

**5170 Yonge Street – Zoning By-law Amendment and Site Plan Control Approval Applications – Final Report**

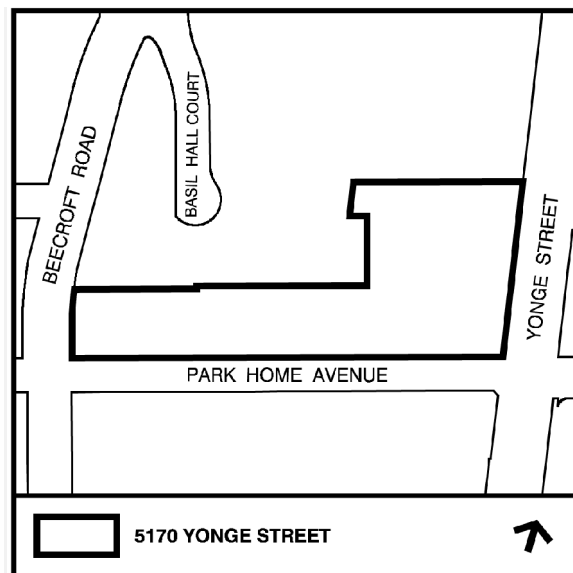
<b>Date:</b>	February 16, 2010
<b>To:</b>	North York Community Council
<b>From:</b>	Director, Community Planning, North York District
<b>Wards:</b>	Ward 23 – Willowdale
<b>Reference Number:</b>	08 213938 NNY 23 OZ and 09 127404 NNY 23 SA

**SUMMARY**

The Zoning By-law Amendment application was submitted on October 17, 2008 and the Site Plan Control Approval application was submitted on April 23, 2009. The applications are subject to the new provisions of the *Planning Act* and the *City of Toronto Act, 2006*.

The applications propose a development of two 42-storey (125 metre) residential towers including a 5-storey base building with commercial uses at grade fronting Yonge Street and Park Home Avenue and live work units at the rear. Parks and Open Space areas are to be maintained at the corner of Yonge Street and Park Home Avenue and along the Park Home Avenue frontage, west of the development site towards Beecroft Road. To facilitate the appropriate siting of the proposed development, a land exchange is required between the Gibson House property and the development site.

This report reviews and recommends approval of the Zoning By-law Amendment and Site Plan Control Approval applications, subject to the conditions outlined in this report. This report also requests Council support of the modifications to the draft Official Plan Amendment that was previously presented to the Ontario Municipal Board. The modifications which are outlined in this report are supported by staff and are necessary for the appropriate development of the site.



## RECOMMENDATIONS

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### The City Planning Division recommends that:

1. City Council support the proposed modifications to the draft Official Plan Amendment that was previously presented to the Ontario Municipal Board, generally as shown in the draft Official Plan Amendment contained in Attachment No. 10, and authorize the City Solicitor and necessary City staff and consultants to attend the Ontario Municipal Board in support of the modified Official Plan Amendment, as necessary.
2. City Council amend Zoning By-law 7625, as amended, substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 11.
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 for the Zoning By-law Amendment to City Council for enactment:
  - (a) the Ontario Municipal Board shall issue its final order to approve the Official Plan Amendment for the subject lands;
  - (b) all requirements regarding the storm sewer and related easement, located at the north end of the site, in the vicinity of the proposed Yonge Street driveway, be addressed to the satisfaction of Toronto Water staff and the Executive Director, Technical Services;
  - (c) the owner shall enter into an agreement with the City pursuant to Section 37 of the *Planning Act*, to the satisfaction of the City Solicitor, to secure and provide the facilities, services and/or matters as generally outlined below:
    - (i) at-grade bicycle rooms containing racks or lockers, at a combined minimum rate of 0.1 per dwelling unit including live-work townhouses;
    - (ii) a minimum of 1.5 m<sup>2</sup> per apartment house dwelling unit of indoor recreational amenity space; and
    - (iii) a minimum of 1,282 m<sup>2</sup> of retail and service commercial space on the ground floor podium level, fronting onto and directly accessible from Yonge Street, Park Home Avenue or the Rose Garden Park shown on Schedule "RM6(\_\_\_)" and located within 30 metres of the property line; and
    - (iv) a continuous indoor and underground pedestrian connection to the North York Centre transit terminal.

- (d) all existing agreements that affect the subject lands be amended to the satisfaction of the City Solicitor, including but not limited to the agreements related to the following items:
  - (i) the Rose Garden, Gibson Park and Leased Park;
  - (ii) the publicly accessible driveway, which also provides access to the Sam-Sor property, Gibson House and Yonge Hearts Child Care Centre;
  - (iii) Heritage and Construction Impact and parking arrangements within the proposed development for Gibson House, to the satisfaction of Cultural Services;
  - (iv) pedestrian tunnel connections to the Sam-Sor property to the north, and to 5160 Yonge Street to the south;
  - (v) the existing storm sewer and related City easements, to the satisfaction of Toronto Water and the Executive Director of Technical Services;
- (e) subject to taking the necessary procedural steps, City Council support in principle declaring as surplus PART 7 identified on the January 5, 2010 draft R-Plan by R. Avis Surveying Inc, having an area of 153.2 m<sup>2</sup>, in exchange for PARTS 2 and 4 identified on the January 5, 2010 draft R-Plan by Avis Surveying Inc, having and area on 179.6 m<sup>2</sup>;
- (f) subject to the necessary procedural steps declaring the lands surplus being completed, Director of Real Estate Services report to City Council on the terms & conditions of the land exchange;
- (g) the following site plan matters be addressed to the satisfaction of the Director, Community Planning, North York District,
  - (i) fire access route requirements to the satisfaction of Fire Services and the Executive Director of Technical Services;
  - (ii) solid waste requirements, including waste collection arrangement, to the satisfaction of the Executive Director of Technical Services;
  - (iii) a sanitary sewer analysis (drainage plans, flow sheets and hydraulic analysis as necessary) to identify required improvements to the existing sanitary sewer system, up to the Trunk connection point, to provide for peak sanitary flows generated by this development and any extraneous wet weather flow, and any other known developments which are to be served by the same sanitary sewer system.

- (h) the following matters regarding archaeological assessment be addressed to the satisfaction of the Manager, Heritage Preservation Services:
  - (i) retain a consultant archaeologist, licensed by the Ministry of Culture under the provisions of the Ontario Heritage Act (R.S.O 1990 as amended) to carry out a Stage 3 Archaeological Assessment of the lands cited in the assessment report completed by Archaeological Assessments Inc., dated December 2008 and identified on figure 12.
  - (ii) undertake archaeological assessment of those lands subject to a land exchange identified as Part 7 on draft R-Plan 66R- by R. Avis Surveying Inc, dated Jan. 5, 2010.
  - (iii) follow through on recommendations to mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found. The assessment is to be completed in accordance with the 2009 Final Draft – Standards and Guidelines for Consulting Archaeologists, Ministry of Culture. Should the archaeological assessment process continue beyond a Stage 3 assessment, any recommendations for Stage 4 mitigation strategies must be reviewed and approved by Heritage Preservation Services staff prior to commencement of the site mitigation.
  - (iv) submit a copy of the relevant assessment report(s) to the Heritage Preservation Services Unit in both hard copy format and as an Acrobat PDF file on compact disk for review and comment.
  - (v) incorporate significant archaeological resources and findings into the proposed development through either in situ preservation and interpretation where feasible, or commemorate and interpret the resources through exhibition development on site including, but not limited to, commemorative plaquing.
  - (vi) ensure no demolition, construction, grading or other soil disturbances shall take place on the subject property prior to the City’s Planning Division (Heritage Preservation Services Unit) and the Ministry of Culture (Heritage Operations Unit) confirming in writing that all archaeological licensing and technical review requirements have been satisfied.

5. City Council approve in principle the Site Plan drawings and draft Conditions of Site Plan Approval listed in Attachment 13 subject to stylistic and technical changes.

## **Financial Impact**

The recommendations in this report have no financial impact.

## **DECISION HISTORY**

On July 2, 2008, the Ontario Municipal Board (OMB) granted an amendment to the North York Centre Secondary Plan which redesignated the subject lands from *Mixed Use Area A* and *Mixed Use Area B* to *Mixed Use Area C* in order to permit a maximum 100% residential development on the site having a maximum height of 125 metres; and redesignated the southeast corner of the site from *Mixed Use Area A* to *Parks and Open Space Areas*. Necessary amendments to the site specific policy were also approved.

At the applicant's request, the OMB withheld the final order for approval of the Official Plan Amendment document until the City had had an opportunity to process the Zoning By-law Amendment and Site Plan Control Approval applications.

## **ISSUE BACKGROUND**

### **Proposal**

The application proposes to amend Zoning By-law 7625 of the former City of North York to permit a residential development at the northwest corner of Yonge Street and Park Home Avenue. The development would consist of two 42-storey (125 metre) residential towers including a 5-storey base building. The proposed development would have a gross floor area of 93,567 m<sup>2</sup>, with additional gross floor area permitted through the proposed density incentives, and contain 937 residential units. The towers would contain 832 units with the remaining units located within the podium, including 11 live-work townhouse units. Approximately 1,561.86 m<sup>2</sup> of commercial space would be provided within the base building of the development with 1,282.40 m<sup>2</sup> at grade and 279.46 m<sup>2</sup> on the second floor.

Servicing and vehicular access would be provided from a L-shaped publicly accessible driveway connecting Yonge Street and Park Home Avenue. A total of 1,073 parking spaces are proposed within a 5-level underground parking garage, with 27 parking spaces available to the Gibson House. A below grade pedestrian access is to be provided that would connect to the building on the south side of Park Home Avenue and provide access to the North York Centre subway station. An at-grade subway entrance is proposed at the base of the south residential tower that will be accessible to the public. A walkway is also being provided through the first level of the parking garage to connect to the proposed pedestrian tunnel for the Sam-Sor development site to the north.

As shown on the Site Plan in "Attachment 1" and in the Table below, the applicant is proposing to convey 3,941.10 m<sup>2</sup> of their lands to the City for Park purposes. This includes an area of approximately 1,354.4 m<sup>2</sup> at the southeast corner of the site where the Rose Garden lands are situated and an area of approximately 2,586.7 m<sup>2</sup> at the west end of the site fronting Beecroft Road. Approximately 3,540.7 m<sup>2</sup> of the site is to remain as a surface park as part of the existing 999 year lease agreement with the City, entered into in 1997. The surface park would have a parking garage beneath it and would also incorporate a driveway ramp to Park Home Avenue, and required vent shafts and garage exit stairs.

As shown below a total of 7,481.8 m<sup>2</sup> of the 15,011 m<sup>2</sup> site is being conveyed or leased to the City for Park purposes.

	Area (m2)	Total (m2)
<b>Parkland to be conveyed to the City</b>		
- southeast corner of the site near the Rose Garden - fronting Yonge Street	1,354.4	3,941.1
- west end of the site - fronting Beecroft Road	2,586.7	
<b>Surface Park to remain under lease by the City</b> (fronting Park Home Avenue) – the applicant is also proposing to use this area for outdoor amenity space for the subject development	3,540.7	3,540.7
<b>Total (m2)</b>		<b>7,481.8</b>

Indoor and outdoor private amenity space is being proposed for the residential component. Approximately 1,870 m<sup>2</sup> of private indoor space is proposed, exceeding the minimum requirement of 1,405.50 m<sup>2</sup>. The outdoor amenity space will be limited to approximately 400 m<sup>2</sup> on the roof of the podium.

Approximately 1,000 m<sup>2</sup> of common outdoor space is being provided for the non-residential/commercial component in front of the building directly accessible from Yonge Street and Park Home Avenue and from the Rose Garden park space, as per the North York Centre Secondary Plan. In addition, the common outdoor space will be unenclosed, accessible to the public at all times, be landscaped and have outdoor seating.

## Site and Surrounding Area

The “hockey stick” shaped development site is located at the northwest corner of Yonge Street and Park Home Avenue and extends to Beecroft Road on the west. It is currently developed with a parking lot and open space uses that include the privately owned and publicly accessible ‘Rose Garden’.

The block bounded by Yonge Street to the east, Ellerslie Avenue to the north, Beecroft Road to the west and Park Home Avenue to the south currently consists of the following:

- The Yonge Street frontage generally consists of one and two-storey commercial retail buildings, a small office building, a commercial parking lot and the Rose Garden;
- Gibson Park;
- The Gibson House Museum;
- Yonge Hearts Child Care Centre;
- A 19-storey condominium building - Peninsula Place; and

- Two rental apartment buildings - Park Willow Development.

In addition to the subject lands, identified as Site 1 below, there are other current and pending development applications within this block. The location of these sites are listed below and shown on “Attachment 12”.

**Site 1 – subject lands**

5170 Yonge Street (Menkes Gibson Square)

The subject Zoning By-law Amendment and Site Plan Control Approval applications.

**Site 2**

5182-5218 Yonge St. (Sam-Sor)

An Official Plan Amendment and Zoning By-law Amendment application was submitted in 2002 to permit a 33-storey residential building including a 5-storey mixed-use base building. The applications are currently on hold as requested by the owner and are expected to be revised to reflect a new development proposal.

**Site 3**

5220-5254 Yonge Street

An Official Plan Amendment and Zoning By-law Amendment application has been submitted to permit a mixed use development consisting of a 15-storey hotel and a 29-storey residential tower of a four level base building and is presently being processed.

**Site 4**

55-65 Ellerslie Avenue (Park Willow Developments)

Rezoning and Site Plan Control Approval applications were submitted in 2004 to permit a third residential building of 18-storeys where the pool and tennis courts are situated. City staff are waiting for additional information from the applicant prior to further processing of the applications.

**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 Growth Plan for the Greater Golden Horseshoe provides a framework for managing growth in the Greater Golden Horseshoe including: directions for where and how to grow; the provision of infrastructure to support growth; and protecting natural systems and cultivating a culture of conservation.

City Council's planning decisions are required by the *Planning Act*, to conform, or not conflict, with the Growth Plan for the Greater Golden Horseshoe.

## **Official Plan**

As noted previously, the OMB granted an amendment in principle to the North York Centre Secondary Plan that would permit a residential development on the site. The main intent of the Official Plan Amendment is to redesignate portions of the site to *Mixed Use Area C* in order to permit a maximum 100% residential development having a maximum height of 125 metres and redesignate other portions of the site to *Parks and Open Space Areas* for public parks purposes. All other policies of the Secondary Plan still apply to the site.

## **Zoning**

On February 20, 1992, the Ontario Municipal Board approved a site specific Zoning By-law Amendment (By-law 31237) for this site. The by-law, which amended the former City of North York Zoning By-law 7625, zoned portions of the site for open space purposes, office and residential uses, permitting a maximum 113,695 m<sup>2</sup> of commercial floor area in two office buildings, 27-storeys and 31-storeys in height, at the northwest corner of Yonge Street and Park Home Avenue. Of the total permitted commercial floor area, 63,701 m<sup>2</sup> were a result of gross floor area transferred to the site from lands to be used for roads, road widenings, local open space buffer lands, Gibson Park and the Gibson House.

## **Site Plan Control**

On April 23, 2009 a Site Plan Control Approval application was submitted to provide an opportunity to resolve the siting of the base building and how it would address the abutting Gibson House property and surrounding park and open space as well as the Yonge Street and Park Home Avenue frontages. It also allowed an opportunity to review the application in relation to the existing City storm sewer and related easement located at the north end of the site, under the proposed north driveway.

On December 18, 2009, after many of the site plan issues related to the siting of the base building had been addressed in principle, the applicant amended the site plan application to include the plans for the two residential towers. Revised site plan drawings were submitted on January 22, 2010 for review and comment.

The proposed site plan and elevation plans are attached to this report. The site plan application is recommended for approval in principle subject to the draft conditions in Attachment "13".



## **Reasons for Application**

The Zoning By-law Amendment application has been submitted to implement the Official Plan Amendment approved in principle by the Ontario Municipal Board, as modified. The Zoning By-law amendment would permit residential uses on the site and establish site-specific development standards for the proposed residential development. The proposed park space and the parcels subject of the land exchange would be zoned appropriately.

## **Community Consultation**

A Community Consultation Meeting on the Zoning By-law Amendment application was held on March 5, 2009. The local Councillor, City Planning and Transportation staff, the applicant and approximately 125 members of the public were in attendance. City Planning also received telephone calls and correspondence from members of the public regarding the proposal.

Generally, the comments and questions raised by the area residents related to the following:

- protection and design of open space surrounding the development site, Gibson Park and the Rose Garden;
- impact and relationship to the Gibson House property;
- timing of development;
- height of buildings, and view impacts; and
- traffic and circulation in and around the development block.

In addition to the March 5<sup>th</sup> meeting, the local Councillor held two working group sessions with area residents, the applicant and City staff. Much of the discussion at the meetings related to the design of the parks and open space areas and the location of the parking garage ramp and the relocation of the existing public art on the site.

The comments and concerns raised by area residents have been considered during the review of the project.

## **Design Review Panel**

The project has been reviewed by the City's Design Review Panel. The Panel provides independent design advice during the development approval process, with the objective of ensuring a high level of urban design.

The proposal was presented to the Design Review Panel on December 18, 2008. The Panel was asked to provide comments on the following matters:

- the pattern of buildings and planned context in the surrounding area, and the appropriate placement, organization and expression of buildings on the site;
- the appropriate location and configuration of vehicular access and pedestrian circulation; and
- the relationship of the proposed buildings to the historical Gibson House and Yonge Hearts Child Care Centre; and the park space at the corner of Yonge Street and Park Home Avenue where the Rose Garden is located.

The suggestions regarding these considerations were used to evaluate and further refine the proposal.

In keeping with Council's direction, Parks, Forestry and Recreation staff will be presenting the landscape plans for the Rose Garden and Gibson Park, including the leased park which partially fronts Gibson House, to the Design Review Panel. The Design Review Panel input will be used to finalize the design of these areas as part of the Site Plan approval process.

## **Agency Circulation**

The application was circulated to all appropriate agencies and City Divisions. Responses received have been used to assist in evaluating the applications and to formulate appropriate recommendations and proposed draft conditions of site plan approval.

## **COMMENTS**

### **Provincial Policy Statement and Provincial Plans**

The Ontario Municipal Board, in considering the Official Plan Amendment application for this site to change the permitted uses from commercial to residential, indicated that the proposal was consistent with the Provincial Policy Statement which, among other matters, promotes efficient development and land use patterns, provides for a range of housing types and encourages the efficient use of existing infrastructure. The proposal was also considered to conform with and not conflict with the Growth Plan for the Greater Golden Horseshoe.

The proposed Zoning By-law Amendment is implementing the Official Plan Amendment approved in principle by the OMB, and therefore the current proposal is considered to be consistent with the Provincial Policy Statement and conform with and not conflict with the Growth Plan for the Greater Golden Horseshoe.

### **Density, Height and Massing**

The proposed development is in the general location and at a similar height to the commercial office buildings previously approved for this site. However, it should be noted that the size of floor plates of the proposed residential towers have been reduced from the previous commercial towers and step backs have been incorporated above the 34<sup>th</sup> floor. As well, improvements have been made to the base building relationship with the Gibson House property, the adjacent parks and open space areas and the Yonge Street and Park Home Avenue frontages.

The design of the 42-storey development includes a 5-storey base building which creates an appropriate scale for pedestrians walking on Yonge Street and Park Home Avenue and through the development site. Three storey live-work units are proposed at the north and west elevations of the development facing the Gibson House and Yonge Hearts Child Care Centre. The scale and the articulation of the live-work units respect the historical significance of the Gibson House property. The 3-storey live-work base also provides an appropriate scale with these adjacent low-scale uses.

The proposed development has been reviewed in context of the urban design objectives of the North York Centre Secondary Plan. In addition to having the desired height, the base building is setback a minimum 4 metres from the property line adjacent to Yonge Street in order to create a publicly accessible boulevard of approximately 8.8 metres.

## **Official Plan Modifications**

In order to achieve the above referenced built form objectives and the preferred siting of the development, and secure the park space on the site, certain modifications were necessary to the original proposed draft Official Plan Amendment.

The modifications generally relate to the designation of the lands being exchanged between the City and the applicant required to achieve the lot configuration that can support the preferred siting of the proposed development. The 153.2 m<sup>2</sup> from the existing Gibson House site that is to be transferred to the applicant to be redesignated from “*Parks and Open Space Areas*” to “*Mixed Use Area C*” and the 179.6 m<sup>2</sup> parcel at the northwest corner of the current development site that will be transferred to City and connect the Gibson House property and the City owned Yonge Hearts Day Care Centre property to be redesignated from “*Mixed Use Area B*” to “*Parks and Open Space Areas*”. The above land exchange would result in boundary adjustments to Site Specific Policy 12.24, which covers the Gibson House property, and Site Specific Policy 12.8, which covers the subject development site.

The modifications will also permit the podium on Park Home Avenue to be the same height as the podium fronting onto Yonge Street and permit the roof garden on the podium to be considered private outdoor recreation space. The private outdoor at-grade recreational space requirement for residential uses has been eliminated for this site given the site constraints from the amount of Park space being secured with the approval of this application. A copy of the modified draft Official Plan Amendment is attached as “Attachment 10”.

## **Wind Study**

A pedestrian wind study was submitted with the application. Further work is being conducted to improve the conditions around the base of the proposed building. The study will also be required to show acceptable wind conditions on the proposed roof-top outdoor amenity area; within the abutting public sidewalks; the area around Yonge Hearts Child Care Centre including the roof top play area; the Rose Garden at the corner of Yonge Street and Park Home Avenue; and, the area around Gibson House including the open space area between Gibson House and Park Home Avenue and will be used to refine the landscape plan for these areas. This will be secured in the Site Plan Approval conditions.

## **Traffic Impact, Access and Parking**

Servicing and vehicular access to the development would be provided from a new L-shaped publicly accessible driveway connecting Yonge Street and Park Home Avenue. A second parking garage access ramp will connect directly to Park Home Avenue within the Leased Park portion of the site. A total of 1,073 parking spaces are proposed within a 5-level underground parking garage, with 27 parking spaces available to the Gibson House. Two loading spaces are proposed within the podium, a loading space beneath the north tower and a smaller convenience loading space beneath the south tower. A below

grade pedestrian access is to be provided that would connect to the building on the south side of Park Home Avenue and provide access to the North York Centre subway station. An at-grade subway entrance is proposed at the base of the south residential tower that will be accessible to the public.

The overall proposed parking supply meet the parking requirements outlined in the North York Centre Secondary Plan. Transportation staff also support the proposed loading facilities, with the understanding that the smaller convenience loading space is proposed due to site limitations, and that the space will be used by cube vans for moving and deliveries for both the residential and retail components. However, it should be noted that the proposed loading facilities may be need to modified to address solid waste management requirements for the proposed development. This will be secured in the Site Plan conditions.

A Traffic Impact Study and Traffic Certification was submitted by LEA Consulting in support of the proposed development. LEA Consulting is recommending signal timing changes to the intersection of Empress Avenue and Doris Avenue as well as two possible scenarios to address capacity issues for southbound left turns at the intersections of Yonge Street and Church Avenue and Yonge Street and Park Home Avenue and Empress Avenue.

With respect to these intersections, it should be noted that Traffic Operations has confirmed that the addition of an advanced westbound left turn signal at Yonge Street and Park Home/Empress Avenue is already planned.

Transportation staff have reviewed the Traffic Certification prepared by the consultant and is generally satisfied with the Traffic Certification requirements.

The North York Centre Secondary Plan requires a minimum 0.10 bicycle parking spaces per residential unit, which results in 94 spaces being required for the proposed development. The spaces are required to be provided in an at-grade common bicycle room conveniently accessible to the outside based on minimum bicycle space dimensions of 1.9 metres high by 0.6 metres wide and either 1.2 metres deep (vertical parking) or 1.8 metres deep (horizontal parking). Not more than 50 per cent of bicycle parking spaces will be provided as vertical parking. The at-grade bicycle parking spaces are exempt from the calculation of GFA and are considered a density incentive.

## **Storm Sewer and Easement**

There is an existing City storm sewer and related easement located at the north end of the site, in the vicinity of the proposed north driveway. As part of the Imperial Oil approval, encroachments were permitted within the easement lands, subject to certain restrictions. The current application proposes a further set back from the easement lands to address comments from Toronto Water. The applicant will be required to address issues such as maintenance, liabilities and access to the system for emergency repair and rehabilitation to the satisfaction of Toronto Water and the Executive Director of Technical Services, prior to the adoption of the Zoning By-law.

## **Open Space/Parkland**

### **Applicability of Parkland Dedication**

The Official Plan contains policies to ensure that Toronto's system of parks and open spaces are maintained, enhanced and expanded. Map 8B of the Toronto Official Plan shows local parkland provisions across the City. The lands which are the subject of this application are in an area with 0.8 to 1.56 hectares of local parkland per 1,000 people. The site is in the middle quintile of current provision of parkland. The site is in a parkland priority area as per Alternative Parkland Dedication By-law 1420-2007.

The site is located within the North York Centre Secondary Plan and is subject to the parkland dedication requirement of 0.6 hectares of parkland per 560 units.

### **Calculation of Parkland Dedication**

At the North York Centre Secondary Plan parkland dedication rate of 0.6 hectares of parkland per 560 units, the parkland dedication is equivalent to 1.003ha of parkland or 67% of the site.

If the development application is approved, the required parkland dedication will be equal to 2,252m<sup>2</sup> which represents a 15% cap of the net site area of 1.5 hectares for the residential portion and 4.9m<sup>2</sup> which represents 2% for the commercial portion. The total parkland dedication requirement is 2,257m<sup>2</sup>.

### **Proposal for Dedication of Parkland**

The parkland conveyance for this property was satisfied previously through a land dedication at Dempsey Park. The applicant is now providing a dedication of parkland through the conveyance in fee simple of the Rose Garden, (1,354.4m<sup>2</sup>, Part 12 and Part 6 on the draft reference plan) and Gibson Park (2,586.7m<sup>2</sup>, Part 11 on the draft reference plan). The total conveyance is 3,941.1m<sup>2</sup>. The Rose Garden will have an encumbrance created by the below grade subway access. This encumbrance is acceptable to the General Manager, Parks, Forestry and Recreation. A strata reference plan will be required to identify this encumbrance.

The Leased Park, (Part 10 on the draft reference plan) will have an area 3,540.7m<sup>2</sup>. The Leased Park is secured for a period of 999 years through an agreement dated April 1997 between the former City of North York and Imperial Oil.

The area of the Leased Park lands is smaller than that identified in the original agreement as the current developer is now conveying portions of the leased land to the City. The Leased Park will be encumbered in the future with an underground parking garage, ramp and exit stairs that are part of the proposed development.

The total future park space (conveyed and leased) will be 7,481.8m<sup>2</sup>. Parks, Forestry and Recreation accepts the proposed land dedication and continuation of the leased parkland.

## **Design of the Park**

Given the importance of the park space to the City, special consideration is being given to the design of the park space, including the Gibson House property, as part of the review of these applications. As mentioned, the local Councillor has held working group sessions with area residents, the applicant and staff to discuss various design options for the park space. The applicant is continuing to work with the local Councillor and staff from various Divisions, including Parks, Forestry and Recreation, Cultural Services and City Planning, to prepare landscape plans that recognize the emerging design elements and features and historical significance of each area.

## **Tree Removal**

There are a number of trees on the site that are required to be removed to accommodate the proposed development which are subject to the Tree Protection By-law and require tree removal permits from the City.

Many of the trees are located within the temporary surface Gibson Park portion of the site that Imperial Oil was required to plant, since construction of the office development did not proceed within two years of its approval. Once a permit is issued, this part of the surface park will be used for construction and staging on a temporary basis.

Urban Forestry staff are currently in discussion with the applicant regarding the process for removal of these trees.

## **Land Exchange**

In order to facilitate the preferred siting of the development as shown on the attached site plan drawings, a minor land exchange is required between the Gibson House property and the development site to adjust the lot configuration. A 153.2 m<sup>2</sup> portion of the existing Gibson House site along the east property line is to be transferred to the applicant in exchange for a 179.6 m<sup>2</sup> parcel at the northwest corner of the current development site. The lands being transferred to City will connect the Gibson House property with the Yonge Hearts Child Care Centre property also owned by the City.

The City has begun the process for surplusing the city owned parcel in order to proceed with the land transaction with the applicant.

## **Gibson House and Cultural Services**

Given the proximity of the subject development to the Gibson House property, Cultural Services staff have been reviewing and providing comments on these applications.

There is an existing agreement in place for Gibson House to have access to 27 parking spaces on the subject lands within the underground parking garage of the development to be constructed on the site. Staff have discussed potential amendments to the previous agreement with the applicant to better reflect the current operation and needs of Gibson House.

In addition, the owner would allow the parking garage to be available to Gibson House for Hourly Public Parking on Saturdays, Sundays, statutory and civic holidays.

Two designated accessible surface parking spaces for Gibson House visitors and an accessible pathway to the main entrance of Gibson House is required to be provided in a location to the satisfaction of the City.

With respect to the existing agreement provisions regarding Heritage and Construction Impact on the Gibson House site, staff is negotiating an arrangement that would require all repair work as a result of construction of the proposed development to be completed to the specification of Cultural Services staff and that all contractors engaged to complete such repair work be subject to the approval of Cultural Services staff.

Cultural Services will be reviewing and providing comments on revised Landscape Plans for the Gibson House. The existing public artwork *One Hundred Links – One Chain* by Stephen Cruise is to be integrated into the landscape design for the parkland along Park Home Avenue. Placement of individual pieces within the landscape will be at the discretion of the artist in consultation with Cultural Services. The public artwork must be carefully removed prior to construction of the underground parking and residential towers, appropriately stored and re-installed during the landscaping phase. Removal and re-installation will be under the direction of the artist and/or Cultural Services staff.

The design of any proposed lighting or signage in proximity to the Gibson House shall be provided in advance for review and approval by Cultural Services staff for heritage compatibility and sensitivities.

### **Archaeological Assessment**

As conditions of zoning approval, Heritage Preservation is requesting completion of the Stage 3 archaeological assessment of the lands cited in the assessment report completed by Archaeological Assessments Inc., dated December 2008 and identified on figure 12. As well, the applicant will undertake an archaeological assessment for the portion of the Gibson House site subject to the land exchange.

The applicant will be requested to follow through on recommendations to mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found. The assessment is to be completed in accordance with the 2009 Final Draft – Standards and Guidelines for Consulting Archaeologists, Ministry of Culture. Should the archaeological assessment process continue beyond a Stage 3 assessment, any recommendations for Stage 4 mitigation strategies must be reviewed and approved by Heritage Preservation Services prior to commencement of the site mitigation.

The applicant has also be requested to incorporate significant archaeological resources and findings into the proposed development through in situ preservation and interpretation where feasible, or commemorate and interpret the resources through exhibition development on site including, but not limited to, commemorative plaquing.

Staff have also required that no demolition, construction, grading or other soil disturbances shall take place on the subject property prior to the City's Planning Division (Heritage Preservation Services Unit) and the Ministry of Culture (Heritage Operations Unit) confirming in writing that all archaeological licensing and technical review requirements have been satisfied.

## **Toronto Green Standard**

The applicant is proposing a number of green development standard initiatives related to local materials, automobile, cycling and pedestrian infrastructure, public transit accessibility, construction activity and ozone protection, among other items.

For example, the development will include the use of at least 10% local materials; shared use and dedicated parking spaces for carpooling or car sharing; secure bicycle storage for long-term parking, transit facilities integrated directly into the development; provision for shade and shelter and direct integration with existing pedestrian routes.

## **Density Incentives and Section 37**

The North York Centre Secondary Plan provides for a range of density incentives related to the provision of various matters.

The facilities, services and/or matters to be secured in the Section 37 Agreement for the proposed development in exchange for additional density as authorized by the North York Centre Secondary Plan may be summarized as follows:

- (i) at-grade bicycle rooms containing racks or lockers, at a combined minimum rate of 0.1 per dwelling unit including live-work townhouses;
- (ii) a minimum of 1.5 m<sup>2</sup> per apartment house dwelling unit of indoor recreational amenity space; and
- (iii) a minimum of 1,282 m<sup>2</sup> of retail and service commercial space on the ground floor podium level, fronting onto and directly accessible from Yonge Street, Park Home Avenue or the Rose Garden Park shown on Schedule "RM6(\_\_\_)" and located within 30 metres of the property line; and
- (iv) a continuous indoor and underground pedestrian connection to the North York Centre transit terminal.



## **Existing Agreements**

There are a number of existing agreements that affect the subject lands and the abutting properties that will need to be reviewed, and either amended or deleted, to reflect the conditions of approval for this proposal, prior to the adoption of the zoning by-law and site plan approval. These agreements which were prepared as part of the previous approval for the office buildings for Imperial Oil have been assumed by the applicant and relate to, among other matters, the Rose Garden, Gibson Park and Leased Park; access to the Sam-Sor property, Gibson House and Yonge Hearts Child Care Centre; Heritage and Construction Impact and parking arrangements within the proposed development for Gibson House; provisions for a pedestrian tunnels to provide access to the North York Civic Centre subway station; and, the existing storm sewer and related easements within the north driveway.

## **Development Charges**

It is estimated that the development charges for this project will be \$5.9 million. This is an estimate. The actual charge is assessed and collected upon issuance of the building permit.

## **CONTACT**

Mark Chlon, Senior Planner  
Tel. No. 416-395-7137  
Fax No. 416-395-7155  
E-mail: mchlon@toronto.ca

## **SIGNATURE**

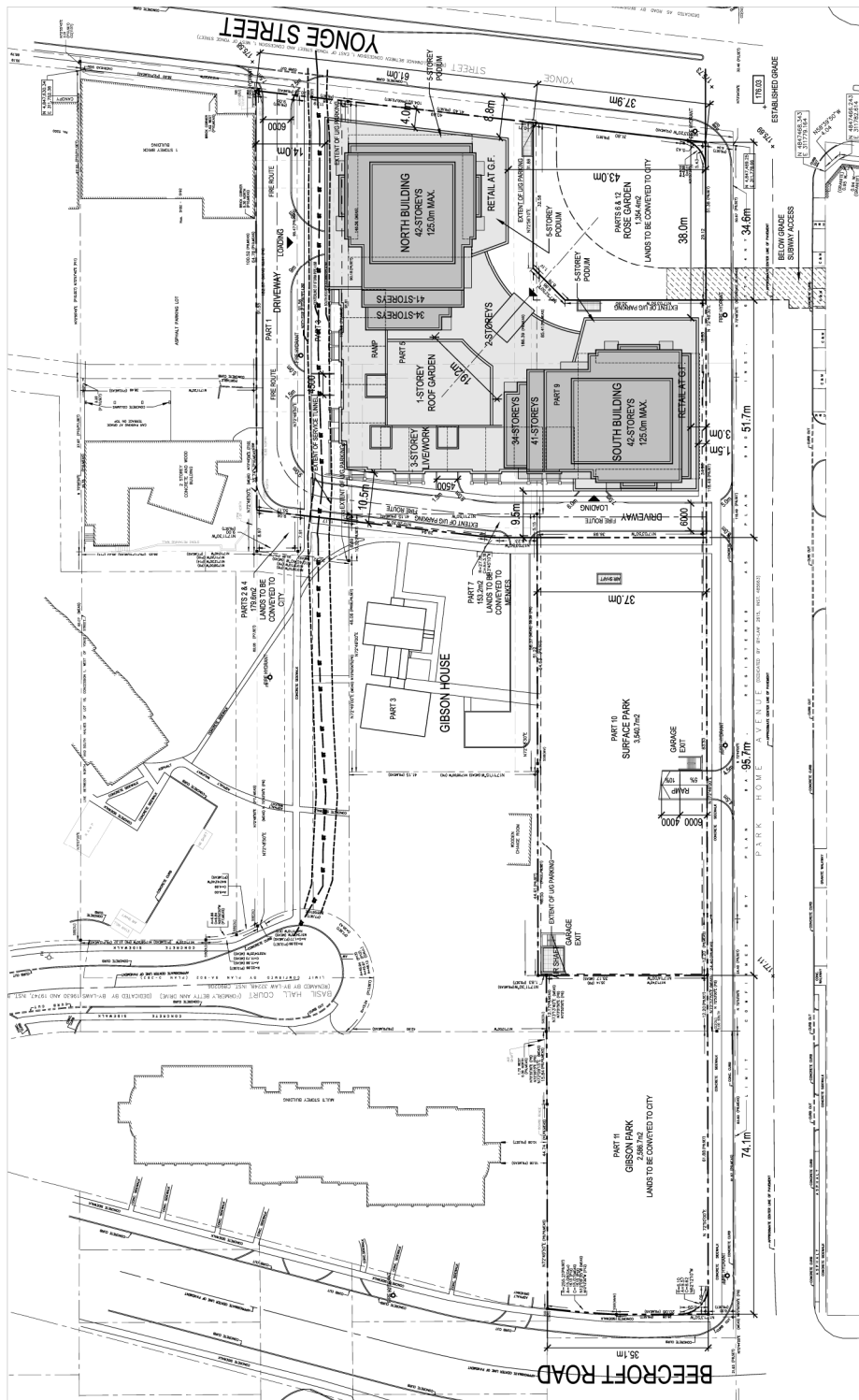
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Thomas C. Keefe, Director  
Community Planning, North York District

## **ATTACHMENTS**

Attachment 1: Site Plan  
Attachment 2: Ground Floor Plan  
Attachment 3: Underground Garage Level P1  
Attachment 4: North Elevation  
Attachment 5: South Elevation  
Attachment 6: East Elevation  
Attachment 7: West Elevation  
Attachment 8: Zoning  
Attachment 9: Application Data Sheet  
Attachment 10: Draft Official Plan Amendment  
Attachment 11: Draft Zoning By-law Amendment  
Attachment 12: Development Sites  
Attachment 13: Draft Conditions of Site Plan Control Approval

Attachment 1: Site Plan



5170 Yonge Street

Site Plan

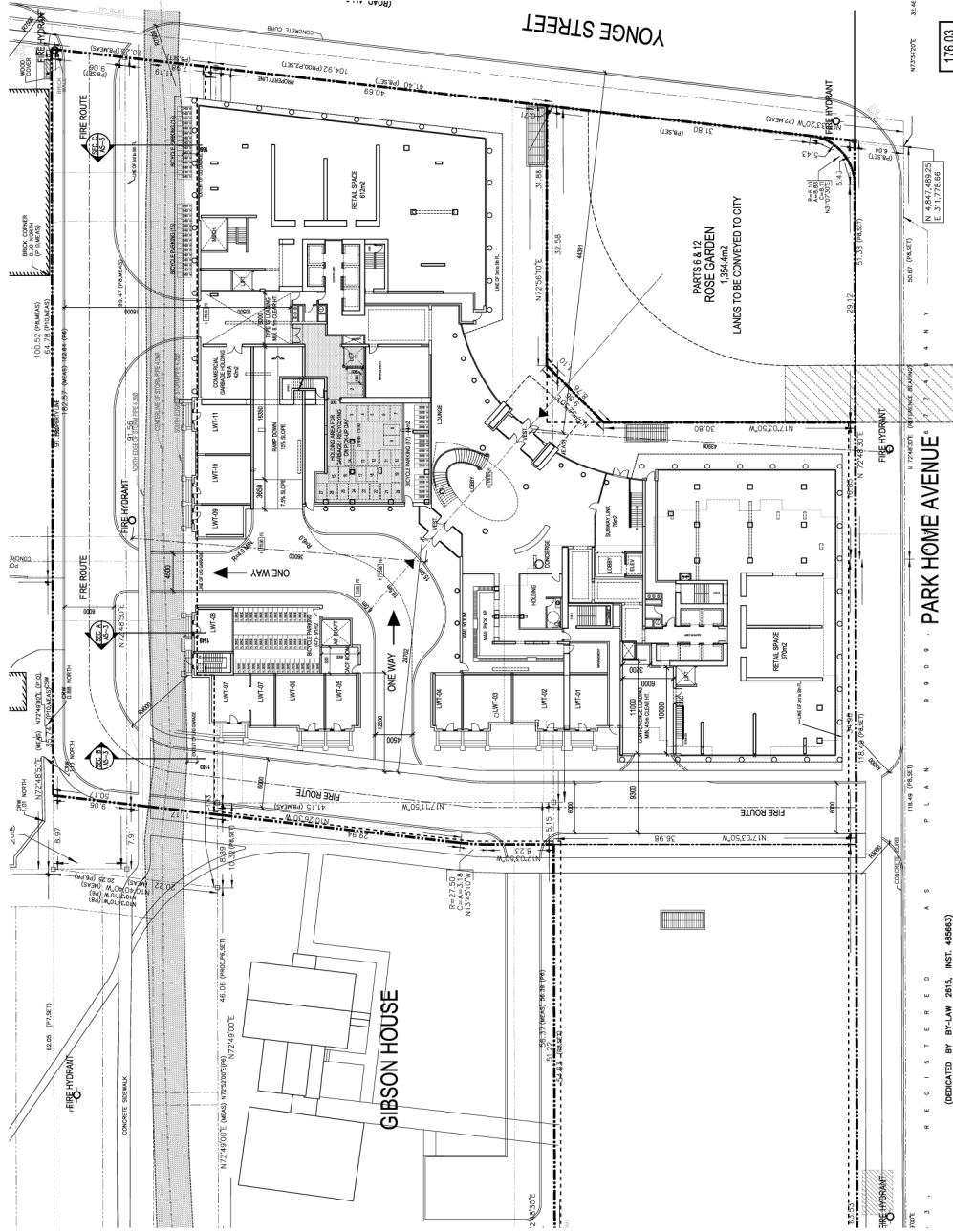
Applicant's Submitted Drawing



Not to Scale  
01/11/2010

File # 08\_213938

Attachment 2: Ground Floor Plan



5170 Yonge Street

Ground Floor Plan

Applicant's Submitted Drawing

Not to Scale  
01/11/2010

File # 08\_213938

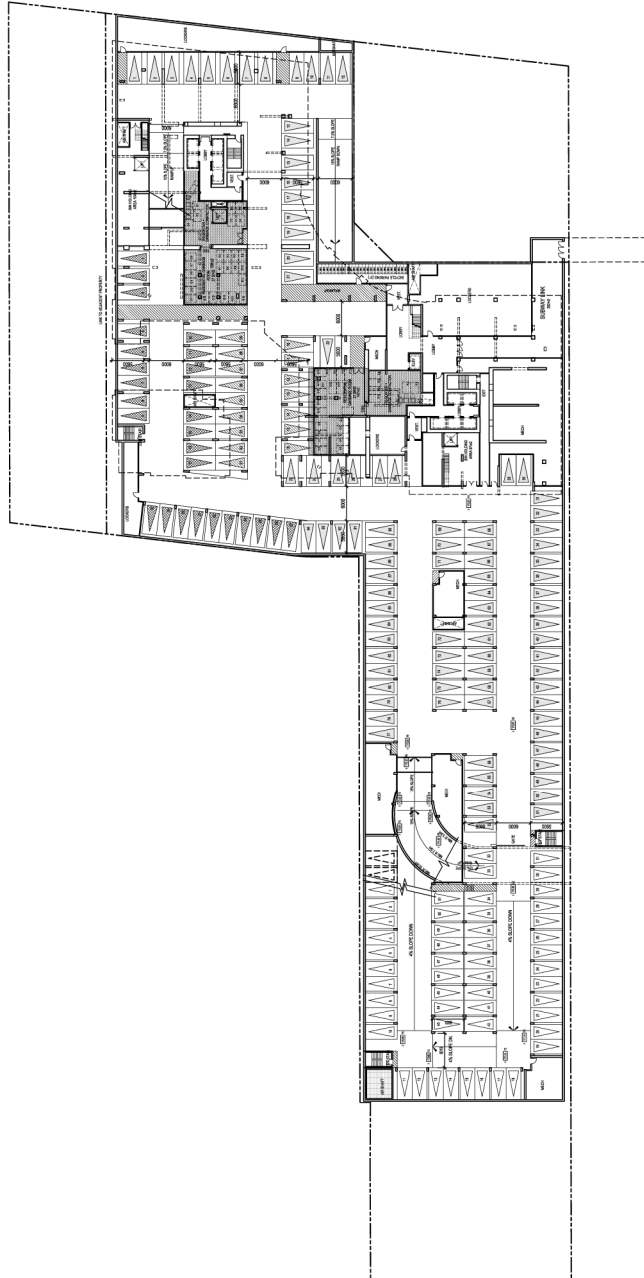
# Attachment 3: Underground Garage Level P1

LOCKERS	
Locker Type	Total
P1 Level	87
P2 Level	272
P3 Level	212
P4 Level	212
P5 Level	212
<b>Total</b>	<b>807</b>

PARKING BREAKDOWN	
Owner/Notes	Count
P1 Level	70
P2 Level	0
P3 Level	0
P4 Level	0
P5 Level	0
<b>Total</b>	<b>70</b>

MINIMUM TYPICAL PARKING DIMENSIONS

- DONATED UNASSIGNED URBAN HOME PARKING SPACE IN COMMERCIAL GARAGE
- DONATED UNASSIGNED RETAIL PARKING SPACE IN COMMERCIAL GARAGE
- DONATED UNASSIGNED RESIDENTIAL VISITOR PARKING SPACE IN COMMERCIAL GARAGE
- DONATED ASSIGNED RESIDENTIAL OWNER PARKING SPACE IN RESIDENTIAL GARAGE



5170 Yonge Street

Underground Garage P1 Level

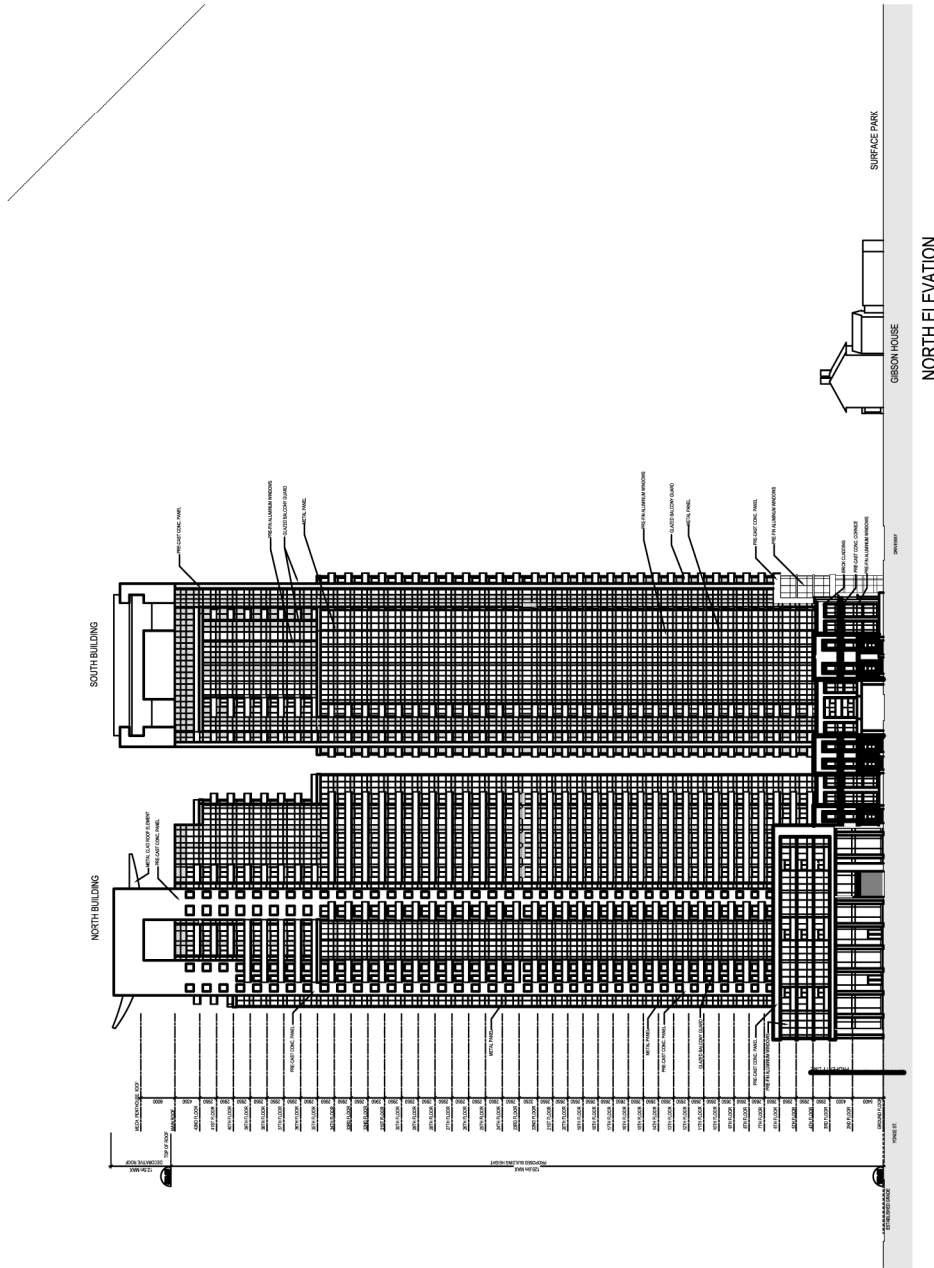
Applicant's Submitted Drawing



Not to Scale  
01/11/2010

File # 08\_213938

Attachment 4: North Elevation



5170 Yonge Street

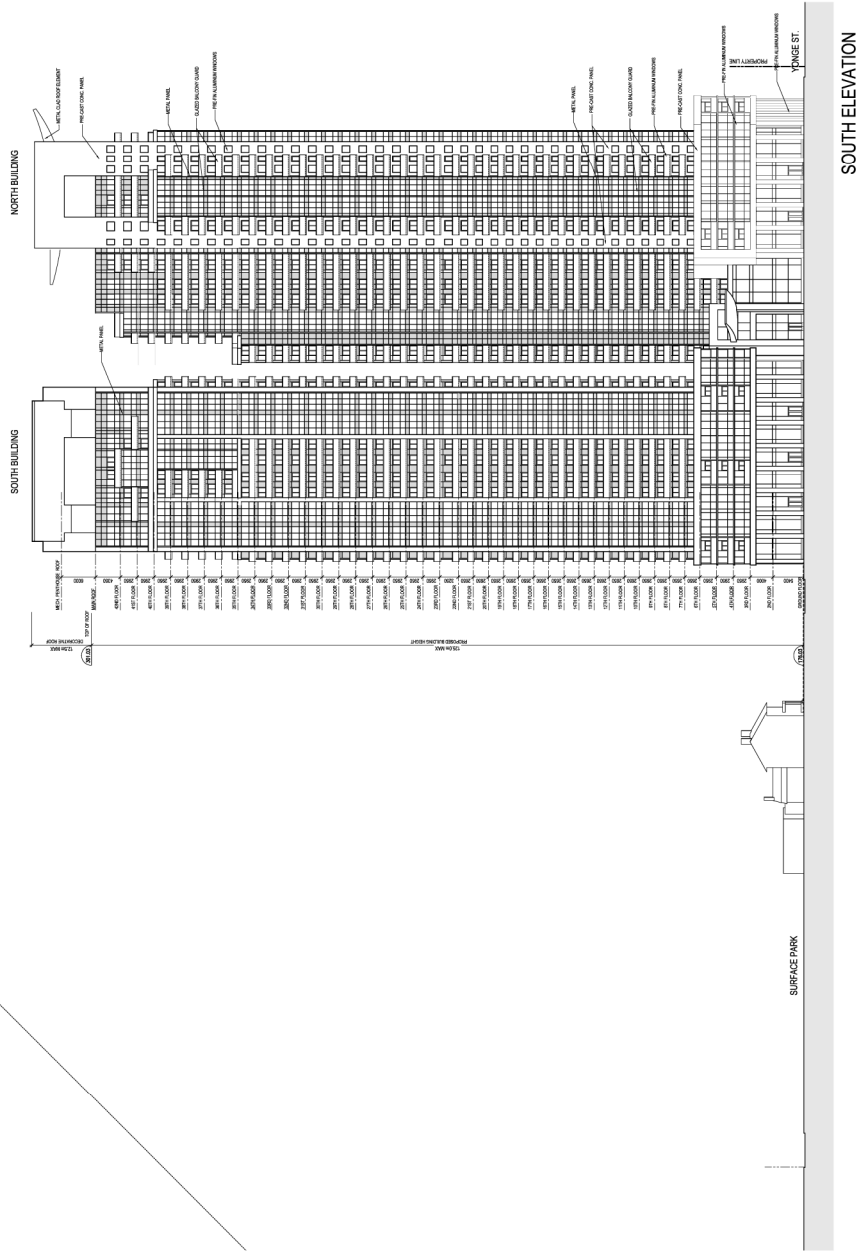
File # 08\_213938

Elevations

Applicant's Submitted Drawing

Not to Scale  
01/11/2010

Attachment 5: South Elevation



5170 Yonge Street

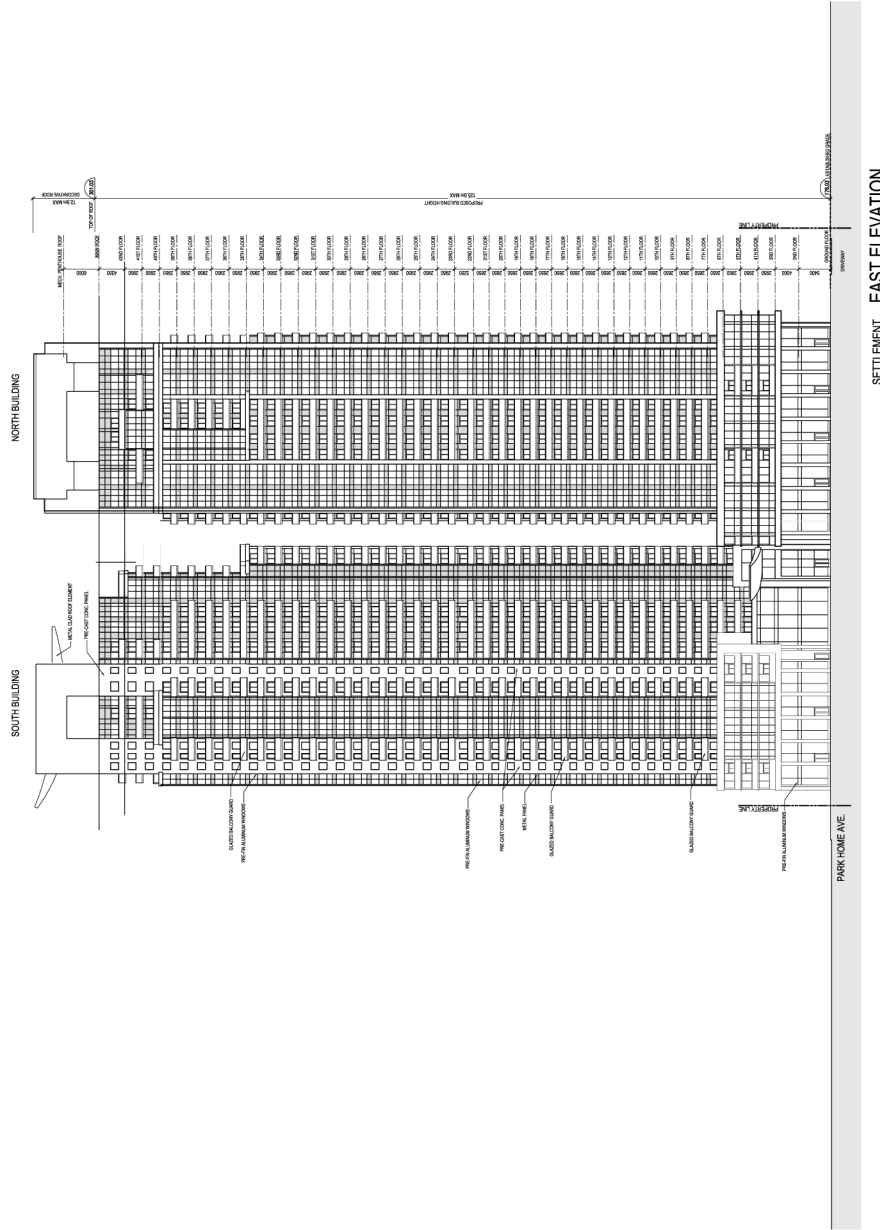
File # 08\_213938

Elevations  
Applicant's Submitted Drawing

Not to Scale  
01/11/2010



Attachment 6: East Elevation



5170 Yonge Street

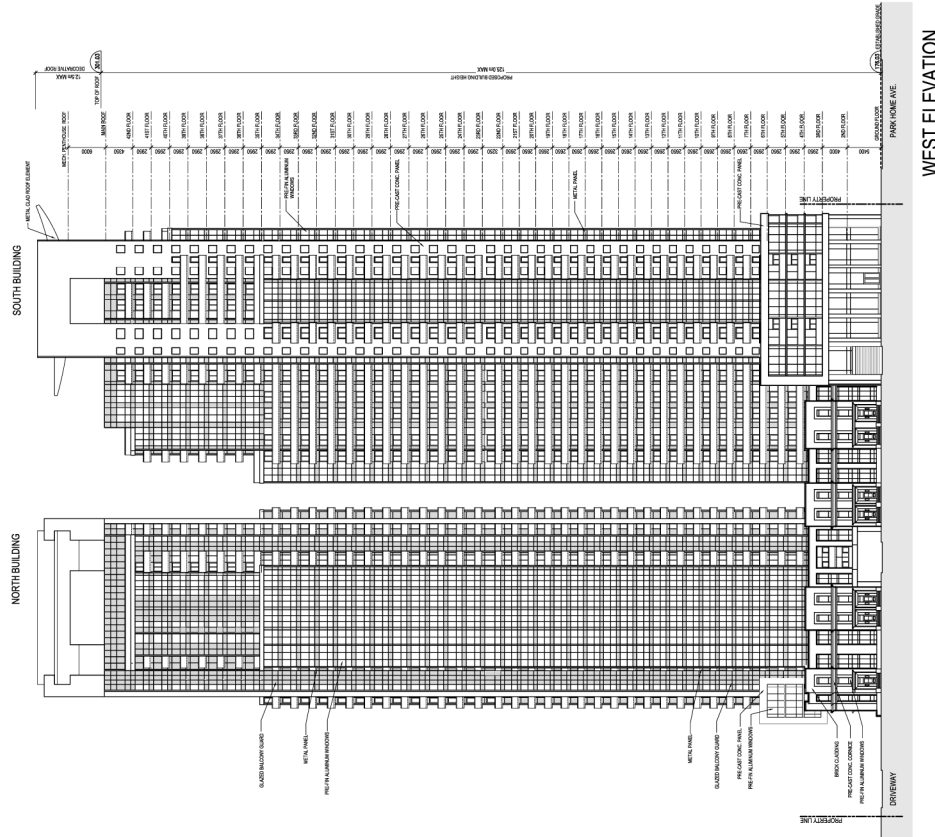
File # 08\_213938

Elevations  
Applicant's Submitted Drawing



Not to Scale  
01/11/2010

Attachment 7: West Elevation



5170 Yonge Street

File # 08\_213938

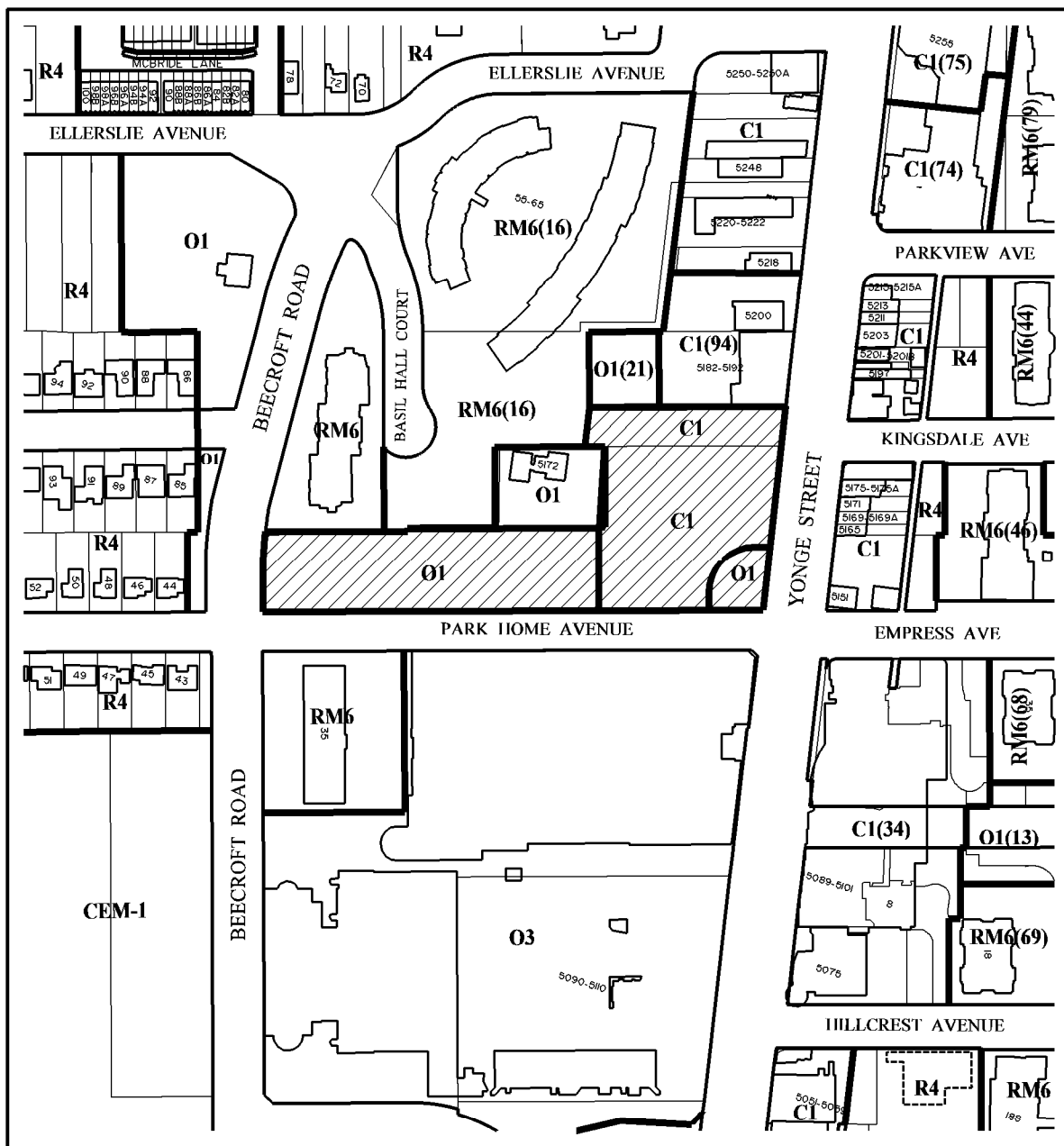
Elevations  
 Applicant's Submitted Drawing

Not to Scale  
 01/11/2010





# Attachment 8: Zoning



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

**5170 Yonge Street**  
 File # 08\_213938

- R4 One-Family Detached Dwelling Fourth Density Zone
- RM6 Multiple-Family Dwellings Sixth Density Zone
- C1 General Commercial Zone
- C2 Local Shopping Centre Zone
- NOTE: Numbers in Brackets Denote Exceptions to the Zoning Category
- O1 Open Space Zone
- O3 Semi-Public Open Space Zone
- CEM-1 General Cemetery Zone



Not to Scale  
 Zoning By-law 7625  
 Extracted 02/16/10

## Attachment 9: Application Data Sheet

Application Type	Rezoning & Associated Site Plan	Application Number:	08 213938 NNY 23 OZ (Related Site Plan File 09 127404 NNY 23 SA)
Details	Rezoning, Standard	Application Date:	October 17, 2008
Municipal Address:	5170 YONGE STREET		
Location Description:	Northwest corner of Yonge Street and Park Home Avenue		
Project Description:	The application proposes to amend Zoning By-law 7625 of the former City of North York to permit a residential development of two 42-storey (125 metre) residential towers including a 5-storey base building.		
	<b>Agent:</b> Adam Brown, Sherman Brown Dryer Karol Gold Lebow, Barristers and Solicitors	<b>Architect:</b> Rafael + Bigauskas	<b>Owner/Applicant:</b> MENKES GIBSON SQUARE INC

### PLANNING CONTROLS

Official Plan Designation:	Mixed Use Areas and Parks and Open Space Areas	Site Specific Provision:	12.8
Zoning:	C1 & O1	Historical Status:	
Height Limit (m):	125	Site Plan Control Area:	Yes

### PROJECT INFORMATION

Site Area (sq. m):	15 011.7	Height:	Storeys:	42 (including a 5-storey base building)
Frontage (m):	approx. 100		Metres:	125 (not including mechanical and architectural features)
Depth (m):	irregular			
Total Ground Floor Area (sq. m):	3 427.89			<b>Total</b>
Total Residential GFA (sq. m):	93 348.38		Parking Spaces:	1073
Total Non-Residential GFA (sq. m):	1 561.86		Loading Docks	2
Total GFA (sq. m):	94 910.24			
Lot Coverage Ratio (%):	41.8			
Floor Space Index:	6.3			

### DWELLING UNITS

Tenure Type:	Condo
1 Bedroom:	255
1 Bedroom + Den	214
2 Bedroom:	296
2 Bedroom + Den	172
Total Units:	937

### FLOOR AREA BREAKDOWN (upon project completion)

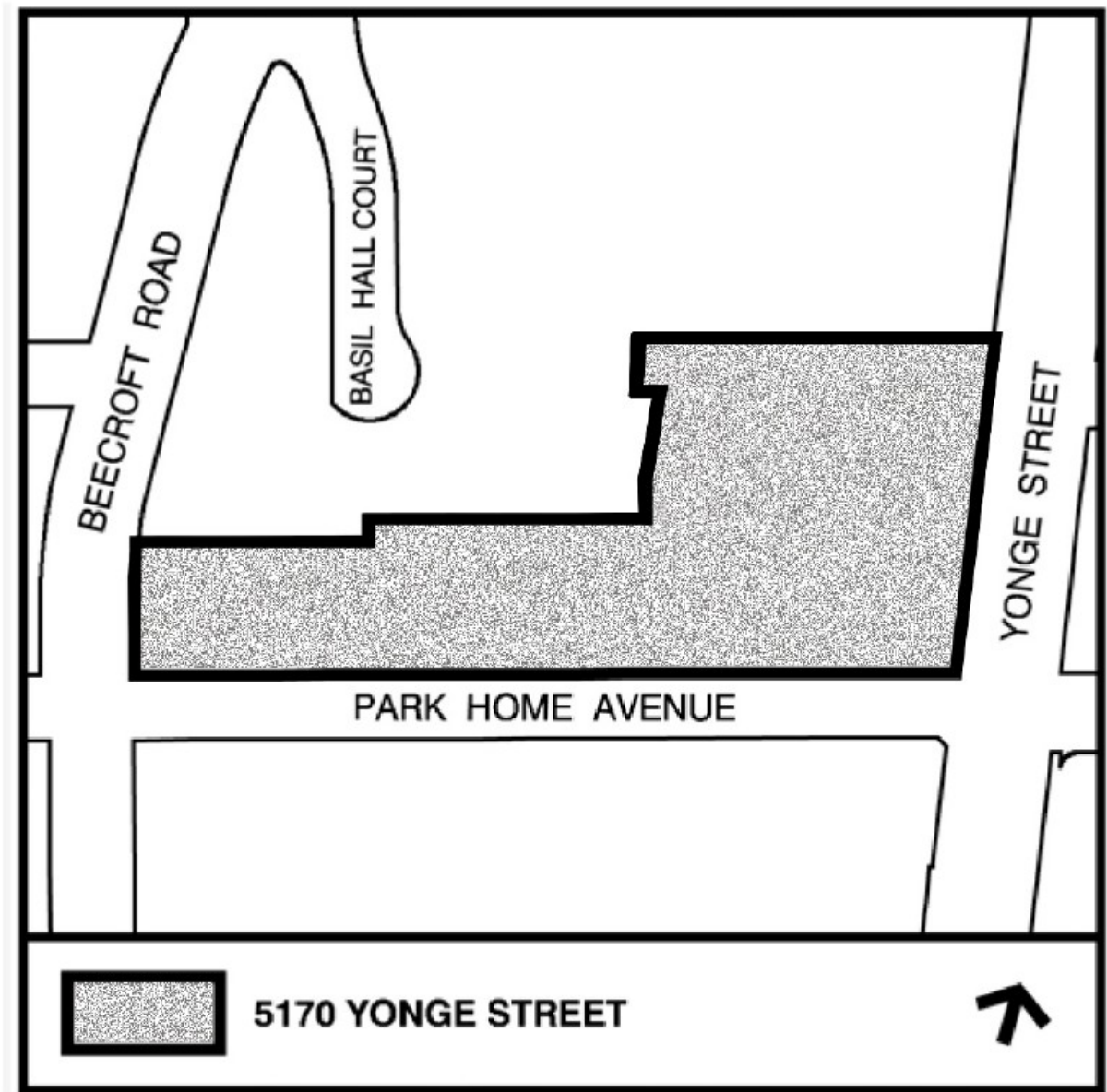
			Above Grade	Below Grade
Residential GFA (sq. m):	88 545.38	4 803		
Retail GFA (sq. m):	1 561.86			

**CONTACT: PLANNER NAME: Mark Chlon, Senior Planner**  
**TELEPHONE: 416-395-7137**

**TO AMENDMENT NO. \_\_\_\_\_  
TO THE OFFICIAL PLAN FOR THE  
CITY OF TORONTO**

**LANDS AFFECTED BY THIS AMENDMENT**

This amendment concerns lands within the North York Centre, located at the northwest corner of Yonge Street and Park Home Avenue, known as Gibson Square and identified on the following map.



**Lands at the Northwest Corner of Yonge Street and Park Home Avenue**

## ***EFFECT OF THE AMENDMENT***

The subject lands are currently designated *Parks and Open Space Areas*, *Mixed Use Area A* and *Mixed Use Area B* in the North York Centre Secondary Plan (Section 8 of the Toronto Official Plan). The *Parks and Open Space Areas* designation, which applies to the westerly portion of the site, permits public parks and recreational uses, and a below grade parking structure. The *Mixed Use Area A* designation, which applies to the easterly portion of the site, permits commercial uses, institutional uses, public parks and recreational uses, and transit terminals but not residential uses. The *Mixed Use Area B* designation, which applies to lands immediately to the north, abutting the *Mixed Use Area A* lands, permits commercial uses, institutional uses, public parks and recreational uses, and residential uses to a maximum of 50% of the total permitted gross floor area. Development on the lands designated *Mixed Use Area A* and *Mixed Use Area B* is subject to a height limit of 100 metres above grade. These lands are also subject to site specific policies contained in Section 12.8 of the North York Centre Secondary Plan.

The effect of this amendment would be to modify the foregoing land use permissions in the following respects:

1. The amount of parkland would be increased by applying the *Parks and Open Space Areas* designation to a rectangular parcel of land of minimum area 1,350 m<sup>2</sup>, at the southeast corner of the site, abutting Yonge Street and Park Home Avenue. In addition, a minimum of 175 m<sup>2</sup> of parkland would also be added in exchange for a maximum of 155 m<sup>2</sup> of parkland converted to the *Mixed Use Area C* designation.

The above referenced land exchange would result in boundary adjustments to Site Specific Policy 12.24, which covers the Gibson House property, and Site Specific Policy 12.8, which covers the subject development site.

2. The *Mixed Use Area A* and *Mixed Use Area B* designations would be replaced by the *Mixed Use Area C* designation, which designation would permit commercial uses, institutional uses, public parks and recreational uses, and residential uses without percentage limitation.
3. The target numbers specified in Figure 4.3.1, "Long Range Development Levels" would be adjusted to reflect the new *Mixed Use Area C* designation as well as a decrease in the amount of floorspace.
4. The height limit governing development on the *Mixed Use Area C* lands would be raised from 100 metres to 125 metres above grade.

5. The site specific policies contained in Section 12.8 would be amended to disallow underground parking in specified portions of the *Parks and Open Space Areas* lands, to exempt the lands from the Secondary Plan's outdoor recreation space requirement, to eliminate obsolete references to a Tea Garden and related spaces, and to allow a podium fronting onto Park Home Avenue equal in height to a like podium fronting onto Yonge Street.

The amendment consists of the text contained in Schedule 'A' and the mapping specified in Map Schedules '1', '2' and '3' thereto.

**AMENDMENT NO. \_\_\_\_\_**

**TO THE OFFICIAL PLAN FOR THE  
CITY OF TORONTO**

The following text and maps constitute Amendment No. \_\_\_\_\_ to the Official Plan for the City of Toronto.

**Clause 1**

Map 8-3 of the North York Centre Secondary Plan, titled "North York Centre South Land Use Areas", is amended in accordance with Map Schedule '1' attached.

**Clause 2**

Map 8-8c of the North York Centre Secondary Plan, titled "Maximum Height Limits", is amended in accordance with Map Schedule '2' attached.

**Clause 3**

Map 8-12 of the North York Centre Secondary Plan, titled "North York Centre South Site Specific Policies", is amended in accordance with Map Schedule '3' attached.

**Clause 4**

Figure 4.3.1 (Long Range Development Levels) of the North York Centre Secondary Plan is amended to decrease the North York Centre South Non-Residential Gross Floor Area (and relevant totals) by 113,695 m<sup>2</sup> and to increase the North York Centre South Residential Gross Floor Area (and relevant totals) by 93,567 m<sup>2</sup>.

**Clause 5**

Section 12.8 of the North York Centre Secondary Plan, is amended as follows:

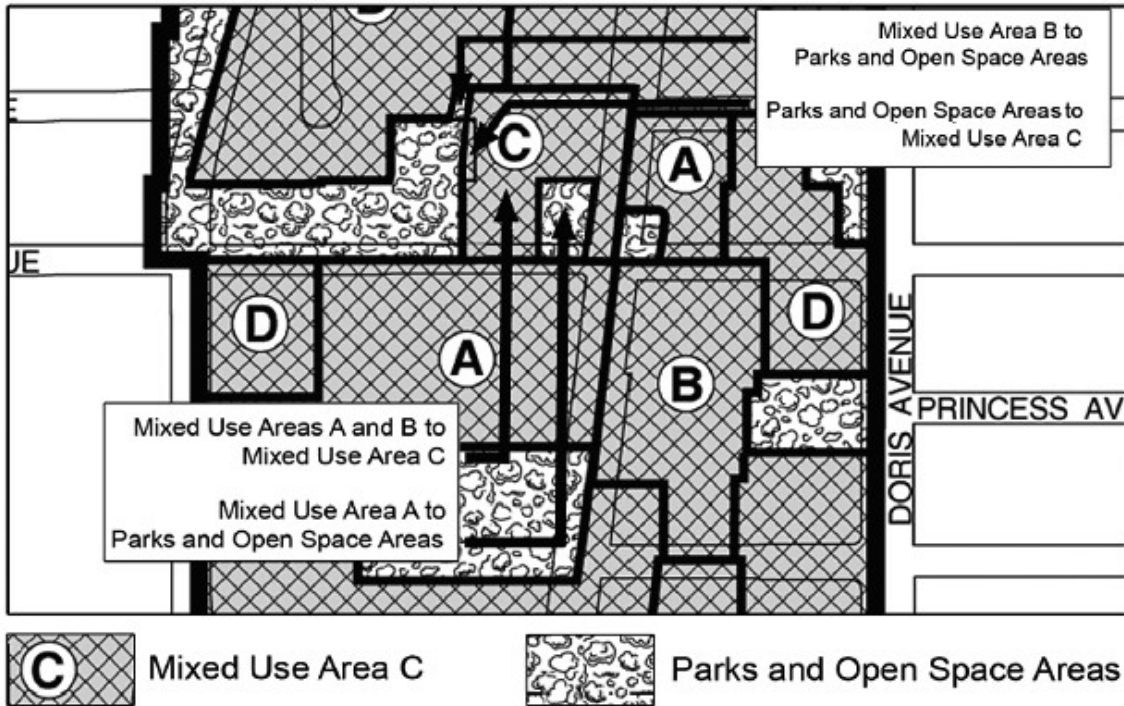
1. The reference to "*Mixed Use Area A*" in the first paragraph is replaced with "*Mixed Use Area C*".
2. The second paragraph is replaced with the following:  
"The *Parks and Open Space Areas* lands at the western end of the site, east of the Downtown Service Road, of minimum area 6,000 m<sup>2</sup>, shall develop as a City park. Those lands beneath the surface of the City park more than 74 metres and less than 172 metres east of the western property line may be used for an underground parking structure associated with development on the *Mixed Area C* lands. However, use of the lands at grade will be limited to those uses

permitted within a *Parks and Open Space Areas* designation together with vehicular access to the below grade parking structure. The lands are exempted from the private outdoor recreational space requirement of Section 6.7. Despite the provisions of Section 5.3.5, a podium fronting onto Park Home Avenue that is equal in height to a like podium fronting onto Yonge Street may be allowed."

3. The third paragraph is replaced with the following:

"The *Parks and Open Space Areas* lands at the eastern end of the site, at the corner of Yonge Street and Park Home Avenue, of minimum area 1,350 m<sup>2</sup>, shall develop as a City park. Those lands beneath the surface of the City park more than 25 metres west of the eastern property line may be used for an underground pedestrian connection linking the development on the *Mixed Use Area C* lands to the North York Centre transit terminal, through the development located on the south side of Park Home Avenue."

## Map Schedule '1' to Schedule 'A'



## Map Schedule '2' to Schedule 'A'





## Map Schedule '3' to Schedule 'A'



Attachment 11: 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 located between  
Yonge Street and Beecroft Road on the north side of Park Home Avenue  
municipally known as 5170 Yonge Street**

WHEREAS authority is given to the 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, as amended, are amended in accordance with Schedule "1" of this By-law.
2. Section 64.20-A of By-law No. 7625, as amended, is further amended by adding the following subsection:

**"64.20-A(\_\_\_\_) RM6(\_\_\_\_)**

**DEFINITIONS**

**APARTMENT HOUSE DWELLING**

- (a) For the purpose of this exception, "apartment house dwelling" shall include, in addition to dwelling units having access only from an internal corridor system, ground level dwelling units having access directly from the outside or from an internal corridor system or any combination thereof.

## BAKERY

- (b) 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

- (c) For the purpose of this exception, "bicycle room" shall mean a common indoor space, located on the ground floor and readily accessible from the outside, that is designed and equipped exclusively for the purpose of parking and securing bicycles.
- (d) For the purpose of this exception, "bicycle parking space" shall mean an area designed and equipped exclusively for the purpose of parking and securing one or more bicycles that is not provided within a dwelling unit, balcony or commercial suite.

## COMMON OUTDOOR SPACE

- (e) 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

- (f) For the purpose of this exception, "established grade" shall mean the geodetic elevation of 176.03 metres.

## GROSS SITE

- (g) For the purpose of this exception, "gross site" shall mean the lands identified by Parts 1, 3, 5, 6, 7, 9, 10, 11, 12, 13 and 14 on Plan 66R-\_\_\_\_, comprising an area of 15,011.7 m<sup>2</sup>.

## GROSS FLOOR AREA

- (h) 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.

- (i) LIVE-WORK

For the purposes of this exception, a "live-work" unit shall mean a dwelling unit designed and intended to also be used for work purposes by the resident(s) of the dwelling unit.

## MECHANICAL FLOOR AREA

- (j) 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.

## NET SITE

- (k) For the purpose of this exception, "net site" shall mean the lands identified by Parts 1, 3, 5, 7, 9 and 10 on Plan 66R-\_\_\_\_, comprising an area of 11,056.6 m<sup>2</sup> and consisting of the gross site minus lands 14.0 m<sup>2</sup> in area conveyed to the City for road widening purposes and 3,941.1 m<sup>2</sup> in area conveyed to the City for park purposes.

## LANDSCAPING

- (l) For the purpose of this exception, "landscaping" shall mean trees, shrubs, grass, flowers and other vegetation, decorative stonework, walkways, patios, screening or other horticultural or landscape architectural elements, or any combination of these, but not driveways or parking areas, and directly associated elements such as curbs or retaining walls.

## **PERMITTED USES**

- (m) The only permitted uses are:

### **RESIDENTIAL**

apartment house dwellings, including live-work units, and accessory uses thereto including private recreational amenity areas;

### **LIVE-WORK**

business offices, professional offices and artist studios that contain no obnoxious uses;

### **NON-RESIDENTIAL**

retail and service commercial uses, including dry-cleaning and laundry collecting establishments, financial institutions, bakeries, outdoor cafes, business offices, professional offices, professional medical offices, restaurants, retail stores, personal service shops, fitness centre, day nursery, and accessory uses thereto.

All non-residential uses shall be restricted to the first two floors of the five-storey podium. Business offices, professional offices, professional medical offices, fitness centre and day nursery shall additionally be restricted to the second floor. These limitations do not apply to the live-work units.

## **EXCEPTION REGULATIONS**

### **MAXIMUM GROSS FLOOR AREA**

- (n) Except as provided for in subsection (cc) of this exception, the maximum gross floor area permitted on the net site shall not exceed 93,567 m<sup>2</sup> attributable to the gross site.

### **NUMBER OF DWELLING UNITS**

- (o) The maximum number of dwelling units shall be 937, of which a maximum of 832 shall be tower apartments, a maximum of 94 shall be podium apartments and a maximum of 11 shall be live-work townhouses within the podium.

## BUILDING ENVELOPE

- (p) 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(\_\_\_)" except for the projections permitted in Section 6(9) and the limitations set out in that section.

## BUILDING HEIGHT

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

## NUMBER OF STOREYS

- (r) The number of storeys shall not exceed the maximum shown on Schedule "RM6(\_\_\_)" excluding mechanical penthouses and stairwells to access the roof.

## PARKING

- (s) 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, of which 0.10 parking spaces per dwelling unit shall be reserved for visitor use;
  - (ii) a maximum of 1.20 parking spaces per dwelling unit, of which 0.10 parking spaces per dwelling unit shall be reserved for visitor use;
  - (iii) a minimum of 0.90 parking spaces per 100 m<sup>2</sup> of gross floor area devoted to retail and service commercial uses;
  - (iv) a maximum of 1.12 parking spaces per 100 m<sup>2</sup> of gross floor area devoted to retail and service commercial uses;
  - (v) an additional 27 parking spaces available for the use of staff and visitors to the abutting Gibson House property.

Parking shall be permitted under both residentially zoned and open space zoned lands within the net site.

No surface parking spaces shall be permitted; all parking spaces shall be located in underground parking garages contained within the net site. All non-residential parking spaces and residential visitor parking spaces may be commingled and made available to the general public, and a charge may be imposed for the use of such spaces.

#### LOADING

- (t) A minimum of two (2) loading spaces shall be provided on the net site for Buildings "A" and "B" shown on Schedule "RM6(\_\_\_\_)". The loading space contained within Building "A" shall have minimum dimensions of 10.5 m long, 6.0 m wide and 6.0 m high. The loading space contained within Building "B" shall have minimum dimensions of 10.0 m long, 6.0 m wide and 4.5 m high with an additional abutting section of minimum dimensions 1.0 m long by 3.2 m wide.

#### LOT COVERAGE

- (u) The maximum permitted building coverage shall be 44 per cent of the net site.

#### LANDSCAPING

- (v) A minimum of 5,000 m<sup>2</sup> of landscaping shall be provided on the net site, including the surface park shown on Schedule "RM6(\_\_\_\_)".

#### OUTDOOR RECREATIONAL AMENITY AREA

- (w) A minimum of 400 m<sup>2</sup> of outdoor recreational amenity area shall be provided on the podium roof garden".

#### COMMON OUTDOOR SPACE

- (x) A minimum of 1,000 m<sup>2</sup> of common outdoor space shall be provided within the net site, immediately adjacent to the retail and service commercial space.

#### YARD SETBACKS

- (y) The minimum yard setbacks shall be as shown on Schedule "RM6(\_\_\_\_)".

## PROVISIONS NOT APPLICABLE

- (z) The provisions of Sections 6A(8), 20-A and 6A(16)(d)(iv) do not apply.

## INCREASED DENSITY

- (aa) Matters which 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 (bb) of this exception are:

## SECTION 37 AGREEMENT

- (bb) 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) at-grade bicycle rooms containing racks or lockers, at a combined minimum rate of 0.1 per dwelling unit including live-work townhouses;
  - (ii) a minimum of 1.5 m<sup>2</sup> per apartment house dwelling unit of indoor recreational amenity space; and
  - (iii) a minimum of 1,282 m<sup>2</sup> of retail and service commercial space on the ground floor podium level, fronting onto and directly accessible from Yonge Street, Park Home Avenue or the Rose Garden Park shown on Schedule "RM6(\_\_\_)" and located within 30 metres of the property line; and
  - (iv) a continuous indoor and underground pedestrian connection to the North York Centre transit terminal.



## ADDITIONAL GROSS FLOOR AREA

- (cc) Notwithstanding subsection (n) of this exception, additional gross floor area may be permitted on the net site shown on Schedule "RM6(\_\_\_\_)", limited to the following:
- (i) a maximum of 136 m<sup>2</sup> for bicycle rooms provided that these rooms are designed and used exclusively for parking and storing bicycles;
  - (ii) a maximum of 1.5 m<sup>2</sup> per apartment house dwelling unit of indoor recreational amenity space, provided that the area is used exclusively for recreational purposes;
  - (iii) a maximum of 1,283 m<sup>2</sup> of retail and service commercial space on the ground floor podium level, provided that the area is used exclusively for the non-residential uses permitted by subsection (m); and
  - (iv) a maximum of 360 m<sup>2</sup> for a continuous indoor and underground connection to the North York Centre transit terminal.

## SEVERANCE

- (dd) Notwithstanding any past or future severance, partition or division of the net site shown on Schedule "RM6(\_\_\_\_)", 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, as amended, is further amended by adding Schedule "RM6(\_\_\_\_)" attached to this By-law.
  4. Where any provision or schedule of By-law 31237 of the former City of North York, as amended, conflicts with this By-law, this By-law shall prevail.

5. Section 64.37 of By-law No. 7625, as amended, is further amended by adding the following subsections:

"64.37(\_\_\_\_) O1(\_\_\_\_)

**PERMITTED USES**

The only permitted uses are a public park and an underground access to the North York Centre transit terminal via the lands located on the south side of Park Home Avenue."

"64.37(\_\_\_\_) O1(\_\_\_\_)

**PERMITTED USES**

The only permitted uses are a public park and an underground parking structure and uses accessory thereto, including but not limited to a parking garage ramp, exit stairs, vents and shafts."

"64.37(\_\_\_\_) O1(\_\_\_\_)

**PERMITTED USES**

The only permitted uses are a public park."

"64.37(\_\_\_\_) O1(\_\_\_\_)

**PERMITTED USES**

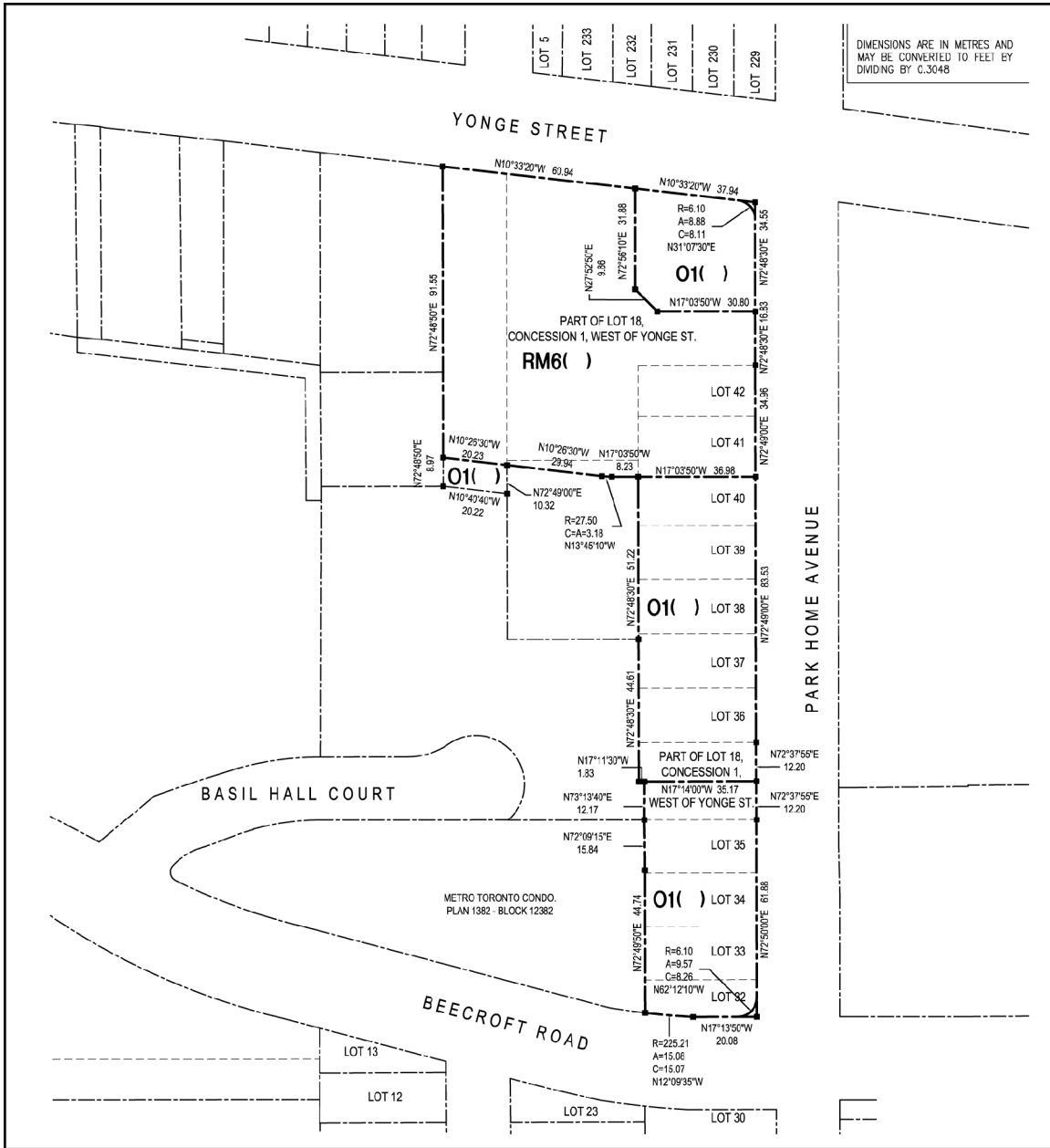
The only permitted uses are those accessory to a museum and associated administrative offices within the building located at 5172 Yonge Street."

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

DAVIR R. MILLER  
WATKISS  
Mayor

ULLI S.  
City Clerk

(Corporate Seal)

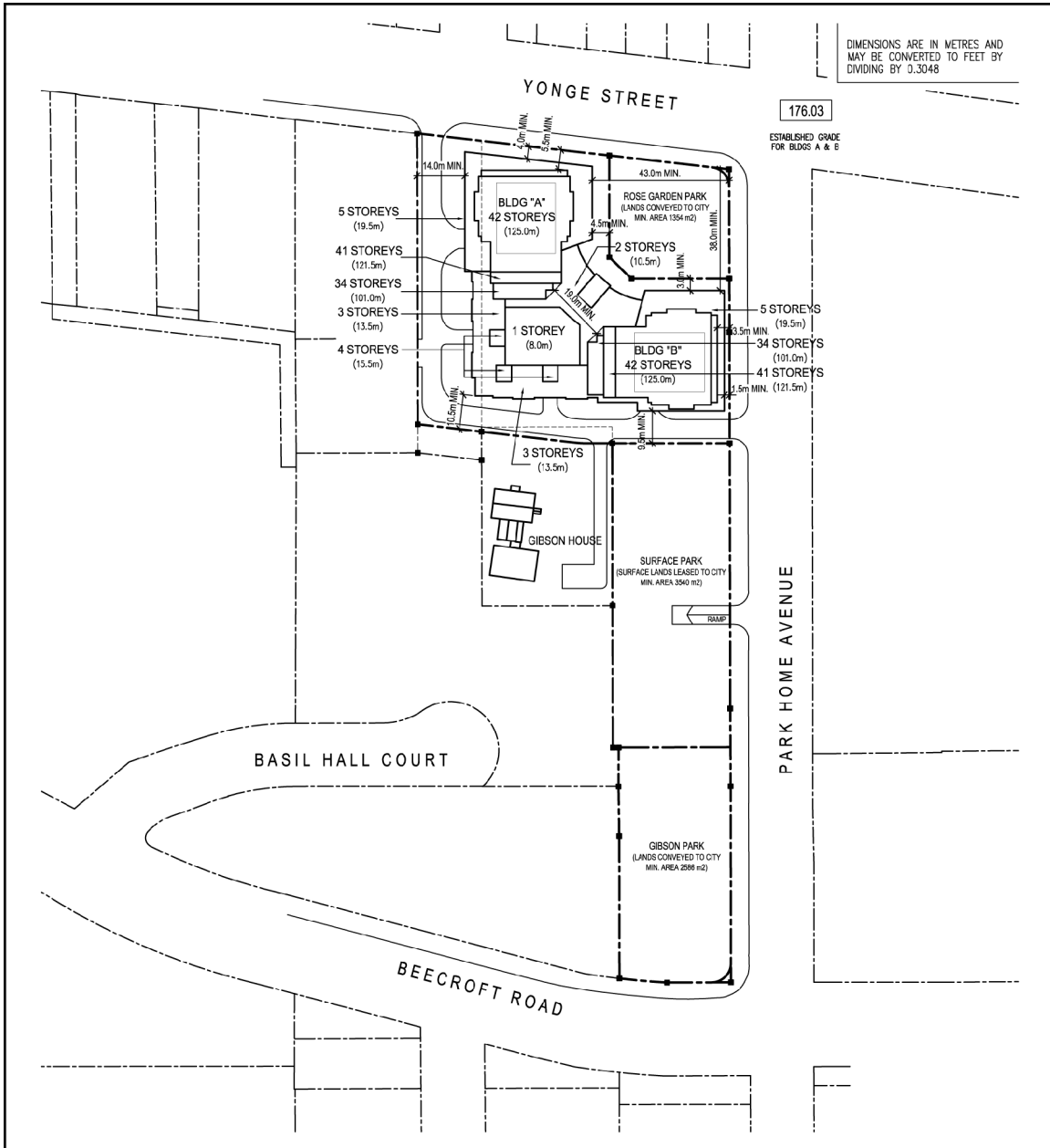


Part of Lot 18, Concession 1, west of Yonge Street. Part of Lots 32 to 42 (Both Inclusive), R.P. 3967  
Enter surveyor information...

File # 08\_213938

Date: 02/17/2010  
Approved by: M.C.

Not to Scale



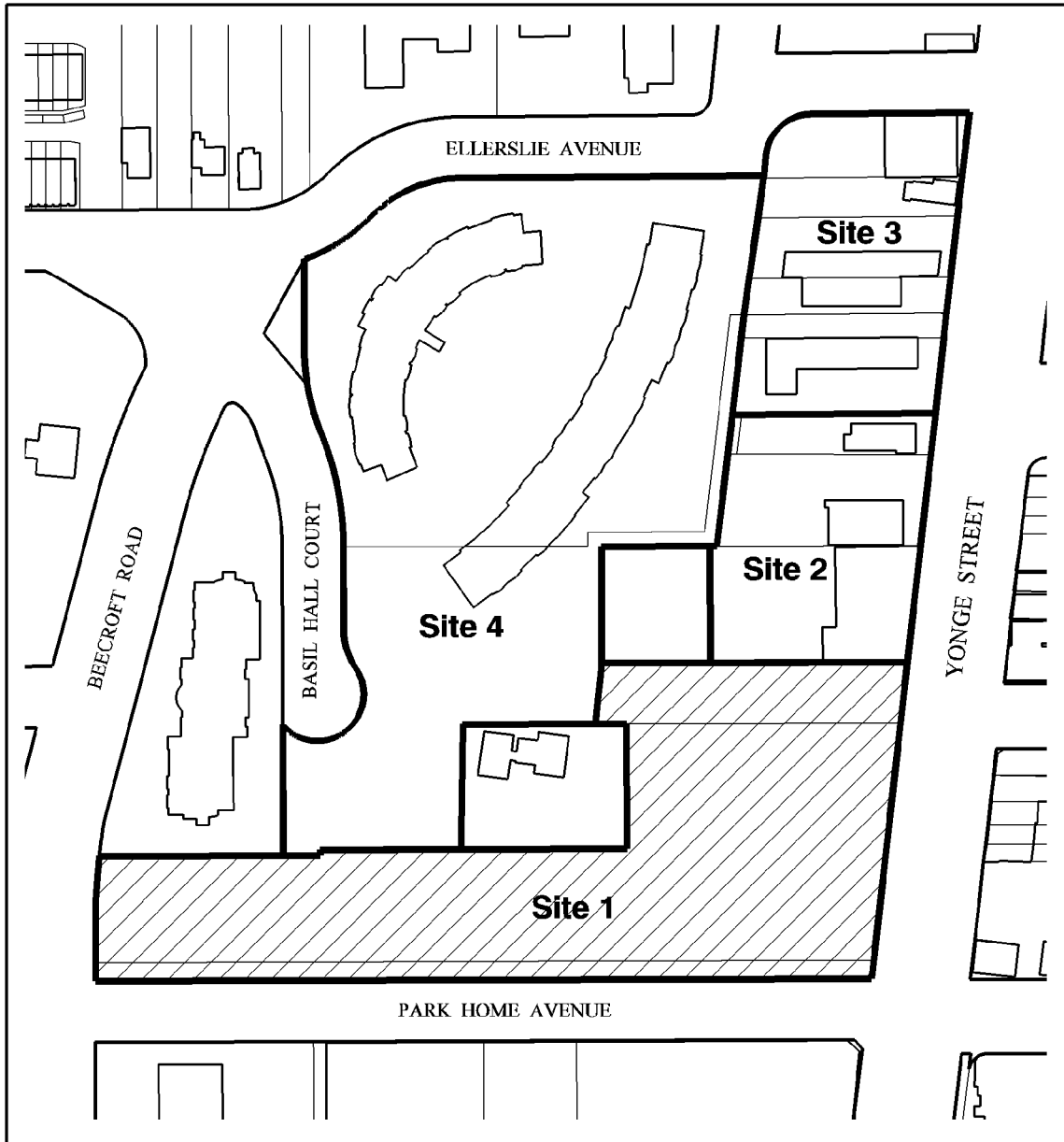
Part of Lot 18, Concession 1, west of Yonge Street. Part of Lots 32 to 42 (Both Inclusive), R.P. 3967  
 Enter surveyor information...

File # 08\_213938

Date: 02/17/2010  
 Approved by: M.C.



Attachment 12: Development Sites



**Current and Pending Development Application Sites**

5170 Yonge Street

File # 08\_213938



Not to Scale

Extracted 01/22/2008

### Attachment 13: DRAFT Conditions of Site Plan Control Approval

Proposal for two 42-storey residential towers including a 5-storey base building that consists of residential/live-work uses and commercial uses, as outlined in the following plans and drawings:

Architectural Plans prepared by Rafael + Bigauskas Architects

PLAN NAME AND NO.	REVISION DATE	DATE RECEIVED BY CITY PLANNING
A1-1 Context & Statistics	Rev 5 – Jan 21, 2010	January 22, 2010
A1-2 Parts Plans	Rev 5 – Jan 21, 2010	January 22, 2010
A1-3 Site Plan Settlement Proposal	Rev 5 – Jan 21, 2010	January 22, 2010
A2-1 Underground Garage Parking P5	Rev 5 – Jan 21, 2010	January 22, 2010
A2-2 Underground Garage Typical P2-P4	Rev 5 – Jan 21, 2010	January 22, 2010
A2-3 Underground Garage P1 Level	Rev 5 – Jan 21, 2010	January 22, 2010
A3-1 Ground Floor Plan	Rev 8 – Jan 21, 2010	January 22, 2010
A3-10 Mechanical Penthouse Plan	Rev 5 – Jan 21, 2010	January 22, 2010
A3-11 Roof Plan	Rev 5 – Jan 21, 2010	January 22, 2010
A3-2 Second Floor Plan	Rev 6 – Jan 21, 2010	January 22, 2010
A3-3 Third Floor Plan	Rev 5 – Jan 21, 2010	January 22, 2010
A3-4a 4 <sup>th</sup> and 5 <sup>th</sup> Floor Plan	Rev 5 – Jan 21, 2010	January 22, 2010
A3-4 4 <sup>th</sup> and 5 <sup>th</sup> Floor Plan	Rev 5 – Jan 21, 2010	January 22, 2010
A4-1b Elevations (North)	Rev 4 – Jan 21, 2010	January 22, 2010
A4-2b Elevations (South)	Rev 4 – Jan 21, 2010	January 22, 2010
A4-3 Elevations (East)	Rev 5 – Jan 21, 2010	January 22, 2010
A4-4 Elevations (West)	Rev 5 – Jan 21, 2010	January 22, 2010
A5-1 Building Section (East-West)	Rev 5 – Jan 21, 2010	January 22, 2010
A5-2 Building Section (North-South)	Rev 5 – Jan 21, 2010	January 22, 2010
A5-3 Building Sections Storm Tunnel	Rev 4 – Jan 21, 2010	January 22, 2010

## **A. PRE-APPROVAL CONDITIONS**

### **LEGAL SERVICES – Stephanie Morrow, Supervisor of Law Clerks (416-397-5379)**

1. The owner shall enter into the City's standard site plan agreement to and including registration of the site plan agreement on title to the subject lands by the City at the Owner's expense.

### **CITY PLANNING - Community Planning – Mark Chlon (416-395-7137)**

2. The owner shall submit revised Landscape Plans to the satisfaction of the Director, Community Planning, North York District, in consultation with Planning Design and Development Section of Parks, Forestry and Recreation, and Cultural Services.
3. The owner shall submit revised streetscape plans for Yonge Street and Park Home Avenue, to the satisfaction of the Director, Community Planning, North York District.
4. The Owner shall submit to the Chief Financial Officer and Treasurer as a deposit a letter of credit or certified cheque for 75% of the value of the on-site landscaping, including for example (but not limited to) any plantings, fencing, seating, decorative paving, retaining walls, terraces and/or other landscape features.

The letter of credit shall be in a form satisfactory to the City Treasurer in accordance with its standard format for letters of credit as of the date of submission of the letter of credit to the City, and which shall provide for automatic renewal rights at the end of term, to complete all outstanding work required by these conditions. The deposit shall be returned to the Owner at such time as the Director, Community Planning, North York District is satisfied that the property has been developed in accordance with the approved drawings and the conditions of approval.

5. The Owner shall submit revised architectural plans, including 1:50 elevations of the first two floors for each elevation and 1:50 detailed cross sections including the streetscape, to the satisfaction of the Director, Community Planning, North York District.
6. The Owner shall submit a revised Pedestrian Level Wind Study, to the satisfaction of the Director, Community Planning, North York District.

7. The owner shall submit a revised draft Reference Plan of Survey, including strata reference plans to the satisfaction of the Director, Community Planning, North York District, for review and approval, prior to depositing it in the Land Registry Office. Among other items, the plans should identify all proposed underground pedestrian tunnel connections from the site, including the proposed connection to the Sam-Sor development site north of the subject lands and the connection beneath the Rose Garden to the property on the south side of Park Home Avenue that accesses the North York City Centre subway station;

**TECHNICAL SERVICES – Robert Fazio, Senior Development Engineer [416-395-6306]**

**8. Widening of Highways that abut on the Land**

- 1.1 Prepare all documents and convey to the City, at nominal cost, a 6.1m radius corner rounding at the corner of Beecroft Road and Park Home Avenue intersection and Yonge Street and Park Home Avenue intersection respectively in fee simple, such lands to be free and clear of all physical and title encumbrances, and subject to a right-of-way for access in favour of the Grantor until such time as said lands have been dedicated as a public highway, all to the satisfaction of the Executive Director of Technical Services and the City Solicitor;
- 1.2 Submit a draft Reference Plan of Survey to the Executive Director of Technical Services, for review and approval, prior to depositing it in the Land Registry Office. The plan should:
  - a) be in metric units and integrated with the Ontario Co-ordinate System (3° MTM, Zone 10, NAD 27, 1974 Adjustment);
  - b) delineate by separate PARTS the lands to be conveyed to the City, the remainder of the site and any appurtenant rights-of-way and easements; and
  - c) show the co-ordinate values of the main corners of the subject lands in a schedule on the face of the plan;
- 1.3 Pay all costs for registration and preparation of reference plan(s).
- 1.4 Retain a Qualified Person to conduct environmental site assessments for the lands to be conveyed to the City.
- 1.5 Submit all environmental site assessment reports prepared in accordance with the Record of Site Condition Regulation (O. Reg. 153/04) describing



the current conditions of the land to be conveyed to the City and the proposed remedial action plan based on the site condition standards approach, to the Executive Director, Technical Services, for peer review.

- 1.6 Pay all costs associated with the City retaining a third-party peer reviewer including a 7% administrative cost to the City, and submit a certified cheque payable to the City of Toronto in the amount of \$3,000.00, as an initial deposit towards the cost of the peer review to the Executive Director; Technical Services. Submit further deposits when requested to cover all costs of retaining a third-party peer reviewer.
- 1.7 At the completion of the site remediation process, submit a Statement from the Qualified Person, to the Executive Director, Technical Services, for peer review and concurrence, that, based on all necessary supporting environmental documents:
  - a) The land to be conveyed to the City meets the Site Condition Standards of the intended land use OR the most environmentally sensitive adjacent land use, whichever is more stringent; and
  - b) It is unlikely that there is any off-site contamination resulting from past land uses on or in the vicinity of the development site, that has migrated on to the adjacent rights-of-way, that would exceed the applicable Site Condition Standards.
- 1.8 File the Record of Site Condition (RSC) on the Ontario's Environmental Site Registry and submit the Ministry of the Environment's Letter of Acknowledgement of Filing of the Record of Site Condition (RSC) confirming that the RSC has been prepared and filed in accordance with O. Reg. 153/04, and that the MOE will not audit the RSC at this time or that the RSC has passed an MOE audit, to the Executive Director, Technical Services. The RSC should also include Part 7 that is to be added to the development site.

Please note that Technical Services has agreed to coordinate the third-party peer review process on behalf of Park, Forestry & Recreation Services for Parts 6, 11 and 12 and on behalf of Cultural Services for Parts 2 and 4 in conjunction with the third-party peer review process for the widening of highways that abut on the lands as required by Technical Services.

## **Facilities to Provide Access to and from the Land**

- 2.1 The applicant must provide a Letter of Credit, prior to Site Plan approval, to pay for the installation of overhead two-way left turn lane signs on Park Home Avenue and pavement markings. The estimate is currently being determined by Transportation Services Signs and Markings Division, and will be sent to the applicant when completed.

## **Walkway and Walkway Ramps**

- 3.1 The owner shall deposit with the Technical Services Division prior to Site Plan Approval, certified cheques, for the following;
- a) Construction of a 1.7 metre wide sidewalk across the entire Park Home Avenue frontages of the site to the standard location of 1.0 metre from the property line. In addition, construction of a sidewalk across the entire Yonge Street frontage of the site as per the Yonge Street streetscape treatment. The cost of this work is estimated to be \$86,000.00.
  - b) \$4,515.00 representing the 5% Engineering review fee of the above construction works.

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

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

## **TORONTO WATER AND TECHNICAL SERVICES**

**Patrick Cheung, Senior Engineer, Toronto Water (416-392-7702)**

**Robert Fazio, Senior Development Engineer, Technical Services (416-395-6306)**

9. The owner is required to provide, prior to the execution of a Site Plan Agreement, a geotechnical report from a qualified soils engineer outlining existing soil conditions within the existing easement block and surrounding areas on the subject land, potential impact on the existing storm during and upon completion of the garage structure and any preventive measures required to protect the existing storm sewer.

10. The owner, with the assistance of the Toronto Water Division, is to arrange for a closed circuit television inspection (CCTV) prior to the installation of the tiebacks and upon completion of the garage structure.
11. Design the tieback system to provide only lateral support during the excavation and construction of the garage structure. In addition, design the garage structure in a way that it will not require any lateral support provided by the tieback system upon completion of this structure. The thread bars will have to be disconnected and cut back from the permanent structure upon completion of the garage structure allowing the City in the future to complete works within the existing storm easement without adversely affecting the existing structure at the time.

Toronto Water is currently reviewing the existing easement agreements on these lands. In the future the above mentioned conditions and requirements will be amended accordingly subject to Toronto Water's approval.

**CANADA POST – Debbie Greenwood (416-285-5385)**

12. The owner shall satisfy Canada Post's requirements for mail delivery to the subject development.

**TORONTO TRANSIT COMMISSION – Mary-Ann George (416-393-4000)**

**13. TTC Technical Review:**

Prior to starting any demolition or construction, or the issuance of the first or any building permit, 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.

**Notes to Applicant on TTC Technical Review:**

Because the subject site is located in proximity to the Yonge subway and Bloor-Danforth subway this development will require more detailed review by the TTC to determine its potential impact, if any, on TTC structures, operations, or facilities. The attached guide entitled, *Developer's Guide - TTC Submission Requirements for New Developments Adjacent or Connecting to TTC Structures or Rights-of-Way* provides detail on the TTC's technical submission requirements and will guide the applicant on initiating the review. Referring to this guide, this project has been identified as a "Level 2" project with an associated development review fee. The applicant is advised that regardless of the development's classification, a dispersion analysis may be required as part of the review submission package in order to assess the impact, if any, of the TTC's fire ventilation measures on the proposed development. As conditions of

the Technical Review, the applicant may be required to perform surveys to determine the exact location of the subway facilities in relation to their development and enter into construction agreements for the construction and operation of the project.

**ECONOMIC DEVELOPMENT, CULTURE & TOURISM – Lori Martin, Senior Cultural Affairs Officer (416-392-5225 )**

**Underground Parking**

14. Cultural Services requires that Section 9 of the Imperial Continuing Obligations Agreement between Imperial Oil Limited and the City of North York, dated February 25<sup>th</sup>, 1992, be included in agreements between Menkes Gibson Square and the City of Toronto and that clause 9.3 (a) be amended to generally read as follows:

Menkes will provide Gibson House with vouchers each worth the equivalent of two hours parking which can be given to Gibson House visitors and staff. The vouchers given to Gibson House shall be usable for the month specified on such vouchers. Menkes will give Gibson House for each month vouchers equivalent to 27 visitor spaces per day multiplied by the number of days in the month. Gibson House can issue multiple vouchers (to a maximum of 6 vouchers per person/day) to an individual visitor or staff member for a given day to allow for extended programming and staff shifts. Gibson House will ensure that no more than 35 vouchers will be issued on any given day. Gibson House will ensure that the vouchers are not provided to any party other than bona fide visitors and staff members of Gibson House.

In addition, Cultural Services requires that the Parking Garage be available for Hourly Public Parking on Saturdays, Sundays, statutory and civic holidays.

**Above Grade Accessible Parking**

15. Cultural Services requires that the provision of two designated accessible parking spaces for Gibson House visitors and an accessible pathway to the main entrance of Gibson House be included in the Landscape Plan. The parking spaces and pathways to be located to the City's satisfaction.

**Heritage Impact**

16. Cultural Services requires that Section 7 of the City Development Agreement between Imperial Oil Limited and the City of North York dated February 25<sup>th</sup>, 1992 be included in agreements between Menkes Gibson Square and the City of Toronto and that clause 7 (d) be amended to include the requirement that all repair work be completed to the specifications of City of Toronto Cultural Services and that all contractors engaged to complete such repair work be subject to the approval of City of Toronto Cultural Services.

## **Landscaping**

17. Landscape Plans for the Gibson House property and the adjacent surface park are of significant importance to Cultural Services. Cultural Services will review and provide comments on revised Landscape Plans when the plans are received and circulated.

### **PARKS, FORESTRY AND RECREATION – Randy Jones, Supervisor, Planning, Design & Development (416-395-7899)**

18. The design of the park blocks shall be completed in consultation with the Planning Design and Development Section of Parks, Forestry and Recreation to the satisfaction of the General Manager.
19. The applicant must submit landscape plans for the parkland (conveyed and leased) to the satisfaction of the General Manager, Parks, Forestry and Recreation along with a cost estimate to be approved.
20. The Owner shall ensure that the grading and drainage of the adjacent development blocks are compatible with the grades of the parkland to the satisfaction of the General Manager, Parks, Forestry and Recreation and the Executive Director, Technical Services.
21. All relevant lease agreements, condominium documents and any other relevant agreements shall state that the condominium corporation(s) shall be responsible for the maintenance and repair of the subsurface structure under the Leased Park and that the Leased Park shall be reinstated to the satisfaction of the General Manager, Parks, Forestry and Recreation at no cost to the City.

### **PARKS, FORESTRY AND RECREATION – Harold Moffat , Supervisor, Tree Protection and Plan Review (416- 395-6134)**

22. The owner shall submit a revised Tree Preservation and Removal Plan LT2 and Planting Plan L3 to the satisfaction of the Supervisor of Tree Protection and Plan Review.

**If the existing agreements registered on title do not reference the removal of the trees to the satisfaction of the Supervisor of Tree Protection and Plan Review, the following conditions will apply:**

23. The owner shall submit a permit application and the required permit fee for the removal of the private trees that qualify for protection under the City of Toronto's Private Tree By-law, to the satisfaction of the Supervisor of Tree Protection and Plan Review.

- 24.. The owner shall provide a tree planting financial security of \_\_\_\_\_ for \_\_\_\_\_ new trees for in the form of an irrevocable Letter of Credit or certified cheque payable to the Treasurer, City of Toronto, in the amount of \$583.00 per tree (subject to change) for each new tree planting within the City Road allowance to guarantee the healthy growth of the tree(s) for a period of two years. The tree planting financial security must be submitted to the attention of Harold Moffatt, Supervisor of Tree Protection & Plan Review. The financial security may be drawn upon to cover all costs incurred by the City of Toronto in enforcing and ensuring that the trees are planted and kept in a healthy and vigorous state during the two-year maintenance period.

**TORONTO DISTRICT SCHOOL BOARD –  
Mario Silva, Land Use Planning Officer (416-394-3944)**

25. The owner shall enter into an agreement to erect and maintain signs, at points of egress and ingress of the development site, to the satisfaction of the Toronto District School Board, as referenced in their letter dated February 11, 2008.

**TORONTO CATHOLIC DISTRICT SCHOOL BOARD (Lynda Thomas, Senior  
Co-ordinator of Planning, 416-222-8282 ext. 2278)**

26. The owner shall insert in their Agreement of Purchase and Sale, or lease, a clause with respect to the availability of school accommodation and place a sign on the site to the satisfaction of the Toronto Catholic District School Board, as referenced in their letter dated February 8, 2010.

**B. POST APPROVAL CONDITIONS**

**CITY PLANNING**

**Community Planning – Mark Chlon, Senior Planner (416-395-7137)**

1. The owner shall provide and maintain the landscaping for the lands in accordance with the approved landscape plan to the satisfaction of the Director, Community Planning, North York District.

**TECHNICAL SERVICES – Robert Fazio, Senior Development Engineer [416-395-6306]**

The following preliminary conditions for the site plan agreement are provided for the owner's information only and are subject to change. Providing the following preliminary items does not constitute approval of the site plan.

2. **Widening of Highways that abut on the Land**
- 1.1 Convey to the City, at nominal cost, the following:

- a) A 6.1m radius corner rounding at the corner of Yonge Street and Park Home Avenue intersection and Beecroft Road and Park Home Avenue intersection respectively.

Such lands to be free and clear of all physical and title encumbrances, subject to a right-of-way for access in favour of the Grantor until such times as said lands have been laid out and dedicated for public highway purposes.

### **Off-street Vehicular Loading and Parking Facilities and Access/Driveways**

- 2.1 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 metre 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;
- 2.2 Snow must be stored on the site such that the parking supply is not reduced and vehicular sightlines are not affected. Snow which cannot be adequately stored on-site must be cleared and removed from the site by the owner/building management after each snowfall;
- 2.3 All existing redundant curb cuts must be closed and restored to the satisfaction of the Executive Director of Technical Services.
- 2.4 The applicant must provide and maintain convex mirrors on site, including but not limited to: where traffic must travel around a corner, and at the termination of any drive aisles, positioned in such a manner as to provide motorists with a clear view of oncoming traffic. The precise location of said convex mirrors must be clearly shown on revised plans;
- 2.5 Appropriate signage directing vehicle stopping, one-way/two-way driveway operation, residential, commercial, and visitor parking, loading, garbage collection, and etc. must be provided and maintained on-site at the cost of the applicant.

### **Facilities for the Landscaping of the Lands or the Protection of Adjoining Lands**

- 3.1 The owner acknowledges that anything other than concrete sidewalks, trees and sod that they locate within the untravelled portion of the adjoining public highway(s) are encroachments that must be installed, planted and maintained at the owner's expense, specifically:
  - 3.1.1 All landscape/streetscape features illustrated on the applicant's approved landscaping plan; and,
  - 3.1.2 Plant irrigation systems.

- 3.2 These encroachments shall be permitted by the City of Toronto pursuant to the following terms:
- 3.2.1 The property owner accepts this boulevard area in its current condition as of the date of the agreement, and shall not call upon the City to do or pay for any work or supply any equipment to make the boulevard more suitable for the uses specified herein.
  - 3.2.2 All encroachments within the boulevard areas of the adjoining public highways shall be constructed and maintained according to the approved site and landscaping/streetscaping plan(s) approved by this Division, and the Executive Directors of Technical Services and City Planning.
  - 3.2.3 To provide unobstructed driver sight lines, the owner shall ensure that all vegetation, street furniture, retaining walls and fences located within 4.5m of the travelled portion of the adjoining public highway do not exceed a maximum height of 0.85m measured from the travelled surface of the adjoining highway. The owner shall maintain all trees located within 4.5m of the travelled portion of the adjoining highway with a minimum clearance of 2.5m measured between the bottom of the tree canopy and the travelled portion of the street.
  - 3.2.3 The owner agrees that they will, at their expense, maintain the encroachments in a state of good repair, free of graffiti, posters, litter, snow and ice, and that vegetation will be maintained in a healthy and vigorous state of growth. The owner shall not make any additions or modifications to the encroachments beyond what is allowed pursuant to the terms of this site plan agreement. The owner further acknowledges that should they neglect to maintain the encroachment(s), then the City, after providing 24 hours notice, shall, at the owner's expense, perform the required maintenance and remove graffiti, posters, litter, snow and ice, and the City may recover its costs in a like manner as municipal taxes.
  - 3.2.4 The owner agrees that if the City should at any time undertake any widening or other alteration to the adjoining public highway(s) necessitating the removal of any encroachment(s), the City shall not be liable to pay any compensation whatsoever for such removal, nor shall it restore any encroachment that it removes. The encroachments permitted by this agreement shall be removed by the owner, at their expense, within 14 days of receiving written notice from the General Manager of Transportation Services or his/her designate. In default of the removal not occurring as requested, the City may carry out the removal, at the owner's



expense, and may recover its costs in a like manner as municipal taxes.

- 3.2.5 The owners acknowledges that there may exist municipal and/or utility services within, upon or under the boulevard, and acknowledges that the City or the utility responsible for such service(s) may need to undertake repairs or carry out maintenance on such service(s) or to replace such service(s) or to install new service(s). The owner agrees that the City or utility shall have the right to remove the encroachments for the purpose of carrying out such installation, replacement, repair or maintenance. Prior to removing the encroachment, the City shall give 48 hours notice of its intention to remove the encroachment for maintenance purposes, except in the case of emergency, in which case no notice shall be required. On completing the installation, replacement, repairs or maintenance, the owner, at their sole expense, shall proceed immediately to restore the encroachments to the condition it was in prior to the commencement of such installation, replacement, repairs or maintenance. Under no circumstances, shall the City be required to so restore the lands, or to compensate the owner for the cost of so doing so.
- 3.2.6 The owner agrees to defend, save and keep harmless and fully indemnify the City, its officers, employees, agents and other representatives, from and against all actions, claims, suits or damages whatsoever that may be brought or made against the City as a result of the owner's use of the boulevard area of the adjoining public highways;
- 3.2.7 Any landscaping within the Yonge Street and Park Home boulevards must be approved by the Transportation Services Division prior to site plan approval.

### **Facilities for the Storage of Garbage and Other Waste Material**

- 4.1 Construct and maintain all facilities necessary to permit bulk lift City collection of solid waste and recyclable materials in accordance with Chapter 844 of the City of Toronto Municipal Code, Waste Collection, Residential Properties.
- 4.2 Provide and maintain (description of diversion system proposed will be provided once it becomes available) for multiple household residential buildings.
- 4.3 Advise all owners and tenants/future purchasers of the retail units and live/work units that refuse and recyclable materials generated by the retail

units and commercial component of the live/work units of this development must be collected by a private refuse collection firm.

- 4.4 A separate garbage/recycling room is to be provided to accommodate collection of all the refuse and recyclable materials from the commercial component of the live/work units and commercial/retail units and ensure no cross contamination with the refuse and recyclable materials from the residential units.

### **City of Toronto Easements**

- 5.1 The subject site includes an existing City sanitary sewer, storm sewer and watermain easement. Proposed buildings and/or structures in this development must not encroach into this easement, either above or below ground.

Toronto Water is currently reviewing the existing easement agreements on these lands. In the future the above mentioned statement will be amended accordingly subject to Toronto Water's approval.

### **Grading and Provision for the Disposal of Storm, Surface and Wastewater from the Land**

- 6.1 Construct and maintain stormwater management measures/facilities and site grading as recommended in the accepted Stormwater Management Report entitled Gibson Square Site Stormwater Management Report, prepared by R.V. Anderson Associates Limited, and dated (date will be provided once the report is approved), and Grading Plan, Drawing No. C4, prepared by R.V. Anderson Associates Limited, and dated (date will be provided once the plans are approved).
- 6.2 Construct and maintain site servicing as indicated on the accepted Site Servicing. Drawing No. C3, prepared by R.V. Anderson Associates Limited, and dated (date will be provided once the plans are approved).
- 6.3 Provide certification to the Executive Director of Technical Services by the Professional Engineer who designed and supervised the construction that the stormwater management facilities and site grading have been constructed in accordance with the accepted Stormwater Management Report and the accepted Grading Plans.
- 6.4 Provide certification to the Executive Director of Technical Services by the Professional Engineer who designed and supervised the construction, that the site servicing facilities have been constructed in accordance with the accepted drawings.

- 6.5 The Owner shall keep and maintain existing/proposed stormwater pollution control devices such as oil grip separators (stormceptors or equivalent devices) and update the City with periodic maintenance reports.
- 6.6 Existing drainage patterns on adjacent properties shall not be altered and stormwater runoff from the subject development shall not be directed to drain onto adjacent properties;

### **Existing City Easement along the North Property Line**

- 7.1 Provide certification to the Executive Director of Technical Services by the Professional Engineer who designed and supervised the installation of the tiebacks and construction of garage structure that the thread bars (tiebacks) are disconnected and cut back from the permanent structure upon completion of the garage envelope allowing the City in the future to complete works within the existing storm easement without adversely affecting the existing structure at the time.
- 7.2 The applicant, with the assistance of the Toronto Water Division, is to arrange for a closed circuit television inspection (CCTV) prior to the installation of the tiebacks and upon completion of the garage structure.

Toronto Water is currently reviewing the existing easement agreements on these lands. In the future the above mentioned conditions and requirements will be amended accordingly subject to Toronto Water's approval.

### **TORONTO TRANSIT COMMISSION – Mary-Ann George (416-393-4000)**

#### **3. Subway Operations Interferences Warning**

By way of the City of Toronto Site Plan Agreement, the owner acknowledges and agrees that:

- a. the proximity of the proposed development of the lands municipally known as 5170 Yonge Street (the "Development"), to the 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;
- b. the City of Toronto and the Toronto Transit Commission (the "Commission") will not accept responsibility for such effects on any of the Development and/or its occupants;

- c. it has been advised by the Commission to apply reasonable attenuation/mitigation measures with respect to the level of the Interferences on and in the Development;
- d. 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 declaration(s) for each unit.

The Purchaser and/or Lessee specifically acknowledges and agrees that the proximity of the development of the lands municipally known as 5170 Yonge Street (the "Development") to TTC transit operations may result in the transmission of noise, vibration, electromagnetic interference, stray current, smoke and particulate matter (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 Toronto Transit Commission from all claims, losses, judgments 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.

- e. it shall provide its solicitor's confirmation to the Toronto Transit Commission, 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;
- f. all bedrooms will be equipped with smoke detectors connected to the building fire alarm system; and
- g. all fresh air intakes and/or central ventilation HVAC systems will be equipped with motorized damper(s) connected to smoke detectors located in the fresh air intake(s) such that if smoke is detected, the motorized

damper(s) will automatically close, the unit(s) will shut down, and an alarm will be sent to the building fire alarm system.

4. **Conditions Relating to Construction in Proximity to Subway Structure:**

By way of the City of Toronto Site Plan Agreement, the Owner agrees that it shall

- a) Complete a Toronto Transit Commission Technical Review of the development to the satisfaction of the Toronto Transit Commission and obtain the Toronto Transit Commission's written acknowledgement that the Owner has satisfied all of the conditions arising out of the review;
- b) Complete a pre-construction condition survey of the subway structure that runs the length of the subject lands illustrating the then existing condition of the subway structure to the satisfaction of the Toronto Transit Commission;
- c) Provide a minimum 3.0-metre set back of all structures, shoring and utilities from all TTC structures and facilities unless expressly agreed to in writing by the TTC.
- d) If required, enter into a Construction Agreement with the Toronto Transit Commission for monitoring and stop work order provisions relating to construction over or adjacent to the subway structure, to the satisfaction of the Toronto Transit Commission;

**BELL CANADA – Rosita Giles ( 416-296-6599)**

5. The owner is hereby advised that prior to commencing any work within the Plan, the owner 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 owner is hereby advised that the owner may be required to pay for the connection to and/or extension of the existing communication/telecommunication infrastructure. If the owner elects not to pay for such connection to and/or extension of the existing communication/telecommunication infrastructure, the owner 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).
6. Bell Canada requires 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.

**ECONOMIC DEVELOPMENT, CULTURE & TOURISM – Lori Martin, Senior Cultural Affairs Officer (416-392-5225 )**

**7. Lighting & Signage**

Any proposed lighting or signage design in proximity to the Gibson House shall be provided in advance for review by Cultural Services for heritage compatibility and sensitivities.

**8. Public Art**

Cultural Services requires that the existing public artwork One Hundred Links – One Chain by Stephen Cruise be integrated into the landscape design for the parkland along Park Home Avenue. Placement of individual pieces within the landscape will be at the discretion of the artist in consultation with Cultural Services. The public artwork must be carefully removed prior to construction of the underground parking and residential towers, appropriately stored and re-installed during the landscaping phase. Removal and re-installation will be under the direction of the artist and/or Cultural Services staff.

**PARKS, FORESTRY AND RECREATION – Randy Jones (416-395-7899)**

9. Prior to the issuance of the first above grade building permit the parkland (Rose Garden and Gibson Park) is to be conveyed to the City free and clear, above and below grade of all physical obstructions and easements, encumbrances and encroachments, including surface and subsurface easements, unless otherwise approved by the General Manager, Parks, Forestry & Recreation. All costs associated with achieving this will be the responsibility of the Owner.
10. The owner is to pay for the costs of the preparation and registration of all relevant documents. The Owner shall provide to the satisfaction of the City Solicitor all legal descriptions and applicable reference plans of survey for the new parkland.
11. Environmental Requirement – Prior to conveying the parkland dedication and any road widenings as requested by Technical Services, the Owner shall be responsible for an environmental assessment. Technical Services will be overseeing the environmental assessment of the parkland dedication on behalf of Parks, Forestry and Recreation subject to the following conditions:
  - a. Prepare all documents and convey to the City, at nominal cost, the required parkland dedication and any road widenings as requested by Technical Services, in fee simple, such lands to be free and clear of all

- physical and title encumbrances, and subject to a right-of-way for access in favour of the Grantor until such time as said lands have been dedicated as a public highway and public parkland, all to the satisfaction of the Executive Director of Technical Services and the City Solicitor.
- b. Submit a draft Reference Plan of Survey to the Executive Director of Technical Services, for review and approval, prior to depositing it in the Land Registry Office. The plan should:
    - i) be in metric units and integrated with the Ontario Co-ordinate System (3° MTM, Zone 10, NAD 27, 1974 Adjustment);
    - ii) delineate by separate PARTS the lands to be conveyed to the City, the remainder of the site and any appurtenant rights-of-way and easements; and
    - iii) show the co-ordinate values of the main corners of the subject lands in a schedule on the face of the plan;
  - c. Pay all costs for the registration and preparation of reference plan(s).
  - d. Retain a Qualified Person to conduct environmental site assessments for the lands to be conveyed to the City.
  - e. Submit all environmental site assessment reports prepared in accordance with the Record of Site Condition Regulation (O. Reg. 153/04) describing the current conditions of the land to be conveyed to the City and the proposed remedial action plan based on the site condition standards approach, to the Executive Director, Technical Services, for peer review.
  - f. Pay all costs associated with the City retaining a third-party peer reviewer including a 7% administrative cost to the City, and submit certified cheques payable to the City of Toronto in the amounts of \$3,000.00, as an initial deposit towards the cost of the peer review to the Executive Director; Technical Services. Submit further deposits when requested to cover all costs of retaining a third-party peer reviewer and associated administrative costs to the City.
  - g. At the completion of the site remediation process, submit a Statement from the Qualified Person, to the Executive Director, Technical Services, for peer review and concurrence, that, based on all necessary supporting environmental documents:
    - i) The land to be conveyed to the City meets the Site Condition Standards of the intended land use OR the most environmentally sensitive adjacent land use, whichever is more stringent, and
    - ii) It is unlikely that there is any off-site contamination resulting from past land uses on or in the vicinity of the development site, that has migrated on to the adjacent rights-of-way, that would exceed the applicable Site Condition Standards.
  - h. File the Record of Site Condition (RSC) on the Ontario's Environmental Site Registry and submit the Ministry of the Environment's Letter of Acknowledgement of Filing of the Record of Site Condition (RSC)

confirming that the RSC has been prepared and filed in accordance with O. Reg. 153/04, and that the MOE will not audit the RSC at this time or that the RSC has passed an MOE audit, to the Executive Director, Technical Services.

12. The owner, at its expense, will be responsible for the construction of the parkland (conveyed and leased) in accordance with the approved landscape plans to the satisfaction of the General Manager, Parks, Forestry and Recreation.
13. The required base park improvements include the following:
  - (i) grading (inclusive of topsoil supply and placement, minimum of 150 mm and 1500mm where there is an underground structure);
  - (ii) sod;
  - (iii) fencing to City standard (where deemed necessary);
  - (iv) all necessary drainage systems, including connections to municipal services as required;
  - (v) electrical and water connections to the street line, including back flow preventors, shut off valves, the necessary water and hydro chambers;
  - (vi) street trees along all public road allowances, which abut City owned parkland

All work is to be completed to the satisfaction of the General Manager, Parks, Forestry and Recreation.

14. The owner must provide documentation from a qualified environmental engineer that the topsoil brought onto the site meets all applicable laws, regulations and guidelines for use in a public park.
15. Prior to issuance of the first above grade building permit, the Owner shall post an irrevocable Letter of Credit in the amount of 120% of the value of all park improvements to the satisfaction of the General Manager, Parks, Forestry & Recreation. No credit shall be given towards the Parks and Recreation component of the Development Charges for costs associated with the park improvements.
16. All Letters of Credit submitted by the Owner to the City shall be to the satisfaction of the General Manager of Parks, Forestry and Recreation. The Owner shall agree that all Letters of Credit to be held by Parks, Forestry and Recreation unless determined otherwise by the General Manager, Parks, Forestry and Recreation, are intended to be in current dollars and, accordingly, shall be adjusted, either upwards or downwards, annually on the anniversary date in accordance with the change in the Statistics Canada Quarterly, Capital Expenditure Price Statistics during such one year period. Provided, however, that in no case shall the amount actually be payable by the Owner at any time be less than the minimal amount as set out in that agreement.



17. One year prior to the issuance of the first above grade building permit, the applicant shall provide a full construction package for park development including but not limited to grading, layout, utility, details, specifications, tender documents etc. to be approved by the General Manager, Parks, Forestry and Recreation.

### **Park Completion and Guarantee**

18. The construction of the park blocks shall be completed prior to the condominium registration of the final building to the satisfaction of the General Manager, Parks, Forestry & Recreation. Unforeseen delays (e.g. weather) resulting in the late delivery of the park block shall be taken into consideration and at the discretion of the General Manager, Parks, Forestry & Recreation when determining a revised delivery date for the park block.
19. The stockpiling of any soils or materials or use as an interim construction staging area on the conveyed parkland is prohibited. Parks, Forestry and Recreation is agreeable to the use of the Leased Park for construction staging purposes. The Owner will be required to provide an environmental assessment report, prepared by a qualified engineer, at the end of the permitted occupation to verify that the parklands continue to meet the applicable laws, regulations and guidelines respecting sites to be used for public park purposes. Hoarding must be erected to ensure that the conveyed parkland is not negatively affected by the staging operations. The construction of the park shall commence after the occupation to the satisfaction of the General Manager, Parks, Forestry & Recreation. The Owner will be responsible for paying all costs associated with the City retaining a third-party peer reviewer for the environmental addendum.
20. The Owner, upon satisfactory completion of the construction and installation of the park improvements shall be required to guarantee such work and associated materials. The Owner shall provide certification from their Landscape Architect certifying that all work has been completed in accordance with the approved drawings. Upon the City's acceptance of the certificate, the Letter of Credit(s) will be released less 20% which will be retained for the 2 year guarantee.
21. As-built drawings in print/hardcopy and electronic format shall be submitted to Parks, Forestry and Recreation. A complete set of "as built" plans shall be provided electronically on CD in the latest version of AutoCAD, two (2) sets full size bond hard copy and one (1) set 11X 17 format to the General Manager, Parks, Forestry and Recreation. The plans shall include, but not limited to specifications, locations of all hidden services, and all deviations from the design drawings, shop drawings, inspection reports, minutes of meeting, site instructions, change orders, invoices, certificates, progress images, warranties, close out documentation, compliance letters (for play structures and safety surfaces), manuals etc. The files are to be organized in folders, including a file index and submitted. Written warranties and related documents such as lists of contractor,

sub-contractors together with contact persons, telephone numbers, warranty expiry dates and operating manuals.

22. Spare or replacement parts, special tools, etc as provided by manufacturers, if any, are to be provided to the Parks, Forestry and Recreation.

### **Limiting Distance**

23. Prior to the transfer of fee simple of the Rose Garden to the City, the Rose Garden shall nonetheless be deemed to be parkland in respect of the limiting distance requirements of the Ontario Building Code Act, 1992 and any structures constructed on the land abutting the Rose Garden shall be subject to limiting distance requirements established under the Ontario Building Code. The parkland dedication of the Rose Garden and Gibson Park will compensate for the agreement.

### **PARKS, FORESTRY AND RECREATION – Harold Moffat , Supervisor, Tree Protection and Plan Review (416- 395-6134)**

24. The owner shall plant new trees within the City road allowance as shown on \_\_\_\_\_ issued to client on \_\_\_\_\_, to the satisfaction of the General Manager of Parks, Forestry and Recreation and in accordance with Planting Detail No. 101 for Balled and Burlapped Trees in Turf Areas, dated June 2002.
25. The owner agrees that trees will be planted by a qualified arborist or nursery person. They must determine how much settlement, if any, may occur, to ensure trees are not planted too high, or settle too deeply. Trees are to be planted after final grading, and once the sod has been laid.
26. Prior to tree planting, the owner agrees to submit to Urban Forestry, a watering schedule for newly planted trees during the guarantee period.
27. The owner shall ensure a clearance of 1.2 metres from the edge of a tree's root ball to the edge of the underground utility(s). For clearance less than 1.2 metres but greater than or equal to 0.6 metres, a root deflector must be installed in the tree pit between the tree's root ball and the utility(s).

28. The owner will be responsible for providing a two-year renewable guarantee for all new trees planted within the road allowance. The Supervisor of Tree Protection & Plan Review must be notified in writing of the planting date prior to planting. This date is used to establish the anniversary date of the required two-year renewable guarantee. The owner must maintain the subject trees in good condition; these trees will be inspected during and prior to the end of the renewable guarantee period. If the trees are in good condition at the end of the renewable guarantee period, the City will assume maintenance and ownership of the trees. If during or at the end of the renewable guarantee period the trees are not in good condition, require maintenance or require replacement, the owner will be responsible for rectifying the problem as determined by and to the satisfaction of the General Manager of Parks, Forestry & Recreation. The owner will be required to provide an additional two-year renewable guarantee period for any trees requiring replacement. The Supervisor of Tree Protection & Plan Review may be reached at (416-395-6134).