



STAFF REPORT ACTION REQUIRED

18 – 30 Erskine Avenue – Site Plan Control Application – Final Report

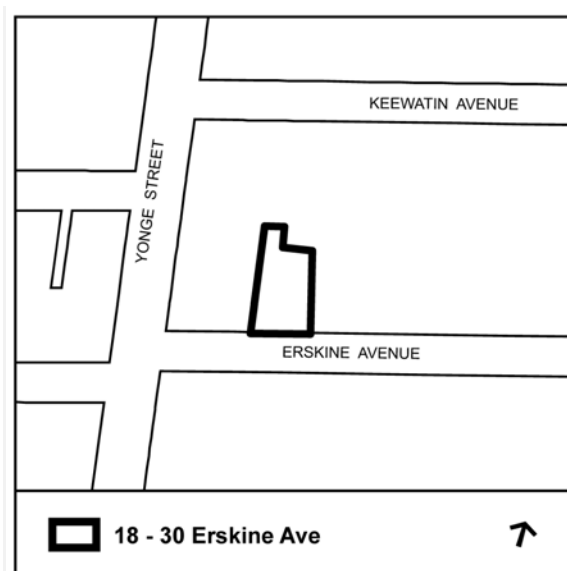
Date:	May 30, 2017
To:	North York Community Council
From:	Director, Community Planning, North York District
Wards:	Ward 25 – Don Valley West
Reference Number:	12 267211 NNY 25 SA

SUMMARY

This application proposes the demolition of the existing three-storey building on the site and the construction of a 35-storey (101.5 metre) rental apartment building containing 315 dwelling units, 122 parking spaces and 316 bicycle parking spaces at 18-30 Erskine Avenue. At the request of the local Councillor, staff were directed to report to City Council, through North York Community Council, as per the 'bump up' provision in By-law No. 483-200 for Site Plan Control applications.

An associated rezoning application for the proposed development was approved by the Ontario Municipal Board (OMB) in January 2017. A Final Report from the Director of Community Planning, North York District, on the associated application for Rental Housing Demolition and Conversion under Section 111 of the City of Toronto Act (Chapter 667 of the Municipal Code) was before North York Community Council (NYCC) on May 9, 2017. NYCC deferred consideration of the item pending resolution of safety concerns related to the impacts of construction on the adjacent John Fisher Public School.

This report reviews and recommends approval in principle of the Site Plan Control application subject to the



conditions contained in this report. The proposed development is consistent with the approved zoning for the site and has satisfactorily addressed all comments provided by City Divisions and agencies.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council approve in principle, drawings/plans and the conditions set out in Attachment No 8 - Drawings/Plans and Conditions of Site Plan Approval to report dated May 30, 2017 for the proposed development of a 35-storey apartment building at 18-30 Erskine.
2. City Council delegate back to the Chief Planner or his/her designate the authority to issue final Site Plan Approval and to finalize fencing design details and minor engineering details.
3. City Council receive the revised Construction Management Plan, dated May 24, 2017, prepared by KG Group.

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

On January 22, 2013 North York Community Council had before it a Preliminary Report from the Director, Community Planning, North York District on a Zoning By-law Amendment application proposing a 35-storey (109 metre), 300-unit residential condominium building with 153 parking spaces. The application proposed a gross floor area of 21,260 square metres resulting in a density of 14.9 times the area of the lot. Community Council adopted the staff recommendations and directed that the notice area for the community consultation meeting be expanded beyond the 120 metres radius of the site. The Decision Document and Preliminary Report is available at the following web link: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2013.NY21.48>

On April 21, 2015 the owner appealed the application to the Ontario Municipal Board (OMB) citing City Council's failure to make a decision within the prescribed time frame set out in the Planning Act. A 4-day hearing was scheduled to commence on August 11, 2015.

On July 7, 8 and 9, 2015, City Council gave confidential instructions to the City Solicitor for the August 11, 2015 OMB hearing. The Decision Document and report (July 9, 2015) from the City Solicitor is available at the following web link: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2015.MM8.54>

The August 11, 2015 OMB hearing was adjourned for a two-day mediation session over August 13 and 14, 2015. January 6, 2016 was then set for the continuation of the hearing.

On December 9, 2015, City Council directed the City Solicitor to attend the hearing in support of a settlement offer from the applicant. The settlement offer was also accepted by the Parties at the conclusion of the mediation session. The City Council Decision Document and report (November 16, 2015) from the City Solicitor is available at the following web link:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2015.CC11.2>

The final OMB order approving the rezoning application was issued on January 4, 2017. The OMB Order (Case No. PL150293) can be found at the following web link:

<http://elto.gov.on.ca/omb/e-decisions-omb/>

The Site Plan Control application was submitted to the City on October 23, 2012 by the previous owner of the subject site. Following the OMB approval, the current owner has submitted revised drawings to reflect the approved zoning by-law.

ISSUE BACKGROUND

Proposal

This proposal contemplates the construction of a 35-storey (101.5 metre) rental apartment building containing 315 dwelling units at 18-30 Erskine Avenue. The proposal would have a total gross floor area of 20,783 square metres and a floor space index of 14.61 times the area of the lot (see Attachment No. 6 – Application Data Sheet).

The tower would be located centrally on the site atop a two-storey base building. The tower floor plate is approximately 585 square metres from floors 3 to 32 and is reduced for each floor above 32 storeys as the tower is stepped back from the north facade. The two-storey base building includes the main lobby, mechanical room, mail room, bicycle parking spaces, loading area at the rear of the building and a ramp to the underground parking. The main lobby would be centrally located within the base building along the Erskine Avenue frontage (see Attachment No. 4 – Ground Floor Plan). The base building is set back six metres from the Erskine Avenue Street line and three metres from the east lot line. The tower component is set back 5.5 metres from the west lot line, seven metres from the Erskine Avenue lot line, 4.5 metres from the east lot line and 1.5 metres from a portion of the rear lot line. The tower is stepped back approximately four metres per floor from the 32nd floor to the 35th floor at the rear (north) of the building.

A total of 1,035 square metres of indoor and outdoor amenity space is proposed with the development. Outdoor amenity space would be located at the northern end of the site on the second floor and western portion of the building on the 3rd floor. All of the second floor would be occupied with indoor amenity space and additional amenity space would be provided on the third floor as well.

Vehicular access for the proposed development would be from Erskine Avenue along the western boundary of the site (see Attachment 1 – Site Plan). Four levels of underground parking are proposed. A total of 122 vehicular parking spaces including 10 Car-Share

spaces and 16 visitor spaces are proposed for the development. A total of 316 bicycle spaces are proposed comprised of 284 residents and 32 visitor spaces. Of the 284 resident spaces, 44 would be located on the ground floor and the remaining spaces would be located on P1. The 32 visitor bicycle spaces would be located at the rear of the building on the ground floor. One Type G loading space is proposed on the ground floor at the rear of the building.

Site and Surrounding Area

The site is located on the north side of Erskine Avenue (three blocks north of Eglinton Avenue East) and just east of Yonge Street. The site is irregular in shape with an area of approximately 1,423 square metres, a frontage of approximately 30 metres on Erskine Avenue, a lot depth of approximately 44 metres along the easterly boundary of the site and approximately 57 metres along the western boundary. The development site comprises three properties municipally known as 18-22, 24-26 and 30 Erskine Avenue. The lands at 18-26 Erskine Avenue are currently comprised of a commercial surface parking lot. Until 2011, they were developed with two, two-storey commercial buildings. The property at 30 Erskine Avenue contains a three-storey rental apartment building with a total of six, two-bedroom rental dwelling units. At the time of application, all six rental dwelling units had mid-range rents.

The area immediately surrounding the Yonge-Eglinton intersection is comprised primarily of retail and commercial uses with predominantly residential uses further north and east. The area includes a variety of built forms including detached and semi-detached homes, walk-up apartment buildings from the 1940's and 1950's, high-rise slab apartment towers from the 1960's and 1970's and more recent townhouses and high-rise condominium buildings.

Surrounding uses are as follows:

North: immediately to the north of the site is a portion of the playground associated with John Fisher Public School, four-storey townhouses (17-29 Keewatin Avenue) and a four-storey apartment building (65 Keewatin Avenue) fronting the south side of Keewatin Avenue, then lands designated *Neighbourhoods* north of Keewatin Avenue;

South: Erskine Avenue then a 16-storey residential apartment building (15 Erskine Avenue), a 10-storey residential apartment building (33 Erskine Avenue) and two to five storey commercial buildings fronting Yonge Street;

East: Immediately to the east of the site at 40 Erskine Avenue is John Fisher Public School (a listed heritage building), then a series of apartment buildings ranging from seven storeys (70 Erskine Avenue) to 32 storeys (101 Erskine Avenue) in height; and

West: A single storey commercial building currently occupied by Erskine Food Market (10 Erskine Avenue) and the rear yards of one to three storey commercial

buildings that front the east side of Yonge Street between Erskine Avenue and Keewatin Avenue to the north.

Provincial Policy Statement and Provincial Plans

The Provincial Policy Statement (PPS), 2014 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 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; providing housing options to meet the needs of people at any age; and protecting natural systems and cultivating a culture of conservation. City Council's planning decisions are required to conform, or not conflict, with the Growth Plan for the Greater Golden Horseshoe.

Official Plan

The lands are designated *Mixed Use Areas* on Land Use Map 17 of the Toronto Official Plan. This designation provides for a broad range of commercial, residential and institutional uses in single-use or mixed-use buildings as well as parks and open spaces. Development in *Mixed Use Areas* is subject to a number of development criteria. In *Mixed Use Areas*, developments will:

- locate and mass new buildings to provide a transition between areas of different development intensity and scale;
- provide appropriate setbacks and/or stepping down of heights, particularly towards lower scale *Neighbourhoods*;
- provide good site access and circulation and an adequate supply of parking; and
- locate and screen service areas, ramps and garbage storage to minimize the impact on adjacent streets and residences.

Zoning

The site was previously zoned MCR T3.0 C2.0 R2.5 in the former City of Toronto Zoning By-law 438-86. This MCR (Mixed Commercial Residential) zone permits a wide range of residential uses including apartment buildings. Following completion of the rezoning application, the site is now subject to Site-Specific Zoning By-law No. 265-2017(OMB) approved by the Ontario Municipal Board (OMB) by Order dated January 4, 2017. The site-specific by-law permits a 35-storey (101.5 metres) building on the site and sets out the development standards for the development proposal including parking, building envelope, density and number of units (see Attachment 5: Zoning).

Community Consultation

It was determined through the OMB proceedings that a Working Group be established for the review of the Site Plan Control application. There have been several meetings with all stakeholders throughout the evaluation of the application. Some were organized by city

staff while others were organized by the TDSB or applicant to discuss the Site Plan and construction process. Two working group meetings were held by city staff on April 5, 2016 at North York Civic Centre and February 24, 2017 at George Locke Library.

At the request of the John Fisher Public School parents, Mayor John Tory held a meeting on April 6, 2017 at City Hall, attended by the parents, local councillor's representative and city staff to discuss parent's concerns related to the development and the construction process. The TDSB held a public meeting on May 3, 2017 at North Toronto Collegiate to present the findings of a Risk Assessment prepared by ECOH (Environmental Consulting Occupational Health) on the feasibility of operating the John Fisher Public School during construction. This meeting was attended by city staff (City Planning, Toronto Buildings, Transportation Services and Public Health), TDSB staff, ECOH consultants (the TDSB's Risk Assessment consultant), the John Fisher Public School parent community, and the applicant and their consultant team. Approximately 250 to 300 people were in attendance.

City staff subsequently held a working group meeting on May 4, 2017 at the Northern District Library to discuss the most recent site plan drawings and Construction Mitigation Plan submitted with the application. In attendance were City Planning and Transportation Services staff, the local Councillor, the applicant and their consultant team, representatives of the Toronto District School Board and the childcare centre which operates out of the school building, and members of John Fisher Public School Parent Council.

The applicant and their consultant team met with the TDSB, area residents and John Fisher Public School parents again on May 12, 2017 to discuss details related to fencing along the north and east side of the subject site. Another meeting is anticipated prior to the June 13th North York Community Council Meeting.

The following comments related to the Site Plan Control Application have been raised:

- Building design related to balconies along the east façade;
- Retention of trees adjacent to the site along the eastern property boundary of John Fisher Public School property;
- The type of proposed fencing along the east and north perimeter of the subject site;
- Loss of privacy for the residents on Keewatin Avenue and John Fisher Public School students;
- Prohibition of left turn vehicles from the subject site post building completion;
- Prohibition of surveillance cameras on or around the subject site that would be facing the school or filming any children; and
- The desire to turn Erskine Avenue into a one-way street westbound and Keewatin Avenue into a one-way street eastbound.

The following concerns on construction impacts associated with the proposed building have been brought forward at meetings and in written correspondence:

- Monitoring of air quality, noise and vibration during construction;
- 24-hour air quality and dust monitoring during construction;
- Noise impact on students arising from construction equipment.
- Safety concerns with falling objects from proposed building onto school property;
- Appropriate hoarding along east and north façades;
- Request for no construction related vehicles on Erskine Avenue during drop off and pick up time slots (8 – 9 am) and (3:30 – 5 pm);
- Request for no construction activity on the subject site during scheduled outdoor playtime (recess and lunch times) and coordination of construction worker breaks with school breaks (lunch hour, recess playtime) once construction is at ground level and above;
- Request for two traffic control personnel on site during all times of construction ;
- Provision of crossing guards to facilitate crossing if sidewalk adjacent to subject site is blocked for construction activity; and
- Applicant's responsibility in addressing all mitigation factors identified in the TDSB's consultant's Risk Assessment.

Agency Circulation

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

COMMENTS

Land Use

The proposed residential use on the lands is permitted by the site-specific Zoning By-law 265-2017 (OMB). Matters related to the proposed building height, setbacks, massing, shadow impact and parking were addressed through the rezoning process. This report provides analyses of the Site Plan design details of the development proposal with particular regard to the public realm and mitigating impact on adjacent properties.

Rental Housing

The proposed development achieves the Official Plan requirement of replacing rental units within the new building. All six units would be replaced with the same type and approximately same size of unit. The replacement units would be secured at mid-range rents for ten years. Tenant relocation assistance would be provided. These provisions have been secured in the Section 37 Agreement registered on title for this development.

A Final Report on the application for Rental Housing Demolition and Conversion was before North York Community Council (NYCC) on May 9, 2017. NYCC deferred consideration of the item pending resolution of safety concerns related to the adjacent John Fisher Public School. The report is scheduled to be considered at the June 13, 2017 NYCC meeting.

Massing, Architectural Design

The proposed building has evolved from the original submission at the rezoning stage. The building sitting reflects the building setbacks identified in the approved site specific zoning by-law. The main lobby would be located in the middle of the building along the Erskine Avenue frontage with direct pedestrian access from the boulevard. Vehicular access for the development is proposed on the west side of the site providing access to the loading space at the rear and underground parking.

The latest iteration of the building design for the tower is intended to draw less attention to the verticality of the building. The colour and material selection for the tower also breaks up each elevation visually. Additionally, the mechanical penthouse has been designed in a way to minimize its visibility from the street level to reduce the visual impact of building height (see Attachment No. 3 – Architectural Rendering).

The base building design has been articulated to provide a low rise character along Erskine Avenue. The majority of the base building would be concrete providing for a heavier, stronger base. This is complemented by using a combination of lighter colours and translucent materials on the tower. There are limited balconies on the rear (north) elevation and the lengths of some the balconies along the east façade have been reduced to respond to privacy concerns.

Landscaping, Streetscape and Public Realm

There is presently limited landscaping along the sidewalk abutting the site. Presently there is a 1.5-metre curbside sidewalk and two trees in front of the site on Erskine Avenue. A 2.5-metre curbside sidewalk is proposed along the entire frontage of the site. Three large deciduous trees are proposed within the boulevard and three trees are proposed on private property in front of the proposed building. Upgraded landscape elements such as pavers and raised planters are proposed on both private and public lands to enhance and soften the pedestrian environment. All hard surfaces for the development including the access ramp would be unit pavers rather than concrete or asphalt.

A three-metre building setback from the east lot line was secured through the rezoning process to provide for an adequate setback from the school and to protect for a future midblock connection should the need arise. This portion of the site would function as an internal pedestrian walkway, until such time as it may be required to facilitate a midblock connection. Given the shape of the site and the adjacency to the play area for the adjacent school, the pedestrian walkway terminates at the north east corner of the site. This terminus would be fenced for safety reasons. Additional screening/fencing is proposed at the northern edge of the site, in order to appropriately buffer the loading space and bike parking area and address noise/exhaust concerns related to the abutting playground areas. Fencing and landscaping has also been revised along the entire east edge of the site to provide appropriate screening for the school yard.

To address concerns about air quality, the air exhaust vent has been relocated from the north-east corner of the site to the south-west corner of the site.

Toronto Green Standard

In 2013 City Council updated the two-tiered Toronto Green Standard (TGS) that was adopted by City Council on October 27, 2009. 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 green house gas emissions and enhance the natural environment. The applicant is required to meet Tier 1 of the TGS.

Tier 1 TGS performance measures not previously secured through the rezoning will be secured through this Site Plan Approval process. This includes the provision of high albedo surface material at grade to reduce the urban heat island effect, planting of native species, use of drought tolerant plants, and installation of bird friendly glazing with frit patterns.

Construction Mitigation Plan

The applicant submitted a Construction Mitigation Plan (CMP) in January 2017 in support of the Site Plan Control application. Subsequent revisions have been made to the CMP since the initial submission to address comments from City staff and the public. Additional information on the CMP can be accessed on the applicant's dedicated website for the proposed development at the following link:

<http://www.18-30erskinproject.com/>

The revised CMP outlines construction protocols that the applicant proposes to follow during construction, in order to mitigate negative impacts on the public realm and on the adjacent properties including John Fisher Public School. Among the recommendations is the proposed installation of 12-foot high hoarding walls along the north and east property lines and provision of netting and double-stacked barriers on the tower to prevent falling objects from reaching the ground level. The Construction Mitigation Plan (also known as Construction Management Plan) will be required by the city for any work within the public right-of-way following issuance of Site Plan approval, to the satisfaction of Right-of-Way Management staff in the Transportation Services Division.

City staff have reviewed the CMP as currently drafted. In accordance with Site Plan pre-approval condition # 6 (Attachment 8), the following is a list of the matters dealt with within the plan that can be secured and enforced by Transportation Services through Section 114 of the *City of Toronto Act*:

- 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 and covered walkways;
- f) Location and extent of aerial crane operations; and parking for construction trades; and
- g) Parking for construction trades.

Arising from parents' concerns about safety during the construction process, the TDSB commissioned an independent Risk Assessment to determine the feasibility of continuing operation of the school during the construction on the subject site. A report dated April 20, 2017, prepared by ECOH (Environmental Consulting Occupational Health), concluded that it would be safe for students to remain at the school during construction subject to 14 recommendations in the report. The 14 recommendations include removal of lead and asbestos containing materials within the school building, installation of air conditioning units within the school to allow for windows to be shut during construction, provision of netting to prevent falling objects, and provision of two hoarding fences, among other recommendations.

The TDSB subsequently engaged Walters Forensic Engineering Inc. to peer review the report prepared by ECOH. Walters Forensic following its review prepared a report dated May 3, 2017, and concurred with the findings of the ECOH report. The applicant submitted a revised CMP on May 30, 2017 to reflect the findings of the ECOH report. The collaborative approach taken to address safety concerns raised by the school community have resulted in the TDSB and the applicant, KG Group, entering into a 'Mitigation Agreement' on May 12, 2017. The agreement sets out obligations for both parties in supporting a safe construction site to allow for the school to remain open during construction. The agreement addresses the fourteen recommendations in the ECOH report with respect to implementation of mitigation measures by both the TDSB and KG Group.

Conclusion

City Planning staff are supportive of the proposed Site Plan Control Application, finding it in accordance with the approved site-specific zoning by-law and consistent with Site Plan matters to be considered under Section 41 of the *Planning Act*. The applicant has made several revisions to the plans/drawings to address concerns from staff and area stakeholders. Planning staff recommend approval in principle of the proposed Site Plan Control application, subject to the conditions provided in Attachment 4.

CONTACT

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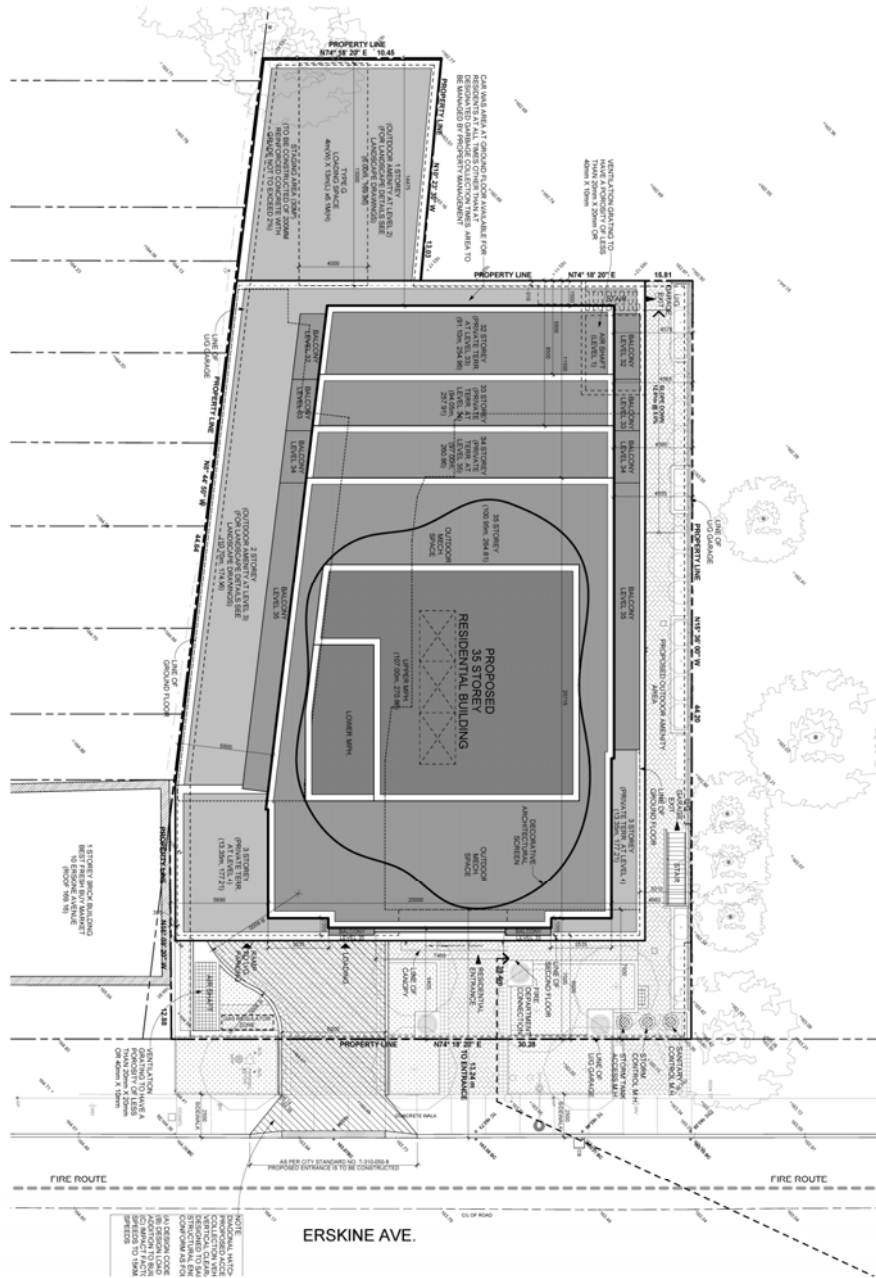
SIGNATURE

Joe Nanos, Director
Community Planning, North York District

ATTACHMENTS

Attachment 1:	Site Plan
Attachment 2:	Ground Floor Plan
Attachment 3a:	Applicant's Architectural Rendering
Attachment 3b:	Applicant's Architectural Rendering
Attachment 4a:	North Elevation
Attachment 4b:	South Elevation
Attachment 4c:	East Elevation
Attachment 4d:	West Elevation
Attachment 5:	Zoning
Attachment 6:	Application Data Sheet
Attachment 7:	Site Specific Zoning By-law 265-2017 (OMB)
Attachment 8:	Drawings/Plans and Conditions of Site Plan Approval

Attachment 1: Site Plan



Site Plan

18 - 30 Erskine Ave

Applicant's Submitted Drawing

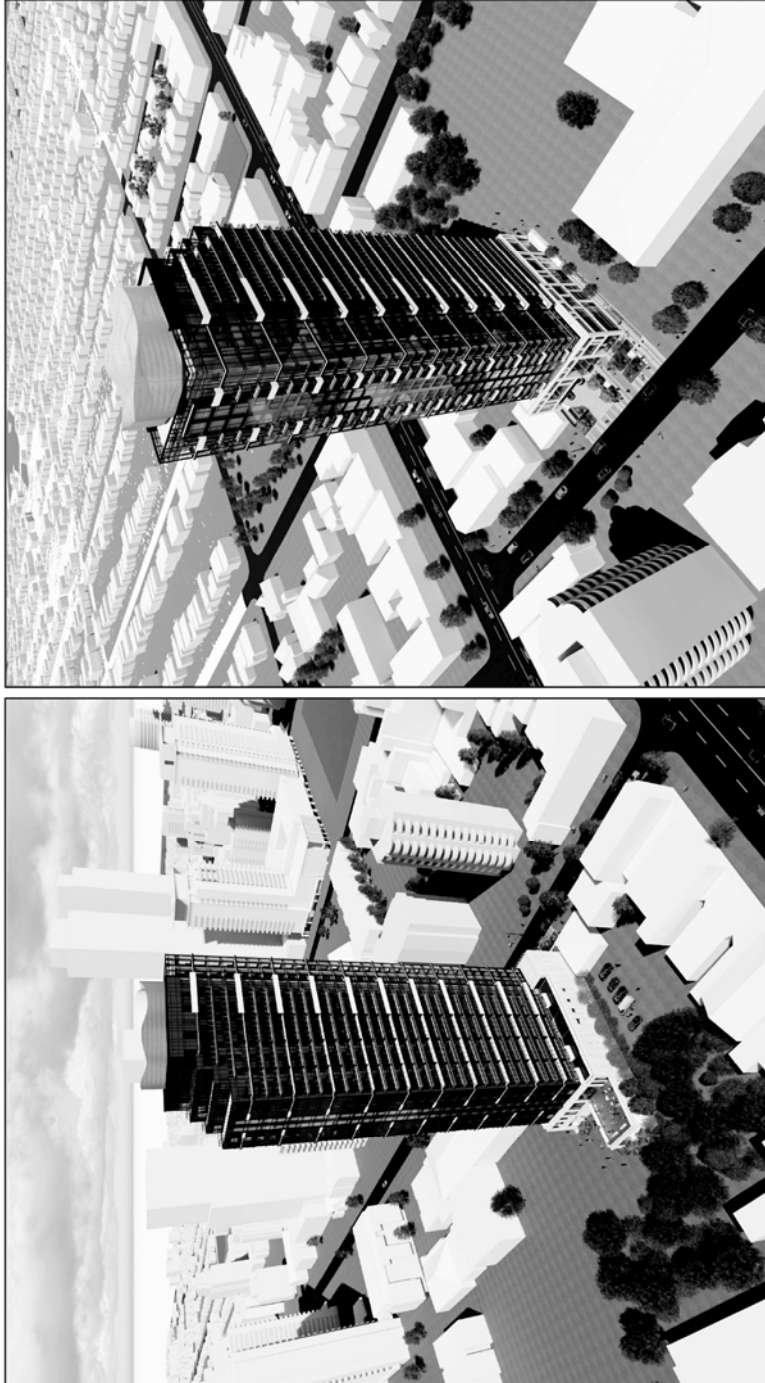
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Ground Floor Plan
Applicant's Submitted Drawing
Not to Scale
05/23/2017



Attachment 3a: Applicant's Architectural Rendering



Aerial View - North West

Aerial View - South East

Applicant's Proposed Renderings

Applicant's Submitted Drawing

Not to Scale
05/23/2017

18 - 30 Erskine Avenue

File # 112 267211 NNY 25 SA

Attachment 3b: Applicant's Architectural Rendering



Ground View - South West



Ground View - South East

18 - 30 Erskine Avenue

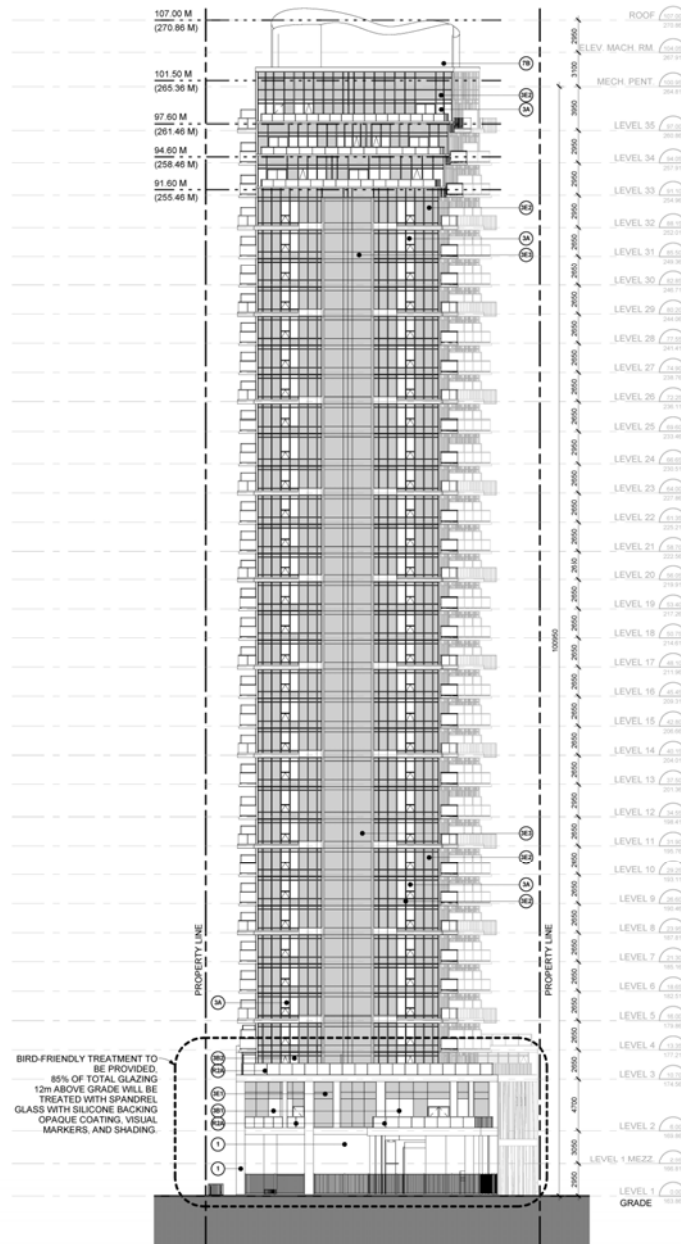
Applicant's Proposed Renderings

Applicant's Submitted Drawing

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05/23/2017

File # 112 267211 NNY 25 SA

Attachment 4a: North Elevation



North Elevation

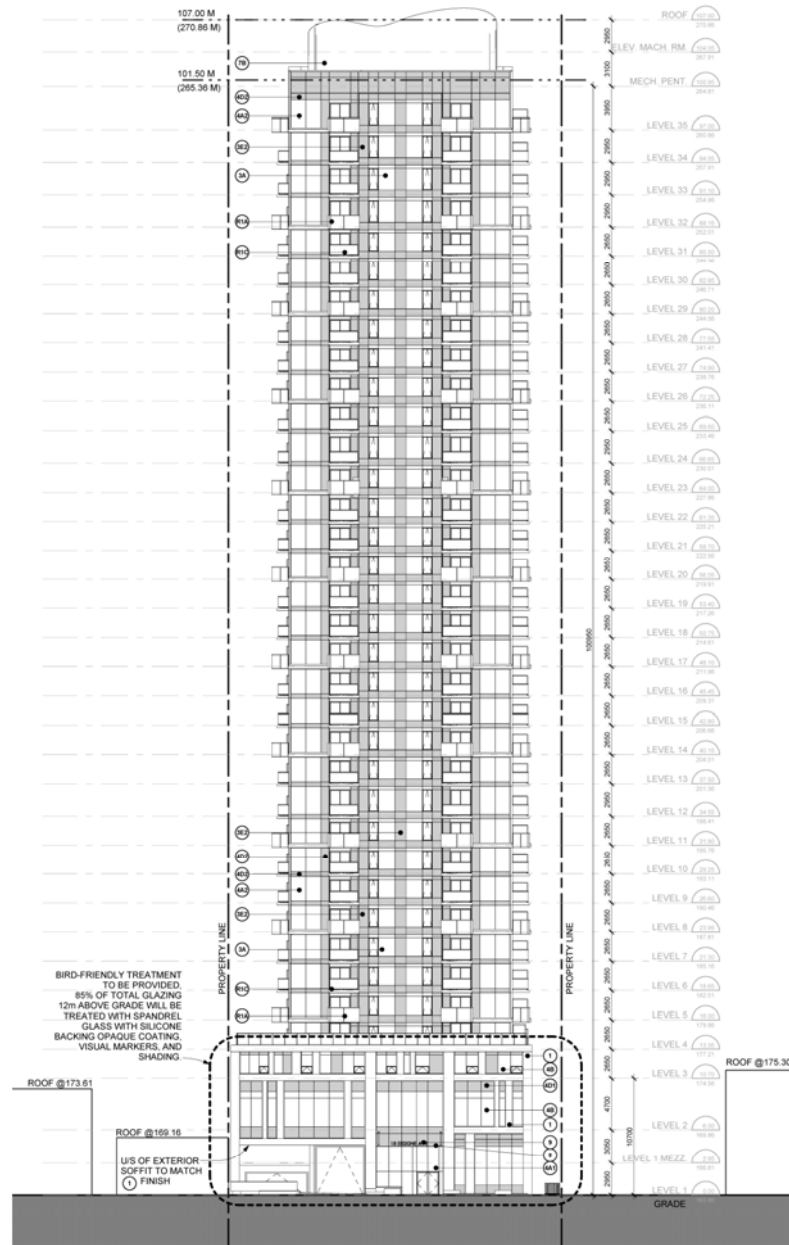
Applicant's Submitted Drawing

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08/05/2017

18 - 30 Erskine Ave

File # 12 267211 NNY 25 SA

Attachment 4b: South Elevation



South Elevation

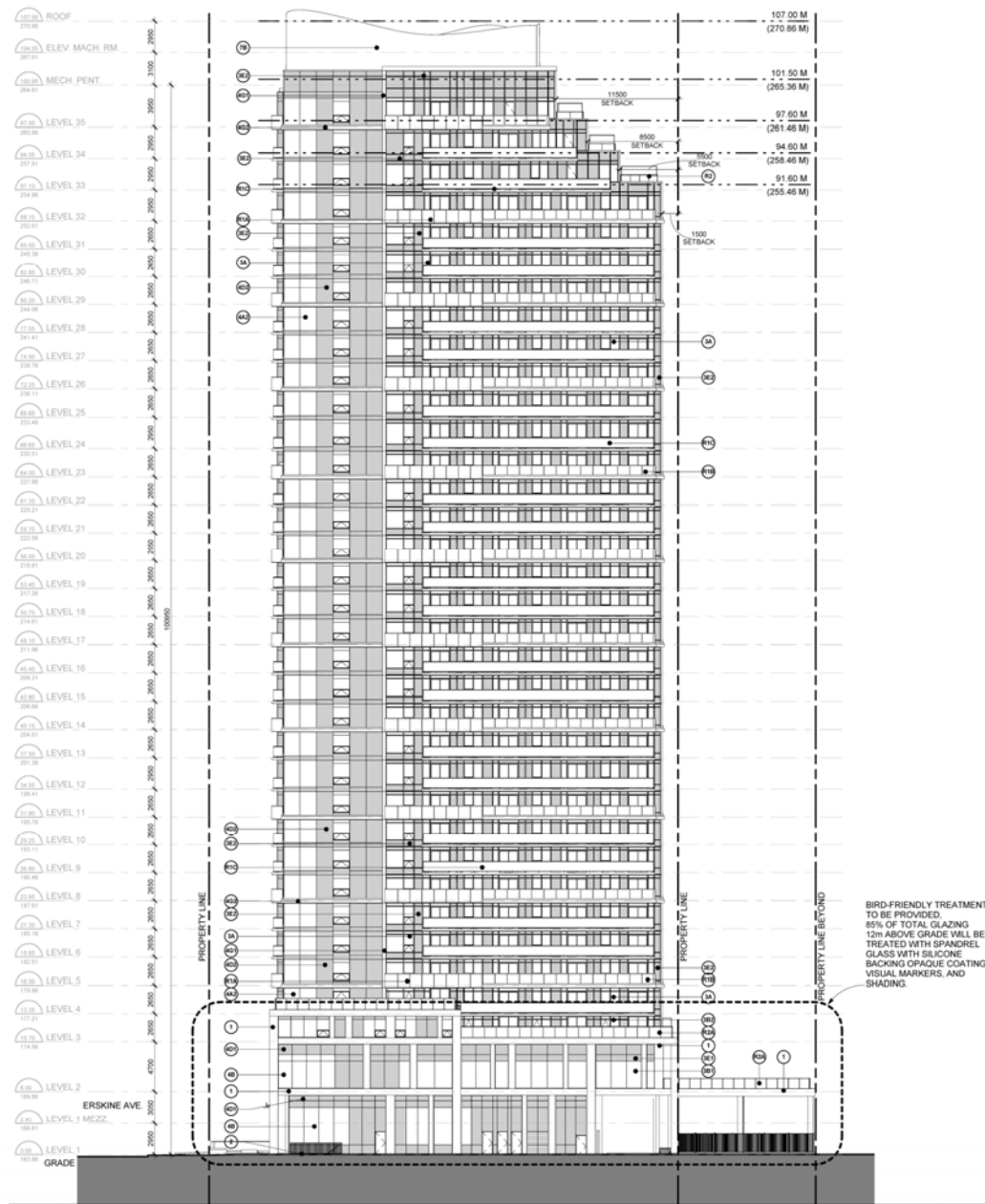
Applicant's Submitted Drawing

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05/08/2017

18 - 30 Erskine Ave

File # 12 267211 NNY 25 SA

Attachment 4c: East Elevation



East Elevation

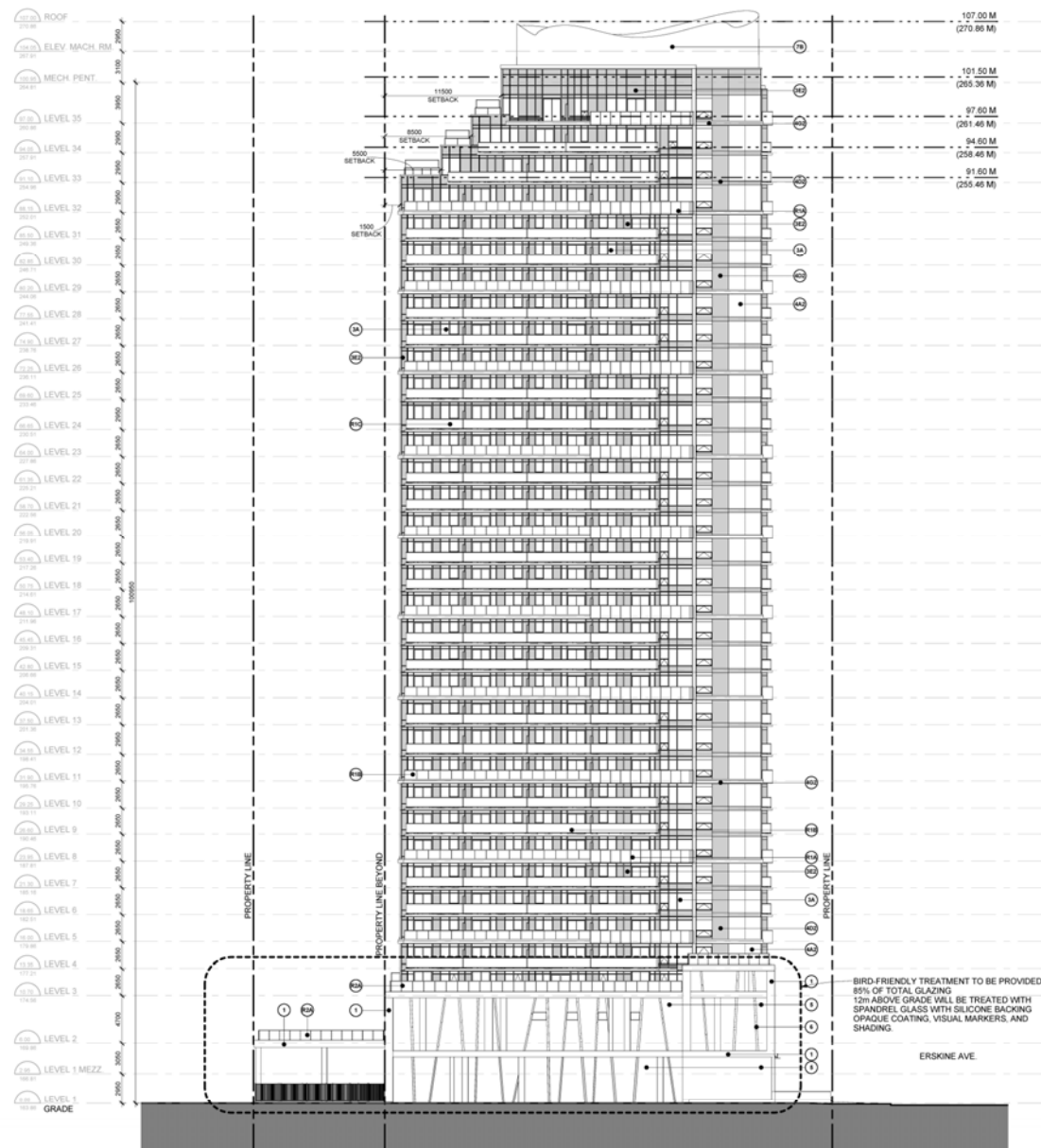
18 - 30 Erskine Ave

Applicant's Submitted Drawing

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05/08/2017

File # 12 267211 NNY 25 0Z

Attachment 4d: West Elevation



West Elevation

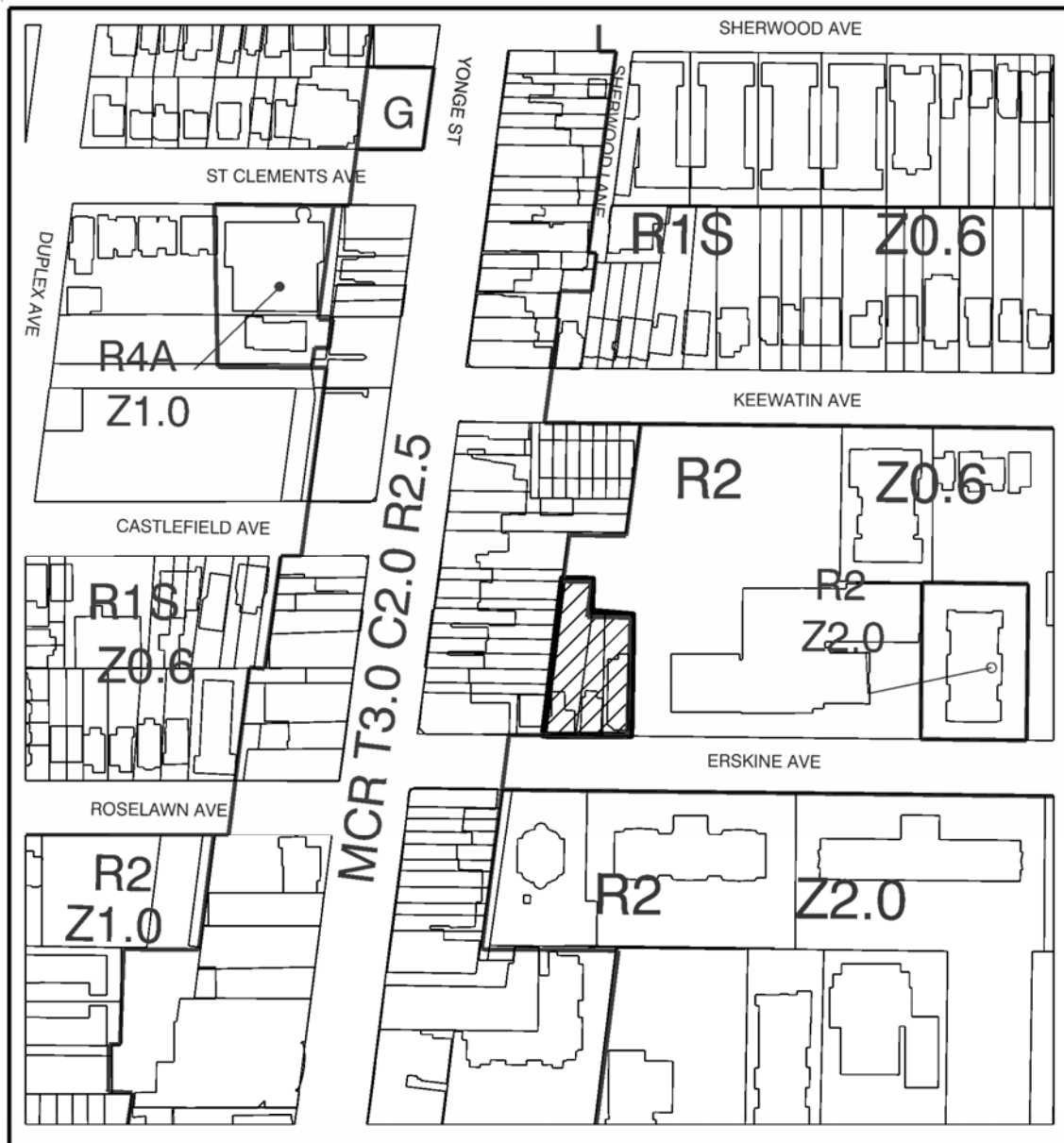
Applicant's Submitted Drawing

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05/08/2017

18 - 30 Erskine Ave

File # 12 267211 NNY 25 SA

Attachment 5: Zoning



TORONTO City Planning
Zoning

18 - 30 Erskine Ave
File # 12 267211 NNY 25 SA

R1 Residential District
R2 Residential District
R4 Residential District

MCR Mixed-Use District

NOTE: Numbers in Brackets Denote Exceptions to the Zoning Category

↑
Not to Scale
Zoning By-law 7625
Extracted 11/06/2012

Attachment 6: Application Data Sheet

Application Type	Site Plan Approval	Application Number:	12 267211 NNY 25 SA
Details	Standard	Application Date:	October 23, 2012
Municipal Address:	18 ERSKINE AVENUE		
Location Description:	PL 756 PT LT96		
Project Description:	This application proposes the construction of a 35-storey (101.5 metre) rental apartment building containing 315 dwelling units at 18-30 Erskine Avenue. The proposal would have a total gross floor area of 20,783 square metres and a floor space index of 14.61 times the area of the lot.		
Applicant:	Agent:	Architect:	Owner:
18 ERSKINE HOLDINGS INC.	KG Group	Kirkor Architects + Planners	18 ERSKINE HOLDINGS INC.

PLANNING CONTROLS

Official Plan Designation:	Mixed Use Areas	Site Specific Provision:	By-law 265-2017(OMB)
Zoning:	MCR T3.0 C2.0 R2.5	Historical Status:	N
Height Limit (m):	107 (including mechanica)	Site Plan Control Area:	Y

PROJECT INFORMATION

Site Area (sq. m):	1, 422.63	Height:	Storeys:	35
Frontage (m):	30.28		Metres:	101.5 (excluding mechanical)
Depth (m):	57.19			
Total Ground Floor Area (sq. m):	1, 111.9			Total
Total Residential GFA (sq. m):	20, 783		Parking Spaces:	122
Total Non-Residential GFA (sq. m):	0		Loading Docks	1
Total GFA (sq. m):	20, 783			
Lot Coverage Ratio (%):	78.7			
Floor Space Index:	14.61			

DWELLING UNITS

Tenure Type:	Rental
Rooms:	0
Bachelor:	0
1 Bedroom:	211
2 Bedroom:	104
3 + Bedroom:	6
Total Units:	315

FLOOR AREA BREAKDOWN (upon project completion)

	Above Grade	Below Grade
Residential GFA (sq. m):	20, 783	0
Retail GFA (sq. m):	0	0
Office GFA (sq. m):	0	0
Industrial GFA (sq. m):	0	0
Institutional/Other GFA (sq. m):	0	0

CONTACT: **PLANNER NAME:** **Cynthia Owusu-Gyimah, Senior Planner**
PHONE/EMAIL: **(416) 395-7126/cynthia.owusu-gyimah@toronto.ca**

Attachment 7: Site Specific Zoning By-law 265-2017(OMB)

Authority: Ontario Municipal Board Decision/Order issued January 12, 2016 and Amending Decision/Order issued January 4, 2017 in Board File PL150293

CITY OF TORONTO BY-LAW 265-2017(OMB)

To amend former City of Toronto Zoning By-law 438-86, as amended, with respect to lands known municipally as 18, 20, 22, 24, 26 and 30 Erskine Avenue.

Whereas the *owner* of the lands known municipally in the year 2015 as 18, 20, 22, 24, 26 and 30 Erskine Avenue appealed a proposed zoning by-law amendment to the Ontario Municipal Board; and

Whereas the Ontario Municipal Board, by its Decision and Order issued on January 12, 2016 and its Amending Decision and Order issued on January 4, 2017, in Board File PL150293 approved amendments to the former City of Toronto Zoning By-law 438-86, as amended, with respect to the lands;

The Ontario Municipal Board orders amendments to former City of Toronto By-law 438-86, as amended, as follows:

1. Pursuant to Section 37 of the *Planning Act*, the heights and density of development permitted by this By-law within the *site* 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 Appendix 1 of this By-law, the provisions of which shall be secured by an agreement or agreements pursuant to Section 37(3) of the *Planning Act*.
2. Upon execution and registration of an agreement or agreements with 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 Appendix 1 of this By-law, the *site* is subject to the provisions of this By-law, provided that in the event the said agreement(s) requires the provision of a facility, service or matter as a precondition to the issuance of a building permit, the *owner* may not erect or use such building until the *owner* has satisfied the said requirements.
3. Wherever in this By-law a provision is stated to be conditional upon the execution and registration of an agreement entered into with the City pursuant to Section 37 of the *Planning Act*, then once such agreement has been executed and registered, such conditional provisions shall continue to be effective notwithstanding any subsequent release or discharge of all or any part of such agreement.
4. Except as otherwise provided herein, the provisions of *By-law No. 438-86* shall continue to apply to the *site*.

5. None of the provisions of Section 2 with respect to "*bicycle parking space – occupant*", "*bicycle parking space – visitor*", "*grade*", "*height*", "*residential amenity space*", "*residential gross floor area*" and Section 4(2)(a), 4(3)(a), 4(3)(b), 4(4)(b), 4(12), 4(13)(c), 4(16), 8(3) Part I, 8(3) Part II 1, 8(3) Part II 4, 8(3) Part IV 1, 12(2) 119(ii) and (iv) of *By-law No. 438-86*, shall apply to prevent the erection and use of a *residential building* containing *dwelling units*, and uses *accessory* thereto on the *site* provided that all of the provisions of this by-law are complied with.
6. The *lot* on which the building is located comprises at least the *site*.
7. The total combined *residential gross floor area* on the *site*, shall not exceed 21,000 square metres and there shall be no *non-residential* uses or *non-residential gross floor area* within the *site*.
8. A minimum of 630 square metres of indoor *residential amenity space* shall be provided and maintained on the *site*.
9. A minimum of 405 square metres of outdoor *residential amenity space* shall be provided and maintained on the *site*, including 140 square metres of breezeway space at *grade*.
10. The maximum number of *dwelling units* shall be 315.
11. A total of 315 new rental dwelling units, including 6 two-bedroom *rental replacement units*, shall be provided on the *site* pursuant to the conditions outlined in Appendix 1.
12. A total of 6 two-bedroom *rental replacement units* shall be provided on the *site* pursuant to the conditions outlined in Appendix 1.
13. No part of any building or structure erected within the *site* shall be located above *grade* otherwise than wholly within the *building envelopes* as shown on Map 2, except for the type of structures listed in the column entitled "Elements and Structures" in the following chart, provided that the restrictions set out *opposite* the structure in the columns entitled "Limitations" are complied with:

Elements and Structures	Limitation
Awnings, architectural elements, balustrades, canopies, cornices, eaves, fences, fixtures, guardrails, lighting, landscape planters and seating areas, ornamental elements, ramps to an underground garage, retaining walls, elevator overrun, skylights, stairways	Permitted to extend outside a <i>building envelope</i> subject to a maximum horizontal projection of 2.0 metres beyond outside the <i>building envelope</i> .

Elements and Structures	Limitation
and railings, underground garage stair enclosures, wheelchair ramps, window washing equipment, vents, pipes, access roof hatch, lightning rods and exhaust flues	
Balconies	Along Erskine Avenue, at a height greater than 15.0 metres, balconies are permitted to project up to 1.0 metres outside a <i>building envelope</i> , but not within 3.0 metres of the corners of the building. At all other locations, balconies are permitted to project up to 2.0 metres outside a <i>building envelope</i> .
Bay Windows	Along Erskine Avenue, bay windows are permitted to project outside a <i>building envelope</i> up to 0.6 metres for a maximum width of 9.0 metres across the front of the building. In all other locations, bay windows are permitted to project up to 2.0 metres outside a <i>building envelope</i> .
Parapets, including roof drainage, railings, thermal insulation and roof ballast, terrace guards and dividers, partitions dividing outdoor recreation areas and trellises, landscape elements and seating, planters, railings, stair enclosures, elevator shafts, elevator shaft enclosures, trellises	Permitted to extend outside a <i>building envelope</i> subject to a maximum vertical projection of 6.2 metres above the height limits shown on Map 2 so long as there is no additional shadow on the sidewalk on the north side of Keewatin Avenue in the area designated as Neighbourhoods in the Official Plan.

14. The *height* of each portion of a building or structure erected above *grade* within the *site*, shall in respect of each *building envelope* area, have a maximum *height* in metres and in *storeys* as shown following the symbol H on the attached Map 2 for the corresponding *building envelope* area, provided that mezzanines located between the ground floor and second storey of the building and used for the purpose of bicycle storage and/or mechanical space shall not be counted as a separate *storey*.
15. *Parking spaces* shall be provided and maintained on the *site* in accordance with the following minimum requirements:
 - (a) a minimum of 0.3 *parking spaces* per *dwelling unit* for the use of the residents of the building;
 - (b) a minimum of 0.05 parking spaces per dwelling unit for visitors; and

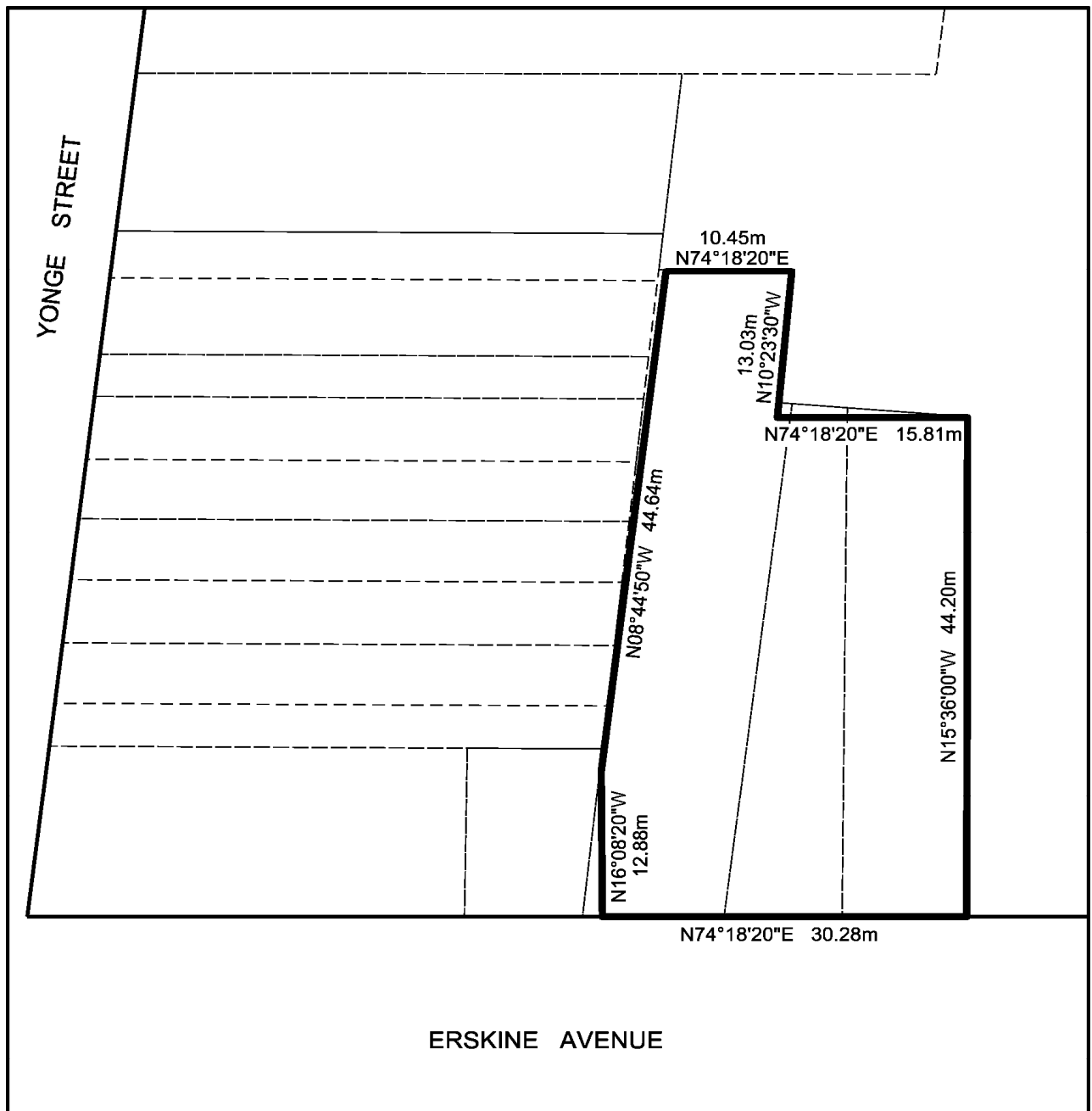
- (c) 10 car-share parking spaces;
16. Notwithstanding the previous Section, the required *parking spaces* for residents shall be reduced at a rate of four *parking spaces* for each required *car-share parking space* on the *site*.
17. Notwithstanding Section 4(17)(a) of *By-law No. 438-86*, a maximum of 15 *parking spaces* on the *site* may have a minimum width of 2.5 metres and a maximum of 4 *parking spaces* on the *site* may have a minimum width of 3.9 metres and a minimum length of 5.63 metres.
18. A minimum of 1.0 *bicycle parking spaces* per *dwelling unit* shall be provided and maintained on the *site* in accordance with the following:
- (a) for residents not less than 0.9 *bicycle parking spaces – occupant* per *dwelling unit* shall be provided, and
 - (b) for visitors, not less than 0.1 *bicycle parking spaces – visitor* per *dwelling unit* shall be provided.
19. Within the *site*, 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.
20. Despite any existing or future severance, partition or division of the *site*, the provisions of this By-law shall apply to the whole of the *site* as if no severance, partition or division occurred.
21. None of the provisions of this By-law shall apply to prevent a *temporary rental office* on the *site*.
22. For the purposes of the By-law, the following expressions shall have the following meaning:
- (a) "*bicycle parking space – occupant*" means an area that is equipped with a bicycle rack or locker for the purpose of parking and securing bicycles, and:

- (i) where the bicycles are to be parked on a horizontal surface, has horizontal dimensions of at least 0.5 metres by 1.8 metres and a vertical dimension of at least 1.9 metres;
- (ii) where the bicycles are to be parked in a vertical position, has horizontal dimensions of at least 0.5 metres by 1.2 metres and a vertical dimension of at least 1.9 metres;
- (iii) in the case of a bicycle rack, is located in a secured room or area; and
- (iv) in the case of a bicycle locker, may contain ancillary storage.
- (b) "*bicycle parking space – visitor*" means an area that is equipped with a bicycle rack for the purpose of parking and securing bicycles, and:
 - (i) where the bicycles are to be parked on a horizontal surface, has horizontal dimensions of at least 0.5 metres by 1.8 metres and a vertical dimension of at least 1.9 metres;
 - (ii) where the bicycles are to be parked in a vertical position, has horizontal dimensions of at least 0.5 metres by 1.2 metres and a vertical dimension of at least 1.9 metres; and
 - (iii) may be located indoors or outdoors including within a secured room or enclosure;
- (c) "building envelope" means a building envelope as delineated by heavy lines on Map 2 attached to this By-law;
- (d) "By-law No. 438-86" means By-law No. 438-86, as amended, of the former City of Toronto;
- (e) "*car-share parking space*" means a *parking space* used exclusively for the parking of a *car-share motor vehicle*;
- (f) "*car-share motor vehicle*" means a motor vehicle available for short term rental, including an option for hourly rental, for the use of at least the occupants of a building erected on the *site*;
- (g) "*Chief Planner*" means the City of Toronto Chief Planner and Executive Director;
- (h) "*City*" means the City of Toronto;
- (i) "*dwelling unit*" means living accommodation comprising a single housekeeping unit, designed or intended for use by one person or by

persons living together as a family, and consisting of a room or suite of two or more rooms in which both culinary and sanitary facilities are provided for the exclusive uses of such person or persons;

- (j) "*grade*" shall mean, 163.86 metres above sea level based on Geodetic Survey of Canada 1929 mean sea level vertical datum (1978 Southern Ontario Adjustment);
- (k) "*height*" shall mean the vertical distance between *grade* and the highest point of a building or structure;
- (l) "owner" means the owner of the fee simple of the site or any part thereof;
- (m) "residential building" means a building containing only residential uses, including any accessory uses thereto, and for the purposes of section 4(11), includes the residential portion of a mixed-use building;
- (n) "rental replacement dwelling unit" means a dwelling unit which replaces one of the rental units existing on the site at the time of enactment of this by-law, as required pursuant to section 111 of the City of Toronto Act, 2006, S.O. 2006, c.11;
- (o) "residential gross floor area" shall have the same meaning as in By-law 438-86, as amended, but shall also exclude all residential amenity space provided on the site, storage areas located above grade, elevator, garbage shafts, garbage rooms, and exit stairs;
- (p) "site" means the lands delineated by heavy lines on Map 1 attached to this By-law;
- (q) "temporary rental office" means a building, structure, facility or trailer on the site used for the purpose of the rental of dwelling units to be erected on the site; and
- (r) each other word or expression, which is italicized in this by-law, shall have the same meaning as each such word or expression as defined in By-law 438-86.

Ontario Municipal Board Decision/Order issued on January 12, 2016 and amending Decision/Order on January 4, 2017 in Board File PL150293.



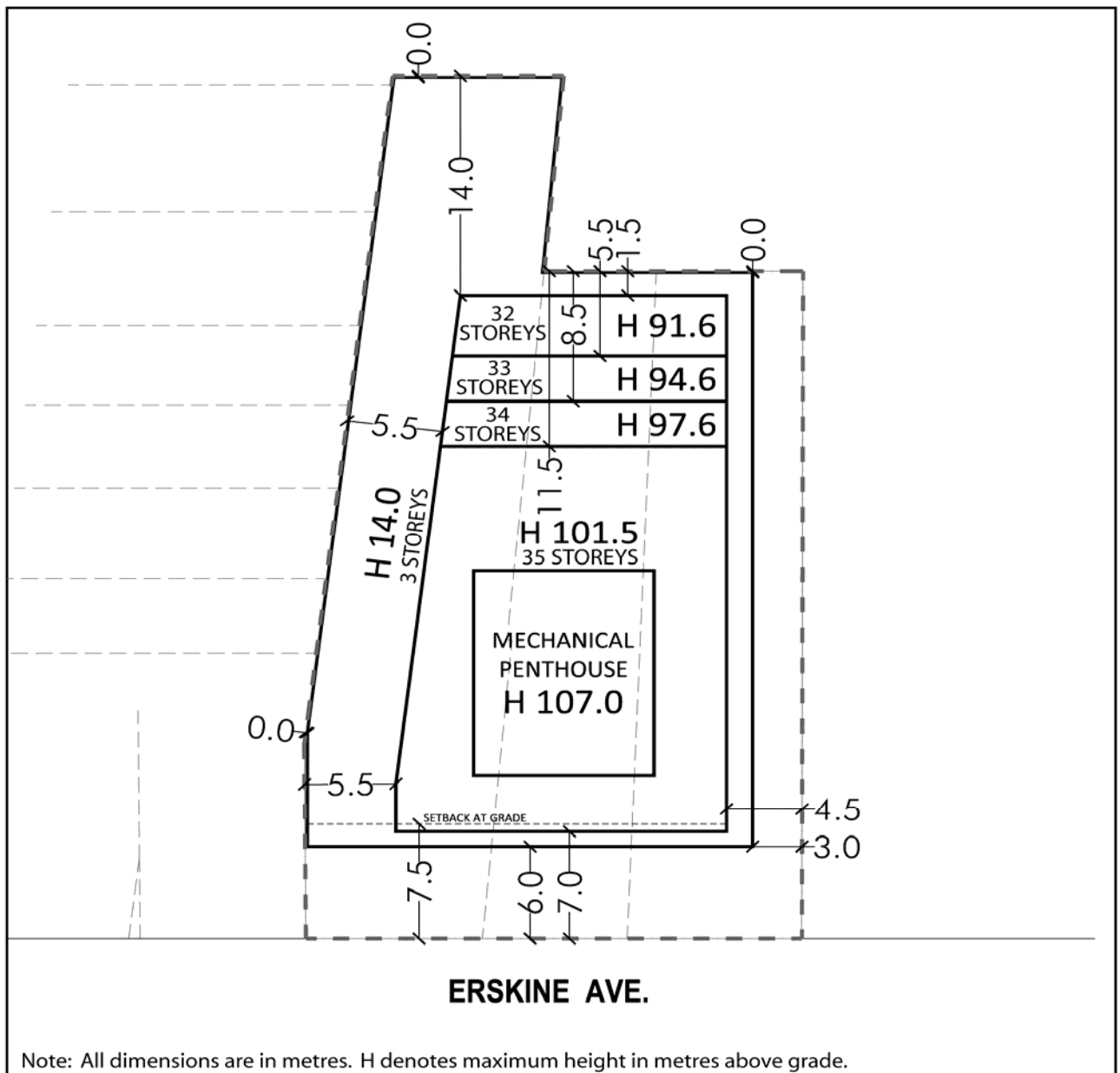
Toronto
Map 1

18-30 Erskine Avenue

File # 12 267217 NNY 25 02

Part of Lots 6 and 96, R.P. 756, City of Toronto
Speight, Van Nostrand & Gibson Ltd.

↑
Toronto By-Law 438-86
Not to Scale
05/17/2016



Appendix 1

Section 37 Provisions

The facilities, services and matters set out herein are the matters required to be provided by the *owner* of the *site* at its expense to the *City* in accordance with an agreement or agreements, pursuant to Section 37(3) of the *Planning Act*, in a form satisfactory to the *City* and the *owner* with conditions providing for indexing escalation of the financial contributions, and letters of credit, indemnity, insurance, HST, termination and unwinding, and registration and priority of agreement:

1. Prior to the issuance of the first above grade building permit the *owner* shall make the following payments to the *City*:
 - a. The *owner* agrees to pay the sum of One Million, One hundred thousand (\$1,100,000.00) to the *City* (together with any increases to reflect increases in the Construction Price Statistics between the date of this Agreement and the delivery of such payment), prior to the issuance of the first Above-Grade Building Permit for the Development, to be used towards the design and implementation of off-site streetscape, street tree improvements and/or public realm improvements on Keewatin Avenue and the Yonge Eglinton Apartment Neighbourhood in consultation with the Ward Councillor and *Chief Planner*.
 - b. In the event the payment referred to above has not been used for the intended purposes within three (3) years of the Final Confirmation Date the payment or that portion may be used for such other purpose as the Chief Planner, in consultation with the Ward Councillor, may direct provided it is identified in the *City's* Official Plan and will benefit the community in the vicinity of the *site*.
2. The *owner* agrees that all of the *dwelling units* to be provided within the *site* shall be rental *dwelling units* and to that end the *owner* agrees to construct, provide and maintain at least three hundred and nine (309) rental *dwelling units* as secured market rental units and at least six (6) rental *dwelling units* as the new mid-range rental replacement units, located on the 5th 6th and 34th floors of the Building comprising the unit mix as set out in Table 2, below, to the satisfaction of the *Chief Planner*, subject to the following:
 - a. The rental replacement *dwelling units* will be as follows:

Table 2: Proposed Replacement Rental Dwelling Unit Floor Area

Based on Floor Plans dated August 25, 2016

Unit Number	Unit Type	Floor	Proposed Floor Area	
			Sq. Ft.	Sq. M.
508	2-bedroom	5	846	78.6
509	2-bedroom	5	795	73.8
510	2-bedroom	5	804	74.7
608	2-bedroom	6	846	78.6
610	2-bedroom	6	804	74.7
3406	2-bedroom	34	983	91.3
Total			5,075	471.6

The minimum gross floor area contained in this section may vary by a maximum of 3% but only as a result of reasonable adjustments that may need to be made for the purposes of accommodating required final structural or mechanical design, to the satisfaction of the *Chief Planner*.

- b. Tenants occupying one of the Replacement Rental Units at 18-30 Erskine Avenue will have made available to them, or have access to, all of the following:
 - i. Bicycle parking spaces shall be provided to the tenants of the rental replacement *dwelling units* on the same basis as residents of the remainder of the building;
 - ii. At least 1 vehicle parking spaces shall be made available to tenants of the rental replacement *dwelling units*. If such parking space is not rented by the tenants of the 6 replacement rental *dwelling units* may be leased by the *owner* on a short term basis to an interested party with the understanding that such a lease may be terminated on 30 days' notice to accommodate a request for a vehicle parking space made by a tenant of a replacement rental dwelling unit;
 - iii. Ensuite washer and dryer shall be provided in each of the replacement rental *dwelling units*;
 - iv. Central air conditioning shall be provided in each of the replacement rental *dwelling units*;
 - v. Tenants shall have access to all the same indoor and outdoor amenity spaces and on the same terms and conditions as the other residents without the need to pre-book or pay a fee, unless specifically required.

- c. The 6 replacement rental *dwelling units* at 18-30 Erskine Avenue shall be provided and maintained as rental *dwelling units* for at least 20 years, beginning from the date that each rental replacement unit is first occupied and until the *owner* obtains approvals for a zoning by-law amendment removing the requirement for the rental replacement units to be maintained as rental units;
- d. No application may be submitted for condominium or for any conversion to non-rental housing purposes or for demolition without providing for replacement during the 20 year period; and
- e. At such time as the 20 year Replacement Rental Period has expired, the *owner* shall continue to provide and maintain the Replacement Rental Units as Rental *Dwelling units* unless and until such time as the *Owner* has applied for and obtained the necessary approvals.
- f. The Parties acknowledge and agree that the basis for establishing the maximum rents for the replacement mid-range *dwelling units* is 1.5 times the average CMHC rent by unit type, inclusive of all utility costs for heat, power, water and gas (but not TV service, phone, internet, parking);
- g. All 6 of the existing rental *dwelling units* at 30 Erskine Avenue to be replaced in the proposed building are deemed to have been mid-range rental *dwelling units* when last occupied;
- h. If tenants of a rental replacement unit under the agreement will be paying for any of the utilities whose cost is otherwise included in the average market rent, the maximum affordable rent shall be adjusted downward based on objective cost data provided by the *owner* and subject to the approval of the Chief Planner;
- i. The maximum Initial Rent for a Returning Tenant shall not exceed the sum which equals the last legal rent paid by such tenant excluding any amounts paid to the *owner* or landlord for separate charges, increased by:
 - i. a one-time 'new building allowance' of 4%; and
 - ii. annual increases permitted by the Guideline beginning on the month that is twelve months after the last increase that occurred for each Eligible Tenant and ending with the last twelve month anniversary date before the date of first occupancy of the Replacement Rental Unit;
- j. The *owner* shall provide and maintain mid-range rents charged to the tenants who rent each of the 6 two-bedroom Mid-range Rental Replacement Units during the first 10 years of its occupancy, such that:

- i. The initial rent shall not exceed an amount based on the most recent Fall Update Canada Mortgage and Housing Corporation Rental Market Report average rent for the City of Toronto by unit type less any adjustments if tenants are directly paying for any of the basic utility costs;
- ii. Over the course of the 10 year period, annual rent increases shall not exceed the Provincial Annual Rent Guidelines and, if applicable, permitted above-Guideline increases; and
- iii. Upon turn-over during the 10 year period, the rent charged to any new tenant shall not exceed an amount based on the initial rent, increased annually by the Provincial Annual Rent Guidelines, and any above-Guideline increase, if applicable;
- k. Rents charged to tenants occupying 1 of the 6 replacement rental *dwelling units* at the end of the 10-year period shall be subject only to annual increases which do not exceed the Provincial Annual Rent Guidelines and, if applicable, permitted above guideline increases, so long as they continue to occupy their dwelling unit and until the expiry of the 20-year rental tenure period;
- l. Rents charged to tenants newly occupying a replacement rental dwelling unit after the completion of the 10-year period will not be subject to restrictions by the City of Toronto under the terms of the Section 37 Agreement; and
- m. After the twenty year Replacement Rental Period has expired, the Rent for each tenant who leased one of the Replacement Rental Units during the Ten Year Period may be increased over a period of three (3) years to unrestricted market rent.
- n. The maximum monthly charge for a vehicle parking shall not exceed \$100;
- o. There shall be no other mandatory charges additional to the rent payment except as provided for in the Agreement;
- p. Charges for any other service or provision of equipment, facility shall only be for those items that a tenant may voluntarily choose to accept or decline. Examples include car parking, TV services or optional air conditioning in a unit. If the provision of an item is mandatory, such as central or built-in air conditioning, en-suite laundry equipment etc, there may be no extra charges; and

- q. There will be no additional charge for bicycle parking.
- r. Under provincial legislation, all tenants who receive notice to terminate their tenancies for the purpose of demolition are eligible for financial compensation or an acceptable alternative rental unit and a minimum notice period before they are required to vacate their unit
- s. In addition, the City approves a Tenant Relocation and Assistance Plan with provisions that extend beyond those provided under the provincial *Residential Tenancies Act*.
- t. The *Chief Planner* may, at her sole discretion, deem a tenant who moves out of the building prior to the issuance of the notice of termination for demolition to be eligible for tenant relocation assistance if it is concluded that the tenant's move was premature or not voluntary, but caused by any actions or inactions of the *owner*, especially in respect to the conditions of the building.
- u. Eligible tenants have the right to return to one of the 6 new replacement two-bedroom rental *dwelling units* at 18-30 Erskine Avenue, with rent protected for up to 20 years;
- v. Eligible tenants shall receive compensation equal to 3 month's rent, pursuant to the *Residential Tenancies Act*;
- w. Eligible tenants shall receive additional financial assistance, based on their length of tenure, as follows:

Length of Tenure	Compensation
Less than 5 years	+ 1 month rent compensation
5 to 10 years	+ 2 month rent compensation
10-15 years	+ 3 month rent compensation
15-20 years	+ 4 month rent compensation
Greater than 20 years	+ 5 month rent compensation

- x. Eligible Tenants will receive a move-out allowance of \$1,500 and a move-back allowance of \$1,500;
- y. Special needs tenants, as determined by the Chief Planner, will receive additional financial assistance equal to 2 month's rent; and
- z. The *owner*, at their sole discretion, may offer an extra payment to any tenant who waives their right to return to a replacement rental dwelling

unit provided that such payments are offered on an equitable basis to all tenants, and that the amount offered has been agreed to by the City and is provided for in the Section 37 and Section 111 Agreements.

- aa. At the time the Notice to Vacate is issued, the current tenants will receive an initial payment equal to the payment owed to them under the *Rental Tenancies Act* (3 months' rent) to assist them with costs to secure other accommodation. The balance of the assistance, including any special needs amounts, (other than the move-back allowance), will be paid when vacant possession is provided;
- bb. The move-back allowance of \$1,500 will be paid on the date that returning tenants sign a lease for the replacement rental unit at 18-30 Erskine Avenue;
- cc. The optional payment for waiving the right to return on the Tenant Option Form, if offered by the *owner*, will also to be paid at the time of vacant possession; and
- dd. If any special needs tenants are determined, the timing of their payments may be varied to facilitate their relocation.
- ee. Financial assistance is not to be provided as free rent, but as a cash payment;
- ff. Special needs tenants will be provided with additional moving and relocation assistance at the time of move-out and move-back to the satisfaction of the *Chief Planner*. These services will be arranged and paid for by the applicant at their own expense;
- gg. Moving allowance is a cash payment, and no receipts are required; and
- hh. Fixed amounts shall be subject to indexing, as appropriate, and provided for in the agreements;

Attachment 8: Drawings/Plans and Conditions of Site Plan Approval

List of Drawings

Drawing Number	Drawing Name	Prepared By	Last Revision Date
A1.1	Site Context Plan & OBC Matrix	Kirkor Architects + Planners	May 1, 2017
A1.2	Project Statistics, Unit Matrix & Toronto Green Standard	Kirkor Architects + Planners	May 1, 2017
A1.3	Site Plan	Kirkor Architects + Planners	May 1, 2017
A2.3	Level 1 & 1 Mezz. Floor Plans	Kirkor Architects + Planners	May 1, 2017
A4.1	South & East Elevations	Kirkor Architects + Planners	May 1, 2017
A4.2	North and South Elevations	Kirkor Architects + Planners	May 1, 2017
A4.3	Enlarged Elevation – South	Kirkor Architects + Planners	May 1, 2017
A4.4	Enlarged Elevation - North	Kirkor Architects + Planners	May 1, 2017
A4.6	Enlarged Elevation – West	Kirkor Architects + Planners	May 1, 2017
A5.1	Building Section	Kirkor Architects + Planners	May 1, 2017
L100	Landscape Plan	Janet Rosenberg & Studio	April 4, 2017
L101	Landscape Plan Layout	Janet Rosenberg & Studio	April 4, 2017
L200	Landscape Planting Plan	Janet Rosenberg & Studio	April 4, 2017
L300	Sections	Janet Rosenberg & Studio	April 4, 2017
L400	Landscape Details	Janet Rosenberg & Studio	April 4, 2017
LT100	Level 02 and Level 03 Amenity Terrace Layout and Planting Plans	Janet Rosenberg & Studio	April 4, 2017

List of Preliminary Site Plan Approval Conditions

A. PRE-APPROVAL CONDITIONS

LEGAL SERVICES – Stephanie Morrow (416) 397-5379

1. The Owner shall 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.

ENGINEERING AND CONSTRUCTION SERVICES – Zaki Siddiqi (416) 395-6274

Facilities to Provide Access to and from the Land

2. Prior to site plan approval the Owner must submit a financial guarantee and an engineering review fee in form of a letter of credit or certified cheque (amount to be determined by Engineering and Construction Services) to Engineering and Construction Services Division, City of Toronto, for sidewalk improvements on Erskine Avenue required by Transportation Services.

Walkway and Walkway Ramp

3. The Owner shall deposit with the Engineering and Construction Services Division prior to Site Plan Approval, certified cheques, for the following:
 - a) Construction of a 2.5 metre wide sidewalk across the entire Erskine Avenue frontage of the site adjacent to the travelled curblane on Erskine Avenue. The cost of this work is estimated to be \$13,644.75.
 - b) \$682.24 representing the 5% Engineering & Inspection Review Fee of the sidewalk construction works.

The above works shall be constructed by the owner any time after Site Plan approval, provided the owner contacts Engineering and Construction Services to confirm that:

- i). A Engineering and Construction Services' representative has approved the proposed location of the above sidewalk.
- ii). The owner has applied for and Transportation Services has issued the necessary Right-of-Way permit.

Facilities for the Landscaping of the Lands or the Protection of Adjoining Lands

4. Any landscaping within the Erskine Avenue boulevard must be approved by the Transportation Services Division prior to site plan approval

Grading and Provision for the Disposal of Storm, Surface and Wastewater from the Land

5. The owner shall deposit, prior to site plan approval, a letter of credit or certified cheque with the Engineering and Construction Services Division for the estimated cost of construction and a certified cheque for the 5% engineering review fee of the following works:
 - a) External works need to be determined;
 - b) Dollar amount to be determined if required representing the 5% Engineering review fee of the above construction works.

The above works shall be constructed by the Owner anytime after the site plan approval provided all necessary arrangements with Engineering and Construction Services for work on the City's right of way have been satisfied.

Other Condition

6. The owner shall submit Construction Management Plans and Construction Traffic Mitigation Plans inclusive of construction staging and/or any use of the public right-of-way to the Satisfaction of Transportation Services.

CITY PLANNING – CYNTHIA OWUSU-GYIMAH (416) 395-7126

7. The owner shall submit to the Chief Financial Officer and Treasurer as a deposit a letter of credit or certified cheque for 75% of the value of the on-site landscaping, including for example (but not limited to) any planting, fencing, seating, decorative paving, retaining walls, terraces, and/or other landscape features.

FORESTRY - BRUCE GORDON (416) 395-6686

8. The Owner shall submit a Tree Planting Deposit of **\$1, 749.00** for the planting of three (3) trees on City property.
9. The Owner shall submit a payment in the amount of **\$6, 255.29** for the tree appraised value of **three (3)** City Trees.
10. The Owner shall submit an application and fee in the amount of **\$5, 500.91** to remove and/or injure 11 trees located on privately property and City land.
11. The Owner shall submit a payment of **\$3, 498.00** in lieu of planting the required six (6) trees on private property.

12. The Owner shall submit a complete "**Agreement for Private Contractor to Perform Work on City-owned Trees**" prior to removing any City-owned tree.

TORONTO TRANSIT COMMISSION (TTC)

Technical Review

13. Prior to the issuance of the excavation and shoring permit, the developer shall complete a Toronto Transit Commission (TTC), Level 1 Technical Review of the proposed development as applicable to the particular permit under application, and obtain TTC's written acknowledgement that the developer has satisfied all of the conditions arising out of the review. As part of the review process, the developer shall provide the requisite information, and pay the associated review fee to the TTC.

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.

ENGINEERING AND CONSTRUCTION SERVICES

Facilities to Provide Access to and from the Land

1. 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, Engineering and Construction Services.

Off-Street Vehicular Loading and Parking Facilities and Access/Driveways

2. The Owner shall 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, Engineering and Construction Services.
3. 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, Engineering and Construction Services.

4. The Owner acknowledges and affirms that the unit paving, walls and additional landscaping shown in the approved landscaping plan, which are installed in the Erskine Avenue boulevard adjoining the subject property, are the owner's responsibility and liability to maintain in a state of good and proper repair, and at the owner's sole expense.

Walkway and Walkway Ramps

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

Facilities for the Storage of Garbage and Other Waste Material

6. The Owner shall construct and maintain all facilities necessary to permit the City to collect solid waste and recyclable materials in accordance with Chapter 841, Solid Waste of the City of Toronto Municipal Code, Waste Collection for Residential Properties.
7. The Owner shall provide certification to the Executive Director, Engineering & Construction Services, from the architect confirming that the solid waste facilities and the horizontal and vertical clearances required for the City's refuse collection vehicles have been constructed as shown on the approved site plan drawings.
8. The Owner shall provide a letter from the structural/building engineer designing the building that the floor slabs and sidewalls of the storm holding tank will be designed to take the most critical loading including the full weight of the tanks and the maximum volume of stormwater in the tank.
9. If the collection vehicle is required to drive onto or over a supported structure (such as an underground parking garage) the Owner must provide to the City a letter certified by a Professional Engineer that the structure can safely support a fully loaded collection vehicle (35,000 kilograms) and conforms to the following:
 - a) Design Code - Ontario Building Code
 - b) Design Load - City bulk lift vehicle in addition Building Code requirements
 - c) Impact Factor - 5% for maximum vehicular speeds to 15 km/h and 30% for higher speeds

Grading and Provision for the Disposal of Storm, Surface and Wastewater from the Land

10. The Owner shall Construct and maintain stormwater management measures/facilities and site grading as recommended in the accepted Stormwater Management Report.
11. The Owner shall construct and maintain site servicing indicated on the accepted

Site Servicing Drawings.

12. The Owner shall provide certification to the Executive Director of Engineering and Construction 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.
13. The Owner shall provide certification to the Executive Director of Engineering and Construction 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.
14. The Owner shall keep and maintain existing/proposed stormwater pollution control devices such as oil grit separators (stormceptors or equivalent devices) and update the City with periodic maintenance reports.
15. The Owner acknowledges that 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.

Other Conditions

16. The Owner acknowledges and agrees that Staff have reviewed this application on the understanding it will comprise one standard corporation upon completion. The Owner shall not convey or transfer any part of the Development Site in any other manner than that agreed to above if to do so would result in either the retained parcel or the conveyed or the transferred parcel ceasing to comply with Chapters 681 or 851 of the City of Toronto Municipal Code, as amended, which prohibit a private service connection, that connects to a municipal water or sewer system, from servicing more than one property. Each parcel shall have separate service connections to the municipal water and sewer systems, including any associated stormwater management systems, to the satisfaction of the Executive Director, Engineering & Construction Services, at the sole cost to the Owner. Further, the Owner shall prepare all plans and studies as required by the City for the servicing at the sole cost of the Owner.

FORESTRY

17. The Project shall be developed and maintained in accordance with the approved plans and conditions of approval as well as Building Permit and Tree Permit(s)/Approvals. Any proposed revisions/alterations to the approved plans or permits that affect trees must be approved by Urban Forestry, on behalf of the General Manager of Parks, Forestry & Recreation.

18. The Owner shall provide a two-year renewable guarantee for all new tree plantings within the City road allowance and shall notify the Supervisor of Urban Forestry, Tree Protection & Plan Review 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.
19. The Owner shall maintain all new tree plantings within the City road allowance in good condition. Trees will be inspected during and prior to the end of the renewable guarantee period. If the trees are in good condition at the end of the renewable guarantee period, the City will assume maintenance and ownership of the trees.
20. The Owner shall be responsible for the maintenance or replacement of all new tree plantings within the City road allowance if during or at the end of the renewable guarantee period the trees are not in good condition, require maintenance or require replacement. The Owner will be responsible for rectifying the problem as determined by and to the satisfaction of the General Manager of Parks, Forestry & Recreation.
21. The Owner shall maintain all newly replanted trees within the City road allowance in good condition and shall provide an additional two-year renewable guarantee for new trees that are in poor condition that require replacing.

TORONTO TRANSIT COMMISSION (TTC)

Transit Operations Interferences Warning:

22. The Owner acknowledges and agrees that:
 - a) The proximity of the proposed development of the lands municipally known as 18-30 Erskine Avenue (the “Development”), to the TTC right-of-way may result in noise, vibration, smoke, particulate matter, electromagnetic interference and stray current transmissions (collectively referred to as “Interferences”) to the Development;
 - b) The City of Toronto and the Toronto Transit Commission (the “Commission”) will not accept responsibility for such effects on any of the Development and/or its occupants;
 - c) It has been advised by the Commission to apply reasonable attenuation/mitigation measures with respect to the level of the Interferences on and in the Development; and

- d) A TTC Interferences Warning clause, as provided below and satisfactory to the TTC has been, or shall be inserted into all rental agreement(s), and/or offers of purchase and sale or lease and condominium declaration(s) for each unit.

The Purchaser and/or Lessee specifically acknowledges and agrees that the proximity of the development of the lands municipally known as 18-30 Erskine Avenue (the Development”) to TTC transit operations may result in transmissions of noise, vibration, smoke, particulate matter, electromagnetic interference and stray current (collectively referred to as “Interference” to the Development and despite the inclusion of control features within the Development, Interferences from transit operations may continue to be of concern, occasionally interfering with some activities of the occupants in the Development. Notwithstanding the above, the Purchaser and/or Lessee agrees to release and save harmless the City of Toronto and the Toronto Transit Commission from all claims, losses, judgments or actions arising or resulting from any and all Interferences. Furthermore the Purchaser and/or Lessee acknowledges and agrees that an electromagnetic, stray current and noise-warning clause similar to the one contained herein shall be inserted into any succeeding lease, sublease or sales agreement, and that this requirement shall be binding not only on the parties hereto but also their respective successors and assigns and shall not die with the closing of the transaction.

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 Nathan Wood, Toronto Building at (416) 395-6498.

ENGINEERING AND CONSTRUCTION SERVICES

Road Allowance Permits

1. The Owner must obtain the necessary authorizations and permits from our Right-of-Way Management Section before excavating or encroaching into municipal road allowance. The Owner is advised to contact our Right-of-Way Management Section at (416) 395-7112 regarding site-specific permit and licensing requirements.

Site Servicing Connections

2. 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 at 311 or 416-392-CITY (2489).

Construction Management Plan

3. 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. The Owner is advised that any construction activity that affects the adjacent public rights-of-way including, among other things, the location of construction staging areas and covered public walkways within public roads, which may necessitate the temporary closure of one or more traffic lanes for an extended period of time, will require the submission of an acceptable Construction Management Plan in conjunction with the permit approval process, in order to minimize construction related impacts on public rights-of-way.

Streetscaping

5. The Owner's contractor will be required to make an application for a ROW permit from the Transportation 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.

Municipal Address Numbering

6. The Owner is advised to contact Mr. John House, Property Records Supervisor, Survey and Utility Mapping Services, at 416-392-8338 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.

Encroachment

7. Any encroachments within Municipal Road Allowances will not be permitted unless they are explicitly approved by the Right-of-Way Management section of Transportation Services. The Owner 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, North York District at (416) 395-7112.

Toronto Hydro Approval

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

Public Realm

9. The owner is advised that approval must be sought for all work that will be carried out within the abutting public rights-of-way, which may include but not be limited to, financial responsibility for removal or relocation of existing street furniture (transit shelters, benches, litter bins, bicycle locking rings, etc.). The owner must contact Street Furniture Management to co-ordinate the removal or relocation of Astral street furniture or bicycle locking rings. There are Third Party costs associated with the removal and relocation of Astral street furniture and costs to remove the City of Toronto bicycle locking ring(s). The City will not undertake any work associated with removing, reinstalling or relocating existing street furniture until it receives payment. If clarification is required on how the above standards will apply to this site, the Owner can contact the Street Furniture Management Unit at streetfurniture@toronto.ca.

Groundwater Discharge

10. Please be advised that Groundwater discharge to City's sewage work is prohibited under the Municipal Code Chapter 681- Sewers. In order to discharge groundwater into the City sewage works, a discharge approval from TW will be required and the Owner may be required to enter into a sanitary discharge agreement with the City.