

TORONTO STAFF REPORT

October 31, 2005

To: Etobicoke York Community Council

From: Director, Community Planning, Etobicoke York District

Subject: Final Report
Rezoning Application 03 172936 NNY 07 OZ to Lift (H)
Applicant: Allan Leibel, Goodmans LLP
Architect: Page and Steele Architects Planners
3415 Weston Road and 2345 Finch Avenue West (Phase I- part of 3415 Weston Road)
Ward 7 - York West

Purpose:

This report reviews and recommends approval of an application to Lift the (H3) for the Phase I of the development of 3415 Weston Road and 2345 Finch Avenue West.

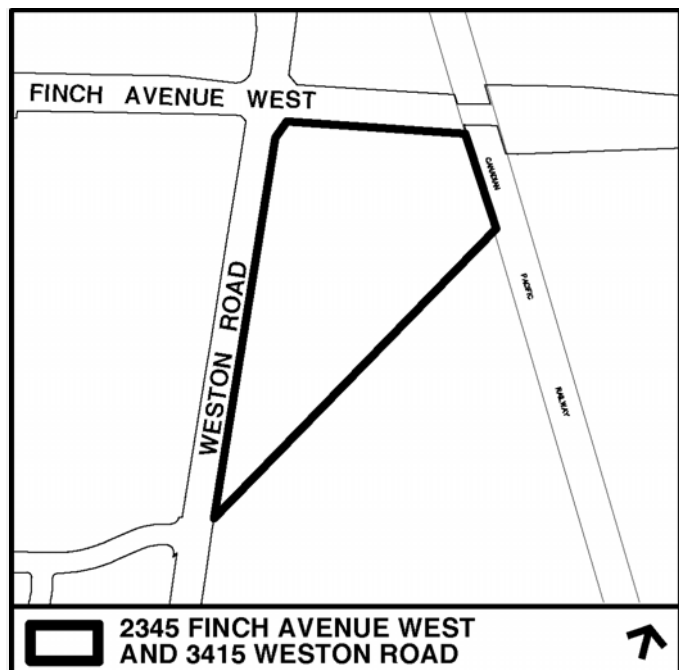
Financial Implications and Impact Statement:

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

Recommendations:

It is recommended that City Council:

- (1) amend the former City of North York Zoning By-law Zoning By-law No. 7625 for a portion 3415 Weston Road (Phase I lands) substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 3;
- (2) 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 Bill to City Council for enactment, require the owner to obtain the required relief from the former City of North York Zoning By-law No. 7625 to permit Phase I of the development;
- (4) before introducing the necessary Bill to City Council for enactment, require the owner to enter into an appropriate agreement with the City, to the satisfaction of the City Solicitor, with respect to the manner and timing with which each of the previous Council directives as set out in this report will be satisfied and City Council grant the authority to enter into the agreement;
- (5) before introducing the necessary Bill to City Council for enactment, require the owner to enter into an appropriate agreement with the City, to the satisfaction of the City Solicitor, with respect to the matters identified by the Manager, Development Engineering, Etobicoke York District in their October 27, 2005 comments included as Attachment 5; and
- (6) before introducing the necessary Bill to City Council for enactment, require the owner to satisfy the Notice of Approval Conditions for Site Plan approval for Phase I.

Background:

Proposal

The subject lands are located at the southeast corner of Finch Avenue West and Weston Road and are currently occupied by the former Finch Weston Mall, which is now closed.

The proposed redevelopment of the entire site is to proceed in phases. Overall, the development will involve the demolition of the existing commercial buildings and construction of several new residential buildings with grade related retail uses. The proposed development for the entire site is for a total of 1,471 apartment residential units and 4 459 square metres of commercial floor area on the lands as well as a public road from Weston Road east to the rail line, amenities and open space.

Phase I involves the southern portion of the site fronting onto Weston Road. The first phase will consist of 664 residential units and 1 232 square metres of retail space in three buildings fronting onto Weston Road. To permit the first phase of development, the applicant is requesting the lifting of the 'H' for the Phase I lands. (See Attachment 1). The development of the first phases will entail the demolition of approximately one half of the building area of the vacant and closed commercial mall.

Site History

Since the submission of the original development application for this site in 1999, the Finch Avenue and Weston Road area has undergone a study process intended to establish a planning framework for the area. This process resulted in the adoption of the Emery Village Secondary Plan (OPA 499) by City Council at its meeting of November 26-28, 2002, followed by the

adoption of an implementing zoning by-law by City Council at its meeting of May 21-23, 2003 (By-law No. 422-2003 – the Emery Village Zoning By-law). The goal of the Secondary Plan is to provide for mixed use community in the area at a maximum development density of 2.5 FSI. The zoning by-law establishes performance standards to implement the Secondary Plan and zones the subject lands C5(H3) which permits mixed use development to a maximum density of 2.5 FSI subject to removal of the (H3) provision. Criteria for removal of the holding provisions are set out in the zoning by-law.

Other Planning Applications

Rezoning

In addition to the applicant requesting the lifting of the (H3) zoning provision on their lands as it relates to Phase I, they are also requesting an amendment to the Emery Village implementing zoning by-law over their entire site. The amendments requested to the Emery Village Zoning By-law relate to the definition of grade, front yard setbacks, building height, parking, recreational space, common outdoor space and main access to buildings. The application for the zoning by-law amendment over the entire site will be subject of separate planning processes and reports.

Committee of Adjustment

For Phase I, the required variances from the Emery Village Zoning By-law standards were granted by the Committee of Adjustment at its meeting of July 15, 2004. As the application has evolved, changes to the development have resulted in the need for further variances. The variances relate to the proposed temporary surface parking lot, located on the northwest portion of site that will be constructed to serve the residential buildings on a temporary basis, until later phases of the development are constructed. It is recommended that the applicant seek and obtain the zoning variances prior to the introduction of the necessary Bill into Council.

Site Plan Application

The applicant has filed an application for Site Plan Approval (03 173068 NNY SA), which is currently being processed. Staff are continuing to work with the applicant to complete the Site Plan Approval for Phase I and expect to finalize the application later this year. As the Development Concept Plan and a number of the matters identified by Development Engineering are interrelated with the Site Plan Application, it is recommended that the necessary Bill not be introduced into Council until the owner has satisfied the Notice of Approval Conditions for Site Plan Approval for Phase I.

Holding Designation

The former City of North York Zoning By-law No. 7625 zones the property C5 (H3). Section 27(10) states no person shall use any lot or erect or use any building or structure for any purpose except as permitted in this by-law. Upon fulfillment of the following conditions on terms

satisfactory to the City of Toronto, the "H" prefix shall be lifted, in whole or in part as set out in the existing Zoning By-law:

- “(A) Submission of a Traffic Impact Study and Traffic Certification Report to the satisfaction of the Commissioner, Works and Emergency Services, identifying public roads and addressing the planning and design process for establishing public roads, and for development that exceeds 5 000 m² in gross floor area, demonstrating that the following criteria have been met:
- (i) the site layout provides adequately for the movement needs of pedestrians, automobiles and commercial vehicles without disrupting bordering streets and properties;
 - (ii) the development will not increase local residential road traffic so significantly as to produce appreciable new hazards, noise, dust and fumes for nearby residential communities;
 - (iii) the development provides sufficient parking while still encouraging the use of public transit, walking and cycling as alternatives to automobile use; and
 - (iv) the traffic resulting from occupancy of the proposed development does not significantly contribute to reducing the level of service of nearby arterial roads and their intersections with local roads to below a generally acceptable level.
- (B) For public roads, submission of a Soil Investigation Report to the satisfaction of the Commissioner, Works and Emergency Services addressing the construction of public roads and any below grade infrastructure.
- (C) Submission of a Phase I Environmental Assessment Report to determine the likelihood of on-site and off-site contamination and, if required, Phase II Environmental Assessment Report and Peer Review to the satisfaction of the Commissioner, Works and Emergency Services and in accordance with the applicable Ministry of Environment Guidelines to remediate on-site and off-site contamination.
- (D) Submission of a Preliminary Engineering Report to the satisfaction of the Commissioner, Works and Emergency Services, which demonstrates the feasibility of proposed engineering works.
- (E) Submission of a Noise and Vibration Study to the satisfaction of the City which addresses any noise and vibration concerns with the adjacent and industrial uses.
- (F) Developments which exceed 5 000 square metres in gross floor area shall submit a Development Plan to the satisfaction of the Commissioner, Urban Development Services which addresses:

- (i) the proposed massing of buildings, building heights, setbacks and distribution of density;
- (ii) the location, dimensions and character of publicly accessible private open spaces and pedestrian routes, showing their continuity and complementary relationship to adjacent public spaces, pedestrian routes and streets;
- (iii) protection and enhancement of significant views and landscape focal points;
- (iv) the general location, size and treatment of surface parking facilities and vehicular access points in sufficient detail to identify locations where parking amongst different building sites or uses may be shared and to assess the effect of these facilities on public sidewalks and pedestrian routes;
- (v) the location of street-related uses and principle pedestrian entrances to buildings and the relationship of such uses and entrances to street frontages to ensure that the role of the public street and pedestrian movement along the street is supported and reinforced; and
- (vi) possible phasing of development and new infrastructure including roads, parks and open spaces.”

Agency Circulation

The application was circulated to all appropriate agencies and City Divisions. Responses received have been used to assist in evaluating the application.

Comments:

Holding Provision Criteria

The applicant is seeking removal of the (H3) provision on their lands as it relates to Phase I. The C5(H3) provision limits non-residential uses to a maximum density of 1.0 FSI and prohibits residential uses on the lands subject to the fulfilment of specific criteria which includes the submission of technical studies and a Development Plan. Technical Study requirements include a Traffic Impact Study and Traffic Certification Report, Soil Investigation Report for public roads, Phase I and II Environmental Assessment Reports, Preliminary Engineering and Servicing Report, and Noise and Vibration Study.

(A) Traffic Impact Study

A Traffic Impact Study and Traffic Certification Study were submitted in support of this application. Technical Services has indicated from a transportation planning and traffic operations perspective, Phase I of this development has satisfied the conditions to removing the H, provided the matters identified in their October 27, 2005 comments have been satisfactorily secured. It is proposed that the matters identified be secured in a Site Plan Agreement or another

form of agreement to the satisfaction to the City Solicitor and that the agreement be entered into prior to the introduction of the necessary Bill into Council for the (H3) provision removal.

Technical Services comments are included as Attachment 5 to this report.

(B) Soil Investigation Report and (C) Environmental Assessment Report

The applicant has submitted a Phase I and Phase II Environmental Assessment report (July 2003) for the entire lands and the reports have been subjected to a satisfactory peer review. Technical Services has advised that these conditions have been satisfied.

(D) Preliminary Engineering and Servicing Report

A Preliminary Engineering and Servicing report (Functional Servicing Report) was submitted in support of the application in September 2002 and revised November 2004. Technical Services has reviewed the study and finds the report is satisfactory for the purposes of Phase I lands.

(E) Noise and Vibration Study

The applicant submitted the report "Noise and Vibration Feasibility Study, Proposed Residential Development, Finch Avenue West and Weston Road" prepared by Howe Gastmeier Chapnik Limited (HGC) Engineering dated August 25, 2003; a revised report dated August 5, 2004; and supplementary information dated July 4, 2005. Staff have reviewed the studies and are satisfied that the studies are acceptable and meet this condition for the lifting of the (H3) for Phase I lands.

(F) Development Plan

The Development Plan is to provide a context for coordinated incremental development and assist Council in evaluating the conformity of proposed development with the relevant provisions of this Secondary Plan. The Development Plan should indicate the relationship of proposed buildings, structures and open spaces to adjacent developments and development sites, public spaces, roadways and pedestrian routes and should demonstrate how the development policies of this Plan will be achieved.

A revised Development Plan for the lands was submitted October 13, 2005, prepared by Page and Steele Architects Planners. Staff have reviewed the Development Plan in regard to Phase I and are satisfied the Development Plan meets the objectives and conditions for the removal of the (H3) zoning provision for the Phase I lands. Further refinements to the Development Plan may be required as future phases are developed with detailed building plans and as the plans for Site Plan Approval for Phase I are finalized.

Other Requirements

At its meeting of November 26-28, 2002 and May 21-23, 2003, in considering reports related to the Emery Village Secondary Plan and implementing Zoning By-law (422-2003), City Council gave direction regarding this application as follows:

- (a) prior to the issuance of a building permit for Phase III, the applicant shall remove the existing commercial retail mall on the subject site;
- (b) prior to the issuance of a building permit for Phase III, the applicant shall provide the necessary funds for the construction of 50% of the traffic circle at the Finch Avenue and Weston Road intersection, if the traffic circle receives approval through the Municipal Class Environmental Assessment process. In the event that the traffic circle is not approved through this process, such funds shall be used by the City for other community facilities in the immediate area;
- (c) the applicant shall provide for the entire cost of the design and construction of the proposed clock tower to be located at the southeast corner of Finch Avenue and Weston Road prior to the issuance of a building permit for Phase III;
- (d) in the event that the required Traffic Impact Studies for Phases I and II do not require the construction of the local road connecting Weston Road to Finch Avenue, as shown in the Emery Village Secondary Plan, then prior to the issuance of a building permit for Phase III, the applicant shall contribute towards the construction of this road; and
- (e) the proponents for the development applications located in the northwest quadrant of Finch Avenue and Weston Road and at Toryork Drive and Weston Road (TB CMB 2002 0012 and TB SPC 2002 0106) submitted by Centrillium Inc.; and the proponents for the south-east quadrant of Finch Avenue and Weston Road (UDOZ-99-06, UDSB-1245 and UDSP-99-021) submitted by Medallion Properties) shall each contribute \$50,000 towards the Emery Village Heritage and Cultural Plan and that these funds be forwarded to the Emery Village Arts and Heritage Committee once the applicant is in receipt of the permit to build.

The Committee of Adjustment at its meeting of July 15, 2004 granted the required variance to the former City of North York Zoning By-law No. 7625, as amended by By-law No. 422-2003, to permit Phase I of the development, subject to the following conditions:

- (i) that 50 percent of the existing commercial area in the building presently located on the subject site be demolished; and
- (ii) a \$200,000 contribution be made to the City for the purpose of the Emery Village Community Infrastructure.

It is recommended that the owner enter into an appropriate agreement or agreements, to the satisfaction of the City Solicitor, regarding these directions and conditions, prior to the Bill for the lifting of the holding provisions being introduced into Council.

Development Charges

It is estimated that the Development Charges for Phase I of this project will be \$3,278,435.80. This is an estimate and the actual charges is assessed and collected upon issuance of the Building permit.

Conclusions:

The conditions for the lifting of the Holding Zoning designation as set out in Section 27 (11) (a) (iii) have been met for Phase I, provided the required matters identified in this report have been secured in an appropriate agreement(s) to the satisfaction of the City Solicitor. It is recommended that the former City of North York Zoning By-law No. 7625, as amended, should be amended to lift the Holding Zoning Designation in accordance with the draft By-law attached as Attachment No. 3 and that the necessary Bill not be introduced into Council until the applicant has entered into the appropriate agreements to secure that matters identified in the report.

Contact:

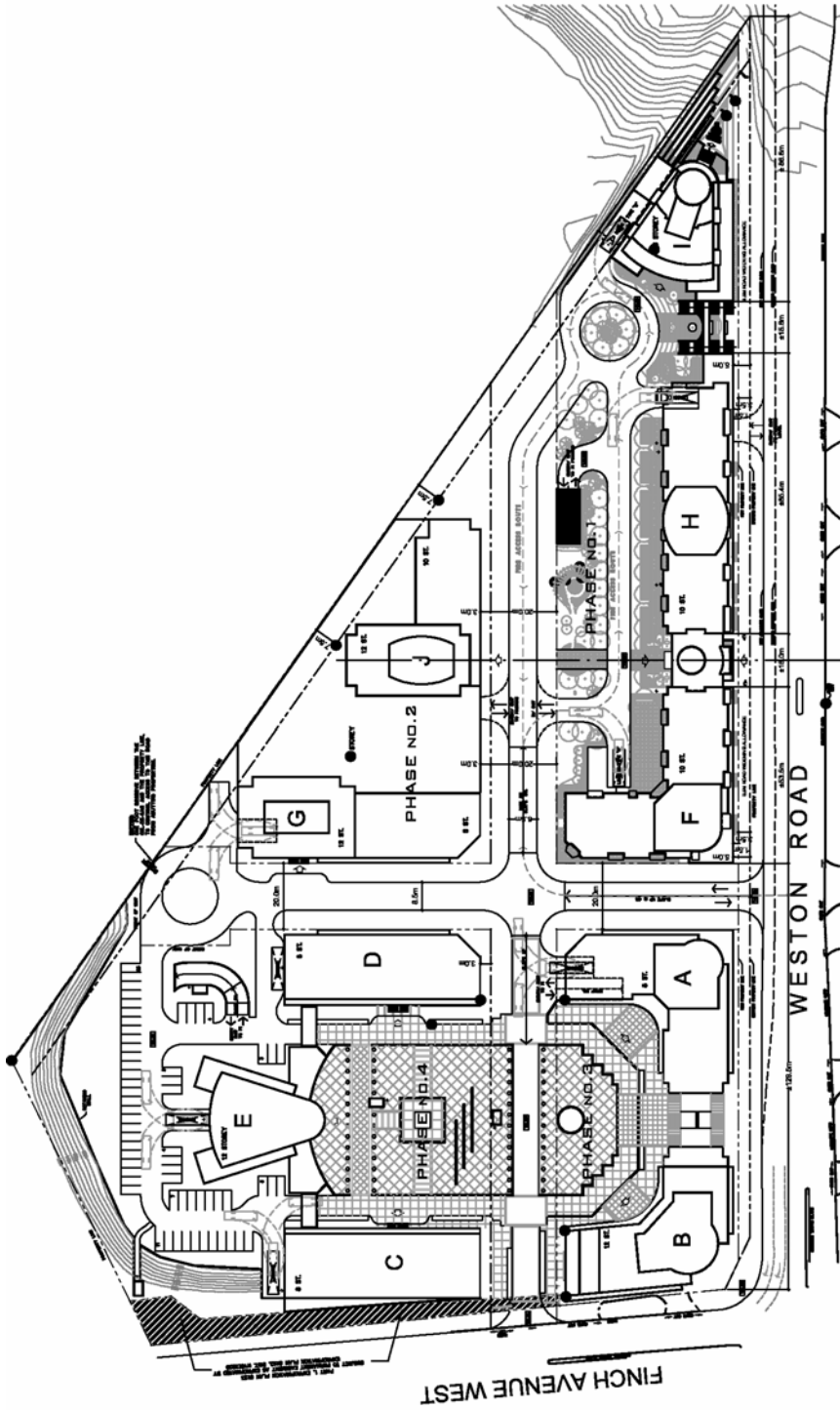
Gregory Byrne, Senior Planner
Tel: (416) 394-8238; Fax: (416) 394 -6063
Email: gbyrne@toronto.ca

Gregg Lintern. MCIP RPP
Director, Community Planning
Etobicoke York District

List of Attachments:

Attachment 1: Site Plan
Attachment 2: Zoning
Attachment 3: Draft Zoning By-law Amendment
Attachment 4: Application Data Sheet
Attachment 5: Development Engineering, Technical Services comments (October 27, 2005)

Attachment 1: Site Plan



Master Plan/Phasing Plan

Applicant's Submitted Drawing

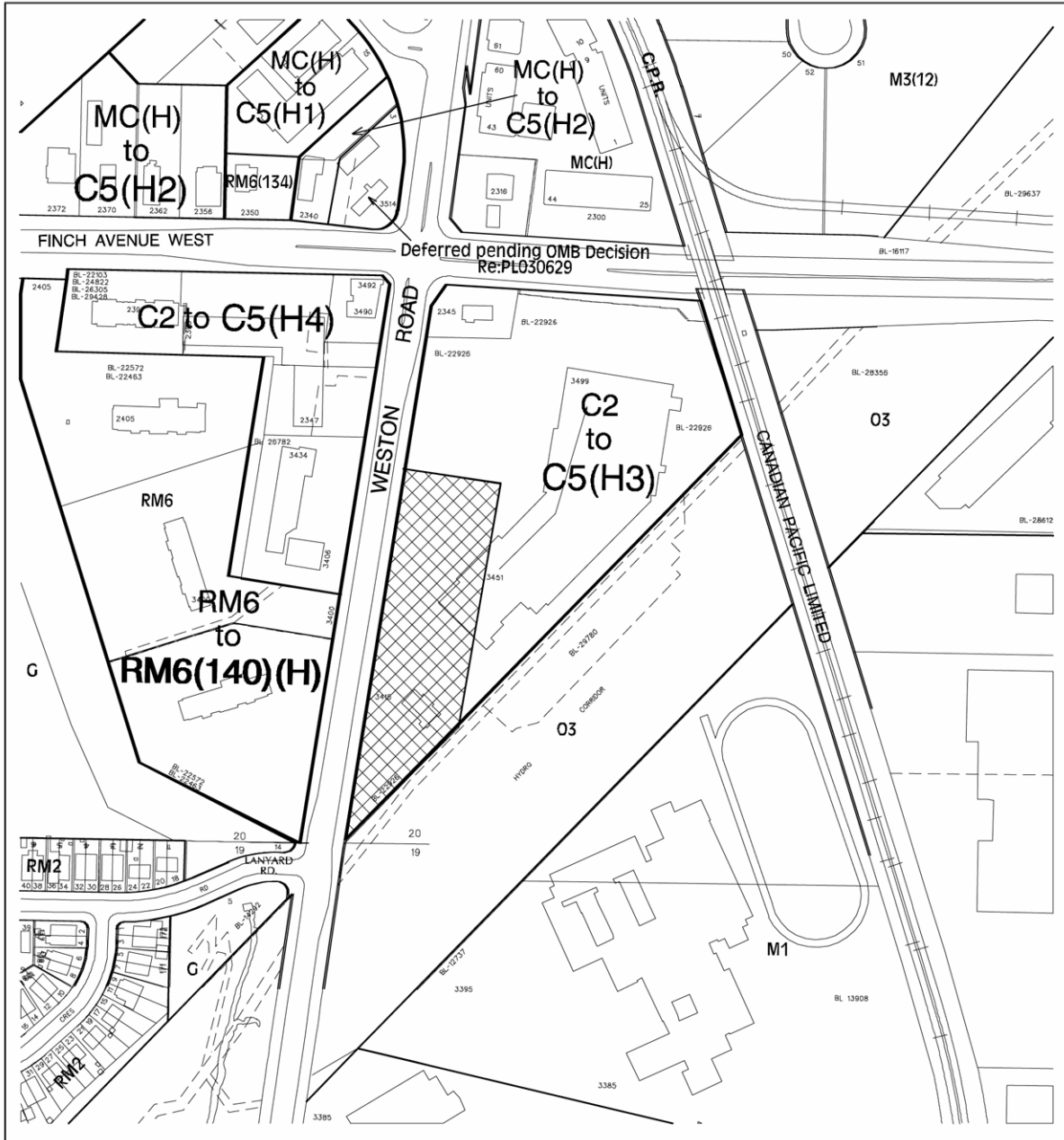
Not to Scale
10/27/05



2345 Finch Avenue West
3415 Weston Avenue

File # 03_172936

Attachment 2: Zoning (Map)



Attachment 3: Draft Zoning By-law Amendment

Authority: North York Community Council Report No. ~, Clause No. ~,
as adopted by City of Toronto Council on ~, 2005

Enacted by Council: ~, 2005

CITY OF TORONTO

Bill No. ~

BY-LAW No. ~-2005

**To amend the Former City of North York Zoning By-law No. 7625, as amended,
With respect to a portion of the lands municipally known as,
3415 Weston Road**

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. Schedule “B” and “C” of By-law 7625, as amended, are amended in accordance with Schedule “1” of this By-law.
2. Subject to the provisions of Section 34 of the Planning Act, R.S.O. 1990 c.P. 13, as amended, this By-law shall come into force and effect on the date of its passing.

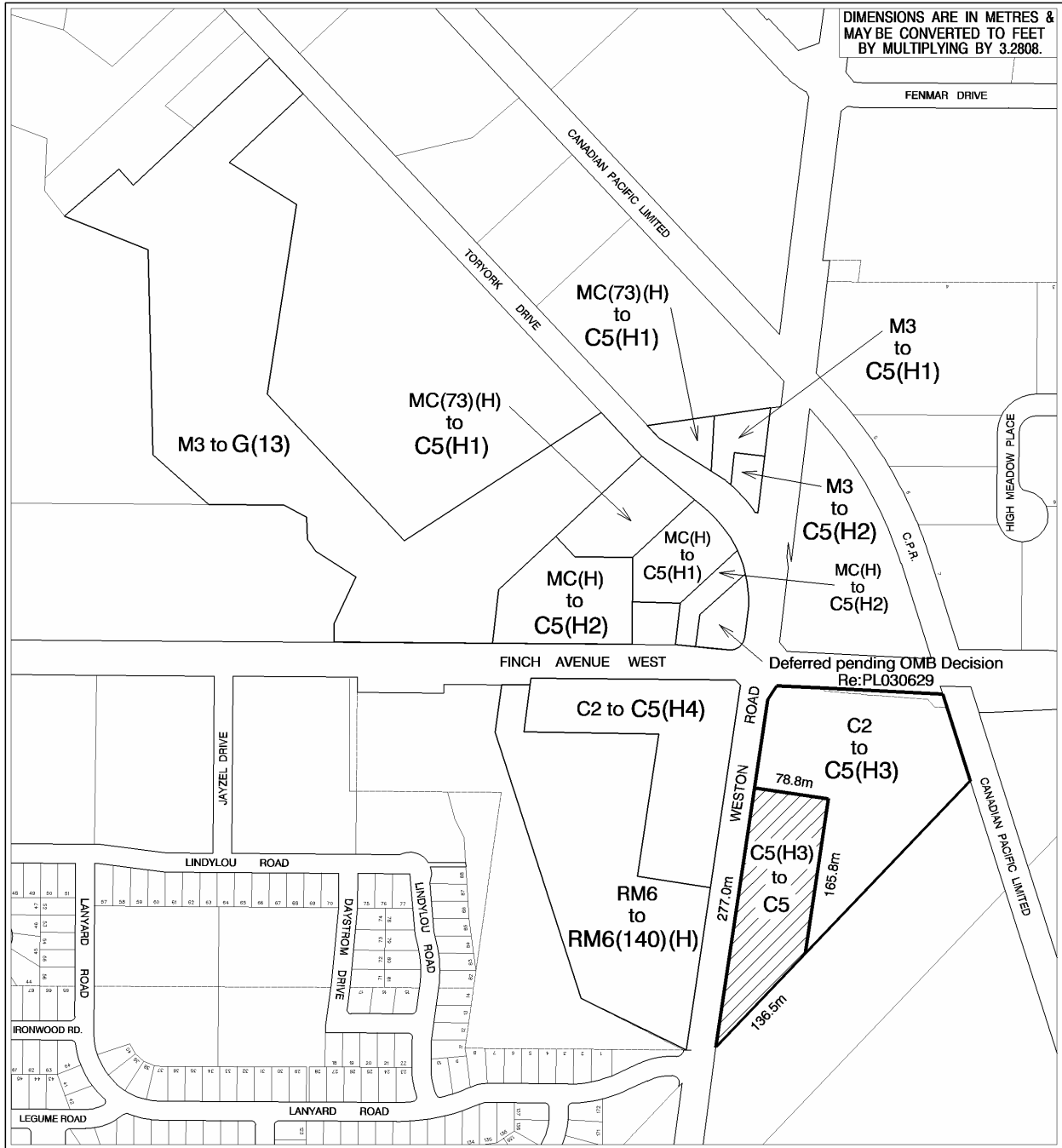
ENACTED AND PASSED this ~ day of ~, A.D. 2005.

DAVID R. MILLER,
Mayor

ULLI S. WATKISS,
City Clerk

(Corporate Seal)

Draft Zoning By-Law Schedule 1



**This is Schedule " 1 " to By-Law 422-2003
 passed May 23, 2003 as amended by
 Zoning By-law 518-2003 passed June 26, 2003**



**SUBJECT
 PROPERTY**



File: 03_172936_dz1 Prepared by: A.A. Approved by: S.H. Date: Oct 25, 2005 Filename: EMERY VILLAGE

*Source: Zoning, By-Law, Lot Line, Street Line and Street Name Data - City of Toronto, City Planning Division, North District.
 Street lines represent street dedications/road allowances and do not represent actual as-built curb lines of streets.*

Attachment 5: Application Data Sheet**APPLICATION DATA SHEET**

Application Type	Rezoning	Application Number:	03 172936 NNY 07 OZ
Details	Rezoning, Lifting the Hold	Application Date:	September 9, 2003
Municipal Address:	2345 FINCH AVE W, TORONTO ON		
Location Description:	CON 5 WY PT LOT 20 **GRID W0705		
Project Description:	Mixed use development		

PLANNING CONTROLS

Official Plan Designation:	Mixed Use Area	Site Specific Provision:	422-2003
Zoning:	C5 (H3)	Historical Status:	
Height Limit (m):	19 Storeys 54 metres	Site Plan Control Area:	Yes

PROJECT INFORMATION

Site Area (sq. m):	53431	Height: Storeys:	28
Frontage (m):	386.8	Metres:	84.95
Depth (m):	224.1		
Total Ground Floor Area (sq. m):	12830		Total
Total Residential GFA (sq. m):	51945	Parking Spaces:	878
Total Non-Residential GFA (sq. m):	7173	Loading Docks	3
Total GFA (sq. m):	59118		
Lot Coverage Ratio (%):	24		
Floor Space Index:	1.11		

DWELLING UNITS

Tenure Type:	Rental
Rooms:	0
Bachelor:	58
1 Bedroom:	265
2 Bedroom:	260
3 + Bedroom:	81
Total Units:	664

FLOOR AREA BREAKDOWN (upon project completion)

	Above Grade	Below Grade
Residential GFA (sq. m):	51945	69
Retail GFA (sq. m):	1232	31
Office GFA (sq. m):	0	0
Industrial GFA (sq. m):	0	0
Institutional/Other GFA (sq. m):	5941	0

CONTACT:	PLANNER NAME:	Gregory Byrne, Senior Planner
	TELEPHONE:	(416) 394-8238

**Attachment 5: Development Engineering,
Technical Services comments (October 27, 2005)**

SUBJECT: Site Plan Application No.: 03 172936 NNY 07 OZ, 'H' PROVISION
Your Memorandum Dated: AUGUST 30, 2005
Applicant: MEDALLION PROPERTIES INC.
Location: 2345 FINCH AVE. W., Ward: 07

APPLICATION DESCRIPTION

Located at the southeast corner of the Weston Road/Finch Avenue West intersection, the site is governed by the Emery Village Secondary Plan and implementing Bylaw No.422-2003, approved by the Ontario Municipal Board on 3 December 2003. The applicant proposes to develop the site in a number of phases, ultimately consisting of 1,470 dwelling units and 4,460m² of real floor space.

Conditions and comments are based on plans 1 to 12 by Page and Steele Architects Planners dated August 5, 2005 and plan L1-1 also by Page and Steele Architects Planners dated Apr. 2003.

Background:

Before proceeding with Phase One, and as a condition to removing the "H" designation on this property, Bylaw No.422-2003 requires that any development exceeding 5,000m² in gross floor area must satisfy the following criteria:

- (A)
 - i) the site layout must adequately accommodate the movement needs of pedestrians, automobiles and commercial vehicles without disrupting neighbouring streets and properties;
 - ii) the development will not increase traffic on local residential streets so significantly that it produces appreciably new hazards, noise, dust and fumes;
 - iii) the development provides sufficient automobile parking but still encourages alternate modes of transportation such as transit, walking and cycling; and
 - iv) vehicle traffic generated by the development does not significantly reduce roadway levels-of-service below a generally acceptable level.
- (B) For public roads, submission of a Soil Investigation report to the satisfaction of the Executive Director of Technical Services addressing the construction of public roads and any below grade infrastructure.
- (C) Submission of a Phase I Environmental Site Assessment Report to determine the likelihood of on-site and off-site contamination and, if required, Phase II Environmental

Site Assessment Report and Peer Review to the satisfaction of the Executive Director of Technical Services and in accordance with the applicable Ministry of Environment Guidelines to remediate on-site and off-site contamination.

- (D) Submission of a Preliminary Engineering Report to the satisfaction of the Executive Director of Technical Services, which demonstrates the feasibility of proposed engineering works.
- (E) Submission of a Noise and Vibration Study to the satisfaction of the City, which addresses any noise and vibration, concerns with the adjacent and industrial uses.
- (F) Developments which exceed 5000 m² in gross floor area shall submit a Development plan to the satisfaction of the Commissioner, Urban Development Services which addresses:
 - i) The proposed massing of buildings, building heights, setbacks and distribution of density;
 - ii) The location, dimensions and character of publicly accessible private open spaces and pedestrian routes, showing their continuity and complementary relationship to adjacent public spaces, pedestrian routes and streets;
 - iii) Protection and enhancement of significant views and landscape focal points;
 - iv) The general location, size and treatment of surface parking facilities and vehicular access points in sufficient detail to identify locations where parking amongst different building sites or uses may be shared and to assess the effect of these facilities on public sidewalks and pedestrian routes;
 - v) The location of street related uses and principle pedestrian entrances to buildings and the relationship of such uses and entrances to street frontages to ensure that the role of the public street and pedestrian movement along the street is supported and reinforced; and
 - vi) Possible phasing of development and new infrastructure including roads, parks and open spaces.

In combination with the current Phase One proposal, in July 2004, the applicant applied to the Committee of Adjustment requesting seventeen minor variances to North York Zoning Bylaw No.7625. In Decision No. A280/04NY, the Committee approved the variances on condition that the applicant demolish 50 per cent of the existing vacant 12,760m² commercial plaza, and contribute \$200,000 to the municipality “ for the purposes of the Emery Village Community Infrastructure.” The Committee’s decision does not define “infrastructure.”

The applicant proposes to maintain 6,380m² of vacant commercial floor area in the existing Finch West Mall building. Community Planning advises us that the existing plaza has lawful non-conforming status, and reintroducing retail uses into the building is allowed “as of right.”

CONDITIONS

The Technical Services Division has no objection with lifting the “H” zoning conditions, “A”, “B”, “C” and “D” of Bylaw No.422-2003 subject to the following conditions which must be satisfied through the Site Plan process. Further conditions may be imposed once the Site Plan Application has been made and additional details are known.

1. The applicant must realign the south access to the proposed north-south road perpendicular to the street and designed according to City of Toronto Design Standard No.T-350.01; i.e., 7.2m wide, as measured along the property line, with 8.0m corner radii.
2. The applicant is required to submit an irrevocable letter of credit or certified cheque in an amount sufficient to cover the cost of installing traffic control signals and related intersection improvements at the Weston Road/North Site Driveway intersection. If the signal warrant analysis shows that traffic control signals are warranted at this intersection following full occupancy of Phase One, then the applicant is financially responsible for all costs associated with signalling the intersection. In the event that traffic control signals are not warranted, then the applicant must make a proportionate financial contribution to the potential future signalization of this intersection, in an amount acceptable to this Division.
3. The applicant is required to convey the east-west road to the municipality, extending the full width of the subject property. This road must provide a minimum right-of-way width of 20m. This conveyance must be made according to the following requirements:
 - a. the applicant must provide the required conveyances to the City at nominal cost, such lands to be free and clear of all encumbrances with the exception of utility poles and subject to a right-of-way for access purposes in favour of the Grantor until such times as these lands are laid out and dedicated for public highway purposes;
 - b. the applicant must submit to the Executive Director of Technical Services, for review and approval, before depositing in the Land Registry Office, a draft Reference Plan of Survey in metric units and integrated with the Ontario Co-ordinate System, showing as separate PARTS the lands to be conveyed to the City and the remainder of the site including any appurtenant rights-of-way; and,
 - c. the applicant must pay all costs for registering and preparing the reference plan(s).
4. To accommodate the Toronto Transit Commission’s request to modify the existing right turn storage lane at the south approach to the Weston Road/Finch Avenue West

intersection to include longer manoeuvre and deceleration distances requires that the applicant convey to the municipality, free and clear of all encumbrances and according to the requirements described in Condition 3 of this Section, a 3.5m wide strip of land along the entire Weston Road frontage of the subject property.

5. The applicant must design and construct the right turn storage, manoeuvre, and deceleration lane at the south approach to the Weston Road/Finch Avenue West intersection.
6. The applicant must provide funding to the municipality, in an amount satisfactory to the Transportation Services Division, that is sufficient to cover the cost of installing a public transit shelter and waiting area at the south-east corner of the Finch Avenue West/Weston Road intersection.
7. The applicant must provide the municipality with a \$50,000 irrevocable letter of credit to secure the installation of transit priority features at the Finch Avenue West/Weston Road intersection.
8. The applicant must design and construct a separate southbound to eastbound left turn storage lane and appropriate taper at the north approach of the Weston Road/South Garage Access intersection. To accommodate the forecast volume of vehicle traffic entering the proposed below-grade garage from southbound Weston requires that the applicant provide a minimum storage lane length of 22m.
9. The existing row of 31 parking stalls along the west lot line of the existing commercial site is situated within the proposed Weston Road conveyance. The applicant is required to either remove or relocate these parking stalls entirely on-site.
10. The proposed north-south road can remain in private ownership until such time as the municipality requires the owner to convey this property to the municipality. To protect for this eventuality, we require that the applicant enter into an agreement with the municipality, registered on-title to the property and to the satisfaction of this Division and the City Solicitor, that contains the following conditions:
 - a. when requested by the municipality anytime within the next 50 years, the owner will convey this road, with a 20m right-of-way, to the City for a nominal fee of one dollar;
 - b. concurrent with the municipality's request for this conveyance, the developer and their successors or assigns will provide the municipality with 5.0m x 5.0m grade level exclusive use easements at each corner of the intersection of the east-west and north-south rights-of-way.
11. The Applicant must design the proposed east-west and north-south roads with a minimum pavement width of 8.5m, terminating in a cul-de-sac at the east and south limits of the subject property. The applicant must design and construct the proposed roads,

boulevards, sidewalks and other associated services to municipal standards, with the pavement surface centred within the 20m right-of-way width.

12. No permanent above- or below-grade structure is permitted within proposed east-west road allowance; however, we will permit the proposed below-grade garage connection linking the P2 parking levels on the Phase One and future Phase Two sites to encroach beneath the north-south road, but only on condition that the owners enter into an encroachment agreement that absolves the municipality of any loss or claim as a result of this encroachment, in a manner acceptable to the City Solicitor. The Applicant must design and construct the proposed below-grade vehicle access across the north-south road to the satisfaction of both the Technical and Transportation Services Divisions.
13. The Applicant must design and construct 1.8m wide concrete sidewalks along both sides of both the proposed east-west and north-south private roads.
14. The Applicant must provide a minimum visitor parking provision of 0.10 stalls per dwelling unit. These stalls must be illustrated in subsequent revisions.
15. The Applicant must enter into an appropriate agreement that contains conditions requiring the existing retail plaza to remain vacant until it is completely demolished in subsequent phases. The developer must provide this agreement to the satisfaction of this Division and the City Solicitor. If it is City Legal's interpretation that such an agreement is unenforceable, or the retail uses are allowed "as of right," then the applicant must provide the required vehicle parking supply for the remaining commercial floor area.
16. The applicant's site plan agreement must require the owner to:
 - a. maintain a minimum of 213 residential parking stalls on the adjacent vacant commercial site for the exclusive use of tenants of Phase One of this development until the garage for Phase Two is completed;
 - b. construct and maintain a minimum of 213 parking stalls on the Phase Two property, in perpetuity, for the exclusive use of tenants of Phase One; and,
 - c. create joint access agreements that are registered on-title to permit vehicle access for Phase One tenants along the portions of the proposed below-grade parking garage on the future Phase Two site.
17. The Applicant must Pay all costs associated with the City retaining a third-party peer reviewer and submit, prior to Site Plan approval, a certified cheque payable to the City of Toronto in the amount of \$3,000.00, as a deposit towards the cost of the peer review.
18. Submit, prior to Site Plan approval, a Statement from a Professional Engineer (sealed and dated), for peer review and concurrence, that, based on all necessary supporting environmental documents:

- a). The land to be conveyed to the City is suitable for its intended use; and
 - b). It is unlikely that there is any off-site contamination, resulting from past land uses on the land to be conveyed, that has migrated to the adjacent right-of-ways that would exceed applicable MOE Guideline objectives or regulations;
19. The Applicant must enter into an agreement with the City, prior to Site Plan approval, should it be determined that remediation of the adjacent right-of-ways be required, in which the owner, or the party responsible for the contamination, commits to carrying out a remedial work plan acceptable to the City.
20. The Applicant must submit, prior to Site Plan approval, a Record of Site Condition (RSC) to the Executive Director of Technical Services with respect to the statement submitted prior to the issuance of the above grade building permit.

COMMENTS

ENVIRONMENT

The Applicant has satisfied the requirements of By-law No. 422-2203 Clause “C” with respect to the submission of environmental Site Assessments and conducting a peer review.

However as the Applicant is required to convey property to the City and remediation of soil and ground water is necessary on this site the Applicant will be required to submit, prior to the issuance of an above grade building permit, a Statement from a Professional Engineer (sealed and dated), for peer review and concurrence, that, based on all necessary supporting environmental documents:

- a). The land to be conveyed to the City is suitable for its intended use; and
- b). It is unlikely that there is any off-site contamination, resulting from past land uses on the land to be conveyed, that has migrated to the adjacent right-of-ways that would exceed applicable MOE Guideline objectives or regulations;

The Applicant must enter into an agreement with the City, prior to the issuance of an above grade building permit, should it be determined that remediation of the adjacent right-of-ways be required, in which the owner, or the party responsible for the contamination, commits to carrying out a remedial work plan acceptable to the City.

The Applicant must submit, prior to occupancy, a Record of Site Condition (RSC) to the Executive Director of Technical Services with respect to the statement submitted prior to the issuance of the above grade building permit.

The Applicant must Pay all costs associated with the City retaining a third-party peer reviewer and submit, prior to the issuance of an above grade building permit, a certified cheque payable to the City of Toronto in the amount of \$3,000.00, as a deposit towards the

cost of the peer review.

TRAFFIC ASSESSMENT

The Applicant's traffic engineering consultant, Sernas Transtech, submitted traffic impact studies dated December 2003 and September 2004. The December 2003 report examined the traffic impacts associated with the previous Phase One proposal as well as build-out of the entire property. The September 2004 analysis is limited to the current Phase One proposal.

The 2003 study concluded that the amount of vehicle traffic generated by both Phase One and site build-out can be accommodated on the surrounding road network without the need to either install traffic control signals at the Weston Road/North Driveway, located approximately 140m south of Finch Avenue West, or the easterly extension of Lanyard Road north through the subject site to Finch Avenue West, or the northerly extension of Rivalda Road, as illustrated in the Secondary Plan.

The 2004 study for the current Phase One proposal voiced similar conclusions, but indicated that the intersection of Weston Road/Finch Avenue West has reached its limit of practical capacity. The study concluded that while Phase One does not warrant traffic control signals at the Weston Road/North Driveway intersection, signalisation should be approved due to the poor level of service exhibited by outbound turning movements.

From our perspective, and similar to the concerns identified by our (former) District 3 counterparts in their report of 29 January 2004, there are a number of deficiencies evident with both these reports.

Both of the Applicant's traffic studies suggest that there is no need for future vehicle access from an easterly extension of Lanyard Road or the north extension of Rivalda Road. But neither report includes: the vehicle traffic generated by the Centrillium site in the north-west quadrant of the Finch Avenue West/Weston Road intersection; the amount of vehicle traffic that would be generated if retail uses were reintroduced into the remaining vacant mall; nor do they include any analysis of future background traffic volumes representing forecast development levels expected in the entire Secondary Plan area.

Neither report includes how to provide access to this site if Weston Road, between Finch Avenue West and Lanyard Road, is redesigned to accommodate a number of area transportation initiatives including the closure of Weston Road between Finch Avenue West and Lanyard Road to provide a 'pedestrian mall,' as well as the access and property implications associated with converting the Finch Avenue West/Weston Road intersection into a roundabout. There is no discussion in either study regarding the traffic impacts associated with the planned introduction of a transit station at the east limit of the east-west road, adjoining the CPR corridor and located at the east limit of the subject site.

Due to these deficiencies, it is premature for the applicant's traffic consultant to conclude that the easterly extension of Lanyard Road, or a northerly extension of Rivalda Road, are not required to accommodate build-out of the subject site or planned area road and transit network

improvements. In addition, the 2004 report is not consistent with the 2003 report, concluding the traffic signals at the Weston Road/North Driveway are necessary for site build-out but not for Phase One.

The 2004 report does not identify any impacts associated with vehicle queues and arterial levels-of-service associated with the substandard signal spacing that occurs between the Weston Road/North Driveway and the Finch Avenue West/Weston Road intersections, or if this substandard signal spacing can accommodate future forecast traffic conditions, including the vehicle turning movements associated with a future transit station at the east limit of the proposed east-west public road and redevelopment on the west side of Weston Road, south of Finch Avenue West.

While we are in general agreement with the 2004 report's conclusion that Phase One can be accommodated on the area road network without significant road improvements or a need to either acquire or construct the east to north extension of Lanyard Road, east of Weston Road, or the northerly extension of Rivalda Road, it is apparent that in view of the road network initiatives under consideration in the Secondary Plan area, and regardless of whether the Weston Road/North Driveway operates unsignalised or signalised, the vehicle traffic generated by development beyond Phase One is unlikely to be accommodated on the surrounding road network without protecting for road access to the Lanyard Road or Rivalda Road extensions.

In the Applicant's revised plans, they now illustrate a future north-south 20m public road allowance extending south from Finch Avenue West, terminating at the south limit of the subject property. This proposed right-of-way is located between the Phase One/Phase Three and future Phase Two/Phase Four sites proposed immediately to the east of this public street. As outlined previously, the proposed road extensions through the subject property are important links to the overall transportation component of the Emery Village Secondary Plan.

From a transportation planning and traffic operations perspective, Phase One of this development has satisfied the conditions to removing the "H" designation specified in 422-2003; however, we emphasise that while the limited spacing of just 140m between the Finch Avenue West/Weston Road and Weston Road/North Driveway (future east-west public road) intersections appears able to contain the expected weekday peak period left turn vehicle queuing associated with Phase One development and unsignalised operation, this situation is unlikely to continue beyond Phase One, or should additional area development on the west side of Weston Road require access to this intersection. Queue spillback into the adjoining through lanes and intersections, and the associated operational problems that this creates, is likely to occur during weekday a.m./p.m. peak hour periods unless alternate road access arrangements, particularly access to the Lanyard Road and Rivalda Road extensions, are introduced concurrent with construction of subsequent phases.

The municipality has initiated a functional design study examining the road network initiatives described in the Secondary Plan and in resolutions from North York Community Council (NYCC) that were approved by City Council at its meeting of 26-28 November 2002. We emphasise that Council's approval of the Emery Village Secondary Plan, as recommended by NYCC, requires substantial financial contributions from the developer to construct the Weston

Road/Finch Avenue West roundabout and other area road network improvements once development on this property exceeds 797 dwelling units; i.e., Phase Three of the applicant's previous development scenarios.

In view of Council's decision, any future development phases on this property will require that the applicant contribute 50 per cent toward the cost of acquiring, designing and constructing any future extensions of either Lanyard Road or Rivalda Road that are required for access purposes and to assist in implementing the road network described in the Emery Village Secondary Plan.

ROADWAYS

To mitigate delay to transit buses, the Toronto Transit Commission requires extending the existing right turn storage lane at the south approach to the Weston Road/Finch Avenue West intersection to create longer manoeuvre and deceleration distances. This requires extending the lane south across the entire frontage of the site. On this basis, the developer's previous proposal for an exclusive parking lane on the east side of Weston Road cannot be accommodated unless the applicant conveys additional property exceeding the 3.5m wide dedication previously requested.

To accommodate improvements to the existing right turn storage lane at the south approach to the Weston Road/Finch Avenue West intersection requires that the applicant convey to the municipality, free and clear of all encumbrances, a 3.5m wide strip of land along the entire Weston Road frontage of the subject property. As indicated above, this conveyance shall be in lieu of the dedicated parking lane proposed by the applicant.

In addition to improvements to the northbound right turn lane at the Finch Avenue West/Weston Road intersection, the Toronto Transit Commission requires that the developer provide the municipality with a \$50,000 irrevocable letter of credit to cover the cost of installing transit priority features to the traffic control signal hardware at the Finch Avenue West/Weston Road intersection. The TTC also requires that the applicant finance the installation of a public transit shelter and larger waiting area at the existing public transit stop situated at the south-east corner of the Finch Avenue West/Weston Road intersection.

The existing row of 31 parking stalls along the west lot line of the existing commercial site is located within the proposed Weston Road conveyance. Consequently, the developer must either remove or relocate these parking stalls entirely on-site. In addition, the developer must remove the existing pylon sign at the south-west corner of the existing parking lot from the future road allowance. The section of the existing parking lot extending into the area to be conveyed to the municipality must be restored to the satisfaction of this Division.

The Applicant's revised site plan illustrates the proposed east-west road situated approximately 140m south of Finch Avenue West, extending east through the subject site from Weston Road to the east limit of the property adjoining the CPR corridor. As previously described, the developer now proposes to introduce a north-south 20m public street extending south Finch Avenue West, intersecting with the future east-west 20m public road and terminating at the south limit of the

subject property. These road links are conceptually illustrated in the Emery Village Secondary Plan 'Structure Plan' (Map D.17.2).

The Applicant is required to convey the east-west and the north-south roads to the City. The Applicant and their successors or assigns must also provide the municipality with 5.0m x 5.0m grade level exclusive use easements at each corner of the intersection of the east-west and north-south rights-of-way.

The Applicant must design the proposed east-west and north-south roads with a minimum pavement width of 8.5m, terminating in a cul-de-sac at the east and south limits of the subject property. The applicant must design and construct the proposed roads, boulevards, sidewalks and other associated services to municipal standards, with the pavement surface centred within the 20m right-of-way width.

No permanent above- or below-grade structure is permitted within proposed east-west road allowance; however, we will permit the proposed below-grade garage connection linking the P2 parking levels on the Phase One and future Phase Two sites to encroach beneath the north-south road, but only on condition that the owner enters into an encroachment agreement that absolves the municipality of any loss or claim as a result of this encroachment, in a manner acceptable to the City Solicitor. All costs associated with maintenance and liability of this encroachment is the financial responsibility of the developer and their successors/assigns.

The Applicant must design and construct the proposed below-grade vehicle access across the north-south road to the satisfaction of both the Technical and Transportation Services Divisions.

The Applicant must design and construct a separate southbound to eastbound left turn storage lane and appropriate taper at the north approach to the Weston Road/South Driveway intersection. A minimum of 22m of storage is required to accommodate the forecast volume of vehicle traffic entering the proposed below-grade garage from southbound Weston Road.

SIDEWALKS, BOULEVARDS, STREETSCAPING

The Applicant is required to redesign and construct the Weston Road municipal boulevard to provide a new 1.8m wide concrete sidewalk, sod and street trees to the satisfaction of this Division. We recommend that the new sidewalk be located 1.0m from the revised Weston Road property line.

The Applicant is required to design and construct 1.8m wide concrete sidewalks along both sides of both the proposed east-west and north-south private road.

We will allow special landscape treatments within the Weston Road municipal boulevard, but only on condition that the developer enters into encroachment agreements with the City. Under such agreements, the developer/property owner is financially responsible for installing and maintaining any special landscape features that they propose within the public right-of-way. The

submitted landscape plan, prepared by Land Art Design, dated July 2005, illustrates several sidewalk connections extending from the proposed grade-level retail stores to the Weston Road curb line. We will allow these sidewalk connections provided that they extend only to the limit of the new municipal sidewalk, and that they are constructed of either concrete or impressed concrete with a maximum grade of two per cent.

The proposed planting bed/sculpture feature situated within the revised Weston Road right-of-way will be permitted on condition the developer enters into an encroachment agreement that is registered on-title to the property. All costs associated with maintenance and liability of this encroachment is the financial responsibility of the applicant and their successors/assigns.

The Applicant is required to remove the existing stairs situated within the Weston Road right-of-way at the south-west corner of the property. If the developer proposes to retain pedestrian access to the property from this area, then the stairs must be removed and pedestrian access redesigned to be accessible for persons with physical disabilities.

DRIVEWAY ACCESS, SITE CIRCULATION

Three driveways will provide vehicle access to the subject development: two proposed full-movement access connections to Weston Road; and one existing left-in right-in/right-out access connection to Finch Avenue West.

The proposed north driveway to Weston Road will provide vehicle access to the proposed east-west public road. The proposed location and unsignalised operation of this driveway is adequate for the forecast Phase One levels of site-generated traffic, and traffic control signals do not appear warranted at this stage of development. As indicated previously, the applicant is required to submit an irrevocable letter of credit or certified cheque in an amount sufficient to cover the cost of installing traffic control signals and related intersection improvements at the Weston Road/North Site Driveway intersection. If the signal warrant analysis shows that traffic control signals are warranted at this intersection following full occupancy of Phase One, then the applicant is financially responsible for all costs associated with signalling the intersection. In the event that traffic control signals are not warranted, then the applicant must make a proportionate financial contribution to the potential future signalization of this intersection, in an amount acceptable to this Division.

The illustrated design of this driveway/private road connection to Weston Road is acceptable to this Division; i.e., 8.5m width with 9.0m corner radii.

The proposed east-west private road connects to the proposed north-south private road situated approximately 68m east of Weston Road, providing an alternate route to the Phase One site. Two access connections are proposed along the north-south road. These two driveways provide access to the internal surface vehicle circulation system along the east side of the site serving each of the three proposed residential buildings, and accommodates vehicle access to P1 of the proposed below-grade garage, passenger pick-up/drop-off, and truck loading facilities.

The location/design of the north internal driveway to the proposed north-south road is acceptable; however, the south access must be redesigned to align perpendicular to the road and according to City of Toronto Design Standard No.T-350.01; i.e., a width of 7.2m as measured along the property line, with 8.0m corner radii. The design/layout of the proposed surface and below-grade vehicle circulation system is adequate; however, the developer is required to submit a vertical profile of each garage ramp, to the satisfaction of this Division.

The proposed south driveway to Weston Road will provide vehicle access to P2 parking level that accommodates parking exclusively for Phase One residents/tenants. To eliminate left turn conflicts, the applicant relocated this access centreline to centreline with the existing driveway to 3390 Weston Road on the west side of Weston Road. The design of this driveway and connecting below-grade access ramp comply with the requirements previously specified by North District Traffic Planning.

The location and design of the existing driveway to Finch Avenue West will be maintained, and is acceptable to this Division provided that outbound left-turn movements are prohibited by means of appropriate signage.

The Applicant is required to submit a traffic signage plan for Phase One of this development to the satisfaction of this Division. All traffic signage must comply with the requirements described in 'Book 5' of the Ontario Traffic Manual.

We will require that the applicant recognise the proposed private road, surface and below-grade garage vehicle circulation system on-title for shared vehicle and pedestrian use, to the satisfaction of this Division and the City Solicitor.

VEHICLE PARKING

In Decision No.A280/04NY, the Committee of Adjustment granted a parking variance for the residential component of Phase One, which included a total of 664 dwelling units in building's F, H and I. This parking variance permits a parking supply of 663 parking stalls, of which 67 parking stalls must be reserved for visitors.

The submitted plans illustrate a total of 452 parking stalls in the proposed two-level underground garage. The developer proposes to provide 213 surface parking stalls on the existing parking lot adjoining the vacant commercial building situated on the north side of the proposed east-west road.

The Applicant's indicates that the 213-stall surface parking provision is an interim measure, and that these stalls will be relocated below-grade with development of the future Phase Two site on the east side of the proposed north-south road. In total, 665 parking stalls are proposed for Phase One, equivalent to a parking ratio of 1.0 stall per dwelling unit; however, the submitted plans do not illustrate the required 67 stall visitor parking supply. A minimum visitor parking provision of 0.10 stalls per dwelling unit must be illustrated in subsequent revisions.

The Applicant's site plan agreement must require the owner to:

- maintain a minimum of 213 residential parking stalls on the adjacent vacant commercial site for the exclusive use of tenants/visitors of Phase One of this development until the garage for Phase Two is completed;
- construct and maintain a minimum of 213 parking stalls on the Phase Two property, in perpetuity, for the exclusive use of tenants of Phase One; and,
- create joint access agreements that are registered on-title to permit vehicle access for Phase One tenants along the portions of the proposed below-grade parking garage on the future Phase Two site.

According to North York Bylaw 7625, the proposed 1,232m² of ground floor commercial space is required to accommodate on-site parking at a minimum ratio of 1.0 stall per 28m² of gross floor area. On this basis, a minimum commercial parking supply of 44 stalls is required. The developer proposes to share the proposed visitor/retail parking supply.

The proposed shared visitor/retail parking arrangement is acceptable to this Division, but only on the condition that the developer and their successors/assigns provide clauses in the site plan agreement stating that a minimum of 67 visitor parking stalls will be shared with the proposed retail uses. The developer and their successors/assigns must ensure that the site plan agreement contains the following clauses and is provided to the satisfaction of the City Solicitor:

- the 67 parking stalls are available to residential visitors between the hours of 7:00 p.m. and 7:00 a.m., seven days a week;
- each of the designated visitor/retail parking stalls must be individually signed to this effect;
- retail units must not be given exclusive use of any of the 67 shared stalls; and,
- the owner must provide an effective enforcement mechanism ensuring that this arrangement remains in effect at all times.

The existing 5,941m² commercial building is required to provide parking at a minimum ratio of 1.0 stall per 28m² of gross floor area. In this case, a minimum on-site parking supply of 213 stalls is required. A total of 213 parking stalls are illustrated on the submitted site plan, which satisfies the minimum by-law requirement in this regard; however, this parking provision must be allocated to tenants of Phase One until Phase Two is constructed.

The Applicant's site plan agreement must contain conditions requiring the existing retail plaza to remain vacant until it is completely demolished in subsequent phases. The developer must provide this agreement to the satisfaction of this Division and the City Solicitor. As indicated previously, if it is City Legal's interpretation that such an agreement is unenforceable, or the retail uses are allowed "as of right," then the applicant must provide the required vehicle parking supply for the remaining commercial floor area.

According to North York Bylaw No. 31770, Phase One of the proposed residential-commercial development is required to provide a minimum of 10 parking stalls for the physically disabled. The submitted site/below-grade plans illustrate a total of 5 parking stalls for the physically disabled in both P1 and P2, for a total of 10, which satisfies this requirement.

The design/layout of the proposed below-grade parking areas is acceptable to this Division.

LOADING

According to the North York Zoning Bylaw, the subject development is required to provide a minimum of three on-site loading spaces, one for each of the proposed buildings F, H and I. In addition, the bylaw specifies minimum loading space dimensions of 3.6m x 11.0m, with a vertical clearance of 4.2m. The submitted site plan illustrates a total of three loading docks. Adequate manoeuvring area appears to be available adjacent to these loading facilities to accommodate the minimum turning path requirements of single-unit delivery/garbage trucks; however, the applicant is advised to contact the Building Division to confirm the loading space requirements for this development, and whether minor variances may be required.

If you have any questions regarding the above comments please contact Malcolm Light at 416-394-8401.

Helen C. Noehammer, P. Eng.
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ML/ps

cc: Finch Avenue West 2345
Al Smithies, Transportation Services
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Gerry Martell, Solid Waste & Recycling
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