



# STAFF REPORT ACTION REQUIRED

## 4759 - 4789 Yonge Street Official Plan Amendment, Zoning By-law Amendment and Site Plan Applications – Final Report

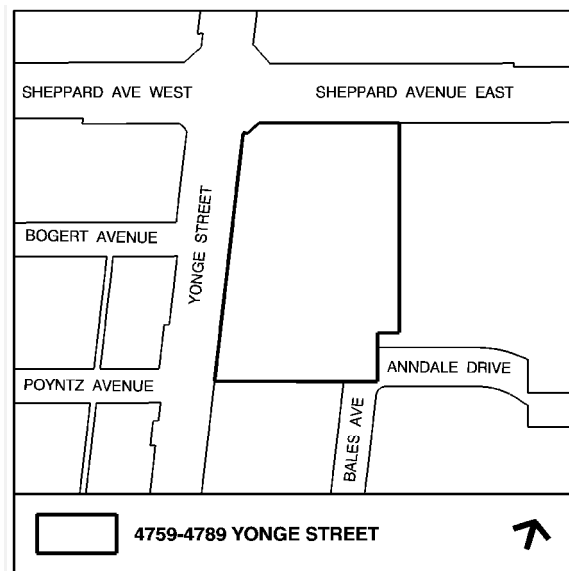
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| <b>Date:</b>             | February 16, 2010   |
| <b>To:</b>               | North York Community Council                                      |
| <b>From:</b>             | Director, Community Planning, North York District                 |
| <b>Wards:</b>            | Ward 23 – Willowdale  |
| <b>Reference Number:</b> | 06 163756 NNY 23 OZ<br>08 120530 NNY 23 SA<br>09 198292 NNY 23 OZ |

### SUMMARY

The applications propose a mixed use development that includes office, retail and residential uses in 3 linked buildings of 45, 35 and 5 storeys, located on the southeast corner of Yonge Street and Sheppard Avenue East.

The proposed Zoning By-law Amendment implements the Settlement Offer endorsed by Council in May 2009 and Official Plan Amendment 91 adopted by Council and which came into effect on August 19, 2009. The proposed Official Plan Amendment is to allow for an increase in the north tower height from 155 to 160 metres to accommodate a reduced floor plate area of the office tower component.

This report reviews and recommends approval of the amendment to OPA 91, approval of the implementing Zoning By-law Amendment, and approval in principle of the Site Plan Control application.



## RECOMMENDATIONS

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### The City Planning Division recommends that:

1. City Council amend the North York Centre Secondary Plan, substantially in accordance with the draft Official Plan Amendment contained in Attachment 8.
2. City Council amend the Zoning By-law for the former City of North York substantially in accordance with the draft Zoning By-law Amendment in Attachment 9.
3. City Council authorize the City Solicitor to make such stylistic and technical changes to the draft Official Plan and Zoning By-law Amendments as may be required.
4. Before introducing the necessary Bills to City Council for enactment, require the owner to:
  - a. enter into a Section 37 Agreement with the City, to the satisfaction of the City solicitor, to provide the following facilities, services or matters:
    - i. lands at 2 and 10 Bonnington Place for the North York Service Road network extension;
    - ii. retail space fronting onto and directly accessible to Yonge Street and Anndale Drive;
    - iii. at-grade bicycle rooms for the residential and commercial uses;
    - iv. indoor recreational amenity space
    - v. pedestrian connection space to the subway stations
    - vi. monetary contribution towards the cost of acquiring lands for completion of planned service roads, in the form of a letter of credit to be offset by the costs of connecting the major office development to the subway stations.
  - b. enter into a TTC Undertaking Agreement that addresses:
    - i. TTC's requirements for an Entrance Connection Agreement(s) including commitments with respect to entrance connection fees and letters of credit;
    - ii. land conveyances and exchanges for the TTC ventilation, emergency exit and entrance buildings;
    - iii. dedication of existing easement or expanded areas surrounding existing easement areas if required; and
    - iv. timing or staging of these fees and lands/areas to be dedicated or provided.

5. Before introducing the necessary Bills to City Council for enactment, require the owner to agree to provide public access to the 'grand plaza' area, and to the construction sequencing of the development, as well as any other matters in the Council endorsed Settlement not otherwise addressed, to be secured through entering into a Section 37 Agreement with the City, to the satisfaction of the City solicitor.
6. City Council approve in principle the Site Plan drawings and draft Conditions of Site Plan Approval listed in Attachment 10 subject to stylistic and technical changes.
7. Prior to the Director, Community Planning, North York District issuing the Notice of Site Plan Approval Conditions:
  - a. the Chief Corporate Officer will have declared surplus Parts 18, 21 & 23 identified on the November 12, 2008 draft R-Plan by RM Pastushak OLS, having an area of 222 m<sup>2</sup> and an offer be invited from the owner, consistent with the offer to settle and in exchange for 284 Maplehurst Avenue, to acquire a strata fee interest in these lands, subject to any infrastructure requirements of the TTC;
  - b. the owner shall have completed a Toronto Transit Commission ("TTC") Level 3 Technical Review of the proposed development as applicable to the particular demolition, excavation and shoring permits applied for and obtain the TTC's written acknowledgement that the developer has satisfied all of the conditions arising out of the review;
  - c. the owner shall have entered into a TTC construction agreement(s);
  - d. the owner shall have filed with the City the monetary contribution towards the cost of acquiring lands for completion of planned service roads, in the form of a letter of credit, that may be offset by the costs of connecting the major office development to the subway stations in accordance with the Section 37 Agreement.
  - e. the owner shall have conveyed to the City the lands at 2 and 10 Bonnington Place to the satisfaction of the Executive Director of Technical Services for the North York Centre Service Road.
8. City Council authorize the Chief Planner or his designate to give Site Plan approval once the final conditions to be satisfied prior to Site Plan Control Approval, including entering into a satisfactory Site Plan Agreement, have been fulfilled.
9. If the Owner agrees to take on the role of constructing the Longmore and Maplehurst Park using the Parks & Recreation component of the Development Charges generated through this development application, the Owner shall receive development charge credits for the Park Improvements. The development charges credit shall be the lesser of the Parks & Recreation component of the development charges payable in accordance with the City's Development Charges By-law and

the Owner's actual cost for the Park Improvements as approved by the General Manager, Parks, Forestry and Recreation.

### **Financial Impact**

The recommendations in this report have no financial impact.

### **DECISION HISTORY**

In September 2006, City Council adopted Planning staff's recommendations in the Preliminary Report on the Official Plan and Zoning Amendment applications, and further directed that prior to scheduling a Community Consultation Meeting, staff report to the North York Community Council on the applicability of current and past versions of the North York Centre Secondary Plan to the proposed development in relation to its outstanding appeals.

In January, 2007 an Information Report from the Director, Community Planning, North York District was received by North York Community Council.

On June 6, 2007 a Community Consultation Meeting was held on the proposed development.

On July 26, 2007, the project was before the City's Design Review Panel and the Panel voted to support the proposed direction of the project.

In April of 2009, North York Community Council adopted a report from the City Solicitor regarding Hullmark's Settlement Offer, recommending that the Director of Community Planning bring forward proposed general and site-specific Official Plan Amendments (OPA) as well as a report on the Offer, to the next possible North York Community Council meeting.

At its May 25, 26 and 27, 2009 meeting City Council amended the North York Centre Secondary Plan and on consent, authorized the City solicitor to seek with Hullmark, an order from the Ontario Municipal Board (OMB) to resolve the outstanding appeals.

On August 19, 2009 the appeal of the Official Plan Amendments was withdrawn, and Official Plan Amendment Numbers 90 and 91 to the North York Centre Secondary Plan came into effect.

### **ISSUE BACKGROUND**

The Zoning By-law Amendment application was made on August 3, 2006 and is not subject to the new provisions of the *Planning Act* and the *City of Toronto Act, 2006*. The related Site Plan Control application was submitted on March 19, 2008, and the proposed OPA 114 submitted on December 18, 2009 are both subject to the new provisions of these Acts.

## Proposal

The application is to redevelop the 1.5 ha Willowdale Plaza site at the southeast corner of Yonge Street and Sheppard Avenue East with an interconnected mixed use project that includes:

- a 35 storey tower at the southwest portion of the site containing retail and residential uses;
- a 5 storey building with retail, office and residential amenity space that extends north on Yonge Street to an open space ‘grand plaza’ on the southeast corner of Yonge and Sheppard;
- a 45-storey tower at the northeast corner of the site and fronting on Sheppard Avenue East with office uses in the first 12 storeys and residential uses in the 13<sup>th</sup> to 45<sup>th</sup> storeys;
- two new pedestrian connections to the Yonge/Sheppard TTC subway stations; and
- a new 23 metre wide Service Road along the south end of the entire property that will extend and connect Anndale Drive to the signalized intersection at Yonge Street.

The project has a total gross floor area (GFA) of 90,591m<sup>2</sup> as follows:

| Use                    | GFA                   | % of Total |
|------------------------|-----------------------|------------|
| Office                 | 23,223 m <sup>2</sup> | 32.5%      |
| Retail                 | 6,228 m <sup>2</sup>  |            |
| Residential: 683 units | 61,140 m <sup>2</sup> | 67.5%      |
| Total                  | 90,591 m <sup>2</sup> | 100%       |

The proposal includes density transfers and incentives to increase the size of the development by 133% from a ‘base’ density of 4.5 FSI to a total density of 5.98 FSI. Consistent with the North York Centre Secondary Plan, the matters to be secured in exchange for this additional density through Section 37 consist of:

- conveyance to the City of two off-site properties on Bonnington Place for the Service Road (3,087m<sup>2</sup>);
- street related retail uses (5,609 m<sup>2</sup>);
- indoor residential amenity space (1,024.5 m<sup>2</sup>);
- bicycle parking (247 m<sup>2</sup>);
- TTC space (exempt from the 133% cap and up to 1,000 m<sup>2</sup>); and,

-a monetary contribution for the value of the density (up to 12,511 m<sup>2</sup>) that will be offset by the costs of providing pedestrian connections to the Yonge/Sheppard subway stations.

The proposal includes conveyance to the City of a 23 metre wide right-of-way along the site's entire south property line to connect the North York Centre Service Road from Anndale Drive to the signalized intersection at Yonge Street and Poyntz Avenue.

Vehicular access is proposed through a driveway located along the entire eastern edge of the site, and connecting from the future Anndale Drive to Sheppard Avenue. A total of 1,062 vehicular parking spaces are proposed, including 704 parking spaces for residents and 358 parking spaces for the commercial uses and residential visitors.

A publicly accessible landscaped open space 'grand plaza' of approximately 1,200 m<sup>2</sup> is proposed on the southeast corner of Yonge Street and Sheppard Avenue East.

The proposed site plan and elevations are shown in Attachments 1, 2, and 3. The Application Data Sheet (Attachment 7) contains additional project statistics.

### **Site and Surrounding Area**

The site is currently developed with the Willowdale Plaza and associated parking. There is approximately 100 metres frontage on Sheppard Avenue and 150 metres on Yonge Street. The property is 14,914 m<sup>2</sup> in area (approximately 1.5 ha or 3.7 acres) and adding the three City-owned parcels of 222 m<sup>2</sup> (discussed below further) brings the total site area to 15,136 m<sup>2</sup>.

The site generally rises in grade from north to south, and east to west with the highest point at the southwest corner.

The surrounding land uses are:

North: across Sheppard Avenue is the Sheppard Centre that includes both a 9-storey and 19-storey office building with retail uses, 3-storey townhouses, and three 29-storey apartment buildings.

South: 15-storey Procter and Gamble office building.

East: 33-storey residential building on Sheppard Avenue, and a second 33-storey residential building currently under construction that fronts onto the future Anndale Drive extension.

West: a surface parking lot at the southwest corner of Yonge Street and Sheppard Avenue, with the 22-storey Nestle office building further west. The TTC bus terminal and subway lands are located at the northwest corner of Yonge Street and Sheppard Avenue.

## **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. 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 applications were submitted after the Growth Plan for the Greater Golden Horseshoe came into effect in June 2006. City Council's decision on these applications are required by the Planning Act to conform, or not conflict, with the Growth Plan. The Growth Plan provides a framework for managing growth in the Greater Golden Horseshoe including: directions for where and how to grow and the provision of infrastructure to support growth. More specifically, the Growth Plan identifies and provides policy direction for North York Centre as one of 25 Urban Growth Centres in the Greater Golden Horseshoe.

## **Official Plan**

### **Official Plan Amendments (OPA) 90 and 91**

In addition to the policies of the City of Toronto Official Plan and North York Centre Secondary Plan, OPAs 90 and 91 were adopted by Council in May 2009 and came into effect on August 19, 2009. These OPAs resolved outstanding appeals to the former City of North York Centre Secondary Plan and City of Toronto Official Plan.

Official Plan Amendment 90 was adopted as a general amendment to the North York Centre Secondary Plan to enable the monetary contribution for Section 37 density incentives to be offset by the cost of connecting major office developments to subway stations.

Official Plan Amendment 91 was a site-specific amendment that enables:

- residential uses on the lands subject to also providing at least 6,200 m<sup>2</sup> of retail floor space and 23,000 m<sup>2</sup> of office space;
- two towers of 115 and 155 metres in height;
- all street accessible retail uses to count towards available density incentives; and
- private outdoor recreational space to be provided on a rooftop podium.

The previous Council decision and staff report on these Amendments can be found in Item NY26.41 of the following link:

<http://www.toronto.ca/legdocs/mmis/2009/cc/minutes/2009-05-25-cc36-mn.htm>

## **Zoning**

The site is currently zoned C2 Local Shopping Centre by Zoning By-law 7625 (Attachment 4). The C2 zoning permits a range of uses including Shopping Centres and other commercial uses.

## **Site Plan Control**

Staff are recommending that the Site Plan Control application be approved in principle, as noted in the draft conditions of Site Plan Approval in Attachment 10.

## **Reasons for Applications**

The proposed OPA increases the permitted height of the north tower from 155 metres to 160 metres. This would permit the same minimum required office floor space to be accommodated in a reduced floor plate by enabling an additional storey of office uses.

An amendment to the Zoning By-law is required to implement the provisions of the Secondary Plan and establish detailed land use and built form provisions and other standards for the development.

## **Community Consultation**

The Community Consultation Meeting on the proposed project was held on June 6, 2007. Approximately 40 people attended. The comments and concerns raised by area residents at this and other meetings have been considered during the review of the project and were generally related to:

- intensity of development already existing in the area;
- desire for commercial office uses and for a grocery store in the development;
- proposed building heights, and potential shadow impacts of the buildings;
- possible wind conditions;
- traffic impacts, especially on key intersections and surrounding streets;
- timing of implementing the Service Road;
- adequacy of parking;
- vehicular circulation and drop-off activity;
- visually screening the loading area from the condominium to the east;
- conformity of the proposal to the provisions and intent of the Official Plan;
- whether the towers could contribute to the livability of the Yonge/Sheppard area;
- impacts on schools in the area; and
- potential negative precedents being set.

The statutory Public Meeting was also held on the application and the site-specific and general Official Plan Amendments on May 14, 2009. While one subsequently withdrawn appeal letter was received, no deputations were made in opposition to the proposed development.



## Design Review Panel

The project was presented to the City's Design Review Panel at its meeting of July 26, 2007, where the Panel voted to support the direction and continued evolution of the project. Prior to finalizing the landscape and streetscape plan for the 'grand plaza' it may be appropriate to make another presentation to the Design Review Panel on this matter.

## Agency Circulation

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

## COMMENTS

The April 27, 2009 staff report on the previous Official Plan Amendments outlined the proposed development, and this report summarizes and, where necessary, provides further comments specific to the new OPA and additional Zoning By-law and Site Plan matters.

## Density

The North York Centre Secondary Plan base density of 4.5 FSI equates in this case to a permitted gross floor area of 68,114m<sup>2</sup>. This total density is based on a site area that includes the 3 parcels located on Yonge Street currently owned by the City and used by the TTC for access and fire exits. Through the endorsement of the Settlement, Council supported declaring these parcels as surplus, subject to taking the necessary procedural steps, and any continuing TTC infrastructure requirements. The proposed Zoning By-law therefore includes the density associated with all of the currently City-owned parcels. Any lands retained by the City for TTC infrastructure requirements are included in the net site and density permitted by the Zoning By-law, and is to be excluded from the final approved site plan.

The Secondary Plan enables additional gross floor area up to but not exceeding 133% of the base density in exchange for density transfers and incentives, in this case, equal to a total project density of 5.98 FSI. To achieve this density level the following 5 types of density incentives/ transfers, amounting to a total of 22,477.5 m<sup>2</sup> additional gross floor area, are identified in the attached draft Zoning By-law and are to be secured through the Section 37 agreement:

|   |                       |
|---|-----------------------|
| <b>Base Density</b><br>15,136 m <sup>2</sup> site area x 4.5 FSI<br>(14,914m <sup>2</sup> + 222m <sup>2</sup> TTC's 3 parcels)                      | 68,114 m <sup>2</sup> |
| <b>Transfer</b><br>1) Conveyance of 2 & 10 Bonnington Place lands for Service Road upon Zoning By-law approval<br>(441m <sup>2</sup> x 2 x 3.5 FSI) | 3,087 m <sup>2</sup>  |

|  |                       |
|--|-----------------------|
| <b>Incentives</b>  |                       |
| 2) Indoor recreational amenity area<br>(683 units x 1.5 m <sup>2</sup> )   | 1,024 m <sup>2</sup>  |
| 3) Bicycle Parking<br>(69 residential spaces = 142 m <sup>2</sup><br>(70 commercial spaces + shower/change facilities = 105 m <sup>2</sup> ) | 247 m <sup>2</sup>    |
| 4) Street-related retail   | 5,608 m <sup>2</sup>  |
| 5) Monetary contribution for density, Letter of Credit to be offset by costs of subway Pedestrian Connections                                | 12,511 m <sup>2</sup> |
| <b>= Total Density</b>   |                       |
| 15,136.3 m <sup>2</sup> lot area x 5.985 FSI   | 90,591 m <sup>2</sup> |

In addition, where major office developments such as this are connected to the subway, OPA 90 also provides an opportunity for the gross floor area of transit terminals to be exempt from the calculation of gross floor area without being subject to the maximum 33% incentive/transfer limit. In the proposed Zoning By-law, the TTC space is to be at least 700 m<sup>2</sup> and no more than 1,000 m<sup>2</sup>.

The monetary contribution for the additional density was adopted by Council in May 2009 at a value of \$45 per square foot. This rate is to be in effect for one year after the Zoning By-law comes into effect and thereafter indexed and not being less than \$42/square foot. In accordance with the new Secondary Plan policies, the monetary contribution can be used to partially or wholly offset the costs of providing the pedestrian connections to each subway station. The proposed Zoning By-law specifies that the monetary contribution will be secured by a Letter of Credit (LC). The Section 37 Agreement will specify additional details regarding the LC in accordance with the Council endorsed Settlement. The Settlement indicated that the payment would be made prior to the first building permit being issued, and this report recommends that the owner will provide the LC to the City prior to City staff issuing the Notice of Approval Conditions.

### **Office, Retail and Pedestrian Connections to Subway**

Site-specific OPA 91 requires at least 23,000 m<sup>2</sup> of office uses and at least 6,200 m<sup>2</sup> of retail uses to be provided. General OPA 90 to the North York Centre Secondary Plan enables the City to enter into a Section 37 agreement that allows the monetary contribution for the density incentive to be offset by the costs of providing pedestrian connections from major office developments to subway stations. The proposed Zoning By-law implements both OPAs 90 and 91 by providing for a minimum of 29,400 m<sup>2</sup> non-residential uses consisting of 23,200 m<sup>2</sup> of office uses and 6,200 m<sup>2</sup> of retail and service commercial uses. The Zoning By-law permits these non-residential uses to be located in the first 12 floors of the 45 storey north tower and in the 5-storey podium office building. The Zoning By-law also requires the minimum office and retail space and TTC connections to be secured in a Section 37 Agreement. Including these provisions in the

implementing Zoning By-law and Section 37 Agreement will ensure that the major office, commercial uses and pedestrian connections to the subway will be provided as part of any potential phasing or construction sequencing for the development.

### **Built Form, Height and Massing**

Site-specific OPA 91 provides for a height of a maximum of 155 metres in the north tower which results in a design that better meets the objectives of the Secondary Plan. Site-specific OPA 91 also achieves a minimum 23,000 m<sup>2</sup> of office space. In response to the added potential to accommodate condominium office uses with smaller floor plates while maintaining the same minimum office floor area, the proposed OPA increases the number of office floors from 11 to 12 and the total building from 44 to 45 storeys. The proposed Official Plan Amendment accordingly increases the north tower building height from 155 metres to 160 metres. The floor plate and building height have been adjusted slightly from what was presented at the previous community consultation meeting. They are appropriate refinements to achieving the built form objectives and providing for the minimum level of office floor space. Further community consultation meeting on this matter is not necessary. The proposed Official Plan Amendment is included in Attachment 8.

The proposed Zoning By-law schedule subsequently implements the revised Official Plan by delineating major building components and the proposed Site Plan will appropriately articulate the towers, base buildings and pedestrian-related canopies in a manner that mitigates wind conditions at street level.

### **Building Setbacks, Base Buildings and Stepbacks**

The proposed development meets the built form setback and stepback requirements of the North York Centre Secondary Plan. Buildings are setback approximately 4 metres from Yonge Street and 6.5 metres from Sheppard Avenue so that the planned 10 metre pedestrian promenade can be achieved. The building setbacks have also been appropriately modified to surround and integrate with the publicly accessible open space 'grand plaza'. The building setbacks in the proposed Zoning By-law establish an appropriate street wall condition. The By-law also requires retail and service commercial uses to be directly accessible from the public sidewalk and common outdoor spaces.

Surrounding the landscaped open space at the southeast corner of Yonge Street and Sheppard Avenue and extending down Yonge Street, the proposed 5-storey/27 metre link building provides an appropriately scaled base building. In conformity with Secondary Plan policies, the towers occupy approximately one-third of each street frontage, provide a cornice line at the height of the 5-storey link building, and have canopies along the top of the ground floor retail space.

The south tower canopy wraps around the corner from Yonge Street onto Anndale Drive to provide a comfortable pedestrian environment at the subway and residential lobby entrances. The grade-related retail uses on the new Anndale Drive also meet the policies of the Secondary Plan by stepping down with the grade as Anndale Drive slopes down to the east.

The building setbacks, heights and stepbacks have been articulated in the proposed Zoning By-law Amendment. The site plan secures the appropriate detailed features in the base and tower building, including the cornice line and canopy treatments.

### **Grade-Related Uses, Animation and Interest**

The Zoning By-law specifies the permitted retail and service commercial uses and requires them to front onto the street and be directly accessible from the public sidewalk or common outdoor spaces. The site specific OPA removed the requirement for retail uses along Sheppard Avenue to accommodate the major office lobby and TTC entrance and the Zoning By-law implements the OPA by permitting more active residential lobbies and amenity spaces on the ground floor of Sheppard Avenue.

The site plan will further enhance the pedestrian environment by providing direct connections from the public realm to the active retail uses, lobbies, and amenity areas. The recommended elevations show windows in appropriate locations.

### **Access, Parking and Loading**

Vehicular access to the underground parking and loading areas is from a driveway located along the eastern edge of the site connecting between the new and extended Anndale Drive and Sheppard Avenue East. The proposed driveway has full movement access onto Anndale Drive and right-out access onto Sheppard Avenue. The existing median along Sheppard Avenue East is to be extended further eastward to ensure this right-in, right-out access.

The proposal meets the minimum and maximum standards in the North York Centre Parking Policy by proposing a total of 1,062 parking spaces (704 for residential occupants and 358 for residential visitors and commercial uses). Non-residential and residential visitor parking is in a common underground parking area, and the Zoning By-law enables a charge to be imposed for these shared spaces.

### **TTC Subway Connections**

The site currently includes an outdoor pedestrian connection to the Yonge subway station at the southwest corner of the site, and an emergency exit facility in the building on the southeast corner of Yonge Street and Sheppard Avenue. In keeping with OPAs 90 and 91, the development proposes two continuous indoor pedestrian connections to each of the Yonge and Sheppard subway stations. The recommendations and process outlined in this report will protect all City and TTC infrastructure requirements at each remaining stage of approval and construction.

Prior to the Zoning By-law being introduced to Council for enactment, the applicant shall enter into an Undertaking Agreement with the TTC regarding entrance connection fees, and dedication or expansion of existing easement areas for the TTC subway tunnel.

Secondly, and prior to City Planning issuing the Notice of Site Plan Approval Conditions (noted in draft form in Attachment 10), the Owner is required to, among other matters:

- complete a TTC Level 3 Technical Review for permits required for demolition, excavation and shoring;
- enter into a TTC construction agreement; and
- file the Letter of Credit with the City for the value of the density incentive that can be used to offset the costs of connecting the major office uses to the subway stations.

The Notice of Site Plan Conditions can be issued by City Planning when the Chief Corporate Officer has formally declared surplus the City-owned lands on Yonge Street currently being used for TTC facilities. While all the City lands should be declared surplus at this time, the final lands to be conveyed to the owner may be smaller to accommodate retained ownership of the lands for TTC vents.

Once the above steps are complete, the Notice of Site Plan Approval Conditions can be issued and below-grade construction can commence. However, it is important to note that the below-grade construction of this project is quite complex. Directly below the existing TTC fire exit facility is the TTC's subway tunnel, City storm sewer, and major utility facilities. It is possible that the site plan may need adjustments in response to the TTC Technical Review process and below-grade construction.

Prior to City Planning issuing final Site Plan Approval, and above grade permits being issued, City Planning will review the final set of site plans and conditions with TTC staff and the applicant. As below-grade construction nears completion, the precise location of surface lands to be retained or acquired by the City for TTC vents will be determined and not form part of the final approved site plans. In addition to the surface lands, other below-grade parcels, for example to replace or expand the current easements around the existing subway tunnel, are to be registered prior to site plan approval. It is expected that the lands at 284 Maplehurst will be conveyed to the City at that time as well.

The Landscape Plans including those for the Plaza and Ground Level above the TTC facilities will need to be prepared in response to the final location of all the below grade services and utilities. For example, a large factor in determining whether tree pits or planters will be used in the Landscape and Streetscape Plan will be the final soil depths that can be achieved. This will be finalized as below-grade construction is completed.

Based upon this process and the attached draft site plan conditions, the City and TTC's interests are being secured and the connections to the subway stations can be facilitated.

### **North York Centre Service Road**

To implement the North York Centre Service Road, the proposal includes conveying to the City lands of about 23 metres wide along the site's entire south boundary. These lands will connect Anndale Drive to Yonge Street at a new intersection with Poyntz Avenue.

The proposal also includes the conveyance of 2 and 10 Bonnington Place to the City for Service Road purposes.

To help establish the functioning Service Road as soon as possible, the lands for Anndale Drive and Yonge Street road widening are to be conveyed to the City in escrow no later than one year after the proposed Zoning By-law Amendment comes into full force. Also consistent with the Settlement, the draft site plan approval conditions enable the owner to use the lands for construction staging for a period of up to 4 years. The applicant has indicated their intention to make use of this provision as outlined in the Settlement, and plan to deliver the final constructed service road within the maximum 4-year period. The provision for these road widenings as noted in the Settlement will be secured through the Section 37 Agreement.

The development appropriately provides for, and advances completion, of an important section of the North York Centre Service Road.

### **Parkland Dedication**

The alternative parkland dedication rate in the North York Centre Secondary Plan maximizes the parkland dedication at 15 per cent of the development site, and enables the specific combination of land or cash-in-lieu of parkland to be determined through consideration of each proposal.

Under the accepted Settlement, within twelve months of the Official Plan Amendments coming into force (August 19, 2010), and prior to issuing the first above grade building permit, the lands at 115, 117 and 119 Finch Avenue West are to be conveyed to the City for parkland purposes. No additional land dedication or cash-in-lieu is required. The dedication of this parkland provides for the logical expansion of an existing park, and appropriately provides additional parkland in a location that is accessible to the North York Centre area.

### **Outdoor Amenity Space, Streetscape and Landscaping**

The common outdoor space is comprised of the proposed 'grand plaza' and the Yonge Street and Sheppard Avenue forecourts for a combined area of approximately 2,309 m<sup>2</sup>. The proposed Zoning By-law secures a minimum of 2,000 m<sup>2</sup> of common outdoor space which is well in excess of the Secondary Plan's minimum 10% open space requirement of 1,260m<sup>2</sup>. The recommendation is to secure public access to this 'grand plaza' area through the Section 37 Agreement.

The Secondary Plan also requires a minimum of 1.5 square metres per unit of private outdoor recreational space located at grade. Site-specific Official Plan Amendment 91 enabled this space to be located on rooftop podiums and the site plan includes a large outdoor amenity area on the podium above the major retail space and between the two towers. A further outdoor amenity area is proposed on the rooftop of the 12-storey office component. The total outdoor recreational amenity area of over 4,439m<sup>2</sup> greatly exceeds the Secondary Plan's requirement of 1,042m<sup>2</sup>.

As noted above, the final design of all streetscape and landscape elements is difficult to determine at this time due to the uncertainty regarding final soil depths above subsurface

infrastructure. The ultimate reconstructed depth of these services may vary from current plans; and, in the end will determine where trees and landscaping elements can best be planted in a sustainable manner.

The required relocation of the existing public art at the Yonge/Sheppard corner, as well as potential opportunities to move, store or reintegrate it back into the open space, or for a new and innovative public art installations associated with the development, will be discussed with the applicant as part of the further review of the Landscape Plans.

The draft Conditions of Site Plan Approval (Attachment 10) lists approved landscape and streetscape plans to be finalized prior to Site Plan Approval.

### **Development Charges**

Based on the new Development Charges By-law coming into effect on May 1, 2009, it is estimated that the development charges for the proposed office, retail commercial and residential project will be approximately \$5.2 million. The actual development charge will be assessed and collected upon issuance of the building permit.

### **CONTACTS**

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[rgibson@toronto.ca](mailto:rgibson@toronto.ca)

### **SIGNATURE**

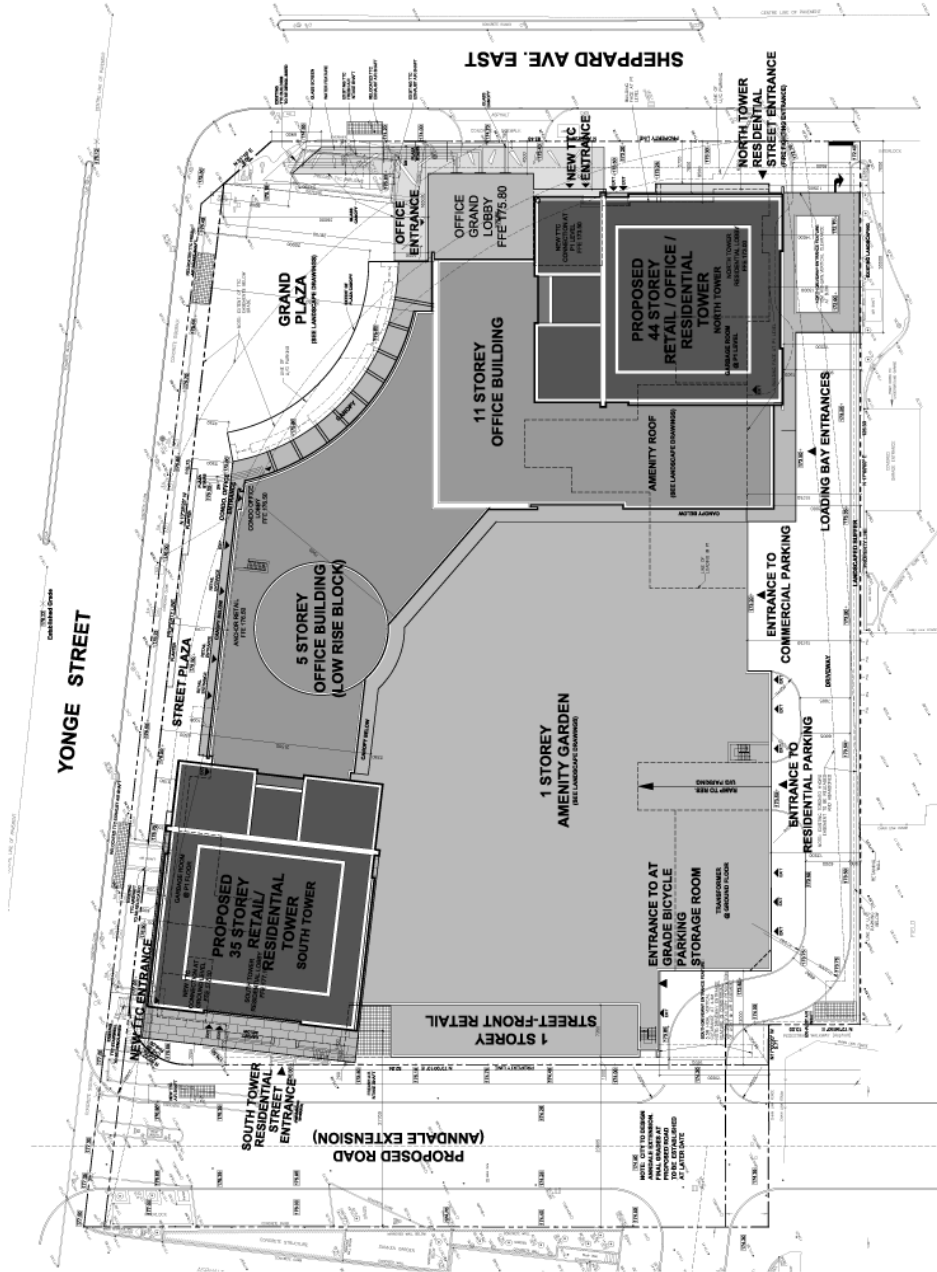
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Thomas C. Keefe, Director  
Community Planning, North York District

### **ATTACHMENTS**

Attachment 1: Site Plan  
Attachment 2: West Elevation  
Attachment 3: North Elevation  
Attachment 4: Zoning Map  
Attachment 5: Official Plan Map  
Attachment 6: Planned Service Road Infrastructure, South of Sheppard Avenue  
Attachment 7: Application Data Sheet  
Attachment 8: Draft Official Plan Amendment  
Attachment 9: Draft Zoning By-law Amendment  
Attachment 10: Draft Conditions of Site Plan Approval

# Attachment 1: Site Plan



4759-4789 Yonge Street

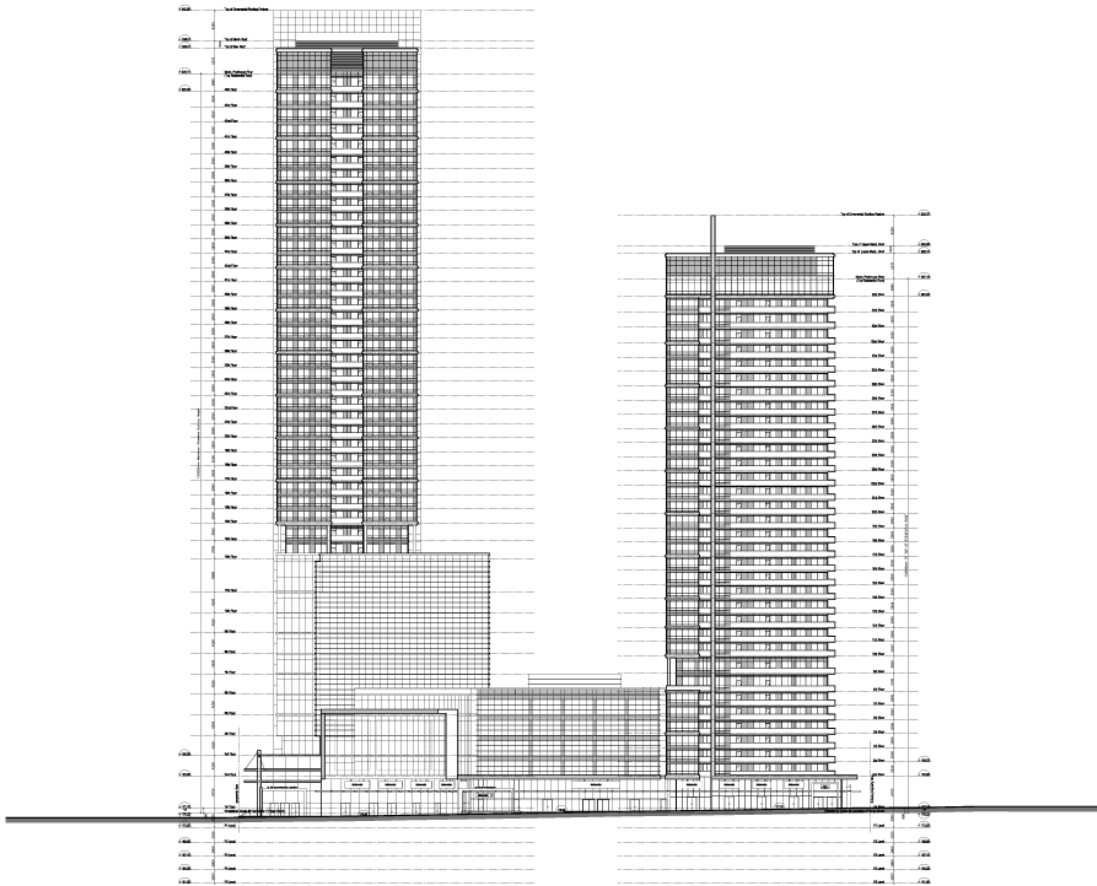
Site Plan  
 Applicant's Submitted Drawing

Not to Scale  
 04/22/09

File # 06\_163756



## Attachment 2: West Elevation



West Elevation

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### Elevations

Applicant's Submitted Drawing

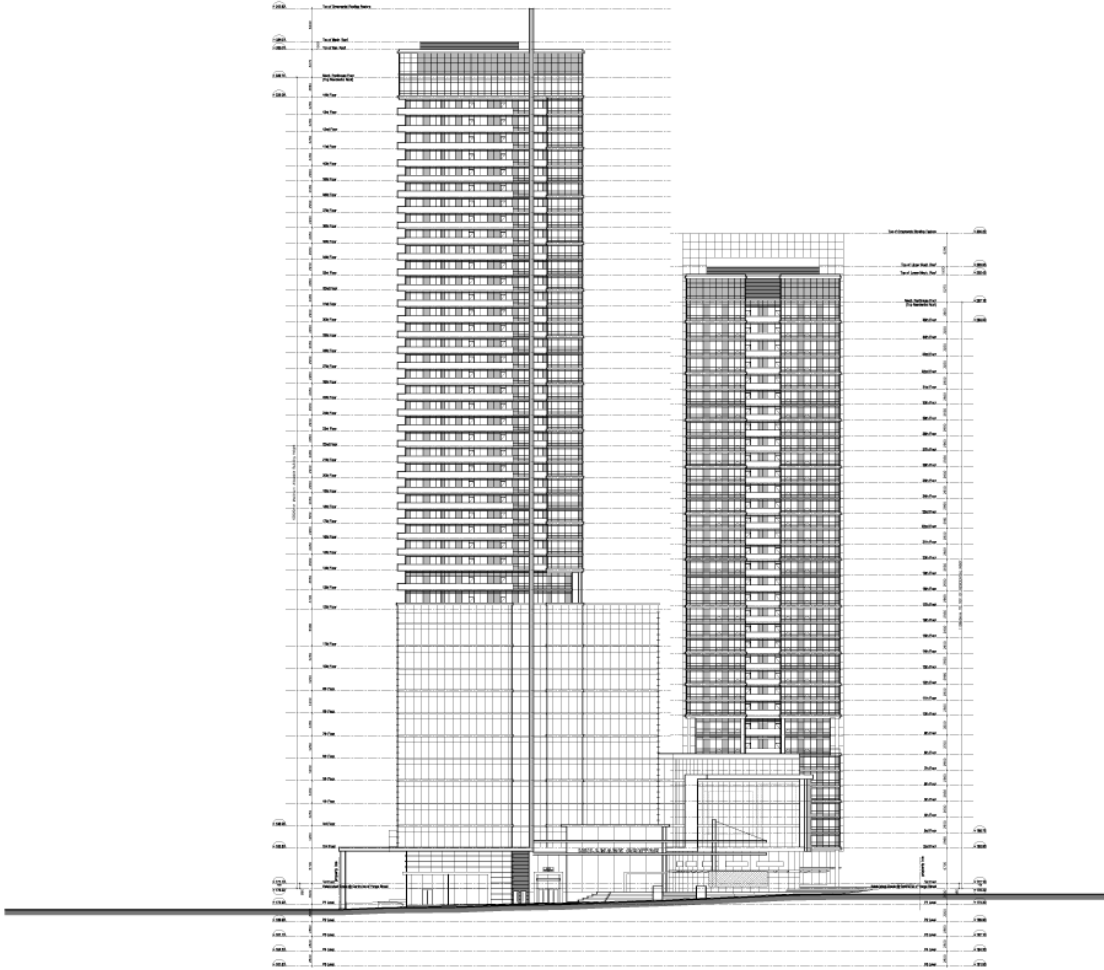
Not to Scale  
04/23/09

4759-4789 Yonge Street

File # 06\_163756

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# Attachment 3: North Elevation



North Elevation

## Elevations

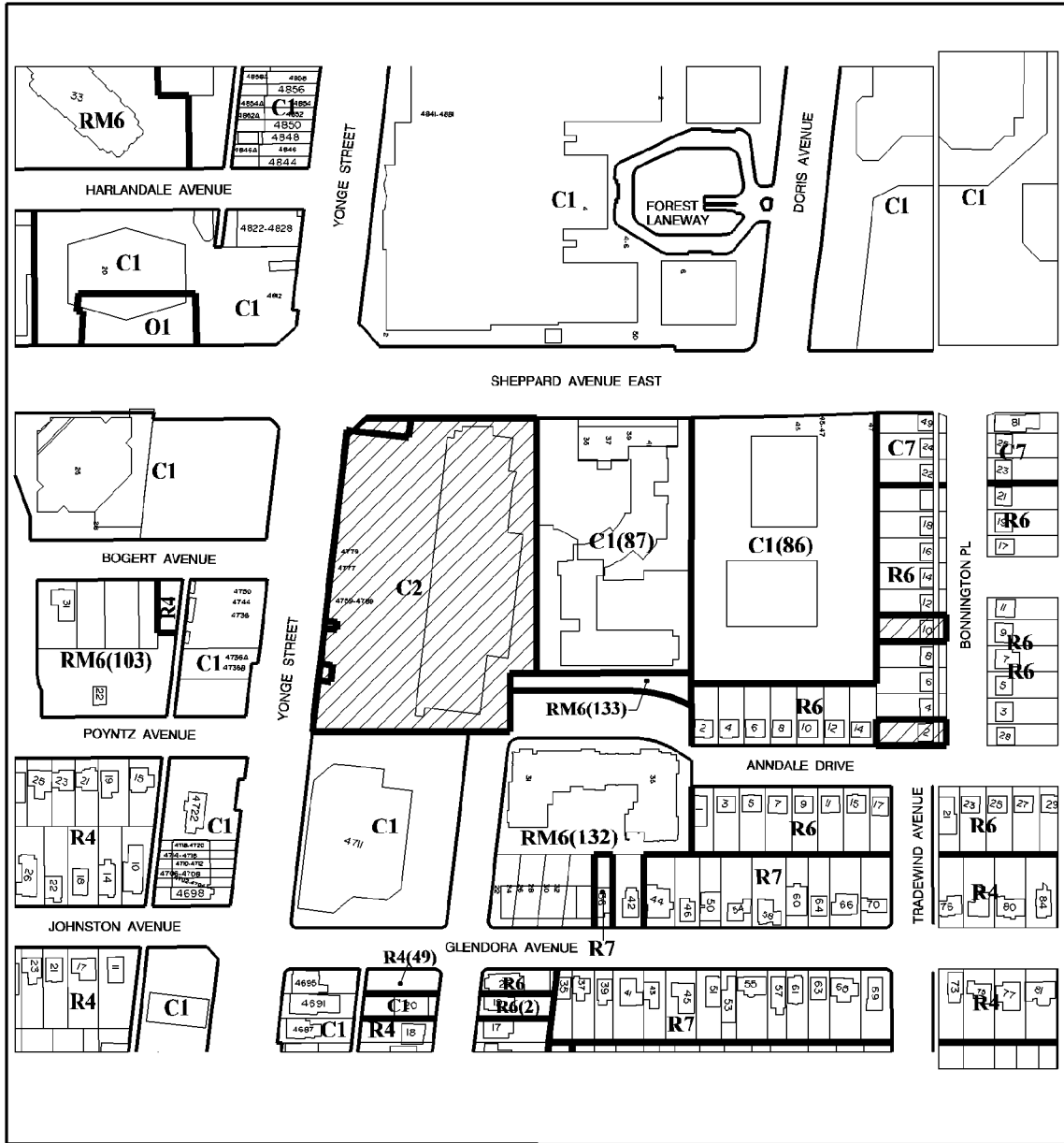
Applicant's Submitted Drawing

Not to Scale  
04/23/09

4759-4789 Yonge Street

File # 06\_163756

## Attachment 4: Zoning Map



**TORONTO** City Planning  
Division  
**Zoning**

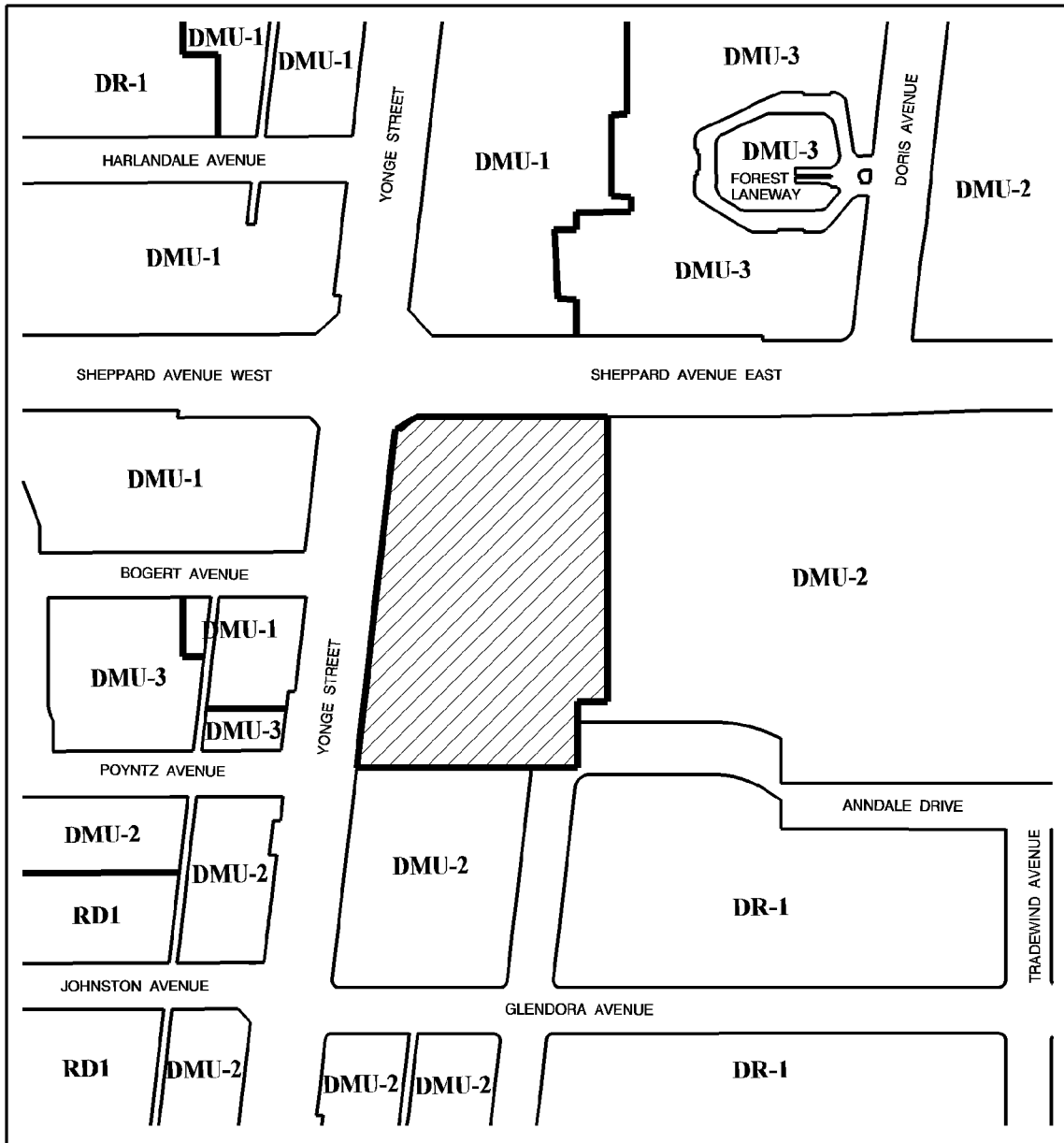
**4759-4789 Yonge Street**

File # 06\_163756

- |  |  |
|--|--|
| R4 One-Family Detached Dwelling Fourth Density Zone                | C1 General Commercial Zone             |
| R6 One-Family Detached Dwelling Sixth Density Zone                 | C2 Local Shopping Centre Zone          |
| R7 One-Family Detached Dwelling Seventh Density Zone               | C7 Mixed Use Commercial Zone           |
| RM6 Multiple-Family Dwellings Sixth Density Zone                   | O1 Open Space Zone                     |
| NOTE: Numbers in Brackets Denote Exceptions to the Zoning Category | Proposed Conveyance Lands - City Owned |

Not to Scale  
 Zoning By-law 7625  
 Extracted 08/21/06

## Attachment 5: Official Plan Map



**Toronto** City Planning Division  
**Official Plan**

**4759-4789 Yonge Street**

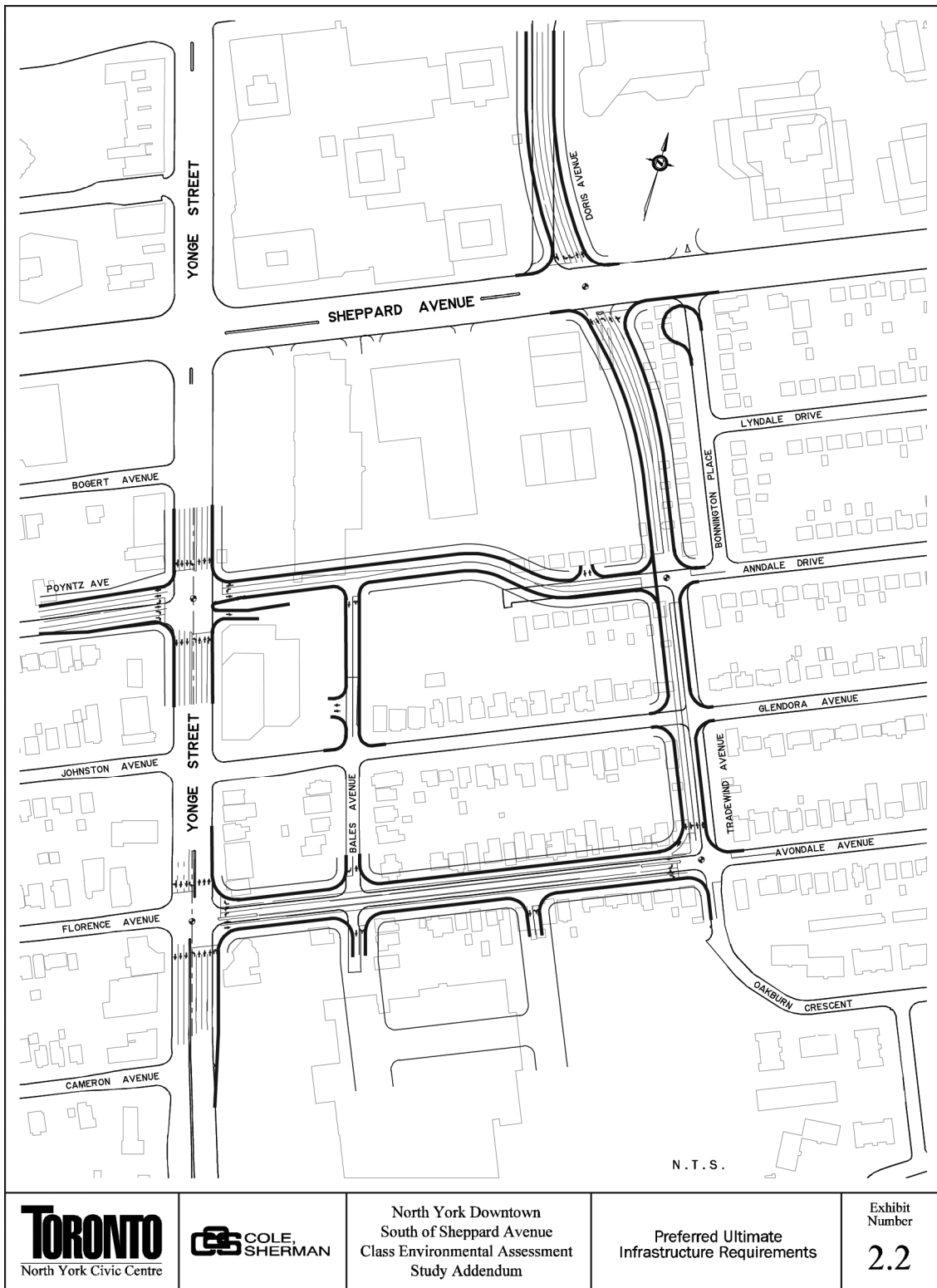
File # 06\_163756

- RD1 Residential Density One
- DR-1 Downtown Residential -1
- DMU-1 Downtown Mixed Use-1
- DMU-2 Downtown Mixed Use-2
- DMU-3 Downtown Mixed Use-3



Not to Scale  
 North York Official Plan  
 Extracted 08/21/06

## Attachment 6: Planned Service Road Infrastructure, South of Sheppard Avenue



## Attachment 7: Application Data Sheet

|                  |                                    |                     |   |
|------------------|------------------------------------|---------------------|---|
| Application Type | Official Plan Amendment & Rezoning | Application Number: | 06 163756 NNY 23 OZ                     |
| Details          | OPA & Rezoning, Standard           | Application Date:   | OPA Dec. 18, 2009<br>ZBA August 3, 2006 |

Municipal Address: 4759-4789 YONGE STREET – 2 and 10 BONNINGTON PLACE

Location Description: PLAN 2090 PT BLK A \*\*GRID N2306

Project Description: Willowdale Plaza lands - Proposal to develop the site with office, retail commercial and residential uses. The development proposes two towers of 35 and 45 storeys connected by a 5-storey podium building.

|                              |                  |                                 |                         |
|------------------------------|------------------|---------------------------------|-------------------------|
| <b>Applicant:</b>            | <b>Agent:</b>    | <b>Architect:</b>               | <b>Owner:</b>           |
| BORDEN LADNER<br>GERVAIS LLP | STEPHEN F. WAQUÉ | KIRKOR ARCHITECTS &<br>PLANNERS | HULLMARK CENTRE<br>INC. |

### PLANNING CONTROLS

|                            |  |                          |   |
|----------------------------|--|--------------------------|---|
| Official Plan Designation: | Mixed Use Area/<br>site-specific OPA 91                            | Site Specific Provision: | Y |
| Zoning:                    | C2   | Historical Status:       | N |
| Height Limit:              | 100 metres<br>155 metres (north tower)<br>115 metres (south tower) | Site Plan Control Area:  | Y |

### PROJECT INFORMATION

|                                    |           |         |                 |               |
|------------------------------------|-----------|---------|-----------------|---------------|
| Site Area (sq. m):                 | 15,136.3  | Height: | Storeys:        | 5, 35 & 45    |
| Frontage (m):                      | 145       |         | Metres:         | 27, 115 & 160 |
| Depth (m):                         | 90        |         |                 |               |
| Total Ground Floor Area (sq. m):   | 9,503.85  |         |                 | <b>Total</b>  |
| Total Residential GFA (sq. m):     | 61,140.01 |         | Parking Spaces: | 1,062         |
| Total Non-Residential GFA (sq. m): | 29,450.75 |         | Loading Docks   | 6             |
| Total GFA (sq. m):                 | 90,590.76 |         |                 |               |
| Lot Coverage Ratio (%):            | 75.4      |         |                 |               |
| Floor Space Index:                 | 5.985     |         |                 |               |

### DWELLING UNITS

### FLOOR AREA BREAKDOWN (upon project completion)

|              |       |                          | Above Grade | Below Grade |
|--------------|-------|--------------------------|-------------|-------------|
| Tenure Type: | Condo |                          |             |             |
| Rooms:       | 0     | Residential GFA (sq. m): | 58,982.44   | 2,157.57    |
| Bachelor:    | 0     | Retail GFA (sq. m):      | 5,820.19    | 407.91      |
| 1 Bedroom:   | 307   | Office GFA (sq. m):      | 22,538.23   | 684.42      |
| 2 Bedroom:   | 376   | Industrial GFA (sq. m):  | 0           | 0           |
| 3 + Bedroom: | 0     | Other/TTC GFA (sq. m):   | 0           | 760.58      |
| Total Units: | 683   |                          |             |             |

**CONTACT:      PLANNER NAME:      Rob Gibson, Senior Planner**  
**TELEPHONE:      (416) 395-7059**

**Attachment 8: Draft Official Plan Amendment**

Authority: North York Community Council Item ~  
as adopted by City of Toronto Council on ~, 2010  
Enacted by Council: ~, 2010

**CITY OF TORONTO**

**BY-LAW No. ~ -2010**

**To Adopt Amendment No. 114 to the Official Plan of the City of Toronto in respect of lands located at the southeast corner of Yonge Street and Sheppard Avenue, municipally known as 4759-4789 Yonge Street.**

WHEREAS authority is given to Council under 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. Amendment No. 114 to the Official Plan of the City of Toronto in respect of lands located at the southeast corner of Yonge Street and Sheppard Avenue, municipally known as 4759-4789 Yonge Street, consisting of the attached text and the map designated as Schedule '1', is hereby adopted.

ENACTED AND PASSED this ~ day of ~, A.D. 2010.

DAVID R. MILLER,  
Speaker

ULLI S. WATKISS  
City Clerk

(Corporate Seal)

**AMENDMENT NO. 114**

**TO THE OFFICIAL PLAN OF THE CITY OF TORONTO IN RESPECT OF  
LANDS LOCATED AT THE SOUTHEAST CORNER OF YONGE STREET AND  
SHEPPARD AVENUE, MUNICIPALLY KNOWN AS 4759-4789 YONGE ST.**

The Official Plan of the City of Toronto is amended as follows:

**Clause 1**

Chapter Six, Section 8 (North York Centre Secondary Plan) is amended by modifying Site Specific Policy 19 in Section 12, North York Centre South Site Specific Policies, as follows:

1. Section 12.19(i) is revised by replacing "155 metres" with "160 metres".

**Clause 2**

Map 8-8d of the North York Centre Secondary Plan is amended in accordance with Schedule '1' below.

**SCHEDULE '1'**





## Attachment 9: Draft Zoning By-law Amendment

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

Enacted by Council: ~

Bill No. ~

### CITY OF TORONTO

#### BY-LAW No. ~

#### To amend the former City of North York By-law No. 7625 with respect to lands known municipally as 4759-4789 Yonge Street

WHEREAS authority is given to Council of the City of Toronto by Sections 34 and 37 of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended, to pass this By-law; and

WHEREAS Council 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 of the former City of North York are amended in accordance with Schedules "1" and "2" of this By-law.
2. Section 64.20-A of By-law No. 7625 is amended by adding the following subsection:

**"64.20-A(191) RM6(191)**

#### DEFINITIONS

- (a) BAKERY

For the purpose of this exception, "bakery" shall mean a restaurant or retail store that sells food products baked on the premises directly to the public, in which flour or meal is the principal ingredient, including but not limited to bread, biscuits, ice-cream cones, cakes, pies, buns, doughnuts and bagels.

## BICYCLE PARKING

- (b) For the purpose of this exception, "bicycle room" shall mean a common indoor space, located on the first level of the parking garage, readily accessible from the outside, that is designed and equipped exclusively for the purpose of parking and securing bicycles.
- (c) For the purpose of this exception, "bicycle parking space" shall mean a space with minimum vertical clearance of 1.9 m, minimum horizontal dimensions of 0.6 m by 1.2 m and maximum floor area of 2.0 m<sup>2</sup>, including any associated access corridor area, that is designed and equipped exclusively for the purpose of parking and securing one or more bicycles and is not located within a dwelling unit, balcony or commercial suite.

## COMMON OUTDOOR SPACE

- (d) For the purpose of this exception, "common outdoor space" shall mean unenclosed, exterior, publicly accessible areas of the net site that are adjacent to the building, consist of hard or soft landscaping, adjoin a public street, provide pedestrian facilities such as outdoor seating, and may include public art.

## ESTABLISHED GRADE

- (e) For the purpose of this exception, "established grade" shall mean the elevation, as fixed by the City, of the centre line of Yonge Street at the mid-point of the front lot line, being the geodetic elevation of 176.22 metres.

## GROSS SITE

- (f) For the purpose of this exception, "gross site" shall mean Parts 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 18, 21 and 23 on Plan 66R-\_\_\_\_, comprising an area of 15,136.30 m<sup>2</sup>.

## GROSS FLOOR AREA

- (g) For the purpose of this exception, "gross floor area" shall mean the aggregate of the areas of each floor, measured between the exterior faces of the exterior walls of the building or structure at the level of each floor, including any areas used as balconies, but excluding:
  - (i) any part of the building used for mechanical floor area;

- (ii) any space in a parking garage at or below grade used exclusively for motor vehicle and bicycle parking and access thereto; and
- (iii) the floor area of unenclosed residential balconies.

#### **MECHANICAL FLOOR AREA**

- (h) For the purpose of this exception, "mechanical floor area" shall mean floor area within a building or structure used exclusively for the accommodation of mechanical equipment necessary to physically operate the building, including but not limited to heating, ventilation, air conditioning, electrical, plumbing, fire protection and elevator equipment, and a crawl space for servicing mechanical equipment located at the 13th level of the north tower.

#### **NET SITE**

- (i) For the purpose of this exception, "net site" shall mean the gross site minus Parts 2, 3, 4, 5, 6 and 7 of Plan 66R\_\_\_\_, conveyed for road widening purposes to the City of Toronto, with the net site being Parts 1, 8, 9, 10, 11, 12, 13, 14, 15, 18, 21 and 23 on Plan 66R\_\_\_\_ and comprising an area of 12,604.70 m<sup>2</sup>. Any lands within the net site conveyed to the City for TTC infrastructure purposes shall continue to be considered part of the net site.

#### **TTC SPACES**

- (j) For the purposes of this exception, "TTC spaces" shall mean the gross floor areas of continuous indoor and/or underground pedestrian connections from the north and south towers of the development to the Yonge-Sheppard transit terminal, to be owned, operated, controlled or used exclusively by or for the Toronto Transit Commission or its successor.

#### **PERMITTED USES**

- (k) The only permitted uses shall be as follows:

##### **RESIDENTIAL**

- accessory uses
- apartment house dwellings (including private recreational amenity areas).

The gross floor area of all residential uses, including recreational amenity spaces, shall be limited to a maximum of 61,141 m<sup>2</sup>, of which a maximum

of 30,557 m<sup>2</sup> shall be contained in the 35 storey south tower residential building and the remainder in the 45 storey north tower residential building and 5 storey office podium building, shown on Schedule "RM6(191)". The sole residential use allowed in the 5 storey office podium building shall be recreational amenity spaces on the second floor.

## NON-RESIDENTIAL

### Office Uses

- accessory uses;
- adult education schools;
- business and professional offices (including banks and other financial institutions);
- clinics;
- commercial schools;
- health science research laboratories;
- information processing centres or facilities;
- professional medical offices;
- schools.

A minimum of 23,200 m<sup>2</sup> of floor space shall be devoted solely to Office Uses, of which at least 19,000 m<sup>2</sup> shall be located in the 12 storey north tower office building and the remainder in the 5 storey podium office building shown on Schedule "RM6(191)".

### Retail and Service Commercial Uses

- accessory uses;
- art galleries;
- automatic teller machines;
- bakeries;
- car rental agencies;
- car share services;
- car washes;
- commercial galleries;
- custom workshops making articles or products to be sold at retail on the premises;
- day nurseries;
- dry-cleaning and laundry collecting establishments;
- fitness centers;
- outdoor cafes;
- personal service shops;
- restaurants including take-out;
- retail branches of banks and other financial institutions;
- retail stores (including grocery stores, supermarkets and pharmacies);

- studios;
- theatres.

A minimum of 6,200 m<sup>2</sup> of floor space shall be devoted solely to Retail and Service Commercial Uses. No Retail and Service Commercial Uses shall be located in or above the second floor of any building shown on Schedule "RM6(191)". A minimum of 5,600 m<sup>2</sup> of this floor space shall front onto and be directly accessible from the public sidewalk or common outdoor spaces on Yonge Street, Sheppard Avenue or Anndale Drive.

#### Other Uses

- TTC spaces.

Only non-residential uses, except for residential lobby and amenity spaces and TTC spaces, shall be contained in the 12 storey north tower office building and the 5 storey podium office building shown on Schedule "RM6(191)". The gross floor area of all non-residential uses, except for TTC spaces, shall be a minimum of 29,400 m<sup>2</sup>.

### **EXCEPTION REGULATIONS**

#### MAXIMUM GROSS FLOOR AREA

- (l) Except as provided for in subsection (y) of this exception, the maximum gross floor area permitted on the net site shall not exceed 68,114 m<sup>2</sup> attributable to the gross site.

#### NUMBER OF DWELLING UNITS

- (m) The maximum number of dwelling units shall be 695.

#### BUILDING ENVELOPE

- (n) No portion of any building or structure erected and used above established grade shall be located otherwise than wholly within the building envelope identified on Schedule "RM6(191)" except for canopies and driveway entrance and architectural features which may project beyond the building envelope.

#### BUILDING HEIGHT

- (o) The building height, measured from established grade, shall not exceed the maximum heights in metres shown on Schedule "RM6(191)" excluding mechanical penthouses, parapets and other architectural features, and stairwells to access the roof.

## NUMBER OF STOREYS

- (p) The number of storeys shall not exceed the maximums shown on Schedule "RM6(191)" excluding mechanical penthouses, stairwells to access the roof, mezzanine spaces located between the ground and second floor levels, and a crawl space for servicing mechanical equipment located at the 13th level of the north tower.

## PARKING

- (q) Parking spaces shall be provided within the net site in accordance with the following requirements:
  - (i) a minimum of 1.00 parking spaces per dwelling unit, including 0.10 parking spaces per dwelling unit reserved for visitor use;
  - (ii) a maximum of 1.20 parking spaces per dwelling unit, including 0.10 parking spaces per dwelling unit reserved for visitor use;
  - (iii) a minimum of 0.90 parking spaces per 100 m<sup>2</sup> of gross floor area devoted to non-residential uses, including a visitor allowance of 0.10 spaces per 100 m<sup>2</sup>;
  - (iv) a maximum of 1.00 parking spaces per 100 m<sup>2</sup> of gross floor area devoted to non-residential uses, including a visitor allowance of 0.10 spaces per 100 m<sup>2</sup>.

No parking spaces shall be permitted outside any building; all parking spaces shall be located in parking garages contained within the building complex. Non-residential parking spaces and residential visitor parking spaces may be made available to the general public and a charge may be imposed for the use of such spaces, whether by tenants, visitors or the public.

## LOADING

- (r) Six (6) loading spaces shall be provided on the net site.

## COMMON OUTDOOR SPACE

- (s) A minimum of 2,000 m<sup>2</sup> of common outdoor space shall be provided on the net site.

#### RECREATIONAL AMENITY AREA

- (t) A minimum of 1.5 m<sup>2</sup> per dwelling unit of private outdoor recreational amenity area shall be provided on the roof of the 1 storey podium shown on Schedule "RM6(191)".

#### YARD SETBACKS

- (u) The minimum yard setbacks shall be as shown on Schedule "RM6(191)".

#### PROVISIONS NOT APPLICABLE

- (v) The provisions of Sections 6A(8), 15.8 and 20-A do not apply.

#### INCREASED DENSITY

- (w) Matters that are to be provided pursuant to Section 37 of the *Planning Act*, R.S.O 1990, c. P. 13, as amended, in order to permit the increased maximums in gross floor area authorized under subsection (y) of this exception are:

#### SECTION 37 AGREEMENT

- (x) The owner of the subject lands 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 such 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 for or fund the following facilities, services and/or matters on terms satisfactory to the City of Toronto in exchange for the increased density hereinafter set out:
  - (i) conveyance, at no cost to the City, of Lot 8 on Registered Plan 3421, identified by PIN 10104-0589(LT) and municipally known as 2 Bonnington Place, comprising an area of 441 m<sup>2</sup>;
  - (ii) conveyance, at no cost to the City, of Lot 12 on Registered Plan 3421, identified by PIN 10104-0585(LT) and municipally known as 10 Bonnington Place, comprising an area of 441 m<sup>2</sup>;
  - (iii) a minimum of 5,608 m<sup>2</sup> of retail and service commercial space fronting onto and directly accessible from Yonge Street, Sheppard Avenue or Anndale Drive;

- (iv) a bicycle room containing bicycle racks or lockers at a minimum rate of 0.1 per dwelling unit and 1.0 per 2,000 m<sup>2</sup> of commercial area;
- (v) a minimum of 1.50 m<sup>2</sup> per dwelling unit of indoor recreational amenity space;
- (vi) a minimum of 700 m<sup>2</sup> of TTC spaces;
- (vii) a monetary contribution towards the cost of acquiring lands necessary for completion of planned service roads, associated road network and buffer areas in the North York Centre;
- (viii) at least 23,200 m<sup>2</sup> of office floor space and at least 6,200 m<sup>2</sup> of retail and service commercial floor space, of which a minimum of 19,000 m<sup>2</sup> of office floor space shall be located in the 12 storey north tower office building and the remainder in the 5 storey podium office building shown on Schedule "RM6(191)".

With respect to subsection (vii), the amount of the monetary contribution shall be equal to the market value, based on land value, of the gross floor area specified in (y)(vii) below as determined by City Council at its meeting held on May 25, 26 and 27, 2009 on the advice of the Director of Real Estate Services, shall be secured by letter of credit, and shall be subject to being offset by costs incurred by the owner to provide the TTC spaces as specified in the Section 37 agreement.

With respect to subsection (viii), no uses, other than the Office Uses specified in subsection (k) above, shall be permitted in the second to twelfth floors of the north tower office building and the third to fifth floors of the 5 storey podium office building shown on Schedule "RM6(191)" as specified in the Section 37 agreement.

#### ADDITIONAL GROSS FLOOR AREA

- (y) Notwithstanding subsection (l) of this exception, additional gross floor area may be permitted on the net site shown on Schedule "RM6(191)", limited to the following:
  - (i) a maximum of 1,543.5 m<sup>2</sup> attributable to a transfer of all density on the lands specified in (x)(i) above;
  - (ii) a maximum of 1,543.5 m<sup>2</sup> attributable to a transfer of all density on the lands specified in (x)(ii) above;



- (iii) a maximum of 5,609 m<sup>2</sup> of retail and service commercial space fronting onto and directly accessible from Yonge Street, Sheppard Avenue or Anndale Drive, provided that the area is used exclusively for retail and service commercial purposes;
- (iv) a maximum of 247 m<sup>2</sup> for a bicycle room provided that the room is designed and used exclusively for parking and storing bicycles;
- (v) a maximum of 1.50 m<sup>2</sup> per dwelling unit of indoor recreational amenity space, provided that the area is used exclusively for recreational purposes;
- (vi) a maximum of 1,000 m<sup>2</sup> for TTC spaces, provided that the area is used exclusively for pedestrian connections to the transit terminal located at Yonge Street and Sheppard Avenue;
- (vii) a maximum of 12,511 m<sup>2</sup> attributable to the payment specified in (x)(vii) above.

#### **SEVERANCE**

- (z) Notwithstanding any future severance, partition or division of the net site shown on Schedule "RM6(191)", the provisions of this By-law shall apply to the whole of the net site as if no severance, partition or division occurred."
3. Section 64.20-A of By-law No. 7625 is amended by adding Schedule "RM6(191)" attached to this By-law.
  4. Section 64.14-A of By-law No. 7625 is amended by adding the following subsection:

**"64.14-A(21) R6(21)**

#### **EXCEPTION REGULATIONS**

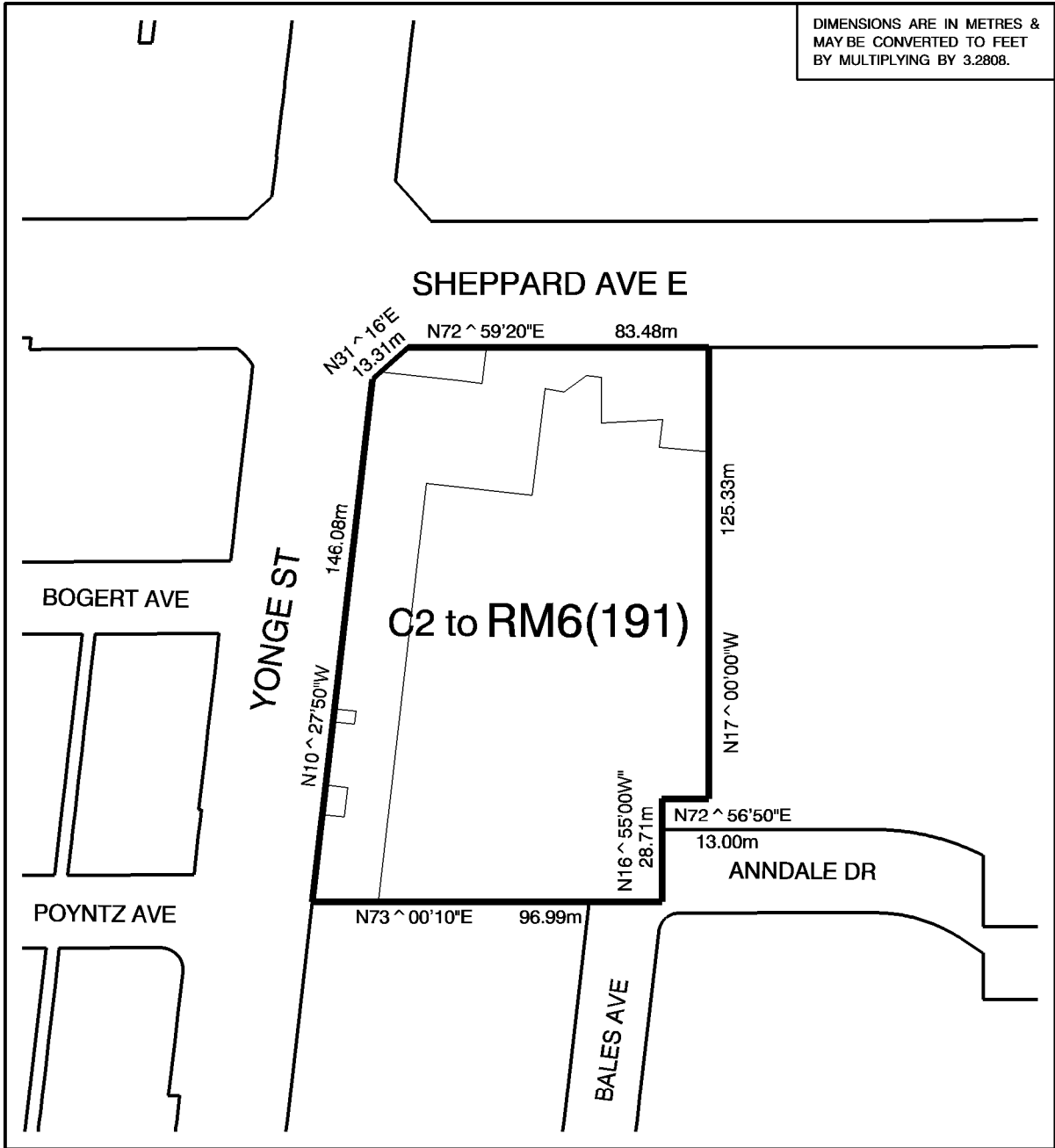
- (a) The maximum gross floor area permitted on Lot 8 of Registered Plan 3421, identified by PIN 10104-0589(LT) and municipally known as 2 Bonnington Place, is 0.0 m<sup>2</sup>.
- (b) The maximum gross floor area permitted on Lot 12 of Registered Plan 3421, identified by PIN 10104-0585(LT) and municipally known as 10 Bonnington Place, is 0.0 m<sup>2</sup>."

ENACTED AND PASSED this ~ day of ~ A.D. 2010.

DAVID R. MILLER  
Mayor

ULLI S. WATKISS  
City Clerk

(Corporate Seal)

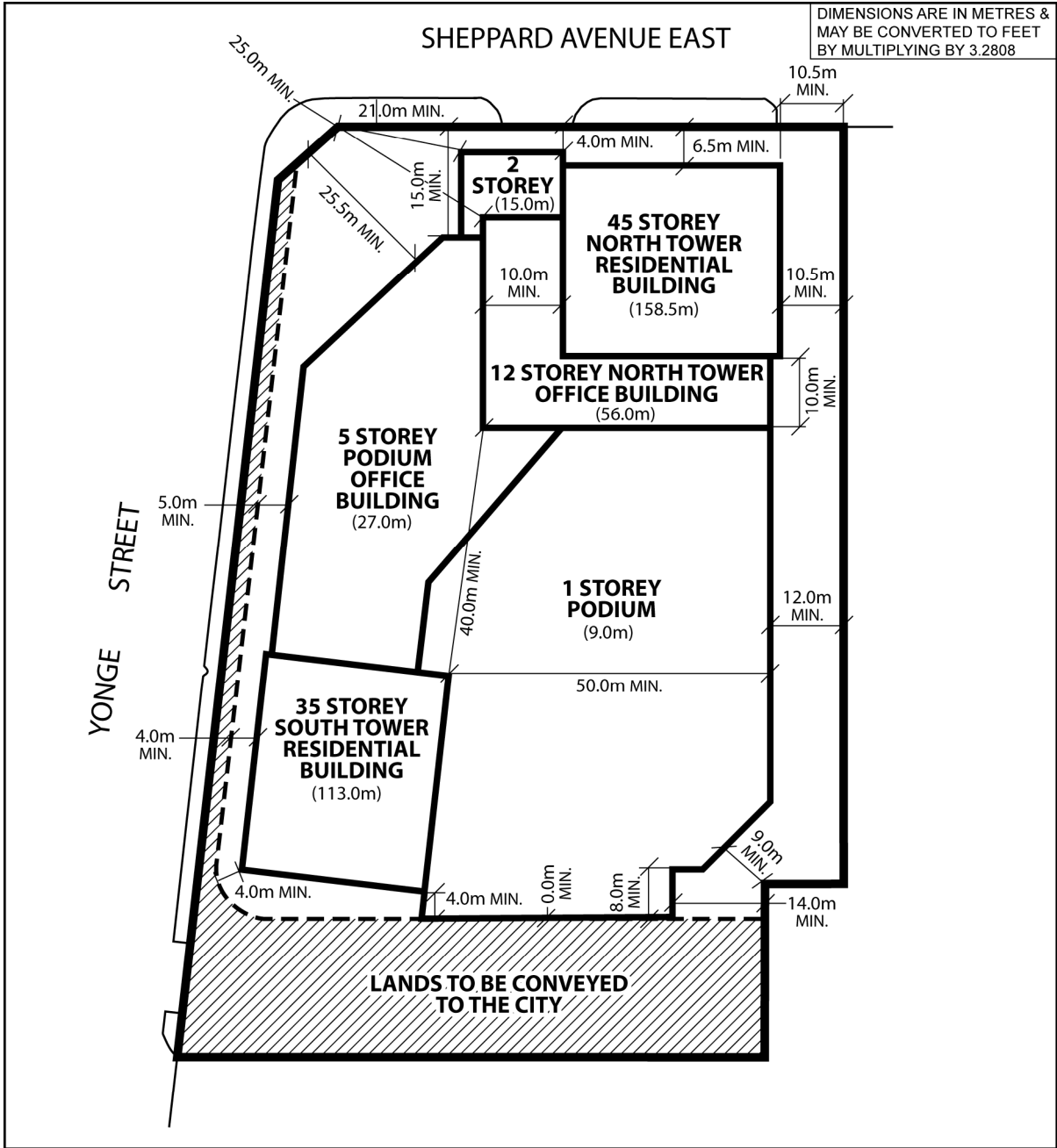


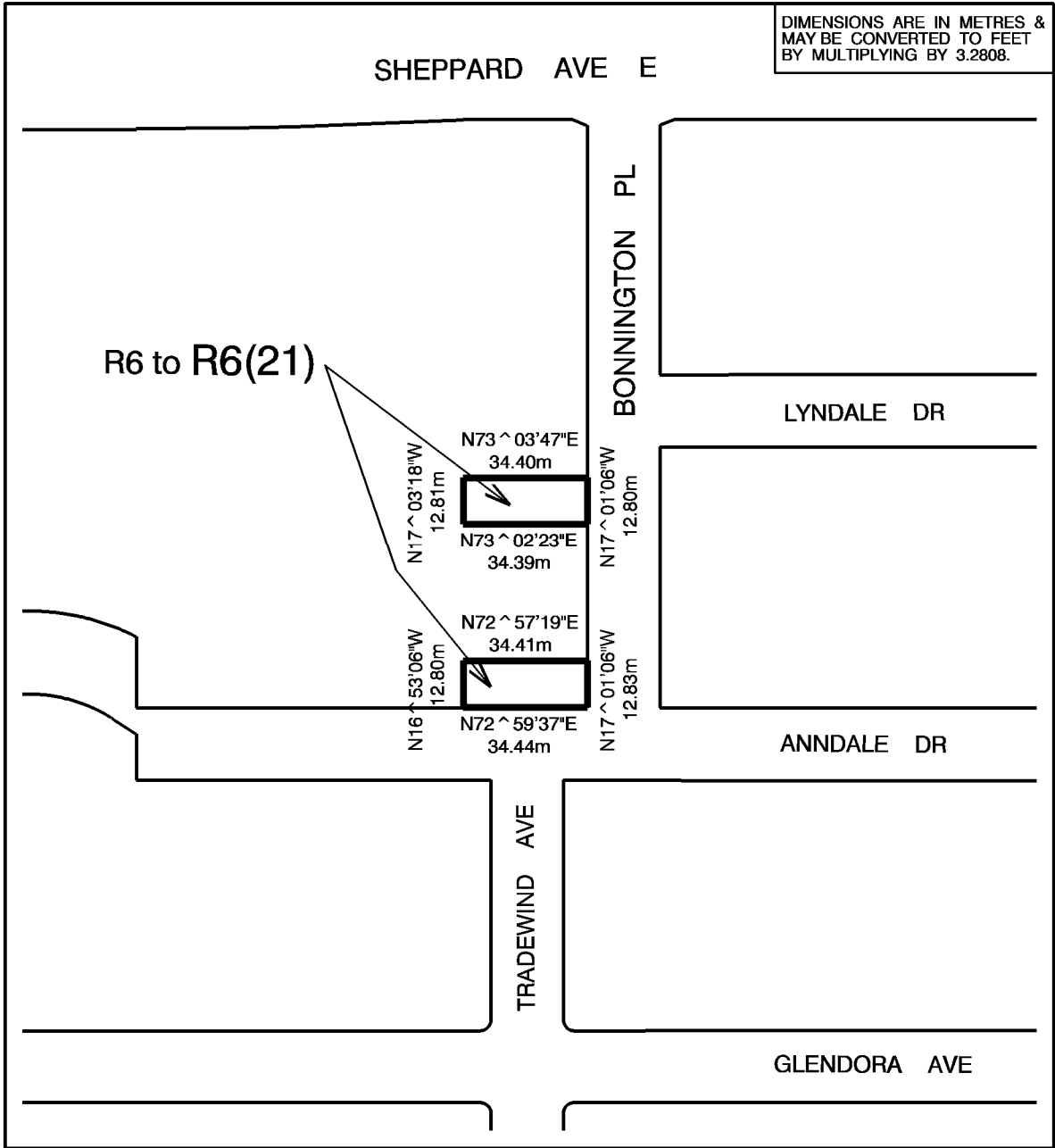
**Schedule 1**

Part of Block A, Registered Plan 2090. City of Toronto  
 Plan of Survey info from I.M. Pastushak  
 Date: 03/03/2010  
 Approved by: R.G.

File # 06\_163756







### Attachment 10: Draft Conditions of Site Plan Approval

| <b>Drawing/<br/>Plan No.</b> | <b>Title</b>   | <b>Prepared By</b>               | <b>Date</b><br>(to be updated)  |
|------------------------------|--|----------------------------------|---------------------------------|
| A1-02                        | Site Plan  | Kirkor Architects & Planners     | Stamped Received<br>Dec 18 2009 |
| A1-03                        | Project Statistics, Parts Diagram & Description                  | Kirkor Architects & Planners     | Stamped Received<br>Dec 18 2009 |
| A1-04                        | Level P5 Floor Plan  | Kirkor Architects & Planners     | Stamped Received<br>Dec 18 2009 |
| A1-05                        | Level P4 Floor Plan  | Kirkor Architects & Planners     | Stamped Received<br>Dec 18 2009 |
| A1-06                        | Level P3 Floor Plan  | Kirkor Architects & Planners     | Stamped Received<br>Dec 18 2009 |
| A1-07                        | Level P2 Floor Plan  | Kirkor Architects & Planners     | Stamped Received<br>Dec 18 2009 |
| A1-08                        | Level P1 Floor Plan  | Kirkor Architects & Planners     | Stamped Received<br>Dec 18 2009 |
| A1-09                        | Level F1 Floor Plan  | Kirkor Architects & Planners     | Stamped Received<br>Dec 18 2009 |
| A1-26                        | Roof Plan  | Kirkor Architects & Planners     | Stamped Received<br>Dec 18 2009 |
| A1-27                        | West Elevation   | Kirkor Architects & Planners     | Stamped Received<br>Dec 18 2009 |
| A1-28                        | North Elevation  | Kirkor Architects & Planners     | Stamped Received<br>Dec 18 2009 |
| A1-29                        | East Elevation   | Kirkor Architects & Planners     | Stamped Received<br>Dec 18 2009 |
| A1-30                        | South Elevation  | Kirkor Architects & Planners     | Stamped Received<br>Dec 18 2009 |
| A1-31                        | Building Section   | Kirkor Architects & Planners     | Stamped Received<br>Dec 18 2009 |
| SS1                          | Site Servicing Plan  | R.V. Anderson Associates Limited | Stamped Received<br>Dec 18 2009 |
| PP1                          | 1200 Diameter Storm Sewer Relocation and Replacement             | R.V. Anderson Associates Limited | Stamped Received<br>Dec 18 2009 |
| PP2                          | Anndale Road from Yonge Street to Bale Avenue – New Construction | R.V. Anderson Associates Limited | Stamped Received<br>Dec 18 2009 |

## **DRAFT SITE SPECIFIC PRE-APPROVAL CONDITIONS**

### **CITY PLANNING**

- The Owner shall convey, at no cost to the City, of Lot 8 on Registered Plan 3421, identified by PIN 10104-0589(LT) and municipally known as 2 Bonnington Place, comprising an area of 441 m<sup>2</sup>.
- The Owner shall convey, at no cost to the City, of Lot 12 on Registered Plan 3421, identified by PIN 10104-0585(LT) and municipally known as 10 Bonnington Place, comprising an area of 441 m<sup>2</sup>.
- The Owner shall provide a monetary contribution towards the cost of acquiring lands necessary for completion of planned service roads, associated road network and buffer areas in the North York Centre. The amount of the monetary contribution shall be equal to the market value, based on land value, of the gross floor area specified in (z)(vii) of the Zoning By-law, and as determined by City Council at its meeting held on May 25, 26 and 27, 2009, on the advice of the Director of Real Estate Services. The monetary contribution shall be secured by letter of credit and will be offset by costs incurred by the owner to provide the TTC spaces, as specified in the Section 37 agreement.
- The Owner shall, as necessary to respond to the TTC Technical Review and related issues resulting from below-grade construction, submit revised Landscape Plans listed below to the satisfaction of the Director Community Planning North York District in consultation with staff of the TTC and Technical Services.

| Drawing/<br>Plan No. | Title                                     | Prepared By    | Date                            |
|----------------------|---|----------------|---------------------------------|
| L1                   | Plaza and Ground Level Landscape Plan     | The MBTW Group | Stamped<br>Received XX,<br>XXXX |
| L1A                  | Plaza & Streetscape Landscape Layout Plan | The MBTW Group | Stamped<br>Received<br>XX, XXXX |
| L2                   | Podium Landscape Plan                     | The MBTW Group | Stamped<br>Received XX,<br>XXXX |
| L2a                  | Plaza & Streetscape Grading Plan          | The MBTW Group | Stamped<br>Received XX,<br>XXXX |
| L3                   | Plaza and Ground Planting & Grading Plan  | The MBTW Group | Stamped<br>Received XX,<br>XXXX |
| L4                   | Podium Planting &                         | The MBTW Group | Stamped                         |

|    |   |                |                                 |
|----|---|----------------|---------------------------------|
|    | Grading Plan  |                | Received XX,<br>XXXX            |
| L5 | 6 <sup>th</sup> & 17 <sup>th</sup> Floor<br>Landscape & Planting<br>Plans | The MBTW Group | Stamped<br>Received XX,<br>XXXX |
| D1 | Planting Details &<br>Plant Lists   | The MBTW Group | Stamped<br>Received XX,<br>XXXX |
| D2 | Details   | The MBTW Group | Stamped<br>Received XX,<br>XXXX |

- The Owner shall submit a financial security in the amount of 75 percent of the value of the landscape improvements to the Director, Community Planning North York District in the form of a letter of credit or certified cheque to guarantee the provision of landscape development works as detailed on the final approved Landscape Plans.
- The Owner shall register a plan on title and convey lands as required to the City, but a conditional above-grade permit can be issued prior to completion of registration and conveyance.

## **URBAN FORESTRY**

- The Owner shall submit a completed application for Private Trees along with a separate permit fee for the amenity value of the trees proposed for removal, and a tree planting security deposit for the new City trees in response to the final approved Landscape Plans noted above.

## **PARKS**

- Owner will convey the lands at 115, 117, 119 Finch Avenue West to the City prior to August 19, 2010, free and clear, above and below grade, of physical obstructions and easements, encumbrances and encroachments, including surface and subsurface easements, unless otherwise approved by the General Manager, Parks, Forestry and Recreation.
- Owner will pay for the costs of preparation and registration of all relevant documents, and provide to the satisfaction of the City Solicitor all legal descriptions and applicable reference plans of survey for the conveyed parkland.
- Owner will be responsible for an environmental assessment of the soil and groundwater within the park block and any associated costs or remediation as a



result of that assessment. The assessment will be Peer Reviewed and conveyance will be conditional upon Peer Reviewer concurring that parkland meets all applicable laws, regulations and guidelines for public park purposes.

- Owner will be responsible for demolition, removal and disposal of all existing materials, including foundations, and grading inclusive of topsoil supply, sodding and fencing to the satisfaction of the GM Parks, Forestry and Recreation. If at the time of conveyance, any of the Parks requirements have not been met, the Owner shall provide sufficient financial assurance, satisfactory to the GM Parks, Forestry and Recreation, to permit the conditions to be met after conveyance.

## **TECHNICAL SERVICES**

- Address comments in the November 10, 2009 memo
- Submit revised plans addressing any substandard drive aisle widths of less than 6.0 metres for two way traffic.
- Widening of Highways that abut on the Land
  - Convey Anndale Drive and Yonge Street in escrow within 1 year of By-law coming into force
  - Max. 4 years for construction staging in accordance with an approved construction management plan
- Facilities to provide access to and from the land
  - Detailed design, cost estimate and letter of credit for construction of Anndale Drive extension plus certified cheque for the 5% engineering review fee
  - Constructed anytime after site plan approval
- Convey 2 and 10 Bonnington Place
  - draft Reference Plan prepared delineating Parts to be conveyed
  - pay all costs for preparation and registration
  - retain Qualified Person for environmental site assessment
  - submit reports in accordance with Record of Site Condition (O.Reg. 153/04) for peer review
  - pay all costs for peer review
  - upon completion of remediation, submit Statement from the Qualified Person
- Off-street Vehicular Loading and Parking Facilities and Access/Driveways
  - Provide and maintain convex mirrors as shown on revised plans

- Appropriate signage directing vehicle movements must be provided and maintained on-site at the cost of the applicant and comprehensive signage plan must be submitted for review and approval
- Facilities for the Landscaping of the lands or Protection of Adjoining Lands
  - Landscaping within Anndale Drive, Yonge Street and Sheppard Avenue boulevards must be approved by Transportation Services Division prior to site plan approval
- Easements Conveyed to City of Toronto
  - Submit a draft Reference Plan of Survey for review and approval
  - Convey an easement for lands not otherwise conveyed for the 1200 mm diameter storm sewer to be established upon completion of TTC Technical Review
  - Enter into a sewer easement agreement to indemnify the City against any damages resulting from storm sewer surcharge and/or failure to address encroachment on the surface
  - submit reports in accordance with Record of Site Condition (O.Reg. 153/04) for peer review
  - pay all costs for peer review
  - upon completion of remediation, submit Statement from the Qualified Person
  - RSC required for any conveyed lands
- Grading and Provision for the Disposal of Storm, Surface and Wastewater from the Land
  - Detailed design, cost estimate and letter of credit for construction of for the proposed 1200 mm diameter municipal storm sewer plus certified cheque for the 5% engineering review fee
  - Constructed anytime after site plan approval

**TTC – January 28, 2009**

- The Owner shall enter into a reciprocal operating and maintenance agreement with the TTC.
- The Owner shall post with TTC, Letters of Credit, satisfactory to the TTC, providing for the construction of the Yonge Street and Sheppard Avenue entrance connections and air ventilation shafts and relocation of emergency exists not already covered by the LCs or Supplementary LCs for the Monetary Contribution under the Section 37 Agreement.
- The Owner shall register a plan on title identifying the following parcels to the satisfaction of the City and TTC:

- lands for the stratified fee interest for existing subway facilities to replace TTC's existing easements including a 3 metre allowance for facility maintenance around the top and sides of existing structures and facilities
  - lands for a permanent easement for an elevator to be constructed in future to make the development entrance connection to the Yonge subway station fully accessible
  - land in fee simple for the relocation and reconfiguration of TTC's existing air ventilation and exhaust shafts and replacement air pressure relief ventilation shaft(s)
  - lands for permanent easements and stratified fee interests as applicable for both Sheppard and Yonge subway station entrance connections
  - lands for maintenance easements providing access to TTC's existing facilities and structure, replacement facilities and entrance connections and permitting the TTC to access, inspect, repair and maintain its structures and facilities.
- The Owner will convey all required lands and easements for TTC infrastructure purposes, but a conditional above-grade permit can be issued prior to completion of registration and conveyance.
  - The Owner shall convey the lands at 284 Maplehurst Avenue, in exchange for the City conveying in fee simple or strata fee interest all or some of lands currently identified as Parts 18, 21 and 23 on Draft R-Plan by I.M Pastushak O.L.S. dated November 12, 2008 as confirmed by the TTC as not being required for ongoing TTC infrastructure requirements. The lands at 284 Maplehurst Avenue will be conveyed under the same conditions as for the dedicated parkland at 115, 117, and 119 Finch Avenue West.
  - Prior to starting any demolition or construction the owner shall complete a Toronto Transit Commission ("TTC") Technical Review of the proposed development as applicable to the particular permit under application, and obtain the TTC's written acknowledgement that the owner has satisfied all of the conditions arising out of the review. As part of the review process, the owner shall provide the requisite information, and pay the associated review fee to the TTC.
  - The Owner acknowledges and agrees that a TTC Interferences Warning clause, as provided below and satisfactory to the TTC has been inserted into all rental agreement(s), and/or offers of purchase and sale or lease and condominium declarations for each unit:

"The Purchaser and/or Lessee specifically acknowledges and agrees that the proximity of the lands municipally known as 4759-4789 Yonge Street (the "Development") to Toronto Transit Commission ("TTC") transit operations may result in noise, vibration, electromagnetic interference, stray current, smoke and particulate

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

- The Owner shall provide its solicitor’s confirmation to the TTC, advising that the Interferences Warning clause requested above, has been included in the applicable Offer(s) of Purchase and Sale, the Condominium Declaration, and/or Rental Agreement(s) to ensure that future occupants are aware of the possible Interferences.

#### **TDSB – October 2, 2008**

- The Owner enter into an agreement to erect and maintain signs to the Board’s specifications, at points of egress and ingress of the development site, advising that:

“Toronto District School Board makes every effort to accommodate students locally. However, due to residential growth, sufficient accommodation may not be available in this area for all students. Students may be accommodated in facilities outside the area until adequate funding or space becomes available. For information regarding designated school(s), please call (416)394-7526.”

#### **TCDSB**

- The Owner agrees to erect and maintain signs to the Board’s specifications, at points of egress and ingress of the development site, advising that:

“The Toronto Catholic District School Board has plans to accommodate Catholic students from this development If the elementary or secondary school which serves this area is oversubscribed, students from this development may need to be accommodated in portable classrooms or may have to attend a school located outside the area.

For information regarding Catholic schools serving this development, please contact the Planning Services Department at (416)222-8282, ext. 2278, or visit the Board website at [www.tcdsb.org](http://www.tcdsb.org).”

### **BELL – April 28, 2008**

- The Developer is hereby advised that prior to commencing any work within the Plan, the Developer must confirm that sufficient wire-line communication/telecommunication infrastructure is currently available within the proposed development to provide communication/telecommunication service to the proposed development. In the event that such infrastructure is not available, the Developer is hereby advised that the Developer may be required to pay for the connection to and/or extension of the existing communication/telecommunication infrastructure. If the Developer elects not to pay for such connection to an/or extension of the existing communication/telecommunication infrastructure, the Developer shall be required to demonstrate to the municipality that sufficient alternative communication/telecommunication facilities are available within the proposed development to enable, at a minimum, the effective delivery of communication/telecommunication services for emergency management services (i.e. 911 Emergency Services).

### **DRAFT POST APPROVAL CONDITIONS**

The following conditions outlining the owner’s responsibility are for including in the final Site Plan Agreement:

#### **CITY PLANNING**

- provide and maintain the landscaping for the lands in accordance with the final approved landscape plans

#### **PARKS**

- Owner and City agrees that all of the identified land conveyances fully satisfy the City’s parkland dedication requirements, and no less, nor additional land dedication or cash-in-lieu will be required.

#### **TECHNICAL SERVICES -November 10, 2009**

- Widening of Highways that abut on the Land
  - convey Anndale Drive and Yonge Street lands
  - approved RSC

- Facilities to provide access to and from the land
  - Remove all existing access, curb cuts, traffic control sign etc. Along development site frontage that are no longer required
  - Driveways graded downwards towards roadway between 2% and 6%
  - Minimum vertical clearance of 2 metres for all vehicles including underground garage
  - Site driveway on Sheppard Ave. East to be restricted to right-in/right-out only. Shall be implemented only once westbound left turn movements currently provided into the site have been accommodated through alternative means (once the south downtown service road has connected to Sheppard Avenue and Doris Avenue)
  - The proposed site driveway on Sheppard Avenue East shall have outbound left turn movements restricted at all times
  - A 'stop' sign shall be installed on-site at the top of the ramp from the underground parking structure as shown on the site plan drawing
  
- Off –street Vehicular Loading and Parking Facilities and Access/Driveways
  - All parking space dimensions and drive aisle widths are to conform to Zoning By-law 7625, as amended
  - All signal timing modifications shall be undertaken at no cost to the City
  - A width of at least 3.65 metres shall be provided for disabled parking spaces
  - All utility poles, fire hydrants and other street furniture must be shown on the site plan. The proposed new access must be at least 1.0 metres from existing utilities. If required, the relocation of any public utilities (utility poles, etc) would be at the cost of the developer and shall be subject to the approval of the applicable governing agencies
  - Snow must be stored on the site such that parking is not reduced and sightlines are not affected. Snow which cannot be stored on-site must be cleared and removed by the building owner/manager after each snowfall
  - Any encroachments within Municipal Road Allowances will not be permitted unless explicitly approved by Right-of-Way Management Section of Transportation Services
  - Any streetscape designs proposed within the municipal right-of-way must comply with the requirements of this division
  - All on-site driveways and parking areas must be surfaced and maintained with asphalt, concrete, or interlocking stone
  
- Walkway and Walkway Ramps
  - Driveway curbs must be flush on either side of the sidewalk for a minimum of 0.45 metres
  
- Facilities for the Landscaping of the Lands or the Protection of Adjoining Lands
  - Owner acknowledges and agrees that anything other than concrete sidewalks, trees and sod that it locates within untravelled portion of

adjoining public highway are encroachments to be installed, planted and maintained at the owner's expense specifically:

- All landscape/streetscape features illustrated on the applicant's approved landscape plan
- Plant irrigation systems
- These encroachments in the boulevard shall be permitted by the City on the following terms:
  - Owner accepts boulevard area in its current condition and shall not call upon City to do or pay for any work or supply any equipment to make the boulevard more suitable
  - all encroachments are to be constructed and maintained according to the approved site plan and landscaping/streetscaping plan(s)
  - to provide unobstructed driver sight lines
  - maintain the encroachments in a state of good repair, and not make any additions or modifications. If not maintained, the City after providing 24 hour notice shall at owner's expense perform the maintenance and recover costs in a like manner as municipal taxes
  - Owner agrees that if City undertakes any widenings or alterations necessitating removal of an encroachment, the City shall not be liable, nor need to restore any encroachment. Encroachments permitted by the agreement shall be removed within 14 days of receiving written notice from Transportation Services. If not removed, the City may carry out the removal at owner's expense and may recover costs in a like manner as municipal taxes
  - Owner acknowledges that there may exist municipal and/or utility services within the boulevard, and that the City and/or utility responsible for such service(s) may need to undertake repairs or carry out maintenance, replacement, or new installations. Owner agrees that the City or utility shall have the right to remove the encroachments and prior to removing the City shall give 48 hours notice, except in the case of an emergency. Owner shall at their sole expense restore encroachments to the condition prior to the repair, maintenance, replacement, or installation. Under no circumstances, shall the City be required to so restore the lands, or to compensate the owner for the cost of doing so.
  - Owner agrees to defend, save and keep harmless and fully indemnify the City from and against all actions, claims, etc. that may be brought against the City as a result of the owner's use of the boulevard area of adjoining public highways
  - Owner shall arrange for installation of the standard boulevard treatment, including a 3.0 metre wide concrete sidewalk and special pattern of granite pavers across the entire Yonge Street and Sheppard Avenue frontages of the site in accordance with Council Policy as adjusted in the final approved Landscape and Streetscape Plan (L1).

- Facilities for the Storage of Garbage and Other Waste Material
  - 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.
  - Advise all owners and tenants/future purchasers of the commercial units that refuse and recyclable materials generated by this building must be collected by a private refuse collection firm.
  - Provide and maintain two separate chutes with capability of adding a dual sorter if and when the organic waste collection (green bin) program is implemented for multiple household residential buildings
  - The City collection vehicle is required to drive onto or over a supported structure (such as an underground parking garage). The underground parking garage roof slab is to be designed taking into account the collection vehicle weight. The City must be provided, prior to commencement of City solid waste pick up, with a letter certified by a qualified Engineer that the structure can safely support a fully loaded collection vehicle weighing 35,000 kilograms.
  
- Easements Conveyed to City of Toronto
  - Convey to the City, at nominal cost, in an easement or strata conveyance the 1200 mm diameter storm sewer to be established upon completion of TTC Technical Review
  
- Grading and Provision for the Disposal of Storm, Surface and Wastewater from the Land
  - 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.
  - 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.
  - Existing drainage patterns on adjacent properties shall not be directed to drain onto adjacent properties.

**TTC – January 28, 2009**

- The Owner shall at their own cost, prepare and register all reference plans, strata reference plans, and easement documents required by all TTC agreements.
  
- The Owner is required to provide the TTC and City of Toronto surveys showing the location of underground utilities and services, underground parking garage structure(s) and all building foundations.



- The Owner agrees to convey lands and/or parcels and/or strata fee interests for the pedestrian connections to the subway, vents, and any other similarly required below or above-grade infrastructure to the TTC as part of the condominium application process.
- The Owner shall protect and maintain the operation of the TTC's stair and emergency exits and fire ventilation shafts and equipment adjacent to the development through construction of the development. Should the developer receive approval from TTC and the City of Toronto to demolish any of these facilities, these facilities shall not be closed and/or demolished until such time as replacement facilities designed and constructed to the satisfaction of the TTC are in place, have received all required approvals from any authority having jurisdiction and are ready for use, except as expressly approved in writing by TTC.
- The Owner agrees to the following restrictions:
  - No building or structure except as specifically approved in writing by the TTC shall bear directly or indirectly upon the TTC's structures or facilities, including staging, shoring, hoarding, construction equipment, and all temporary construction measures, unless expressly agreed to in writing by TTC;
  - No building or structure will be constructed immediately over TTC's structure or facilities except as expressly agreed to in writing by the TTC;
  - No building, structure or landscape element shall overload or place unbalanced loads on the TTC's structures or facilities;
  - That no landscape water features shall be placed on top of or immediately adjacent to TTC's structure except as expressly agreed to in writing by the TTC;
  - Loading spaces and truck driveways (construction and permanent) will be located in such a manner as to ensure that these do not lie on or run over the top of or immediately adjacent to TTC's structures except as expressly agreed to in writing by the TTC;
  - That this development will comply with Ministry of the Environment requirements governing the location and positioning of air intake and exhaust systems, including TTC's air intake and exhaust ventilation shafts that will be revised or relocated to accommodate development; and,
  - That in constructing the development, no construction crane located on the development lands will be allowed to traverse, swing and/or pass over any TTC facility or structure unless:
    - TTC's subway system is not operational not open to the public, nor being occupied by workers for repair or maintenance purposes;
    - or

- protective measures are in place, as set out in the construction agreement to be entered into and between the developer and the TTC.
- The Owner shall at their own cost, register all entrance connection and reciprocal operating and maintenance agreements at the time of registration of plans of condominium of any phase or stage of the development, as applicable to the ownership structure. Should the development be subdivided into diverse property interests either through the formation of condominium corporations or otherwise, the Owner shall cause these diverse interests to enter into the reciprocal maintenance and operating agreement(s) to an extent commensurate with their interest in the development lands.
- The Owner is required to relocate, at its own expense, the sculpture/public art installation adjacent to the TTC emergency exit, to the satisfaction of the TTC and City of Toronto.
- The Owner acknowledges and agrees that:
  - The proximity of the proposed development of the lands municipally known as 4759-4789 Yonge Street (the “Development”), to the Toronto Transit Commission’s (“TTC”) subway right of way may result in noise, vibration, electromagnetic interference, stray current, smoke and particulate matter, transmissions (collectively referred to as “Interferences”) to the development;
  - The City of Toronto and the TTC will not accept responsibility for such effects on any of the development or its occupants;
  - It as been advised by the TTC to apply reasonable attenuation/mitigation measures with respect to the level of the Interferences on and in the development.
- The Owner acknowledges and agrees that a TTC Interferences Warning clause, as provided below and satisfactory to the TTC has been, or shall be inserted into all rental agreement(s), and/or offers of purchase and sale or lease and condominium declarations for each unit:

The Purchaser and/or Lessee specifically acknowledges and agrees that the proximity of the lands municipally known as 4759-4789 Yonge Street (the “Development”) to Toronto Transit Commission (“TTC”) transit operations may result in noise, vibration, electromagnetic interference, stray current, smoke and particulate matter, transmissions (collectively referred to as “Interferences”) to the Development and despite the inclusion of control features within the Development, Interferences from transit operations may continue to be of concern, occasionally interfering with some activities of the occupants in the Development. Notwithstanding the above, the Purchaser and/or Lessee agrees to release and save harmless the City

of Toronto and the TTC from all claims, losses, judgments or actions arising or actions arising or resulting from any and all Interferences. Furthermore, the Purchaser and/or Lessee acknowledges and agrees that an electromagnetic, stray current and noise warning clause similar to the one contained herein shall be inserted into any succeeding lease, sublease or sales agreement, and that this requirement shall be binding not only on the parties hereto but also their respective successors and assigns and shall not die with the closing of the transaction.

### **TDSB – October 2, 2008**

- The Owner agrees to include the following warning clauses in all offers of purchase and sale of residential units (prior to registration of the plan and for a period of ten years following registration), that:

“Despite the best efforts of the Toronto District School Board, sufficient accommodation may not be locally available for all students anticipated from the development area and that students may be accommodated in facilities outside the area, and further, that students may later be transferred.

Purchasers agree for the purpose of transportation to school, if bussing is provided by the Toronto District School Board in accordance with the Board’s policy, that students will not be bussed home to school, but will meet the bus at designated locations in or outside of the area.”

### **TCDSB**

- The Owner agrees to include the following warning clauses in all offers of purchase and sale of residential units (prior to registration of the plan and for a period of ten years following registration), that:

“The Toronto Catholic District School Board has plans to accommodate Catholic students from this development If the elementary or secondary school which serves this area is oversubscribed, students from this development may need to be accommodated in portable classrooms or may have to attend a school located outside the area.

The purchasers or tenant acknowledges that school bus service for students, if required, will be from designated school bus stops located within or outside the development area.”

**BELL – April 28, 2008**

- If there are any conflicts with existing Bell Canada facilities or easements, the Owner shall be responsible for re-arrangements or relocations.
- The Owner agrees to provide one or more conduit or conduits of sufficient size from each unit to the room(s) in which the telecommunication facilities are situated and one or more conduits from the room(s) in which the telecommunication facilities are located to the street line.