

**17, 19, 21, 23 Kenaston Gdns
OPA, Rezoning & Site Plan Control Applications
Request for Direction Report**

Date:	April 15, 2009
To:	North York Community Council
From:	Director, Community Planning, North York District
Wards:	Ward 24 – Willowdale
Reference Number:	08 112582 NNY 24 OZ & 08 184449 NNY 24 SA

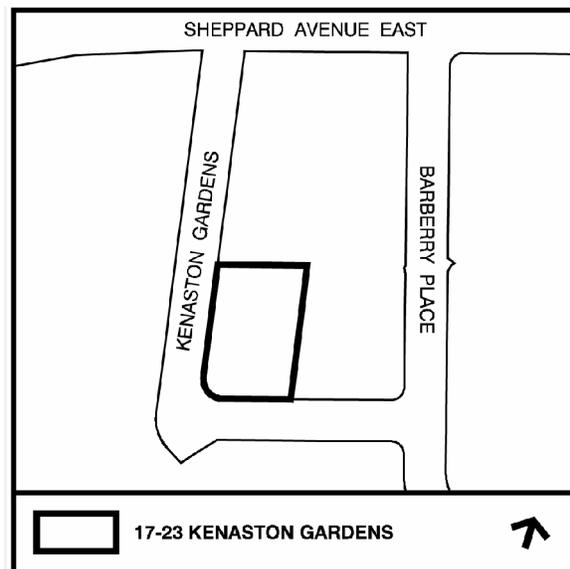
SUMMARY

This application was made on February 20, 2008 and is subject to the new provisions of the *Planning Act* and the *City of Toronto Act, 2006*.

On April 3, 2009, the applicant appealed the Official Plan and Zoning By-law amendment applications, as well as the Site Plan application to the Ontario Municipal Board (OMB) due to Council’s failure to make a decision within the prescribed time frames set out in the *Planning Act*.

The purpose of this report is to seek City Council’s direction on the appeals and authorization for the City Solicitor and necessary City staff to attend the Ontario Municipal Board in support of the applications subject to the conditions outlined in the report.

Daniels HR Corporation has assembled four residential lots at 17, 19, 21 and 23 Kenaston Gardens and is requesting an amendment to the Official Plan and Zoning By-law and obtain Site Plan approval in order to redevelop the lands with an 8-storey, 142-unit residential condominium apartment building with commercial space on a portion of the ground floor.



The proposed development constitutes good planning, is consistent with the objectives and policies of the Official Plan, and complies with the built form policies and applicable neighbourhood protection policies. Municipal objectives for appropriate urban design principles as set out in the Context Plan for the Southeast Bayview Node are fulfilled. It is consistent with the policies and provisions of the Provincial Policy Statement and is in conformity with the Greater Golden Horseshoe Growth Plan.

RECOMMENDATIONS

The City Planning Division recommends that:

1. That City staff be authorized to attend the Ontario Municipal Board Hearing in support of the proposed Official Plan Amendment, Zoning By-law Amendment and approval in principle of the Site Plan Control application pursuant to the recommendations below and authorize the City Solicitor and any other appropriate City staff to take such actions as necessary to give effect to the recommendations of this report.
2. City Council amend the Official Plan substantially in accordance with the draft Official Plan Amendment attached as Attachment No. 12.
3. City Council amend the Zoning By-law No. 7625 for the former municipality of North York substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 13.
4. City Council authorize the City Solicitor to make such stylistic and technical changes to the draft Official Plan Amendment and draft Zoning By-law Amendment as may be required.
5. Request that the Ontario Municipal Board to withhold its Order until the following matters are settled:
 - (a) require the owner to enter into an agreement with the City to the satisfaction of the City Solicitor and pursuant to Section 37 of the *Planning Act*, to provide the following facilities, services and/or monetary contributions:
 - (i) a monetary contribution of \$135,000.00 in the form of a certified cheque satisfactory to the City, to fund an additional 2,179m² of proposed gross floor, toward the cost of constructing and equipping a public community centre serving the Sheppard East Subway Corridor area, to be made prior to the issuance of the first above-grade building permit, but if construction of the public community centre has not commenced within 5 years from the date of the approval of the zoning by-law, the funds may alternatively

be used, at the discretion of the General Manager, Parks, Forestry and Recreation, in consultation with the Ward Councillor, for improvements to Rean Park and/or Kenaston Park located in the neighbourhood east of Bayview Avenue and south of Sheppard Avenue.

- (ii) the exemption of indoor private recreational amenity area from the calculation of gross floor area to a maximum of 354m².
- (b) confirmation that indicates the 59m² of surplus lands adjacent to 19 and 21 Kensaton Gardens have been declared surplus and acquired by the applicant, and that if such request is denied, that the proposal be revised accordingly and appropriate Official Plan and Zoning By-law Amendments be prepared based on the revised proposal.
- (c) require the owner to enter into a Site Plan Control Agreement under Section 41 of the *Planning Act* to the satisfaction of the City Solicitor to include the Notice of Approval Conditions set out in Attachment 14 of this report.

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

A preliminary report for this application was considered by North York Community Council at its May 6, 2008 meeting. The report provided background information on the proposal and recommended that a community consultation meeting be scheduled with the Ward Councillor and that notice for the public meeting be given according to the regulations of the *Planning Act*.

Community Council adopted the staff recommendations and directed that the notice area for the community consultation meeting be expanded further north and east of the site. In addition, Community Council directed the applicant make every effort to purchase 15 Kenaston Gardens, and if unable to enter into an agreement to purchase, work with the appropriate City Divisions, including the Transportation Services and Real Estate Divisions, to expropriate the property with all costs being borne by the applicant.

The preliminary report is available at the following web link:

<http://www.toronto.ca/legdocs/2006/agendas/committees/ny/ny060711/it025.pdf>

ISSUE BACKGROUND

Proposal

The applicant is proposing to amend the Official Plan and Zoning By-law to permit a condominium apartment building with a ground floor commercial use. The proposal has

been revised since the initial report to Community Council. The building height remains unchanged at 8 storeys however the number of dwelling units has been increased from 129 units to 142 units, the gross floor area has been reduced from 10,572m² to 9,967m², and the floor area of the proposed commercial space has been reduced from 139m² to 120.75m². The unit mixes have also been revised to accommodate an increase in the smaller unit sizes including: 26 studio apartments; 39, 1-bedroom units; 63, 1-bedroom + den units; and 14, 2-bedroom units. As a result of these changes, the density has been reduced from a Floor Space Index (FSI) of 3.9 to an FSI of 3.7.

The ground floor of the proposed L-shaped building will include a centrally located lobby along the north-south portion of Kenaston Gardens. The design of the ground floor north of the lobby includes 10 grade related dwelling units. The ground floor south of the lobby includes the 120.75m² of convenience commercial space and 354m² of common indoor amenity space along the east-west portion of Kenaston Gardens.

All vehicular parking is proposed below grade in a three-level underground parking garage. Access to the parking, as well as the proposed service area, is provided along the east-west portion of Kenaston Gardens. As illustrated on the south elevation (Attachment 2), the upper floors of the building (2-8) span the entrance driveway. A total of 159 parking spaces are proposed (129 spaces for tenants, 28 spaces for visitors and 2 spaces assigned for the retail use). The P1 level includes a room to accommodate 14 bicycle parking spaces (0.1 spaces/unit).

The proposed Ground Floor/Site Plan is illustrated on Attachment 1, Landscape Plan and Details on Attachments 2 and 3, a Block Plan illustrating the building's relationship with the neighbouring site, a north building elevation as it relates to nearby buildings on Attachment 5, Building Elevations on Attachment 6, a Visual Representation of the proposed development on Attachment 7, the current Zoning of the site in Attachment 8, the Official Plan designation on Attachment 9, detailed site statistics are set out in the Application Data Sheet on Attachment 10, Technical Services comments in Attachment 11, the draft Official Plan and Zoning By-law amendments are provided in Attachments 12 and 13, and the Draft Notice of Approval Conditions on the Site Plan Control application are set out in Attachment 14.

Site and Surrounding Area

The site is located on the east side of Kenaston Gardens which is located south of Sheppard Avenue East and east of Bayview Avenue. Located in a residential neighbourhood exclusively developed thus far by the Daniels Corporation, the site represents an assembly comprising 3½ residential dwelling lots. Three of the lots (17, 19 and 21 Kenaston Gardens) are occupied by single detached dwellings.

The single detached dwelling at 23 Kenaston Gardens was demolished in 2004. The lands were dealt with as part of the development application for the 20-storey, 236-unit condominium apartment building (The Rockefeller) that exists opposite the site on the west side of Kenaston Gardens (the lands zoned RM6(142) and O1 on Attachment 5),

Daniels Corporation acquired 23 Kenaston Gardens (the southerly lot in the current application) and conveyed a portion of the lot to the City in order to complete the right-of-way requirements for a road connection between Kenaston Gardens and Barberrry Place (as set out in the Context Plan). The density attributable to 23 Kenaston Gardens was transferred to The Rockefeller site. As such, the site area of the remaining portion of 23 Kenaston Gardens has not been included in the density calculation for the current application.

The dwelling at 21 Kenaston Gardens was demolished December 2008. North York Community Council approved the issuance of the demolition permit due to concerns regarding mould contamination and the structural integrity of the structure and electrical systems within the building resulting from its use as a marijuana grow operation.

Surrounding land uses are as follows:

North: single detached dwellings north to Sheppard Avenue East;
South: a 28-storey condominium apartment building with grade-related townhouses (The Empire) then Highway 401;
East: an 8-storey rental/condominium apartment building (The Chelsea); and
West: a 20-storey condominium apartment building (The Rockefeller), public parkland, and the Bayview Subway Station.

Provincial Policy Statement and Provincial Plans

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development in Ontario. The PPS sets the policy foundation for regulating the development and use of land. The key objectives include: building strong communities; wise use and management of resources; and protecting public health and safety. City Council's planning decisions are required to be consistent with the PPS.

The Growth Plan for the Greater Golden Horseshoe provides a framework for managing growth in the Greater Golden Horseshoe including: directions for where and how to grow; the provision of infrastructure to support growth; and protecting natural systems and cultivating a culture of conservation. City Council's planning decisions are required by the *Planning Act*, to conform, or not conflict, with the Growth Plan for the Greater Golden Horseshoe.

Official Plan

The City of Toronto Official Plan designates the property as *Mixed Use Areas* as shown on Land Use Map 16. *Mixed Use Areas* are to be made up of a broad range of commercial, residential and institutional uses, in single use or mixed use buildings. They are intended to 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.

Sheppard East Subway Corridor Secondary Plan

The site is also subject to the Sheppard East Subway Corridor Secondary Plan set out in Chapter 6, Section 9 of the Toronto Official Plan. The goal of the Secondary Plan is to promote and encourage appropriate, high quality development within the Corridor in support of, and to take advantage of, the large public investment in rapid transit. The Plan contains policies that are area-specific and more detailed than those in the Official Plan. Properties with frontage or flankage along Sheppard Avenue that have a *Mixed Use Areas* designation are encouraged to develop with non-residential retail and office uses at grade and multiple residential or offices above grade. Within the interior of *Mixed Use Areas* a mix and variety of residential buildings, uses complementary and accessory to a multiple residential use, and public and private open space areas are encouraged.

The site is part of a key development area in the Bayview Node of the Secondary Plan which assigns a maximum density of 3.0 FSI, as indicated on Map 9-2 of the Plan. In addition to the policies in the Secondary Plan, the site is also subject to area specific development policies found in *Section 4.2.2 – Kenaston Gardens/Sheppard Square Area*. Specific development criteria relevant to this application include such considerations as coordinated development, encouraging comprehensive land assembly to prevent piecemeal development, and improving pedestrian connections to the subway station at Bayview and Sheppard Avenues.

The Secondary Plan includes a provision which enables the transfer of density from one site to another within the same Development Node in exchange for land needed for public purposes such as publicly owned parkland and required roads and widenings. Lands would be conveyed to the City for nominal cost and the density transfer is not counted as part of the density calculation for the receiving site. Such was the case when the density from 23 Kenaston Gardens was transferred to 12 Kenaston Gardens (The Rockefeller) in exchange for the conveyance of land for a new road connecting Kenaston Gardens to Barberry Place.

The Sheppard East Subway Corridor Secondary Plan is available on the City's website at: http://www.toronto.ca/planning/official_plan/pdf_secondary/9_sheppard_subway_aug2007.pdf

Context Plan for the Southeast Bayview Node

The Secondary Plan includes an implementation policy that contemplates the use of Context Plans for sites within key development areas to provide a context for co-ordinated incremental development and assisting in evaluating the conformity of the development with the relevant provisions of the Secondary Plan.

A Context Plan for this area was adopted by City Council in March 2001. The Context Plan covers the area bounded by Bayview Avenue, Sheppard Avenue East, Rean Drive, and Highway 401. The Plan has been used to evaluate this application. It consists of a Structure Plan, Height Diagram, and Block Pattern diagram integrating the transportation

and open space options for the area as well as urban design guidelines to assist Council in its decisions on development applications. Together, the maps and design principles provide a framework for Council in reviewing individual development applications. The Context Plan is intended to provide direction on the future form of development to residents and developers while maintaining flexibility since land assemblies and future lots are not yet clear. In order to maintain its flexibility the Context Plan does not form part of the Official Plan or Secondary Plan. This provides the opportunity for future refinements.

The Context Plan for the Southeast Bayview Node is available on the City's website at: http://www.toronto.ca/planning/urbdesign/pdf/36southeast_bayviewnod.pdf

Zoning

The lands are currently zoned R4 (One Family Detached Dwelling Fourth Density Zone) in Zoning By-law 7625. The zoning generally permits single detached dwellings and accessory buildings incidental thereto as well as a wide range of recreational and institutional uses.

Site Plan Control

The applicant filed a concurrent application for Site Plan Approval. The application has been appealed to the Ontario Municipal Board. The application had also been referred by the local Councillor to City Council for a decision through North York Community Council in accordance with By-law 483-2000.

Reasons for Application

An amendment to the Sheppard East Subway Corridor Secondary Plan is required as the proposed density of approximately 3.7 FSI exceeds the Plan's maximum density of 3.0 FSI as set out on Map 9-2.

An amendment to the Zoning By-law is required because the current R4 zoning that applies to the lands does not permit multiple family dwellings and commercial uses. An amendment to the By-law is required to implement the policies of the Official Plan and Secondary Plan.

Community Consultation

At its meeting held May 6, 2008, North York Community Council directed that staff schedule a community consultation together with the Ward Councillor. The meeting was held on November 3, 2008 at the Bayview Middle School at 25 Bunty Lane. Council directed that the notice area be expanded. Approximately 28 people attended.

Following presentations from City Planning staff and the applicant a number of issues were discussed, including: parking and the additional traffic that would be generated by the development; the additional density being requested and the precedent it would set; and the disruption to the area from construction noise and traffic. The main issue

expressed by area residents concerned the proposed commercial space. Residents noted a number of motorists fail to obey the posted speed limits and parking prohibitions along Kenaston Gardens thereby creating unsafe driving conditions, particularly where there is a bend in Kenaston Gardens and near the existing entrance driveway at 12 Kenaston Gardens. It was felt the additional traffic generated by the development, in particular the retail component, would exacerbate current traffic concerns. It was the view of many in attendance that a new east-west public road north of the development site would assist in ameliorating this concern. It was suggested by some that the retail component be relocated to the north end of the building and access provided through 15 Kenaston Gardens. Other concerns relating to the commercial component included the affects on property values, loitering, safety, and the quality of the proposed retail space.

At the meeting, City Planning staff was presented with three petitions signed by residents in surrounding condominium buildings expressing opposition to the proposed retail space on the basis that it would cause traffic and parking issues and compromise safety for all residents. The petitions were signed by: 60 residents in The Rockefeller (TSCC 1763); 28 residents of The Chelsea (TSCC 1593); and 59 residents in The Empire (TSCC 1687).

On February 10, 2009, staff from Community Planning and Transportation Services, as well as the Ward Councillor, attended a meeting with the Board of Directors representing the condominiums that surround the site to discuss the issues again in more detail. The meeting was held in one of the condominium buildings in the neighbourhood.

On February 26, 2009, staff from Community Planning facilitated a meeting between the applicant and the same Board of Directors. The meeting was arranged to provide the condominium representatives an opportunity to discuss the acquisition of 15 Kenaston Gardens with the applicant. At the meeting, various other matters were discussed including concerns regarding the proposed retail space.

Agency Circulation

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

COMMENTS

Provincial Policy Statement and Provincial Plans

The Provincial Policy Statement (PPS) promotes intensification and redevelopment opportunities through a more compact building form, mix of uses and densities that allow for the efficient use of land, infrastructure and public service facilities. Staff has reviewed the proposal and determined that it is consistent with the PPS and conforms to, or does not conflict with, the Growth Plan for the Greater Golden Horseshoe. Policy 1.4.3 of the Housing section of the PPS requires that an appropriate range of housing types and densities be provided to “meet social, health and well-being requirements of current and future residents”. The built form and density in this case will provide a range of unit sizes.

Policy 1.6.5.4 of the Transportation Systems section promotes a land use pattern, density and mix of uses that minimize the length and number of vehicle trips and supports the development of viable choices and plans for public transit and other alternative transportation modes. Given the site is located approximately 100m (approx. 1 minute walk) from the Bayview Subway Station, the proposed mixed use and density in this case is consistent with the PPS.

Similarly, Council's planning decisions are required to conform, or not conflict, with the Growth Plan for the Greater Golden Horseshoe. In this case, the proposal conforms to the Growth Plan. Section 2.2.2 of the Plan states that population growth will be accommodated by directing new growth to the built up areas of the community through intensification. As this site is located in a built up area, and the proposal is intensifying the use of land for housing, the proposal conforms to the Growth Plan.

Land Use

The *Mixed Use Areas* land designation of the Official Plan permits a broad range of commercial, residential and institutional uses in single use or mixed use buildings. The Plan envisions that development in mixed use areas will be a balance of high quality commercial, residential, institutional and open space uses that reduce automobile dependency and meet the needs of the local community. The Secondary Plan provides further descriptive guidance with regard to the development of *Mixed Use Areas* stating that such areas “may be permitted to be developed primarily for residential uses, however, mixed use developments with non-residential uses such as retail or small offices at grade with multiple residential or offices located above grade are encouraged along the Sheppard Avenue frontage”. The Plan goes on to state within the interior of *Mixed Use Areas* a mix and variety of residential buildings, uses complementary and accessory to a multiple residential use, and public and private open space areas are also encouraged.

The proposal to introduce a commercial use is consistent with Official Plan objectives for *Mixed Use Areas*. A grade related commercial use helps to fulfill the role of the planned function of the *Mixed Uses Areas* designation of the Official Plan and with approximately 2,700 dwelling units in the neighbourhood there is sufficient population to support the use. The proposal is not unlike many mixed use or residential apartment neighbourhoods across the City where small-scale, pedestrian oriented commercial uses co-exist. Given the design, size, and location of the proposal, staff considers it to be a complementary and accessory use serving the needs of the immediate community. It is staff's view the use will offer residents in the community a level of convenience and strengthen an already established pedestrian pattern to and from the subway. It will also assist in minimizing the amount of shopping vehicular trips likely destined outside the neighbourhood.

Through community consultation, the applicant was requested to consider relocating the proposed retail space from the south end of the building to the north end. Despite parking prohibitions and in view of the bend in Kenaston Gardens, residents expressed concern

that the use at this end of the building would exacerbate potential traffic issues concerns along this section of Kenaston Gardens.

The applicant has advised that placing the retail to the north end of the building is not practical and/or feasible for the following reasons:

- locating the retail unit at the north end of the building could have a temporary impact on 15 Kenaston Gardens, until such time as that property is developed;
- placing the use away from the corner would increase the potential for patrons and delivery vehicles to stop and park illegally on the east side of the street;
- the north end of the building is lower than the street causing visibility and barrier-free accessibility concerns (the current location has prime visibility and has a flush, grade-related, access to the unit); and,
- the current location is buffered from ground floor residential suites within the building by the main lobby. A retail unit at the north end could not be buffered and placing a retail unit on the opposite side of a wall to a residential unit is not good space planning.

In view of the above noted grading and accessibility issues, staff support the proposed retail space at the south end of the building at the corner of Kenaston Gardens.

Density

The building has a gross floor area of 9,967m² which includes 120.75m² of ground floor convenience retail space. The building has been designed to include 354m² of common indoor amenity space. In accordance with Secondary Plan policy, the floor area devoted to the indoor amenity is space exempt from the calculation of density. The as-of-right density permission at a 3.0 Floor Space Index (FSI) results in a gross floor area of 7,788m². Additional density of 2,179m² is proposed resulting in an FSI of approximately 3.7 FSI.

The density calculation relies on a combination of the existing site areas, unused density attributable to lands conveyed to the City for a public road (east-west leg of Kenaston Gardens) through a previous development application, and a residual portion of the former cul-de-sac adjacent to 19 and 21 Kenaston Gardens that the applicant is proposing to acquire from the City.

At its meeting of December 4, 5 and 6, 2001, City Council approved a rezoning application (TB CMB 2000 0003) filed by the Daniels Corporation to permit an 8-storey, 129-unit rental apartment building (The Chelsea) on the lands immediately east of the subject site at 19-21 Barberrry Place (the site zoned RM6(112) on Attachment 5). As part of that application, lands along the southerly portion of the site were conveyed to the City for public road purposes. It was Council's decision that the unused density of 979.5m² attributable to the lands conveyed to the City for a public road be reserved and made

available through a further rezoning. The applicant is now requesting it be transferred to the subject site.

It should be noted the applicant had initially requested the density calculation include density attributable to a surplus portion of Barberrry Place that they acquired from the City when the application at 19-21 Barberrry Place (The Chelsea) was being processed. The density was never used so the applicant proposed it be transferred to the subject application site. This proposed transfer does not qualify as a density transfer in accordance with Secondary Plan policy. As a result, it no longer forms part of the application.

On April 23, 2008 the applicant initiated the process of closing 59m² of the former cul-de-sac adjacent to 19 and 21 Kensaton Gardens. Transportation Services staff has reviewed the applicant's request and has determined that the public highway property is surplus to its requirements and can be stopped up and closed. After the public highway has been declared surplus by Facilities & Real Estate staff and the intended manner of sale has been approved, notice would be given to the public of the closure. Following this, a joint closure and sale report would be prepared by Transportation and Facilities & Real Estate. It should be pointed out that should the declare surplus and stopping-up process ultimately be unsuccessful, the proposal will need to be modified. The applicant has indicated this could be accommodated if necessary. In the event this occurs, an appropriate alternative Zoning By-law amendment would need to be prepared.

Massing and Height

While the Secondary Plan prescribes a general height limit of 6 storeys on sites fronting Sheppard Avenue, there are no specific height requirements in the City's Official Plan or Secondary Plan that pertain to the subject site. Rather, development is guided by the built form development criteria found in Sections 3.1.2 (*Built Form*), 3.1.3 (*Tall Buildings*) and 4.5.2 (Development Criteria in *Mixed Use Areas*) of the Official Plan, area specific policy 4.2.2 (*Kenaston Gardens/Sheppard Square Area*) and section 4.4 (*Urban Design Principles*) of the Secondary Plan, as well as the Urban Design Principles of the Context Plan. All speak to the form of the building itself and considerations of neighbourhood context and fit. Policies require that new development limit its impacts on adjacent streets and parks by locating and massing new buildings to frame street edges and maintain adequate levels of sunlight, privacy, and sky views for both new and existing residents, provide good site access and circulation, and provide an attractive, comfortable and safe pedestrian environment.

The Official Plan calls for new buildings to frame adjacent streets and open spaces in a way that respects the existing and/or planned street portion. Similarly, the Secondary Plan states new buildings should be designed with a maximum height based on a 1:1 height to street width ratio. Exceptions to this standard may be accommodated through treatment of bulk and mass of buildings as well as detailed elevation articulation. While the overall building height marginally exceeds the street right-of-way, it maintains an acceptable

proportion through the architectural treatment of the upper floors, step backs above the 6-storey level and setbacks at grade.

In accordance with the Secondary Plan policy for this area, at 8-storeys the proposal provides transition of height and scale between the 20 and 28 storey buildings along Highway 401 towards the smaller mid-rise buildings envisioned along Sheppard Avenue.

The Height Diagram for this site in the Context Plan shows a building with a height up to 6-storeys. The Context Plan speaks to the height concepts noting they may change as long as they conform to the urban design principles of the Context Plan. The Plan is intended to have reasonable flexibility, with opportunities for refinement as projects proceed in the quadrant. To date, with the exception of two Chrysler apartment buildings, all building heights are higher than those contemplated on the Height Diagram. Each has been evaluated on a site by site basis and approved because they met the urban design principles of the Context Plan.

The proposed building massing and siting satisfies the urban design policies of the Secondary Plan and design objectives of the Context Plan. In accordance with the Context Plan, a base building expression has been provided along the street edges continuing a treatment incorporated on other buildings in the neighbourhood. The 8-storey height and mass of the building has been designed and sited to be consistent and compatible with the 8-storey Chelsea apartment building east of the site and the 7-storey portion of the (20-storey) Rockefeller apartment building opposite the site on the west side of Kenaston Gardens. To ensure good light, view and privacy between adjacent buildings and open spaces, the Context Plan recommends appropriate building setbacks. The proposal is situated directly west of the 8-storey Chelsea apartment building. The two buildings are at least 22 metres apart, a relationship similar to other buildings in the neighbourhood, ensuring adequate light and privacy for both buildings.

The building is designed as a streetwall building as contemplated by the Context Plan. It is aligned along the streets to provide appropriate street presence and street enclosure with setbacks from the street consistent with other developments in the neighbourhood to provide for landscaped areas adjacent to public sidewalks as encouraged by the Secondary Plan. These spaces will provide a visual setting for the proposed building and provide general amenity for residents and visitors.

In order to provide safe, animated streets the Context Plan encourages grade-related units. In addition to grade related units at the northwest corner of the building the proposal incorporates retail space at the southwest corner of the building and amenities. The main entrance is located on the public street and is visible and accessible directly from a new public sidewalk the applicant is proposing along Kenaston Gardens. The new sidewalk addresses Secondary Plan policy that speaks to improving pedestrian connections to the transit terminal at Bayview/Sheppard.

Parking and servicing facilities fulfil Context Plan objectives. Access to the parking and loading area is located at the rear of the building away from public view. All resident and visitor parking is provided on 3 levels of underground parking. The servicing area has been incorporated within the design of the interior landscaped courtyard thereby having minimal physical and visual impact on the public street and adjacent Chelsea apartment building site.

In view of the above, it is staff's view the proposed height can be supported because the application addresses the built form objectives of the Official Plan and Secondary Plan and fulfils the urban design principles of the Context Plan.

Sun, Shadow, Wind

Policy 3.1.2.3 of the Official Plan states that new development should be designed to fit harmoniously into its existing and/or planned context and limit impacts on neighbouring properties and streets.

The shadow studies submitted by the applicant have been reviewed and the incremental shadows produced by the proposed height and massing will not create significant negative impacts on Kenaston Gardens or on surrounding properties, particularly the apartment building east of the site.

Traffic Impact

The Secondary Plan's transportation policies have two main goals: first, that development in the Plan area proceed only if or when sufficient transportation infrastructure is in place to support it; and, second, that existing neighbourhoods north of Sheppard Avenue be protected from the impact of development-related traffic. The Secondary Plan requires a Traffic Impact Study and traffic certification by a qualified transportation consultant for any proposed development larger than 5,000m² (53,820 sq.ft.).

A Traffic Impact Study and Traffic Certification Report was submitted and reviewed by Transportation Services. The study examines traffic generated by future residents of the proposed building in the context of existing, under construction and approved development in the corridor. The findings of the study indicate that the projected volumes associated with this proposal can be accommodated within the existing infrastructure. These findings of the study and the traffic certification are supported by staff in Transportation Services and Transportation Planning.

Driveway Access

A full-moves driveway is proposed on the east-west leg of Kenaston Gardens at the southeast corner of the site. Concerns were expressed by some area residents that the access is too close to an existing residential driveway east of the site (The Chelsea) and too close to the curved portion of Kenaston Gardens.

Given the proximity of the proposed driveway to the curved portion of the roadway driveway sightlines were extensively reviewed. Transportation staff has reviewed the

vehicle sightline assessment provided by the transportation consultant and can support the proposed driveway location as it relates to the curved portion of the road.

The submitted traffic study also addresses the relationship between the proposed driveway and the existing driveway from The Chelsea site to the east. The location of the proposed driveway will be approximately 16 metres from the neighbouring driveway so the potential interaction was reviewed as part of the submitted traffic study. The study concludes that the majority of trips from the neighbouring site will be left-turn (eastbound) movements to the traffic signals at Barberry and Sheppard Avenue. With very few right-turning (westbound) movements from the site the study concludes there is limited potential for conflict with the proposed driveway location. Based on the above, Transportation Services have no objections to the proposed driveway location.

Parking

The Official Plan encourages development at locations well served by a full range of transportation options so as to reduce reliance on automobiles. The site is in proximity to public transit operations (both surface routes and the subway system) and its location provides convenient walking and cycling opportunities to a range of destinations.

Parking in the Sheppard Corridor is limited to ensure that developments do not provide excessive numbers of spaces and thereby attract auto-oriented users. In order to achieve this goal, parking requirements in the corridor are established on a site-by-site basis having regard for factors such as distance to the subway, unit size and unit type. By-law 7625 requires that parking be provided for apartment buildings at a rate of 1.25 parking spaces/unit plus 0.25 parking spaces/unit for visitors. Based on these rates the project would generate the need for 177 spaces for residents and 35 spaces for visitors. However, in view of the site's proximity to the Sheppard Subway line, Transportation Services and Transportation Planning staff can support a reduced parking rate ranging between 1.1 and 1.3 parking spaces/dwelling unit, including 0.20 spaces/unit for visitors. Based on the minimum rate, 128 parking spaces will be provided for residents and 28 parking spaces will be provided for visitors.

With respect to the proposed commercial component, the General Zoning By-law requires parking be provided at a parking rate of 1 parking space per 28m² of gross floor area of commercial space. Given the intended nature of this use Transportation Services staff can support a reduced rate of 1 parking space per 56m² of gross floor area resulting in a provision of 2 spaces.

Bicycle Parking

The Official Plan contains policies which encourage reduced automobile dependency as well as promoting alternative modes of transportation. The policies contained within the Plan attempt to increase the opportunities for better walking and cycling conditions for residents of the City. Policy 2.4.7 states, "Policies, programs and infrastructure will be

introduced to create a safe, comfortable, and bicycle friendly environment that encourages people of all ages to cycle for everyday transportation and enjoyment including the provision of bicycle parking facilities in new developments”. The development proposes to provide 14 bicycle parking spaces on site for the exclusive use of residents on parking level P1.

Comprehensive Development

The Sheppard East Subway Corridor Plan policies encourage comprehensive land assemblies in order to achieve the maximum permitted density and to prevent piecemeal development. The Context Plan includes a Block Pattern diagram that illustrates potential development blocks created by existing and new streets and parks. The proposal includes the four residential lots (17, 19, 21 and 23 Kenaston Gardens) contemplated on the diagram (Block G). Attached as Attachment 4 is a block plan that includes the subject site and neighbouring apartment building site to the east (The Chelsea) that illustrates the complete buildout of the potential block. The proposal constitutes a comprehensive land assembly as encouraged by Secondary Plan policy and leaves no remnant land parcels within Block G.

15 Kenaston Gardens

When the preliminary report for this application was considered by North York Community Council at its May 6, 2008 meeting, Community Council directed the applicant make every effort to purchase the neighbouring property north of the site at 15 Kenaston Gardens, and if unable to enter into an agreement to purchase, work with the appropriate City Divisions, including the Transportation Services and Real Estate Divisions, to expropriate the property with all costs being borne by the applicant. The applicant has advised staff that they attempted to acquire the property in February 2008 then again in September 2008 however the parties were not able to reach an agreement to purchase. The applicant has further advised that at present, given the current state of the economy, they are not prepared to acquire additional real estate.

The Context Plan includes a Transportation Options plan which illustrates a potential east-west public street connection between Kenaston Gardens and Barberry Place located along the north side of the proposed development site approximately mid-block between Sheppard Avenue and the east-west leg of Kenaston Gardens. The residential properties that form part of this potential public street connection would include all of 15 and a portion of 11 Kenaston Gardens as well as, all of 23 Barberry Place. The Context Plan does not specifically require this public street connection rather it illustrates a potential location for one should there be a demonstrated need and justification for it.

Section 4.5.2 of the Secondary Plan states that prior to the enactment of any zoning by-law, the City must be satisfied that the proposed development can be accommodated within the existing road network or that any required transportation improvements upon which such development is dependant have been identified and all necessary provisions made for their implementation.

Transportation staff accepts the conclusions of the Traffic Study that the proposed development would not significantly impact the neighbouring road network. The study concludes the existing local area road network and intersections have sufficient available capacity to safely accommodate the estimated site related traffic volumes and the proposed site driveway will operate without undue adverse impact to the adjacent street and nearby residential properties. No road improvements are necessary to support the development.

Transportation staff does not recommend expropriating the property because it has not been considered as part of any public process to date such as an Environmental Assessment Study and has not been identified as a functional requirement for the area road network. Given this, it would be difficult for the City to proceed with the expropriation of 15 Kenaston Gardens for public purposes at this time.

The potential use of 15 Kenaston Gardens for public road purposes will be evaluated when development application(s) are filed for the remaining properties on Kenaston Gardens and/or Barberry Place.

Servicing

The applicant has submitted a site servicing assessment which determines stormwater runoff, sanitary flow and water supply demand resulting from the development, as well as demonstrates how this site can be serviced, and confirms that the existing municipal infrastructure is adequate to service the proposed development. Development Engineering staff have reviewed the servicing assessment and have accepted the consultants findings.

Open Space/Parkland

Applicability of Parkland Dedication

The Official Plan contains policies to ensure that Toronto's system of parks and open spaces are maintained, enhanced and expanded. Map 8B of the Toronto Official Plan shows local parkland provisions across the City. The lands which are the subject of this application are in an area with 0.43 to 0.79 hectares of local parkland per 1,000 people. The site is in the second lowest quintile of current provision of parkland. The site is in a parkland priority area, as per Alternative Parkland Dedication By-law 1420-2007.

Calculation of Parkland Dedication

The application proposes 142 residential units on a site 2,687m². Parks, Forestry and Recreation staff have advised that at the alternative rate of 0.4 hectares per 300 units specified in By-law 1420-2007, the parkland dedication would be 0.1893 hectares (1,893m²) which represents 70.46% of the site. A cap of 10% applies to sites that are less than 1 hectare in size and the non-residential component is subject to 2% parkland dedication, hence the development would be subject to a parkland dedication of 0.269 hectares (269m²).

Proposal for Dedication of Parkland

The applicant proposes to satisfy this parkland dedication requirement through cash-in-lieu. Parks, Forestry and Recreation staff advise that this is appropriate as the parkland conveyance would be small. The actual amount of cash-in-lieu to be paid will be determined at the time of issuance of the building permit by the Facilities and Real Estate Division.

Tree Preservation

The applicant has provided a tree inventory plan that indicates there are 9 trees on or near the site that meet the size criteria for protection under the City's tree by-laws. The owner will be required to obtain the necessary permits prior to removing any trees pursuant to Private Tree Protection By-law No. 780-2004 and the 'Trees On City Streets' By-law.

Urban Forestry advises there are 7 private trees that qualify for protection under the Private Tree By-law that will be affected by the proposed development. Four of these trees will require a permit to injure as the proposed wall along the north boundary line will encroach into the tree protection zone. Urban Forestry requires the proposed wall be supported on concrete piers to span the tree protection zone for one of the trees. A revised landscape plan shall be submitted that shows how the wall and concrete piers will be constructed where it involves the tree. Urban Forestry advises where it is not possible to adequately protect or retain all the private property trees it will necessary for the applicant to submit an application requesting permission to injure or destroy the trees in question.

Urban Forestry further advises that 2 City trees would need to be removed to facilitate the construction of the new City sidewalk on north/south leg of the Kenaston Gardens public boulevard. The applicant is required to submit a completed application form for their removal as well as submitting \$2,448.00 based on their amenity value.

The applicant is proposing to plant 5 trees on the public boulevards adjacent to the site. Urban Forestry advises there is adequate growing space for additional trees to be planted on the north/south leg of Kenaston Gardens and is recommending the applicant submit a revised landscape plan to accommodate three additional trees. The revised plan shall show 6 new City trees for the north/south leg of Kenaston Gardens for a total of 8 City trees. Urban Forestry suggests planting Freeman Maple Autumn Blaze trees (*Acer x freemannii* "Jeffersred) or Pioneer Elm trees. A tree planting security deposit will be required for the tree planting within the road allowance.

The requirements of Urban Forestry Services have been included in the Notice of Site Plan Approval conditions.

Toronto Green Development Standard

The Green Development Standard contains performance targets and guidelines that relate to site and building design to promote better environmental sustainability of development in Toronto.

The applicant has completed The Toronto Green Development Standard checklist. The proposed development achieves several targets set out in the checklist. These include, but are not limited to: the use of local materials; construction waste management and 5% reuse of project materials; the provision of user-friendly and accessible handling and storage facilities for recyclable materials and organic waste; the provision of bicycling and pedestrian infrastructure; stormwater management/retention; rain water harvesting; the use of high efficiency fixtures and appliances; landscape treatments and roofing techniques to reduce the urban heat island effect; minimizing air emissions and dust during construction and demolition; and the use of low-emitting materials.

In addition to the above, the applicant will also be seeking LEED certification for the project.

Section 37

The Official Plan contains policies pertaining to the provision of community benefits for increases in height and/or density pursuant to Section 37 of the Planning Act.

Although the Plan states Section 37 may be only be used for developments with more than 10,000m² of gross floor area, the Plan goes on to state that irrespective of the size of the project or the increase in height and/or density, where there is a Secondary Plan in place, the policies of the Secondary Plan prevail. The density incentive policies of the Sheppard East Subway Corridor Secondary Plan are specific and prevail over the Section 37 policies of the main Official Plan. The Secondary Plan provisions provide that, if specified community benefits are constructed, the gross floor area of those community benefits are exempted from the calculation of the gross floor area of the development, and depending on the type of community benefit, additional density may also be granted in accordance with the provisions (policy 4.3.3 of the Sheppard East Subway Corridor Secondary Plan). The density incentive provisions do not authorize the securing of cash-in-lieu for community benefits. To vary from Policy 4.3.3 in the Secondary Plan with respect to the type of benefit or the incentives provided, an amendment to the Secondary Plan is required.

It is staff's view the proposed development constitutes good planning. It is consistent with the objectives and policies of the Official Plan, complies with the built form policies of the Plan and fulfils the municipal objectives for appropriate urban design principles as set out in the Context Plan. In view of the above, staff can support the additional 2,179m² of density subject to securing a Section 37 community benefit.

Because it is neither practical nor feasible for the applicant to provide certain community benefits listed in Figure 4.3.3 of the Plan, staff is recommending a site-specific amendment to the Secondary Plan to allow for a density incentive with respect to the provision of a public community centre. It is recommended a monetary contribution be provided from the applicant for \$135,000.00 toward the cost of constructing and equipping a public community centre serving the Sheppard East Subway Corridor area. It is further recommended that if the public community centre has not commenced within 5

years from the date of the approval of the zoning by-law, the funds may alternatively be used, at the discretion of the General Manager, Parks, Forestry and Recreation, in consultation with the Ward Councillor, for improvements to Rean Park and/or Kenaston Park located east of Bayview Avenue and south of Sheppard Avenue.

Figure 4.3.3 of the Secondary Plan also includes a density incentive for providing indoor private recreational space by exempting the gross floor area of such use from the calculation of density. The applicant is proposing to provide 354m² of space, equivalent to 2.5m² per dwelling unit. In addition to the recommendations above, this facility will be secured through the implementing Zoning By-law and an agreement pursuant to Section 37 of the *Planning Act*.

Tenure

All units will be part of a condominium corporation. An application for draft plan of condominium approval will be required.

School Boards

The Toronto District School Board advises that there is sufficient space at the local schools to accommodate students from this development. The local schools are Crestview Public School, Woodbine Junior High School and Georges Vanier Secondary School. The Board further advises that although local schools are operating at capacity, the impact from this development is insufficient to require any warning clauses, which would normally be requested.

The Toronto District Catholic School Board did not provide any comments on the application.

Site Plan Control

The applicant has submitted a concurrent application for Site Plan Approval. The application has also been appealed to the Ontario Municipal Board. This report recommends the Ontario Municipal Board be requested to withhold its Order until the owner enters into a Site Plan Control Agreement under Section 41 of the *Planning Act* to the satisfaction of the City Solicitor to include the Notice of Approval Conditions set out in Attachment 14 of this report.

One of the concerns expressed by the local community related to demolition and construction activity and the related off-site impacts. As a condition of Site Plan Control approval, the applicant will be required to submit a Construction Management Plan to the satisfaction of Technical Services in consultation with the Director of Community Planning. The plan will include information regarding the demolition and construction timetable and protocols to address construction activities such as noise, dust, temporary loss of facilities and services, parking of vehicles, standards for cleanliness of public spaces and contact numbers for complaints.

Development Charges

It is estimated that the development charges for this project would be \$762,364.00. This is an estimate. The actual charge is assessed and collected upon issuance of the building permit.

CONTACT

Steve Forrester, Senior Planner

Tel. No. (416) 395-7126

Fax No. (416) 395-7155

E-mail: sforrest@toronto.ca

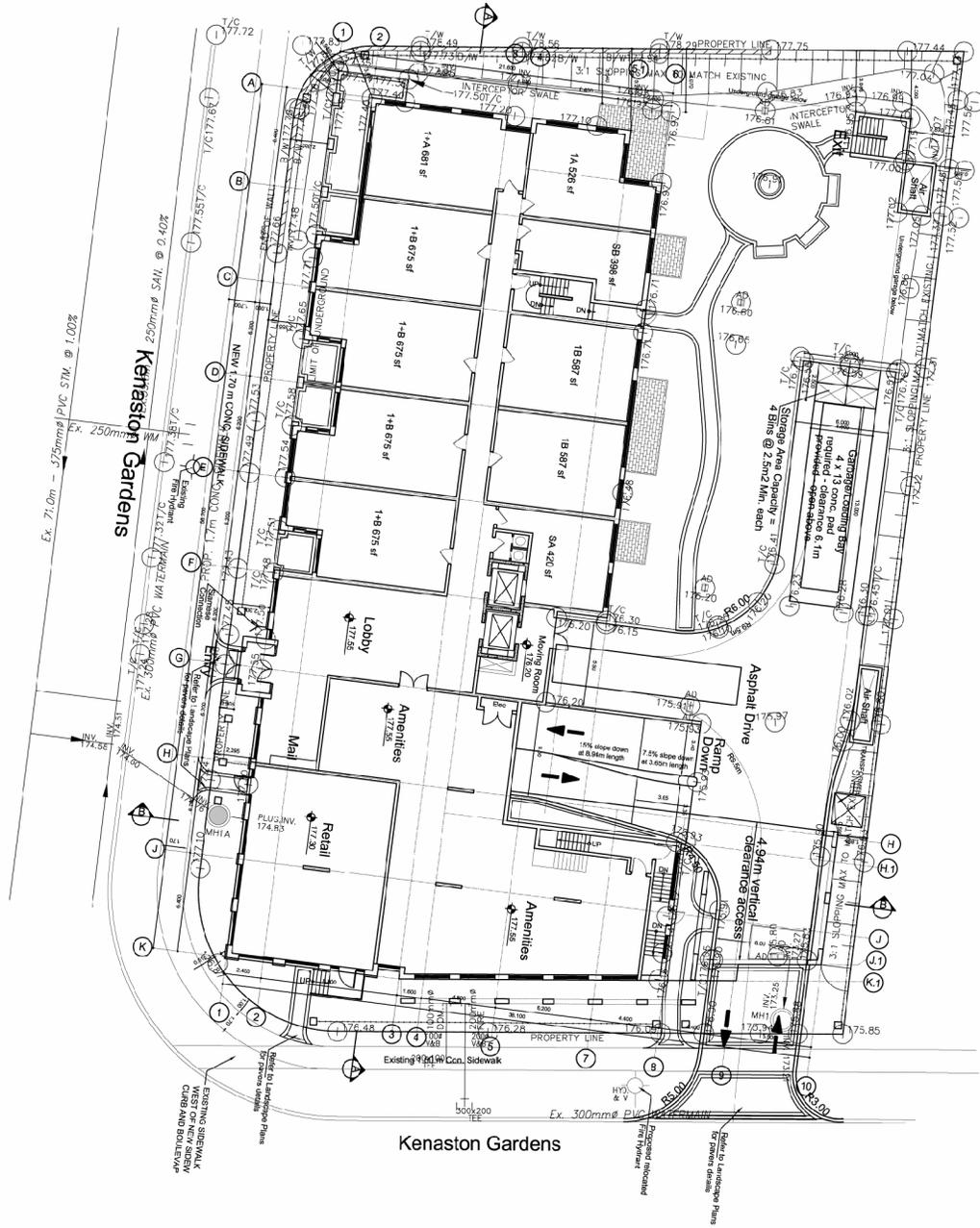
SIGNATURE

Thomas C. Keefe, Director
Community Planning, North York District

ATTACHMENTS

- Attachment 1: Site Plan/Ground Floor Plan
- Attachment 2: Landscape Plan
- Attachment 3: Landscape Details
- Attachment 4: Block Plan
- Attachment 5: Elevation Context
- Attachment 6: Building Elevations
- Attachment 7 Visual Representation of Proposed Development
- Attachment 8: Zoning
- Attachment 9: Official Plan
- Attachment 10 Application Data Sheet
- Attachment 11: Technical Services Comments
- Attachment 12: Draft Official Plan Amendment
- Attachment 13: Draft Zoning By-law Amendment
- Attachment 14: Notice of Approval Conditions

Attachment 1: Ground Floor/Site Plan



Ground Floor / Site Plan

17-23 Kenaston Gardens

Applicant's Submitted Drawing

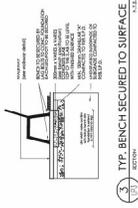
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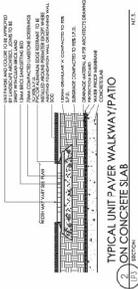
Attachment 3 Landscape Details



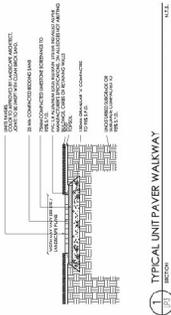
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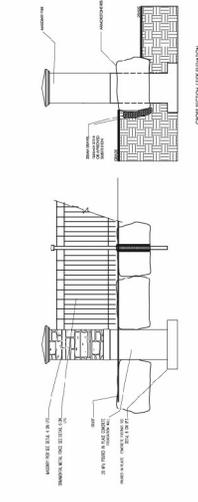
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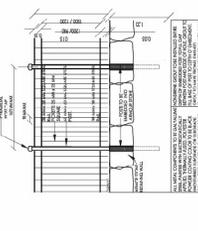
7. TYPICAL UNIT PAVER WALKWAY/PATIO ON CONCRETE SLAB



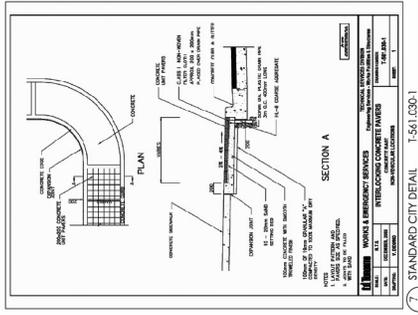
1. TYPICAL UNIT PAVER WALKWAY



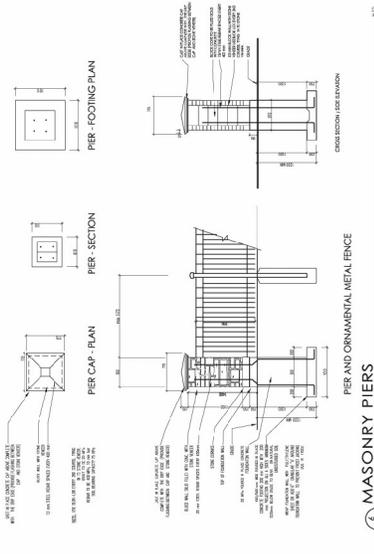
MASONRY PIERS AND ARMOR STONE RETAINING WALL



2. ORNAMENTAL METAL FENCE EMBEDDED IN ARMOR STONE



MASONRY PIERS AND ARMOR STONE RETAINING WALL



PER AND ORNAMENTAL METAL FENCE PIERS

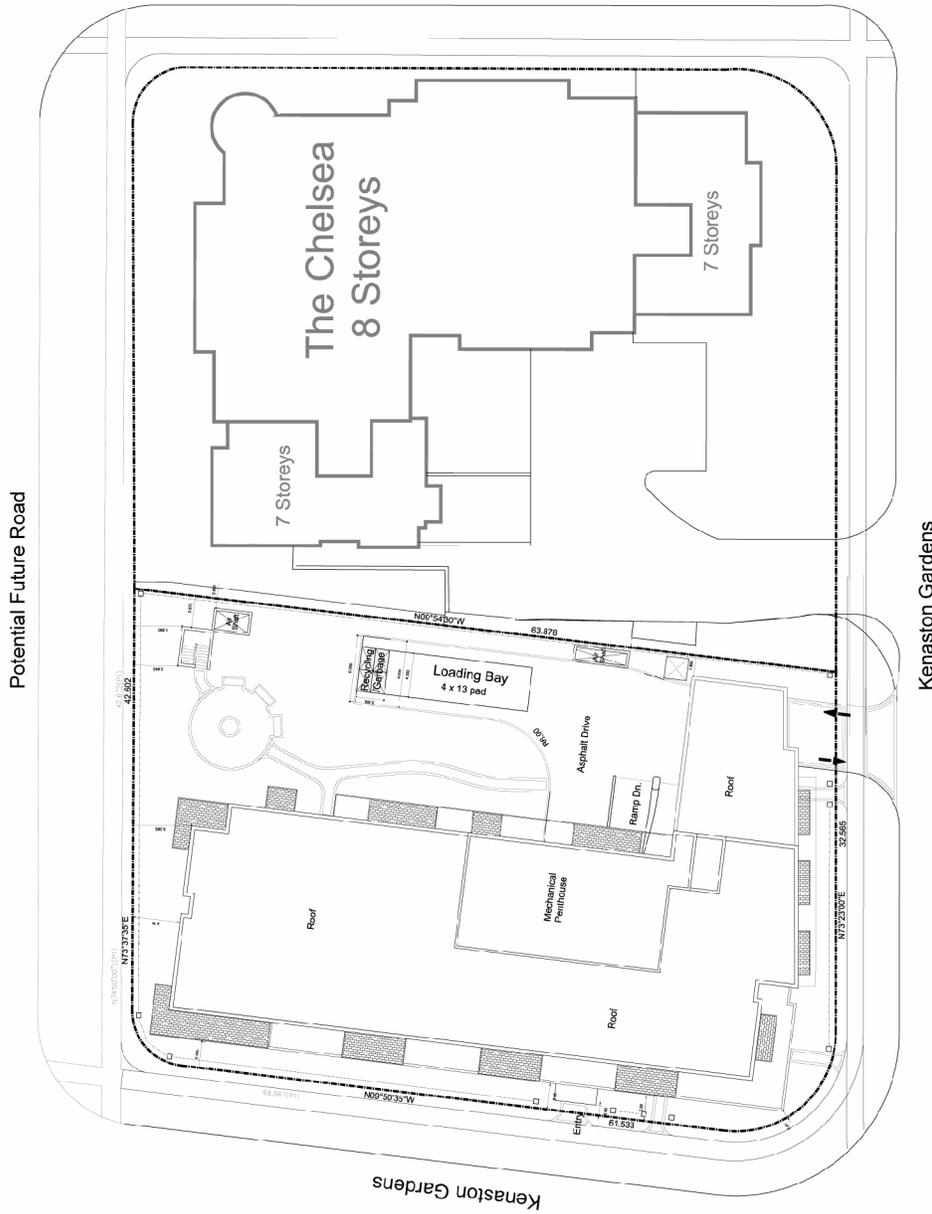
17-23 Kenaston Gardens

File # 08_112582

Landscape Details

Not to Scale
12/19/2008

Attachment 4 – Block Plan



17-23 Kenaston Gardens

Block Plan

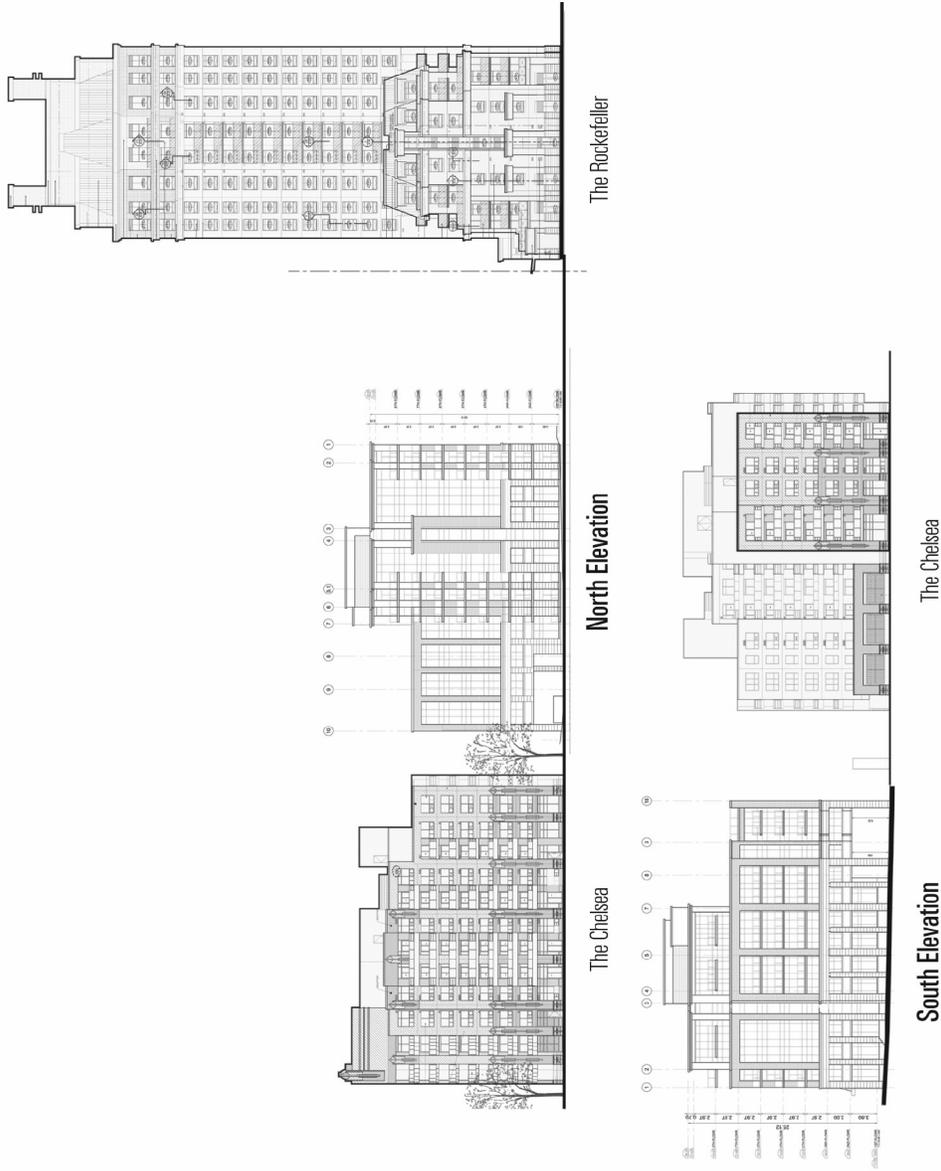
Applicant's Submitted Drawing

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12/19/2008

File # 08_112582



Attachment 5: Elevation Context



Elevations

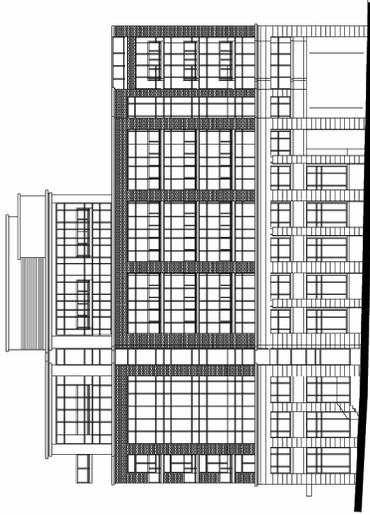
Applicant's Submitted Drawing

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12/19/2008

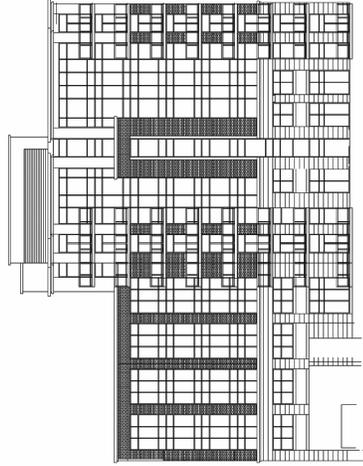
17-23 Kenaston Gardens

File # 08_112582

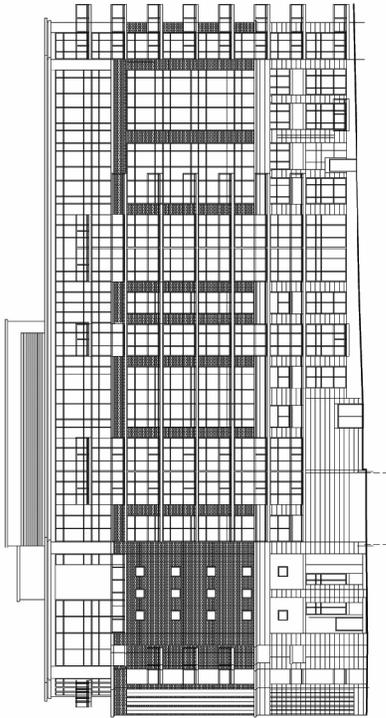
Attachment 6: Building Elevations



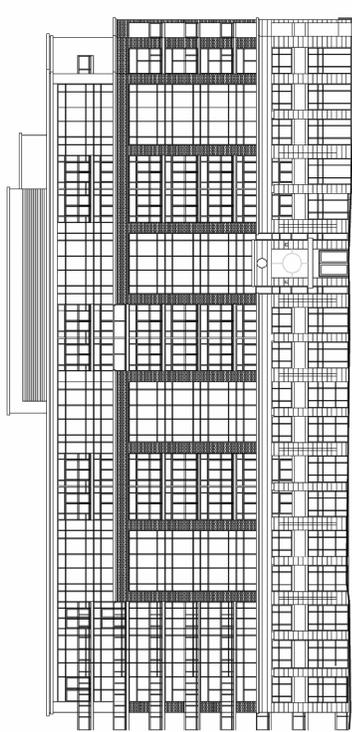
South Elevation



North Elevation



East Elevation



West Elevation

Elevations
17-23 Kenaston Gardens

Applicant's Submitted Drawing
Not to Scale
02/29/2008

File # 08_112582

Attachment 7: Visual Representation of the Proposal



Visual Representation of Proposed Development

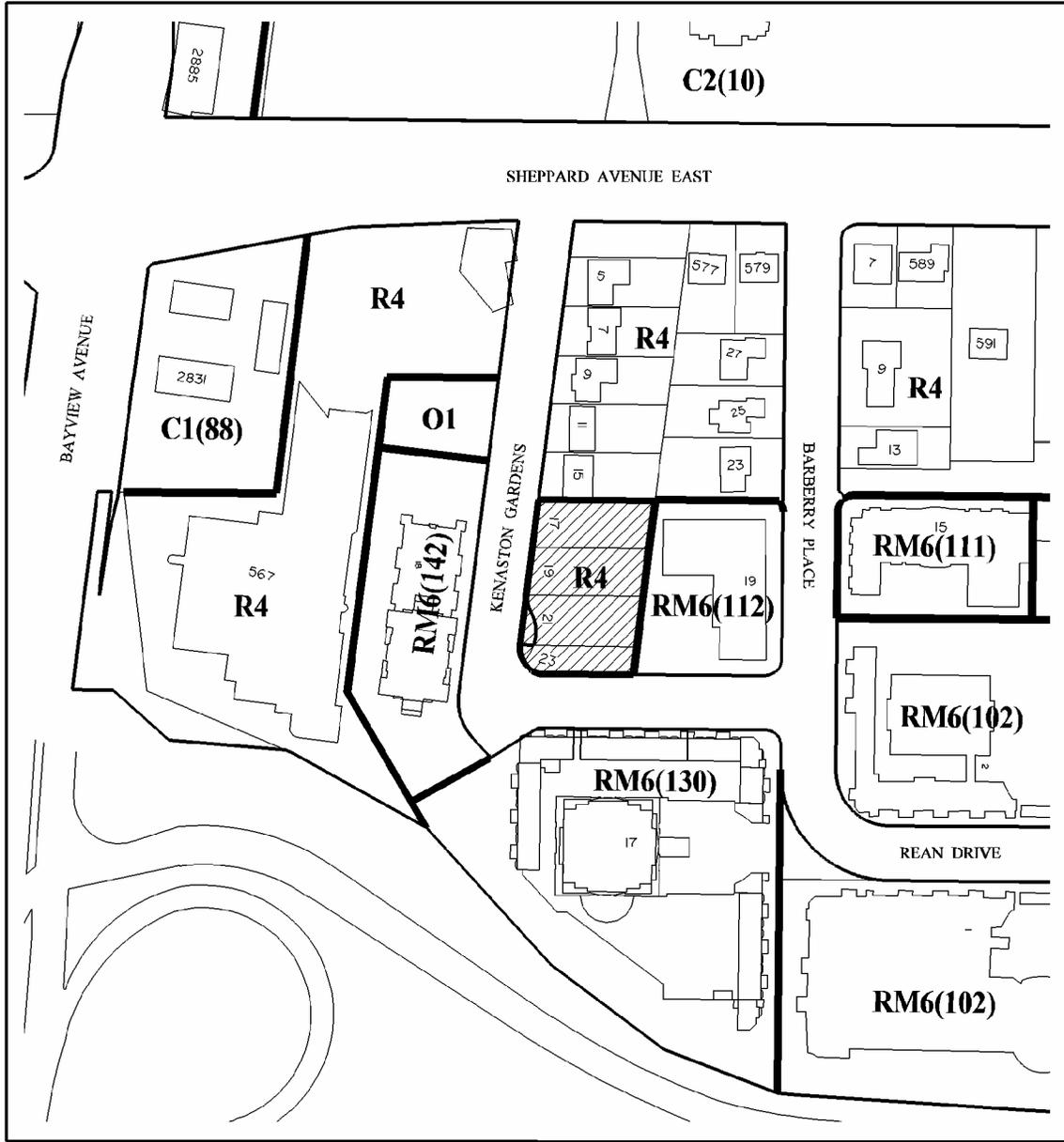
Applicant's Submitted Drawing

Not to Scale
03/17/2008

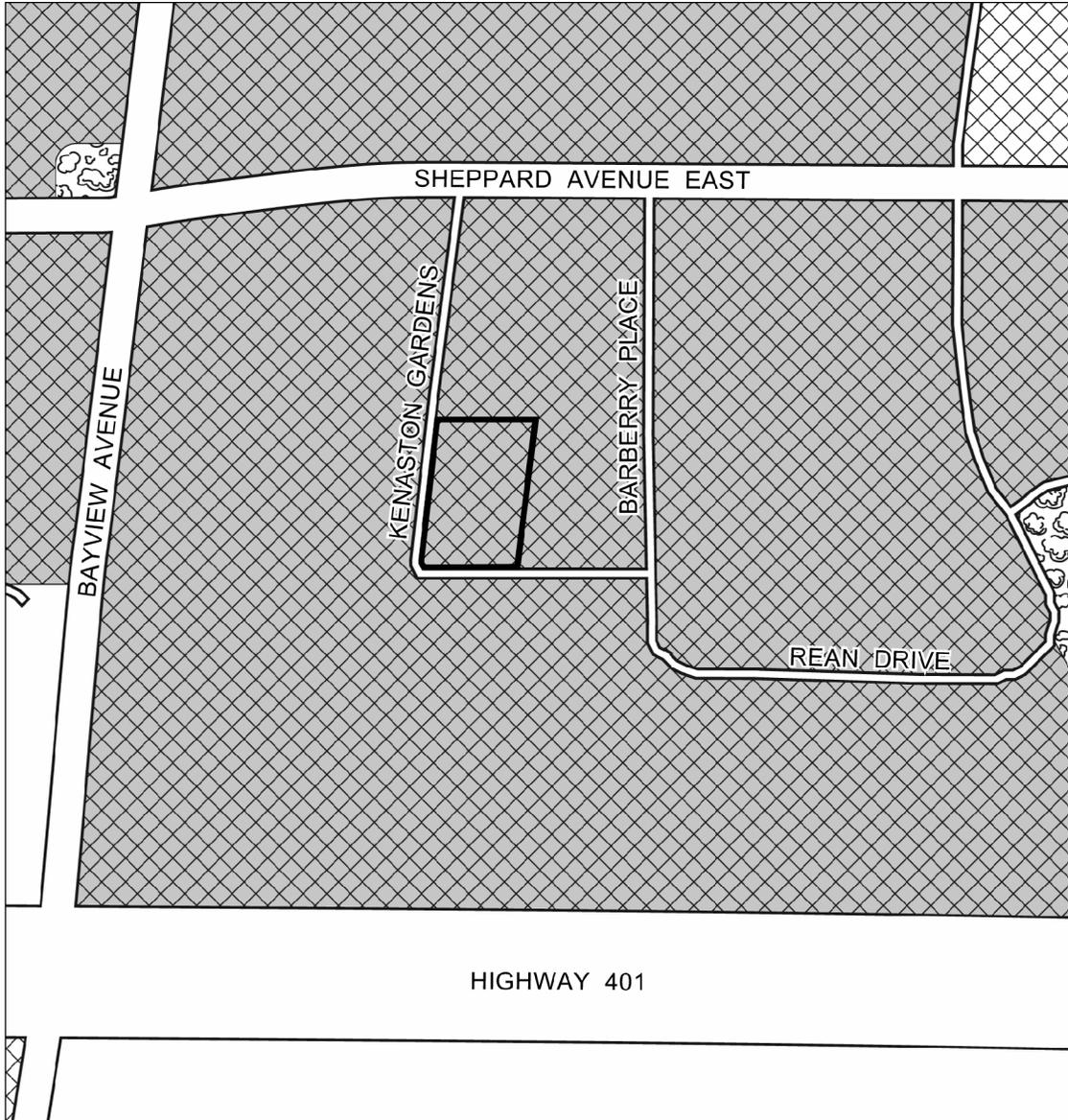
17-23 Kenaston Gardens

File # 08_112582

Attachment 8: Zoning



Attachment 9: Official Plan



Attachment 10: Application Data Sheet

APPLICATION DATA SHEET

Application Type	Official Plan Amendment & Rezoning	Application Number:	08 112582 NNY 24 OZ
Details	OPA & Rezoning, Standard	Application Date:	February 20, 2008
Municipal Address:	17, 19, 21, 23 KENASTON GDNS		
Location Description:	PLAN 4397 PT BLK B PT LOT 7 RP 66R20940 PARTS 3 AND 5 **GRID N2406		
Project Description:	8-storey, 142-unit, residential condominium, including ground floor retail and three levels of underground parking.		

Applicant:	Agent:	Architect:	Owner:
DANIELS KENASTON NORTH CORPORATION	NEIL PATTISON DANIELS CORPORATION	MICHAEL SPAZIANI ARCHITECT INC	DANIELS KENASTON NORTH CORPORATION

PLANNING CONTROLS

Official Plan Designation:	Mixed Use Areas	Site Specific Provision:	OPA 392 - Policy 4.2.2
Zoning:	R4	Historical Status:	
Height Limit (m):	8.8	Site Plan Control Area:	Y

PROJECT INFORMATION

Site Area (sq. m):	2687.6	Height:	Storeys:	8
Frontage (m):	42.7		Metres:	26.12
Depth (m):	68.5			
Total Ground Floor Area (sq. m):	1167.62			Total
Total Residential GFA (sq. m):	9846.25		Parking Spaces:	159
Total Non-Residential GFA (sq. m):	120.75		Loading Docks	1
Total GFA (sq. m):	9967.00			
Lot Coverage Ratio (%):	43.4			
Floor Space Index:	3.7			

DWELLING UNITS

Tenure Type:	Condo
Rooms:	0
Bachelor:	26
1 Bedroom:	102
2 Bedroom:	14
3 + Bedroom:	0
Total Units:	142

FLOOR AREA BREAKDOWN (upon project completion)

	Above Grade	Below Grade
Residential GFA (sq. m):	9946.25	644.56
Retail GFA (sq. m):	120.75	0
Office GFA (sq. m):	0	0
Industrial GFA (sq. m):	0	0
Institutional/Other GFA (sq. m):	0	0

CONTACT:	PLANNER NAME:	Steve Forrester, Senior Planner
	TELEPHONE:	(416) 395-7126

Attachment 11: Technical Services Comments

Frank Clarizio, P. Eng.
 Manager, Development Engineering
 North York District

Technical Services
 North York District
 North York Civic Centre
 5100 Yonge Street, 4th Fl.
 North York, Ontario M2N 5V7

Reply Attention:
 Robert Fazio, P. Eng.
 Senior Development Engineer
 Tel. 416-395-6306, Fax. 416-395-6328
 Email: rfazio2@toronto.ca

MEMORANDUM

TO: T. Keefe, Director
 Community Planning, North York District

Attention: Steve Forrester

FROM: Frank Clarizio, P. Eng.
 Manager, Development Engineering, North York District

DATE: **January 2, 2009**

SUBJECT: Zoning Plan Application No: 08 112582 NNY 24 OZ
 Site Plan Application No: 08 184449 NNY 24 SA
 Your Memorandum Dated: November 21, 2008
 Applicant: Daniels Kenaston North Corporation
 Location: 17, 19, 21 & 23 Kenaston Gardens Ward: 24

APPLICATION DESCRIPTION

This is in reference to the Official Plan Amendment, Rezoning and Site Plan applications made by Daniel Kenaston North, for the proposed development at the lands located on the northeast corner of Kenaston Gardens, in the former City of North York.

The applicant proposes to develop an eight-storey mixed-use building, with 142 condominium units, a minor retail component (120.75 sq.m.), and three levels of underground parking.

The following comments and conditions are provided based on the following submissions:

- Underground Floor Plans A03, dated January 28, 2008, by Michael Spaziani Architect Inc.;

- Underground Floor Plans A04, dated January 28, 2008, by Michael Spaziani Architect Inc.;
- Ground Floor / Site Plan SP1, dated January 28, 2008, by Michael Spaziani Architect Inc.;
- Site Plan Context SP2, dated January 28, 2008, by Michael Spaziani Architect Inc.;
- Vehicle Manoeuvring Diagram SP3, dated January 28, 2008, by Michael Spaziani Architect Inc.;
- Landscape Plan LP1, Revision No. 4 dated November 18, 2008, by Landscape Architecture;
- Stormwater Management Report, dated November 17, 2008, by Sernas Associates, stamped received November 21, 2008;
- Site Servicing & Grading Plan dwg. # SS-1, Revision No. 2 dated November 17, 2008, by Sernas Associates;
- Transportation Impact Study, dated February 4, 2008, by BA Group, Revised to November 20/08;
- Other associated plans

TECHNICAL SERVICES REQUIREMENTS

A. REVISIONS AND ADDITIONAL INFORMATION REQUIRED FOR SITE PLAN, STUDIES AND DRAWINGS

The owner is required to amend the Site Plan Drawings and/or Studies and/or Drawings to address the following comments and resubmit for the review and acceptance by the Executive Director of Technical Services prior to issuance of Notice of Approval Conditions.

No Comments

B. OFFICIAL PLAN / ZONING BY-LAW AMENDMENT CONDITIONS

The following conditions are preliminary and subject to change, which would be included in the amended site specific Zoning By-law:

1.1 Parking shall be provided on-site in accordance with the following:

Residential:

A minimum of 1.1, and a maximum of 1.3 spaces per dwelling unit, including a residential visitor parking allowance of 0.2 spaces per dwelling unit;

Commercial:

A minimum of 1.0 space per 56 sm of retail GFA;

- 1.2 A minimum of one (1) loading space must be provided on-site for the proposed development. All aspects of the loading space must satisfy the Zoning By-law 7625 requirements;

C. PRELIMINARY NOTICE OF APPROVAL CONDITIONS

1. Widening of Highways that abut on the Land

No Notice of Approval Condition.

2. Facilities to Provide Access to and from the Land

2.1 Submit a financial guarantee in the form of an irrevocable letter of credit or certified cheque to the City of Toronto, for the construction of the east-west public road from Kenaston Gardens to Barberry Place along the north frontage of the site prior to site plan approval. The total cost including costs for the design, tender process, contract administration and construction supervision of the works is estimated to be \$291,750.00. Based on the linear frontage along the proposed new road, the owner's contribution for this work is estimated to be \$69,000.00.

2.2 a certified cheque in the amount of \$3,623.00 representing the 5% Engineering review fee of the above construction works.

3. Off-street Vehicular Loading and Parking Facilities and Access/Driveways

No Notice of Approval Condition

4. Walkway and Walkway Ramps

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

- a) Construction of a 1.7 metre concrete wide sidewalk across the entire Kenaston Gardens frontage of the site to the standard location of 1.0 metre from the property line. The cost of this work is estimated to be \$ 15,300.00.
- b) \$ 804.00 representing the 5% Engineering review fee of the above construction works.

The above works shall be constructed by the owner anytime after Site Plan Approval provided the owner contacts Technical Services to confirm that:

- i) A City representative has approved the proposed location of the above sidewalk.

- ii) The owner is required to make an application for a streetscaping permit.

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

No Notice of Approval Condition.

6. Facilities for the Storage of Garbage and Other Waste Material

No Notice of Approval Condition.

7. Easements Conveyed to City of Toronto

No Notice of Approval Condition.

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

No Notice of Approval Condition.

9. Other Conditions

- 9.1. The applicant is proposing to close the portion of the former Kenaston Gardens turning circle. The subject lands are shown on Topographic Survey of Lots 8, 9, and 10, Block B, Part of Lot 7 and Part of Kenaston Gardens, Registered Plan 4397, City of Toronto, prepared by the applicant regarding the matter. The sale of the land in question is required to be completed prior to a site plan agreement being registered on title.

D. SITE PLAN AGREEMENT CONDITIONS

1. Facilities to Provide Access to and from the Land

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

2. Off-street Vehicular Loading and Parking Facilities and Access/Driveways

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

- 2.2 In accordance with Zoning By-law 7625, all on-site driveways and parking areas must be surfaced and maintained with asphalt, concrete, or interlocking stone;
- 2.3 The owner must install and maintain appropriate signage and pavement markings on-site directing such as but not limited to: vehicle stopping and circulation, designated disabled parking, loading, and pedestrian walkways, to the satisfaction of the Executive Director, Technical Services;

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

- 3.1 The owner acknowledges that anything other than concrete sidewalks, trees and sod that they locate within the untravelled portion of the adjoining public highway(s) are encroachments that must be installed, planted and maintained at the owner's expense, specifically:
 - a) All landscape/streetscape features illustrated on the applicant's approved landscaping plan; and,
 - b) Plant irrigation systems.
- 3.2 These encroachments shall be permitted by the City of Toronto pursuant to the following terms:
 - a) The property owner accepts this boulevard area in its current condition as of the date of the agreement, and shall not call upon the City to do or pay for any work or supply any equipment to make the boulevard more suitable for the uses specified herein.
 - b) All encroachments within the boulevard areas of the adjoining public highways shall be constructed and maintained according to the approved site and landscaping/streetscaping plan(s) approved by this Division, and the Executive Directors of Technical Services and City Planning.
 - c) To provide unobstructed driver sight lines, the owner shall ensure that all vegetation, street furniture, retaining walls and fences located within 4.5m of the travelled portion of the adjoining public highway do not exceed a maximum height of 0.85m measured from the travelled surface of the adjoining highway. The owner shall maintain all trees located within 4.5m of the travelled portion of the adjoining highway with a minimum clearance of 2.5m measured between the bottom of the tree canopy and the travelled portion of the street.

- d) The owner agrees that they will, at their expense, maintain the encroachments in a state of good repair, free of graffiti, posters, litter, snow and ice, and that vegetation will be maintained in a healthy and vigorous state of growth. The owner shall not make any additions or modifications to the encroachments beyond what is allowed pursuant to the terms of this site plan agreement. The owner further acknowledges that should they neglect to maintain the encroachment(s), then the City, after providing 24 hours notice, shall, at the owner's expense, perform the required maintenance and remove graffiti, posters, litter, snow and ice, and the City may recover its costs in a like manner as municipal taxes.
- e) The owner agrees that if the City should at any time undertake any widening or other alteration to the adjoining public highway(s) necessitating the removal of any encroachment(s), the City shall not be liable to pay any compensation whatsoever for such removal, nor shall it restore any encroachment that it removes. The encroachments permitted by this agreement shall be removed by the owner, at their expense, within 14 days of receiving written notice from the Executive Director of Technical Services. In default of the removal not occurring as requested, the City may carry out the removal, at the owner's expense, and may recover its costs in a like manner as municipal taxes.
- f) The owners acknowledges that there may exist municipal and/or utility services within, upon or under the boulevard, and acknowledges that the City or the utility responsible for such service(s) may need to undertake repairs or carry out maintenance on such service(s) or to replace such service(s) or to install new service(s). The owner agrees that the City or utility shall have the right to remove the encroachments for the purpose of carrying out such installation, replacement, repair or maintenance. Prior to removing the encroachment, the City shall give 48 hours notice of its intention to remove the encroachment for maintenance purposes, except in the case of emergency, in which case no notice shall be required. On completing the installation, replacement, repairs or maintenance, the owner, at their sole expense, shall proceed immediately to restore the encroachments to the condition it was in prior to the commencement of such installation, replacement, repairs or maintenance. Under no circumstances, shall the City be required to so restore the lands, or to compensate the owner for the cost of so doing so.
- g) The owner agrees to defend, save and keep harmless and fully indemnify the City, its officers, employees, agents and other representatives, from and against all actions, claims, suits or

damages whatsoever that may be brought or made against the City as a result of the owner's use of the boulevard area of the adjoining public highways.

4. Facilities for the Storage of Garbage and Other Waste Material

- 4.1 Construct and maintain all facilities necessary to permit the City to collect solid waste and recyclable materials in accordance with By-law 235-2001, Waste Collection for Residential Properties.
- 4.2 If the owner requests the city to collect trade waste generated by the retail sector and commercial component of the live/work units, the owner will be required to make an application for garbage and recycling collection and enter into an agreement with the City, under the Yellow Bag Program, for such collection services. In the event the owner is not accepted, then a private contractor must collect all solid waste from this site. Collection of wastes from the /retail commercial sector of this site will be in accordance with Chapter 841, Solid Waste, of the City of Toronto Municipal Code.
- 4.3 In the event this development does not qualify City waste collection under the Yellow Bag Program, the applicant will advise all owners and tenants/future purchasers of the units that refuse and recyclable materials generated by the commercial component of the retail and live /work units of these buildings must be collected by a private refuse collection firm.
- 4.4 Provide and maintain two separate chutes with the capability of adding a dual sorter if and when the organic waste collection (green bin) program is implemented for multiple household residential buildings.

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

- 5.1 Construct and maintain stormwater management measures/facilities and site grading as recommended in the accepted Stormwater Management Report entitled Stormwater Management Report – proposed Mixed-Use (Residential/Commercial) Development – Kenaston Gardens, prepared by Sernas Associates, and dated (date will be provided once the report is approved), and Grading Plan, Drawing No. SS-1, prepared by Sernas Associates, and dated (date will be provided once the plan is approved).
- 5.2 Construct and maintain site servicing as indicated on the accepted Site Servicing, Drawing No. SS-1, prepared by Sernas Associates, and dated (date will be provided once the plan is approved).
- 5.3 Provide certification to the Executive Director of Technical Services by the Professional Engineer who designed and supervised the construction

that the stormwater management facilities and site grading have been constructed in accordance with the accepted Stormwater Management Report and the accepted Grading Plans.

- 5.4 Provide certification to the Executive Director of Technical Services by the Professional Engineer who designed and supervised the construction, that the site servicing facilities have been constructed in accordance with the accepted drawings.
- 5.5 Existing drainage patterns on adjacent properties shall not be altered and stormwater runoff from the subject development shall not be directed to drain onto adjacent properties.

E. ADVISORY OF OTHER CITY APPROVALS & REQUIREMENTS

The owner is advised that the following approvals and/or permits are required for this development:

1. Road Closure

- 1.1 The applicant has initiated the road closure process to close the portion of the former turning circle adjacent the site to be included in the lands for development. The subject roadway right-of-way must be closed by by-law before it can be conveyed to the applicant. If deemed feasible by the City, this is a process requiring two (2) separate approvals from City Council. Typical timelines for this process to be completed range from 6 to 9 months or longer. The steps have been detailed in a letter previously provided to the applicant.

2. Right-of-Way Permit

- 2.1 The owner will be required to obtain approval from the Transportation Services Division for any work within the public right-of-way. For further information, please contact the Right-of-Way Management Section, North York District at 416-395-6221.
- 2.2 The applicant is required to obtain building location and access permits prior to construction of this project. Other permits associated with construction activities (such as hoarding, piling/shoring, etc.) may also be required. For your information we have attached a Permit and Application Fee Schedule. All fees are subject to change. The Municipal Service Guarantee Deposit requires is not included in the Schedule, as it will be determined by scope of work. The applicant is responsible for obtaining the applicable permits and must contact Right-of-Way Management at 416-395-6221.

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

3. Site Servicing Connections

- 3.1 The owner will be required to make an application to Toronto Water Division for the installation of any proposed services within the right-of-way after acceptance of the stormwater management report and site servicing plan. For further information, please contact District Operations, Toronto Water, North York District at 416-338-8888.
- a) For single entity development such as a condominium, co-operative or rental property to be held under separate ownership and/or under its own address, only one sanitary and one water service connection will be permitted for the entire development.
 - b) The owner is required to make application to the Toronto Water Services Division, after the zoning amendment by-law is in effect (site servicing plan is approved) and pay for the installation of City service connections from the property line to the City mains. These shall include one water and one sanitary service connection for each freehold residential unit or each single entity development such as a condominium, co-operative or rental property to be held under separate ownership and/or under its own address. The owner is responsible to provide for the installation of the water, sanitary and any necessary storm service connections from the building to the City services at the property line.

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

4. Construction Management Plan

- 4.1 The Owner will be required to provide the City with a Construction Management Plan outlining the following:
- a) Dust/mud control on and offsite;
 - b) Location of truck loading points, trailer parking;
 - c) Location of temporary material storage areas;

- d) Access/truck routing;
- e) Provision of hoarding, temporary fencing & covered walkways;
- f) Location and extent of aerial crane operations; and
- g) Parking for construction trades;

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

5. Streetscaping

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

6. Municipal Addresses

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

7. Municipal Numbering

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

8. Street Naming Requirements

- 8.1 The applicant is advised to contact Mr. Desmond Christopher, Street and Parcel Mapping Supervisor, at 416-392-1831 to initiate the street naming process. The applicant will be required to follow the City of Toronto's Street Naming Policy which can be found at <http://www.toronto.ca/mapping/streetnaming/index.htm>. It should be noted that all public streets, private access roads and private walkways should be named in order to facilitate access to the units fronting these streets, roads and walkways.

9. Encroachments

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

10. Toronto Hydro Approval.

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

11. Technical Services Arrangements for Work Within the City's Right of Way

- 11.1 The owner shall sign and adhere to "Terms and Conditions for Undertaking Work on City of Toronto Public Right of Way" document.
- 11.2 The owner is required to provide all financial security for all work within the City's right of way.
- 11.3 The owner is required to pay an engineering review fee of 5% of the estimated construction cost of the required work.

F. BACKGROUND

1. TRAFFIC IMPACT STUDY & TRAFFIC CERTIFICATION

A Traffic Impact Study, dated February 4, 2008, by BA Group has been submitted in support of the application.

The proposed mixed-use development containing an approximately 142 condominium units and 120 sm retail space is estimated to generate the following trips during the AM and PM peak hours respectively.

AM Peak Hour			PM Peak Hour		
In	Out	2-way	In	Out	2-way
10	25	35	25	15	40

We accept the study conclusion that the proposed development would not significantly impact the neighbouring road network. No road improvements have been identified.

The applicant has also submitted a Traffic Certification Report which addresses all the criteria detailed in the Sheppard East Subway Corridor Secondary Plan (OPA 392), section 5.2, sub-sections (1),(2), (3) & (4). We have no objections to the submitted Traffic Certification.

2. DRIVEWAY ACCESS

A new driveway is proposed on Kenaston Gardens for the development. We have requested the applicant to consider the possibility of consolidating the proposed driveway with the existing driveway of the abutting property on the east, in their preliminary consultation with the City. The applicant provided feedback that this option is not feasible.

Given the proximity of the north/south driveway to the curved portion of the roadway connecting the east/west and north/south legs of Kenaston Gardens driveway sightlines were extensively reviewed. We can support the vehicle sightline assessment as it relates to the proposed driveway location.

The location of the proposed driveway will be approximately 16m from an existing residential driveway and the potential interaction has been reviewed as part of the submitted traffic study. The observations indicate that there is a very low frequency of vehicle interaction between these two driveways.

The submitted traffic study addresses the relationship between the proposed driveway and the existing abutting property driveway. The majority of the trips from the existing driveway will be left-turn movements to the traffic signals at Sheppard Ave E. As there are very few right turning vehicles at the existing driveway access there is limited potential for conflict with the proposed driveway location. Additional parking by-law requirements have also been proposed to ensure limited conflict. Traffic Planning has supported this assessment.

Based on the above, we have no objections to the proposed driveway location.

3. PARKING

The submitted traffic study details the rational of the proposed parking supply ratios, with which we can support.

To be consistent with the recently approved parking supply requirements for a development in the vicinity of the subject site, i.e. Rean Drive development, we require that the following conditions shall be included as part of the site specific zoning by-law:

Parking shall be provided on-site in accordance with the following:

Residential:

A minimum of 1.1, and a maximum of 1.3 spaces per dwelling unit, including a residential visitor parking allowance of 0.2 spaces per dwelling unit;

Commercial:

A minimum of 1.0 space per 56 sm of retail GFA.

The proposed total number of 158 parking spaces would satisfy the above requirements.

4. LOADING

According to Zoning By-law No. 7625, the owner of an apartment house dwelling with more than 30 dwelling units shall provide a minimum of 1 loading space. The proposed retail uses could share the loading space on-site. On this basis, the applicant is required to provide 1 loading space to serve the proposed building.

As described in Zoning By-law 7625, a loading space shall have minimum dimensions of 11.0 metres long and 3.6m wide and a vertical clearance of 4.2 metres. In addition, an area of the same minimum length and width as the loading space shall be provided in front of the loading space which it serves, as per Zoning By-law 7625.

Loading spaces are required to be provided on the same lot as the building or structure for which they are required, within the side or rear yard, and shall abut the building or be located within the building, as per Zoning By-law 7625. Access to loading spaces shall be provided by means of an unobstructed driveway which has a minimum width of 6.0m, as per Zoning By-law 7625.

The above loading requirements are met.

Frank Clarizio, P. Eng.
Manager, Development Engineering
North York District

RF/

Copy to: M. Currie, Director, Transportation Services, North York District
M. Crognale, P. Eng., Director, Toronto Water, District Operations
A. Booth, District Chief, Fire Prevention
T. Bowering, Manager, Policy & Program Development, Toronto Water
E. De Francesco, Waste Management Analyst, Solid Waste, City Wide
B. McPherson, P. Eng., Manager, Survey & Mapping Services

Attachment 12: Draft Official Plan Amendment

Authority: North York Community Council Item ~ as adopted by City of
Toronto Council on ~, 2009
Enacted by Council: ~, 20~

**CITY OF TORONTO
BY-LAW No. ~-2009**

To adopt Amendment No. 69 to the City of Toronto Official Plan respecting the lands municipally known as, 17, 19, 21 & 23 Kenaston Gardens

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

WHEREAS the Council for the City of Toronto at its meeting of ~ 2009, determined to amend the Official Plan for the City of Toronto adopted by By-law No.1082-2002; and

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

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

1. Amendment No. 69 to the City of Toronto Official Plan, consisting of the attached text and the map designated as Schedule “1” is hereby adopted.

ENACTED AND PASSED this ~ day of ~, A.D. 2009.

DAVID R. MILLER,
Mayor

ULLI S. WATKISS,
City Clerk

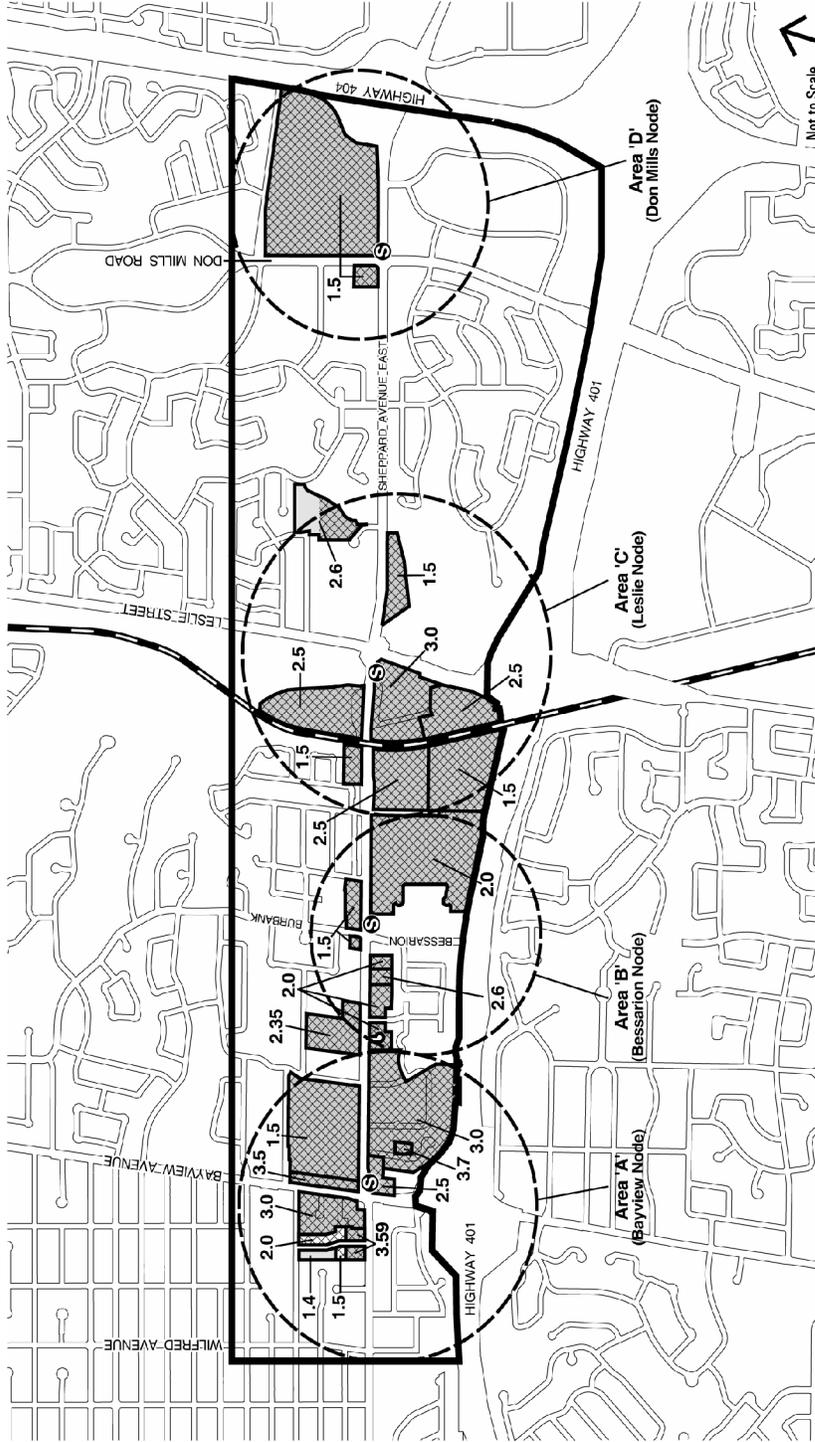
(Corporate Seal)

OFFICIAL PLAN AMENDMENT NO. 69

TO THE CITY OF TORONTO OFFICIAL PLAN

1. The Official Plan of the City of Toronto is amended as follows:
 - (a) Chapter 6, Section 9 (Sheppard East Subway Corridor Secondary Plan), is amended to allow a density of 3.7 times the lot area for the lands municipally known as 17, 19, 21 & 23 Kenaston Gardens, by replacing the first sentence in Section 4.2.2 – Kenaston Gardens/Sheppard Square Areas, with the following:

“The Secondary Plan assigns a *Mixed Use Areas* designation, and densities of 3.0 and 3.7 times the lot area, as shown on Map 9-2, in anticipation of redevelopment.”
 - (b) In lieu of the provision of a public community centre, in exchange for the additional density of 2,179m² for the lands municipally known as 17, 19, 21 & 23 Kenaston Gardens, Council may accept a monetary contribution towards the cost of constructing and equipping the same facility at another location serving the Sheppard East Subway Corridor, provided:
 - (i) Council is satisfied that the provision of the facility within the development is not practical or feasible, or alternative arrangements for the provision of the facility are preferable;
 - (ii) If construction of the public community centre has not commenced within 5 years from the date of the approval of the zoning by-law, the funds may alternatively be used, at the discretion of the General Manager, Parks, Forestry and Recreation, in consultation with the Ward Councillor, for improvements to Rean Park and/or Kenaston Park located in the neighbourhood east of Bayview Avenue and south of Sheppard Avenue;
 - (iii) Arrangements to expend the funds for the provision of the facility in a timely fashion at an alternative location or the improvements to Rean Park and/or Kenaston Park have been secured in an appropriate legal agreement.
 - (c) Map 9-2, Key Development Areas, of Chapter 6, Section 9 (Sheppard East Subway Corridor Secondary Plan) is amended to permit a density of 3.7 times the lot area for the lands municipally known as 17, 19, 21 & 23 Kenaston Gardens as shown on Schedule “1”.



Toronto City Planning

Official Plan Amendment #69 — Schedule 1

17, 19, 21, 23 Kenaston Gardens

File # 08_112582

Map 9-2, Key Development Areas, of Chapter 6, Section 9, Sheppard East Subway Corridor Secondary Plan is amended by permitting a maximum density of 3.7 times the lot area for the lands municipally known as 17, 19, 21, 23 Kenaston Gardens.

- 1.5 Density
- Secondary Plan Boundary
- Neighbourhoods
- Apartment Neighbourhoods
- Mixed Use Areas
- Subway Station

March 2009

Attachment 13: Draft Zoning By-law Amendment

Authority: North York Community Council Item ~ , as adopted by City of Toronto Council on ~ , 2009
Enacted by Council: ~, 2009

CITY OF TORONTO BY-LAW No. ~-2009

To amend former City of North York Zoning By-law No. 7625, as amended, in respect of lands municipally known as 17, 19, 21, 23 Kenaston Gardens

WHEREAS authority is given to Council by Section 34 of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended, to pass this By-law; and

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

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

1. Schedules “B” and “C” of By-law No. 7625 are hereby amended in accordance with Schedule “1” of this By-law.
2. Section 64.20-A of By-law No. 7625 is amended by adding the following subsection:

“64.20 –A (184) RM6 (184)

DEFINITIONS

- (a) For the purpose of this exception, “apartment house dwelling” shall mean a building containing more than four (4) dwelling units, each unit having access either from an internal corridor system or direct access at grade, or any combination thereof.
- (b) For the purposes of this exception, “established grade” is defined as 177.55 metres a.s.l.
- (c) For the purposes of this exception, “underground” is defined as below established grade.
- (d) For the purpose of this exception, “gross floor area” shall mean the total area of all of the floors in a building, measured between the outside walls of the building but excluding motor vehicle access, circulation or parking areas within the building.

PERMITTED USES

- (e) As shown on Schedule RM6 (184), the only permitted uses shall be:
 - (i) Apartment House Dwelling including private recreational amenity areas; and,
 - (ii) Retail Stores.
- (f) Use Qualifications
 - (i) Outdoor private recreational amenity areas may be located on rooftop terraces.
 - (ii) Permitted commercial uses shall be located on the ground floor.

EXCEPTION REGULATIONS

GROSS FLOOR AREA

- (g) The provisions of Section 20-A.2.5 (Gross Floor Area) shall not apply.
- (h) The maximum permitted residential gross floor area shall be 9,846m².
- (i) The maximum permitted commercial gross floor area shall be 121m².

DWELLING UNITS

- (j) A minimum of 25% of all dwelling units shall comply with the following maximum floor areas:
 - (i) 55 m² for bachelor units; or,
 - (ii) 70 m² for one-bedroom dwelling units; or,
 - (iii) 80 m² for two-bedroom dwelling units; or,
 - (iv) 120 m² for three-bedroom dwelling units; or,
 - (v) any combination thereof.
- (k) The maximum number of dwelling units shall be 142.

LOT COVERAGE

- (l) The provisions of Section 20-A.2.2 (Lot Coverage) shall not apply.

LANDSCAPING

- (m) The provisions of Section 15.8 (Landscaping) shall not apply.

OUTDOOR RECREATIONAL AMENITY AREA

- (n) A minimum of 1.5 m² of outdoor private recreational amenity area per dwelling unit shall be provided.

YARD SETBACKS

- (o) The provisions of Section 20-A.2.4 (Yard Setbacks) shall not apply.
- (p) The minimum yard setbacks for all buildings and structures above established grade shall be as set out on Schedule “RM6 (184)”.
- (q) The minimum yard setbacks for underground parking structures shall be 0 metres.

HEIGHT

- (r) The provisions of Section 20-A.2.6 (Building Height) shall not apply.
- (s) The maximum building height and number of storeys shall not exceed the maximum height in metres and number of storeys shown on Schedule “RM6(184)”.
- (t) A penthouse or other roof structure which is used only as an ornament or to house the mechanical equipment of the building does not constitute a storey and shall be disregarded in calculating the height of the building.

PARKING

- (u) The provisions of Section 6A(2)(a) (Parking Requirements) shall not apply.
- (v) A minimum of 1.1 parking spaces and a maximum of 1.3 parking spaces per dwelling unit shall be provided, of which, 0.2 parking spaces per dwelling unit shall be for the use of visitors.
- (w) Parking for retail uses shall be provided at a rate of 1 space per 56m² of retail floor area.

LOADING SPACES

- (x) The provisions of Section 6A(16)(c)(i) and 6A(16)(d)(iv) for loading shall not apply.

BICYCLE STORAGE SPACE

- (y) A minimum of 0.1 bicycle parking spaces per dwelling unit shall be provided.

OTHER

- (z) Within the lands shown on Schedule "RM6(184)" 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:
 - (i) all new public roads have been constructed to a minimum of base curb and base asphalt and are connected to an existing public highway, and
 - (ii) all water mains and sanitary sewers, and appropriate appurtenances, have been installed and are operational.

SECTION 37 AGREEMENT

- (aa) The owner of the lands as shown in Schedule "RM6 (184)" shall enter into one or more agreements with the City of Toronto pursuant to Section 37 of the *Planning Act* to secure the facilities, services and matters referred to below, which agreement or agreements may be registered against the title of the lands to which this by-law applies in the manner and to the extent specified in the agreements. The owner of the subject lands, at the owner's expense and in accordance with, and subject to the agreements referred to above, shall provide or fund the following facilities, services and/or matters on terms satisfactory to the City of Toronto, in order to permit an increase in the maximum gross floor area cited in the Gross Floor Area clause (h) of this exception:
 - (i) The provision for a minimum of 2.5m² of indoor private recreational amenity area per dwelling to a maximum of 353m² provided that such gross floor area is used solely for the purposes of indoor private recreational amenity area, and such area shall be exempted from the calculation of gross floor area in clause (h);
 - (ii) a monetary contribution of \$135,000.00 in the form of a certified cheque satisfactory to the City, to fund an additional 2,179m² of proposed gross floor, toward the cost of constructing and equipping a public community centre serving the Sheppard East Subway Corridor area, to be made prior to the issuance of the first above-grade building permit, but if construction of the public recreation centre has not commenced within 5 years from the date of the approval of the zoning by-law, the funds may alternatively

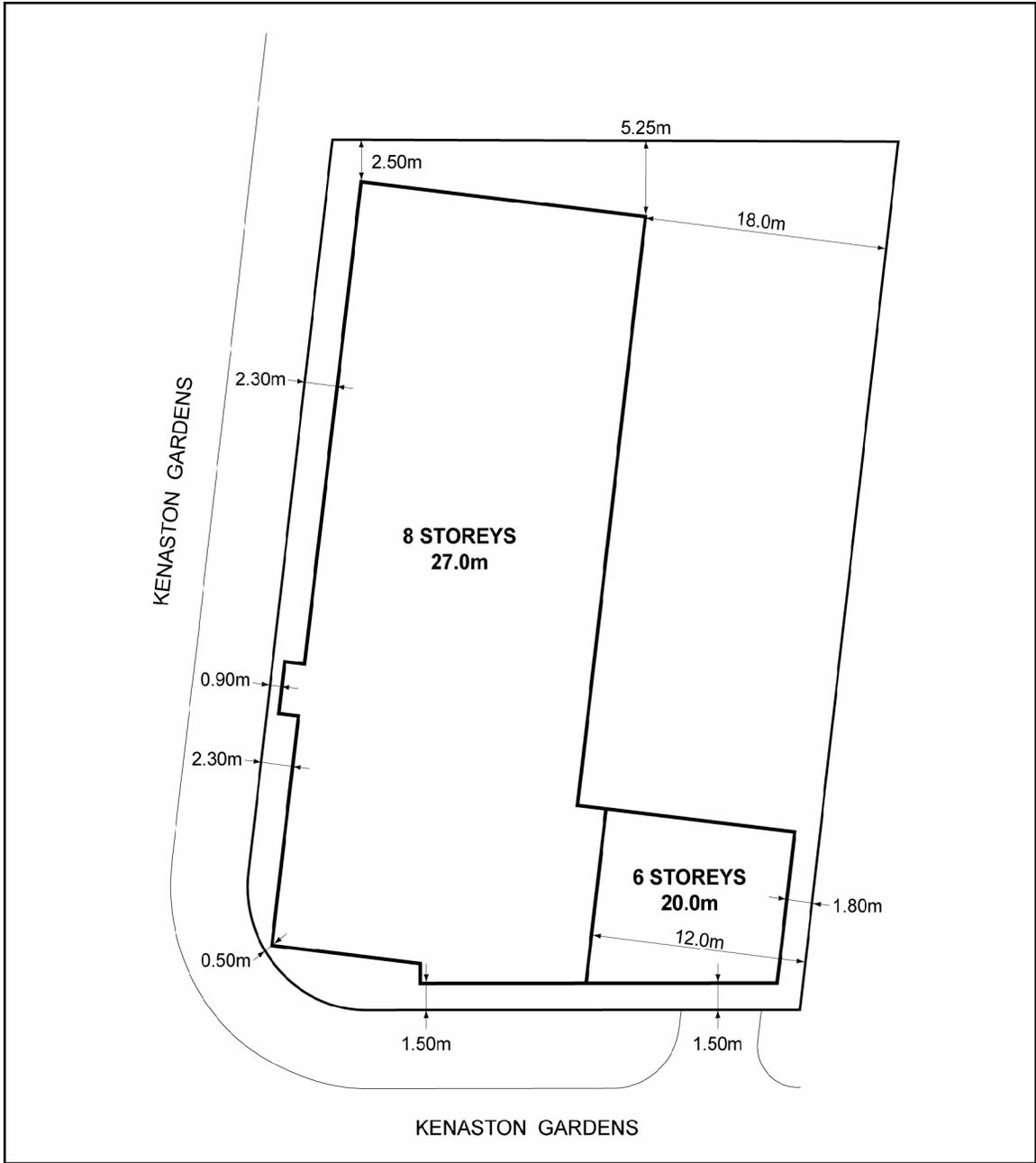
be used, at the discretion of the General Manager, Parks, Forestry and Recreation, in consultation with the Ward Councillor, for improvements to Rean Park and/or Kenaston Park located in the neighbourhood east of Bayview Avenue and south of Sheppard Avenue.

3. Section 64.20-A of By-law 7625 is amended by adding Schedule “RM6 (184)” attached to this by-law.

ENACTED AND PASSED this ~ day of ~, A.D. 2009.

DAVID R. MILLER,
Mayor
(Corporate Seal)

ULLI S. WATKISS,
City Clerk



Attachment 14: Notice of Approval Conditions

The review of the proposal for an 8-storey, 142-unit condominium apartment building has been completed as outlined in the following plans and drawings:

Drawing/ Plan No.	Title	Prepared By	Date
SP1	Ground Floor/Site Plan	Michael Spaziani Architect Inc	Nov 19, 2008
SP3	Vehicle Manoeuvring Diagram	Michael Spaziani Architect Inc	Nov 19, 2008
SP-03	Underground Floor Plans	Michael Spaziani Architect Inc	Nov 19, 2008
SP-04	Underground Floor Plans	Michael Spaziani Architect Inc	Nov 19, 2008
SP-05	Elevations	Michael Spaziani Architect Inc	Nov 19, 2008
SP-06	Elevations	Kirkor Architects and Planners	Nov 19, 2008
LP1	Landscape Plan	WILK Associates Landscape Architecture	Nov 18, 2008
LP2	Landscape Plan	WILK Associates Landscape Architecture	Nov 18, 2008

The issuance of the City’s Notice of Approval Conditions letter does not constitute site plan approval. The Chief Planner’s designate, the Director of Community Planning will be in a position to issue approval of the plans and drawings listed herein and to satisfy applicable law requirements of Section 41(16) of the *Planning Act* and Section 114 of the *City of Toronto Act*, once the Owner has satisfied all of the pre-approval conditions set out herein.

It is the Owner’s responsibility to work with the respective City divisions to satisfy the pre-approval conditions set out below. Please note that if the pre-approval conditions are not fulfilled within two (2) years of the date of this notice, then this notice is no longer valid and a new submission is required unless a written request for time extension is received and granted by the Chief Planner or his designate.

A. PRE-APPROVAL CONDITIONS

LEGAL SERVICES – Stephanie Morrow, Supervisor of Law Clerks [Tel.# 416-397-5379]

Enter into the City’s standard site plan agreement to and including registration of the site plan agreement on title to the subject lands by the City at the Owner’s expense.

TECHNICAL SERVICES – Robert Fazio, Senior Development Engineer [Tel. # 395-6328]

1. Facilities to Provide Access to and from the Land

- 1.1 Submit a financial guarantee in the form of an irrevocable letter of credit or certified cheque to the City of Toronto, for the construction of the east-west public road from Kenaston Gardens to Barberry Place along the north frontage of the site prior to site plan approval. The total cost including costs for the design, tender process, contract administration and construction supervision of the works is estimated to be \$291,750.00. Based on the linear frontage along the proposed new road, the owner's contribution for this work is estimated to be \$69,000.00.
- 1.2 Submit a certified cheque in the amount of \$3,623.00 representing the 5% Engineering review fee of the above construction works.

2. Walkway and Walkway Ramps

- 2.1 The owner shall deposit with the Technical Services Division prior to Site Plan Approval, certified cheques, for the following:
- a) Construction of a 1.7 metre wide concrete sidewalk across the entire Kenaston Gardens frontage of the site to the standard location of 1.0 metre from the property line. The cost of this work is estimated to be \$15,300.00.
 - b) \$ 804.00 representing the 5% Engineering review fee of the above construction works.

The above works shall be constructed by the owner anytime after Site Plan Approval provided the owner contacts Technical Services to confirm that:

- i) A City representative has approved the proposed location of the above sidewalk.
- ii) The owner is required to make an application for a streetscaping permit.

3. Other Conditions

- 3.1 The applicant is proposing to close the portion of the former Kenaston Gardens turning circle. The subject lands are shown on Topographic Survey of Lots 8, 9, and 10, Block B, Part of Lot 7 and Part of Kenaston Gardens, Registered Plan 4397, City of Toronto, prepared by the applicant regarding the matter. The sale of the land in question is required to be completed prior to a site plan agreement being registered on title.

CITY PLANNING – Steve Forrester, Senior Planner, (416) 395-7126

4. The owner shall provide confirmation that the requirements of the Technical Services Division as outlined in their memorandum dated January 2, 2009 have been satisfied.
5. The owner shall provide confirmation that the requirements of the Ministry of Transportation as outlined in their letter April 17, 2008 have been satisfied.
6. The owner shall provide confirmation that the requirements of Urban Forestry as outlined in their memorandum dated February 18, 2009 have been satisfied.
7. The owner shall submit an acceptable cost estimate and financial security to the Director, Community Planning, North York District, in the form a Letter of Credit or certified cheque to guarantee the provision of landscape development works as detailed on the approved Landscape Plans.

PARKS, FORESTRY & RECREATION - Urban Forestry – Bruce Gordon, Urban Forestry Planner, (416) 395-6686

8. Urban Forestry advises that seven (7) private trees that qualify for protection under the Private Tree By-law will be affected by the proposed development. Four (4) of these trees denoted as Tree Nos. 2954, 2955 and Trees “A” and “B” will require a permit to injure as the proposed wall along the north boundary line encroaches the tree protection zone of these trees. Urban Forestry requires the proposed wall be supported on concrete piers to span the tree protection zone for Tree ‘A’. A revised landscape plan shall be submitted that shows how the wall and concrete piers will be constructed where it involves Tree “A”.
9. Urban Forestry advises where it is not possible to adequately protect or retain trees on private property that qualify for protection under the City of Toronto’s Private Tree By-law, it will necessary for the applicant to submit an application requesting permission to injure or destroy the trees in question. Based on an application fee of \$300.00 for each tree, Urban Forestry requires a permit fee of **\$2,100.00** for the seven (7) private trees.
10. Urban Forestry advises there are two (2) City trees involved with the proposed development. The applicant is required to submit a completed application form for removal of the City trees along with a permit fee of \$300.00 per tree removal. Urban Forestry requires a permit fee of **\$600.00**.
11. Urban Forestry requires the applicant to submit the amenity value of **\$2,448.00** for Tree No. 2956 and Tree “C”, as these trees will require removal to facilitate construction of the new City sidewalk. Prior to the removal of the subject City trees, the contracting tree company shall complete and submit a contracting agreement form to remove the City trees.

12. Urban Forestry requires the applicant to submit a revised landscape plan to accommodate three additional trees on the Kenaston Gardens City boulevard at approximately 8 to 10 metres on centre. The revised plan shall show six (6) new City trees for the north/south flank for a total of eight (8) City trees. Urban Forestry suggests planting Freeman Maple Autumn Blaze trees (*Acer x freemantii* “Jeffersred”) or Pioneer Elm trees.
13. A tree planting security deposit of **\$4,664.00** is required for the tree planting within the road allowance. The deposit is to be in the form of an irrevocable Letter of Credit or certified cheque. The tree planting security deposit must be submitted to the attention of the Supervisor of Harold Moffat, Supervisor of Urban Forestry Planning and Protection prior to the issuance of a landscaping permit which must be obtained from Works and Emergency Services, Transportation Services, North York District, Right of Way Management (416-395-7112).

MINISTRY OF TRANSPORTATION – Charlie Petro, Project Manager, (416) 235-3509

14. The owner is required to submit the following to the Ministry of Transportation, Corridor Management Office, for review and approval:
 - 14.1 a detailed drainage plan showing the intended treatment of the calculated runoff; and,
 - 14.2 a Traffic Impact Study showing any impact to Highway 401 and its associated ramps at the Bayview Avenue interchange.

SITE SPECIFIC CONDITIONS

B. POST APPROVAL CONDITIONS

In addition to the above pre-approval conditions, the following post approval conditions are to be fulfilled by the Owner following site plan approval and will be incorporated into a site plan agreement:

The proposed development shall be carried out and maintained in accordance with the plans and drawings referred to herein, to the satisfaction of the City of Toronto.

TECHNICAL SERVICES

1. Facilities to Provide Access to and from the Land

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

2. Off-street Vehicular Loading and Parking Facilities and Access/Driveways

- 2.1 Provide and maintain off-street vehicular loading and parking facilities and access driveways in accordance with the approved plans and drawings, to the satisfaction of the Executive Director, Technical Services;
- 2.2 In accordance with Zoning By-law 7625, all on-site driveways and parking areas must be surfaced and maintained with asphalt, concrete, or interlocking stone;
- 2.3 The owner must install and maintain appropriate signage and pavement markings on-site directing such as but not limited to: vehicle stopping and circulation, designated disabled parking, loading, and pedestrian walkways, to the satisfaction of the Executive Director, Technical Services;

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

- 3.1 The owner acknowledges that anything other than concrete sidewalks, trees and sod that they locate within the untravelled portion of the adjoining public highway(s) are encroachments that must be installed, planted and maintained at the owner's expense, specifically:
 - a) All landscape/streetscape features illustrated on the applicant's approved landscaping plan; and,
 - b) Plant irrigation systems.
- 3.2 These encroachments shall be permitted by the City of Toronto pursuant to the following terms:
 - a) The property owner accepts this boulevard area in its current condition as of the date of the agreement, and shall not call upon the City to do or pay for any work or supply any equipment to make the boulevard more suitable for the uses specified herein.
 - b) All encroachments within the boulevard areas of the adjoining public highways shall be constructed and maintained according to the approved site and landscaping/streetscaping plan(s) approved by this Division, and the Executive Directors of Technical Services and City Planning.
 - c) To provide unobstructed driver sight lines, the owner shall ensure that all vegetation, street furniture, retaining walls and fences located within 4.5m of the traveled portion of the adjoining public highway do not exceed a maximum height of 0.85m measured from the traveled surface of the adjoining highway. The owner shall maintain all trees located within 4.5m of the traveled portion of the adjoining highway with a minimum

clearance of 2.5m measured between the bottom of the tree canopy and the traveled portion of the street.

- d) The owner agrees that they will, at their expense, maintain the encroachments in a state of good repair, free of graffiti, posters, litter, snow and ice, and that vegetation will be maintained in a healthy and vigorous state of growth. The owner shall not make any additions or modifications to the encroachments beyond what is allowed pursuant to the terms of this site plan agreement. The owner further acknowledges that should they neglect to maintain the encroachment(s), then the City, after providing 24 hours notice, shall, at the owner's expense, perform the required maintenance and remove graffiti, posters, litter, snow and ice, and the City may recover its costs in a like manner as municipal taxes.
- e) The owner agrees that if the City should at any time undertake any widening or other alteration to the adjoining public highway(s) necessitating the removal of any encroachment(s), the City shall not be liable to pay any compensation whatsoever for such removal, nor shall it restore any encroachment that it removes. The encroachments permitted by this agreement shall be removed by the owner, at their expense, within 14 days of receiving written notice from the Executive Director of Technical Services. In default of the removal not occurring as requested, the City may carry out the removal, at the owner's expense, and may recover its costs in a like manner as municipal taxes.
- f) The owners acknowledges that there may exist municipal and/or utility services within, upon or under the boulevard, and acknowledges that the City or the utility responsible for such service(s) may need to undertake repairs or carry out maintenance on such service(s) or to replace such service(s) or to install new service(s). The owner agrees that the City or utility shall have the right to remove the encroachments for the purpose of carrying out such installation, replacement, repair or maintenance. Prior to removing the encroachment, the City shall give 48 hours notice of its intention to remove the encroachment for maintenance purposes, except in the case of emergency, in which case no notice shall be required. On completing the installation, replacement, repairs or maintenance, the owner, at their sole expense, shall proceed immediately to restore the encroachments to the condition it was in prior to the commencement of such installation, replacement, repairs or maintenance. Under no circumstances, shall the City be required to so restore the lands, or to compensate the owner for the cost of so doing so.
- g) The owner agrees to defend, save and keep harmless and fully indemnify the City, its officers, employees, agents and other representatives, from and against all actions, claims, suits or damages whatsoever that may be

brought or made against the City as a result of the owner's use of the boulevard area of the adjoining public highways.

4. Facilities for the Storage of Garbage and Other Waste Material

- 4.1 Construct and maintain all facilities necessary to permit the City to collect solid waste and recyclable materials in accordance with By-law 235-2001, Waste Collection for Residential Properties.
- 4.2 If the owner requests the city to collect trade waste generated by the retail sector and commercial component of the live/work units, the owner will be required to make an application for garbage and recycling collection and enter into an agreement with the City, under the Yellow Bag Program, for such collection services. In the event the owner is not accepted, then a private contractor must collect all solid waste from this site. Collection of wastes from the /retail commercial sector of this site will be in accordance with Chapter 841, Solid Waste, of the City of Toronto Municipal Code.
- 4.3 In the event this development does not qualify City waste collection under the Yellow Bag Program, the applicant will advise all owners and tenants/future purchasers of the units that refuse and recyclable materials generated by the commercial component of the retail and live /work units of these buildings must be collected by a private refuse collection firm.
- 4.4 Provide and maintain two separate chutes with the capability of adding a dual sorter if and when the organic waste collection (green bin) program is implemented for multiple household residential buildings.

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

- 5.1 Construct and maintain stormwater management measures/facilities and site grading as recommended in the accepted Stormwater Management Report entitled Stormwater Management Report – proposed Mixed-Use (Residential/Commercial) Development – Kenaston Gardens, prepared by Sernas Associates, and dated (date will be provided once the report is approved), and Grading Plan, Drawing No. SS-1, prepared by Sernas Associates, and dated (date will be provided once the plan is approved).
- 5.2 Construct and maintain site servicing as indicated on the accepted Site Servicing. Drawing No. SS-1, prepared by Sernas Associates, and dated (date will be provided once the plan is approved).
- 5.3 Provide certification to the Executive Director of Technical Services by the Professional Engineer who designed and supervised the construction that the stormwater management facilities and site grading have been constructed in

accordance with the accepted Stormwater Management Report and the accepted Grading Plans.

- 5.4 Provide certification to the Executive Director of Technical Services by the Professional Engineer who designed and supervised the construction, that the site servicing facilities have been constructed in accordance with the accepted drawings.
- 5.5 Existing drainage patterns on adjacent properties shall not be altered and stormwater runoff from the subject development shall not be directed to drain onto adjacent properties.

URBAN FORESTRY

1. Trees indicated for planting on the City road allowance must be planted in accordance with Planting Detail No. 101 for Balled and Burlapped Trees in Turf Areas, dated June 2002, attached. Please note that the applicant must conduct an investigation of underground utilities prior to proposing tree planting within the City road allowance. If planting is not possible due to a utility conflict, a utility locate information sheet from the respective utility company should be provided to the City.
2. The applicant will be responsible for providing a two-year renewable guarantee for all new trees planted within the road allowance. The Supervisor of Tree Protection & Plan Review must be notified in writing of the planting date prior to planting. This date is used to establish the anniversary date of the required two-year renewable guarantee. The applicant must maintain the subject trees in good condition; these trees will be inspected during and prior to the end of the renewable guarantee period. If the trees are in good condition at the end of the renewable guarantee period, the City will assume maintenance and ownership of the trees.

The site plan agreement will be prepared by Legal Services. They will forward it to you for your execution and return to the City.

Attached are advisory comments to assist you with your application.

Also attached is a copy of the standard form letter of credit required by the City of Toronto. We have found in the past that the failure of applicants to provide the City with a letter of credit in the proper format has resulted in the City's Finance Division rejecting the letter with a resulting delay in the issuance of building permits. Please ensure that the letter of credit follows the format and content verbatim of the sample letter.

ATTACHMENT: 1

SITE PLAN ADVISORY COMMENTS

Technical Services Advisory Comments

The owner is advised that the following approvals and/or permits are required for this development:

1. Road Closure

- 1.1 The applicant has initiated the road closure process to close the portion of the former turning circle adjacent the site to be included in the lands for development. The subject roadway right-of-way must be closed by by-law before it can be conveyed to the applicant. If deemed feasible by the City, this is a process requiring two (2) separate approvals from City Council. Typical timelines for this process to be completed range from 6 to 9 months or longer. The steps have been detailed in a letter previously provided to the applicant.

2. Right-of-Way Permit

- 2.1 The owner will be required to obtain approval from the Transportation Services Division for any work within the public right-of-way. For further information, please contact the Right-of-Way Management Section, North York District at 416-395-6221.
- 2.2 The applicant is required to obtain building location and access permits prior to construction of this project. Other permits associated with construction activities (such as hoarding, piling/shoring, etc.) may also be required. For your information we have attached a Permit and Application Fee Schedule. All fees are subject to change. The Municipal Service Guarantee Deposit requires is not included in the Schedule, as it will be determined by scope of work. The applicant is responsible for obtaining the applicable permits and must contact Right-of-Way Management at 416-395-6221.
- 2.3 Any encroachments within Municipal Road Allowances will not be permitted unless they are explicitly approved by the Right-of-Way Management section of Transportation Services. The applicant is required to contact the section through the permit approval process to obtain the exact particulars of these requirements. For further information, please contact the Right-of-Way Management Section, North York District at (416) 395-7112.

3. Site Servicing Connections

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

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

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

4. Construction Management Plan

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

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

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

5. Streetscaping

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

6. Municipal Addresses

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

7. Municipal Numbering

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

8. Street Naming Requirements

- 8.1 The applicant is advised to contact Mr. Desmond Christopher, Street and Parcel Mapping Supervisor, at 416-392-1831 to initiate the street naming process. The applicant will be required to follow the City of Toronto's Street Naming Policy which can be found at <http://www.toronto.ca/mapping/streetnaming/index.htm>. It should be noted that all public streets, private access roads and private walkways should be named in order to facilitate access to the units fronting these streets, roads and walkways.

9. Encroachments

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

10. Toronto Hydro Approval

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

11. Technical Services Arrangements for Work Within the City's Right of Way

- 11.1 The owner shall sign and adhere to "Terms and Conditions for Undertaking Work on City of Toronto Public Right of Way" document.
- 11.2 The owner is required to provide all financial security for all work within the City's right of way.
- 11.3 The owner is required to pay an engineering review fee of 5% of the estimated construction cost of the required work.

City Planning Advisory Comments

1. In the event that buried archaeological remains are encountered on the property during the construction activities, the Owner should immediately notify the Heritage Operations Unit of the Ministry of Culture 416-314-7146 as well as the City of Toronto, City Planning Division, Policy and Research Section, Heritage Preservation Services Unit (416) 338-1096.
2. In the event that human remains are encountered during construction, the Owner should immediately contact both the Ministry of Culture, and the Registrar or Deputy Registrar of Cemeteries at the Cemeteries Regulation Unit, Ministry of Government Services (416) 326-8404.

Ministry of Transportation Advisory Comments

1. The owner is advised that approvals and/or permits are required prior to any construction taking place.
2. A Ministry Permit will also be required for all signs visible to the Highway.
3. Further information with respect to MTO permit requirements may be obtained by contacting Mr. Ken Sherbanowski at (416) 235-5560.
4. As part of the permit review process MTO will require the submission of a site plan, site grading/drainage plan, site servicing plan, illumination and calculations.

ATTACHMENT: 2

(PRINTED ON BANK LETTERHEAD)
STANDBY IRREVOCABLE LETTER OF CREDIT

Beneficiary: City of Toronto Corporate Finance Division, Treasury Services City Hall, 5 th Floor, East Tower 100 Queen Street West Toronto, Ontario, M5H 2N2	Issue Date:
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Letter of Credit Number:	Credit Amount (Canadian Funds):	Initial Expiry Date: <u>(12 months following issue date)</u>
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We hereby authorize you, the City of Toronto, to draw on **(Bank name, address and branch)** (the “Bank”) for the account of **(customer name and address)** _____, (the “Customer”) up to an aggregate amount of \$ _____ Canadian Dollars (the “Credit Amount”) available on demand up to _____ **(date)** _____ (the “Initial Expiry Date”) or a subsequent anniversary date, and is hereby given to you pursuant to an agreement between the City of Toronto, and **(name of customer)** with respect to **(insert municipal address of property, if applicable)**, dated _____ (the “Agreement”).

Pursuant to the request of the Customer, the Bank hereby establishes in your favour and gives to you a Standby Irrevocable Letter of Credit in the Credit Amount on which you may draw in whole or in part at any time and from time to time, subject to the terms herein.

A drawing under this Letter of Credit shall be made by you presenting to the Bank, at the address noted below, a demand in writing authorized by the City Treasurer or delegate.

Partial drawings are permitted.

Upon receipt of said demand, the Bank shall pay to you the amount stated in the demand, to be payable to you without inquiring whether you have a right as between yourself and

the Customer to make such demand, and without recognizing any claim of the Customer or objection by the Customer to payment by the Bank.

This Letter of Credit will continue up to the Initial Expiry Date but shall be subject to the condition that it shall be deemed to be automatically extended without amendment for one year from the present or any future expiration date hereof, unless 60 days prior to any such expiration date the Bank notifies you by notice in writing delivered to the City Treasurer by registered mail that it shall not renew this Letter of Credit for any such additional period. Upon receipt by you of such notice, you may draw hereunder, for the available balance of this Letter of Credit by presenting a written demand together with confirmation that the amounts drawn will be retained and used by you to meet obligations incurred or to be incurred in connection with the Agreement. The demand must be authorized by the City Treasurer or delegate.

Bank Name: _____
Countersigned: _____

Address: _____
Countersigned: _____

ADDRESS FOR NOTICE

1. NOTICE TO BANK

(bank to insert full address and contact information)

2. NOTICE TO CITY OF TORONTO

City of Toronto
Corporate Finance Division, Treasury Services
City Hall, 5th Floor, East Tower
100 Queen Street West
Toronto, Ontario
M5H 2N2