

1200, 1210, 1220 Sheppard Avenue East –Plan of Subdivision Application – Final Report

Date: January 25, 2022

To: North York Community Council

From: Director, Community Planning, North York District

Ward: 17 - Don Valley North

Planning Application Number: 19 208996 NNY 17 SB

Associated Application Number: Official Plan / Zoning By-law Amendment
Application No: 11 331945 NNY 24 OZ

SUMMARY

This application proposes to create a new public street, four open space blocks along the East Don River, and two development blocks. The Draft Plan of Subdivision application will implement Official Plan and Rezoning applications (11 331945 NNY 24 OZ) that were approved at the Ontario Municipal Board in 2013.

The proposed Draft Plan of Subdivision application is consistent with the Provincial Policy Statement (2020), in conformity with the Growth Plan for the Greater Golden Horseshoe (2020) and has regard for the criteria set out in Section 51(24) of the Planning Act with regards to the subdivision of lands.

This report recommends that the Chief Planner intends to approve the Draft Plan of Subdivision for the lands at 1200, 1210, 1220 Sheppard Avenue East.

RECOMMENDATIONS

The City Planning Division recommends that:

1. In accordance with the delegated approval under By-law 229-2000, as amended, City Council be advised that the Chief Planner and Executive Director, City Planning intends to approve the Draft Plan of Subdivision as generally illustrated on Attachment 5 to this report subject to:

a. the conditions as generally listed in Attachment 5 to this report which, except as otherwise noted, must be fulfilled prior to final approval and the release of the plan of subdivision for registration; and

b. any such revisions to the proposed subdivision plan or any such additional modified conditions as the Chief Planner and Executive Director, City Planning

may deem to be appropriate to address matters arising from the on-going technical review of this development.

FINANCIAL IMPACT

The City Planning Division confirms that there are no financial implications resulting from the recommendations included in this report in the current budget year, or in future years.

DECISION HISTORY

In December 2011 Amexon submitted a development application to the City of Toronto to amend the City's Official Plan and Zoning By-law ("Application"). The purpose of the Application was to accommodate the intensification and redevelopment of the subject site for a master planned mixed use development. The Application was appealed to the Ontario Municipal Board (OMB) by Amexon in June of 2012 as a result of City Council's decision to refuse the application (OMB Case/File Nos. PL120751/PL129752).

A settlement of the appeal was reached between Amexon and the City of Toronto, the Toronto Region Conservation Authority ("TRCA") and the Bayview Village Residents Association that was formally approved through the OMB's Oral Decision provided on July 4, 2013 and then finalized on November 20, 2013 which included the final form of the implementing Official Plan and Zoning By-law Amendments. The approved amendments to the City's Secondary Plan and Zoning By-law provide guidance on the redevelopment framework and outline specific development standards pertaining to the intensification of the lands and the retention of office.

The OMB Decision is available on the OLT website at:
<https://olt.gov.on.ca/tribunals/lpat/e-decisions/>

PROPOSAL

The Plan of Subdivision application seeks to create a new public street with a right of way width of 18.5 metres, four open space blocks along the East Don River, and two development blocks. The Plan of Subdivision application will implement Official Plan and Rezoning applications (City File 11 331945 NNY 24 OZ) that were approved at the Ontario Municipal Board in 2013.

For further details regarding the Plan of Subdivision see Table 1 below:

| Block Number | Use | Area |
|--------------|-----------|----------|
| Block 1 | Mixed Use | 1.631 ha |

| Block Number | Use | Area |
|--------------|------------|----------|
| Block 2 | Mixed Use | 2.001 ha |
| Block 3 | Open Space | 0.102 ha |
| Block 4 | Open Space | 0.099 ha |
| Block 5 | Open Space | 0.311 ha |
| Block 6 | Open Space | 0.278 ha |

APPLICATION BACKGROUND

Application Submission Requirements

The following reports/studies were submitted in support of the application:

- Boundary and Topographical Survey
- Draft Plan of Subdivision
- Subdivision Concept Plan
- Context Plan
- Planning Justification Report
- Public Consultation Strategy
- Landscape Plans
- Arborist Report
- Stormwater Management Report
- Municipal Servicing Report
- External Sanitary Sewer Study
- Civil and Utilities Drawing
- Rail Safety Report
- Noise and Vibration Study
- Pedestrian Wind Study
- Transportation Impact Study
- Natural Heritage Impact Study
- Energy Strategy Report
- Ravine Stewardship Plan
- Archeological Assessment
- Geotechnical Study
- Slope Stability Review
- Soil and Groundwater Analysis
- Hydrological Review
- Phase 1 and 2 Environmental Site Assessment
- Environmental Remedial Action Plan
- Toronto Green Standards Checklist

The application is available on the City's website at:

<http://app.toronto.ca/AIC/index.do?folderRsn=b%2FqN0NAIwagxqfcH0uB%2BXQ%3D%3D>

Agency Circulation Outcomes

The application together with the applicable reports noted above, have been circulated to all appropriate agencies and City Divisions. Responses received have been used to assist in evaluating the application and to formulate conditions of Draft Plan of Subdivision approval.

Statutory Public Meeting Comments

Council members will be given an opportunity to view oral submissions at North York Community Council, which constitutes the Statutory Public Meeting for the subdivision application pursuant to 51(20)(b) and O. Reg. 544/06 s.5 of the Planning Act.

POLICY CONSIDERATIONS

Provincial Land-Use Policies: Provincial Policy Statement and Provincial Plans

Provincial Policy Statements and geographically specific Provincial Plans, along with municipal Official Plans, provide a policy framework for planning and development in the Province. This framework is implemented through a range of land use controls such as zoning by-laws, plans of subdivision and site plans.

The Provincial Policy Statement

The Provincial Policy Statement (2020) (the "PPS") 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 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;
- Residential development promoting a mix and supply of housing; recreation, parks and open space; and transportation choices that increase the use of active transportation and transit;
- Encouraging a sense of place in communities, by promoting well-designed built form and by conserving features that help define local character;
- Support rural, northern and Indigenous communities; and
- Support the economy and job creation.

The PPS is issued under Section 3 of the Planning Act and all decisions of Council in respect of the exercise of any authority that affects a planning matter shall be consistent with the PPS. Comments, submissions or advice affecting a planning matter that are provided by Council shall also be consistent with the PPS.

The PPS recognizes and acknowledges the Official Plan as an important document for implementing the policies within the PPS. The PPS states that, "The official plan is the most important vehicle for implementation of this Provincial Policy Statement. Comprehensive, integrated and long-term planning is best achieved through official plans."

Provincial Plans

Provincial Plans are intended to be read in their entirety and relevant policies are to be applied to each situation. The policies of the Plans represent minimum standards. Council may go beyond these minimum standards to address matters of local importance, unless doing so would conflict with any policies of the Plans.

All decisions of Council in respect of the exercise of any authority that affects a planning matter shall be consistent with the PPS and shall conform with Provincial Plans. All comments, submissions or advice affecting a planning matter that are provided by Council shall also be consistent with the PPS and conform with Provincial Plans.

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020)

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019) came into effect on May 16, 2019. This new plan replaced the previous Growth Plan for the Greater Golden Horseshoe, 2017. On August 28, 2020, the Province brought into force Amendment 1 (2020) to the A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019) (the "Growth Plan (2020)"). The Growth Plan (2020) continues to provide a strategic framework for managing growth and environmental protection in the Greater Golden Horseshoe (GGH) region, of which the City forms an integral part. The Growth Plan, 2020 establishes policies that require implementation through a Municipal Comprehensive Review (MCR), which is a requirement pursuant to Section 26 of the Planning Act that comprehensively applies the policies and schedules of the Growth Plan (2020), including the establishment of minimum density targets for and the delineation of strategic growth areas, the conversion of provincially significant employment zones, and others.

Policies not expressly linked to a MCR can be applied as part of the review process for development applications, in advance of the next MCR. These policies include:

- Directing municipalities to make more efficient use of land, resources and infrastructure to reduce sprawl, contribute to environmental sustainability and provide for a more compact built form and a vibrant public realm;
- Directing municipalities to engage in an integrated approach to infrastructure planning and investment optimization as part of the land use planning process;

- Achieving complete communities with access to a diverse range of housing options, protected employment zones, public service facilities, recreation and green space, and better connected transit to where people live and work;
- Retaining viable lands designated as employment areas and ensuring redevelopment of lands outside of employment areas retain space for jobs to be accommodated on site;
- 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.

The Growth Plan (2020) builds upon the policy foundation provided by the PPS and provides more specific land use planning policies to address issues facing the GGH region. The policies of the Growth Plan (2020) take precedence over the policies of the PPS to the extent of any conflict, except where the relevant legislation provides otherwise.

In accordance with Section 3 of the Planning Act all decisions of Council in respect of the exercise of any authority that affects a planning matter shall conform with the Growth Plan. Comments, submissions or advice affecting a planning matter that are provided by Council shall also conform with the Growth Plan.

Toronto Official Plan

The City of Toronto Official Plan is a comprehensive policy document that guides development in the City, providing direction for managing the size, location, and built form compatibility of different land uses and the provision of municipal services and facilities. Authority for the Official Plan derives from The Planning Act of Ontario. The PPS recognizes the Official Plan as the most important document for its implementation. Toronto Official Plan policies related to building complete communities, including heritage preservation and environmental stewardship, may be applicable to any application. Toronto Official Plan policies may be found here:

<https://www.toronto.ca/city-government/planning-development/official-plan/guidelines/official-plan/>

The subject site is designated Mixed Use Areas on Map 19 of the Official Plan. Mixed Use Areas will absorb most of the anticipated increase in retail, office and service employment in Toronto in the coming decades, as well as much of the new housing. The Official Plan contains Development Criteria for Mixed Use Areas.

Secondary Plan

The subject site is within the Sheppard East Subway Corridor Secondary Plan. The site is identified as a Key Development Site having an overall permitted density of 3.94 times the lot area on Map 9-2 of the Secondary Plan.

The OMB approved Official Plan Amendment replaced Section 4.2.5 of the Secondary Plan with the following text:

"The lands municipally known as 1200, 1220, and 1220 Sheppard Avenue East may be redeveloped for residential, private open space, publically accessible private open space, office/retail commercial or mixed uses.

A Mixed Use Areas designation and a maximum density of 3.94 times the area of the lot applies to these lands.

Notwithstanding the policies of this designation, office uses or some other employment generating use is required at the south end of the lands with exposure to Old Leslie Street, which may be provided within the base building of a mixed use building. The refurbishment of the existing office buildings municipally known as 1210 and 1220 Sheppard Avenue East shall be phased with the construction of a new mixed use, residential and commercial development.

Public access shall be provided at the north and east limit of the lands through key private open spaces to provide access to the adjacent East Don River Valley. Interior and exterior lighting of the mechanical penthouse and rooftop amenity areas for all public buildings located on the lands shall be minimized."

The Secondary Plan policies can be found here:

<https://www.toronto.ca/wp-content/uploads/2017/11/9805-cp-official-plan-SP-9-SheppardEast.pdf>

The Official Plan Amendment is found as an Attachment to the OMB decision and can be found here:

<https://olt.gov.on.ca/tribunals/lpat/e-decisions/>

Zoning

The OMB's Decision includes the final form of the implementing Zoning By-law Amendment. The lands have been rezoned to RM6(218)A and RM6(218)B. The Zoning By-law Amendment permits for a mix of uses including residential, office and retail commercial, private open space, and publically accessible private open space and includes:

- The intensification of the site with three (3) new mixed use buildings featuring a total of five (5) new towers;
- The requirement of the retention of the office buildings located at 1210 and 1220 Sheppard Avenue East and stipulations regarding their refurbishment;
- A maximum overall gross density of 3.94 times the area of the lot;
- Provision for a new public road within the subject site;
- Establishment of the limit of development and zone boundaries;
- The requirement of the formalization of trail connections to the East Don River valley through the subject site; and

- Site specific development standards for the new buildings and towers including, but not limited to:
 - Minimum building setbacks;
 - Building setbacks;
 - Minimum tower separation distances ranging between 25 to 35 metres;
 - Maximum tower floorplate sizes of 750 m²;
 - Maximum building heights ranging between 12 to 31 storeys;
 - Maximum permitted gross floor area of 159,779 m²;
 - Minimum requirements for new non-residential gross floor area;
 - Maximum number of apartment dwellings of 1,478; and
 - Minimum and maximum parking rates and minimum loading and bicycling parking standards.

Site Plan Control

The development is subject to Site Plan Control. A Site Plan Control application was submitted on October 21, 2019. Through this application, matters such as siting of buildings and access, façade treatment and materiality, the locations of doors and windows, landscaping, paving materials, fencing, solid waste collection, servicing connections, and stormwater management will be further reviewed and secured.

Draft Plan of Subdivision

The Chief Planner has delegated authority for Plans of Subdivision under By-law 229-2000, as amended. The Plan of Subdivision application has been reviewed against that policies of the Planning Act, and staff have determined that the proposal has regard for a number of matters identified in Section 51(24) of the Planning Act, including, but not limited to:

- (b) whether the proposed subdivision is premature or in the public interest;
- (c) whether the plan conforms to the official plan and adjacent plans of subdivision;
- (d) the suitability of the land for the purposes for which it is to be subdivided;
- (f) the dimensions and shapes of the proposed lots;
- (h) conservation of natural resources and flood control;
- (i) the adequacy of utilities and municipal services;
- (j) the adequacy of school sites; and
- (k) the area of land, if any, within the proposed subdivision that, exclusive of highways, is to be conveyed or dedicated for public purposes.

COMMENTS

Provincial Policy Statement and Provincial Plans

The PPS provides for appropriate development while protecting matters of provincial interest, public health and safety, and the quality of the natural and built environment. The PPS states that healthy and active communities should be promoted by planning public roads, and open spaces that are safe, meet the needs of pedestrians, create

community connectivity, and foster social interaction. In addition, residential intensification and redevelopment should promote densities for a range of new housing types that efficiently make wise use of land, resources, infrastructure and public services.

The Draft Plan of Subdivision creates appropriate block patterns that promote healthy and active communities. The creation of a public road supports and extends the existing transportation network and improves the multi-modal travel options. The Open Space Blocks expand and enhance the existing open space system. The new blocks provide appropriate development blocks that introduce new residential uses on an existing employment site.

The proposed Draft Plan of Subdivision will facilitate orderly development of the land that supports the key objectives of the PPS for building strong healthy communities, wise use and management of land, infrastructure, public services and public investments. The Draft Plan of Subdivision is consistent with the PPS. The Growth Plan (2020) encourages intensification by promoting compact and complete communities.

The proposed Draft Plan of Subdivision supports Growth Plan (2020) objectives by creating a complete community adjacent to a Go Transit stop and within 200 metres of a TTC subway station, which includes the retention of office buildings while introducing residential uses on the site. The proposed new road, improved pedestrian connections, and new connections to higher order transit promotes active transportation that improves access and travel options to surrounding public facilities, transit, and the natural environment. The Draft Plan of Subdivision conforms to the Growth Plan for the Greater Golden Horseshoe (2020).

Draft Plan of Subdivision

Section 51(24) of the Planning Act outlines the criteria for determining whether or not a proposed subdivision is appropriate. These criteria include conformity to provincial plans, whether the plan conforms to the Official Plan and adjacent plans of subdivision, the appropriateness of the proposed land use, the dimensions and shapes of the proposed blocks, and the adequacy of utilities and municipal services. The proposed Draft Plan of Subdivision conforms with provincial policies and Toronto's Official Plan policies. The proposed uses are appropriate and the development can be adequately serviced through the use of existing infrastructure, and the proposed block layout is appropriate for this site and the context.

The Plan of Subdivision implements the Official Plan Amendment and Zoning By-law Amendment that was approved at the OMB for a mix of uses including residential, office and retail commercial, private open space, and publically accessible private open spaces.

Public Street

The Draft Plan of Subdivision provides for a new public street in a north-south direction off of Old Leslie Street. The Draft Plan of Subdivision will provide for an 18.5m wide new public road along the western edge of the site. As shown on the plans, this road will

terminate in a cul-de-sac and provide driveway connections to the existing office building at the north end of the site. The new street meets Official Plan objectives that divide the site into smaller development blocks while providing building entrances and address on public streets, and pedestrian amenities such as tree planting, landscaping and new sidewalks.

The conditions of Draft Plan of Subdivision approval, as outlined in Attachment 6, will ensure the new street is constructed in accordance with City of Toronto Development Infrastructure Policy and Standards (DIPS). The necessary land conveyances related to the proposed public street will be conveyed to the City as indicated in the Conditions of Draft Plan of Subdivision Approval in Attachment 5 to the satisfaction of the Chief Engineer and Executive Director of Engineering and Construction Services.

Servicing

The site will require new storm and sanitary service connections in order to facilitate the development of the lands. The applicant will be required to provide revisions to the Functional Servicing Report, Stormwater Management Report and Hydrogeological Report for review and sign off by the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services prior to final approval of the Draft Plan of Subdivision.

Ravine Protection

The subject site is within a TRCA Regulated Area and a permit will be required from the TRCA prior to any development taking place. Blocks 3, 4, 5 and 6 of the Draft Plan of Subdivision (Attachment 5) are being conveyed into TRCA ownership. The TRCA requires that maintenance access easements are established to facilitate future maintenance access for TRCA staff to these Blocks. In addition, the TRCA requires that slope restoration works be undertaken for Blocks 3, 4, 5 and 6 prior to the registration of the first condominium on the site.

Natural Heritage Protection

A Natural Heritage Impact Study has been submitted as part of this application. As a condition of Draft Plan of Subdivision approval, the applicant is required to carry out the Ravine Stewardship Plan for the TRCA lands.

The applicant is also proposing to provide a pedestrian connection from the northern limit of the site to an existing pedestrian bridge within the East Don River Valley Trail system. The connection is required to be provided prior to the registration of the first condominium on the subject site.

Conclusion

The proposed Draft Plan of Subdivision has been reviewed against the policies of the PPS (2020), the Growth Plan (2020), and the Toronto Official Plan as discussed above. The Draft Plan of Subdivision will create two new development blocks that will support new residential and maintain existing employment uses, four new open space blocks, and a new public street. The proposed Draft Plan of Subdivision is consistent with the PPS (2020) conforms and does not conflict with the Growth Plan (2020). Furthermore, the proposed Draft Plan of Subdivision conforms to the Toronto Official Plan, has regard for criteria set out in Section 51(24) of the Planning Act, and is in the public interest. The proposal implements the Official Plan and Rezoning Applications approved at the Ontario Municipal Board. The Chief Planner and Executive Director, City Planning intends to approve the Draft Plan of Subdivision, as generally illustrated in Attachment 6 to this report.

CONTACT

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SIGNATURE

David Sit, MCIP RPP
Director Community Planning, North York District

ATTACHMENTS

City of Toronto Data/Drawings

Attachment 1: Application Data Sheet
Attachment 2: Location Map
Attachment 3: Official Plan
Attachment 4a: Existing Zoning By-law Map (7625)
Attachment 4b: Existing Zoning By-law Map (569-2013)
Attachment 5: Conditions of Draft Plan of Subdivision
Attachment 6: Draft Plan of Subdivision

Attachment 1: Application Data Sheet

Municipal Address: 1200 SHEPPARD AVE E Date Received: August 20, 2019

Application Number: 19 208996 NNY 17 SB

Application Type: Subdivision Approval

Project Description: Plan of subdivision to permit the creation of a new public street, four open space blocks along the East Don River, and two development blocks. Plan of Subdivision is to implement Official Plan and Rezoning applications (City File 11 331945 NNY 24 OZ) that were approved at the Ontario Municipal Board in 2013. The 2013 approval permits a mixed use development comprised of an existing office development, and three new mixed use buildings with 5 new residential towers for a total maximum gross floor area of 3.94 times the area of the lot. A maximum of 1,478 dwelling units and a total combined gross floor area of 159,779 square metres is permitted. See former OMB (currently LPAT decisions dated October 22, 2013 and November 20, 2013 in File No. PL 120751 and PL120752).

| | | | |
|--|-------|-----------|---|
| Applicant | Agent | Architect | Owner |
| GAGNON & LAW URBAN PLANNERS LTD 21 Queen St E, Unit 500, Brampton, ON | | | AMEXON DEVELOPMENT INC 703 Evans Ave., Etobicoke, ON |

EXISTING PLANNING CONTROLS

| | | | |
|----------------------------|-----------------|--------------------------|---|
| Official Plan Designation: | Mixed Use Areas | Site Specific Provision: | |
| Zoning: | C1(84) | Heritage Designation: | |
| Height Limit (m): | 0, 0, 0 | Site Plan Control Area: | Y |

PROJECT INFORMATION

| | | | | | |
|-------------------|--------|---------------|-----|------------|-----|
| Site Area (sq m): | 48,064 | Frontage (m): | 103 | Depth (m): | 407 |
|-------------------|--------|---------------|-----|------------|-----|

| Building Data | Existing | Retained | Proposed | Total |
|-----------------------------|----------|----------|----------|---------|
| Ground Floor Area (sq m): | 7,100 | 4,560 | 11,423 | 15,983 |
| Residential GFA (sq m): | | | 124,192 | 124,192 |
| Non-Residential GFA (sq m): | 44,274 | 27,638 | 3,563 | 31,201 |
| Total GFA (sq m): | 44,274 | 27,638 | 127,755 | 155,393 |
| Height - Storeys: | 8 | 8 | 31 | 31 |
| Height - Metres: | | | 100 | 100 |

Lot Coverage Ratio (%): 33.25 Floor Space Index: 3.23

| | | |
|--------------------------|--------------------|--------------------|
| Floor Area Breakdown | Above Grade (sq m) | Below Grade (sq m) |
| Residential GFA: | 115,763 | 8,429 |
| Retail GFA: | 1,166 | 536 |
| Office GFA: | 29,498 | |
| Industrial GFA: | | |
| Institutional/Other GFA: | | |

| | | | | |
|--------------------------------|----------|----------|----------|-------|
| Residential Units by Tenure | Existing | Retained | Proposed | Total |
| Rental: | | | | |
| Freehold: | | | | |
| Condominium: | | | 1,478 | 1,478 |
| Other: | | | | |
| Total Units: | | | 1,478 | 1,478 |

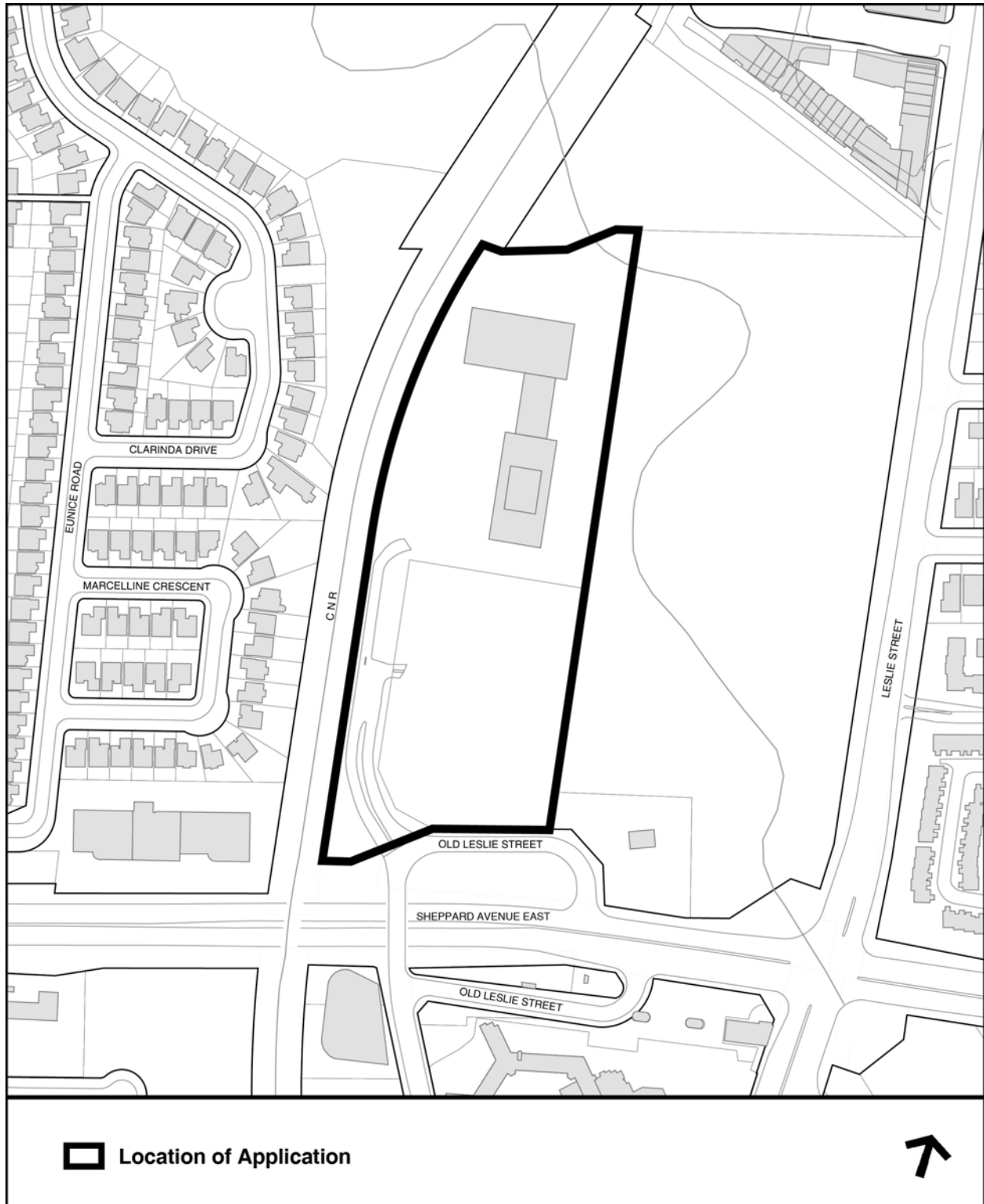
Total Residential Units by Size

| | | | | | |
|--------------|-------|----------|-----------|-----------|------------|
| | Rooms | Bachelor | 1 Bedroom | 2 Bedroom | 3+ Bedroom |
| Retained: | | | | | |
| Proposed: | | | 534 | 776 | 168 |
| Total Units: | | | 534 | 776 | 168 |

Parking and Loading

| | | | | | |
|-----------------|-------|-------------------------|-------|----------------|---|
| Parking Spaces: | 2,314 | Bicycle Parking Spaces: | 1,139 | Loading Docks: | 8 |
|-----------------|-------|-------------------------|-------|----------------|---|

Attachment 2: Location Map



Attachment 3: Official Plan



Official Plan Land Use Map #19

1200, 1210, 1220 Sheppard Avenue East

File # 19 208996 NNY 17 SB



↑
Not to Scale
Extracted: 01/11/2022

Attachment 4a: Existing Zoning By-law Map (7625)



Zoning By-law 7625

1200, 1210, 1220 Sheppard Avenue East

File # 19 208996 NNY 17 SB



Location of Application

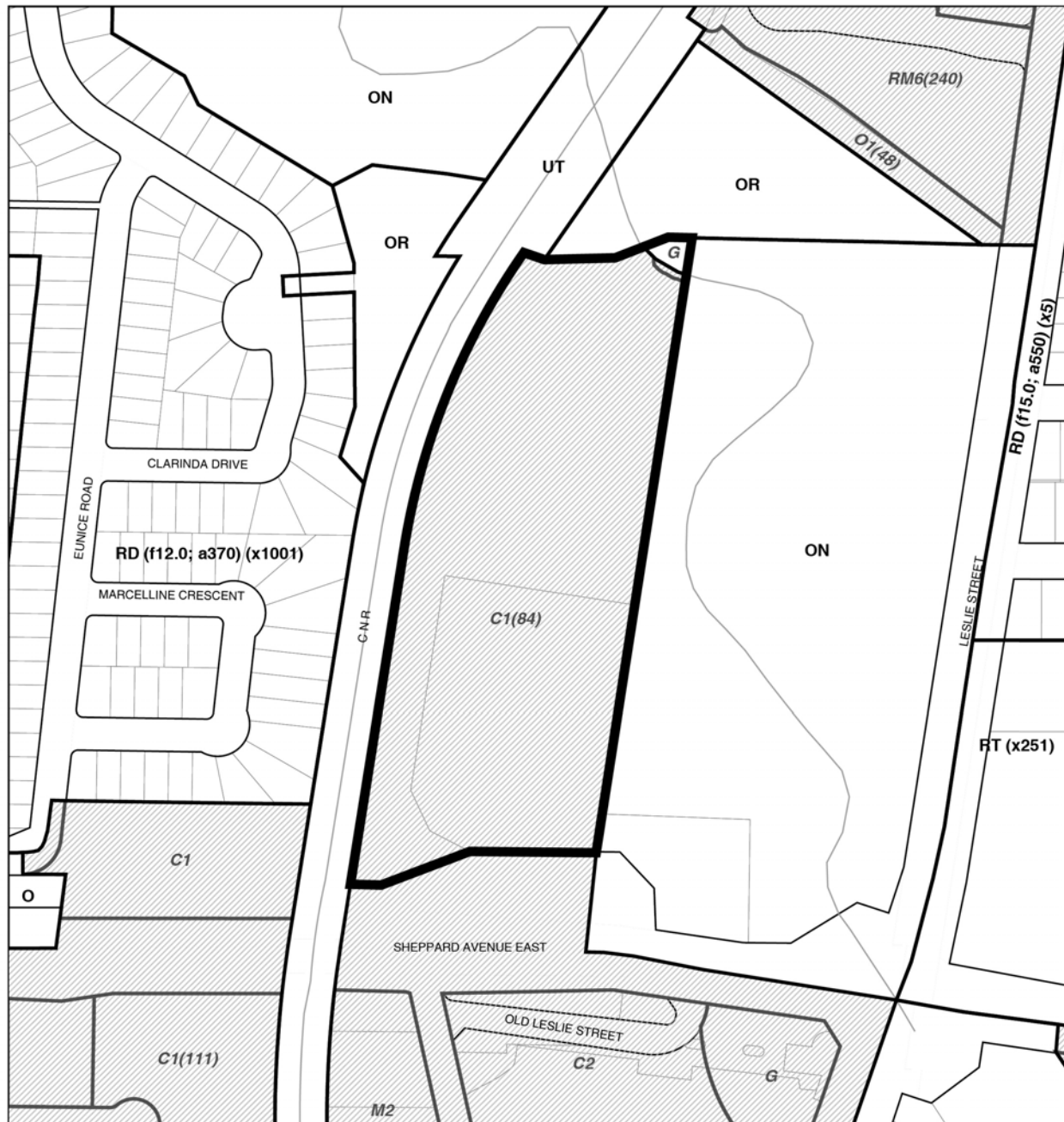
R3 One-Family Detached Dwelling Third Density Zone
 R4 One-Family Detached Dwelling Fourth Density Zone
 RM1 Multiple-Family Dwellings First Density Zone
 RM4 Multiple-Family Dwellings Fourth Density Zone
 RM6 Multiple-Family Dwellings Sixth Density Zone
 C1 General Commercial Zone

C2 Local Shopping Centre Zone
 M2 Industrial Zone Two
 O1 Open Space Zone
 G Greenbelt Zone



Not to Scale
 Extracted: 01/11/2022

Attachment 4b: Existing Zoning By-law Map (569-2013)



Zoning By-law 569-2013

1200, 1210, 1220 Sheppard Avenue East

File # 19 208996 NNY 17 SB



Location of Application

RD Residential Detached
RT Residential Townhouse
IH Institutional Hospital
O Open Space
ON Open Space Natural
OR Open Space Recreation

UT Utility and Transportation



See Former City of North York By-law No. 7625

RM6 Multiple-Family Dwellings Sixth Density Zone
C1 General Commercial Zone
C2 Local Shopping Centre Zone
M2 Industrial Zone Two
O1 Open Space Zone
G Greenbelt Zone



Not to Scale
 Extracted: 01/11/2022

Attachment 5: Conditions of Draft Plan of Subdivision

The Conditions of Draft Plan of Subdivision applies to Draft Plan of Subdivision (File NO. 19 208996 NNY 17 SB), Part of Lot 16, Concession 2, East of Yonge Street, City of Toronto (Formerly City of North York), Drawing No. 1444_DP_AUG13, 2019, dated August 13, 2019, prepared by GWD Professional Planners.

The Conditions Draft Plan of Subdivision are approved on condition based on the Blocks as follows:

Block 1 - Mixed Use Development Block. This block contains the retained office buildings located at 1210 and 1220 Sheppard Avenue East, and introduces new Building 1. Block 1 has an overall of 1.631 hectares.

Block 2 - Mixed Use Development Block. This block will accommodate new buildings. Building 2 has a height of 31-storeys. Building 3 consists of three new towers ranging in height from 19 to 31-storeys, as well as a publically accessible private park. Block 2 has an overall area of 2.001 hectares.

Blocks 3, 4, 5, 6 - Open Space Blocks. These blocks are part of the East Don River Valley and will be conveyed to the TRCA. Blocks 3, 4, 5, and 6 have an overall area of 0.79 hectares.

Street A - Public Street intersecting with Old Leslie Street in a north-south direction. Street A has an approximate area of 0.38 hectares

LEGAL SERVICES

1. The Owner shall enter into the City's standard Subdivision agreement and satisfy all of the pre-registration conditions contained therein.

CITY PLANNING

2. Prior to registration of the final plan of subdivision, the Owner shall provide to the Director of Community Planning, North York District, confirmation of payment of outstanding taxes to the satisfaction of Revenue Services Division, Finance Department, City of Toronto (statement of Account or Tax Clearance Certificate) and that there are no outstanding City initiated assessment or tax appeals made pursuant to Section 40 of the Assessment Act or the provisions of the City of Toronto Act, 2006. In the event that there is an outstanding City initiated assessment or tax appeal, the Owner shall enter into a financially secured agreement with the City satisfactory to the City Solicitor to secure payment of property taxes in the event the City is successful with the appeal.

3. If the subdivision is not registered within 5 years of the date of draft plan approval, then this approval shall be null and void and the plans and drawings must be resubmitted to the City of Toronto for approval.

4. The Owner will construct and maintain the development of the site in accordance with Tier 1, Toronto Green Standard, and the Owner will be encouraged to achieve Tier 2, Toronto Green Standard, or higher, where appropriate, consistent with the performance standards of Toronto Green Standards applicable at the time of the Site Plan Control application for each building on the site, and as may be further amended by City Council from time to time.

ENGINEERING AND CONSTRUCTION SERVICES

5. Prior to registration of the final plan of subdivision, the Owner shall pay to the City (\$40.00) per lot/block towards the cost of geodetic and aerial survey.

6. Prior to registration of the final plan of subdivision, the Owner shall dedicate all roads and corner roundings shown on the plan.

7. Prior to the earlier of release for construction of services and the registration of the final plan of subdivision, the Owner shall submit a functional plan including all pavement marking and signage for the new public street and its intersection with Old Leslie Street.

8. Prior to registration of the final plan of subdivision, the Owner shall convey all necessary easements to the City.

9. The Owner shall prepare all documents to convey lands in fee simple and easement interests to the City for nominal consideration, such lands to be free and clear of all physical and title encumbrances to the satisfaction of the Engineering and Construction Services Division in consultation with the City Solicitor.

10. The Owner shall submit a draft Reference Plan of Survey to the Executive Director of Engineering and Construction Services, for review and approval, prior to depositing it in the Land Registry Office. The plan should:

- i. be in metric units and integrated to the 1983 North American Datum (Canadian Spatial Reference System) and the 3 degree Modified Transverse Mercator Projection);

- ii. delineate by separate PARTS the lands to be conveyed to the City, the remainder of the site and any appurtenant rights-of-way and easements; and

- iii. show the co-ordinate values of the main corners of the subject lands in a schedule on the face of the plan.

11. The Owner shall pay all costs for preparation and registration of reference plan(s).

12. The Owner agrees to retain the services of a Qualified Person to conduct an environmental site assessment for the lands to be conveyed to the City, in accordance with the terms and conditions of the standard subdivision agreement, including

providing payment for a peer reviewer and the submission of a Record of Site Condition (RSC).

13. In the event a land conveyance to the City of Toronto is required where in-situ capping is proposed as a remedial measure of the contaminated lands to be conveyed, the applicant shall ensure that the proposed in-situ capping over the contaminated lands and installation of municipal sanitary and storm sewers and watermain are completed as per City of Toronto Clean Fill Requirements for Contaminated Lands – Typical Street - T-985.100 to ensure a 2.0 m total cap depth to finish grade and minimum fill clean depth around storm and sanitary sewers as shown on the above mentioned City of Toronto standard.

14. The Owner shall pay engineering and inspection fees in accordance with the terms and conditions of the standard subdivision agreement.

15. Prior to the earlier of release for construction of services and the registration of the final plan of subdivision, the Owner shall submit financial security for the construction of the municipal infrastructure within this plan of subdivision. The Owner shall also submit engineering and inspection fees. These amounts will be finalized as part of registration of the subdivision agreement for this development.

16. Prior to the earlier of release for construction of services and the registration of the final plan of subdivision, the Owner shall submit financial security in the amount of \$72,000.00 for the construction of a 2.1 metre wide sidewalk across the entire Old Leslie Road frontage of the site on both sides of the road. Prior to the earlier of release for construction of services and the registration of the final plan of subdivision the Owner shall submit engineering and inspection fees in the amount of \$4,068.00 (including HST).

17. Prior to the earlier of release for construction of services and the registration of the final plan of subdivision, the Owner shall submit financial security in accordance with the terms of the standard subdivision agreement to complete the sanitary sewer extension on Old Leslie Street as shown the engineering plans prepared by WSP Canada Group and accepted by the City of Toronto. This sanitary sewer extension will have to be designed, constructed and operational prior to the first superstructure permit being issued for any development blocks within this plan of subdivision Prior to the earlier of release for construction of services and the registration of the final plan of subdivision the Owner shall submit engineering and inspection fees. These sanitary improvement and fee amounts will be finalized as part of registration of the subdivision agreement for this development.

18. Prior to the earlier of release for construction of services and the registration of the final plan of subdivision, the Owner further agrees to provide a letter of credit or certified cheque payable to the City of Toronto for the permanent road pavement restoration of Old Leslie Road as a result of the sanitary sewer extension. Prior to the earlier of release for construction of services and the registration of the final plan of subdivision, the Owner shall provide a certified cheque payable to the City of Toronto in payment of a five percent (5%) (including HST) engineering review fee for the pavement restoration. The Owner shall carry out temporary and permanent pavement restorations as outlined

in the City of Toronto TS4.60 Construction Specification for Utility Cut and Restoration and to the satisfaction of Transportation Services. The Owner is to note that the nature and extent of the required reinstatement of the cuts will be at the sole discretion of the City based upon field assessment of the section of roadway prior to the permanent reinstatement. The Field assessment will be completed based on the Staff Report entitled "Improvements to Utility Cut Management Process" approved by Council in April 2010. The security and fee amounts will be finalized as part of registration of the subdivision agreement for this development.

19. Prior to the earlier of release for construction of services and the registration of the final plan of subdivision, the Owner shall submit financial security in accordance with the terms of the standard subdivision agreement to complete the extension of the storm sewer within Old Leslie Road as shown the engineering plans prepared by WSP Canada Group and accepted by the City of Toronto. These storm sewer improvements will have to be designed, constructed and operational prior to the first superstructure permit being issued for any development blocks within this plan of subdivision. Prior to the earlier of release for construction of services and the registration of the final plan of subdivision, the Owner shall submit engineering and inspection fees. The security and fee amounts will be finalized as part of registration of the subdivision agreement for this development.

20. The Owner shall provide a letter of credit or certified cheque payable to the City of Toronto for the permanent road pavement restoration of Old Leslie Road to financially secure the above mentioned storm sewer improvements. The Owner further agrees to provide a certified cheque payable to the City of in payment of a five percent (5%) (including HST) engineering review fee for the pavement restoration. The Owner is to note that the nature and extent of the required reinstatement of the cuts will be at the sole discretion of the City based upon field assessment of the section of roadway prior to the permanent reinstatement. The Field assessment will be completed based on the Staff Report entitled "Improvements to Utility Cut Management Process" approved by Council in April 2010. The financial security and fee amounts will be finalized as part of registration of the subdivision agreement for this development.

21. Prior to the earlier of release for construction of services and the registration of the final plan of subdivision, the Owner agrees to provide a Construction Sequencing and By-Pass Flow Plan as outlined in the City of Toronto TS4.01 Construction Specification for Sewer Bypass Flow Pumping and to the satisfaction of Chief Engineer and Engineering and Construction Services. Prior to the earlier of release for construction of services and the registration of the final plan of subdivision the Owner agrees to submit a cost estimate [taking into consideration that the City requires 100% pumping with 100% redundancy and 24 hours pumping during the removal of the existing sanitary sewer and during the construction of the new leg. The financial security and fee amounts will be finalized as part of registration of the subdivision agreement for this development.

22. Prior to the earlier of release for construction of services and the registration of the final plan of subdivision, the Owner shall submit a payment in the form of a certified cheque (amount to be determined later) for pavement marking and signage on the new

public street and its intersection with Old Leslie Street, including the installation of all-way stop control, as required by the City of Toronto.

23. Prior to the earlier of release for construction of services and the registration of the final plan of subdivision, the Owner shall submit a financial guarantee in the form of a certified cheque or letter of credit (amount to be determined later) for the implementation of a transportation demand management (TDM) plan, as required by the City of Toronto.

24. The Owner shall apply stormwater management techniques in the development of this subdivision to the satisfaction of Engineering and Construction Services.

25. Prior to the earlier of release for construction of services and the registration of the final plan of subdivision, the Owner shall provide a Functional Servicing Report, Stormwater Management Report and Hydrogeological Report satisfactory to the Chief Engineer and Executive Director, Engineering and Construction Services.

26. Prior to the earlier of the release for construction of services or prior to the registration of the plan of subdivision, the Owner agrees to submit to Toronto Hydro Energy Services Inc. for approval, a municipal lighting assessment identifying the proposed street lighting for the Subdivision, and the adequacy of the existing street lighting in the area and any improvements that may be required.

The Owner agrees to install new street lighting and make any improvements to the existing street lighting required for the Subdivision. The Owner further agrees that the installation of the street lighting will be in accordance with the recommendations of the municipal lighting assessment as accepted by Toronto Hydro Energy Services Inc.

In addition to the other financial security obligations contained in this Agreement and notwithstanding Section 25.5 of the main body of this Agreement, prior to the earlier of the release for construction of services or prior to the registration of the plan of subdivision, the Owner agrees to provide the City financial security in the amount of 130% of the value of the cost estimate of the street lighting required to be installed under this Agreement, to the satisfaction of Engineering and Construction Services. The Owner is to provide financial security for the installation of streetlighting. The security amount will be finalized as part of registration of the subdivision agreement for this development. The definition of Services in Sections 10.1 and 11.1 of the main body of the Subdivision Agreement does not include street lighting.

27. The Owner acknowledges that the temporary sanitary connection to the existing sanitary service connection located in the valley will only be used during Phase 1 underground construction and that the Phase 1 development's short term groundwater discharge will be connected to the sanitary sewer under the new municipal road once the Sheppard Avenue Sanitary Sewer Improvements have been completed by the City of Toronto and are deemed operational.

28. Prior to the earlier of the release for construction of services or prior to the registration of the plan of subdivision the Owner agrees to undertake the necessary building plumbing design modifications to allow for complete diversion of the sanitary

flows from Tower 2 and Tower 3 to the municipal sewers draining to the existing Old Leslie Street sanitary sewer.

29. Prior to the earlier of the release for construction of services or prior to the registration of the plan of subdivision the Owner agrees to design and construct Towers 1 and 2 with watertight foundations and zero groundwater discharge into City of Toronto sanitary sewer.

30. Prior to the earlier of the release for construction of services or prior to the registration of the plan of subdivision the Owner agrees to incorporate the design modifications mentioned above into the architectural, mechanical and structural plans for Towers 2 & 3.

31. Prior to the earlier of the release for construction of services or prior to the registration of the plan of subdivision the Owner agrees to incorporate reference to the design modifications above into the Site Plans and the Site Servicing Plans for Towers 2 & 3.

32. Prior to the earlier of the release for construction of services or prior to the registration of the plan of subdivision the Owner agrees that the sanitary sewer flow from Towers 2 & 3A to 3C shall be diverted in its entirety to the municipal sewer system to be constructed under this agreement upon once the municipal sanitary sewer is completed and operational and the Basement Flooding EA improvements are completed by the City of Toronto and operational at Sheppard Avenue East and Leslie Street.

33. Prior to the earlier of the release for construction of services or prior to the registration of the plan of subdivision, the Owner agrees that the lands located at 1200, 1210 and 1220 Sheppard Avenue East shall remain under a single ownership until all dewatering and sanitary flows from the proposed development are fully diverted to the municipal sewer system to be constructed under this agreement.

34. Prior to the earlier of the release for construction of services or prior to the registration of the plan of subdivision, the Owner agrees that the Sanitary Sewer Upgrades for the sanitary sewer shed located at Leslie Street and Sheppard Avenue East shall be designed, constructed and operational by the City of Toronto as part of the basement flooding program prior to the First Above Grade Building Permit being issued for Phase 1 of the development.

35. Prior to the earlier of the release for construction of services or prior to the registration of the plan of subdivision, the Owner agrees that in the ultimate arrangement, the sanitary flow from the existing commercial buildings located at 1210 and 1220 Sheppard Avenue East shall be rerouted to Old Leslie Street through the underground structure of Towers 2 and 3A to 3C with the assistance of private easements.

36. Prior to the earlier of the release for construction of services or prior to the registration of the plan of subdivision, the Owner agrees to enter into a private agreement between the existing commercial Building located at 1210 and 1220

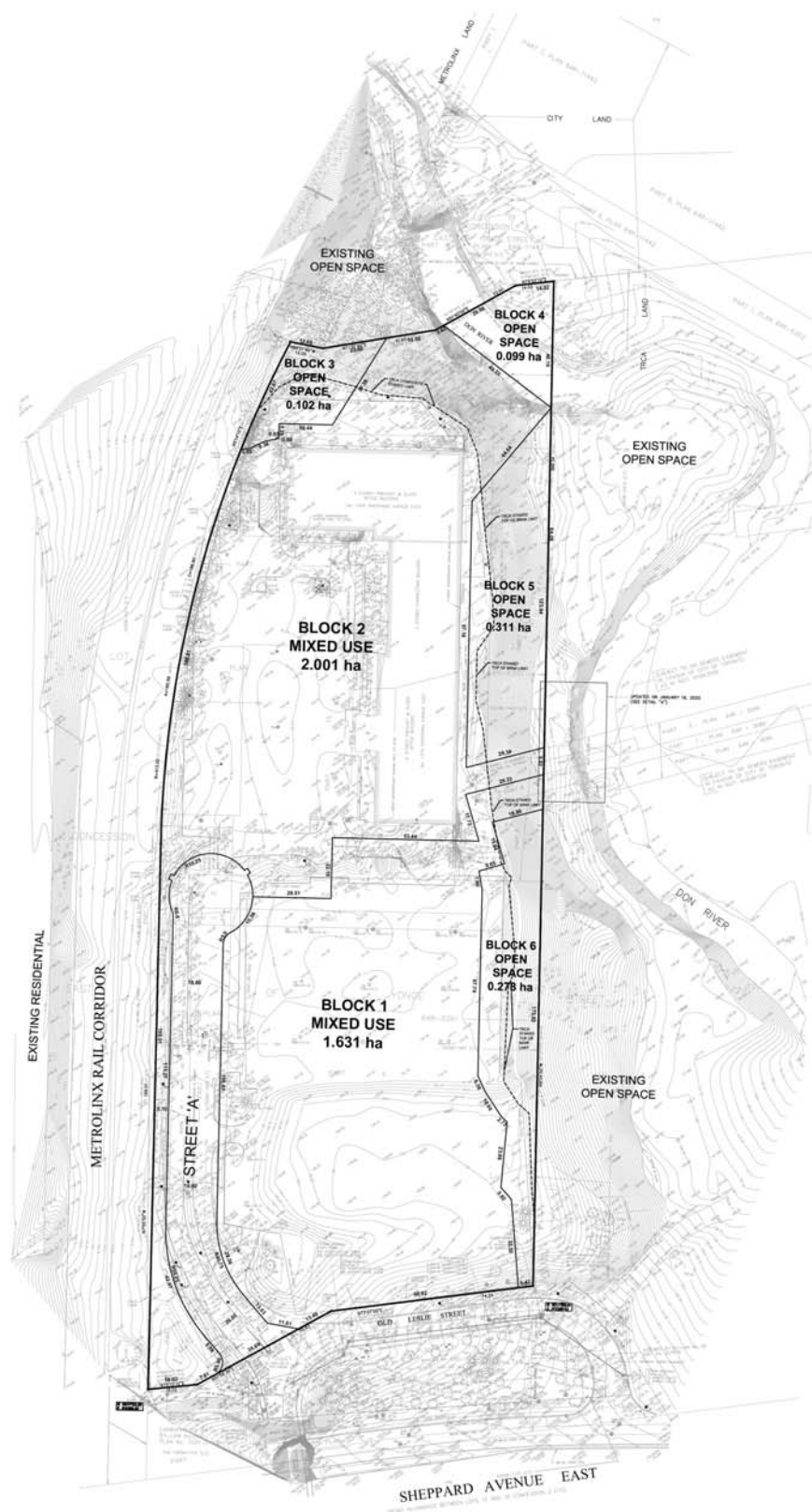
Sheppard Avenue East and Towers 2 and 3A and 3C to allow the existing commercial buildings to be serviced through the underground structure of Towers 2 and 3A to 3C to drain to the existing sanitary sewer at Old Leslie Street. A copy of this private easement shall be provided to Development Engineering for record purposes prior to registration of condominium of Tower 2.

37. Prior to the earlier of the release for construction of services or prior to the registration of the plan of subdivision, the Owner agrees that the existing sanitary service connection within the valley area shall be decommissioned in accordance with City of Toronto standards.

38. Prior to the earlier of the release for construction of services or prior to the registration of the plan of subdivision, the Owner agrees the existing storm sewer outfall and pipe sewer located in the valley area shall be reconstructed to address the current state of this system at the applicant's cost in accordance with City of Toronto Standards. In the ultimate arrangement and with the assistance of the subdivision agreement between the City of Toronto and the applicant the liability and maintenance of this system will be transferred to the applicant as this system only serves these lands. Any future modifications or reconstruction of the storm outfall structure will be subject to review by TRCA and the City of Toronto.

39. The applicant will provide the necessary financial securities to secure the above mentioned works.

Attachment 6: Draft Plan of Subdivision



Draft Plan of Subdivision 