

TORONTO STAFF REPORT

June 16, 2004

To: Toronto North Community Council
From: Director, Community Planning, North District
Subject: Final Report

Rezoning Application 04 109961 NNY 23 OZ
1 Avondale Avenue

Rezoning Application 04 109950 NNY 23 OZ
Site Plan Application 04 109443 NNY 23 SA
19 Avondale Avenue

Proponent: BBT Development Group
Architect: Rafael and Bigauskas

Ward 23 - Willowdale

Purpose:

This report reviews and recommends approval of an application to amend the Zoning By-laws for a 20 storey mixed use building at 1 Avondale Avenue and a 7 storey residential building at 19 Avondale Avenue.

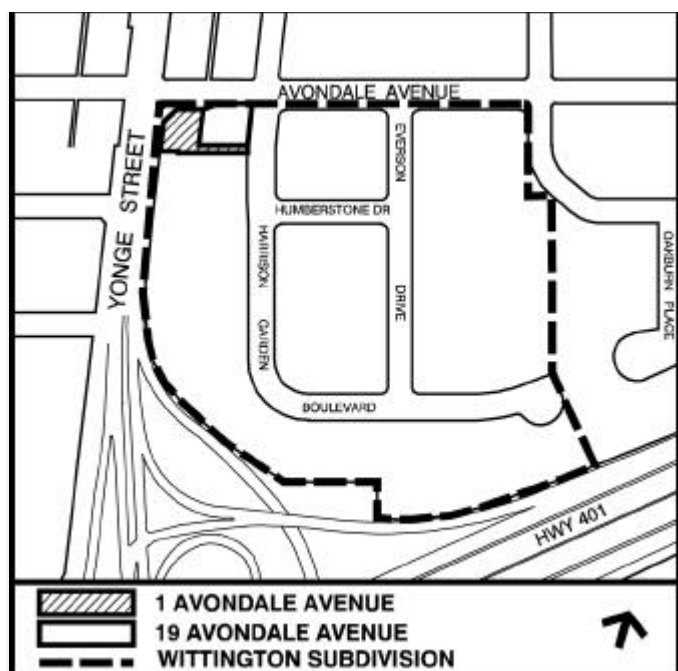
Financial Implications and Impact Statement:

There are no financial implications resulting from the adoption of this report.

Recommendations:

It is recommended that City Council:

- (1) amend the Zoning By-law 7625 for the former City of North York substantially in accordance with the draft Zoning By-law



Amendments attached as Attachments 7 for 1 Avondale Avenue and Attachment 8 for 19 Avondale Avenue.

- (2) authorize the City Solicitor to make such stylistic and technical changes to draft Zoning By-law Amendments as may be required.
- (3) require the owner, prior to introducing the necessary Bills to City Council for enactment, to enter into a Section 37 Agreement to implement density incentives for the provision of below grade bicycle storage and private amenity area for 19 Avondale Avenue as noted in the draft by-law included as Attachment 8;
- (4) approve the plans and Conditions of Site Plan for 19 Avondale Avenue included as Attachment 9 and require the applicant to enter into a Site Plan Agreement under Section 41 of the Planning Act based on the conditions and plans included as Attachment 9 prior to issuance of a building permit.

Background:

On September 24, 2003, City Council approved an official plan amendment and re-zoning of 1 Avondale to permit BBT Development Group to construct an 18 storey building incorporating ground floor retail, 6 storeys of commercial office space, and 78 dwelling units. On December 4, 2003, the Committee of Adjustment approved variances to increase the number of units to 96 by converting 4 floors of commercial to residential.

City Council approved the closure and sale of Terlean Road to BBT Development Group in June 2003. One of the conditions of this sale is having a finalized zoning by-law by January 10, 2005 based on a maximum density of 2.5 fsi.

One Avondale Avenue represents the last remaining block within the Wittington subdivision. While 19 Avondale and Terlean Road are not part of the Wittington subdivision, they are viewed as part of the same community. Therefore, both re-zoning applications will be dealt with in this staff report as both projects will be developed by BBT Development Group.

Proposal

The proposed development at 1 Avondale Avenue will generally remain unchanged from Council's approval on September 24, 2003; then subsequently modified by the Committee of Adjustment: a 20 storey building having one storey retail at grade, two storeys commercial office space, one storey for indoor and outdoor amenity area, and 16 storeys of residential having 96 units. The residential gross floor area has been increased by 55 m² to accommodate a below-grade elevator lobby and additional storage area. As well, the owner seeks to increase the exemption for bicycle storage from 1.5 m² per unit to 2.25 m² per unit.

The main entrance for the commercial component will be at the corner of Yonge Street and Avondale Avenue while the main entrance to the residential component will be from Avondale Avenue.

The proposed development at 19 Avondale is for a 83 unit seven storey residential building with retail at grade and an indoor amenity area on the seventh floor providing access to a roof top garden. The main entrance for the residential component will be also from Avondale Avenue. Similar to 1 Avondale Avenue, the applicant is proposing density incentives for private indoor amenity space based on 1.5 m² per unit and for bicycle storage based on 2.25 m² per unit. These incentives total 312 square metres.

A portion of the 19 Avondale building will be located on the property of 1 Avondale. As a result, a portion of the underground parking for residents and occupants of 1 Avondale is now proposed to be located off-site on the property of 19 Avondale Avenue.

Both buildings will share both the ramp to the underground parking area as well as the underground parking spaces. There will be 139 spaces allocated to 1 Avondale and 84 spaces allocated to 19 Avondale Avenue in the underground garage.

There are 4 short-term surface parking spaces in a driveway between the two buildings which are intended to be shared. Vehicles will access the site for both buildings from Harrison Garden. The shared loading space will be along the south face of the 1 Avondale Avenue building.

Further details of both applications can be found on the Application Data Sheets in Attachments 4 and 5.

Site and Surrounding Area

Both sites are on Avondale Avenue between Yonge Street and Harrison Garden Boulevard and take their access off Harrison Garden Boulevard. A pedestrian mews with retail at grade is located between the proposed buildings and the buildings to the south (12 and 16 Harrison Gardens Boulevard currently under construction). Both 1 and 19 Avondale Avenue properties are each 0.13 hectares in size.

North: One and two storey retail on Yonge Street and temporary parking lot on Avondale Avenue

South: 27 storey residential tower with retail at grade developed by BBT Development Group

East: 3 storey townhouses developed by BBT Development Group

West: Yonge Street

North York Official Plan

Both sites are within the Downtown of the North York Centre Secondary Plan and designated Downtown Mixed Use 3 (DMU-3) which permits a mix of uses and having a maximum density

of 2.5 fsi, (exclusive of density incentives) and maximum height of 65 metres. Section 12.21 of the Secondary Plan requires that lands south of the Bales Road and Avondale Avenue intersection, including the closed Terlean Road which incorporate the 19 Avondale Road site, be subject to the policies for the larger Wittington site. The Secondary Plan allows density incentives for ground floor retail uses, indoor residential amenity space and bicycle storage. The Plan also has policies with respect to built form and urban design.

Toronto Official Plan

At its meeting of November 26, 2002, City Council adopted the new Official Plan for the City of Toronto. The Minister of Municipal Affairs and Housing approved the new plan, in part, with modifications. The Minister's decision has been appealed in its entirety. The Official Plan is now before the Ontario Municipal Board and pre-hearing conferences are now taking place.

Once the new Official Plan comes into full force and effect, it will designate the properties Mixed Use Area C within the North York Centre Secondary Plan with the same uses, densities, heights, and policies as the previous Secondary Plan.

Zoning

The Wittington subdivision is subject to the C1(66) and RM6(52) zoning provisions which permits an overall maximum of 2752 units, 217,616 m² residential gross floor area, and 46,450 m² non-residential gross floor area. The site is within the C1(66) zone which permits a building height of 74 metres.

19 Avondale Avenue and Terlean Road are zoned (R4), which permits single detached dwellings.

Site Plan Control

The 1 Avondale Avenue site is part of the Wittington subdivision which has an approved Master Plan. The previously submitted site plan for 1 Avondale Avenue (TB SPC 2001 0001), was approved but not finalized. A revised site plan to reflect the relocated ramp to the underground parking garage and revised elevations is now ready to be approved by the Director of Community Planning, North District. The building proposed for 19 Avondale Avenue, is not located within the Wittington subdivision and therefore site plan approval is recommended subject to revised plans providing further information required by Works and Emergency Services.

Reasons for the Application

1 Avondale Avenue:

A provision of the Wittington By-laws C1(66) and RM6(52) is that parking must be provided on the same block in the Registered Plan, (66M-2354). A total of 29 parking spaces for 1 Avondale Avenue will be located on the property of 19 Avondale which are outside the registered plan and thus a re-zoning is required. It should be noted that 7 parking spaces for 19 Avondale Avenue will be located on the property of 1 Avondale Avenue

19 Avondale Avenue:

A rezoning is required to permit multi-residential use.

Community Consultation

A Community Consultation Meeting was held on May 4, 2004 and attended by the Ward Councillor, Planning and Works and Emergency Services staff, the proponent and consultants, and about 30 residents. Most of the issues raised related to traffic volumes and speed on Avondale Avenue and Yonge Street.

Agency Circulation

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

Comments:

Built Form

The site plan for both buildings incorporates the elements of the Wittington subdivision Master Site Plan and both buildings conform to the intent of the North York Centre Secondary Plan in terms of building height, massing, and setbacks. The podium of the 1 Avondale Avenue building which wraps around from Yonge Street to Avondale Avenue, relates in height to the 6 residential floors of the 19 Avondale Avenue building. Both buildings are set back from the property line to allow for a generous walkway on both the Avondale Avenue and Yonge Street frontages.

The site plan has been revised to eliminate the driveway access onto Avondale Avenue between the two buildings as a result of comments by Works and Emergency Services. The north end of the driveway is now proposed to be a landscaped courtyard directly accessible from the main residential entrances of both buildings and offering access between the sidewalk on Avondale Avenue and the buildings and mews to the south. Attention has been

paid to lessening the impact of wind on this courtyard as well as adjacent sidewalks by the location of a wind screen between the two buildings and covered arcade along Yonge Street.

Road Widening

Works and Emergency Services has requested a 5.2 metre conveyance along the Avondale Avenue frontage of 19 Avondale Avenue. The applicant previously conveyed this same widening along the 1 Avondale Avenue property. A 6.1 metre corner rounding at Avondale Avenue and Harrison Garden Boulevard is also required. These conveyances will be required prior to registration of the Site Plan Agreement.

Parking and Loading

The range of parking required for residents, commercial office users, and retail visitors for both buildings is between a minimum of 208 spaces and a maximum of 279 spaces. The developer is proposing to provide 227 spaces in total to be shared by occupants of both buildings on 4 levels of underground garage and 4 surface parking spaces. For the purpose of the zoning by-laws, a total of 29 parking spaces required by the 1 Avondale Avenue building is identified and located on the 19 Avondale Avenue site while a total of 7 parking spaces required by the 19 Avondale Avenue building is identified and located on the 1 Avondale Avenue property. One loading space to be located adjacent to 1 Avondale Avenue and shared by both buildings is acceptable to Works and Emergency Services.

Section 37

The applicant applied for an increase in the previously permitted density exemption for 1 Avondale Avenue for below grade bicycle storage from 1.5 m² per unit to 2.25 m² per unit. This is the last phase of the Wittington Subdivision and there is sufficient gross floor area remaining in this site specific by-law to accommodate this exemption. Therefore, staff are not recommending that the site specific by-law be further amended.

For 19 Avondale Avenue, the applicant has applied for density incentives of 187 m² based on 2.25 m² per unit for provision of below grade bicycle storage and 125 m² based on 1.5 m² per unit for provision of private amenity area. These incentives are permitted under the North York Secondary Plan and recommended in the proposed zoning by-law.

Conclusions:

This report recommends approval of these applications to amend the zoning by-law, both of which are consistent with the land use and density policies of the North York Centre Secondary Plan. The proposed density of 2.5 fsi for 19 Avondale Avenue is consistent with the basis of the real estate transaction between the City and the developer. This report also

recommends site plan approval for 19 Avondale Avenue and prior to by-law enactment, a Section 37 agreement be executed to permit the density incentives for the provision of private indoor recreational space and bicycle storage consistent with the provisions of the North York Centre Secondary Plan.

Contact:

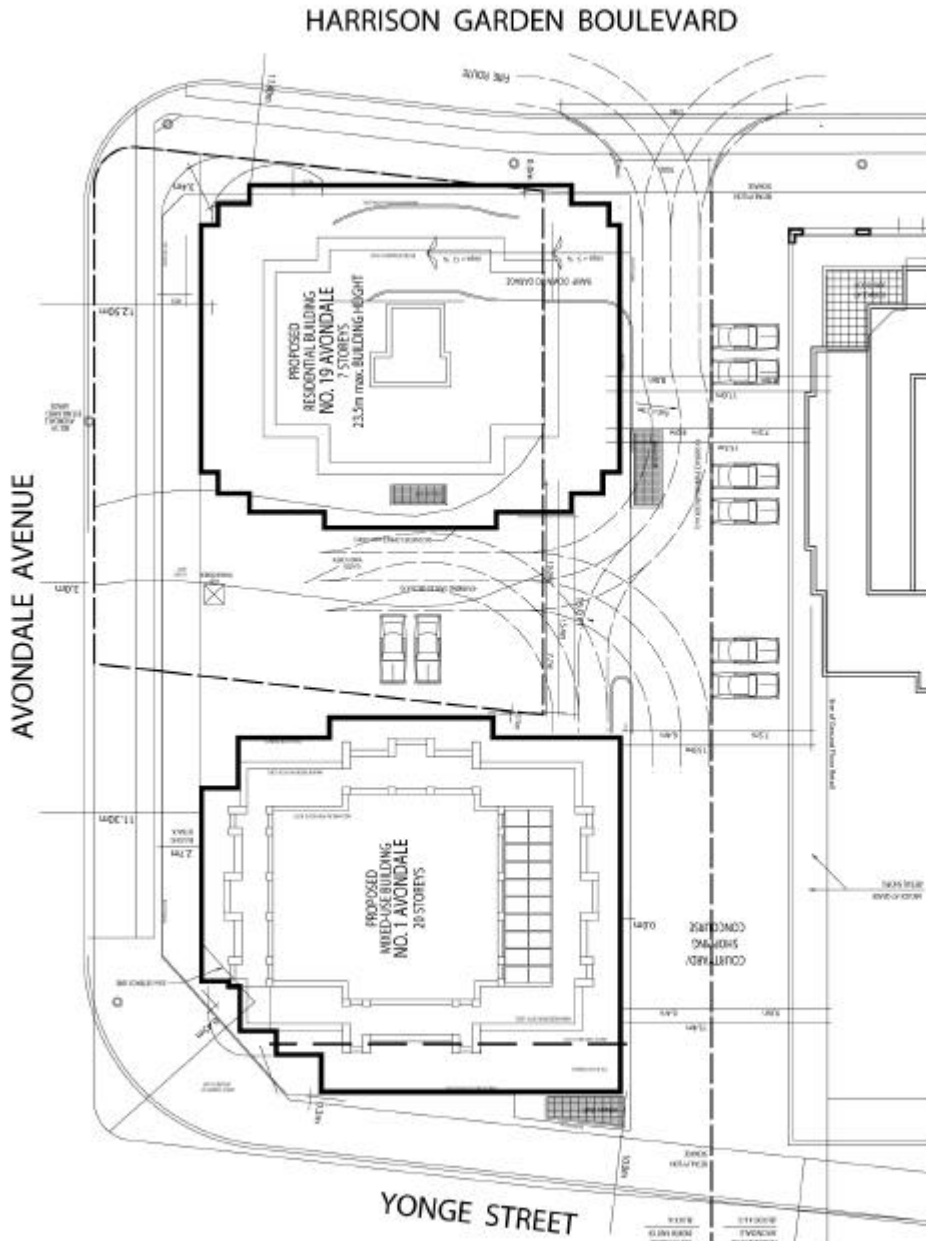
Naomi Faulkner, Senior Planner
Ph: (416) 395-7137
Fax: (416) 395-7155
Email:nfaulkn@toronto.ca

Thomas C. Keefe
Director, Community Planning, North District

List of Attachments:

- Attachment 1: Site Plan for 1 and 19 Avondale Avenue
- Attachment 2: Elevations for 1 and 19 Avondale Avenue
- Attachment 3: Zoning
- Attachment 4: Application Data Sheet – 1 Avondale Avenue
- Attachment 5: Application Data Sheet – 19 Avondale Avenue
- Attachment 6: Works and Emergency Services Comments
- Attachment 7: Draft Zoning By-law Amendments C1(66) and RM6(52) –
1 Avondale Avenue
- Attachment 8: Draft Zoning By-law Amendment – RM6(147) 19 Avondale Avenue
- Attachment 9: Conditions of Site Plan – 19 Avondale Avenue

Attachment 1: Site Plan



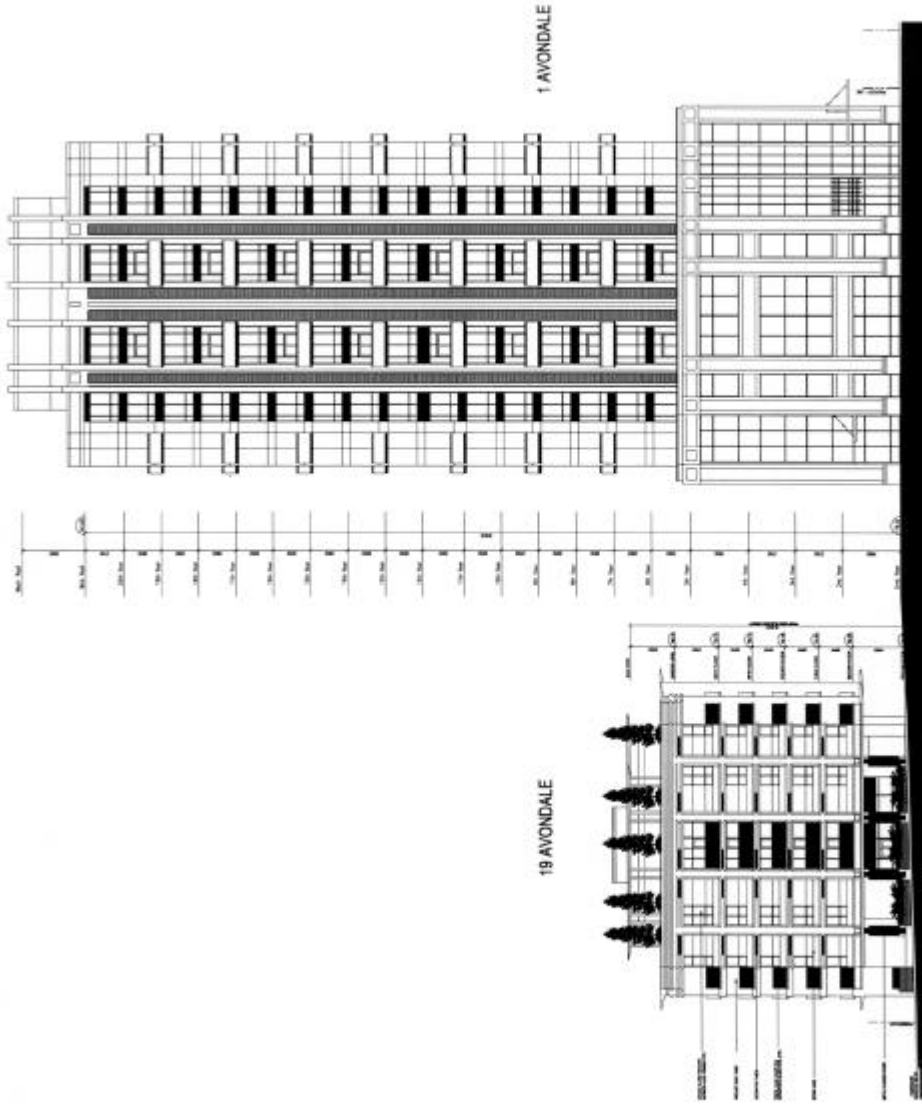
1 & 19 Avondale Avenue

Site Plan
Applicant's Submitted Drawing
Not to Scale
08/16/04

File # 04_109961 & 04_109950



Attachment 2: Elevation



Elevation - Avondale Avenue

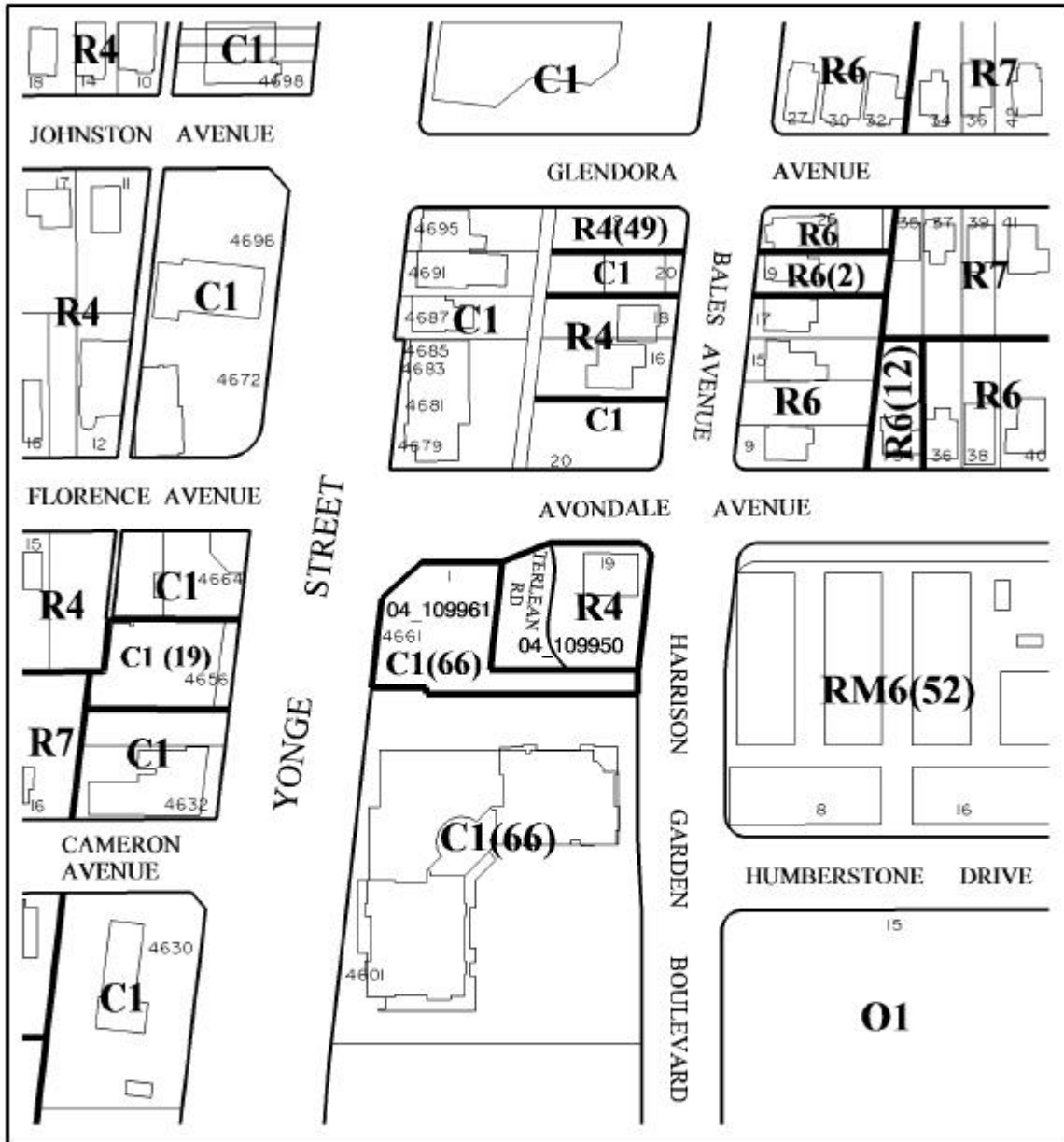
Applicant's Submitted Drawing

Not to Scale
08/16/04

1 & 19 Avondale Avenue

File # 04_109961 & 04_109950

Attachment 3: Zoning



Toronto Urban Development Services
Zoning

1 & 19 Avondale Avenue
 File # 04_109961 & 04_109950

- R4 One-Family Detached Dwelling Fourth Density Zone
 - R6 One-Family Detached Dwelling Sixth Density Zone
 - R7 One-Family Detached Dwelling Seventh Density Zone
 - RM5 Multiple-Family Dwellings Fifth Density Zone
 - C1 General Commercial Zone
 - O1 Open Space Zone
- NOTE: Numbers in Brackets Denote Exceptions to the Zoning Category

↑
 Not to Scale
 Zoning By-law 7625
 Extracted 03/01/04

Attachment 4: 1 Avondale Application Data Sheet

Application Type: Rezoning
Details: Rezoning, Standard
Application Number: 04 109961 NNY 23 OZ
Application Date: February 17, 2004

Municipal Address: 1 AVONDALE AVE, Toronto ON
Location Description: PLAN 1967 E PT LOT 1282 N PT LOT 1283 & 1284**GRID N2306
Project Description: 20 storey mixed use building with portion of the underground parking on lands municipally known as 19 Avondale Ave.

Applicant:	Agent:	Architect:	Owner:
Sherman Brown Dryer Karol	Same as Applicant	Rafael & Bigauskas	BBT Development

Planning Controls

Official Plan Designation:	DMU-3	Site Specific Provision:	BL 878-2003
Zoning:	C1(66)	Historical Status:	
Height Limit (m):	74 metres	Site Plan Control Area:	Y

Project Information

Site Area (sq. m):	1398	Height: Storeys:	20
Frontage (m):		Metres:	74
Depth (m):			
Ground Floor GFA (sq. m):	798	Total	
Residential GFA (sq. m):	11,599 (incl. exemption)	Parking Spaces:	141
Non-Residential GFA (sq. m):	3,409 (incl. exempt)	Loading Docks	1
Total GFA (sq. m):	15,003 (includes 668 m ² from 19 Avondale Ave. and all exemptions)		
Lot Coverage Ratio (%):	78 % (includes ramp)		
Floor Space Index:	10.7		

Dwelling units

Tenure Type:	Condo
1 Bedroom	64
2 Bedroom	32
Total Units:	96

Floor Area Breakdown

	Above Grade	Below Grade
Residential GFA (sq. m):	10,903	691
Retail GFA (sq. m):	1,724	0
Office GFA (sq. m):	1,685	0
Industrial GFA (sq. m):	0	0
Institutional/Other GFA (sq. m):	0	0

CONTACT: PLANNER NAME: Naomi Faulkner, Senior Planner
TELEPHONE: (416) 395-7137

Attachment 5: 19 Avondale Avenue Application Data Sheet

Application Type Rezoning Application Number: 04 109950 NNY 23 OZ
Details Rezoning, Standard Application Date: February 17, 2004

Municipal Address: 19 AVONDALE AVE, Toronto ON
Location Description: PLAN 1967 E PT LOT 1282 N PT LOT 1283 **GRID N2306
Project Description: Proposed seven storey residential building with retail at grade

Applicant:	Agent:	Architect:	Owner:
Sherman Brown Dryer Karol	Same as Applicant	Rafael & Bigauskas	BBT DEVGROUP INC.

Planning Controls

Official Plan Designation:	DMU-3	Site Specific Provision:	
Zoning:	R4	Historical Status:	
Height Limit (m):	8.8	Site Plan Control Area:	Y

Project Information

Site Area (sq. m):	1334	Height: Storeys:	7
Frontage (m):		Metres:	23.5
Depth (m):			
Ground Floor GFA (sq. m):	313		Total
Residential GFA (sq. m):	3597 (incl. exemptions)	Parking Spaces:	86
Non-Residential GFA (sq. m):	49	Loading Docks	0
Total GFA (sq. m):	3646 (incl. exemptions)		
Lot Coverage Ratio (%):	42 % (includes ramp)		
Floor Space Index:	2.7 (incl. exemptions)		

Dwelling Units

Floor Area Breakdown

Tenure Type:	Condo		Above Grade	Below Grade
1 Bedroom	83	Residential GFA (sq. m):	3444	153
2 Bedroom	0	Retail GFA (sq. m):	49	0
3 Bedroom:	0	Office GFA (sq. m):	0	0
Total Units:	83	Industrial GFA (sq. m):	0	0
		Institutional/Other GFA (sq. m):	0	0

CONTACT: **PLANNER NAME:** **Naomi Faulkner, Senior Planner**
TELEPHONE: **(416) 395-7137**

Attachment 7: 1 Avondale Zoning Bylaw

Authority: Toronto North Community Council Report No. ~, Clause No. ~,
as adopted by City of Toronto Council on ~, 2004
Enacted by Council: ~, 2004

CITY OF TORONTO

Bill No. ~

BY-LAW No. ~-2004

To amend ~ Zoning By-law No. ~, as amended,
With respect to the lands municipally known as 1 Avondale Ave,

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. Section 64.20-A(52) of By-law 7625 of the former City of North York is amended by adding the following clause after Section 64.20-A(52)(u)(ii) and before Section 64.20-A(52)(v):

“Parking (iii) Notwithstanding Section (u)(i) and (ii), parking located at 1 Avondale Avenue may be located at 19 Avondale Avenue and the closed Terlean Road right-of-way,”

2. Section 64.23(66) of By-law 7625 of the former City of North York is amended by adding the following clause after Section 64.23(66)(u)(ii) and before Section 64.23(66)(v):

“Parking (iii) Notwithstanding Section (u)(I) and (ii), parking located at 1 Avondale Avenue may be located at 19 Avondale Avenue and the closed Terlean Road right-of-way,”

ENACTED AND PASSED this ~ day of ~, A.D. 2004.

DAVID R. MILLER,
Mayor

ULLI S. WATKISS,
City Clerk

(Corporate Seal)

Attachment 8: 19 Avondale Zoning Bylaw

Authority: Toronto North Community Council Report No. ~, Clause No. ~,
as adopted by City of Toronto Council on ~, 2004
Enacted by Council: ~, 2004

CITY OF TORONTO

BY-LAW No. ~-2004

To adopt an amendment to the Official Plan for the former City of North York respecting the lands municipally known as 19 Avondale Avenue

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

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

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

1. Schedules “B” and “C” of By-law 7625 are amended with Schedule “1” of this Bylaw.
2. Section 64.20 of Bylaw No. 7625 is amended by adding Schedule 64.20(147) attached to this Bylaw.
3. Section 64.20 of Bylaw No. 7625 is amended by adding the following subsection:

“64.20(147) RM6(147)

DEFINITIONS

- (a) For the purpose of this by-law, all references to 19 Avondale Avenue shall include the closed Terlean Road right of way;

PERMITTED USES

- (b) The only permitted uses shall be Apartment House Dwellings and retail use;

EXCEPTION REGULATIONS

(c) Yard Setbacks

- (i) The minimum yard setbacks shall be as shown on Schedule RM6(147);
- (ii) The minimum yard setback for below grade parking garage shall be 0 metres;
- (iii) Canopies and balconies are excluded from setback requirements and may project a maximum of 0.6 metres into each of the yards;

- (d) Distance between Buildings and/or Portions of Buildings Forming Courts
 - (i) The minimum distance between buildings located at 1 and 19 Avondale Avenue shall be 14.5 metres;

- (e) Gross Floor Area
 - (i) The gross floor area of the building shall not exceed 3335 square metres or 2.5 times the lot area of 19 Avondale;
 - (ii) The gross floor area of the retail use shall not exceed 50 square metres;

- (f) Building Height
 - (i) The maximum building height shall be as shown on Schedule RM6(147);

- (g) Parking
 - (i) A minimum of 82 and a maximum of 99 residential parking spaces for residents and visitors shall be provided for the use of occupants living in 19 Avondale Avenue but some of which may be provided on the adjacent site at 1 Avondale Avenue;
 - (ii) A minimum and maximum of 1 parking space dedicated for the retail area of 19 Avondale shall be provided;
 - (iii) Four (4) surface parking spaces shall be used as short-term parking for residential visitors and/or retail users of both 1 and 19 Avondale Avenue buildings, some of which may be provided on the adjacent site at 1 Avondale Avenue;

- (h) Loading
 - (i) One loading space shall be provided and shared by both buildings located at 1 and 19 Avondale Avenue;

- (i) Density Incentives
 - (i) 187 m² gross floor area shall be attributable to the provision of a bicycle storage area and ancillary facilities provided that such gross floor area is located only on the property of 19 Avondale Avenue;
 - (i) 125 m² gross floor area shall be attributable to the provision of private indoor recreational space accessory to a residential use, provided such gross floor area is located on the property of 19 Avondale Avenue.

- (j) The following provisions do not apply: Section 15.8 (Landscaping), Section 20-A.2.2 (Lot Coverage), Section 20-A.2.6 (Building Height), Section 6A(6)(c) (Landscape Buffer adjacent to Parking).”

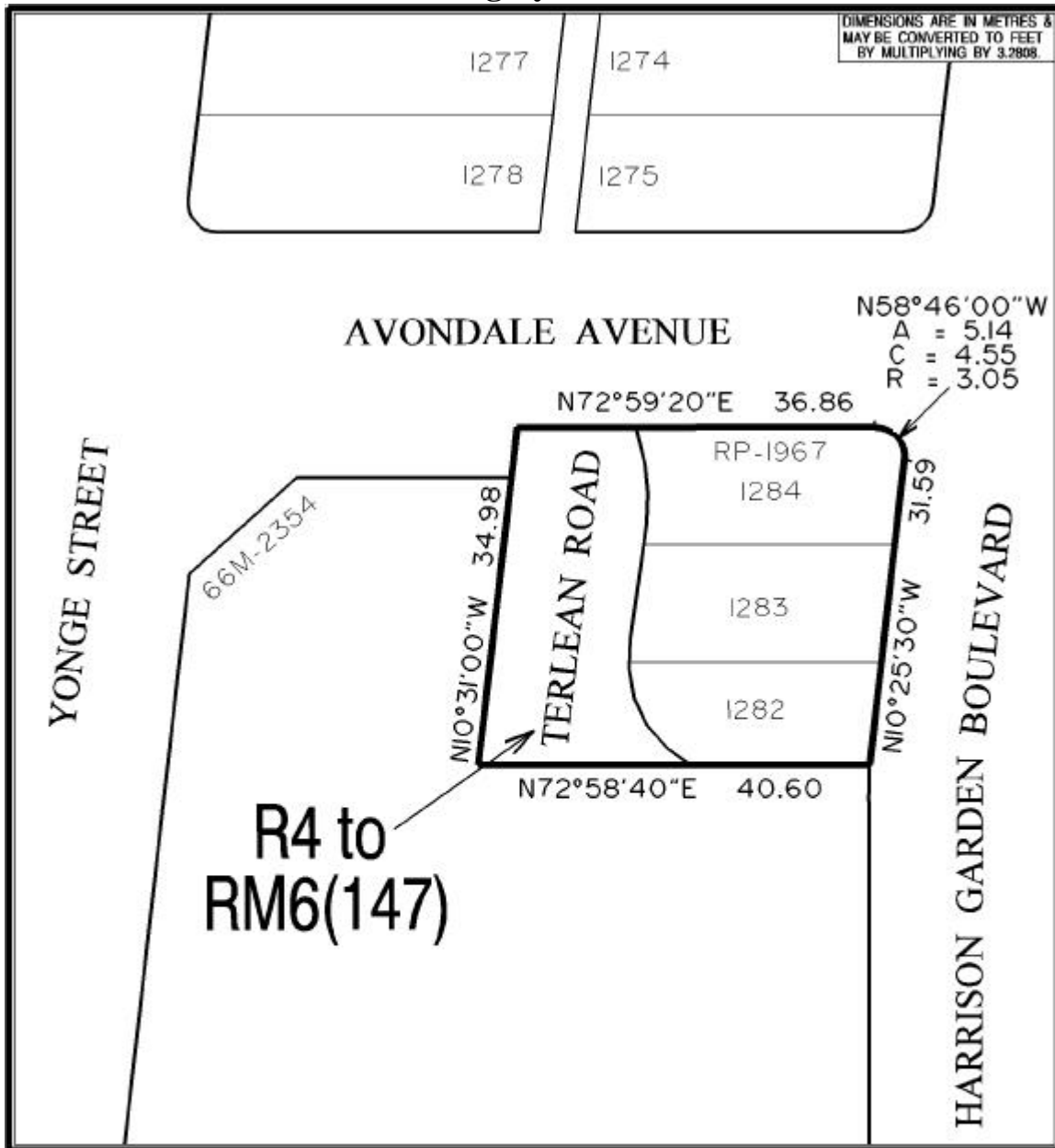
ENACTED AND PASSED this ~ day of ~, A.D. 2004.

DAVID R. MILLER
Mayor

ULLI S. WATKISS,
City Clerk

(Corporate Seal)

Draft Zoning By-Law Schedule 1



This is Schedule " 1 " to By-Law _____
 passed the _____ day of _____, 20 ____

(Sgd.) _____ (Sgd.) _____
 CLERK MAYOR

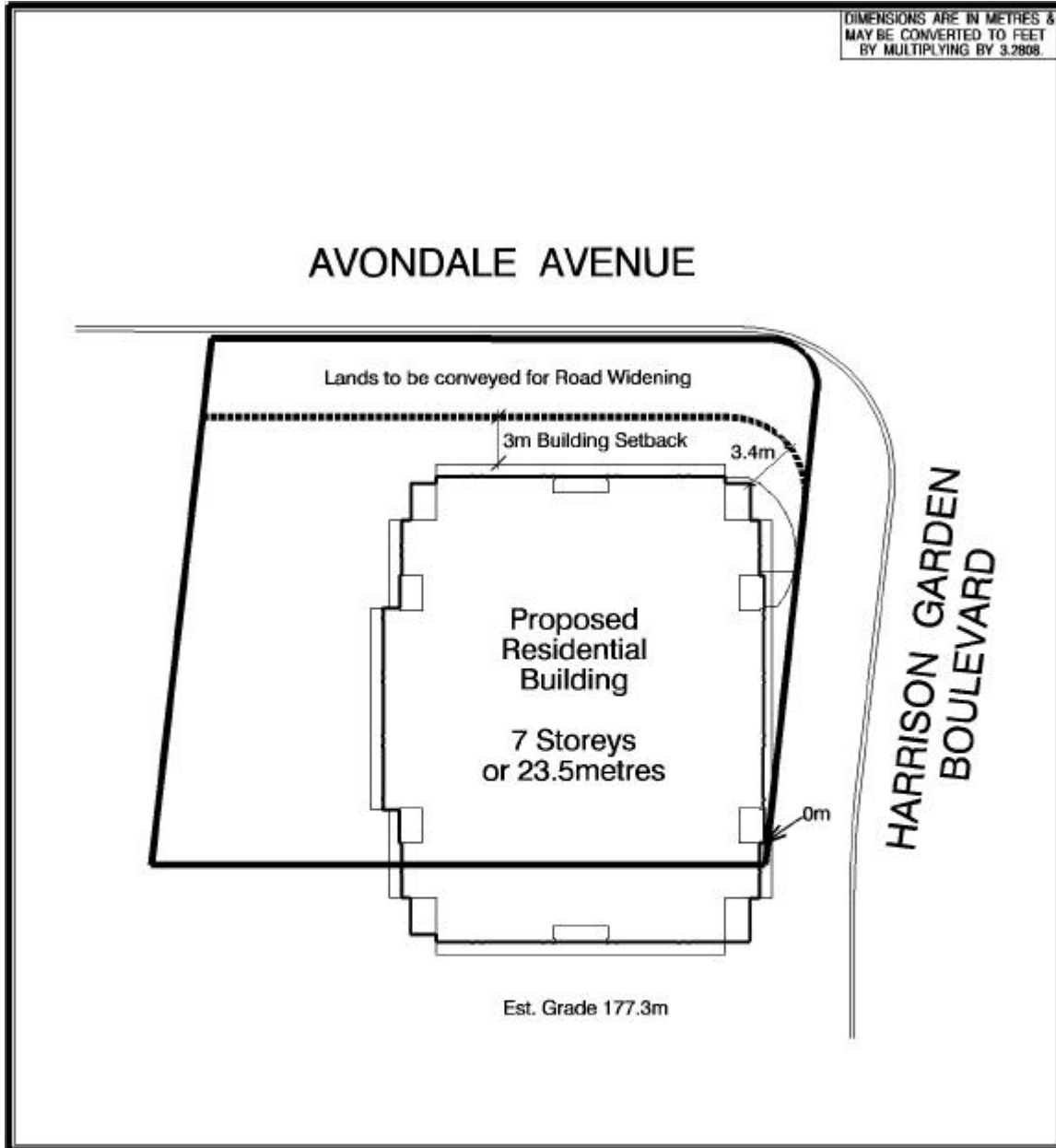
Location: Part of Lots 1282, 1283 & 1284, Registered Plan 1967, City of Toronto



File: 04_109950 Prepared by: A.K. Approved by: N.F. Date: May 25, 2004 Filename: RM6(147)_1

Source: Zoning, By-Law, Lot Line, Street Line and Street Name Data - City of Toronto, City Planning Division, North District.
 Street lines represent street dedications/road allowances and do not represent actual as-built curb lines of streets.

Toronto City Planning Division
 SUBJECT PROPERTY

Draft Zoning By-Law Schedule 2



This is Schedule "RM6(147)" to By-Law _____		 City Planning Division North District
passed the _____ day of _____, 20 _____		
(Sgd.) _____	(Sgd.) _____	 SUBJECT PROPERTY
CLERK	MAYOR	
Location: Part of Lots 1282, 1283 & 1284, Registered Plan 1967, City of Toronto		
File: 04_109950	Prepared by: A.K.	Approved by: N.F.
Date: June 14, 2004	Filename: RM6(147)	
<small>Source: Zoning, By-Law, Lot Line, Street Line and Street Name Data - City of Toronto, City Planning Division, North District. Street lines represent street dedications/road allowances and do not represent actual as-built curb lines of streets.</small>		

Attachment 9 Conditions of Site Plan 19 Avondale

This approval is valid for a period of five years of the date of approval and conditional upon the owner and the City entering into the City's standard Site Plan Control Agreement, which shall be registered on title and will incorporate the following specific provisions:

1. The lands shall be developed and maintained in accordance with the approved Site Plan drawings and conditions of approval. The Owner acknowledges that notwithstanding this approval, the lands shall be developed in accordance with the applicable zoning by-law(s) and that it is the responsibility of the Owner to ensure that the development is in conformity with the applicable zoning by-law(s) to the satisfaction of the Chief Building Official.
2. All of the work shown on the approved drawings and all of the work required by the conditions of this approval shall be completed within five years from the date of this approval failing which, this approval shall require an extension by the Director of Community Planning, North District (the "Director"), or his successor, prior to the issuance of any building permit.
3. The Owner shall satisfy all conditions of this approval. The Owner shall submit a cost estimate and letter of credit in a form satisfactory to the City Treasurer in accordance with its standard format for letters of credit as of the date of submission of the letter of credit to the City, and which shall provide for automatic renewal rights at the end of the term, to complete all outstanding landscape and streetscape work required by these conditions.
4. Refuse and recycling storage shall be contained within the building. Materials shall be transported to the collection area on collection days only. The Owner acknowledges that garbage shall be collected in accordance with garbage By-law 21732, as amended.
5. All driveways, loading and parking areas shall be paved with asphalt, turfstone, concrete or concrete unit pavers.
6. All site illumination shall be designed to prevent the spread of light onto adjacent properties.
7. All designated parking spaces for persons with disabilities shall be identified with proper signage and logos to the satisfaction of the Director of Transportation Services – Works and Emergency Services Department, or his successor. All designated parking spaces, walkways and curb ramps shall conform with the City of Toronto (formerly North York), "Barrier Free Accessibility, Design Guidelines and Policy Handbook (Exterior Guidelines)".

8. No signage, satellite dishes, cellular telephone antennae or associated equipment shall be provided on the roof of the building, without the prior approval of the Director.
9. Above-grade electrical transformers, gas regulators, and other equipment are not permitted above grade in any yard abutting a public street unless screened from view with landscaping or fencing to the satisfaction of the Director, or his successor. All clearances from Toronto Hydro-Electric Commission facilities must be maintained to the satisfaction of Toronto Hydro or such successor body. The owner shall make arrangements to the satisfaction of the affected Utility for the installation, relocation and protection of all utilities.
10. The municipal address is to be well-illuminated, provided in a prominent location and designed to be easily readable from adjacent streets.
11. The Owner shall develop the lands in accordance with the requirements and conditions contained in the following:
 - 11.1 Works & Emergency Services Department memorandum dated June 8, 2004;
 - 11.2 Economic Development, Culture and Tourism memorandums dated March 18, 2004 and May 4, 2004;
 - 11.3 Ministry of Transportation letter dated March 16, 2004.
12. The Owner shall submit the following to the satisfaction of the Director before any building permit is issued:
 - 12.1 3 copies of a revised site plan which includes further information requested by Works and Emergency Services as referenced in that department's memorandum of June 8, 2004.
 - 12.2 3 copies of a Final landscape plan.
13. The applicant shall submit the following to the satisfaction of the Director before any building permit, other than a foundation permit, is issued:
 - 13.1 Confirmation that arrangements have been made to satisfy the requirements of the Works and Emergency Services Department (*Technical Services Division*) as noted in its memorandum dated June 8, 2004; including conveyance of land for road widening purposes prior to registration of the site plan agreement.
 - 13.2 Economic Development, Culture and Tourism Department (Urban Forestry Services and Policy and Development Divisions) agreement as noted in the respective memorandum of March 18 and May 4, 2004.

- 13.3 Confirmation that arrangements have been made to satisfy the requirements of the Ministry of Transportation as noted in its letter dated March 17, 2004.
- 13.3 Confirmation that approval has been obtained from the Toronto Hydro-Electric Commission.
14. The owner shall execute a Site Plan agreement prepared to the satisfaction of the City Solicitor and the Director to register the approved drawings and conditions of approval on title. The agreement shall stipulate the following:
 - 14.1 Prior to recommending draft site plan approval, the Owner shall satisfy all conditions of this approval. The Owner shall submit a cost estimate and letter of credit for 120% of the value of the landscaping in a form satisfactory to the City Treasurer. The letter of credit shall be in accordance with its standard format for letters of credit as of the date of submission of the letter of credit to the City, and which shall provide for automatic renewal rights at the end of the term, to complete all outstanding work required by these conditions.
 - 14.2 The Owner acknowledges that where it fails to promptly complete the work required by this Agreement, the City, in addition to and without prejudice to any other rights which it may have pursuant to this Agreement or otherwise at law, may enter onto the lands, perform such work and take any steps as are required, in the sole discretion of the City, to carry out and complete work.
 - 14.3 The Owner agrees that the City has the right to recover the total cost of all work and materials, plus a management fee equal to 20 percent of the total cost of such work and materials. In addition to any other remedies it may have, the City may collect the sums owing in like manner as municipal taxes, with all such amounts to be payable as directed by City Council pursuant to Section 427 of the *Municipal Act*.
 - 14.4 The Owner acknowledges that the City enters onto the lands solely as the agent of the Owner, and such entry shall not be deemed, for any purpose, to constitute acceptance or assumption of all or any portion of the work required by this Agreement.

15. The Owner agrees:
 - 15.1 that it shall harmless, defend and fully indemnify the City, and each of the persons under the City's jurisdiction, from and against all actions, suits, claims, and demands which may be brought against or made upon the City, and any persons under the City's jurisdiction, and from and against all loss, costs, charges, damages and expenses which may be sustained, incurred or paid by the City, and each of any persons under the City's jurisdiction, by reason of, or on account of, or in consequence of this clause;
 - 15.2 that it will pay to the City and to each of any persons under the City's jurisdiction, on demand, any loss, costs or damages which may be sustained, incurred or paid by the City in consequence of any such action, suit, claim or demand;
 - 15.3 on default of such payment all such loss, costs or damages and all such monies so paid or payable may be recovered in any court of competent jurisdiction.

**DRAWINGS INCLUDED
IN THE SITE PLAN AGREEMENT**

OWNER: BBT Development Group Limited
ADDRESS: 19 Avondale

DRAWING NO.	CONTENTS OF DRAWING	DRAWING DATE	PREPARED BY
SK-2	Project Site Plan	May 26, 2004	Raphael & Bigauskas - Architects
A2-1	Parking Garage Level 1	January 27, 2004	Raphael & Bigauskas - Architects
A2-2	Typical Garage Level	January 27, 2004	Raphael & Bigauskas - Architects
A3-1	Ground Floor	January 27, 2004	Raphael & Bigauskas - Architects
A3-2	Typical Floor Plan	January 27, 2004	Raphael & Bigauskas - Architects
A3-3	7 th Floor Plan / Roof Garden	January 27, 2004	Raphael & Bigauskas - Architects
A3-3a	Roof Plan / Roof Garden	January 27, 2004	Raphael & Bigauskas - Architects
A4-1	Avondale Avenue North Elevation	January 27, 2004	Raphael & Bigauskas - Architects
A4-2	Harrison Garden East Elevation	January 27, 2004	Raphael & Bigauskas - Architects
A4-3	South Elevation	January 27, 2004	Raphael & Bigauskas - Architects
A4-4	West Elevation	January 27, 2004	Raphael & Bigauskas - Architects
L1	Landscape Plan	May 27, 2004	MBTW
L2	Roof Garden Landscape Plan and Details	May 27, 2004	MBTW
L3	Landscape Details	May 27, 2004	MBTW
L4	Landscape Details	May 27, 2004	MBTW

Any grading and drainage details on the above plans do not form part of the approval, but are for information purposes only.