



STAFF REPORT ACTION REQUIRED

169, 171, 173 and 177 Finch Avenue East – Official Plan Amendment, Rezoning and Site Plan Control Applications – Final Report

Date:	February 16, 2010
To:	North York Community Council
From:	Director, Community Planning, North York District
Wards:	Ward 23 – Willowdale
Reference Number:	08 231155 NNY 23 OZ & 08 231164 NNY 23 SA

SUMMARY

These applications were submitted on December 19, 2008 and are subject to the new provisions of the *Planning Act* and the *City of Toronto Act, 2006*.

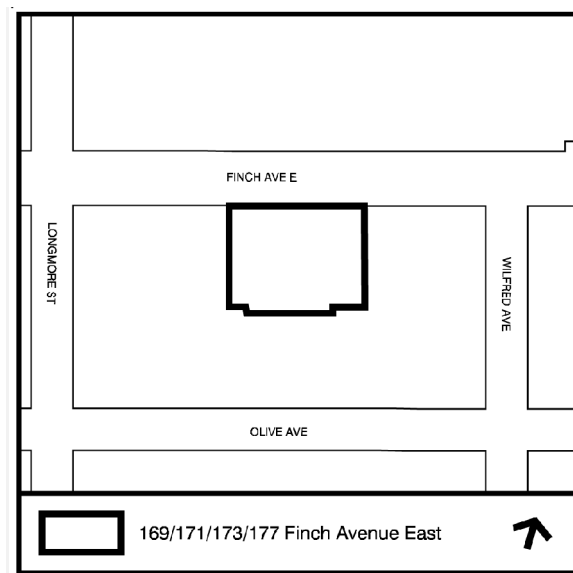
The applicant proposes to redevelop the properties located at 169, 171, 173 and 177 Finch Avenue East with 21 residential townhouse units, configured into 3 Blocks, and with two interior roadways.

This report reviews and recommends approval of the applications to amend the Official Plan and Zoning By-law and to approve in principal the Site Plan Control application.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council amend the Official Plan substantially in accordance with the draft Official Plan Amendment attached as Attachment No. 8;



2. City Council amend Zoning By-law 7625 for the former City of North York substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 9;
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. City Council approve in principle the site plan as indicated on the drawing in Attachment 1, subject to the Draft Conditions of Site Plan Approval listed in Attachment 10; and
5. Before introducing the necessary Bills to City Council for enactment, require the owner to:
 - (i) Obtain site plan approval from the Director, Community Planning, North York District and enter into a Site Plan Agreement under Section 41(16) of the *Planning Act* and Section 114 of the *City of Toronto Act*.

Financial Impact

The recommendations in this report have no financial impact.

ISSUE BACKGROUND

Proposal

The applicant is seeking to construct 21 residential townhouses configured into 3 Blocks of 7 units each. Of the proposed 3 Blocks of residential units, Block 2 would front entirely onto Finch Avenue, while Block 1 and Block 3 are proposed to front onto interior roadways (see Attachment No. 1). The proposal has a total gross floor area of 3,790 m² and a Floor Space Index (FSI) of 1.2.

Two interior roadways will provide both pedestrian and vehicular access to the development. The proposed residential units would have an integral at-grade garage for enclosed tandem parking of two vehicles. Parking for the most southerly residential unit located in Block 1 is similarly at grade and in tandem for two vehicles, but is located in a detached garage at the south end of the building.

The interior roadways are configured in a “T” design, which provides an opportunity for service and utility vehicles to turn on the site thereby entering and existing in a forward direction.

Site and Surrounding Area

The site consists of four lots located on the south side of Finch Avenue East, between Longmore Street and Wilfred Avenue. The subject lands have a combined frontage of approximately 65 metres along the south side of Finch Avenue East, and a gross lot area of 3,283m².

This portion of Finch Avenue East is undergoing significant transition, with single detached dwelling lots being redeveloped with either semi-detached dwellings or townhouse complexes.

Abutting uses are as follows:

North: single detached dwellings;

South: single detached dwellings;

East: a semi-detached dwelling immediately adjacent, an 18 unit townhouse complex, further east and a 28 unit residential townhouse project presently under construction at the intersection of Finch Avenue East and Maxome Avenue (File #05 120022 NNY 23 OZ); and

West: single detached dwellings and semi-detached dwellings.

Provincial Policy Statement and Provincial Plans

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

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

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

Official Plan

The subject lands are designated *Neighbourhood 'A'* within the Central Finch Area Secondary Plan. This designation provides for single detached and multiple-unit residential uses, public parks and recreational facilities and places of worship.

For sites with 30 metres of frontage or more along Finch Avenue, such as the subject lands, the maximum density permitted is 1.25 times the lot area (FSI), and the maximum height 3 storeys or 10 metres, whichever is the lesser. To buffer the abutting residential neighbourhoods from the effects of development on Finch Avenue, the Secondary Plan contains provisions that require buildings on Finch Avenue to be set back a minimum distance of 9.5 metres from the nearest residential property line that coincides with the boundaries of the Secondary Plan area and have a maximum height of 70% of the horizontal distance from that boundary. The Secondary Plan also requires privacy fencing and a 1.5 metre landscape strip along the property lines abutting adjacent residential neighbourhoods.

The Secondary Plan encourages the consolidation of lots and the elimination of driveways accessing Finch Avenue. Access via common shared driveways is preferred. The Secondary Plan also encourages redevelopment that is compatible with surrounding residential areas and contributes to a strong and attractive pedestrian oriented street edge. The Secondary Plan strongly encourages good built form and design with primary pedestrian access at grade and windows that face onto the street. Landscaping should help define the site and protect existing trees or provide for an abundance of additional replacement trees and greenery.

Zoning

The subject lands are presently zoned One-Family Detached Dwelling Sixth Density Zone (R6) which permits only 2-storey single detached residential dwellings and accessory uses.

Site Plan Control

A concurrent Site Plan Control application has been submitted (File #08 231164 NNY 23 SA). The approval of this Site Plan Control application will be required prior to the issuance of building permits for this proposed development (Draft Conditions of Site Plan Approval are attached as Attachment No. 10). The applicant will also be required to enter into a Site Plan Agreement which will include a requirement to convey land for future road widening purposes.

Reasons for Application

The Central Finch Area Secondary Plan contains provisions that limit building height to 70% of the horizontal distance from the nearest residential property line that coincides with the boundaries of the Secondary Plan area, provided that the horizontal distance is at least 9.5 metres. The proposed townhouse units in the southerly end of Block 1 and the rear of the proposed townhouse units in Block 3 meet the 9.5 metres setback requirement but fail to meet the angular plane requirement. The Plan also permits a maximum height of 3 storeys or 10 metres, whichever is less. Except for the 3 storey residential unit at the southerly end of Block 1, the proposed townhouses are 4 storeys, although they are all within the 10 metre height restriction. An amendment to the Secondary Plan is therefore required.

In addition, the R6 zoning that applies to this site does not allow for the proposed townhouse project. A rezoning application is required to implement the necessary zoning standards that will regulate the new development.

Community Consultation

A community Consultation meeting was held on April 16, 2009. The meeting was attended by the Ward Councillor, City Planning staff, the applicant and the owner, and two members of the public.

Issues raised during the discussion of the proposal, which have been considered in the review of the application, were related to the following matters:

- concerns over the size and density of the development and the provision of buffering from the residential neighbourhood to the south; and
- the height and angular plane provisions of the Secondary Plan.

Correspondence was also received which expressed concern for the density and built form of the proposed 21 unit townhouse development, and the impact on local traffic.

Agency Circulation

The applications were 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 (2005) (PPS) includes policies to manage and direct land use to achieve efficient development and land use patterns. Municipal planning decisions are required to be “consistent with” the PPS. The PPS requires that a range of land uses be provided and that intensification and redevelopment opportunities are identified and promoted.

The 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. The proposal is consistent with the PPS.

The proposal also conforms with and does not conflict with the Growth Plan for the Greater Golden Horseshoe.

Land Use and Density

The Central Finch Area Secondary Plan encourages residential intensification and consolidation of lots and, along this portion of Finch Avenue East, a maximum Floor Space Index (FSI) of 1.25. The proposed 21 unit residential townhouse development provides for a reduction in the number of private driveways accessing Finch Avenue and represents a consolidation of four individual lots. The proposed residential townhouse development would have an FSI of 1.2, and complies with the land use and density provisions of the Central Finch Area Secondary Plan.

Height and Massing

The Central Finch Area Secondary Plan has a maximum height limit of 3-storeys or 10 metres and also requires that the height of any part of the building not exceed 70% of the horizontal distance separating that part of the building from the nearest residential property line, provided that the setback is not less than 9.5 metres. These provisions are generally intended to ensure that new development is stepped back proportionately to minimize impacts on the privacy and views of adjacent lower density residential uses.

In this case, the proposed 21 townhouse units are configured into 3 blocks served by two interior roadways. The proposal meets the minimum setback requirement of 9.5 metres from the rear property line. Although the southerly portion of Block 1 has been designed in a manner which creates a lower building height by “stepping-down” towards the rear property line, the roof-line of the most southerly residential unit fails to comply with the angular plane required by the Plan. Similarly, the tallest portion of the units in Block 3 also pierce the angular plane requirement.

The most southerly residential unit in Block 1 and the rear of the residential units in Block 3 have all been designed with a minimum of upper storey openings, and where they exist the windows provide light into low-activity areas including laundry rooms, bathrooms and bedrooms. In addition, to recognize the irregular rear lot line, the three most easterly residential units of Block 3 have been sited forward to maintain the required rear yard setback.

The planting of seven new trees (which will augment the two existing trees), the addition of shrubbery and a sodded area and a privacy fence will also create a green landscape strip along the southerly property line of the subject lands. Impacts on privacy and views of the existing residential buildings and their rear yards to the south are considered to be minimal.

The proposed development is required to comply with the Best Management Practices for Stormwater Management and the City of Toronto Wet Weather Flow Management Guidelines, which requires grades that allow overland water flow. The project has been designed to meet the City's minimum requirements for overland water flow. However this results in a situation where the level of the garage floor cannot be lowered and is technically considered to be a storey. As a result, the proposed townhouse units are technically considered to be 4 storeys, notwithstanding that they fall within the 10 metre height limit permitted by the Plan.

On the Finch Avenue frontage, the existing grade remains in place, except where the interior roadway enters into the subject lands. The proposed gambrel roof design for the townhouses minimizes the height and pitch of the roof and thereby creates a smaller and less imposing look for the development.

Road Widening

It has been determined that a 4.89 metre road widening dedication along the Finch Avenue frontage of the subject lands is required. This will be a condition of Site Plan approval and secured prior to enactment of the By-law Amendment to permit the proposed 21 residential townhouses.

Traffic Impact, Access and Parking

The proposed development would have vehicular access from the south side of Finch Avenue East and would be served by two interior roadways. In accordance with the Development Infrastructure Policy Standards (DIPS), the proposed roadways would be 8 metres in width, and within which would be incorporated a 1.5 metre wide sidewalk. These proposed roadways would serve the same role as a public street and allow for both pedestrian and vehicular access into the development.

Twenty of the proposed 21 residential townhouse units would have two enclosed parking spots located at grade and within the building. The most southerly townhouse unit in Block 1 will also have two enclosed parking spaces, but these will be located in a detached garage located at the side of the unit.

Servicing, Grading and StormWater Management

The proposal complies with the Development Infrastructure Policy Standards (DIPS) as the two interior roadways serving the subject lands comply with the minimum roadway width standards and are designed in a "T" configuration to allow service vehicles to access and egress the site in a forward motion. Given the roadway widths and the design of the proposed development, there will be no impact on the curb side collection of waste and recyclables from the 21 townhouse units.

City staff and the applicant's consultants undertook in-depth evaluation to ensure the proposed development would meet the City of Toronto's StormWater Management and Overland Water Flow guidelines. The policies are intended to ensure that grading provides for positive overland stormwater flow over the site towards Finch Avenue. After extensive review, it was determined that the proposed grading of the subject lands will provide for a safe overland water flow and prevent potential flooding or water damage to the proposed residential development. As a result, the grades of the ground floor of each of the 21 units cannot be lower than proposed.

Streetscape

The design of the proposal would result in an attractively landscaped pedestrian oriented street-edge along Finch Avenue East. The building setbacks from Finch Avenue would create a defined street “wall” that delineates the street and offers a safe and comfortable pedestrian experience. This would be augmented by the design of the northerly residential unit in Block 1 which has the front door and windows that access and look onto Finch Avenue.

The proposed development incorporates upgraded stone wall finishing, ornamental wall and roof railings and significant landscaping along Finch Avenue. In addition to the distinctive gateway feature at the entry to the site, the corners of the buildings would be rounded and capped with a turret design to create a sense of entry and a distinctive visual element and identity to the proposed development. The addition of textured paving to distinguish the pedestrian walkways from the interior roadways would also add a defining and characteristic visual element to the proposal.

Private landscape elements both internally and at the boundaries of the subject lands and the addition of 14 street trees would further contribute to the definition of the Finch Avenue East street-edge.

Common Elements Condominium / Part Lot Control

The applicant has indicated that the proposed 21 townhouse units are to be freehold in ownership, with common elements condominium to provide for the continued long-term repair and maintenance of the two shared private roadways and front and rear landscape strips. Since the subject lands are part of a registered plan of subdivision, the applicant will be required to apply for an exemption from Part Lot Control to create the individual lots for each of the freehold units and the necessary blocks for the common elements condominium. Since each of the lots will require access over the private roadways, the lots cannot be created prior to the registration of the common elements condominium corporation. A report to Council on the application for exemption from Part Lot Control is required and will be co-ordinated with a concurrent common elements condominium application.

Open Space/Parkland

The Official Plan contains policies to ensure that Toronto’s system of parks and open spaces are maintained, enhanced and expanded. Map 8B of the Toronto Official Plan shows local parkland provisions across the City. The lands which are the subject of this application are in an area with 0- 0.43 hectares of local parkland per 1,000 people. The site is in the lowest quintile of current provision of parkland. The site is in a parkland priority area, as per Alternative Parkland Dedication By-law 1420-2007.

The proposed 21 residential units would generate a parkland requirement of 0.028 hectares (280m²) or 9.44% of the net site area at the alternative rate of 0.4 hectares per 300 units specified in By-law 1420-2007 to implement Section 42 of the *Planning Act*, RSO 1990, c.P.13.

City Parks, Forestry and Recreation staff advise that the applicant proposes to satisfy the parkland dedication requirement by cash-in-lieu and this is appropriate as the 280m² land dedication would be too small to be of a functional size.

The actual amount of cash-in-lieu to be paid will be determined at the time of issuance of the building permit.

Development Charges

It is estimated that the development charges for this project will be \$159,873. This is an estimate. The actual charge is assessed and collected upon issuance of the building permit.

CONTACT

Ben DiRaimo, Planner
Tel. No. (416) 395-7119
Fax No. (416) 395-7155
E-mail: bdiraimo@toronto.ca

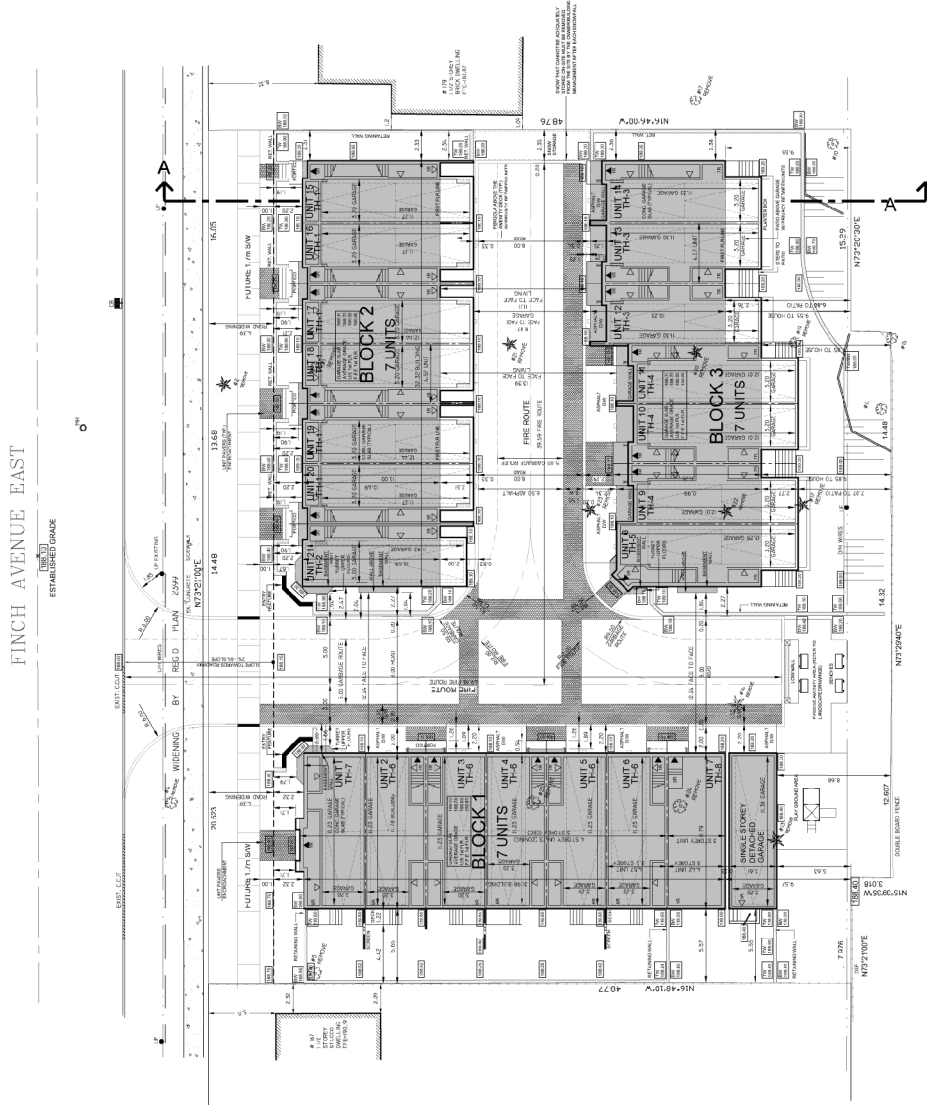
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Thomas C. Keefe, Director
Community Planning, North York District

ATTACHMENTS

Attachment 1: Site Plan
Attachment 2: Elevations (Block 1)
Attachment 3: Elevations (Block 2)
Attachment 4: Elevations (Block 3)
Attachment 5: Zoning
Attachment 6: Official Plan
Attachment 7: Application Data Sheet
Attachment 8: Draft Official Plan Amendment
Attachment 9: Draft Zoning By-law Amendment
Attachment 10: Draft Conditions of Site Plan Approval

Attachment 1: Site Plan

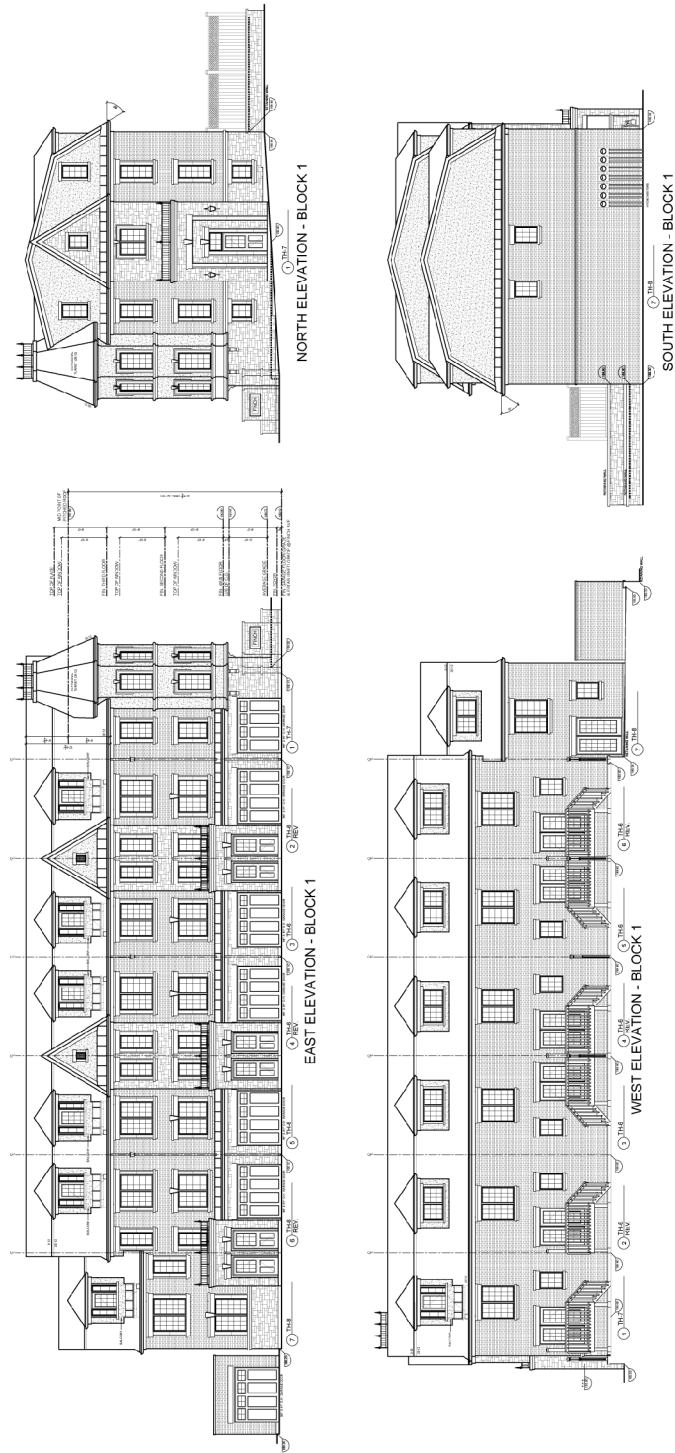


169/171/173/177 Finch Avenue East

Site Plan
 Applicant's Submitted Drawing
 Not to Scale
 01/20/2010

File # 08_231155

Attachment 2: Elevations (Block 1)



Elevations

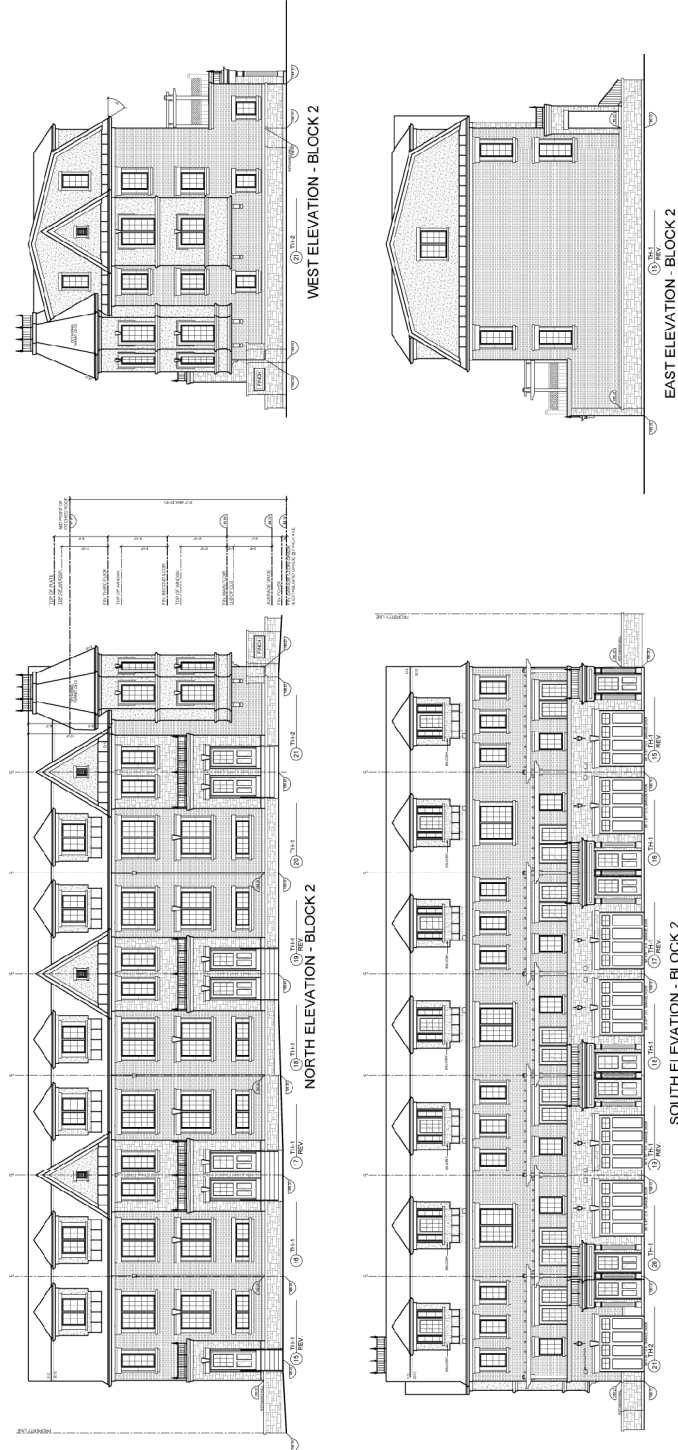
Applicant's Submitted Drawing

Not to Scale
01/20/2009

169/171/173/177 Finch Avenue East

File # 08_231155

Attachment 3: Elevations (Block 2)



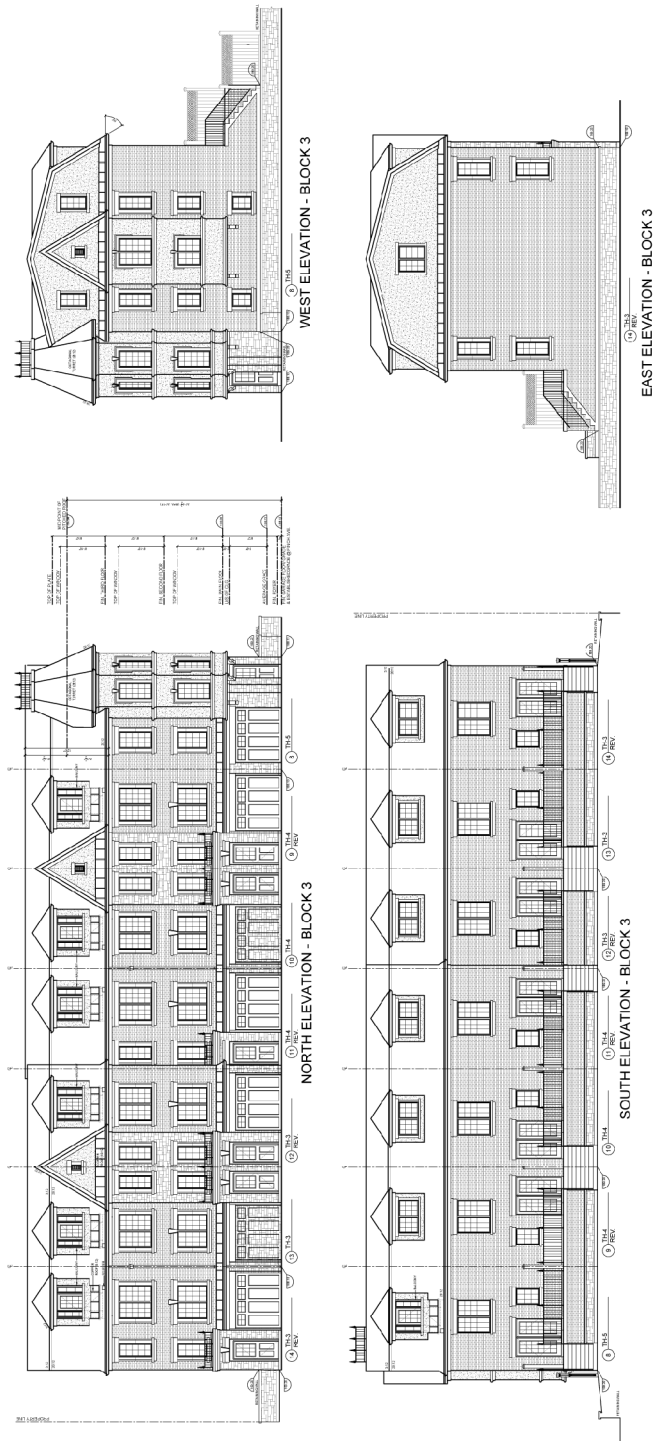
169/171/173/177 Finch Avenue East

Elevations
Applicant's Submitted Drawing

File # 08_231155

Not to Scale
01/20/2009

Attachment 4: Elevations (Block 3)



Elevations

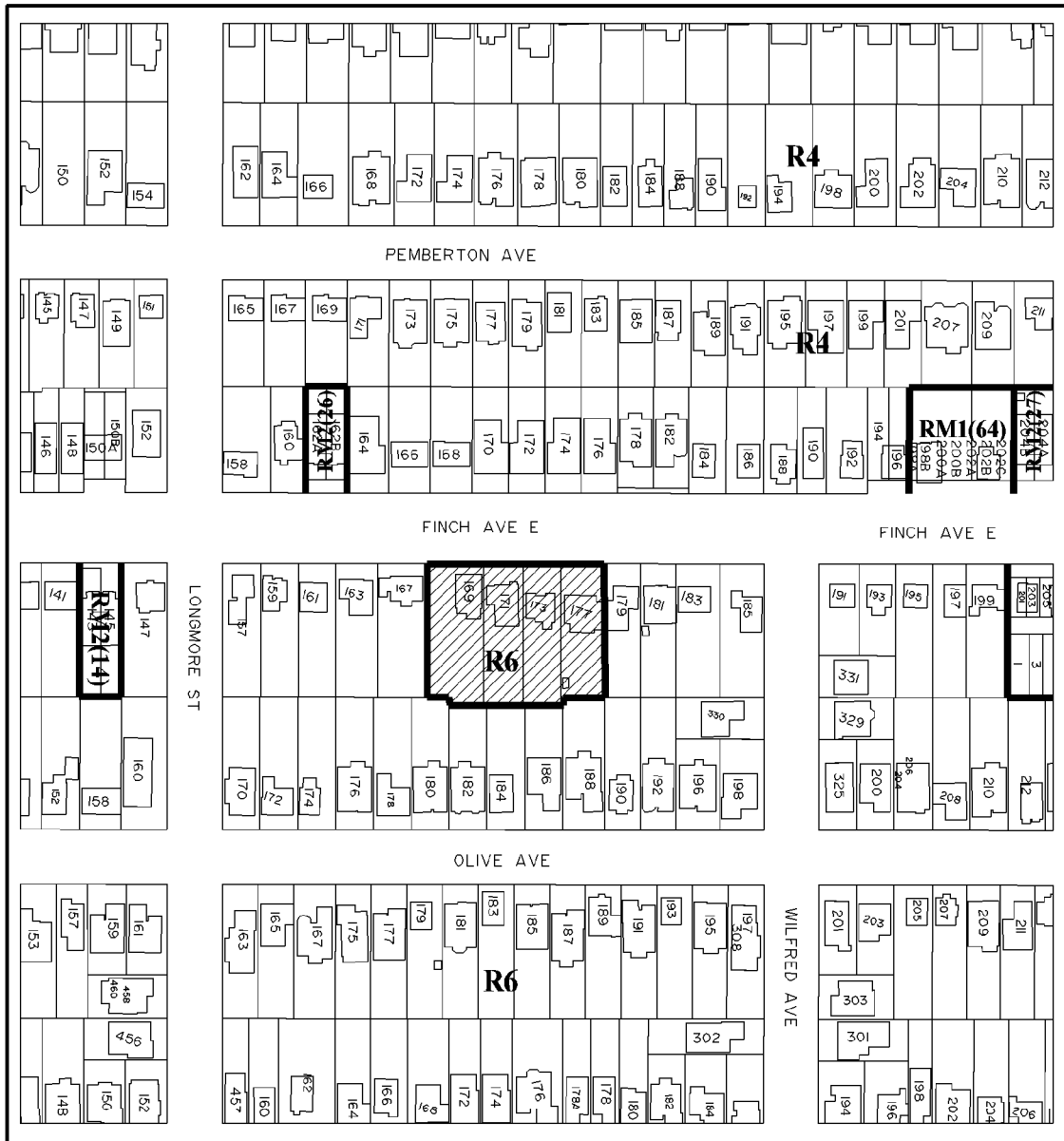
Applicant's Submitted Drawing

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01/20/2009

169/171/173/177 Finch Avenue East

File # 08_231155

Attachment 5: Zoning



169/171/173/177 Finch Avenue East

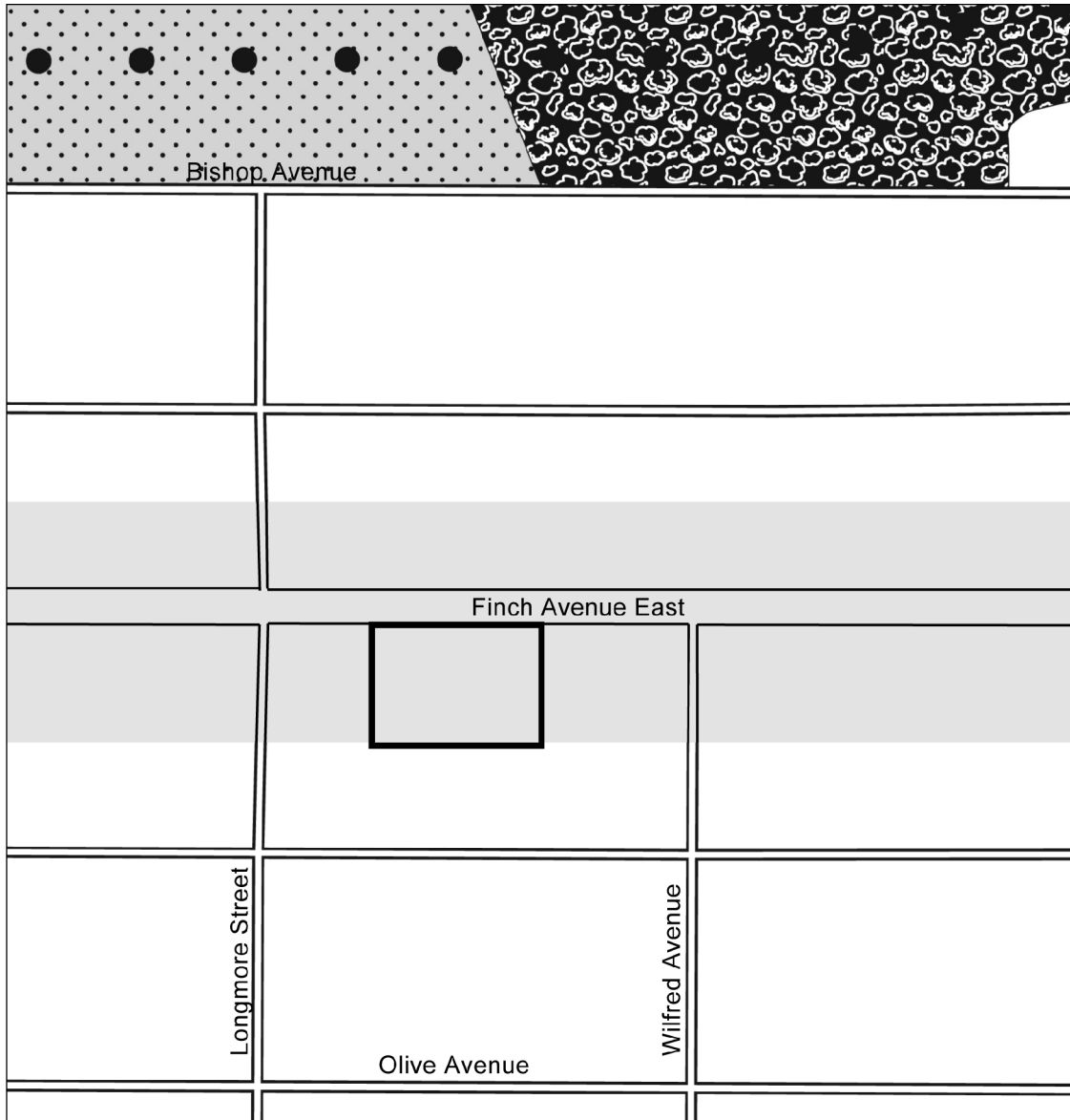
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- R4 One-Family Detached Dwelling Fourth Density Zone
- R6 One-Family Detached Dwelling Sixth Density Zone
- RM1 Multiple-Family Dwellings First Density Zone
- RM2 Multiple-Family Dwellings Second Density Zone



Not to Scale
Zoning By-law 7625
Extracted 01/19/2009

Attachment 6: Official Plan



 **Toronto** City Planning
Official Plan

169/171/173/177

Finch Avenue East

File # 08_231155

-  Site Location
-  Neighbourhoods - Area "A"
-  Natural Areas
-  Utility Corridors



Not to Scale
01/20/2010

Attachment 7: Application Data Sheet

APPLICATION DATA SHEET

Application Type	Official Plan Amendment & Rezoning	Application Number:	08 231155 NNY 23 OZ
Details	OPA & Rezoning, Standard	Application Date:	December 19, 2008

Municipal Address:	169 FINCH AVE E
Location Description:	PLAN 2399 PT LOT 21 PT LOT 22 PT LOT 35 **GRID N2303
Project Description:	Proposed development of 21 residential townhouses (comprised of three blocks of 7 units each) with two private interior roadways. Concurrent site plan control application (08 231164 NNY 23 SA). Note multiple addresses.

Applicant:	Agent:	Architect:	Owner:
BABAK AKBARI			2111594 ONTARIO INC

PLANNING CONTROLS

Official Plan Designation:	Neighbourhoods	Site Specific Provision:	
Zoning:	R6	Historical Status:	
Height Limit (m):	8.8	Site Plan Control Area:	Y

PROJECT INFORMATION

Site Area (sq. m):	3283	Height:	Storeys:	4	
Frontage (m):	64.75		Metres:	10	
Depth (m):	48.76				
Total Ground Floor Area (sq. m):	1331.4				Total
Total Residential GFA (sq. m):	3790		Parking Spaces:	42	
Total Non-Residential GFA (sq. m):	0		Loading Docks	0	
Total GFA (sq. m):	3790				
Lot Coverage Ratio (%):	40.55				
Floor Space Index:	1.15				

DWELLING UNITS

FLOOR AREA BREAKDOWN (upon project completion)

Tenure Type:			Above Grade	Below Grade
Rooms:	0	Residential GFA (sq. m):	3790	0
Bachelor:	0	Retail GFA (sq. m):	0	0
1 Bedroom:	0	Office GFA (sq. m):	0	0
2 Bedroom:	0	Industrial GFA (sq. m):	0	0
3 + Bedroom:	21	Institutional/Other GFA (sq. m):	0	0
Total Units:	21			

CONTACT:	PLANNER NAME:	Ben DiRaimo, Planner
	TELEPHONE:	(416) 395-7119

Attachment 8: Draft Official Plan Amendment

City of Toronto By-law No. ~~-2010

AMENDMENT NO. 73 TO THE OFFICIAL PLAN

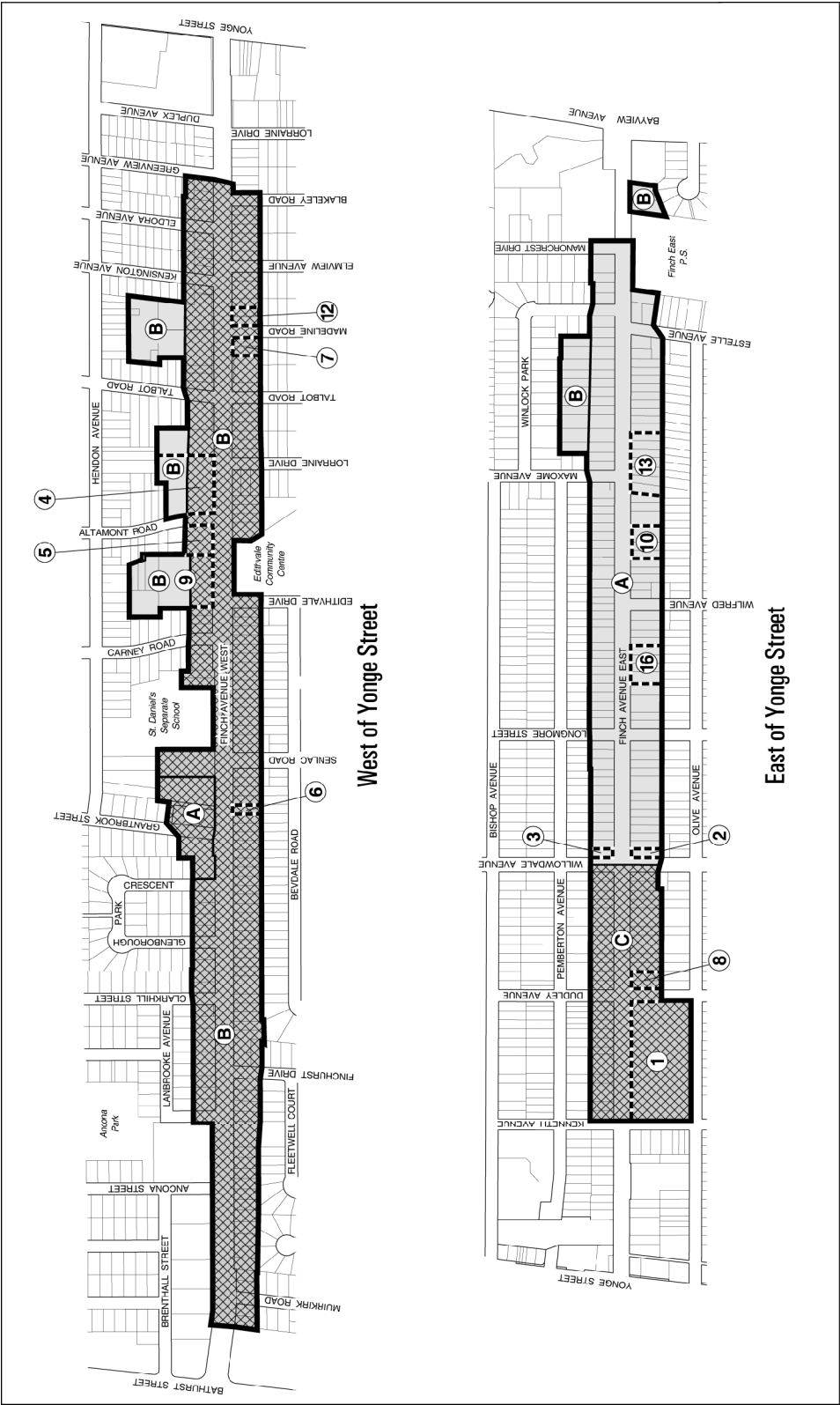
LANDS MUNICIPALLY KNOWN IN THE YEAR 2009 AS 169, 171, 173 and 177 Finch Avenue East

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

1. Chapter 6, Section 22, Central Finch Area Secondary Plan is amended by adding the following subsection to Section 3.6, Site and Area Specific Policies:

“3.6.16 On lands, known municipally as 169, 171, 173 and 177 Finch Avenue East, (Part of Lots 21, 23 and 35 and all of Lot 22, Registered Plan 2399) (shown as 16 on Map 22-1), despite Sections 3.1 and 3.4, a maximum building height of 4 storeys and 10 metres is permitted for a townhouse development set back a minimum of 9.5 metres from the most southerly property line.”

2. Map 22-1, Central Finch Area Secondary, Land Use Areas, is amended to show the lands known municipally in 2009 as 169, 171, 173 and 177 Finch Avenue East (Part of Lots 21, 23 and 35 and all of Lot 22, Registered Plan 2399) as Site and Area Specific Policy Area Number 16, as shown on the attached Schedule A.



Toronto City Planning
Official Plan Amendment #73 - Schedule A
169, 171, 173 & 177 Finch Avenue East
File # 08_231155

Site Location - Map 22-1, Central Finch Area Secondary Plan is amended by adding Site and Area Specific Policy Area 16

Neighbourhoods

Mixed Use Areas

Site and Area Specific Policy Areas

Not to Scale

02/05/2010

Attachment 9: Draft Zoning By-law Amendment

Authority: North York Community Council Item ~ [or Report No. ~, Clause No. ~] as
adopted by City of Toronto Council on ~, 2010
Enacted by Council: ~, 2010

CITY OF TORONTO

Bill No. ~

BY-LAW No. ~ -2010

**To amend former City of North York Zoning By-law No. 7625, as amended,
With respect to the lands municipally known as
169, 171, 173 and 177 Finch Avenue East**

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 7625 of the former City of North York are amended in accordance with Schedule “1” of this By-law.
2. Section 64.16 of By-law 7625 is amended by adding the following Subsection:

“64.16 (79) RM1 (79)

DEFINITIONS

- | | | |
|-----|-------------------|--|
| (a) | Established Grade | Means the geodetic elevation of 188.10 metres taken at the centre line of Finch Avenue East at the mid-point of the abutting lot. |
| (b) | Front Lot Line | For the purposes of this By-law, the front lot line for all buildings shall be Finch Avenue East. |
| (c) | Net Site | For the purpose of this exception, Net Site means the gross site minus any lands conveyed to the City of Toronto for road widening purposes, with such net site comprising an area of 2,965 m ² . |

PERMITTED USES

- (d) The only permitted uses shall be Multiple Attached Dwellings configured in three Blocks, as identified on Schedule “RM1 (79)”.

EXCEPTION REGULATIONS FOR MULTIPLE ATTACHED DWELLINGS

- (e) The maximum number of dwellings shall be twenty-one (21), configured into Blocks 1, 2 and 3, as identified and located on Schedule “RM1 (79).
 - (f) The maximum total gross floor area on the Net Site shall be 3,790 m².
 - (g) The maximum building heights shall be as shown on Schedule “RM1 (79)”.
 - (h) No portion of any building or structure erected and used above established grade shall be located otherwise than wholly within the maximum potential building envelope identified on Schedule “RM1 (79)”.
 - (i) The minimum yard setbacks for all buildings shall be as shown on Schedule “RM1 (79)”.
 - (j) Within the lands shown on Schedule “RM1 (79)” the two internal roadways shall have a minimum width of 8 metres within which shall be incorporated a 1.5 metre walkway constructed of a textured material or unit pavers.
 - (k) The minimum number of parking spaces per dwelling unit shall be two (2).
 - (l) Accessory garages shall be detached from the wall of the main building.
 - (m) The provisions of Sections 6(7) (frontage on a street), 6(8) (lot width), 6(23) (a)(b) (requirements for accessory buildings), 16.2.1 (lot area), 16.2.2 (lot coverage), 16.2.3 (street frontage), 16.3.1, 16.3.2 (distance between buildings), 15.8 (landscaping), and 6A (8)(b)(parking spaces) of By-law 7625, as amended shall not apply.
 - (n) Notwithstanding any severance, partition or division of the site shown on Schedule “RM1 (79)”, the provisions of this By-law shall apply to the whole of the site as if no severance, partition or division occurred.
- 3.** Within the lands shown on Schedule “RM1 (79)” attached to this By-law, no person shall use any land or erect or use any building or structure unless the following municipal services are provided to the lot line and the following provisions are complied with:
- (a) all new public roads have been constructed to a minimum of base curb and base asphalt and are connected to an existing public highway; and
 - (b) all water mains and sanitary sewers, and appropriate appurtenances, have been installed and are operational.”

4. Section 64.16 of By-law 7625 is amended by adding Schedule “RM1 (79)”

ENACTED AND PASSED this ~ day of ~, A.D. 2010.

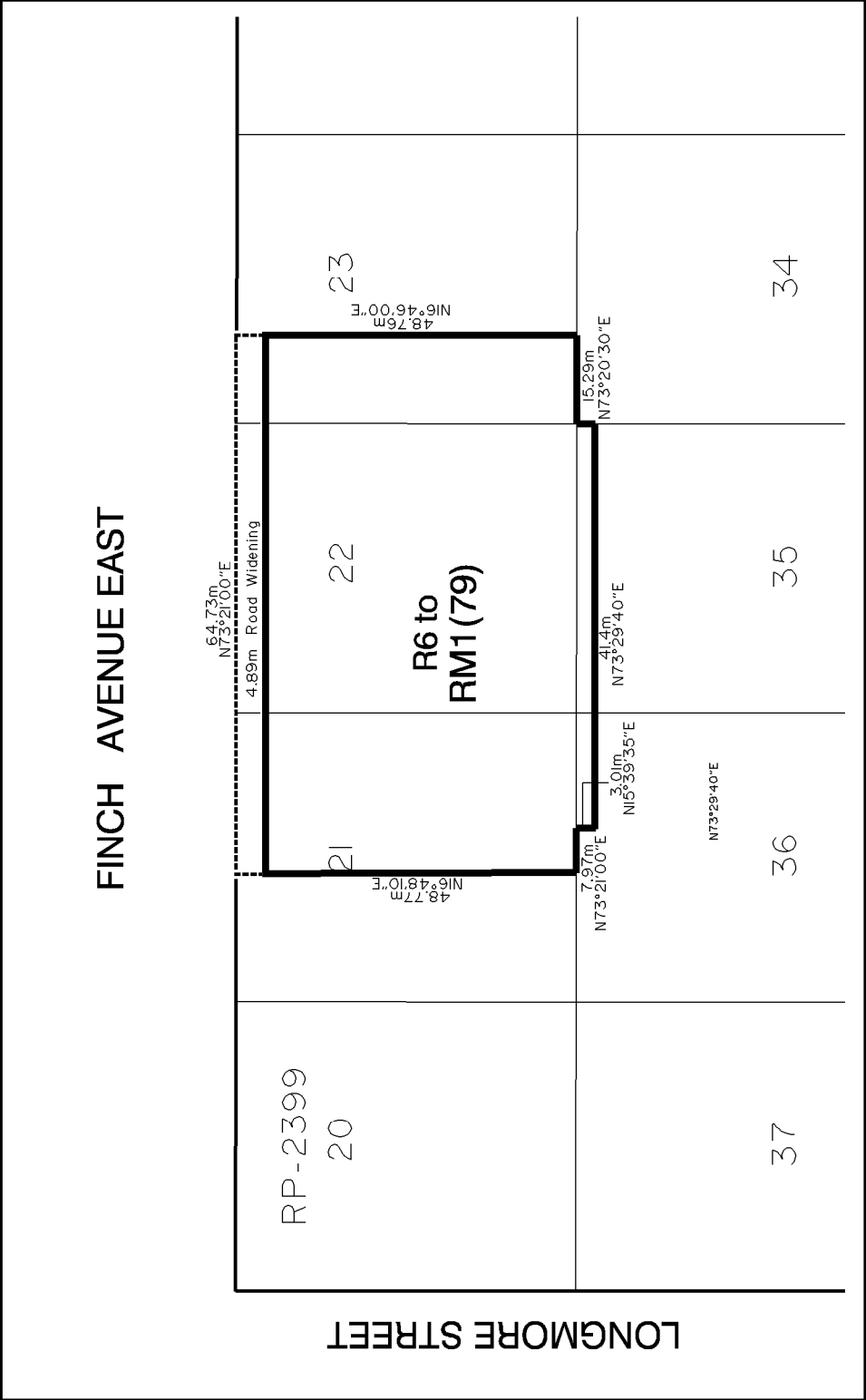
DAVID R. MILLER,

Mayor

(Corporate Seal)

ULLI S. WATKISS,

City Clerk



City Planning

Schedule 1

Part of Lots 21, 22 and 23
Registered Plan 2399 - City of Toronto (formerly City of North York)

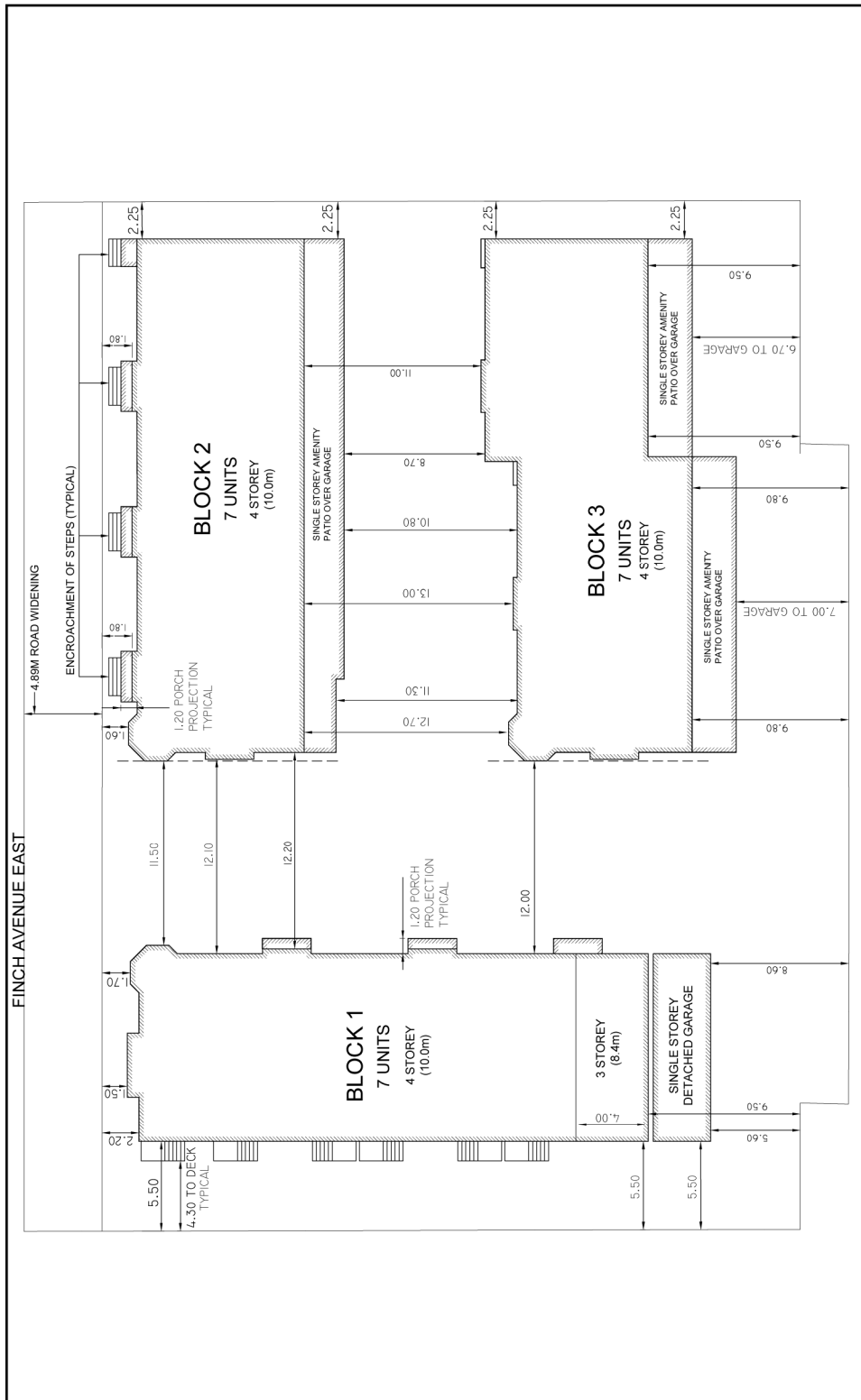
File # 08_231155

Date: 01/20/2010

Approved by: Ben DiRaimo



Not to Scale



Attachment 10: Draft Conditions of Site Plan Approval

- (a) **Concept Site Plan (SP-1)**, prepared by RN design, revised February 4, 2010, and stamped received February 5, 2010, City of Toronto Planning, North York Civic Centre.
- (b) **Elevations, Block 1 (SP-2)**, prepared by RN design, revised October 27, 2009, and stamped received November 4, 2009, City of Toronto Planning, North York Civic Centre.
- (c) **Elevations, Block 2 (SP-3)**, prepared by RN design, revised October 27, 2009, and stamped received November 4, 2009, City of Toronto Planning, North York Civic Centre.
- (d) **Elevations, Block 3 (SP-4)**, prepared by RN design, revised October 27, 2009, and stamped received November 4, 2009, City of Toronto Planning, North York Civic Centre.
- (e) **Landscape Plan (L.1)**, prepared by Stantec Consulting Ltd., revised October 27, 2009, and stamped received November 4, 2009, City of Toronto Planning, North York Civic Centre.

A. PRE-APPROVAL CONDITIONS

LEGAL SERVICES – Stephanie Morrow, Supervisor of Law Clerks, 416-397-5379

Enter into the City's standard site plan agreement to and including registration of the site plan agreement on title to the subject lands by the City at the Owner's expense.

TECHNICAL SERVICES – Eddy Bologna, Engineering Technical Coordinator, 416-395-6233

1. Prepare all documents and convey to the City, at nominal cost, a 4.89 metre road allowance widening along the Finch Ave. E. frontage of the properties in fee simple, such lands to be free and clear of all physical and title encumbrances, and subject to a right-of-way for access in favour of the Grantor until such time as said lands have been dedicated as a public highway, all to the satisfaction of the Executive Director of Technical Services and the City Solicitor;
2. Submit a draft Reference Plan of Survey to the Executive Director of Technical Services, for review and approval, prior to depositing it in the Land Registry Office. The plan should:
 - a) be in metric units and integrated with the Ontario Co-ordinate System (3° MTM, Zone 10, NAD 27, 1974 Adjustment);

- b) delineate by separate PARTS the lands to be conveyed to the City, the remainder of the site and any appurtenant rights-of-way and easements; and
 - c) show the co-ordinate values of the main corners of the subject lands in a schedule on the face of the plan;
- 3. Pay all costs for registration and preparation of reference plan(s).
- 4. Retain a Qualified Person to conduct environmental site assessments for the lands to be conveyed to the City.
- 5. Submit all environmental site assessment reports prepared in accordance with the Record of Site Condition Regulation (O. Reg. 153/04) describing the current conditions of the land to be conveyed to the City and the proposed remedial action plan based on the site condition standards approach, to the Executive Director, Technical Services, for peer review.
- 6. Pay all costs associated with the City retaining a third-party peer reviewer including a 7% administrative cost to the City, and submit a certified cheque payable to the City of Toronto in the amount of \$3,000.00, as an initial deposit towards the cost of the peer review to the Executive Director; Technical Services. Submit further deposits when requested to cover all costs of retaining a third-party peer reviewer.
- 7. At the completion of the site remediation process, submit a Statement from the Qualified Person, to the Executive Director, Technical Services, for peer review and concurrence, based on all necessary supporting environmental documents:
 - a) The land to be conveyed to the City meets the Site Condition Standards of the intended land use OR the most environmentally sensitive adjacent land use, whichever is more stringent; and
 - b) It is unlikely that there is any off-site contamination resulting from past land uses on or in the vicinity of the development site, that has migrated on to the adjacent rights-of-way, that would exceed the applicable Site Condition Standards.
- 8. The owner shall deposit with the Technical Services Division prior to Site Plan Approval, certified cheques, for the following:
 - a) Future Relocation/Construction of a 1.7 metre wide sidewalk across the entire Finch Ave. E. frontage of the site to the standard location of 1.0 metre from the (widened) property line. The cost of this work is estimated to be \$11,000.00.
 - b) \$577.50 representing the 5% Engineering review fee of the above construction works.

The above work shall be constructed by the City at the time of the road widening of Finch Ave.E./ once all the necessary land across Finch Ave. E. frontages have been conveyed to the City.

CITY PLANNING Ben DiRaimo, Planner, 416-395-7119

1. The Owner shall submit as a deposit a letter of credit or certified cheque for 75% of the value of the on-site landscaping and 1.5 metre walkways which shall be constructed of textured material or unit pavers, including and not limited to any plantings, fencing, decorative paving, retaining walls, terraces, lighting and/or other landscape features as detailed on the approved Site and Landscape Plans.

URBAN FORESTRY – Hai Nguyen, Phone # 416-395-6185

City-owned Trees

1. The owner shall submit a complete “Application to Remove a Healthy City-owned Tree” for a permit to remove a 57 cm diameter Manitoba maple tree, inventoried as Tree #4, located on the City road allowance. The application must include an application fee of \$300.00 and a payment in the amount of \$3,489.00 for the Amenity Value of the subject tree.
2. The owner shall submit a complete “Agreement for Contractors to Perform Arboricultural Services on City Owned Street Trees” to Harold Moffatt, Supervisor of Urban Forestry, Tree Protection & Plan Review, for approval prior to the removal of the 57 cm diameter Manitoba maple tree in question.
3. The owner shall provide a Tree Planting Deposit in the amount of \$3,498.00 (\$583.00 per tree) for six (6) new trees that Urban Forestry is requesting the applicant to plant within the City road allowance.

Privately-owned Trees

1. The owner shall submit a complete “Application to Injure or Destroy Trees on Private Property” and an application fee in the amount of \$2,400.00 (\$300 per tree) for a permit to remove eight (8) privately-owned trees, inventoried as Trees #2, 13-15, 21-22 and 24-25 on the Arborist Report, having diameters of 30 cm or greater, situated on the subject site.
2. The owner shall provide a payment in the amount of \$3,498.00 (\$583.00 per tree) in lieu of planting six (6) trees on private property, as part of the replanting requirement for permit to remove eight (8) private trees noted above.

TORONTO DISTRICT SCHOOL BOARD – Mario Silva, Land Use Planning Officer, Phone # 416-394-3944

1. That the applicant/developer enter into an agreement to erect and maintain signs, at points of egress and ingress of the development site, advising that:

“The Toronto District School Board makes every effort to accommodate students at local schools. However, due to residential growth, sufficient accommodation may not be available for all students. Students may be

accommodated in schools outside this area until space in local schools becomes available.

For information regarding designated school(s), please call (416) 394-7526.”

These signs shall be to the Board’s specifications and erected prior to registration or the issuance of any building permit.

2. That the applicant/developer agree in the Servicing and/or Development agreement, or in a separate agreement between the School Board and the Developer, to include the following warning clauses in all offers of purchase and sale of residential units (prior to registration of the plan and for a period of ten years following registration), that;

“Despite the best efforts of the Toronto District School Board, sufficient accommodation may not be locally available for all students anticipated from the development area and that students may be accommodated in facilities outside the area, and further, that students may later be transferred.

Purchasers agree for the purpose of transportation to school, if bussing is provided by the Toronto District School Board in accordance with the Board’s policy, that students will not be bussed home to school, but will meet the bus at designated locations in or outside of the area”

B. POST APPROVAL CONDITIONS

In addition to the above pre-approval conditions, the following post approval conditions are to be fulfilled by the Owner following site plan approval and will be incorporated into a site plan agreement:

The proposed development shall be carried out and maintained in accordance with the plans and drawings referred to herein, to the satisfaction of the City of Toronto.

TECHNICAL SERVICES

1. Remove all existing accesses, curb cuts, traffic control sign, etc. along the development site frontage that are no longer required and reinstate the boulevard within the right-of-way, in accordance with City standards and to the satisfaction of the Executive Director of Technical Services.
2. The proposed driveway on City property must be graded downward towards the roadway and have a 2% to 6% slope.

3. All site access driveways must be at least 1.0 metre from existing utilities. If required, the relocation of any public utilities (utility poles, guy wires, etc.) would be at the cost of the developer and shall be subject to the approval of the applicable governing agencies;
4. Provide and maintain off-street vehicular loading and parking facilities and access driveways in accordance with the approved plans and drawings, to the satisfaction of the Executive Director, Technical Services;
5. Any encroachments within City of Toronto Municipal Road Allowances will not be permitted unless they are explicitly approved by the Right-of-Way Management section of Transportation Services. The applicant is required to contact the said section through the permit approval process to obtain the exact particulars of these requirements.
6. In accordance with Zoning By-Law 7625, all on-site driveways and parking areas must be surfaced and maintained with asphalt, concrete, or interlocking stone. Any deviation from the approved plans with respect to driveway grades will require the re-grading and re-installation of the driveway, regardless of any possible requirement for the submission of a variance request to the Committee of Adjustment for the back slope of the driveway exceeding 10 percent;
7. Snow must be stored on the site such that the pedestrian sidewalks are not obstructed, parking supply is not reduced and vehicular site lines area not affected. Snow that cannot be adequately stored on-site must be removed from the site by the owner/building management after each snow fall;
8. Driveway curbs must be flush on either side of the sidewalk for a minimum of 0.45 metres.
9. The owner acknowledges that anything other than concrete sidewalks, trees and sod that they locate within the untravelled portion of the adjoining public highway(s) are encroachments that must be installed, planted and maintained at the owner's expense, specifically:
 - a) All landscape/streetscape features illustrated on the applicant's approved landscaping plan; and,
 - b) Plant irrigation systems.
10. These encroachments shall be permitted by the City of Toronto pursuant to the following terms:
 - a) The property owner accepts this boulevard area in its current condition as of the date of the agreement, and shall not call upon the City to do or pay

for any work or supply any equipment to make the boulevard more suitable for the uses specified herein.

- b) All encroachments within the boulevard areas of the adjoining public highways shall be constructed and maintained according to the approved site and landscaping/ streetscaping plan(s) approved by this Division, and the Executive Directors of Technical Services and City Planning.
- c) To provide unobstructed driver sight lines, the owner shall ensure that all vegetation, street furniture, retaining walls and fences located within 4.5m of the travelled portion of the adjoining public highway do not exceed a maximum height of 0.85m measured from the travelled surface of the adjoining highway. The owner shall maintain all trees located within 4.5m of the travelled portion of the adjoining highway with a minimum clearance of 2.5m measured between the bottom of the tree canopy and the travelled portion of the street.
- d) The owner agrees that they will, at their expense, maintain the encroachments in a state of good repair, free of graffiti, posters, litter, snow and ice, and that vegetation will be maintained in a healthy and vigorous state of growth. The owner shall not make any additions or modifications to the encroachments beyond what is allowed pursuant to the terms of this site plan agreement. The owner further acknowledges that should they neglect to maintain the encroachment(s), then the City, after providing 24 hours notice, shall, at the owner's expense, perform the required maintenance and remove graffiti, posters, litter, snow and ice, and the City may recover its costs in a like manner as municipal taxes.
- e) The owner agrees that if the City should at any time undertake any widening or other alteration to the adjoining public highway(s) necessitating the removal of any encroachment(s), the City shall not be liable to pay any compensation whatsoever for such removal, nor shall it restore any encroachment that it removes. The encroachments permitted by this agreement shall be removed by the owner, at their expense, within 14 days of receiving written notice from the General Manager of Transportation Services or his/her designate. In default of the removal not occurring as requested, the City may carry out the removal, at the owner's expense, and may recover its costs in a like manner as municipal taxes.
- f) The owners acknowledges that there may exist municipal and/or utility services within, upon or under the boulevard, and acknowledges that the City or the utility responsible for such service(s) may need to undertake repairs or carry out maintenance on such service(s) or to replace such service(s) or to install new service(s). The owner agrees that the City or utility shall have the right to remove the encroachments for the purpose of carrying out such installation, replacement, repair or maintenance. Prior to removing the encroachment, the City shall give 48 hours notice of its intention to remove the encroachment for maintenance purposes, except in the case of emergency, in which case no notice shall be required. On completing the installation, replacement, repairs or maintenance, the owner, at their sole expense, shall proceed immediately to restore the encroachments to the

condition it was in prior to the commencement of such installation, replacement, repairs or maintenance. Under no circumstances, shall the City be required to so restore the lands, or to compensate the owner for the cost of so doing so.

- g) The owner agrees to defend, save and keep harmless and fully indemnify the City, actions, claims, suits or damages whatsoever that may be brought or made against the City as a result of the owner's use of the boulevard area.
11. Construct and maintain all facilities necessary to permit the City to collect solid waste and recyclable materials in accordance with By-law 235-2001, Waste Collection for Residential Properties.

CITY PLANNING

1. Provide and maintain the landscaping for the lands in accordance with the approved Landscape Plan to the satisfaction of the Director of Community Planning.
2. As per the approved Site Plan, the two interior roadways shall have a minimum width of 8 metres within which shall be incorporated a 1.5 metre walkway constructed of a textured material or unit pavers.

URBAN FORESTRY – Hai Nguyen, Phone # 416-395-6185

City-owned Trees

1. The owner must arrange for the removal of the 57 cm diameter Manitoba maple tree, inventoried as Tree #4 on the Arborist Report, located on the City road allowance adjacent to 169 Finch Avenue East. Prior to the removal, an "Agreement for Contractors to Perform Arboricultural Services on City Owned Street Trees" must be completed and submitted to the attention of Harold Moffatt, Supervisor of Urban Forestry, Tree Protection & Plan Review, for approval.
2. The owner must arrange for the planting of trees on the City road allowance according to the approved Landscape Plan and to the satisfaction of Urban Forestry within a reasonable time frame. Any proposed revisions to the planting plan must first be approved by Urban Forestry.
3. The owner shall maintain all new tree plantings within the City road allowance in good condition. Trees will be inspected during and prior to the end of the renewable guarantee period. If the trees are in good condition at the end of the renewable guarantee period, the City will assume maintenance and ownership of the trees.

4. The owner shall be responsible for the maintenance or replacement of all new tree plantings within the City road allowance if during or at the end of the renewable guarantee period the trees are not in good condition, require maintenance or require replacement. The owner will be responsible for rectifying the problem as determined by and to the satisfaction of the General Manager of Parks, Forestry & Recreation.

The owner shall notify Hai Nguyen, Urban Forestry Assistant Planner, at 416-395-6185 within two weeks of tree planting to arrange for an inspection of the site.

Privately-owned Trees

1. The owner must protect at all times four (4) privately-owned trees, inventoried as Trees #10, 11, 16 and 17 on the Arborist Report, having diameters of 30 cm or greater, situated within 6.0 m of the subject site.
2. Conditions for the issuance of a “*Permit to Injure or Destroy Trees on Private Property*” must be satisfied, including the planting and maintenance of replacement trees on private property to the satisfaction of the General Manager of Parks, Forestry & Recreation.

The owner shall notify Hai Nguyen, Urban Forestry Assistant Planner, at 416-395-6185 within two weeks of tree planting to arrange for an inspection of the site.

All security deposit and payments must be submitted to the attention of Harold Moffatt, Supervisor of Urban Forestry, Tree Protection & Plan Review, in the form of an irrevocable Letter of Credit or certified cheque payable to the Treasurer, City of Toronto.

SITE SPECIFIC CONDITIONS

1. The applicant is required to obtain building location and access permits prior to construction of this project. Other permits associated with construction activities (such as hoarding, piling/shoring, etc.) may also be required. For your information we have attached a Permit and Application Fee Schedule. All fees are subject to change. The Municipal Service Guarantee Deposit is not included in the Schedule, as it will be determined by scope of work. The applicant is responsible for obtaining the applicable permits and must contact Right-of-Way Management at 416-395-6221.
2. The owner will be required to make an application to Toronto Water Division for the installation of any proposed services within the Finch Ave. E. right-of-way after acceptance of the stormwater management report and site servicing plan. For further information, please contact District Operations, Toronto Water, North York District at 416-338-8888.

3. For single entity development such as a condominium, co-operative or rental property to be held under separate ownership and/or under its address, only one sanitary and one water service connection will be permitted for the entire development.
4. The owner is advised that separate water and sanitary service connections to City mains are required for any freehold residential units fronting onto public road.
5. The owner is advised that freehold residential units not fronting onto public road should be connected to common elements mains.
6. The owner is responsible to provide for the installation of the water, sanitary and storm service connections from the building to City services at the property line.
7. The owner is required to make application to the Toronto Water Services Division, after the zoning amendment by-law is in effect (site servicing plan is approved) and pay for the installation of City service connections from the property line to the City mains. These shall include one water and one sanitary service connection for each freehold residential unit or each single entity development such as a condominium, co-operative or rental property to be held under separate ownership and/or under its own address. The owner is responsible to provide for the installation of the water, sanitary and any necessary storm service connections from the building to the City services at the property line.

Please note that servicing on private property requires plumbing approval under the Ontario Building Code, and accordingly, application for the necessary permits should be made to the Building Division.

8. The Owner will be required to provide the City with a Construction Management Plan outlining the following:
 - a) Dust/mud control on and offsite;
 - b) Location of truck loading points, trailer parking;
 - c) Location of temporary material storage areas;
 - d) Access/truck routing;
 - e) Provision of hoarding, temporary fencing & covered walkways;
 - f) Location and extent of aerial crane operations; and
 - g) Parking for construction trades;

for any work within the public right-of-way. For further information, please contact the Right-of-Way Management Section, North York District, at 416-395-6221.

9. The applicant must obtain approval from Toronto Hydro Street Lighting Incorporated before removing and/or relocating any utility with attached municipal street lighting.

10. The owner will be required to make an application to Technical Services Division, Mapping and Survey Section for any requests for new or revised municipal addresses. For further information please contact Mapping and Survey, Technical Services, Mr. Bob Sevigny at 416-392-8451.
11. The applicant is advised to contact Mr. Robert Sevigny, Municipal Numbering Supervisor, at 416-392-8451 to obtain or verify new municipal addresses prior to submitting a building permit application. It should be noted that all addressed parcels and structures must have the correct municipal addresses posted. Please see <http://www.toronto.ca/mapping/numbers/index.htm> for details.