

**281-289 Avenue Road – Site Plan Control Application
Final Report**

Date:	March 12, 2018
To:	Toronto and East York Community Council
From:	Acting Director, Community Planning, Toronto and East York District
Wards:	Ward 22 – St. Paul's
Reference Number:	15 143922 STE 22 SA

SUMMARY

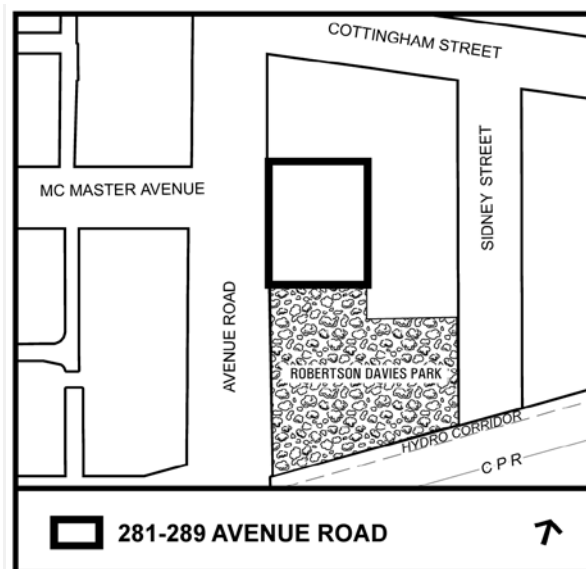
This application proposes to construct a new 9-storey residential building containing 36 dwelling units at 281-289 Avenue Road. At the request of the local Councillor, staff were directed to report to City Council, through Toronto and East York Community Council, as per the 'bump up' provision in By-law No. 438-2000 for Site Plan Control applications.

This report reviews and recommends approval, in principle, of the Site Plan Control application for 281-289 Avenue Road.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council approve, in principle, the conditions set out in Attachment 7 to report dated March 12, 2018 for the proposed 9-storey residential building at 281-289 Avenue Road.
2. City Council delegate back to the Acting Chief Planner or his designate the authority to issue final Site Plan Approval.



Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

At its meeting on May 10, 2013, City Council adopted Site-Specific Zoning By-law 623-2013 to permit a 9-storey residential building with a building height of 33 metres, including a mechanical penthouse, and 61 residential units at 281-289 Avenue Road.

City Council's decision can be found at:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2013.TE23.8>

On November 16, 2017, the Site Plan Control application for 281-289 Avenue Road (File No. 15 143922 STE 22 SA) was referred to City Council, in accordance with By-law No. 483-2000.

ISSUE BACKGROUND

Proposal

The proposal is to construct a new 9-storey (32.75 metres, including mechanical penthouse) residential building containing 36 two-bedroom dwelling units at 281-289 Avenue Road. A total of 57 residential parking spaces, 8 visitor parking spaces, and 42 residential bicycle parking spaces will be located in a 3-level underground parking garage accessed from Avenue Road by a ramp at the south end of the site.

A total of 11 visitor bicycle parking spaces is proposed at-grade at the rear of the building accessed internally from the main entrance of the building, or from Avenue Road by way of a covered driveway located along the north property line and partially on the neighbouring property at 291 Avenue Road. The same covered driveway provides access to a loading dock with one Type 'G' loading space.

Indoor amenity space for the building residents, which include a multipurpose room, private dining/boardroom, gym and guest suite, will be provided on the ground floor. Outdoor amenity space for the residents will be located on the roof top of the building.

Site and Surrounding Area

The subject site is directly north of Robertson Davies Park, on the east side of Avenue Road, and south of Cottingham Street. The site is approximately 1,383 square metres in size, with a 42-metre frontage on Avenue Road.

The following uses surround the subject site:

North: Immediately to the north is an 8-storey rental apartment building at 291 Avenue Road, with a ramp along the south property line to access an underground garage. Further north, located on the northeast corner of Avenue Road and Cottingham Street is a 6-storey mixed-use building.

South: Immediately to the south is Robertson Davies Park, which is currently separated from the subject site by a chain-link fence and a row of City-owned park trees. South of the park is the CN railway corridor.

East: To the east is a low-rise residential neighbourhood made up of single detached and semi-detached houses. The property abuts the rear yards of 6 detached and semi-detached houses which are located on the west side of Sidney Street, which is a local residential road that dead-ends at the CN railway corridor.

West: The west side of Avenue Road is a row of 2- to 3-storey house form buildings with a mix of residential and commercial uses.

Provincial Policy Statement and Provincial Plans

Section 2 of the *Planning Act*, sets out matters Council shall have regard to in making decisions under the *Planning Act*.

The Provincial Policy Statement (2014) provides policy direction Province wide on land use planning and development to promote strong communities, a strong economy, and a clean and healthy environment. It includes policies on key issues that affect communities, such as:

- The efficient and wise use and management of land and infrastructure over the long term in order to minimize impacts on air, water and other resources;
- Protection of the natural and built environment;
- Building strong, sustainable and resilient communities that enhance health and social well-being by ensuring opportunities exist locally for employment; and,
- Residential development promoting a mix of housing; recreation, parks and open space; and transportation choices that increase the use of active transportation and transit.

The City of Toronto uses the Provincial Policy Statement ("PPS") to guide its Official Plan and to inform decisions on other planning and development matters. Policy 4.7 states that the Official Plan is the most important vehicle for implementing the PPS. The PPS is issued under Section 3 of the *Planning Act* and all decisions of Council affecting land use planning matters "shall be consistent with" the PPS.

The Growth Plan for the Greater Golden Horseshoe (2017) provides a strategic framework for managing growth in the Greater Golden Horseshoe region including:

- Setting minimum density targets within settlement areas and related policies directing municipalities to make more efficient use of land, resources and infrastructure to reduce sprawl, cultivate a culture of conservation and promote compact built form and better-designed communities with high quality built form and an attractive and vibrant public realm established through site design and urban design standards;
- Directing municipalities to engage in an integrated approach to infrastructure planning and investment optimization as part of the land use planning process;
- Building complete communities with a diverse range of housing options, public service facilities, recreation and green space that better connect transit to where people live and work;
- Retaining viable employment lands and encouraging municipalities to develop employment strategies to attract and retain jobs;
- Minimizing the negative impacts of climate change by undertaking stormwater management planning that assesses the impacts of extreme weather events and incorporates green infrastructure; and
- Recognizing the importance of watershed planning for the protection of the quality and quantity of water and hydrologic features and areas.

Like other provincial plans, the Growth Plan for the Greater Golden Horseshoe (2017) builds upon the policy foundation provided by the PPS (2014) and provides more specific land use planning policies to address issues facing the GGH region. The policies of the Growth Plan take precedence over the policies of the PPS to the extent of any conflict, except where the relevant legislation provides otherwise. All decisions by Council affecting land use planning matters are required by the *Planning Act*, to conform, with the Growth Plan.

Official Plan

The site is designated *Apartment Neighbourhoods* in the Official Plan by Land Use Map 17. *Apartment Neighbourhoods* are made up of apartment buildings and parks, local institutions, cultural and recreational facilities, and small-scale retail, service and office uses that serve the need of area residents.

The Official Plan distinguishes *Apartment Neighbourhoods* from low-rise *Neighbourhoods* because a greater scale of buildings is permitted and different scale-related criteria guide development. New development in *Apartment Neighbourhoods* is

subject to criteria respecting location, massing, transition to lower scale *Neighbourhoods* and areas of different development intensity, and minimizing shadow impacts, among other things. In *Apartment Neighbourhoods* improving amenities, accommodating sensitive infill, and promoting environmental sustainability are important considerations.

Zoning

The site is subject to Site-Specific Zoning By-law 623-2013 which was adopted by City Council on May 10, 2018. The site-specific by-law permits the 9-storey residential building and sets out the development standards for the proposed building including the building envelope, the minimum number of vehicular and bicycle parking spaces, the maximum density and the maximum number of units (see Attachment 8: Site Specific Zoning By-law).

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

Provincial Policy Statement and Provincial Plans

The proposal is consistent with the Provincial Policy Statement (PPS), and does not conflict with the Growth Plan for the Greater Golden Horseshoe.

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.

Loading Dock

A condition of the Site Plan Agreement, requires that appropriate rights of way have been provided between the property owners of 281-289 Avenue Road and 291 Avenue Road to allow access over the covered driveway, located along the north property line of 281-289 Avenue Road and partially on the neighbouring property at 291 Avenue Road, which leads to the loading dock at 281-289 Avenue Road.

Parking Access

A condition of the Site Plan Agreement, requires that appropriate rights of way have been provided between the property owners of 281-289 Avenue Road and 291 Avenue Road to allow access to the existing underground parking garage at 291 Avenue Road by way of the new ramp and underground parking garage at 281-289 Avenue Road, accessed from Avenue Road on the south end of the site.

Ground Water Impact

The Councillor's office and residents from the adjacent neighbourhood raised concerns regarding the flooding of adjacent properties as a result of water displacement from the site due to the watertight foundation proposed for the building. Development Engineering requested that the applicant provide a hydrogeological report which discusses the long-term impacts to the surrounding properties.

McClymont and Rak, Geo Environmental Consultants provided a response dated September 1, 2017 which addressed the request from Development Engineering and concluded that "there will be no increase in hydrostatic pressures to the adjacent buildings." Development Engineering is satisfied with this response and note that there is no additional information to suggest that adjacent properties will suffer from water issues caused by the foundation of the proposed building.

Tree Protection

The foundation of the proposed building was modified to protect the root system of three (3) healthy privately-owned trees located on adjacent properties: an 87 centimetre diameter at breast height (DBH) silver maple; a 42 centimetre DBH honey locust; and a 63 centimetre DBH horsechestnut. No grade change or hardscaping is proposed within the Tree Protection Zone (TPZ) of these three trees to further protect their root systems, which encroach onto the site.

Five (5) serviceberry, three (3) eastern redbud and nine (9) European hornbeam trees are proposed to be planted on site.

Sidewalk Widening

A 0.33 metre easement will be provided along the sidewalk over the subject property in order to create a 2.1 metre pedestrian clearway along Avenue Road fronting the building.

Robertson Davies Park Improvements

As part of the Section 37 Agreement, secured during the Zoning By-law Amendment approval process, at which time the site specific zoning was finalized, \$220,000 was secured to improve Robertson Davies Park, and an additional \$280,000 was secured to improve other local parks and/or another public realm initiative in Ward 22.

Park Sensitivity

Parks, Forestry and Recreation (PFR) is satisfied with the landscape plans for the site. Only native or non-invasive species will be planted adjacent to Robertson Davies Park.

Fencing has been designed along the south property line of the subject site, between the proposed building and Robertson Davies Park, to the satisfaction of PFR.

Design and Material

The ground floor and second floor balconies of the proposed building will be finished with a grey stone. The railings on the building will be finished with aluminum.

Construction Mitigation Plan

The applicant is currently in discussions with Transportation Services to determine if the utilization of a lane on Avenue Road is possible to allow for the construction of the building. The Construction Mitigation Plan (CMP), also referred to as a Construction Management Plan, has not been finalized.

Conclusion

City Planning staff have completed the review of this Site Plan Control Application. The proposal is 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* and Section 114 of the *City of Toronto Act*. Planning staff recommend approval, in principle, of the proposed Site Plan Control application, subject to the conditions provided in Attachment 7.

CONTACT

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SIGNATURE

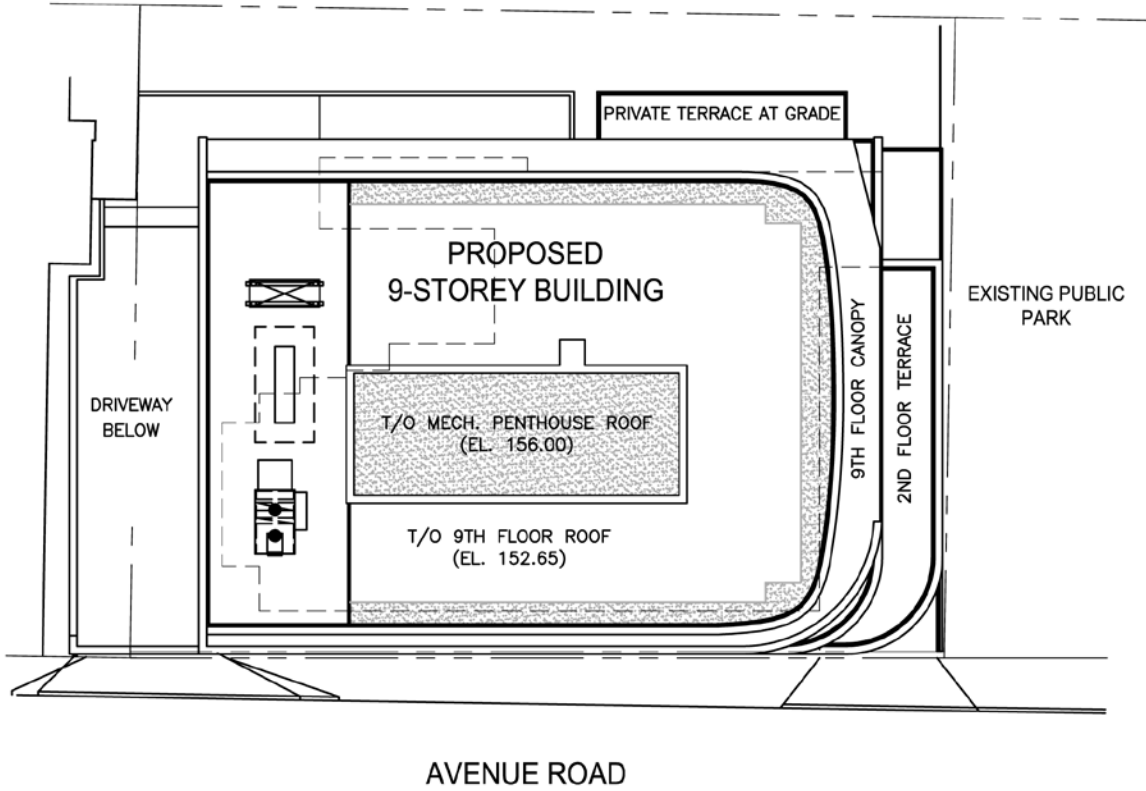
Lynda H. Macdonald
Acting Director, Community Planning
Toronto and East York District

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ATTACHMENTS

- Attachment 1: Site Plan
- Attachment 2: West Elevation
- Attachment 3: North Elevation
- Attachment 4: East Elevation
- Attachment 5: South Elevation
- Attachment 6: Roof Plan
- Attachment 7: Conditions of Site Plan Approval
- Attachment 8: Site-Specific Zoning By-law (By-law No. 623-2013)
- Attachment 9: Application Data Sheet

Attachment 1: Site Plan



Site Plan

Applicant's Submitted Drawing

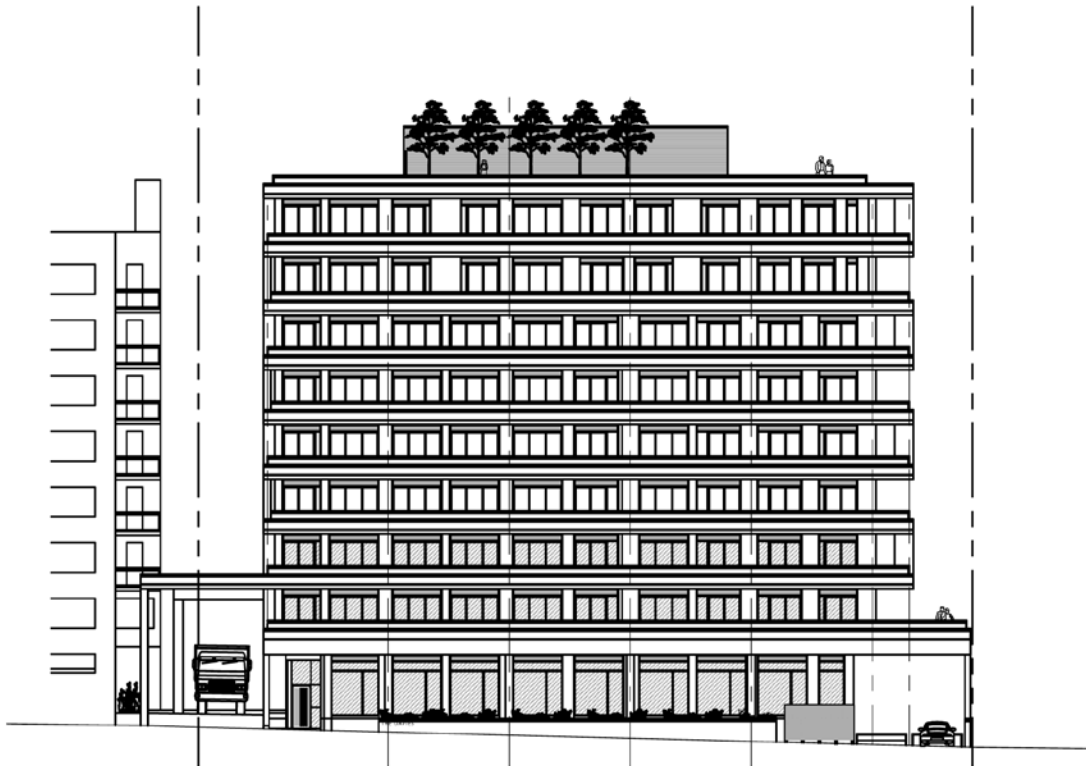
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281-289 Avenue Road

File # 15_143922 STE 22 SA

Attachment 2: West Elevation



West Elevation

Applicant's Submitted Drawing

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281-289 Avenue Road

File # 15_143922 STE 22 SA

Attachment 3: North Elevation



North Elevation

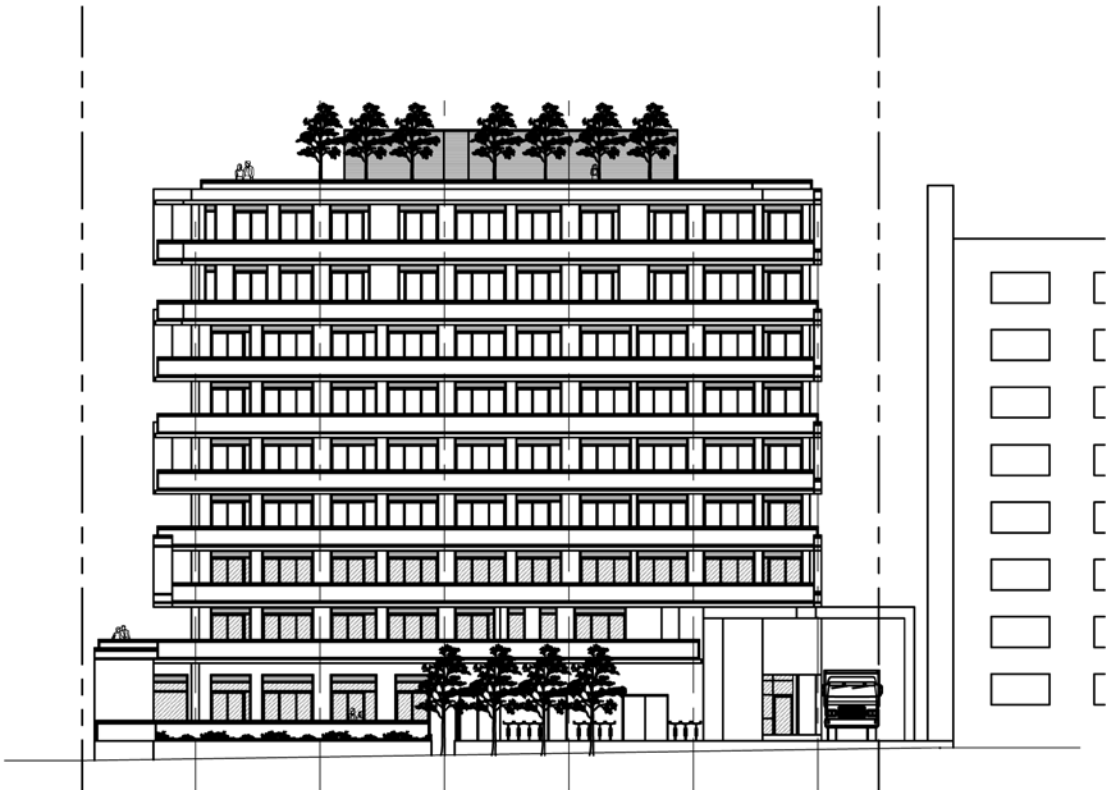
Applicant's Submitted Drawing

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281-289 Avenue Road

File # 15_143922 STE 22 SA

Attachment 4: East Elevation



East Elevation

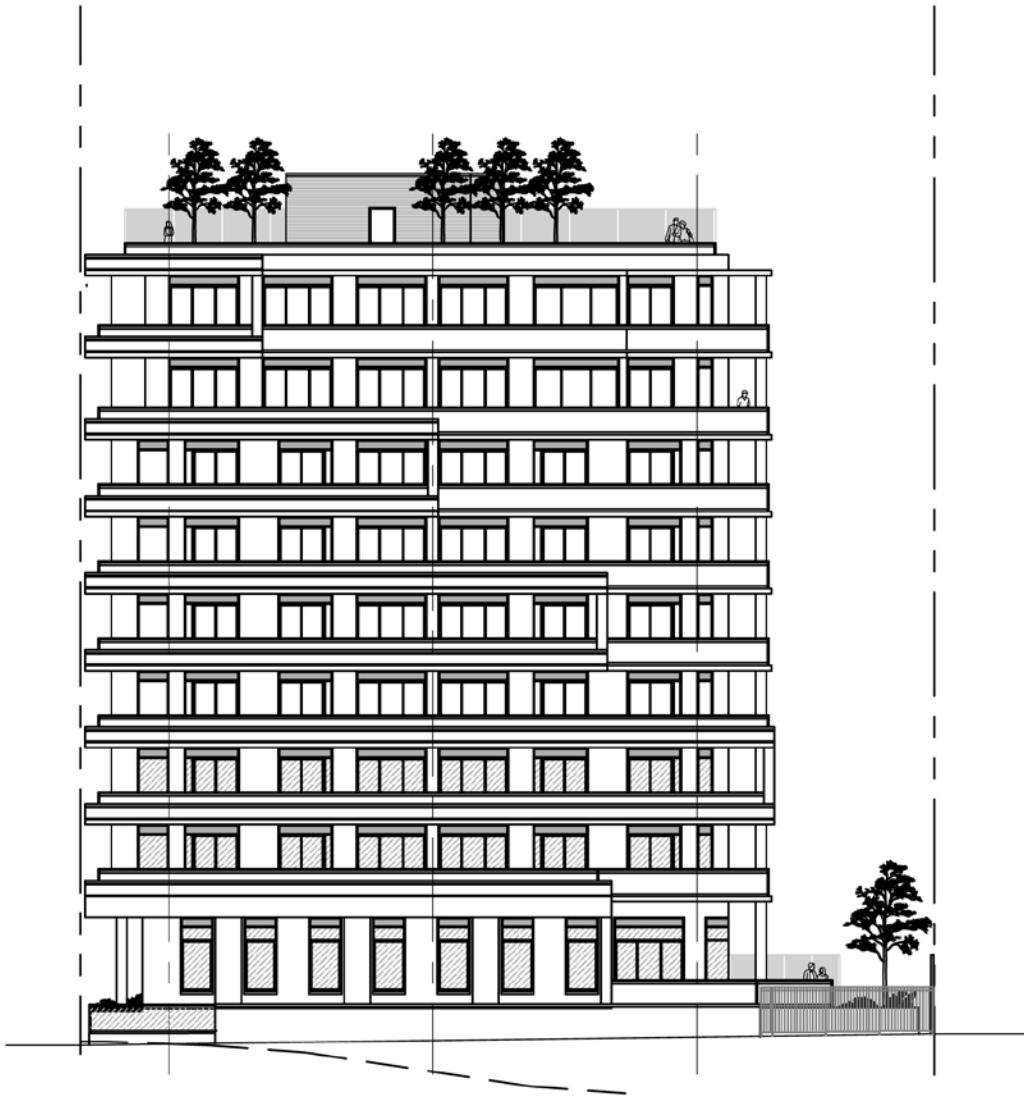
Applicant's Submitted Drawing

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281-289 Avenue Road

File # 15_143922 STE 22 SA

Attachment 5: South Elevation



South Elevation

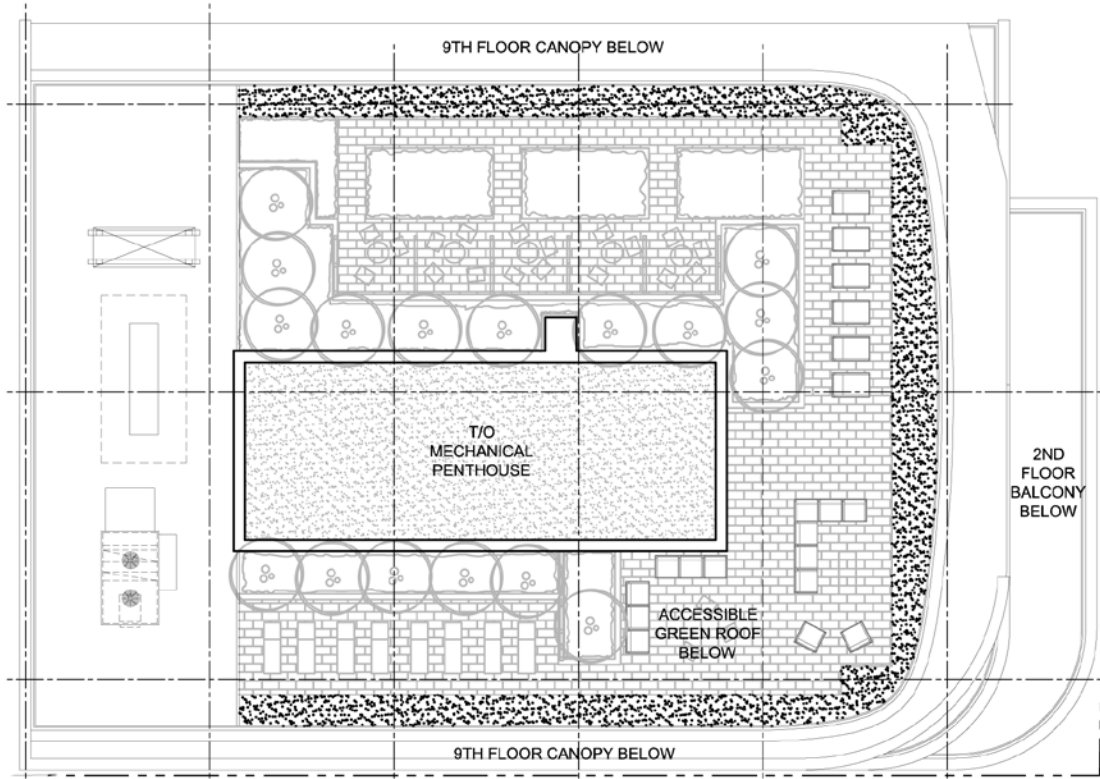
Applicant's Submitted Drawing

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02/28/2018

281-289 Avenue Road

File # 15_143922 STE 22 SA

Attachment 6: Roof Plan



Roof Top - Amenity Space Plan

281-289 Avenue Road

Applicant's Submitted Drawing

Not to Scale
03/07/2018



File # 15_143922 STE 22 SA

Attachment 7: Conditions of Site Plan Approval

Plans & Drawings List

Drawing No.	Drawing Title	Prepared By	Revision No. and Plotted Date
A101	Site Plan	SMV Architects	Revision No. 2 September 25, 2017
A201	Parking Level 1 Plan	SMV Architects	Revision No. 2 August 4, 2017
A202	Parking Level 2 Plan	SMV Architects	Revision No. 2 August 4, 2017
A203	Parking Level 3 Plan	SMV Architects	Revision No. 2 August 4, 2017
A205	Ground Floor Plan	SMV Architects	Revision No. 2 September 25, 2017
A206	2 nd Floor Plan	SMV Architects	Revision No. 2 August 4, 2017
A207	3 rd Floor Plan	SMV Architects	Revision No. 2 August 4, 2017
A208A	4 th Floor Plan	SMV Architects	Revision No. 2 August 4, 2017
A208B	5 th Floor Plan	SMV Architects	Revision No. 2 August 4, 2017
A208C	6 th Floor Plan	SMV Architects	Revision No. 2 August 4, 2017
A209	7 th Floor Plan	SMV Architects	Revision No. 2 August 4, 2017
A210	8 th Floor Plan	SMV Architects	Revision No. 2 August 4, 2017
A211	9 th Floor Plan	SMV Architects	Revision No. 2 August 4, 2017
A212	Mechanical Penthouse Plan	SMV Architects	Revision No. 2 August 4, 2017
A213	Roof Plan	SMV Architects	Revision No. 2 August 4, 2017
A301	West Elevation	SMV Architects	Revision No. 2 August 4, 2017
A302	East Elevation	SMV Architects	Revision No. 2 August 4, 2017
A303	South Elevation	SMV Architects	Revision No. 2 September 25, 2017
A304	North Elevation	SMV Architects	Revision No. 2 August 4, 2017
A305	Coloured Elevation	SMV Architects	Revision No. 2 August 4, 2017
L1	Landscape Master Plan	NAK Design Group	Revision No. 7 October 12, 2017
L2	Composite Utility Plan	NAK Design Group	Revision No. 5

Drawing No.	Drawing Title	Prepared By	Revision No. and Plotted Date
			September 29, 2017
L3	Planting Plan	NAK Design Group	Revision No. 5 October 3, 2017

A. PRE-APPROVAL CONDITIONS

LEGAL SERVICES

1. **Prior to Site Plan Approval**, 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.

CITY PLANNING

2. **Prior to Site Plan Approval**, the Owner shall submit a financial guarantee in the form of an irrevocable letter of credit or certified cheque, made payable to the Treasurer, City of Toronto, to guarantee the provision of landscape development works as detailed on the approved Landscape Plans, in the amount of \$147,693.75 to the satisfaction of the Director, Community Planning, Toronto and East York District.

ENGINEERING AND CONSTRUCTION SERVICES

3. **Prior to Site Plan Approval**, the Owner shall provide a certified cheque in an amount to be determined made payable to Treasurer, City of Toronto, to cover all costs associated with the implementation of the left-turn prohibition signs at the proposed site access driveways to the underground parking garage and loading space at Avenue Road, all to the satisfaction of the General Manager, Transportation Services.
4. **Prior to Site Plan Approval**, the Owner shall prepare all documents and convey to the City, for nominal consideration, a pedestrian surface easement along the full extent of the site abutting Avenue Road that is wide enough to ensure that a minimum 2.1 metres continuous unobstructed clearway is provided ("Pedestrian Clearway"), together with a right of support, such lands to be free and clear of all physical and title encumbrances and subject to a right-of-way for access and construction purposes in favour of the Grantor until such time as the said lands have been laid out and dedicated for public use, all to the satisfaction of the Chief Engineer & Executive Director, Engineering & Construction Services and the City Solicitor.
5. **Prior to Site Plan Approval**, the Owner shall submit to the Chief Engineer & Executive Director, Engineering & Construction Services, for review and approval

prior to depositing in the Land Registry Office, a Draft Reference Plan of Survey in metric units and integrated into the Ontario Coordinate System with coordinate values shown on the face of the plan, and delineating thereon by separate PARTS the lands to be conveyed to the City as Pedestrian Clearway identified in Condition 5., the remainder of the site, and any appurtenant rights-of-way or easements.

URBAN FORESTRY

6. **Prior to Site Plan Approval**, the Owner shall provide tree loss payment in the form of a certified cheque or money order/bank draft payable to 'Treasurer, City of Toronto', or by Visa, MasterCard, American Express or debit, in the amount of \$18,975.64 to cover the appraised tree value, and set fees of the City owned parkland trees no. 985 to 988, 990 and 992 to 997 to be removed as part of this project. This tree loss payment must be submitted to the attention of the Supervisor of Urban Forestry, Tree Protection & Plan Review.
7. **Prior to Site Plan Approval and prior to any demolition, construction or grading activities** taking place, tree protection barriers shall be installed in the locations indicated on the approved plans. Such barriers must be installed to the satisfaction of Urban Forestry, Tree Protection & Plan Review on behalf of the General Manager of Parks, Forestry & Recreation. Once the tree protection barriers have been installed, and other tree protection measures undertaken, the Owner shall notify Urban Forestry to arrange for an inspection of the site and approval of aforementioned tree protection requirements.
8. **Prior to Site Plan Approval and prior to any construction related or grading activities**, the Owner must receive clearance from Urban Forestry that the tree protection barriers have been installed in accordance with the approved plans.

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

1. Remove all existing accesses, curb cuts, and 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 Chief Engineer & Executive Director, Engineering & Construction Services.

2. 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 Chief Engineer & Executive Director, Engineering & Construction Services.
3. Provide and maintain convex mirrors at the top and bottom of the parking garage, and at all turns within the parking garage, and position them in such a manner as to give all motorists clear views of oncoming traffic.
4. Provide and maintain "No Parking" signs in the area adjacent to the loading space.
5. Provide and maintain physical separation between the resident and non-resident parking spaces by means of overhead doors or control gates.
6. Provide and maintain roughed-in conduits for residential spaces to allow for future electrical outlets for plug-in electric vehicles, in accordance with the approved drawings and as required by the Toronto Green Standard.
7. **Prior to the registration of the Plan of Condominium**, submit documentation confirming that appropriate rights-of-way have been provided through the building to provide for the shared parking access arrangement and shared loading facilities, to the satisfaction of the General Manager, Transportation Services.
8. **Prior to the registration of the Plan of Condominium**, submit documentation confirming that wording has been included in the condominium documents advising future purchasers of the shared parking access and shared loading arrangements, to the satisfaction of the General Manager, Transportation Services.
9. Construct and maintain all facilities necessary to permit bulk lift compacted City collection of solid waste, organic and recyclable materials in accordance with Chapter 844 of the City of Toronto Municipal Code, Waste Collection, Residential Properties.
10. Provide certification to the Chief Engineer & Executive Director, Engineering & Construction Services from the architect who designed the building to confirm that all solid waste management facilities have been constructed in accordance with the approved site plan drawings.
11. Submit a letter certified by a Professional Engineer that in all cases where a collection vehicle is required to drive onto or over a supported structure (such as an underground parking garage) the structure can safely support a fully loaded collection vehicle (35,000 kg) and conforms to the following:
 - a) Design Code – Ontario Building Code;
 - b) Design Load – City bulk lift vehicle in addition Building Code requirements; and

c) Impact Factor – 5% for maximum vehicular speeds to 15 km/h and 30% for higher speeds

12. Construct, repair and maintain the Pedestrian Clearway, including the clearing of snow and ice, at its sole cost and expense and to the satisfaction of the General Manager, Transportation Services. The Owner shall have the right at all reasonable times to enter upon the Pedestrian Clearway for the purpose of maintenance and repair of the lands, provided the Owner in exercising such right of access, shall not unreasonably interfere with the Pedestrian Clearway as granted and shall exercise all reasonable care in conducting its operations, and shall restore the Pedestrian Clearway to the same or an improved condition, as existed immediately prior to such entry.

13. Prior to effecting any maintenance or repairs that would necessitate the closure of the Pedestrian Clearway, the Owner shall obtain the prior written consent of the General Manager, Transportation Services. Any request for the written consent may be made to:

Transportation Services
Toronto City Hall
100 Queen Street West
24th Floor, East Tower
Toronto, ON M5H 2N2
Fax No. 416.392.4455
Attention: General Manager, Transportation Services

14. Notwithstanding any other terms or provisions of the Pedestrian Clearway and this Agreement, at any time and from time to time, the Owner may interfere with or interrupt the use of the Pedestrian Clearway without notice in instances of emergency if the obtaining of prior written consent is not practical.

15. The Owner shall, from time to time and all times hereafter fully indemnify and save harmless the City, its elected officials, officers, employees, agents, their successors and assigns, or any of them, from and against all actions, causes of action, suits, claims and other proceedings that may be brought against or made upon the City, its elected officials, officers, employees, agents, their successors and assigns, or any of them, and from and against all loss, liability, judgment, costs, charges, demands, damages or expenses that the City, its elected officials, officers, employees, agents, their successors and assigns, or any of them may sustain, suffer or be put to resulting from or arising out of:

- a) the failure of the Owner to maintain the Pedestrian Clearway in accordance with the terms of this Agreement;
- b) the failure of the Owner to design, construct or maintain lands and structures supporting the Pedestrian Clearway; and

c) any loss, damage or injury (including death resulting from injury) to any person or property, howsoever caused directly or indirectly, resulting from or sustained by reason of any act or omission of the Owner or any person for whom it is in law responsible in connection with any of the purposes set out in the easement agreement or this Agreement with respect to the Pedestrian Clearway.

16. The Owner shall take out and maintain, at its expense, commercial general liability insurance with respect to the Pedestrian Clearway acceptable as to form, limits and conditions to the City for a limit of not less than Five Million Dollars (\$5,000,000.00) per occurrence (such limit be increased from time to time to reflect an amount which would be maintained by a prudent owner as determined by the City) covering possible, damages, losses, claims and expenses for or in connection with any personal injury, death or property damage that might be incurred on or about the lands subject to the Pedestrian Clearway. The insurance policy shall include the City as an additional insured and shall contain a cross-liability and severability of interest clause and include contractual liability coverage. The liability insurance policy shall provide that any breach of a condition of the policy by an insured shall not affect protection given by the policy to any other insured. The liability insurance policy shall contain a clause providing that the insurer will not cancel or refuse to renew the said insurance without first giving the City thirty (30) days prior written notice thereof. The Owner shall supply the City with satisfactory evidence of such insurance upon request by the City, and a certificate of insurance shall be remitted to the General Manager, Transportation Services within thirty (30) days of issuance and evidence of continuance shall be remitted to the City at least thirty (30) days prior to the expiration of any insurance policy. The Owner shall provide to the City a copy of the insurance policy upon request.
17. Indemnify the City from and against all actions, suits, claims, or demands and from all loss, costs, damages, charges, and expenses that may result from the construction of the Pedestrian Clearway within the private property limits.
18. Ensure that the Pedestrian Clearway is paved with materials suitable for pedestrian use and at elevations compatible with the adjoining sidewalk.
19. Ensure that the Pedestrian Clearway is open and accessible to the general public 24 hours a day, seven days a week such that the public has the right to use the lands as a Public Walkway.
20. Ensure that the Pedestrian Clearway is kept reasonably clear of rubbish, run-off, water, snow, ice and obstructions on all hard surfaces.
21. Ensure that the Pedestrian Clearway is constructed in a manner acceptable to the General Manager, Transportation Services, and maintained in accordance with the

- City of Toronto's standard for public sidewalks and/or to such standard as is reasonably required by the General Manager, Transportation Services.
22. Construct and maintain stormwater management measures/facilities and site grading as recommended in the accepted stormwater management report and site grading plan.
 23. Construct and maintain site servicing as indicated on the accepted site servicing plan.
 24. Provide certification to the Chief Engineer & Executive Director, Engineering & Construction Services from the Professional Engineer who designed and supervised the construction confirming that the stormwater management facilities and site grading have been constructed in accordance with the accepted stormwater management report and the accepted grading plan.
 25. Provide certification to the Chief Engineer & Executive Director, Engineering & Construction Services from the Professional Engineer who designed and supervised the construction, confirming that the site servicing facilities have been constructed in accordance with the accepted drawings.
 26. **Prior to the registration of the Plan of Condominium**, provide certification to the satisfaction of the Chief Engineer & Executive Director, Engineering & Construction Services confirming that all buildings on the site have been constructed completely watertight below grade, without the need for a private water drainage system.

URBAN FORESTRY, TREE PROTECTION AND PLAN REVIEW

27. Tree protection barriers must remain in place and in good condition during construction and must not be altered or moved. Established tree protection zones must not be used as construction access, storage or staging areas. Grade changes are not permitted within established tree protection zones. Tree protection barriers may be removed once development and all site activities are complete and only when Urban Forestry has approved its removal.
28. The applicant shall have a qualified company implement the approved Landscape Plan and all approved tree preservation and maintenance strategies to the satisfaction of Urban Forestry. As well, prior to construction or grading activities, where necessary to ensure the health and vigour of trees to be preserved, tree maintenance measures must be undertaken by a certified arborist or other qualified expert and according to currently accepted sound arboricultural practices.
29. The site shall be developed and maintained in accordance with the approved plans and conditions of approval associated with the Site Plan, Grading Plan, Site

Servicing Plan, Landscape Plan, 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.

30. The Owner agrees to notify all builders, contractors and agents of all tree protection requirements where any part of the development will be carried out by them on behalf of the owner.
31. The Owner shall protect at all times the three (3) existing privately owned trees inventoried as Trees B, C and D which are situated in the rear yards of properties which front Sidney Street, and the City-owned parkland tree inventoried as tree no. 991 in accordance with the plans approved under Site Plan Control.

Attachment 8: Site Specific Zoning By-law

Authority: Toronto and East York Community Council Item 23.8,
as adopted by City of Toronto Council on May 7, 8, 9 and 10, 2013

CITY OF TORONTO

BY-LAW No. 623-2013

**To amend Zoning By-law No. 438-86, as amended, of the former City of Toronto,
with respect to the lands municipally known as 281 to 289 Avenue Road.**

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*; and

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*; and

Whereas pursuant to Subsection 37(3) of the *Planning Act*, the Council of the Municipality may, in a by-law passed under Section 34 of the *Planning Act*, authorize increases in the height or density of development beyond that otherwise permitted in return for the provision of such facilities, services and matters as are set out in the By-law; and

Whereas the owner of the lands hereinafter referred to has elected to provide the facilities, services and matters, as hereinafter set forth; and

Whereas the increase in the density or height permitted hereunder, beyond that otherwise permitted on the land by By-law No. 438-86, as amended, are to be permitted in return for the provision of the facilities, services and matters set out in this By-law and to be secured by one or more agreements between the *owner* of such land and the City of Toronto (hereinafter referred to as the "City");

The Council of the City of Toronto enacts:

1. Pursuant to Section 37 of the *Planning Act*, the heights and density of development permitted in this By-law are permitted subject to compliance with the conditions set out in this By-law and in return for the provision by the *owner* of the facilities, services and matters set out in Appendix 1 hereof, 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* pursuant to Section 37 of the *Planning Act* securing the provision of the facilities, services and matters set out in Appendix 1 hereof, 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 requirement.

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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. Within the lands shown on Map 1 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:
 - (1) all water mains and sanitary sewers, and appropriate appurtenances, have been installed and are operational.
 5. Except as otherwise provided herein, the provisions of Zoning By-law No. 438-86 shall continue to apply to the *lot*.
 6. None of the provisions of Section 2(1) with respect to "*grade*", "*height*", "*lot*", "*parking garage*", "*parking space*", "*residential gross floor area*" and Sections 4(2)(a), 4(4)(b), 4(6)(c), 4(10)(a), 4(12), 4(13), 4(16), 4(17), 6(3) Part I 1, 6(3) Part II 3(F)(II), 6(3) Part II 2(II), 6(3) Part II 4, 6(3) Part II 5, 6(3) Part II 8(B), 6(3) Part III 1(a) and (b), 6(3) Part III 3(c), and By-law No. 438-86 of the former City of Toronto, "A By-law to regulate the use of land and the erection, use, bulk, height, spacing of and other matters relating to buildings and structures and to prohibit certain uses of lands and the erection and use of certain buildings and structures in various areas of the City of Toronto", as amended, shall apply to prevent the erection and use of an *apartment building* on the *lot* containing residential uses, provided that:
 - (1) for the purposes of this By-law, the *lot* shall consist of the lands delineated by heavy lines on Map 1 attached to and forming part of this By-law;
 - (2) no more than 61 *dwelling units* shall be permitted on the *lot*;
 - (3) the total *residential gross floor area* erected or used on the *lot* shall not exceed 6565 square metres;
 - (4) no portion of any building erected above finished ground level is located outside the areas delineated by heavy lines shown on Map 2 attached to and forming part of this By-law, with the exception of the following:
 - (a) lighting fixtures, cornices, sills, eaves, window washing equipment, parapets, railings, privacy screens, terraces, cabanas, planters, balustrades, bollards, stairs, stair enclosures, wheel chair ramps, ornamental or architectural features, landscape features, and art installations may extend beyond the heavy lines shown on Map 2; and
 - (b) canopies and balconies may extend a maximum of 2.5 metres beyond the heavy lines show on Map 2, as measured perpendicular to the exterior walls of the building;

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- (5) no person shall erect or use a building or structure on the *lot* having a greater height, in metres, than the height in metres specified by the numbers following the symbol H on the attached Map 2, provided this does not prevent:
- (a) the erection or use of the structures, elements and enclosures permitted by subsection 6(4) of this By-law subject to the following additional requirements:
 - (i) a mechanical penthouse having a maximum height of 3.5 metres above the height limits shown on Map 2; and
 - (ii) parapets and railings to a maximum vertical projection of 1.5 metres above the height limits shown on Map 2;
 - (b) elements on the roof of the building or structure used for green roof technology or alternative roofing system, to a maximum vertical projection of 1.5 metres above the height limits shown on Map 2; and
 - (c) rooftop stacks and vents to a maximum vertical projection of 1.5 metres above the height limits shown on Map 2;
- (6) *parking spaces* shall be provided and maintained on the *lot* in accordance with the following requirements:
- Residents' Parking:
- (a) a minimum of 0.8 *parking spaces* per *bachelor dwelling unit*;
 - (b) a minimum of 0.9 *parking spaces* per one *bedroom dwelling unit*;
 - (c) a minimum of 1.0 *parking spaces* per two *bedroom dwelling unit*;
 - (d) a minimum of 1.2 *parking spaces* per three *bedroom dwelling unit*;
- Residential Visitor Parking:
- (e) a minimum of 0.20 *parking spaces* per dwelling unit for visitors;
- (7) notwithstanding subsection 6(6) of this By-law, a maximum of 25 *parking spaces* required to be provided are permitted to be located partially on the *lot* and partially on adjacent lands municipally known as 291 Avenue Road;
- (8) where the calculation of the number of *parking spaces* required to be provided by subsection 6(6) of this By-law results in a fraction of a *parking space*, the fraction if equal to or greater than 0.5 shall be taken to be 1.0 and added to the whole number of the *parking spaces* required to be provided, and if the fraction is less than 0.5 it shall be excluded from the determination of the number of *parking spaces* required to be provided;
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- (9) a minimum of 1.0 bicycle parking spaces per unit shall be provided and maintained on the *lot*, of which:
 - (a) 0.8 bicycle parking spaces per unit shall be provided and maintained for the exclusive use of residents of the building, and shall be located on the parking levels below grade in the building; and
 - (b) 0.2 bicycle parking spaces per unit shall be provided and maintained for the exclusive use of visitors, and shall be located at ground level and accessed via the building vestibule or lobby;
- (10) notwithstanding subsection 6(9) of this By-law, a maximum of 25 bicycle parking spaces required to be provided are permitted to be located partially on the *lot* and partially on adjacent lands municipally known as 291 Avenue Road;
- (11) a minimum of 20% of the area of the *lot* shall be in the form of *landscaped open space*;
- (12) a minimum of 50% of the *lot's landscaped open space* shall be in the form of *soft landscaping*;
- (13) none of the provisions of this By-law or By-law No. 438-86, as amended, shall apply to prevent a *sales office* on the *lot*;
- (14) the definitions of "grade", "height", "residential gross floor area" and "sales office" in section 2(1)(iii) of By-law No. 438-86 shall not apply to the lands, and instead the following definitions shall apply:
 - (a) "grade" means 123.25 metres Canadian Geodetic Datum;
 - (b) "height" means the vertical distance between grade and the highest point of the roof except for those elements prescribed in subsection 6(5) of this By-law;
 - (c) "residential gross floor area" means the aggregate of the areas of each floor and the space occupied by walls and stairs, above *grade*, of a *residential building* or the residential portion of a *mixed-use building*, measured between the exterior faces of the exterior walls of the building or structure, exclusive of the following areas:
 - (i) a room or enclosed area, including its enclosing walls within the building or structure above or below *grade* that is used exclusively for the accommodation of heating, cooling, ventilating, electrical, mechanical (other than escalators) or telecommunications equipment that serves the building;
 - (ii) loading facilities required by this By-law or any other zoning by-law;

- (iii) a part of the building or structure that is used for the parking of motor vehicles or bicycles, storage, *residential amenity space* or other *accessory* use, provided the floor level, excluding any access ramp, is at least 0.9 metres below grade;
 - (iv) above *grade residential amenity space* required by this By-law; and
 - (v) above *grade bicycle parking spaces* required by this By-law; and
 - (d) "sales office" means a building or structure for the purpose of marketing and sales related to use(s) permitted on the *lot*;
- (15) this amendment shall continue to apply to all of the lands shown on Map 1 regardless of any future severance, partition or division.

Enacted and passed on May 10, 2013.

Frances Nunziata,
Speaker

Ulli S. Watkiss,
City Clerk

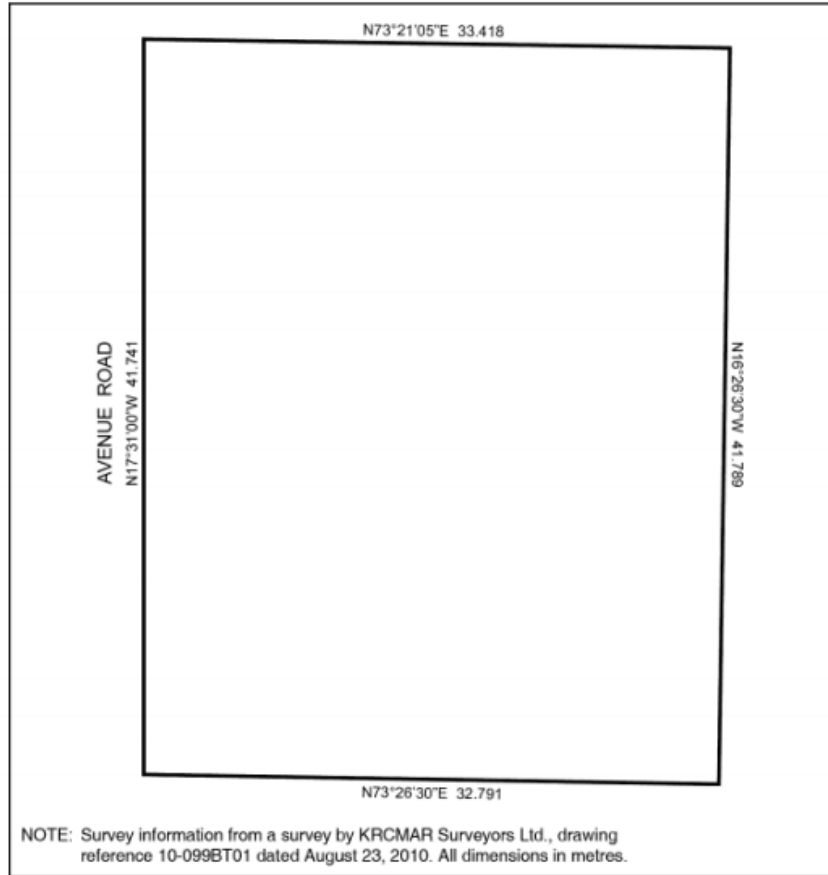
(Seal of the City)

APPENDIX 1
Section 37 Provisions

The facilities, services and matters set out herein are the facilities, services and matters required to be provided by the *owner* of the *lot* 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 with conditions providing for indexed escalation of all financial contributions, no credit for development charges, indemnity, insurance, GST, termination and unwinding, and registration and priority of agreement:

The facilities, services and matters to be provided by the *owner*, and to be secured in the Section 37 agreement, are as follows:

- (a) Prior to the issuance of the first above grade building permit for any building on the lot, the *owner* shall pay to the City the amount of \$280,000 for improvements to local area City parks and/or the implementation of public realm/streetscape improvements located within Ward 22, to the satisfaction of the Chief Planner in consultation with the local Councillor.
- (b) Prior to the issuance of the first above grade building permit for any building on the lot, the *owner* shall provide the City with a Letter of Credit in the amount of \$220,000 in the form of a Letter of Credit to secure improvements to Robertson Davies Park to be constructed by the Owner to the satisfaction of Parks, Forestry and Recreation, in consultation with the local Councillor.
- (c) The *owner* shall make improvements to Robertson Davies Park to the satisfaction of the City and in accordance with approved Landscape Plans and Drawings, the details of which will be secured as part of the Site Plan Approval process for the Site, to an amount not exceeding \$220,000, as indexed in accordance with section (d) below. If the actual cost of the improvements to Robertson Davies, as confirmed by the City, exceeds or equals \$220,000 (as indexed), the Letter of Credit will be released upon completion of the improvements. If the actual cost of the improvements is less than \$220,000 (as indexed), the City will release the Letter of Credit which funds will be used by the City for the amount of work completed, and is authorized to draw on the balance of the Letter of Credit for other community benefits, to be determined in consultation with the local Councillor.
- (d) The amounts identified in paragraphs (a) and (b) shall be indexed annually so as to reflect any increase in the Non-Residential Construction Price Index for the Toronto CMA, reported quarterly by Statistics Canada in Construction Price Statistics Publication No. 62-007-XPB, or its successor, calculated from the date of execution of this Agreement to the date of payment of funds or submission of Letter of Credit by the Owner to the City.

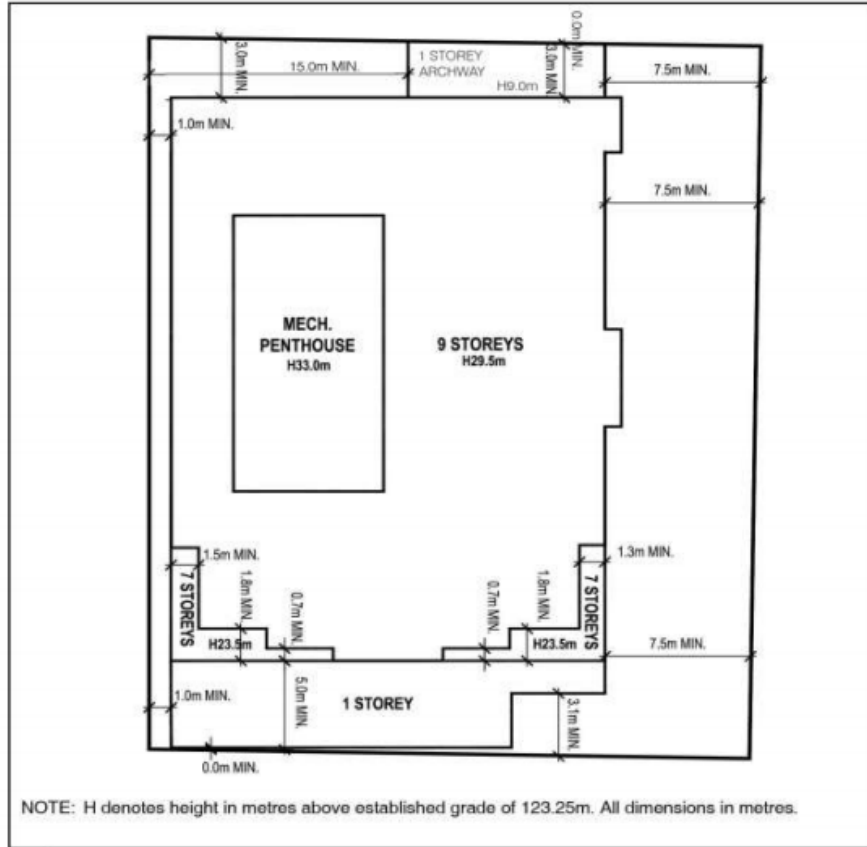


 **TORONTO** City Planning
Map 1

281-289 Avenue Road

File # 11 184731 0Z


Not to Scale
03/07/2013



Attachment 9: Application Data Sheet

APPLICATION DATA SHEET

Application Type:	Site Plan Approval	Application Number:	15 143922 STE 22 SA
		Application Date:	April 20, 2015

Municipal Address:	281-289 AVENUE ROAD
Location Description:	PLAN 309E PT LOTS 41 & 42 **GRID S2211
Project Description:	To construct a 9-storey residential building containing 36 dwelling units with a total of 53 bicycle parking spaces, with 3 levels of below-grade parking containing 65 parking spaces.

Applicant:	Architect:	Owner:
Todd Trudelle, Goldberg Group	SMV Architects	1819555 ONTARIO Inc.

PLANNING CONTROLS

Official Plan Designation:	Apartment Neighbourhoods	Site Specific Provision:	By-law No. 623-2013
Zoning:	R4A Z2.0		
Height Limit (metres):	33	Site Plan Control Area:	Y

PROJECT INFORMATION

Site Area (sq. m):	1,382.53	Height:	Storeys:	9
Frontage (m):	41.74		Metres:	32.75
Depth (m):	33.42			
Total Ground Floor Area (sq. m):	589			Total
Total Residential GFA (sq. m):	6,616		Parking Spaces:	65
Total Non-Residential GFA (sq. m):	0		Loading Docks	1
Total GFA (sq. m):	66,16			
Lot Coverage Ratio (%):	43			
Floor Space Index:	4.8			

DWELLING UNITS

FLOOR AREA BREAKDOWN (upon project completion)

		Above Grade	Below Grade
Tenure Type:	Condominium		
Rooms:	0	Residential GFA (sq. m):	6,616
Bachelor:	0	Retail GFA (sq. m):	0
1 Bedroom:	1	Office GFA (sq. m):	0
2 Bedroom:	36	Industrial GFA (sq. m):	0
3 + Bedroom:	0	Institutional/Other GFA (sq. m):	0
Total Units:	36		

CONTACT:	PLANNER NAME:	Catherine Jung
	TELEPHONE:	416-338-3735