

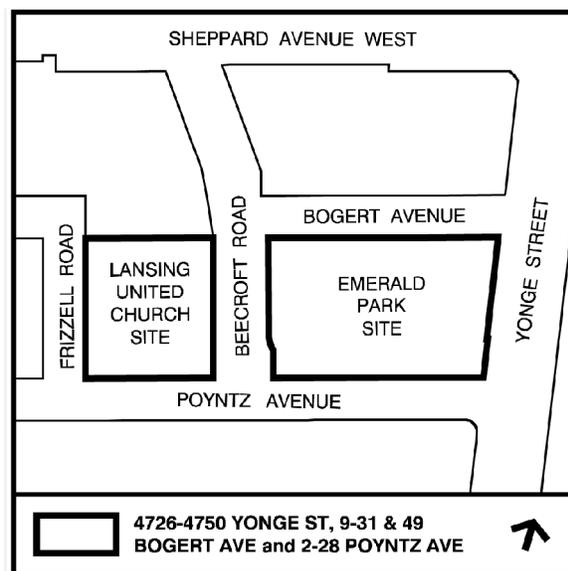
**4726-4750 Yonge Street, 9-31 Bogert Avenue, 2-28 Poyntz Avenue and 49 Bogert Avenue – OPA, Rezoning and Site Plan Control Approval Applications – Final Report**

<b>Date:</b>	April 12, 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>	Official Plan & Zoning By-law Amendment File 08 178556 NNY 23 OZ Site Plan Control Approval Applications: 09 170325 NNY 23 SA -Lansing United Church 09 180579 NNY 23 SA – Emerald Park Inc.

**SUMMARY**

The Official Plan Amendment and Zoning By-law Amendment application was submitted on July 7, 2008. The Site Plan Control Approval applications were submitted on September 17, 2009 for the Lansing United Church site and October 20, 2009 for the Emerald Park site. All applications are subject of the new provisions of the *Planning Act* and the *City of Toronto Act, 2006*.

The Official Plan and Zoning By-law Amendment application proposes to amend the North York Centre Secondary Plan and Zoning By-law 7625, as amended, to permit the comprehensive development of the block bounded by Yonge Street, Poyntz Avenue, Beecroft Road and Bogert Avenue. The proposed Emerald Park development would consist of two residential towers, 40 and 30-storesys in height including a 4-level base building with commercial uses on the first 3-levels.



The application would also permit the renovation and expansion of the existing Lansing United Church building to allow for the establishment of a non-profit social facility with a non-profit Child Care facility and community meeting room space for a number of community programs. The Lansing United Church lands are included in the application to permit the transfer of density arising from the provision of a social facility space as the remaining land density to the Emerald Park site.

This report reviews and recommends approval of the Official Plan and Zoning By-law Amendment application and the Site Plan Control Approval applications for Emerald Park and Lansing United Church, subject to the conditions outlined in this report.

## RECOMMENDATIONS

---

### The City Planning Division recommends that:

1. City Council amend the North York Centre Secondary Plan, substantially in accordance with the draft Official Plan Amendment attached as Attachment No. 11.
2. City Council amend Zoning By-law 7625, substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 12.
3. City Council authorize the City Solicitor to make such stylistic and technical changes to the draft Official Plan Amendment and draft Zoning By-law Amendment as may be required;
4. Before introducing the necessary Bills for the Official Plan and Zoning By-law Amendments to City Council for enactment:
  - a) the applicant for the Emerald Park development 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 bicycle parking spaces for each dwelling unit and 1 bicycle parking space for every 2,000 square metres of commercial gross floor area;
    - (ii) a minimum of 1.5 m<sup>2</sup> per dwelling unit of indoor recreational amenity area;
    - (iii) a minimum 1528 m<sup>2</sup> of street related retail and service commercial uses, fronting onto and directly accessible from Yonge Street and Poyntz Avenue and located within 30 metres of the property line;
    - (iv) a continuous indoor and underground pedestrian connection to the transit terminal;
    - (v) the transfer of approximately 15,336 m<sup>2</sup> of density from the Lansing United Church lands, west of Beecroft Road, and municipally known as 49 Bogert Avenue;

- (vi) to submit to the City a monetary contribution, equal to the market value of the 10,440 m<sup>2</sup> of gross floor area obtained through the incentive for social facility space, as outlined in Figure 3.3.1 of the North York Centre Secondary Plan, in the form of a certified cheque, to the satisfaction of the Director Real Estate Services;
  - (vii) make a Public Art contribution of \$250,000.00 for a public art program to the satisfaction of the Director, Community Planning, North York District.
- (b) the owner of the Lansing United Church lands 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) to construct, provide and maintain at its own cost a building with social facility space of a minimum 2,610 m<sup>2</sup> of gross floor area, consisting of a non-profit private community centre space that meets the requirements of the Director, Parks, Forestry and Recreation Department and a non-profit child care centre that meets the requirements of Children's Services, as outlined in the draft term sheet (Attachment 15) and to be secured in the necessary agreements with the City;
  - (ii) the City to transfer the monetary contribution referred to in 4 (a) (vi) above to Lansing United Church once Lansing United Church has obtained the first above grade building permit for the construction of the social facility space on its lands, in accordance with the approved zoning by-law and site plan drawings;
  - (iii) if Lansing United Church does not obtain the first above grade building permit to construct the social facility space on its lands within 2 years of the approval of the zoning by-law being in full force and effect, the City shall put the monetary contribution towards the cost of constructing and furnishing social facilities at another location serving the North York Centre.
- (c) subject to the necessary procedural steps required to sell the public lane described as PART 3 on Reference Plan 66R-24757 having an area of approximately 204.5 m<sup>2</sup> being completed, Director of Real Estate Services report to City Council;
- (d) the Director of Real Estate Services report to City Council on the terms and conditions of the sale of the portion of the Beecroft Road allowance, previously surplused by the City, described as PART 1 on Reference Plan 66R-24757, and having an area of approximately 180.4 m<sup>2</sup>;
- (e) the applicant for the Emerald Park development shall satisfactorily address Toronto Transit Commission ("TTC") requirements in their letter dated March 30, 2010;
- (f) the applicant for the Emerald Park development shall satisfy the required off-site parkland dedication requirements to the satisfaction of the General Manager, Parks, Forestry and Recreation;

5. City Council approve in principle the Site Plan drawings and draft Conditions of Site Plan Approval listed in Attachments “13“ and “14“, subject to stylistic and technical changes.
6. Prior to the Director, Community Planning, North York District issuing the Notice of Site Plan Approval Conditions for the Emerald Park project:
  - (a) the Official Plan Amendment and Zoning By-law Amendment shall be in full force and effect;
  - (b) the applicant is required to comply with conditions referenced in the Technical Services Division comments dated March 31, 2010,
  - (c) the applicant shall address the following comments to the satisfaction of Toronto Transit Commission (“TTC”) and obtain TTC’s written acknowledgement that the conditions have been satisfied;

i) Undertaking Agreement:

Prior to the issuance of the first or any building permit the Developer shall enter into an undertaking agreement with the City of Toronto (“City”) and/or TTC and post with the City and/or TTC letters of credit, satisfactory to the City and/or TTC, providing for the construction of the Sheppard Station Entrance Connection and replacement air pressure relief shaft at the southeast corner of the development site.

ii) Construction Agreement:

Prior to the issuance of the demolition and shoring and excavation permits for the construction of this development or any phase or stage of this development the Developer shall enter into a construction agreement(s) with the TTC. In the case of phased or staged construction, TTC may require that the Developer enter into a construction agreement with the TTC particular to that phase or stage.

iii) Demolition Plans:

Prior to the issuance of the first or any building permit, including the demolition permit, for the construction of this development the Developer shall provide the City and the TTC with a plan and method for the demolition of:

- a) Existing TTC facilities to be demolished, relocated, and reconfigured to facilitate this development; and
- b) The proposed development at a future date in case of its redevelopment or partial destruction.

iv) Noise Attenuation and Exhaust Emissions:

- a) The Developer shall undertake a noise and vibration study; and
- b) The Developer shall have a qualified Engineer certify that the impact of TTC's current and known future operations, including fan shaft noise and exhaust emissions, have been taken into account in the design and construction of this development. This report shall include analysis of the Ministry of the Environment requirements governing the location and positioning of air intake and exhaust systems in relation to the proposed building.

v) TTC Technical Review:

Prior to starting any demolition or construction, or the issuance of the first or any building permit(s), the Developer shall complete a Toronto Transit Commission ("TTC") Level 3A Technical Review of the proposed development as applicable to the particular permit applied for and obtain the TTC's written acknowledgement that the Developer has satisfied all of the conditions arising out of the review. If design of the development is phased or staged, each phase or stage will require a separate Technical Review and attract its own Technical Review Fee. The level of the Technical Review will be confirmed at the time the stage or phase is submitted for review. As part of the technical review process, the Developer shall provide the requisite information and pay the associated review fees to the TTC for each phase or stage.

7. Prior to the Director, Community Planning, North York District issuing the Notice of Site Plan Approval Conditions for the Lansing United Church project:
  - (a) the Official Plan Amendment and Zoning By-law Amendment shall be in full force and effect;
  - (b) the applicant is required to amend the applicable site plan drawings and the floor plans for the Child-Care Centre, as required, to the satisfaction of Children's Services; and
  - (c) the applicant is required to comply with the conditions referenced in the Technical Services Division comments dated March 12, 2010.
8. City Council authorize the Director of Transportation Services North York District to amend the Downtown Service Road and Associated Road Network Environmental Study Report (April 1991) in accordance with the modified design for the intersection of Poyntz Avenue and Beecroft Road.

## **Financial Impact**

The recommendations in this report have no financial impact.

## **APPLICATION AND DECISION HISTORY**

On October 19, 2000, the Ontario Municipal Board approved modifications to OPA 447 and a Zoning By-law permitting two residential buildings, 25 and 22-storeys in height, consisting of 364 units and retail uses at grade for the western portion of the block bounded by Yonge Street, Poyntz Avenue, Beecroft Road and Bogert Avenue. Site Specific Policy 12.20 in the City of Toronto Official Plan - North York Centre Secondary Plan and Zoning By-law 107-2001 (OMB) capture the OMB approval.

As part of the approval, there were density incentives related to grade level shopping facilities and recreational facilities. There are also density transfers from the lands on the west side of Beecroft Road (Lansing United Church site). Through these density transfers and density incentives, the residential development has a maximum gross floor area 33,086 m<sup>2</sup> or 7.85 FSI. A total of approximately 3,062 m<sup>2</sup> of density remains on the Lansing United Church side to provide an opportunity for residential development.

In July 2008, an Official Plan and Zoning By-law Amendment application was submitted to permit a mixed use development of two residential towers 49 and 40-storeys, 736 units including a 3-level based building with approximately 12,300 m<sup>2</sup> of non-residential floor area and to permit the redevelopment of the Lansing United Church.

In October 2008, the application was revised to reflect a mixed-use development of two residential towers 39 and 30-storeys in height, including a 3-level base building with approximately 13,400 m<sup>2</sup> of non-residential floor area.

At its November 18, 2008 meeting, North York Community Council referred the October 21, 2008 preliminary report on the revised application for the subject Official Plan and Zoning By-law Amendment application from Emerald Park and Lansing United Church, to staff with the request that the applicant comply with the Official Plan and report thereon to North York Community Council as soon as possible. There was also direction that a community consultation meeting be scheduled by the local Councillor.

## **ISSUE BACKGROUND**

### **Proposal**

The proposed Official Plan and Zoning By-law Amendment application would permit a high density mixed-used development within the block bounded by Yonge Street, Poyntz Avenue, Beecroft Road and Bogert Avenue, known as the Emerald Park development, and to permit the renovation and expansion of the Lansing Church building located at 49 Bogert Avenue for social facility space purposes.

The projects are linked in order to allow the proposed density transfers from the Lansing United Church site to the Emerald Park site, which includes the transfer of the remaining 3,062 m<sup>2</sup> residential density assigned to the Lansing United Church lands, in addition to the 12,274 m<sup>2</sup> previously transferred and the proposed 10,440 m<sup>2</sup> for the provision of 2,610 m<sup>2</sup> social facility to be provided on the church site.

### **Emerald Park Development**

The Emerald Park development is located within the block bound by Yonge Street, Poyntz Avenue, Beecroft Road and Bogert Avenue and includes two City owned parcels, which the applicant would like to acquire from the City to permit the comprehensive development of the block. A 180.4 m<sup>2</sup> surplus strip of land on the east side of existing Beecroft Road allowance and an unused 204.5 m<sup>2</sup> public laneway, running north/south through the site.

The Emerald Park development would have a maximum gross floor area of approximately 59,985 m<sup>2</sup> consisting of two residential towers, 40 and 30-storeys in height including a 4-level base building with commercial uses on the first 3-levels. A maximum 565 residential units, with approximately 47,398 m<sup>2</sup> residential floor area and approximately 10,692 m<sup>2</sup> of non-residential floor area.

Servicing and vehicular access would be provided from Bogert Avenue. The applicant has developed a vehicular court within the building that provides access to the underground parking garage, which includes the loading area on the ground floor, and access to the residential drop-off area. A service corridor running the length of the building will provide distribution functions for the commercial uses, as well as provide for residential moving requirements including garbage and loading.

A total of 4 loading spaces are proposed to service both the residential and non-residential uses. Approximately 802 parking spaces are proposed within 6 levels of underground parking, with 181 commercial parking spaces, which includes the provision of 74 parking spaces to be shared with Lansing United Church.

The existing TTC pedestrian stairwell located at the front of the site on Yonge Street would be incorporated within the new building with an elevator/stairs providing access to the south end of the Yonge/Sheppard subway station.

The applicant is to convey to the City, for road widening purposes, a 1.51 metre strip the entire Bogert Avenue frontage and a triangular strip along the Poyntz Avenue frontage of approximately 887m<sup>2</sup>.

A list of the proposed density incentives and transfers is provided below:

**EMERALD PARK PROPOSED GROSS FLOOR AREA**

	<b>Land Area (SQ.M.)</b>	<b>GFA (SQ.M.)</b>
Gross Site Area –	7012.4 m <sup>2</sup>	
Owned by Emerald Park –	6,627.5 m <sup>2</sup>	29,823.75 m <sup>2</sup> (at 4.5 FSI)
City owned (laneway) – 204.5 m <sup>2</sup> (Beecroft Rd) – 180.4 m <sup>2</sup>	384.9 m <sup>2</sup>	1,732.05 m <sup>2</sup> (at 4.5 FSI)
<b>Total Base Density</b>		<b>31,555.8 m<sup>2</sup> (at 4.5 FSI)</b>
<b>Density Incentives (GFA)</b>		
At-grade bicycle storage		141 m <sup>2</sup>
Required Indoor Amenity		848 m <sup>2</sup>
Street Retail		1528 m <sup>2</sup>
TTC Link		136 m <sup>2</sup>
Subtotal		<b>2,653 m<sup>2</sup></b>
<b>Transfers/Density Incentives from Lansing United Church to Emerald Park</b>		
Social Facility Space		10440 m <sup>2</sup> (2610 m <sup>2</sup> x 4)
Previous land transfer		12274 m <sup>2</sup>
Residential density transfer		3062 m <sup>2</sup>
<b>Subtotal</b>		<b>25,776 m<sup>2</sup></b>
<b>Total Proposed GFA/FSI for Emerald Park</b>		<b>59,984.8 m<sup>2</sup> (8.6 FSI)</b>

**Lansing United Church**

The Lansing United Church site is municipally known as 49 Bogert Avenue and is located on the west side of Beecroft Road, directly across from the Emerald Park development. The site is bounded by Poyntz Avenue, Frizzell Road and Albert Standing Park. Lansing United Church is proposing to renovate the existing church sanctuary, demolish the existing wing and to construct a new addition to the east side of the church, all to be used as a social facility.

Within the space, Lansing United Church is proposing to establish a non-profit community centre, similar to the Fairlawn United Church Community Centre model, offering a variety of programs for children, adults and seniors in the community, including a larger clothing and food bank and a non-profit Child Care Centre on the lower level.

As noted above, Lansing United Church and Emerald Park Inc. are proposing to transfer the unused density from the church site and the density incentive arising from the provision of a social facility to the Emerald Park site.

A maximum of 22 surface parking spaces will be permitted on the Lansing United Church site. As mentioned, Emerald Park has provided an additional 74 parking spaces within their commercial parking area of their parking garage to be shared with the church. This shared parking arrangement will be reflected in an agreement between the parties. The shared parking spaces are to be secured in the proposed zoning by-law.

## **Site and Surrounding Area**

The Emerald Park and Lansing United Church properties are located south of Sheppard Avenue, on the west side of Yonge Street. The Emerald Park property is municipally known as 4726-4750 Yonge Street, 9-31 Bogert Avenue, 2-28 Poyntz Avenue. The Lansing United Church is municipally known as 49 Bogert Avenue.

Surrounding land uses are as follows:

- North: Albert Standing Park, Nestle office building and a commercial parking lot. The parking lot site has been approved for a 23-storey office building.
- South: Single detached dwellings of the south side of Poyntz Avenue and a gasoline station at the southwest corner of Yonge Street and Poyntz Avenue.
- East: Willowdale Shopping Plaza and office buildings and new high-rise apartment buildings. There are recently approved development applications to permit a mixed used development consisting of residential and commercial office and retail uses.
- West: Single detached dwellings.

## **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**

The majority of the Emerald Park development site (see Attachments 7 and 8) is designated *Mixed Use Area C* and subject to Site Specific Policy 12.20. The permitted uses include commercial, institutional, residential, public parks and recreational uses.

Site Specific Policy 12.20 also assigns a maximum permitted density of 4.5 times the lot area plus available density incentives and transfers in the North York Centre Secondary Plan. The policy also states a zoning by-law for these lands may permit other exclusions from gross floor area, including grade level shopping facilities and may permit an aggregate gross floor area, including exemptions, incentives and transfers, that exceeds the maximum permitted density of 4.5 times the lot area by more than 33 per cent.

There are also provisions related to road requirements and conveyance for road purposes for the North York Centre Service Road. Non-accessory portions of a private commercial parking lot, facility or structure may be permitted, subject to the North York Centre Parking Policy.

The northeast corner of the Emerald Park development site at Yonge Street and Bogert Avenue is designated *Mixed Use Area A*, with a maximum density of 4.5 FSI plus available density incentives and transfers. The permitted uses include commercial, institutional, public parks and recreational uses, and transit terminals. No site specific policies currently apply to this portion of the site and it is subject to the general provisions of the North York Centre Secondary Plan.

The Lansing United Church site is designated *Mixed Use Area D*. The permitted uses include institutional uses that are not predominantly offices, residential, public parks and recreational uses. Site Specific Policy 12.7 in the North York Centre Secondary Plan permits the transfer of 3 times the unused density from the site to lands located on the east side of Beecroft Road, as the current Places of Worship use is exempt from gross floor area calculation.

The North York Centre Secondary Plan includes built form policies for Yonge Street, Service Roads and side streets, related to the height of base buildings, setbacks and stepbacks to address pedestrian scale and movement through the area.

There are also a number of available density incentives in the North York Centre Secondary Plan to allow developments to exceed the base density to a maximum 33%. The incentives are often facilities and services that would benefit the area and the overall project. They include the provision of bicycle storage, private recreational space, retention of places of worship, street-related retail, among others. A total of 3,062 m<sup>2</sup> of density may also be available on the Lansing United Church site for residential purposes.

## Zoning

The lands are covered by Zoning By-law 7625 of the former City of North York.

Site Specific Zoning By-law 107-2001(OMB), which was approved by the OMB for the previous Premium Properties application, currently covers most of the subject lands, except for the Yonge Street portion which retained its General Commercial - C1 zoning, and a vacant single detached property on Bogert Avenue which has retained its R4 zoning.

As noted above, By-law 107-2001(OMB) permits two residential buildings, 25 and 22-storeys in height, 364 units in total, subject to certain development standards, and allows density incentives for the provision of grade level shopping facilities and recreational facilities. The By-law also permits density transfers from 36-40 Poyntz Avenue and 49 Bogert Avenue - Lansing United Church.

## Site Plan Control

The Site Plan Control Approval applications for both Emerald Park and Lansing United Church are included in this final report. The proposed site plan, landscape plans and elevation plans for these projects are attached to this report. The applications are recommended for approval in principle subject to the draft conditions in Attachments “13” (for Emerald Park site) and “14” (for Lansing United Church site).

## Reasons for Application

The applicant has proposed site specific amendments to the North York Centre Secondary Plan and Zoning By-law 7625, as amended.

The Official Plan Amendment application is required:

- To increase the permitted building height for the 40-storey building from 100 metres to 129 metres and for the 30-storey building from 100 metres to 102 metres.
- To amend Site Specific Policy 12.7 in order to permit the transfer of the remaining 3,062 m<sup>2</sup> of density from the Lansing United Church side to the Emerald Park development;
- To allow the additional density from Site Specific Policy 12.20, which permits an aggregate Gross Floor Area, including exemptions, incentives and transfers, to exceed the maximum density of 4.5 times the lot area by more than 33 percent, to be distributed over the entire block bounded by Yonge Street, Poyntz Avenue, Beecroft Road and Bogert Avenue, including the *Mixed Use Area A* portion of the site.
- To allow for the mix of non-residential and residential density throughout the entire Emerald Park development site.
- To permit private outdoor amenity space on the roof of the commercial podium.

The site specific Zoning By-law Amendment would implement the proposed Official Plan Amendment, permit the transfer of the remaining density on the Lansing United Church lands to the Emerald Park development site, and establish the permitted uses and the development standards for each project.

## **Community Consultation**

The Community Consultation Meeting on the Official Plan Amendment and Zoning By-law Amendment application was held on March 2, 2009. The meeting was organized by the local Councillor and was attended by City Planning and Transportation staff as well as the owners and their consulting team. Approximately 75 members of the public attended the meeting.

The comments and questions raised by the area residents at the meeting and through correspondence and telephone calls generally relate to the following;

- the timing for completion of the service road at this location, specifically the Yonge Street and Poyntz Avenue intersection;
- proposed access to the church property;
- additional traffic in the area;
- current boundary of the North York Centre Secondary Plan;
- height of the adjacent buildings;
- number of proposed parking spaces;
- process for selling the City laneway;
- length of time to build the Emerald Park project
- type of commercial and retail space
- school facilities in the area
- programs being offered in the community centre on the Lansing United Church property;
- positive comments regarding the design of the Emerald Park buildings and with Lansing United Church's plans to redevelop their site to provide needed social facility space in the community, especially the child care centre.

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

## **Design Review Panel**

Both the Emerald Park plans and Lansing United Church plans were presented to the Design Review Panel.

The Emerald Park proposal was presented to the City's Design Review Panel on May 28, 2008 and on September 24, 2009.

The first review included discussions related to the building pattern and planned context in the surrounding area and the most appropriate placement and expression of buildings on the site, the appropriate location and configuration of vehicular access, the contribution of the proposal to the definition and support of a comfortable and high quality public realm.

When the application was brought back, the Panel was satisfied that their comments and suggestions had been successfully integrated within the revised proposal. The Panel provided additional advice related to the window treatment and display of the commercial space within the base building. Staff will be reviewing these details prior to issuing final site plan approval

The Lansing United Church proposal was presented to the Design Review Panel on September 24, 2009 and March 23, 2010.

The first review included discussion regarding the east and north elevation of the proposed addition and they addressed the public realm, specifically the abutting park and Beecroft Road frontage and if the landscape feature at the southeast corner of the site successfully integrated with the entrance of the building with the Poyntz Avenue and Beecroft Road frontages/ intersection.

At their March 23, 2010 meeting, the Panel was satisfied with the revised design of the building and their suggestions related to introducing smaller fascias, quality building materials and energy efficient glazing along the south elevation. The revised plans were unanimously endorsed by the Design Review Panel.

## **Agency Circulation**

The applications were 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**

This application is consistent with the Provincial Policy Statement, which among other matters, promotes efficient development and land use patterns, provides a range of housing types and encourages the efficient use of existing infrastructure.

In addition, the Lansing United Church proposal, with its provision of a social facility space achieves the Provincial Policy objective of healthy, liveable and safe communities by ensuring that necessary public service facilities are available to meet current and projected needs. Lansing United Church through United Church Canada is providing important services such as food and clothing banks, non-profit child care and support and cultural programs to the community.

The proposal also conforms with the Growth Plan for the Greater Golden Horseshoe.

### **Land Use, Density, Height and Massing**

In keeping with the objectives of the North York Centre Secondary Plan, the Emerald Park development provides a desired mix of uses, including office commercial, street oriented commercial uses and residential uses.

The Emerald Park development block, including the City owned lands, would have a gross site area of approximately 7012.4 m<sup>2</sup>. The base density of 4.5 FSI would permit a development of a total of 31,555.8 m<sup>2</sup> GFA. Specific policy 12.20 provides for additional density beyond the additional 33% limits in the North York Centre Secondary Plan. A total 28,429 m<sup>2</sup> of additional floor area is proposed through density incentives and transfers resulting in a gross floor area of approximately 59,985 m<sup>2</sup> or an overall density of 8.6 FSI, as previously referenced in the proposal section of this report.

The proposal consists of a 40-storey east residential tower and a 30-storey west residential tower including a 4-level base building with commercial uses. The proposed Emerald Park project is a landmark development within the North York Centre. As shown on the attached elevation plans, the two buildings which are identical, apart from height, flare at the top and will be recognizable given their unique design.

The height permission for the subject lands is established through the Secondary Plan, which permits a height limit of 100 metres. At the proposed heights of a maximum 129 metres for the east tower and 102 metres for the west tower (excluding mechanical penthouses, parapets and other architectural features, and stairwells to access the roof), the two towers would exceed the 100 metres permitted heights of the Secondary Plan (Map 8-8) that is typical of lands fronting on Yonge Street within the North York Centre “South” area.

The Secondary Plan does have height policies (Section 5.4, Building Heights) by which the proposal has been evaluated. Section 5.4.1 provides general provisions related to building heights, which include: encouraging the highest intensity developments along Yonge Street and in the vicinity of subway stations, with the highest buildings along Yonge Street in the North York Centre South; ensuring appropriate transition to stable residential areas; and ensuring a comfortable human scale along the pedestrian streets.

While discouraging site-specific amendments to the height limits shown on Map 8-8, Section 5.4.2 of the Secondary Plan does contain provisions that must be satisfied when the City is considering an application for such an amendment. The City must be satisfied that the contemplated increase in height:

- a) is necessary to provide for desirable flexibility in built form;
- b) would have no appreciable impact on the residential amenity of properties within the stable residential area; and
- c) meets the urban design objectives of Section 5 (Environment and Urban Design),

whereupon the provisions for Site Specific Amendments have been satisfied.

The applicant's proposed 2-tower scheme with towers of a maximum 129 metres (east tower) and a maximum 102 metres (west tower), results in a better design relative to an alternative approach of 3-towers providing the proposed density but contained within a maximum height of 100 metres.

The 2-tower design based on smaller floor plates is executed in a manner that incorporates appropriately scaled base building features and setbacks that frame the adjacent public streets in accordance with Secondary Plan objectives. The smaller floor plates as well as the proposed base, middle and architecturally defined building tops are in keeping with the direction of the City's Tall Buildings Guidelines.

The applicant has submitted a Pedestrian Level Wind Study and a Shadow Study for the proposed development. The studies have been reviewed and the limited impacts are acceptable for development in the North York Centre.

The proposed height amendment provides for a more desirable built form in this location, and the skyline proposed with the flared design with two taller buildings at this location reinforces the City's structure and enhances the skyline of the North York Centre South area.

In the North York Centre Secondary Plan, places of worship and social facilities are exempted from the calculation of gross floor area. Recognizing that Lansing United Church has finalized its future plans to maintain the place of worship use and establish a social facility on the site, the remaining density is no longer needed on the site and can be transferred to the Emerald Park development.

Lansing United Church has been working with City staff over the past two years to develop a plan that will meet their needs while also meeting certain urban design objectives. The proposed addition is setback to properly address Beecroft Road and provide street trees and landscaping. The front entrance of the new building, where the majority of the pedestrian traffic is anticipated, has been defined with a direct pedestrian walkway from Poyntz Avenue and connections to Beecroft Road. The number of on-site surface parking spaces has been limited to provide opportunities for landscaping on the site, including a landscape feature at the southeast corner of the site to address the Beecroft Road intersection.

## **Building Setbacks, Base Buildings and Step-backs**

The Secondary Plan recognizes that height, massing and intensity of buildings will generally be focused along Yonge Street and in the immediate vicinity of subway stations. As the spine of the North York Centre, Yonge Street is a primary pedestrian promenade. Buildings are intended to front on and define adjacent public streets, provide appropriately scaled base building conditions to establish a comfortable human scale, and be designed in a manner that provides an attractive pedestrian environment and animation and interest along the street, with ground floor uses and front doors that relate to the grade of the street. The proposed development meets the built form setback and step-back requirements of the Secondary Plan.

A building setback of approximately 4 metres is required along Yonge Street and is intended to help achieve a pedestrian promenade of approximately 10 metre width including a 6 metre public sidewalk. The setback also establishes a build-to line for establishing a street wall condition. Within 10 metres of the build-to line, base buildings must be constructed between 8 and 25 metres in height.

Along Yonge Street, higher buildings are required to be set back a distance of 10 m from the build-to line for approximately two-thirds of the street frontage.

The Secondary Plan also requires that along Service Roads (Poyntz Avenue and Beecroft Road), buildings not exceed a height of 12 metres at the street frontage. Above the 12 metre height, taller buildings are to be set back a minimum of 3 metres from the street frontage.

The project has been designed to respect the urban design policies of the Secondary Plan including the required building setbacks and step-backs on each of the four street frontages. The proposed west tower on Yonge Street is step-back a minimum 11 metres. A setback has been provided for the east tower on Beecroft Road of a minimum 16 metres at the 4<sup>th</sup> floor to a minimum 9.5 metres above the 24<sup>th</sup> floor where the building flares out. The base building has a setback of 4 metres on Yonge Street and 3 metres on Beecroft Road. The base building will be brought to the property line on Poyntz Avenue given the reduced height of approximately 8 metres along this frontage and the Bogert Avenue frontage will meet the requirement for side streets that buildings be generally setback between 1.5 metres and 3 metres.

The proposed site-specific zoning by-law, among other matters, contain provisions to implement the proposed building setbacks, heights and step-backs. The site plan will secure the design details to further articulate the base features, including canopy treatment.

The Secondary Plan also has various Environment and Urban Design policies to ensure that buildings contribute to animation and interest along the public streets, as appropriate. The site is in a significant location along a stretch of Yonge Street in the vicinity of two subway lines, and is proposed to contain a mix of uses. These factors contribute to an expected higher level of pedestrian activity. Street related retail and service commercial uses are to be provided on Yonge Street and Poyntz Avenue.

## **Section 37 Social Facility Space Requirements**

As referenced above, a density incentive for the provision of social facility space on the Lansing United Church lands is being requested.

Section 3.3 of the North York Centre Secondary includes a density incentive for the provision of social facility space for up to 4 times the gross floor area of the social facility. Based on a minimum 2,610 m<sup>2</sup> of social facility space being provided on the church site a total of 10,440 m<sup>2</sup> of gross floor area is available as a density incentive.

Prior to the enactment of the Zoning By-law, Emerald Park Inc. and Lansing United Church are to enter into Section 37 Agreements with the City, which will among other matters, include terms related to the provision of the social facility space on the church lands.

Lansing United Church agrees to construct, provide and maintain a social facility space of a minimum 2,610 m<sup>2</sup> of gross floor area, consisting of a non-profit private community centre space that meets the requirements of the Director, Parks, Forestry and Recreation Department and a non-profit child care centre that meets the requirements of Children's Services, as outlined in the draft term sheet (Attachment 15).

Emerald Park is to submit to the City a monetary contribution, equal to the market value of the 10,440 m<sup>2</sup> of gross floor area obtained through the incentive for the social facility space, in the form of a certified cheque, to the satisfaction of the Director of Real Estate Services.

The City will agree to transfer the monetary contribution to Lansing United Church once Lansing United Church has obtained the first above grade building permit for the construction of the social facility space on its lands, in accordance with the approved zoning by-law and site plan drawings.

Should Lansing United Church not obtain the first above grade building permit to construct the social facility space on its lands within 2 years of the approval of the zoning by-law being in full force and effect, the City will re-allocate the monetary contribution towards the cost of constructing and furnishing social facilities at another location serving the North York Centre.

Children's Services has reviewed the proposed Child Care Centre plans and is requesting that the internal layout of the child care be modified to address the recent changes in child care in the past few months. They are recommending that the future capacity of this child care should be: 10 infants, 2 rooms of 10 Toddlers (20), 2 rooms of 16 Preschoolers (32).

## **Toronto Transit Commission**

A publicly accessible subway entrance to the Yonge and Sheppard subway station is to be integrated within the Emerald Park development. The existing entrance on Yonge Street at Poyntz Avenue will be closed.

The applicant is in consultation with TTC staff to address comments in their letter dated March 30, 2010.

Comments related to the design of the subway connection within the buildings and existing entrance on Yonge Street are required to be addressed prior to the final bills being introduced at Council.

Prior to the issuance of the Notice of Approval Conditions for Emerald Park, the applicant is required to satisfy TTC requirements regarding undertaking agreements, construction agreements, demolition plans and Noise Attenuation and Exhaust Emissions and the required TTC Technical review (Level 3).

Other conditions related to the above, and noise and vibration warning clauses have been included in the draft conditions of site plan approval.

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

Transportation Services staff has reviewed the Traffic Study prepared by Entra Consultants in support of the Emerald Park and Lansing United Church application, and is satisfied with the methodology used in the study and that it conforms to the North York Centre Secondary Plan. Traffic Certification has been issued by Transportation Services staff.

With the significant road widening on Poyntz Avenue, the City would be in a position to complete the service road in this location, especially the intersection at Yonge Street and Poyntz Avenue in which Poyntz Avenue is to align with the proposed extension of Anndale Drive on the east side of Yonge Street.

For Emerald Park, a total of 4 loading spaces are proposed to service both the residential and non-residential uses. Approximately 802 parking spaces are proposed within 6 levels of underground parking, with 181 commercial parking spaces and includes the provision of 74 parking spaces to be shared with Lansing United Church. The proposed parking is in accordance with the parking policies of the North York Centre Secondary Plan.

Servicing and vehicular access would be provided from Bogert Avenue. The applicant has developed a vehicular court within the building that provides access to the underground parking garage, which includes the loading area on the ground floor, and access to the residential drop-off area.

The North York Centre Secondary Plan requires a minimum 0.10 bicycle parking spaces per residential unit, which results in 57 spaces being required for the proposed development. For Commercial Uses (office, institutional, ancillary retail and service commercial) a minimum 1 bicycle space per 2,000 sq.m. of commercial gfa is required, which results 6 spaces. The spaces are required to be provided in an at-grade common bicycle room conveniently accessible to the outside.

For Lansing United Church, a driveway on Frizzell Road will provide access to 22 surface parking spaces. The on-site parking spaces will be used for everyday use, including the operation of the Child Care Centre, parent drop-off and various programs. The 74 off-site parking spaces are to be available when needed and based on the terms of an agreement between Lansing United Church and Emerald Park, which must be acceptable to City staff.

In light of the anticipated pedestrian traffic between the two sites, Entra Consultants submitted pedestrian crossing analysis which concluded that the intersection of Poyntz Avenue and Beecroft Road should remain signalized and signalized pedestrian crossing should be added on the north side of the intersection. Traffic Operations staff has confirmed that intersections will remain signalized and that a pedestrian crossing will be added to the intersection. The realignment of the intersection is still being reviewed by Traffic Operations and any costs associated signal modifications will be borne by Emerald Park Inc. It is recommended that the Downtown Service Road and Associated Road Network (April 1991) be amended in accordance with the modified design of this intersection.

## **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 area has a provision of 1.57-2.99 hectares of parkland per 1000 people. The site is in the second highest quintile of current provision of parkland. The site is in a parkland priority area, as per Alternative Parkland Dedication By-law 1420-2007.

For Emerald Park, the applicant has proposed 565 residential units and 10,692m<sup>2</sup> of non-residential floor area on the 0.5969 hectares (5,969m<sup>2</sup>) site. The current parkland dedication rate within the North York Centre Secondary Plan is 0.6 hectares per 560 dwelling units or portion thereof. A parkland dedication of 0.6053 hectares (6,053m<sup>2</sup>) is calculated; however for sites that are less than 1 hectare in size, the parkland dedication will not exceed 10% of the development site. Therefore, based on the cap, the residential parkland dedication would be 0.0597 hectares (597m<sup>2</sup>). The non-residential parkland dedication requirement is 0.0022 hectares. The total parkland dedication requirement will be 0.0619 hectares (619m<sup>2</sup>).

Parks, Forestry and Recreation will be seeking an off-site parkland dedication equivalent to the on-site market value of a 619m<sup>2</sup> parkland dedication. The parkland dedication shall be unencumbered table land, in uniform shape and topography in order to optimize the function and programming of the public space. The off-site parkland will be in a location acceptable to the General Manager, Parks, Forestry and Recreation.

Parks, Forestry and Recreation Division is in discussion with the applicant determining suitable sites for park purposes.

For Lansing United Church, the proposed addition to the place of worship is exempt from parkland dedication.

The site is immediately to the south of and abuts Albert Standing Park. Proposed along this edge of the site is the daycare playground. The daycare playground is setback approximately 1.7m from the property line and is proposed to be fenced with a 1.5m black powder coated metal picket fence. The applicant must satisfy Parks, Forestry & Recreation staff that the proposed grading for the site does not negatively impact the park.

The location of the proposed social facility building in relation to Albert Standing Park may require that the Owner enter into a Limiting Distance Agreement with the City in order to comply with the requirements of the Ontario Building Code. Prior to the Site Plan Approval, the Owner is required to provide the necessary information to determine if a Limiting Distance Agreement is required. If a Limiting Distance Agreement is required, compensation for the affected area may be required.

Should the owner require occupation of a portion of Albert Standing Park to accommodate construction staging, the owner will be required to obtain a Parkland Occupation Permit (POP) from Parks, Forestry and Recreation.

## **City-owned and Private Trees**

### **Emerald Park Site**

New City-owned Trees:

The applicant is proposing 34 new street trees along the 4 public road frontages. Urban Forestry requires the submission of a Tree Planting Deposit in the amount of \$19,822.00 (\$583 per tree) to ensure the planting of 34 new trees.

Privately-owned Trees:

To accommodate the proposed development on the Emerald Park Development site, 9 privately-owned trees are required to be removed. Urban Forestry requires the submission of a complete “Application to Injure or Destroy Trees on Private Property”.

Approximately 16 ornamental pear trees are proposed to be located on private property. The Ornamental pear is not considered a large growing canopy tree and therefore is not considered as part of the replacement of trees. Urban Forestry requires that the applicant submit a fee of \$15,741 (27x \$583.00) as cash in lieu to compensate for the replacement of trees on private property.

## **Lansing United Church**

### City-owned Trees:

The owner shall submit a Tree Survival Guarantee in the amount of \$41,398.00 for the protection of six (6) trees, located on the City road allowance to ensure that the subject trees are protected according to the City of Toronto's "Tree Protection Policy and Specifications for Construction Near Trees".

### Privately-owned Trees:

A revised Plant List indicating potted or bare-root (vs. balled-and-or burlapped) planting of Tree Preservation and Removal Plan LT2 and Planting Plan L3 is required to the satisfaction of the Supervisor of Tree Protection and Plan Review.

A complete "Application to Injure or Destroy Trees on Private Property" and an application fee in the amount of \$900.00 is required for the removal of three (3) privately owned trees that meet the criteria for protection under the City of Toronto's Private Tree By-law.

## **Indoor and Outdoor Amenity**

### Private Amenity Space Requirement for Residential Development

The North York Centre Secondary Plan requires a minimum standard of 1.5 m<sup>2</sup> of private outdoor recreational space is required per residential unit. The Emerald Park development is to provide the required 847.5m<sup>2</sup> on the third storey roof of the base building. A total of 1,206m<sup>2</sup> of indoor recreational amenity space is proposed for the residents. This exceeds the minimum standard under Secondary Plan of 1.5m<sup>2</sup> of private indoor recreational space per unit, or 848 m<sup>2</sup> required in the Secondary Plan .

### Common Outdoor Space Requirement for Non-Residential Development

Non-residential development having a gross floor area of 1,000m<sup>2</sup> or greater will be required to provide a minimum common outdoor space area equal to 4% of the non-residential floor area or 10% of the lot area, whichever is greater. Based on the proposed 10,692m<sup>2</sup> of non-residential gross floor area, approximately 620m<sup>2</sup> of common outdoor space is being provided which meets the Secondary Plan requirements.

## **Toronto Green Standard**

With the Emerald Park being a high rise building, the applicant has been able to incorporate a number of green development standards within the development. Initiatives include the use of local materials, automobile, cycling and pedestrian infrastructure, public transit accessibility and construction activity, as well as reducing the urban heat island by providing green roofs on the roof of the base building, where possible. Energy efficient fixtures and appliances are also to be used where the developer is supplying the appliances, among other initiatives.

Lansing United Church as part of their proposed renovation and expansion plans are proposing a number of green development standard initiatives related to Air, Energy, Water and Ecology. Among other initiatives, they are proposing to use local materials, provide appropriate grading and surface treatment, in accordance with the Toronto Accessibility Design Guidelines and the Draft Toronto Streetscape Manual, as applicable and use of 45% of materials, including adhesives, sealants, paints, coatings, carpets, composite wood and agrifiber products, are low-emitting and proper ventilation.

## **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**

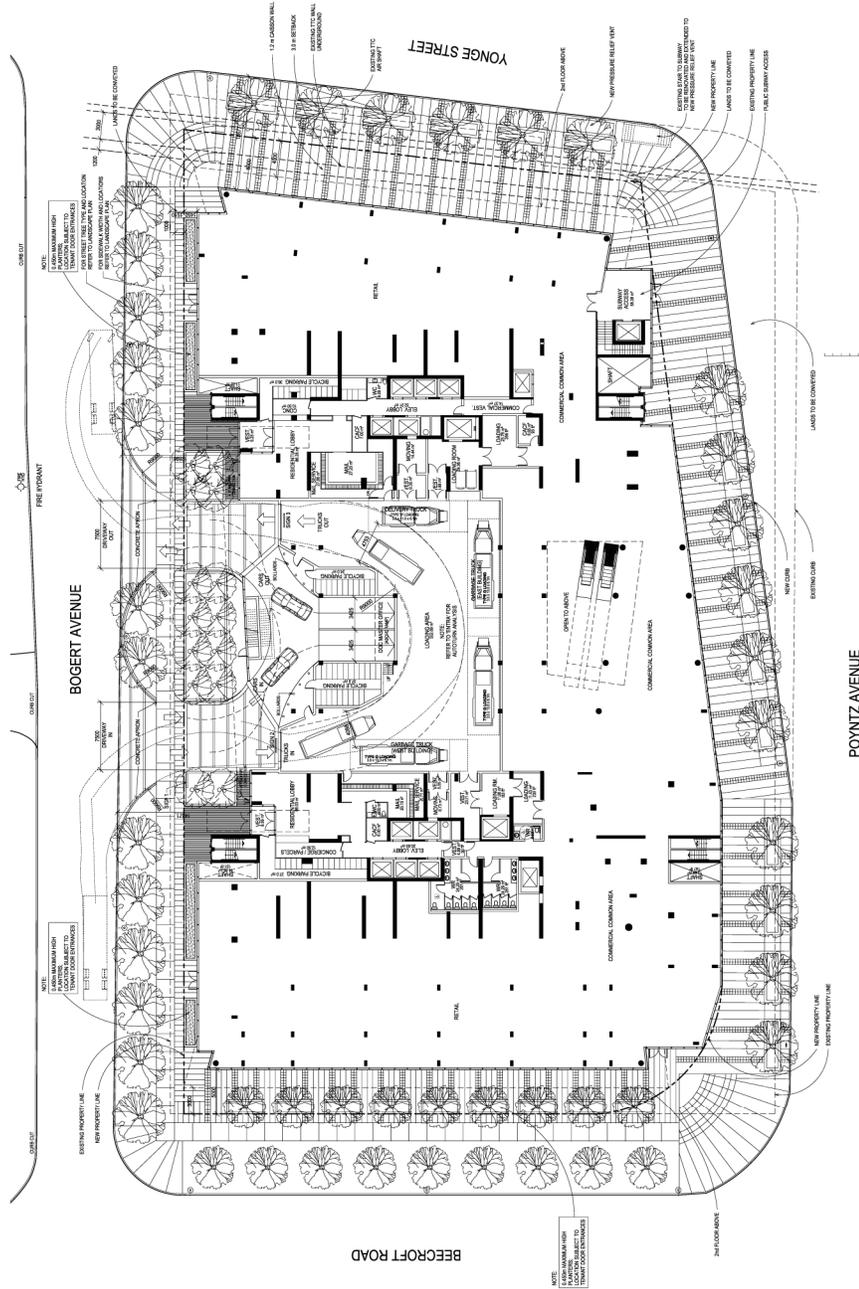
---

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

### **ATTACHMENTS**

Attachment 1: Ground Floor Plan – Emerald Park  
Attachment 2: East/West Elevations – Emerald Park  
Attachment 3: South Elevation – Emerald Park  
Attachment 4: Site Plan – Lansing United Church  
Attachment 5: Roof Plan and Elevations – Lansing United Church  
Attachment 6: Zoning  
Attachment 7: Official Plan –Land Use  
Attachment 8: Official Plan –Site Specific Policies  
Attachment 9: Application Data Sheet – Emerald Park  
Attachment 10: Application Data Sheet – Lansing United Church  
Attachment 11: Draft Official Plan Amendment  
Attachment 12: Draft Zoning By-law Amendment  
Attachment 13: Draft Site Plan Approval Conditions – Emerald Park  
Attachment 14: Draft Site Plan Approval Conditions – Lansing United Church  
Attachment 15: Draft Term Sheet for Lansing United Church Social Facility Space

Attachment 1: Ground Floor Plan – Emerald Park



4726-4750 Yonge Street, 9-31 Bogert Avenue  
and 2-28 Poyntz Avenue

File # 08\_178556

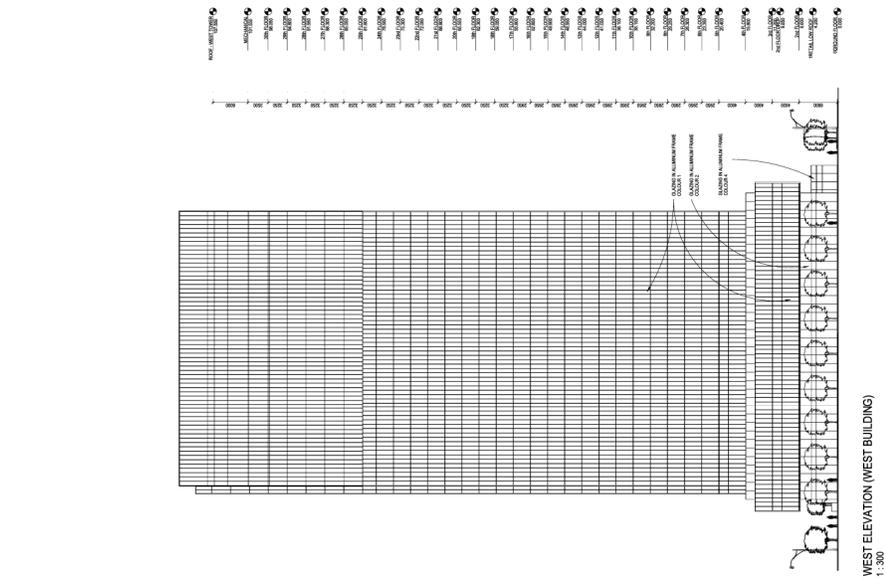
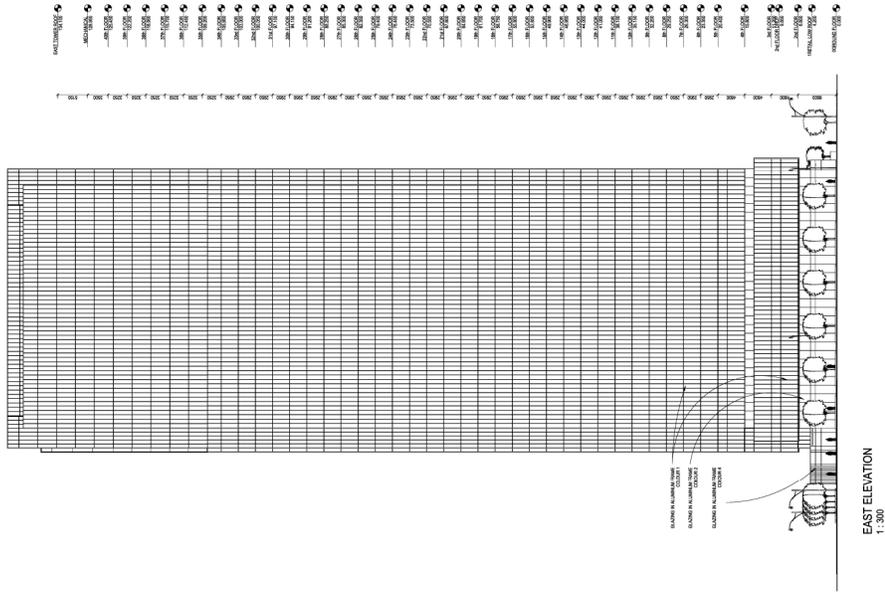
Emerald Park - Ground Floor Plan

Applicant's Submitted Drawing

Not to Scale  
04/13/2010



Attachment 2: East/West Elevations – Emerald Park



4726-4750 Yonge Street, 9-31 Bogert Avenue  
and 2-28 Poyntz Avenue

File # 08\_178556

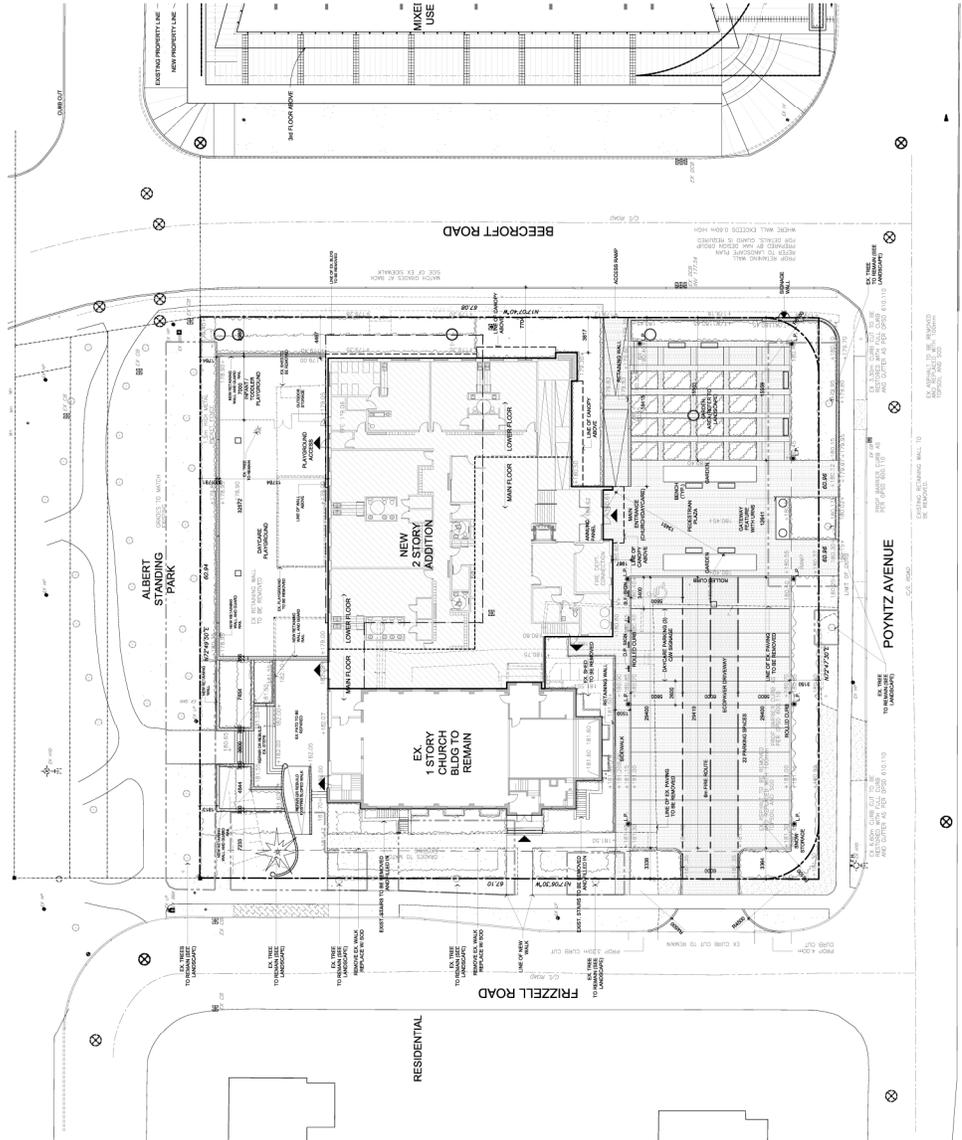
Emerald Park - West/East Elevations

Applicant's Submitted Drawing

Not to Scale  
03/30/2010



Attachment 4: Site Plan – Lansing United Church



49 Bogert Avenue

Lansing United Church - Site Plan

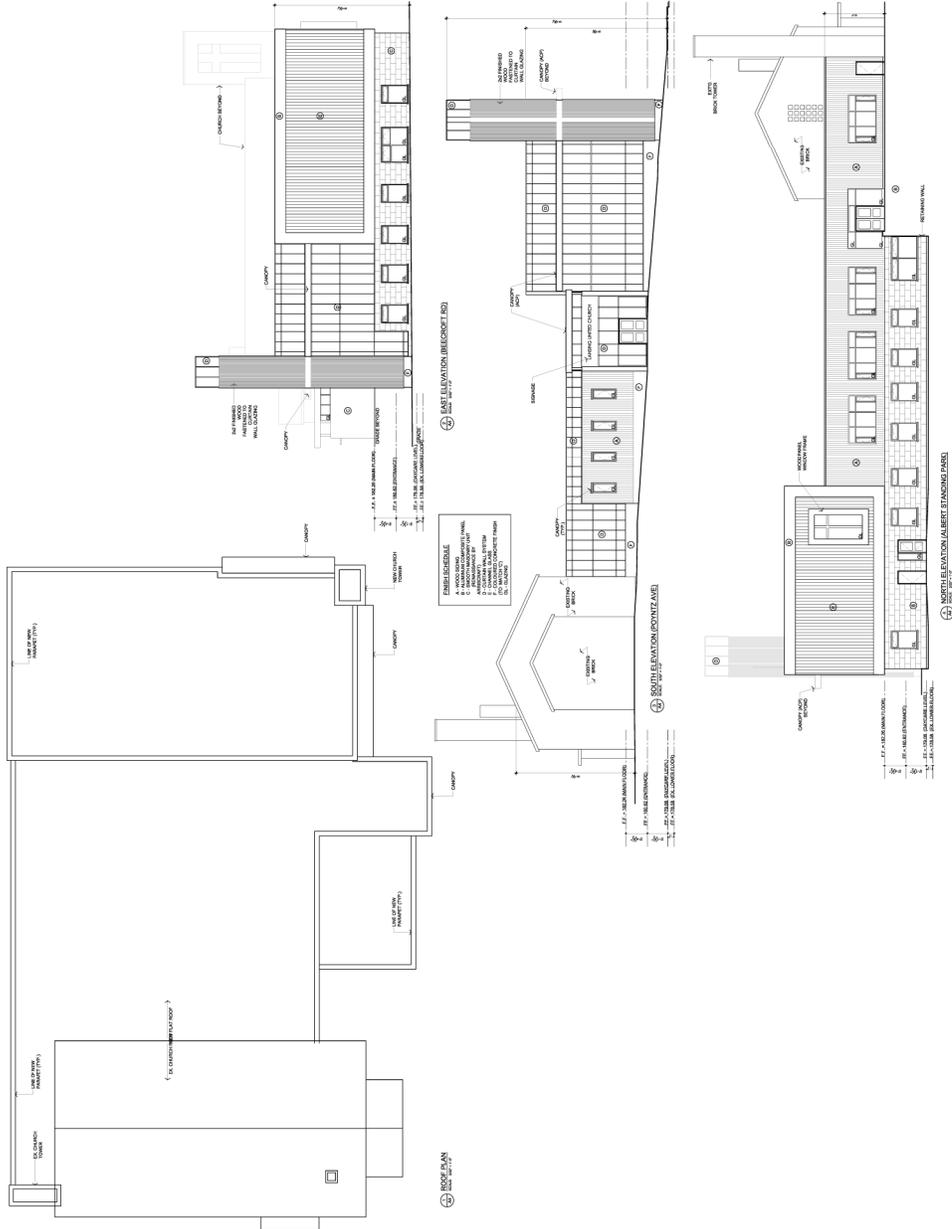
Applicant's Submitted Drawing



Not to Scale  
03/30/2010

File # 08\_178556

Attachment 5: Roof Plan and Elevations – Lansing United Church



49 Bogert Avenue

Lansing United Church - Roof Plan and Elevations

Applicant's Submitted Drawing

Not to Scale  
03/30/2010

File # 08\_178556



# Attachment 6: Zoning



**4726-4750 Yonge Street, 9-31 & 49 Bogert Avenue  
and 2-28 Poyntz Avenue**  
File # 08\_178556

- R4 One-Family Detached Dwelling Fourth Density Zone
- R6 One-Family Detached Dwelling Sixth Density Zone
- R7 One-Family Detached Dwelling Seventh Density Zone
- RM6 Multiple-Family Dwellings Sixth Density Zone

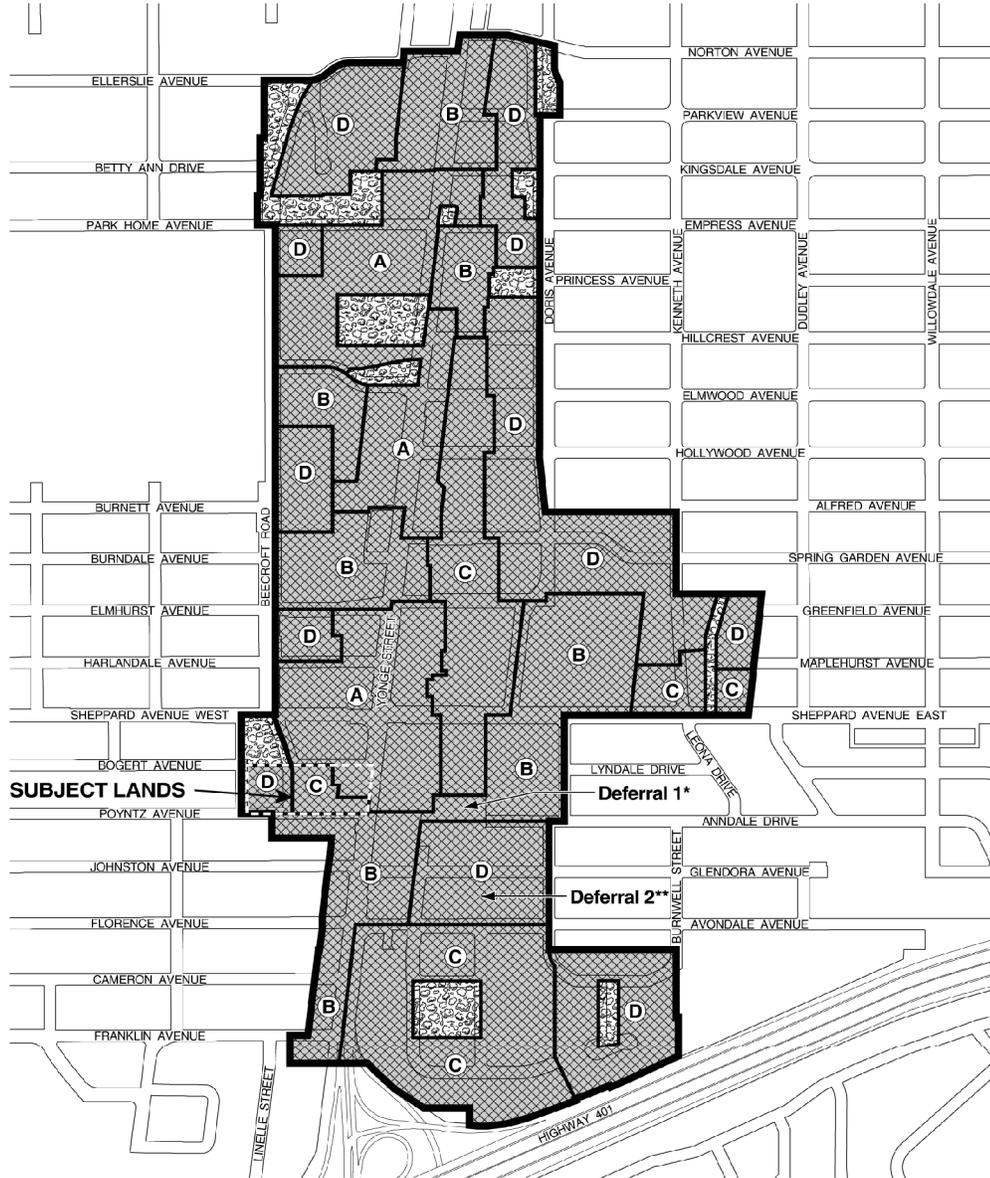
- C1 General Commercial Zone
- C6 Special Commercial Area Zone
- O1 Open Space Zone

NOTE: Numbers in Brackets Denote Exceptions to the Zoning Category



Not to Scale  
Zoning By-law 7625  
Extracted 08/14/2008

# Attachment 7: Official Plan /Land Use



## North York Centre Secondary Plan

MAP 8-3 North York Centre South Land Use Areas

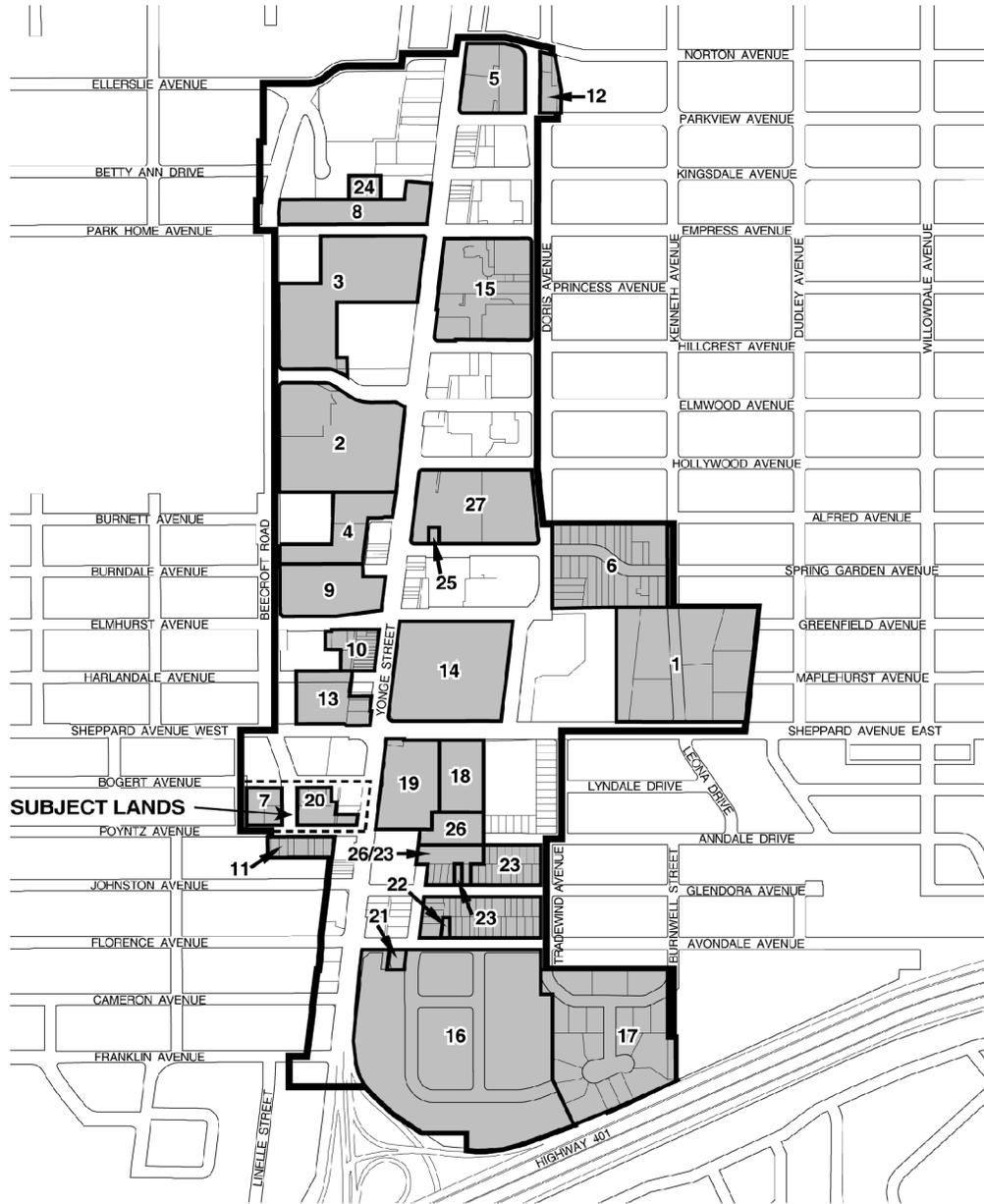
- Secondary Plan Boundary
- Mixed Use Areas
  - Area A - 0% Residential Use
  - Area B - Maximum 50% Residential Use
  - Area C - Maximum 100% Residential Use
  - Area D - Maximum 100% Residential Use
- Parks and Open Space Areas

\*Deferral 1 No decision made by Ministry on lands identified as Deferral 1  
 \*\*Deferral 2 Lands identified as Deferral 2 have not yet received approval from the OMB



June 2006

## Attachment 8: Official Plan – Site Specific Policies



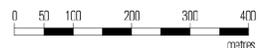
### North York Centre Secondary Plan

MAP 8-12 North York Centre South Site Specific Policies

- Secondary Plan Boundary
- Site Specific Policy Areas\*

\* The shaded areas on this map are subject to the specific policies set out in the North York Centre Secondary Plan, Section 12.

This map forms part of the Official Plan and should be interpreted in conjunction with the written text.



June 2006

## Attachment 9: Application Data Sheet – Emerald Park

Application Type	Site Plan Approval	Application Number:	08 178556 NNY 23 OZ 09 180579 NNY 23 SA
Details		Application Date:	July 7, 2008 (OZ file) October 20, 2009 (SA file)

Municipal Address: 4726-4750 Yonge Street, 9-31 Bogert Avenue, 2-28 Poyntz Avenue  
 Location Description: Northwest corner of Yonge Street and Poyntz Avenue.  
 Project Description: Site Plan Application for a development consisting of two residential towers, 40 and 30-storers in height on a 4-level base building with commercial uses on the first 3 levels.

<b>Applicant:</b>	<b>Agent:</b>	<b>Architect:</b>	<b>Owner:</b>
Emerald Park Inc.	Jane Pepino, Solicitor	Varacalli Architects	Emerald Park Inc.

### PLANNING CONTROLS

Official Plan Designation:	Mixed Use Area A and C	Site Specific Provision:	12.20
Zoning:	C1	Historical Status:	
Height Limit (m):	100 metres	Site Plan Control Area:	Y

### PROJECT INFORMATION

Site Area (sq. m):	7012.4	Height:	Storeys:	40 and 30
Frontage (m):	51		Metres:	129 and 102 (approx 143 & 114 at top of building, when including the mechanical and architectural features)
Depth (m):	109			
Total Ground Floor Area (sq. m):	4770			<b>Total</b>
Total Residential GFA (sq. m):	47,398		Parking Spaces:	802
Total Non-Residential GFA (sq. m):	10,692		Loading Docks	4
Total GFA (sq. m):	59,985			
Floor Space Index:	8.6			

### DWELLING UNITS

### FLOOR AREA BREAKDOWN (upon project completion)

Tenure Type:	Condo		
Rooms:	0	Residential GFA (sq. m):	47,398
Bachelor:	0	Commercial GFA (sq. m):	10,692
1 Bedroom:	243	Other GFA (sq. m):	1,894
2 Bedroom:	322		
Total Units:	565		

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

Attachment 10: Application Data Sheet – Lansing United Church

**APPLICATION DATA SHEET**

Application Type	Site Plan Approval	Application Number:	08 178556 NNY 23 OZ 09 170325 NNY 23 SA
Details		Application Date:	July 7, 2008 (OZ file) September 18, 2009 (SA file)
Municipal Address:	49 BOGERT AVE		
Location Description:	Northwest corner of Beecroft Road and Poyntz Avenue		
Project Description:	Lansing United Church- proposed renovation and expansion		
<b>Applicant:</b>	<b>Agent:</b>	<b>Architect:</b>	<b>Owner:</b>
UNITED CHURCH OF CANADA	Lansing United Church	J. David McAuley Architect Inc.	UNITED CHURCH OF CANADA

**PLANNING CONTROLS**

Official Plan Designation:	Mixed Use Area D	Site Specific Provision:	12.7
Zoning:	R4 (59) and R4 (60)	Historical Status:	
Height Limit (m):	11 metres	Site Plan Control Area:	Y

**PROJECT INFORMATION**

Site Area (sq. m):	4088.7	Height:	Storeys:	2
Frontage (m):	67.1		Metres:	11
Depth (m):	60.9			
Total Ground Floor Area (sq. m):				<b>Total</b>
Total Residential GFA (sq. m):			Parking Spaces:	22 + access to a maximum 74 spaces on Emerald Park site
Total Non-Residential GFA (sq. m):			Loading Docks	0
Total GFA (sq. m):	2735.3			
Lot Coverage Ratio (%):	34			
Floor Space Index:	0.66			

**FLOOR AREA BREAKDOWN** (upon project completion)

Institutional/Other GFA (sq. m): 2735.3

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

Attachment 11: Draft Official Plan Amendment

**CITY OF TORONTO  
BY-LAW NO.**

**To adopt Amendment No. 120 to the Official Plan of the City of Toronto respecting lands municipally known as 4726-4750 Yonge Street; 9 - 31 Bogert Avenue; 2-28 Poyntz Avenue, and 49 Bogert Avenue.**

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

WHEREAS Council of the City of Toronto has provided adequate information to the public and has held at least one public meeting in according with the Planning Act; The Council of the City of Toronto HEREBY ENACTS as follows:

1. The attached Amendment No. 120 to the Official Plan is hereby adopted pursuant to the Planning Act, R.S.) 1990, C.P 13, as amended.

ENACTED AND PASSED THIS ..... day of ..... 2010

DAVID MILLER  
Mayor

ULLI S. WATKISS  
City Clerk

(Corporate Seal)

## AMENDMENT NO. 120

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

**Lands municipally known in 2009 as 4726-4750 Yonge Street; 9 - 31 Bogert Avenue; 2-28 Poyntz Avenue, and 49 Bogert Avenue.**

The following text and maps constitute Amendment No. 120 to the City of Toronto Official Plan (being an amendment to the provisions of the North York Centre Secondary Plan).

Clause 1: Map 8-8d of Chapter Six, Section 8 (North York Centre Secondary Plan), titled “Maximum Height Limits”, is amended in accordance with Map Schedule “1” attached.

Clause 2: Map 8-12 of Chapter Six, Section 8 (North York Centre Secondary Plan), titled “North York Centre South Site Specific Policies” is amended in accordance with Map Schedule “2”, attached.

Clause 3:

Chapter Six, Section 8 (North York Centre Secondary Plan) is amended by deleting Section 12.7 and replacing it with the following:

7. LANDS BOUNDED BY FRIZZELL ROAD, POYNTZ AVENUE, BEECROFT ROAD, AND THE SOUTH LIMIT OF ALBERT STANDING PARK (7 on Map 8-12)

All density of land in this area may be transferred to the site on the opposite side of Beecroft Road that is subject to Site Specific Policy 12.20, to be used for any of the uses permitted on the receiving lands.

Clause 4:

Chapter Six, Section 8 (North York Centre Secondary Plan) is amended by deleting Section 12.20(b) and replacing it with the following:

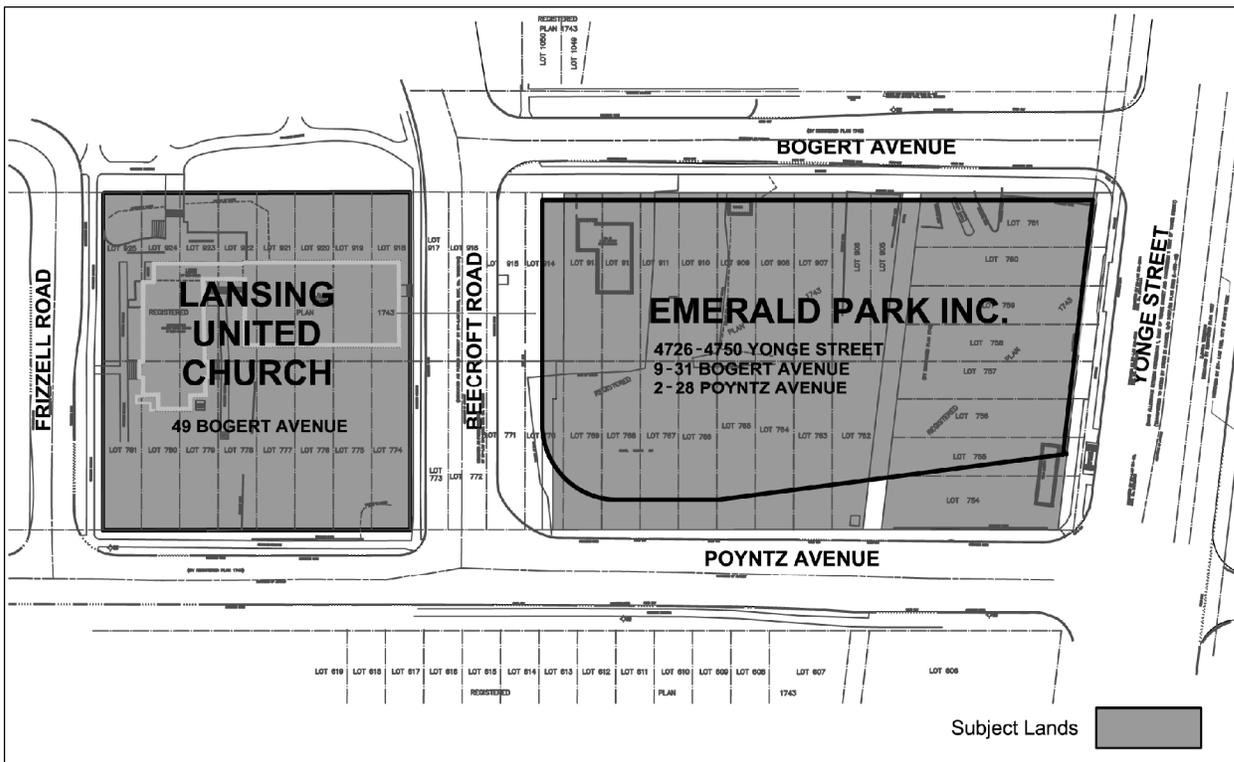
- (b) Despite Section 3.0 of this Secondary Plan, a zoning by-law for these lands may permit other exclusions from Gross Floor Area, including grade level shopping facilities and may permit an aggregate Gross Floor Area, including exemptions, incentives and transfers, that exceeds the maximum permitted density of 4.5 times the lot area by more than 33 per cent, however, the total maximum density on these lands will not exceed 8.6 times the lot area, including the exemptions, incentives and transfers.

Clause 5:

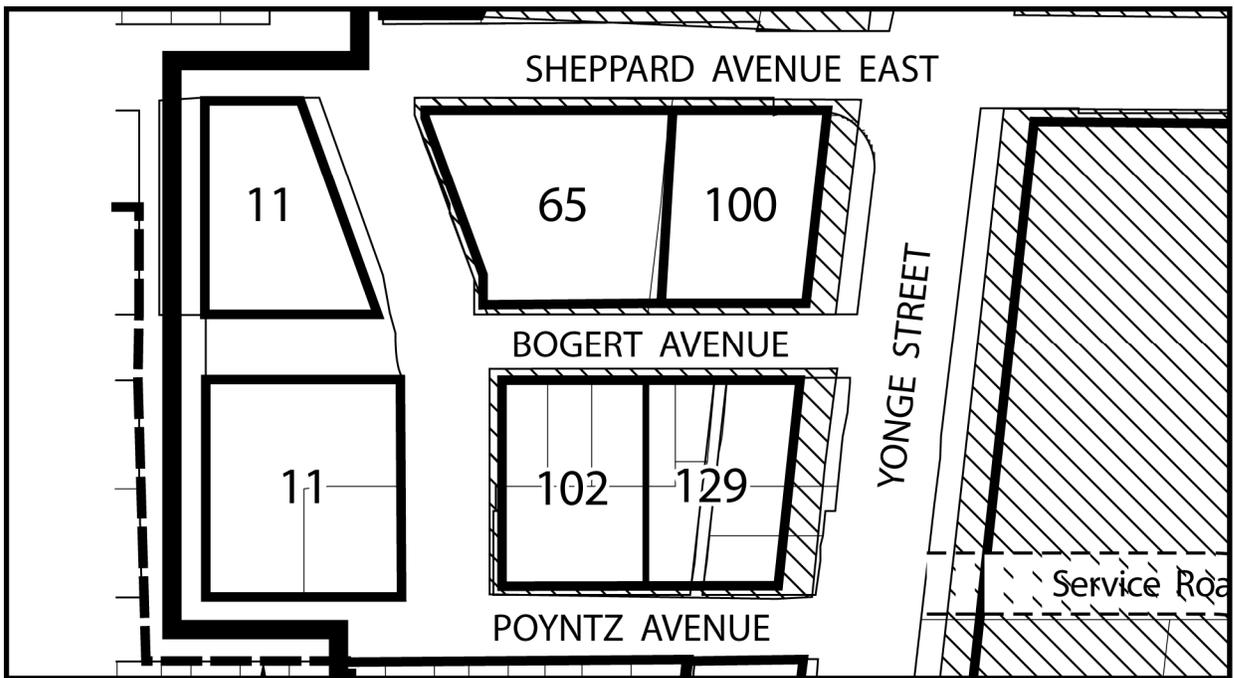
Chapter Six, Section 8 (North York Centre Secondary Plan) is amended by deleting Section 12.20(d)(v) and replacing it with the following:

- (v) Despite Section 2.1.2 of this Secondary Plan, in order to encourage comprehensive redevelopment of the subject lands, the City upon receipt of an application which consolidates this area with lands known municipally as 4726-4750 Yonge Street, 9 - 31 Bogert Avenue and 2-28 Poyntz Avenue may pass a by-law to include residential gross floor area in *Mixed Use Area A*, subject to a minimum 10,500 square metres of non-residential gross floor area being provided;
- (vi) Pursuant to Section 37 of the *Planning Act*, the following facilities, services and/or matters are to be secured; street related retail and service commercial uses on Yonge Street and Poyntz Avenue; the transfer of density from the Lansing United Church lands; and, a monetary contribution to the City for the density from the social facility space to be constructed on the Lansing United Church lands (49 Bogert Avenue);
- (vii) Despite Section 6.7, private outdoor recreational space is permitted on the roof of the podium and will be counted as part of the private outdoor recreational space requirement for residential development; and
- (viii) all other provisions of this Secondary Plan will apply.

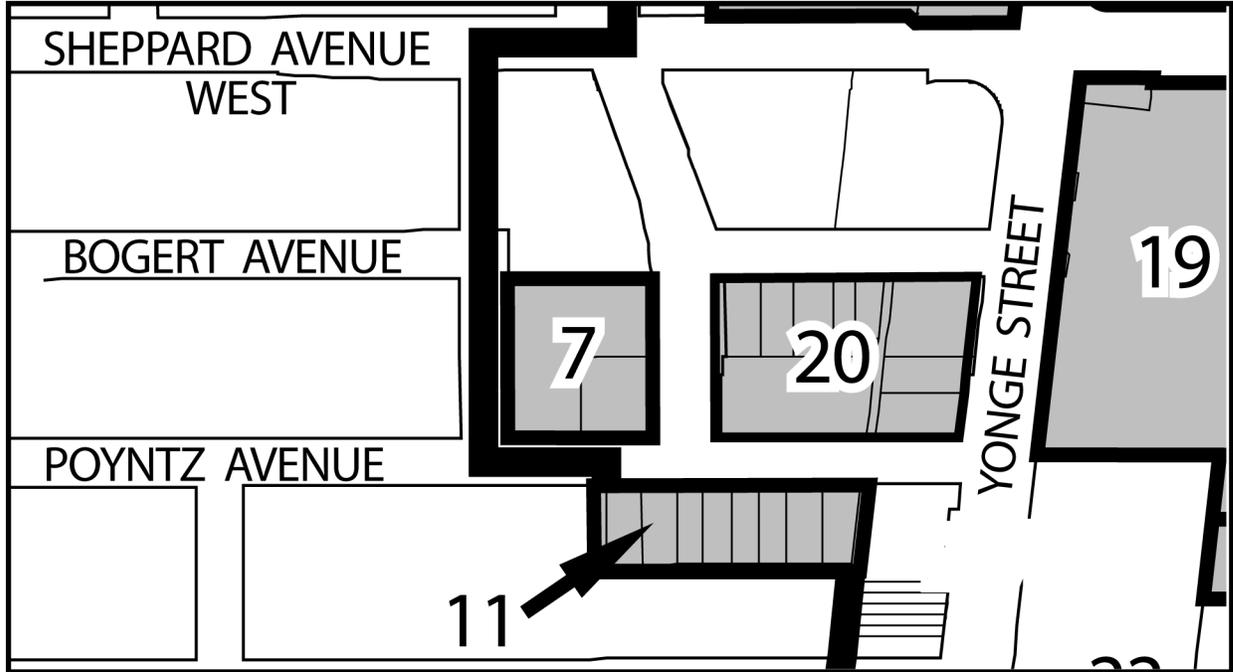
## LANDS AFFECTED BY THIS AMENDMENT



## MAP SCHEDULE 1 –



MAP SCHEDULE 2 –



Attachment 12: Draft Zoning By-law Amendment

**Draft Zoning By-law Amendment**

Authority: North York Community Council Item ~ [or Report No. ~, Clause No. ~]  
as adopted by City of Toronto Council on ~, 2010  
Enacted by Council: ~, 2010

**CITY OF TORONTO**

**Bill No. ~**

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

**To amend former City of North York Zoning By-law No. 7625, as amended,  
with respect to the lands municipally known as  
4726-4750 Yonge Street, 9-31 Bogert Avenue, 2-28 Poyntz Avenue  
and 49 Bogert Avenue**

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

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

1. Schedules “B” and “C” of By-law No. 7625 of the former City of North York are amended in accordance with Schedule “1” of this By-law.
2. Within the lands shown on Schedule "1" attached to this By-law, no person shall use any land or erect or use any building or structure unless the following municipal services are provided to the lot line and the following provisions are complied with;
  - (a) all new public roads have been constructed to a minimum of base curb and base asphalt and are connected to an existing public highway, but shall not include road widenings or road conveyances; and,
  - (b) all water mains and sanitary sewers, and appropriate appurtenances, have been installed and are operational.

3. Section 64.20-A of By-law No. 7625 is amended by deleting Subsection 64.20A(103) in its entirety and replacing it with the following subsection:

**“64.20-A(103) RM6(103)**

**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 or any combination thereof.

**BICYCLE PARKING**

- (b) For the purpose of this exception, “bicycle parking” shall mean an area equipped with one or more bicycle racks or lockers for the purpose of parking and securing bicycles, including any corridors used exclusively to access said racks or lockers, but not intended for general storage use.
- (c) For the purpose of this exception, “bicycle parking space” shall mean a space with a minimum vertical clearance of 1.9 metres, minimum horizontal dimensions of 0.6 metres by 1.2 metres and maximum floor area of 2.0 m<sup>2</sup>, including any associated access corridor area, that is designed and equipped exclusively for the purpose of parking and securing one or more bicycles and is not located within a dwelling unit, balcony or commercial suite.

**BUILDING HEIGHT**

- (d) For the purpose of this exception, “building height”, measured from the established grade, shall not exceed the maximum heights in metres shown on Schedule “RM6(103) excluding mechanical penthouses, parapets and other architectural features, and stairwells to access the roof.

**NUMBER OF STOREYS**

- (e) For the purpose of this exception, the number of storeys shall not exceed the maximum shown on ‘Schedule RM6 (103)’, excluding mechanical penthouses, parapets and other architectural features, and stairwells to access the roof.

#### CAR-SHARE MOTOR VEHICLE

- (f) For the purpose of this exception, “car-share motor vehicle” means a motor vehicle available for short term rental, including an option for hourly rental, for the use of at least the occupants of a building erected within the site.

#### CAR-SHARE PARKING SPACE

- (g) For the purpose of this exception, “car-share parking space” means a parking space used exclusively for the parking of a car-share motor vehicle.

#### COMMON OUTDOOR SPACE

- (h) 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

- (i) For the purpose of this exception, “established grade” shall mean the geodetic elevation of 178.00 metres.

#### GROSS SITE

- (j) For the purpose of this exception, “gross site” shall mean Parts 1, 2, 3, 4, 5, 6, 7, 9, 10 and 12 of Plan 66R-24757, comprising an area of 7,012.4 square metres.

#### GROSS FLOOR AREA

- (k) 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 used for motor vehicle or bicycle parking contained in a parking garage, including an above-grade parking structure provided the structure does not exceed three storeys in height above grade; and

- (iii) the floor area of unenclosed residential balconies.

#### GUEST SUITE

- (l) For the purpose of this exception, “guest suite” shall mean a suite, other than a dwelling unit, that has no kitchen facilities and is available for use on a temporary basis as overnight accommodation for persons visiting residents of an apartment house dwelling.

#### MECHANICAL FLOOR AREA

- (m) 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, such as heating, ventilation, air conditioning, electrical, plumbing, fire protection, telephone, telecommunication, cable, garbage chute and elevator equipment.

#### NET SITE

- (n) For the purpose of this exception, “net site” shall mean the gross site minus the area of any lands conveyed to the City for road widening purposes, as shown on Schedule “RM6(103)”. The net site has an area of 5,969.3 square metres.

#### RECREATIONAL AMENITY AREA

- (o) For the purpose of this exception, “recreational amenity area” shall mean an area set aside for social and/or recreational purposes, which is common to all occupants of the building. Social and/or recreational purposes include indoor or outdoor space, such as playgrounds, tennis courts, lawn bowling greens, indoor or outdoor swimming pools, exercise or entertainment rooms, change rooms, library space, meeting or party rooms and other similar uses.

#### RETAIL AND SERVICE COMMERCIAL

- (p) For the purpose of this exception, “Retail and Service Commercial” uses shall mean retail stores, service shops, personal service shops, restaurants, out-door café in conjunction with a restaurant, banquet halls, art galleries, artist studios, commercial galleries, dry-cleaning and laundry collecting establishments, synthetic dry-cleaning establishments, car rental agencies, commercial and private schools, financial institutions including banks, information processing, studios, takeout restaurants, fitness centres, clubs, recreational uses, commercial recreation facilities, social facilities,

automatic teller machines, or any combination thereof.

## **PERMITTED USES**

(q) The only permitted uses shall be:

### **RESIDENTIAL**

apartment house dwellings and accessory uses, including private recreational amenity areas;  
five (5) car-share parking spaces; and,  
four (4) guest suites;

### **NON-RESIDENTIAL**

business and professional offices;  
car-share parking space;  
day nurseries;  
professional medical offices (restricted to 2<sup>nd</sup> or 3<sup>rd</sup> floors);  
retail and service commercial uses;  
    retail stores,  
    service shops,  
    personal service shops,  
    restaurants,  
    out-door café in conjunction with a restaurant,  
    banquet halls (restricted to 2<sup>nd</sup> or 3<sup>rd</sup> floors);  
    art galleries,  
    artist studios (restricted to 2<sup>nd</sup> or 3<sup>rd</sup> floors);  
    commercial galleries,  
    dry-cleaning and laundry collecting establishments,  
    synthetic dry-cleaning establishments,  
    car rental agencies,  
    commercial and private schools (restricted to 2<sup>nd</sup> or 3<sup>rd</sup> floors);  
    financial institutions including banks,  
    information processing (restricted to 2<sup>nd</sup> or 3<sup>rd</sup> floors);  
    studios (restricted to 2<sup>nd</sup> or 3<sup>rd</sup> floors);  
    takeout restaurants,  
    fitness centres (restricted to 2<sup>nd</sup> or 3<sup>rd</sup> floors);  
    clubs (restricted to 2<sup>nd</sup> or 3<sup>rd</sup> floors);  
    recreational uses (restricted to 2<sup>nd</sup> or 3<sup>rd</sup> floors);  
    commercial recreation facilities (restricted to 2<sup>nd</sup> or 3<sup>rd</sup> floors);  
    social facilities (restricted to 2<sup>nd</sup> or 3<sup>rd</sup> floors); and,  
    automatic teller machines,  
sales office;  
transit station pedestrian connection; and,

accessory uses.

No mezzanine level shall be located in or above the commercial retail uses located on the first storey of any building shown on Schedule “RM6(103)”.

## **EXCEPTION REGULATIONS**

### **MAXIMUM GROSS FLOOR AREA**

- (r) Except as provided for in subsection (gg) of this exception, the maximum gross floor area permitted on the net site, shall not exceed 31,556 m<sup>2</sup> attributable to the gross site, of which a minimum 10,500 m<sup>2</sup> of non-residential gross floor area shall be provided;

### **NUMBER OF DWELLING UNITS**

- (s) The maximum number of dwelling units shall be 565.

### **BUILDING ENVELOPE**

- (t) 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(103)”, except for canopies and driveway entrances and lights and architectural features which may project beyond the building envelope.

### **PARKING**

- (u) Parking spaces shall be provided within the net site in accordance with the following requirements:
  - (i) a minimum of 1.00 parking spaces per dwelling unit, including 0.10 parking spaces per dwelling unit for visitor use;
  - (ii) a maximum of 1.20 parking spaces per dwelling unit, including 0.10 parking spaces per dwelling unit for visitor use;
  - (iii) a minimum of 0.90 parking spaces per 100 square metres of gross floor area devoted to retail, service commercial and office uses, including a visitor parking allowance of 0.1 spaces per 100 square metres;
  - (iv) a maximum of 1.00 parking spaces per 100 square metres of gross floor area devoted to retail, service commercial and office uses, including a visitor parking allowance of 0.1 spaces per 100 square metres.

- (v) an additional 74 parking spaces that may be shared for the use of the social facility, place of worship and community centre located on the Lansing United Church lands zoned “R4(60)”, municipally known as 49 Bogert Avenue;
- (v) A charge may be imposed for the use of parking spaces except for the residential visitor parking requirements.
- (w) A maximum of 72 parking spaces may have parking space dimensions of 2.2 metres wide by 4.9 metres in length, which will be signed accordingly.

#### BICYCLE PARKING

- (x) Bicycle parking spaces shall be provided within the net site in accordance with the following requirements:
  - (i) a minimum of 0.1 bicycle parking spaces per dwelling unit; and
  - (ii) a minimum of 1 bicycle parking spaces per 2,000 square metres of gross floor area devoted to retail, service commercial and office uses.

The minimum number of required bicycle parking spaces shall be provided in one or more at-grade common bicycle rooms. For the purposes of this exception, “at-grade common bicycle rooms” shall mean at the first level of the building.

#### LOADING

- (y) Provide a minimum of four (4) loading spaces;
  - 3 loading spaces as per North York Zoning By-law 7625
  - 1 loading space with minimum dimensions of 11m long x 3.5m wide x 4.2m high

#### LANDSCAPING

- (z) A minimum of 1,445 square metres of landscaping shall be provided on the net site, including the required outdoor recreational amenity area and the required common outdoor space, including areas located on the podium roof.

#### COMMON OUTDOOR SPACE

- (aa) A minimum of 597 square metres of common outdoor space shall be provided on the net site.

## OUTDOOR RECREATIONAL AMENITY AREA

- (bb) A minimum of 1.5 square metres of outdoor recreational amenity area shall be provided on the net site, on the podium roofs adjacent to the residential indoor recreational area.

## INDOOR RECREATIONAL AMENITY AREA

- (cc) A minimum of 1.5 square metres per dwelling unit of indoor recreational amenity area shall be provided on the net site.

## PROVISIONS NOT APPLICABLE

- (dd) The provisions of Sections 6(22)(b), 6(22)(c), 6(29), 6A(2), 6A(8) (f), 15.8 and 20-A of By-law 7625 do not apply.

## INCREASED DENSITY

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

## SECTION 37 AGREEMENT

- (ff) 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 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) the transfer of 15,336 square metres of density from the Lansing United Church lands, west of Beecroft Road and municipally identified as 49 Bogert Avenue;
  - (ii) a minimum of 1528 square metres of street related retail and service commercial uses fronting onto and directly accessible from Yonge Street and Poyntz Avenue and located within 30 metres of the property line;

- (iii) a minimum of 141 square metres for bicycle parking spaces located in an at-grade common bicycle room;
- (iv) a minimum of 1.50 square metres per dwelling unit of indoor recreational amenity area;
- (v) a minimum gross of 136 square metres for a pedestrian connection to the TTC transit station; and
- (vi) submit to the City a monetary contribution, equal to the market value of the 10,440 square metres of gross floor area obtained through the incentive for social facility space on the “R4(60)” lands, in the form of a certified cheque.

#### ADDITIONAL GROSS FLOOR AREA

- (gg) Notwithstanding subsection (q) of this exception, additional gross floor area may be permitted on the net site shown on Schedule “RM6(103)”, limited to the following:
  - (i) a maximum gross floor area of 15,336 square metres attributable to the transfer of density from the Lansing United Church lands, west of Beecroft Road and municipally identified as 49 Bogert Avenue;
  - (ii) a maximum gross floor area of 1528 square metres of retail and service commercial space fronting onto and directly accessible from Yonge Street and Poyntz Avenue and located within 30 metres of the property line;
  - (iii) at-grade common bicycle rooms, of an aggregate maximum gross floor area of 141 square metres, conveniently accessible to the outside;
  - (iv) 1.50 square metres per dwelling unit of indoor residential recreational amenity space, up to a maximum gross floor area of 848 square metres;
  - (v) a maximum gross floor area of 136 square metres for a pedestrian connection to the TTC transit station; and
  - (vi) a maximum gross floor area of 10,440 square metres attributable to 2,610 square metre social facility bonus derived from the R4(60) lands;

## **SEVERANCE**

- (hh) Notwithstanding any existing or future severance, partition or division of the net site shown on Schedule “RM6(103)”, the provisions of this By-law shall apply to the whole of the net site as if no severance, partition or division occurred.”

## **PREVAILING PROVISIONS**

- (ii) Except as otherwise provided herein, the provisions of By-law No. 7625 shall continue to apply to the site.
4. Section 64.20-A of By-law No. 7625 is amended by deleting Schedule “RM6(103)” and by replacing it with Schedule “RM6(103)” attached to this By-law.
  5. Section 64.13 of By-law No. 7625 is amended by deleting Subsection 64.13(59) in its entirety.
  6. Section 64.13 of By-law No. 7625 is amended by deleting Subsection 64.13(60) in its entirety and by replacing it with the following subsection:

**“64.13(60) R4(60)**

## **DEFINITIONS**

### **BUILDING HEIGHT**

- (a) For the purpose of this exception, "building height", measured from the established grade, shall not exceed the maximum heights in metres shown on Schedule “R4(60)” excluding mechanical penthouses, parapets and other architectural features, such as church towers or steeples, and stairwells to access the roof.

### **ESTABLISHED GRADE**

- (b) For the purpose of this exception, “established grade” shall mean the geodetic elevation of 180.62 metres.

### **GROSS FLOOR AREA**

- (c) 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 used for motor vehicle or bicycle parking contained in a parking garage; and
- (iii) the floor area of unenclosed residential balconies.

#### **MECHANICAL FLOOR AREA**

- (d) 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, such as heating, ventilation, air conditioning, electrical, plumbing, fire protection, telephone, telecommunication, cable and elevator equipment.

#### **SOCIAL FACILITY**

- (e) For the purpose of this exception, "social facility" shall mean a multi-purpose building or a portion of a multi-purpose building operated by a government or non-profit organization and used for religious, worship, community, social or cultural activities and uses accessory thereto, owned and operated by a religious or non-profit organization, such as but not limited to a community centre, day nursery; child, elder, co-generational daycare; counselling or crisis centre; community hall; or multi-purpose hall;

#### **COMMUNITY CENTRE**

- (f) For the purpose of this exception, "community centre" shall mean premises operated by or on behalf of a government or non-profit organization and used for the purposes of providing community activities, such as arts, crafts, recreational, social, charitable or educational activities.

#### **PERMITTED USES**

- (g) The only permitted uses shall be:
  - social facility;
  - place of worship;
  - community centre; and,
  - accessory uses.

## **EXCEPTION REGULATIONS**

### **MAXIMUM GROSS FLOOR AREA**

- (h) A minimum gross floor area of 2,610 square metres is required to be provided on the site.

### **BUILDING HEIGHT**

- (i) The building height shall not exceed the maximum heights in metres shown on Schedule “R4(60)”.

### **BUILDING ENVELOPE**

- (j) 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 “R4(60)” except for mechanical penthouses, parapets and other architectural features, such as church towers or steeples, and stairwells.

### **PARKING**

- (k) A maximum of 22 surface parking spaces on-site shall be permitted.
- (l) An additional 74 parking spaces that may be shared to be available and accessible from the underground parking garage located on the lands zoned “RM6(103)”.
- (m) A charge may be imposed for the use of on-site parking spaces.

### **LOT COVERAGE**

- (n) The maximum permitted building coverage is 35 per-cent of the site.

### **LANDSCAPING**

- (o) A minimum of 1,600 square metres of landscaping, consisting of natural or artificial grass, planted or treed areas, safety surfacing, play structures, paved areas and other hard surface landscaping, shall be provided on the site, including the playground area, shown on Schedule “R4(60)”.

### **PROVISIONS NOT APPLICABLE**

- (p) The provisions of Sections 6(20), 6(26), 6A(2), 6A(4)(a), 6A(14), 7.4A and 13 do not apply.

## **INCREASED DENSITY**

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

## **SECTION 37 AGREEMENT**

- (r) 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 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) a minimum 2,610 square metre multi-purpose social facility on the "R4(60)" lands, including such uses as social facility, day nursery, place of worship and community-related space.

## **ADDITIONAL GROSS FLOOR AREA**

- (s) additional gross floor area may be permitted on the site shown on Schedule "R4(60)", limited to the following:
  - (i) the uses identified in sub-section (g) of this exception and exempted from the calculation of gross floor area.

## **SEVERANCE**

- (t) Notwithstanding any existing or future severance, partition or division of the site shown on Schedule "R4(60)", the provisions of this By-law shall apply to the whole of the site as if no severance, partition or division occurred."

**PREVAILING PROVISIONS**

(u) Except as otherwise provided herein, the provisions of By-law No. 7625 shall continue to apply to the site.

7. Section 64.13 of By-law No. 7625 is amended by adding Schedule “R4(60)” attached to this By-law.

ENACTED AND PASSED this \_\_\_\_ day of \_\_\_\_\_, A.D. 2010.

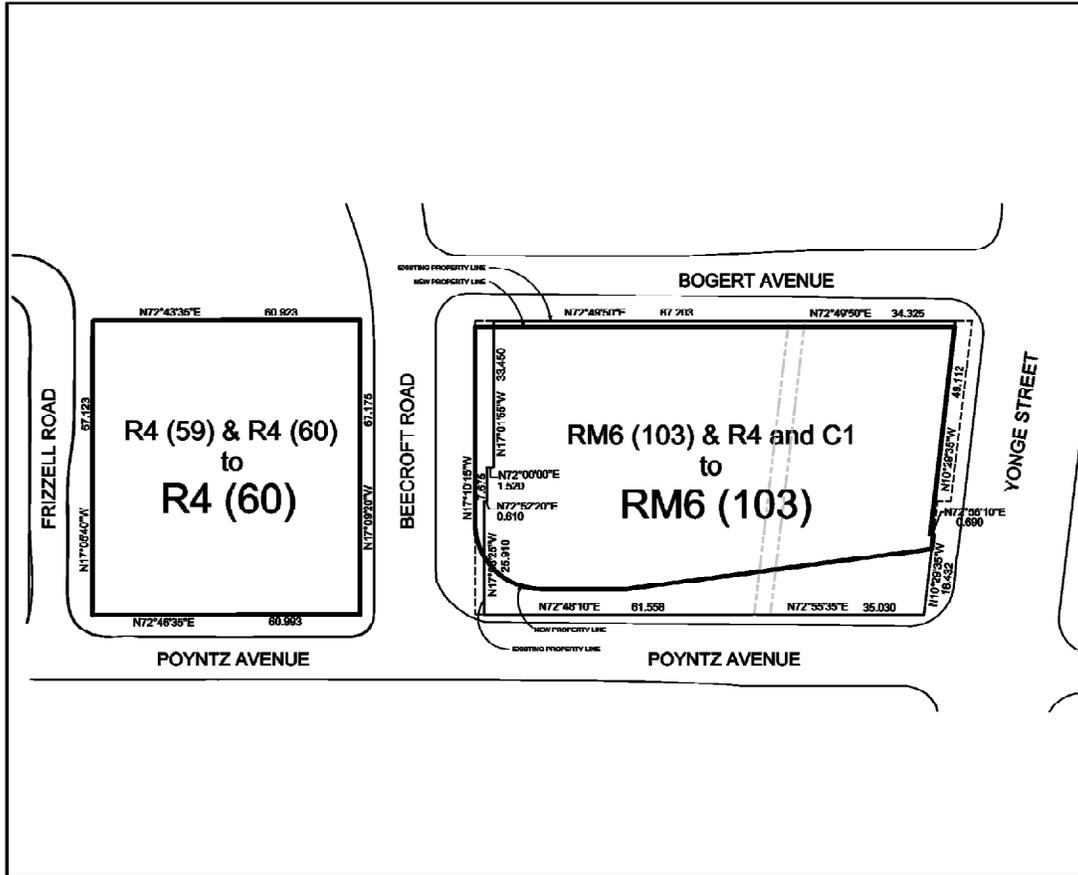
DAVID R. MILLER,  
Mayor  
(Corporate Seal)

ULLI S. WATKISS  
City Clerk

SCHEDULE "1"

DRAFT

Schedule RM6 (103) and R4 (60)



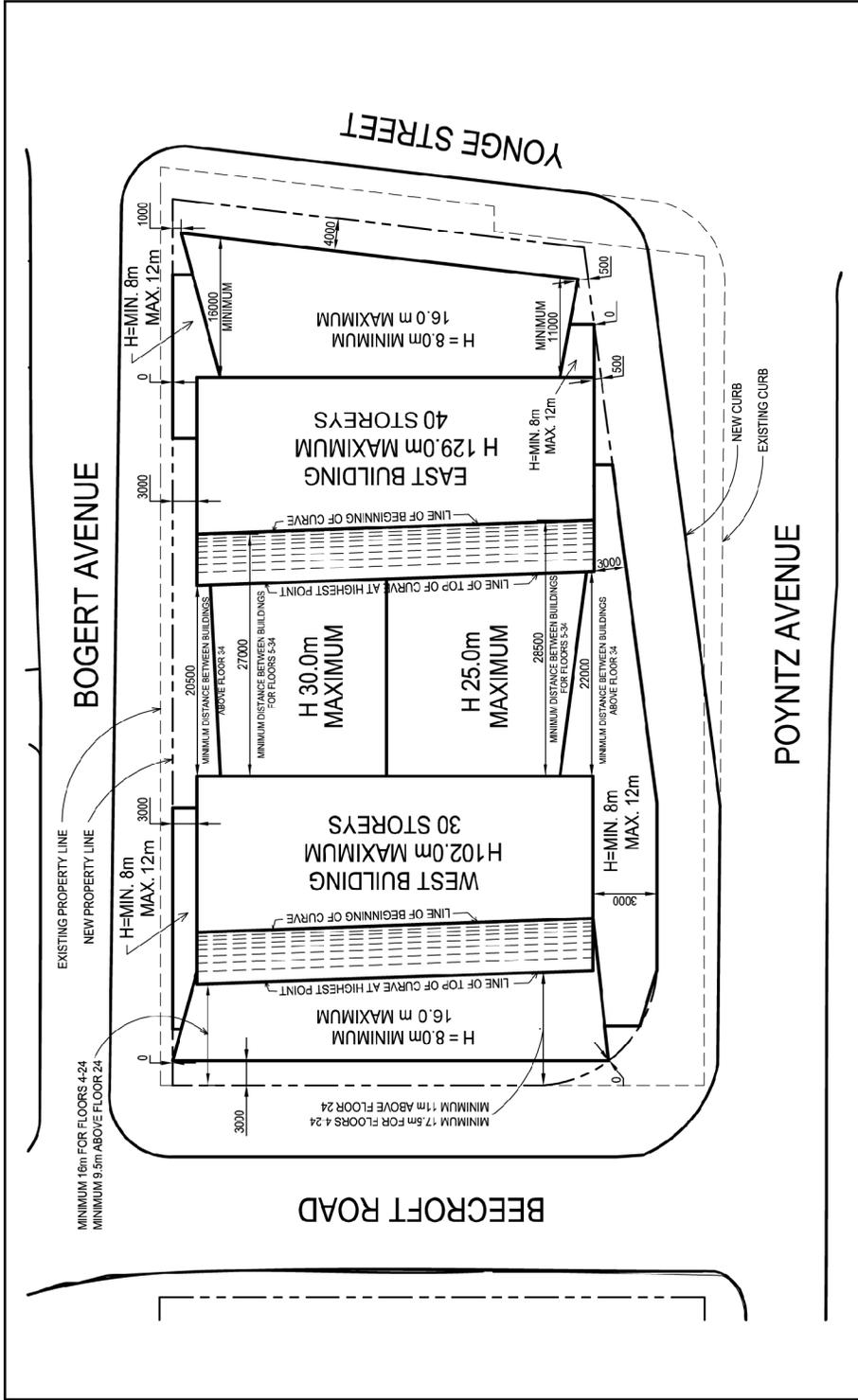
Schedule RM6 (103) and R4 (60)

Part of Lots 754,755,756,757,758,759,760,761,770 and  
Lots 762 to 769 and 774 to 781 inclusive and  
905 to 913 inclusive and 918 to 925 inclusive Registered Plan 1743

Date: 05/02/2010  
Approved by: K.J.



**DRAFT - SCHEDULE "RM6(103)"**



**Schedule RM6(103)**

Part of Lots 754, 755, 756, 757, 758, 759, 760, 761, 770 and Lots 762 to 769 and 774 to 781 inclusive and 905 to 913 inclusive and 918 to 925 inclusive. RP 1743

Date: 04/14/2010

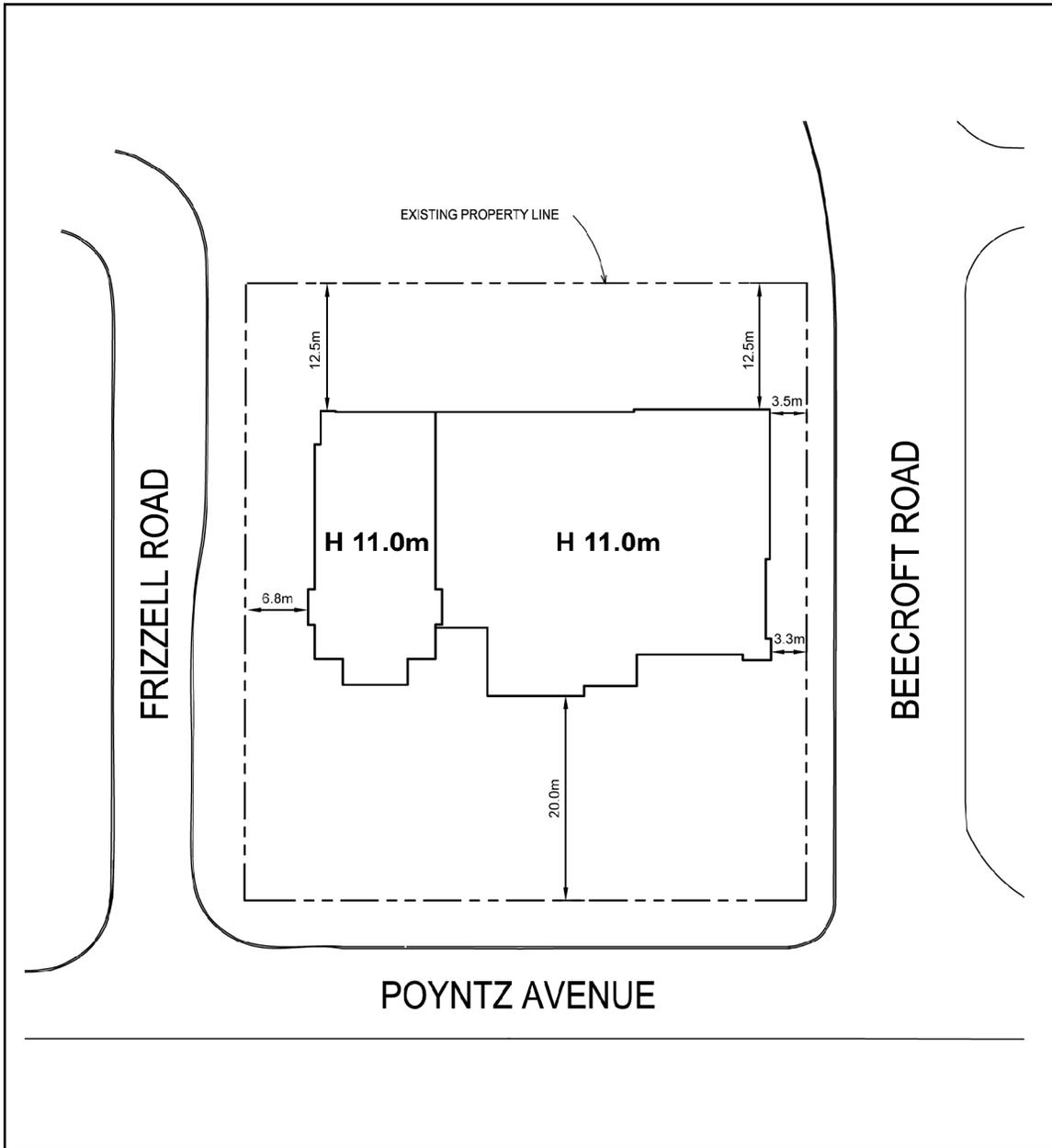
Approved by: M.C.

File # 08\_178556



Not to Scale

**DRAFT - SCHEDULE "R4(60)"**



**Schedule R4 (60)**

Lots 774 to 778 inclusive and Lots 918 to 925 inclusive  
Registered Plan 1743

File # 08\_178556

Date: 04/13/2010  
Approved by: M.C.

↑  
Not to Scale

Attachment 13: Draft Site Plan Approval Conditions – Emerald Park

**Site Plan File No: 09 180579 NNY 23 SA**

Proposal for a mixed-use development of two residential towers, 40 and 30-storeys in height including a 4-level base building with commercial uses on the first 3-levels, as outlined in the following plans and drawings:

**Architectural Plans prepared by Varacalli architects**

PLAN NAME AND NO.	REVISION DATE	DATE RECEIVED BY CITY PLANNING
Site Plan/ Roof Plan – A102	February 2, 2010	February 26, 2010
Statistics – A103	April 8, 2010	April 9, 2010
Parking Level 6 – A201a	April 8, 2010	April 9, 2010
Parking Levels P3-P5 - A201	April 8, 2010	April 9, 2010
Parking Level P2 – A202	April 8, 2010	April 9, 2010
Parking Level P1 – A203	April 8, 2010	April 9, 2010
Ground Floor Plan – A301	April 8, 2010	April 9, 2010
2 <sup>nd</sup> Floor – A302	February 2, 2010	February 12, 2010
3 <sup>rd</sup> Floor – A303	February 2, 2010	February 12, 2010
4 <sup>th</sup> Floor – A304	February 2, 2010	February 12, 2010
East/ West Elevations – A401	February 2, 2010	February 12, 2010
South Elevation – A402	February 2, 2010	February 12, 2010
North Elevation – A403	February 2, 2010	February 12, 2010
Partial North Podium Elevation Bogert Ave. – A406	February 2, 2010	February 12, 2010
Partial East Podium Elevation Bogert Ave. at Yonge St. – A407	February 2, 2010	February 12, 2010
Schematic Street Sections – A501	February 2, 2010	February 12, 2010
Partial South Podium Elevation Poyntz Ave. at Yonge St. – A404	February 2, 2010	February 12, 2010
Partial North Podium Elevation Bogert Avenue at Becroft Road – A405	February 2, 2010	February 12, 2010

**Landscape Plans prepared by NAK design group**

PLAN NAME AND NO.	REVISION DATE	DATE RECEIVED BY CITY PLANNING
Landscape Masterplan and Planting Plan (Ground Floor) – L1	February 2, 2010	February 26, 2010
Landscape/ Composite Utility Plan – L1a	February 2, 2010	February 26, 2010
Landscape Masterplan and Planting Plan (Amenity/Landscape Roof Terraces) – L2	February 2, 2010	February 26, 2010
Landscape Roof Top Plan and Planting Plan – L3	February 2, 2010	February 26, 2010
Streetscape and City Details – LD1	February 2, 2010	February 12, 2010
Landscape Details – LD2	February 2, 2010	February 12, 2010

**A. DRAFT 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, including streetscape plans for Yonge Street, Poyntz Avenue, Beecroft Road and Bogert Avenue, to the satisfaction of the Director, Community Planning, North York District.

All the utilities, such as gas meters, vents, transformers need to be marked clearly on the site plan, ground floor plan and the landscape plan. Those utilities should not be placed in publicly visible areas.

3. 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.
4. The owner shall submit revised architectural plans to the satisfaction of the Director, Community Planning, North York District, including, but not limited to:
    - Elevation plans, including 1:50 scale elevations of the first two floors for each elevation, including the building corners and 1:50 cross sections including the streetscape; more detailed information to be provided regarding the base building, including , among other details, location of retail store entrances, signage, building façade materials and lighting; and,
    - Site plan and parking garage level plans.
  5. In the event construction work does not commence within one year of the date of the final approval of the Site Plan Control Approval application, the Owner shall sod with grass any portion of the site where work has not commenced. The Owner shall submit to the Chief Financial Officer and Treasurer as a deposit a letter of credit or certified cheque for \$48,000.00 for the proposed sodding. The City Planning Division may draw down on the financial security provided for on-site private landscaping for this purpose if the Owner fails to provide this required landscaping. The letter of credit or certified cheque will be returned to the Owner upon issuance of the above grade building permit.

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

6. The owner shall enter into an agreement to erect and maintain signs, at points of egress and ingress of the development site, and insert warning clauses in Agreement of Purchase and Sale, or lease, with respect to the availability of school accommodation to the satisfaction of the Toronto District School Board.

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

7. 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.

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

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

**TECHNICAL SERVICES – Yelena Akselrod, Senior Development Engineer ( 416-395-6306)**

The following preliminary notice of approval conditions are provided for the owner's information only and are subject to change. Providing the following preliminary conditions does not constitute permission to grant any building permit(s).

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

- 9.1 Prepare all documents and convey to the City, at nominal cost,
- i) Parts 10 and 12 on reference plan 66R-24757 to permit a 1.51 metre widening across the entire Bogert Avenue frontage of the subject land.
  - ii) Parts 5, 6, 7 and 9 on reference plan 66R-24757 for the widening on the north side of Poyntz Avenue from Yonge Street to Beecroft Road and east side of Yonge Street.

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;

- 9.2 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;
- 9.3 Pay all costs for registration and preparation of reference plan(s).
- 9.4 Retain a Qualified Person to conduct environmental site assessments for the lands to be conveyed to the City.

- 9.5 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.
- 9.6 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.
- 9.7 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.
- 9.8 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.

**10. Facilities to Provide Access to and from the Land**

The applicant is required to provide funds (amount to be determined) for improvements to the traffic signal at Poyntz Avenue and Becroft Road.

**11. Walkway and Walkway Ramps**

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

- a) Relocation/Construction of a 2.0 metre wide sidewalk across the

entire Beecroft Road and Bogert Avenue frontage of the site to the standard location of 2.0 metre from the (widened) property line. The cost of this work is estimated to be \$22,230.

- b) \$1,111.50 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 HYDRO,**

- 12. The owner shall satisfy the requirements of Toronto Hydro.

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

- 13. The owner shall satisfy the requirements of Bell Canada.

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

#### **City-owned Trees**

- 14. The applicant is to revise the Landscape Plan L1 to show the spacing of the proposed trees fronting Bogert Avenue at 8.0 metre minimum for ten (10) new trees fronting Bogert Avenue for a combined total of 34 trees within the street allowance.

Urban Forestry requires the submission of a Tree Planting Deposit in the amount of \$19,822.00 (\$583 per tree) to ensure the planting of 34 new trees as required above. The Tree Planting Deposit must be submitted to the attention of Harold Moffat, Supervisor of Urban Forestry, Tree Protection & Plan Review. The deposit will 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 guarantee period. The General Manager of Parks, Forestry & Recreation shall hold the tree planting security deposit for the duration of the renewable guarantee period.

### Privately-owned Trees

15. The plans and report show that the development proposes the removal of 9 privately-owned trees, inventoried as Trees #6596, 6598 to 6605, having diameters of 30 cm or greater, situated on the subject site. Under the provision of Section 813-16 (B), of the City of Toronto Municipal Code, Chapter 813, Trees, Article III, the subject trees meet the criteria for protection under the City of Toronto's Private Tree by-law. Urban Forestry requires the submission of a complete "Application to Injure or Destroy Trees on Private Property" and an application fee in the amount of \$2,700 (\$300 per tree).

The applicant is advised that once a complete application is received, as outlined in the City of Toronto Municipal Code, Chapter 813, Trees, Article III, a complete review of the application is required. The review process involves notification to the community, Ward Councillor consultation and possibly report to Council. As part of the review process, you may be required to submit revised plans to address the intent of the tree by-laws as indicated above.

Where tree planting to replace trees to be removed is not physically possible on site at a replacement ratio of 3:1, the General Manager of Parks, Forestry & Recreation will accept a cash in lieu payment in the amount equal to 120 percent of the cost of replanting and maintaining the trees for a period of two years. Only large growing shade tree species will be counted in the 3:1 replacement ratio. For this development, the applicant is proposing to remove nine (9) trees protected under the provisions of the Private Tree By-law, which would require the planting of 27 replacement trees.

The Landscape Plans propose to plant 16 ornamental pear trees on private property. The Ornamental pear is not considered a large growing canopy tree and therefore is not considered as part of the replacement of trees. Urban Forestry requires that the applicant submit a fee of \$15,741 (27x \$583.00) as cash in lieu to compensate for the replacement of trees of private property.

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

16. Land Requirements:

The Developer shall provide:

- a) A stratified fee interest for existing subway facilities to replace TTC's existing easements including a 3.0 metre allowance for facility maintenance around the top and sides of the existing structures and facilities;

- b) A permanent easement for the building floor area required for a fully accessible elevator and escalator which will be constructed in future to make the development entrance connection to the Sheppard subway station fully accessible. The elevator shall be designed to the then current TTC standards.
- c) Land in fee simple, if required, for the relocation and reconfiguration of TTC's existing air ventilation, exhaust shafts, and replacement air pressure relief ventilation shaft(s).
- d) Permanent easements for general access through the development into the Sheppard Station Entrance Connection; and
- e) Maintenance easements providing access to TTC's existing facilities and structures, replacement facilities and entrance connections and permitting the TTC to access, inspect, repair and maintain its structures and facilities.

17. TTC Technical Review:

Prior to starting any demolition or construction, or the issuance of the first or any building permit(s), the Developer shall complete a Toronto Transit Commission ("TTC") Level 3A Technical Review of the proposed development as applicable to the particular permit applied for and obtain the TTC's written acknowledgement that the Developer has satisfied all of the conditions arising out of the review. If design of the development is phased or staged, each phase or stage will require a separate Technical Review and attract its own Technical Review Fee. The level of the Technical Review will be confirmed at the time the stage or phase is submitted for review. As part of the technical review process, the Developer shall provide the requisite information and pay the associated review fees to the TTC for each phase or stage; and

18. Entrance Connection:

Prior to the issuance of the first or any building permit(s) for the entrance connection, the Developer shall complete a TTC technical review of the proposed entrance connection, and obtain the TTC's written acknowledgement that the Developer has satisfied all of the conditions arising out of the review. This technical review is particular to the entrance connections and is in addition to the technical review of the main building.

19. Air Pressure Relief and Exhaust Ventilation Shafts:

The Developer shall at their own cost, design and construct a replacement air pressure relief ventilation shaft to the satisfaction of the TTC to replace the existing open stairwell serving the Sheppard Subway station, which will be closed as a result of this development.

## **B. DRAFT POST APPROVAL CONDITIONS**

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

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

### **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.

### **CITY PLANNING - Heritage Preservation Services – Susan Hughes, Special Projects Archaeology (416-338-1096)**

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

### **TECHNICAL SERVICES – Yelena Akselrod, 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.**

#### **4. Widening of Highways that abut on the Land**

4.1 Convey to the City, at nominal cost, the following:

- i) Parts 10 and 12 on reference plan 66R-24757 to permit a 1.51 metre widening across the entire Bogert Avenue frontage of the subject land.

- ii) Parts 5, 6, 7 and 9 on reference plan 66R-24757 for the widening on the north side of Poyntz Avenue from Yonge Street to Beecroft Road.

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.

**5. Facilities to Provide Access to and from the Land**

- 5.1 Remove all existing accesses, curb cuts, traffic control sign, etc. along the development site frontage that are no longer required and reinstate the boulevard within the right-of-way, in accordance with City standards and to the satisfaction of the Executive Director of Technical Services.
- 5.2 The proposed driveway(s) on City property must be graded downward towards the roadway and have a 2% to 6% slope.

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

- 6.1 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. Comprehensive signage plans for the ground level and underground parking levels must be submitted for review and approval;
- 6.2 Any underground doors located immediately abutting driving aisles must be revised or indented to provide a buffer space for pedestrian safety consideration;
- 6.3 The City does not recognize substandard parking spaces “compact spaces” as a legitimate parking space. Compact spaces will not be recognized on the zoning agreement or the site plan agreement. Compact spaces do not count towards the minimum parking requirements but do count towards the maximum parking requirements.
- 6.4 A loading operations strategy must be organized to ensure safe and efficient loading on site. Possible strategies may include but are not limited to an order to which loading spaces should be filled, short term loading spaces, and type of loading space (vehicle).

7. **Walkway and Walkway Ramps**

Driveway curbs must be flush on either side of the sidewalk for a minimum of 0.45 metres.

8. **Facilities for the Landscaping of the Lands or the Protection of Adjoining Lands**

- 8.1 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:
- 8.1.1 All landscape/streetscape features illustrated on the applicant's approved landscaping plan; and,
  - 8.1.2 Plant irrigation systems.
- 8.2 These encroachments shall be permitted by the City of Toronto pursuant to the following terms:
- 8.2.1 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;
  - 8.2.2 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;
  - 8.2.3 To provide unobstructed driver sight lines, the owner shall ensure that all vegetation, street furniture, retaining walls and fences located within 4.5 m of the travelled portion of the adjoining public highway do not exceed a maximum height of 0.85 m measured from the travelled surface of the adjoining highway. The owner shall maintain all trees located within 4.5 m of the travelled portion of the adjoining highway with a minimum clearance of 2.5 m measured between the bottom of the tree canopy and the travelled portion of the street;
  - 8.2.4 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;
- 8.2.5 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;
- 8.2.6 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 doing so; and
- 8.2.7 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.
- 8.3 Any landscaping within the Yonge Street, Poyntz Avenue, Bogert Avenue and Beecroft Road boulevard must be approved by the Transportation Services Division prior to site plan approval.
- 8.4 The owner shall arrange for the installation of the standard Yonge Street boulevard treatment, including a 3.0 metre wide concrete sidewalk and special pattern of granite pavers across the entire Yonge Street and Poyntz Avenue frontages of the site in accordance with Council Policy, Resolution No. 90-44.

9. **Facilities for the Storage of Garbage and Other Waste Material**
  - 9.1 Construct and maintain all facilities necessary to permit the City to collect solid waste and recyclable materials in accordance with By-law 235-2001, Waste Collection for Residential Properties.
  - 9.2 Advise all owners and tenants/future purchasers of the commercial/retail units that refuse and recyclable materials must be collected by a private refuse collection firm.
  - 9.3 Provide and maintain proposed single chute with tri-sorter system for multiple household residential buildings.
10. **Grading and Provision for the Disposal of Storm, Surface and Wastewater from the Land**
  - 10.1 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.
  - 10.2 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.
  - 10.3 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.
11. **Other Conditions**
  - 11.1 The owner is required to certify that the unit owners and their successors in title will be responsible for the provision, construction, maintenance and repair of the common elements through the provisions of the Common Elements Condominium Act.

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

12. Entrance Connection Agreement:

The Developer is required to enter into an entrance connection agreement with the TTC for the construction of the Sheppard Station Entrance Connection.

13. Required Surveys:

Prior to occupancy of any portion of this development, the Developer shall, at their own cost, provide the TTC surveys showing the location of underground utilities and services, underground parking garage structure(s) and all building foundations, signed and sealed by an Ontario Land Surveyor.

14. Registration of Documents:

The Developer shall, at their own cost, prepare and register all reference plans, strata reference plans, easement documents, and agreement required as a result of this development.

15. Emergency Exists and Fire Ventilation:

The Developer shall protect and maintain the operation of TTC's stair and emergency exits and fire ventilation shafts and equipment adjacent to the development throughout the construction of the development. Should the Developer receive approval from the TTC and the City of Toronto to demolish any of these facilities, these facilities shall not be closed and/or demolished until such time as replacement facilities designed, constructed, and commissioned to the satisfaction of TTC are in place, have received all required approvals from any authority having jurisdiction and are ready for use, except as expressly approved in writing by TTC.

16. Transit Interference Warning Clause:

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

- a) The proximity of the proposed development of the lands municipally known as 4726- 4750 Yonge Street, 9-31 Bogert Avenue, and 2-28 Poyntz Avenue (the "Development"), to the Toronto Transit Commission's ("TTC") subway right of way may result in noise, vibration, electromagnetic interference, stray current, smoke and particulate matter, transmissions (collectively referred to as "Interferences") to the Development;

- b) The City of Toronto and the TTC will not accept responsibility for such effects on any of the Development and/or its occupants;
- c) It has been advised by the TTC 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 lands municipally known as 4726- 4750 Yonge Street, 9-31 Bogert Avenue, and 2-28 Poyntz (the “Development”) to Toronto Transit Commission (“TTC”) transit operations may result in noise, vibration, electromagnetic interference, stray current, smoke and particulate matter, transmissions (collectively referred to as “Interferences”) to the Development and despite the inclusion of control features within the Development, Interferences from transit operations may continue to be of concern, occasionally interfering with some activities of the occupants in the Development. Notwithstanding the above, the Purchaser and/or Lessee agrees to release and save harmless the City of Toronto and the TTC from all claims, losses, judgments or actions arising or 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; and

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

17. Development Restrictions:

The following restrictions will apply to the subject development:

- a) No building or structure except as specifically approved in writing by the TTC shall bear directly or indirectly upon the TTC's structures or facilities, including staging, shoring, hoarding, construction equipment and all temporary construction measures, unless expressly approved in writing by TTC;
- b) No building or structure will be constructed immediately over TTC's structures or facilities except as expressly agreed to in writing by the TTC;
- c) No building, structure or landscape element shall overload or place unbalanced loads on the TTC's structures or facilities;
- d) The Developer shall not plant trees on top of or immediately adjacent to the TTC's structures except as expressly agreed to in writing by the TTC;
- e) The Developer shall ensure that this development complies with Ministry of the Environment requirements governing the location and positioning of air intake and exhaust systems. The air intake and exhaust ventilation shafts that will be modified in order to facilitate this development shall also comply with Ministry of the Environment requirements; and
- f) In the construction of the development, the Developer shall not allow any construction crane located on the development lands to traverse, swing and/or pass over any TTC facility or structure at any time unless:
  - i. TTC's subway system is not operational nor open to the public, nor being occupied by workers for repair or maintenance purposes; or
  - ii. Protective measures are in place, as set out in the construction agreement to be entered into between the Developer and the TTC.

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

18. Prior to the issuance of the first above grade building permit, the Owner shall convey parkland equivalent to the on-site market value of 619m<sup>2</sup> to the City as parkland. The off-site parkland dedication is to be located in an area to the satisfaction of the General Manager, Parks, Forestry and Recreation.

19. The subject parkland conveyance is to be 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.
20. 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.
21. Environmental - Prior to conveying the parkland to the City, the Owner shall be responsible for an environmental assessment of the soil and groundwater within the park block and any associated costs or remediation as a result of that assessment. Such assessment and/or remediation shall ensure that the parkland at the time of conveyance to the City, meets all applicable laws, regulations and guidelines respecting sites to be used for public park purposes, including but not limited to City Council policies respecting soil remediation of sites to be acquired by the City and the Ministry of the Environment's Guideline for Use at Contaminated Sites in Ontario, as amended. The environmental assessment shall be prepared by a qualified environmental consultant acceptable to the Executive Director, Technical Services in consultation with the General Manager, Parks, Forestry and Recreation. Prior to the conveyance of the parkland to the City, the environmental assessment shall be peer reviewed by an environmental consultant retained by the City at the Owner's expense (the 'Peer Reviewer'), and the conveyance of the park land shall be conditional upon the Peer Reviewer concurring with the Owner's environmental consultant that the park land meets all applicable laws, regulations and guidelines for public park purposes. The owner must file a 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 General Manager, Parks Forestry and Recreation.
22. The owner will be responsible for the base construction and installation of the parkland. The base park improvements include the following:
  - (i) demolition, removal and disposal of all existing materials, buildings, foundations etc;
  - (ii) grading (inclusive of topsoil supply and placement, minimum of 150 mm);
  - (iii) sod (or equivalent value of other approved park development);
  - (iv) fencing to City standard (where deemed necessary);
  - (v) all necessary drainage systems;
  - (vi) electrical and water connections to the street line, including back flow preventors, shut off valves, and the necessary water and hydro chambers;

- (vii) street trees along all public road allowances, which abut future City owned parkland; and

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

- 23. Prior to issuance of the first above grade building permit, the Owner shall submit a cost estimate for the Base Park Improvements.
- 24. 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 the Base Park Improvements for the park 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 base park improvements.
- 25. The construction of the Base Park Improvements shall be completed within one year after the date of issuance of the above grade building permit 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.
- 26. The Owner, upon satisfactory completion of the construction and installation of the Base 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. As-built drawings in print/hardcopy and electronic format shall be submitted to Parks, Forestry and Recreation. Once approved, the submitted letters of credit for park related development will be released, less 20% which shall be retained for a two-year period as a performance guarantee.

Attachment 14: Draft Site Plan Approval Conditions – Lansing United Church

**Site Plan File No.: 09 170325 NNY 23 SA**

Proposal for an expansion and renovation to the existing Lansing United Church Building, to provide a social facility consisting of community space and a child-care centre, as outlined in the following plans and drawings:

**Architectural Plans prepared by J. David McAuley Architect Inc.**

PLAN NAME AND NO.	REVISION DATE	DATE RECEIVED BY CITY PLANNING
A1 - Site Plan	Rev 3 – December 23, 2009	December 24, 2009
A2 - Main Floor Plan	Rev 2 – December 23, 2009	December 24, 2009
A3 - Lower Plan	Rev 2 – December 23, 2009	December 24, 2009
A4 - Roof Plan & Elevations	Rev 2 – December 23, 2009	December 24, 2009
A5 - Building Sections	Rev 1 – December 23, 2009	December 24, 2009
PU-1 Public Utilities Plan	Rev 1 – January 27, 2010	January 29, 2010

**Landscape Plans prepared by NAK design group**

PLAN NAME AND NO.	REVISION DATE	DATE RECEIVED BY CITY PLANNING
L1 - Landscape Masterplan & Tree Preservation Plan	Rev 4 - December 23, 2009	December 24, 2009
L1a – Landscape Masterplan & Composite Utility Plan	Rev 1 – January 29, 2010	January 29, 2010
L3 - Landscape Planting Plan	Rev 1 - September 21, 2009	December 24, 2009
LT1 - Tree Inventory and Preservation Plan	Rev 2 - December 23, 2009	December 24, 2009
LD1 - Landscape Details	Rev 2 - December 23, 2009	December 24, 2009
LD2 - Landscape Details	Rev 2 - December 23, 2009	December 24, 2009
LS - Landscape Sections	Rev 2 - December 23, 2009	December 24, 2009

## **A. DRAFT 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 and Streetscape Plans, to the satisfaction of the Director, Community Planning, North York District.
3. 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.

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

4. The location of the proposed building in relation to Albert Standing Park may require that the Owner enter into a Limiting Distance Agreement with the City in order to comply with the requirements of the Ontario Building Code. Prior to the Site Plan Approval, the Owner is required to provide information to the appropriate staff in the Parks, Forestry & Recreation Department as to whether or not they are subject to a Limiting Distance Agreement. If a Limiting Distance Agreement is required, this Department may require compensation for the affected area.

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

City-owned Trees

5. The owner shall revise the site plan drawing and landscape plans, and other applicable drawings to reduce the Poyntz Avenue walkway on the west side to 2.0 m (vs. 4.0 m), therefore providing 3.0 m (vs. 1.0 m) Tree Protection Zone on the west side of Tree #6611.
6. The owner shall submit a Tree Survival Guarantee in the amount of \$41,398.00 for the protection of six (6) trees, inventoried as Trees #A, C, D, 6611, 6612, and 6617, located on the City road allowance to ensure that the subject trees are protected according to the City of Toronto’s “Tree Protection Policy and Specifications for Construction Near Trees”.
7. The owner shall provide a tree planting financial security of \$1,166.00 for two (2) 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.

Privately-owned Trees

8. The owner shall submit a revised Plant List indicating potted or bare-root (vs. balled-and-or burlapped) planting of Tree Preservation and Removal Plan LT2 and Planting Plan L3 to the satisfaction of the Supervisor of Tree Protection and Plan Review.
9. The owner shall submit a complete “Application to Injure or Destroy Trees on Private Property” and an application fee in the amount of \$900.00 for the removal of three (3) privately owned trees that meet the criteria for protection under the City of Toronto’s Private Tree By-law, inventoried as Trees #6613 to 6615.

**CHILDREN’S SERVICES, Gail O’Donnell, Manager, Capital Projects, Children’s Services (416-397-5086)**

10. That owner shall revise the interior floor plans of the proposed Child Care Centre, and all other applicable site plan drawings to satisfactorily address comments from Children’s Services.

**TECHNICAL SERVICES – Eddy Bolgona, Development Engineer [416-395-6233]**

The following preliminary notice of approval conditions are provided for the owner’s information only and are subject to change. Providing the following preliminary conditions does not constitute permission to grant any building permit(s).

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

1. Prepare all documents and convey to the City, at nominal cost, 6.1 metre radius corner roundings at the corner of Poyntz Ave. & Frizzell Rd. and Poyntz Ave. & Beecroft Rd. 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.
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;
3. Pay all costs for registration and preparation of reference plan(s).

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

1. Site Plan approval is subject to the parking agreement between Lansing United Church and Emerald Park Condominium of 75 shared parking spaces being finalized and approved through zoning, and registered on title, if necessary.

## **TORONTO HYDRO**

13. The owner shall satisfy the requirements of Toronto Hydro.

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

14. The owner shall satisfy the requirements of Bell Canada.

## **B. DRAFT POST APPROVAL CONDITIONS**

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

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

## **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.

### **CITY PLANNING - Heritage Preservation Services – Susan Hughes, Special Projects Archaeology (416-338-1096)**

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

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

4. Should the owner require occupation of a portion of Albert Standing Park to accommodate construction staging, the owner will be required to obtain a Parkland Occupation Permit (POP) from Parks, Forestry and Recreation. The POP would be issued through Mr. Joe Dugas, Parks Supervisor at 416-392-0730. The

POP, if approved, will outline in detail the insurance requirements, extent of area permitted, permitted use, tree removal and replacement, duration, restoration plan and costs, and compensation to the satisfaction of the General Manager, PFR. The POP must be secured prior to the issuance of any shoring and excavation permits. Storage of construction equipment will not be permitted on the park property. The owner will indemnify the City against any claim during any interim use of or work carried out by the applicant on the park. In order to properly assess the extent of park occupation, the owner will be required to submit a detailed landscape plan and inventory of the southern edge of Albert Standing Park identifying the existing layout, plant materials and underground servicing to the satisfaction of the General Manager, PFR.

Unless a Park Occupation Permit is approved and secured by the developer with the City, the developer is not permitted to utilize Albert Standing Park in any way during the construction period.

**TECHNICAL SERVICES – Eddy Bolgona, Development Engineer [416-395-6233]**

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.

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

Convey to the City, at nominal cost, the following:

- a) a 6.1 metre radius corner rounding at Poyntz Ave. & Frizzell Rd.
- b) a 6.1 metre radius corner rounding at Poyntz Ave. & Beecroft Rd.

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.

**6. Facilities to Provide Access to and from the Land**

1. Remove all existing accesses, curb cuts, traffic control sign, etc. along the development site frontage that are no longer required and reinstate the boulevard within the right-of-way, in accordance with City standards and to the satisfaction of the Executive Director of Technical Services.
2. The proposed driveway on City property must be graded downward towards the roadway and have a 2% to 6% slope.
3. Any encroachments within Municipal Road Allowances will not be permitted unless they are explicitly approved by the Right-of-Way Management section of Transportation Services. The applicant is required

to contact the section through the permit approval process to obtain the exact particulars of these requirements. For further information, please contact the Right-of-Way Management Section, Toronto North York District at (416) 395-7112;

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

1. All site access driveways must be at least 1.0 metre from existing utilities. If required, the relocation of any public utilities (utility poles, guy wires, etc.) would be at the cost of the developer and shall be subject to the approval of the applicable governing agencies;
2. Snow must be stored on the site such that the pedestrian sidewalks are not obstructed, parking supply is not reduced and vehicular sightlines are not affected. Snow that cannot be adequately stored on-site must be removed from the site by the owner/building management after each snow fall.
3. In accordance with Zoning By-law 7625, all on-site driveways and parking areas must be surfaced and maintained with asphalt, concrete, or interlocking stone; and
4. Provide and maintain off-street vehicular loading and parking facilities and access driveways in accordance with the approved plans and drawings, to the satisfaction of the Executive Director, Technical Services;
5. The owner must install and maintain appropriate signage and pavement markings on-site directing such as but not limited to: vehicle stopping and circulation, designated disabled parking, loading, and pedestrian walkways, to the satisfaction of the Executive Director, Technical Services;

**8. Walkway and Walkway Ramps**

Driveway curbs must be flush on either side of the sidewalk for a minimum of 0.45 metres.

**9. Facilities for the Landscaping of the Lands or the Protection of Adjoining Lands**

- 9.1 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:
  - 1.1 All landscape/streetscape features illustrated on the applicant's approved landscaping plan; and,

- 1.2 Plant irrigation systems.
- 9.2 These encroachments shall be permitted by the City of Toronto pursuant to the following terms:
    - 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;
    - 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;
    - 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;
    - 2.4 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;
    - 2.5 The owner agrees that if the City should at any time undertake any widening or other alteration to the adjoining public highway(s) necessitating the removal of any encroachment(s), the City shall not be liable to pay any compensation whatsoever for such removal, nor shall it restore any encroachment that it removes. The encroachments permitted by this agreement shall be removed by the owner, at their expense, within 14 days of receiving written notice from the Executive Director of Technical Services 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;

- 2.6 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 doing so; and
- 2.7 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.

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

1. Advise all owners and tenants/future purchasers of the units that refuse and recyclable materials generated by this building must be collected by a private refuse collection firm.
2. The refuse and recycling storage area must be enclosed and maintained in a manner that will not attract pests, create a health or other hazard, or obstruct an emergency route, driveway or walkway;

Attachment 15 –

Draft Term Sheet for Lansing United Church Social Facility Space

**Lansing United Church – Preliminary Term Sheet**

Section 37 community benefit to involve contribution of a 2,610 square metre “Social Facility” as defined under the North York Centre Secondary Plan that meets the criteria noted below, specifically the provision of Community Services and Facilities Space and a Non-Profit Child Care Facility. This facility shall be provided for the lifetime of the associated development project.

**1. COMMUNITY SERVICES AND FACILITIES SPACE**

1.1 For the purposes of these guidelines, community services and facilities include

- recreation facilities;
- community centres;
- family resource centres;
- public meeting spaces and multi-use facilities;

OR

- any other facility operated or directly funded by a government agency or non-profit institution for the purpose of providing human services.

1.2 a) The Community Services and Facilities Space is to be provided for a term of two 40 year periods and one 19 year period on a turn-key basis operated by the Lansing United Church or a non-profit agency approved by the Chief Planner in consultation as necessary with the appropriate City staff. The Lansing United Church is responsible for constructing, furnishing, finishing and equipping the space and for payment of all applicable development charges, park levies and any other up-front development costs.

b) The Operator of the Community Services and Facilities Space will be Lansing United Church or a non-profit agency approved by the Chief Planner in consultation as necessary with the appropriate City staff;

c) The size, location, materials and design are to the satisfaction of the Chief Planner in consultation as necessary with the appropriate City staff and meet all licensing and Ontario Building Code requirements;

d) The Lansing United Church shall have Reserve Funds in order to maintain the operation of the Community Services and Facilities Space in an amount satisfactory to the Chief Planner in consultation as necessary with the appropriate City staff; and

e) The Lansing United Church shall have a Start Up Fund for the defrayment of operational deficits incurred during the first year of operation in an amount satisfactory to the Chief Planner in consultation as necessary with the appropriate City staff.

### 1.3 **DISSOLUTION:**

In the event that the Lansing United Church or Church of Canada ceases operating the Community Services and Facilities Space within the timeframe set out in the lease agreement, or ceases to meet the terms of the agreement, the remainder of the Community Services and Facilities Reserve Fund shall either be transferred to the City or the Replacement Operator selected by the Chief Planner in consultation as necessary with the appropriate City staff. The Chief Planner in consultation as necessary with the appropriate City staff at its election shall either select another non-profit Operator or take the management and operation of the Community Services and Facilities Space through one of the City's operating divisions.

The conditions of the agreement shall continue to apply to the Lansing United Church site and building in the event that Lansing United Church or Church of Canada ceases ownership of the property. The Community Services and Facilities Space must be made available for the lifetime of the associated development project.

## 2. **NON-PROFIT CHILD CARE FACILITY**

### 2.1 – **General Terms**

- a) The Lansing United Church shall construct, finish, furnish and equip a child care facility sufficient to accommodate 52-86 children aged 0 to 6 years. The exact size of the child care will be to the satisfaction of the City of Toronto's Children's Services' Service Plan;
- b) The interior space shall provide for 110 square feet per child, and the exterior space shall provide 60 square feet of usable playground space per child;
- c) Child Care space must meet criteria within
  - the Day Nurseries Act;
  - Planning & Design Guidelines for Child Care Centres from the Ministry of Child Services and Youth Services;
  - the CAN/CSA-Z614-03 Children's Play Spaces and Equipment or equivalent;
  - the Toronto Accessibility Guidelines;
  - all provincial codes and municipal planning, zoning and by-law criteria; and
  - if the proposed operator will be servicing subsidized spaces the Operating Criteria for Child Care Providing Care in the City of Toronto must be followed;

- City of Toronto Green Development Standards;  
and

The Lansing United Church must either select an existing non-profit child care operator with a proven track record in providing licensed child care, or establish a new non-profit corporation with the majority of members being the parents of children enrolled in the program, both to the satisfaction of the Chief Planner in consultation as necessary with the appropriate City staff. The easiest method for any developer to choose an operator is to participate in an Expression of Interest process with Children's Services thereby ensuring the best choice is made to run the child care centre. The child care operator must be in good standing with Children's Services and meet 10 conditions for non-profit status. The centre must meet the operating standards in accordance with Children's Services Operating Criteria.

## 2.2 Child Care Facility Design

The S. 37 Agreement shall provide that at the time of site plan approval the approved plans must show:

- a) exterior fenced play space adjacent to interior space, suitably weather protected, equipped and landscaped to facilitate year-round use with a minimum 8' x 10' of vandal-proof storage adjacent to each playground;
- b) a location at grade is preferred, or partially on the second floor level if there is an opportunity for an adjacent play area on a podium. Infant and toddler playroom space must be located at grade;
- c) direct access to grade level and an elevator (if partially located on the second floor). The elevator must be large enough to handle a full length stretcher. There must be a dedicated elevator for the child care facility if the child care facility is forced to locate over 2 floors;
- d) acceptable safe access to the Child Care Centre for children, parents, custodians and staff, including pedestrian and vehicular drop-off and pick-up location of children;
- e) parking provision of a minimum of 3 designated spaces to be located within a short walk to the centre and within a safe, well-lit area at surface;
- f) fully functional kitchen and all furnishings (appliances, furniture etc.) based on the needs of the chosen operator;
- g) acceptable wind, sun/shade, noise, air quality and soil quality conditions;
- h) acceptable security provisions that allow the child care to operate autonomously within a multi-use facility;

i) provision and space for the ability to recycle all food, diaper, fluorescent tubing in order to achieve 100% waste diversion by 2010 and the developer to provide funding to reach this goal;

j) compliance with all physical criteria necessary to obtain a license required to operate a child care facility; and

k) Prior to issuance of a building permit, working drawings and specifications must be submitted to the Chief Planner, and the Province's Ministry of Child Services & Youth Services – Compliance Review Services for their review and approval.

### 2.3 **Equipment, Start-up Costs and Reserve Fund**

a) The Lansing United Church must equip the facility in accordance with provincial and municipal standards with the input from Children's Services. Replacement of appliances and large pieces of equipment shall be the responsibility of Lansing United Church and shall be the subject of an equipment lease; including a detailed equipment list to be appended to the lease for the facility;

b) The Lansing United Church shall have Reserve Funds in order to maintain the Child Care Facility in an amount satisfactory to the Chief Planner in consultation as necessary with the appropriate City staff; and

c) The Lansing United Church must provide funds required for the defrayment of operational deficits incurred during the first year of operation. The amount will be dependent on the licensed capacity of the program, but shall be in the range of \$120,000 to \$150,000, adjusted for cost of living increases over time.

### 2.4 **Lease**

The operator and the owner shall enter into a lease for two 40 year terms and one 19 year term. The lease shall ensure that the facility is free of all rent, the cost of all utilities and municipal services supplied to the facility, caretaking costs, repair and maintenance costs, property damage, liability insurance, realty taxes, development charges, park levies and any other up front development costs, and local improvement charges for a minimum period of 5 years.

### 2.5 **Dissolution:**

In the event that the Lansing United Church or Church of Canada ceases operating the Child Care Facility within the timeframe set out in the lease agreement, or ceases to meet the terms of the agreement, the remainder of the Child Care Facility Reserve Fund shall either be transferred to the City or the Replacement Operator selected by the City. The City at its election shall either select another non-profit Operator or take the management and operation of the Child Care Facility through one of its operating divisions.

The conditions of the agreement shall continue to apply to the Lansing United Church site and building in the event that Lansing United Church or Church of Canada ceases ownership of the property. The Child Care Facility space must be made available for the lifetime of the associated development project.

Appendix “A”

**Deliverables -Included in the scope of the work by Lansing United Church for the Social Facility are the following:**

1. Complete, operational Social Facility fully equipped and functional for the intended purpose to the specified standard. All systems tested and demonstrated to be operational.
2. Complete exterior and interior structure, weather proof and secure
3. All interior and exterior doors, windows and locks.
4. All cladding, roofing, weather proofing, finishes and protective coatings.
5. All floor coverings, wall and ceiling finishes, paint, protective coatings, floor markings for specialized rooms (e.g. court games in the gymnasium) floor coverings and treatments.
6. All trim, mouldings and detailing.
7. All insulation, fireproofing and sound proofing as required through OBC and design process.
8. All interior structural, dividing or partition walls.
9. All utility and service connections sized and located as appropriate for the intended function of the facility, preferred that they be individually metered.
10. All fixtures, equipment, appurtenances, built-in furniture, counters etc.
11. All window coverings, blinds, drapes etc.
12. All vehicular access, parking, service access and turn-rounds for garbage, delivery, visitor drop-off, etc...including all ancillary or related work (excavation, granular, paving, etc.)
13. All related open space, landscaped outdoor areas, walkways and pedestrian connections, stairs, ramps, lights etc.
14. All related and supporting mechanical and electrical systems including heating, air conditioning, lighting, intercom, public address, security, elevating devices, fire detection and suppression, automated door openers, computer cables, telephone, Internet, wiring.

15. International standardized signs for washrooms, elevators, exits and emergency exits, stairs, meeting rooms, etc., and operator identification signage for the exterior and regular signage inside.
16. Any and all demolition , stripping, clearing and grubbing, excavation, removal and disposal, clean-up and soil remediation as required in order to complete the project in accordance with all codes, standards and practices.