportunities and general site amenity.

Toronto Green Standard

On October 27, 2009 City Council adopted the two-tiered Toronto Green Standard (TGS). The TGS is a set of performance measures for green development. Tier 1 is required for new development. Tier 2 is a voluntary, higher level of performance with financial incentives. Achieving the Toronto Green Standard will improve air and water quality, reduce green house gas emissions and enhance the natural environment.

The applicant is required to meet Tier 1 of the TGS. The Zoning By-law would secure performance measures for the following Tier 1 development features: providing minimum number of parking spaces and securing weather protected bicycle parking spaces below grade.

Other applicable TGS performance measures would be secured through the Site Plan approval process including: green roofing techniques to reduce the urban heat island effect; incorporating landscaped areas with water efficient plants and native species; the

provision of user-friendly and accessible handling and storage facilities for recyclable materials and organic waste; and stormwater management/retention.

The following matter will be secured in the Section 37 agreement as a legal convenience to support development:

1. 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 in October 2009.

Tree Preservation

The applicant provided an Arborist Report and Tree Preservation Plan that indicates there are four trees on the City road allowance that are regulated under the City Street Tree-By-law. The owner will be required to submit a Tree Security Guarantee deposit for the three trees.

The Tree Preservation Plan indicates the removal of 18 privately owned trees that are regulated under the Private Tree By-law. The owner will be required to obtain the necessary permits prior to removing any trees pursuant to Private Tree Protection By-law No. 780-2004.

The requirements of Urban Forestry Services would be secured through the Site Plan approval process.

City Planning staff will be working closely with the applicant during the Site Plan approval process stage with a view to preserving as many trees as possible, particularly along the south and east property lines where the site abuts the rear yards of properties containing single detached dwellings.

Section 37

Section 37 of the *Planning Act* gives municipalities with appropriate Official Plan policies the authority to pass Zoning By-laws to permit additional height and/or density in return for the provision of community benefits in the form of capital facilities. Policies addressing the use of Section 37 are found in Section 5.1.1 of the Official Plan.

It is staff's opinion the proposed development constitutes good planning. It is consistent with the objectives and policies of the Official Plan, addresses the built form policies of the Plan and fulfils the municipal objectives for appropriate urban design. As such, City Planning staff can support the additional 3,802m² of density subject to securing a Section 37 community benefit.

Section 4.3.3 of the Secondary Plan provides for the use of Section 37 density incentives on lands designated *Mixed Use Areas*. The Secondary Plan indicates that incentives are to be assessed for each site in the context of the proposed built form, infrastructure requirements and proposed public benefit. As noted above, the proposed built form is appropriate and no infrastructure deficiencies have been identified through the review of

the proposed development. The Secondary Plan includes a list of potential public benefits and community resources such as: private recreation amenity area; community centres; places of worship; and social facilities. Private recreation amenity areas are proposed for the development.

As it is neither practical nor feasible for the applicant to provide the community benefits listed in Figure 4.3.3 of the Secondary Plan, it would be appropriate in this case to secure off-site community benefits through the proposed site-specific Official Plan Amendment (see Attachment 10).

City Planning staff are recommending a site-specific amendment to the Secondary Plan to allow for a density increase and the provision of a cash payment for a public community centre. It is recommended a monetary contribution be provided by the applicant for \$750,000.00.

The proposed Official Plan Amendment would enable the community benefit to be in the form of a monetary contribution towards the cost of constructing and equipping an off-site City-owned community centre. This benefit is also one of the density incentives listed in the Secondary Plan, and providing a monetary contribution for the increased density would enable the City to provide enhanced community resources.

Figure 4.3.3 of the Secondary Plan includes a density incentive for providing indoor private recreational space by exempting the gross floor area of such use from the calculation of density. The Plan states the space may be secured through various means which may agreements pursuant to Section 37 of the *Planning Act*. The applicant is proposing to provide 335m² of space, equivalent to 2.0m² per dwelling unit. In addition to the recommendations above, this facility will be secured through the implementing Zoning By-law and an agreement pursuant to Section 37 of the *Planning Act*.

Tenure

The proposed units will be part of one or more condominium corporations. An application for Draft Plan of Condominium approval would be required.

School Boards

The Toronto District School Board advises there is sufficient space at the local schools to accommodate students anticipated from the proposed development. The local schools are Crestview Public School, Woodbine Junior High School and Georges Vanier Secondary School. The Board notes however this status may change at any time without further notice.

The Toronto District Catholic School Board did not provide any comments on the application. It should be noted however, that the Catholic School Board has an Education Development Charge by-law in place. Payments are required at the time of issuance of the first building permit.

Construction Management

One of the concerns expressed by residents related to construction activity and the related off-site impacts. The applicant will be required to submit a Construction Management Plan for City approval. The plan will include information regarding the construction timetable and protocols to address construction activities such as noise, dust, temporary loss of facilities and services, parking of vehicles, standards for cleanliness of public spaces and contact numbers for complaints. This matter will be secured in the Section 37 agreement as a legal convenience.

Development Charges

It is estimated that the development charges for this project will be \$1.67 million This is an estimate. The actual charge is assessed and collected upon issuance of the building permit.

CONTACT

Steve Forrester, Senior Planner
Tel. No. (416) 395-7126
Fax No. (416) 395-7155
E-mail: sforrest@toronto.ca

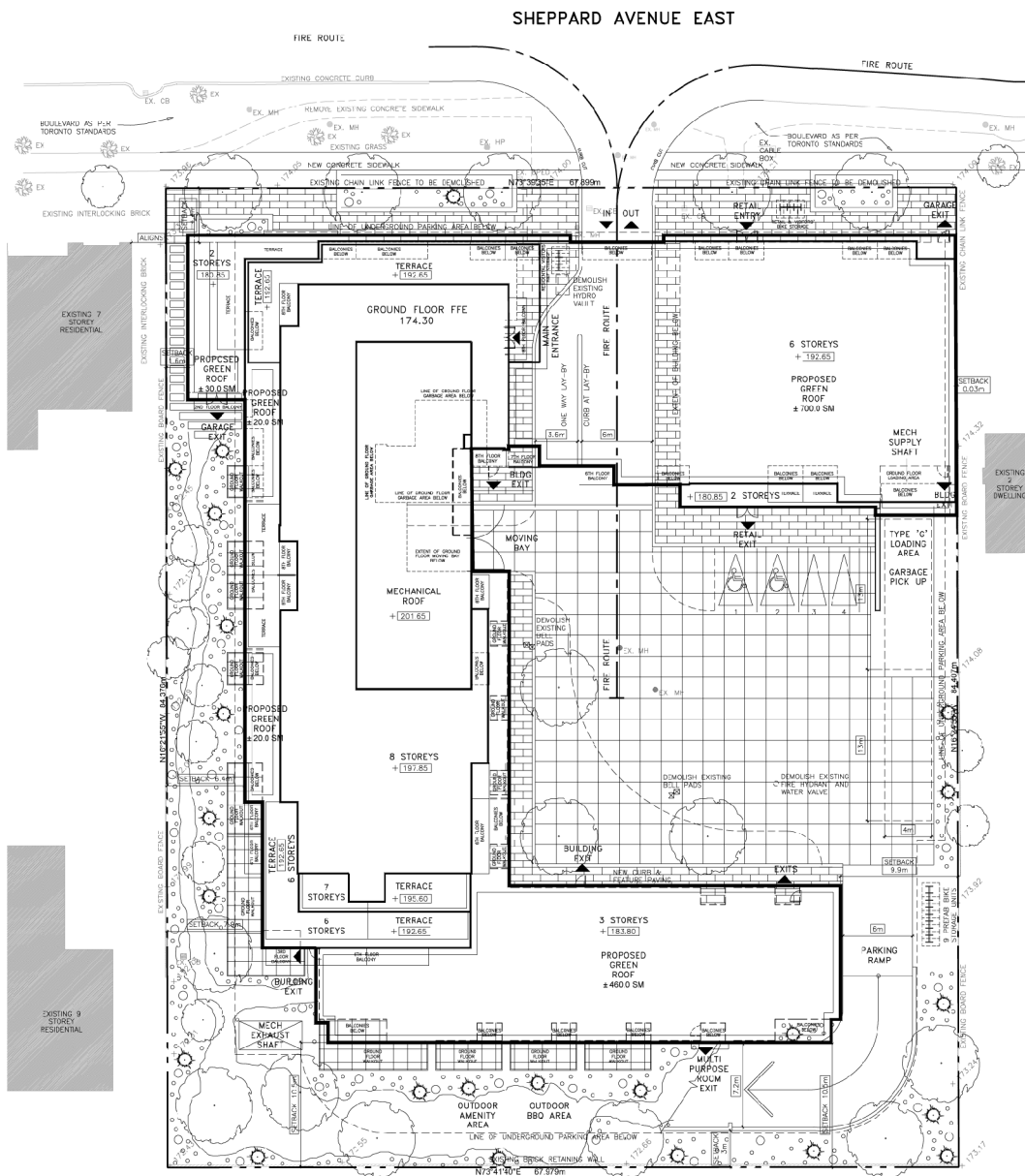
SIGNATURE

Allen Appleby, Director
Community Planning, North York District

ATTACHMENTS

Attachment 1: Site Plan
Attachment 2: North (Sheppard Avenue) Elevation
Attachment 3: South Elevation
Attachment 4: East (Greenbriar Road) Elevation
Attachment 5: West Elevation
Attachment 6: Visual Representation Looking Southwest
Attachment 7: Zoning
Attachment 8: Official Plan
Attachment 9: Application Data Sheet
Attachment 10: Draft Official Plan Amendment
Attachment 11: Draft Zoning By-law Amendment

Attachment 1: Site Plan



Site Plan

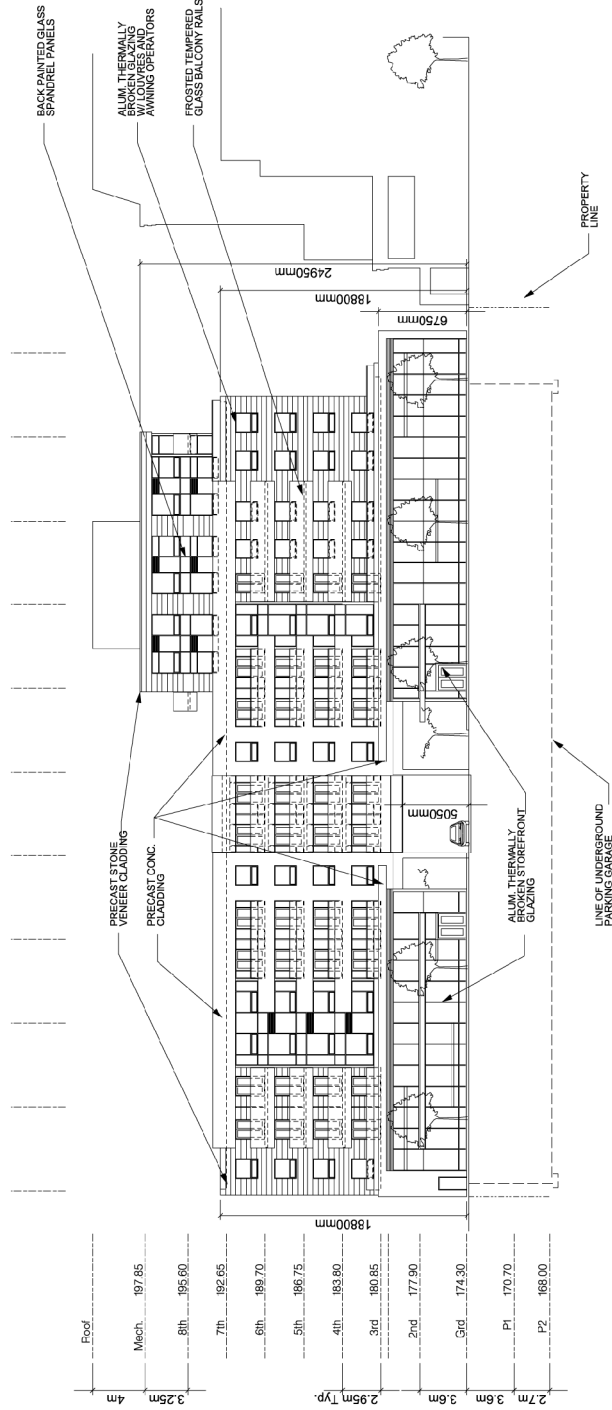
Applicant's Submitted Drawing

Not to Scale 

2 - 14 Cusack Court

File # 11 317628 NNY 24

Attachment 2: North (Sheppard Ave.) Elevation



NORTH ELEVATION

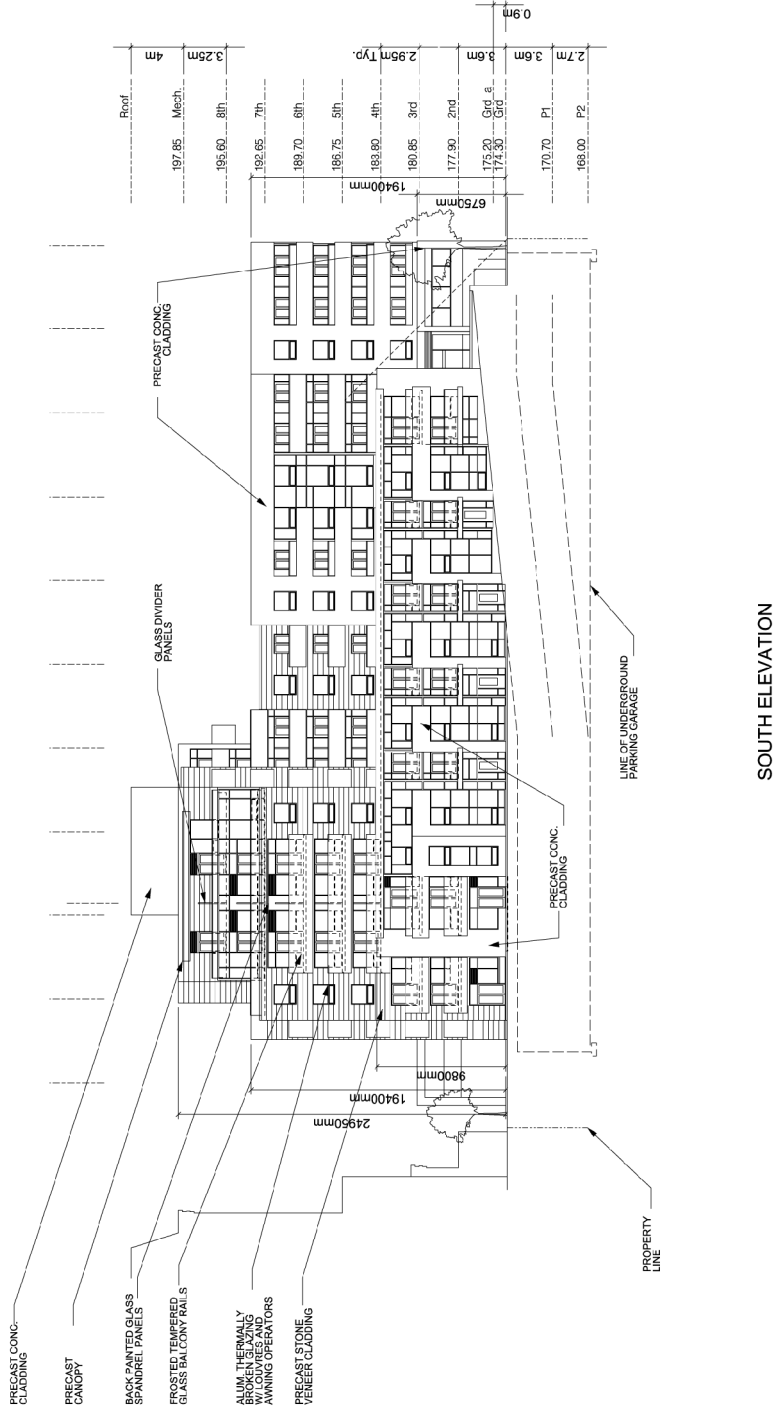
2 - 14 Cusack Court

Elevation
 Applicant's Submitted Drawing

Not to Scale
 10/12/2012

File # 11 317628 NNY 24

Attachment 3: South Elevation



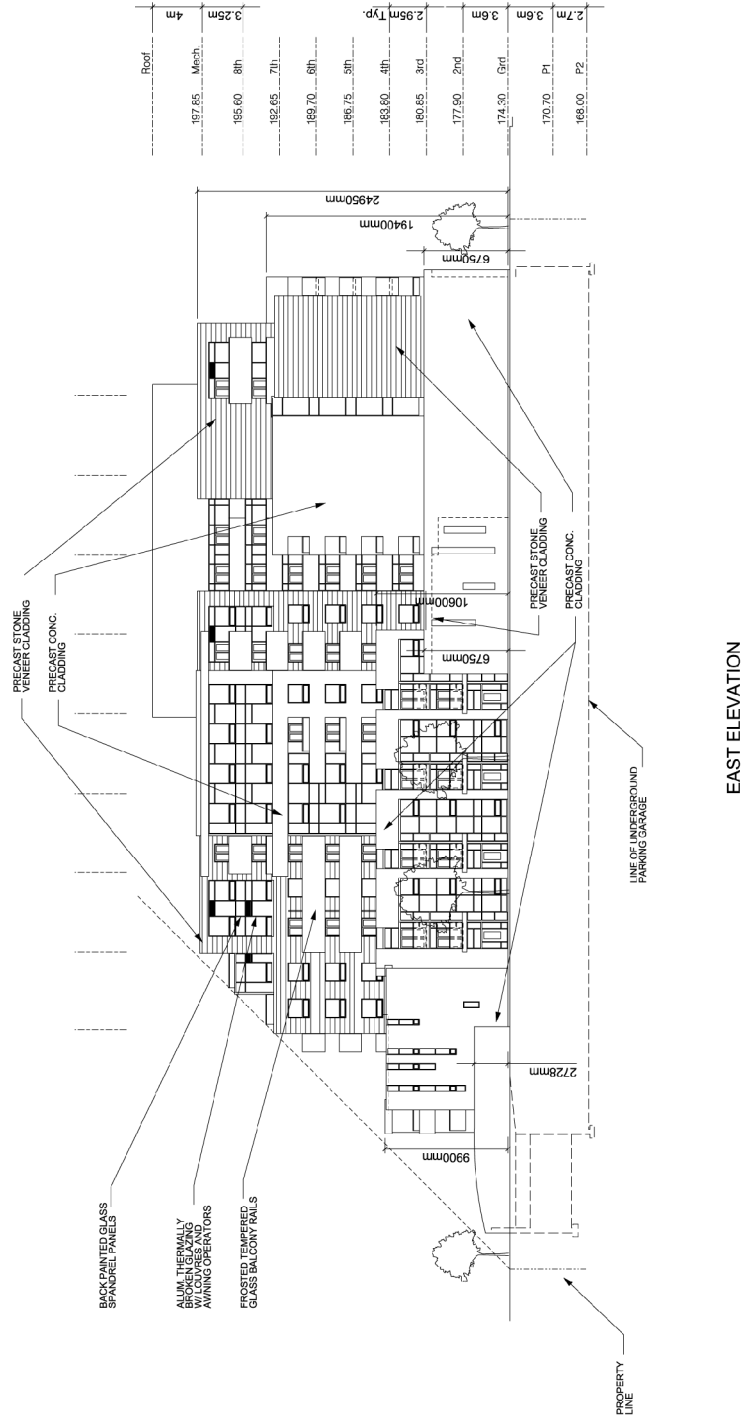
2 - 14 Cusack Court

Elevation
 Applicant's Submitted Drawing

Not to Scale
 10/12/2012

File # 11 317628 NNY 24

Attachment 4: East (Greenbriar Rd.) Elevation



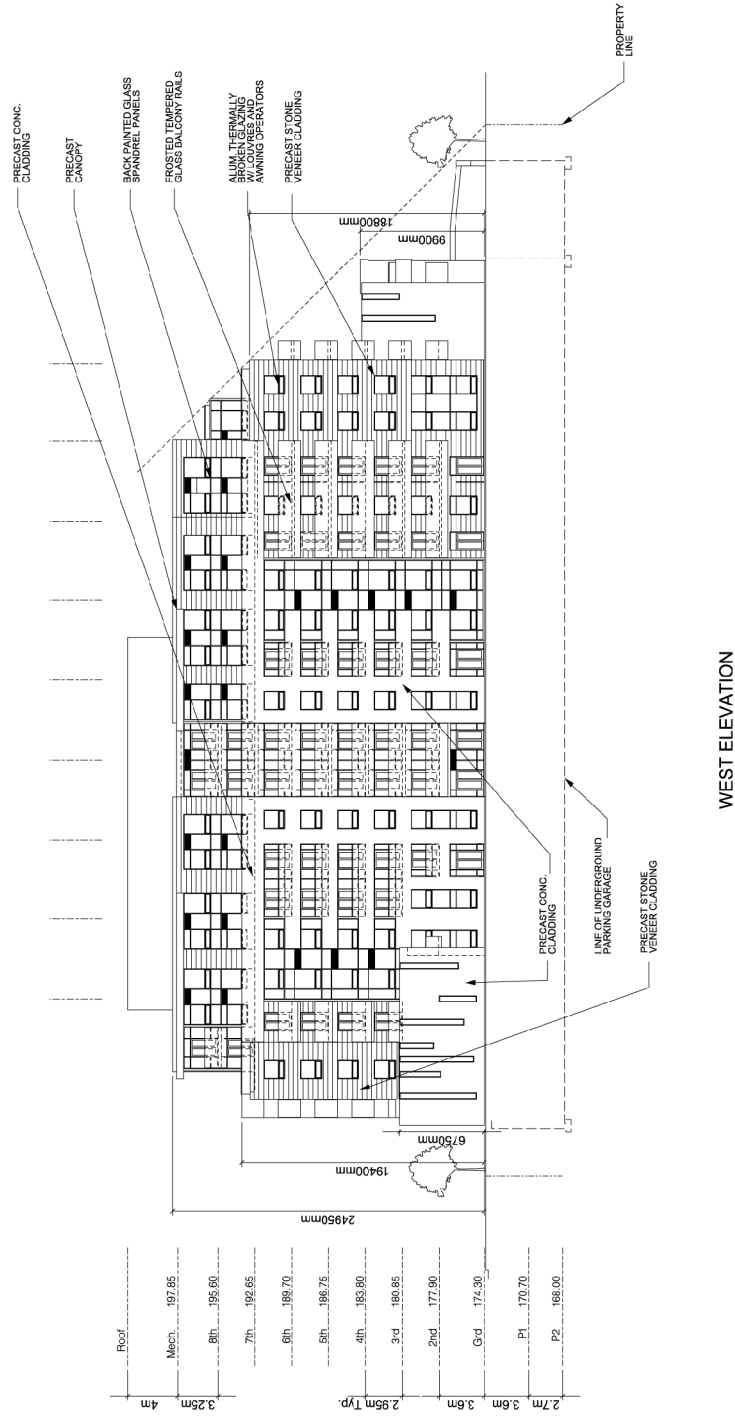
2 - 14 Cusack Court

Elevation
 Applicant's Submitted Drawing

Not to Scale
 10/12/2012

File # 11 317628 NNY 24

Attachment 5: West Elevation



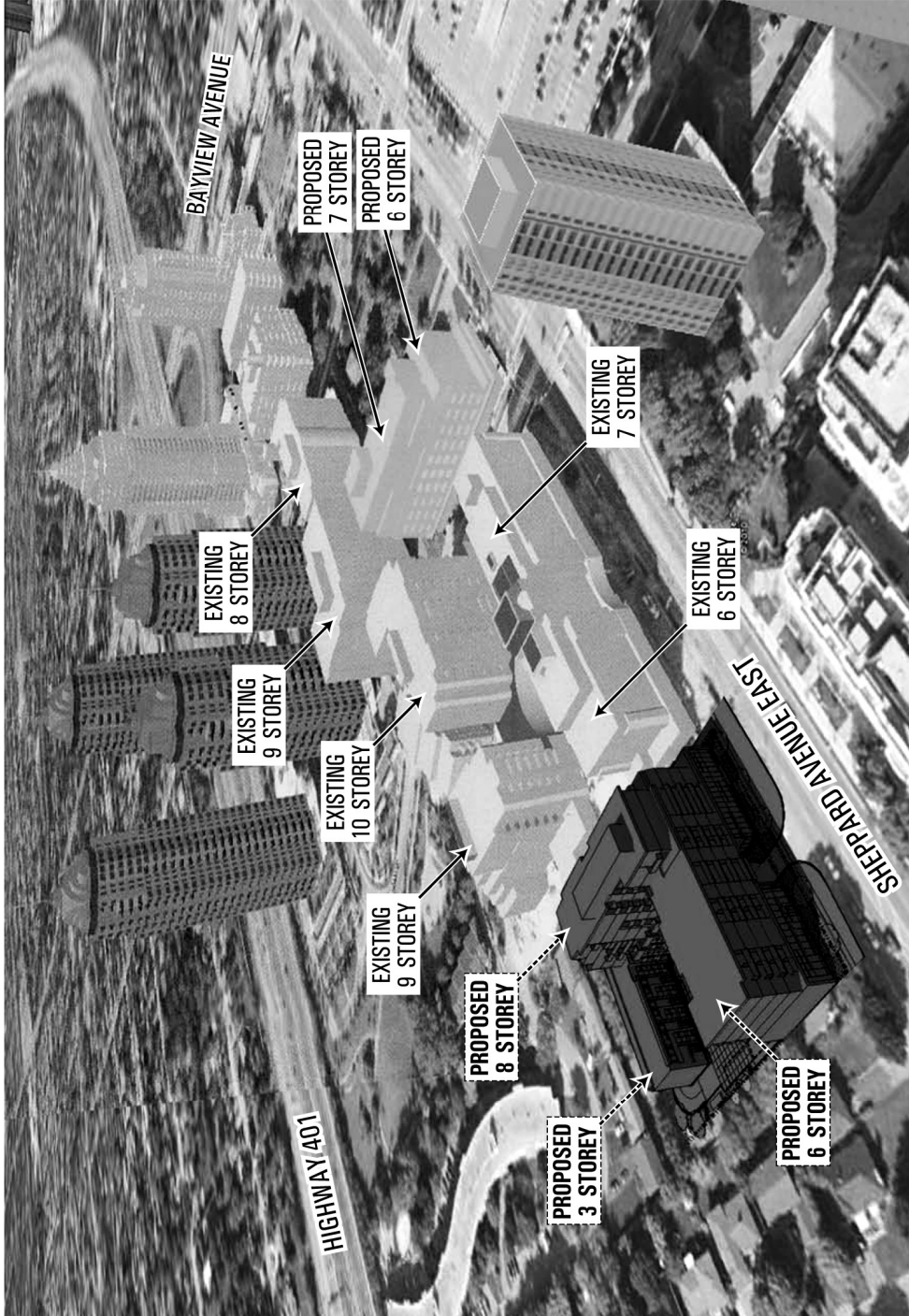
2 - 14 Cusack Court

File # 11 317628 NNY 24

Elevation
Applicant's Submitted Drawing

Not to Scale
10/12/2012

Attachment 6: Visual Representation Looking Southwest



2 - 14 Cusack Court

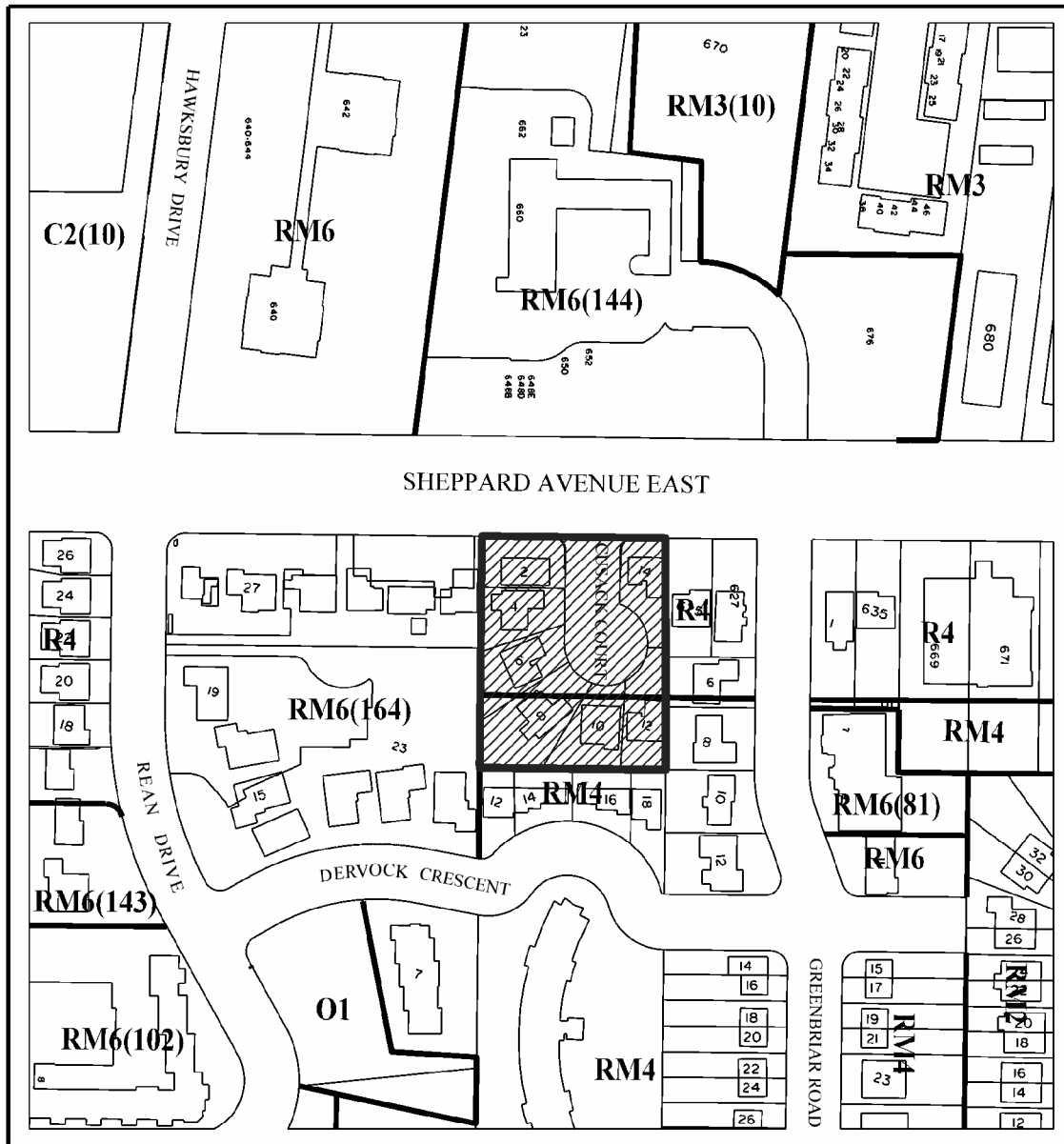
Visual Representaion Looking South-west

Applicant's Submitted Drawing - Source: Google Earth

Not to Scale
02/21/2012

File # 11 317628 NINY 24

Attachment 7: Zoning



Toronto City Planning
Zoning

2 - 14 Cusack Court

File # 11 317628 NNY 24

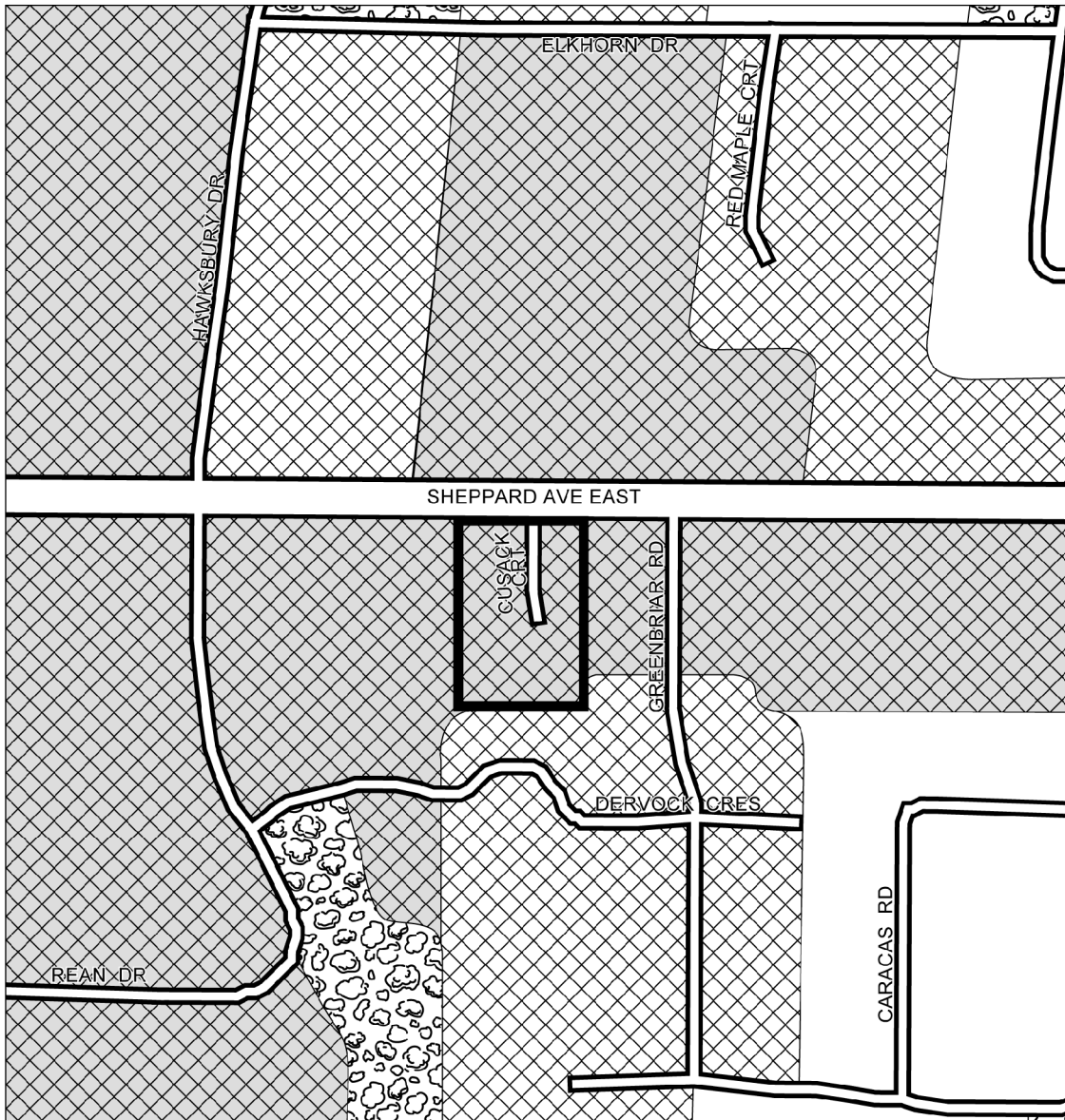
- R4 One-Family Detached Dwelling Fourth Density Zone
- RM2 Multiple-Family Dwellings Second Density Zone
- RM3 Multiple-Family Dwellings Third Density Zone
- RM4 Multiple-Family Dwellings Fourth Density Zone
- NOTE: Numbers in Brackets Denote Exceptions to the Zoning Category

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



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







Attachment 8: Official Plan



TORONTO City Planning
Official Plan

2 - 14 Cusack Court

File # 11 317628 NNY 24

- | | |
|--|--|
|  Site Location |  Parks & Open Space Areas |
|  Neighbourhoods |  Parks |
|  Apartment Neighbourhoods | |
|  Mixed Use Areas | |


 Not to Scale
 12/12/2011

Attachment 9: Application Data Sheet

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

Applicant:	Agent:	Architect:	Owner:
CASTLE GROUP VENTURES	STANLEY COOK	HARRY CHRISTAKIS HCA ARCHITECTS	CASTLE GROUP VENTURES

PLANNING CONTROLS

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

PROJECT INFORMATION

Site Area (sq. m):	5733.2	Height:	Storeys:	6/8
Frontage (m):	67.899		Metres:	24.55
Depth (m):	84.407			
Total Ground Floor Area (sq. m):	2308.1			Total
Total Residential GFA (sq. m):	13794.9		Parking Spaces:	193
Total Non-Residential GFA (sq. m):	1808		Loading Docks	2
Total GFA (sq. m):	15603.5			
Lot Coverage Ratio (%):	40.3			
Floor Space Index:	2.66			

DWELLING UNITS

Tenure Type:	Condo
Rooms:	0
Bachelor:	0
1 Bedroom:	87
2 Bedroom:	72
3 + Bedroom:	4
Total Units:	163

FLOOR AREA BREAKDOWN (upon project completion)

		Above Grade	Below Grade
Residential GFA (sq. m):	13794.9		0
Retail GFA (sq. m):	1808		0
Office GFA (sq. m):	0		0
Industrial GFA (sq. m):	0		0
Institutional/Other GFA (sq. m):	0		0

CONTACT:	PLANNER NAME:	Steve Forrester, Senior Planner
	TELEPHONE:	(416) 395-7126

Attachment 10: Draft Official Plan Amendment

Authority: North York Community Council Item ~ as adopted by City of Toronto Council on ~, 2012

Enacted by Council: ~, 2012

CITY OF TORONTO

Bill No. ~

BY-LAW No. ~-2012

**To adopt Amendment No. 204 to the Official Plan
for the City of Toronto
respecting the lands known municipally in the year 2012, as
2-14 Cusack Court**

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

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

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

1. The attached Amendment No.204 to the Official Plan is hereby adopted pursuant to the *Planning Act*, as amended.

ENACTED AND PASSED this ~ day of ~, A.D. 2012.

ROB FORD,
Mayor

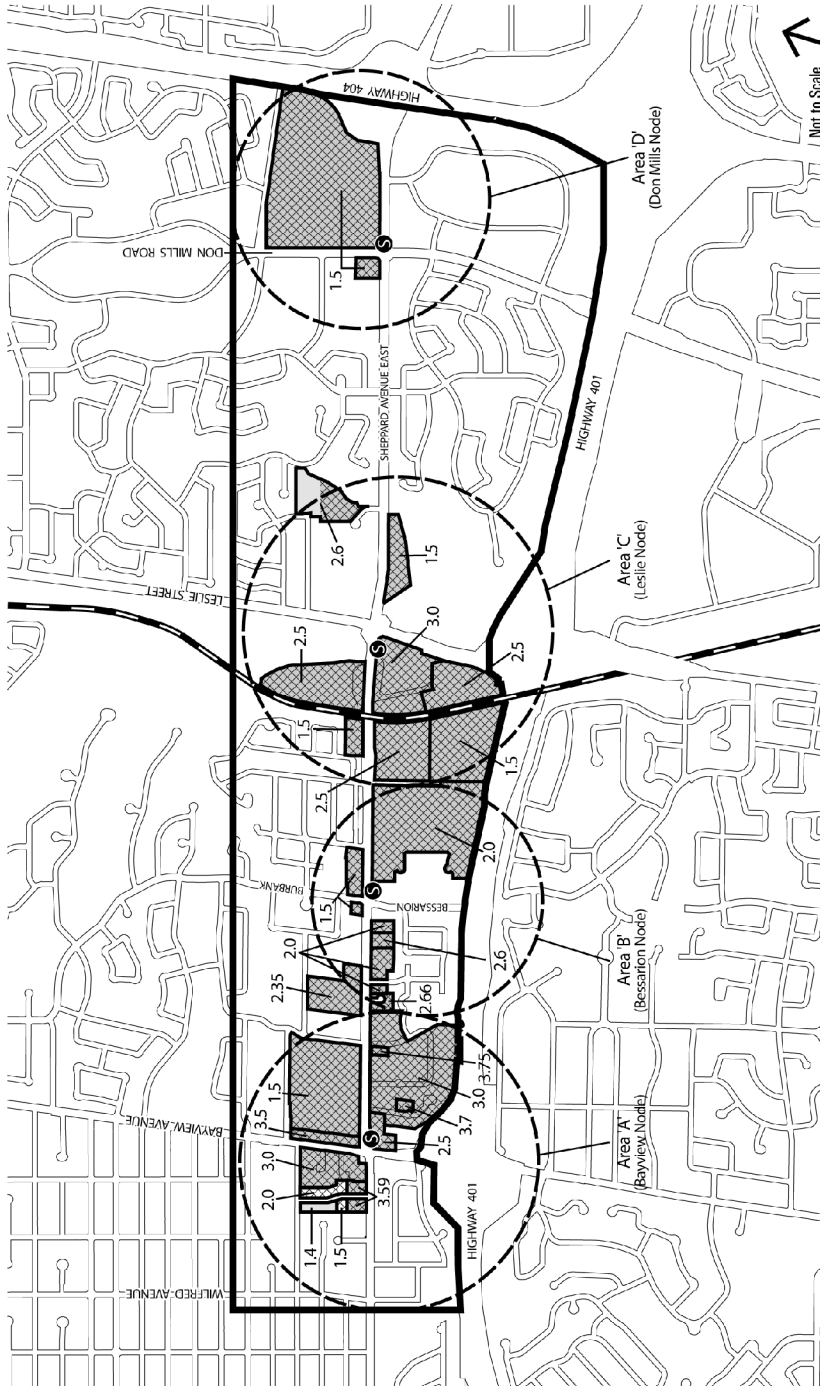
ULLI S. WATKISS,
City Clerk

(Corporate Seal)

AMENDMENT NO. 204 TO THE OFFICIAL PLAN
LANDS MUNICIPALLY KNOWN IN THE YEAR 2012 AS
2-14 CUSACK COURT

The Official Plan of the City of Toronto is amended as follows:

1. In lieu of the provision of a public community centre, in exchange for the additional density of 3,802 m² for the lands municipally known as 2-14 Cusack Court, Council may accept a monetary contribution towards the cost of constructing and equipping the same facility at another location serving the Sheppard East Subway Corridor, provided:
 - (i) Council is satisfied that the provision of the facility within the development is not practical or feasible, or alternative arrangements for the provision of the facility are preferable.
2. Map 9-2, Key Development Areas, of Chapter 6, Section 9 (Sheppard East Subway Corridor Secondary Plan) is amended to permit a density of 2.66 times the lot area for the lands municipally known as 2-14 Cusack Court as shown on Schedule "1".



2,4,6,8,10,12,14 Cusack Drive

Toronto City Planning Official Plan Amendment #204— Schedule 1

File # 11 317628 NMY 24.0Z

Map S-2, Key Development Areas, of Chapter 6, Section 9, Sheppard East Subway Corridor Secondary Plan is amended by permitting a maximum density of 2.66 times the lot area for the lands municipally known as 2, 4, 6, 8, 10, 12, 14 Cusack Drive.

- Secondary Plan Boundary
- Neighbourhoods
- Apartment Neighbourhoods
- Mixed Use Areas
- 1.5 Density
- Subway Station

October 2012

Attachment 11: Draft Zoning By-law Amendment

Authority: North York Community Council Item ~ as adopted by City of Toronto Council on ~, 2012
Enacted by Council: ~, 2012

CITY OF TORONTO

Bill No. ~

BY-LAW No. ~-2012

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

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

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

1. Schedules “B” and “C” of By-law No. 7625 are hereby amended in accordance with Schedule “1” of this By-law.
2. Section 64.20-A of By-law No. 7625 is amended by adding the following subsection:

“64.20 –A (214) RM6 (214)

DEFINITIONS

- (a) For the purpose of this exception, “apartment house dwelling” shall mean a building containing more than four (4) dwelling units, each unit having access either from an internal corridor system or direct access at grade, or any combination thereof.
- (b) For the purposes of this exception, “established grade” is defined as 174.30 metres a.s.l.
- (c) For the purposes of this exception, “underground” is defined as below established grade.
- (d) For the purpose of this exception, “gross floor area” shall mean the total area of all of the floors in a building, measured between the outside walls

of the building but excluding motor vehicle access, loading areas, or circulation or automobile parking areas within the building.

PERMITTED USES

- (e) As shown on Schedule RM6 (214), the only permitted uses shall be an Apartment House Dwelling including private recreational amenity areas and all commercial uses permitted in a 'C-1' General Commercial Zone.
- (f) Use Qualifications
 - (i) Outdoor private recreational amenity areas may be located on rooftop terraces;
 - (ii) Permitted non-residential uses shall be located on the ground floor only.

EXCEPTION REGULATIONS

GROSS FLOOR AREA

- (g) The provisions of Section 20-A.2.5 (Gross Floor Area) shall not apply.
- (h) The maximum permitted residential gross floor area shall be 13,795m².
- (i) The maximum permitted commercial gross floor area shall be 1,809m².

DWELLING UNITS

- (j) The maximum number of dwelling units shall be 163.

LOT COVERAGE

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

LANDSCAPING

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

OUTDOOR RECREATIONAL AMENITY AREA

- (m) A minimum of 4.0 m² of outdoor private recreational amenity area per dwelling unit shall be provided.

YARD SETBACKS

- (n) The provisions of Section 20-A.2.4 (Yard Setbacks) shall not apply.

- (o) The minimum yard setbacks for all buildings and structures above established grade shall be as set out on Schedule “RM6 (214)”.
- (p) The minimum yard setbacks for underground parking structures shall be 0 metres.

HEIGHT

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

PARKING

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

Residential:

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

Commercial/Retail:

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

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

Residential:

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

Commercial/Retail:

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

LOADING SPACES

- (u) The provisions of Section 6A(12)(Loading) shall not apply. Loading shall be provided as follows:
 - (i) a minimum of one Type G (4.0 m x 6.1 m) and one Type B (3.5 m x 11.0 m x 4.0 m) loading space.

BICYCLE PARKING

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

PROJECTIONS

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

OTHER

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

SECTION 37 AGREEMENT

- (aa) The owner of the lands as shown in Schedule "RM6 (214)" shall enter into one or more agreements with the City of Toronto pursuant to Section 37 of

the *Planning Act* to secure the facilities, services and matters referred to below, which agreement or agreements may be registered against the title of the lands to which this by-law applies in the manner and to the extent specified in the agreements. The owner of the subject lands, at the owner's expense and in accordance with, and subject to the agreements referred to above, shall provide or fund the following facilities, services and/or matters on terms satisfactory to the City of Toronto, in order to permit an increase in the maximum gross floor area cited in the Gross Floor Area clauses (h) and (i) of this exception:

- (i) prior to issuance of an above-grade building permit the Owner shall submit by cash or certified cheque a monetary contribution of \$750,000.00 to the City to be used towards the cost of constructing and equipping a public community centre serving the Sheppard East Subway Corridor area. The monetary contribution shall be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for the Toronto, calculated from the date of the Section 37 Agreement to the date of payment; and
- (ii) the the Owner shall enter into one or more agreements with the City, pursuant to Section 37 of the *Planning Act* which are registered on title to the Lands to secure:
 - A. the matters provided for in subsection (aa)(i) above;
 - B. the provision for a minimum of 2.0m² of indoor private recreational amenity area per dwelling to a maximum of 335m² provided that such gross floor area is used solely for the purposes of indoor private recreational amenity area, and such area shall be exempted from the calculation of gross floor area in clauses (h) and (i);
 - C. the construction and maintenance of the development in accordance with Tier 1 performance measures of the Toronto Green Standard, as adopted by Toronto City Council in October 2009; and
 - D. submit a construction management plan to the satisfaction of Executive Director of Technical Services, such plan to include information regarding the construction timetable and protocols to address construction activities such as noise, dust, temporary loss of facilities and services, parking of vehicles, standards for cleanliness of public spaces and contact numbers for complaints.

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

ENACTED AND PASSED this ~ day of ~, A.D. 2012~.

ROB FORD,
Mayor

ULLI S. WATKISS,
City Clerk

(Corporate Seal)

