

**5220 to 5254 Yonge Street, 78 Ellerslie Avenue and 32 Churchill Avenue – Official Plan Amendment, Zoning Amendment, Site Plan and Rental Housing Demolition Applications – Final Report**

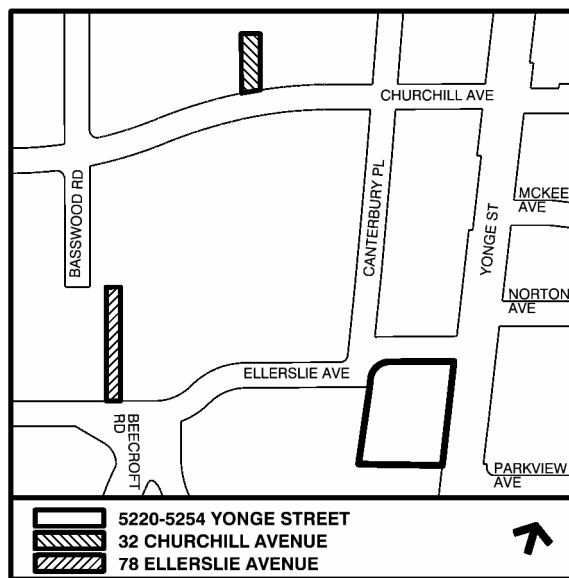
<b>Date:</b>	May 28 2012
<b>To:</b>	North York Community Council
<b>From:</b>	Director, Community Planning, North York District
<b>Wards:</b>	Ward 23 – Willowdale
<b>Reference Number:</b>	OPA/Rezoning Application: 09 165755 NNY 23 OZ Site Plan Application: 10 247876 NNY 23 SA Rental Housing Demolition Application: 09 165759 NNY 00 RH

**SUMMARY**

The Official Plan Amendment and Zoning By-law Amendment application proposes to amend the North York Centre Secondary Plan and Zoning By-law No. 7625, to permit a mixed-use development consisting of a 14-storey, 150 suite hotel tower and a 30-storey, 258 unit residential tower, including a 5-storey base building with a mix of commercial uses, including Social Facility Space (City space) fronting on a pedestrian mews, and the demolition and replacement of 7 rental units.

A Rental Housing Demolition application (File 09 165759 NNY 00 RH) has been submitted with the subject application to demolish the 7 existing residential rental units located at 5250 to 5254 Yonge Street. The 7 units are to be replaced in the new development, with affected tenants receiving relocation assistance and being able to return to the new replacement units.

This report reviews and recommends approval of the Official Plan and Zoning By-law Amendment application, the Site Plan Control



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Approval application and the Rental Housing Demolition application, subject to the conditions outlined in this report.

This report also recommends approval of the rental housing demolition application under Municipal Code 667.

## RECOMMENDATIONS

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### **The City Planning Division recommends that:**

1. City Council amend the North York Centre Secondary Plan, substantially in accordance with the draft Official Plan Amendment attached as Attachment No. 12.
2. City Council amend Zoning By-law No. 7625, substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 13.
3. City Council authorize the City Solicitor to make such stylistic and technical changes to the draft Official Plan and Zoning By-law Amendments as may be required.
4. Before introducing the necessary Bills for the Official Plan and Zoning By-law Amendments to City Council for enactment:
  - a. the owner shall enter into an agreement with the City pursuant to Section 37 of the *Planning Act*, to the satisfaction of the Chief Planner and City Solicitor, to secure and provide the facilities, services and/or matters as generally outlined below:
    - (i) a density transfer from 32 Churchill Avenue, being Part of Lot 42, Registered Plan 3163, totalling 1,842.36 square metres, and the conveyance of 32 Churchill Avenue to the City for service road and associated road network and buffer area purposes
    - (ii) a density transfer from 78 Ellerslie Avenue, being Part of Block 2, Registered Plan 2097, totalling 1,566.60 square metres, and the conveyance of 78 Ellerslie Avenue to the City for service road and associated road network and buffer area purposes;
    - (iii) a minimum of 2,368.80 square metres of street related retail and service commercial uses located on the ground floor along the Yonge Street and the Ellerslie Avenue frontages, and is to include street related retail and service commercial uses located at grade within 30 metres of the property lines, provided that:
      - a) the retail and service commercial uses are directly accessible from Yonge Street or Ellerslie Avenue, when the retail and service commercial space is adjacent to the building frontage along those streets;
      - b) the retail and service commercial space not adjacent to the building frontages, may be from a publicly accessible internal lobby with direct access from Yonge Street.

- (iv) at grade bicycle rooms containing a total minimum of 27 bicycle parking spaces for the residential uses and a minimum of 9 bicycle parking spaces for the commercial uses, located on the ground floor accessible from the outside and having an area of a minimum 65.84 sq.m.;
- (v) a minimum of 30.65 square metres for a bicycle shower and change facility, located below grade;
- (vi) a minimum of 1.50 square metres per dwelling unit of indoor recreational amenity area;
- (vii) a monetary contribution in the form of a certified cheque and satisfactory to the City, to fund 1,736.40 m<sup>2</sup> of proposed gross floor area, toward the provision of public recreation centres and/or toward the cost of the City acquiring lands necessary for the completion of planned service roads and associated road network and buffer areas in the North York Centre, and which shall be indexed upwardly to the Toronto Real Estate Board Market Watch Index from the date of the Section 37 Agreement execution. The amount of the monetary contribution shall be equal to the market value, based on land value, of 1,736.40 m<sup>2</sup> of proposed gross floor area, as determined by the Director of Real Estate Services and provided to the City within 10 days of the by-law being passed or prior to the issuance of the first building permit, whichever is sooner;
- (viii) a density incentive of 1,298.36 square metres for the provision of a minimum of 324.59 square metres of Social Facility Space to the City fronting on an east-west publicly accessible mews;
- (ix) the provision of a minimum of 324.59 square metres of Social Facility Space for the City fronting on an east-west publicly accessible mews, substantially in accordance with the Draft Term Sheet attached as Attachment 11 and any further amendments as deemed appropriate by the Director of Real Estate, in consultation with the local Councillor;
- (x) The provision and maintenance on the site of not less than 7 new replacement rental dwelling units as rental housing units for at least 20 years, comprising 7 one-bedroom dwelling units with affordable rents. The replacement rental dwelling units shall generally be of the same type and size as contained in the existing buildings on the subject site at the date of enactment of the zoning by-law amendment. The applicant shall provide tenant relocation assistance for tenants in the existing buildings in accordance with the detailed terms as set out in the draft zoning by-law amendment attached as Attachment No. 13.
- (xi) The owner shall provide a public access easement in favour of the City over the pedestrian mews and driveway, and all other required easements, to the satisfaction of the City Solicitor, in consultation with the applicable City departments.

- b. The following matters are also recommended to be secured in the Section 37 Agreement as a legal convenience to support development:
  - (i) a corner rounding at the intersection of Yonge Street and Ellerslie Avenue shall be conveyed to the City.
- c. the owner shall have made arrangements satisfactory to the Deputy City Manager and Chief Financial Officer to become the owner of the City properties on Yonge Street;
- d. the owner shall satisfactorily address Toronto Transit Commission (TTC) requirements regarding a TTC Technical Review, as indicated in their later dated December 21, 2009.
- 5. City Council approve the application to demolish the existing building that include 7 residential rental dwelling units located 5250, 5252, 5254 Yonge Street pursuant to Municipal Code Chapters 667 and 363 subject to the following conditions under Chapter 667 which provide for replacement of the rental housing units:
  - (i) the owner shall provide and maintain 7 residential rental dwelling units in the development, for a period of at least 20 years, comprising 7 one-bedroom units, which shall have affordable rents
  - (ii) the owner shall provide tenant relocation assistance including the right to return to a replacement rental unit for the eligible tenants to the satisfaction of the Chief Planner and Executive Director, City Planning Division
  - (iii) the owner shall enter into, and register on title, one or more Section 111 Agreements to secure the conditions outlined in (i) and (ii) and (v) herein and as further detailed in the draft zoning by-law amendment (Attachment No. 13), to the satisfaction of the Chief Planner and the City Solicitor; and
  - (iv) the owner shall enter into and register, a Section 118 Restriction under the Land Titles Act agreeing not to transfer or charge any part of the lands, to the satisfaction of the City Solicitor, without the written consent of the Chief Planner and Executive Director, City Planning Division or his designate, to assist with securing the Section 111 Agreement against future owners and encumbrances of lands.
  - (v) the owner shall obtain a building permit for the replacement rental building dwelling units no later than the issuance of the first building permit, other than for shoring and excavation, for either of the residential condominium or hotel complex components of the development.

6. City Council authorize the Chief Planner and Executive Director, City Planning Division to issue a preliminary approval to the application under Municipal Code Chapter 667 for the existing residential rental housing building after the latest of the following has occurred:
  - i. the satisfaction of, or securing of the conditions in Recommendation No. 5; and
  - ii. the official plan amendment and zoning by-law amendment in Recommendations No. 1 and 2 have come into full force and effect;
7. City Council authorize the Chief Building Official to issue a Section 111 permit under Municipal Code Chapter 667 after the Chief Planner and Executive Director, City Planning Division, has given the preliminary approval in recommendation No. 6 for the existing rental housing building.
8. City Council authorize the Chief Building Official to issue a permit under Section 33 of the Planning Act for the residential rental building no earlier than the date that the owner has submitted application for a building permit for the shoring and excavation for the lands on which the existing rental building is situated, and after the Chief Planner and Executive Director, City Planning Division has given the preliminary approval in Recommendation No. 6 which permit may be included in the demolition permit for Chapter 667 under 363-11.1E, of the Municipal Code, on condition that:
  - a. the owner erect a residential building on site no later than three (3) years from the date the permit is issued for demolition of the buildings; and
  - b. should the owner fail to complete the new building within the time specified in condition no. 8(a), the City Clerk shall be entitled to enter on the collector's roll, to be collected in a like manner as municipal taxes, the sum of twenty thousand dollars (\$20,000) for each dwelling unit for which a demolition permit is issued, and that such sum shall, until payment, be a lien or charge upon the land for which the demolition permit is issued.
9. City Council approve in principle the Draft Term Sheet attached as Attachment 11, regarding the provision of Social Facility Space, subject to any further amendments as deemed appropriate by the Director of Real Estate in consultation with the local Councillor, and the terms be incorporated into the Section 37 agreement.
10. City Council approve in principle the plans as indicated on the drawings noted in Attachment 15, subject to the Draft Conditions of Site Plan Approval listed in Attachment 15.
11. City Council delegate back to the Chief Planner and Executive Director, City Planning, or his designate the authority to issue final Site Plan Approval.

## **Financial Impact**

The recommendations in this report have no financial impact.

## **ISSUE BACKGROUND**

### **Proposal**

The proposed Official Plan and Zoning By-law Amendment application would permit a mixed-used development at the southwest corner of Yonge Street and Ellerslie Avenue.

The development, known as Centrium at North York, would have a maximum gross floor area, including proposed incentives, of approximately 38,914.85 sq.m. (20,849.81 sq.m. of residential and 18,065.04 sq.m. of non-residential/commercial). The development would consist of a 14-storey (49 metre), 150 suite hotel and a 30-storey (100 metre), 258 unit residential tower on a multi-level base building. The 5-storey (23 metre) base building would contain retail and service commercial uses, as lobby and amenity uses for the proposed hotel and residential towers, as well as 7 rental replacement units.

A shared vehicular drop-off area for the hotel and residential tower is being proposed from Ellerslie Avenue. A publicly accessible private driveway is proposed for the westerly portion of the site, at the rear of the proposed development, providing access to a 4 level, 502 space underground parking garage and the service and loading area.

Outdoor non-residential and residential amenity space would be provided on the podium roof at the 3<sup>rd</sup> level. A green roof is proposed on the podium roof at the 4th level.

The proposal involves the demolition of the existing buildings on the site, including 7 residential rental dwelling units. The 7 rental units are to be replaced in the new development, with affected tenants receiving relocation assistance and being able to return to the new replacement units. Some of the commercial buildings have already been demolished.

A Rental Housing Demolition application (File 09 165759 NNY 00 RH) has been submitted with the subject application for the 7 existing rental units located at 5250, 5252 and 5254 Yonge Street. All of the apartments have affordable rents.

The development would also include social facility space for the City and a pedestrian mews to be publicly accessible.

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

**PROPOSED GROSS FLOOR AREA**

	<b>Land Area (SQ.M.)</b>	<b>GFA (SQ.M.)</b>
Gross Site Area –	6,507.5 m <sup>2</sup>	
Owned by Centrust –	5,126.6 m <sup>2</sup>	23, 069.7 m <sup>2</sup> (at 4.5 FSI)
City owned (over land stormwater area) – 521.8 m <sup>2</sup> (5248 Yonge Street) – 859.1 m <sup>2</sup>	1380.9 m <sup>2</sup>	6, 214.05 m <sup>2</sup> (at 4.5 FSI)
<b>Total Base Density</b>		<b>29,283.75 m<sup>2</sup> (at 4.5 FSI)</b>
<b>Density Incentives (GFA)</b>		
Level 1 Retail (at Grade)		2,368.80 m <sup>2</sup>
Bicycle Room (at Grade)		65.84 m <sup>2</sup>
Bicycle Shower and Change facilities (below grade)		30.65 m <sup>2</sup>
Residential Amenity (1.5 sq.m. per unit)		397.5 m <sup>2</sup>
Monetary Contribution		1,736.40 m <sup>2</sup>
Social Facility Space		324.59 m <sup>2</sup>
City Retail Space Density (4 x 324.59 m <sup>2</sup> )		1,298.36 m <sup>2</sup>
<b>Subtotal</b>		<b>6, 222.14 m<sup>2</sup></b>
<b>Density Transfer</b>		
32 Churchill Ave.	708.6 sq.m.	1,842.36 m <sup>2</sup> (708.6 m <sup>2</sup> x 2.6)
78 Ellerslie Ave.	1,044.4 sq.m.	1,566.60 m <sup>2</sup> (1,044.4 m <sup>2</sup> x 1.5)
<b>Subtotal</b>		<b>3,408.96 m<sup>2</sup></b>
<b>Total Proposed GFA/FSI</b>		<b>38,914.85 m<sup>2</sup> (5.98 FSI)</b>

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## Site and Surrounding Area

The development site is 6,507.5 sq.m. in area and has a frontage of approximately 100 metres on Yonge Street and a frontage of approximately 65 metres on Ellerslie Avenue, and consists of six parcels. The properties municipally known as 5220, 5222, 5246, 5250-5254 Yonge Street are under private ownership and currently support a mix of commercial and residential uses. Two parcels within the proposed development block are currently owned by the City. One parcel is the former Eva's Place (which is currently vacant)– satellite office building located at 5248 Yonge Street, and the other property is immediately north of 5220 Yonge Street, which is currently part of the overland stormwater system.

Surrounding land uses:

North: located on the north side of Ellerslie Avenue, is the new DUCA development which consists of the existing DUCA bank and office building on Yonge Street and a residential building for seniors currently being completed.

South: located immediately to the south, at 5182 to 5218 Yonge Street, is a consolidated lot subject to Official Plan and Zoning By-law Amendment applications to permit a mixed used development, consisting of a 36-storey (125 metre) residential tower, including a 3-storey base building with office, retail and service commercial uses.

The Menkes Gibson Square Inc. development that is currently under construction is located further south in the block, at 5170 Yonge Street. It consists of two 42-storey (125 metre) residential towers with a 5-storey base building/podium consisting of residential, live work units and commercial retail space along the Yonge Street frontage. The Rose Garden Park is located at the north-west corner of Park Home and Yonge Street.

West: Located to the west are two rental apartment buildings - Park Willow Developments at 55 and 65 Ellerslie Avenue, to the southwest is the Yonge Hearts Child Care Centre.

East: Directly opposite the site on the east side of Yonge Street are one and two-storey commercial retail buildings.

Other uses in the block are the Gibson House Museum, to the south-west and Peninsula Place, a 19-storey condominium building at 233 Beecroft Road.

## 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. Section 3.1 of the *Growth Plan* states that, "In the case of housing, there is an underlying societal need for *affordable* housing in many municipalities that is heightened by growth pressures."

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 subject lands are designated *Mixed Use Area B* in the North York Centre Secondary Plan. The permitted uses include commercial, institutional, residential, public parks and recreational uses, and transit terminals. The total of all residential uses on a site in *Mixed Use Area B* will not exceed 50 percent of the maximum permitted base density gross floor area.

The maximum permitted height is 100 metres and the maximum permitted density is 4.5 FSI. An additional 33% of gross floor area is available through density transfers and incentives as noted in the Secondary Plan. Through incentives 5.98 FSI is permitted on the site.

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

The Official Plan provides for a full range of housing, in terms of form, tenure and affordability, across the City and within neighbourhoods. Specifically, applicants proposing to demolish six or more residential rental dwelling units, except where all rents are above mid-range, are required to replace the rental units and to provide tenant relocation assistance to affected tenants.

## **City of Toronto Act, Section 111**

Section 111 of the City of Toronto Act, 2006 authorizes Council to regulate the demolition and conversion of residential rental properties in the City. By-law No. 885-2007 (also known as the Rental Housing Demolition and Conversion By-law), which established Chapter 667 of the Municipal Code, was enacted by City Council on July 19, 2007.

The by-law makes it an offence to demolish the whole or any part of a residential rental property where there are six or more dwelling units, unless approval has been granted for a Section 111 permit for the demolition. In addition, approval of related planning applications, such as a zoning by-law amendment, should be conditional upon the applicant receiving a Section 111 permit. City Council may impose conditions on the approval of the Section 111 permit, which typically involve the replacement of rental housing and assistance to any tenants affected by the proposed demolition. The conditions are based on the Official Plan policies and established practices the City has in place when considering rental housing demolition. City Council's decisions on the refusal or approval of a Section 111 permit are not subject to appeal to the Ontario Municipal Board. If the demolition of rental housing is approved under Municipal Code 667, approval to issue a demolition permit for residential buildings under Municipal Code 363

and Section 33 of the Planning Act is also required. The by-law provides for the co-ordination of these authorities for issuing the demolition permit. Typically, City Council receives a joint report on the related planning applications as well as the application under Municipal Code 667 so that the decisions on demolition and redevelopment may be made at the same meeting.

## **Zoning**

The lands are covered by Zoning By-law No. 7625 of the former City of North York and are currently zoned General Commercial – C1.

The C1 zoning permits, subject to certain restrictions, a variety of residential uses, a mix of commercial uses, such as restaurants, retail stores, banks, business and professional offices, theatres, funeral establishments, parking lots, service stations and accessory uses and Institutional uses such as a lodge, fraternity or sorority house, labour union hall, a home for the aged or infirm, or hospital.

## **Reasons for Application**

The applicant has proposed site specific amendments to the North York Centre Secondary Plan and Zoning By-law No. 7625, as amended.

The applicant is proposing an official plan amendment to extend the Prime frontage area to apply to the Yonge Street and Eglinton Avenue frontages of the site; to permit the transfer of density from 32 Churchill Avenue and 78 Eglinton Avenue, and to permit the required private outdoor recreational space to be provided on the roof of the base building.

The proposed Zoning By-law would implement the standards required for the proposed development, and as part of the proposed density transfer, also removes all available density from lands for buffer lands associated with the North York Centre Service Road located at 32 Churchill Avenue and 78 Eglinton Avenue. The zoning by-law will also provide for the replacement of the rental housing units and tenant relocation assistance.

The rental housing demolition application is required to obtain City approval for a Section 111 permit to demolish and replace the existing 7 rental apartments with 7 rental units.

## **Community Consultation**

The Community Consultation Meeting on the Official Plan Amendment and Zoning By-law Amendment application was held on December 9, 2009. The meeting was organized by the local Councillor and was attended by City Planning staff as well as the owners and their consulting team. Approximately 50 members of the public attended the meeting. Comments provided generally related to the following:

- proposed mix of uses
- siting and height of the hotel and residential tower, and impact on views
- pedestrian and vehicular circulation through the block
- traffic impacts and road congestion in the area
- status of other developments in the block

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

A tenant consultation meeting was held on December 6, 2010 to discuss the proposed demolition, the Official Plan policy requirements for replacement of the rental housing and the provision of tenant relocation assistance, as well as the by-law on rental housing demolition and conversion. This consultation is also a requirement of Chapter 667.

Two of the remaining three tenants attended. Concerns included the difficulty in finding alternative affordable rental units, as the small size and condition of these apartments over stores was such that rents had not tended to increase as more marketable apartments in the area would have. They also noted that several other tenants had recently left after receiving the news of the proposed demolition, and that at least 5 of the tenants in the 7 units had lengthy tenures in the building, one for more than 30 years. For this reason, interest was expressed in the proposed right to return to a replacement rental unit in the same location.

## **Design Review Panel**

The proposed development was presented to the Design Review Panel on 2 occasions, the reviews 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.

The comments from the Panel have been taken into consideration to ensure that their comments and suggestions had been successfully integrated within the proposal.

## **Agency Circulation**

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

## **COMMENTS**

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

The Provincial Policy Statement (2005) (PPS) includes policies to manage and direct land use to achieve efficient development and land use patterns. Municipal planning decisions are required to be “consistent with” the PPS. The PPS requires that a range of housing types and densities are provided to meet the social, health and well-being of residents. This includes ensuring that a range of land uses are provided and that intensification and redevelopment opportunities are identified and promoted. The PPS promotes intensification and redevelopment opportunities through a more compact building form, mix of uses and densities that allow for the efficient use of land, infrastructure and public service facilities. The proposal is consistent with the PPS.

The proposal also conforms and does not conflict with the Growth Plan for the Greater Golden Horseshoe. City Council's decisions on development applications are required by the *Planning Act* to conform, or not conflict, with the Growth Plan for the Greater Golden Horseshoe. The Growth Plan provides a framework for managing growth in the Greater Golden Horseshoe including: directions for where and how to grow and the provision of infrastructure to support growth. More specifically, the Growth Plan identifies and provides policy direction for the North York centre as one of 25 Urban Growth centres in the Greater Golden Horseshoe.

The inclusion of the 7 rental replacement units with affordable rents in addition to the residential condominium units, and the opportunity for the former tenants to return to the property after development meets the intent of the provincial policy framework to provide a wide range of housing, including by tenure and affordability, to meet the needs of current and future residents.

## **Land Use and Density**

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

Extending the Prime Frontage Area to this site will secure an appropriate range of street related retail and commercial uses, that will encourage pedestrian activity along this stretch of Yonge Street, and meet the objective of the Secondary Plan that envision Yonge Street as the main retail area.

As referenced above, the proposed development block, including the City owned lands, would have a gross site area of approximately 6,507.5 m<sup>2</sup>. The base density of 4.5 FSI would permit a development of a total of 29,283.75 m<sup>2</sup> GFA. Of the 29,283.75 m<sup>2</sup> permitted GFA, the applicant is providing 18,065.04 sq.m. of non-residential/commercial, conforming to the 50% mix in non-residential and residential requirement. Through the proposed density incentives and transfers, the development would have a maximum total GFA of 38,914.85 m<sup>2</sup> or 5.98 FSI. This conforms with the density provisions of the Secondary Plan.

## **Height and Massing**

The Secondary Plan Policies ensure 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 Secondary Plan also requires a building setback of approximately 4 metres to be provided along the Yonge Street frontage which is intended to help achieve a pedestrian promenade of approximately 10 metre width boulevard. This setback also establishes a build-to line for establishing a street wall condition. The base building on Yonge Street has been setback 4 metres from the property line and is primarily 3-storeys at a height of approximately 17 metres.

It is within the range for the height for Yonge Street base buildings in the North York Centre Secondary Plan, which is between 8 and 25 metres. The continuous canopy at a depth of 2.75 metres has been provided along the entire Yonge Street building frontage to provide pedestrian comfort.

The base building on Ellerslie Avenue also meets the North York Centre Secondary Plan. A building setback of approximately 1.5 metres is to be provided along Ellerslie Avenue. The 2-storey base on Ellerslie Avenue has a height of approximately 12 metres. Above the 12 metres height, the taller building is set back a minimum 3 metres from the street frontage.

The proposal consists of a 14-storey (49 metre) hotel tower and a 30-storey (100 metre) residential tower including a 5-level base building with commercial uses. The hotel tower at 49 metres and the residential tower at 100 metres respect the maximum 100 metre height permission in the North York Centre Secondary Plan. In addition, the two high-rise buildings have met a number of design guidelines in the Design Criteria for Review of Tall Building Proposals. The proposed tower floor plates are less than 743 square metres. The two high-rise buildings have been situated on the site diagonal from each other. The hotel south tower has provided a 12.5 metre adequate setback from the south property line to provide separation from the residential tower being proposed on the property to the south.

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 development has been reviewed in context of the built form requirements of the Secondary Plan and conforms to the policies.

### **Pedestrian Mews**

As mentioned above, the applicant is proposing to purchase the City owned land that is currently used for overland stormwater management. In order to complete the deal, the applicant is required to replace the overland stormwater system. The applicant proposed that the new overland stormwater system be provided at the south end of their project. Instead of just having an open ditch as now exists, it was proposed that a pedestrian mews be created, where the storm water, runs under the raised walkway.

The design of the public mews is to be coordinated with the abutting development to the south at 5182 to 5218 Yonge Street which will be providing the other half of the mews area. In total, the mews will be approximately 14 metres wide (approximately 7.0 metres each side). The intended use of the mews as a public area that is to be exclusively programmed by the City will be part of the design.

The mews area will also provide internal access to the block and to Yonge Hearts Child Care Centre and Gibson House Museum.

### **City Space**

In order to animate the space along the pedestrian mews, the local Councillor suggested as part of the density incentives and as a community benefit, that the applicant convey space to the City, with the intent to create a market space with retail and community space.

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Real Estate Services Staff have worked with the applicant to secure the space and have agreed to manage the space in accordance with Term Sheet (see Attachment 11) that establishes the details of ownership, finish, uses and ongoing responsibilities.

This space is seen as a market/meeting/program space along Yonge Street, and also provide pedestrian access through the large block.

In accordance with the Secondary Plan, a density incentive is provided for the space which can be allocated to the development. As noted above, City staff are working with the developer of the project to the south, in order to achieve similar space within that development.

## **Heritage – Archaeological**

Heritage Preservation Services has reviewed a Stage 1 Archaeological Assessment, Stage 2 Trench Excavations , Stage 3 Archaeological Assessment and Stage 4 Mitigation Report and is requesting that the following conditions be satisfied by the owner prior the final site plan approval:

- Provide an archaeological monitoring protocol to the satisfaction of the Manager, Heritage Preservation Services, defining the process to be undertaken for archaeological site monitoring associated with feature #2 as cited in the Stage 3 assessment report and Stage 4 Mitigation Report, dated September 2009.
- Ensure no demolition, construction, grading or other soil disturbances shall take place on the subject property prior to the City's Planning Division (Heritage Preservation Services Unit) and the Ministry of Culture and Tourism (Heritage Operations Unit) confirming in writing that all archaeological licensing and technical review requirements have been satisfied.
- Provide the borden registration form and documentation for the archaeological site known as the 5220 Yonge Street Site to complete our records.
- Submit a copy of the relevant assessment report(s) to the Heritage Preservation Services Unit in both hard copy format and as an Acrobat PDF file on compact disk.

These matters will be secured as part of the Site Plan Approval.

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

A total of 502 parking spaces would be provided in a four-level below grade parking garage. Access to the parking and loading facilities would be from Ellerslie Avenue to the north-south and east-west publicly accessible driveway being coordinated through the block with the abutting Yonge Street developments in the block, previously referenced in this report. The connected driveway system would provide joint access for all three developments to Yonge Street, Park Home Avenue and Ellerslie Avenue. As well, it would provide improved access to the City owned Gibson House and the Yonge Hearts Child Care properties internal to the block.

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The applicant has submitted a Transportation Study in support of the proposed development that assessed the parking and traffic generation expected from the development as well as vehicular and truck movements on the site. Transportation Services staff have noted that the applicant has satisfied the traffic certification requirements as per the North York Secondary Plan.

In order to facilitate development and area traffic, a new traffic signal is to be provided at the Yonge Street and Eglinton Avenue intersection and modifications are to be made at the Canterbury Avenue and Eglinton Avenue intersection to improve vehicular movement through the area.

## **Open Space/Parkland**

The Official Plan contains policies to ensure that Toronto's system of parks and open spaces are maintained, enhanced and expanded. Map 8B of the Toronto Official Plan shows local parkland provisions across the City. The lands which are the subject of this application are in an area with 0.8 -1.56 hectares of local parkland per 1,000 people. The site is in the middle quintile of current provision of parkland. The site is in a parkland priority area, as per the City Wide Parkland Dedication By-law 1020-2010.

The applicant has proposed 258 residential units and approximately 18,000m<sup>2</sup> of non-residential floor area on the 0.6497 hectares (6,497m<sup>2</sup>) net site area. The current parkland dedication rate within the North York Centre Secondary Plan is 0.6 hectares per 560 dwelling units or portion thereof. The residential component of the site is subject to a parkland dedication of 0.27 hectares (2,764m<sup>2</sup>) or 80% of the residential site area. 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 parkland dedication for the residential component would be 0.0343 hectares (343m<sup>2</sup>) while the non-residential component would be subject to a 2% parkland dedication rate resulting in a requirement of 0.006 hectares (61m<sup>2</sup>). The total parkland dedication requirement is 404m<sup>2</sup>.

If the development application is approved, Parks, Forestry and Recreation (PFR) will be seeking off site parkland dedication. The size and location of the parkland dedication will be subject to the approval of the General Manager, Parks, Forestry and Recreation. The appropriate off site parkland dedication will be required prior to the issuance of the first above grade building permit.

If the parkland dedication requirements for the North York Centre change prior to the issuance of building permits, the new approved rates shall apply.

## **Outdoor Recreational Amenity Space**

The Secondary Plan requires that the outdoor recreational amenity space be provided at grade. Due to the design of this building and the proposed uses at grade, the outdoor recreational amenity space is to be provided on the roof of the podium. The proposed amenity area is to comprise of extensive landscaping and passive amenity areas. Based on the required minimum of 1.5 square metres per dwelling unit of outdoor recreational amenity space, a minimum area of 397.5 square metres will be secured in the Zoning By-law.

## **Streetscape**

A comprehensive set of landscape plans have been submitted with the application that includes streetscape details for both Yonge Street and Ellerlisie Avenue. Staff has reviewed the plans to ensure that the paving details and tree planters achieve the City's objective of providing an attractive and safe pedestrian realm in accordance with the guidelines of the North York Centre Secondary Plan area.

## **Toronto Green Standard**

On October 27, 2009 City Council adopted the two-tiered Toronto Green Standard (TGS). The TGS is a set of performance measures for green development. Tier 1 is required for new development. Tier 2 is a voluntary, higher level of performance with financial incentives. Achieving the Toronto Green Standard will improve air and water quality, reduce green house gas emissions and enhance the natural environment.

The applicant is required to meet Tier 1 of the TGS.

The site specific zoning by-law will secure performance measures for the following Tier 1 development features: Automobile Infrastructure, Cycling Infrastructure, Storage and Collection of Recycling and Organic Waste.

Other applicable TGS performance measures will be secured through the Site Plan Approval process, including compliance with the Bird Friendly requirements.

## **Site Plan Control**

The Site Plan Control Approval application is included in this final report. The proposed site plan, certain floor plans and elevation plans are attached to this report. The applications are recommended for approval in principle subject to the draft conditions in Attachment "15"

## **Rental Housing Demolition and Replacement**

### **Existing rental housing**

The 7 existing rental units are apartments over commercial uses comprising 1 and 2 bedroom apartments, all with rents in the affordable rent range. The difference between the existing unit types is more one of layout, as the floor areas, which are reasonable for a one bedroom but small for a two-bedroom unit, are virtually the same. All but 2 of the units are vacant, because a number of tenants left and apartments were not re-rented once the new owners told the tenants of their plans for demolition and redevelopment. There are no common facilities in the existing rental housing buildings.

Many of the current and recently-left tenants, all single-person households, had been residents of long duration with a significant interest in remaining in the community, with its convenient access to the subway, shops and to many other facilities in the area. City staff followed up on the information that several tenants had been asked to leave early, and were able to initiate contact and receive written confirmation that these tenants were interested in returning.

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## **Replacement rental housing**

The 7 new replacement rental units will be provided and maintained as rental housing for at least 20 years, located within a section of the proposed mixed-use and condominium building nearest to the hotel complex. The 7 one-bedroom apartments, each with en-suite laundry, will be located on their own floor, with a small tenant amenity lounge. The rental component represents an improvement over the condition and facilities of the existing rental housing, which had no storage lockers or laundry facilities. Bicycle parking, underground car parking and storage lockers will also be provided. Though there will not be any dedicated outdoor amenity space for the rental units, they will have access to one of the outdoor amenity roof deck areas for those using the commercial and hotel spaces. Most of the apartments will overlook one of the landscaped roof decks.

Staff is satisfied with the replacement rental housing being provided. Floor areas of the existing units averaged 61 sq.m., while the average floor area for the new rental units is 68 sq m. Six (6) of the 7 replacement units are larger than the existing units. Though the proposed unit mix varies slightly, providing no two-bedroom apartments, several of the units have dens, and the floor area for the new one-bedroom units will be greater than the floor area for the existing two-bedroom units.

The provisions for setting initial rents and allowable rent increases for all 7 rental units will conform to the City's policies and practices. All 7 replacement units will have affordable rents, maintained for the first 10 years, and thereafter until the 20<sup>th</sup> year for any tenant who moves in during the first 10 year period, followed by a phase-out to market rents.

### **Tenant Relocation and Assistance Plan**

The City's typical practices will be reflected in the proposed Tenant Relocation and Assistance Plan: extended notice to vacate for demolition, the right to return for all tenants, including those who were asked to leave early, at similar rents, a moving allowance for each required move during relocation, and additional financial assistance to help with the costs of alternative accommodation while the replacement rental housing is being built. This latter assistance will be varied to recognize the length of tenure and any special needs tenants. The assistance is being provided both to the current and recent tenants. The City-approved assistance plan is in addition to provisions in provincial legislation. The Plan will also provide for a voluntary early-leaving plan for the two current tenants, with extra compensation, in recognition of the deteriorating condition of the buildings and the commencement of demolition activity in the adjacent commercial properties that form part of the redevelopment application.

### **Agreements**

The applicant's proposal and the City's standard practices for the length of rental tenure of the replacement rental units and restrictions on rent increases will be secured through the zoning by-law and Section 37 provisions, as well as with a Section 111 agreement pursuant to Municipal Code 667 and the City of Toronto Act. Staff supports these rental housing provisions of the applicant's proposal, which maintain the intent of the Official Plan and the City's by-law on demolition and conversion of rental housing, and are consistent with established City practices for similar applications.

## Section 37

The community benefits recommended to be secured in the Section 37 agreement are as follows:

- (i) a density transfer from 32 Churchill Avenue, being Part of Lot 42, Registered Plan 3163, totalling 1,842.36 square metres, and the conveyance of 32 Churchill Avenue to the City for service road and associated road network and buffer area purposes
- (ii) a density transfer from 78 Ellerslie Avenue, being Part of Block 2, Registered Plan 2097, totalling 1,566.60 square metres, and the conveyance of 78 Ellerslie Avenue to the City for service road and associated road network and buffer area purposes;
- (iii) a minimum of 2,368.80 square metres of street related retail and service commercial uses located on the ground floor along the Yonge Street and the Ellerslie Avenue frontages, and is to include street related retail and service commercial uses located at grade within 30 metres of the property lines, provided that:
  - a) the retail and service commercial uses are directly accessible from Yonge Street or Ellerslie Avenue, when the retail and service commercial space is adjacent to the building frontage along those streets;
  - b) the retail and service commercial space not adjacent to the building frontages, may be from a publicly accessible internal lobby with direct access from Yonge Street.
- (iv) at grade bicycle rooms containing a total minimum of 27 bicycle parking spaces for the residential uses and a minimum of 9 bicycle parking spaces for the commercial uses, located on the ground floor accessible from the outside and having an area of a minimum 65.84 sq.m.;
- (v) a minimum of 30.65 square metres for a bicycle shower and change facility, located below grade;
- (vi) a minimum of 1.50 square metres per dwelling unit of indoor recreational amenity area;
- (vii) a monetary contribution in the form of a certified cheque and satisfactory to the City, to fund 1,736.40 m<sup>2</sup> of proposed gross floor area, toward the provision of public recreation centres and/or toward the cost of the City acquiring lands necessary for the completion of planned service roads and associated road network and buffer areas in the North York Centre, and which shall be indexed upwardly to the Toronto Real Estate Board Market Watch Index from the date of the Section 37 Agreement execution. The amount of the monetary contribution shall be equal to the market value, based on land value, of 1,736.40 m<sup>2</sup> of proposed gross floor area, as determined by the Director of Real Estate Services and provided to the City within 10 days of the by-law being passed or prior to the issuance of the first building permit, whichever is sooner;
- (viii) a density incentive of 1,298.36 square metres for the provision of a minimum of 324.59 square metres of Social Facility Space to the City fronting on an east-west publicly accessible mews;

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- (ix) the provision of a minimum of 324.59 square metres of Social Facility Space for the City fronting on an east-west publicly accessible mews, substantially in accordance with the Draft Term Sheet attached as Attachment 11 and any further amendments as deemed appropriate by the Director of Real Estate, in consultation with the local Councillor;
- (x) the provision and maintenance on the site of not less than 7 new replacement rental dwelling units as rental housing units for at least 20 years, comprising 7 one-bedroom dwelling units with affordable rents. The replacement rental dwelling units shall generally be of the same type and size as contained in the existing buildings on the subject site at the date of enactment of the zoning by-law amendment. The applicant shall provide tenant relocation assistance for tenants in the existing buildings in accordance with the detailed terms as set out in the draft zoning by-law amendment.
- (xi) the owner shall provide a public access easement in favour of the City over the pedestrian mews and driveway, and all other required easements, to the satisfaction of the City Solicitor, in consultation with the applicable City departments.

In addition a corner rounding at the intersection of Yonge Street and Ellerslie Avenue shall be conveyed to the City and secured in the Section 37 agreement as a legal convenience to support development.

### **Development Charges**

It is estimated that the development charges for this project will be \$2.7 million. This is an estimate. The actual charge is assessed and collected upon issuance of the building permit.

### **CONTACT**

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### **SIGNATURE**

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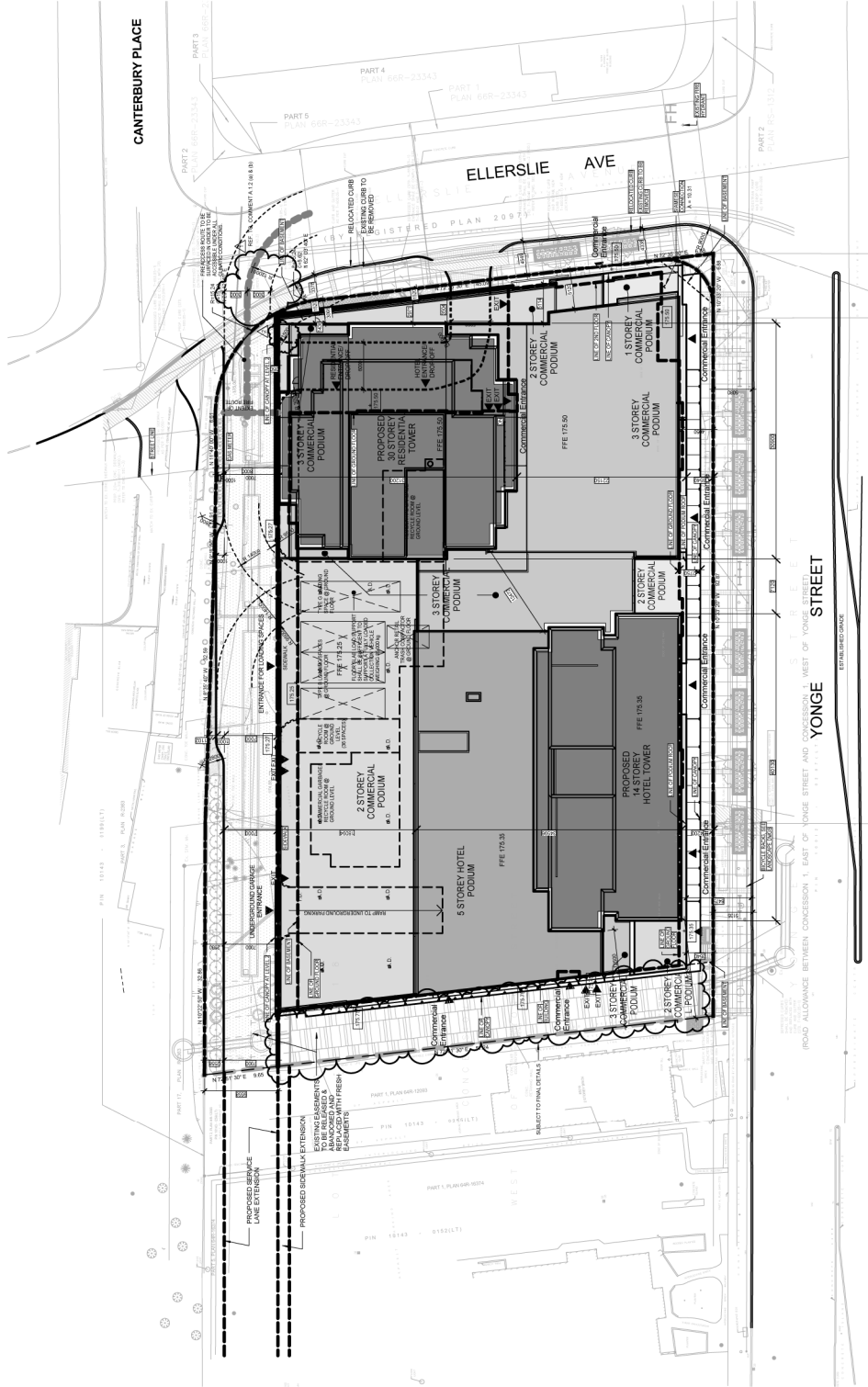
Allen Appleby, Director  
Community Planning, North York District

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## **ATTACHMENTS**

- Attachment 1: Site Plan
- Attachment 2: Ground Floor Plan
- Attachment 3: Levels 4 & 5 Floor Plans – illustrating Rental Replacement Units
- Attachment 4: East Elevation (Yonge Street)
- Attachment 5: West Elevation
- Attachment 6: South Elevation
- Attachment 7: North Elevation (Ellerslie Avenue)
- Attachment 8: Zoning
- Attachment 9: North York Centre South Land Use Areas
- Attachment 10: North York Centre Secondary Plan - Prime Frontage Areas
- Attachment 11: Draft Term Sheet for Social Facility Space (City space)
- Attachment 12: Draft Official Plan Amendment
- Attachment 13: Draft Zoning By-law Amendment
- Attachment 14: Memo from Real Estate Division – Purchase of S. 37 Density
- Attachment 15: Draft Site Plan Conditions
- Attachment 16: Application Data Sheet

# Attachment 1: Site Plan



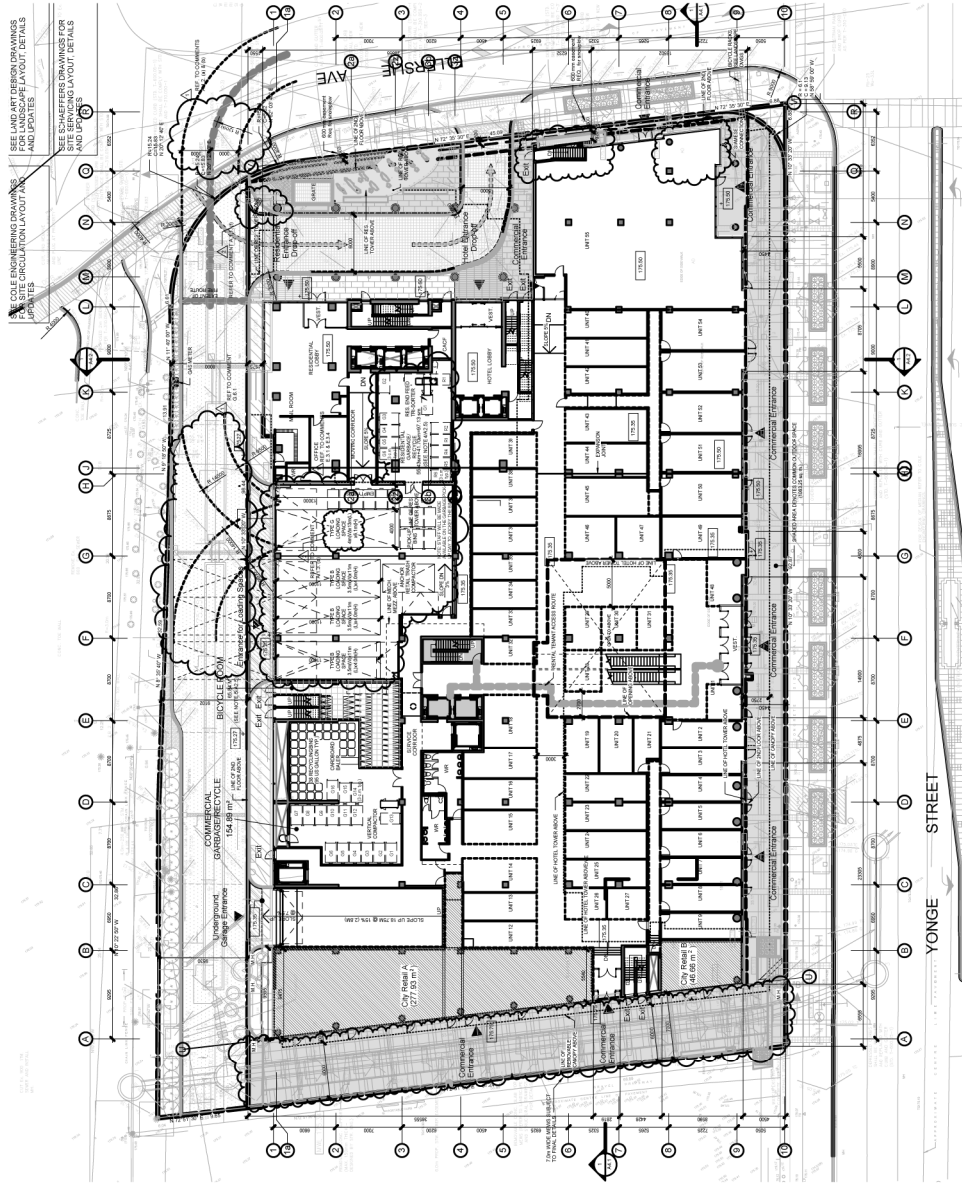
5220-5254 Yonge Street

**Site Plan**  
 Applicant's Submitted Drawing

Not to Scale  
 05/10/2012

File # 09 165755 NNY 23 0Z

# Attachment 2: Ground Floor Plan



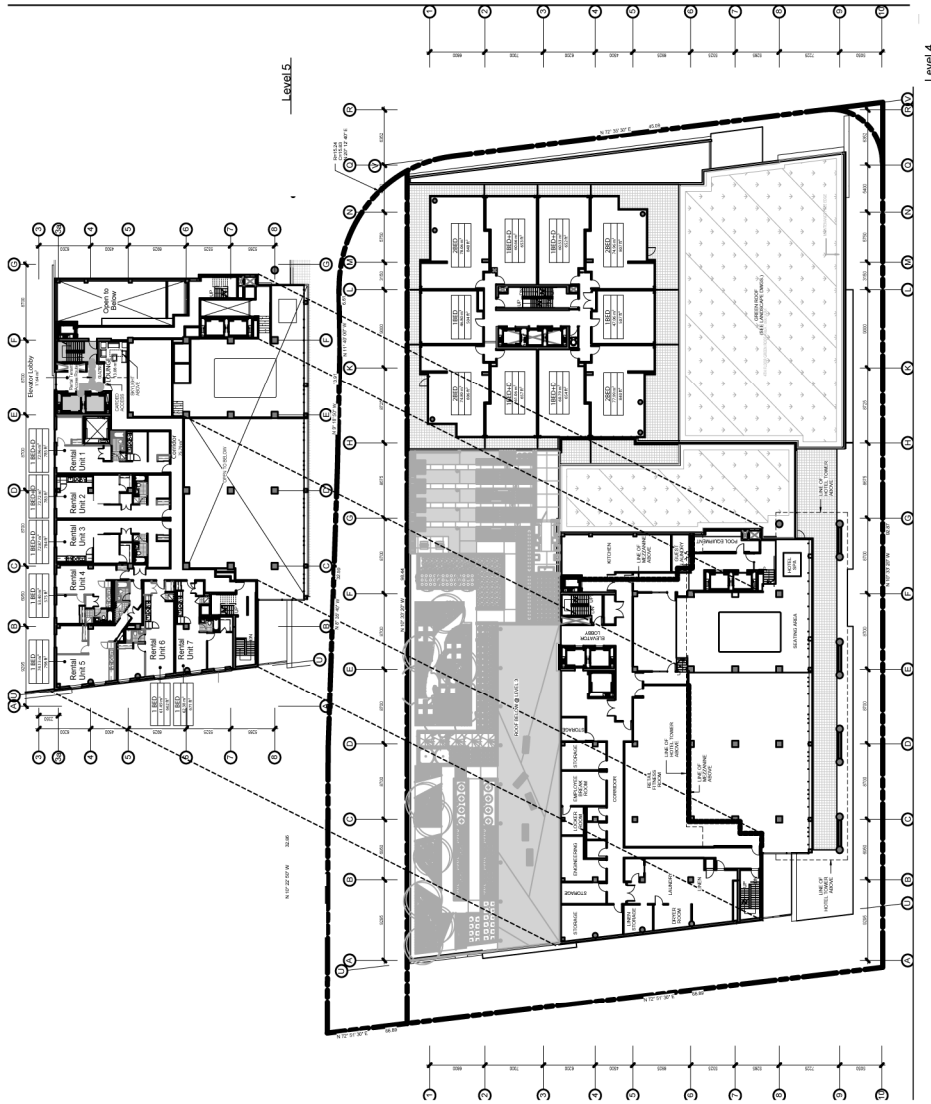
5220-5254 Yonge Street

Ground Floor Plan  
 Applicant's Submitted Drawing

Not to Scale  
 05/10/2012

File # 09 165755 NMY 23 0Z

**Attachment 3: Levels 4 & 5 Floor Plans – illustrating Rental Replacement Units**



**5220-5254 Yonge Street**

**Level 4 & 5 Floor Plans**

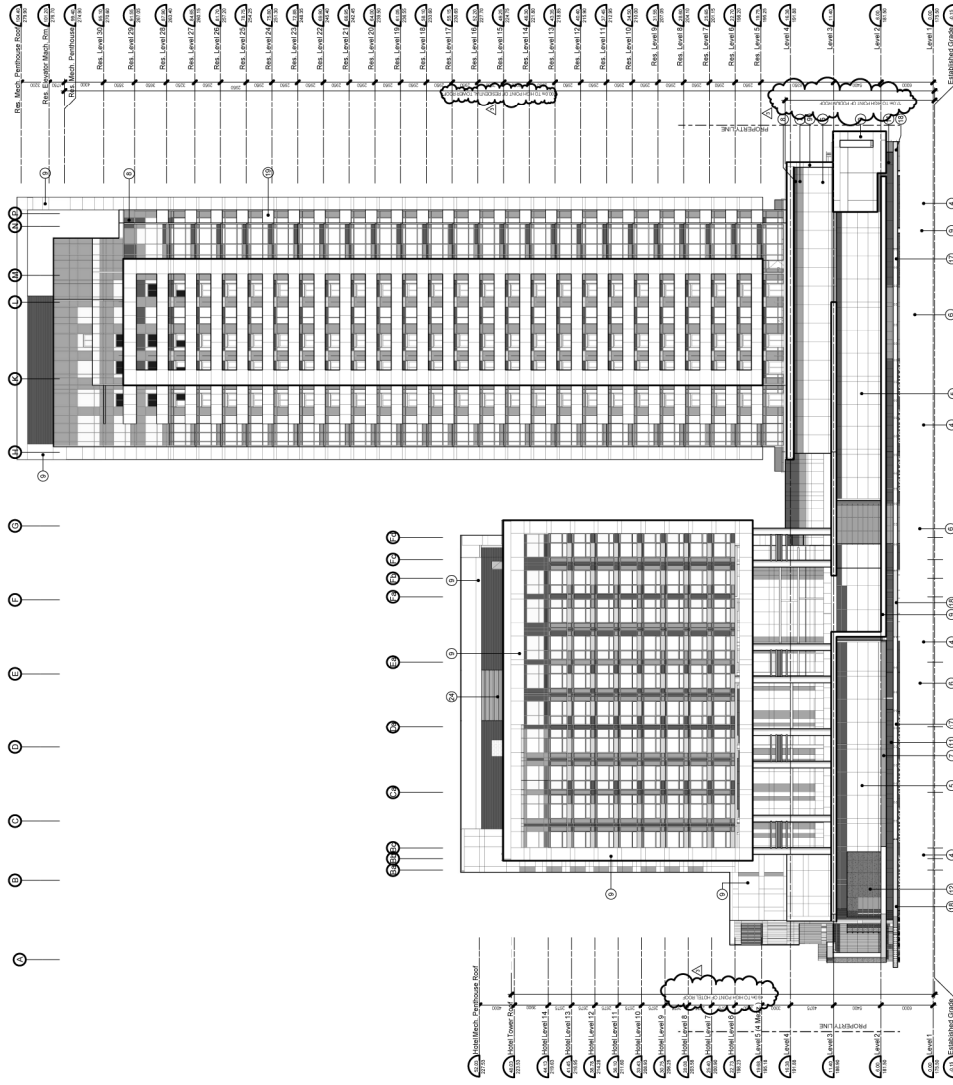
Applicant's Submitted Drawing



Not to Scale  
05/10/2012

File # 09 165755 NNY 23 0Z

Attachment 4: East Elevation (Yonge Street)



5220-5254 Yonge Street

East Elevation

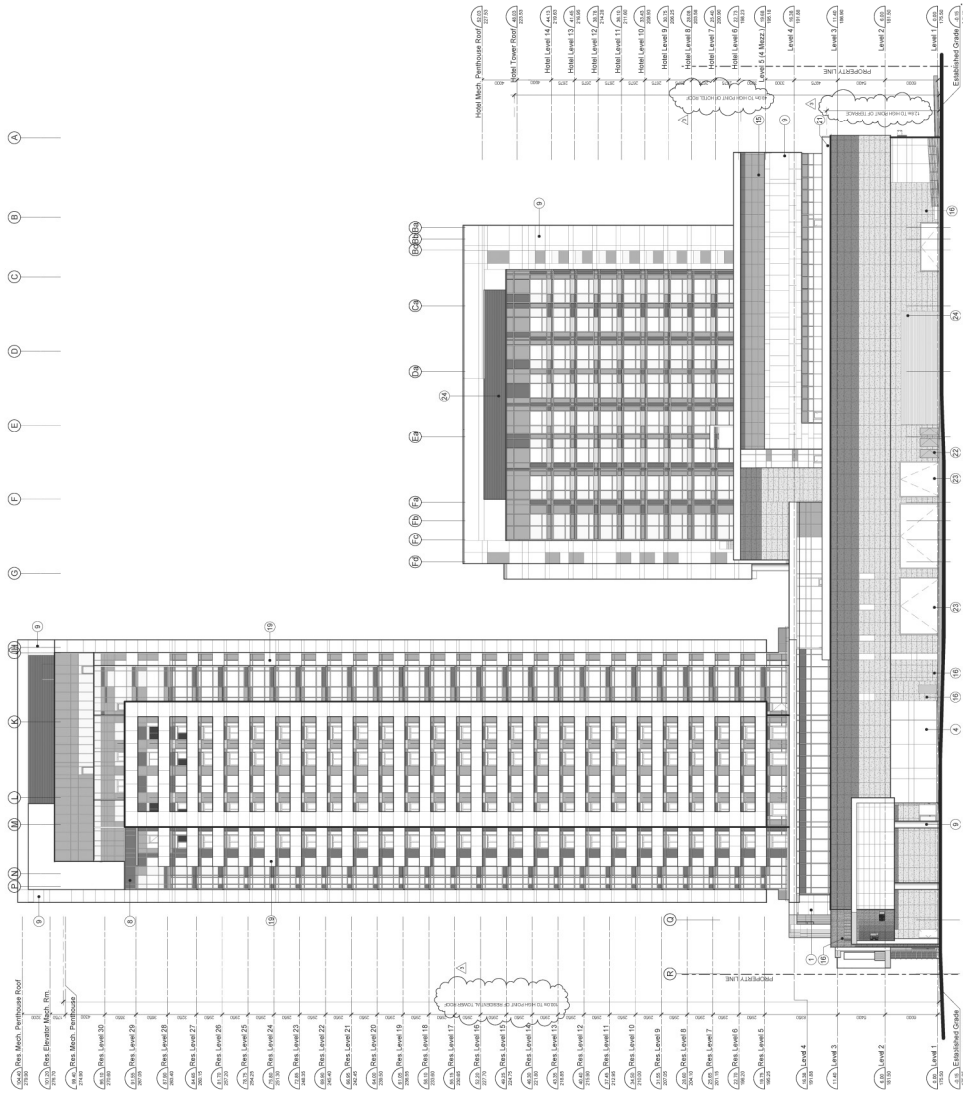
Applicant's Submitted Drawing

Not to Scale  
05/10/2012

File # 09 165755 NNY 23 0Z



# Attachment 5: West Elevation



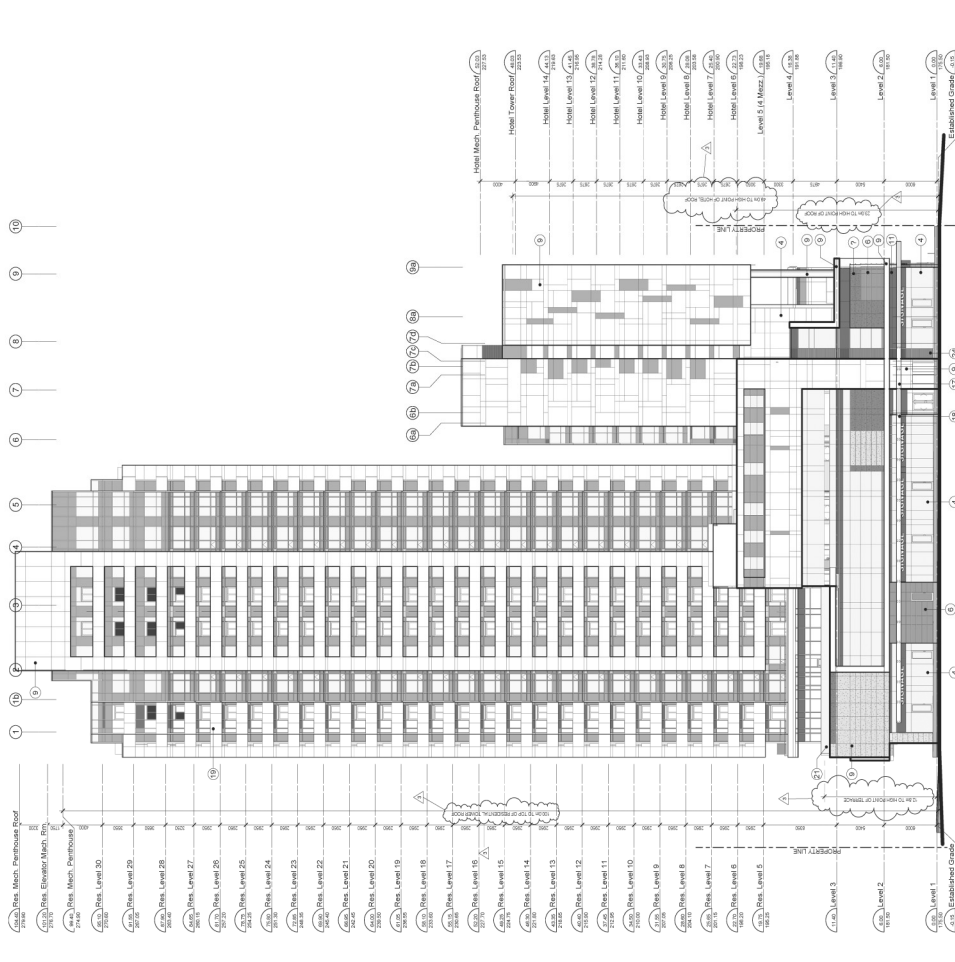
5220-5254 Yonge Street

**West Elevation**  
 Applicant's Submitted Drawing

Not to Scale  
 05/10/2012

File # 09\_165755

# Attachment 6: South Elevation



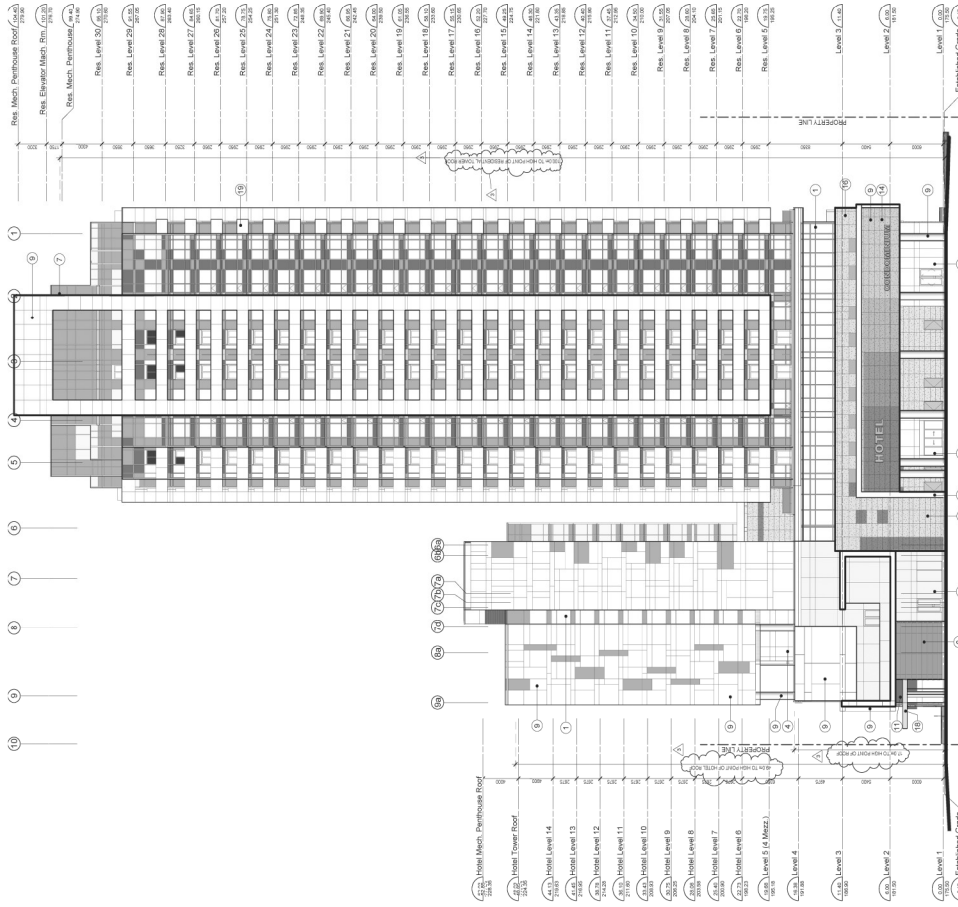
5220-5254 Yonge Street

South Elevation  
 Applicant's Submitted Drawing

Not to Scale  
 05/10/2012

File # 09\_165755

# Attachment 7: North Elevation (Ellerslie Avenue)



5220-5254 Yonge Street

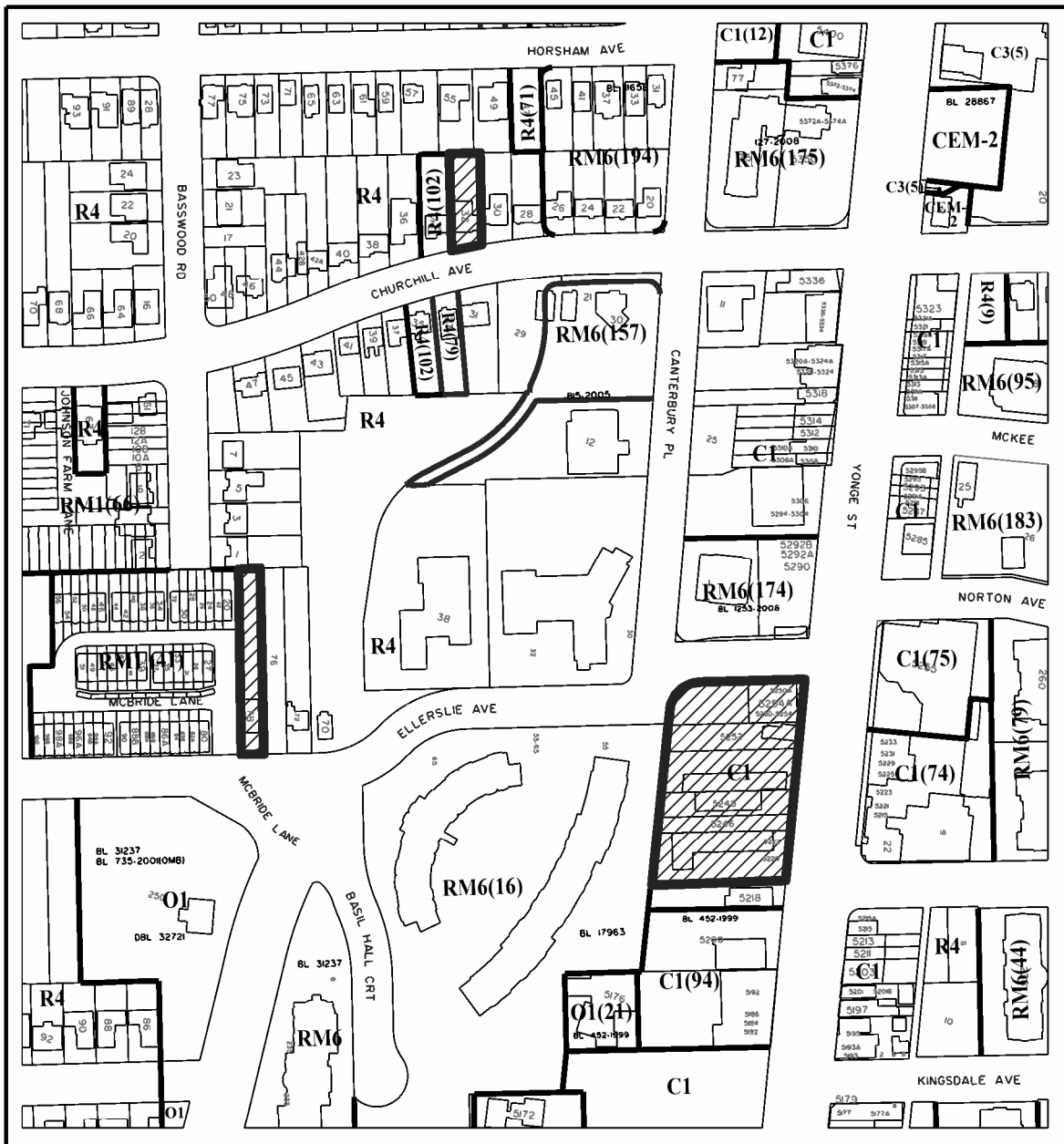
North Elevation

Applicant's Submitted Drawing

Not to Scale  
05/10/2012

File # 09\_165755

# Attachment 8: Zoning



**Toronto** City Planning  
**Zoning**

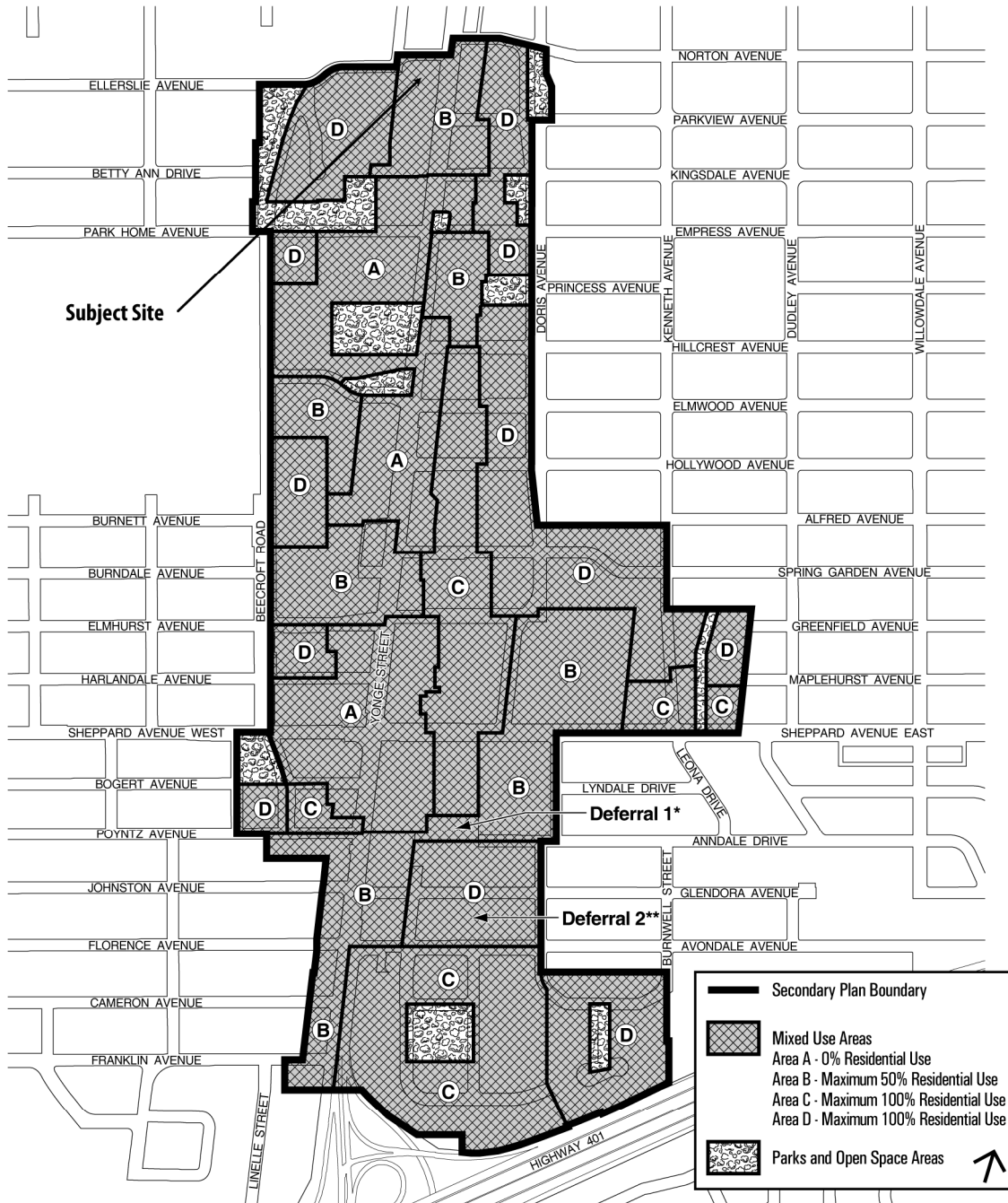
**5220 - 5254 Yonge Street**  
**32 Churchill Ave & 78 Ellerslie Ave**  
 File # 09 165755 NNY 23 02

- R4 One-Family Detached Dwelling Fourth Density Zone
  - RM1 Multiple-Family Dwellings First Density Zone
  - RM4 Multiple-Family Dwellings Fourth Density Zone
  - C1 General Commercial Zone
  - C2 Local Shopping Centre Zone
  - O1 Open Space Zone
  - O3 Semi-Public Open Space Zone
  - Cem-1 General Cemetery Zone
- NOTE: Numbers in Brackets Denote Exceptions to the Zoning Category



Not to Scale  
 Zoning By-law 7625  
 Extracted 05/17/2012

# Attachment 9: North York Centre South Land Use Areas



## North York Centre South Land Use Areas

5220-5254 Yonge Street

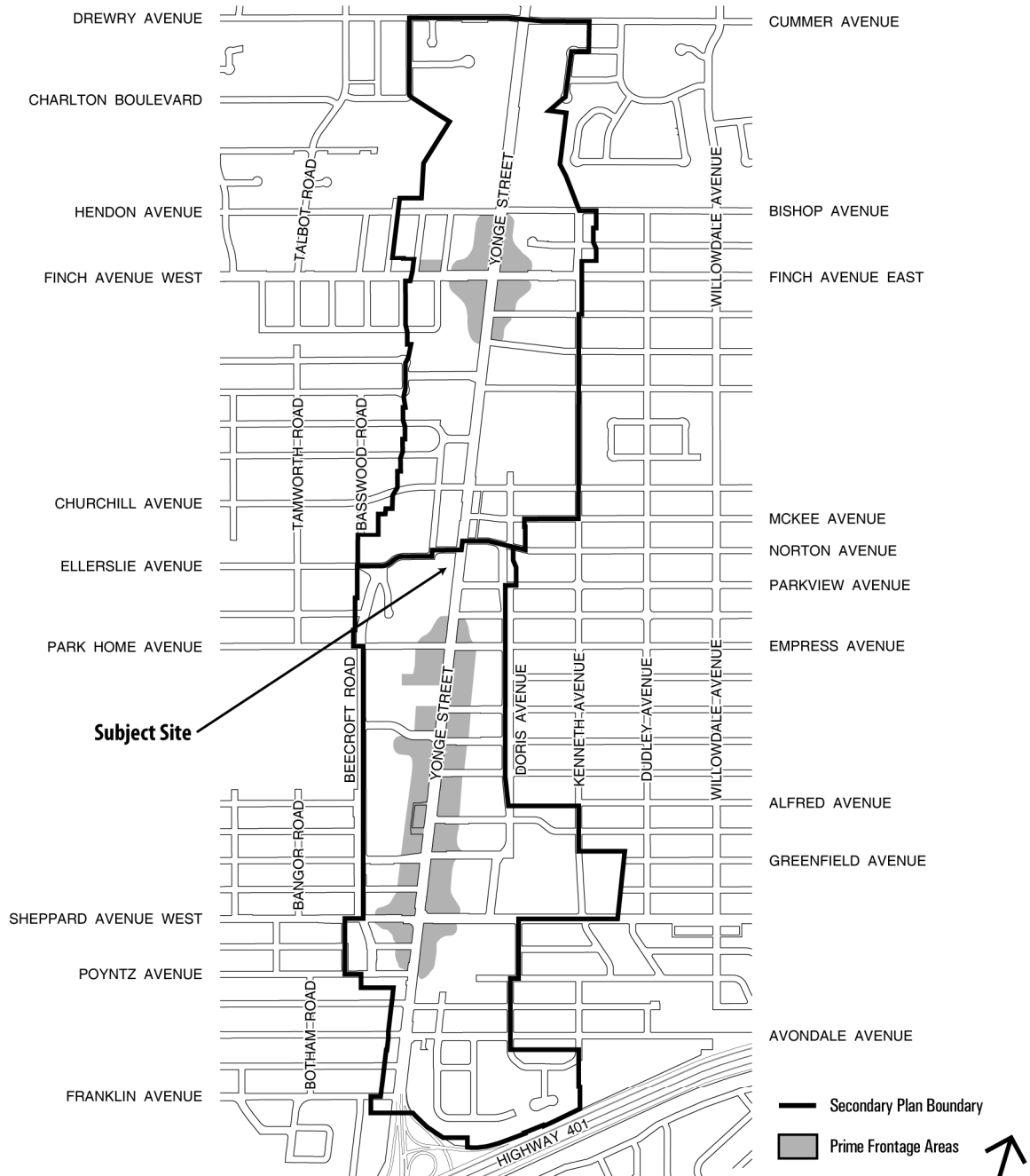
Applicant's Submitted Drawing

Not to Scale

File # 09\_165755

Staff report for action – Final Report 5220 to 5254 Yonge St., 78 Ellerslie Ave. & 32 Churchill Ave.

# Attachment 10: North York Centre Secondary Plan - Prime Frontage Areas



## Prime Frontage Area

5220-5254 Yonge Street

Applicant's Submitted Drawing

Not to Scale  
10/08/09

File # 09\_165755

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## **Attachment 11: Draft Term Sheet for Social Facility Space (City space)**

### **SECTION 37 TERM SHEET FOR SOCIAL FACILITY SPACE** **CENTRIUM AT NORTH YORK (the "Project")**

#### 1) Description of area being conveyed to the City:

As shown on the Ground Floor Plan A2.5 prepared by Kirkor Architects and Planners, dated April 19, 2012

- a. The ground floor area labelled "City Retail A" and having a floor area of not less than 277.93 m<sup>2</sup>, this area may be subdivided into smaller units, the size of these units to be determined by the City; and
- b. The ground floor area labelled "City Retail B" and having a floor area of not less than 46.66 m<sup>2</sup>, (collectively, the "**Social Facility Space**").

It is understood and agreed that the area of the Social Facility Space shall be not less than 324.59 m<sup>2</sup>.

The Developer covenants that the Social Facility Space will have access to and use of all of the Commercial Condominium Shared Facilities reasonably necessary for the safe and efficient use of the Social Facility Space in the same manner as a Commercial Unit on the ground floor of the Project.

#### 2) Particulars of Social Facility Space being conveyed

- a. The Developer confirms that the interior service corridor shown as part of City Retail A will provide internal access to the loading and garbage areas of the Commercial Condominium. The access corridor will not be located parallel to the wall behind the parking ramp but may split the large trapezoid in a manner that will minimize the loss of useable area to the City space.
- b. The developer shall provide an access route that is functional and does not require special care and attention to gain access to the service corridor leading to the loading and garbage facility.
- c. Developer acknowledges and understands that the City will need to have the flexibility to determine the size and uses of these units. The Developer will follow the City's design and fit-up requirements for the Social Facility Space.
- d. None of the Shared Facilities will be located in the Social Facility Space.

#### 3) Ownership:

The Social Facility Space shall be conveyed by the Developer to the City as a freehold stratified fee simple interest, free of all encumbrances. The City, all the Condominium Corporations having use of the Common Facilities, and the owner of the stratified fee simple segment of the Project containing the rental housing units will enter into an Easement and Cost-Sharing Agreement to facilitate the integration of the various elements of the Project. Upon completion of the conveyance, the Developer shall provide it's lawyer's legal opinion, addressed to the City and in a form satisfactory to the City Solicitor, confirming that the City is obtaining marketable title in fee simple to the Social Facility Space free and clear of all encumbrances.

#### 4) Easement and Cost-Sharing Agreement

The Easement and Cost-Sharing Agreement ("**ECA**") will be in a form and content satisfactory

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to the City Solicitor and Chief Corporate Officer and shall include but not be limited to the following:

- a. The City, its employees, tenants, patrons et al. of the Social Facility Space shall have access and use of the Shared Facilities noted in the Centrium At North York Commercial "Centrium Plaza" Condominium Disclosure Document including the right of access to the public washrooms located on the ground floor of the retail area shown on the Ground Floor Plan noted above.
- b. The City shall not be responsible for repair and maintenance, including capital expenditures, for any of the Shared Facilities except to the extent of its contribution for such costs as discussed below
- c. In allocating responsibility for the costs associated with the Shared Facilities among the parties to the ECA, the City's liability for such costs shall be limited to twenty-five percent (25%) of the rate per square foot (or such other method of allocation among the parties as may be appropriate under the circumstances) that would be paid by the other parties to the ECA
- d. The ECA will include arrangements for access to Shared Facilities after business hours, including notification, and appropriate arrangements to accommodate such requests.
- e. The ECA will provide that the City will not be required to make any payments in respect of the Shared Facilities until such time as the Mews are completed, such that the Social Facility Space can be commercially viably used and operated by the City.

5) Timing of conveyance

- a. The Developer acknowledges that the Social Facility Space is intended to form part of a larger City initiative which will involve both the Project and a proposed development immediately to the south of the Project (the "**SamSor Project**").
- b. The larger City initiative will include an area known as the "**Mews**", discussed more fully below, flanked by the Social Facility Space to the north and similar retail space to be conveyed to the City in connection with development of the SamSor Project.
- c. The Developer will convey the Social Facility Space to the City concurrently with the closing of the sales of the last tranche of condominium units in the Project.

6) Financial Matters

- a. The Developer acknowledges that the Social Facility Space constitutes a social facility unit and is being conveyed to the City at nominal cost. The Developer will pay all costs associated with conveyance of the Social Facility Space to the City, including any land transfer tax payable by the City in respect of the conveyance
- b. The City will not be responsible for any costs associated with the construction of the Social Facility Space, all of which work will be done by and costs will be paid by the Developer
- c. Because conveyance of the Social Facility Space will occur after the Developer has received the benefit associated with providing the social facility unit, the Developer will provide the City with a letter of credit in the amount of \$1.1 million, being the full value of the benefit received by the Developer, prior to the issuance of the first building permit for the Project
- d. Because the finishing of the Social Facility Space will be postponed until after the Developer has completed construction of the Commercial Units, the Developer, prior to the issuance of the first building permit for the Project the Developer will provide the City with a letter of credit in the amount of \$1.3 million (the "**Finishing Allowance**"), being 125% of the full

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value of the estimated costs to finish the Social Facility Space in the manner more fully described herein.

- e. The terms upon which the City may draw on the letter of credit for the Finishing Allowance will include the Developer failing to complete the Social Facility Space in the manner specified.

7) Use of Units

- a. The Social Facility Space is conveyed to the City as a social facility unit, and may be used for any use the City may decide in accordance with all permitted uses pursuant to the North York Centre Secondary Plan.
- b. Specific uses of the Social Facility Space are still unknown; some or all of the Social Facility Space may be divided into smaller units. All uses shall be legally permissible, and may include but not be limited to the following commercial/retail uses: restaurant or fast food, butcher shop, fish market, grocery store, bakery, flower shop, deli, cheese store, arts, crafts, antiques, general merchandise, and any other use that would be complementary to the area.
- c. For clarity there shall be no restriction or prohibitions placed on title to the Social Facility Space. Restrictions such as not selling perishable food, found in the permitted uses category of the Centrium At North York Commercial "Centrium Plaza" Condominium Disclosure Document, do not apply to the Social Facility Space.
- d. There shall be no non-competition clauses in the transfer documents.

- 8) Exterior Finishes: All exterior finishes to be to the satisfaction of the City Planner and Executive Director, Director of Real Estate Services and the local Councillor. As a minimum, the City requires a fixed door for each unit to be created within the Social Facility Space, and an overhead roll-up glass door that can open fully, creating open access/permeable walls in good weather.

- 9) Type and degree of interior finishes to be provided by the Developer. The following is a summary of the matters of concern to the City, intended as a minimum:

- a. The Developer entirely at its own cost shall design, construct and provide turn-key space to the City. For the purposes of this Term Sheet, "turn-key" means Base Building Improvements plus the improvements to be undertaken as contemplated by the Finishing Allowance. "**Base Building Improvements**" means: (i) basic improvements including, but not limited to, concrete floors finished with ceramic tile, drywall walls taped, sanded and painted, dropped ceilings with acoustic tiles, life safety systems and emergency lighting, lighting, electric panel and heating, cooling and ventilation, plumbing (see also subsection (f) below) and (ii) exterior finishes as described in section 8) above.
- b. The flooring, ceiling and wall finishes shall be determined by the City in accordance with the type of use the unit will be constructed for. The Social Facility Space on turnover to the City must meet all the Ontario Building Code requirements, City By-law requirements and accessibility requirements, as well as any health and safety requirements. The City will work with the Developer's Architect and space design team to properly construct the Social Facility Space, at a quality of finishes consistent with City standards and requirements necessary to operate the business, to the satisfaction of the City.
- c. The Developer's requirement on the type and degree of finish includes but is not limited to this section and attached Schedule "A".

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- d. The Developer acknowledges and agrees that the use of the Social Facility Space is still to be determined and that the Developer at their sole cost will work with the City to design the units to accommodate the different uses to be constructed.
- e. The Developer acknowledges that if there are any deficiencies to the Social Facility Space that it will be the Developer's or Condo Association's responsibility to correct any deficiencies at their sole cost within a commercially reasonable time frame.
- f. The Developer acknowledges and agrees that it will be responsible at its sole cost for the initial and ongoing responsibility to install, supply, repair and maintain all the mechanical components providing service to the Social Facility Space, without limitation this includes the HVAC system servicing the Social Facility Space, the electrical power and panel coming into the Social Facility Space, the plumbing coming into and outgoing from the Social Facility Space, including the installation of check meters for incoming hot and cold water supply lines, the sprinkler system and life and safety equipment, the intake and exhaust ventilation system required for any food preparation (i.e. cooking) that is serving the Social Facility Space.
- g. The Developer acknowledges and agrees that the Social Facility Space shall not have an HVAC system installed within the Social Facility Space but will be supplied from the main building HVAC system serving the complex as a whole. The City would not be required for any costs related to the HVAC system of the complex.
- h. The Developer acknowledges and agrees to provide, at its cost and within the Shared Facilities Space, all washroom facilities to meet the requirements of the Social Facility Space, in accordance with accessibility standards.

#### 10) City's Future Responsibility

The City acknowledges that it will be responsible for the future repairs and maintenance of the interior of the Social Facility Space, including operating equipment, fixtures and chattels installed by the City or future tenants within the Social Facility Space boundaries.

#### 11) Costs to be paid by the City under ECA

- a. The City shall pay for utilities consumed in the Social Facility Space, where possible these utilities will be separately metered and paid by the City (or its tenant) directly to the utility company. The meters will be installed by the Developer at its sole cost.
- b. The units will be heated and cooled by the central building HVAC system. The City will be responsible to pay for the heating and cooling of the Social Facility Space, in a manner to be provided for in the ECA.
- c. The City shall pay a pro-rata share only for Shared Facilities it has continuous and regular use of, this being the loading area, and garbage disposal area, the public washrooms and service corridors to get to the above areas. The ECA will provide that the City will only pay 25% of the pro-rata share of these operating costs.

#### 12) Ingress and egress to the loading area and garbage disposal area

- a. The Social Facility Space will be provided with access to loading areas, garbage storage and pick-up areas, public washrooms and vehicle and bicycle parking areas as are provided to serve the other commercial condominium units in the building.
- b. The Developer shall provide the City with non-obstructed and accessible interior access to the loading and garbage disposal area in the Building, as discussed and noted herein.

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- c. The Developer shall provide at their cost the required containers and operational arrangements to be able to meet the City's waste diversion program, including organic waste disposal.

13) The Publicly Accessible Pedestrian Walkway and the Mews

- a. As a condition of its development approvals to permit construction of the Project, including site plan approval (the "**Approvals**"), the Developer will be granting to the City for nominal consideration a non-exclusive surface easement for public pedestrian access over the southerly 7.0 m (approximate) of the property commencing at Yonge Street and extending approximately 57.24 m to the west (the "**Publicly Accessible Pedestrian Walkway**"). In addition, the City shall be granted the exclusive right to program activities within the Publicly Accessible Pedestrian Walkway.
- b. The Publicly Accessible Pedestrian Walkway will form part of the Mews. Prior to creating the Publicly Accessible Pedestrian Walkway, the Developer will establish a design for the entire Mews, entirely at the Developer's own cost in accordance with City specifications and to the satisfaction of the Chief Planner and Chief Corporate Officer.
- c. The Developer shall be responsible for constructing the Publicly Accessible Pedestrian Walkway in accordance with the agreed-upon design, including decorative paving, planters and trees, public seating, attractive railings and other enhancements as stipulated in the Approvals and to the satisfaction of the Chief Planner and Chief Corporate Officer.
- d. The Commercial Condominium shall be responsible for the Publicly Accessible Pedestrian Walkway.
- e. The Commercial Condominium shall indemnify the City from any proceedings which may be brought against the City for any injury or damages as a result of public use of the Publicly Accessible Pedestrian Walkway.
- f. The Publicly Accessible Pedestrian Walkway is intended to be operated in conjunction with a similar publicly accessible pedestrian walkway to be constructed as part of the Samsor project (collectively, the two walkways together will be known as the "**Mews**")
- g. The Developer and Samsor will construct their respective sections of the Mews, and the future Condominium Corporations shall be responsible for all repairs, maintenance and capital expenditures related to the Mews.
- h. The Developer/Commercial Condominium will be responsible for the cleaning, snow removal, garbage and waste collection and disposal, as well as the security and supervision of the Publicly Accessible Pedestrian Walkway, the particulars of which will be included in the ECA.
- i. The Approvals will require the Developer to grant an easement to the City to run programs in the Mews. The City shall have full control of the planning and implementation of programming for the Mews and shall be responsible for all costs associated with the set-up and take-down of running the programs, including the clean-up of the Mews following the program.
- j. The City shall have an unrestricted use of the Mews including, without limitation, uses for events, music staging, sponsorship booths, staging, market carts, moveable café style seating, spill-outs associated with the use of Social Facility Space, and any other use associated with City programming.
- k. The ECA will require that a reserve fund will be created to ensure adequate funds are always available for the repair, maintenance and replacement of any chattels, fixtures or capital components so as to keep the Mews in a state of good repair and as required to keep the Mews in an inviting and appealing condition for the general public.

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- l. The City shall annually do an assessment of the state of good repair for the Mews and establish the amount required for capital expenditures that year.
- m. Notwithstanding the City's programming rights, the City will not be liable for any issues arising related to the condition of the Mews or abutting properties both above and below the surface, save and except for damage to the Mews arising from the negligence of the City in setting up or taking down event-related equipment, which will be reflected in the ECA. Any problems in respect of the abutting properties shall be the responsibility of each party at their sole cost.

## **SCHEDULE "A"**

### **PLANS, DEVELOPER'S APPROVAL AND CONDUCT OF WORK**

1. After the completion of the architect and engineer's base building drawings, the Developer agrees to work with the City and to provide to the City, a floor plan of the Unit(s) and any other drawings required by the City for the review and design of the Social Facility Space, these drawings shall be free of charge.
2. The Developer shall work with the City to prepare the design plans and use of the units, upon determination of the design by the City working with the Developer's architect and engineers the City shall provide written approval to the Developer that the requirements, drawings, specifications, construction schedules, sketches or blueprints prepared by the Developer's architect or engineer and any other documents or permits necessary for the City's work, illustrating the interior design work within sufficient detail, including how it affects the mechanical systems, electrical systems, fire/life safety and structural elements affecting the building. All copies of as-built drawings with any changes are to be prepared by the Developer, which shall be retained by the Developer with a copies provided to the City and the Condominium Corporation for its records after registration.
3. The City shall not make any structural alterations or any alterations to the inside unit, which shall alter the structural parts of the Building constituting part of the Shared Facilities.
4. No Developer's work shall be commenced until the City has approved the Developer's Plans in writing and the City's work shall be performed strictly in accordance with the Developer's Plans as previously approved in writing by the City.
5. The Developer shall keep the Unit insured during the period of time in which the Developer is carrying out the City's work as may be required by the Condominium Corporation and/or the Developer and/or its lenders. The Developer shall be responsible for and keep insured all fixtures and improvements made to the Unit and shall assume all liability in respect of same.
6. Prior to performing any work, the Developer shall obtain all necessary consents, permits, licenses, certificates and inspections from all municipal, governmental and regulatory authorities having jurisdiction, and shall make available to the City copies of same and shall post permits as required.
7. The opinion in writing of City approved architect or other qualified consultants shall be binding on both the Developer and the City respecting all matters of dispute regarding the Developer's work, including the state of completion and whether or not the Developer's work is completed in a good and workmanlike manner and in accordance with the City's requirements and Plans as approved by the City and Developer.
8. The Developer shall be responsible, at the Developer's cost, for performance of fire protection work in the City's Unit(s) together with any other Developer related work in the Shared Facilities of the building.
9. The Developer shall be obliged to obtain any occupancy permit required by any municipal, governmental or regulatory Authority having jurisdiction and shall make it available to the City Five(5) days prior to any business operation or opening.
10. All of the work by the Developer shall be performed by competent workmen whose labour affiliations are compatible with those employed by the City and its contractors and which will not result in work stoppages or delays in the construction and completion of the Building, or other Units in the Condominium, including exterior work on the Condominium Lands. All work related to alterations to fire/life systems and HVAC equipments is to be performed by the base building contractor or a contract or approved by the Developer at Developer's expense.
11. The Developer shall pay the total fee or expense charged or incurred by the Developer's architect and consultant's work in approving the drawings and the as-built architectural and engineering plans, the Developer will also at his sole cost review, and do periodic inspection of the site and construction.
12. Developer installed ceilings, bulkheads, etc. are to be removable type (t-bar ceiling) to provide easy access to areas above the dropped ceilings of the Unit(s). Any hard surface ceilings such as drywall installed by the Developer will be removed at Developer's cost.
13. Upon the City obtaining possession of the Unit(s), the City shall maintain the required insurance for the Unit(s) as follows:
  - (a) general liability insurance with limits of not less than Two Million Dollars (\$2,000,000.00) for bodily injury, death, and damage to the property;

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- (b) all risks property insurance insuring not less than the total costs of the City's work; and
- (c) such other insurance as the Developer or any mortgagee of the Property may reasonably require.
- (d) The Developer acknowledges that the City self insures and if it so desires may self insure the unit(s), without Developer consent

All policies of insurance required to be obtained by the City as set out above shall be in the joint names of the City and the Developer (and any mortgagee, if requested), shall be in a form reasonably acceptable to the Developer and shall be taken out with an insurer acceptable to the Developer, subject to 14 (d) as noted above. The City shall provide the Developer with certificates of insurance issued by the City's insurers and directed to the Developer.

- 14. The Developer is responsible for the cost of the removal of all construction debris.
- 15. The Developer shall be responsible for construction of all hydro and public utilities during the construction period of the interior work.
- 16. In the event the Developer has not completed part of the work, which must be done in order for the City to occupy the unit, the City may complete the work for which the Developer is responsible and charge the Developer for such work .

**DEVELOPER'S WORK:**

The Developer agrees to, at his/her own expense, install or perform for the City on or before receiving occupancy for the Commercial Retail component of the Development the following work in the Unit(s):

- INTERIOR FINISHES : Developer at his sole cost shall provide all leasehold improvements and interior finishing all electrical, mechanical, plumbing, partitioning, and any fire rated assemblies, mill work, interior painting, as noted below.
- WALL : All demising walls, exterior walls and columns and City's demising partitions are on light gauge metal studs, including painting suitable for the proposed use.
- STOREFRONT/ENTRY : ENTRY: Tempered glass door and hardware as per Developer's plan for exterior Units.  
STOREFRONT: Supply and install overhead roll-up glass doors in accordance with the Developer's architect's design.
- FLOORS : Steel troweled concrete to receive at Developer's cost City's finish as may be selected by City.
- CEILING : Drop ceiling shall be installed suitable for the proposed use.
- PLUMBING & DRAINAGE: The Developer at his sole cost shall install the necessary plumbing system in the Social Facility Space that would be required or requested by the City. As a minimum, there will be at least one washroom meeting accessibility requirements in the Shared Facilities servicing the Social Facility Space. The number and location of washrooms, including those meeting accessibility requirements, will depend on how the Social Facility Space is divided and the uses of the units. If the building code requires more than one washroom the Developer at his sole cost shall provide the required washrooms for each unit, as well as a janitorial closet, kitchen and any other requirement is needed by the City for the proposed use. The Developer will also provide to each City unit that may be designed for a restaurant or fast food operation the required sanitation sinks and grease traps to meet the health and safety requirements.  
The Developer at their sole cost shall install in each unit a water check meter and water usage for the Unit shall be at City's expense.
- EXHAUST SYSTEM: The Developer at his sole cost will provide the necessary exhaust system to accommodate the use of the unit.  
  
Exhaust system unit or related duct work to the Unit from the main exhaust duct line will be connected and distributed by the Developer at Developer's expense.

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**MECHANICAL SYSTEM :** The Developer shall, at his sole cost, install an energy efficient heating and cooling system to provide year round heating and cooling at cooling capacity of approximately 1 ton/250 sq. ft. of purchased premises. For some Retail units, individual temperature control zones 1 per approximately 1000 sq. ft. or per City Unit if units are demised into smaller units as per City and Developer's architect's design. Mechanical ventilation in compliance with Ontario building Code and best industry practice, including fresh air and exhaust air, from a central system will be ducted and distributed to the Unit.

The Developer at his sole cost shall also provide the following:

- Full interior air distribution system and any additional cooling requirement over the Developer's provision of 1 ton/250 sq. ft.
- HVAC system installed to service the Social Facility Space shall be designed and constructed in such a manner to provide indoor air quality that complies with current ASHRAE standards.
- Any additional and /or special ventilation/ intake and exhaust system necessary for use of a Unit over the Developer's provision, including necessary equipment or the legal operation of a restaurant, fast food outlet, or any other operation that requires an air make-up unit.

**ELETRICAL SYSTEM :** Electrical distribution including power panel, wiring, lighting fixtures, receptacles and wiring of HVAC equipment within the Unit shall be at the expense of the Developer. It is noted that some Social Facility Space may require a higher amperage to accommodate any freezer installations, if so, Developer shall provide the appropriate power as determined by the City's engineer.

**For Restaurant** – Developer will provide a 200 amp, 600 volt, 3 phase, 4 wire electrical service with a fused panel and disconnect switch in the restaurant. If additional power is required Developer shall provide at his sole expense this additional power requirement. Distribution and step down transformer shall be at Developer's expense.

**For Fast Food** - Developer will provide a 100 amp, 120/208 3 phase, 4 wire electrical service with a fused panel and disconnect switch in each unit. If additional power is required Developer shall provide at his sole expense this additional power requirement. Distribution and step down transformer shall be at Developer's expense.

**For Retail Units** - Developer will provide a 100 amp 120/208 3 phase wire, electrical service with a fused panel and disconnect switch in each unit up to 1,500 sq. ft. If additional power is required Developer shall provide at his sole expense this additional power requirement. Distribution and step down transformer shall be at Developer's expense.

Electrical service for City's Units will be check metered and power consumption within the Units shall be City's expense.

**GAS :** **For Restaurant/Fast Food Outlet** – Gas service for the City Unit(s) will be terminated inside the Unit in a location to be determined by the City, with a check meter, for connection by the City. All Fast Food Outlet Units and Restaurants shall use gas-fired equipment for cooking and gas consumption shall be at City's expense. Gas load for the Restaurant/Fast Food Outlet shall be confirmed by the City.

**SPRINKLER SYSTEM :** Developer at his sole cost shall provide alternations to the basic sprinkler system such as drops, changes in location and additional sprinkler, required by the City's interior plans shall be performed by the Developer's approved Contractor at the Developer's expense. The City will coordinate with the Developer the design of its lighting, ceiling, profiles and interior partition layout to accommodate this sprinkler system.

**COMMUNICATIONS:** One 1" empty conduit will be provided from telephone room to the Unit.

**Attachment 12: Draft Official Plan Amendment**

Authority: North York Community Council Item ~ [or Report No. ~, Clause No. ~]  
as adopted by City of Toronto Council on ~, 2012  
Enacted by Council: ~, 2012

**CITY OF TORONTO**

**Bill No. ~**

**BY-LAW No. ~ -2012**

**To adopt Amendment No. 191 to the Official Plan of the City of Toronto  
in respect of the lands municipally known as 5220 to 5254 Yonge Street**

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

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

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

1. The attached Amendment No. 191 to the Official Plan is hereby adopted pursuant  
to the *Planning Act*, R.S.O. 1990, c.P. 13, as amended.

ENACTED AND PASSED this \_\_\_\_ day of \_\_\_\_\_, A.D. 2012.

ROB FORD,  
Mayor

ULLI S. WATKISS  
City Clerk

(Corporate Seal)



## AMENDMENT NO. 191

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

#### Lands municipally known in 2011 as 5220 to 5254 Yonge Street

The following text and maps constitute Amendment No. 191 to the City of Toronto Official Plan (being an amendment to the provisions of the North York Centre Secondary Plan).

#### Clause 1

Chapter Six, Section 8 (North York Centre Secondary Plan) is amended by modifying Section 12, North York Centre South Site Specific Policies, by adding the following Site Specific Policy 12.29:

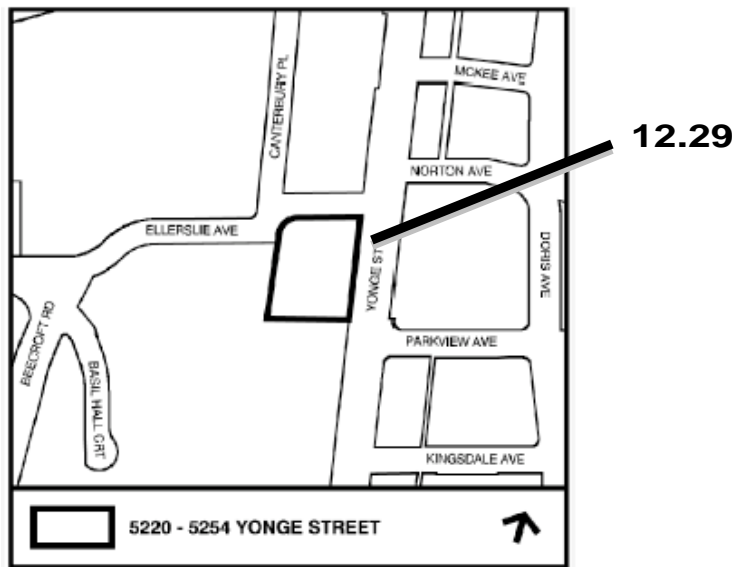
29. “Lands at the southwest corner of Eglinton Avenue and Yonge Street (29 on Map 8-12)
- (i) for purposes of this exception, the Prime Frontage Area identified on Map 8-2 is intended to apply to the subject lands along the Yonge Street and the Eglinton Avenue frontages, and is to include street related retail and service commercial uses located at grade within 30 metres of the property lines, provided that:
    - a) the retail and service commercial uses are directly accessible from Yonge Street or Eglinton Avenue, when the retail and service commercial space is adjacent to the building frontage along those streets;
    - b) the retail and service commercial space not adjacent to the building frontages, may be from a publicly accessible internal lobby with direct access from Yonge Street.
  - (ii) for purposes of this exception, residential density transfers provided for in Policy 3.4.1(d) may include service road and associated road network and buffer area transfers from 32 Churchill Avenue and from 78 Eglinton Avenue;
  - (iii) 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;
  - (iv) for the purposes of this exception, the City Space, which includes, among other uses, retail and social facilities managed by the City, will be deemed to be Social Facility under Section 3.3; and
  - (v) all other provisions of this Secondary Plan will apply.

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**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 1, attached.

**Map Schedule 1**



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## **Attachment 13: Draft Zoning By-law Amendment**

Authority: North York Community Council Item ~ [or Report No. ~, Clause No. ~]  
as adopted by City of Toronto Council on ~, 2012  
Enacted by Council: ~, 2012

### **CITY OF TORONTO**

**Bill No. ~**

### **BY-LAW No. ~ -2012**

**To amend former City of North York Zoning By-law No. 7625, as amended,  
with respect to the lands municipally known as 5220 to 5254 Yonge Street, 78  
Eglerslie Avenue and 32 Churchill 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 Schedules “1” and “2” of this By-law.
2. Within the lands shown on Schedule “~” 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, and
  - (b) all water mains and sanitary sewers, and appropriate appurtenances, have been installed and are operational.

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3. Section 64.20-A of By-law No. 7625 is amended by adding the following:

**“64.20-A(\_\_\_\_) RM6(\_\_\_\_)**

### **DEFINITIONS**

#### **APARTMENT HOUSE DWELLING**

- (a) For the purpose of this exception, “apartment house dwelling” shall mean dwelling units having access only from an internal corridor system.

#### **BAKERY**

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

#### **BICYCLE PARKING**

- (c) For the purpose of this exception, "bicycle 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.
- (d) 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 square metres, including any associated access corridor area, that is designed and equipped exclusively for the purpose of parking and securing one or more bicycles and is not located within a dwelling unit, balcony or commercial suite.

#### **COMMON OUTDOOR SPACE**

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

#### **ESTABLISHED GRADE**

- (f) For the purpose of this exception, "established grade" shall mean the geodetic elevation of 175.35 metres.

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The floor elevation of the non-residential space located on the ground floor level of any building shown on Schedule RM6(\_\_\_\_) fronting onto and directly accessible from Yonge Street or Eglinton Avenue shall be level with the elevation of the adjacent exterior pedestrian walkway, up to a minimum depth of 8.5 metres within the building.

#### GROSS SITE

- (g) For the purpose of this exception, “gross site” shall mean Parts 1, 2, 3, 4, and 5 of Plan 66R-\_\_\_\_\_, comprising an area of 6,507.5 square metres.

#### GROSS FLOOR AREA

- (h) For the purpose of this exception, “gross floor area” shall mean the aggregate of the areas of each floor, measured between the exterior faces of the exterior walls of the building or structure at the level of each floor, including any areas used as balconies, but excluding:
- (i) any part of the building used for mechanical floor area;
  - (ii) any space in a parking garage at or below grade used exclusively for motor vehicle and bicycle parking and access thereto, including loading areas; and
  - (iv) the floor area of unenclosed residential balconies.

#### INDOOR RECREATIONAL AMENITY AREA

- (i) For the purpose of this exception, “indoor 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, such as indoor swimming pools, exercise or entertainment rooms, change rooms, library space, lounges, meeting or party rooms and other similar uses.

#### LANDSCAPING

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

## MECHANICAL FLOOR AREA

- (k) 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

- (l) 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(\_\_\_\_)”. The net site has an area of 6,497.1 square metres, and consists of Parts 1, 2, 3 and 4 of Plan 66R-\_\_\_\_\_.

## OUTDOOR RECREATIONAL AMENITY AREA

- (m) For the purpose of this exception, “outdoor 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, such as playgrounds, outdoor swimming pools, and seating areas.

## SALES OFFICE

- (n) For the purpose of this exception, “sales office” shall mean an office located on the site in a temporary building, structure, facility or trailer satisfactory to the City's Chief Planner used exclusively for the sale of dwelling units to be erected within the site.

## SOCIAL FACILITY SPACE

- (o) For the purpose of this exception, "social facility space" shall mean a multi-purpose space operated by a government or non-profit organization and used for community, social or cultural activities, including retail activities, and uses accessory thereto, owned and operated by a government or non-profit organization, such as but not limited to retail uses, day nursery; child daycare; counseling or crisis centre; community hall; multi-purpose hall or facilities; family resources centre, or public meeting spaces. Retail uses, are to include retail stores, including but not

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limited to, butchers shop, fish market, grocery store, deli, cheese store, as well as uses for events, music staging, sponsorship booths, market carts, moveable cafe style seating.

## **PERMITTED USES**

(p) The only permitted uses shall be:

### **RESIDENTIAL**

apartment house dwellings and accessory uses, including private recreational amenity areas;

The gross floor area of all residential uses, including recreational amenity areas, shall be limited to a maximum 20,849.81 square metres.

### **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;

art galleries;  
artist studios;  
automatic laundry shops;  
automatic teller machines;  
bakeries;  
banquet halls (restricted to 2<sup>nd</sup> or 3<sup>rd</sup> floors);  
car rental agencies, (car-rental agency vehicles are to be located off-site);  
clubs (restricted to 2<sup>nd</sup> or 3<sup>rd</sup> floors);  
commercial galleries;  
commercial recreation facilities;  
commercial schools (restricted to 2<sup>nd</sup> or 3<sup>rd</sup> floors);  
custom workshops making articles to be sold at retail on the premises;  
dry-cleaning and laundry collecting establishments;  
financial institutions, including banks;  
fitness centres (restricted to 2<sup>nd</sup>, 3<sup>rd</sup> or 4<sup>th</sup> floors);  
hotels;  
information processing (restricted to 2<sup>nd</sup> or 3<sup>rd</sup> floors);  
out-door café in conjunction with a restaurant;  
personal service shops;  
recreational uses;

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restaurants;  
retail stores;  
sales office;  
service shops;  
social facility space;  
studios;  
synthetic dry-cleaning establishments;  
takeout restaurants; and  
accessory uses.

A minimum of 18,065.04 square metres of gross floor area shall be devoted to solely non-residential uses, of which at least 6,451 square metres of gross floor area shall be located in the 14-storey south tower and the remainder of the gross floor area in the podium building shown on Schedule RM6 ( ) and underground parking areas.

No non-mechanical mezzanine level shall be located in or above the non-residential uses located on the ground floor level of any building shown on Schedule RM6( ).

## **EXCEPTION REGULATIONS**

### **MAXIMUM GROSS FLOOR AREA**

- (q) Except as provided for in subsection (ff) of this exception, the maximum gross floor area permitted on the net site shall not exceed 29,283.75 square metres attributable to the gross site, of which a minimum of 18,065.04 square metres of non-residential gross floor area shall be provided.

### **NUMBER OF DWELLING UNITS**

- (r) The maximum number of residential dwelling units shall be 265.

### **BUILDING HEIGHT**

- (s) 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 (\_\_\_), excluding mechanical penthouses, towers, parapets and other architectural features, and stairwells to access the roof.

### **NUMBER OF STOREYS**

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

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## BUILDING ENVELOPE

- (u) No portion of any building or structure erected and used above established grade shall be located otherwise than wholly within the building envelopes identified on Schedule “RM6(\_\_\_\_)” except for the projections permitted in Section 6(9) of the By-law as well as canopies, lights, stairs and other architectural features which may project beyond the building envelope.

## MOTOR VEHICLE PARKING

- (v) Motor vehicle 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 non-residential uses;
  - (iv) a maximum of 1.28 parking spaces per 100 square metres of gross floor area devoted to non-residential uses;
- (w) Notwithstanding the preceding Section, non-residential parking spaces and residential visitor parking spaces may be shared and comingled, and made available to the general public, and a charge may be imposed for the use of such spaces, however the minimum number of parking spaces for each use must be satisfied.

## 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 on the

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ground floor of the building conveniently accessible from the outside.

#### LOADING

- (y) A minimum of four (4) loading spaces shall be provided on the net site, including one (1) loading space with a minimum dimension of 4 metres wide, 13 metres long and with a minimum vertical clearance of 6 metres, and with three (3) loading spaces having a minimum dimension of 4 metres wide, 11 metres long and with a minimum vertical clearance of 4 metres.

#### LANDSCAPING

- (z) A minimum of 1,120 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 723 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 per dwelling unit of outdoor recreational amenity area shall be provided on the net site, on the podium roof adjacent to the residential indoor recreational amenity area.

#### INDOOR RECREATIONAL AMENITY AREA

- (cc) A minimum of 1.5 square metres per residential 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), 6A(2), 6A(6), 6A(8), 6A(16), 15.1(b), 15.7, 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:

Staff report for action – Final Report 5220 to 5254 Yonge St., 78 Eglerslie Ave. & 32 Churchill Ave.

## 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 property municipally known as 32 Churchill Avenue, being Part of Lot 42, Registered Plan 3163, to be conveyed to the City for service road and associated road network and buffer area purposes;
  - (ii) the property municipally known as 78 Ellerslie Avenue, being Part of Block 2, Registered Plan 2097, to be conveyed to the City for service road and associated road network and buffer area purposes;
  - (iii) a minimum of 2,368.80 square metres of street related retail and service commercial uses located on the ground floor along the Yonge Street and the Ellerslie Avenue frontages, and is to include street related retail and service commercial uses located at grade within 30 metres of the property lines, provided that:
    - a) the retail and service commercial uses are directly accessible from Yonge Street or Ellerslie Avenue, when the retail and service commercial space is adjacent to the building frontage along those streets;
    - b) the retail and service commercial space not adjacent to the building frontages, may be from a publicly accessible internal lobby with direct access from Yonge Street.
  - (iv) at grade bicycle rooms containing a total minimum of 27 bicycle parking spaces for the residential uses and a minimum of 9 bicycle parking spaces for the commercial uses, located on the ground floor accessible from the outside and having an area of a minimum 65.84 square metres;
  - (v) a minimum of 30.65 square metres for a bicycle shower and change facility, located below grade;

- (vi) a minimum of 1.50 square metres per dwelling unit of indoor recreational amenity area;
- (vii) a monetary contribution in the form of a certified cheque and satisfactory to the City, to fund 1,736.40 m<sup>2</sup> of proposed gross floor area, toward the provision of public recreation centres and/or toward the cost of the City acquiring lands necessary for the completion of planned service roads and associated road network and buffer areas in the North York Centre, and which shall be indexed upwardly to the Toronto Real Estate Board Market Watch Index from the date of the Section 37 Agreement execution. The amount of the monetary contribution shall be equal to the market value, based on land value, of 1,736.40 m<sup>2</sup> of proposed gross floor area, as determined by the Director of Real Estate Services and provided to the City within 10 days of the by-law being passed or prior to the issuance of the first building permit, whichever is sooner;
- (viii) the conveyance to the City of Toronto, free and clear of all encumbrances of the lands for road widening purposes, comprising 10.4 square metres, described as Part 5 on Plan 66R-\_\_\_\_\_;
- (xi) the provision and maintenance on the site of not less than seven (7) new rental replacement dwelling units, which shall all be affordable rental dwelling units, and which units shall be of a size to the satisfaction of the Chief Planner and Executive Director, City Planning Division, subject to the following:
  - (1) the seven (7) rental replacement units shall comprise at least one-bedroom apartments which shall also have individual storage lockers;
  - (2) the rental replacement units shall be maintained as rental housing units for at least twenty (20) years, beginning with the date that each unit is occupied and until the owner obtains approval for a zoning by-law amendment removing the requirement for the rental replacement units to be maintained as rental units;
  - (3) the seven (7) rental replacement units shall be ready and available for occupancy no later than the date when 90% of the residential condominium units or 90% of the hotel complex are ready and available for occupancy;

- (4) the owner shall provide and maintain affordable rents charged to the tenants who rent each of the 7 rental replacement units during the first ten (10) years of its occupancy, such that the initial rent shall not exceed an amount based on the most recent Fall Update Canada Mortgage and Housing Corporation Rental Market Report average rent for the City of Toronto by unit type and over the course of the 10-year period, annual increases shall not exceed the Provincial rent guideline and, if applicable, permitted above-guideline increases, and, upon turn-over, the rent charged to any new tenant shall not exceed the initial rent increased by the annual Provincial guideline increases and, if applicable, permitted above-Guideline increases;
  - (5) rents charged to tenants occupying a rental replacement unit at the end of the 10-year period set forth in subsection (4) shall be subject only to annual increases which do not exceed the Provincial rent guideline and, if applicable, permitted above guideline increases, so long as they continue to occupy their dwelling unit or until the expiry of the rental tenure period set forth in subsection (2) with a further phase-in period of a least three years for rent increases to unrestricted market rents; and
  - (6) rents charged to tenants newly occupying a rental replacement unit after the completion of the 10-year period set forth in subsection (4) will not be subject to restrictions relating to the amount of the rent by the City of Toronto under the terms of the Section 37 Agreement ;
- (x) the owner shall provide tenant relocation assistance in accordance with the more detailed Tenant Relocation and Assistance Plan to be included in the Section 37 Agreement or agreements, to the satisfaction of the Chief Planner and Executive Director, City Planning Division, for tenants in the existing buildings on the lands. At a minimum, tenant relocation assistance shall include:
- (1) the right to return to a replacement unit for all eligible tenants who resided in the existing rental units;
  - (2) all tenants will receive extended notice of the date they must vacate for the demolition of their buildings;
  - (3) returning tenants will choose their replacement units by
- Staff report for action – Final Report 5220 to 5254 Yonge St., 78 Eglerslie Ave. & 32 Churchill Ave.

seniority; and

- (4) all tenants eligible for financial assistance provided for in the Tenant Relocation and Assistance Plan will receive a moving allowance, and additional assistance on a sliding scale based on length of occupancy and the gap between their current rents and market rents;
- (xi) the owner shall provide a minimum of 324.59 square metres of Social Facility Space fronting on an east-west publicly accessible mews, as shown on Schedule “RM6(\_\_)” provided:
- (1) the Social Facility Space is to be conveyed to the City with base building plus finished turn-key conditions substantially in accordance with the Section 37 Agreement and to the satisfaction of the Chief Corporate Officer or designate.
  - (2) The Social Facility Space shall be conveyed to the City as a freehold stratified fee simple interest, free of all encumbrances. The City, all the Condominium Corporation(s) having use of the Common Facilities, and the owner of the stratified fee simple segment of the Project containing the 7 rental replacement dwelling units will enter into an Easement and Cost Sharing Agreement to facilitate the integration of the various elements of the Social Facility Space, as detailed within the Section 37 Agreement.
  - (3) The Social Facility Space will be provided with access to loading areas, garbage storage and pick-up areas and vehicle and bicycle parking areas as are provided to serve the other commercial condominium units in the building, as detailed within the Section 37 Agreement;
  - (4) the Social Facility Space is to be located adjacent to the publicly accessible mews, as shown on Schedule “RM6(\_\_)”;
  - (5) the Social Facility Space is to be conveyed to the City for use as a social facility or facilities, and pursuant to the North York Centre Secondary Plan, the gross floor area of the social facility units is exempt from the calculation of gross floor area and 4 times the gross floor area of the social facility units will be available as a density incentive;

- (xii) upon condominium registration, the owner shall grant to the City for nominal consideration a non-exclusive surface easement for public pedestrian access over the southerly 7.0 m (approximate) of the property commencing at Yonge Street and extending approximately 57.2 m to the west, being the publicly accessible mews walkway as shown on Schedule “RM6(\_\_\_\_)”, provided:
  - (1) the owner shall be responsible for constructing the publicly accessible pedestrian walkway in accordance with landscape plans and drawings to the satisfaction of the Chief Planner and Chief Corporate Officer;
  - (2) following the grant of the easement, the Condominium Corporation(s) shall be responsible for the maintenance and repair of the publicly accessible pedestrian walkway, including the clearing of snow and ice, and indemnifying the City by insurance policy from any proceedings, which may be brought against the owner for any injury or damages as a result of public use of the Publicly Accessible Pedestrian Walkway, as detailed in the Section 37 Agreement; and
  - (3) City shall have the exclusive right to program activities with the Publicly Accessible Pedestrian Walkway.
- (xiii) the owner agrees to convey a subsurface easement to the City over the east-west “mews” as shown on Schedule “RM6(\_\_\_\_)”, for servicing purposes for the life of the building and subject to the usual City conditions respecting such easements.

#### ADDITIONAL GROSS FLOOR AREA

- (gg) Notwithstanding subsection (q) of this exception, additional gross floor area of a maximum 9,631.1 square metres shall be permitted on the net site so that the total gross floor area of all buildings permitted on the lands shown on Schedule "RM6(\_\_\_\_)" shall not exceed a total aggregate maximum of 38,914.85 square metres, limited to the following additional gross floor area:
  - (i) a density transfer from 32 Churchill Avenue, being Part of Lot 42, Registered Plan 3163, totalling a maximum 1,842.36 square metres, for the conveyance of 32 Churchill Avenue to the City for service road and associated road network and buffer area purposes
  - (ii) a density transfer from 78 Ellerslie Avenue, being Part of Block 2, Registered Plan 2097, totalling a maximum 1,566.60 square

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metres, for the conveyance of 78 Ellerslie Avenue to the City for service road and associated road network and buffer area purposes;

- (iii) a maximum of 2,368.80 square metres of street related retail and service commercial uses located on the ground floor along the Yonge Street and the Ellerslie Avenue frontages, and is to include street related retail and service commercial uses located at grade within 30 metres of the property lines, provided that:
  - a) the retail and service commercial uses are directly accessible from Yonge Street or Ellerslie Avenue, when the retail and service commercial space is adjacent to the building frontage along those streets;
  - b) the retail and service commercial space not adjacent to the building frontages, may be from a publicly accessible internal lobby with direct access from Yonge Street.
- (iv) a maximum 65.84 square metres for the provision of at grade bicycle rooms containing a total minimum of 27 bicycle parking spaces for the residential uses and a minimum of 9 bicycle parking spaces for the commercial uses, located on the ground floor accessible from the outside;
- (v) a maximum 30.65 square metres for a bicycle shower and change facility, located below grade;
- (vi) a maximum of 1.50 square metres per dwelling unit of indoor recreational amenity area;
- (vii) a maximum 1,736.40 m<sup>2</sup> for a monetary contribution in the form of a certified cheque and satisfactory to the City, toward the provision of public recreation centres and/or toward the cost of the City acquiring lands necessary for the completion of planned service roads and associated road network and buffer areas in the North York Centre.
- (viii) a density incentive of a maximum 1,298.36 square metres for the provision of a minimum of 324.59 square metres of Social Facility Space to the City fronting on an east-west publicly accessible mews;
- (ix) a maximum 324.59 square metres for the social facility space to be provided.



**SEVERANCE**

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

**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 is further amended by adding Schedule “RM6(\_\_\_\_)” attached to this By-law.

5. Section 64.13 of By-law No. 7625 is amended by adding the following subsection:

**"64.13( ) R4( ) EXCEPTION REGULATIONS**

(a) The maximum gross floor area permitted on Part of Lot 42 of Registered Plan 3163, and municipally known as 32 Churchill Avenue, is 0.0 m2.

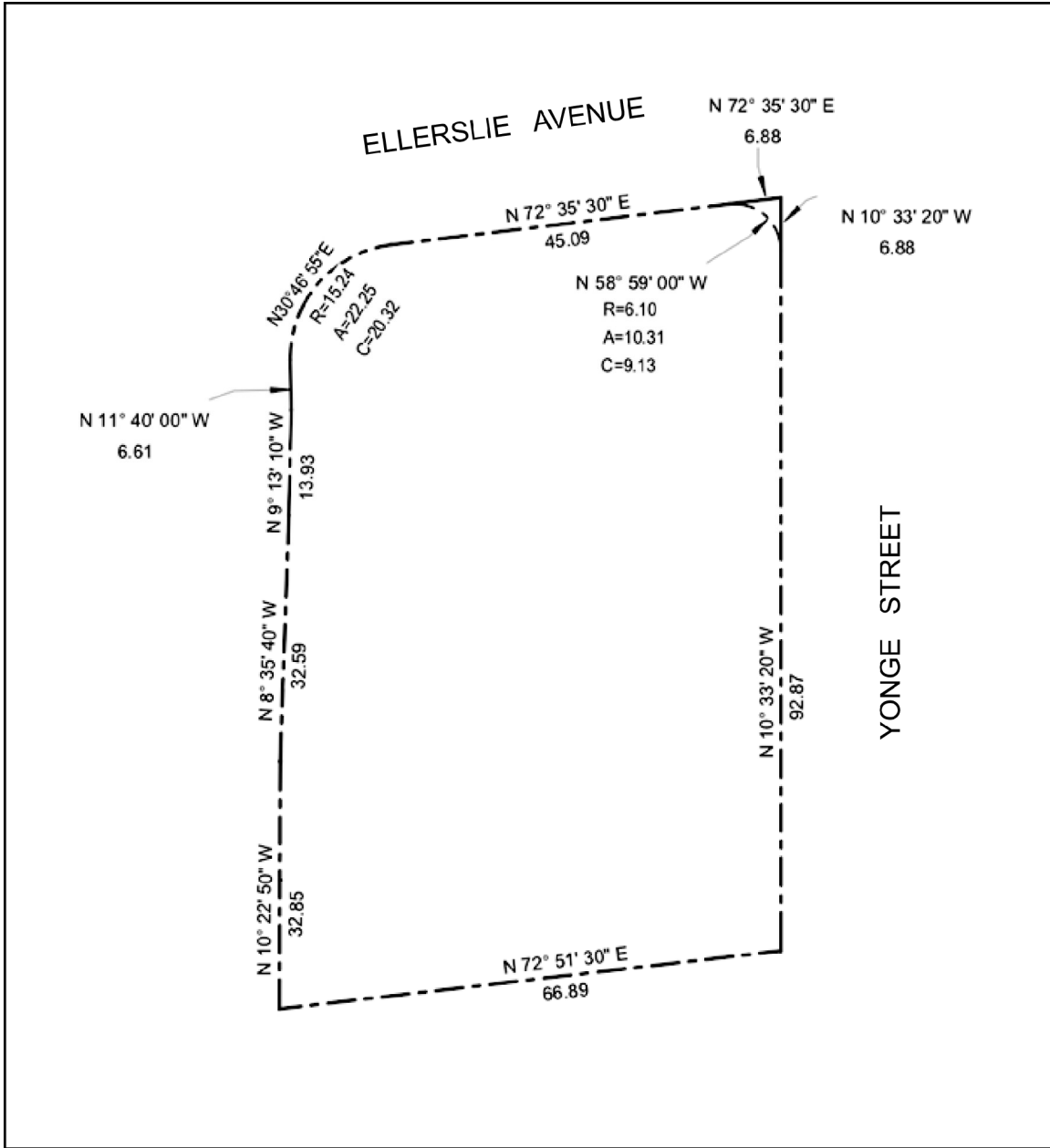
(b) The maximum gross floor area permitted on Part of Block 2 of Registered Plan 2097, and municipally known as 78 Ellerslie Avenue, is 0.0 m2.

ENACTED AND PASSED this \_\_\_\_ day of \_\_\_\_\_, A.D. 2012.

ROB FORD,  
Mayor

ULLI S. WATKISS  
City Clerk

(Corporate Seal)



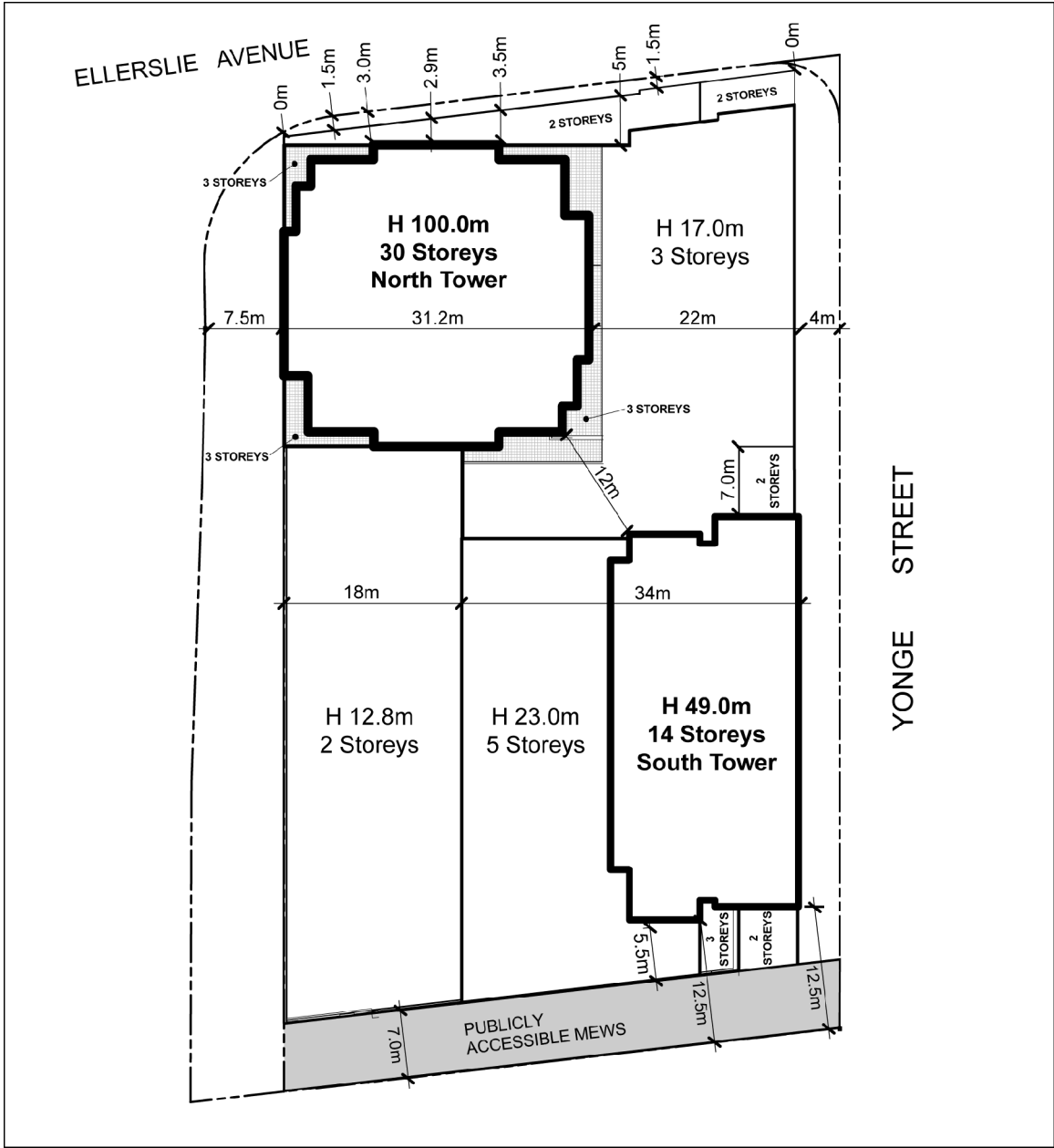
Survey Information taken from Draft Reference Plan, Part of Lots 1 & 2, RP 3429, Lots 1 & 2, RP 3603 and Part of Lot 18, Conc. 1 WYS, City of Toronto.  
 R. Avis Surveying Inc.  
 Date: 05/02/2012  
 Approved by: M.C.

File # 09 165755 NNY 23 0Z

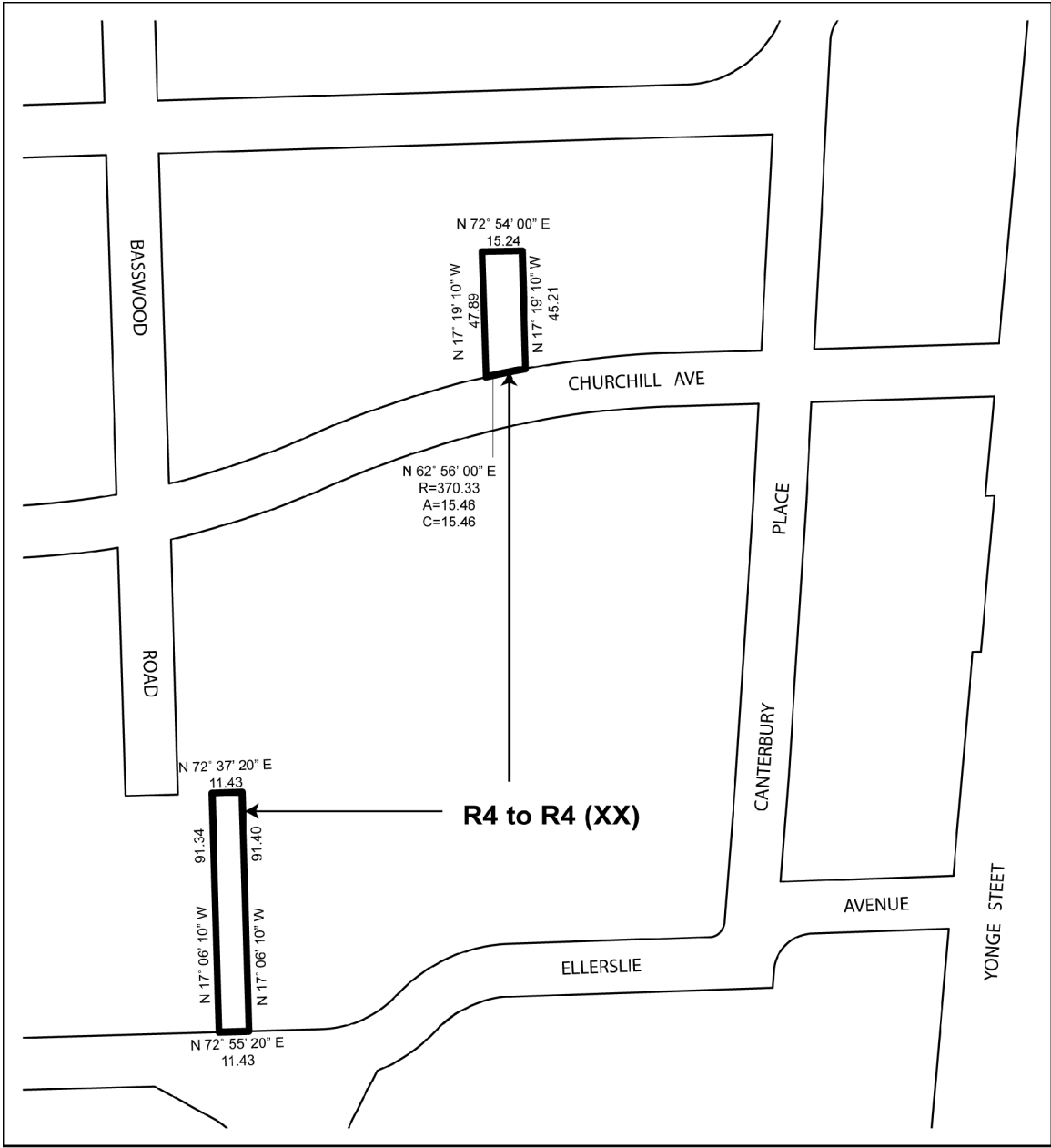


Not to Scale

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Staff report for action – Final Report 5220 to 5254 Yonge St., 78 Ellerslie Ave. & 32 Churchill Ave.



Part of Lot 42, Registered Plan 3163, & Part of Block 2, Registered Plan 2097, City of Toronto.  
 R. Avis Surveying Inc.

File # 09 165755 NNY 23 0Z

Date: 05/10/2012  
 Approved by: M.C.



Staff report for action – Final Report 5220 to 5254 Yonge St., 78 Ellerslie Ave. & 32 Churchill Ave.



**Joe Casali**  
**Director**  
**Real Estate Services**

**Memorandum**

Real Estate Division  
 Metro Hall  
 55 John Street, 2<sup>nd</sup> Floor  
 Toronto, ON M5V 3C6

**RECEIVED**

**MAY 24 2012**

CITY OF TORONTO PLANNING  
 NORTH YORK CIVIC CENTRE

**DATE:** May 22, 2012

**TO:** Mark Chlon (By fax 416 395 7155)  
 Senior Planner, Community Planning, Central Section

**FROM:** Brian Varner  
 Manager, Policy and Appraisal Services

**SUBJECT:** **Purchase of Additional Section 37 Density**  
**5220-5248 Yonge Street-Centrust Development**

I refer to Centrust Development's application for additional density for this project.

Please be advised that Real Estate Services recommends a rate of \$74 per square foot (\$796.54 per square metre) of additional density as of the current date for settlement purposes with Centrust Development. The timing of payment of the additional density under Section 37, Planning Act is at the time of passing the zoning bylaw or very shortly thereafter. The rate of \$74 per square foot of density is effective for a period of 6 months from today. If the passing of the zoning bylaw occurs beyond this time period, the rate of \$74 per square foot of density will be indexed by the Toronto Real Estate Board Market Watch Index, subject to a minimum of not less than \$74 per square foot of density. Specifically, the rate of \$74 per square foot of density shall be adjusted, if necessary, by multiplying \$74 per square foot of density by a fraction, the denominator of which is the average of the 3 months of "Average Price of Single Family Dwelling for the GTA" published by the Toronto Real Estate Board (TREB Market Watch Index) preceding the month of this memorandum, which is \$506,455, and the numerator of which is the average of the 3 months of the TREB Market Watch Index preceding the passing of the zoning bylaw, provided however, in no event shall the density rate be less than \$74 per square foot of density.

If you require further information, please contact Peter Cheng at 416 338 5105.

Brian Varner, AACI  
 Manager, Policy and Appraisals

Cc Joe Casali  
 Paul Byrne (Fax: 416 395 7155)  
 Valuation File

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**Attachment 14: Memo from Real Estate Division – Purchase of S. 37 Density**

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## Attachment 15: Draft Site Plan Approval Conditions

**Site Plan File No.: Site Plan Application: 10 247876 NNY 23 SA**

Proposal for a mixed-use development consisting of a 14-storey, 150 suite hotel tower and a 30-storey, 258 unit residential tower, including a multi-level podium/base building with a mix of commercial uses, including Social Facility space fronting on a publicly accessible pedestrian mews, and 7 replacement rental units.

### Architectural Plans prepared by KIRKOR architects and planners:

<b>PLAN NAME AND NO.</b>	<b>REVISION DATE</b>
A1.2 – Land Parts Diagram & Statistics	Rev 5 dated 4/19/2012
A1.3 – Site Plan	Rev 5 dated 4/19/2012
A2.1 – Underground Parking Garage – P4 level	Rev 5 dated 4/19/2012
A2.2 – Underground Parking Garage – P3 level	Rev 5 dated 4/19/2012
A2.3 – Underground Parking Garage – P2 level	Rev 5 dated 4/19/2012
A2.4 – Underground Parking Garage – P1 level	Rev 5 dated 4/19/2012
A2.5 – Ground Floor Plan	Rev 5 dated 4/19/2012
A2.6 – Level 2 Floor Plan	Rev 5 dated 4/19/2012
A2.7 – Level 3 Floor Plan	Rev 5 dated 4/19/2012
A2.8 – Levels 4 and 5 Floor Plans	Rev 5 dated 4/19/2012
A2.16 – Roof Plan	Rev 5 dated 4/19/2012
A3.1 – East Elevation	Rev 5 dated 4/19/2012
A3.2 – West Elevation	Rev 5 dated 4/19/2012
A3.3 – South Elevation	Rev 5 dated 4/19/2012
A3.4 – North Elevation	Rev 5 dated 4/19/2012
A4.1 – Section 1 Hotel Tower	Rev 5 dated 4/19/2012
A4.2 – Section 2 Residential Tower	Rev 5 dated 4/19/2012
A5.1 – Sun Shadow Study –	Rev 5 dated 4/19/2012

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March/September	
A5.2 – Sun Shadow Study - June	Rev 5 dated 4/19/2012
A5.3 – Sun Shadow Study - December	Rev 5 dated 4/19/2012

**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, Senior Planner, 416-395-7137**

2. Prior to the Director, Community Planning, North York District issuing the Notice of Site Plan Approval Conditions:
  - (a) the Official Plan Amendment and Zoning By-law Amendment shall be in full force and effect; and
  - (b) the landscape plans, including the design details of the proposed publicly accessible Pedestrian Mews be finalized to the satisfaction of Chief Planner and Executive Director, City Planning Division, in consultation with all applicable departments and the local Councillor.
3. The Owner shall submit a cost estimate for (but not limited to) any plantings, fencing, seating, decorative paving, retaining walls, terraces and/or other landscape features to the satisfaction of the Director, Community Planning, North York District and 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.

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.

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

4. Prior to the Director, Community Planning, North York District issuing the Notice of Site Plan Approval Conditions:
  - i) Provide an archaeological monitoring protocol to the satisfaction of the Manager, Heritage Preservation Services, defining the process to be undertaken for archaeological site monitoring associated with feature #2 as cited in the Stage 3 assessment report and Stage 4 Mitigation Report, dated September 2009.
  - ii) Ensure no demolition, construction, grading or other soil disturbances shall take place on the subject property prior to the City's Planning Division (Heritage Preservation Services Unit) and the Ministry of Culture and Tourism (Heritage Operations Unit) confirming in writing that all archaeological licensing and technical review requirements have been satisfied.
  - iii) Provide the borden registration form and documentation for the archaeological site known as the 5220 Yonge Street Site to complete our records.
  - iv) Submit a copy of the relevant assessment report(s) to the Heritage Preservation Services Unit in both hard copy format and as an Acrobat PDF file on compact disk.

**PARKS FORESTRY AND RECREATION – Bruce Gordon, Urban Forestry, Tree Protection and Plan Review (416- 395-6686)**

5. Prior to the Director, Community Planning, North York District issuing the Notice of Site Plan Approval Conditions:
  - (a) the owner shall submit to the satisfaction of the Supervisor, Tree Protection & Plan Review, Urban Forestry an acceptable street tree plan and all required tree planting and removal payments and securities;

**PARKS, FORESTRY AND RECREATION, PARKS PLANNING, Rosanne Clement , 416-395-7900**

6. Prior to the Director, Community Planning, North York District issuing the Notice of Site Plan Approval Conditions:
  - (a) the lands located at 32 Churchill Avenue and 78 Ellerslie Avenue shall be transferred to the City, to the satisfaction of the General Manager, Parks, Forestry and Recreation.

Staff report for action – Final Report 5220 to 5254 Yonge St., 78 Ellerslie Ave. & 32 Churchill Ave.



**TECHNICAL SERVICES – Lawrence Shintani, 416-395-6306,**

7. Prior to the Director, Community Planning, North York District issuing the Notice of Site Plan Approval Conditions:
  - (a) the owner is required to satisfactorily address the comments regarding revisions and additional information required for site plan studies and drawings referenced in the Technical Services Division comments dated March 21, 2012.

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

- 8.1 Prepare all documents and convey to the City, at nominal cost, a 6.1 metre radius property corner rounding at the corner of Ellerslie Avenue and 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 favor 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;
- 8.2 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;
- 8.3 Pay all costs for registration and preparation of reference plan(s).

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

- 9.1 Prior to site plan approval of Phase 1, the applicant must submit a financial guarantee in the form of an irrevocable letter of credit or certified cheque (amount to be determined) to the City of Toronto, as required by Transportation Services for the intersection improvements at the Yonge Street / Ellerslie Avenue intersection and road improvements on Ellerslie Avenue and Yonge Street;
- 9.2 Prior to registration of the Site Plan Agreement for the Development, the Owner agrees that it shall transfer a right-of-way in the nature of a surface easement in favour of the City, free and clear of all physical and title

Staff report for action – Final Report 5220 to 5254 Yonge St., 78 Ellerslie Ave. & 32 Churchill Ave.

encumbrances, at no cost to the City, to enter in, over, upon, and along the rear laneway for the purposes of vehicular public access. The Owner shall pay for the costs of the preparation and registration of all relevant documents for this easement. Further, the Owner shall provide, to the satisfaction of the City Solicitor, acting reasonably, all legal descriptions and applicable reference plans of survey for this easement conveyance together with a Title Opinion.

## **10. Walkway and Walkway Ramps**

10.1 The owner shall deposit with Technical Services a certified cheque, for the following:

- a) Construction of a 1.8 metre wide sidewalk across the entire Eglerslie Avenue and Yonge Street frontages of the site with a 0.6 m offset from the property line as per the Yonge Street streetscape treatment. The cost of this work is estimated to be \$51,000.00.
- b) \$2,885.00 representing the 5% Engineering review fee of the above construction works.

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

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

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

11.1 Any landscaping within the Eglerslie Avenue and Yonge Street boulevards must be approved by the Transportation Services Division prior to site plan approval.

## **12. Easements Conveyed to City of Toronto**

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

- a) A 6.0m wide easement along part of the west limit of this development to accommodate the proposed modified existing

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sanitary sewer.

- b) A 6.0m wide easement along the entire south limit of this development to accommodate a proposed municipal storm sewer.

Proposed buildings and/or structures in this development must not encroach into this easement, either above or below ground. Such easements are to be free and clear of all physical and title encumbrances, all to the satisfaction to the Executive Director of Technical Services in consultation with the City Solicitor.

Submit a draft Reference Plan of Survey, in metric units and integrated with the Ontario Co-ordinate System, showing the easement lands as separate PARTS, to the Executive Director of Technical Services, for review and approval.

- 12.2 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 easement lands and the proposed remedial action plan based on the site condition standards approach, to the Executive Director, Technical Services, for peer review and concurrence.
- 12.3 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.
- 12.4 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, the easement lands meets the Site Condition Standards of the most environmentally sensitive adjacent land use.

(The City will permit the extension of the proposed sanitary service connections to the existing municipal sanitary sewer within the easement and will include this encroachment in the easement agreement. In addition, five proposed private catchbasin and catchbasin leads will also be included in the easement agreement as permitted encroachments.)

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

- 13.1 The owner shall deposit, prior to Site Plan Approval, a letter of credit or Staff report for action – Final Report 5220 to 5254 Yonge St., 78 Eglerslie Ave. & 32 Churchill Ave.

certified cheque with the Technical Services for the estimated cost of the storm sewer along the west and south limits of this development connecting to the existing storm sewer on Yonge Street and modifications to the existing municipal sanitary sewer along the west limit of this development and a certified cheque for the 5% engineering review fee, including HST, of the following works:

- a) Modifications to the existing municipal sewer and construction of a storm sewer along the west and south limits of this development within the proposed storm sewer easement.
- b) 5% Engineering review fee of the above construction works.

The above works shall be constructed by the owner anytime after the site plan approval provided all necessary arrangements with Technical Services have been satisfied.

All works related to the construction of the municipal storm sewer within the city's easement will require the applicant to enter into the Municipal Infrastructure Agreement. Detailed engineering drawings along City's easement will have to be submitted to the City for review and approval as part of this agreement. Modifications to the existing municipal sanitary sewer along the west limit of this development will also be covered and secured under the Municipal Infrastructure Agreement.

## **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.

### **TECHNICAL SERVICES – Lawrence Shintani, 416-395-6306,**

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

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

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

- 2.1 Provide and maintain off-street vehicular loading and parking facilities and access driveways in accordance with the approved plans and drawings, to the satisfaction of the Executive Director, Technical Services;
- 2.2 All on-site driveways and parking areas must be surfaced and maintained with asphalt, concrete, or interlocking stone; and
- 2.3 The owner must install and maintain appropriate signage and pavement markings on-site directing such as but not limited to: vehicle stopping and circulation, designated disabled parking, loading, and pedestrian walkways, to the satisfaction of the Executive Director, Technical Services.
- 2.4 The proposed post-and-ring bike racks within the municipal right-of-way will be subject to final approval by Transportation Services, Street Furniture Management section. The owner will be financially responsible for all costs associated with the post-and-ring bike racks.

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

- 3.1 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.
- 3.2 Advise all owners and tenants/future purchasers of the commercial and retail units that refuse and recyclable materials generated by the retail and commercial component of the residential building must be collected by a private refuse collection firm.
- 3.3 Advise all owners and tenants/future purchasers of the hotel units that refuse and recyclable materials generated by the hotel building must be collected by a private refuse collection firm.
- 3.4 Provide and maintain a single chute with a tri-sorter for multiple household residential buildings.
- 3.5 Access will be shared for the Hotel Tower and Residential Tower. As a result, a mutual access agreement is required to protect for reciprocal rights-of-way. This agreement must be executed and registered on title in perpetuity for all properties involved and must include provisions for maintenance. A copy of this agreement must be supplied to Technical Services for our records.

#### **4. Easements conveyed to City of Toronto**

- 4.1 Convey to the City, at nominal cost, the following:
- a. A 6.0m wide easement along part of the west limit of this development to accommodate the proposed modified existing sanitary sewer.
  - b. A 6.0m wide easement along the entire south limit of this development to accommodate a proposed municipal storm sewer.

Such easements are to be free and clear of all physical and title encumbrances, all to the satisfaction to the Executive Director of Technical Services in consultation with the City Solicitor.

- 4.2 Submit a draft Reference Plan of Survey, in metric units and integrated with the Ontario Co-ordinate System, showing the easement lands as separate PARTS, to the Executive Director of Technical Services, for review and approval.

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

- 5.1 Construct and maintain stormwater management measures/facilities and site grading as recommended in the accepted Stormwater Management Report entitled (*title will be provided once the report is approved*), prepared by Schaeffers Consulting Engineers, and dated (*date will be provided once the report is approved*), and Grading Plan, Drawing No. (*drawing number will be provided once the plan is approved*), prepared by Schaeffers Consulting Engineers, and dated (*date will be provided once the plan is approved*).
- 5.2 Construct and maintain site servicing indicated on the accepted Site Servicing Drawings No. (*drawing number will be provided once the plan is approved*), prepared by Schaeffers Consulting Engineers, and dated (*date will be provided once the plan is approved*).
- 5.3 Provide certification to the Executive Director of Technical Services by the Professional Engineer who designed and supervised the construction that the stormwater management facilities and site grading have been constructed in accordance with the accepted Stormwater Management Report and the accepted Grading Plans.
- 5.4 Provide certification to the Executive Director of Technical Services by the Professional Engineer who designed and supervised the construction,

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that the site servicing facilities have been constructed in accordance with the accepted drawings.

- 5.5 The Owner shall keep and maintain existing/proposed stormwater pollution control devices such as oil grit separators (stormceptors or equivalent devices) and update the City with periodic maintenance reports.

**6. External Overland Flow Tank (1800mm x 900mm and 1800mm x 1200mm Box Culvert)**

- 6.1 The consultant engineer must prepare an Operational and Maintenance Manual for the maintenance of the storm storage tank for review and approval by the City.
- 6.2 The consultant engineer must include in the Operational and Maintenance Manual a maintenance cost estimate, for City's review and approval, and the estimate will form the basis for a financial contribution.
- 6.3 Prior to site plan approval, the owner must make a financial contribution to the future condominium corporation for future maintenance of the storm tank and the condominium corporation will have to maintain this financial contribution in the condominium reserve fund for future maintenance costs. *(The amount will be included once the amount becomes available).*
- 6.4 The condominium corporation will be responsible for the maintenance of the storage tank as per the Operational and Maintenance Manual prepared by Schaffers Consulting Engineers, dated *(dated will be provided once the report is accepted by the City)*.
- 6.5 The condominium corporation will maintain the overland flow tank in a state of good repair.
- 6.6 The owner will clean the facility prior, but not more than two months, to registration of the condominium corporation.
- 6.7 The owner will transfer the maintenance manual, as built drawings, monitoring records to the future condominium corporation at the turn over to the new board of directors after registration. As built drawings and monitoring records must be from a professional engineer licensed to practice in Ontario by the PEO. The owner will obtain and forward a copy

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written acknowledgement of receipt of documents to Toronto Water and Technical Services respectively.

- 6.8 The condominium corporation will maintain the facility as per the proposed schedule in the maintenance manual. The condominium corporation will also follow the most current applicable maintenance and reporting schedule requirement.
- 6.9 The owner will engage a professional engineer to inspect and certify the facility will function as intended.
- 6.10 The condominium corporation will agree to make no modifications that may alter the intent and/or function of the facility unless approval has been obtain from the General Manager of Toronto Water.
- 6.11 Specifics related to the proposed tank to mitigate overland concerns and the condominium corporation's obligations to maintain the tank facilities in perpetuity will be included in the site plan agreement to ensure that all condominium corporation's obligations will remain on title.
- 6.12 The condominium corporation will have to obtain and maintain in perpetuity a liability insurance specifically for the stormwater management facility, including coverage for the City perpetually.
- 6.13 Idemnify the City against any liability due to stormwater drainage system perpetually.

*We are currently reviewing conditions and requirements related to the overland route issues with Legal Services and Toronto Water and additional conditions will be provided during the detail design, prior to site plan approval and condominium registration.*

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

7. The owner agrees that warning clauses regarding the TTC right-of-way shall be inserted in all offers to purchase, agreements of purchase and sale or agreements to lease, and condominium declaration document(s) for each affected residential unit, lot, and/or lot and/or block within the proposed development. Such warning clauses shall advise of the potential transmissions for noise, vibration, smoke, particulate matter, electromagnetic interference and stray current impacts on the Staff report for action – Final Report 5220 to 5254 Yonge St., 78 Eglerslie Ave. & 32 Churchill Ave.



proposed development, and that the TTC accepts no responsibility for such effects.

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

8. In the event that deeply buried archaeological remains are encountered on the property during construction activities, the Heritage Operations Unit of the Ministry of Tourism, Culture and Sport, be notified immediately at (416) 314-7146 as well as the City of Toronto, Heritage Preservation Services Unit (416) 338-1096.
9. In the event that human remains are encountered during construction, the proponent should immediately contact both the Ministry of Tourism, Culture and Sport, and the Registrar or Deputy Registrar of Cemeteries at the Cemeteries Regulation Unit, Ministry of Government Services, (416) 326-8393.

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

10. 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)**

11. 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.

**ENERGY EFFICIENCY OFFICE, Dalia Bahy, 416-392-6804**

12. The owner shall construct and maintain the development in accordance with the accepted Energy Report dated 1/13/2012 and prepared by Craig McIntyre to ensure that the energy savings identified continue to be achieved, to the satisfaction of the Executive Director of Facilities Management, Energy Efficiency Office.

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**PARKS, FORESTRY AND RECREATION, PARKS PLANNING, Rosanne  
Clement , 416-395-7900**

13. Parks, Forestry and Recreation (PFR) will be seeking off site parkland dedication. The size and location of the parkland dedication will be subject to the approval of the General Manager, Parks, Forestry and Recreation. The appropriate off site parkland dedication will be required prior to the issuance of the first above grade building permit.

## Attachment 16: Application Data Sheet

Application Type	Official Plan Amendment & Rezoning	Application Number:	09 165755 NNY 23 OZ
Details	OPA & Rezoning, Standard	Application Date:	September 3, 2009
Municipal Address:	5220 to 5254 YONGE STREET, 78 ELLERSLIE AVE. & 32 CHURCHILL AVE.		
Location Description:	CON 1 WY NPT 6 ILT 18 **GRID N2302		
Project Description:	Official Plan Amendment and Rezoning application for a mixed-use development consisting of a 14-storey hotel and 30-storey residential tower including a podium/base building with commercial uses. Seven Rental replacement units to be provided in the development. Associated applications include Site Plan Application 10 247876 NNY 23 SA and Rental Housing Demolition and Conversion Application 09 165759 NNY OO RH.		
<b>Applicant:</b>	<b>Agent:</b>	<b>Architect:</b>	<b>Owner:</b>
1772521 Ontario Inc. Centrust Group Inc.	Kim Kovar, Aird and Berlis LLP	KIRKOR	1772521 Ontario Inc. Centrust Group Inc.

### PLANNING CONTROLS

Official Plan Designation:	Mixed Use Areas	Site Specific Provision:	
Zoning:	C1	Historical Status:	
Height Limit (m):	9.2	Site Plan Control Area:	Y

### PROJECT INFORMATION

Site Area (sq. m):	6507.5	Height:	Storeys:	30	
Frontage (m):	99.75		Metres:	100	
Depth (m):	0				
					<b>Total</b>
Total Residential GFA (sq. m):	20,254.85		Parking Spaces:	502	
Total Non-Residential GFA (sq. m):	18,065.04		Loading Docks	4	
Total GFA (sq. m):	38,914.85				
Floor Space Index:	5.98				

### DWELLING UNITS

Tenure Type:	Condo/ 7 rental
1 Bed	55
1 Bed + Den	107
2 Bed	101
2 Bed + Den	2
Total Units:	265