

Toronto STAFF REPORT

June 24, 2003

To: Humber York Community Council

From: Director, Community Planning, South District

Subject: Final Report

Application to amend the Official Plan and Zoning By-law of the (former) City of Toronto

403 Keele Street

Nexxt Development Corporation (KPMB Architects and CXT Architects)

102023, TC CMB 2002 0013

Parkdale-High Park, Ward 14

Purpose:

This report reviews and recommends approval of an application to amend the Official Plan and the Zoning By-law to permit three residential towers and one building containing 35 stacked town houses on a former industrial site at 403 Keele Street.

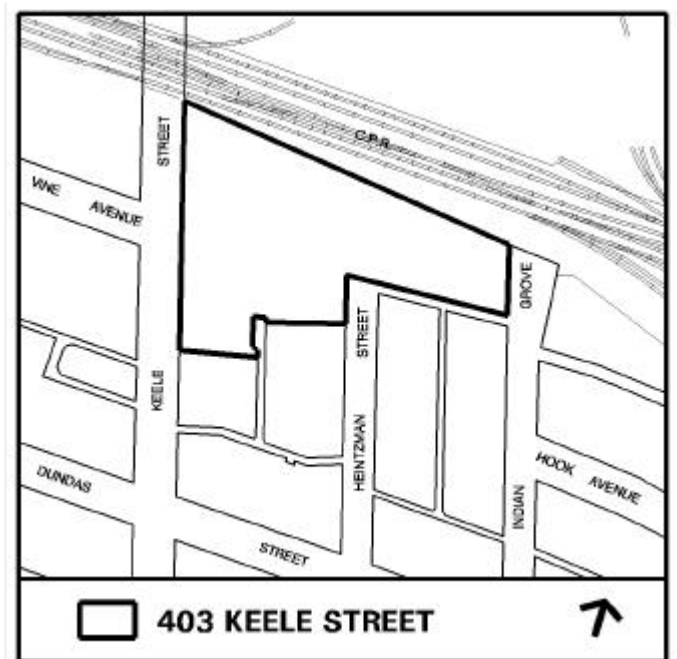
Financial Implications and Impact Statement :

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

Recommendations :

It is recommended that City Council:

- (1) amend the Official Plan for the former City of Toronto substantially in accordance with the draft Official Plan Amendment attached as Attachment No. 8;
- (2) amend the Zoning By-law 438-86 for the (former) City of Toronto substantially in accordance with the



draft Zoning By-law Amendment attached as Attachment No. 9;

- (3) authorize the City Solicitor to make such stylistic and technical changes to the draft Official Plan Amendment and draft Zoning By-law Amendment as may be required;
- (4) before introducing the necessary Bills in Council for enactment, require the owner to enter into a Section 37 Agreement that is satisfactory to the Commissioner of Urban Development Services;
- (5) before introducing the necessary Bills in Council for enactment, that a letter be received that undertakes to withdraw the applicants appeal to the new Official Plan upon coming into force of the proposed site specific by-law; and
- (6) before introducing the necessary Bills in Council for enactment, require that the technical issues regarding traffic, access and infrastructure for the development have been resolved to the satisfaction of the Commissioner of Works and Emergency Services.

Background:

The Canadian Tire Corporation operated their store at 403 Keele Street as a business anchor in the Junction area for many years. The store closed over five years ago and has remained for sale and vacant for much of that time. The former store is currently vacant and the parking lot on Keele Street frontage is being operated commercially. The site has strong redevelopment potential because of its large size, high visibility, accessibility to transit and the arterial road network.

The site was identified as a “Key Opportunity Site” by City Planning staff in the 1996 Dundas Street West Action Plan. The proper redevelopment of this site is a critical factor in the future revitalization of the Junction Area.

The applicant has had 12 meetings and design workshops with the Junction community and local business associations regarding the proposed redevelopment since January 2002. The applicant has also held 10 meetings with City staff since that time. City staff have held two large community meetings with the local community since the application was filed.

Proposal

The applicant requests permission to demolish the existing two-storey Canadian Tire store and replace it with a three-storey mixed-use podium with three apartment towers. The height of the residential towers has been revised to sixteen (53.4 m), fourteen (46.8 m) and nine (30.3 m) storeys in height, built on a three-storey (10.8 m) podium. A future second phase would involve replacing the existing Canadian Tire gas bar and lube shop with a four-storey residential building containing 35 stacked townhouse units. The project also includes a five-level parking structure, with one level at grade and four levels below grade. The proposal also incorporates a 0.25 hectare privately owned and publicly accessible park space with a water feature and extensive landscaping which fronts on Keele Street and Heintzman Street.

Site and Surrounding Area

The 11, 781 square metre site is located on an irregularly shaped lot on the east side of Keele Street, just north of the Keele/Dundas Street West intersection. It is bounded by a rail corridor to the north, a public laneway connected to Heintzman Street to the south, Indian Grove to the east and Keele Street to the west.

Surrounding land uses include:

North: the Canadian Pacific Railway lines and a large industrial district

West: storage warehouse on the west side of Keele Street

East: import-export business warehouse

South: mixed-commercial residential uses

Official Plan

The site is currently designated as “Mixed Industrial-Residential” in the former City of Toronto Part I Official Plan. The designation permits a wide range of residential uses, including buildings containing only residential uses and having a total residential gross floor area of up to 2.0 times the area of the lot. Mixed use buildings are permitted with retail or service uses at grade with a maximum density of 3 times the lot area, however, the residential use cannot exceed 2 times the lot area.

New Official Plan

At its meeting of November 26-28, 2002 Council adopted the new Official Plan for the City of Toronto. The Minister of Municipal Affairs and Housing approved the new plan, in part, with modifications. The Minister’s decision has been appealed in its entirety. The Official Plan is now before the Ontario Municipal Board. No hearing date has been set.

On April 7, 2003 the applicant’s solicitor appealed the New Official Plan as it applies to this site. As a condition of approval of this application I have recommended that a letter be received, prior to the bringing forward of the Bills in Council. That letter should undertake to withdraw this appeal to the new Plan upon coming into force of their site specific by-law. This is a standard procedure for planning staff in cases like this and avoids unnecessary lengthy affidavits and motions a few years into the future as part of the bringing into full force of the new Official Plan.

Once the Plan comes into force and effect, it will designate the site as Mixed Use. The new Official Plan would permit the proposed residential and commercial uses. Section 4.5 of the new Official Plan contains a series of development criteria for proposals in Mixed Use Areas dealing with built form, community services and facilities, transportation and other matters that will be used to evaluate this application. Other portions of Chapter 3 of the Official Plan dealing with built form, housing and transportation also contain policies that are relevant in evaluating this application. The application has been reviewed for compliance with the policies and criteria of the new Official Plan. The proposal is consistent with the development criteria for Mixed Use

Areas, as well as other policies of the new Official Plan. No amendment to the new Official Plan is required.

Zoning By-law 438-86, amended

The site is primarily zoned I1 D2, with a small portion zoned MCR T2.5 C1.0 R2.0, by Zoning By-law 438-86, as amended. The Zoning By-law permits a range of commercial uses such as industrial and warehouse uses, retail, limited office-type uses and a wide range of workshops and studios, including live/work units. There is a height limit of 14 metres.

Action Plan

The Dundas Street West Action Plan was adopted by City Council on May 21, 1996. The Plan highlights specific steps for revitalizing the Dundas Street West Area, as defined by Runnymede Road to the west and the Annette/Dundas Street West intersection to the east.

The Action Plan recognizes the Canadian Tire site as one of four “Key Opportunity Sites” that have the potential for significant beneficial impacts on the area. Their large size and anticipated change in use identifies these sites as key to the future of the area. The other three sites include the Runnymede Hospital, the former Lancia-Bravo property on Hook Avenue and the Parking Authority lot on Keele Street. The Action Plan specifically suggests that the property at 403 Keele Street be redeveloped for either commercial anchor-type uses or residential uses.

Site Plan Control

Site Plan approval is required. The applicant anticipates filing a Site Plan application as the application proceeds past the site specific by-law approval stage.

Reasons for Application

The applicant’s revised Official Plan Amendment application is for a density of 3.8 times the lot area. This exceeds the current permission for mixed-use at 3 times the lot area and 2 times the lot area for residential buildings. The proposed Zoning Amendment is for variations to the density and building height. Some additional technical variances are required.

Community Consultation

A community consultation meeting was held at the Lucy McCormick Senior Public School on May 7, 2003. Over 130 members of the public attended this meeting. The area residents, local residents and business association members were divided in their support for, or opposition to the project. Residents on the two abutting streets were primarily in opposition. City planning staff have received 26 letters, written comments and two petitions from area residents and store owners.

Area residents have identified a number of concerns which are summarized below:

- (a) the project is too big in scale and character in terms of the Official Plan policies;
- (b) the height of the project is more than double the height of the silos to the north;
- (c) the proposal should meet the Official Plan density requirement;
- (d) the project has too many units in relation to the parking provided;
- (e) insufficient traffic gaps to permit access from Heintzman Street to Dundas Street West;
and
- (f) the developer may sell the project to another builder and the quality of the architectural plans will decrease.

These concerns will be discussed further in the “Comments” section of this report.

Agency Circulation

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

Comments:

Land Use

The site is currently designated as Mixed Industrial-Residential Area. Section 9.41 of the Official Plan, Part I requires that Council shall have regard for a number of matters when considering a change in land use in a Mixed-Industrial-Residential Area. Among those matters relevant to this application are the extent to which a change in use would adversely affect the continued compatibility of neighbourhood uses, particularly in those areas where identifiable pockets of a consistent industrial or residential use exist.

The site is surrounded by industrial uses on three sides, including a railway line to the north and a mixed retail/industrial/residential area to the south. The proposed mixed-use development including residential towers and stacked townhouses will not have a negative impact on the industrial facilities to the east or west, while the rail corridor to the north will be dealt with through the construction of a crash barrier and noise wall. Some concerns have been raised about the impact of built form and traffic on the area to the south. The two streets to the south of the project are Heintzman Street and Indian Grove. In addition to single family residential homes, development includes a Buddhist temple, a warehouse, autobody and a vacant fish and chips shop. It is a mixed use neighbourhood which has been addressed by the use of a three storey mixed-use podium below the three towers and four storey stacked townhouses in the second phase along the south end of the site.

The Official Plan, Part I also contains a number of policies addressing Physical Form and Amenity in Section 3. These policies are particularly relevant in considering this application. In accordance with Section 3.1, the applicant was requested to improve the public realm. These improvements include the provision of a privately-owned and publicly accessible landscaped open space on site. Discussions are underway to explore additional improvements to the streetscape along both sides of Keele Street north of Dundas Street West and contributions towards the upgrading of local parkettes. These will be secured through a Section 37 Agreement.

Section 3.3 of the Part I Official Plan recognizes the importance of reinforcing the street pattern. The application proposes re-establishing Keele Street as a pedestrian friendly environment and making improvements to the existing public lane. The proposed project would also allow the re-opening of the north end of Indian Grove and the creation of an improved terminus to Heintzman Street. This will eliminate the concrete barriers that were erected approximately five years ago, shortly after the Canadian Tire Store closed.

Section 3.11 of the Part I Official Plan encourages the integration of poorly connected areas of the City with their surroundings. The Canadian Tire site has long created a disjuncture between it and the surrounding community. This has become exacerbated since the site was abandoned. The proposed development reintegrates this three-acre site with the surrounding area through street improvements, a new open space system and built form.

Section 3.12 of the Part I Official Plan requires staff to consider the location of buildings with respect to their relationship to streets and open space. The proposed development considers these policies by aligning new buildings to the street, appropriately acknowledging intersections and connections with adjoining streets and appropriately treating the building edges along the new parkette.

Section 3.13 of the Part I Official Plan requires consideration of the relationship of new buildings to their built form context. Through considerable community consultation, the proposal's built form was established to provide an appropriate relationship with surrounding buildings. While a new high-rise element has been added to the Junction, buildings step down from west to east and north to south so that the heights are tallest adjacent to Keele Street and the railway line and become progressively smaller as the site meets the existing lower-scale building.

Section 3.14 of the Part I Official Plan states that the building setbacks, heights and densities of new buildings should provide an appropriate degree of continuity and enclosure to the street spaces that the buildings frame. The massing of the buildings should respect the existing street proportions and provide transitions between areas of differing development intensity. The applicant took the position that redevelopment of the site would require a significant increase in density over the existing Official Plan limits for the site to be properly re-integrated into the area. The project has been sited and massed to minimize adverse effects on adjacent uses. Over the last year the applicant was convinced to reduce the building height and densities fairly substantially. The project has been massed to create a comfortable, vibrant and active street level that will become an important community amenity.

Section 3.18 of the Part I Official Plan encourages the efficient integration of services and facilities into new development in order to minimize disruptions to the safety and attractiveness of the adjacent public realm. The proposed access to parking and the location of servicing facilities have been further improved through input from City staff and through community consultation.

Section 3.20 to 3.28 of the Part I Official Plan promotes enhancement of the pedestrian environment through appropriately designed open spaces, building edges and building entrances to promote “eyes on the street”. Other issues of concern are pedestrian safety. Circulation and comfort which are all at the centre of the programming, design and siting of the proposed development.

Servicing

The proposed development could generate an estimated 1200 to 1500 residents on the site. Works and Emergency Services staff have requested the submission of a site servicing assessment to determine stormwater runoff, sanitary flow and water supply prior to the introduction of Bills in Council.

Density, Height and Massing

The in-force Official Plan permits a maximum mixed-use density of 3.0 times the area of the lot. Residential uses are permitted to a maximum of 2.0 times the area of the lot. The applicant has requested a revised maximum of 3.8 times the area of the lot. The Transportation Study submitted by the applicant has noted that the proposed residential density will have a smaller impact on the transportation network than most commercial uses which could be built without an Official Plan Amendment. This density is being achieved through three residential towers and the four-storey stacked townhouses abutting the Keele Street frontage. The proposed zoning by-law imposes a maximum density of 43,950 sq. m. of residential gross floor area and 625 sq. m. of non-residential gross floor area.

A concern was expressed that the project is twice as high as the silos to the north which are approximately 30 metres in height. These structures have very large floorplates and completely blank concrete facades. In comparison, the tallest point tower building is 70 metres high including the three storey podium. The two point towers combined occupy about 14% of the entire site. The loft type easterly building is about 40 m height including the podium and takes up about 11% of the site. However, the vast majority of the site (46%) has buildings only 3 to 4 storey in height or Open Space at about (29%) of the site. The tallest building will be located to the extreme northwest of the site, abutting the railway line and the Public Storage industrial building on Keele Street.

Building mass and height has been sited to ensure that the tallest portions of the buildings are located towards the railway line and Keele Street (to the north and west). The project transitions in scale, to the east and south, where it steps down in overall height to a 3-storey podium and 4-storey stacked townhouses that provide for an appropriate relationship with the existing smaller-scale buildings on Heintzman Street and Indian Grove. The height and density have been

reduced a number of times in response to issues raised by the community and City planning staff, such that the tallest building has been reduced from 30 storeys to 19 storeys and the density from 4.65 to 3.8 times the lot area.

The three towers are proposed to be 12, 17 and 19 storeys including the three-storey podium as one moves from east to west. A substantial level of detail, including artist impressions of the towers along with a model have been submitted for review and discussion. Site plan drawings showing additional detail will be submitted after the draft by-laws have been approved. The eastern 12 storey tower is a loft building that steps down to 10 storeys at both Heintzman Street and Indian Grove. The middle and the westerly buildings are both point towers.

The design of the towers is consistent with the policies of the new Official Plan which require tall buildings to be divided into podium, base and tower elements. The new Official Plan also calls for high quality architecture for tall building which these buildings definitely demonstrate. The buildings have been located and designed to ensure that they enhance and integrate with surrounding uses. The north end of the site is characterized by a three-storey podium that stretches from Keele Street to Indian Grove. The pedestrian-scaled podium has various retail, community space and residential units fronting onto the linear open space and a lane-way, providing human scale, front doors and “eyes on the street”.

Height, massing and built form proved to be one of the two largest issues arising from the community consultation process. The other was traffic. The proposed by-law reflects the general site layout recently revised as a result of the community consultation process and additional negotiation by City planning staff. The draft by-law divides the site into four parcels and establishes a maximum height for each building.

Sun, Shadow and Wind

Sun/shadow studies have not been completed for this site to date. They will be examined as part of the Site Plan application. A wind study may be required as part of a Site Plan application to assess any impact on the overall site and the adjacent pedestrian corridor.

Parking, Access, and Traffic

A number of local residents were concerned that parking is not sufficient for the proposed number of units. The Zoning By-law Amendment will contain a minimum parking requirement based on the final unit mix. The parking requirements to be contained in the zoning are based on the City's parking standards for residential condominium buildings and are intended to ensure that the parking supply will meet parking demand, including visitor parking spaces.

A number of residents of Heintzman Street and Indian Grove are concerned about the estimated increase in traffic on their streets accessing Dundas Street West. The applicant was asked to submit a Traffic Impact Study (TIS) last December to respond to those concerns. The traffic consultant has indicated that the proposed use would generate less traffic than the previous use of the site or other as-of-right uses permitted on the site.

Despite the consultant's conclusions, Works and Emergency Services staff have indicated that further information and analysis are required to determine whether site-generated traffic can be adequately accommodated on the area road network. The first main issue requiring further review includes capacity analysis of Heintzman Street/Indian Grove and Dundas Street West. The second main issue that needs additional evaluation is traffic queues at intersections within the study area. Staff have recommended that a software package be utilized to assess the traffic conditions and operation on a network basis.

At the suggestion of the local residents a feasibility study of constructing an extension of the Old Weston Road northerly from its current terminus to this site was undertaken by the traffic consultant. The road extension however would require the relocation of existing businesses, the demolition of two commercial buildings and the acquisition of private property. Works and Emergency Services staff have determined that because of cost, disruption and time associated with the implementation of this facility the road extension does not appear to be a feasible alternative.

Recommendation 6 of this report requires that site servicing, traffic and access issues be resolved to the satisfaction of the Commissioner of Works and Emergency Services prior to the Bills in Council being introduced to protect the interest the local residents on adjacent streets.

Environment

City Works and Emergency Services staff have requested an environmental site assessment report and a proposed remedial action plan be undertaken for the site. They have also required the applicant to pay for a third party peer review consultant, hired by the City to review the environmental site assessment. As the site currently has an operating gas bar and lube shop any migrated off-site contamination must be remediated and a Record of Site Conditions submitted to the Commissioner of Works and Emergency Services before a building permit is issued.

Landscaped Open Space

A 0.25 hectare linear park space that runs along the southern edge of the podium from Keele Street to Indian Grove, is proposed as publicly accessible open space, to be owned and maintained by one or more of the future condominium corporations. The main focus of the park is between Keele Street and Heintzman Street, where carefully designed landscape features, with a water element, will create a gathering place for unit owners and the larger community. The edge of this park space is lined by retail, café space and walk up residential units. East of Heintzman, the open space continues as landscaped walkways on both the north and south sides of the public lane.

Architectural Design

The local residents have raised concerns about the possibility of the project being sold to a builder who may retain another architect, which may diminish the quality of the buildings design and materials. As a result, the height and siting of the buildings will be defined through the site specific Zoning By-law. The landscaping will be secured through the Site Plan Agreement. The

applicant has agreed to the use of a Section 37 agreement to secure the building materials including the brick podium and tower elements as well as the water fountain feature.

Section 37

A Section 37 Agreement will be developed and finalized prior to the Bills in Council being introduced at City Council. The type of benefits that are currently being discussed and negotiated with the applicant in return for the additional height and density requested are as follows:

1. Community Space: provision of 3000 sq. ft (278 m2) for City-run activities in the West Tower podium level;
2. Streetscape improvements to both sides of Keele Street north of Dundas Street West to the Canadian Pacific Railway Underpass (including Junction Gardens BIA trellis improvement plan);
3. Lighting and Visual Art Improvements to the Keele Street Underpass;
4. Vine Avenue Parkette playground enhancements; and
5. Marketing and New Business Development financial support for the West Toronto Junction Team.

Conclusions:

The proposed mixed-use redevelopment of the Canadian Tire Corporation site follows the beginning of the final implementation stage of the Dundas Street West Action Plan in terms of supporting the City's revitalization efforts in the Junction and providing for residential intensification.

The approvals recommended in this report will secure a well planned re-development project in the Junction. This application has received extensive input from City staff, commenting agencies, and local residents and business owners.

Issues involving height, massing and siting of the three towers were addressed through many community meetings and design workshops as well as further negotiations by City planning staff to reduce the original proposal for a 30 storey tower down to 19 storeys including a 3 storey podium. The increase in height and residential density on this industrially zoned site is recommended, based in part on the successful integration of the building with the commercial and residential aspects of the surrounding neighbourhood.

The issue of traffic has also been a contentious one and is being further studied by the applicant's consultant and City Works and Emergency Services staff. However, the report's recommendations will ensure that this issue is resolved prior to final consideration of the Bills by City Council.

There are a number of substantial community benefits that will be secured through a Section 37 Agreement prior to the Bills in Council going forward. The public benefits include providing community space in the base of the western tower, streetscape improvements on Keele Street, parkette improvements on Vine Avenue and financial assistance for marketing promotion and jobs creation in the Junction area.

Contact:

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Ted Tyndorf

Director, Community Planning, South District

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List of Attachments:

Application Data Sheet

Attachment 1: Site Plan

Attachment 2: Elevation

Attachment 3: South Elevation

Attachment 4: Landscape Plan

Attachment 5: Zoning

Attachment 6: Official Plan

Attachment 7: Agency Comments

Attachment 8: Draft Official Plan Amendment

Attachment 9: Draft Zoning By-law Amendment

Attachment 10: Section 37 Agreement Provisions

Application Data Sheet

Combination

Site Plan Approval:	No	File Number:	102023
Rezoning:	Yes	Application Number:	TC CMB 2002 0013
O.P.A.:	Yes	Application Date:	09/25/2002

Municipal Address: 403 Keele Street
Nearest Intersection: Keele Street and Dundas Street West
Project Description: Construct 615 residential condominium units in various building forms with retail and community uses - Site Plan Applications will be phased

Agent:

Urban Strategies Inc.
257 Adelaide Street West
Toronto, Ontario, M5H 1X9
(416) 340-9004 (210)

Owner:

Nexxt Development
Corporation
1 Atlantic Avenue
Toronto, Ontario, M6K 3T7

PLANNING CONTROLS (For verification refer to Chief Building Official)

Official Plan Designation:	Mixed Industrial-Residential Area	Site Specific Provision:	No
Zoning District:	I1 D2; MCR T2.5 C1.0 R2.0	Historical Status:	No
Height Limit (m):	14	Site Plan Control Area:	Yes

PROJECT INFORMATION

Site Area:	11781	Height:	Storeys:	16 + 3
Frontage:	102.24		Metres:	53.4 + 10.8
Depth:	159.22			
			Indoor	
Ground Floor GFA:	7,660	Parking Spaces:		615
Residential GFA:	43,950	Loading Docks:		3
Non-Residential GFA:	625			
Total GFA:	44,575			

DWELLING UNITS

Tenure Type:	Condominium
Rooms:	0
Bachelor:	0
1 Bedroom:	0
2 Bedroom:	0
3+ Bedroom:	0
Total Units:	615
Total Proposed Density:	3.8

FLOOR AREA BREAKDOWN

	Above Grade
Residential GFA:	43,950
Retail GFA:	625
Office GFA:	0
Industrial GFA:	0
Industrial/Other GFA:	

COMMENTS

Current Status: Open	<u>Latest Event</u>	<u>Actual Date</u>
	Suppl. Submission	11/14/2002
	Suppl. Submission	11/05/2002
	Suppl. Submission	10/25/2002
	Suppl. Submission	10/07/2002
	Suppl. Submission	09/25/2002
	Received	09/25/2002

Data Valid: June 20, 2003
Area: District - C

Planner: Barry Brooks Phone: (416) 392-0758
Planning Office: Toronto - West (TC)

Attachment 7
Agency Comments

1. Works and Emergency Services (Technical Services, June 24, 2003)

This is in reference to the application made on behalf of the owner, NEXXT Development Corporation, to construct on the former Canadian Tire lands, 4-mixed-use condominium buildings at premises Nos. 403-417 Keele Street. A total of 610 residential units are proposed for Buildings Nos. 1, 2, and 3, Building No. 4, 40-stacked condominium townhouses, and 465 m² of retail space at grade with parking proposed in a 5-level underground parking garage. In addition, a 278 m² City-run community recreation centre is also contemplated as part of this development that your staff is currently negotiating with the applicant and which will be subject to a Section 37 Agreement. It is the applicant's intent to develop this site in phases.

The following comments and conditions are provided based on Drawing Nos. C1, S1 to S8, E1 to E4, D1, L1, L2, A1, A2, and R1 to R4, prepared by Kuwabara Payne McKenna Blumberg and Patrick T. Y. Chan, date stamped by your Department as September 25, 2002. Due to the level of detailed information provided on the drawings with this application, some of the comments and conditions made below are applicable to future Site Plan Applications. These issues will impact on the design of the project and the applicant should be advised accordingly.

Please advise us if any changes or modifications are required to the conditions identified in this memorandum.

Conditions:

1. That the owner be required to:

- (a) Provide and maintain parking spaces on the site to serve the project, in accordance with following minimum ratios:

Bachelor Units	0.3 spaces per unit
1-bedroom Units	0.7 spaces per unit
2-bedroom Units	1.0 spaces per unit
3+ - bedroom Units	1.2 spaces per unit
Visitors	0.15 spaces per unit
Retail	1 space per 80 m ² of GFA
Restaurant	1 space per 33 m ² of GFA;

- (b) Submit a functional design identifying the proposed geometric changes, the lane configuration and streetscape improvements along the public lane extending between Heintzman Street and Indian Grove, inclusive of the streetscaping details proposed within the portion of land that is to be conveyed, as noted below in Condition No. 1(c), for the review and acceptance of the Commissioner of Works

and Emergency Services, prior to approval of the Official Plan and Zoning Amendment applications;

- (c) Convey to the City, at nominal cost, prior to the issuance of a building permit, all lands required for the improvements to the public lane identified in the functional plan to be submitted and accepted as noted in Condition No. 1(b) above, such lands to be free and clear of all encumbrances, and pay all costs for any measures and improvements to the public lane that are required in the opinion of the Commissioner of Works and Emergency Services, except for any landscaping treatments accepted by the Commissioner of Works and Emergency Services;
- (d) Comply with the Zoning By-law with respect to the existing loading requirements;
- (e) Pay any costs associated with signal modifications at the Keele Street/Dundas Street West intersection as recommended by the applicant's transportation consultant;
- (f) Submit additional analysis/information to address the concerns related to the Traffic Impact Study, as discussed in the body of this report prior to approval of the Official Plan and Zoning Amendment applications;
- (g) Submit to the Commissioner of Works and Emergency Services, at least three weeks prior to the introduction of Bills in Council;
 - (i) Final approved drawings of the development with sufficient horizontal and vertical dimensions of the exterior walls of the proposed buildings to enable the preparation of building envelope plans;
 - (ii) A Reference Plan of survey in metric units and referenced to the Ontario co-ordinate System delineating thereon by separate PARTS the lands required for the widening of the lanes and the remainder of the site for the preparation of legal descriptions; and
 - (iii) A site servicing assessment to determine the stormwater runoff, sanitary flow and water supply demand resulting from this development and demonstrate how this site is to be serviced;
- (h) Pay any improvements to the municipal infrastructure in connection with Condition No. 1(g)(iii), should it be determined that upgrades are required to existing infrastructure to support this development;
- (i) Submit, prior to the issuance of a below grade building permit, all environmental site assessment reports describing the current site conditions and the proposed remedial action plans to the Commissioner of Works and Emergency Services for peer review;

- (j) Pay all costs associated with the City retaining a third-party peer review consultant and submit, along with the site assessment reports, a certified cheque payable to the City, in the amount of \$3,000.00, as a deposit towards the cost of peer review;
 - (k) 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 the necessary supporting environmental documents:
 - (i) The site including the lands to be conveyed to the City, is suitable for its intended use;
 - (ii) It is unlikely that there is any off-site contamination, resulting from the past land uses on the site, that has migrated from the site to the adjacent rights-of-way that would exceed applicable MOE guidelines, objectives, or regulations;
 - (l) Enter into an agreement, prior to the issuance of an above grade building permit, with the City, should it be determined that remediation of the adjacent right-of-way is required, in which the owner, or the party responsible for the contamination, commit to carrying out a remedial work plan acceptable to the City;
 - (m) Submit, prior to occupancy, a Record of Site Condition (RSC) to the Commissioner of Works and Emergency Services, with respect to the statement from the Professional Engineer submitted prior to the issuance of an above-grade building permit; and
2. That in conjunction with future Site Plan Applications, the owner will be required, among other things:
- (a) To provide space within the development for the construction of any transformer vaults, Hydro and Bell maintenance holes and sewer maintenance holes required in connection with the development;
 - (b) To submit detailed phasing plans indicating among other things, demolition/construction sequencing and timing, interim use, construction access and staging areas;
 - (c) To provide and maintain in connection with City waste collection for this development, 2 Type G loading spaces on site, with a generally level surface;
 - (d) To design and construct all driveways and passageways providing access to and egress from the Type G loading spaces with a minimum width of 3.5 m (4 m where enclosed), a minimum vertical clearance of 4.3 m and minimum inside and

outside turning radii of 9 m and 16 m, so that trucks can enter and exit the site in a forward motion;

- (e) To construct the Type G loading spaces and all driveways and passageways providing access thereto to the requirements of the Ontario Building Code, including allowance for and City of Toronto bulk lift and rear bin vehicle loading with impact factors where they are to be built as supported structures;
- (f) To design and construct driveways and passageways to support the expected loads imposed by fire fighting equipment and surface them with concrete, asphalt, or other material designed to permit accessibility under all climatic conditions;
- (g) To provide and maintain for the residential component of Building Nos. 1, 2, and 3, a garbage storage room of at least 75 m² in size and a recycling storage room of at least 70 m² floor area and install and maintain a stationary compactor in the garbage room, or alternatively, a combined garbage/recycling room with a minimum size of 145 m², to be equipped with automated recycling and waste systems (i.e. tri-sorter type). Or, conveniently located storage rooms, appropriately sized to serve each of the buildings and that collectively total the same floor area, as noted. If an automated recycling waste system is not being installed, convenient storage space for recycling materials must be provided on each floor of the buildings for collection by building maintenance staff;
- (h) To provide and maintain additional space in the garbage and recycling storage room(s) in Building Nos. 2 and 3, to accommodate the refuse generated by the public community recreation centre;
- (i) To provide and maintain for the residential component of Building No. 4, a garbage storage room of at least 20 m² in size and a recycling storage room of at least 15 m² floor area and install and maintain a stationary compactor in the garbage room, or alternatively, a combined garbage/recycling room with a minimum size of 35 m², to be equipped with automated recycling and waste systems (i.e. tri-sorter type). If an automated recycling waste system is not being installed, convenient storage space for recycling materials must be provided on each floor of the building for collection by building maintenance staff;
- (j) To provide and maintain for the retail component of this development:
 - (i) Private refuse collection services;
 - (ii) Doors leading from the rear of each of the units to the garbage and recycling storage rooms;
 - (iii) Separate or combined garbage and recycling storage rooms of sufficient size to accommodate the refuse generated;

- (iv) A separate collection pad of sufficient size to accommodate the container bins or, alternatively, share the same collection pad used for the residential component provided that collection is done on alternate days from that of City collection;
- (v) Properly labelled containers (painted or stencilled lettering ranging 0.15 to 0.20 m in height) to indicate for “Retail Use Only”;
- (k) To install and maintain double or overhead doors of a width necessary to accommodate the movement of container bins between the garbage and recycling storage rooms and the Type G loading spaces;
- (l) To provide and maintain:
 - (i) Level corridors between the residential garbage and recycling storage rooms and the Type G loading spaces, of a width necessary to accommodate the passage of the container bins for collection;
 - (iii) Service connections between each retail store and the garbage and recycling storage rooms and the loading spaces of sufficient width to accommodate the passage of the container bins and/or deliveries;
- (m) To provide and maintain a concrete storage collection pad immediately fronting the loading space with maximum slope of 2% with a minimum size of 80 m², to accommodate the bins from the residential Building Nos. 1, 2, 3, and 4 or alternatively, separate collection pads adequately sized to meet the demands of the building it serves but that collectively totals the minimum size requirement, as noted, where containers are to be placed on collection days only and manoeuvred for safe and efficient collection, with additional space to accommodate the bins from the retail and public community recreation centre components;
- (n) To show on the plans the route the City waste collection vehicles will travel on the site as well as the route to be used to transfer the container bins from Building No. 4, to the loading space for City waste collection;
- (o) To provide trained staff-members to transfer the bins from the residential garbage and recycling storage rooms and be present at all times during City refuse collection to manoeuvre the containers onto the waste collection vehicle and act as flagpersons when the vehicle is reversing;
- (p) To agree to advise all tenants/owners, in writing and in their deeds/leases, of the refuse collection arrangements for the retail and residential components;
- (q) To include with the building permit application, drawings to show fire hydrants located no more than 45 m from a fire department siamese connection and no

greater than 90 m from the “principal entrance” for buildings without a fire department connection;

- (r) To provide fire access routes in accordance with the requirements of the Ontario Building Code;
 - (s) To design and construct the fire access route(s) to support the expected loads imposed by fire fighting equipment and surface them with concrete, asphalt or, other materials designed to permit accessibility under all climatic conditions;
 - (t) To submit to the Commissioner of Works and Emergency Services, for review and acceptance, prior to the issuance of an above-grade building permit:
 - (i) Grading and servicing plans to show existing and proposed elevations, surface drainage, infiltration areas within the site and any overland flow routes; and
 - (ii) A Stormwater Management Report; and
 - (u) That approval of this project, in its present form, is contingent upon the satisfaction of the outstanding issues with respect to the Traffic Impact Study which will be documented under separate cover;
3. That the owner be advised:
- (a) Of the need to contact Traffic Operations staff of Works and Emergency Services a minimum of six months prior to any occupancy of the development, to allow for the necessary reports to be prepared and by-laws to be enacted with respect to the outbound “No Left Turn” prohibition on the Keele Street driveway; and
 - (b) Of the need to make a separate application to the Commissioner of Works and Emergency Services for permits to carryout any works involving construction in, or occupancy of, the abutting public lanes, and Keele Street, Heintzman Street and Indian Grove right-of-ways;
 - (c) That the wheeling of bins across the public right-of-way is not permitted;
 - (d) That the storm water run-off originating from the site should be disposed of through infiltration into the ground and that storm connections to the sewer system will only be permitted subject to the review and acceptance by the Commissioner of Works and Emergency Services of an engineering report detailing that site or soil conditions are unsuitable, the soil is contaminated or that processes associated with the development on the site may contaminate the storm runoff; and

- (e) Of the City's requirements for payment of a service charge associated with the provisions of City containerized garbage collection.
- 4. It is recommended that the owner be required to have a qualified architect/acoustical consultant submit a Noise and Vibration Impact Study, and following completion of the development be required to submit written certification from the consultant that the development has been designed and constructed in accordance with the Noise and Vibration Impact Study(ies).

Comments:

Sidewalks/Public Boulevards/Streetscaping

Approval for any work within the public right-of-way must be received from this Department. For further information in this regard, and to discuss application requirements with staff, the applicant should contact Right of Way Management, District 1, Construction Activities at (416) 394-2655. Although the location of the proposed vehicular access is acceptable in principle, further revisions to the plans may be required as part of the detailed review of the application for work within the public right-of-way.

Public Walkways/Laneways

The site abuts the northerly terminus of a public lane of varying width that extends northerly from an east-west public lane between Keele Street and Heintzman Street. No land conveyance is required for the widening of this lane.

The site also abuts an east-west public lane that connects the northern ends of Heintzman Street and Indian Grove. The applicant is proposing to make improvements to this lane, consisting of geometric alterations (i.e. widening and realignment), streetscaping (i.e. trees) and installation of public sidewalks. As well, the applicant is considering further widening to allow up to 5 on-street parking spaces located along the north side of the lane. As property is proposed to be conveyed to the City for these lane developments, the applicant is required to submit a functional design to identify the proposed geometric changes, the lane configuration and streetscape improvements along the entire lane, for review and acceptance by the Commissioner of Works and Emergency Services.

The applicant must ensure the functional design drawings clearly indicate exactly what improvements, complete with dimensions, are proposed within the lands to be conveyed to the City (i.e. sidewalks, tree planting etc.).

Driveway Access and Site Circulation

Access to the site is proposed from two locations. The first is a private north-south two-way driveway extending northerly from Heintzman Street. The second is a two-way driveway directly off of Keele Street located at the northwest corner of the site. Although both locations

are generally acceptable, turning prohibitions will be imposed with respect to the Keele Street access, as discussed further below.

Parking

The Traffic Impact Study noted below indicates that approximately 600-650 parking spaces will be provided in a 5-level parking garage, including approximately 115 spaces for shared use by the residential visitors, retail/restaurant and meeting facilities components of the project. The total number of spaces indicated by the Traffic Impact Study is not consistent with what is indicated on the application form (690 spaces). In order to provide some flexibility with respect to the number and mix of residential units, it is recommended that the minimum parking ratios contained in the Site Specific Zoning By-law for these lands be applied as follows, which must be satisfied for each phase of the project:

Bachelor Units	0.3 spaces per unit
1-bedroom Units	0.7 spaces per unit
2-bedroom Units	1.0 spaces per unit
3+ - bedroom Units	1.2 spaces per unit
Visitors	0.15 spaces per unit
Retail	1 space per 80 m ² of GFA
Restaurant	1 space per 33 m ² of GFA

Loading

A minimum of 2 Type G loading spaces and 1 Type B loading space are proposed to serve the project, of which a minimum of 1 Type G and 1 Type B will be located beneath the western Phase 1 building with access directly to/from Keele Street. A minimum of 1 Type G loading space will be located at the eastern limit of Phase 1 with access directly to/from the north end of Indian Grove. The provision of a minimum of 2 Type G loading spaces and 1 Type B loading space satisfies the estimated loading demand generated by this project and the Zoning By-law requirement for the same amount and is acceptable.

Traffic Impact Study

A Traffic Impact Study (TIS) prepared by BA Group and dated December 10, 2002, was submitted in support of the subject proposal.

The consultant has indicated that the traffic impacts associated with the development can be reasonably accommodated on the area road network. This conclusion is based partly on the implementation of their recommended outbound left-turn prohibitions at the proposed Keele Street site access driveway, and modifications to the signal timings at the signalized intersections within the study area (e.g. adjustments to the signal hardware at the Keele Street/Dundas Street West intersection). The consultant has also indicated that this development would generate less than half the traffic that was generated by the former Canadian Tire store on this site during the critical afternoon peak hours. It would also generate less traffic than other as-of-right uses permitted on this site. Despite these conclusions by the consultant, further information and

analysis are required in order to determine whether the site-generated traffic can be adequately accommodated on the area road network. The additional information required includes the following:

1) Capacity Analysis

The capacity analysis summaries in the appendix of the report indicate that certain movements will experience lengthy delays (e.g. southbound left/right in the p.m. peak hour at Heintzman Street/Dundas Street West, and southbound left/through/right-in the p.m. peak hour at Indian Grove/Dundas Street West). The corresponding levels-of-service for these movements in Future Total Traffic conditions are noted as “F” in the report, which is considered unacceptable from a traffic engineering perspective. The traffic consultant has not identified any measures to mitigate these conditions.

2) Effects of Traffic Queues

The consultant’s intersection capacity analysis does not take into account the effects of traffic queues, if any, at intersections within the study area (e.g. the effects of southbound queues at the Keele Street/Dundas Street West intersection at upstream intersections) since it evaluates intersections in isolation of the conditions at the adjacent intersections. Therefore, it is recommended that an analysis be undertaken using an appropriate software package, such as Synchro/SimTraffic, to assess the traffic conditions and operations on a network basis.

A detailed outline of all outstanding issues with respect to the TIS will be forwarded in a separate letter to the consultant.

In addition to the TIS, the transportation consultant has assessed the feasibility of constructing an extension of Old Weston Road northerly from its current terminus to this site. This was undertaken at the suggestion of area residents to minimize the impact of the traffic generated by this development on the abutting residential neighbourhoods.

The consultant’s assessment and design indicate that this road extension would require the relocation of existing businesses, the demolition of two commercial buildings and the acquisition of private property. The cost, disruption and time associated with the implementation of this facility would appear to significantly outweigh its benefits. Accordingly, this alternative does not appear to be feasible.

Solid Waste and Recycling

In accordance with Chapter 844 “City of the Municipal Code “Waste Collection, Residential Properties”, the following loading, storage, and handling facilities are required in order for the residential and public community centre component of this development to be eligible for City compacted bulk-lift garbage collection:

- A garbage storage room equipped with a stationary compactor with a minimum size of 75 m² designed to be used without direct access by residents/tenants and recycling materials storage room with minimum size of 70 m² or, alternatively, a combined storage room of 145 m², equipped with an automated recycling and waste systems (i.e. tri-sorter type). Or, conveniently located storage rooms, adequately sized to serve the number of units in the building it is located;
- Additional space is provided within the residential garbage and recycling storage room(s) that serves Building Nos. 2 and 3, to accommodate the refuse generated by the public community centre;
- Double doors or an overhead door of a width necessary to accommodate the movement of the container bins to the loading facility for collection, taking into consideration that the 3 cubic yard bins being used have dimensions of 1.32 m (wide) by 1.93 m (length);
- Level corridors of a width necessary to accommodate the passage of the container bins from the storage rooms to the loading facilities, taking into consideration that the 3 cubic yard bins being used have dimensions of 1.32 m (wide) by 1.93 m (length);
- Level ($\pm 2\%$) concrete pads in front of the Type G loading spaces with a minimum size of 65 m², where containers can be placed and manoeuvred on collection day;
- 2-Type G loading spaces located on the site and designed such that garbage trucks using the loading spaces are able to enter and exit the site in a forward motion;
- The driveways and passageways providing access to and egress from the Type G loading space must be constructed with a minimum width of 3.5 m (4 m where enclosed), a minimum vertical clearance of 4.3 m and a minimum inside and outside turning radii of 9 m and 16 m; and
- The loading spaces, driveways and passageways providing access thereto must be designed to the requirements of the Ontario Building Code, including allowance for the City of Toronto bulk lift and rear bin vehicle loading with impact factors where they are to be built as supported structures.

The retail component of this development is not eligible for City collection services and accordingly, private refuse collection will be required for this development. In this regard the owner will be required to provide separate dedicated garbage and recycling storage rooms of sufficient size to accommodate the refuse generated by the retail component, as well as level corridors leading from each retail unit to the storage rooms which requires that rear doors be installed for each retail unit established. In discussions with the applicant's consultant it was confirmed that the owner's intent is to:

- Provide separate garbage and recycling rooms for the retail components, in Buildings Nos. 2, and 3 and 4;

- On collection day staff will transfer the refuse from the residential and retail component in Building No. 4 to the collection pad via a tractor through a proposed underground garage connection currently not shown on plans.

This is an acceptable arrangement provided that the collection of the retail bins is done on alternate days from the City's and that the containers are properly labelled (painted or stencilled lettering ranging 0.15 to 0.20 m in height), to indicate for "Retail Use Only".

With respect to the residential component inclusive of the public community centre, the applicant's drawings show that following is proposed:

- For Building Nos. 2, and 3, a garbage room and a loading space in the Level 1 parking;
- For Building No. 1, a garbage storage room at the Indian Grove street-level with its own loading space; and
- For Building No. 4 (40-stacked townhouse units), a separate garbage storage room.

The dimensions of these rooms, the required recycling storage rooms and the collection pads in front of each of the Type G loading spaces are not shown. Given that there are several storage garbage rooms being provided, the applicant must ensure that they are adequately sized to accommodate the number of units in each building they are intended to serve, with additional space provided to also accommodate the refuse from the public community centre. This is also applicable to the collection pad(s) which will require additional space to allow for the additional bins from the retail and public community centre components, that will be using the same collection pad.

In this regard, the applicant will be required include in the drawings to be submitted with the future Site Plan applications, the dimensions of the storage rooms, door openings, corridors, rear door for each of the retail units, and the required refuse collection pads in front of the respective Type G loading spaces as well as show the routes to be used on the site for the transferring of the bins to the collection pad(s) and by the City waste collection vehicles.

It is the policy of Toronto City Council to levy a service charge on all new developments, payment of which is a condition for receiving City containerized garbage and recycling collection. The levy is currently \$34.50 per month including taxes multiplied by the number of garbage containers on site. The levy includes the provision and maintenance of City garbage and recycling containers. Should the owner choose to provide private garbage containers, the levy will still be charged and the containers must meet City specifications and be maintained privately at the expense of the building owner.

Upon completion of this project, the owner is advised that staff of the Solid Waste Materials Division, Districts 1 & 2, (telephone No. 416-338-0957), will assist in the format and content requirements in the preparation of the plan.

Storm Drainage

The applicant's consultant has submitted a "Canadian Tire Site Servicing Feasibility Study", dated November 6, 2002, which is under review. Comments will be made directly to the consultant under separate cover. Pending the conclusion of the review by staff, the applicant may be required to pay for any improvements to the municipal infrastructure needed to support this development.

City Council's policy requires that storm water run-off be infiltrated into the ground for all new development whenever possible. Therefore, storm connections to the City sewer system will only be permitted if it can be demonstrated that infiltrating storm water into the ground is not feasible. Further information regarding stormwater management can be obtained by contacting Mr. Nhat Nguyen of this Department at 392-8320.

Sanitary Drainage

As mentioned under the storm drainage section above, the applicant's consultant has submitted a "Canadian Tire Site Servicing Feasibility Study", dated November 6, 2002, which is under review and comments will be made directly to him under separate cover. Again, pending the conclusion of the site servicing assessment, the applicant may be required to pay for any improvements to the sanitary sewer system needed to support this development.

Water Supply

As mentioned under the storm drainage section above, the applicant's consultant has submitted a "Canadian Tire Site Servicing Feasibility Study", dated November 6, 2002, which is under review and comments will be made directly to him under separate cover. Pending the conclusions of the water analysis, the owner may be required to pay for any improvements to the watermain system to support this development.

Service Connections

The applicant will be required to submit site servicing and grading plans to the Commissioner of Works and Emergency Services for review and acceptance prior to the issuance of an above-grade building permit. The site servicing and grading plans should indicate existing and proposed service connections, existing and proposed grades, fire access routes, and locations of existing or proposed fire hydrants.

Upon acceptance of the site servicing and grading plan by the Commissioner of Works and Emergency Services, the applicant will be required to make an application to this department for the installation of any new or proposed re-use of existing service connections within the right-of-way. Further information regarding service connections can be obtained by contacting Ms. Ruth Ann Smith of Water and Wastewater Services at (416) 392-7676.

Soil Contamination

Given the change of this former Canadian Tire store property to a more sensitive land use and the conveyance of the lands to the City, the applicant will be required to submit all environmental site assessment reports and a Statement from a Professional Engineer (sealed and dated) certifying that based on the supporting documents:

- the site including the lands to be conveyed to the City is suitable for its intended use; and
- that it is unlikely there is any offsite contamination on the adjacent right-of-ways, that would exceed applicable MOE Guideline objectives or regulations resulting from past land uses.

Should it be determined that remediation of the adjacent right-of-way is required, the owner must enter into an agreement with the City in which the owner, or the party responsible for the off-site contamination, commit to carrying out a remedial work plan acceptable to the City.

The Record of Site Condition is to be acknowledged as having been received by the Ministry of the Environment. The applicant must submit confirmation that the Ministry will not audit the Record of Site Condition or that the Ministry has audited the Record of Site Condition and that the Record of Site Condition has passed the audit.

The applicant will be required to pay all costs associated with the City retaining a third-party review consultant to undertake a review of the submitted environmental reports/documents to ensure that the assessment/remediation has been conducted in a manner consistent with the information provided in the current Ministry of Environment Guidelines, and that soil and groundwater conditions at the site are suitable for the proposed development. In connection with such costs, the applicant must submit a deposit of \$3,000.00 with the submission of the environmental reports to cover the cost of the peer review. At the end of the review the City will request additional funds or return the remainder of the deposit depending on the actual cost of the review.

For further information regarding environmental reports and supporting documents contact Mr. Nhat Nguyen of this Department (416) 392-8320.

Construction Permits

As discussed earlier, the applicant must obtain, from the Commissioner of Works and Emergency Services, prior to the commencement of any proposed work within the public right-of-way, as discussed earlier, any required construction permits inclusive of temporary road occupation permits. For further information in this regard, the applicant is to contact Right of Way Management, District 1, Construction Activities at (416) 394-2655.

2. Economic Development, Culture & Tourism (Parks & Recreation, January 2, 2003)

This will acknowledge the new plans, and the application for permission to injure and destroy trees on private property, pertaining to the above noted development application which were circulated to and received by Urban Forestry Services on September 26, 2002, and December 12, 2002, respectively. We have reviewed the circulated plans and application and advise that:

- If sufficient space exists, the applicant is required to provide the planting of large growing shade trees within the City road allowance as part of this, or the site plan approval application. A detailed landscape plan must be provided which indicates the exact location of all existing City owned trees and any trees proposed to be planted within the City road allowance including details with respect to proposed tree species, caliper and quantity. The planting plan should provide the best possible, natural planting environment for trees. It is preferred that trees be planted in turf when possible. If no room exists for turf boulevards with trees, raised planting beds or continuous tree pits should be considered. Trees indicated for planting on the City road allowance must be planted in accordance with the Tree Details Section of the City of Toronto Streetscape Manual as per the details noted below. Please note that the applicant must conduct an investigation of underground utilities prior to proposing tree planting within the City road allowance. If planting is not possible due to a utility conflict, a utility locate information sheet from the respective utility company should be provided to the City.

Street Trees in Turf:	In accordance with Planting Detail No. 101 for Balled and Burlapped Trees in Turf Areas, dated June 2002. (attached).
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Street Trees in Raised Planters:	In accordance with Planting Detail No. 102 for Raised Tree Planter – Concept, dated March, 1997.
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Street Trees in Tree Pits:	In accordance with Planting Detail Nos. 103, 103-1, 103-2, & 103.3 for 1.2m x 2.4m Tree Pit, dated March, 1997. Tree pits must be constructed in accordance with the Continuous Tree Pit details outlined in the Construction Details Section of the City of Toronto Streetscape Manual as Drawing Nos. RE-1833M-1, -2, -3, -4, -5 and -6, 1 of 2 and 2 of 2.
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- The applicant will be responsible for providing a two-year renewable guarantee for all new trees planted within the road allowance. The Supervisor of Urban Forestry Planning and Protection must be notified in writing of the planting date prior to planting. This date is used to establish the anniversary date of the required two-year renewable guarantee. The applicant must maintain the subject trees in good condition; these 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. If during or at the end of the renewable

guarantee period the trees are not in good condition, require maintenance or replacement, the applicant will be responsible for rectifying the problem as determined by and to the satisfaction of the Commissioner of Economic Development, Culture and Tourism. The owner will be required to provide an additional two-year renewable guarantee for any trees requiring replacement. The Supervisor of Urban Forestry Planning and Protection can be reached at 416-392-7390.

- A tree planting security deposit is required for tree planting in the road allowance. This deposit is to be in the form of an irrevocable Letter of Credit or certified cheque. The tree planting security deposit must be sent to the attention of Mark Procunier, Supervisor of Urban Forestry Planning and Protection, prior to the issuance of a landscaping permit which must be obtained from Works and Emergency Services, Transportation Services, District 1, Right of Way Management (416-393-7787). The tree planting security deposit is held for the duration of the renewable guarantee period(s). The funds from the tree planting security deposit will be drawn upon to cover any costs Urban Forestry Services incurs as a result of enforcing and ensuring that the trees are kept in a healthy and vigorous state. These costs are subject to change and the current cost per tree is \$578.00.
- A request has been received from Mr. Pino Di Mascio of Urban Strategies Inc., on behalf of the owner for the subject property, that the City consider the removal of 6 trees situated on private property inventoried as tree nos. 1, 5, 6, 7, 19 and 20, in the arborist report prepared by the Tree Specialists Inc., date stamped as received by Urban Development Services on September 25, 2002.
- As required under Section 331-13.B. of former City of Toronto Municipal Code Chapter 331, Trees, Article III, a "Notice" of application sign was posted on the subject property for the minimum 14 day posting period. No letters of objection were received in response to the "Notice" of application to remove the trees in question.
- Under provisions of Section 331-14.A.(3) of former City of Toronto Municipal Code Chapter 331, the Commissioner of Economic Development, Culture and Tourism is authorized to issue a permit for the removal of the subject trees situated on private property once site plan approval has been obtained. Please advise Andy Pickett at 416-392-1891 once the Undertaking/Statement of Approval in connection with this development has been issued.
- The privately owned trees, inventoried as tree nos. 2, 3, 4, 8 – 18 in the arborist report that accompanies this development application, meet the criteria for an exemption under former City of Toronto Municipal Code, Chapter 331, Trees, Article III. A permit to remove the above noted trees is not required. Tree nos. 9, 13 – 18 appear to be on the Indian Grove City road allowance. These trees were not planted by the City and we have no record of maintaining them. They are considered privately owned trees and a permit is not required to remove them.
- For landscaped open space areas proposed above any underground structure including parking structures, the applicant must provide and maintain the following to permit the

installation and mature growth of all proposed plant material, in particular large growing shade trees:

- i. Sandy loam soil (comprising 50 to 60 percent sand, 20 to 40 percent silt, 6 to 10 percent clay, 2 to 5 percent organic, with pH of 7.5 or less) to a sufficient depth of not less than 1.5 metres; and
 - ii. An engineered drainage system which prevents soil saturation.
- I advise that the plans prepared by Kuwabara Payne McKenna Blumberg, Architects, and Patrick T. Y. Chan, Architects, date stamped as received by Urban Development Services on September 25, 2002, all plans on file with the Commissioner of Urban Development Services are acceptable provided that the above noted conditions are fulfilled.

3. Toronto District School Board (October 10, 2002)

Upon review of the above noted circulated application, please be advised that there is insufficient space at the local schools to accommodate students anticipated from this proposed development and others in the area.

The status of local school accommodation should be conveyed to potential purchasers as well as communicated to the existing community to inform them that children from new development will not displace existing students at local schools. In addition, alternative arrangements will be identified consistent with optimizing enrolment levels at all schools across the Toronto District School Board. At this time, the schools anticipated to serve the development are unknown.

As such, the Board requests the following as a condition of approval:

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:

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

For information regarding designated school(s), please call 416-397-2833.”

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

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.”

Despite these provisions, the Board reserves the right to change this status at any time without further notice. If you have any questions regarding this matter, I can be reached at 416-397-2520.

4. Toronto Transit Commission (November 21, 2002)

It is noted that Wheel-Trans vehicles would not be able to loop around the proposed drop-off driveway to serve the west tower at the front doors. In order to accommodate Wheel-Trans vehicles the circular driveway would need to have a radius of 12 metres.

**Attachment 8
Draft Official Plan Amendment**

CITY OF TORONTO

BY-LAW No. _____ -2003

To amend the Official Plan for the former City of Toronto respecting lands known as 403 and 417 Keele Street.

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

1. The text and map attached as Schedule “A” to this by-law are hereby adopted as an amendment to the Official Plan for the former City of Toronto.
2. This is Official Plan Amendment No. _____

ENACTED AND PASSED this _____ day of _____ 2003.

SCHEDULE “A”

1. Section 18 of the Official Plan for the former City of Toronto is amended by adding a new Section 18.XXX and Map 18.XXX as follows:

18.XXX Lands known in the year 2003 as Nos. 403 and 417 Keele Street

See Map 18.XXX at the end of this Section.

- (1) Notwithstanding any other provisions of this Plan, Council may pass by-laws applicable to the lands delineated by heavy lines on Map 18.XXX, to permit the erection and use of mixed-use buildings having a maximum gross floor area of 44,575 square metres, provided that:
 - (a) the residential gross floor area of such buildings does not exceed 43,950 square metres;
 - (b) the non-residential gross floor area of such buildings does not exceed 625 square metres; and,
- (2) Council may not pass any by-law designating the Site for residential uses, including any by-law described in Section 1 hereof, unless in return for the residential densities and height permissions thereby granted, the owner of the Site is required by such by-law to have first entered into an agreement with the City of Toronto pursuant to Section 37 of the Planning Act to secure the facilities, services and matters set out in Section 3 hereof, and such agreement is in a form satisfactory to the City and is registered on title to the Site as a first priority.
- (3) In return for the residential densities and height permissions granted a by-law designating the Site for residential uses, including any by-law described in Section 1 hereof, the owner of the Site shall provide the City of Toronto with the following facilities, services and matters:

(Section 37 provisions to be inserted in accordance with the report of Urban Development Services.)

Attachment 9
Draft Zoning By-law Amendment

CITY OF TORONTO

BY-LAW No. _____-2003

To amend By-law No. 438-86, the Zoning By-law of the former City of Toronto, respecting lands known municipally as 403 Keele Street.

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

1. Pursuant to Section 37 of the Planning Act, the heights and density of development permitted by this By-law are permitted subject to compliance with the conditions set out in this By-law and in return for the provision by the owner of the Site of the facilities, services and matters set out in Attachment 10 hereof, the provision of which shall be secured by an agreement or agreement pursuant to Section 37(3) of the Planning Act.
2. Upon execution and registration of an agreement or agreements by the owner of the Site, pursuant to Section 37 of the Planning Act, securing the provision of the facilities, services and matters set out in Attachment 10 hereof, the Site is subject to the provisions of this By-law.
3. Except as otherwise provided herein, the provisions of By-law No. 438-86, as amended, being “A By-law To regulate the use of land and the erection, use bulk, height, spacing of and other matters relating to buildings and structures and to prohibit certain uses of lands and the erection and use of certain buildings and structures in various areas of the City of Toronto”, shall continue to apply to the Site.
4. District Map No. 48J-321 contained in Appendix “A” of By-law No. 438-86, as amended, is further amended by redesignating the lands outlined by heavy lines on Plan 1, attached to and forming part of this By-law, from I1 D2 and MCR T2.5 C1.0 R2.0 to CR T3.8 C0.1 R3.8.
5. None of the provisions of Section 2(1) with respect to the definition of “grade”, Section 4(2)a, Section 4(4)b, Section 4(10), Section 4(12), Section 4(16), Section 8(3) Part I, Section 8(3) Part II, Section 8(3) Part VIII of Zoning By-law No. 438-86, as amended, shall apply to prevent the erection and use of mixed-use buildings, provided that:
 - (1) the lot upon which the proposed buildings and structures are erected or used comprise those lands delineated by heavy lines on Plan 1 attached hereto and forming part of this by-law;

- (2) no part of any building or structure located above grade is located otherwise than wholly within the areas delineated by heavy lines and identified as Parcel A, Parcel B, Parcel C and Parcel D on Plan 1, and
 - (i) Parcel A shall be used for the purposes of a mixed-use building;
 - (ii) Parcel B shall be maintained as publicly accessible landscaped open space;
 - (iii) Parcel C shall be used for the purposes of a mixed-use building;
 - (iv) Parcel D shall only be used for the purposes of a public lane dedication and shall be conveyed to the City of Toronto.
 - (3) the maximum height above grade of any building or structure erected or used on the lot shall not exceed the heights above grade shown on Plan 2, attached hereto and forming part of this by-law;
 - (4) the maximum height of any stair tower, elevator shaft, chimney stack or other heating, cooling or ventilating equipment or window washing equipment on the roof of the building or a fence, wall or structure enclosing such elements, shall not exceed the sum of 6.9 metres and the applicable height limit;
 - (5) no part of any building or structure located above grade is located in Area A, identified on Plan 2, with the exception of a bridge or pedestrian walkway;
 - (6) the aggregate of the residential gross floor area and the non-residential gross floor area erected or used on the lot does not exceed 44,575 square metres, of which
 - (i) the residential gross floor area does not exceed 43,950 square metres; and,
 - (ii) the non-residential gross floor area does not exceed 625 square metres
 - (7) a minimum number of parking spaces are provided and maintained on the lot, as follows:

(i)	Bachelor units	0.30 spaces per unit
(ii)	1-bedroom units	0.70 spaces per unit
(iii)	2-bedroom units	1.00 space per unit
(iv)	3-bedroom units	1.2 spaces per unit
(v)	Visitors	0.15 spaces per unit
(vi)	Retail	1 space per 80 m ² of GFA
(vii)	Restaurant	1 space per 33 m ² of GFA
 - (8) at least 2 square metres of indoor residential amenity space and 2 square metres of outdoor residential amenity space per dwelling unit shall be provided.
6. For the purposes of this By-law
- (1) “grade” means 119.50 metres Canadian Geodetic Datum.

- (2) “residential gross floor area” shall have the same meaning as contained in Section 2(1) with the exception of areas used for the purposes of community services and facilities or parking spaces located within the at-grade level of a parking garage, which shall be excluded from the definition.
- (3) “Parcel A”, “Parcel B”, “Parcel C” and “Parcel D” mean the areas identified as such on Plan 1 and Plan 2 and “Area A” means the area identified as such on Plan 2.
- (4) Each other word or expression, which is italicized in the By-law, shall have the same meaning as each word or expression as defined in the aforesaid By-law 438-86, as amended.

Attachment 10
Section 37 Agreement Provisions

The provision of the facilities, services and matters substantially as set out below shall be secured in a Section 37 Agreement between the City and the owner. Further reference should be made to the Final Report dated June 24, 2003 which shall form the basis of the Section 37 Agreement, all to the satisfaction of the Commissioner of Urban Development Services in consultation with the appropriate civic officials:

1. Community Space: provision of 3000 sq. ft (278 m2) for City-run activities in the West Tower podium level;
2. Streetscape improvements to both sides of Keele Street north of Dundas Street West to the Canadian Pacific Railway Underpass (including Junction Gardens BIA trellis improvement plan);
3. Lighting and Visual Art Improvements to the Keele Street Underpass;
4. Vine Avenue Parkette playground enhancements; and
5. Marketing and New Business Development financial support for the West Toronto Junction Team.