The applicant proposes to amend the Zoning By-law to permit the existing single detached house at 51 Finch Avenue West to be used as a medical office.

This report reviews and recommends approval of the application to amend the Zoning By-law, and also advises that the Chief Planner may approve in principle the draft Conditions of Site Plan Control approval.

The City Planning Division recommends that:

1. City Council amend Zoning By-law No. 7625 for the former City of North York, for the lands at 51 Finch Avenue West substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 5.

2. City Council authorize the City Solicitor to make such stylistic and technical changes to the draft Zoning By-law Amendment as may be required.
3. 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 6; and

4. City Council delegate back to the Chief Planner or his designate the authority to issue final Site Plan Approval.

**Financial Impact**
The recommendations in this report have no financial impact.

**ISSUE BACKGROUND**

**Proposal**
The applicant is proposing to convert an existing single detached 1.5 storey dwelling to medical office use. No additions or enlargements to the existing structure, which has a Gross Floor Area (GFA) of 111.5 m² and a Floor Space Index (FSI) of 0.17, are proposed. Five parking spaces would be provided at the rear of the property and accessed via an existing driveway from Elmview Avenue.

**Site and Surrounding Area**
The subject site is situated at the southeast corner of Finch and Elmview Avenues and has a lot area of 664 m². An existing 1.5-storey, stucco clad single detached dwelling on the lot fronts onto the south side of Finch Avenue West. An existing driveway access is located at the rear, accessed from Elmview Avenue.

Land uses surrounding the site are as follows:

North: single detached dwellings, with active applications to permit a medical office at 54 Finch Avenue West (# 09 109205 NNY 23 OZ) and a professional office at 48 Finch Avenue West (# 09 142202 NNY 23 OZ), to the north-west is situated a three-storey residential building;

South: an established residential neighbourhood consisting of one and two-storey single detached dwellings;

East: single detached dwellings with one dwelling previously converted into a dentist’s office, and a high-rise condominium towards Yonge Street; and

West: single detached dwellings, newly constructed three-storey residential townhouses and a three storey commercial building further to the west.

**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 site is designated in the Central Finch Area Secondary Plan as *Mixed Use Area “B”*. This designation provides for detached and multiple-unit residential, retail and service commercial uses, offices, places of worship, public parks and recreational facilities, and institutional uses. For sites with less than 30 metres frontage on Finch Avenue and located west of Yonge Street, such as this property, and where the proposed use is solely commercial, the maximum density is 1.0 times the lot area, and the maximum height 2 storeys or 8 metres, whichever is the lesser, provided that the maximum gross floor area for commercial uses does not exceed 0.75 times the lot area.

To buffer the abutting residential neighbourhoods from the effects of development in the Central Finch Area, the Secondary Plan requires that the height of any part of a 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. The Secondary Plan also requires privacy fencing and a landscape strip suitable for the planting of trees along the southernmost property line.

**Zoning**

The lands at 51 Finch Avenue West are zoned “One-Family Detached Dwelling Fourth Density Zone” (R4) within Zoning By-law No. 7625 of the former City of North York which permits single detached dwellings and accessory uses. A rezoning is required to permit the proposed medical office use.

The provisions of the City of Toronto’s new Zoning By-law 1156-2010 enacted by City Council on August 27, 2010, do not apply, as this site is located within the Central Finch Area Secondary Plan. The lands in this Secondary Plan are currently not part of the new city-wide zoning by-law.

**Site Plan Control**

A Site Plan Control Application has been submitted and reviewed concurrently with the rezoning application.

**Reasons for Application**

An amendment to the Zoning By-law is required as the R4 Zoning that applies to the subject site does not permit the proposed medical office use.

**Community Consultation**

A community consultation meeting to discuss the proposal was held at the Edithvale Community Center on May 21, 2009. The meeting was attended by City Planning staff, the applicant and four members of the public.
Issues raised by area residents, and which have been considered in the review of this application, are generally related to the following matters:

- office staffing numbers, vehicular access and parking supply;
- landscaping and fencing proposed for the rear of the subject site; and
- stormwater management and location of any swales on the subject site.

**Agency Circulation**

The application was circulated to all appropriate agencies and City divisions. Responses received have been used to assist in evaluating the application and to formulate appropriate By-law standards and conditions of Draft Site Plan Approval.

**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, Density**

The proposed conversion of the dwelling for medical office use would be located wholly within the existing 1.5 storey building, and represents an FSI of 0.17. No additions or enlargements of the structure have been proposed nor were contemplated as part of this review. This will continue to allow the possibility for future consolidation of the lots in this block for a more comprehensive development, as envisioned by the Secondary Plan.

The proposal also utilizes the existing driveway access from Elmview Avenue to access the five parking spaces at the rear of the structure. The proposed 1.5 metre wide landscape strip and 1.8 metre high privacy fencing at the rear of the site will ensure impacts on residential uses to the south are acceptable. With the addition of low-lying shrubbery along the Elmview flankage, the proposal will provide an enhanced visual effect to the property’s surroundings.

As such, the proposal for a medical office use in a converted dwelling conforms to the land use and density objectives of the Secondary Plan.

**Site Plan Control Approval**

This report recommends approval of the site plan drawings and draft conditions of site plan approval attached as attachment No. 6.
Road Widening
A 2.76 metre road widening dedication along the Finch Avenue frontage of the subject site and a 6.1 metre corner rounding at Elmview Avenue is required. This will be a condition of Site Plan approval.

Vehicular Access, Parking
The proposed development would have vehicular access via a driveway from Elmview Avenue at the west side of the subject lands. Five parking spaces would be located behind the building at the rear of the lot.

Review of the proposal against the City’s parking requirements indicates the five parking spaces on site are sufficient to accommodate anticipated parking demand without impacting the local residential area. Transportation Services staff concur with this analysis.

Servicing
The proposed development as designed, complies with the Best Management Practices for Stormwater Management and the City of Toronto’s Wet Weather Flow Management Guidelines, which requires grades that allow overland water flow. As per City practise, the proposed medical office use will be required to arrange for private contractor collection of recyclables and refuse, or enter into an agreement with the City for pick-up under the Yellow Bag Program.

Streetscape
As previously noted, the existing 1.5 storey dwelling will remain on the lands without alteration. As per the proposed landscape plan, enhanced landscaping along the Finch and Elmview Avenue frontages and additional tree planting along the City boulevard will help to create an attractive landscaped and pedestrian oriented street-edge.

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 0.8-1.56 hectares of local parkland per 1,000 people. The site is in the middle quintile of current provision of parkland. The site is in a parkland priority area, as per Alternative Parkland Dedication By-law 1420-2007.

The application to convert the existing single family dwelling to a medical use does not propose any new floor area. As such the application is not subject to parks levy. However, any future addition/expansion of the building will be subject to parkland dedication requirements.

Tree Preservation
The application is subject to the City of Toronto City Street Tree and Private Tree By-laws. Through review of the application, the City’s Urban Forestry Division has requested and the applicant agreed on two new trees to be planted on City property to replace the removal of a City tree. On-site trees that will require removal are proposed to be replaced by the applicant as part of the approved landscaping for the site.
Toronto Green Standard
On October 27, 2009 City Council adopted the two-tiered Toronto Green Standard (TGS). The TGS is a set of performance measures for green development. Tier 1 is required for new development. Tier 2 is a voluntary, higher level of performance with financial incentives. Achieving the Toronto Green Standard will improve air and water quality, reduce greenhouse gas emissions and enhance the natural environment.

As the application was made prior to the January 31, 2010 implementation date for Tier 1 of the Toronto Green Standard, the proposed development is not subject to the Standard. However, the proposal does incorporate permeable paving for walkways and an abundance of low maintenance landscaping both at the front and side of the property.

Development Charges
It is estimated that the development charges for this project will be $7,698.00. 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

SIGNATURE

__________________________
Allen Appleby, Director
Community Planning, North York District

ATTACHMENTS
Attachment 1: Site Plan
Attachment 2: Elevations
Attachment 3: former City of North York Zoning By-law 7625
Attachment 4: Application Data Sheet
Attachment 5: Draft Zoning By-law Amendment
Attachment 6: Draft Conditions of Site Plan Approval
Attachment 1: Site Plan

Site Plan 51 Finch Avenue West

Applicant's Submitted Drawing
Not to Scale
01/06/2006

File # 08_229888
Attachment 2: Elevations

West Elevation

North Elevation

East Elevation

South Elevation

Elevations

Applicant's Submitted Drawing

Not to Scale

File #: 08_229888

51 Finch Avenue West
Attachment 3: Zoning – former City of North York By-law 7625
**Attachment 4: Application Data Sheet**

**APPLICATION DATA SHEET**

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<th>Rezoning</th>
<th>Application Number:</th>
<th>08 229888 NNY 23 OZ</th>
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<td>Details</td>
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<td>Project Description:</td>
<td>Convert existing sfd to medical office</td>
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**Applicant:** RICHARD MIN

**Agent:** HYEJIN SHIN

**Architect:**

**Owner:**

**PLANNING CONTROLS**

- **Official Plan Designation:** Mixed Use Areas
- **Zoning:** R4
- **Height Limit (m):** 8.8
- **Site Specific Provision:**
- **Historical Status:**
- **Site Plan Control Area:** Y

**PROJECT INFORMATION**

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**DWELLING UNITS**

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**FLOOR AREA BREAKDOWN** (upon project completion)

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Attachment 5: Draft Zoning By-law Amendment

Authority: North York Community Council Item ~ as adopted by City of Toronto Council on ~, 2011
Enacted by Council: ~, 2011

CITY OF TORONTO

Bill No. ~

BY-LAW No. --2011

To amend Zoning By-law No. 7625 for the former City of North York, as amended,
With respect to the lands municipally known as,
51 Finch Avenue West

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 64.13 of By-law 7625 is amended by adding the following subsection:

“64.13 (97) R4 (97)

PERMITTED USES

(a) In addition to the uses permitted in an R4 zone, a professional medical office located in the existing structure as of the date of this By-law passing shall be permitted on the lands identified on Schedule “R4 (97)”.

EXCEPTION REGULATIONS FOR A COMMERCIAL BUILDING

(b) The minimum yard setbacks shall be as identified on Schedule “R4 (97)”.

(c) The maximum number of stories shall not exceed 1.5.

(d) The maximum total gross floor area on the net site shall be 115 square meters, excluding the basement which shall be used only for storage purposes.

(e) All portions of the building or structure erected and used above established grade shall be located wholly within the building envelope identified on Schedule “R4 (97)”.

(f) The required number of parking spaces shall be 5, wholly located at the rear of the lot.
(g) A minimum 1.5 metre landscape strip and 1.8 metre high opaque fence shall be provided along the south property line as shown on Schedule “R4 (97)”.

(h) A minimum 1.5 metre landscape strip and 1.5 metre high opaque fence shall be provided along the east property line as shown on Schedule “R4 (97)”.

(i) The provisions of 6A (2)(a), as amended shall not apply.

(j) Notwithstanding any severance, partition or division of the site shown on Schedule “R4 (97)”, 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 "R4 (97)" 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.

ENACTED AND PASSED this ~ day of ~, A.D. 2011.

ROBERT FORD, ULLI S. WATKISS,
Mayor City Clerk

(Corporate Seal)
Attachment 6: Draft Conditions of Site Plan Approval

Conversion of an existing 1.5 storey dwelling for medical office uses as outlined in the following plans and drawings:

1. Site Plan (A1), prepared by Min and Associate Architect Inc, dated 11-05-08 and stamped received June 22, 2010 City of Toronto Planning North York Civic Centre;

2. Tree Preservation & Landscape Plan (L-01), prepared by DWK Landscape Architect, revised June 15, 2010 and stamped received June 22, 2010 City of Toronto planning North York Civic Centre.

A. PRE-APPROVAL CONDITIONS

LEGAL SERVICES – Stephanie Morrow, Supervisor of Law Clerks, Phone # 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 – Yelena Akselrod, Senior Development Engineer, Phone # 416-395-6282

1. Prepare all documents and convey to the City, at nominal cost,
   a) 6.1 m corner rounding at the corner of Finch Avenue West widened property line and Elmview Avenue property line
   b) 2.76 m along the Finch Avenue West frontage of this property to satisfy the requirement of a 36m wide right-of-way 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).

The owner shall deposit with the Technical Services Division prior to Site Plan Approval, certified cheques, for the following:

a) Relocation/Construction of a 1.7 metre wide sidewalk across the entire Finch Avenue West 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 $1,950.00.

b) $97.50 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 Avenue West once all the necessary land across Finch Avenue West frontages have been conveyed to the City.

**CITY PLANNING – Ben DiRaimo, Planner, Phone #416-395-7119**

Prior to final Site Plan approval, submit a financial guarantee in the form of an irrevocable Letter of Credit or certified cheque for 75% of the approved landscaping cost estimate in the amount of $11,707.00.

**URBAN FORESTRY – Bruce Gordon, Planner, Phone #416-395-6686**

1. Application to remove one City-owned tree
2. Amenity Value ($350.00) for one City-owned tree
3. Tree Planting Deposit ($1,166.00) for the planting of 2 trees on City property
4. Application and fee ($1,200.00) to injure 4 privately-owned trees
5. Agreement for Contractors to Perform Arboricultural Services on City Owned Street Trees

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.

**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. The proposed driveway on City property must be graded downward towards the roadway and have a 2% to 6% slope.

2. Remove all existing accesses, curb cuts, traffic control sign(s) along the development site frontage that are no longer required and reinstate the curb, gutter and boulevard within the City’s right-of-way, in accordance with City standards and to the satisfaction of the Executive Director, Technical Services.

3. 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;

4. All on-site driveways and parking areas must be surfaced and maintained with asphalt, concrete, or interlocking stone;

5. The owner must install and maintain appropriate signage and pavement markings on-site directing such as but not limited to: vehicle stopping and circulation, designated disabled parking, loading, and pedestrian walkways, to the satisfaction of the Executive Director, Technical Services.

6. Driveway curbs must be flush on either side of the sidewalk for a minimum of 0.45 metres.

7. 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.

8. 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 4.5 m of the travelled portion of the adjoining public highway do not exceed a maximum height of 0.85 m measured from the travelled surface of the adjoining highway. The owner shall maintain all trees located within 4.5 m of the travelled portion of the adjoining highway with a minimum clearance of 2.5 m 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 doing so; and

g) The owner agrees to defend, save and keep harmless and fully indemnify the City, its officers, employees, agents and other representatives, from and against all 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 of the adjoining public highways.

10. Any landscaping within the Finch Avenue West and Elmview Avenue boulevards must be approved by the Transportation Services Division prior to site plan approval.

11. Advise all owners and tenants/future purchasers of the units that refuse and recyclable materials generated by this building must be collected by a private refuse collection firm.

12. If the owner requests the city to collect trade waste, the owner will be required to make an application for garbage and recycling collection and enter into an agreement with the City, under the Yellow Bag Program, for such collection services. In the event the owner is not accepted, then a private contractor must collect all solid waste from this site. Collection of wastes from the commercial sector of this site will be in accordance with Chapter 841, Solid Waste, of the City of Toronto Municipal Code. (Refer to appropriate By-Laws for Procedures associated with grease, etc.)

13. Construct and maintain stormwater management measures/facilities and site grading as recommended in the accepted Stormwater Management Report.

14. Construct and maintain site servicing indicated on the accepted Site Servicing Drawing.

15. Provide certification to the Executive Director of Technical Services by the Professional Engineer who designed and supervised the construction that the stormwater management facilities and site grading have been constructed in accordance with the accepted Stormwater Management Report and the accepted Grading Plans.

16. Provide certification to the Executive Director of Technical Services by the Professional Engineer who designed and supervised the construction, that the site
servicing facilities have been constructed in accordance with the accepted drawings.

17. Existing drainage patterns on adjacent properties shall not be altered and stormwater runoff from the subject development shall not be directed to drain onto adjacent properties.

CITY PLANNING

Provide and maintain the landscaping for the lands in accordance with the approved landscape plan to the satisfaction of the Director, Community Planning, North York District.