110 Sheppard Avenue West – Official Plan Amendment, Rezoning and Site Plan Control Applications – Final Report

Date: February 28, 2011
To: North York Community Council
From: Director, Community Planning, North York District
Wards: Ward 23 – Willowdale
Reference Number: 10 111140 NNY 23 OZ & 10 111143 NNY 23 SA

SUMMARY

The applications propose the development of a 3-storey professional office with 6 parking spaces on the lot known municipally as 110 Sheppard Avenue West. This report reviews and recommends approval of the applications to amend the Official Plan and Zoning By-law.

This report also advises that the Chief Planner may approve in principle the draft Conditions of Site Plan Control approval.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council amend the Official Plan, for the lands at 110 Sheppard Avenue West substantially in accordance with the draft Official Plan Amendment attached as Attachment No. 7.
2. City Council amend Zoning By-law #7625 for the former City of North York, for the lands at 110 Sheppard Avenue West substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 8.

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

4. City Council approve the site plan as indicated on the drawing in Attachment 1, subject to the draft Conditions of Site Plan Approval listed in Attachment 9; and

5. City Council delegate back to the Chief Planner of 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 seeking permission to construct a 3-storey (11 metre) professional office building, with vehicular access via a 6 metre driveway from Sheppard Avenue West leading to a total of 6 parking spaces; 4 surface parking spaces provided at the rear of the property and 2 additional spaces contained within the rear portion of the ground floor of the building. Seven bicycle parking spots have are also located at the rear of the building. The proposal has a gross floor area of 675 m² which represents a Floor Space Index (FSI) of 1.1.

Site and Surrounding Area
The subject site is located on the north side of Sheppard Avenue West, three blocks west of Yonge Street. The site currently contains a 2-storey single detached residential dwelling, which was previously used as a professional office. The site has an area of approximately 601 m² with a frontage of 16.8 metres and a depth of 36 metres.

Land uses surrounding the site are as follows:

North: single detached residential dwellings;
East: single detached dwellings; many converted to commercial and professional office uses;
South: commercial and professional office uses ranging in height from 2 to 4 storeys; and
West: single detached dwellings, many converted to commercial and professional office uses.
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 Official Plan designates the subject lands as Mixed Use Areas. Mixed Use Areas consist of a broad range of commercial, residential and institutional uses, in single use or mixed use buildings, as well as parks and open spaces. New buildings in Mixed Use Areas are to be located and massed to provide a transition between different development intensity and scales, particularly towards lower scale Neighbourhoods. Development in these districts is to frame streets and provide an attractive, comfortable and safe pedestrian environment to take advantage of nearby transit services.

The site is located within the Sheppard Avenue Commercial Area Secondary Plan. The general objective of the Sheppard Avenue Commercial Area Secondary Plan is to permit and encourage development and redevelopment which will create a professional office and commercial district accommodating primarily office and health care uses. The retention of existing buildings or the development of new buildings which complement existing houseform buildings is also encouraged.

The Sheppard Avenue Commercial Area Secondary Plan designates the site Mixed Use Area ‘A’ which permits detached dwellings, financial institutions, institutional uses, office uses, necessary public utilities and accessory uses. The Secondary Plan seeks to ensure compatibility with adjacent residential areas and contains density limits and development criteria that are met through appropriate zoning and site plan control requirements.

The maximum height provided for by the Secondary Plan is 8 metres with the height of any building, or portion thereof, not to exceed the horizontal distance separating that building from the rear lot line.

The Secondary Plan provides for a maximum Floor Space Index (F.S.I.) of 1.0 times the lot area for all permitted uses, subject to the following development criteria: suitable opaque fencing between uses in the Sheppard Avenue Commercial Area Secondary Plan and uses in designated residential areas, a 1 metre landscape strip along the rear property line and signs, lighting and
garbage areas which are appropriately located to minimize impact on residential uses and which do not detract from the overall residential appearance of the area.

The Sheppard Avenue Commercial Area Secondary Plan also requires that land be secured for the future widening of Sheppard Avenue and that sufficient on-site parking be provided behind the principal structure so as to not create demand for street parking in designated residential areas. To ensure structures in the Sheppard Avenue Commercial Area are compatible with houses in adjacent residential areas and do not overshadow houses and their rear yards, building heights may not exceed 8 metres, as measured between established grade and the finished ceiling of the uppermost storey.

New buildings within the Sheppard Avenue Commercial Area shall have massing and an appearance that has regard for siting, roof lines, fenestration design, floor levels and materials used in existing houseform buildings.

Zoning
The site is zoned Special Commercial Area Zone (C6) in Zoning By-law 7625 for the former City of North York. This zoning permits business and professional offices, professional medical offices, financial institutions, places of worship, public libraries, museums and art galleries, and day nurseries. A single family dwelling is a permitted use if such dwelling was used as a dwelling on May 15, 1991.

This zoning requires a minimum 18 metres front yard setback from the centre line of Sheppard Avenue, and a minimum of 7.5 metres setback from the rear property line. A maximum building height of 8 metres is permitted, as measured between the established grade and the underside of the ceiling of the uppermost storey.

The C6 zone also requires a minimum 1 metre landscape strip along the rear property line.

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 Sheppard Avenue Commercial Area Secondary Plan. The lands in this secondary plan are currently not part of the new city-wide zoning bylaw.

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

Reasons for Application
An amendment to the Official Plan is required as the proposed building has a Floor Space Index (FSI) of 1.1, and a height of 11 metres. The Secondary Plan provides for a maximum (F.S.I.) of 1.0 times the lot area for all permitted uses, and a maximum height limit of 8 metres. An amendment to the Secondary Plan is therefore required.

The C6 zoning that applies to this site also limits building height to 8 metres, whereas the proposed development contemplates a height of 11 metres. In addition, the applicant is
proposing 6 parking spaces whereas 14 are required. An amendment to the Zoning By-law is required to implement the necessary zoning standards to regulate the proposed development.

Community Consultation
A community consultation meeting was held on June 2, 2010. The meeting was attended by the Ward Councillor, City Planning staff, the owner and his consultants and approximately 10 members of the public. There was a general discussion with emphasis on building design and minimizing overlook on neighbouring properties.

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 Control 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.

Density, Height, Massing
As proposed, the professional office building will have a density of 1.1 FSI and a height of 3 storeys or 11 metres. The proposal presents an opportunity for redevelopment of the site as per the office use objectives of the Secondary Plan, and is consistent with what is emerging along this stretch of Sheppard Avenue West. The proposed density of 1.1 FSI represents a very modest increase to the 1.0 FSI permitted in the Secondary Plan.

The proposed increase in height with an additional storey, allows for access to the rear parking area while maintaining the desired floor space and functionality of the building. However, the building has been sited on the lot with a set back from the rear lot line that maintains the angular plane objectives of the Secondary Plan, which seeks to minimize overlook and impacts on the privacy of adjacent residential properties. A generous landscaping strip and treed area at the rear will also assist to further buffer the proposed development from the residential uses to the north.

As designed, the proposed building maximizes the utility of the lot and provides for ample glazing and façade detail which complements existing houseform buildings as well as being typical of newer buildings in the area.
The Sheppard Avenue Commercial Area Secondary Plan encourages development that will lead to the eventual formation of a commercial district accommodating primarily office and health care uses. The proposed professional office use development subject to this review can be considered compatible with the land use objectives of the 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. 9.

**Road Widening**
A 4.89 metre road widening dedication along the Sheppard Avenue frontage of the subject lands 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 Sheppard Avenue at the east side of the subject lands. The building is designed so that the second and third floors would be built above this driveway, which provides access to 6 at grade parking spaces at the rear, including one handicapped space, as well as 7 bicycle parking spots.

Review of the proposal against the City’s parking requirements indicates the 6 parking spaces on site are sufficient to accommodate anticipated parking demand without impacting the local residential area. A Loading Rationale was also submitted proposing that given the limited and light-weight nature of anticipated deliveries for the proposed professional office use, and the constraints of the site; a loading area would be shared within the proposed parking area. City Transportation staff have concurred with this analysis.

As the proposal provides for a minimum 1.6 metre landscape strip with significant landscape shrubbery and privacy fencing along the north property line, vehicular impact on the adjacent residential properties to the north can be expected to be minimal.

**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 professional office development will be required to arrange for private contractor collection of recyclables and refuse.

**Streetscape**
The design of the proposal would result in an attractively landscaped pedestrian oriented street-edge along Sheppard Avenue. The proposed building setback from the new property line also creates a defined street “wall” that will help delineate the street. The location of the front door to the building, abundance of landscape shrubbery along the building edge and the large amount of glazing and views provided from inside the building would create a safe and comfortable pedestrian experience.
In keeping with the overall objectives of the Secondary Plan, this provides an opportunity to create an attractive and safe pedestrian experience that will encourage walking along this portion of Sheppard Avenue.

**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 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 new 594.6m² building will be subject to a 2% parkland dedication requirement to fulfil Section 42 of the Planning Act R.S.O. 1990 c.P.13.

The applicant proposes to satisfy the parkland dedication requirement by cash-in-lieu and this is appropriate as the 12m² parkland dedication associated with the new building will be too small to create a park.

The actual amount of cash-in-lieu to be paid will be determined at the time of issuance of the building permit by the Facilities and Real Estate Division. The applicant is to notify Parks, Forestry and Recreation at the time of building permit application in order to commence the appraisal process. The cash-in-lieu payment by certified cheque will be payable prior to building permit issuance at Parks, Forestry and Recreation, 3rd floor, North York Civic Centre.

**Tree Preservation**

The application is subject to the City of Toronto Private Tree By-law. Through review of the application, the City’s Urban Forestry Division and the applicant agreed on four new replacement trees to be planted on the property in addition to two new street trees along the City Boulevard.

**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 Development Standards, the proposed development is not subject to the Standards. However, the applicant has indicated that the proposal will incorporate a “cool” roof, which incorporates a light coloured roofing membrane providing a higher level of solar reflectance and thus reduction in the “heat - island” effect. The proposal also incorporates 7
bicycle parking spots, a covered garbage storage area for refuse and recyclables, permeable paving of the parking area at the rear and an abundance of low maintenance landscaping both at the front and rear of the property.

Development Charges
It is estimated that the development charges for this project will be $11,330.00. 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

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Allen Appleby, Director
Community Planning, North York District

ATTACHMENTS
Attachment 1: Site Plan
Attachment 2: South, East, North and West Elevations
Attachment 3: Cross Section
Attachment 4: Former City of North York Zoning By-law 7625
Attachment 5: Official Plan
Attachment 6: Application Data Sheet
Attachment 7: Draft Official Plan Amendment
Attachment 8: Draft Zoning By-law Amendment
Attachment 9: Draft Conditions of Site Plan Approval
Attachment 1: Site Plan
Attachment 2: South, East, North & West Elevations
Attachment 4: Former City of North York Zoning By-law 7625
Attachment 5: Official Plan

110 Sheppard Avenue West
File # 10_111140

Site Location
Neighbourhoods
Mixed Use Areas

Not to Scale
03/29/2010
## Application Data Sheet

### Application Details:
- **Application Type:** Official Plan Amendment & Rezoning
- **Application Number:** 10 111140 NNY 23 OZ
- **Details:** OPA & Rezoning, Standard
- **Application Date:** January 28, 2010

### Municipal Address:
- **Address:** 110 SHEPPARD AVE W

### Location Description:
- **Description:** PLAN M389 PT LOTS 26 + 27 **GRID N2302

### Project Description:
- **Description:** Proposed 3 storey commercial office building with 6 parking spaces at grade beneath and at rear of building. Concurrent OPA and Site plan Control applications.

### Applicant:
- **Applicant:** MICHAEL GOLDBERG
- **Owner:** 1787337 ONTARIO LTD.

### Planning Controls:
- **Official Plan Designation:** Mixed Use Areas
- **Zoning:** C6
- **Height Limit (m):** 8
- **Site Specific Provision:**
- **Site Plan Control Area:** Y

### Project Information:
- **Site Area (sq. m):** 601
- **Height:** Storeys: 3
- **Frontage (m):** 16.76
- **Depth (m):** 35.86
- **Total Ground Floor Area (sq. m):** 105.8
- **Total Residential GFA (sq. m):** 0
- **Total Non-Residential GFA (sq. m):** 675
- **Total GFA (sq. m):** 675
- **Lot Coverage Ratio (%):** 17.6
- **Floor Space Index:** 1.1

### Dwelling Units:
- **Rooms:** 0
- **Bachelor:** 0
- **1 Bedroom:** 0
- **2 Bedroom:** 0
- **3 + Bedroom:** 0
- **Total Units:** 0

### Contact Information:
- **Planner Name:** Ben DiRaimo, Planner
- **Telephone:** (416) 395-7119

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Attachment 7: Draft Official Plan 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 adopt an amendment to the Official Plan for the City of Toronto respecting the lands known municipally in the year 2011, as 110 Sheppard Avenue West

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

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

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

1. The attached Amendment No. 65 to the Official Plan is hereby adopted pursuant to the Planning Act, as amended.

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

ROBERT FORD, ULLI S. WATKISS,
Mayor City Clerk

(Corporate Seal)
AMENDMENT NO. 65 TO THE OFFICIAL PLAN

LANDS MUNICIPALLY KNOWN IN THE YEAR 2011 AS
110 Sheppard Avenue West

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

1. Chapter 6, Section 29, Sheppard Avenue Commercial Area Secondary Plan is amended by adding the following subsection to Section 4.0, Site and Area Specific Policies:

   “4.6 Lands located on the north side of Sheppard Avenue West, known municipally as 110 Sheppard Avenue West (6 on Map 29-1):

   A maximum building height of 3 storeys and 11.0 metres, and a maximum F.S.I. of 1.1 are permitted. The policies of Section 3.2.2 do not apply.”

2. Map 29-1, Land Use Areas of the Sheppard Avenue Commercial Area Secondary Plan, is amended to show the lands known municipally in 2011 as 110 Sheppard Avenue West (Lot 26 and Part of Lot 27, Registered Plan M-389) as Site and Area Specific Policy Area Number 6, as shown on the attached Schedule A.
City of Toronto By-law No. ~-2011

110 Sheppard Avenue West

Official Plan Amendment #65 — Schedule A

Map 29.1, Sheppard Avenue Commercial Area Secondary Plan Land Use Areas/Map of Chapter 6, Secondary Plans, 39. Sheppard Avenue Commercial Area Secondary Plan is amended by adding Site and Area Specific Policy Area B

February 2011
Attachment 8: 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 former North York Zoning By-law No. 7625, as amended,
With respect to the lands municipally known as,
110 Sheppard 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 64.28 of By-law 7625 is amended by adding the following subsection:

“64.28 (7) C6 (7)

DEFINITIONS

(a) Established Grade Means the geodectic elevation of +185.23 metres taken at the centre line of Sheppard Avenue West at the mid-point of the abutting lot.

(b) Net Site For the purposes of this exception, Net Site means the gross site minus any lands conveyed to the City of Toronto for road widening purposes, with such Net Site comprising an area of 515 square metres.

PERMITTED USES

(c) All uses permitted in a C6 zone shall be permitted on the lands identified on Schedule “C6 (7)”.

EXCEPTION REGULATIONS FOR A COMMERCIAL BUILDING

(d) The minimum yard setbacks shall be as identified on Schedule “C6 (7)”.
(e) The maximum building height shall not exceed 11 metres or 3 storeys. Roof-top mechanical equipment shall be excluded from the calculation of height but shall be screened from view by a parapet.

(f) The maximum total gross floor area on the net site shall be 680 square meters.

(g) All portions of the building or structure erected and used above established grade shall be located wholly within the maximum potential building envelope identified on Schedule “C6 (7)”.

(h) The required number of parking spaces shall be 6.

(i) A minimum 1.6 metre landscape strip shall be provided along the north property line as shown on Schedule “C6 (7)”.

(j) A storage area for refuse and recyclables shall be located at the rear as identified on Schedule “C6 (7)”.

(k) The provisions of Sections 6A (16) (loading space requirements), as amended shall not apply.

(l) Notwithstanding any severance, partition or division of the site shown on Schedule “C6 (7)”, 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 "C6 (7)" attached to this By-law, no person shall use any land or erect or use any building or structure unless the following municipal services are provided to the lot line and the following provisions are complied with:

(a) all new public roads have been constructed to a minimum of base curb and base asphalt and are connected to an existing public highway, and

(b) all water mains and sanitary sewers, and appropriate appurtenances, have been installed and are operational.”

4. Section 64.28 of By-law No. 7625 is amended by adding Schedule “C6 (7)” attached to this By-law.

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

ROBERT FORD, Mayor

ULLI S. WATKISS, City Clerk

(Corporate Seal)
Schedule 1

Lot 26 and Part of Lot 27 R.P. M-389, City of Toronto
William J. Plaxton Limited, Ontario Land Surveyors
Date: 02/14/2010
Approved by: B.D.

File # 10 111140 NNY 23 SA

Not to Scale

Sheppard Avenue West

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Attachment 9: Draft Conditions of Site Plan Approval

For a three storey professional office building with 6 parking spaces as outlined in the following plans and drawings:

1. Site Plan (A1) **AS REDLINED** prepared by WES SURDYKA architect inc., revised Nov. 30/10 and stamped received December 1, 2010, City of Toronto Planning North York Centre.

2. Elevations (A4.0) prepared by WES SURDYKA architect inc., revised Oct. 12/10 and stamped received October 22, 2010, City of Toronto Planning North York Centre.

3. South Elevation (A4.1) prepared by WES SURDYKA architect inc., revised Oct. 4/10 and stamped received October 22, 2010, City of Toronto Planning North York Centre.

4. Landscape Plan (L2) **AS REDLINED** prepared by Strybos Barron King Landscape Architecture, revised 2010-12-07 and stamped received December 9, 2010, City of Toronto Planning North York 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 – Pezhman Imani, Development Engineer, Phone # 416-395-6181**

1. Prepare all documents and convey to the City, at nominal cost, 4.89 meter widening along the frontage of 110 Sheppard Avenue West in fee simple, such lands to be free and clear of all physical and title encumbrances, and subject to a right-of-way for access in favour of the Grantor until such time as said lands have been dedicated as a public highway, all to the satisfaction of the Executive Director of Technical Services and the City Solicitor;

2. Submit a draft Reference Plan of Survey to the Executive Director of Technical Services, for review and approval, prior to depositing it in the Land Registry Office. The plan should:
   a) be in metric units and integrated with the Ontario Co-ordinate System (3° MTM, Zone 10, NAD 27, 1974 Adjustment);
b) delineate by separate PARTS the lands to be conveyed to the City, the remainder of the site and any appurtenant rights-of-way and easements; and

c) show the co-ordinate values of the main corners of the subject lands in a schedule on the face of the plan;

3. Pay all costs for registration and preparation of reference plan(s).

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

   a) Relocation of a 1.7 metre wide sidewalk across the entire Sheppard Ave 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 $5,100.00

   b) $ 288.15 representing the 5% Engineering review fee of the above construction works including HST

   The above work shall be constructed by the City at the time of the road widening of Sheppard Ave West once all the necessary land across Sheppard Ave West frontage has been conveyed to the City.

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

1. Prior to final Site Plan approval, submit revised Site and Landscape Plans for review and approval by the Director, Community Planning, North York District.

2. Prior to final Site Plan approval, submit a cost estimate for all landscaping on site indicated on the landscape plans noted above for review and approval by the Director, Community Planning, North York District.

3. 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.

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.
1. All site access driveways must be at least 1.0 metre from existing utilities. If required, the relocation of any public utilities (utility poles, guy wires, etc.) would be at the cost of the developer and shall be subject to the approval of the applicable governing agencies;

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

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

4. Provide and maintain off-street vehicular loading and parking facilities and access driveways in accordance with the approved plans and drawings, to the satisfaction of the Executive Director, Technical Services;

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

6. 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.

7. Provide and maintain a walkway on the private side from the principal entrance of the building to a sidewalk on the public street or to a driveway that provides access to a public street.

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

9. The owner is responsible for the maintenance of the boulevard on the City Right-of-Way fronting and/or flanking the subject site.

10. Construct and maintain the retaining walls as specified in the accepted engineering design and drawings.
11. Provide certification to the Executive Director, Technical Services by the Professional Engineer who designed the retaining walls that the walls were constructed in accordance to the accepted drawings.

12. 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.

13. These encroachments shall be permitted by the City of Toronto pursuant to the following terms:

   a) The property owner accepts this boulevard area in its current condition as of the date of the agreement, and shall not call upon the City to do or pay for any work or supply any equipment to make the boulevard more suitable for the uses specified herein.

   b) All encroachments within the boulevard areas of the adjoining public highways shall be constructed and maintained according to the approved site and landscaping/streetscaping plan(s) approved by this Division, and the Executive Directors of Technical Services and City Planning.

   c) To provide unobstructed driver sight lines, the owner shall ensure that all vegetation, street furniture, retaining walls and fences located within 4.5m of the travelled portion of the adjoining public highway do not exceed a maximum height of 0.85m measured from the travelled surface of the adjoining highway. The owner shall maintain all trees located within 4.5m of the travelled portion of the adjoining highway with a minimum clearance of 2.5m measured between the bottom of the tree canopy and the travelled portion of the street.

   d) The owner agrees that they will, at their expense, maintain the encroachments in a state of good repair, free of graffiti, posters, litter, snow and ice, and that vegetation will be maintained in a healthy and vigorous state of growth. The owner shall not make any additions or modifications to the encroachments beyond what is allowed pursuant to the terms of this site plan agreement. The owner further
acknowledges that should they neglect to maintain the encroachment(s), then the City, after providing 24 hours notice, shall, at the owner’s expense, perform the required maintenance and remove graffiti, posters, litter, snow and ice, and the City may recover its costs in a like manner as municipal taxes.

e) The owner agrees that if the City should at any time undertake any widening or other alteration to the adjoining public highway(s) necessitating the removal of any encroachment(s), the City shall not be liable to pay any compensation whatsoever for such removal, nor shall it restore any encroachment that it removes. The encroachments permitted by this agreement shall be removed by the owner, at their expense, within 14 days of receiving written notice from the General Manager of Technical Services or his/her designate. In default of the removal not occurring as requested, the City may carry out the removal, at the owner’s expense, and may recover its costs in a like manner as municipal taxes.

f) The owners acknowledges that there may exist municipal and/or utility services within, upon or under the boulevard, and acknowledges that the City or the utility responsible for such service(s) may need to undertake repairs or carry out maintenance on such service(s) or to replace such service(s) or to install new service(s). The owner agrees that the City or utility shall have the right to remove the encroachments for the purpose of carrying out such installation, replacement, repair or maintenance. Prior to removing the encroachment, the City shall give 48 hours notice of its intention to remove the encroachment for maintenance purposes, except in the case of emergency, in which case no notice shall be required. On completing the installation, replacement, repairs or maintenance, the owner, at their sole expense, shall proceed immediately to restore the encroachments to the condition it was in prior to the commencement of such installation, replacement, repairs or maintenance. Under no circumstances, shall the City be required to so restore the lands, or to compensate the owner for the cost of so doing so.

g) The owner agrees to defend, save and keep harmless and fully indemnify the City, 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.

14. Construct and maintain all facilities necessary to permit the City to collect solid waste and recyclable materials in accordance with By-law 235-2001, Waste Collection for Residential Properties.
15. The City does not collect trade waste, which is defined as any solid waste originating from any one or more industrial process or business, industry, institutional, or commercial establishment. Therefore, the owner must arrange for private waste collection.

16. 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.)

17. 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.

The owner should be aware that the access route and loading platform must be designed in such a way to allow a collection vehicle to enter the site, collect the garbage and exit without the need to backup onto a public road.


19. Construct and maintain site servicing indicated on the accepted Site Servicing Drawings No. 209-TO52, prepared by Skira & Associates Ltd, and revised dated December 08 2010.

20. 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.

21. 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.

22. 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.

23. The applicant must ensure that any structure designs, such as concrete high poured curbs on the east and west property lines, within municipal right-of-way must comply with the requirements of Transportation Services Division;

24. The owner must enter into an encroachment agreement with the Right-of-Way Management section for the new walkway connections, driveway access to the municipal sidewalk and the concrete high curbs fronting on Sheppard Avenue West as they encroach onto the municipal Right-of-Way; and

25. The owner is responsible for the maintenance of these encroachments on the City Right-of-Way fronting and/or flanking the subject site;

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.

SITE PLAN ADVISORY COMMENTS
The Owner is advised that the Green Roof By-law (By-law No. 583-2009) (Chapter 492 of the City of Toronto Municipal Code) including Article IV the Toronto Green Roof Construction Standard, may be applicable to the proposed development. For further information, please contact Toronto Building at 416-395-7000.

ADVISORY OF OTHER CITY APPROVALS & REQUIREMENTS
The owner is advised that the following approvals and/or permits are required for this development:

1. Right-of-Way Permit
   1.1 The owner will be required to obtain approval from the Technical Services Division for any work within the public right-of-way. For further information, please contact the Right-of-Way Management Section, North York District at 416-395-6221.

2. Site Servicing Connections
   2.1 The owner will be required to make an application to Toronto Water Division for the installation of any proposed services within the right-of-way after acceptance of the stormwater management report and site
servicing plan. For further information, please contact District Operations, Toronto Water, North York District at 416-338-8888.

a) For single entity development such as a condominium, co-operative or rental property to be held under separate ownership and/or under its address, only one sanitary and one water service connection will be permitted for the entire development.

The owner is responsible to provide for the installation of the water, sanitary and storm service connections from the building to City services at the property line.

The owner is required to make application to the Toronto Water Services Division, after the zoning amendment by-law is in effect (site servicing plan is approved) and pay for the installation of City service connections from the property line to the City mains. These shall include one water and one sanitary service connection for each freehold residential unit or each single entity development such as a condominium, co-operative or rental property to be held under separate ownership and/or under its own address. The owner is responsible to provide for the installation of the water, sanitary and any necessary storm service connections from the building to the City services at the property line.

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

3. Construction Management Plan

3.1 The Owner will be required to provide the City with a Construction Management Plan outlining the following:

a) Dust/mud control on and offsite;
b) Location of truck loading points, trailer parking;
c) Location of temporary material storage areas;
d) Access/truck routing;
e) Provision of hoarding, temporary fencing & covered walkways;
f) Location and extent of aerial crane operations; and
g) Parking for construction trades;

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

4.1 Any encroachments within Municipal Road Allowances will not be permitted unless they are explicitly approved by the Right-of-Way Management section of Technical Services. The applicant is required to contact the section through the permit approval process to obtain the exact particulars of these requirements. For further information, please contact the Right-of-Way Management Section, Toronto North York District at (416) 395-7112;

5. Streetscaping

5.1 The owner’s contractor will be required to make an application for a ROW permit from the Technical Division for any work within the public-right-of-way. For further information please contact the Right-of-Way Management Section at 416-395-6221.

6. Municipal Addresses

6.1 The owner will be required to make an application to Technical Services Division, Mapping and Survey Section for any requests for new or revised municipal addresses. For further information please contact Mapping and Survey, Technical Services, Mr. Bob Sevigny at 416-392-8451.

7. Municipal Numbering

7.1 The applicant is advised to contact Mr. Robert Sevigny, Municipal Numbering Supervisor, at 416-392-8451 to obtain or verify new municipal addresses prior to submitting a building permit application. It should be noted that all addressed parcels and structures must have the correct municipal addresses posted. Please see http://www.toronto.ca/mapping/numbers/index.htm for details.

8. Toronto Hydro Approval.

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